

Stephan Quensel

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First they deny God, they renounce their baptism, they make a pact with death and hell, they give cultic honor to the devil and subject themselves to his eternal servitude; they engage in sexual intercourse with the devils; they are taken in by them and carried through the air at night to distant places, where they hold meetings and conspire against the well-being of all mankind, namely by shaking the earth's forces, causing thunderstorms and tempests, spoiling the fruits of fields and gardens, killing people and livestock, strangling newborns and burning their bodies to ashes, which they then use for their shameful sorcery; they prevent men from conceiving, make women infertile; they crush and trample the most holy sacrament and then throw it into their

pots to indulge in their abominable wickedness; and furthermore, they practice all sorts of other mischief and disgraceful deeds, which a pious person is ashamed to even think about.

Witch Commissioner Dr. Johannes Roemeswinkeln 1627 in Cologne (Behringer 2000: 252), who thus succinctly and concisely summarizes the learned witch image from the high time of witch persecution in Germany.

Wie wol ich hieneben nicht vnbewust bin/
daß es mit
einer veralteten/tieff eingewurtzelten
verkehrten opinion
vnn letzen meynunge/die kein andern
grundt weder blosse
halßstarrigkeit hat/nicht anders denn mit
einer farb so in
einem weissen thuch erstorben/vnnd
derhalben nimmermehr
außzuweschen ist/gestalt hat. [...] Es ist
keine farb so boeß
außzubringen/als einem Menschen sein
falsche irrige
meynung/wann er dieselbig auß
vnuerstandt einmal
gefasst und eingesoffen hat/dann ein
solcher schwerlich
eines besseren zu vberreden/beuorab
wann er das jenige

*von jugendt auffgelehrnt/vnd darbey
auffgezogen ist.*

*(Johann Weyer: De praestigiis
daemonum, 1563)
(from: Behringer 2000: 143)*

Preface

“Witchcraft is undoubtedly a strange topic, at once familiar and mysterious, and also full of pitfalls. It just won’t let me go, no matter how hard I try to shake it off.” (Gaskill 2013: 7).

My book is based on a series of interdisciplinary lectures from the 1990s that I gave at the University of Bremen under the title *“Heretics, Witches, Lunatics, Junkies”*. In these lectures, I drew my ‘historically anchored’ conclusion from various internationally oriented research projects in which, together with students, we examined the development and consequences of a repressive drug policy since the early 1980s under the motto “It is not the drug that is the problem, but the drug policy”.¹ For this purpose, we interviewed politicians, theorists and practitioners who shaped this policy in several European countries, as well as their ‘clients’: drug users, junkies, pupils and students.²

In addition to the expected different evaluations of drug use, what struck us most during these interviews was the incredibly resistant attitude of the ‘political’ professionals who, with the best of intentions, intended ‘the best’ for their clients as well as for the population, without taking into account the individual and social damage caused by this.³

A phenomenon that, following Foucault, we defined as a “pastoral attitude”, according to which a shepherd must take care of the welfare of his flock as well as of its wandering sheep. Namely, in such a way that the shepherd believes himself to be legitimately entitled to have the sheep find their security in it, and that the scapegoat—under the pretext of improvement—must be sent into the desert.⁴

In order to obtain a better, “genealogically” and historically founded understanding of this phenomenon, I first examined how this pastoral attitude had been realized for the first time in newly emerging Western Europe towards the heretical Cathars in the Languedoc, in southwestern France, about one thousand years ago. For there the

Cathars/Albigensians, who were opposed to the then dominant papal rule and the greedy clergy, could not be finally defeated by the military victory in the “Albigensian Crusade”, but only by the new Dominican Inquisition (Quensel 2017).

A pastoral attitude that then established itself in a permanent—institutional and ideological—professionally organized basic model, which was taken over in the 19th century by psychiatry and in the 20th century by international drug policy, in order to be finally formulated in an exemplary manner in the three related sentences of the § 2 Hamburg Penal Code (2009)—a recent offspring of the Inquisition:

“The purpose of the sentence is to enable the prisoners to lead a life without crime in social responsibility in the future. At the same time, it has the task of protecting the public from further crimes. There is no contradiction between the purpose of the sentence and the task of protecting the public from further crimes.”⁵

The persecution of the *witches*⁶ turns out to be the central Western European intermediate stage in this historical perspective. In it, during the early modern centuries between 1400 and 1800, the decisive “political” functions of this “witch” construct, which was jointly constructed and “realized” by clerical and legal professionals, were developed in the wake of the Reformation and the resulting “confessionalized”, early absolutist rule-making.

A “political” model that, precisely because of this time lag, can allow for a better understanding of our turbulent times of change as such. Which is why I speak of a “witch policy” in my further research for this much expanded new edition of my book *Witches, Satan, Inquisition* (2017), which can use this “witch” construct as a political pawn in highly diverse situations.

By “politics” I understand, loosely based on the two French sociologists Bourdieu and Foucault, not a “top-down” staged reality, but a development realized by all those involved—under the use of “knowledge and power”—which in turn is determined by the given field⁷ as well as by the fact that this field will further develop in the future. Therefore, we must expect different, but “family-like”⁸ manifestations of the same “problem” depending on time and space—that is, historically and regionally. Namely, in a fundamental—ambiguously “negative-positive”—ambivalence of both the role of the “state” and its professional helpers.⁹ A Janus face that—with good or bad intentions—wants to grant help in front, but at the same time pursues its own goals in the back. A Janus face that first took shape in the “time of the *witches*”, which was then to shape the upcoming “psychiatry complex” and its late sister, drug policy, in order to come to the fore in the current “Corona” time—just as “state-critical” as state aid is sought.

One can understand this “political” event as a “game”. A ‘realistic’ deadly game, not only because it sacrificed people, *witches*, but also because it was supposed to become addictive and delusional—not for nothing one speaks of ‘game addiction’. But because it was invented, changed, written down and ‘realized’ by people, by named actors, in a certain given socio-cultural context. A ‘game’ that follows set, but changeable rules, that knows losers and winners, but which can turn out differently depending on the course of the game—also *à la longue*.

But today, in the age of the—recently successfully filmed—*Little Witch*¹⁰ we can hardly imagine how once the *witchcraft* could be considered as *crimen plusquam exceptum, atrocissimum et occultissimum*,¹¹ as the greatest possible, staged by Satan crime, which could only be solved by the stake, in order to save their and our souls. Especially since we—still latent progress- believing—tend to relocate this *witchcraft* into the darkest Middle Ages, although it only grew up in our Western European center in the much closer to us ‘Early Modern Times’ from the 15th to the 18th century—and ended. Accompanied by an almost ‘irrational’ *witch*-fear, compared to which the much earlier ‘medieval’ *heretic*-problem from the 12th and 13th centuries seems to have been solved as almost ‘rationally’. And although—as this book shows again and again—our time does not differ so much from this *witch*-time: with its also state-sponsored *fake news*, like in the long-winded effort to break the prevailing thought-prisons.

The *witchcraft* was once a crime against the state, as well as against God, blasphemy, *apostasy*, which was now sentenced by secular inquisition courts. In a religiously influenced transitional time, which finds its paradigm in the worldly conducted 30-year religion -war (1618–1648). A time whose horizon of perception was just as determined by religion as the much earlier ‘medieval’ *heretic*-problem from the 12th and 13th centuries. But then as the only conceivable form in which one could also enforce one’s worldly feudal interests: as *vita apostolica*, as Investiture Controversy or as Crusade to the Holy Land. This security-giving religious mantle now loses its unifying power in the time of the *witches*: religiously in the Reformation and Counter-Reformation, mentally in the individual guilt accusation against the *witch*, worldly under the principle of *cuius regio eius religio* (‘Whose land, whose belief’), as a ‘braked’ confessionalization, with the help of which early absolutism secured its claims to rule. In a fundamentally religious ambivalence, from which, in our time, the immortal soul as *mad* individual consciousness is distorted and the leitmotif of a pastoral control as professional therapy will survive.

With a long-lived, eerie myth, in which on the one hand, the *witch* is culpably associated with the incarnate Satan, and which on the other hand, can only

be combated through *The Inquisition*¹² with its practice of torture. A complexly composed myth that became practically relevant at the time to degenerate into a politically usable, fixed myth over the course of history, which—according to some historians—should shape our image of the “dark Middle Ages” even today. An emotionally charged, practice-oriented mythology that corresponded to the one we encounter today in corresponding terror-antiterror myths.

The “invented” *witch*-problem, which has only been thoroughly investigated in the last four decades, demonstrates six basic features that are common to all these “social problems”—or their fear-laden “dynamic” variant, the “moral panics”¹³—even today:

- First, as social constructs, they have a **history**, that is, a beginning, a highly escalating course, and an emerging end. They are therefore not “naturally” given, found, but invented and intentionally driven. This produces a new reality, namely just as “physically” real—namely the burning—as “mentally” effective, for example the *witch*-fear related to the concrete *witch*. Two new “realities” that in turn confer reality on the construct.
- These constructs are embedded in a leading **mentality**, which—in the present case—follows religious-magical—that is, not natural-scientific-medical—guidelines. In a mentality that is reinforced on the one hand in the face of confessional divisions, but on the other hand threatens to break down in the face of an onslaught of humanistic, early-absolutist thinking. A mentality that—then as now—provides all those involved with a framework within which one can think, argue and plan if one wants to be “understood”. With which one will in turn secure this mentality: The existence of the *witch* assumed by proponents and opponents alike thus confirms the validity of the magical-religious thinking matrix as well as the *witch*-policy related to it, just as today the belief in the “addictive” character of illegal drugs “addicts”, drug crime and a repressive drug policy legitimizes.
- At the same time, these constructs fit into the given **socio-political framework**—that is, just as feudal, urban or early-absolutist as early- or late-capitalist—within which they can apparently develop, or be developed, used, but also abolished according to specific interests.
- As a permanently institutionalized **dispositif**, that is, as an apparatus—the inquisition court—which, together with a corresponding demonological ideology, attributes a pact with Satan to the *witches* with the help of which they carry out *maleficia* ‘to the detriment of the community and to the insult of God’. A *dispositif*, which—now in its present form—is just as institutional as it is ideologically secured and thus also realizes our drug ‘politics’.

- As constructed products, which are developed, realized, but also defused and combated by—responsible—**professional actors**, here theologians and lawyers with their assistants, on their respective ‘playing fields’. In an increasingly **professionalized** both of the clerical leading orders—first the Dominicans, then the Jesuits—but also of the clerics and lawyers who are trained at the new state universities. Professionals who take on important, apparatusually secured functions in the growing cities and ‘confessionalized’ state rulerships, with the emphasis shifting increasingly in favor of the lawyers.
- In a self-reinforcing process, in which the population affected by it increasingly participates as an interested ‘**publikum**’ without resistance, in order to pursue their own interests.
- Professionally driven problem constructs, in which first the clergy ‘colonized’ the rural faith, and the state took over its ‘moral’ tasks; in order to now, ideologically and apparatusually reinforced, also be used ‘from below’. In the further course of a *longue durée* to provide models and guidelines for future problem solving. With, in each case time-related metamorphosis, their so ambivalently occupied, **pastoral leitmotif**—namely the salvation of the individual and the community’s soul—subjecting those affected to professional judgement and at the same time legitimizing their own professional actions.

You can assign the **variety of historical perspectives** with which, over the course of history, one has approached this *witch*-hunt analytically to five rough—in turn, time-specifically varied—approaches, if you set aside the *witch*-myths that are still happily retold.¹⁴ First, seen ‘from above’, ‘enlightening-critical’—reason against religion—in which the *witchcraft* was interpreted as a pure construct of its persecutors, as a ‘delusion’.¹⁵ Or, seen ‘from below’, ‘romantic’ as an irrational, magical practice, which in recent *witch*-research ‘neoromantic’—ethnologically analyzed. Then ‘sozialwissenschaftlich-funktionalistisch’¹⁶ first as an attempt to cope with larger or smaller socio-economic crises, to examine them in recent times as an Instrument of a ‘consolidation of power’ (‘Herrschafts-Verdichtung’)¹⁷.

In order to finally return to the ‘psycho-historical’, if not even ‘neuropsychological’¹⁸ individual case, and here in particular to the ‘feelings and emotions’ of the *Hexe* as well as her accusers and persecutors themselves: “The value of functionalism seemed passé now that matters of identity, subjectivity, and fantasy were demanding attention”.¹⁹

“Roper has argued that ‘without an understanding of the emotional dynamics of witchcraft, we cannot comprehend the intensity and bitterness of the witch trials.’ The unbridled passions discoverable in the history of witchcraft might belong primarily to the accusers.”²⁰

In the context of my concern to seek out this history of professional-pastoral control in the three examples of the *Ketzer*, *Hexen* and *Irren* in their—respectively time-bound—*longue durée*, it is now less important to me how to analyze the phenomenon of *witchcraft* as such. Rather, I was interested in three ‘contemporary’ aspects, which ran counter to the five approaches mentioned above. Namely, first of all—as a university lecturer who trains such professionals—the way in which these **Professionals**, clerics as well as lawyers, cut their phenomenon to fit using almost any ‘arguments’ that seemed to work, in order to rely on them as competent experts; in order to thus co-constitute both themselves as a profession and the corresponding problem. In an effectively usable strategic position, which was ideologically legitimized by the constant reciprocal ‘conversation’ with their predecessors, colleagues and opponents, as well as by a ‘theoretically’ founded practice. On the one hand, they ‘looked back’ to ‘real’, traditional and practiced, magically charged rural ‘witchcraft’ in order to adapt it to their own ‘learned’ image of the *Hexe*: as an object of persecution, which could then also develop unexpected ‘*hexerische*’ self-interests. On the other hand, they ‘looked up’ in order to fit into a slowly solidifying urban early-absolutist system of rule; whether as *Hexen*-persecutors or as their opponents. Together, they created a self-perpetuating **Instrument**, the fully developed *Hexen*-crime, which could be used in various ways, functional both below and above, together and against each other, within the framework of an recognized *Hexen*-policy.

My second approach arose from my criminal and drug policy interests, namely the question of how we can better understand the ambivalent role of the ‘state’ authority emerging at this time in interaction with the interested ‘colonized’ population. In a Hegelian **Herr-und-Knecht-Dialektik**,²¹ in which both, although in different power positions, are dependent on each other: the one on the legitimacy believed by the population, the others on the promised protection function.

That is why I go into the possible ‘positive’ counter-examples of the same time in more detail on the one hand—such as the Spanish Inquisition, or the situation in the Palatinate and in England—and on the other hand also on the participation of the population,²² to bring this *witch* time closer to our ‘modernity’ than usual. A ‘political’ aspect that is always too short in *witch* history when one looks more or less exclusively at the persecutors or at their victims. And at the same time offers us a way out of their ‘dilemma’, which is increasingly being discussed in recent times, in which one side pursues a ‘state’-oriented approach while the other side prefers global ‘folkloristic’ explanatory attempts; perspectives that, as such—in political, ethnological or religious studies—can answer important questions, but which cannot sufficiently explain our Western European *witch* ‘politics’ problem on their own.

In the course of my analysis of the current *witch* history, the annoying **causal problem** finally offered a third—methodological and ‘political’ important—starting point. All too easily, and seduced by the natural science model, we tend to look for the ‘causes’ of a phenomenon, a problem, especially since this should open up ‘preventive’ and ‘therapeutic’ intervention options for us. But the problem history of *witchcraft* shows that such ‘political’ developments do not progress in a ‘straight’ line at all, but are ‘circularly’ reinforced and maintained in grinded ‘vicious circles’. Not only the influence and evaluation of the—initially ‘fixed’—initial cause changes constantly, but also constantly ‘new’ causes for further development gain in importance. Which is why such ‘problem histories’ can also come to an end.

In order to raise the hope that even long-grooved ‘political’ relations need not be accepted as ‘alternativeless’. In a *longue-durée* process, which can provide us with two ‘politically’ relevant points: On the one hand the comforting message that such problems—like that of *witch* politics—are not essentially given, but that they—temporally and regionally variable—can, in a fairly typical way, ‘develop’ and can be ‘developed’ up to their own end. And on the other hand, that their template—with different content—remains valid up to our times: As a bad witch hunt, for example, in Africa and as migrant scapegoats, or as prisons overcrowded with drug offenders and as a death squad à la Duherte in Indonesia; always in the alleged interest of a correspondingly heated population.

A ‘history’ that therefore—above all thanks to the inquisition records of the time—not only allows a look into this estranged, early modern past, but at the same time also makes it possible to understand our so strangely familiar present—such as that of the recent QAnon ideology—better as a simplified extreme example.

In order not to lose sight of the wealth of witch literature that has been constantly growing in recent decades, I have divided the content of my book into three main parts after the introductory first chapter. They cover—in historical sequence—the three decisive components of the witch problem: the clergy, the lawyers and the ‘officials’ (Beamten).

Thus, the first main part describes the clerical starting situation, which, on the basis of the still dominant magical-religious mentality, developed the ‘Dominican’ demonological witch model in the 15th century. A model that then increasingly fell into the hands of the not so innocent lawyers in the course of the 16th century in Western Europe. In a legal witch persecution that realized the early European witch model from the village witch to the mass persecutions to the late child witches (main part 2). In order to gradually lose importance as a general witch ‘politics’ game in the transition from the confessional state to the (court) ‘official’ state (Hof-Beamten-Staat) at the end of the 17th century (main part 3).

In this sense, I first describe in the **introductory** first chapter the external framework of this still mentally religious transitional period, which is so important for the understanding of the witch problem, in which this witch problem corresponded to the first steps of a secular, urban and early absolutist policy. In a tension-charged ambivalence between a this-worldly claim to rule and shape and a magically permeated ‘transcendental’ relationship to the ‘spirit’ world. A transitional period in which the ‘culture’ of a newly forming elite began to separate from that of the people. Without, however, leaving the common religious-magical world view.

In the **first main part** I analyze this mentality, shaped in the clerical ‘playing field’, which centrally determined all thinking and acting, together with the witch problem embedded in it. A way of thinking that seems hasty to us as ‘irrational’, although, arguing rationally, it could both sensibly arrange its cosmos and provide the magical roots of a future natural science.

In the next two chapters—three and four—I describe the prehistory of the witch problem, which the church initially devalued as superstition up to the Council of Basel (1431–1449). While the court society, after the end of the Cathar heresy problem, only pursued the offense of sorcery in the 14th century, but not that of witchcraft. The construction of witchcraft, which began gradually after a long break in the 15th century, is therefore not to be explained as a direct metamorphosis of the heresy problem, as much as it ‘theoretically’ and ‘inquisitorially-practically’ drew on its ‘heretical’ style elements.

This new ‘construction’ sought its plausible basis in popular ideas and events—such as the rural ‘witch’ tradition or the carnival as a Sabbath model. Demonologically, one discussed—depending on the Catholic, Lutheran or Calvinist confession—the interpretation problems that arose with scholastic authors, biblicists with different Bible passages or morally with early images of orgiastic activity; thus not in our sense empirically, but rather with each other in each case opposed court and confession ‘experiences’, in order to correspond in this way to the growing ‘Inquisition reality’ (5th chapter). A construction that is ‘above’ also university by means of the new book production, as well as ‘below’ by means of preaching and religious instruction ‘mass media-propagandistic’ imposed and anchored in the heads as *Commonsense* (6th chapter). A slow gradual build-up, which then finds a provisional final shape in the *Hexenhammer* of Institoris (1486), which is why I will go into this example a little closer.

In my **second main part**—on this clerical elaborated basis—the lawyers take over the practically leading role. First, in the seventh chapter, I outline on the basis of some—with the help of court records—‘ethnographically’ designed studies from England and the Lorraine-Saarland border area a rather original form of

‘normal-rural’ witchcraft; which I compare in the eighth chapter with the legal ‘playground’ of the new *witch*-criminal justice, which, despite good intentions, could slip into ‘terrible lawyers’ persecution-intensively, while the Spanish-clerical Inquisition was able to prevent such excesses. A self-reinforcing process that led to mass persecution from below through municipal *witch* committees, but also from above through the Franconian *witch* bishops (9th chapter), which were to shape our *witch* image so sustainably. Then (10th chapter) to end slowly with the two future-oriented *witchcraft* variants of possession and child *witch* trials.

In the **third main part**—the *witch-politics-game*—I first go in the 11th chapter on some methodological and content-related conditions of such a historically oriented *witch* research, in order then the more general ‘political’ interplay of the persons involved in the *witch* persecution, that of the (skeptical) theorists, the legal practitioners and a forming ‘political’ bureaucracy to investigate.

In the twelfth and thirteenth I follow the ‘politically’ so explosive question of how it is possible to bring such an ‘autopoietic’ self-complementing ‘problem’ to an end, that is, to ‘decriminalize’ the *witch* offense. For this I first examine the counter-examples of the three tolerant persecution-poor countries: Netherlands, England and Palatinate, whose worldly-pragmatic mentality is particularly conspicuous in the equally tolerant large cities (12th chapter). As an example of the usual inner-city conflicts in the course of this final phase, I describe the Munich ‘expertise war’ at the beginning of the 17th century, which was excellently investigated by Wolfgang Behringer, in which a higher bureaucracy was able to assert itself against the competent Elector and his mostly ‘foreign’ advisers.

In doing so, the role of the skeptics, which at least backgroundly characterizes the whole event, becomes clear first of all (13th chapter). In fact, there has always been, ‘cross-thinkingly’, resistance, for example by the doctor Johann Weyer (1563) or in the anonymous writing of the Jesuits Friedrich von Spee (1631), whose *Cautio Criminalis* is to be discussed in more detail as an almost modern, instructive counter-example to the *Hexenhammer*. A discursive debate that was initially able to contain the mass persecution, but without decriminalizing the—now process-justified—individual *witch* crime itself. A task that in Germany was only achieved at the end of this period by the—also somewhat more extensively illustrated—law professor Christian Thomasius (1701/1712) with the final refutation of the ‘pact’ idea.

In the fourteenth **concluding chapter**—to which the overloaded reader could turn in place of the whole book—I try to summarize the theoretical results of my previous analysis under four aspects: The *witch* model as a constructed language game that was used as an autonomous instrument of mutual understanding, as a playball (‘Spielball’) of highly diverse interests and power relations. For this

purpose, I use the question of why mainly women were considered *witches* as an example. In the end, there are the legitimizing functions of this *witch* problem in the general power game of this time, as well as my original question about the role of the professional actors driving the event.

Of course, I am not a historian who has himself indulged in the arduous task of archival work, but rather a legal sociologist who works with the ‘current archives’ of young offenders and current drug policy-makers. But what prevents us from now ‘archiving’ the wide material of the *witch* historians ourselves in order not only to satisfy our own curiosity, but also to better justify our political engagement?

In conclusion, four notes: The German languages quotes have been translated; their originals can be viewed in the German text version of the book (‘Hexenpolitik im frühmodernen Europa’ Springer (2022)) in the same places. General reading hints can be found in the appendix. In order not to overload the running text too much, but on the other hand not to fall into the usual sin of too abstract generalizations, I have again and again tried to concretize what has been said as fact-related as possible in the endnotes, which the quick reader could also do without. In order to make it easier for the reader to orient himself temporally and quantitatively, I often add dates—for example the date of death or the publication of the work; quantitative numbers are rarely exact, but they can provide a rough idea of the extent of the phenomena mentioned.

Notes

1. See the compilation of my relevant lectures given at this time in Quensel (1985) as a starting point for my analyses.
2. Results in: Quensel (2009).
3. The conclusion of these early explorations (Quensel 1982) laid the foundation for both the predecessor of this book, *Hexen, Satan, Inquisition* (2017), as well as for the analysis of the time of the heretics and the ‘psychiatry complex’ (Quensel 2017, 2018), with the help of which I wanted to better understand the ‘genealogical’ roots of such thought prisons.
4. I go into this professionally fundamental leitmotif, which I took from Foucault (1979), in more detail in my book *Ketzer, Kreuzzüge, Inquisition (Heretics, Crusades, Inquisition)*, as it was articulated and implemented here for the first time in the Western European context. See also Policante (2012: 7), who interprets this leitmotif less ‘professionally’, in order to anchor it only in the emerging early modern, ‘confessional state’, that is, in our *witch-time*: “We must therefore consider pastoral power and sovereign power in

- their correlation in order to understand the specific genealogy of those technologies that are now so strictly inter-twined in our contemporary biopolitical space.”
5. Which Manfred Kappeler (2020: 71) supplements for ‘state welfare policy’ (the first half of the 20th century) as follows: “The order-political compulsion is referred to as ‘help’, and imposed on the welfare forces, the professionals in a seemingly compassionate paternalistic attitude. The whole thing is then also demanded in the name of ‘progress’ as a demand on a contemporary state welfare policy.”
 6. I use the italicized spelling ‘*witch*’ or ‘*Hexe*’ to distinguish the specific phenomenon of this constructed *witch*-myth from that of the ‘global-endemic’ or originally ‘village’ witch, as much as this myth draws on the village witch (as in Institoris’s *Witch Hammer*), as this myth will also shape the village witch-tale—for example in the tortured Sabbath-tale.
 7. “A field is a field of forces and a field of battle to change the power relations. In a field, such as the political, religious or any other field, the behavior of the actors is determined by their position in the structure of the power relations that are characteristic of this field at the relevant time.” “The stakes of the political world are always double stakes: they are battles of ideas, but since these are only then completely political ideas when they become ideas of force, they are also battles of power.” (Bourdieu 2001: 49, 55). See also: (de.wikipedia.org/wiki/Soziales_Feld).
 8. (see below: section 11.2 note 19).
 9. For the ‘ambivalent’ problem mentioned here, see the ‘revisionist’ discussion in the collection edited by Stanley Cohen and Andrew Scull, *Social Control and the State* (1983), which also forms the basis for this book: “What became recognized is that matters of crime, deviance, delinquency, illness and madness don’t just every now and then touch on wider issues of politics, economics and power. They are intimately related—and, indeed, these very categories are politically defined.” (a. a. O.: 7).
 10. *Die kleine Hexe* (*The little witch*) is a children’s book by Otfried Preußler from 1957. It was first published by Thienemann Verlag and has since been translated into 47 languages. In 1958 it was awarded the German Youth Literature Prize.” (de.wikipedia.org/wiki/Die_kleine_Hexe). Further relevant children’s literature can be found at Burghard Schmidt in: (Moeller/Schmidt 2003: 13).
 11. ‘More than an exceptional, particularly abhorrent and hidden crime’ (Behringer 2000: 369).

12. This spelling is chosen by Edward Peters (1989) in order to distinguish the myth of *'Inquisition'* both from the secular procedure of the Inquisition and from the ecclesiastical Inquisition institutions established in the 16th century in Spain, Portugal and Rome. (see below, Sect. 8.7).
13. (See Chap. 9 (2)) "Clearly, moral panics and social problems overlap heavily: both are social constructions, both entail claims-making, and both indicate that sectors of the society feel that something is rotten in the state of Denmark." (Goode/Yehuda 2009: 167).
14. Cf.: Behringer (2004a). "The last three centuries of witchcraft historiography can be summed up by an alliterative sequence: rationalism, romanticism, relativism, and realism. These are not discrete categories in neat chronological succession; but they do represent four key ways of thinking about witches", summarizes Malcolm Gatskill (2008: 1085) his review of recent *witch* books.
15. "The rationalist view of the witch-hunt, according to which there never were any witches, that the condemned were merely innocent victims of a power-hungry and ideologically backward clergy, had already been developed by the Enlightenment, but above all by the Vormärz historian Wilhelm Gottlieb Soldan. Only the persecution had brought about the crime." (Neugebauer-Wöck 2007: 3). So still Baschwitz (1966: 89): "We observe here a classical example of the spread of a delusional reason. Characteristic of this is the fact that the delusional idea is in clear contradiction to the better knowledge of the delusional people."
16. S.: Sect. 11.2 (1).
17. "In the field of witch research, a paradigm shift took place in the 1960s [...] The basic assumptions of the 'rationalist' and the 'romantic paradigm' were called into question when, with the upgrading of sociological, ethnological, in a wider sense sociological-historical or social-scientific factors, other, more complex interpretation foundations came into view, a new 'glasses' were put on, according to Kuhn's metaphor." (Behringer 2004: 577).
18. A neuropsychological approach that has been developed in recent years and is represented above all by Edward Bever (2008) and is fiercely attacked by Michael Ostling from a cultural studies perspective. (s. Sect. 5.2 (1)).
19. (Gatskill 2008: 1072, 1080 f.) "In the last decade, there has been a move away from English country studies towards individual stories meticulously explored at book-length, where once an article would have sufficed", what the work of Alison Rowlands in particular stands on the basis of the Rothenburg material.

20. Michael Ostling und Laura Kounine in their introduction in: Kounine/Ostling (2016: 3).
21. “Hegel makes it clear that master and servant are interdependent. The servant is indeed a servant by virtue of his forced subordination, but the status of the lord is dependent on the recognition of his lordship by the servant.” (https://de.wikipedia.org/wiki/Herrschaft_und_Knechtschaft).
22. One aspect that we, knowing the enthusiastic consent to Hitler, would like to repress. See the pictures in: <https://www.google.com/search?q=hitler+vo lk+jubelt>.

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The Framework, An Introduction

1

Abstract

Deals with the external framework of the witch problem, which is so important for understanding this, which still corresponds to the first steps of a secular, urban as early-absolutist policy, early-absolutist policy in this transition period, which is still mentally religious. In a tension-charged ambivalence between a this-worldly claim to rule and shape and a magically enforced ‘transcendental’ relationship to the ‘spirit’ world. A transitional time in which the ‘culture’ of a newly forming elite began to separate from that of the people.

“America had already been discovered, the Copernican Revolution had already taken place. Contemporaries of the witch hunts were Shakespeare¹, René Descartes and Francis Bacon, Galileo and Johannes Kepler, whose mother was almost burned as a witch in a small town in Württemberg.² The Scientific Revolution took place precisely in the age of the witch hunts.” (Behringer 2000: 8).

In our imagination, we anchor the *witch*-problem in a violently ‘dark’ Middle Ages, even though it actually belongs to the much closer ‘Early Modern’ period, which we willingly repress to the detriment of a sufficiently further-reaching explanation.³

In fact, the *witch*-problem arose in a **time of transition**, in which—culturally—a ruling elite culture only hesitantly began to separate itself from or supersede the culture of the people. And in which—ruling—the larger cities and later the early-absolutist powers, quite worldly-minded, were also able to free themselves from the inherited clerical dominance⁴ with the help of their own judiciary,

without having to give up the religious-magical world view ‘reformed’ by the Reformation and Counter-Reformation.

In order to gain a first overview, I will therefore first deal with the special nature of the *witch* in the ‘German homeland’ (Spee) in this introductory chapter, in order to show a first indication of its worldly-ruling background on the basis of the different regional distribution. A background, however, which is rooted in a common cultural experience, which is why ‘authority’ (Obrigkeit)⁵ and ‘subjects’ can participate together in the task of a *witch*-hunt.

The basic ambivalence characterizing the *Hexen-Politik-Spiel* between the traditional claim to clerical rule and the new, earthly-oriented weltlich-früh-absolutistischen striving for power is reflected in the establishment of its own worldly Justice system which on the one hand limits the still dominant clerical rule from the *Ketzer*-time, but on the other hand remains largely within the framework of clerical interpretation of power; a development, the further course of which I will then describe in more detail in Chap. 8.

To conclude, I summarize the three basic lines of this development, which unfold in the course of 5 phases.

1.1 Hexen?

“For heresy manifests and reveals itself, which does not happen with witchcraft, which only seeks darkness and shadows. The enemy hidden in ambush is more dangerous ... Heresy only does evil to heretics ... on the other hand witchcraft does not only damn the witches and those who are infected with their venom, but also kills good people by poison or by charms, engenders plagues by the infection of the air, kills livestock [...] and by all these means it troubles the public welfare of men, animals and all nature.”⁶

Three moments endow the west-europäischen *Hexen*-Problem with an unexpectedly peculiar character: it contradicts, seen on the historical time axis, our usual belief in progress; it is geographically bunched in a not easily predictable way along the European Rhine axis: “heavily concentrated in the fragmented territories of the Holy Roman Empire” (Smith 2008: 21); while on the ethnological level it only loosely corresponds to the global ‘witch’ experiences.

(1) The ‘high time’ of the witch-hunt was the time of the 30-year war (1618–1648), that is, not ‘the dark Middle Ages’, but the beginning of the **‘Frühe Neuzeit’** (Early modern age), which with the printing press (around 1450) and the discovery of the New World (1492 America), with the Renaissance⁷ and

Humanismus,⁸ with Reformation and Gegenreformation created the ‘modern’ foundations of our ‘late modernity’ based on ‘Ratio’ and globalization.

A surprising **‘irrational’ turn**, because *heretics* were real, even if they were only labeled as such, while *witches* actually fit much better into our idea of a distant, irrational Middle Ages.

With good reason, Lyndal Roper (1995: 17) emphasizes: “The early modern period was far from ushering in the birth of the rational ascetic individual; rather, the interest in magic and the irrational revived. [...] That we do not want to let go of the history of the emergence of the individual and reason is, I think, one of the reasons why we so often associate the witch-hunt with the intolerance and the so-called irrationality of the Middle Ages, even though we know that the witch-hunt was more of an early modern than a medieval phenomenon. As such, its history belongs to our own time.”

In an ‘inner’ kinship colored by ‘magical thinking’ between learned demonologists and Renaissance scholars:

“The Renaissance lies as a bridge over the break between the Middle Ages and the Modern Era. It is not the medieval witch doctrine that culminates in the 15th century—it is the witch doctrine of the Renaissance that begins in the 15th century and develops uninterrupted into the 17th century. It is also not Christianity as a whole that is overshadowed by the belief in witches. The Greek and Russian Orthodox churches remain largely unaffected. A prerequisite for the witch-hunt is the spread of Renaissance culture in the European space.” (Neugebauer-Wölk 2007: 11).

Heretics were visible dissenters, *witches* on the other hand feared fantasy products. *Heretics* acted autonomously, *witches* are the victims of Satan. *Heretics* caused no tangible damage, but risked their soul’s salvation, *witches* caused *maleficia*. Catholics explained the world as a product of the devil; *witches* on the other hand pact with the devil.

The alleged sexual orgies of the *heretics* lost their appeal over time; for *witches*, copulation with the devil and sexual orgies during the Sabbath were central characteristics. Although torture of *heretics* was approved by the Pope, people preferred to rely on the paralyzing power of imprisonment, while for *witches* it became the decisive moment of secular justice. The Dominicans Bernard Gui and Nicolás Eymeric wrote technical manuals for the Inquisition in 1324 and 1376, in which there were neither *witches* nor Satan nor sexual orgies, but at most magicians and wizards:

“But however ruthless they might be, most inquisitors were genuinely concerned to establish what the heretics really believed and did, and to get them condemned for that.” (Cohn 1970: 10).

It was not until about a century later that the Dominican Johannes Nider, “the pioneer demonologist”, described the new crime of diabolical *witchcraft* as “ultimate diabolical heresy” between 1435 and 1437 in his *Formicarius (ant hill) for the first time*, while the influential, misogynistic *Malleus Maleficarum (witch hammer)* by the Dominican Heinrich Kramer/Institoris and Jakob Sprenger appeared in 1486, six years before the discovery of America, in order to clearly distinguish between male *heretics* (Waldensians, Bohemian Brethren) and female *witches* for the first time:

“Kramer’s careful distinction between the predominantly male Waldensians and the female practitioners of diabolical magic signals an important moment in the feminization of witchcraft, a process that had begun in the early 1400s and lasted for about a century.” “As he argues in the *Clippeum*, the devil uses (female) witches to perform demonic deeds, but relies on (male) heretics for spreading demonic doctrines.”; “Kramer’s view of witches and heretics as members of separate groups taking part in the devil’s plot to corrupt Christendom.”¹⁰

And how can one understand that the Jesuit **Martin Del Rio**¹¹ (1599) and the well-known Catholic state theorist **Jean Bodin** (1580)—100 years later—described and defended the **Sabbath** among others in confrontation with the early critics of the *witch* persecution, the theologian Cornelius Loos and the physician Johann Weyer?¹² An ‘irrational’ turn from the real, the church’s power threatening *heretic* to the ‘imaginary’ *witch*, which then also in the *witch* time explained the different forms of the Inquisition in Western Europe in comparison to the Mediterranean countries (cf. below Sect. 8.7): while there—both procedurally and in content—one resorted back to a more ‘constitutional’ argumentative, ‘medieval’ Inquisition against *heretics*, in early modern Western Europe one invented the *processus extraordinarius* tailored to the *witch*.¹³ An unexpected—and for a ‘progress thinking’ frightening—historical development from the *ratio* to the irrational view, which we will discuss in more detail below on the basis of the development of the *witch* cliché.

(2) How can it be, then, that in this time between 1430 and 1750 in all of Europe in approximately 100,000 proceedings 40,000 to 60,000 *witches* and *wizards*—in a ratio of about 5:1—were **executed** (Briggs 1998: 8),¹⁴ with this ratio shifting increasingly to the disadvantage of women over the course of development—in

the course of ‘normal’ *witchcraft*—at first (Bailey 2001: 287), in order to then also increasingly affect adult and then also juvenile men in the mass persecutions in the cities (cf. below Chap. 9), as well as in the second half of the 17th century—as in the case of the beggar persecutions (cf. below Sect. 10.2.3).¹⁵

Namely, essentially in a broad corridor on both sides of the Rhine; thus, primarily in the German-speaking areas.¹⁵ While there were hardly any executions in England and in France, which was controlled by the Parlement de Paris¹⁶; just as there were none in Catholic Portugal, Spain, and Italy with their functioning clerical Inquisition authorities. And neither the Orthodox-Russian nor the Greek-Orthodox Church¹⁸ nor Islam knew the ‘satanic’ Sabbat-witch—“she only appears in Western Christianity among world religions” (Dinzelbacher 2001: 130)²⁰—while in Germany, both Catholic archbishoprics and Protestant princes were just as *witch-blind* as Calvin in Geneva,²¹ Luther in Weimar, the Lutheran Sweden or the Calvinist Scotland and New England.²²

(3) Namely, that is the astonishing result of the newer *witch* research, each in immediate proximity to areas that remained **largely free** from such persecution, such as the Calvinist Palatinate next to the Catholic Mainz,²³ or the Lutheran Württemberg²⁴ and the city of Ulm in the midst of massive witch hunts in southwest Germany (Midelfort 1972: 132 ff., 79 ff.); the same was true for the Lutheran Baden-Durlach next to the once again Catholic Baden-Baden, in which Dr. Matern Eschbach, this ‘zealous witch eradicator’, even had the ‘Stabhalter’ of the Margrave of Baden, Hans Heinz, burned at the stake along with his mother and sisters; as well as in the dispute over the case of the 13-year-old ‘witch’ Margaretha Hörber (1627) between the Lutheran free imperial city²⁵ Rothenburg—in the between 1500 and 1750 in a total of 28 procedures with 65 persons only 12 tortured and 3 executed were (Rowlands 2003)—with the neighboring Prince-Bishop Adolf von Ehrenberg from Würzburg, “who without any social considerations even his own nephew as a sorcerer” let execute (Behringer 1988: 235); and under his rule the “most terrible of the extraordinary witch hunts” in Franconia with about 900 victims took place.²⁶ And how did it come about that these two prince-bishoprics and the Electorate of Mainz—in spite of “repeated written requests of the Kurmainzer population for new witch trials”²⁷—already 20 years later under the follower of Friedrich Spee, Elector Johann Philipp von Schönborn, “to persecution-free islands” became (Behringer 1988: 336). A discrepancy, which is also shown in the relatively mild practice of the Free Imperial City Cologne (with about 40,000 inhabitants)²⁸—in itself a ‘stronghold of militant Catholicism’ (Schormann 1991: 82)—in comparison with the ‘practice of extermination’ (since 1629) of the neighboring Electorate of Cologne under the

‘fanatic’ Elector Ferdinand von Wittelsbach, who held the reins since 1595.²⁹ And why did the Bishopric of Augsburg with its Jesuit university in Dillingen under Prince-Bishop Marquard vom Berg and the Counter-Reformation Jesuit Petrus Canisius ring in the first great Bavarian wave of persecution around 1590,³⁰ while in the neighboring early capitalist and mixed-confessional metropolis Augsburg the bankers of the Fugger and Welser (with 50,000 inhabitants)³¹—from ‘Dillingen completely stunned followed’—

“Between 1586 and 1595 (indeed) no less than 28 times for witchcraft or sorcery was (allegedly) tried, [...]. Of the 13 supposed witches, three were banished from the city, one very old woman died two weeks after her arrest in prison. Nine women were acquitted of witchcraft or released. Of the remaining 15 supposed (or actual) wizards and witches, five were banished from the city, 10 were released. Two thirds of the persons imprisoned under suspicion could continue their business in the city.”³²

Two of the women had numerous spells and played an active role in the magical ‘subculture’ of the city. Their “banishment from the city was not a very severe punishment: one woman bought a new house just outside the city gates, the other was allowed back into the city after only five months and completely pardoned after another three months.” (Behringer 1988: 21, 130, 157 f.).³³

Finally (around 1650), the comparison “in the three neighboring territories of Paderborn, Rietberg and Amt Reckenberg (Osnabrück) showed three different reactions to the parallel phenomenon of **possession**”:

“In Rietberg, first a taking seriously of the call for the destruction of the witches, which inevitably led to numerous executions; in the Osnabrück area, the suppression of the ‘diabolical’ behavior by threatening punishment, which immediately nipped the witch hunt in the bud; in the Hochstift Paderborn [see below Sect. 9.1.2] a middle way, first an initial hesitation of the ruler, then under pressure from the street a series of trials, which, in relation to the size of the territory, did not take on the intensity of the neighboring country, and finally a hard line against the persecution-prone groups, with the result of a general calming of the spirits after about three years.” (Decker 1994: 309 f.).

(4) In fact, the **belief in ‘witches’**, or more generally in evil magical powers, embodied in spirits and ‘witches’, is part of the basic equipment of humanity,³⁴ which understands the cosmos to be pervaded by such powers, which, acting actively, intervene in everyday life in a ‘magical’ way that is not fully comprehensible in a rational way, and which determine the success or failure of action, which is why one tries to manipulate them:

“If access to Power brings the bounties of life—good health, rich hunting, fame in battle, and the love of women—and if the absence of Power is misery and poverty, then the only worthwhile thing in life is its acquisition. Inasmuch as Power is the summum bonum, the ways and means of obtaining it are judged by their effectiveness, not by their high moral tone or sportsmanship. If a person has obtained Power, what he did was correct, and if he lacks Power, what he has been doing is incorrect.” (Wax/Wax 1962: 185 from Levack 1992: 189).

This applies **worldwide**³⁵—also with considerable “witch” killings—up to recent times, in which, for example, in Tanzania “between 1970 and 1984, 3333 people were killed as witches” (Behringer 1998: 70ff.) or in Papua New Guinea, which only in May 2013 lifted its ‘witchcraft law’, but was unable to put an end to the witch-hunting.³⁶ Of course, it also applied to the Greek-Roman **Antiquity**³⁷ for the Roman-Gallic-Germanic Western Europe. This belief also exists in a diluted form among us **today**—from the children’s images of the ‘evil witch’ via occult sects to the still virulent astrological consulting, from the general ‘renaissance of esoteric irrationality’³⁸ or from the modern film and fantasy productions, not to mention:³⁹

“Opinion polls have shown that the proportion of the witch-believing population (in Germany)—depending on the type of question—on average lies between ten and thirty percent of the total population.”⁴⁰ “In Germany, the belief in the existence of a personal devil is strongest among regular churchgoers at 24%, with—to the surprise of some—no difference between Catholics and Protestants, although this is the case among the functionaries, as Pope John Paul II. has repeatedly confirmed the Catholic Church’s adherence to the idea of a personal devil,” as well as the newly elected Pope Francis.⁴¹ “According to a survey from 1976, 79% of Catholic and 40% of Protestant priests” shared this view. (Behringer 1998: 16f.).⁴²

“Anthropologists have argued that acceptance of some form of the paranormal—and especially belief in spirits—is the contemporary **global norm** rather than the exception. So, at the very least, if magic has been in decline since the sixteenth century, it does not seem to have declined much”:

“Indeed, if the 1960s and 1970s saw the rise of the New Age, the 1990s the mainstreaming of the paranormal, and the 2000s a series of well-publicized religious revivals, one could also look to the nineteenth century and associate it with a host of equally significant movements; the 1840s with the birth of spiritualism, the 1850s with its globalization, the 1870s with the birth of theosophy, the 1890s with a host of the fin-de-siècle occult movement, and so on, into the twentieth century.”⁴³

However, this magical context does not only apply to the still widespread belief in paranormal phenomena, ghosts and witches today, to the ambivalent position of early modern scientists responsible for “new thinking” or to these more recent esoteric movements. As Josephson-Storm (2017) shows in his critical analysis of Max Weber’s *Entzauberung (disenchantment)*, this context extends deep into our “postmodern” episteme. Here, – from the riddle of Kant’s ‘Ding an sich’ (‘Thing in itself’) behind the recognizable phenomena over the Freudian Unconscious until Horkheimer’s/Adorno’s ‘Dialektik der Aufklärung’ (1944) – one seeks an escape from an one-sided rational positivist world explanation—from an allegedly value-neutral rationalism that has brought us an economically degenerate capitalism along with impending climate catastrophes:

“The Frankfurt School embodies the contradictions of the crusade against disenchantment. Critical theory’s main message is often taken to be that enlightenment disenchantment has gone too far and transformed itself into the domination of nature and the dehumanization of humanity. [...] But then we have a conundrum, as Adorno and company attempted to distance themselves from the German occult revival even as they drew inspiration from it, and in doing so they repeatedly condemned magic. In other words, Adorno and company are both a source of our unease with disenchantment and a source of disenchantment. Hence they seem to have promoted the very thing they criticized,” Josephson-Storm (2017: 315f.) summarizes his analysis.

(5) But *witches* in the sense of the initially quoted form only existed in our “witch time”: “nowhere else did the belief in witcherise to the level of science.” (Schwerhoff 1986: 46).

Namely, in particular in the “motherland of witches”,⁴⁵ in Germany, even though there *witchcraft* by no means always caused havoc everywhere at all times during this “witch time”, and by no means always in the same form and brutality, but, distributed over the centuries, in a highly diverse context, with or without a Sabbath, in the countryside or in the city, demanded “from below”, or driven “from above”:

“They are elements in a classification system with several interdependent subsystems: the taxonomy of law with distinctions between the harmful and the harmless; the taxonomy of a moral order with distinctions between the intentional and the merely neglectful and between the divine and the diabolic; and the taxonomy of village life with distinctions related to reputation and social esteem, to the useful and the destructive. These several competing classifications are associated with, and defended by, various institutions such as the Church, the judiciary, local government and village communities. [...] And there is also a powerful drive towards reconciling the different systems. The syncretism and even eclecticism of witchcraft ideologies tend to create a consensus among judges, priests, bureaucrats and the general public about the nature and seriousness of the crime.” (Ankarloo 2002: 56).

Why, on the one hand, it gives us, as Briggs (1998) rightly emphasizes in relation to all premature explanations, problems to find common **causal explanations** for this phenomenon—European-wide—because these can be countered quickly by the question of why the *witch*-hunt—with the same initial conditions—was always limited to very specific, spatially and temporally relatively limited situations. A syncretic flexibility, which on the other hand made its durability and **multifunctionality** possible over the centuries.⁴⁶ A problem that, by the way, applies in the same way to the macro- and micro-levels; that is, both to the question of the causes of the general *witch*-hunt, as well as to the question of why a certain person was persecuted as a *witch* in a specific case.

It is therefore advisable to follow the suggestion of Robin Briggs (1999) and to rely on ‘**middle range theories**’. ‘Middle range theories’ in the sense of Robert Merton,⁴⁷ which, around the professionally—clerical/legal—developed and increasingly solidified construct of the *witch* during this development, can ‘explain’ these historically and regionally different, yet interlocking and related model courses in a better way (see below Sect. 11.2).⁴⁸

Why I try to present as many different persecution scenarios as possible in my second main part and introduce the ‘**Play-ball**’-metaphor in the final conclusion in order to emphasize the—following the changing interests and power constellations—instrumental character of this ‘available’ *witch*-construct. A ‘pawn’, which was finally abandoned because it, ‘worn out’, had to and could make room for more adequate alternatives.

However, this will not prevent us from analyzing such pointed *witch* situations as a prototypical example of a “professional control” that has gone out of control. What was always particularly close at hand if this control was the central moment of the **professional identity**: For the “famous” demonologist, the much-requested university expert, the well-known exorcist, the successfully torturing executioner or the because of it living *witch* commissioner:

“In all major European persecutions, outstanding promoters and beneficiaries of the witch trials can be found in this area. Thus, the Burgundian witch hunts are closely linked to the name of Judge Henri Bouget († 1619), the Basque witch trials with that of his colleague Pierre de Lancre († circa 1630), the persecutions in the Duchy of Lorraine with the public prosecutor Nicolas Remy († 1612). Between 1645 and 1647, proceedings were driven forward in East Anglia by the ambitious witch finder Matthew Hopkins († probably 1647), Icelandic witch trials after 1650 were held under the direction of Sheriff Iporleifur Kortsson. The execution rate in the Hochstift Bamberg would have been less high without the fatal influence of the Weihbischof and demonologist Friedrich Förner († 1630). Fatal roles were played in 1626 by the witch commissioner Berend Nobis in Schleswig, his colleague Heinrich von

Schultheiß († 1646) in the Kurkölnische proceedings, the witch judge Balthasar Nuß (or Roß) († 1618) in the Abbey of Fulda and the lawyer Daniel Hauff († 1666) in Esslingen. They presented themselves as convinced fighters against the witch sect to be eradicated and showed no mercy to their victims. In addition, they were driven by a pronounced sense of mission, a craving for recognition and the desire to publicize and legitimize their experiences in witch trials.” (Votmer/Irsigler 2002: 12f.).

A ‘professional control’ that has gone out of control, which we—now on the level of institutions—find again in the so convenient, tailor-made *witch processus extraordinarius* and in the special *Malefiz -commissions* set up to pursue this will. In an almost 300-year *longue durée* with a definable beginning, its peaks and, what is perhaps even more important, with a slowly fading end, which encourages us to do our own thing and gives us hope that we can contribute to the foreseeable end of other cases of control excesses produced by people.

1.2 An Early Modern Cultural Transitional Phase

“Here three essential currents of the early modern period met: the traditional ‘magically’ shaped folk culture, the new fanatical reform religious zeal and the also new secular rationality in its specifically early modern manifestation, the reason of state.” (Behringer 1988: VIII).

The ‘history of the *witch-problem*’ falls in a time of transition, from which an early-modern, **early-absolutist state** gradually emerges. Culturally, an elite culture separates from that of the people, which, however, still follows the same content for a long time bicultural. Judicially, secular experts take over the former, clerically led inquisition process, while theologians of all three confessions—Catholic, Lutheran, Calvinist—still set the religious **framework** within which the emerging early-absolutist power structures can only slowly assert their leadership claim.

A transitional period in which, in an extremely typical way, such ‘**moral panics**’ can arise when, as here, three—by interested actors and ‘medially’ by sermons, pamphlets, catechisms, books stoked—cultural currents come together: A subliminally always present ‘magical witch-fear’ of the population; a superimposed, theorizing theological Satan-ideology; and a legal-professional offer to take care of the security of society with ‘right means’.

(1) Primarily, this struggle, which has lasted for centuries, is about the **drifting apart of elite- and folk culture**,⁴⁹ that is, the enforcement of one’s own ‘elitist’,

initially clerical, then also courtly and urban, ‘educated’ ideas also vis-à-vis the still dominant ‘rural world’: pastoral well-meaning, distancing, status-conscious and politico-economically hegemonic oriented:

For the Catholic France he examined, Muchembled (1984: 162, 175) summed this up, somewhat exaggeratedly, as follows: “The Tridentine [Trienter Council (1545–1563), that is, the ‘Counter-Reformation’ S.Q.], the absolutism and the patriciate sounded the death knell of popular culture.” “After the turn of 1550/1600, a systematic repression of popular culture began, which affected both city-dwellers and rural residents alike, lasting for two centuries.”⁵⁰

A striving that we find in equal measure in the ‘**paternalistic**’ struggle against the outdated game and festival culture, against Mardi Gras customs (‘Fastnachtbräuche’) and sexual freedom⁵¹ both in Catholic France of the Counter-Reformation or in the Jesuit-influenced Rekatholisierungs efforts,⁵² as in Calvinist Geneva in the 1560s and still at the beginning of the 18th century in the struggle of the Anglican Vicars Arthur Bedford against Playhouses (‘Schauspielhäuser’),⁵³

“The following were therefore [in Geneva] prohibited, to only list the most severe restrictions: singing ‘immoral’ songs [...], sexual activity outside of marriage as well as ‘indecent’ behavior of all kinds [...], wasting time and tempting others to idleness, wearing expensive and therefore not appropriate clothing, pomp at weddings, dancing and similar revelry.” (Reinhardt 2009: 208).

And in 1719 Bedford wrote his 400-page *A Serious Remonstrance in Behalf of the Christian Religion against the Horrid Blasphemies and Impieties which are still Used in the English Playhouses, to the Great Dishonour of Almighty God and in Contempt of the Statutes of this Realm. Shewing their Plain Tendency to Overthrow all Piety, and Advance the Interest and Honour of the Devil in the World*, in order to prevent the opening of a theatre in Bristol. (Barry 2001: 139).

A ‘**patriarchal**’ **disciplining** tendency that can be seen both in the title of the Catholic Bavarian ‘*Mandate against all wordly pleasures*’ (‘*wider alle weltliche Freud*’) von 1593 (Behringer 1988: 116), and in the three **Police Ordinances** of the German Empire from 1530, 1548 and 1577:

“In the effort to provide for orderly conditions, for discipline and propriety, for reliability and integrity, the police ordinances are directed against blasphemy, cursing and swearing, against all excessive extravagance beyond one’s station in clothing, jewelry and social intercourse at baptisms, weddings, funerals, against the vice of drinking and gambling, against the abuse of printing, books and pictures, against endangering health and against disorderly conduct in business life. [...] Begging is no longer considered an unavoidable, divinely ordained accompaniment of social

life that affords the wealthy a desirable opportunity for God-pleasing charity and almsgiving, but rather a parasitic and therefore police-worthy, if not criminal, phenomenon.” (E. Schmidt 1965: 145).⁵⁴

Quite in line with the disciplining Calvinist work ethic emphasized by Max Weber on the one hand, and with the Counter-Reformation turn against the too ‘superstitious’ veneration of relics and saints on the other hand,⁵⁵ without, however, completely breaking away from the ‘Catholic Counter-Magic’ that is characteristic of it (see below, Sect. 2.3.(1)). As can be seen, for example, in Dieter Harmening’s (1990) study of the ‘catechetical’⁵⁶ enlightenment literature, in which even the Catholic Church begins, in reaction to the Waldensian criticism of the doctrine of the sacraments, to cleanse its own excessive practice of blessing.⁵⁷

(2) But the “process of **disciplining** the church people, which dissolved the habitual connections between the sacred and the profane, as well as the parallel process of habituating the lower clergy to the dignified representative of the authorities, progressed only slowly.” (Schindler 1992: 157).

So the “cultural divide” was then, especially in the 16th century, at the beginning of our *witch*-time, by no means yet securely established, for which precisely the anchored in the common *Commonsense*⁵⁸ *witch*-scheme provides testimony:

“The individual social classes were not yet clearly separated from each other in space in that epoch (up to the middle of the 17th century) [...]. In short, the cultural relations were not yet broken off, although they were now strongly shaped by the contempt of the ‘honorable man’ with which he met the uncultivation and ordinariness of the people.” (Muchembled 1984: 278).⁵⁹

A finding that Cassar (1996: 46) also confirms for Malta at this time⁶⁰ with reference to Burke as follows:

“The élites of Europe at this period might reasonably be described as ‘bicultural’. They had access to culture which the ordinary people share... On the other hand, they participated in popular culture... If they had not done so, they would have found it difficult to communicate with their wives and daughters, who were generally excluded from the high culture of the time.”

“Perhaps one should see noble women as mediators between the group to which they belonged socially, the élite, and the one to which they were educationally closest. [...] Educated nobles remained in contact with popular culture through their mothers, sisters, wives and daughters, and in many cases they had been brought up by peasant wet nurses who had sung ballads to them and told them fairy tales.” (Burke 1985: 40).

A **'bicultural'** state "between a large majority for whom popular culture was the only form of culture, and a minority who had access to high culture but participated in lower culture as a second culture"; and which was only lost in the course of the 17th and 18th centuries, that is, at the end of our *witch*-time—as part of a spreading after the model of the court of Louis XIV. 'courtly elite culture'⁶¹—in 'aristocratic distance';⁶² although both 'cultures' still rooted in the common inherited mentality space.

But this also opened up spaces for their own action to a "Volkskultur" (popular culture) resistant to "Sozialdisziplinierung" (social disciplining)—both in the contested "magical" everyday culture and in the "Fest- und Fastnachts-Bräuchen" (festival and carnival customs), but also vice versa in the legitimate demands from below time and again for effective "Hexen"-Verfolgung (witch persecution); while neither their opponents nor the "conspiratorial" "Hexen" themselves—in contrast to the persecuted "heretical" Hussites or Anabaptists from Münster—could find in resistance together:

In resistance to the "kulturelle Hegemonie" (cultural hegemony) propagated from above,

"the action practice of the rival camps appears to be much more interwoven with each other, their action profile much more impregnated by the other side, than their different lifestyles would expect." (Schindler 1984: 58).

(3) Both sides, from above and from below, **believed**—including the early skeptic Johann Weyer (1563)⁶³ and especially the late opponent of the "Hexen"-Verfolgung, Friedrich Spee (1631) and Christian Thomasius (1701)—still in the existence of the "Hexe" and the Satan.⁶⁴

"It seems, then, that Germany's most outspoken critics of witch trials—theologians, be it noted, not professional lawyers—had no wish to challenge the demonological foundations on which they ultimately rested. In some of their main arguments they even reaffirmed them. It was the devil, they urged, who was responsible for plaguing German society with the inhumanities of the trials."⁶⁵

It was probably not only this missing "wish", but the enormous difficulty to leave this mentally given prison of thoughts at all:

"That there had been witches and sorcerers in antiquity was beyond cavil. That there were, or might be, witches and sorcerers in the present was almost equally certain. The crime was recognized by the Bible, by all branches of the Church, by philosophy, by natural science, by the medical faculty, by the law of England." (Kittredge 1907: 151).

An hardly refutable *commonsense*, to which even the often quoted skeptics succumbed, insofar as they did not call into question the existence of *witches* as such: “The belief in witchcraft was practically universal in the seventeenth century, even among the educated; with the mass of the people it was absolutely universal”, Kittredge summarizes his analysis of the statements of leading English and German skeptics early on (1907: 211).

This was even more true for the **legal** area, and all the more so, the more popular they had to be about their *witchcraft maleficia*:

“Witch confessions ultimately resulted from the meeting of two worlds of ideas, but both, those of the interrogated witches and those of the interrogating judges, were never strictly separated from each other. In many cases, the stories of witches and their nocturnal flights transported the witch hunters back to their childhood and reminded them of the fairy tales about demons and goblins with which they had been brought up.” (Roper 2007: 152).⁶⁶

In an almost schizophrenic-looking ‘division of the intellect’, which even set in with the most important jurists of this time, Bodin and Carpzov (Sect. 8.5 (3)),

Bodin, who demanded tolerance for the Huguenots in his state theory, “proclaimed the idea of tolerance in a similar way as Lessing did two centuries later in the story of the three rings in ‘Nathan the Wise’. It was placed on the Index of Prohibited Books by the Inquisition in Rome as well as by other works of Bodin. A quite different personality seems to speak from his book on witches, his ‘Daemonomanie’, this almost murderous pamphlet.” (Baschwitz 1966: 105).

Demonologists and their intellectual opponents, judges, theological advisers, the complaining population and even the accused *witch* agreed at that time—albeit with different accents—here in the ‘common’ *commonsense*; just as today everyone ‘knows’ how to deal with ‘drug addicts’:

“Just as a popular belief in witches has incorporated elements of learned witch beliefs, the belief in witches, the elaborated witch-‘delusion’ draws from popular witch beliefs.” (Blauert 1989: 128).

(4) However, this also **relativizes** an perspective that is too one-sidedly focused on the ‘socially disciplining’ rule, from which one may like to exclude the sometimes not so unwilling participation of the population, as is shown again and again in the ‘history of the *witch*-hunt:

“[F]rom the changeable relationship between cultural self-control and conscious rule enforcement, which determines the process of formation of modern human structures, we still know very little. It is certain only that too one-sided ideas, especially in connection with just as one-sided evaluations of the complexity of the historical process, do not do justice. Neither was man essentially lovingly led into modernity by wise rulers or beaten into this by exploitative rulers, nor did he reach this modernity exclusively through independent, peaceful-quiet adaptation to dense population, economic and social conditions.”⁶⁸

(5) In general, one will therefore have to assume that—especially in the ‘demonological’ field at issue here—the ‘elite’ cultural model was able to establish itself as a professionally controlled ‘interpretation’ foil in a very long-term process; a foil that in turn rooted as a common product in both ‘cultures’, as a result of a ‘**symbiotic relationship**’ between “popular and elite concerns“:

“The elite felt obliged to incorporate ‘experience’, manifestations of traditional folklore, into their intellectual system. The latter modified popular belief—although the process was not one of passive acquiescence in the values of the dominant classes. Generally, acceptance of the cultural products of the elite depended less upon the vigor of the missionary efforts of divines and lawyers than upon the fit between their concerns and the needs, aspirations, and intellectual expectations of the populace.” (Holmes 1984: 105).

“The interplay between the institution and the community, between a standard model and everyday experience, is always dual. ‘Popular’ religion is at the same time both acculturated and acculturating; therefore, it cannot be identified either as radically different from the religion of the clerics or as completely molded by them [...] each cultural form [is] a mixture, whose constituent elements meld together indissolubly.” (Chartier 1984a: 233).

1.3 From the *Heretic*—to the *Witch-Process*

“To summarize: almost nowhere was prosecution for witchcraft specifically reserved for the ecclesiastical courts, and while prosecution for clerical necromancy⁶⁹ was subject to the normal benefit of clergy, not even the conspiratorial demonic witchcraft of the Vaudois was off bounds for secular judges. There were territories where prosecution was entirely or almost entirely conducted by lay courts: German speaking Switzerland⁷⁰ and Germany itself, Tuscany and Umbria.⁷¹ In France there was considerable sharing and collaboration of judicial authority.” (Kieckhefer 2008: 33).

In the long history of professionalization, new professions gradually develop that, in their confrontation with established competitors, not only declare themselves to be solely responsible in their “problem areas” or at least redefine and expand

the traditional problem area in a new way. But in this confrontation, in order to be successful, they “dialectically”⁷² rely on the outdated “dispositive”dispositives model of their opponents—that is, on their ideology and institutionalized forms. They both “adapt” to the overarching mental framework of their opponents, as well as actively reshaping it into their “politico-economic” environment in which they want to be successful. This applied, paradigmatically, to the transition from the “heretic” to the “witch” process, as we can observe in our time with the development of the “psychiatry complex” analyzed in the third volume.

(1) So there was on the **judicial field** between secular and theological experts first a struggle for the actual as well as for the ‘hegemonic’ competence: From the clerical *heretic*-process to the secular *witch*-process. In order to—not least also for the securing of their own secular rule—also take over its instrument, the heretic inquisition process as well as the belonging to it clerically defined heretical *witch*-model together with its processual achievements at this *crimen exceptum* and the thereby allowed torture with:

So Blauert (1989: 87ff., 96) documents in his analysis of the early Swiss *witch*-process in Dommartin (1498) how here—even within the clerical world—in Lausanne the bishop⁷³ and the cathedral chapter disputed the judicial competence, in order to remark quite generally for this time: “One must place these lawsuits in the context of general and typical for the whole Waadt disputes about jurisdiction and sovereignty claims, in which not only the bishop of Lausanne and his chapter, but also the Savoyards, various small feudal lords, the cities of the Waadt and, to an increasingly greater extent, the Swiss Confederacy, which was striving for an expansion of its influence in the region, were involved.”⁷⁴

Contrary to a still widely held prejudice, in the three Catholic Mediterranean countries Italy, Spain and Portugal⁷⁵ the newly established institution of a church inquisition (1478 in Spain, 1542 in Rome,⁷⁶ Rome in Portugal around 1540–1547)—nevertheless also securing rule—held the upper hand, while overall they were less bloodthirsty towards *witches* and more interested in a ‘thought control’ of religious dissenters:

“To us, the Mediterranean Inquisitions remain Europe’s most impressive models both of effective religious intolerance and of anti-magical ‘enlightenment’.”⁷⁷

In the rest of Western Europe, on the other hand, the **secular** courts took over the task of *witch* and *heretic* persecution. A secular replacement of clerical power, which was initially feudal-episcopal—that is, still double-functionally cleri-

cal as well as secularly organized—then in the urban-communal area, but also, delayed, as an expression of the emerging early-absolutist rule, the transformation of a clerically dominated '*heretic*' time into an increasingly secular '*witch*' time underlines.

(2) Nevertheless, the **religious mentality background** also dominated on this level of authority during the entire *witch*-time, insofar as it still understood itself as the '**God-state**', as the guardian of the salvation of its subordinates, which had to root out the 'sinful' with church discipline and pyres—heresy, immorality, witchcraft—in order to avert the punishments of God from itself and its community:⁷⁸

“Our thesis is that not only Geneva is a theocracy or should become one, but most of the states and cities of Europe. [...] Its effect is concretely shown in many places, in public life, in police regulations and other laws. The corporations of the citizens, the subjects of a prince, appear here as a community of salvation. Life itself in everyday life is worship or should be. State and religious order are not two different things. [...] [I]t is the duty of the authorities to take care of the salvation of the souls entrusted to them more than of their physical well-being. [...] For the 16th and at least the first half of the 17th century it can be said without much restriction that even the concept of power primarily also implied the power over the ways to achieve salvation.” “One tried [...] to exclude what could make a blemish and stimulate God’s wrath, literally also with fire and sword, often quite in direct reaction to the experience of a catastrophe, a plague or famine.” (Rueck 1993: 13, 21).

On the level of sovereignty, under the seal of **the ‘blood’ jurisdiction** it was initially also about asserting one’s own claims to power vis-à-vis the relatively autonomous lower powers of sovereignty. While the better established **urban sovereignty**—especially in the territory of the numerous, relatively autonomous, or subordinate to the emperor, ‘Free Imperial Cities’—was primarily oriented at the field of ‘custom’ in the wider sense, which was previously primarily occupied by the church. Here, in the 16th century, it not only took over the *witch*-hunt, but also both the ‘discipline’ order which had previously fallen under the ecclesiastical penance, as well as the wide field of marriage jurisdiction and, *last but not least*, also the poor relief:⁷⁹

“If it was the task of the secular authorities to administer moral discipline, this was an intrusion into an area in which the church had hitherto held a position of supremacy; the clergy had exercised control over morality through confession and, as a last resort, had known excommunication.” (Roper 1995: 152).

(3) In this sense, the ‘**theologians**’ of all three confessions, that is, the Catholic Jesuits, the Lutherans and the Calvinists, still set the theological framework within which the secular justice system could and should proceed against this *crimen plusquam exceptum, atrocissimum et occultissimum*. For example, the – after the *Carolina* (CCC 1532) required dispatch of documents—scholarly ‘court usage’ did appeal – until to the protestant Benedict Carpzov (1666) – not only to the ‘*Hexenhammer*,’⁸⁰ but primarily ‘to the Bible, and especially to the Old Testament as the binding source of law’.⁸¹

“No earthly judge may contradict divine instructions. The appeal to the *Lex divina*, as the Bible was considered, had a significant impact on the punishment of homicide and morality offenses, as well as on the question of the right to pardon; unfortunately, the appearance of witch trials was also influenced by this side.” (E. Schmidt 1965: 146 f.).⁸²

Anyone who dared to doubt this framework was, like the Jesuit Friedrich von Spee, forced to publish his *Cautio criminalis* (1649) anonymously with a Protestant publisher, or, like the Catholic theologian Cornelius Loos, 1593 in Trier by the Weihbischof Binsfeld, a ‘demonological hardliner’ (Dillinger 2018; 46), was forced, inter alia, to formally retract what Martin Del Rio immediately published,

“namely, that it is an imagination, and as an empty superstition, to hold what is written about the physical departure or removal of sorcerers and witches, as it smells of heresy, and also because this opinion is mixed with seditious things, and therefore tastes of the vice of the offended majesty.” (in: Behringer 2000: 362).⁸³

The Trier vicar-general thus followed the 100-year-old *Malleus Maleficarum*, in the first part of which Heinrich Institoris (Kramer) in confrontation with the *Canon Episcopi* (Sect. 3.3) extensively justified that those who do not believe in real *witches* are **themselves heretics**:

“Those who say that there is no witchcraft in the world, except in the minds of men [...] Because unbelief in a baptized person is heresy, they are accused of heresy.” (Kramer/Institoris 1985/1486: 4).

(4) A judicial level on which the newly emerging **early-absolutist power structures** also became apparent, which began to expand the security-promising high jurisdiction in the struggle for legitimizing recognition, for which the *crimen exceptum*, the ‘exceptional crime of *witchcraft*’, was particularly suitable.⁸⁴ Namely, partly offset in time, in a double ambiguous **dilemma**: First as a ‘godly

state' concerned about the moral welfare of its subjects, but at the same time, following the 'rule of law', to ensure justice:

“However much they may have wished for a more homogeneous population, however much they may have desired in discipline the lower classes and help the church wipe out superstition, they also were firm advocates of what has come to be called the rule of law, and that often meant adherence to strict legal procedure. These two goals, of social control and judicial restraint, came in conflict with each other, especially in cases of witchcraft, and the state found itself regulating over-zealous local authorities who exceeded the bounds of royal justice.” (Levack 1999a: 114 ff.).

This resulted in the direct 'power play' of the expiring state of estates in the second dilemma: on the one hand as the 'competence-competence' of the last sovereign decision-maker together with his 'blood court'; and on the other hand as the 'true' one of justice, especially in relation to the excesses of the lower urban or municipal court.

(5) This was especially true for the conflicts between the still dominant lower **communal judiciary** and the attempts of the appellate courts to finally enforce 'legal standards', which were extensively documented by Robin Briggs (1998):⁸⁵

“In the 15th century, the use of torture in secular criminal proceedings, which now aimed at the achievement of formal confessions at any price—but not at the material proof of the crime—and was therefore referred to as the 'confession process', became increasingly strong and relatively unregulated. This wilding of the criminal process was already criticized by contemporaries and, for example, in the 'Judicial Complaint Mirror', which speaks of 'foolish hedge judges in the villages'”. (Behringer 2000: 75).

While the one, largely staffed with uneducated lay judges, decided relatively arbitrarily according to 'local law' under renewed use of, for example, the '**water test**'⁸⁶, the **appellate courts** oriented towards the *Constitutio Criminalis Carolina* (CCC, 1532) remained relatively powerless for a long time.⁸⁷ This was especially true for their scope of validity in the 'Empire', but also in the early modern German states, as long as they lacked a sufficiently controlling bureaucracy and right of appeal guarantee:

“In German criminal courts, however, lawyers were not usually active. Here the judges and assessors in the old sense, men from a variety of urban or rural professions, people who, like the preamble of the CCC, were 'unlearned in our imperial law, inexperienced or without practice', were still in office. The *Klagspiegel*⁸⁸ has

already attributed the damage of the then criminal justice to their ignorance and lack of experience. Also the preamble of the CCC makes them responsible that ‘in many places often against law and good reason, either the innocent are tortured and killed or the guilty are postponed, relieved and discharged by improper, dangerous and prolonging actions, to the great disadvantage of the plaintiffs and the common good’”. (E. Schmidt 1965: 135).

Even in **Scotland**—one of the then powerful Calvinist states with numerous *witch* trials—the state supervision proved to be relatively weak:

“What we are witnessing, however, is much more the local elite’s use of the judicial authority of the state for its own ends than the central government imposition of its will on subordinate authorities in the localities.” (Levack 1999a: 103).

(6) While on the other hand, for example, in the more centrally organized **Western France** the—obligatory—appeal⁸⁹ to the Parisian *Parlement* could much better control excesses:⁹⁰

“In their practice of criminal law, the *Parlements* were almost entirely independent of the royal government. [...] This moderation of the French courts occurred in spite of a substantial corpus of demonological writings, published by reputable Catholic authorities, which appeared with a fair degree of regularity between 1565 or so and the 1620s. [...] the *Parlements* seemed clearly to be quite conservative in their legal work. They insisted on proper procedure and close examination of the evidence. [...] The role of the *Parlements* as appeal courts was of capital importance in the overall moderation of the French legal system in the business of witchcraft”, Pearl (1999: 150) summarizes the result of his analysis of French demonology.

But here too, the supreme courts⁹¹—in particular the reform-oriented royal finance minister Louis XIV., Jean Baptiste Colbert (†1683)—faced considerable resistance in view of the independence of the subordinate courts^{92, 93}

“As late as 1696, the court of Dijon was outraged that subordinate judges had tolerated a water test, even though it had been banned for more than fifty years. The parliaments [provincial *Parlements* S. Q.] were constantly fighting the discipline of subordinate courts, which deprived the convicted of the right of appeal, which withheld the automatically forwarded cases from the court and did not comply with the judgments which had been passed by all the united chambers in the name of the king.” (Mandrou 1978/1968: 313).⁹⁴

(7) Against this background, there could almost be a **symbiotic relationship** between the lower, municipal courts and a **population** that, for the first time,

could publicly express its ‘witch’ fears and suspicions here. One way to make the ‘witch’ event, which was virulent enough in rural everyday life but ‘alternatively’ coped with by counter-spells, now manifest together with the growing *witch*-fear, which I will discuss in more detail below (9.1) when discussing the municipal ‘*witch*-committees’, would be to do so.

1.4 ***Witch-Persecution: Model of a Solvable Social Problem***

(1) The *witch*-problem, like that of the *heretic*, is a thoroughly professionally constructed ***social problem***.⁹⁵ A ‘social problem’ that, in the course of its *natural history*, could last for over 200 years, from its invention to its full development and slowly fading end. With the double peculiarity that, at the beginning, there was no ‘claim making activity’ from below, which, however, in the further course, based on a professionally stoked *witch*-fear—‘down’ as well as ‘up’—could drive the problem process further, steered by diverse interests. And, on the other hand, that there was initially no ‘real substrate’ that could have been defined as a *witch*-problem—precisely because there were no pact-closing *witches*. But an ‘ideal’ substrate already ‘existed’—the ‘village witch’—on which the ‘learned’ construct could be based and gradually reshaped. This process subsequently produced a ‘**real**’ *witch*-problem, namely in double form: On the one hand—as it were on the ‘perpetrator’ side—as an action-guiding *witch*-fear and *witch*-belief, and on the other hand, on the side of the ‘victims’, as *witch*-allegation and *witch*-burning. In a *natural history*, which, in turn, was professionally prepared and initiated, ‘realized’ the *witch*-problem and finally allowed it to expire as outdated.

(2) The **rough pursuit -waves** had already dissipated by the middle of the 17th century. Whether from exhaustion and mistrust of an arbitrary justice system that was beginning to take action “from above”, especially in the cities, or from the death of the fanatic persecutors or the intervention of the imperial courts against the fury of the Franconian “*witch*-bishops”, and not least due to the growing insight and other order interests of an increasingly princely power, as in the still relatively “unofficial” ban on the *witch*-trials by the Trier Archbishop Carl Caspar von der Leyen (1653, or by the dispatch of soldiers from the Protestant Württemberg government from Stuttgart in 1685 to end a *witch*-panic caused by children in Calw

The nevertheless continuing **individual** *witch*-trials well into the 18th century followed another mode, accompanied by early-Enlightenment writings. While the early radical **critics** remained “short-term” without any direct visible success—whereby

the English writer and physician Reginald Scot (1584), the Jesuit Cornelius Loos (1592) or the physician Johann Weyer (1563) met with fierce resistance, in which Scot's writing was burned, Loos was forced to recant by the Trier Weihbischof Binfeld, and Weyer was "annihilated" both by the well-known Catholic state theorist Jean Bodin (1580) and by the Protestant Benedikt Carpzov (1635)—

found 'processual' oriented critics gradually a better hearing. In 'empirically' justified, from their own experiences derived and by 'scandals' documented concern about the conviction of innocent people—which, however, was considered by the 'dogmatic' pursuers, as already during the time of the heretic, as something not allowed by God—they

—in Munich, the Jesuit Adam Tanner (1602/1627) or later the well-known Jesuit Friedrich von Spee (1631) or his Lutheran colleague Johann Meyfarth (1635) just as the Lutheran jurist Johann Georg Goedelmann from Rostock (1591) based on the regulations of the 1532 issued, but only subsidiary valid imperial *Carolina* -

argued against the negative aspects of the process based on excessive torture and the 'statements' achieved there, but without thereby questioning the satanic *witch*-model itself. A 'moderate' strategy, which, however, as successful as it was overall, the evil to the detriment of those then 'procedurally justified' tortured could not completely eradicate.

Only at the end, when the great mass of the *witch*-persecutions had already ceased, but still before the actual enlightenment of the late 18th century, the Dutch Calvinist **Balthasar Bekker** (1691, who was still 'banished' from his parish for that reason, and the Lutheran **Christian Thomasius** (1701)—who at least received from the competent Saxon consistory the prohibition to continue to teach 'theological content'—could declare the center of the *witch*-model, the satanic pact, for unthinkable, since the devil as—nevertheless still existing—spirit could not assume any physical form whatsoever.

(3) This dynamic *witch* phenomenon serves as a **model** for analogous conspiracy ideologies, fundamentalisms and racism, by means of which some further questions can at least be raised. In particular, in this *witch* time, the today prevailing economic 'capitalist' conditions were still relatively underdeveloped:⁹⁶ commercial capitalism and early forms of mercantilism. So that the two other social framework conditions effective even today—cultural/mental as well as governing—can stand out even more clearly.

A constellation which suggests to take a closer look at the also today pressing relationship of **'knowledge and power'**, whereby three problem areas occupy me in particular:

- Where does the—in the *commonsense* so effectively anchored—mentality gain its plausibility, how is its relationship to the practically experienced 'reality': What is 'true' or what are *fake news*. And how can one—in the knowledge of their time- and position-related 'relativity'—convincingly penetrate them?
- This brings us to the second problem:⁹⁷ What role do 'knowledge', 'theory' or scientific experts play in this. And how can one gradually dissolve such 'thought prisons'. With what kind of arguments. An old 'rhetorical' problem, for which the *witch* discourse with its seemingly interchangeable, opposite arguments can provide a shining example.
- And that leads us to the third problem: The influence of 'power'. Not only as a 'directly' effective power—'dictatorship or democracy?'—but in its dependence both on the effectiveness of the legitimacy claimed by it, as well as on its professional advisers, the 'constructors and actors', that is, its Bauman's 'gardeners'.

1.5 The 'Frame'

"Demonologies [...] constitute an early modern literary genre: the rational, that is, the scientific, legal and theological exploration of a phenomenon that appears to the modern reader anything but rational or scientific." (Scholz Williams 2013: 69, 71).

1.5.1 Three Long-Term Developments

If one wants to understand the background of this specifically Western European early modern *witch* problem, then one must keep three intertwined, **long-term developments** in mind.

First of all, this problem does indeed follow a generally effective **magical world view** that wants to explain the world causally and thus make it manageable; whereby—worldwide as well as in our rural environment—'unexplained' damage events are attributed to the workings of a witch as *maleficia* in order to be able to take 'magical' action against them in a similar way. A 'mental framework', which I will go into in more detail in the following second chapter. However, this world of ideas is broken—influenced and replaced—in Western

Europe by an equally magical, but clerical ‘learned’ *witch* model (Satan and Sabbath), which comes towards the ‘**rational**’ environment; an environment that is ‘worldly’ determined by the reception of Roman law and the Arab-mediated Renaissance of ancient thinkers, as well as by the advent of printing or the discovery of America: “For, above all, Renaissance demonology has been read out of context—its *Renaissance* context.” A development that, on the one ‘clerical’ side, extends from the Scholasticism of the *Witch Hammer* via the works of the great demonologists Bodin and Del Rio to the Protestant jurist Carpzov; and which, in the ‘worldly’ sphere, heralds the beginning of a ‘modern’ natural science:

“[D]uring the early modern period, demonology and its counterpart, angelology or the study of angels, constituted a fundamental aspect of Christian cosmology and thus an integral part of the contemporary study and practice of theology, law, medicine, and science. No matter what their professional specialization or perspective on the prosecution of witches, the majority of scholars accepted as basis the premise that demons and witches existed, and that they could and did inflict harm on human kind.” (Scholz Williams 2013: 71).

Then this *witch* problem is **politically** embedded in a specifically “Western independent” form of rule, which—in the city, as in the emerging territories—early-absolutist formerly took over “clerical” moral and administrative functions, without having to forego their religious legitimacy: from the “God-State” to the “Confession-State” to the early modern “*Policey-State*”, in the context of which the persecution of *witches* was seen as a task and opportunity to consolidate the newly acquired power.

In order to finally settle down as a product of a **professional** development that was laid down early on in the papal-imperial double structure in Western Europe. Namely, first ‘canonically’ as a papal claim to sovereignty, and then, since the *Constitutions of Melfi* by Frederick II. (1231), to juridically distinguish between a ‘canonical’ and a worldly-Roman law.⁹⁸ A development that leads us into our modernity in three ways through the *witch* problem. First, as a gradual replacement of the influences of a transnational **religious-clerical profession**—Dominicans/Franciscans and Jesuits—by a Roman law-trained, territorial acting **lawyer profession**: as *witch* commissioners instead of papal inquisitors, as city councils and as court chamberlains at the palace of secular rule instead of the papal *Rota*. In a process that was already early—promoted by the expansion of the universities since the 13th century—in both professions, clergy as well as judiciary, the influence of the **laymen** excluded and which, very slowly, the professionalization of the lower levels—village pastors and aldermen—drove forward. Whereby it was finally the ‘worldly’ side that increasingly succeeded in

replacing the papal-canonical, clerical-transnational institutionalization with its own institutions on the city council and at court, as well as with its own secular laws on a territorial level:

“The ascendancy of the prince and his high magistracy also marked a final stage in the transition from what is called in German the *Ständestaat*, rule by estates, to the *Fürstenstaat*, rule by princes, or sometimes *Hofstaat*, rule by the palace.” (Berman 2003: 65).

1.5.2 Phases

You can also break down this *longue durée* of *witch-time* into individual phases that blend into each other, which I will use as the basis for the following presentation:

- A long, self-evident, **magical history**, within which a rural-agrarian culture tried to secure its survival in a world marked by hunger, disease and war, while the Church, itself ‘magically’ oriented, only went against their ‘superstition’.
- The beginnings of a ‘**satanic**’ **witch-interpretation** in the 14th/15th century, which initially set in within the aristocratic political field, only to then receive its satanic references in the course of the Western Swiss Waldensian persecution, the *vauderie*.
- The widespread rural ‘**endemic**’ ‘**witch-hunt**’ of the 16th and 17th centuries, in which a frightened rural-peasant population tried to make sense of their *witch-fears* within a judicially prescribed framework *functionally*.
- The city-archbishopric excesses of the 17th century, which, institutionally secured, were processually fueled by the tortured confessions of the Sabbath—fanatically and power-politically.
- A long-drawn-out **fading away** of the persecution wave, which was accompanied by skepticism from the beginning, but only came to an end in the 18th century in the transition to the time of the *insane*.

Notes

1. The witches in his *Macbeth*, Scene I: “Fair is foul, and foul is fair. Hover through the fog and filthy air” were written after the English throne was taken over by the Scottish Calvinist James/Jacob VI. as now James/Jacob I. (1603). Paul Pallavi (2015) analyzes the socio-cultural background of the play; Luca Baratta (2013) compares it with the problematic report on the

- Lancashire-*witches* (1612) on which the play is based; Dawn compares it with three other plays of this time: Ben Johnson's *The Masque of Queens* (1609), Thomas Middleton's *The Witch* (1609–1616), Thomas Dekker/John Ford/William Rowley's *The Witch of Edmonton* (1621): “[E]ach, in one way or another, exist in dialogue with the attitudes towards the occult that were presented and codified at court.” (Dawn (?): 2)
2. “The trial took place in Leonberg and Güglingen and ended with an acquittal.” (Raith 2004: 227). Historian Ulinka Rublack (2018) provides a fact-filled look at the situation at the time, in which a defamation charge mutated into a *witch* trial, in which Johannes Kepler 1621 achieved the acquittal of his 75-year-old mother—after 14 months in prison. Embedded in the small-town world of Leonberg on the one hand and in the humanistic environment of Kepler on the other; mentally anchored in the healing practice of the mother and the cosmological-mathematical thinking of the son; politically in the attempt to put the eager bailiff of Leonberg in his place with the help of the Lutheran court of the Duchy of Württemberg and the ultimately successful opinion of the University of Tübingen.
 3. In his attempt to trace the “modern” individualization process—“[T]he birth of the modern introspective and unified self, as opposed to the medieval porous, fragmented, and somewhat slumberous individual, the invention of the modern self”—back to the introspective efforts of Saint Teresa of Avila (1588), Sluhovsky (2006: 169) emphasizes: “More even than other historical periodizations, however, the early modern period suffers from an inherent instability. Early modernity is always no longer the Middle Ages, and is always not yet modernity. It is always in between, always post- and pre-, already modernity in relation to the Middle Ages, yet also the middle period separating the Middle Ages from modernity.”
 4. Iclericall: I use this term—mostly in contrast to ‘secular’—to distinguish all ‘church’ representatives (of all denominations) from the ‘state’ officials—governments, city councils, lawyers, etc.—as much as these functions can occur in ‘personal union’, as in the papal Vatican, in the position of bishop or in Anglicanism.
 5. lauthority (Obrigkeit): “Luthers’ prince [...] ruled not alone but with his entire ‘house’—his household officers and his counselors—as well as his entire ‘high magistracy’. [...] *Authority* [...] which was used normally to refer not to the prince alone but to his entire entourage, the whole corps of ‘superior’ ruling persons to whom he turned for counsel and for administration of his domains.” (Berman 2003: 43)
 6. De Lancre (1612) after Pearl (1999: 142)

7. "Perhaps the most striking aspect of Italian witchcraft trials is that their bloodiest phase occurred in the period generally associated with the Italian Renaissance [...] while humanist values triumphed in the urban centres of early Renaissance culture, their courts began prosecuting witches. The preaching of Observant Franciscan friars such as Bernadino of Siena (†1444) (6.2(3)) often provoked prosecutions." (Herzig 2013: 250).
8. |Renaissance and Humanism|: Two terms for the same phenomenon—Renaissance more art and architecture related: Botticelli (†1510), Leonardo da Vinci (†1542), Michelangelo (†1564); Humanism more literature related: Petrarca (†1374), Boccaccio (†1375), Machiavelli (†1527), Erasmus (†1536). In the 14th to the 16th century with a focus in Italy (Florence) on the one hand and the Netherlands (Flemish painting) on the other—based on the antique—an "open, free and dynamic culture, i.e. a culture that was consciously human and therefore could not impose any restrictions on man and alienate him from his nature." (Romano/Tenenti 1998: 147, 176). A truly comprehensive (1304 pages), highly informative overview can be found in Roeck (2017): "The most important feature of this Renaissance, the core of its identity, was the enormous range of its thinking." (a.a.O.: 1161)
9. (Briggs 1998: 292, 101). "This work was tremendously influential and of enduring importance, surviving in at least twenty-six manuscripts and going through seven printed editions as late as 1692. A French translation was also published in Brussels in 1656. In addition, the fifth book of the *Anthill [De maleficis et eorum deceptionibus]* was printed separately in certain editions of the Hammer of Witches, for which it served as a major source of information and ideas." (Bailey 2013: 197)
10. (Herzig 2010: 64, 67, 79) |Clippeum|: Kramers late writing *Sancte Romane ecclesie fidei defensionis clippeum adversus waldensium seu pikardorum heresim* (1501)
11. "The Jesuit scholar" in his 1599 printed *Disquisitionum Magicarum libri VI*. "In addition to abstract theological-deductive derivations about the power of the devil and witches, Del Rio compiles hundreds of miracle stories from literature and contemporary witch hunts, calls for the extermination of witches [because of the diabolical pact, not because of the *malificia*] and, under the printing of the Trier oath articles of Cornelius Loos, the opinion that doubts about the existence of witches and the necessity of witch hunts are incompatible with the Church's opinion. Del Rio was also appreciated and quoted by Protestants because of his erudition. He was considered an unassailable authority well into the 18th century." (Behringer 1987: 29 f.); a writing that

- reached 25 editions, between 1600 and 1617 “on average one per year”. (Schwerhoff 1986: 63)
12. “When Bodin wrote his *Démonomanie des Sorciers* in 1580 he felt it necessary to offer extensive proofs that witches really were transported to the sabbat.” (Briggs 1998: 34). For Del Rio’s extensive description of the Sabbat, see Behringer (2000: 231 ff.), piece no. 146; for Bodin see 162 ff., piece no. 105.
 13. With wide variation, so it was in England predominantly women, while it was in France to a high percentage also men (Briggs 1998: 260 f.). For the different distribution between men and women in the European regions see Levack (1995: 133), with women about in Basel, Essex and Namur more than 90% and in Finland, Estland und Russland from 51% to 32% reached. Overall on the gender distribution – type of crime, persecution, execution – in various ‘German’ and European regions: Schulte (2000: 51–86). On the problem of such figures as on the relationship between men and women s. Rummel/Voltmer (2008: 74 ff.). After a relevant discussion of the ‘exceptions’ Goodare (2016: 269) formulated: “[T]he male-majority pattern was only ever found in areas of light prosecutions. The places that prosecuted large numbers of witches all, without exception, prosecuted a high proportion of women.”
 14. “It is clearly noticeable that not in the first great persecution wave around 1590, but only in the second and the third wave around 1630 or around 1660 in parts of the Old Reich a tendency to break, partly also equalization, gender-specific barriers is emerging. In other, mainly Protestant regions, this development is expressed to a lesser extent.” (Schulte 2000: 89).
 15. Nenonen (2006) is critical of this, pointing out from an ethnological-folkloristic perspective that the (also chosen here ‘profession-oriented’) focus on this ‘diabolical’ *witch* form and its mass persecutions obscures the view of the everyday rural witch, not only internationally or for the specifically named areas of Russia, Eastern Europe and Scandinavia, but also for this ‘German motherland’ itself: “The images of witches’ Sabbath have overshadowed more realistic research on everyday magic and superstition, and their role in everyday life. Nor have the relation between Christianity and archaic magical beliefs been properly understood in its entirety when stress has been laid on the new witchcraft theories originating mainly in the fifteenth century.” (Ibid.: 181). See, however, the anti-criticism by Kivelson (2011), which at the counter-example of Russia emphasizes the role of Satan as *differendum specificum* established by the ‘European’ demonologists in court and among the population.

16. |*Parlement de Paris*| the highest court responsible for civil and criminal matters—in addition to various provincial *Parlements*—(de.wikipedia.org/wiki/Parlement), which received its first statute in 1303 (Le Goff 1998: 238).
17. “The Parlement’s jurisprudence with respect to witchcraft—1,272 defendants (1565–1670), 103 of them condemned to death (57 women, 46 men), 185 individuals subjected to torture or the threat of torture (one confession only).” (Soman 1989: 5); “The last execution for witchcraft was that of Catherine Bouillon in 1625” (Soman 1978: 40). “[T]he Paris Parlement consistently displayed three features that made its practice in witchcraft cases uniquely important. [...] no ecclesiastical tribunals [...] were permitted to make final judgements in witchcraft cases; [...] a sceptical position about the reality of the cumulative concept of witchcraft [...] especially the witches’ sabbath; while the Paris Parlement permitted the use of torture in criminal cases, including witchcraft, it was far more sceptical about its value [...]. After 1500, torture could not be applied more than once and could not inflict permanent physical harm on a prisoner. Consequently, the Paris Parlement obtained few confessions through torture for *any* capital crimes: already less than 10 per cent by 1540, this ratio had fallen to barely 2 percent by the early seventeenth century.” (Monter 2013: 219)
18. “It is certain that there was no belief in Russia in the Sabbath, in cannibalistic child murder or in witches’ flight. Sorcery remained in Russia, even more than in England, a crime of harmful magic, not of Satanic cult [...] Consequently, the relative leniency of the Russian witch hunt is due to the fact that, in the late Middle Ages, the Orthodox Church did not develop the same demonological world view as the Latin Church.” (Levack 1995: 208); “From the fifteenth to the end of the seventeenth century, the practice of witchcraft was technically only a canon law offence, but accusations of witchcraft tended to be part of wider accusations of treason or intent to harm the tsar and his family, and were treated as such. Most of the accused were men. There were no outbreaks of witchcraft persecution on the scale of those in Western Europe, partly perhaps because both accused and accuser were interrogated under torture.” (Ryan 2008: 146). See Kivelson (2011: 44–60) and Kivelson/Shahen (2011) for Russia; Dixon (2008) for the low persecution of superstition; Worobec (2016) for decriminalization in Russia.
19. Markos Lintinas (2016: 74) examines—in comparison between Del Rio and the Greek Nicodemus (“Against the Types of Magic”, written at the end of the eighteenth century)—the ultimately remaining Greek-Orthodox church policy based on the “Canon Episcopi”, which was not attacked by the Ottoman rule: “Eastern demonology could not envision a wicked army of witches

- because according to theology, the limited powers of the Devil made this impossible, and thus there was no need to exterminate practitioners of magic. Most magical practices were regarded as mere illusions or minor tricks. [...] Eastern witches and wizards were viewed as having been deceived and being in need of rehabilitation, not extirpation.”
20. “In Europe, the crime of witchcraft very early took on overtones of heresy, which to the best of my knowledge it never acquired elsewhere, not even in those parts of Eastern Europe which accepted Orthodox rather than Latin Christianity.” (Monter 1976: 11). “Global perspectives, then, underline the uniqueness of the early modern demonic witch, and of the chain-reaction panics and multiple executions that were so destructive in early modern Europe. Such perspectives, though, also underline the pervasiveness of the idea of the village witch.” (Goodard 2016: 380).
 21. But this only applies to the relatively early cases in which it was accused of the *witches* to spread the plague by smearing the doors with magical ointments:—in addition to the cases mentioned by Calvin (1545) (Reinhardt 2009: 132)—“the worst witchcraft panic anywhere in the region: the 1571–1572 crisis of plague-spreaders or engraisseurs at Geneva, when nearly a hundred people were either killed or banished within twelve months.” (Monter 2007: 87; see also: Monter 1976: 42–66). Later, the Republic of Geneva burned—in contrast to its northern Calvinist neighbor in the canton of Vaud—in 318 procedures ‘only’ 68 witches: “After 1626, only one accused witch was executed, and she was condemned only after surgeons had been imported from Vaud to verify her Devil’s mark when Genevan surgeons refused to do so unequivocally.” (Monter 1983: 48).
 22. See the map ‘Intensity of Witch-hunting in Europe’ in Goodard (2016: 28), which he specifies in more detail in the Appendix with country-specific execution numbers and per capita percentages of the respective population (ibid.: 410f.), as well as the interactive map in (<https://routledge.com/textbooks/9781138808102/>). This confession-independent distribution also applies to smaller areas, as Monter (1976: 89) found for the ‘French-speaking Switzerland’: “It seems paradoxical that, despite this political and religious diversity, the history of witchcraft in French-speaking Switzerland displays a fundamental uniformity [...] each region displays a basically similar pattern of witch-hunting during the sixteenth and seventeenth centuries.”
 23. “In the vicinity of the Palatinate, some of the largest witch hunters can be found: in the north and east, Kurmainz is particularly worth mentioning. But Kurtrier and the Teutonic Order with the Commandry of Mergentheim were also centers of persecution in the immediate vicinity. [...] Located between

- the southwest of Germany, which was intensively persecuted, and the Main-Mosel region, which was even more intensively persecuted, the Palatinate did not participate in the great early modern witch hunt.” (Schmidt 2004: 238) (see Sect. 12.1.3).
24. For Württemberg see the extensive analysis of 27 witch cases and 57 other magical activities in Bever (2008). “Württemberg experienced relatively low levels of witch-hunting: 600 people were investigated for witchcraft between 1497 and 1750, which resulted in 350 formal trial procedures, of which 197 ended in execution.” “The majority of those accused of witchcraft were exiled or dealt milder punishments.” (Kounine 2016: 40 and note 8).
 25. “The Free Cities and the Imperial Cities were grouped together in the Imperial City Council under the collective term Free and Imperial Cities from the 15th century. The vernacular formed the abbreviated term Free Imperial City, even though only part of the cities were both Free Cities and Imperial Cities at the same time. Free Cities were some of the bishoprics (Basel, Strasbourg, Speyer, Worms, Mainz, Cologne, Regensburg) that had acquired a certain degree of autonomy, for example they did not have to pay homage to the emperor. Cities that were directly subject to the emperor in the Holy Roman Empire were Imperial Cities.” ([de.wikipedia.org/wiki/Freie_und_Reichsstädte](https://de.wikipedia.org/wiki/Freie_und_Reichsst%C4dte)).
 26. (Rowlands 2005: 113–113) While in Würzburg also children were burned as *witches*, Margaretha, who accused herself of being a *witch* and the devil’s mistress, was released from prison without punishment by the Rothenburg town council and sent to catechism lessons in the hospital (a. a. O.: 125).
 27. Pohl (1995: 29); “The circumstances and backgrounds that led to the end of the witch trials in the most important spiritual territory of the Old Empire, the Electorate of Mainz, are inextricably linked to the person of the then Archbishop and Elector of Mainz, Johann Philipp von Schönborn.” (a. a. O.: 27).
 28. “In total, 32 people came to their deaths in the imperial city of Cologne between 1617 and 1655 as alleged witches; the number of indictments, investigations and trials during the 16th and 17th centuries is likely to have been twice or three times as high. The city cannot therefore be classified as an ‘area of low persecution’ like, for example, the imperial cities of Frankfurt am Main or Nuremberg. [...] However, the decisive factor was the institutional braking mechanism that lay in the competition between the Council and the High Court. Wherever the dynamics of the trial were stoked up by the personal identity between the persecuting milieu and the decision-making body elsewhere, the salutary anachronism of criminal justice

in the Rhineland metropolis provided enough ‘sand in the gears’”. (Schwerhoff 2008). In this Free Imperial City, the Elector had retained the right of blood justice with the ‘High World Court’, but only in the event that the city had found corresponding indications of a capital crime. After an initially joint—probably more politically infected—*witch* trial against the daughter of the imperial postmaster, Katharina Henot, who, accused by possessed nuns, – “In the Cologne monastery of St. Klara, some cases of possession had occurred. The possessed women had indicated Katharina Henot as the source of their suffering during the exorcism. She had made a pact with the devil, and only if they took action against this witch with the utmost severity would they be freed from their possession.” (Becker 2012)—1627 – was burned, the Cologne magistrate already gave up further indictments in 1629, after the 24-year-old Christina Plum, who had accused herself of being a *witch*, had denounced numerous members of the upper class. This is why the Elector called the magistrate the ‘patron of witches’, which, however, did not bother him at all. (Schormann 1991: 30, 52ff.). For Henot, who was rehabilitated by the city council in 2012 together with 37 other executed witches and wizards, see also: Iken (2021).

29. Or: “[T]he united duchy of Cleve-Mark, Jülich and Berg, a scattered chunk of lands with a population of nearly 400.000, spanning the Rhine as it entered the Low Countries. This state, ruled from 1539 to 1592 by Weyer’s employer, the Erasmian Duke William V., remained immune to witch-hunting even after passing to zealously Catholic overlords after his dead. Although its southern neighbour, the electorate of Cologne, staged the largest witch-hunt in the Empire around 1630, Weyer’s old duchy remained quiet.” (Monter 2002: 20ff.).
30. “Marquard von Berg should develop into the ‘witch bishop’ of Augsburg within a few years. During his short term of office [1575–1591] more people were burned as witches in the diocese than ever before or after.” “The relations of the events in the diocese Augsburg become clear when one considers that in the small ecclesiastical territory more witch executions can be proven by absolute numbers than in the ten times larger and ten times more populous Duchy of Bavaria.” (Behringer 2004: 357, 361). “The Oberstdorf witch hunt, which was triggered by the statements of Chonrad Stoeckhlin (Sect. 4.5.4 (1)), marked the beginning of the great regional witch hunt in the years 1587–1592, when more people were executed as witches than ever before or after between the Alps and the Danube.” In total 250 people, including 25 from Oberstdorf. (Behringer 1994: 141, 124).

31. While Munich, the seat of government of the Duke of Bavaria, had only 20,000 inhabitants and the next largest imperial city, Memmingen, had 6,000 inhabitants. (Behringer 1988: 22 ff.).
32. The dominating theme of the Augsburg witches examined by Lyndal Roper (1995: 204 ff.) was the theme of motherhood, in particular the relationship between the 'mothers who had just given birth, against the childbed women who were caring for them.'
33. In general, there were relatively few death sentences due to 'common' crime in Augsburg: between 1550 and 1700, 281 executions were counted here, in Frankfurt 339, Nuremberg 665 and Zurich 896; there were 18 death sentences against *witches*, 2 between 1618 and 1648 and 16 between 1649 and 1699 (Rau 2006: 67, 106, and table on p. 190).
34. A brief overview of relevant ethnological studies can be found in Russell/Alexander (2007: 20 ff.), recent literature in Goodare (2016: 375–395), and for the older period: Macfarlane (1970: 211–293). The prototype of this often-discussed view is the book by Evans Pritchard *Witchcraft, Oracles and Magic among the Azande*, (Oxford 1937, abridged ed. 1976); informative collections of ethnological-anthropological discussions and studies can be found in Douglas (1970) and Levack (1992).
35. See also the *International Day against Witchcraft* introduced by the Catholic Church (International Catholic Aid Agency missio in Aachen) in 2020 on August 10. (https://de.wikipedia.org/wiki/Internationaler_Tag_gegen_Hexenwahn) For functions of belief in witchcraft in sub-Saharan Africa, which have been receiving increased attention from ethnologists since the 1990s, see Ellis/ter Haar (2016): "It can be said [...] that accusations of witchcraft and talk of witchcraft have become very widespread in various parts of Africa in recent years, and that many people perceive this to amount to some sort of crisis." (ibid.: 343). "In African civil wars in Zimbabwe, Angola or the Congo, thousands of people were killed on the side for allegedly being witches. And in peacetime, the murders continue on a large scale, in Tanzania and even in South Africa." (Behringer 2016: 19); see also Ndjio (2008) and Geschiere (2008) for "more modern" forms of *witch* persecution in Cameroon and South Africa "Outside of Africa, India, Indonesia, Mexico and parts of Western South America have also experienced persecution [...]. However, there is no end in sight to the new persecution: perhaps the Great Witch Hunt has only just begun." (Dillinger 2018: 159ff.). Based on 300 non-European societies listed in detail with their wide local variations by Hutton (2017: 3–43): "In two respects in which Europe stands out as anomalous: [...] The idea that it represented an organized heretical anti-religion,

- dedicated to the worship of an embodied principle of evil in the cosmos [...] which came spontaneously to reject that belief, at least in official ideology.” (ibid.: 41ff.)
36. S. Report in: (dasmagazin.ch/content/dasMagazin.2013.12.e5/ma1312_Hexen). Papua New Guinea recently (29. 5. 2013) repealed the law on witchcraft. Previously, someone accused of murder could defend themselves by claiming that the victim had hexed their relatives; now the cultivation of cannabis plants can be punishable by death (www.blick.ch/news/ausland/papua-neuguinea-schafft-Hexerei-gesetz-ab-id2319640.html). S. also the current experience report by Bettina Flitner “‘*Verleumdet, gemartert, verbrannt*’ (‘*Defamed, tortured, burned*’)” in: Chrismon from 08. 2017: 39–45
 37. Frenschkowski (2012: 37 ff.) With references to Medea, the Homeric Circe, to the Canidia of Horace and the Erichtho of Lukan (with text in the appendix 201–206). S. also Hutton’s analysis of the *Ancient Context* from the Egyptians to Antiquity and to the early laws of the Germans. (2017: 44–73); for the role of the Homeric Circe during the Renaissance: Gareth Roberts (1999: 192): “Circe, then, often figures as evidence of witchcraft, and her reputed power to transform obviously exercised demonological discussion. Homer’s story of Circean transformation is the archetype, with later analogues.”
 38. Cf. DIE ZEIT 16. 5. 2013 No. 21, p. 33–35 with various contributions under the heading: “‘*Die Renaissance der Unvernunft*’ (‘*The Renaissance of Unreason*’); a market of the esoteric industry in Germany’), which in 2000 9 billion, in 2010 20 billion sales, and for 2020 is estimated at 35 billion (p. 35).
 39. A well-documented general overview of the ‘*Glauben der Ungläubigen*’ (‘*belief of the unbelievers*’) can be found in the Christmas Spiegel title essay by Manfred Dworschak (2013).
 40. “Seventy percent of Americans believe in a personal devil, according to a Gallup poll from May 13, 2007, which has increased significantly in recent years (www.gallup.com, Survey No. 27877) according to Frenschkowski (2012: 110). Further numbers for the USA and England in: Josephson-Storm (2017: 22–37): 81% of Americans believe in angels, 68% in demons, 53% in demonic possession and more than a quarter in witches. According to a recent survey by DER SPIEGEL (In: Dietmar Pieper: ‘*Der Himmel ist leer*’ (‘*The Heaven is empty*’), No. 17 from 20. 4. 2019: 40–48) 26% of the Germans surveyed “believed that the devil exists.”
 41. “I believe in the existence of the devil,” Jorge Bergoglio said in 2010 in an interview with the Argentine rabbi Abraham Skorka. It might be the demon’s greatest success, “that he makes us believe that he does not exist.” (Spiegel-Online 31. 5. 2013)

42. "We have to be cautious, however". Critical of such surveys: Blécourt (1999: 144f.). "The traditional belief in witches, as far as we still encounter it today in the German-speaking world in Central Europe, can be characterized as follows: It is the belief that certain people have the ability to wish others misfortune, illness, failure, etc., which then also occur," quotes Dieter Bauer (2004: 179) Inge Schöck (1987)
43. Josephson-Storm (2017: 34,37). See below: (Sec. 13.5).
44. "Narrating together the history of post-Kantian philosophy and psychoanalysis and their respective entanglements with the German occult revival has allowed us to see the way that all parties were animated by tantalizing possibilities of unseen depths." (Josephson-Storm 2017:206).
45. "Look at Germany, mother of so many witches; is it any wonder that she has wept her eyes out in grief, so that she can see no more?" (Spee 1631/1982: 102).
46. "This tendency of the belief-system to be self-perpetuating and reinforcing, together with its ability to absorb and dispose of criticism, brings to mind Thomas Kuhn's description of scientific paradigms." (Ankarloo 2002: 56).
47. See (https://de.wikipedia.org/wiki/Theorie_mittlerer_Reichweite).
48. "The point is not simply that mythologies of witchcraft are plural rather than singular, and that they come in regional varieties—although this much is true, important, and more obvious now than any of us once knew. The further argument [...] is that mythologies of witchcraft functioned differently under different circumstances." (Kieckhefer 2006: 80). What Kieckhefer (2006: in particular Tableau S. 108) in a juxtaposition of the two early witch models of the Lausanne *Vaudois* and the Lombard *streghe* from Perugia, which followed the *strix* model (Sect. 4.5.1 (1)), demonstrates.
49. "[T]he cohesiveness implied by the phrase 'popular culture' which gives a misleading impression of uniformity to a phenomenon that was incredibly multifaceted. Early modern popular culture was divided along linguistic, regional, and even local lines, and, within any locality, along lines of occupation, tenancy or citizenship, wealth, and even age and gender. Consequently, there was, as Peter Burke has observed, not one but 'many popular cultures or many varieties of popular culture' and what we call popular culture was often only 'the culture of the most visible of the people.'" (Bever 2013: 59).
50. A little too critical of Muchembled: Herbert Eiden (2005).
51. This is typified by the bans on premarital sex that became widespread in the 17th century: "[L]arge numbers of young men and women who courted and married in accordance with time-honored local practices came before secular and ecclesiastical officials and paid fines, spent time in prison and performed

public church penance. Moreover the criminalization of preuptial coitus hastened a radical transformation in the way in which couples entered the estate of marriage. No longer did they and their families control the rites of passage that initiated conjugal life. The clergy, with the state's unqualified support, had arrogated this control, and the repeated public admonitions that a church wedding should precede cohabitation were anything but a toothless bark. The criminalization also emphatically underlined the stricter standards of moral and sexual behavior associated with the Reformation and early modern social discipline." (McIntosh 2004: 155 ff., 174); with regard to the *longue durée*: Even during my student days my lovely landlady was worried about being reported for procuring, which of course bothered us no more than it did our predecessors at the time: "But the failure to achieve an indubitable victory during this period does not in any way detract from the importance of fully understanding why magistrates, lords, and princes first decided to criminalize preuptial coitus on a wide scale."

52. "Westerstetten and the other Catholic rulers in southern Germany and their contemporaries further afield, like Ferdinand of Bavaria, archbishop of Cologne, were responsible for a significant proportion of the witch trials in Germany [...] Given that these rulers were all reformers, all pupils or sponsors of Jesuits, and all maintained close ties with the university in Ingolstadt and the ducal court in Bavaria [...] A more common explanation seems to lie in their common education and theological sympathies, and shared sources of knowledge about the witch sect and its eradication." (Durrant 2007: 248).
53. Material for this Catholic and Protestant 'Christian police state' can be found in Delumeau (1985: 591 ff.): Thus "the perfect alignment of the two sets of legislation—secular and ecclesiastical—with each other and the coincidence of an aggressively pursued centralization with the desire of the religious reformers to conquer the populations around them created a closely woven web of prohibitions that was much more constricting than in the past." (596 ff.).
54. Once again, one comes across the beginning of a pastoral-paternalistic control tendency in these *Policey* ordinances which today, as a 'Life-Style-Regulation', in the 'Nanny-State' with an estimated 'more than one million regulations', distracts from its actual tasks: "It would have been a blessing if politics had pursued the regulation of the banking industry with the same consistency and hardness as the ban on the light bulb," writes Alexander Neubacher in his justified critical article "The Nanny-State" in: DER SPIEGEL (12. 8. 2013; No. 33: 28–33, 29).

55. This is what is said in one of the resolutions of the Tridentine Council of 1562/63: "In the invocation of the saints, the veneration of relics and the holy use of images, every superstition is to be eradicated, every filthy greed is to be eradicated, and all sensuality is to be avoided, so that the images are not painted or equipped with seductive charms, or the celebration of festivals in honor of the saints and the visit of relics by the people does not degenerate into tumult and drunkenness, as if the festivals in honor of the saints were to be celebrated in intoxication and without a sense of propriety." (25th session, quoted after Burke 1985: 233f.).
56. |*Catechesis*: "the theoretical and practical introduction to the Christian faith in the family and in special community events. In contrast to religious instruction, whose goal is the imparting of knowledge, catechesis wants to introduce into the practice of faith." (de.wikipedia.org/wiki/Katechese).
57. "The criticism of the heretical movements (Waldensians, etc.) of the Church's teaching on the sacraments coincided with the catechetical criticism of the Church of the magical forms, which she described as unauthorized extensions (additions) of the liturgical-exorcism practice, and thus exposed to the heresy charge. However, the ability to distinguish between permitted and no longer permitted blessing practice and blessing required a deeper knowledge of the Christian faith, as the catechetical efforts of the time sought." (Harmening 1990: 86).
58. |*Commonsense*: I use this concept in the sense of Clifford Geertz (1975) as generally and self-evidently valid, everyday and action-related 'cultural system' that is not questioned and possibly emotionally vigorously defended, although as internally consistent, but little 'theoretically' worked through interpretation foil for one's own action as for the expected action of the others serves: "It is, in short, a cultural system, though not usually a very tightly integrated one, and it rests on the same basis that any other such system rests; the conviction by those whose possession it is of its value and validity. Here, as elsewhere, things are what you make of them." "The terms I want to use in this way with respect to common sense, each with a" -ness "added on to substantivize it, are: natural, practical, thin, immethodical, accessible." "Naturalness," "practicalness," "thinness," "immethodicalness," and "accessibility" are the somewhat unstandard properties I want to attribute to common sense generally." (Ibid.: 8, 18).
59. Norbert Schindler (1992: 245 ff.) Shows on the basis of a night's disturbance by young nobility, "how close the connection between elites- and folk culture in the 16th century" in the 'accompliceship of the aristocracy and the folk culture towards the urban elite 'was still: "In the 16th century, however,

- when the elite's fears of the simple people were not very pronounced, one still dared to enter the lion's den."
60. Malta was ceded to the Knights Hospitaller in 1530 by Charles V after their expulsion from Rhodes, to which they had withdrawn from Outremer. The *witch*-hunt came under the jurisdiction of the independent Inquisition in 1561, headed by a representative of the Roman Inquisition founded in 1542 following the Spanish model.
 61. The culture of the nobility ultimately only documents a new form of rule vis-à-vis the people. After he no longer stood before them with a sword for the most part, the nobility showed its power through a world of pomp and splendour, ceremonies and symbols that was alien to the people. In every area, the difference between the nobility and other classes was to be clearly visible as the ruling class. (Dülmen 1998: 155).
 62. (Burke 1985: 41, 294). Bever (2008: 419) emphasises two main reasons for the decline of *witch*-hunting in Württemberg (in addition to the 'new philosophical' basis): "The first was the steady growth of cosmopolitan French culture and its influence on the elite, with its enlightened disdain for the 'brainless caprices of an ignorant villager... the crackbrained head of la ridiculous shepherd.' [Bergerac 1654]. As French and German presses poured out the early enlightenment denunciations of magic, the fashionable elite adopted their condescending view of witchcraft and magic as nothing but the 'foolish superstitions' of 'stupid and uncouth' peasants." Kounine (2016: 128) refers instead to the established power structure and the Lutheran-pastoral attitude (see Calw 9.3 and Brenz 13.2.2 (1)): "[S]in not sorcery, was the cause of misfortune. Thus, a strong infra-structure combined with the spiritualizing and moralizing view of witchcraft, and the cautious approach adopted by Tübingen jurists, paved the way for Württembergs relatively moderate record".
 63. "While Weyer expressed skepticism against the fixed notions of witches and witchcraft that were prevalent in his time, he did write extensively about demons, demonic natures, and demonic possession. Demons for him were very real, ever present, and very dangerous." (Glaser-Hille 2019: 276).
 64. A 'thinking inhibition', which is impressively also shown in the confrontation between Weyer and the humanist physician Thomas Erastus from Heidelberg, colleague of Witekind (Sect. 13.2.2 (2)), (Gunnøe 2011, Chap. 9). Erastus, a vehement opponent of Presbyterian church discipline—especially excommunication—in favor of state supervision, which makes him appear as a 'forerunner of Locke and Hobbes' (a. a. O.: 409), nevertheless advocates the death penalty for *witches* in his polemical work *De lamiis seu strigibus*

- non inutilia scitu* (1570): “Erastus’s harsh position on witches remains a dual enigma when viewed from the perspective of the rest of his career. Whereas Erastus had adopted a more liberal position in the controversy over church discipline, which had led some of his colleagues to suggest that his ideas would lead to atheism, Erastus supported the conventional wisdom on the question of punishment of witches.” (a. a. O.: 372).
65. Clark (1999: 207). In this sense, Bostridge (1997: 73) means for the English witch discussion—among other things, on the example of Hobbes and Locke: “The intellectual landscape had a place for witchcraft which it was difficult even for those of a sceptical disposition to eradicate. Even thinkers who rejected (often in perplexity) the metaphysical underpinnings of witchcraft theory needed some concept of witchcraft in social and religious theory.” The survival of the intellectual *witch* belief, which Bostridge (1997: 227) can also prove for France, among other things, on the example of Pierre Bayle (1703–1707), a well-known philosopher of the Enlightenment: “From the bosom of legal orthodoxy to the pinnacles of Enlightenment and proto-Enlightenment practice, there was an inability absolutely to deny the continued relevance, however attenuated, of the crime of witchcraft.”
 66. “For a jurist with comprehensive classical education like Rémi [Remy], who spoke Latin, encounters with witches evoked memories of stories he knew from his small-town childhood, stories about creatures that did not fit into the pretty categories of Christian demonology.” (Roper 2007: 152)
 67. This is very nicely shown by Ludwig Stockinger (1983: 32, 39) in his analysis of the popular “low novel” from the Baroque period, *Simplicissimus* by Grimmelshausen (1668), “in which witches, wizards and devils are commonplace.” “In general, however, Grimmelshausen’s text shows that even with a detached attitude towards the reality of the witch hunt, only a partial defusing of the problem was possible within the framework of traditional patterns of thought. This is the limit of all traditional criticism of the witch trials from Weyer to Meyfarth and Spee to even Thomasius, in which the existence of the phenomenon is not called into question in principle and which argue from a natural and historical understanding in which such phenomena are conceivable.”
 68. Wolfgang Weber (1990: 156) in the introduction to his analysis of the importance of melancholy in the 16th and 17th centuries.
 69. [Necromancy]: (conjuring of the dead) “[M]agic that gains its power or knowledge from conjuring spirits, whether angels, demons or ghosts; the necromancer forces these spirits to perform amazing feats of transportation or illusion or to provide knowledge of the secrets of the universe. Sto-

- ries of necromancy and sorcery manuals containing spells and conjurations and persecution of known necromancers were on the rise from the thirteenth century, reaching a peak in the fifteenth century. For the most part, medieval necromancy is the product of a ‘clerical underworld’.” (Jolly 2002: 59).
70. See the collected articles by Kathrin Utz-Tremp (Canton of Fribourg), Niklaus Schatzmann (Leventina, south side of the Alps), Stefan Jäggi (Lucerne) and Dorothee Rippmann (Basel) in the *Swiss Journal of History* (Vol. 52, 2002, No. 2), which convincingly demonstrate the dominance of worldly interests, in line with the introduction by Georg Modestin (2002: 108): “The ‘new’ questions concern the staging of witch trials as a means of demonstrating claims of sovereignty, the function of persecution in conflicts between competing rulers, or in the construction of state sovereignty.”.
 71. For the situation in the Northern Italian Alps, see Vincenzo Lavenia (2015: 157, 159): “[R]esistance of secular magistrates and episcopal courts, the summary justice exercised by feudal lords, and popular violence to which even some local inquisitors had to cede, far from the control of the Apostolic See.” “In the Catholic lands the traditional judicial autonomy of the valleys meant that they had little regard even for ecclesiastic, episcopal, and papal courts.”.
 72. l’dialectical’l here: From the against each other to the collusive synthesis
 73. “[T]he bishops of Lausanne and of Geneva were secular as well as ecclesiastical lords.” (Kieckhefer 2008: 30); namely, in a similar constellation as during the *heretic* period, when the episcopal jurisdiction resisted the Dominican Inquisition, as in the case of Jacques Fournier, Bishop of Pamiers, against the Inquisition of Carcassonne (Bernard Gui) in the late persecution of the village of Montailou, which I discuss in more detail in the first volume of *heretics* (Quensel 2017).
 74. An apparently typical dispute for such bishoprics between a bishop who was also a secular ruler and the—often aristocratic—cathedral chapter, which elected the bishop. Gehm (2012: 19) describes this for Bamberg in the 14th/15th centuries as follows: “In 1439, the cathedral chapter finally managed to stipulate in the election capitulations that it should be able to issue its own mandates in the immunities in future and make the publication of the bishop’s mandates dependent on its consent. From 1565, the cathedral chapter took the oath of office from the judges of the immunities and was thus the sole court of justice there for the lower courts. [...] The beginning of the witch-hunt coincides with the end of the internal power struggles between the bishop and the cathedral chapter.”.

75. On the situation in Portugal: Bethencourt (1990): For the *Eora* court, which was responsible for southern Portugal, it applied throughout the period from 1536 to 1821 that *witchcraft*, sorcery, divination and superstition only appeared in 291 of 11,743 proceedings (2.5%) and only with a single execution (p. 405). Hsia (1998: 58) adds the following: "Between 1540 and 1732, the Inquisition passed judgement on 23,000 people; 1454 of them were handed over to the secular arm and burned (some *in effigie*). The overwhelming majority of the cases investigated by the Holy Office (approx. 40,000) related to the accusation of 'Judaising' [...]. To make the relations clear: While New Catholics or converts or marranos, as they were also called, only made up 5% of the total population of two million in 1542, they accounted for 85% of the Inquisition's victims. A minority of these New Catholics were 'secret Jews'."
76. "For Rome itself, ninety-seven executions by the papal Inquisition are documented between 1542 and 1761, that is, for more than 200 years ... In contrast, the Inquisition let eighteen people be killed in Venice between 1553 and 1593 (four more died during imprisonment), and thirty-two in Sicily between 1542 and 1618. The numbers given for the Inquisition do not only refer to witchcraft, but include all offenses pursued by the ecclesiastical judges." (Decker 1994a: 306). See also below (Sec. 8.7.3).
77. Monter (1983: 71 ff., 76) with relevant statistical material (62 f.).
78. "Through the Reformation, the obligation of the authorities towards the Christian God was increased by the old (already Old Testament) idea of the wrathful and revenge-seeking God being brought to the fore. It was the task of the secular authorities to avert these sanctions of the angry God—such as storms, epidemics, wars or currency devaluation—by investigating and punishing the sinners, so as to appease him ... In this justification with the prevention of danger, the new concept of the 'police state' becomes clear." (Schild 2004: 82).
79. "In addition to succeeding to the jurisdiction of the papal hierarchy over ecclesiastical affairs, the Protestant prince—and in Protestant cities the urban high magistracy—also succeeded to its jurisdiction over the laity in marital and family relations, moral offenses, education, poor relief, and other fields. [...] Heresy, blasphemy, and sex offenses were made crimes under secular law. Secular laws were enacted on vagrancy, begging, respectability, sumptuousness of dress, and the like. The Reformation also introduced secular control of education: public schools and libraries were instituted to replace cathedral schools and universities were placed under princely authority. [...]

- A whole body of ordinances on these matters poured forth from princely and urban legislative bodies in the wake of the Reformation.” (Berman 2003: 64).
80. “[O]ne of Carpzov’s principal sources” (Clark 1990: 53): “In Quaestio 48 Carpzov, in confrontation mit Johann Weyer (1515/16–1588), his main opponent, has completely adopted the collective term of witchcraft, as found in the *Malleus maleficarum* (1486), which he also frequently quoted elsewhere. Together with Jean Bodin (1530–1596) and its literary partisans Peter Binsfeld (1543–1598), Nicolas Remy (gest. 1616) und Martin Del Rio (1551–1608) he vehemently disagrees with Johann Weyer. As Christians who do not shy away from publicly defending magic in their works Carpzov mentions by name except Weyer also Pietro d’Abano (1257-ca. 1315) and Gianfrancesco Ponzinibio (*Tractatus de lamiis* 1511). It is an important concern of the author of the *Practica criminalis*, to prove the reality of Witches’ Flight and Witches’ Sabbath, about the *Malleus maleficarum* reports little” (Lorenz 1992: 309).
 81. At that time, one could still—albeit with great difficulty—break out of this predetermined “field of discussion” as a lawyer. Matteo Duni very nicely illustrates this in his analysis of the early confrontation between Dominican demonology and its legal skeptics (2016): “The three lay jurists [...] articulated [on theological-clerical terrain ‘running wild’, arguing with legal principles] their doubts through an ambitious examination of theological arguments and Scripture passages. With varying levels of sophistication and radicalism, Vignati [late 1450s], Molitor [1489] and Pinzinibio [1511] read the biblical events discussed by witch-hunters in the light of their exceptional, unique status.” “It was the product of a new approach, which emphasized [...] the absurdity of any attempt at using the Bible to explain supposedly physical events.” (a. a. O.: 227).
 82. For example: 2nd book Moses, Exodus 22,18 (see below. Sect. 3.4).
 83. In his also written against Binsfeld treatise *De vera et falsa magia* (On true and false magic) (1592), known for the “winged word, the persecutions offered a *nova alchimia ex humano sanguine aurum et argentum elici*” (a new alchemy from human blood to gold and silver schürfen), Loos claims that “demons not only had no body of their own, but could not take one”; he doubts the assumption also held by Binsfeld that “the demons after their fall had retained their natural gifts”; and he turns in favor of the patristic older ‘Church Fathers’ against the scholasticism: So it is “perhaps worth considering whether in a world view in which, together with scholasticism, the whole late medieval demonology was thrown overboard, ideas about the powerlessness of the devil and the senselessness of witchcraft could arise more easily

- than in the spiritual climate of a traditional Catholicism, which cherished and cultivated the demonological inheritance.”(Van der Eerden 1992, 160).
84. “The young belief in witches found its way into the courts of these cities (Lucerne, Bern, Fribourg) that were freeing themselves from feudal bindings.” (Blauert 1989: 117).
85. For Bremen, Schwarzwälder (1959: 222) states that ‘a more careful and reasonable evaluation of the evidence gradually spread to the rural courts, although it often had to be imposed from above’. For example, the Archbishop of Bremen, Johann Friedrichs emphasized in an edict of 1603 that “a ‘trial by water’ procedure conducted with ‘trial by water’ and frivolous torture is not only contrary to the aforementioned rights and Reichsordnung (the Carolina), but also to nature and human reason, so that a reasonable Christian must be disgusted when he hears about it.” The water test was also banned in northern Holland in 1594 after an opinion by the University of Leiden, in the Spanish Netherlands in 1595 by King Philip II. (de Waardt 1995: 133, 138): In France, the Paris *Parlement* “only applied the same proofs to other crimes for which there was no special statute. All other forms of evidence—denunciations by convicted witches at the foot of the scaffold, confessions made under torture and later retracted, deep-rooted suspicion on the part of the witch’s neighbors, the devil’s mark, failure to sink when subjected to trial by water—were only presumptions of guilt. Conviction upon presumptions could entail severe punishment, but without one of the three proofs there could be no death sentence.” (Soman 1978: 37).
86. |Wasserprobe (trial by water): The witch, secured with a rope, should sink but not die: If she floated, she was rejected by the water as impure or saved by the devil (or sacrificed with joy). But it could also go the other way around, as with the ‘Haller Hexenbad’, which the commander of Sporck ordered in 1643 to find the (fled from the cities) *witches* among his soldiers: “Being of a scientific nature, however, Von Sporck decided to prove the validity of this test by showing that an innocent person would float. Offering a reward of 12 thalers to any unsuspected citizen of Schwäbisch Hall who would undergo the test, the colonel found only one volunteer, a Jew named Löb. After floating three times, he collected his reward. The colonel now felt justified in subjecting soldiers’ and officers’ wives to the same test. Many were found guilty and executed.” (Midelford 1972: 76 ff.).
87. Sauter (2010: 279–280) summarizes the results of her study of the Tübingen [university] legal faculty’s practice as follows: “After careful study of the Tübingen [university] legal faculty’s practice, it can be concluded that in their expert opinions, torture in witch trials did not play a special role.

Even when the Tübingen jurists represented witchcraft as a particularly cruel and bad crime, they usually remained true to the procedure prescribed in the Carolina in their verdicts. [...] On the other hand, this study also unmistakably shows the special role of the witch trial in local courts. This is indicated, on the one hand, by the disproportionately high demand for interim verdicts [in which torture was often rejected], in this case, and on the other hand, by the criticism of the Tübingen jurists of the previous course of proceedings, which predominantly occurs in expert opinions on witch trials. While the scholars certainly adhered to the norms, court practice in Württemberg apparently looked quite different in some respects than the laws prescribed. That there were no mass persecutions and a relatively high survival rate of suspected witches in this duchy may also be seen as a merit of the Tübingen legal faculty.”

88. The *Klagspiegel* (1436) “is the oldest legal book that conveys Roman-law content in German and is also considered the oldest comprehensive compendium of Roman law in German” (de.wikipedia.org/wiki/Klagspiegel).
89. “(March 1588)—a proposal to make all witchcraft convictions subject to automatic appeal. Although, strictly speaking, there was no precedent for such a ruling, it was the logical extension of a policy successfully pursued in the 1550s and 1560s, as the Parlement increasingly arrogated to itself alone the right to use torture (simultaneously reducing the confession rate to under three percent). [...] Simultaneously (1600–1604), three crucial cases of abusive witchcraft prosecutions generated a string of texts establishing unequivocally the principle of obligatory appeal. We must not be misled by the fact that none of these rulings was publicized.”; “[U]ntil, in 1624 the moment was ripe to take the final step. The 1604 ruling was re-enacted almost verbatim and this time sent to the printer. The effect, in combination with an acquittal rate of over seventy percent, was spectacular. Within a few years, prosecutions dried up at the source.” (Soman 1989: 6, 7).
90. “The *parlement* of Paris was a unique court in Europe at this time. Its area of jurisdiction was enormous, comprising at least half of France, with a population of between eight and ten million people. The justices of this high court were a particularly interesting elite group (this is the case for the provincial *Parlements* as well). They were wealthy, highly educated and politically influential. The high magistracy was the center of French intellectual life in this age. The justices owned their offices, which guaranteed them a considerable degree of autonomy in their application of the law. In the sixteenth century, this group was in a process of claiming nobility through their offices,

- and the high magistrature became an important part of the French nobility throughout the old regime.” (Pearl 1999: 14) S. also above(Sect. 1.1. (2), annotation).
91. “1554 the entire royal judiciary consisted of six hundred higher judges, 86 bailiffs and seneschals, ten independent special courts, while at the same time there were twenty to thirty thousand manorial courts and about as many city and rural communities.” (Muchembled 1984: 36 f.).
 92. “There was an enormous social and intellectual gap between the *parlementaires* and local judges in the villages and towns of France. The local judges were village dignitaries, the *coqs de village*. They were well-off peasants who served as mayors and other officials of their local areas. They lacked legal training and were often illiterate. These men, who took turns serving as judges of their neighbours, were often very severe and even abusive to many of those accused of witchcraft.” (Pearl 1999: 15).
 93. The then appropriately criticized: “Subordinate magistrates responsible for these abuses were suspended, summoned, and interrogated; several were sentenced to do public penance. In at least two cases the Parlement specifically recognized that local judges were being coerced by the angry threats of overzealous villagers but held them accountable anyway.”; “And in the worst case of all, over three hundred illegal executions in the Ardennes resulted in the hangman being sent to the galleys for life.” (Soman 1978: 39, 40).
 94. “The high court could ban with a stroke of the pen all further trials by water (January 1588), but it would take years of reiteration and steady application before the prohibition could be fully integrated into the jurisprudential tradition.” (Soman 1989: 6).
 95. S. Malcolm Spector and John Kitsuse: *Constructing Social Problems* (1977). See Groenemeyer (2017), as well as generally on the theory of social problems: H. Peters (2022).
 96. Arrighi here speaks of a first *Genoese cycle*. “The increased inter-state rivalry led in 1381 to the military and commercial defeat of Genoa by Venice. Deprived of her traditional trading routes by the regional hegemon, Genoa was left with an ‘embarrassment of riches’, i.e. surplus capital that could find no profitable investment within the existing (Mediterranean) world-system. This marks the beginning of the first (Genoese) systemic cycle of accumulation of capital (Arrighi 1994: 88–91).” (<https://empirewithoutemperor.wordpress.com/world-system-theory/>).
 97. Which understandably interests a desk-bound book-writer.

98. See Berman's detailed analysis for more: "The papal revolution brought into being, for the first time, a separate autonomous ecclesiastical state and a separate autonomous body of ecclesiastical law, the canon law of the church. By the same action it brought into being, for the first time, political entities without ecclesiastical functions and nonecclesiastical legal orders." (1983: 273).

Part I

The Clerical Witch Model: How the Witch Crime was Invented

In this first main part I examine how—on the clerically administered mental magical thinking background of the time (Chap. 2)—gradually crystallised a *Witch* construct that could unfold ‘evolutionarily’, i.e. only apparently ‘autopoietically-logically’, into a, 200-year-long *Witch* dispositive. Its constitutive moments—female *witch*, *maleficia*, *witches flight*, *devil’s pact*, *heresy*, *apostasy*, *Sabbath* and *personalised Satan*—were developed, in each case in their own time, by individual actors with recourse to the elite and popular knowledge available in each case and implemented and advanced both theoretically and practically.

In its origins medieval (3rd chapter), one followed in the 14th century first, still feudal-worldly, early individualistic images of wizards (4th chapter), in order to then emphasize in the early 15th century the “conspiracy” aspect in the context of an expiring Waldensian persecution “inquisitorially” (Sect. 4.5). The actual combined *witch* schema was developed and propagated clerically-demonologically since the 15th century. (Chaps. 5 and 6). A “multi-stable” schema, which however only found its final, worldly inquisitorial practical completion in the late 16th century, to which I will then turn in the second main part.



The Magical Space as a Mental Frame: The Clerical Playing Field

2

Abstract

Analyzes the clerical ‘playfield’ formed and clerically decided in each case, the entire thinking and acting centrally determined religious-magical mentality including the witch problem embedded in it. A way of thinking that seems ‘irrational’ to us at first glance, although, rationalizing in itself, it can both sensibly arrange its cosmos and provide the magical roots of a future natural science. In particular, the interests of the clergy and the role of ‘female mysticism’ will be examined.

“[W]hile the one essential factor that united people from the mid-14th to the mid-16th century was precisely religion,” where “Christianity possessed a tremendous specific weight for every kind of ‘society’ and life in Europe. In other words: Economic, political, artistic, and philosophical activity took place within the levees of religion.” (Romano/Tenenti 1998: 83 ff.).

It gives us, who make the fearsome night into day and who skype with our friends at the other end of the world via video phone, special problems to imagine ourselves into a mental-religious world, which—managed by clerical experts—still had these functions carried out by good and evil spirits, by God, Satan and his witches. That is why I go into the development of this magical-religious world of ideas in this chapter, from which the then *witch*-‘politics’ can be understood. A world of ideas, within which the *witch* took on a dogmatic key role, where at first it was a matter of professionally distinguishing between good and evil clerically.

I am thus speaking to the ‘Spielfeld’ (matchfield) of one of the two actors who were decisively responsible for the development of the early modern

witch-problem: the **theologians or clerics**, who were able to develop and implement their demonology on this ‘their’ mental-religious background. While their legal partners only gradually gained in importance during this development, which is why they should be given a voice in Chap. 8:

“It was in the demonological literature more than in the courts that the mythology of the Sabbath eventually consolidated, to some extent in the fifteenth century, more fully in the sixteenth.” “In their effort to find as many examples as possible of how demons could delude people and manipulate physical bodies, these writers helped to obscure distinct cultures and reduce multiple phenomena to a single phenomenon.” (Kieckhefer 2006: 98).

The *witch* problem can only be understood from this hegemonic dominant **mentality** of the time, that is, from a very specific world view, which determined the whole way of thinking, perceiving, wanting and thus also acting in such a way that one could hardly ‘think’ in any other way outside of it.¹ This mental framework was based at that time in a **magical** understanding of the world², which understood this world as a cosmos pervaded by magical forces, encompassing heaven and earth.³ In a mentality that appears ‘pre-scientific’ to us, which in turn was deeply anchored in an all-encompassing Christian religious matrix in early modern Europe.

A mentality that was still oriented in the same magical-religious way as at the time of the *heretics*, but now the focus had shifted from the divine-transcendental to a more this-worldly view. In the time of the *witches*, concern was primarily for their tangible, magically produced *maleficia*, which also threatened the community that made commercial deals with Satan, while a newly emerging millenarian fear was left to the ‘demonologically infected elite’ or competing sects. While the whole world was seen as a satanic product by Augustine(†430) up to the *Cathars* at that time, now ‘learned’ magicians are trying to actively intervene in events as alchemists—in the sense of a *magia naturalis*⁵—thus creating the basis for an early ‘nature’ science: “The sharp line between science and magic as construed in modern terms distorts the fact that much of science evolved from magical experimentation” (Jolly 2002: 34). However, still religiously and magically biased,⁶ while today we want to actively change our climate and even genetically re-invent humans within the framework of a Cartesian mechanistic-mathematical mentality that is economically calculating and technocratic.

A difference of mentality that overall relativizes the understanding of the world and the environment, which makes it so difficult for us to put ourselves into that of the *witch*-time, which is why we like to understand it as ‘**irrational**’,

although it does—just like ours, thus equifunctional—follows its own, internal-rational logic.

Before I begin the actual ‘story’ of the *witchcraft* in the next chapter, I want to first go into the **mental background** of this *witch*-problem in the following sections, in order to nevertheless come closer to such an understanding. (Sect. 2.1) Whereby I first emphasize the power of its logic against the obvious verdict of the ‘irrationality’ of this way of thinking and then show how this view follows a—reality-constituting—linguistic logic that orders the entire cosmos, ‘dialectical’ through mutually opposed categories (Sect. 2.2). As a three-dimensional space pervaded by magical forces (Sect. 2.3), whose religious axis—from God to the devil, from the saint to the *witch*—intersects with the axis of the worldly—from the learned magic to the white or black magic dominating everyday life—to take on highly ambivalent values on a third axis. A mental matrix that ‘scientifically’ uses the *witch*-discussion as a ‘model’ of a newly emerging natural science (Sect. 2.4), which ‘theologically’ needs the *witch* as a ‘reality-proof’ in the face of increasing—‘humanistic’—skepticism (Sect. 2.5), and whose magical-religious equifunctionality *-witch* or *saint*—‘politologically’ needs and preserves the broad chance of clerical decision-making power (Sect. 2.6); which I summarize once again in the concluding conclusion (Sect. 2.7).

2.1 A Magical World View

“In the present, magic only represents a relatively small area of culture. Old Europe, on the other hand, was a magical world. Magic pervaded all areas of life: birth and childhood, work, sexuality, illness and death. People believed in magic and practiced it. For many, magic was an unspectacular part of everyday life.” (Dillinger 2013: 44).

(1) The religious-magical thinking that still dominated in the *witch*-times followed two central components: On the one hand, this ‘world’ is considered as a **closed cosmos**, which encompasses the here and the hereafter, and in which “Everything is connected with Everyone”, in a world of ‘sympathetic’ correspondences,⁷ in which processes in the microcosm can trigger macrocosmic equivalents—which is why, for example, stirring in the cauldron can lead to storms (analogy spells);⁸ in which words and verbal formulas produce reality directly (blessing, curse and word spell),⁹ because—and as long as—words determine what they designate; and in which like is connected with like (red and blood;¹⁰ analogy spell or modernized: homeopathy).

On the other hand, this cosmos is pervaded by **extra-human ‘forces’** and spirits (*spirits*) forces, which cause changes. Not only as an explanatory principle instead of the lack of knowledge of scientific causality, but as an actual effective force, which one—on the scholarly as well as on the popular level—wants to use ‘magically’ in a similar way as one today applies natural laws practically:

“The early modern cosmos was a living thing that worked by means of moralized correspondences and which provided magic of all sorts with a logically consistent role. The cosmos was also filled with invisible, powerful beings, some of whom, the demons, lived close to humans and received far more attention in art and literature than the angels.” (Waite 2003:50).

In this ‘magical’ thinking there was **no chance**,¹¹ no goddess Fortuna in the sense of Antiquity. In its **dogmatic-theological** version, everything followed from the omnipotence of God—or, viewed ‘manichaeic’, ‘manichaeic’, at the same time also from the ‘allowed by God’ action of Satan or his helpers, the *witches*. This also applied, and in particular, to the time after the Reformation:

“All post-Reformation theologians taught that nothing could happen in this world without God’s permission. If there was a common theme which ran through their writings it was the denial of the very possibility of chance or accident. ‘That which we call fortune’, wrote the Elizabethan bishop, Thomas Cooper (1580), ‘is nothing but the hand of God, working by causes and for causes what we know not. Chance or fortune are gods devised by man and made by our ignorance of the true, almighty and everlasting God.’” (Thomas 1971: 79).¹²

A way of thinking that found its (logically problematic) completion in Calvinist doctrine of **predestination**, that is the ‘predestined choice of individual souls for eternal grace or eternal damnation’¹³, and which, until the 19th century, could hardly ‘think’ of a non-moral connection between cause and effect: Luck as well as misfortune were not only in God’s hands, but followed one’s own God-fearing or sinful behavior, or at best offered a sign of one’s own election:

“Witch belief, like the parallel belief in divine Providence, were a manifestation of the primitive assumption that a likely cause of material misfortune is to be found in some breach of moral behaviour—that the natural order and the moral order are related to each other.” (Thomas 1970: 66 f.).

A causal-moral way of thinking that, on the **everyday-practical** level of action, opened up the possibility of actively taking action against the—always present somewhere, fixed in the *witch* myth—‘perpetrator’:

“If there are bad things happening in the community—a cow is underproducing, for example—then such things are being caused by someone (a witch), and having identified that person, the community has been informed by tradition about the means by which to fix its troubles.” This “gives individual actors the power to control, or at least the sense that they can control, their lives; the chain of causation allows them to do something about their situations, not merely be victims of them.” (St. Mitchell 2011: 143 f.).

(2) A ‘magical’ way of thinking that we would today like to characterize as **‘irrational’** and devalue, both from a religious and from a scientific perspective,¹⁴ instead of understanding it from the then current ‘mental’ world view as ‘rational’ and ‘instrumental’ as our ‘rational, goal-oriented’ action is today:

“The rationality of this belief consisted in its high degree of systematization, flexibility and integrative power” (Schwerhoff 1986: 80), especially since, as Midelfort (2013, V: 20) emphasizes with reference to Schwerhoff, it was embedded in a common ‘thinking’ horizon: “Witchcraft seemed rational and sensible three or four hundred years ago because it was part of a learned and rational world-view, one based on a theologically, medically, and legally consistent set of assumptions and premises.”¹⁵

We are still too much in an **ethnocentric perspective** from which both historians and ethnologists can be tempted, by following an “evolutionary model of progress in rationality from magic through religion to science” for a long time, which could only be “post-modern deconstructed” (Jolly 2002: 9). A problem that was recognized relatively early in ethnology as a “colonialist” bias, which is why Mary Douglas (1970a: XIV) should rightly praise the early work of **Evans Pritchard** on the witchcraft belief system of the Azande as “a book about the sociology of knowledge” in the sense of Thomas Kuhn, which could show the respective ‘social conditions’ of our perception and our thinking by means of their example.

For example, already **James Frazer**, the father of ethnology—“for whom the first chair in social anthropology was set up in Cambridge in 1921” (Neugebauer-Wölk 2007: 5)—defined in his multi-volume work *The Golden Bough* (*The Golden Bough*)¹⁶ around the turn of the century—of course still under an evolutionary perspective—‘magic’ as a rationally acting ‘younger sister’ of science, while—only apparently paradoxical—he regards religion as ‘irrational’ based on a supreme being:

“According to Frazer [...] their magic is an art of a theory of the universe according to which given kinds of causes or actions will produce desirable kinds of effects. Frazer’s theory that magic is a cosmology or world-view explains two things [...]

it is a complete theory of the universe. Second, it explains how magic can be made more palatable to a Westerner: regarded as a cosmology, magic becomes logically somewhat similar to the world-view of science.”

“But magic qua cosmology, as pictured by Frazer, is strikingly different from any religion which pictures the universe as centred on a supreme (and possibly capricious) being; and so, strangely, on Frazer’s view belief in magic is nearer to belief in science than to belief in religion and it is less irrational than the latter.” (Jarvie/Agassi 1967: 56 f.).¹⁷

This ‘rationality’ becomes more understandable if one differentiates, with Jarvie/Agassi (1967: 55 f.), between a *weak rationality*, which is suitable for a goal-oriented action—“all agree that people call the witch-doctor because they believe in the efficacy of his magic”—and a *strong rationality* “based on beliefs held to be rational by some standard”, whether “the standard of rationality evoked is that of one’s own community” (relatively strong rationality) or as “very strong rationality, which pertains to the highest standards of rationality known anywhere.” (Agassi/Jarvie 1973: 242 f.); a *very strong rationality*, which, however, as Thomas Kuhn (2007) showed in the context of his concept of paradigm change, is subject to considerable temporal change.¹⁸

What is decisive is the respective ‘**closeness of this world view**’, which I understand as a basic, typical ‘mentality’, historically expressed to varying degrees, from which one can occasionally take a step back as a ‘critical thinker’—at the risk of not being understood. A closeness that has lasted for centuries, which—in addition to the tortured external confirmation—also results from the fact that one could (and had to!) ‘logically’ argue within its framework since the early scholastic *sic et non* of Abaelard (1122), based on the truth of the Bible and now deducing the world and its phenomena—that is, not inductively from these phenomena:

“Once their intellectual aims are placed in context in this way, it becomes clear that medieval intellectuals were not only rational; they were hyperrational—to them, logic was more than just a means of constructing an argument; it was the single most important tool for the investigation of the natural world and the discovery of what they construed to be new knowledge.” (Raiswell 2007: 133).

Whereby the **system-internal contradictions** drove the discourse and thus the ‘rationalization of these religious world views’ forward.¹⁹ Be it the theodicy loaded with dualism—according to which God is also responsible for the evils of this world²⁰—or the ‘supernatural’ abilities of the devil, which, superhuman, are more like those of an angel, but not like those of God (see below, Sect. 2.3(1)),

or the question of predestination, by which one can recognize those chosen by GOD, or be it the confessionally so important relationship of ‘inner’ faith and ‘outer’ ritual, especially in the design of the Lord’s Supper (Bailey 2013: 178, 234),²¹ or the comparable role of magical procedures: self-effectively effective (*ex opere operato*) or just a sign system, in which one can talk to the demons and worship them. Or, now more directly related to the *witch*-hunt, the combination of religious dogma with the empirical requirements: Is the devil a spiritual being or does he become physically effective, how can his *mira* be explained by natural laws, and why can the *witch* not harm the judicial staff?

Especially such theory-laden statements can be “internally”—that is, within the given framework of thought—not “falsified”²², just as the result of magical practices, since any absent success can be explained by the influence of evil spirits, etc., while its occurrence confirms the effect of magic. Which is why—by the way not only—religious truths can “not be proven, but must be believed.”

2.2 In a Linguistically Understood World

“Above all, magic rested on the perceived power of words.” (Clark 2002: 109).

This way of understanding the world, which was common at the time—as it still is or again is in the so-called humanities—followed a **linguistic logic**, in which the world is “linguistically” produced by language, whereby it obeys the dualistic principle of mutually dependent opposites. Some believed, in a neo-platonic way, in the direct effect of words, while others, trained in Aristotle, relied on the fact that such words only animated the “demon”—namely both the devil and God in the miracle of the Eucharist:

“Those who believed in this power did not necessarily have to think that there was a causal connection between words and their referents; they may simply have been exploiting the expressive capacities of language in a technological context heightened by ritual. [...] Nonetheless, the assumption that words, simply by virtue of being uttered, had a mechanical power at least to assist in the causation or prevention of events seems to have been an intrinsic element of many of the procedures.” (Clark 2002: 108 ff.)

(1) “In the beginning was the Word, and the Word was with God, and the Word was God.” (John 1:1). ‘And God said: Let there be light!’ And there was light.” (Moses 1:3). The Bible, the Word of God, was the truth. “*Universalia sunt realia*”, because they are “God’s thoughts”: The early modern period, like the

late Middle Ages, was “ideological”, that is, mental, on the level of its intellectual elite, caught up in a **word and language magic** whose radiance we find today, perhaps better reflected, in many ways in modern constructivism, in the *linguistic turn*²³. This applied not only to the “performative” reality-creating effect of liturgy, blessing and exorcism, or for curses and spells.²⁴ At that time, neoplatonism was initially based on a *vis verborum* (power of the words), since language and named world correspond to each other:

“This kind of verbal force rests on a theory of language according to which there is a real, not conventional connection between words and what they denote; moreover the word is not merely like a quality of the thing it designates, such as its colour or weight; it is, or exactly represents, its essence or substance. A formula of words, therefore, may not only be an adequate substitute for the things denoted, but may even be more powerful.”²⁵

And then to assume much more fundamentally that the “things” only become ‘**real**’ when we—in “cultural” very different ways—name them:

“[D]emons become social actors through the telling and receiving of these magical narratives, and the relationships people form with these social actors plays an important role in shaping their perceptions of reality—and by extension, understandings of self and other.”²⁶

To that extent, “there was” the “world of *witches*”; which is why we try to understand it not as “delusion”, but from the “rationality” of its time—as relevant to action.

(2) Whereby **this world** obeys the same logic as that which, as taught by Aristotle, language itself is subject to.²⁷ A central topos of this logic is the **polar opposition** and, with it, the potential and danger of inversion, that is, the reversal or flipping of opposites into their respective opposites. For, just as a certain concept can be defined by reference to its opposite, so too can ‘reality’ only be fully understood from its opposites.²⁸ A universally valid **dual**²⁹ thinking schema, which held central importance within a ‘divine order’: “In the primary opposition good/evil, evil is needed as much as good. As the complement of good it completes the order of things; indeed, it makes that order perfect.”³⁰ With which, at the same time, the existence of the personified evil, the ‘evil’ *witch* or Satan, is also justified as the necessary opposite to the existence of good or God. Which can then also explain the problem of *theodicy*, why God must allow evil:

“Demonic witchcraft made sense, then, in a world of meanings structured by opposition and inversion; these were the general conditions for ‚knowing‘ witches.” (Clark 1999: 41, 80).

Where one—in the context of this ‘binary’ thinking³¹—also constructed their respective characteristics polar, that is, each on the same dimension valuing opposite, which was then learned by the participants in each case, expressed and thus also without torture confessed: The ‘**inverse**’³² ‘counterworld’ of the **Sabbath** is an example of this, in which the cross was struck with the left hand or from bottom to top, Satan was worshiped, witches danced backwards and the sexual rules were ‘perverted’. Just as the—worked out in more detail by Dinzelbacher (2001)—mutually dependent, **polar constructions**: For example, the visions of God and the Devil, the enthusiastic rapture and the demonic obsession,³³ divine covenant and devil’s pact,³⁴ Christ’s love and devil’s concubinage, divine stigmata and *witch’s marks*; prophecy, contacts with the dead, healing and harm spells as well as above all the power of magical words in blessing and curse, and magical things from the blessing-giving relics cult³⁵ over host³⁶ and holy water—in use as in abuse—to the ‘malefic’ pierced wax doll as a murder weapon.

A ‘**polarized**’ **opposition**, which not only applied to the Sabbath as a ‘perverted’ form of the Catholic Mass, but in just this way also to Satan as the opponent of God or to the ‘female’ *witch* as the ‘logical-real’ counterpart to both the ‘chaste housewife’ and the patriarchal man. With two decisive valuing differences: The respective opposite was **hierarchically-negatively** so occupied that one side—God, Mass, Man—was rated positive, the other side, however, polar, that is, along one and the same dimension, as negative. While one side could **impose** this evaluation apparatuses and hegemonially as generally valid, the other side remained reserved for the—mostly helpless—protest or the correspondingly polar predetermined and therefore correspondingly feared reversal-revolution:

“[S]hifting the focus from ‘subaltern agency’ to ‘structural power’—the social and political role of organized religion is also crucial. By virtue of being rich and established, the Catholic Church wields substantial ‘cultural’ power, which is reinforced by elaborate and costly ritual.” (Knight 2008: 244).

A polar difference, which, by this connection of the two sides, set in motion, both the danger of *inversion* in itself, in such a way that now this ‘negative’ side could assert itself on this very same, merely polarly separated plane: As the realm of the devil, as the dominion of *witches* or as the man ‘subjugated’ by women. Which also, both content-magically and, although each time devaluing, slid into each

other, blurring the **boundaries** between the holy and the unholy: Between necromantic devil summoning and exorcism,³⁷ as well as between the effects of the sacraments or sacramentals and those of the hexerical spells: “For some authors, witchcraft energy was not simply identical in type to sacramental energy; it was the *very same* energy, but with its ‘polarities’ reversed”:³⁸

In this sense—“the opposition is polar”—for example, marriage (*matrimonium*) was considered a sacrament that protects against the intervention of the devil—for example in the case of bewitched impotence or infertility. Thus Bonaventura taught: “a divine *beneficium* is stronger than a diabolical *maleficium*; therefore matrimony will sooner dissolve a *maleficium* than a *maleficium* will block matrimony.” However, this does not always work, which is why Thomas Aquinas added: “the Devil himself, as well as matrimony, is the work of God. And among the works of God some are stronger than others. One of them may be impeded by others which is stronger. Whence, *since* the Devil is stronger than matrimony, nothing prevents that through his agency matrimony may be impeded.” (Stephens 2003: 319).

But we should not forget that we are still moving in the—**intellectually** also still so seductive for us—‘clerical playing field’. In a playing field in which we today, in the attempt to explain the *witch* phenomenon, again and again tend to one-sidedly dissolve the Hegelian ‘master-slave’ dialectic: For example, in the interplay between elite and popular culture in the *witch* construction (Sect. 1.2), or between rulers and willing population in the *witch* persecution, which together create the so necessary legitimacy of rule (Sect. 14.3.3).

So we remain to this extent initially on the level of ‘knowledge’ (and not of ‘power’),³⁹ of the elite construction, on which the ‘logic’ provides a ‘logical’ explanation—polarity and inversion. A level that propagates and legitimizes the ‘practically political’ implemented, actual **othering**, the exclusion of the ‘Other’—*witch* and black magic—but leaves its realization to third parties:

“Certainly, it would be foolish to argue that inversion did not exist in the conceptualization of the crime of witchcraft in the early modern era, but it must be conceded that it provides only a starting point from which to understand the more intricate relationships between witches and the social, religious, and political arrangements of their day. [...] What may have begun as inversion on the part of the demonologists within the greater Christian in-group morphed into a more variegated othering as in-groups—from Waldensians and Cathars to witches, charmers, and magicians—transformed into new out-groups.” (Dohoney 2010: 30).

A knowledge that is also justified as such ‘power’, legitimized and co-constituted: “Knowledge is power”; in particular also the ‘false’ knowledge, the *fake news* and the conspiracy myths—then as today, as I will go into below (Sect. 11.3).

2.3 As a Three-Dimensional Space: Divine, Magical, Ambivalent

“Popes, cardinals and most inquisitors neither feared nor hated women. But they felt threatened and challenged by necromancers. These were mostly men, including surprisingly many clerics. If such gentlemen had decided to remove the pope from office with the help of diabolical work and were caught, then at least the main perpetrators found no mercy, in the 14th century under John XXII. As little as in 1635, during the time of Urban VIII.” (Decker 2013: 158).

Thus, this cosmos is considered to be a power-flowing **three-dimensional space**, whose first ‘religious’ axis describes the ‘magical’ workings of God through the saints to the satanic hierarchy; while a second ‘secular’ axis extends from ‘learned’ magic to folk magic. The third axis endows each of the—located below and above—power centers with the ambivalence of good and bad—that is, evil or bad—effects.

(1) On the first **religious-magical axis** on the one hand is the almighty triune God and the angels-hierarchy, Mary and the saints, on the other hand the ‘fallen’ angels, Lucifer and the host of his demons and devils:⁴⁰

Thomas Aquinas argued: “that the first angel to fall sinned almost immediately after being created, and probably was the highest of all; that this angel persuaded others to follow; but that more angels remained loyal than rebelled.”; “Fallen angels were restricted in their abilities and powers as their unfallen counterparts were, but still had considerable freedom to act. They retained all their natural gifts and powers, and many gifts of grace, including their knowledge of the truth. They retained a hierarchy among them. They had the same power to affect the imagination and the senses as good angels.” (Cameron 2011: 96 f).⁴¹

Their ‘**magical**’ effect, on the ‘positive’ side of this axis, ranges from pantheistic⁴² ideas about ‘creationist’ ideas⁴³ and the importance of ‘miracles’ and interceding saints to the counter-spell of crosses, holy water and official sacramentals,⁴⁴ which are constituted by mass rituals and prayers, so that, for example, the Lord’s Prayer was allowed as a spell when collecting herbs.⁴⁵

A “religious managed” magic, which in this time by the emerging **Protestantism** just as such was rejected,⁴⁶ and which in the context of the Tridentine Counter-Reformation—especially in the recognition of miracles or the “too widespread” practice of exorcistic demon expulsion—especially under the influence and to the benefit of the Jesuits⁴⁷ should be considerably reduced:

“As such, they continued to transmit warnings against the demonic involvement in superstitious rituals and beliefs. However, they also sensed the need to answer, to resist, and to rebut Protestant criticisms. They defended vigorously the Catholic preservatives against misfortune, especially the consecrated objects known as ‘sacramentals’, and strove to demonstrate their usefulness. Moreover, Catholic apologists wished to defend the unique status of their Church not only on dogmatic or positivist grounds, but also on the grounds of its proven effectiveness. Reformed Catholicism claimed to prove the ‘correctness’ of its theology by abundant signs of divine favour shown in miraculous and charismatic achievements—especially miracles of exorcism.” (Cameron 2011: 144).

An attempt to break away from the “medieval” magical entanglement, which, however, should turn into the opposite as long as one—now also on an “elitist purified” level—still belonged to the same magical language that could and had to anchor saints and *witches* in the same space.

In this sense, above all, the **Catholic Church** continued to practice this “church” everyday magic to a far from small extent. This ranged from the great processions, such as the *Blood Ride* of the Swabian monastery Weingarten, on which one carried the *Heilig-Blut-Relic* with oneself,⁴⁸ over the cult of the *Agnus Dei*-amulets worn around the neck⁴⁹ to the Catholic village pastors, who were often required to practice “magical” practices, and who were quite familiar with such a practice:

“[T]he parish priest who administered to his flock’s material needs like an unofficial healer, diviner, or conjuror was by no means an uncommon figure.” (Clark 1999: 458).⁵⁰

The negative interpretation of the **satanic counter-world** fluctuated, as we will see, from the concealed or openly “manichaeic” satanic power to its use in the conjuring of the devil or in the exorcistic dialogue, to the idea that the devil needed the *witch* to realize his *maleficia* or “in order to shame God even more.” A magical counter-world in which, during the Sabbath, the devil is worshipped as ruler and, instead of the Catholic procession for the harvest, the harvest-destroying storm is to be produced. A continuous axis, on which one can of course only

“ask for help from above,” while “below”—with the help of God—one wants to force the demons. (Russell/Alexander 2007: 35).

A seemingly clear, from good to evil leading first axis, as it is mainly represented in the ‘Last Judgment’ on the right the paradise and on the left the hell,⁵¹ but in its **ambivalence, the third axis**, the omnipotence of God, the scourges of mankind—war, epidemics, famine—and above all the consent with the activities of the devil must be attributed (the problem of *theodicy*), and the “incapable” saints are blamed for their failure, unless they are themselves considered “the author of the disease.” (Huizinga 1975: 241).⁵²

On the other hand, one also needs the devil both as an assistant of God in the temptation of the righteous (Job) and in the punishment of the sinners, as well as in the great and small magic or exorcism in the search for the guilty *witch*—to say nothing of the “positive functions” of the *witch* or the *witch*-hunt, which will be discussed later.

An ‘ambivalently occupied’ proximity between the divine and the satanic, which not only leads to the figure of the ‘fallen angel’ (see Sect. 2.6 (2)),

but which also shaped the children’s stories of the Swedish Blåkulla-Sabbath (see Sect. 10.2.2), insofar as the children found refuge in the adjacent room of the angels, “They were dressed in ‘linen clothes, short jackets and tight short trousers’ [...] but they also had ‘claws on their feet, hairy knees, on their hands too there are claws [...] The authorities [...] found it hard to accept the angels.” (Sörlin 2008: 112, 115).

(2) On the **second magical-worldly axis** of the great and small magic, both of which were rejected and persecuted by the churches as ‘heretical apostasy’, we find **‘up’ the learned magic**—which I will discuss in more detail below (Sect. 4.2)—ranging from astrology, that is, the doctrine of the influence of the stars on the alchemy—for example in the search for the ‘philosopher’s stone’, with which, among other things, the chemical elements can be transformed into others, in particular gold—to the medicine of the time, for which Bombastus Paracelsus (†1541) as a doctor, astrologer and alchemist, as a ‘great magician’, offers an example:⁵³

Just as we are brought up today in a more mechanistic way of thinking, of electro-magnetic fields and dark energy, of quarks and Higgs particles, of Wimps and strings,⁵⁴ at that time forces of black and white magic, satanic temptation and divine intervention, magical rituals and relic cult, algebra,⁵⁵ alchemy and astrology⁵⁶ were each considered ‘modern’ science.

A ‘learned magic’, a *necromancy*,⁵⁷ which is said to have been paid homage to by “no less than 18 popes”,⁵⁸ and which can reach into the other side of the cosmos with magical formulas and circles; which provides predictions, creates horoscopes, explores dream worlds, and guarantees wealth; and which, in dangerous contact with this ‘other world’, can guarantee healing as well as bring misfortune to the enemy.⁵⁹ In this sense, Marsilio Ficino (†1499) called magic “the combination of ‘vapors, numbers, figures, and qualities’: nothing other than a technology based on natural science and geometry” (Roeck 2017: 816), while the humanist (and teacher of Johann Weyer) Cornelius Agrippa von Nettesheim (†1535), who worked as a doctor, was an alchemist, and created horoscopes:⁶⁰

between the ‘magic’—“a sublimis, sacraque disciplina, honored by the greatest thinkers of antiquity, unjustly condemned by the early Fathers of the Church”—on the one hand and the “corrupt and uncomprehending practices of necromancers and witches” on the other hand, which would rightly be condemned because of their *maleficia*. (Peters 1978: XI ff.).⁶¹

A magical axis that seamlessly transitions into the vast field of **white and black-everyday magicians**⁶²—to whom one gladly attributes special innate powers—in love and fertility spells, in impotence and infertility magic, in finding treasures and lost objects, and above all in divination and fortune-telling, as well as in damage spells, in healing and hexing of cows; spells and counter-spells, *witch* and *witchdoctor* (*witch-sniffer*, fortune-teller), who can recognize and identify the *witch* as such; supported by popular book knowledge, the so-called *grimoires*.⁶³ A quite ‘balanced’ ambivalence that is often even attributed to the same person who heals, hexes and can dissolve the hex, or who is considered a *witch* in her own village, but is sought after as a *witchdoctor* in the next village.⁶⁴ A magical axis that finally—also in the historical course of persecution—leads into a folkloristically lived everyday life, the defense and accompanying spells of which were fiercely, but by no means always successfully, fought by the churches as competing ‘superstition’.⁶⁵

A nevertheless “broken” magical axis, as Michael Bailey (2001: 966) emphasizes: While the upper end of “learned magic” requires a knowledge of books—“Thus only the clerical elite, with the prerequisite ritual training and latin literacy, could perform such magic. Indeed only educated clerics could conceive such magic”⁶⁶—it was at the other end first the *cunningmen*, the healers and *witchfinders*,⁶⁷ and finally then the “old women”, who could only, but all the more effectively, become active with the help of Satan, if they had promised him their soul in the “pact”:

“How could simple people gain such complete and easy mastery over demons when learned necromancers and even clerical exorcists had to engage in long and complex rites and still often failed to compel demons to obey their commands? The answer, of course, was that these people had entered into pacts with the devil to gain their power. Worse, they had surrendered their very souls to Satan, had become members of a cult or sect under his direction, and were thus completely his servants. In short, they had become witches.” (Bailey 2003; 38).⁶⁸

(3) In this respect, one could thus, analogously to Raiswell/Dendle’s (2012a) coordinate system of devil models,⁶⁹ design a corresponding **magical quadrant system**, whose first quadrant between God and “learned magic” comprises the saints, the church elites and, closer to the intersection of the two axes, the priests, while in the second quadrant—between this “learned magic” and Satan (at the bottom of the Y-coordinate)—the necromancers à la Faust as well as, again closer to the intersection, the “black” magicians live, with both the exorcists and, further out, the “natural scientists” populating the intersection between these two quadrants. The third quadrant—between Satan and the “*cunning* men”—is then occupied by the *witches*—in all their ambivalence as *witch*, *witch*-finder, healer or possessed—as well as, closer to the intersection, the wide field of the *clerical underworld*,⁷⁰ while in the fourth quadrant at the intersection the “white magic”, and, closer to God, the worlds of the beguines, the nuns, the monks and the mendicant orders would be settled, and so on...

(4) The *witch* stands at the lowest crossing point (crossroads?) of the first religious and the second secular dimension in this three-dimensional space, that is, in the just-mentioned third “magical quadrant”: As a “sorceress,” she is close to “instrumental,” learned white and especially black magic; as a “*witch*,” she follows—ethnologically—inner, inherited forces, or—clerically—as a voluntary, and therefore culpable, accomplice and seduced by satanic power, which she can never sufficiently control, inherited or acquired through pact. She is thereby—much more clearly than the “learned magician”—a *heretic*, a member of an even more dangerous *nova secta*,” which, heretically and damage-causing in both dimensions, church-religiously and secularly, endangers the—still primarily religiously defined—community.⁷¹ Her actions can be evaluated positively—for example, in the role of the *witchdoctor* or healer—but mostly negatively;⁷² as a *witch*, she was guilty, but as a possessed person she was “victim” (see below, Sect. 10.1). This evaluation of person and action takes place “practically” in different ways, both by a magically thinking audience in her neighborhood and by a correspondingly magical and theologically deformed action of her official persecutors; a mostly negative devaluation, from which we—in retrospect—can hardly escape.

In short, a **magical world-understanding**, a mentality that extends from the ecclesiastical to the Cathar view, from the priest to the *heretic*, from the court astrologer to the magician-doctor to the fortune teller and sorcerer; and in which the *witch* is a ‘recognized’—but rather ‘lower left’—member of a whole magical society; which thus, embedded in this world-view, keeps it alive as long as it determines thinking:

“In the world that has become alien to us, there were people in the Early Modern period who believed that they could fly, that they were in contact with angels, devils, good spirits, God, Mary, the saints, wandering souls, and those who had returned from the afterlife. Some of them were canonized—for example, Teresa of Avila—others were burned as witches.” (Behringer 1988: 19).

2.4 The Dilemma of an Early “Natural Science”

“Was it Giordano Bruno, who expelled humanity ‘from the Closed World to the Infinite Universe’? Was it René Descartes, whose bifurcation of mind and matter relegated the physical world to mere extension (Lt. *res extensa*)? Was it Isaac Newton whose mathematical physics centrally contributed to the mechanization of the world picture? Was it Francis Bacon whose construction of the scientific method equated knowledge with the domination of the natural world. According to some accounts, they are all equally culpable for dethroning humanity from the center of the cosmos, conquering nature, despiritualizing matter, or eliminating magic.” (Josephson-Storm 2017: 41).

In this common magical space, on the one hand, first approaches to a **“natural science”** developed in the 17th century, which remained indebted to its ‘magical’ heritage in two ways: ‘theologically’ to the idea of ‘divine laws of nature’;⁷³ ‘magically’ to the model of ‘learned magic’. An inheritance that could quickly slide into the adjacent, *hexerischen* realms via the ‘white magic’:

“The leading thinkers in the magical tradition, at any rate, should be seen as thinkers who were trying to find solutions to problems which the Aristotelian and Galenic traditions could not resolve, and who turned to the occult, not because they were befuddled fools with an occult mentality, but quite simply because occult traditions seemed to offer the most likely source of help.” (Henry 2008: 34).⁷⁴

A **‘proto-scientific’** space in which the *witch* has also found her recognized magical position:

"Notions of magic, mysterious influences, demons, and the devil did not only comport well with tradition, they had their own inner, rational coherence and helped early modern scholars understand such diverse fields of study as medicine, politics, law, psychology, natural philosophy and theology. In the words of Stuart Clark, demons were not just 'good to think', but virtually indispensable for a culture that believed in a fairly literal interpretation of the Bible."⁷⁵

In this sense, the *witch*-demonology is also theory-historically **part of a 'early modern' thinking**,⁷⁶ as much as it was still 'late-medieval' in its religious-mental framework in its beginnings.⁷⁷ This is nicely illustrated, for example, in the adoption of the 'mercantile' idea of a 'devil's Pact (and not: 'devil's oath') and in the re-interpretation of the Gottesurteil ('ordeal') as an experimentally controllable indicator (Sect. 11.2.3(4)), or in the controlling experiments of Salazar and Spee (Sect. 8.7.2 and 13.3.2), as well as in the late-scholastic-dialectical structure of the—discussed in more detail below (Sect. 6.4) -*Hexenhammers*, in which its author, Institoris, also draws on 'experiences' from his own Inquisition practice.

In this transitional period of the 16th and 17th centuries, people began to break away from the narrow religious justification concept within which one could and had to rely on the truth of the Bible, revelation, and *miracles* in order to now use other forms of "evident" evidence: in law instead of divine judgments, confession, witnesses, and *corpus delicti*; in medicine, case reports, experience, instead of the "humoral" justification à la Galen;⁷⁹ and even in religion, the statements of the *witch* or the devil to be exorcised.⁸⁰

"In this way, the empirical, mathematical, geographical, natural philosophical, and historical mixed with the authority of classical antiquity, Scripture, and analogous textual traditions, along with the hermetic, legal, and medical, to beget new conceptions of evidence. Old and new forms jostled with each other, competing in a struggle to legitimize their particular ways of knowing about particular types of things." (Lancaster/Raiswell 2018: 4).

A "mental transition", which Andreas Blauert outlines in his overview of the *epoch of European witch hunts* (1994: 41 ff.)—now seen from the "other" side—as follows:

"Well, we will probably have to accept that witches 'delusion' and witch hunts were much more modern than the idea of the history of witch hunts as an misunderstood medieval legacy of early modern European societies can express. I have therefore proposed to balance the history of witch hunts on the cost side of a long-term rationalization and modernization process of early modern societies, which in some European regions ["next to state formation and enlightenment"] already in the 14th and 15th centuries left clear traces."⁸¹

(1) Influences of a “new thinking”, which then also opened the way for the **medical competitor**:⁸² From the early considerations of Bombastus Paracelsus (†1541) about the criticisms of Johann Weyer (1563) and Reginald Scott (1584) to the penetration of forensic medicine into the *witch*-process,⁸³ which was described by Bever (2005) for Württemberg, which in the end could replace the clergy in the “therapeutic” field in the “time of *madness*”.

Darr (2011: 268–269) describes the early independence of professional **forensic** medicine in England:

“Physicians, it is possible to generalize, sounded the most radical and sceptical voice. Medical writers held that many of the purportedly supernatural phenomena ascribed to witchcraft actually originated from natural causes. Physicians advocated the use of medical knowledge observation and reason in detecting unnatural phenomena. They positioned themselves as experts especially in relation to two major subjects, the devil’s mark and bewitchment. [...] Their claim to having exclusive professional knowledge was directed at other disciplines, as well as at other practitioners of medicine and healing.”⁸⁴

However, Elmer (2016: 12–13) rightly emphasizes that—then, as now—“witchcraft and mental illness after 1660 were largely co-opted along party lines”:

“Thus, nonconformists ‘spiritual physicians’ were more inclined to adopt a pluralist approach to the treatment of melancholics and the mentally ill, which included the diagnosis of bewitchment and diabolic possession. Their High Church colleagues in the medical profession, on the other hand, were far less likely to proffer credence to such claims, preferring instead to promote a battery of physical or natural explanations derived in large part from the work of pioneering Anglican medics such as Thomas Willis [one of the ‘fathers’ of ‘modern’ psychiatry (†1675)]. There is no suggestion here that dissenting physicians were any less receptive to recent innovations in the medical sphere, including the neurological findings of men like Willis. They simply chose to interpret these new developments in ways that allowed political expedience to dictate diagnoses and mode of cure.”⁸⁵

(2) On the other, ‘more modern’ side, even René **Descartes** (1637) still based his ‘radical doubt’ on the possibility “that some *mauvais génie* might turn the knowledge of all external things into illusions and dreams and reduce all the faculties for testing that knowledge to a state of utter fallibility”, thus directly referring to the demonological ideas of his time.⁸⁶ And a hundred years later, in the estate of **Isaac Newton** (†1726)⁸⁷, one found “170 works of the Rosicrucians, the Kabbala and alchemy” among 539 books. John Maynard Keynes, who auctioned off this estate in 1936:

“then referred to Isaac Newton as the last great ‘Renaissance-magician’. Newton created an alchemical index for himself with 100 authors, 150 writings and 5000 cross-references under 900 keywords. Jan Golinski assumes that Newton did this in the hope of deriving a coherent whole, a coherent doctrine from it. Betty T. Dobbs believes that Newton studied alchemical literature extremely thoroughly until the 17th century and did so for 30 years without interruption.”⁸⁸

“Many of the thinkers we associate with the disenchantment of nature—from Giordano Bruno to Francis Bacon—were themselves magicians. [...]”⁸⁹ While classical narratives of modernity can explain magicians in terms of atavistic resistance they cannot account for magicians who themselves worked to produce disenchantment on one hand and magic on the other.” (Josephson-Storm 2017: 61).⁹⁰

(3) Within the framework of the two “magical” axes, a “**preter-natural**” realm of magic, fundamentally indistinguishable from each other, included both the products of “natural” or “learned” magic in the field of medical and physical-mechanical wonders, as well as those produced by ghosts and devils—or by their assistants, the *witches*⁹¹—were only *mira*.⁹²

“Natural magic: demonic magic. The two branches of *magia* had parallel intellectual histories—they were jointly allowed for in the scholastic scheme of knowledge, rose together to a position of prominence in sixteenth- and seventeenth-century natural philosophical debates, and ceased to be taken seriously (or were resolved into other disciplines) when the same changes in scientific and theological taste made them both seem equally implausible. But they were also ontologically and epistemologically equivalent.” (Clark 1999: 233).

In this respect, it was believed that, despite their superhuman intelligence and experience built up over eternity—“evil spirits were the most diligent observers of natural causes and effects”⁹³—even these immaterial beings, angels like demons, could always only move within the framework of **natural laws**, which alone God could set aside.⁹⁴

“‘Demons can do only what their natural powers extend to and what God permits’, explained Grillando [1536]⁹⁵, ‘but their powers are so great in the compounding of natural things that men who see what they do mistakenly take them for miracles.’”⁹⁶

A highly unholy alliance that not only repeatedly attributed “evil deeds” to the “great” magicians (the Faustian legend), but also kept alive the belief in witchcraft as long as the devil was bound by natural laws: “As long as Satan was

allowed to operate within nature, it was pointless to attempt to explain witchcraft away in terms of natural causes.” (Clark 1999: 249):⁹⁷

An alliance that held above all because these *mira*—magnetism gravity and tides, malformations and basilisk gaze, ghost experiences and *witchcraft* successes, the re-bleeding of corpses in the presence of their murderer (the *jus cruentationis cadaveri*)⁹⁸ or the effect of the ointment smeared on the bloody saber—as Kuhn’s “puzzles” provided a welcome and intensively collected occasion in relevant books and princely cabinets to examine the natural laws underlying them: “What (in Bacon’s view) made preternatural instances epistemologically so potent was the way they forced natural philosophers to become aware of the limitations of their explanatory paradigms.” (Clark 1999: 254).

(4) Where, in almost paradoxical way, the “modern” approaches of the mechanistic Cartesianism (*res extensa*) or the corpuscular theory introduced by Robert Boyle (1661)⁹⁹ suggested to look for **driving forces** that set these “things” in motion or gave them life. The more God withdrew as the original creator of a self-moving “clockwork” that then followed his natural laws, and the less these “things”—for example, according to the model of sympathy and antipathy—contained this driving force themselves, the more it was necessary to look for such driving forces, after angels, who moved planets,¹⁰⁰ after devils, who flew *witches* to the Sabbath, after the seat of the soul, which moved the body, after the *spirits*, which connected brain and body in the nerve pathways, or after such spiritual beings that set these inexplicable *mira* in motion: “The consequence was that demonology enjoyed a currency in scientific debate that was almost independent of any concern to prosecute witches.” (Clark 1999: 155).

2.5 In a Clerically Outlined *Witch* World

“The testimony of witches therefore acquired a peculiar status, as unique evidence for the existence of the devil and his minions, then as a vital defence against a purely materialist view of the world.” (Briggs 2007: 33).

The development, interpretation and explanation of this mental magical world falls just as much into the area of **clerical experts**, as the diagnosis and decision about which quadrants their protagonists are to be classified in; this applies to ‘learned’ as well as to ‘black magics’, for the effect of sacramental, as for that of the spells, for saints as for *witches*:

“While for the most part of early-modern witch trials were conducted by secular authorities, the mentality behind them was ecclesiastical and inquisitorial, and clerics played a major role, although by no means an exclusive one, in shaping the concept of witchcraft.” (Baily 2001: 962).

So the church institutions remain fundamentally responsible for this white and, more importantly, for the black magic, as well as for the common superstition¹⁰¹; all the more so since the actions of these healers and *cunning men* were considered preventive-pastoral prerequisites of actual *witchcraft*, as their *stepping stone*; just as, today, in the context of the currently still valid drug policy, the consumption of cannabis is sought to be prevented as a ‘gateway’ into a drug career.¹⁰²

“As the influential theologian Thomas Aquinas pointed out in the thirteenth century, superstitious practices were usually based on false and vain opinions which could be exploited by demons, whether a man entered into a demonic pact or not. In this way there were normally good grounds for treating superstition as a minor fault but the way was open for subsequent theologians and inquisitors to suspect that it formed a link in the chain which led from ignorance to devil worship.” (Bowden 2008: 139).

This experts role of the **theological specialists** applied in equal measure to both the initial ‘invention’ of the *witch* world, as well as to its climax towards the end of the 15th century; but it also dominated the skeptical engagement and its final burial. For which, on the one hand, the *Formicarius* and the *Malleus maleficarum* of the Dominicans Nider (1435/37) and Institoris (1486), the writings of the Trier Weihbischof Peter Binsfeld (1589) and the Jesuit Martin Del Rio, Vice Chancellor and State Prosecutor of Brabant (1599) stand. While on the other hand the *Hagelwetter*-Predigt of the Lutheran Johann Brenz (1539), the *Cautio Criminalis* of his Jesuit colleague Friedrich von Spee (1649) and the final *Bezauberte Welt* of the Calvinist Balthasar Bekker (1691) broke skeptical gaps, which I will go into in more detail in Chap. 13.

At the **beginning**—that is, at the time of the Council of Basel (see below, Sect. 6.3) in the early 15th century—it was only “a small elite of ecclesiastical and secular authorities who accepted this new concept, shaped it into a coherent system and propagated it across Europe to such dire effect. In short, if the end result of the idea of witchcraft is burned flesh, I see elite authorities standing closest to the flames.” (Bailey 2003: 33):

“While all groups in medieval society believed in the real efficacy of magic, and while there is no reason to doubt that even ordinary people sometimes conceived of magic as being worked through the agency of demons, it seems clear that the idea

of witchcraft—a cult of evil sorcerers who had entered into pacts with the devil and gathered at Sabbaths to worship him in exchange for their maleficent powers—was largely a development of the clerical elite that then spread into common culture.” (Bailey 2003: 101).

Namely, not only in the development of the actual ‘Western European’ *witch*-image, which I go into in detail in the next chapter, but especially in its *heresy* in the sense of the denial of God; whereby, paradoxically, these *witches* were supposed to serve at the same time as—both logical and empirical—evidence for the ‘real’ existence of spiritual beings. Why a renunciation of this *witch*-construction would have called the entire clerical world into question from the ground up.

(1) From a **clerical-religious** point of view, the central feature of this *witchcraft* is less its *maleficium*, but above all its *heresy*, the self-chosen *apostasy*, that is, the fall from God. A *heresy* that not only creates the framework of the satanic rejection of these *witches*,¹⁰³ but which—at first—above all made possible the jurisdiction of the papal Inquisition, which was created for such *heretics*.

This development began as early as the 13th/14th century—initially limited to the emergence of the “learned” magic, which was based on Arabic, Greek and Jewish sources, and which aroused fears of spells at the royal and papal courts (see below. Sect. 4.2), which is why Pope John XXII. declared all sorcerers to be heretics in his **bulletin *super illius specula*** (1326),

“who enter an alliance with death and make a pact with hell, for they sacrifice to demons, adore them, make or cause to be made images, or a ring, a mirror, or a phial, or some other thing in order thereby to magically bind demons. They ask things of them and receive responses from them, and demand their aid in achieving their depraved desires.” “Anyone engaging in such activity was ipso facto to be excommunicated and would suffer all other appropriate penalties.” (Bailey 2001: 967).

The further development, according to Bailey (2001, 2013), on which I am basing myself here, did indeed start from this “learned” form, but in our *witch* time no longer distinguished between this and the “ordinary” black magic (*sorcery*), for example, the Inquisitor **Eymeric** (1376), who did not yet know any *witches*, in his manual—still based on the “learned” **necromancy**¹⁰⁴—held that “every act of invocation was itself a demonstration of worship, and thus, if directed toward a demon, an act of heresy.” (a. a. O.: 972):

“These two convictions, that common sorcerers were actively engaged in demonic invocations and the assumption that invocation equated to worship, were essential to the later idea of the witch.” (a. a. O.: 976).

With **Jean Gerson** (†1429), chancellor of the University of Paris, whose writings—such as *De erroribus circa artem magicam* (1402)—had a great influence in Germany, the field is extended to the ‘**ordinary**’ **magic**: “simple spells, blessings, or appropriated bits of ecclesiastical ritual that ordinary laypeople used in the course of their daily lives, or the countless causal omens or divinatory signs that they observed”:

“He brought together two currents that largely characterized authoritative writing about superstition for the remainder of the century. First, he continued the critique of elite superstitions related to courtly astrology and clerical necromancy that had developed in the fourteenth century while placing strong emphasis on diabolical menace infecting almost all superstitious practices, second, he extended the focus of this concern to include common practices as well, because of the essentially pastoral impulse that motivated his new applied moral theology.” (Bailey 2013: 15, 188).

A frame, which was finally explained by the—possibly also tacitly closed—**pact** with Satan, in which the *witch* also submitted to him sexually, why *witches* could cause damage much more effectively than the ‘learned’ magic:

“Having already determined that the power of witches derived not from their own knowledge and skill [as in learned magic] but from their complete submission to the devil, authorities from Nider to Heinrich Institoris, author of the *Malleus*, then linked witchcraft to feminine spiritual weakness, and particularly to female susceptibility to the carnal temptations of the devil.” (Bailey 2001: 988).

(2) But one also needed this *witch* to prove the existence of the devil and thus the **existence of God**; but also vice versa, to denounce those who denied the existence of such *witches* as atheists.¹⁰⁵ Here, one started from the ‘logical’ polarity mentioned above, at first still shaped by scholasticism: If there is the devil, then there is also its positive opposite, and the brighter, the more ‘diabolical’ Satan was thought to be:

“As Roger Hutchinson, the sometime fellow of Eton College, suggested: in the middle of the sixteenth century, such was the contingency of God upon the devil and the devil upon God that the existence of the one proved the existence of the other: ‘If there be a God, as we most stedfastly must beleve,’ he wrote, ‘verely there is a devyll also, and if there be a devyll, there is no surer argumente, no stronger prooffe,

no playner evidence that there is a God.' Was Church of Scotland minister John Weemes 1636 wie folgt zusammenfasste: "There are devils, therefore, there must be a God."¹⁰⁶

From this basis Walter Stephens (2003) hint becomes understandable, that not only the learned magic, as described above, but also these theological theorist were so strongly involved in in this witch theory, as opposed to the practical witch-hunters, interested in the more material maleficium:

For example, the physician Thomas Browne (1642) wrote in his *Religio Medici*: "I have always believed, and now know, that there are witches. Those who doubt these do not only deny them, but spirits: and are obliquely and upon consequence, a sort, not of infidels, but atheists."¹⁰⁸

Up to this time, one could only "dogmatically" justify the existence of spiritual beings—God, Satan, angels and demons (as "fallen angels")—which intervene in events as active beings, with the statements of the Bible or the authority of the Church Fathers,¹⁰⁹ Augustine or Thomas Aquinas. However, the newly awakened skepticism of **humanism** demanded "more concrete" evidence:

This was already clear in the debate of the Parisian university theologian Nicole Oresme (†1382) with the "learned" astrology: "a seemingly modern conception of a material universe from which spiritual action was largely excluded." "Indeed, while he admitted that some effects that astrologers attributed to the stars could in fact derive from demons, he warned against making that leap of judgment to reality. Most of the wonders and marvels that people fearfully ascribed to demons he repeatedly maintained, were entirely natural occurrences. [...] He began his treatise *On the Causes of Wonders* [1370], in fact, with the challenging statement: 'there is no need to turn immediately to the heavens, the last refuge of the pitiful, or to demons, or to glorious God, as if he would create these effects directly, more so than other effects whose (natural) cause we believe are well enough known to us'. (Bailey 2013; 112, 103)."¹¹⁰

And last but not least, it were the experiences in the turbulent 15th century—Hussites or the Basel Council¹¹¹—why one now in the "subculture" of the early Dominican demonologists¹¹² (Stephens 2003: 11), "**empirical**" evidence for their—now also physically experienced—existence sought. In a quite characteristic gender-specific ambivalence: While Nider (1435/37)—on a "rational" argumentative level—was quite skeptical towards the then much discussed visions of holy women, but used the Sabbath statements of his guarantor Peter von Stadelen as empirical evidence,¹¹³ Institoris, who otherwise followed Nider widely, raved

fifty years later (1486) on a more emotional-valuing level for just these saints as a counter-image to his *witches* (see below Sect. 2.6 (3)).

And not only as a propagandistic justification, but also to meet **their own doubts**:¹¹⁴ “Most, if not all, witchcraft theorists—and probably the majority of witchcraft interrogators—were interested in sexual and other corporeal relations between humans and demons because they were anxious to confirm the reality of the world of spirits. They considered the carnal knowledge of defendants their most valuable proof of that reality.” (Stephens 2003: 17).

The concrete experiences of the *witches* in their physical dealings with the demons provided this evidence, which was denied to the demonologists, and which one did not want to burden the angels with. They showed that these spiritual beings were not only—as still assumed in the *Canon Episcopi* (see below Sect. 3.3)—“autonomous” products of dreamlike imaginations, but that they **really existed**:

“The specter of an all-powerful human imagination hangs over the history of witchcraft theory. Only if imagination was infinitely vulnerable to manipulation by devils, or, as Kramer said, ‘naturally subject’ to them, could witchcraft theorists contemplate it with serenity. It was a case of all or nothing: any freedom of imagination menaced the entire demonological construct and, with it, much of Christian theology.”¹¹⁶

These ‘experiences’—the physically carried out intercourse, the *witch*-flight, the experiences on the Sabbath, like the *maleficia* committed with their help—also proved the **‘physical’** existence of these spiritual beings, who had acquired a suitable body for themselves—for example, from compressed air¹¹⁷:

“Theologians’ need to verify the possibility of corporeal contact with demons provided the nucleus around which many other ideas, including the reality of maleficium, were pulled into orbit.” “Demonic transvection exerted the same fascination over witchcraft theorists as demonic copulation, for both involved intimate physical contact between humans and demons.” (Stephens 2003: 125 f.).

(3) A ‘existence’ proof that could be more conclusively guaranteed in just this way by the visible and better biblically founded phenomenon of **possession**:

“[E]xorcism was held to be the one irrefutable sign of *praesentia*—the physical presence of the holy. It was ‘the one demonstration of the power of God that carried unanswerable authority.’”¹¹⁸

Here one heard—in the public **exorcism**—the devils speaking, saw the physical suffering and struggle of the two participants—the possessed and the exorcist. Jean Boulaese, theologian and Hebraist, (1566) described this in his book about the early ‘model’ exorcism of Nicole Obry (Aubrey in the cathedral of Laon (*Le Miracle de Laon en Lannoys*):

“He speaks of Catholics being assured of their faith ‘by sight, by hearing and by touch’ and says ‘by the most certain senses of sight, hearing and touch ... the precious body of our savior and lord Jesus Christ destroys all the effects of our common enemy Beelzebub [name of the demon sitting] and chases him away. The exorcists at Laon [...] invited the congregation to touch Obry, to feel her stiffness. [...] Beelzebub, he said, rendered the patient ‘hideously to see, terrible to hear and incredibly hard and stiff to touch.’ Indeed Beelzebub had also affected Obry’s own senses, making her deaf, mute, blind and insensate.” (Ferber 2004: 35).

But people were not only looking for such “evidence” for “clerical” self-assurance, but also “**politically**” as evidence of the corruption of society at that time. In this sense, at the end of the *witch-time* in England, the defenders of the prevailing confessional order fought

such as the Anglican clergyman **Joseph Glanvill** in his *Saducismus¹¹⁹ Triumphatus* (1682) “with the aim of discrediting atheists and unbelievers. Belief in spirits and witches enabled Protestants of differing doctrinal positions to come together and rally round a set of indisputable Christian truths that might be readily proven as ‘matters of fact’ [...] in opposition to the followers of Hobbes who ‘can conceive nothing but matter and motion’.” While Richard Baxter—“one of the most respected and influential figures in late seventeenth-century nonconformity, [...] utilizing his diverse range of contacts and networks in order to provide concrete examples of the existence of spirits and witches” in his *Certainty of the Worlds of Spirits* (1691) collected “accounts of witchcraft and related preternatural phenomena” across Europe.¹²⁰

For, as the English Presbyterian **Richard Baxter** argued in this book:

“Instead of focusing on witchcraft, an activity for which there was no empirical evidence, those who defended the existence of a spiritual world focused on incidents that could be observed. These included both divine and demonic possessions. [...] All these efforts were made in order to find empirical evidence that spirits not only existed but could influence the course of events in the natural world. They formed part of a counter-offensive against the scepticism and the secularism of the Age of Reason.” (Levack 2013: 216).

Within the framework of the magical-polar thinking mentioned above, not only the “real” existence of Satan and his demons, but also that of the angels, the immortality of one’s own soul, as well as the *transubstantiation*¹²¹ in the—since Huss the confessions so centrally distinguishing—Eucharist (Communion) was guaranteed:

“The eucharist was commonly defined by theologians as *corpus meum*, the true body of Christ. Just as the virtual body of demons had to make imperceptible its hidden nature to human perception. The *corpus demonis* and the *corpus domini* were subject to the same doubts, and only a real body would calm those doubts.” (Stephens 2003: 209).

Perhaps this attempt at self-assurance is one of the reasons why the countries of the Mediterranean, which were safe in the Catholic faith, were able to forego more intensive *witch*-hunting to a large extent. (Sect. 8.7).

2.6 As a Chance of a Clerical Defining Attribution

“[Superstition] was, in fact, among the most versatile, broadly applicable terms that Christian authorities used to establish boundaries between licit and illicit action, as well as between proper and improper belief.” (Bailey 2013: 11).

A mentally imprinted magical space, within which the individual positions from this mentality itself—now clerical-professional—as ‘faith’ or as ‘superstition’ in each case in their relationships to the other positions were defined, defined and labeled, as well as ‘constructively’ decided. Especially back then, according to the definition of Thomas Aquinas (1274, as superstition (superstition)¹²² was considered “either rites of devotion directed toward God, but improperly, or devotions properly owed to God that were instead directed toward some creature,” that is, a clerical resolvable ‘perversion of religion’, and not, as today, a ‘perversion of reason’, which is why we today declare the superstition as ‘irreal’. (Bailey 2008: 122, 118):

“The almost programmatic catchphrase ‘superstition and enlightenment’ now refers to a change that is now taking place in the criticism of superstitions in the change from religious polemics to reason: While ‘superstition’ was previously considered a degradation of religion, it is now regarded as a degradation of reason. ‘Superstition’ is secularized.” (Harmening 1991: 126).

In a ‘common space’ (1), in which faith and superstition merged into one another in a ‘magical potpourri’ (2), which, permeated by the concern for a ‘female mystical invasion’ (3), was constructed as a polar opposite in its own science of *discernment of spirits* (4).

(1) The traditional demon belief, which was still considered “neutral” in classical antiquity as an intermediary world between gods and humans, served in this discussion dominating **Neoplatonism** by Plotinus (†270 n. C.) still

“to secure the transcendence and worldliness of a highest spiritual being and to exempt it from responsibility for evil in the world. They allow a connection of philosophical monotheism and traditional polytheism. In doing so, the traditional gods and their cult are increasingly being classified as demons.” “The spirit world is increasingly shaped by a dualism between good and evil, sometimes the term ‘demons’ is only used for evil spirits.” “Even the Christians grew up in a world view in which demons were a matter of course.” (Götz 2007: 61 f.).

In this world view, the gods of other religions, especially in early Christianity, mutated into **demons**:¹²³

“One of the most effective tactics of the Christian Church against converts or potential converts who still worshiped their pagan gods was to demonize them, that is, to claim that they were actually demons or the devil himself.” (Levack 1995: 40): “For all the gods of the nations are idols” (Psalm 96, 5); Paul: “What the Gentiles sacrifice, they sacrifice to demons and not to God. Now I do not want you to be in fellowship with the devil.” (1 Corinthians 10: 20).¹²⁴

The great magicians became witch masters; and the originally located near the “wise woman” position of the *witch*¹²⁵ first moves towards the Waldensian heresy (*vauderie*), only to become all the more “diabolical”, the closer it gets to the satanic pole.

A **common space** in which both sides competed with each other and depended on each other for a long time:

“Little wonder then that reports of missionary efforts often center around competitions between Christian magical acts (*miracles*), on the one hand and whatever magic the worshippers of native gods can muster, on the other. At one level, naturally, such tales offered prospective converts the possibility of tapping into a more powerful source of magical authority, of gaining of authority and might, but these contests were also exchanges of ideas.”¹²⁶

In order for the church to be effective, it had to appropriate the existing ‘folk magic’, or vice versa, the population could “in ritual expression” (Cassar 1996: 7) according to the clerical guidelines appropriate.¹²⁷

“Despite all the Jansenist¹²⁸ objections, Tridentine Catholicism had, in the long run, success, not by the eradication of ‘superstition’, but by the incorporation of traditional, popular spirituality. Here, a look at brotherhoods and pilgrimages is enlightening”- such as the Rosary brotherhoods or the Marian sodalities. (Hsia 1998: 219, 220 ff.).

A—very far-reaching, elastically interpretable—common magical space, in which the wizard like the church could work with basically the same techniques.¹²⁹ A negotiation, “in taking account of the active role of the subordinate classes of society in creating their own patterns of behaviour”, and in which ultimately the **church’s definitional power** *in concreto* decided what was superstitious, what was blessed, what *witchcraft*, what was holy:¹³⁰

“The witches operated, partially, the same business as the church liturgy; the themes are the same: benedictions or blessings against fever, eye diseases, falling addiction, etc. However, the offer of magic was even more abundant: blessing and means against podagra, gout and headaches.” “The church finally has a whole arsenal of superstition surrogates¹³¹ and—what was most important—becomes a spiritual hospital and *sickbay*, in which the baptized Christian could find what the heathen had previously sought from his wizards.” (Harmening 1990: 77).¹³²

An *equifunctional*¹³³ relationship that—in addition to all ‘pastoral’ intentions—may explain both the **zeal for persecution** of the Church:

“The Church’s priests could not possibly remain neutral or indifferent to the magical knowledge widespread among the population, since it was, per se, about that metaphysical area which the clergy was striving to monopolize. Just the existence of these competing ‘knowers’ had to be an annoyance for the priesthood, but even more so their acceptance among the population or among the great ones of this world. It was dangerous when the ‘shameful blessings and unlawful arts’ of the magicians proved to be effective”, which is why they could only come from the devil. (Behringer 1988: 73).¹³⁴

But on the other hand, it also provides a hint as to why the **religious disenchantment** through the Reformation and Counter-Reformation could increase the importance of *witchcraft*¹³⁵:

“It is arguable that the Catholic Church in England before the Reformation provided a more satisfactory answer to the problem of explaining suffering. Catholic ritual, with its dramatization of the expulsion of evil and communal propitiation of God, may have offered a solution to the misfortunes of daily life which did not involve the blame being centred on either the individual or his neighbours. Prayers and activities offered people satisfactory counter-action in times of distress and also the hope that their environment might be controlled. At the Reformation, it might be suggested, the misfortunes and worries continued, but the whole ritual framework designed to deal with them was destroyed.”¹³⁶

Especially since the official religion in its ‘heaven and earth’ comprehensive explanatory framework—including its confessional ‘quibbles’, such as in the interpretation of the Lord’s Supper¹³⁷—remained foreign to the everyday understanding, which is why it rather relied on the familiar (and also practised by the lower clergy) everyday magic:

“[M]agic and superstition answered to popular needs which the Church (not to mention the state) could not satisfy; so the Great Tradition (of Catholicism) ceded an ample zone of self-government to the Little Tradition (of superstition).”¹³⁸

(2) A common mental space, in which **faith and superstition** both merged into each other in a ‘magical potpourri’, but also defined each other as such:

“Faith and superstition, orthodoxy and heresy, magic and witchcraft must be understood as interwoven components of a world view, the thinking, feeling and acting of the people of the 15th century. They each represent, as H. Grundmann has worked out for the relationship between orthodoxy and heterodoxy, ‘a comprehensible side of the overall spiritual movement of their time’, which can mean nothing other than that they determine each other in their meaning and, therefore, in their reality.” (Blauert 1989: 122).¹⁴⁰

This makes a respective **defining attribution** unavoidable. An attribution, in which forbidden magic and allowed counter-magic, white and black magic, *witch-hunters* and *witches*, and especially then also “people were made into saints, heretics and witches according to church political opportunism”:¹⁴¹

“Although theologians drew a firm line between religion and superstition their concept of ‘superstition’ always had a certain elasticity about it. [...] It was ‘superstitious’ to attempt to achieve effects, other than those which might have natural causes, by any operation which had not been authorised by the Church. But in these, as in other definitions, the last word always lay with the church. In general, the ceremonies of which it disapproved were ‘superstitious’; those which it accepted were

not. [...] The difference between churchmen and magicians lay less in the effects they claimed to achieve than in their social position, and in the authority on which their respective claims rested. As the Elizabethan Reginald Scot (1584) wrote sardonically of the Pope: ‘He canonizeth the rich for saints and banneth the poor for witches’.” (Thomas 1971: 48 f.).

Their assignment was by no means clear from the outset, but—in the context of a religion that was polarised between God and the Devil and closely related to dualism—ultimately had to be decided unambiguously by high-ranking **clerical commissions**¹⁴²:

“The old European Christian society reacted to every deviation by moving the person concerned either into close proximity with the worshipped deity or the accursed opposite god. [...] Although there were always contradictions in a person’s behaviour, according to the judgement of ‘normal’ people, it had to be either a saint or a witch, either God or the Devil was in charge, because Christian religion only knows black and white. ‘But let your word be ‘Yes, Yes’ or ‘No, No’; anything more than this comes from the evil one’ (Mt 5:37). ‘He who is not with me is against me’ (Mt 12:30)” is the conclusion of Dinzelbacher (2001: 295).¹⁴³

A decision-making problem that initially arose from the lack of a ‘third’ atheistic-scientific explanation;¹⁴⁴ which was then rooted in the idea that in both cases—*saint* or *witch*—their ability to perform miracles or cause damage was either given by God or by the Devil, who as a ‘fallen angel’ had retained this power.¹⁴⁵

“We can assume four types of punishment: useful, harmful, magical, natural. Useful punishments are those carried out by the service of good angels, harmful punishments are those carried out by the service of bad angels. Moses struck Egypt with the ten plagues through the service of good angels [...] Harmful punishments, which in Scripture are called punishments by bad angels, are those by which the people were struck in the desert. Magical punishments are those which a demon accomplishes through witches and magicians; just as natural punishments arise from the influence of the heavenly bodies, namely the lesser ones among them.” (Kramer/Institoris 1985/1486: 25 f.).

(3) This was particularly true for the **new role of women**, which sensitively threatened the leadership role of the Church:

“Traditionally, women who seek some kind of spiritual leadership role in the Church are required to submit to the authority of a priest, both in his role as a representative provider of the more accepted path to salvation, the sacraments, and also as a representative of his gender, whose presumed natural sobriety can moderate potentially

deceptive female enthusiasm. Such a requirement led female religious figures and their directors to form strong bonds. [...] Conspicuous male-female relationships in Catholic religious life, however inevitably also called up anxieties about sexual contamination, particularly in a climate of heightened anxiety about diabolical activities among the priesthood and religious women.”¹⁴⁶

The more (already then) it caused worries when women took on active roles in church matters, like for example the one who, because of her visions, was temporarily persecuted as a witch and heretic¹⁴⁷ and later canonized **Birgitta of Sweden**, mother of 8 children, who not only experienced mystical visions, but who “as an advisor to nobles and two popes could also work for a peace policy, for example during the Hundred Years’ War between England and France and during the church schism threatened since 1375.” In 1346 she founded—as a European model—in Swedish Vadstena a double monastery for women and men, the worldly affairs of which—also those of the men (!)—were led by an abbess.^{148,149}

One almost speaks of a ‘**mystical invasion**’, which was initially carried by a new religious women’s movement already since the 13th century, especially in the appearance of non-ordained **beguines** and tertiaries.¹⁵⁰

Beguines often moved on “a dangerous tightrope walk between heresy and acceptance as orthodox, whereby their status between clergy and lay status (i.e. a status which did not exist at all in the rigid order), made them especially vulnerable to attacks by church, authorities and people. If we compare the life of a beguine with that of a nun, it becomes clear why the learned critics already had to perceive the life form of the beguines as a provocation: not only the ‘illegal’ status and the ‘unbound’ life form seemed offensive, but also a biography which could be composed of different phases of life (and the associated horizon of experiences), for example from a ‘previous life’ as a wife, mother and widow and then from a life as a beguine in a beguine community, whereby it was—in theory—up to her to leave it again.”¹⁵¹

A mystical-feminine movement which in Spain in the 16th/17th century caused the same worries as *beatas* “to lead the flock astray if they turned out to be false”:¹⁵²

“Like their medieval antecedents the Beguines [...] *beatas* in early modern Spain lived under no papally sanctioned religious rule. Some *beatas* lived independently (*seorsum*), and others collectively (*collegialiter*), either in small, informal groups, or in special houses known as *beaterios*, supervised by a monastic order or a male cleric.” (Keitt 2005: 97).

This ‘mystical invasion’ not only contradicted the Western rational, dogmatic thinking of the clerical elite, but also threatened to intervene directly in their patriarchal claim to sole authority. In the wake of the ‘deepened Christianization’ through the Reformation and Counter-Reformation, it became concrete—approximately synchronous with the beginning and peak of the *witch*-mania—in the phenomenon of the **possessed**, who found and used the common ‘irrational’ emotional ‘magical’ ground here, both divine and demonic:

In the “different reaction patterns of the ‘normal’ to the increased occurrence of certain preferably female ways of experiencing and behaving, which, depending on the environment, could be interpreted either *in bonum* or *in malum*, or, more concretely formulated, the individual who produced them, depending on the situation, could lead to the altars or to the stake.”¹⁵³

This applied not only to the relationship between *witch* and *saint*, but, much more difficult to decide, between divine and demonic **possession**, and in particular when and as long as this possessed one—unlike the *witch*—could be considered ‘innocent’ (cf. Sect. 10.1):¹⁵⁴

“Visionaries, models of self-sacrifice, champions of the Roman Church, and, crucially, models of resistance to the torments imposed by demons (in forms other than possession). [...] From the ecstasies of the holy woman learning of the state of souls in purgatory to the demoniac ‘falling as if dead’ under the sway of demons, learning the secrets of the witches’ sabbath, or indeed also of purgatory, was quite a short step. People who saw the possessed did not always differentiate in their reading of what the possessed or the local lay saint, for example, could offer them. They sought the same kind of clairvoyant advice that they would have from a holy woman, or indeed in some cases from a witch. It was a short step, too, between the torment external demons imposed on the saints in their struggle for holiness in the medieval era, and the inwardly tormented demoniac of the early modern era. A premium on martyrdom in the early modern Catholic Church added value to the torment of possession: suffering or the status of a victim purchased an additional portion of credibility for potentially dubious pretensions to sanctity.” (Ferber 2013: 583).

The ‘necessary clerical interpretation’ not only applied to individual cases, but also to more extensive group phenomena. For example, the Salem Possession (1692) discussed below (Sect. 10.1.3) found its pious counterpart in nearby Hawthorne (1734), where similarly possessed girls caused the Puritan Awakening Movement¹⁵⁵ of the 30/40s:

“In Salem Village, the afflicted girls dominated the packed gatherings where the accused were examined. In Northhampton, church services and household routines alike were disrupted by crying and weeping, again with the younger generation taking the lead.”

“The crucial difference between the two episodes is the interpretation which the adult leadership of each community placed upon physical and emotional states which in themselves were strikingly similar. In Northhampton they were viewed in a divined and hopeful light; in Salem Villages they were seized upon as sinister and demonic.” (Boyer/Nissenbaum 1974: 29, 30).

Here, as with the *witches* (Sect. 14.2), the concern for the ‘*fragile sex*’ of women since Gerson’s *On Distinguishing True Visions from False* (1401): “ill-tempered frustration with self-proclaimed women visionaries, whose pretensions he regards as always harmful to some degree”, determined the future discussion on the criteria for this **distinction**.

A predominantly female ‘**mystical**’ triangle of saint, possessed and *witch*, in which the devil as ‘father of lies’ forced hardly soluble decision problems: Is the ‘*living saint*’ a ‘real’ saint? Is the possessed a victim of *witches* or is she herself a *witch*? Is she sick, as the doctors say, demonically or divinely inspired?¹⁵⁶ Can one believe the exorcised statements of the devil sitting in her and can one question him about *witches* at the same time?¹⁵⁷ When is the healer a *witch*, even if she brings healing and not *maleficium*? Three female roles—spiritually oriented towards God or the devil—not as everyday defined as those of the nuns, tertiaries¹⁵⁸ or Beguines and *beatas*—the content and validity of which is always defined and enforced by professionally institutionalized men within a patriarchal religious culture: by a postulator,¹⁵⁹ exorcists or by the inquisitor.¹⁶⁰ No wonder that “saintliness as essentially masculine, demonic possession as essentially feminine” were considered.¹⁶¹

Tamar Herzig (2016) very nicely illustrates this reciprocal relationship between *witch* and *saint*¹⁶²—“pious women mystics as the mirror image of fearsome diabolic witches”—with the example of the **publications by Kramer/Institoris**, the author of the *Hexenhammer*: Clearer physically imprinted, easier emotionally impressed and seduced, women can both fall into the devil, but also be stigmatized as saints—apparently—prove the work of God:

“Institoris perceived diabolic witchcraft and female holiness as two sides of the same coin, both closely related to the gendered specificity of the female body, and to women’s inability to control their emotions.”

“The entire corpus of Institoris’s works makes it clear that his anxiety over women’s greater proclivity to witchcraft went hand in hand with his profound admiration

for the traditional features of somatic female spirituality [especially the appearance of *Stigmata*], which he in turn valued as the ultimate proof confuting erroneous beliefs.” (Herzig 2016: 30).

(4) A clerical-theological task to decide between true and false sanctity (feigned sancticity), between “prophecy, visions, spiritual raptures, and divine revelations”; between divine and demonic vision, between holy and demonic possession, between true piety and exaggerated ‘Enthusiasm’, as Illuminism and Alumbrados,¹⁶³ as well as between transcendental-spiritual phenomena (of divine or demonic nature) and frauds, by which “the vulgo was confused”: “The popularity of these potentially heterodox holy persons raised fears that the vulgo would be deceived by their miraculous claims.”¹⁶⁵ (Keitt 2005: 2); also: between saints and possessed, between *witches* and fraudsters. A task that was approached in its own clerical-scientific subdiscipline, the *discernment of spirits* (*discretio spirituum*) by Jean Gerson (†1429) in the 14th-15th centuries, a theological “sub-discipline of ‘the discernment of spirits’ [...] between Jean Gerson (14th–15th centuries) and Prospero Lambertini (18th century).” (Clark 2014: 1):

“The discernment of spirits finally had established itself as a separate realm of inquiry, rather than remaining embedded in fragmentary form within a multitude of other textual genres. Once articulated as a distinct form or genre, the discernment of spirits became a self-reproducing discourse that only gained momentum in the succeeding centuries. More than one hundred additional theological treatises on the discernment of spirits were composed between 1500 and 1700, the vast majority by theologians and a few by practicing exorcists.” (Caciola/Sluhovsky 2012: 17, 19).

A two-edged ‘inquisitorial’ task that was to be solved theoretically-dogmatically, technically-medically and ‘practically’. **‘Theoretically’** the premise that only God, being independent of natural laws, could create *miracles* was considered the decision criterion, while the devil was at most able to achieve preternatural *mira* (Sect. 2.4). But this criterion failed in the face of the demonic ability to not only simulate such *miracles* illusively, but even to appear as the ‘angel of light’ himself:

“Satan might not be able to do many things but he could appear to do them all, even miracles, such was his (albeit creaturely) control over the natural world—including the natural processes of human perception and cognition.” “Discernment theologians never tired of presenting the devil as an ‘angel of light’, even though doing so threatened to make their intellectual goal unachievable [...] the striking concession was made that the devil could appear even as Christ, the Virgin, or any saint.” (Clark 2014: 3, 16).

Technically and naturalistically, one was associated with the upcoming **medicine** in order to exclude with its knowledge ‘bodily’ pathological and delirious or even only dream-related phenomena:¹⁶⁶ “[T]he human body became a body of evidence in the Inquisition’s attempt to distinguish genuine miracles from their fraudulent counter parts.”¹⁶⁷

As part of an increasingly general trend toward “‘naturalization’ toward rolling back and fortifying the frontiers of the supernatural, while expanding the purview of the natural”, this develops into an—by no means unproblematic—alliance between church and medical profession “to separate the natural and the supernatural and isolate the supernatural behind a well-fortified border, a border under strict hieratic control.”:

“[T]he strategy of naturalization produced what was perhaps an even greater double bind: naturalization served to fortify the supernatural realm against the incursions of demons and fraudulent visionaries, yet this same strategy created a slippery slope. The category of the natural could thus be used to reinforce the thaumaturgical order, but it could also serve to undermine it.” (Keitt 2005: 172).

Practically, one relied on the “five disposing virtues present (or absent) in the person and the vision in question: humility, discretion (willingness to accept counsel), patience, truth, and charity”, which were practically worked out by Gerson (1401)¹⁶⁸ Criteria that practically put the moral-moralizing judgment in the hands of the clergy:

“There was only way forward for discernment theory: the restoration of clear moral criteria governing at least the perception of preternatural visions.” (Clark 2014: 17).

On the one hand, the ‘moral’ way of life or the social status¹⁶⁹ and reputation¹⁷⁰ and, on the other hand, the dogmatic orthodoxy secured by clerical assistance¹⁷¹ were the basis for the decision:

“In following the logic of discernment to its conclusion, the discourse of feigned sanctity risked turning miracles into tautologies by grounding them in personal virtue and church doctrine.” (Keitt 2005:182).

No wonder that the saints usually came from the monastery, while the witches were at the bottom of the social ladder and paid homage to the devil.

(5) “As a result of the phenomenological consideration, it became clear that the qualification of a person, whether as a witch or as a saint, always represents

a *construct* with which this person interprets themselves and/or is interpreted by their environment. [...]. From the perspective of the profane historian, the question 'witches or saints' is only meaningful within an axiomatic system—Catholicism. For him, the answer can only be: These women, ambivalently judged, were people who deviated from the average norms due to their religious experiences and their religious behavior. But they were neither 'witches' nor 'saints'. Both are value categories created by religion, collective fantasies within a long-disproved world view, even if they are still used by many people." (Dinzelbacher 2001: 298).

A very deeply anchored polarity in the dominant mentality, functionally seen, made the **positive pole** appear all the more radiant, the darker, more hideous and satanic the negative pole was conceived: "Only by exploring this contrary perspective can men make themselves conceptually at home in a world of unchanging polarities." (Clark 2007a: 153). This applied equally phenomenally to the relationship between *witches* and *saints*, as well as personally to the relationship between *witches* and their persecutors:

"As God's contrary, he [the Devil] functions like a rhetorical device, a stark juxtaposition that helps communicate the extent of God's munificence to humanity more effectively. Indeed, 'Contra-position,' or 'amplification' as it was also known, was a commonplace in premodern rhetorical theory."¹⁷²

Even then it was true: The more terrible the evil, the more necessary and justified its eradication, even at the expense of all rule of law barriers.

2.7 A 'Magical' Conclusion

"In sum, the most recent work is more concerned with commonalities and accommodation than with defining boundaries between magic and religion, in part because all such boundaries are artificial and all definitions suspect. The shared ground of both religion and magic—whether one calls it world views, modes of rationality or beliefs and practices—is becoming the center of attention in current scholarship." (Jolly 2002:12).

We can therefore locate the *witch* problem in a 'three-dimensional' magical space that extends from an 'originally' magical way of thinking about the then—confessionalized—religion to the beginnings of the natural sciences.

(1) The focus is on the relationship between an always already existing everyday magical world, a “magical world” based on it, which is understood in a monotheistic religious sense, and a later departing *magia naturalis* of the scholars. All three forms start from the same “closed cosmos” which is animated by spiritual, thus incorporeal forces, obeys widely linguistically polar principles. The monotheistic approach—Jews, Christians, Muslims—organizes the originally little ordered magical universe in two ways: First **hierarchically** running towards one God to whom all “spiritual beings”—including the “fallen angels”—are subordinate. In order to **morally-valuing** take over the leadership the originally ambivalent-neutral attitude of this spiritual intermediate world is now—along the Ten Commandments and the seven deadly sins—so clearly split in good = God and evil = Satan that there can be no “moral chance”. All three approaches apply to both the practical everyday life as well as for its “scientifically”—theoretical superstructure; thus from the everyday “white and black magic”, which often has not lost its “moral ambiguity”, about the theological constructs of the older and younger church fathers, who were hardly to be surpassed in their “rationality”, up to the “learned” magic as the root of a rising cartesian thinking science. All acted “rational” as much as they used different “**causality**”:

“All three operations were practiced and defended because they were perceived as rational, yet the assumed causality that made them so, was not the same: the intervention of demons, the intercession of saints, and occult powers within nature were causal factors in principle distinct from each other, each having its specific rationality, even if in some cases they could be combined or confused.”¹⁷³

Because they remained anchored in the same common magical “culture”:

“The basic rational principles ascribed to magic were part of a common culture, even if the theological formulation of those principles was part of a specialized sub-culture.” (Kieckhefer 1994: 836).

Which is why the behavior of the village pastor could approach the village’s everyday magic just as the early missionaries who incorporated the “pagan” customs, while the “educated” clergy entered into the *natural magic* of his equally “learned” colleagues—and the devil had to fall back on the newly discovered natural laws.

(2) A magical space that is also understood in **ethnology** as a continuum from magic to the sorcerer to religion—including high religions¹⁷⁴—(Goode 1949),¹⁷⁵ at whose—originally formulated by Frazer—ideal-typical ends on the one hand

stands manipulative-instrumental action, the taming of magical powers, and on the other hand submission to a higher power is assumed:

Magic “in contrast to religion, is said to be manipulative, rather than supplicative and worshipful”, but in current usage this can hardly be distinguished, “since it is often difficult to determine whether the person observed is being ‘manipulative’ or ‘supplicative’ toward the supernatural in his concern over a good harvest or a successful hunt.” (Wax/Wax 1962: 179 from Levack 1992: 183).

Frazers distinction “leaves a gap unlabelled between these opposites, a very wide gap.[...] In reality, it is in many, perhaps in most cases, almost impossible for an onlooker—or for the student of religious history—to determine the state of mind, the mental disposition with which a rite is, or was performed. Is asceticism magic or religion, or where does moralism in the theological sense of the word belong?” (Ehnmark 1956: 9 from Levack 1992: 171).

To that extent, one can therefore agree with Dorothy Hammond’s older **conclusion** from her informative overview of various attempts at definition (1970: 1355): “Magic is not an entity distinct from religion but a form of ritual behavior and thus an element of religion.” Especially since Clark (2002: 110) can summarize for our time of *witches*:

“Across Europe, throughout the centuries we are discussing, magic often seems indistinguishable from religion. [...] None of this, however, allows us to say where religion ended and magic began, unless we are simply to adopt the definitions of theologians arguing 400 years ago.”

In this sense, finally, Brian Morris (2009: 311–313) formulated, more generally applicable than the result of his worldwide social-anthropological analysis of eight ethnographic ‘examples’, a—each socio-culturally institutionally secured—**continuum** from ‘shamanic possession’ to (Christian) high religion, in which ‘pragmatic-this-worldly’ *spirit* contacts and other-worldly speculative salvation hopes merge:¹⁷⁶

“[S]pirit rituals, and specifically spirit-possession, is a phenomenon that is not restricted to tribal societies but is found throughout the world”; “[D]istinction is often made between god, or various deities, which have a transcendental quality, and the spirits, which are immanent in the world, and it is only the latter that are involved in ecstatic or possession rites.”; “[T]he distinction [...] between two basic functions of religion, namely, the transcendental (concerned with long-term welfare and the ultimate goal of salvation) and the pragmatic (focussed on earthly concerns and personal and local problems)”; “But [...] although such dichotomies may have a certain heuristic validity, they are nonetheless problematic in attempting to describe the richness and diversity of religious traditions and practices.”

(3) However, one too easily overlooks **the respective definition-power**. at that time, constituting the witch-Problem. While both areas are constantly merging; be it that the magician uses the host next to his spells, be it that the exorcist falls back on his techniques, and both rely on their respective amulets. But precisely because of this ‘dangerous’ proximity, the definition of heresy, apostasy, the definition of ‘evil’—existentially necessary—is left to **the clergy**, which in turn could rely on the fact that its definition is accepted both by the ‘Publikum’ as well as by the state justice. With which the ‘always already existing’ damage-causing village witch can gradually take on her satanic-heretical *witch*-form. As much as one suspects each other of this heresy confessionally (but only rarely burns), and as much as one still needs Satan and his *witches* to prove the goodness of God and the existence of angels.

Notes

1. Dinzelsbacher (2008: XXIV) describes such a mentality as follows, in order to then examine it in more detail: “Historical mentality is the ensemble of the wise and contents of thinking and feeling, which is formative for a certain collective at a certain time.”.
2. “Magic can be regarded as the ability to control, summon, and direct such occult powers and forces as are believed to exist in natural creation, usually with the intention of altering or adjusting the course of nature to produce a desired effect.” (Sharpe 2004: 440).
3. Scientifically backed by the Ptolemaic worldview, which had the earth at its center. A world view that only became ‘astronomical’ through the telescope observations of Galilei Galileo in his small book *Sidereus Nuncius* (1610!), i.e. 100 years after the Reformation could be shaken (https://de.wikipedia.org/wiki/Sidereus_Nuncius).
4. Michael Ryan (2012: 341, 342) writes in his analysis of the critical statement of Eymerich (since 1537 famous Spanish inquisitor): “Since the twelfth century, medieval theologians localized religious discord with an apocalyptic teleology, based upon Paul’s second letter to the Thessalonians”; “By the fourteenth century, however, ecclesiastical authorities saw such claims as inherently suspect.”.
5. “*Magia naturalis* strove for a comprehensive understanding of nature including all hidden (occult) effects and properties of natural objects [...] but the witch hunts were not aimed at followers of the *magia naturalis*.” (Dillinger 2018: 26 f.). “Perhaps the most common and foundational form of magic was natural magic—it was the base magic upon which many other types of magic were built. As its name implies, this brand of magic

was seen as just as much a part of nature as gravity or magnetism. [...] The practice of natural magic represented a drive to understand how the universe works based on the idea that all was intrinsically connected, to uncover that knowledge, and to use that knowledge for various purposes. Doctors would use the knowledge discovered through magical practices to better care for their patients, while theologians might use natural magic to uncover divine forces and understand the nature of God.” (Glaser-Hille 2019: 50).

6. “[A] basic discrepancy between the medieval and the present scientific attitude. In medieval natural philosophy, eagerness to disqualify procedures that systematically failed to produce the expected results was not particularly common. The notion of ‘experiment’ was not understood to be something involving a number of controlled experimental situations, but rather as commonly shared knowledge described by traditional philosophers and authorities.” (Láng 2017: 56).
7. “It [magic] simply differs from natural science in that the laws it assumes, namely those of similarity (sympathy) and contact, are false. Sympathy and contact are central categories of the efficacy of magic. Sympathy means that certain objects are related to each other and act on each other [...] Contact magic can be regarded as a special case of sympathetic magic. The relationship between objects was not captured here in the form of similarity, but by touch.” (Dillinger 2018: 14). “In a world ordered according to the rules of sympathy, phenomena and events are not related to each other in the sense of the modern concept of cause and effect, but they act on each other according to the analogy of the self-experience of human soul life: just as grief can affect another, just as a smile can cause a smile, laughter can be contagious, so too are natural things ‘sympathetic’ and ‘antipathetic’ to each other.” (Harmening 1991: 137).
8. “Striking a river with a broom and sprinkling the wet of it toward heaven, stirring urine or water with their finger in a hole in the ground” quotes Margaret Murray (1921: 173) Scot’s example of ‘impossible actions’. Something like the butterfly example of chaos theory, according to which a wingbeat in Canada can cause a hurricane here (Russell/Alexander 2007: 14).
9. “The pronouncements of words was recognized to have a tremendous influence over the concern of life. The impact of a sentence uttered aloud could not be questioned and could never be taken back—as if it had become somehow physical. [...] Concrete expression and utterance had a dignity and a status, as is common in oral cultures.” (Raudvere 2002: 91).

10. “For example, a carnelian, even red, was supposed to act on the body fluid blood—calm down anger, help with nosebleeds or menstrual cramps.” (Roeck 2017: 817).
11. “[T]he general truth that human beings traditionally have great trouble in coping with the concept of random chance. People tend on the whole to want to assign occurrences of remarkable good or bad luck to agency either human or superhuman.” (Hutton 2017: 10).
12. “Asara is it strange to believe in coincidences. She simply cannot anything imagine under the term coincidence. Neither she nor anyone else around her would think of implying that something was happening without any meaning. Even if this is not immediately recognizable, Asara assumes one. It seems inconceivable to her that two events could take place in the same place at the same time, but completely unrelated, or that people could meet without a higher order. Rather she assumes that every occurrence is always part of a higher uncontrollable plan.” writes Gerhard Haase-Hindenberg (2009: 156) in his current interview report from the witch village Gambaga in North Ghana. “It is we who accept the possibility and logic of pure chance, while for the dweller in the magical world, no event is ‘accidental’ or ‘random’, but each has its chain of causation in which Power, or its lack was the decisive agency.” (Wax/Wax 1962: 187).
13. (de.wikipedia.org/destination).
14. “In more contemporary literature magic is defined, not only by its inadequacy compared to religion, but by inadequacies compared to science as well” (Wax/Wax 1962: 179 in Levack 1992: 183). “In spite of all the wars waged between science and religion in the West, in spite of a long and deeply entrenched tradition of hostility, the two (science and religion) now coexist cosely. Magic however, is still the outcast.” (Jarvie/Agassi 1967: 58 in Levack 1992: 366).
15. “One of the main contributions of anthropology to witchcraft research has been to show that witchcraft has its own kind of rationality, more practical but evidently not stupid.” (Blécourt 2018: 12).
16. S. to Frazer: Bernd Christian Otto: *Frazer James George* in: (www.historicum.net/themen/hexenforschung/lexikon/alphabetisch/ag/artikel/frazer-james).
17. “Frazer suggested that magic’s ‘fundamental conception is identical with that of modern science’. Both magic and science are rooted in natural laws and the desire to understand and command the universe. They also both oppose religion. The main difference between the two turns out to be efficacy”; “Science is magic that works” (Kurt Vonnegut 2010). “[T]he core of

- Frazer's philosophy of history is that religion was a momentary aberration in the grand trajectory of human thought. Science is a reversion to the commonsensical mentality of our distant ancestors. Which is to say, religion had extinguished a despiritualized magic, which then, paradoxically, returned as science." (Josephson-Storm 2017: 144 ff.).
18. Cf. to the double 'ethnocentric' difficulty, on the one hand to accept the action in the context of the then mentality as 'rational', but on the other hand not to fall into an absolute 'value-free' relativism, Christina Lerner (1984: 97 ff., 153 ff., 165) in her these problems dedicated *Clifford-lectures*, in which she, inter alia, distinguishes "for any given culture, a non-relativist stance with regard to technology and a relativist one with regard to speculation. This allows for the growing body of irreversible knowledge which cannot to my mind be conveniently eliminated by references to the metaphysical basis of contemporary positivist science. It does not, however, involve the further claim that modern societies are fundamentally organized on scientific principles"—as difficult as it may always be to draw a clear line between these two areas.
 19. Referring to Max Weber, Schwerhoff (1986: 66) emphasizes this 'rationalization process', inter alia, at the early example of the *witch hammer* and the further literary discussion of demonologists and their opponents; so that, for example, the work by Ulrich Molitor (1489) can already be "an important stage of an immanent rationalization process, which may have contributed to the long-term destruction of the witch stereotype."
 20. In the formulation of Max Weber (1985/1922: 315), who devoted a whole chapter to this problem: "The more it [the idea of God] runs in the direction of the concept of a universal, transcendental, unitary God, the more the problem arises: how the enormous increase in power of such a God can be reconciled with the fact of the imperfection of the world which he has created and governs."
 21. Or even the topics that have been virulent since the beginning of Christianity, such as the nature of Christ, the 'Christology', which the Council of Chalcedon (451) promised to 'finally' solve (www.evangelium21.net/media/1241/christologie-ein-geschichtlicher-und-theologischer-ueberblick), or the question of the Trinity, the Trinity, which was dogmatically enshrined at the Synod of Toledo (675) (https://de.wikipedia.org/wiki/Trinität#Entwicklung_der_Trinitätstheologie).
 22. Ifalsify! According to Karl Popper, like Jarvie and Agassi representatives of critical Rationalismus, one can never prove a hypothesis, but only refute it: The hypothesis that all ravens are black can not be proven by even the most

- black ravens, but refuted by a single white raven. (de.wikipedia.org/wiki/Falsifikationismus).
23. linguistic turn: “the view that language is an ‘unavoidable condition of thinking’. According to this, ‘all human knowledge is structured by language’; reality beyond language is seen as ‘non-existent’ or at least ‘unattainable’.” (de.wikipedia.org/wiki/Linguistische_Wende). “That reality and discourse collapse into each other has been a guiding assumption of post-modernism, but it may account for some premodern modes of understanding as well.” (Clark 1999: 94).
 24. “In Lutheran Germany, for example, it was reported in the 1590s that ‘the use of spells is so widespread among the people here that no man or woman begins, undertakes, does, or refrains from doing, desires or hopes for anything without using some special charm, spell, incantation, or other such heathenish medium’.” (Quoted Clark 1999: 284 Gerald Strauss 1978).
 25. Quoted Clark (1999: 288) D. P. Walker *Spiritual and Demonic Magic from Ficino to Campanella* (1958: 80 ff.). An idea that we today ‘ideally’ with algorithms and materially with the genetic code come closer.
 26. (Glaser-Hille 2014: 86, 88): “[N]arrative is the creative communication of identity, ideas, symbols, perceptions or knowledge, a communication that expresses—and thus interpretively (re)creates—a reality based on the teller’s and audience’s understanding of the world. This socially, culturally, and historically located expression of reality is recreated when it is communicated to the audience.”
- “The basis for the power of narration lies in a particular view of language, that words represent reality and their performance can therefore alter reality. This view held sway from the early Middle Ages and remained unchallenged in religious practice and popular culture into the early modern and modern period, despite the advent of nominalism with its distinction between words and reality among the intellectuals in the thirteenth century.” (Jolly 2002: 29).
27. I follow here the comprehensive, impressive analysis by Stuart Clark (1999; Part 1).
 28. “Contrariety was thus an universal principle of intelligibility as well as a statement about how the world was actually constituted.” (Clark 1999: 54).
 29. Even though it was problematic in the Trinity of God—Father, Son, Holy Spirit—and in the newly invented intermediary realm of Purgatory between Hell and Paradise.
 30. James/Jakob VI./I. wrote in his *Daemonologie* (1597): “For since the Devil is the very contrary opposite to God, there can be no better way to know

- God, then by the contrary: as by the one's power (though a creature), to admire the power of the great Creator; by the falsehood of the one to consider the truth of the other, by the injustice of the one, to consider the Justice of the other, and by the cruelty of the one, to consider the mercifulness of the other." (In: Tyson 2011: 146). And Jeremy Corderoy said in 1608 "Who so will take away al wickednesse, by consequent taketh away vertue; for vertue consisteth in rooting out vice." (in: Clark 1999: 41).
31. "In Western religion, literature and mythology, for example, there are many such recurring binary oppositions: good—evil; high—low; male—female; culture—nature; young—old, etc." (Harris 1989: 327 f.).
 32. An "inverse" world oriented towards the polarity of order and disorder, as it is still played today, for example in the carnival custom of the "key handover" and others: "I want to argue that Renaissance descriptions of the nature of Satan, the character of hell and, above all, the ritual activities of witches shared a vocabulary of misrules [e.g. Charivari, carnival folk festivals with reversed roles], that they were in effect part of a language conventionally employed to establish and condemn the properties of a disorderly world." (Clark 2007a: 150 f.).
 33. "[T]he narrow distinction contemporaries made between divine and demonic possession, especially among women. Many of the symptoms of these two types of spirit possession, most notably the trances, visions, and ecstasies, resembled each other closely. Possessions of both types also involved convulsions and the demonstration of preternatural strength. Good possessions were, however, more likely to involve eating disorders, especially since fasting was one of the most common methods of achieving sanctity. In any event, clerical authorities became increasingly involved in discerning the difference between the two types of spirit possession, and by the early seventeenth century they almost always determined that women who were apparently involved in good possessions were actually possessed by the Devil." (Levack 2013: 175).
 34. An inversion between the covenant of God, originally with Adam and Noah, (see: <https://de.wikipedia.org/wiki/Föderaltheologie>) and the diabolical pact, which especially shaped Calvinism of the Puritans: "Since witches 'covenant to use ... [the Devil's] help for the working of wonders' they are not only rejecting the generous covenant of God, but also binding themselves to an anti-contract which, for Perkins [*A Discourse of the Damned Art of Witchcraft* 1602] is the essence of witchcraft, and in precise counterpoint to the theology of covenant. The positive vision of salvation is drama-

- tized by the anathematization of its mirror-image. Within Perkins's scheme witchcraft fulfills a specific function as the inversion of orthodox soteriology." (Bostridge 1997: 11).
35. "[A]lso today there can be no altar in a Catholic church where the bone of a saint, a hair, a garment, etc. is not enclosed. An altar without a saint's relic is not liturgically functional according to the latest edition of the *Codex Juris Canonici*." (Dinzelbacher 2001: 299).
 36. For the development of this host 'myth' see Heim (2016: 185–191).
 37. "Catholic sacramental thinking ran parallel to magical practice. The booklets of exorcisms composed for priests were in some respects comparable to ritual magic texts. For example, around mid-century some Franciscans near Dordrecht composed a manuscript *Book of Exorcisms (liber exorcismorum)*. This collection of abjurations, conjurations, and spells began with the typical means of spiritual preparation for the exorcist, then turned to the blessings or benedictions that the cleric could use to heal eye ailments or the falling sickness, to avert storms, lightning, and hail, to identify thieves, or to lift magical spells and curses." (Waite 2003: 142).
 38. (Stephens 2003;197): "If one accepted the idea that *maleficium* was real, any sacramental that seemed to neutralize a *maleficium* could be defended as having a perceptible effect; thus, it had to be real." (Ibid.: 187).
 39. Of course in 'dialectical unity' (see below in Sect. 11.1.3). But popular science likes to connect—as Hendrix (2011)—this clerical *witch* 'myth' directly with a—originating from the time of the heretics—papal-Dominican inquisition 'reality', although Institoris (see below in Sect. 6.4 (1)) was the last papal inquisitor in Germany, the actual *witch* persecution was a secular matter.
 40. For example, "the real presence of God guaranteed itself over a feudal, hierarchically organized entourage of worldly as well as otherworldly representatives, angels, saints, more or less holy people, from the pope down to the parish priest, so that the opposing camp could also boast an impressively large number of upper and lower devils as well as worldly helpers and accomplices, not to forget female vassals." Dinzelbacher (2001: 285) quotes Günther Jerouschek: *500 Years of the Witch Hammer* in: Ders. (ed.): *Malleus maleficarum*. Hildesheim (1992: XIX).
 41. A beautiful example can be found in Tamara Herzig's (2003: 55) analysis of *Strix* by Mirandola: Up to and including the 15th century—including *Hexenhammer* - it was believed that demons did not commit—as 'unnatural'—homosexual acts (sodomy), because they were 'fallen angels' of angelic origin, "therefore 'most gentle' nature" possessed, and subject to

- ‘natural laws’: “Bernardino [of Siena 1380–1444, who in turn preached against the sin of homosexuality [Sect. 6.2(3)] argued that the devil operates only according to the laws of nature, and is repelled by acts done ‘against nature’. Since sodomy is a sin not only against God, but also ‘against nature’ the devil cannot stand the sight of sinners engaged in sodomy ‘for the shame of it’.”
42. (wikipedia.org/wiki/Pantheismus).
 43. (de.wikipedia.org/wiki/Kreationismus) together with its *Intelligent-Design*-variant: (de.wikipedia.org/wiki/Intelligent_Design).
 44. In addition to the 7 sacraments (baptism, eucharist, confirmation, confession, last anointing, ordination and marriage), which immediately—even with unworthy priests—mediate the grace of God, the Catholic Church knows sacramentality, in which God, with God-pleasing application (thus by no means always), grants help: “All rely on the notion that God seeks actively to be praised and that He will, to some extent, reward faith and devotion by ad hoc displays of His power.” (Ferber 2004: 9). “One distinguishes between material sacramentals, i.e. objects consecrated by the Church, such as oils, salt, water, candles, palms, ashes, crosses, rosaries, medals, scapulars, etc. and blessings and consecrations of persons (consecration of an abbot, consecration of a virgin, blessing of the sick, blessing of a mother, ordinary priestly blessing) and of objects (churches, altars, bells, chalices, holy vessels and vestments and all material sacramentals). The purpose of the material sacramentals is that those who use them appropriately should receive the grace effects which the Church has asked for at their consecration.” (www.kathpedia.com/index.php?title=Sakramentalien).
 45. According to the *Decretum Gratiani* (1140), the use of spells is basically subject to excommunication. An exception is made by Gratian if the Creed or the Our Father is used for this purpose. This led to the fact that such herbs and stones were only useful if they were collected and prepared in accordance with Christian-ritualistic regulations. Under these circumstances, they were even tolerated as amulets against possession.
 46. This is what Hermann Witekind says in ‘*Katholische Zauberei und Volksberglaube*’, (*Catholic Sorcery and Popular Superstition*) (1585): “This misuse/superstition/devilish work was full of papal power among the common man and therefore also went among us Evangelicals. What was the most important thing in the Mass other than the magical blessing, when the priest, the five words or eight syllables, *Hoc est enim corpus meum*, spoke over the bread, breathed on it, made three crosses over it with his chin, meant that the body of Christ would come out of the bread.” (in: Behringer

- 2000: 35). See also Clark (2007b) for the mutual confessional attributions—‘Catholicism is magic’; ‘Protestantism is heretical witchcraft.’
47. In recent years, “historians have successfully challenged interpretations of the order that had long been taken for granted by friend and foe alike. They have shown, for instance, that the order was not founded to oppose the Reformation or even to reform the Catholic Church but had a much broader, primarily pastoral scope.” (O’Malley (2004: 223) in his informative article *The Society of Jesus*). But it was precisely the Jesuits in Trier who not only “propagated the efficacy of holy water and church amulets, in particular the Agnus Dei amulets, against witches and demons” (Dillinger 1999: 175), but who also initially used exorcism as a political weapon, for which, for example, the influential Peter Binsfeld and, in his following, Martin Del Rio were responsible, whereby they particularly emphasized the role of *witch children*—for example, in the dispute with Dietrich Flade (see Sect. 9.2)—as the best and most reliable witnesses of the accusation, especially when it came to exposing the leaders of the witch sect. “Witch children had to be considered as the best and most reliable witnesses of the accusation, especially when it came to exposing the leaders of the witch sect.” Voltmer, who here speaks of “a network of Jesuit colleges, schools and universities that emerged during the 16th century.” (2016: 213, 219).
 48. “Pilgrims were offered wine in which the relic of the Holy Blood had been dipped”; “the custom of drinking Holy Blood wine was widely documented as early as the 18th century. The blessing of wine with the relic is still common practice today”; “the protection against witchcraft was still listed as one of the most important *miracle powers* of the Holy Blood as late as 1777”; “In the cult of the Holy Blood in Weingarten, a system of magical weather control was created and endowed with church authority.” Dillinger (1999: 162, 166, 165) with further evidence for such forms of “church magic”.
 49. “The use of the Agnus Dei shows that the belief in church magic is not to be understood as a category remote from reality, such as “folk culture” or “elite culture”, but rather as an integrative factor that transcends social classes: even Archbishop Johann VII. [† 1599] wore such an amulet. He did not believe that he was affected by the damage caused by the witches’ spell until he took off his Agnus Dei.” (Dillinger 1999: 159).
 50. For example, ringing of church bells in bad weather or—in a treatise by the Trier Bishop Peter Binsfeld (1590)—against bewitchments (Labouvie, 1987: 86): “Therefore (says) also Nider a. A. O.: ‘For this reason, the bells in the church are rung throughout the country or in the community against

- the air, once to make the demons flee like before the trumpets dedicated to God and to abstain from their bewitchments, then also to encourage the people and to call on God against the storm. "" (Kramer, Heinrich, *Institoris* 1985/1486, II: 266). For which Hermann Witekind 1585) meant: "Yes, I've seen it, that with me, in our little church, the thunderbolt killed the bell ringer while he was ringing, lay dead, still had the rope in his hand. Who can all relate what they have done of this juggling and fraud." (in: Behringer 200: 36).
51. As seen from the left of Christ. "The impressive theme of the Last Judgment with its tragic highlights has 'entered everywhere, in the cathedrals of the great cities as well as in the chapels of the most remote Alpine villages, in the 14th and 15th centuries'", quotes Delumeau (1985: 318) Aubenas/Ricard (1950).
 52. "[T]he widespread belief that illnesses were associated with particular saints, who could be propitiated with pilgrimages and offerings, and whose ambivalent nature brought them very close to the witches who were also supposed to have the power to heal their victims. [...] The church supported such beliefs by maintaining shrines which were pilgrimage centres, and [...] could even become centres for witch-finding operations managed by the clergy"; "[T]he belief that the saints gave illnesses was a very general one." (Briggs 2007: 215, 305). Dixon (2008: 211) tells a story with a convincing punchline from Russia: "[S]eeing the [great Moscow] fire [of 1713] advancing to consume his all, [a poor, superstitious man] took a picture of St. Nicholas and holding it between him and the fire, prayed fervently for that saint's protection, but in vain for the flames soon seized his house, for which he became so enraged at the saint, that he threw him into the fire, saying, since he would not save him he might now save himself: this coming to the ears of the clergy, the poor man was sentenced to be burnt alive.".
 53. "Therefore, it follows from this that the medicus does not learn and find out everything he is supposed to be able to do and know in the High Schools, but he must also go to old women, gypsies, sorcerers, wanderers, old peasant farmers and the like from time to time, and learn from them, for they have more knowledge of such things than all the High Schools", says Paracelsus in: (*Das Erkennen und Behandeln con angehexten Krankheiten*) (*The Recognition and Treatment of Bewitched Illnesses*) (1531) (in: Behringer 2000: 33).
 54. This is very nicely criticized by the physicist Sabine Hossenfelder in her SPIEGEL interview (no. 24 from 9 June 2018: 204): "Now, in addition to the aforementioned Wimps, we also have Wimpzillas and Simps, we have

- Präonen, Sfermionen, Axionen and Flaxionen, as well as Erebonen and Inflatonen. We even have ‘Unparticles’, in German ‘Unteilchen’. There are thousands of articles that describe these constructs in detail. And the most influential of them were in turn cited a thousand times. But none of these particles has ever been seen.”
55. “Mathematics represented cosmic order, and created a bridge between the celestial harmony and earthly realms. Magic was therefore the wisdom derived from numbers, their orders and measures.” (Glaser-Hille 2019: 166). One of the synonyms for the wizards in Bremen was *lmathematicusl* (Schwarzwälder 1959: 167). “As far as most pre-modern thinkers were concerned, to describe a man as a mathematician was to describe him as a wizard; this was certainly true, for example, in the cases of John Napier [†1617] and John Dee [†1608].” (Henry 2008: 20). The expression comes from Eymerich (1395): “His central concern was to determine when astrologers crossed the line and became illicit diviners (whom he labeled here *mathematici* (adopting Augustine’s and Isidore’s term for those who pressed astrological prediction beyond its natural capacities) or even outright necromancers (*nigromantici*)” (Bailey 2013: 89); “John Napier (†1617) saw the main purpose of the logarithms, which he invented, to be the calculation of the ‘number of the beast’, which is given in the Apocalypse (= 666).” (Delumeau 1985: 352); more information on the ‘arithmetic of prophecies’ can be found there (349 ff.).
 56. A good overview of early modern astrology and alchemy can be found in Kieckhefer (1992: 140 ff.).
 57. *lNecromancyl* “Necromantia was a Latin word derived from Greek, literally meaning divination by means of the dead. [...] By the later medieval period the term ‘necromancy’ had expanded to encompass any kind of ritual demonic conjuration and designated a whole category of elite, learned magic.” (Bailey 2013: 22).
 58. Dinzlacher (2001: 147) citing Christa Habiger-Tuczay: “Magie und Magier im Mittelalter,” Munich (1992: 74 ff.); Wolfgang Behringer wrote in the *Frankfurter Zeitung* on 19. 8. 87, p. 26: “A Kaiser Rudolf II. (1575–1612), in whose residence not only a Johannes Kepler, but magicians from all over Europe were received, is still awaiting interpretation.”
 59. Examples of this “learned clerical” magic are described by Decker (2013: 87 ff., 108–115) based on the necromancy pursued by the Roman “Holy Office” (see below, Sect. 8.7.3) from the context of the papal intrigue game: “The most prominent offender, whose life was spared, was Bartolomäus Peretti, Bishop of Marsi (east of Rome). Pope Clement VIII suspended

him from his office in 1603 and sentenced him to imprisonment in Rome.” (Ibid.: 109).

60. Author of the book *‘De incertitudine et vanitate scientiarum’* (‘On the uncertainty and vanity of sciences’) in which he, much observed, attacked the church and political conditions of his time and thus the officials and the clergy. In Metz he successfully defended a witch by refuting the inquisitor, who quoted from the *Hexenhammer*, whereupon it was said “Whoever wins against the Inquisition must be a devil worshipper.”
(de.wikipedia.org/wiki/Heinrich_Cornelius_Agrippa_von_Nettesheim).
61. Reginald Scot (1584) already said at that time: “After discussing the harmless ‘toies’ of conjuring, such as juggling, ‘arythmetically devices’ (subjective probability manipulation), ‘partlie in private as also in publike confederaci’ (the use of stooges), Scot proceeds to consider Alcumystrie (alchemy) and the summoning up of spirits, providing a long list of devils and their legions and properties, with some incantations for calling them and the dead: but they are only ‘a disordered heap ... follies and falsehoods as bare and naked as an anatomie’ (Scot, 1584/1930, p. 251). Such necromancers are more stupid than confessed witches for they are supposedly educated people.” (Littlewood 2009: 358).
62. A ‘middling level’, which could form the link between ‘learned’ and village magic: “[T]he critical link by which the threat to godly society was transferred from powerful male courtiers to elderly peasant women. The role of unfrocked, discontented, vagrant clergy in this process may have been significant.” (Quaife 1987: 40). Which Kieckhefer (2012: 383, 396) supplemented as follows: “The necromancers who appear in trial records were often mere charlatans, pretenders to learning they did not possess, summoners to demons who never materialized.”; “The common necromancer is not Faust, nor is meant to be; he is a petty swindler, convicted primarily of duping the gullible.”.
63. “A grimoire or spell book is a book with magical knowledge. The heyday of these writings was between the late Middle Ages and the 18th century. Such spell books contain astrological rules, lists of angels and demons, spells as well as instructions for summoning magical beings or for making talismans and magical potions.” (de.wikipedia.org/wiki/Grimoire). “*Grimoires* formed one part of the French ‘blue library,’ and like the rest of this literature were socially conservative, and generally old-fashioned; their basic intent was to preserve the old magic rather than introduce novelties; [e.g.] how to remedy the charm to make men impotent, the *aiguillette*, and how to make an *aiguelette*. [...] However, *grimoires* have undoubtedly exerted a powerful

- influence on popular witchcraft in modern Europe, just as the demonologies had a powerful influence on the elites managing the seventeenth-century witch trials.” (Monter 1976: 189 ff.).
64. “[T]here are witches of three kinds: some heal and injure; others injure but cannot heal; still others seem only to heal, i.e. remove the injury.” (Kramer, Heinrich, *Institoris* 1985/1486, I: 144).
65. A beautiful example is analyzed by Alison Rowlands (2008) on the basis of the work of Johann Ludwig Hartmann, Lutheran superintendent from Rothenburg: ‘*Greul des Segensprechen*’ (‘*Abomination of blessing*’) (1680). A thorough analysis of these ‘magical’ practices—fortune telling, healing, treasure hunting, defense techniques, etc.—is offered by Bever (2008 Part III, Chap. 6 and 7, 335) using the example of 57 magic cases from Württemberg: “Some of these worked through conscious beliefs and symbolic meaning, but others [...] worked through unconscious autonomic processes that had direct physiological effects unmediated by personal belief or cultural meaning. Similarly, magical rituals could be performed to effectively counter occult aggression and enhance performance in other aspects. As with sorcery and shamanism, a crucial aspect of beneficent magic is that to a very considerable degree it works by manipulating—tuning or fine-tuning—the human nervous system, dramatically or subtly altering consciousness in order to access knowledge and powers not accessible in normal waking consciousness.”
66. Tamar Herzig (2011: 1026) describes how in the 15th century in Bologna the Dominican inquisitor failed against the “Carmelite magical healer, exorcist, and necromancer Antonio Giacomo de Cacciaguerra (fl. 1452–75)”: “Cacciaguerra’s superiors in the Carmelite Congregation of Mantua, in particular, did not regard the invocation of demons as incompatible with their religious way of life either before or after Sixtus IV’s intervention, and that their influential patrons at the Gonzaga court in Mantua shared their attitude toward magical practices.”
67. “[T]ypical early modern scene of popular therapists: pastors, barbers, executioners, undertakers, shepherds, soldiers and of course also women who had experiences and knowledge about diseases and injuries of people and animals and were therefore often asked for help. If there was suspicion of criminal causes for certain ailments, they were also asked for active assistance, which was supposed to convict the alleged perpetrator or more often the alleged female perpetrator. But at the latest at this point the persons entrusted with this had to leave the ground of the accepted therapy form and

- enter the dangerous field of superstition and magic.” (Rummel 2006: 161, with examples of this ‘rural therapist scene’)
68. “Women and, to a lesser extent, uneducated men were held to be capable of magical knowledge, of course, but usually only to a limited extent. Prejudiced assumptions by the élite about the limits of the knowledge of such “cunning” men and women were to have appalling consequences during the witch crazes. Supposed success in magical operations was assumed to have been achieved thanks to the Devil’s help (rather than by knowledge of natural occult qualities and powers), and so the witch was presumed guilty of commerce with Satan. The educated magus would always have been able to defend himself from similar charges by insisting that he used only natural magic, and by demonstrating a clear understanding of the distinction between natural and demonic magic. Uneducated witches were not always able to make such clear distinctions, and much less so during inquisitorial proceedings.” (Henry 2008: 38 ff.).
 69. “[T]he premodern devil can usefully be construed as a series of negotiations along and between two hierarchical scales: one conceived in terms of potency; the other in terms of malevolence [...] these quadrants reflect devils who are: i) powerful but an agent of God; ii) powerful but hostile to God; iii) impotent and hostile to God; iv) impotent but an agent of God”, also as God’s Agent, Gods Rival, God’s frustrated Opponent, God’s Dupe. (Raiswell/Dendle (2012a: 537 und passim).”
 70. “[I]n which necromancy was exercised, and it does seem clear that the techniques of necromantic conjuration contained [...] not only ordination but some command of Latin and of ritual forms.” (Kieckhefer 2012; 387).
 71. To the difference between—the more often therefore also less hard sanctioned by the clerical courts—magicians and the *witch*-‘sect’ Hutton (2017: 167 ff.) leads: “There was no sense in the late medieval attack on magic that magicians were part of an organized and widespread new religious sect, which posed a serious menace to Christianity [...]. The ends concerned, though selfish, were generally just for personal profit rather than dedicated to the commission of evil as an end in itself, and most of those targeted offered their services for sale to others or sought assistance from such experts [...]. In most cases the element of apostasy from Christianity was not central to the charges, and because those accused were not expected to belong to a sect, there was no cumulative effect of arrests, as those already under interrogation were not required to name accomplices.”.

72. An ambivalence that even encompasses the figure of the *witch*, as Peter Geschiere (2008: 319–322) convincingly demonstrates using the example of ‘modern witches’ from Cameroon and South Africa: “However as soon as the legislator has to deal with witchcraft, (s)he (again just like we academics) becomes entangled in a minefield of ambiguities and shifting meanings, that seem to block any effort towards control [...] it may be an extremely evil force, yet it can bring also—more or less directly—riches, luck, and power [...]; being potentially lethal but also essential for healing, exercising authority or accumulating wealth.”; “It might be this subversive charge, undermining any clear-cut distinction between good and evil (or any attempt at a clear definition whether by academics or by lawyers), that can help scholars to understand the impressive resilience of these discourses in the face of modern changes.”.
73. Cf. the discussion of the influence of theological providentialism (the belief that all events on Earth are controlled by God) on the idea of universally valid natural laws, which is not pursued any further here, in Henry (2004: 113) with regard to the leading role played by Descartes: “The nature of these laws, however, demanded a unique and detailed metaphysics to justify and underwrite his new physics. Since the metaphysics depended upon the intervention of God, Descartes had to develop [...] a secular theology.”.
74. John Henry (2008) demonstrates using various examples how these early ‘natural philosophers’, in their efforts to soften the traditional Aristotelian-Galenic model, adopted central components of ‘learned magic’ while excluding others that were ‘demonic’: “I suggest that there was a fragmentation of the occult arts and sciences during the Renaissance and early modern periods, as some aspects of the magic tradition became appropriated into the new philosophy, or new science. To a large extent it was the input from magic that made the new philosophies what they were, not only with regard to the experimental method and the new ethos that natural knowledge should be pragmatically useful, but also with regard to the substantive content of those new philosophies. At the same time, however, other aspects of the magical tradition were firmly rejected.” (a. a. O.: 6).
75. (Midelfort 2008: 364 in Midelfort 2013). “But what is clear is the sheer level of interest shown in witchcraft matters by exponents of ‘high’ magic—and, indeed, by many natural philosophers who made a special study of the occult aspects of the natural world [...] the capacity of these subjects to arouse interest in a wide range of intellectual contexts *other than* the legal prosecution of witches. They obviously appealed to some of the brightest scientific talents of the day who showed a theoretical interest in them that

- bore little relation to witch-hunting [...] as a kind of intellectual resource.” (Clark 2002: 164).
76. In his discussion with Neugebauer-Wölk, Schwerhoff (2007: 5) emphasizes: “You have to take into account the scientific character of witchcraft beliefs. For hundreds of years, the outstanding representatives of Western learning argued about the power of witches and the influence of the devil, developed competing approaches to the systematization of the phenomenon and its proper combat. Any explanation that does not take into account this Western peculiarity of witch hunts misses its central dimensions.”
 77. For a recent discussion of the importance of the role of “scientific” thinking, especially towards the end of the witch hunts, see Elmer (2013): “The suggestion that knowledge of nature in the early modern period cannot be divorced from wider theological and political concerns is surely significant for scholars of witchcraft. [...] The pursuit of scientific knowledge in early modern Europe is now widely perceived as part of, and immersed in, a much wider program of religious renewal and political change [...] The fusion of science and religion evident in the thinking of Newton, Bekker, and others, remained a factor in the debate over witchcraft well into the eighteenth century.” (Ibid.: 556 f.).
 78. “The sixteenth and seventeenth centuries marked a watershed moment in the history of evidence not just because it was therein that the modern sense of ‘evidence’ originated, but because the relationship between evidence and knowledge in the period was more complicated than it had been before and, arguably, has been since.” (Lancaster/Raiswell 2018: 27).
 79. However, it was the plague that aroused doubts about the “individualistic” principle of the disturbance of the four humors: “The increased prevalence of pestilential diseases in a Europe where bubonic plague was endemic and where syphilis was cutting a swathe through all classes of society presented problems for traditional medical theory. Galen saw all disease in terms of a disturbance of the four humours such that the normal healthy temperament (the balance of the humours in the body) was disrupted. It follows from this that diseases do not have a separate existence in their own right. The difficulty with this individualistic physiological approach to sickness, seeing every illness as the special problem of one patient, is that it cannot easily explain conditions which seem to be infectious.” (Henry 2008: 34). “Refinements could be made to theory through observation, but it was the reciprocal relationship between *a priori* theory, on the one hand, and semiotics and induction, on the other, which permitted physicians to translate medical experience into medical evidence. [...] And just as procedures for deal-

- ing with legal evidence influenced later disciplines of knowledge, so too did medical observation (*observatio*) and record-keeping furnish an alternative model of proof distinct from Aristotelian with which early moderns could reform the study of nature.” (Lancaster/Raiswell 2018: 16 f.).
80. A devil, which one also liked to use as a joker, if the actual crime—a murder by poison or the underlying *maleficium*—was difficult to prove, or if such evidence was lacking in the trial: in the vain torture, in the missing child’s corpse or, as in Schiltach, when the *witch* was not at the scene of the crime at the time of the crime: ”This contradiction could only be explained in such a way that the woman had covered the distance by flying on a pitchfork, on a stove fork, and had arrived in the tavern in Schiltach in half an hour.“ (Harter 2005: 36).
 81. “Even if the demonologists were eager to support their findings with a plethora of classical quotations, one should still take their concern seriously: Humanist-educated jurists like Rémy or Boguet were methodologically aware and held it against themselves that they did not report invented stupid stories, but only experience-based knowledge, as it corresponded to the new understanding of science of the Renaissance and their own court practice.” (Behringer 1994: 67 f.).
 82. Fabiana Ambrosi (2019) illustrates the general emancipatory efforts of these medical emancipatory efforts on the basis of the demonological work *De morbis veneficis ac veneficiis* (1595) by the Italian doctor Giovan Battista Codronchi with the example of the complex relationship between “medicine, exorcism and healers”, in which Codronchi, on the one hand, pleads for close cooperation between the doctor and the exorcist, of which the one treats the body, the other the soul, and on the other hand recommends in a letter to the Roman Congregation that the “medical” books listed in an annex be included in the *Index of Prohibited Books*: This “suggests that more than sincere spirituality, Codronchi’s motivation exposes his intention to emancipate medicine both from theology, with which he expects and hopes to form a dialectic, especially from that medical marketplace mostly composed of non-specialists.” (a. a. O.: 13).
 83. “As far as the assessment of the expert opinions is concerned, the Tübingen lawyers always believed the expert opinions of trained doctors and, above all, the faculties, but sometimes mistrusted the expert opinions of barbers and surgeons.” (Sauter 2010: 235).
 84. A medically-critical attitude, which, as Nathalie Davis (1984: 108 ff.) shows, was possible in general vis-à-vis the “low” competition – since the “Popular Errors” (1578) of the dean of the medical faculty of the University

- of Montpellier Laurent Joubert: “As a group trained at the university (since the fifteenth century almost exclusively religious laymen), the physicians in the cities feared the competition of an increasingly literate and educated elite among the surgeons, not to mention the encroachments of the pharmacists or even the presumptuous midwives.”
85. (Elmer 2016: 12 ff.): “Medicine and medical practitioners, particularly those favourable to Dissent [*‘Dissenters’*: Non-Anglican believers] provided a great deal of intellectual and practical support for those eager to prove the existence of spirits and witches, [...] their conformist colleagues in medical circles took the opposite approach, providing a wide range of evidence to disprove belief in witchcraft. [...] By the end of the seventeenth century, it was becoming commonplace in Anglican circles to explain the bizarre contortions of those who claimed to suffer from bewitchment or diabolical possession as a form of neurological dysfunction. [...] Crucially, similar arguments were invoked to account for the actions and beliefs of those ‘enthusiasts’ who opted to reject communion with their Anglican neighbours. The pathologizing of dissent, and the depiction of religious enthusiasts as mad, thus proceeded hand in hand with a general approach in mainstream Anglican circles that sought to minimize the role of spirit in day-to-day human affairs.” (a.a.O.: 232).
86. Clark (1999: 174–175). “His “malicious demon” is thus unmistakably the devil of early modern demonology” (Clark 2014: 20–21). See also the—neurophysiologically secured—analysis of the three key dreams of Descartes by Bever (2017: 36–40): “In terms of the broader significance of Descartes’s dreams, the philosopher’s experiences on the night of November 10, 1619, were important not only because of their role in his psychological and philosophical development but also because they provide insights into the psycho-cultural basis of disbelief in magic in the modern world.”; “He wrote that the ‘Spirit who had aroused in him’ the excitement that had preoccupied him in the days prior to the dream were ‘the work of some Evil Spirit who wanted to seduce him’; that the clap of thunder in his second dream was actually the ‘Spirit of Truth descending to take possession of him’. At the time that Descartes had the dreams, interest in Rosicrucianism was at its height, and there is good evidence that Descartes was aware of and intrigued by it and other occult traditions.”
87. Whose “world mechanics, which can be grasped with a simple formula, have lost all the magic of the old models.” “Planetary intelligences and angels have given way to centrifugal force and gravity. Even the comets no

- longer appeared as wild desperados and harbingers of misfortune.” (Roeck 2017: 1042).
88. (de.wikipedia.org/wiki/Isaac_Newton#Newton_und_Alchemie). So Newton’s idea of gravity is based on the—unthinkable for Aristotle—‘distance relationship’, as it was also conceived in the magical sympathy-antipathy model: “It was always a prominent feature of the magical tradition, however, being a mainstay of notions of sympathy and antipathy, and therefore appearing in many of the occult arts and sciences, from astrology to alchemy and beyond. It is now generally acknowledged that Newton’s easy acceptance of actions at a distance (manifested most obviously in his concept of gravity, but also in the micro-matter theory discussed in the “Queries” appended to the *Opticks*) derived from his own work in alchemy, where he can be seen to make assumptions about particles operating on one another across a distance.” (Henry 2008: 5).
 89. “Giordano Bruno [†1600] took the teachings of Hermes as a basis for a genuinely pagan revival of Egyptian religion in which all of Christendom could be reunited. [...] Nicolas Copernicus [†1543] himself presented his heliocentric theory as one that accorded well with the teachings of Hermes Trismegistos, and it is now well understood that Johann Kepler [†1630] worked out his scheme of the universe under the obsession that he was thereby uncovering the magical harmonies of the spheres. Even the sober Francis Bacon [†1626] had deep roots in the magico-empirical tradition.” (Midelfort 1982: 187 in Midelfort 2013).
 90. “Only in the second half of the twentieth century did scholars begin to correct the Enlightenment image of Newton and to recognize the more magical aspects of his work.“ “Newton’s own interest in various magical traditions can best be understood by locating it within a late-Renaissance movement to reform natural philosophy by paying closer attention to various magical or occult traditions.” (Henry 2008: 3 f.).
 91. “Witchcraft theory was itself an adjunct to *magia*, a specialist account of one particular branch of magical activity supposedly intended by human agents but effected on their behalf by their demonic associates.” (Clark 1999: 244).
 92. In the then ‘natural philosophy’ (science), one distinguished since Thomas Aquinas—and more closely elaborated by Francis Bacon, the ‘father of modern science’ (1623)—three dimensions: In addition to the ‘naturally explicable’ phenomena, on the one hand, there was a space of divine miracles—because only God could perform miracles beyond the laws of nature—and on the other hand, a realm of extraordinary (preternatural)

mira, which, as the experience and experiments showed, obeyed the laws of nature, but without being able to recognize their causal genesis in the same way: “Aquinas point, to be endlessly elaborated in the demonology of the sixteenth and seventeenth centuries, was that Satan worked not miracles (*miracula*) but wonders (*mira*).” (Clark 1999: 153). While the field of *miracles* became increasingly narrow in the course of the Reformation and Counter-Reformation, since Protestantism saw their time as over, and the Catholic post-Tridentine doctrine had accordingly increased the criteria for their recognition, the *mira* gained considerable importance in the early days of science, only to give way to the actual ‘scientific’ explanations in ‘our modern times’.

93. Said the Danish evangelical theologian Niels Hemmingsen (†1600) (Clark 1999: 163).
94. This also applied to the Lutheran position: “In general outline the Lutheran position on the nature of sorcery and witchcraft [...] differed little from the theological picture that had developed from the thirteenth century [...] both witches and demons were believed to possess no supernatural powers, for only God was deemed capable of producing genuine miracles that confound the laws of nature. As part of the created order, then, sorcerers, witches, angels and demons operate entirely within the natural world and can only produce effects generated through the manipulation of the natural properties of things.” (Morton 2012: 421).
95. According to Clark (1999: 165). Paolo Grillandi was a papal judge in *witch*-trials since 1517. His *Tractatus de hereticis et sortilegiis* (1536), based on these experiences, was one of the demonological standard texts (en.wikipedia.org/wiki/Paolo_Grillandi).
96. “The Devil knew the occult qualities of things, and how to apply appropriate actives to passives to accomplish whatever might be required. William Perkins put it rather well in his *Discourse of the damned art of witch-craft* (1618): “[The Devil has] exquisite knowledge of all natural things, as of the influences of the starres, the constitutions of men and other creatures, the kinds, vertues, an operation of plantes, rootes, hearbes, stones etc., which knowledge of his goeth many degrees beyond the skill of all men, yea even those that are most excellent in this kind, as Philosophers and Physicians are.” (Henry 2008: 12).
97. “Because only God could act outside nature, only his miracles were supernatural. When humans seemed to perform miracles through the power of demons, they were merely ‘working wonder’—*mira*, not *miracula*. It was therefore not only possible but normal to defend the reality of witchcraft

- and demons while simultaneously defining their operations as completely natural. Though not ‘scientific’ in our sense, demonological explanations of occult, wondrous, or preternatural phenomena were based on the forerunner of science, that is, *natural philosophy*.” (Stephens 2013: 106).
98. “The practice of corpse-touching, and religious, legal and medical questions regarding it, seeped into the age of the witch trials and cropped up in the growing debates about the continuation of miracles beyond the biblical age. In his *Daemonologie* (1597), King James I and VI noted that ‘in a secret murther, if the deade carcasse be at any time thereafter handled by the murtherer, it will gush out of bloud, as if the blud wer creying to the heaven for revenge of the murtherer, God having appoynted that secret super-naturell signe’.” (Davies/Matteoni 2017: 22).
 99. “Corpuscularianism is a physical theory that supposed all matter to be composed of minute particles, which became important in the seventeenth century. Among the corpuscularians were Pierre Gassendi, Robert Boyle, and John Locke.” “The philosopher Thomas Hobbes used corpuscularianism to justify his political theories in *Leviathan*. It was used by Newton in his development of the corpuscular theory of light, while Boyle used it to develop his mechanical corpuscular philosophy, which laid the foundations for the Chemical Revolution” (en.wikipedia.org/wiki/Corpuscularianism).
 100. Even Kepler (1609) explained the—calculable—forces that move the planets with “the traditional explanation that they came from moving ‘souls’ or intelligences. However, he worked with abstract physical concepts.” (Roeck 2017: 991).
 101. “The practices defined by these men as superstitious—mainly common spells, blessings, and charms—were widespread in this period, as throughout the Middle Ages. Yet their wide diffusion would have been of no concern had authorities not begun to deem them dangerously illicit. In fact, many of these practices were based on ecclesiastical rites, often drawing on standard prayers and elements of the liturgy.” (Bailey 2008: 117).
 102. S.: <https://de.m.wikipedia.org/wiki/Einstiegsdrogen-Hypothese>.
 103. “Naturally, then, authorities began to associate long-standing stereotypes about heretical cults, involving Satanism, infanticide, cannibalism, and sexual orgies, with sorcery and sorcerers. Likewise, they easily intensified such harmful acts associated with common sorcery as causing infertility, killing children, and destroying crops into a diabolical conspiracy on the part of an organized cult of witches directed by Satan himself.” (Bailey 2001: 984).
 104. “Like John [Johannes XXII] Eymerich focused in his great inquisitorial manual almost entirely on elite necromantic practices of the sort common in

- at least the more shadowy corners of many courts and universities.” (Bailey 2013: 83).
105. “As Glanvill put it, ‘those that dare not bluntly say, There is no god, content themselves (for a fair step, and Introduction) to deny there are spirits or witches.’” (Hunter 2012: 405 in his analysis of the *Decline of Magic* in England).
 106. In Raiswell (2012: 44 f.).
 107. In this section I follow Walter Stephens *Demon Lovers*, in which he proves in a detailed analysis of the early theological witchcraft writings—Nider, Kramer, Mirandola, Spina—“that the real demon lovers, the persons who most ardently desired physical relationships with embodied devils, were the theologians themselves. Their desire for ‘carnal knowledge’ of demons was, not pornographic, but metaphysical.” (2003: 26).
 108. Cameron (2011: 252), what “the classical scholar and ecclesiastic Meric Casaubon 1668” in seinem *Credulity and Incredulity* repeated: “He insisted that disbelief in witches and their activities inevitably led to disbelief in spirits, and thus to outright atheism.” (Cameron 2011: 274).
 109. The Dominican Bartolomeo Spina, who—“significantly relied on the *Malleus maleficarum*. He insisted that witches did indeed fly to the Sabbath in person and that this was not as others had claimed, an illusion.” (Scholz Williams 2013: 78)—nevertheless sees himself as an ‘empiricist’: “Experience who is called the teacher of all things”, provides us with a beautiful ‘modern’ example in his book *Quaestio de strigibus* (1523) in an “indignant attack on Pomponazzi’s proof that Aristotle did not support human immortality”: “The holy doctors believe these things, as we have said, and consider the ascertained by the reports of people who are not crazy.” However incredible demonic copulations may seem, it has been certified as real by theologians, who have used careful criteria to establish the truth, relying on the lived experience of witches and the eyewitness testimony of others. Thus, says Spina, we should believe *everything* that we hear about witchcraft.” (Stephens 2003: 172, 85).
 110. “That late medieval authorities might doubt demonic existence and power is not so extraordinary as it perhaps initially sounds. In his history of the devil, Jeffrey Russell has noted that several major intellectual and religious currents in the late Middle Ages, including nominalism, neoplatonism, humanism and mysticism, all downplayed the active power of the devil. Only traditional scholasticism stressed demonic power as an important component of its world-view.” (Bailey 2008: 126).

111. “Hussitism traumatized Western Christianity from 1411, when Huss was excommunicated, to the end of the anti-Hussite military crusades in 1436. [...] In 1485, only two years before the *Malleus* was published, Bohemian Catholics and Utraquists formally agreed to a thirty-one-year stalemate in which each group would keep the parishes that it held, thus institutionalizing two contrary views of the eucharist, one with and one without the chalice [Communion with or without a chalice or communion wine].” (Stephens 2003: 230 f.). For the preceding mediator function of Johannes Nider during the Basel Council (1431–1433) see Bailey (2003: 57–64).
112. “Most of the works were authored by members of the mendicant orders, with Dominicans leading the way [...]. Most were inquisitors, such as the French Jean Vineti and Nicolas Jacquier (both active in the mid-fifteenth century), the German Institoris, or Bernarado Regno, Silvestro Mazzolini and Bartolomeo Spina, all Italian witch-hunters active during the end of the fifteenth and the early sixteenth centuries.” (Duni 2016: 208). The Franciscans did not play a decisive role in this early period, as much as they could later on in the context of exorcism: “Although there is no fifteenth-century text of Franciscan provenance that can compare to the demonological message and impact of Nider’s *Formicarius*, Jacquier’s *De Calcatione demonum*, or Kramer’s *Malleus maleficarum*, Franciscan Observants did produce larger tracts in which demonic attacks and bodily possession became part and parcel for a more elaborate demonology.” (Roest 2018: 318 f.).
113. “[T]he curious fact that Nider’s generally skeptical approach to visions was surprisingly reversed when talking about diabolic apparitions allegedly experienced by witches [...] There is no sense of the same critical alertness here with which Nider put rational questions to the experiential performance and the veracity of late medieval female charismatics. At the same time, we can see that the fable of the witches’ Sabbath is gaining an increasing credibility among the ecclesiastical elite of the age, who receive with eager attention the confirmation of this myth from the confessions of the accused witches.” (Klaniczay 2008: 64 f.).
114. “The crises that led to witchcraft theory in the early fifteenth century emerged from a long, uneasy debate between lived experience and doctrinal theory about God, the efficacy of his sacraments, and the demons. These problems emerged with particular force in the Aristotelian discussions of thirteenth-century Scholasticism and were probably worsened by the unremittingly disastrous social and ecclesiastical conditions of the fourteenth century.[...] these works betray important anxieties about the relations of

- God to humanity, not simply about human sinfulness, but also about God's presence, justice, and providence. The extent of that discomfort was evident in discussions of the eucharist, baptism, and the sacramentals." (Stephens 2003: 275 f.).
115. "What lay behind the origins of witch-hunting (as opposed to magic or witchcraft which were endemic features of the European landscape) was the need to defend particular religious beliefs against both heretical challenges, such as Anabaptism, and inner doubt." (Waite 2003: 190).
 116. (Stephens 2003: 310). A problem that ranged from the *Canon Episcopi* (see Sect. 3.3) to the skeptical attitude of the Spanish Inquisition (see Sect. 8.7.2).
 117. Analogous to occasionally imagination-stimulating cloud formations.
 118. Cervantes 1999: 127 quotes Peter Brown *The cult of the saints* (1981: 106 f.).
 119. "Sadducees, members of a Jewish sect from around the time of Jesus who were said to have denied the immortality of the soul." (en.wikipedia.org/wiki/Saducismus_Triumphatus). Here: 'atheist deniers à la Thomas Hobbes (Sect. 13.1(3)), who were also hotly discussed in the London coffeehouses: "Hobbes also, of course, propagated a cynical, manipulative view of human nature and human institutions which at the time was widely seen as corrosive of religion. Worse, his ideas were perceived to be dangerously influential in late seventeenth-century England in the form of what was widely and disparagingly described as 'Hobbism', a cynical, libertine outlook which was thought to thrive particularly in the privileged culture of Restoration London, associated especially with the court, the Inns of Court, and the coffee-houses." (Hunter 2012: 402).
 120. (Elmer 2016: 210–229). See also more extensively: Hunter (2012): "It was the perception of the severity of this threat [the Sadducee] which led to a counter-attack on part of Glanvill and others, in which the empirical techniques of Baconian science were brought to bear in an attempt to refute such scepticism and provide objective proof of the reality of witchcraft and other supernatural phenomena." "One component of Glanvill's book was an essay which sought to defend witchcraft in terms of the epistemology of the new science, arguing that it was unreasonable to deny 'matters of fact' on a priori grounds by analogy with our nescience as to how other provable phenomena occur, such as the formation of a foetus in the womb or a plant in the earth." (a. a. O.: 401, 406)
 121. "The term Transsubstantiation (Latin for "transformation") denotes in Christian theology the transformation of bread and wine into the body and

- blood of Jesus Christ in the holy mass.” (<https://de.wikipedia.org/wiki/Transsubstantiation>).
122. For the history of superstition see the introduction by S. A. Smith (2008) to the anthology edited by him and Alan Knight: *The Religion of Fools? Superstition Past and Present* (2008): “Prior to the eighteenth century, superstition signified ‘bad religion’ rather than ‘bad science’. If there were common elements in pre-Enlightenment conceptions of superstition, it is that the beliefs and practices so designated were either deemed to be impure or excessive from the standpoint of religious orthodoxy or were associated with the manipulation of occult—usually demonic—powers. The modern understanding of superstition has generally lost this connection with religious orthodoxy, although it retains an association with magic.” (Ibid.: 9).
 123. “Three related ideas prevailed everywhere, however: the gods of the pagans were still demons in disguise, pagan religious practices were superstition, and some pagan religious practices were magical.” (Peters 2002: 187).
 124. Campagne (2004: 30, 35) illustrates the resulting problem when transferring a Spanish radical demonology (Castañeda 1529) to New Spain by the Franciscan Andrés de Olmos in *Tratado he hechicerías y sortilegios* (1553). Although their gods are declared to be demons, one must deny them the power of the European Satan: “Such a degree of power attributed to the enemy of the Christian God complicated the evangelization of those peoples that had recently abandoned paganism.”; “Conscious of the risks involved in fully showing the angelic power of Satan, which were capable of producing real effects and of granting wishes with more frequency than God Himself, the Franciscan had to resort to a compromise in his solution”: Although powerful, but arch-deceiver: “[H]e is a trickster who in all cases invariably deceives his acolytes, breaks his promises, and ignores every pact.”
 125. “In the Scandinavian traditions before Christianization, the witches are relatively well understood as people with special abilities who could bring help or harm. Some of them wandered from court to court and were respected guests before they fell victim to the Interpretatio christiana through demonization. ” (Dinzelbacher 2001: 224). Extensively treated by Raudvere (2002): “[W]ise women (*volur*) used to go about the country. They were called ‘spæ-wives’ (*spákonur*), and they foretold people’s futures. For this reason people used to invite them to their houses and gave them hospitality and bestowed gifts on them at parting. ” (a. a. O.: 128). Stephen Mitchell (2011: 94 ff.) describes and discusses such a ‘*seiðre* performance’ from the saga of *Erich the Red* from the 13th century.

126. Writes Stephen Mitchell (2011: 36) for early Scandinavia: “Stories about the varying efficacy of pagan and Christian magic were a form of communication, where magical acts represent the competing faiths and competing deities; where, contrary to modern Western aversion to the reality of magic, the actuality of magic is readily accepted and only its source of power is debated; where pagan and Christian practitioners could exchange examples of their magic, and, most important, the power of their deities, just as individuals exchange words in verbal duels.”
127. “[T]he dialogue between the church and the magical arts in the early middle ages was as much a matter of creative assimilation and acculturation as it was of unremitting rejection, and it may be that this two-pronged strategy continued throughout the high and later middle ages as well.” (Scribner 1993: 481).
128. Jansenism: a moral-ascetic direction in Catholicism, which was condemned as heretical by Pope Urban VIII. (1642) (de.wikipedia.org/wiki/Jansenismus).
129. In his global religious-sociological analysis, Max Weber (1985/1922) writes: “One can separate those forms of relationships to the supernatural powers that express themselves as requests, sacrifices, veneration, as ‘religion’ and ‘cult’ from ‘sorcery’ as the magical compulsion and accordingly designate as ‘gods’ those beings that are religiously venerated and asked, as ‘demons’ those that are magically forced and banned. The separation is almost nowhere carried out completely, because even the ritual of the ‘religious’ cult in this sense contains massive magical components almost everywhere. And the historical development of this separation has often simply taken place in such a way that, when a cult was suppressed by a secular or priestly power in favor of a new religion, the old gods continued to exist as ‘demons’.”
130. “In one very meaningful sense, superstition never changes. It is always that which dominant elements within a society (or dominating elements from outside) categorize as illicit and beyond the bounds of proper belief, rational thought, or legitimate practice [...] Few people, if any, would have pursued actions that they themselves regarded as superstitious. Rather, these actions, as well as the beliefs that certain actions supposedly demonstrated or the basic understandings of natural and spiritual operations in which they were grounded, became superstitious in the eyes of others.” (Bailey 2013: 227).
131. |Superstition surrogat: Substitute for superstitious practices.

132. Hans de Waardt (1993: 37) describes the proximity between *cunning men* and priests using the example of a *liber exorzissmorum* from a Franciscan monastery in the Netherlands from the mid-16th century: “The main difference between exorcising clerics and lay wizards was that in general a priest would never announce the name of a guilty witch, while a cunning man would feel completely free to do so. But there was very little difference in the actual methods used by these two groups of experts to cure a patient.”
133. lequifunctionell: both elements, both techniques fulfill the same function, can be replaced by each other.
134. “The Church itself after the Council of Trent (Trient), continued to encourage the use of ritual to convince the people of its effectiveness. This mentality was so deeply felt that anyone who doubted such theories could be denounced to the Inquisition. Mastro Blasio Zammit, for example, was denounced by a neighbour for having ridiculed the carrying in procession of the statue of St Agatha on the walls of Mdina, at the time of the 1551 siege.” (Cassar 1996: 30).
135. Not necessarily the extent of the belief in witches alive before and after the *Hexen-Zeit*.
136. (Macfarlaine 1970: 195). “Deprived of the protective means inherent in the Catholic sacramental system, Protestants found themselves prey to anxiety that was hardly allayed by invoking the Protestant doctrine of providence. [...] Indeed, we might well surmise that they received a double boost: the competition provided by the ‘magic of the medieval church’ was in great part removed, while the anxiety about how to deal with the exigencies of daily life was often intensified rather than lessened. In the absence of a Protestant rite of exorcism, practitioners of magic who were able to deal with demonic possession or with poltergeists found themselves virtually in a position to monopolize the market.” (Scribner 1993:487).
137. Gunnoes’ (2011: 51–131) analysis of the ‘*Heidelberg Lord’s Supper Controversy*’ in the prehistory of the *Heidelberg Catechism* (1562) demonstrates the existential importance of these ‘trivialities’ even within the Protestant Reformed Church.
138. (Knight 2008: 258): “[M]agical and superstitious practice reflected a crude kind of theory; but such practice said little about cosmology, the transcending meaning of life, or ethical behavior.” (a. a. O.: 249).
139. Roper (1995: 192): “The efficacy of magic was achieved by piling up magical powers and conjurations in a syncretistic manner. Therefore, spells usually ended with religious references or contained prayers. They revealed the willingness to use everything that could prove to be helpful, whether it was

- a power sanctioned by the Church or not.” In just this way, one could also use the ‘inner magic’ of the—stolen-Hostto reinforce one’s own magical means.
140. “With regard to the morphological structure in which the mode of operation (beneficial or harmful) of magical powers is described, the cult of saints (with the belief in miraculous relics) and popular ideas about witches represent two analogous—albeit opposite—poles in the broader area of popular religious ideas about magic.” (Klaniczay 1991: 9).
 141. I follow Dinzelbacher’s (2001: 283) analysis *Heilige oder Hexen*. here.
 142. Remember the—politically colored—fate of Jeanne d’Arc, who, each by clerical courts, 1431 as a multiple heretic sentenced (see Dinzelbacher 2001: 21), then 1456 acquitted, 1909 beatified and 1920 canonized.
 143. A decision problem that Kevin Dutton (2013: 238) in his bestseller *Psychopaths: What you can learn from saints, lawyers and serial killers* today the psychiatrists and psychologists with their psychopathic scales, as well as the neurologists with their brain scans can leave: “Not all psychopaths are saints. And not all saints are psychopaths. But there are indications that psychopaths and saints share a secret neuronal office space in the corridors of the brain.”
 144. (Dinzelbacher 2001: 288): “The lightning rod helps more against thunderstorms than the murder of the weather-making ‘witch’ (Roeck 1992: 99). But it also helps more than a call to a weather-repellent saint.”
 145. “The fallen angels not only kept the power, according to the opinion of medieval theologians, to cause faces—one reads with Thomas Aquinas just as much as in the Hexenhammer—but this is also the doctrine of the present Catholic theology.” (Dinzelbacher 2001: 253).
 146. Ferber (2004: 92) in her analysis of obsession in Louviers (1642–54): “This question of sexuality, together with the broader question of women’s involvement in spiritual life, became a major feature of an anti-mystic ‘backlash’ which took hold on several fronts in France in the 1620’s. This came to be known as the campaign against ‘illuminism’ (false claims or delusions of spiritual enlightenment). ‘Illuminism’ was a pejorative term used by opponents. There was no self-avowed ‘school’ of illuminism among its practitioners.”
 147. “[T]he fact that the sometimes feverishly negative responses to Birgitta—both by nonelites and by elites—tended to rely on constructions of the witch image: when she first arrived in the Eternal City at midcentury [14. Jhd.], the Roman crowds reportedly wanted to kill her, condemning her as a witch, and she likewise endured accusations of witchcraft by the aristoc-

- racy. The whole issue of female spirituality, and thus the religious authority of such women, was put to the test at the council of Constance when Jean Gerson considered the gift of the Holy Spirit and female mysticism, with a focus on Birgitta's recent canonization. As one Scholar succinctly summarized these developments, 'Birgitta's boldness and controversial prophecies aroused suspicions, and her detractors accused her of heresy and witchcraft'". (St. Mitchell 2011: 195).
148. Her first abbess was the saint Catherine (†1381), Birgitta's daughter.
149. (https://de.wikipedia.org/wiki/Birgitta_von_Schweden). "The Rule of the Order prescribed a contemplative way of life in strict seclusion under complete separation of the two sexes. The economic management of the entire facility was in the hands of the abbess, the spiritual in those of the general confessor (prior) ["the supremacy of the abbess in worldly matters extended even to the head of the monks' section, the confessor general." (St. Mitchell 2011; 194)]. The priests (no more than 13) heard confessions and preached to the maximum 60 nuns and the many pilgrims who came together at all Birgitta monasteries, as the order could grant great indulgences. Around 1500, the order counted 27 monasteries." (<https://www.historisches-lexikon-bayerns.de/Lexikon/Birgitten>).
150. "Indeed, the medieval revival of interest in the question of testing spirits was provoked by the late twelfth-century laicization and feminization of religious life, and the main medieval targets of this new form of skepticism were Beguines, Tertiaries, individual recluses, and other religious laywomen. Such movements, while immediately popular in the burgeoning towns of Europe, were regarded as dangerous and potentially heretical by some in positions of ecclesiastical authority—many of whom regarded the laity as too ignorant to guide their own religious lives or to declare their own saintly cults. [...] The feminization of lay religious life that was characteristic of this period ultimately became a precipitating factor in the discrediting and even diabolization of most forms of feminine spirituality by the sixteenth century." (Caciola/Sluhovsky 2016: 36).
151. (Simon-Muscheid in Wunder (1995: 25): "Religious exercises, work and begging shaped the lives of late medieval Beguine communities, for whose livelihood the income from endowments and annuities was not sufficient." For the history of persecution of the Beguines see Bailey (2003: 64–74). In the Basel Beguine dispute from 1400 to 1411 the Dominican Johannes Mulberg—shortly before the development of the *witch* model—in the Inquisition process of 1405 achieved that 'Beguines and Beghards were expelled from Basel because of 'external' vices such as adultery, but also because

- of 'spiritual' vices such as heresy, superstition and 'preaching in corners' and 'secret instruction'. (Blauert 1989: 53). 'At the end of the 14th century about 350-400 Beguines live in Basel (approx. 10,000 inhabitants)' (Degler-Spengler 1995: 32).
152. "Many of those tried for false sanctity claimed the ability to save souls in purgatory. Such an ability would doubtless have been in high demand by those seeking knowledge of their deceased relatives and loved ones, and as a result these claims were subject to special scrutiny." (Keitt 2005: 92).
153. (Blauert 1989: 108, 141). Cf. Hsia (1998: 187 ff., 188, 192 f.) *inter alia* on the example of the Spanish saint Teresa of Avila: "The mistrust of early modern Catholicism towards female religiosity was a reflex of both the Tridentine concern for the priest's celibacy as well as the traditional ban on a religious leadership role for women." "What mattered was control. All mystical experiences of women, which the Tridentine Church approved, took place within the framework of the monastery—usually in the chapel and often during the mass, where the ecstasies were first witnessed by other members of the monastic community and later, with the increasing reputation of the nun, for the outside world." "Mysticism became an alternative source of authority for female religious."
154. "Beginning in the twelfth century, increasing numbers of female mystics lay claim to experiences that can best be characterized as divine possession." "We have widespread evidence, from the thirteenth through fifteenth centuries, that describes women's natural affinity for techniques of spiritual dislocation (ecstasy), as well as their particular vulnerability to spiritual invasions (possession)." (Caciola 2005: 25, 22).
155. "In the Great Awakening of the 1730's and 1740's people accused *themselves* of corruption as passionately as they accused others, even including 'worldly' ministers and secular leaders." [...] "Perhaps because accusation and confession were so intimately linked, the Great Awakening generated neither trials nor executions—and occasionally it did succeed in reintegrating the afflicted communities which it touched." (Boyer/Nissenbaum 1974: 215 ff.).
156. "So it was no question that it often had to prove itself to be difficult to decide whether the problems of a patient were caused by a demon or by adverse physical conditions." Waardt (2005: 10). See also: Midelford (2005).
157. Basically, a ban on questioning applied (see the view of various demonologists in Ferber 2004: 77), but in practice it was rarely adhered to (see below in Sect. 10.1). In this sense, the *Rituale Romanum* *Rituale Romanum*,

Exorzismus (1614) (1614) banned questioning, but still allowed one to ask the reason why the devils “had entered a person’s body” and “to find out which actions by the exorcist they found most distressing, so that the exorcist might know ‘at which words the devils are more upset ... [to] give more force to theme and to repeat them.’” (a. a. O.: 39, 67). So in the wake of the Aix-en-Provence Possession (1609–11) the exorcist Michaelis could the possessed Madelaine Demandols as a true witness, her devil *Beelzebub* but as a liar after gusto interpret: “Thus, whenever Demandols began to do or say anything that did not accord with the exorcists’ intentions, the exorcists were able to charge that it was the devil speaking. The exorcist became in this way the sole arbiter of the success of his own performances. “A double role of the possessed:” both legally suspect, and captive to her role as a devil, inexorably dependent on the exorcist to arbitrate on where her own identity ended, and where that of the devil began.” (a. a. O.: 79).

158. | Tertiary I: “Third orders are Christian communities that each form an order family together with a male order branch (first order) and a female order branch (second order) [...] Such third orders go back to Saint Francis, who, when 1221 many men and women demanded admission to monasteries, gave them a rule in 20 chapters.” (de.m.wikipedia.org/wiki/Dritter_Orden).
159. The canonization takes place at the request of a diocese or religious community to the Vatican. “Then a so-called postulator (in German ‘promoter’) must collect biographical information, writings of the person, as well as written and oral testimonies of contemporaries. These records are then submitted to the Congregation for the Causes of Saints and Blesseds. After further examination, including by bishops and cardinals, the final decision lies with the Pope.” (www.katholisch.de/artikel/86-heiligsprechung).
160. In the coping with the possession in Aix en Provence (1609–11) the Dominican Sebastian Michaelis, prior of the Couvent Royal at Saint-Maximum, played a decisive role: “He was also an inquisitor. Significantly, he had been involved 30 years before in witch trials in Provence, and had published a treatise against witchcraft entitled *Pneumologie ou Discours des esprits*.” He was also involved in the proceedings then discontinued by Pope Paul V. in Lille (1613) (see Sect. 8.7.3 (1)).
161. “Since sainthood was overwhelmingly associated with the masculine sex, noble blood, and clerical or monastic status, poor laywomen’s claims to divine inspiration were inherently controversial. Inversely, since demonic possession also was a sex-related phenomenon that was thought to afflict women far more often than men, a negative interpretation of unusual or

- extreme behaviors among women must have seemed obvious to many observers.” (Caciola/Sluhovsky 2012: 7).
162. “Women’s frightening proclivity to witchcraft and the admirable experiences of ascetic women mystics were two sides of one, singularly somatized and emotional understanding of the female nature.” (Herzig 2017: 20).
 163. “Friedrich Spanheim, a German Protestant theologian who in 1655 gave the following definition of enthusiasm: ‘[B]y enthusiasts we mean fanatical men, who either feign or presume to have God’s breath and inspiration, and whether by diabolical, melancholic or voluntary illusions, deceive themselves and others that such inspiration should be assigned to divine revelation’”. (Keitt 2005: 79).
 164. “Alumbrados: ”heresy of illuminism, which is a form of antinomianism—the rejection of the moral law on the grounds that to the pure all things are pure“. (Levack 2013: 178 f.). To the phenomenon of alumbradismo or ‘illuminism’ in Spain s. Keitt (2005: 78 f., 81) “By the end of the sixteenth century, the term alumbradismo had undergone a significant broadening of its original usage. In post-Tridentine Spain it became a synonym for religious enthusiasm in general—and here I use the term “enthusiasm” in its seventeenth-century sense: exaggerated displays of emotion while at worship, sexual promiscuity and the blurring of gender roles, diabolism, and a propensity toward public raptures and ecstasies.” “The edict of 1623 issued against the alumbrados of Seville [...] covers almost every infraction against church discipline imaginable; atheism, witchcraft, blasphemy, and bigamy all come under the umbrella of illuminism.” Cf. also the attitude of the Spanish Inquisition examined by Allison Weber (2005: 190 f.) towards the ‘ecstatic’ sect of the *Alumbrados* discovered by the Dominican Inquisition Preacher Alonso de la Fuente in the 1570s with “sexual rituals between the confessors and their penitents”; “Instead, the Inquisition’s jurists focused on quasi-Protestant beliefs and sexual misconduct on the part of the clergy.”
 165. (Keitt 2005: 2) in a revealing analysis of three 1627–1641 Madrid Inquisition cases judged as ‘fraudulent’: “The case of Mateo Rodríguez [...] highlights the tangled web of issues involved: alumbradismo, diabolism, imposture, mysticism, the physiology of visionary experience, and the relationship between the royal court and thaumaturgic power.” “It fell to the Inquisition to distinguish between counterfeit sanctity and the genuine article, and although this was no easy task, by the seventeenth century cases dealing with imposture had become a fixture on the dockets of Inquisition tribunals in Spain and throughout the Roman Catholic world.” (Ibid.: 32, 2).

166. “The first task of a discerner of spiritual activity was therefore to make sure that a preternatural vision or apparition could not have natural causes.” (Clark 2014: 14).
167. (Keitt 2005:142), whose 6th chapter *Medical Discourse and Visionary Experience* (144 ff.) lies at the basis of this section.
168. (Clark 2014: 18), which I follow here.
169. “Occupation, age, and gender were variables that could also explain such fantasies. Old men doted, children with moist brains received false impressions, and women, also naturally moister in constitution and more “vehement (vehementia)” in their minds and their passions, “think they see what they desire [to see].” (Clark 2014: 15).
170. “The authorities in charge still had to rely upon the visionaries’ acquaintances, colleagues, and patrons when they sought to determine her reputation, reliability, and virtuous heroism. The authorities could claim a monopoly on discernment, but they could not enact it [...] Restricted by its inability to discredit all forms of divine possession, a theology of discernment was doomed to remain inconsistent and problematic, and discernment continued to be based upon local, communal, and political concerns.” (Sluhovsky 2005: 64, 66).
171. Spiritual direction carried out by a confessor was fraught with potential pitfalls; spiritual directors could just as easily become threats to the status quo as agents of social control. There was always the danger that the bond between the director and his charges could supersede the one between the church and its flock, thus giving rise to precisely the kind of heterodox piety that the church was trying to prevent. This was especially the case when it came to enhancing the prestige of one’s own order: “After the Discalced Mercedarians were granted independence in 1621, the order, which conspicuously lacked a corpus of canonized and beatified saints, undertook a vigorous campaign of saint making.” (Keitt 2005: 103, 122)
172. “Borrowing heavily from his classical master, in the sixteenth century the English humanist Thomas Wilson [1553] described ‘amplification’ in his *Arte of Rhetorique* this way: ‘By contraries set together, thynges oftentimes appere greater. As if one shoulde set Lukes Velvet against Geane velvet, the Lukes wil appere better, and the Geane wil seeme worsor. Or sette a faire woman against a foule, and she shal seeme muche fairer, and the other much the fouler.’ Indeed, ‘Contraria inter se opposita magis eluces-

- cunt,' which he translated as 'Contraries being set, the one against the other, appere more evident' was a common aphorism." (Raiswell 2012: 45 ff.).
173. Kieckhefer (1994: 822 ff.): "extraordinary phenomena, inexplicable solely by the known laws of nature, and in each case the defining feature was the operation of exceptional forces: demonic intervention, occult virtues within nature, or divine intervention. Ordinary science, natural magic, approved religion, and demonic magic could all be rationally explained but by appeal to different types of causal principle."
 174. Jarvie/Agassi (1967: 66 ff.) in Levack (1992: 374 ff.).
 175. "Since the term's inception in the late twentieth century, the concept of 'lived religion' has been used to address some important criticisms regarding an unfortunate tendency in religious studies: the tendency of differentiating between 'popular' and 'official' forms of religion, and imparting lesser academic value to the 'popular' than the 'official'. In other words, as we know that esoteric practices—and magical practices in particular—were an important and influential part of the premodern social and religious landscape, to exclude them from investigations into premodern religious identity due to their 'popular' connotations is to miss an important piece of the puzzle [...] One way of overcoming this type of thinking is to view cultural and religious behavior as occurring on a spectrum." (Glaser-Hille 2019: 67, 69).
 176. "Unlike many religious-studies texts, which focus on religious traditions as 'faiths', this present study has attempted to describe the diversity of religious forms found throughout the world as social institutions. It has thus situated these institutions, whether cultural traditions, churches, or movements, within their specific sociohistorical context and has focussed principally not on religious texts but on ethnographic studies, which have concretely described the beliefs and ritual practices of these varied religious forms." (Morris 2009: 315).



Abstract

Describes the long history of witchcraft in Christian times. The mostly rural and agricultural population followed a practice of ‘witchcraft’ that changed very little over time, and on the clerical side was condemned only as ‘superstition’ as early as the time of the heretic hunters for which the *Canon Episcopii* has been invoked, only to be seriously pursued since the time of the *Witch Hammer* (1486) as a sect of witches bound by a Satanic Pact.

In the long **prehistory** of *witchcraft* we can observe on the one hand, mostly among the rural and agrarian population, practices of ‘magic’ which hardly changed and continued throughout (Sect. 3.1); on the other hand, the clerical side condemned it as ‘superstition’ up until the time of the *heretics* (Sect. 3.2), while for a long time they based themselves on the *Canon Episcopii* (Sect. 3.4) before seriously persecuting it as a satanic *witch*-sect only from the time of the *Witch Hammer* (1486):

“Long before, and quite independently of, the great witch-hunt, there existed a fund of popular suspicion, a readiness to perceive witchcraft at work and to identify witches. On occasion those feelings expressed themselves illegally, in torture and killing. The day was to come when they would be able to do so legally.” (Cohn 1976: 155).

3.1 Folk Belief and Germanic Laws

“If someone, in the manner of the pagans, should be deceived by the devil into believing that any man or woman is a ‘striga’ and consumes people, and if he should burn her or feed her flesh to others or eat it himself, he will be punished by death. If someone has sacrificed a human being to the devil and offered him up to the demons in the manner of the pagans, let him die the death.” (Charlemagne (782): *Capitulatio de partibus Saxoniae*).¹

(1) In the folk belief which was hardly influenced by Christianity, pagan ideas were still widespread, in which “white and black magic could not always be distinguished from each other”.²

“[T]he spell formulas already contained a motley mixture of Christian and pagan elements since early medieval times; alongside invocations of God and the saints and crosses were words and signs of Germanic paganism, Jewish Kabbalah and popular devilry: one often tried to be on the safe side by hedging one’s bets.” (Schwarzwälder 1959: 160).³

Formulas, such as those that applied to the *Saxon baptismal vow* from around 772:

“Do you renounce the devil?” And he (the person being baptized) answers: I renounce the devil. And all devil worship?“ He answers: And I renounce all devil worship. And all the works of the devil?” He answers: And I renounce all the works and words of the devil, of Donar and of Wotan and of Saxnot and of all the evil spirits who are their companions.”⁴

And still 700 years later Hans Vintler writes in his poem (*The Belief in Perchten, Trutten, Elben, Alp, and the Evil Spirits*) from early in the 15th century in South Tyrol:

“Some people claim to have seen them, / and many say they have asked the devil questions
about what sort of god or noble creature he is, / and some people think
that they (the evil spirits) are the same as Diana, / who is nothing but a false goddess,
and some think that they have the power / to shoot people through walls.”⁵

White and black magic; love spells, prophecy, and weather-making; witchcraft and counter-spells: This is what it says, just 150 years later, in the “Advice on Forcing the Witch Anna Enzensberger to Take Back her Spell”, Oberstdorf 1586:

“Therefore someone should go to her, Anna [= the witch], / and three times beg her in the name of God and of the Last Judgment / that she help him, and she must help him. / Which also happened.”⁶

And the Pustertal folk magician Christoph Gostner says in 1595 in the protocol of his interrogation how he proceeded to get back stolen property:

“What he needs for this is this: He went into a stable and knelt down in the morning and said: ‘O Lord Jesus Christ, I kneel on this manure, send the thief who stole it the three worst devils, the first to force him, the second to drive him, the third to go into his shoes, so that the thief will be as wounded and in pain with the stolen goods as your mother was when she brought you onto this earth with her groaning loins and hands, just as I now leave you, that you must bring it back in the name of the Father, the Son, and the Holy Spirit.’”⁷

In short: “The predominance of ‘magical folk culture’ remained surprisingly unbroken despite the Inquisition, the Reformation, and the Counter-Reformation.” (Behringer 2000: 14).⁸ For which Scribner (1993: 489) cites the Biberach parish priest Conrad Platz (1566), who “attacked the activity of a local devil’s banner”:

“He called attention to the important role that words played in conjurations, spells and charms. These words were of three kinds: good, bad, and neutral. The “bad” involved invoking the Devil. [...] The “good” words were words found in Scripture but which were misused for magical spells. Platz specifically mentioned the names of God, the Trinity, and Christ’s five wounds, the inscription INRI above the cross of Christ, the first chapter of John, the Pater Noster, and the Ave Maria. These were used magically as spoken or written words, sometimes in conjunction with herbs and sometimes as amulets. Whatever their form, Platz asserted, they all involve “magic” because the users put their trust in the power of words and ignore God as our only helper. As such they infringed the first and second commandments.”⁹

(2) Even the early **Germanic laws** sanctioned such magical effects. Thus, the *Lex Baiuvariorum*—exemplary for the then pre-inquisitorial accusatory and compensatory thinking—from the early 8th century penalized it, ‘if someone has spoken the grain harvest of another’:

“If someone has initiated (initiaverit) with magical arts (maleficis artibus) the grain harvest of another, which is called *aranscarti*, and has been caught, he shall pay a fine of 12 shillings. And he must provide for a year the family, the whole property and the livestock of the one whose [...] and if he wanted to deny it, he must swear with twelve oath helpers (sacramentalibus) or compete with a guarded fighter. (campiono cincto) which means: in a duel.”¹⁰

And Charlemagne decreed against the pagan customs of the Saxons (775–790):

“If someone has taken an oath at the springs, trees or groves, or has sacrificed something in a pagan manner, and feasts to the honor of the demons, (the one who pays), if he is of noble birth 60 shillings, a free-born man 30 shillings, a Lite 15 shillings. But if they had nothing from which they could pay personally, they may be given into the service of the church until the shillings were paid.” (In: Behringer 2000: 59).

This is not only a beautiful example of an early form of “public work” in place of a replacement freedom sentence for an unenforceable monetary penalty (as we know it today), but also convincingly shows how here the “superstition” is to be sanctioned in its double form: “deceived by the devil” and as idolatrous behavior.

3.2 The Church

“All this is superstition, which was established by people and related to the production and worship of idols [...]. These views are also based on the same so-called agreements (pacts) and agreements with demons.” (Augustine in: Behringer 2000: 53).

(1) The church initially valued this popular belief as “superstition”, in two respects:

On the one hand as *idolatry* or as *apostasy*, as worship of idols and apostasy from God, that is, as a violation of the first of the Ten Commandments “You shall have no other gods before me”. An offense, the “real content” of which is obvious in times of the mission of the heathens with their “competing gods”—for example, the Germanic gods Wotan, Donar, Freya/Diana¹¹ -, and which will later be similar to the satanic cult of the God-denying heretic; especially as “the scholastics declared the Ten Commandments to be the basis of Christian ethics, not so much the Seven Deadly Sins”, because “the violation of the worship of false gods was not to be subsumed under the Seven Deadly Sins [...]. From the maleficium the satanic cult became.”¹² And on the other hand as ‘**superstitious**’, for example in the sense in which we today evaluate the belief in ghosts; an interpretation that—in view of Aristotle—‘rational’ doubted the existence of special demonic abilities of human sorcerers and witches.

A strategy of a ‘**missionary Rationalism**’, which resulted—regardless of the still existing proximity to the ‘rationalist-Roman’ thinking—also from the fact that the Church had to be careful in its missionary work against the then still dominating ‘pagan superstition’:

“The decisive reason why the later cumulative enemy image ‘witchcraft’ was not yet conceived is probably that the early medieval Church was confronted with a population that was to be converted to the Christian faith only permanently. To achieve this, the Church had to declare all pagan gods to be demons, but at the same time deny any efficacy to them as well as to the rituals associated with them.” (Rummel/Voltmer 2008: 18f.).

This led to a double dilemma: In order to be able to explain the magical products assumed to be real, one could not make the human/sorcerer/witch responsible, but had to resort to both competent demons, that is, to **devils** and their assistants, as well as postulate the permission of the all-powerful God:

“Though late-medieval demonologists seem endlessly to repeat the phrase ‘with the permission of God,’ whenever they discussed the powers of witches and demons, almost as a polite gesture in the direction of divine omnipotence, the phrase explains nothing precisely because it could explain anything at all.” (Broedel 2003: 79).

With this ‘learned’ construction the devil, the satanic power, enters the original popular belief in a personalized witch; a ‘diabolical germ’, which, however, only came to full fruition in our ‘*witch-time*’:

“The introduction of diabolism can thus more plausibly be construed as resulting from a desire of the literate élite to make sense of the notion of sorcery. [...] They could not entertain seriously the notion that acts of sorcery and maleficent words of substances had inherent power to bring evil results, without the mediation of demons. There was no place in their world-view for causation that was neither natural nor fully supernatural. [...] The Aristotelianism of the medieval schools was unwilling to recognize magic as an independent type of reality, and had to interpret it in religious terms. [...]. From the viewpoint of the intellectual élite neither sacraments nor sacramentals could take effect without God’s cooperation. Likewise, from their viewpoint there could be no sorcery without involvement of the devil. One might even suggest that they conceived sorcery as a kind of negative diabolical sacrament.” (Kieckhefer 1976: 79f.).

(2) The solution that the Saint **Augustine** (†430) already found, consisted in the diabolical **pact** between the demon and the sorcerer/witch, in which the latter made his abilities available—with God’s permission (!):¹³

“For it will happen that, according to a secret divine counsel, those humans who desire evil will be delivered to the mocking and deceiving angels who are disobedient to duty, to whom the lower part of the world is subject according to the excellent order of things, due to the law of divine providence ... Therefore, all such arts of a

vain or harmful superstition are to be deeply rejected and avoided as if they were the pacts [quasi foedus] of a disloyal and treacherous friendship of men and demons; 'not because'—as the apostle says—'the idol (really) is something,' but because one sacrifices to the demons and not to God, what one sacrifices."¹⁴

A central patristic¹⁵ source that Luther will later refer to, just as Thomas Aquinas. **Thomas Aquinas** (†1274) will 'physically' expand this **pact theory** 850 years later and apply it to popular superstition¹⁶, distinguishing between express and tacit pacts (*pacta expressa* and *pacta tacita*). The latter should be assumed even if the sorcerer/witch has no idea of it or it cannot be proven to them,¹⁷ because the idea of the pact 'logically' implies that there is no performance without counter-performance (Levack 1995: 46).

With the help of this pact idea, both the actually 'impossible' effects of sheer magic could be explained,¹⁸ as well as—in contrast to the exorcism to be fought against possession—the **voluntary** decision of the witches and sorcerers.

In her analysis of the Calvinist-Scottish *witch*-hunt, in which this pact—in contrast to the less noticed Sabbath—played a decisive role,¹⁹ Lerner (2000: 150) accordingly emphasizes that this pact confession—which had originally been developed 'canonically', that is, not Calvinist—on the one hand corresponded to the new form of religious responsibility and the changed understanding of criminal law²⁰, and on the other hand allowed women for the first time the personal responsibility as 'independent right': "At the same time it gave women for the first time personal responsibility of their own actions."²¹

In its connection with the '**Buhlschaft**' of the devil, "the sexual intercourse with the devil meant the beginning of an indissoluble, even marriage-like connection between the witch and the devil", "whereby then the wedding ceremony took place on the witch's dance" of the Sabbath. (Dülmen 1987a: 103, 107).

(3) This pact justifies the fall from God, the *apostasy*, and thus the accusation of **heresy**. An accusation of heresy, which the Avignon Pope John XXII. 1326 in his bull *Super illius specula*, for the entire church, beyond the 'normal' heresy also on the sorcery—but not yet, as Cohn (1976: 176 f.) emphasizes, on the then not 'invented' *witchcraft*—extended. With which he declared the then still clerical, against the heresy introduced **Inquisition** also competent for the offense of sorcery (Behringer 1987: 23):

"In 1398 the University of Paris declared the working of maleficia a heresy if it was accomplished through pact with the Devil. The pact might be explicit or implicit. No document needed to be signed or official promise given: the mere act of summoning demons constituted an implied pact and rendered the accused subject to prosecution for heresy." (Russell/Alexander 2007: 77).

(4) And **Luther** -for whom the ‘Devil’s League’ was the actual characteristic of the *witches* (Weber 2000: 148)—supplemented, now at the beginning of the actual *witch-time*, more than 200 years later, in a return to the *maleficia* of the *witch hammer*, his accusation of *idolatry* in his sermon on Exodus 22,18 in Wittenberg 1526 as follows:²²

“It is an extremely just law that the witches be killed, for they do much harm, which is sometimes ignored, they can namely milk, butter and everything from a house steal, by milking it from a towel, a table, a handle, the one or other good word speak and think of a cow. And the devil brings milk and butter to the milked instrument.²³ They can enchant a child that it constantly screams and does not eat, does not sleep, etc. [...] If you see such women, they have diabolical figures, I have seen some. That is why they are to be killed.”²⁴

In this sense, there were neither doubts about the existence of Satan nor about the fact of the ‘*maleficia*’ or the pact with the devil, which also worked after the Reformation:

“Luther’s influence undoubtedly contributed to the expansion and deepening of belief in the devil, and this belief powerfully assisted in the persecution of witches. Luther’s ecclesiastical and dogmatic authority also caused Protestant, especially Lutheran, orthodoxy to accord the devil and witches an important place in their belief systems.” (Weber 2000: 151).

3.3 Canon Episcopi (906)²⁵

“For who will not be led out of himself in sleep and by night visions and see many things in sleep which he never saw in waking?” (Canon Episcopi in: Behringer 2000: 61).

In the first post-Roman medieval phase of this prehistory, the church therefore concentrated on the ‘superstitious’ aspect together with its ‘unchristian’ practices and the illusions inspired by the devil; only in the post-heretical actual ‘*witch-time*’ of early modernity did the other aspect of a ‘real’ pact with Satan dominate:

In the year “**816 Archbishop Agobard of Lyon wrote** a small Latin book *On Hail and Thunder. In it he says*”: “Almost all the people of this country, nobility and commoners, town and country, old and young, believe that hail and thunder can be made by men [...]. Whether this is true, as people believe, must be proven by the authority of the Holy Scriptures. But if it is not true, as we believe without hesitation, it must be emphasized with the greatest force that the one who attributes the

work of God to a man is guilty of a great lie. [...] We have seen several of those who are blinded by this deep stupidity, and think it's possible. [...] Stupidity is a fair bit of unbelief and this evil is so widespread that there are now miserable Christians who believe such foolishness, who claim that they don't know how to make thunderstorms, but how to protect the residents of the place from thunderstorms. [...] Such stupidity already rules the wretched world that Christians now believe such silly stuff as the pagans of former times who did not know the Creator of the world could never have credibly believed." (In: Borst 1983: 373 f.).

(1) The document that set the direction for this early period was the first published *Canon Episcopi* by Regino of Prüm in 906, which was later also included in the penitential book by Burchard of Worms (around 1010) and in the collection of church law by Gratian (*Decretum Gratiani* 1140) and thus in the *Corpus Iuris Canonici*, which remained valid until 1918. In it—in addition to the belief in transformation into animal form²⁶ that is not discussed in more detail here—the belief in nocturnal flights with pagan goddesses is explained as a diabolical **illusion**:

"The bishops ('Episcopi') and their servants should work with all their might to completely extinguish this harmful and diabolically invented evil sorcery."

"It must also not be overlooked that certain criminal women, when they have turned back to Satan and have been led astray by the illusions and visions of demons through deception, believe and swear that they ride at night with the pagan goddess Diana (or with Herodias) and an innumerable number of women on certain animals and, in silence, traverse many areas of the earth in the deep night. [...]. For an uncountable number of people—also led astray by this false belief—think that this is true and, believing this, they turn away from the path of true belief and fall into the error of pagans because they think that there is something divine or miraculous outside of the one God. [...] Satan himself leads the captive astray through every wrong path by mocking him in his sleep, now showing him something cheerful, now something sad, now something familiar, now something unfamiliar. And if he allows this, the unbeliever suspects that this is happening not in the spiritual but in the physical realm. For who is not led outside of himself in his sleep and through nocturnal visions and does not see in his sleep many things that he has never seen while awake?"

"If they find a man or a woman following such a crime, they should expel the shamefully dishonored person from the parish..."²⁷

As much as in this case it must remain open to what extent the population actually believed in such nocturnal rides and to what extent they associated this with magical activities,²⁸ this text, which is reproduced again and again, does (still) document the form of a "learned but superstitious" interpretation, which will only later become the basis of the—necessary for the Sabbat meetings—*witch-flight*.

(2) This text is 100 years later—but still before our “*heretic-time*” (!) (1008–1012)—in the *penitential*²⁹ of **Burchardus**, Bishop of Worms included, but without taking over the hard church sanction of expulsion from the community (Tschacher 1999: 249):

“Did you believe that there are women who can achieve what some, bewitched by the devil, have to assure as necessary and obligatory, namely that they ride out with a troop of demons in female form, which the folly of the people here calls the ‘striga Holda’, on certain animals on certain nights, and attribute their association to them? If you had partaken in this superstition, you will do penance for 1 year.”³⁰

Among these “popular” experienced **magical practices** also appear

“enchantments that godless people, swineherds or ox drivers, sometimes also hunters, carry out by pronouncing devil’s spells over bread, herbs or various bundles and hiding them in a tree or placing them on a crossroads, so that their animals, especially the dogs, are spared from the plague and the disease, but the others get them ...”.

As well as “sorcerers, weathermakers or those who believe that they can change the minds of people by calling on demons, women who do this and pretend that they can change the minds of people, hate into love, love into hate, and that they ride animals at night, should be expelled from the parish; the priests should teach the faithful that sorcery cannot cure a person of a disease, just as little as animals can protect against disease and death, but that they are traps and persecution of the old enemy, by which he strives to seduce the believing people. If, nevertheless, someone should be guilty of such a crime, he should be degraded if he is a priest, banned if he is a layman.”³¹

(3) Gratian then takes over in his compilation of church legal regulations, in the *Decretum Gratiani*- which will form the basis for future canonical jurisprudence—in 1140, now already in the ‘*Heretic-Time*’, this *Canon Episcopi* as well as the *sortilegium*, thus divination: “A sin because it necessarily involves the invocation of demons” (Peters 1978: 72), but again with the original expulsion, without however declaring it as an ‘inquisitorial’ heresy to be persecuted.³² But in general he returns to the early patristic texts in particular by Augustine, thus omitting a list of the extensive magical practices of the penitential books. Only the *maleficium* so important for divorce questions of the male **impotence**³³ is mentioned by him and the later glossators expressly:

Among the impediments to marriage “was the question of male impotence induced by magic (maleficia)” of particular relevance: “if a man is rendered impotent by magic and his impotence is not ended by penitence, exorcisms, prayers, almsgiving,

and the like, the marriage may be ended. This text, far more than any other, including the Canon Episcopi, was of interest to canon lawyers because it touched the vital area of developing marriage law and thus represented a problem they encountered far more often than they did magicians.” (Peters 1978: 75).³⁴

(4) A ‘rational-missionary’ attitude of the church, which became clear in the example of an early lynching murder 1090 in the **Bishopric of Freising**:³⁵ After a crowd had burned three women as “poisoners and destroyers of men and fruit”, “the spiritual chronicler clearly condemned this act as pagan, while the declaration of innocence of the victims was truly Christian”:

“And so they suffered the martyr’s death in the fire on 18 June and were buried by a blood relative on the shore. Later a priest and two monks carried them away and buried them in the courtyard of Weihenstephan in the hope that they were in truth worthy of the Christian community.” (Rummel/Voltmer 2008: 20).

(5) A ‘medieval-rational’ attitude, which can still be seen in the early work *De causa primaria penitentiae in hominibus et de natura daemonum* (1268) by the ‘medically’ educated monk and natural philosopher **Witelo from Silesia**, a precursor of the Renaissance, when he states:

“In fact, whenever men claim to be seeing demons, it is not the real ones but merely the imagined, commonplace representations of what people believe them to be. These visions are usually due to some natural cause that can be well explained in the light of the current medical and psychological theories based on Galen, Algazel and Avicenna.”³⁶

(6) A ‘**rational**’ attitude in which, in his confrontation with the Pope in 1231, Emperor Frederick II ‘secularly’ declares love spells and illegitimate exorcisms to be nonsense, but nevertheless wants to punish them for reasons of state interests:

“Persons who dispensed love potions or harmful foods or who made illicit exorcisms were punishable by death, if people died or lost their minds as a result; but if the recipients were not harmed, the perpetrators were nevertheless punished by confiscation of goods and confinement in jail for a year. Frederick added: ‘Although it may seem frivolous to those knowing the truth and the nature of things ... that the minds of men should be influenced by food or drink to loves or hates unless the guilty suspicion of the recipient induces these feelings, nevertheless we are not willing to leave unpunished the rash presumption by which they have at least desired to injure another, even if they cannot’.”³⁷

(7) Even the handbook written by **Grand Inquisitor Bernard Gui** in the late period of the persecution of the *heretics* around 1324— who, as a result of his inquisitorial activities, proved to be an expert on the matter of *heresy*—only knows, under the title ‘Sorcerers, soothsayers and conjurers of spirits’, “various delusions and hallucinations of superstitious people who deal with heretical spirits and demonic arts”, whereby one should, inter alia, question:

“what they know or knew about children or infants who were to be enchanted or disenchanted, or what they did with them“, ”about the situation of the deceased, about the predictions of future events“, “about the collection of herbs on their knees facing east and with the Lord’s Prayer on their lips“, “about keeping the host or stealing holy oil or holy oil from the church“, and “about lead pouring, the method of this procedure and the purpose“,

in order to finally induce them to renounce

“the pernicious error of sorcery, predictions and conjuring of spirits, especially where this smells of heresy against the truth and the reverence for the sacrament of the Eucharist, baptism or other sacraments, or where this appears in conjuring of spirits, where a sacrifice is offered, a demon is sacrificed or something else happens, which contains an explicit error of faith.” (Seifert/Pawlik 1999: 206f., 223).

(8) He can base himself on **Pope Alexander IV**, who wanted to limit the Inquisition to the ”true“ cases of heresy and only ascribe “magical” crimes such as fortune-telling and sorcery to her if they were “obviously caused by heresy”, which is why, on 20.1.1260, he warned the newly founded Dominican order in a letter as follows:

“The task entrusted to you [i.e. the fight against heresies and heretics] is so important that you must not be deterred from it by the prosecution of other types of crime. Therefore, proceedings against fortune-telling and sorcery are to be initiated by you only if they are obviously caused by heresy; in all other cases they must be left to the [secular] judges who have been appointed for this purpose since time immemorial.” (CIC, Liber Sextus 5, 2, 8).³⁸

(9) A “pre-*hexerische*” view of everyday practice, which was still in the time of the *Hexenhammer* the **Lübecker Beichtspiegel von 1484** as questionnaire for the removal of the confession was based, for example with the questions:

“Have you done harm to people with diabolical art?
Have you blessed people or livestock in various ways?

Have you conjured up snakes and rats?
 Have you believed that people will become werewolves?
 Have you believed in the good fairies?
 Have you believed that people travel to distant countries with body and soul at night and become well-known to each other?"

"Priests should instruct the faithful that any kind of "witchcraft" was thus **pagan superstition**. It was not only forbidden to perform certain magical actions, but also to be convinced of the existence of spiritual beings. Not only the *witches* themselves, but also the belief in witches and their activities were to be punished according to the Lübeck work. The theoretical construction of a supercrime called witchcraft with its deadly consequences had not yet been established." (Schulte 2001a: 17, 19).

3.4 Summary

If we summarize the first stage of this prehistory between Augustine on the *heretic* time up to the transition into the *witch* time—that is, from the 5th to the 13th/14th century—then both the folk culture appearing in the *penitential* by Burchar of Worms and its condemnation by the clerical elite starting with Augustinavia Gratian and Bernard Gui up to the *Lübeck Mirror of Confession* refer in the same way to such everyday magical practices. On the clerical side, the actually harmful *maleficia* are less important, which is why they are condemned as a '*heretical illusion*' because the magical actors have 'deluded' themselves into dealing with—as real, but not as 'physical'—demons.

While the old Augustinian idea of the pact and the concept of Diana's flights in the *Canon Episcopi*, as well as the idolatrous accusation of *heretics*-worshipping offer **approaches** for the further development of the *witch*-myth, but are lacking both the Sabbat model, which was hardly mentioned by the *Witch Hammer* itself, as well as the 'worldly-inquisitorial' sanctions apparatus. It remains with the **clerical 'penance'**, which in the worst case imposed excommunication or banishment from the church community—which of course in those times also meant the destruction of existence. A certain mildness of sanctions, which is also reflected in the interpretation of *Exodus* (2nd Book of Moses) 22,18, in which the *Maleficos non patieris vivere*,³⁹ was merely interpreted as expulsion from the church community:⁴⁰

The *glossa ordinaria*—that is, the commentary on the Bible—from the early 12th century therefore led to the conclusion: “Maleficii are those who use the illusions of the magic art and of the devil. They are heretics. They should be separated from the community of the faithful, which is true life. They are to be excommunicated so that their error will die with them.” (quoted in Peters 1978: 68).

While **Martin Luther**, former Augustinian hermit, in the context of his literal understanding of the Bible, as well as the Dominican Institoris in his *Witch Hammer* (1486), translated this ‘*non vivere*’ as ‘not letting live’, that is, as ‘killing’, and in turn interpreted the male ‘*maleficos*’ as ‘witches and sorceresses’.⁴¹

Notes

1. (<https://andersnichtartig.com/2020/08/30/fragment-no-7-eine-striga-sei-und-menschen-verzehre/>).
2. Two detailed examples can be found in Harmening (1990: 73–74), one of which remained without consequence around 1400, the other of which led to the stake in the 16th century. Rowlands (2008: 169) quotes a (a topical one again today?) saying from Rothenburg (1676) against wolves: “In Jesus I drive out; Into the angels’ house, into the angels’ garden; Come our dear lady, help; I wait, Come Peter; with the key, locks; the wolf and the she-wolf’s snout; In the name of God the Father; of the Son and of the Holy Spirit.” Further examples are provided by Carmel Cassar (1996: 30–47), mainly in the form of small exorcism stories—*historiola*—in the style “Our Lady, Saint Mary, on her way she went and met a poor boy who complained bitterly [...] Our Lady advised him [...] This has been stated by St. Peter and blessed by St. Nicholas and it could neither make you cry nor hurt you nor any other Christian.” See Jolly (2002: 27–71) for an overview of the field of medieval magic, which extends well into the early modern period. Bever (2008) provides a detailed analysis of the effect of such rituals in his chapters 5 to 7, using examples from Württemberg.
3. “A high percentage of the ‘magical’ rituals found in medieval medicine have a Christian basis, particularly in the use of Latin formulas and the sign of the cross.” (Jolly 2002: 32).
4. In: Behringer (2000: 58–59); |Donar, Wotan, Saxnotl are Germanic gods. See also: (https://de.wikisource.org/wiki/S%C3%A4hsisches_Taufgel%C3%B6bnis).
5. In: Behringer (2000: 28–29); |Erodianal: Herodias, mother and instigator of Salome, who had John the Baptist beheaded at the request of her daughter, “who in turn had been given one third of the world by the devil as a reward

- for the murder of the Baptist, and who was now doomed to wander restlessly about the earth after God's punishment." (Soldan/Heppe 1911: 89); Diana was a Roman goddess of hunting, the moon, and childbirth, protector of women and girls, who in the Middle Ages was considered the mistress of *witches* (see below, Sect. 3.3: *Canon Episcopi*) (de.wikipedia.org/wiki/Diana).
6. In: Behringer (2000: 37); Visit to the fortune teller in 1534: "She said: 'Those who have done this to you, they can and will help you. Because they can make the weather, they can and will turn it around again.'" in: Behringer (2000: 33).
 7. In: Behringer (2000: 41); the host "Gostner was one of those specialists to whom people from all over came for help and who knew how to help in all situations." (*ibid.*: 15).
 8. A 'dominance' that is generally valid from an ethnological perspective: "However, it must be emphasized that the 'community' by no means gives up individual shamanistic and collective ideas and rituals, but rather practices them side by side with the 'high' rituals in neighborhoods, villages or households—sometimes secretly—despite the more or less energetic efforts of the ecclesiastical hierarchy, which often calls them idolatry, superstition, godlessness, paganism and heresy." (Harris 1989: 298).
 9. "It should be noted that Platz mentioned formulas and practices that were common in Catholic magic, and many of the blessings and spells used by Protestants were adaptations of older Catholic versions. However, they seem to have been 'reformed' for evangelical use by removing Mary and the saints and only speaking the names of God, Jesus Christ or the Trinity." (Scribner 2002: 391).
 10. In: Behringer (2000: 56 ff.).
 11. Cf. St. Mitchell's (2011) analysis of the position of the Scandinavian pantheon at the time of Christianization there.
 12. (Levack 1995: 44). "John Bossy [1988] has persuasively argued that one of the major transformations in the characterization of sin in the later Middle Ages and especially in the sixteenth century was the shift in penitential emphasis from the seven deadly sins to the Ten Commandments [...]. In this shift, the sin of idolatry (now emphatically including magic and witchcraft) was committed against the First Commandment and thus became the greatest of all sins." (Peters 2002: 229). "As the new system came to replace the old one, new perceptions of morality came to the fore whose effects, in Bossy's words 'may fairly be described as revolutionary'. One of these effects was a notable enhancement of the status of devil. [...] the Decalogue led to a

- change from the traditional role of the devil as the anti-type of Christ—the ‘Fiend’ who taught men to hate rather than to love—to his new role as the anti-type of God the Father and thus the source and object of idolatry and false worship.” (Cervantes 1999: 128 ff.).
13. For the developmental history of this ‘pact idea’ since Augustine to today: Götz (2007).
 14. In: Behringer (2000: 53).
 15. “As patristics is called in Christian theology and philosophy, the science that deals with the time of the Church Fathers. It is the epoch of the early church from the 1st century to the 7th or early 8th century.” (<https://de.wikipedia.org/wiki/Patristik>).
 16. A good image of such a pact from the Ingeborg Psalter (before 1210) is offered by Russell/Alexander (2007: 56). See also the Faust-Sage (1587), which, among other things, Christopher Marlowe (1620) and Goethe 300 years later in his ‘Faust’ used.
 17. “A tacit pact is involved when, without conjuration, a human being performs an act with a view to some effects which cannot naturally follow, and which is not to be expected, either, from the intervention of God.” (Cohn 1976: 176).
 18. “From the perspective of the theologians of the time, the pact with the devil represented a logical interpretation for the integration of the phenomenon of ‘magic’ into their religious world view. They could not simply banish this phenomenon, which they confronted with social practice everywhere, to the realm of mythology in an enlightening way. But they wanted to explain it. A diabolical interpretation, which revealed the deeper forces of witchcraft, seemed more compelling to the learned Christians than simply accepting the self-efficacy of magical rituals;” “No words have the natural power to hurt or drive away diseases or avert other damage.” (Del Rio after Schwerhoff 1986: 58), especially since the comparable efficacy of their sacraments was guaranteed by God.
 19. “In these confessions the capacity to perform malefic played little part [...] since this aspect of witchcraft could be adequately proved by witnesses and was not absolutely essential to a conviction. The principal emphasis was on the Demonic Pact. Nocturnal meeting with other witches were a frequent but optional extra. [...] The legal significance of the physical, formal pact came from Canon Law. Despite the dominance of the idea of the Sabbath on the European continent, the legal manuals made the Pact central to the prosecution’s case.” (Larner 2000: 145); but this does not apply to the *Carolina* (see Sect. 8.3).

20. “[R]eflected the changing focus of criminal law in which the rational punishment of individual acts of wrong doing was gradually replacing the restorative system of justice in which the satisfaction of the victim was of prime importance” “Without the concept of personal religion and personal responsibility there could be little meaning in the Demonic Pact.” (Larner 2000: 150, 193). S. u. Abschn. 5.4 (6)).
21. “The witch prosecutions are certainly the first time that women appear as criminals in any large numbers. [...] In criminal law women did not exist. Their status was the same as children and convicted felons and they were not admitted as witnesses in courts of law. It was necessary to pass a special act in 1591 in order to allow their testimony in witchcraft cases.” (Larner 2000: 51).
22. For Luther’s image of witches, see Haustein (1992), Weber (2000: 146 ff.) and Schulte (2000: 116–120).
23. An argument that directly stems from the *Hexenhammer*: Kramer/Institoris 1985/1486, II: 148: “Some people gather at night, at the instigation of the devil, in a corner of their house, with the milk pail between their legs, in order to commit a great blasphemy against the divine majesty on a holy day; and, putting a knife or some other instrument into the wall or into a pillar, and milking with their hands as if it were a cow, they call upon their devil, who always helps them in everything, and tell him that they want to milk such and such a cow in such and such a house, which is particularly healthy and has more milk. Then the devil suddenly takes the milk from the udders of that cow and brings it to the place where the witch is sitting, so that it flows, as it were, from that instrument.”
24. In: Behringer (2000: 104); and Weber (2000: 151) supplemented based on Behringer (1987), what then also ‘realiter’ happened: “After Luther’s witch-hunt from the pulpit, after the publicly effective ban of the Wittenberg witches of 1529, after various requests to burn the villains, and after another warning of the witches’ plague (end of May or beginning of June 1540), on 29. June 1540 in Wittenberg four people were burned as witches and sorcerers.”
25. Tschacher (1999) reports in detail about the origin and follow-up story of the *Canon Episcopi* up to Institoris.
26. The last section of the *Canon* read: “Therefore, publicly announce to all: any who believe such and similar things destroys the faith, and whoever has not the straight faith in God, is not his, but is of whom he believes, that is, the devil. For about our Lord is written: ‘All things are made by him, and without him nothing is made.’ Whoever, then, believes anything can be made, or

- any creature can be changed to better or worse, or transformed into another species or resemblance—except by the Creator himself who made all things, and through whom all things are made—is an unbeliever beyond doubt.” (bichaunt.org/canon.).
27. In: Behringer (2000: 60 f.). Even in the 13th century, the canonist Magister Baldwinus from Brandenburg replied that persons who believed in these flights of Diana should be expelled from the church “since they are inspired by the wicked spirit, who creates these phantasmata for them, which are purely illusory. He would be a fool who thinks that things which have only a spiritual existence could effect material transformations. Whoever believes these things to be true does not have right faith, ‘and beyond doubt is an infidel and worse than a pagan.’” (Peters 1978: 78).
 28. S. Kieckhefer (1976: 38 ff.), Frenschkowski (2012: 73 ff.).
 29. IBußbücherl were medieval sin catalogs that were asked in confession and sanctioned with partly fixed penances. With Burchard it is the 19th book of his *Decretums*, which was called *Corrector* or *Medicus* “because it teaches priests how to provide ‘corrections for bodies and medicines for souls.’” (Cohn 1976: 151).
 30. In: Behringer (2000: 62); lHolda, the ‘Frau Holle’ known from the Grimm fairy tale: “Frau Holda or Holle is the supernatural matron of spinning, child-birth and domestic animals, and is also associated with winter, witches and the Wild Hunt.” (en.wikipedia.org/wiki/Holda).
 31. In: Behringer (2000: 62 f.).
 32. Tschacher (1999: 251 ff.) This applied even to the handbooks of Gui (1324) and Eymeric (1376), unless fortune telling was involved in demon summoning (a. a. O.: 256).
 33. “[D]uring the wedding, the outraged woman would make three knots in a lace or a string. This was intended to block the way to orgasm—and no doubt when the bridegroom knew or suspected what was afoot, it often worked.” (Cohn 1976: 151 f.).
 34. For the discussion of ‘impotence’ at the time, see Duni (2014) in detail: “While 13th- and 14th-century jurists mostly confined discussion of a bewitched couple’s problems to the realm of marriage law, from the second half of the 15th century magically caused impotence began being seen as possibly attributable to demons.” (a. a. O.: 89).
 35. “The three women murdered at Freising in 1099 only suffered because the local bishop had died and a successor had not been appointed, creating a gap in formal authority.” (Hutton 2017: 156).

36. Mikolajczyk (2005: 48 f.). For Witelo, who wrote “the textbook for centuries on optics”, see (<https://de.wikipedia.org/wiki/Witelo>).
37. Liber Augustalis Book 3, Title 73, after Berman 1983: 434.
38. (de.wikipedia.org/wiki/Alexander_IV.) The *glossa ordinaria* in the same *liber sextus* clarifies this ‘obviously caused by heresy’: “as in praying at the altars of idols, to offer sacrifices, to consult demons, to elicit responses from them ... or if they associate themselves publicly with heretics in order to predict the future by means of the Body and Blood of Christ etc.” (Peters 1978: 99 f.).
39. In the Lutheran Bible translation: “You shall not let the witches live.”
40. For the different interpretations of Exodus 22/18: Schulte (2000: 170–174).
41. Whereby Luther, who adheres to the Latin Vulgate, probably refers back to the Hebrew female *mekhashepha*. For the biblical passages quoted in each case and their interpretation history, see Haustein (1995) and Midelfort (1990) *Social history and Biblical exegesis* (in: Midelfort 2013), in which he compares Luther’s interpretation with the interpretation of Thomas Müntzer (†1525): ‘ubeltheter’ and the milder interpretation of Johann Weyer (†1516): only ‘poisoner’.



From *Heretics* to the *witches*?

4

Abstract

After the end of the Cathar heretic problem, in the 14th century, a courtly society pursued the delict of sorcery, but not that of witchcraft. This crisis-ridden transitional period was a time of emerging new elites, learned magicians and courtly intrigues, which gradually also included the “common people” in their thinking; first in the context of a generalized conspiracy fear and then in the recourse to their popular ideas, always accompanied and driven by sorcery and first relevant witch trials.

If you follow the history of the *witch*-myth, you will repeatedly come across two typical development moments: On the one hand, as a recourse to already existing images, stereotypes and instructions for action, from early *heresy* to biblical and pre-biblical ‘demonology’, which I have addressed in Chap. 3, in order to integrate them, appropriately adapted, into the current thinking schema. And on the other hand, a threefold conditioned, spiral-shaped development schema, in which firstly, ruling power interests, preferably in times of crisis-ridden unrest, increasingly rely on such legitimizing myths. Legitimizing myths that are ‘clerical’ theoretically ‘evolutionary’ shaped and objectified in penal proceedings in a timely manner. Official sources that refer to each other: legal regulations, writings and court proceedings, which today provide us with the most important ‘historical data’.

It is no wonder that for a long time one wanted to understand the *witch* as an early modernized *heretic*. In contrast, however, it is now assumed that the persecution of the Katharer by no means seamlessly led to that of the *witches*, that between the end of the Cathars at the beginning of the 14th century (Belibaste,

the last *perfect one*, was burned in 1321) and the beginning of the ‘proper’—the ‘satanic’—*witch*-processes in the first third of the 15th century, a **transitional period** of 100 to 150 years lay; in which there were occasional witch trials, but which did not yet fulfill the complete image of an ‘early modern’ *witch*.¹

I will therefore first deal with this crisis-ridden transitional period (Sect. 4.1.1) and its fantastically excessive misinterpretation (Sect. 4.1.2) in this fourth chapter. A time of the emerging new elites, the ‘learned magician’ (Sect. 4.2) and the courtly intrigues (Sect. 4.3), who gradually also included the ‘common people’ in their thinking; first in the context of a generalized conspiracy fear (Sect. 4.5), and then by recourse to their popular ideas (Sect. 4.5.4); always accompanied and driven by relevant penal proceedings (Sect. 4.5.5).

4.1 A Time Between *Heresy* and *Witchcraft*

4.1.1 A Transitional Time of Crises

“One should actually speak of ‘two crises.’ The first part, in our opinion, extends from the last two decades of the 13th century to the 14th century [...]” The second part of that crisis extends from the end of the 14th century to well into the 15th century.” (Romano/Tenenti 1998: 48).

An interim period that culminated socio-economically in the **plague- and hunger-crises** of the 14th century, crises that dragged on until the beginning of the *witch*-period in the first half of the 15th century; only to give way in the ‘long 16th century’ to a ‘general economic upturn’ (Dülmen 1998: 36 ff.):

“[T]he European economy had reached a low point from which it seemed to lack any energy whatsoever, as if it needed a breather before a new upturn. It was a standstill in mediocrity, and this applied not only to the economic, but also to the social sphere” Romano/Tenenti (1998: 48) begin their chapter ‘*Stagnation und Gärung*’ (‘*Stagnation and Fermentation, Europe from 1380 to 1480*’) with.

A crisis-ridden interim period between a **late-feudal** polycentric society—“around twenty secular and ninety ecclesiastical princes competed for the title of ‘emperor’” at the time of Sigismund (†1437), son of Charles IV. (Fried 2008: 505)—and a slowly emerging, courtly-early-absolutist **states society** that manifested itself on this socio-economic basis as the ‘Autumn of the Middle Ages’ (Huizinga 1975) both ideologically and politically:

Ideologically, after Ockham (†1347), “a peculiar standstill set in at the intellectual level,” “since the second half of the 14th century, philosophy sank into the routine of university life, without new impulses, without fundamentally new questions.” (Fried 2008: 383f.). And politically, “the epoch of true feudalism and the heyday of chivalry [...] ended as early as the thirteenth century. What followed was the urban-princely period of the Middle Ages, in which the trading power of the bourgeoisie and the money power of the princes based on it were the dominant factors in state and society.” (Huizinga 1975: 73).

And so the downfall of the Staufers (Friedrich II died in 1250) and the period up to Karl IV (†1378)—a “European ruler” who created the *Golden Bull* [1356] and “brought Paris to Prague” (Fried 2008: 426 ff., 437)—

in “a full century of division and power decline with thirteen kings from nine different dynasties” “created a power vacuum in the empire in the center of Europe, as a result of which the political weights shifted completely.” (Ibid.: 339, 394).

Political crises, first in the 100-year war between France and England (1337–1453), which in France in the great peasant uprising of the Jacquerie (1358), in England after the reform sermons of Wycliff the peasants since 1381 and then also the Lollards, which were considered heretics since 1401, revolted; in Italy in Florence in 1378 to the first workers’ uprising of the Ciompi, and there at the end of the 15th century to the rule of the preacher Savonarola (executed in 1498) led; and which after the burning of Huss (1415) the Hussite wars in Bohemia shaped.

And finally also in the **papal schism** (1378–1417)—which Karl IV’s son Sigismund could only solve on the Council of Constance (1417)—destroyed the papal charisma to such an extent that on the following Council in Basel (1439)—on which the *witch*-myth also spread for the first time (see below. Sect. 6.3) - in the “Council decree *Tres veritates*, ultimately without consequence, the supremacy of the Council over the Pope” could be demanded. (Fried 2008: 520):

“Thus Western Christendom was transformed from a society of plural secular polities within a single ecclesiastical state into a society of plural Christian confessions, each identified politically with one or more particular secular states.” (Berman 2003: 61).

4.1.2 Seamless Transition? Two Cases of Historical Falsification

(1) However, until the middle of the last century, such an ‘identity’ between *heretics* and *witches*—which will later confront us again in a similar way as an ‘iden-

tity' between *witches* and *madmen*—was almost taken for granted on the basis of two historical falsifications.

Thus, **Soldan/Heppe** (1911: 191) formulated:² “On the other hand, from this period on (1307–1323), the autodafés against the sects in Languedoc became less common, as the number of convictions for sorcery increased.” Soldan/Heppe and Hansen refer on the one hand to Languedoc to a publication by Baron de Lamothe-Langon (1829), who in turn quotes an alleged chronicle by Guillaume Bardin from 1455, according to which between 1320 and 1350 in Carcassonne more than 400 sorcerers were sentenced, more than half of them being put to death, and in Toulouse 600 verdicts were pronounced, two thirds of which were for extradition to the secular arm (Soldan/Heppe 1911: 201). On the other hand, they quote for Upper Italy a case from Orta near Novara, for which an alleged opinion by the famous jurist Bartolo da Sassoferrato (around 1340) recommends the death penalty for witches (ibid.: 210).

In a historically fascinating and convincing analysis, Norman Cohn (1976) and, independently of this, Richard Kieckhefer (1976) were able to prove that the Languedoc cases **were a free invention** of the writer Lamothe-Langon—an author “of popular novels, particularly *romans noirs*, dealing with such subjects as vampires and demons” (Kieckhefer 1976: 17)—and that the alleged Bartolo opinion³ was a skilful ‘joke’, “a private joke” by the jurist Giovanni Battista Piotto (1563):

“Between them, Bardin in the fifteenth century, Rategno and Piotto in the sixteenth, and Lamothe-Langon in the nineteenth opened up what for long looked like a royal road to the origins of the great witch-hunt. It has turned out to be no such thing but, on the contrary, a false and decidedly muddy track.” (Cohn 1976: 146).

(2) However, the fact that there is no direct transition from the persecution of *heretics* to that of *witches* by no means implies that they could not draw on the ‘**heretical legacy**’ of the latter to a significant extent, for which above all the *heretics/witches*-processes examined by Kathrin Utz Tremp (2008)—against the *Vaudois* of the 14th century in the western Alps—speak.⁴

In addition to the common magical-religious mental-base—in which magic increasingly gains importance—she emphasizes three moments for this: The early Cathar dualism, which gives **the devil** a value of its own, which at the end of the Cathar period in northwestern Italy closely “mixed with Waldensian and magical-witchcraft elements” (ibid.: 234). Then the persecution-related night meetings of the Waldensians, which were constructed as **synagogue**—“After the meal, the sexual and incestuous orgy followed”—created the basis for the Sabbath myth.⁵

And finally the establishment of **permanent inquisitions**, which transformed the traditional heresy process, in which above all the ‘relapse’ led to the stake, now into the process against those who had fallen away from God, and thus anyway irrevocably lost *witches*:

“Heretics were only found where there was an inquisition [...] A permanent inquisition had the tendency to expand its competence, less in space than in intensity. [...] It could also be that a permanent inquisition began to look for things and sects that did not exist at all, that it only imagined them ... In this sense, a permanent inquisition is an indispensable prerequisite for the development from heresy to witchcraft.”⁶

In his thorough—and convincing—analysis of the ‘travels to the afterlife’ claimed by the *Barbes*, that is, by the leaders of the Waldensians, Behringer (2005: 182) refers to further common ‘magical’ references:

“My conclusion is that the identification of witchcraft and Waldensianism has not been the mere result of a labelling process. Rather, it was certain elements in the practice of Waldensianism that made such a transformation plausible. [...] But finally, and most importantly not only for the inquisitors, but also for the Waldensians’ neighbours, and maybe even for themselves—the holiness of the masters, their supernatural abilities, and foremost the brethren’s journeys to the ‘other world’, their shamanistic qualities, could have served as a *tertium comparationis* between Waldensians and witches.”

4.2 The Time of the Learned Magicians

“In appearing to comply with a magician’s command, a demon is deceiving the magician, who in reality is in a position of subjection. By this show of obedience the demon leads the magician ever deeper into sin; and that is wholly in accord with a demon’s nature and desires.” (Thomas von Aquin in: Cohn 1976: 175).

The church has always forbidden, and then throughout the following centuries, **magical practices of all kinds**—but not, as explained above, pagan superstition—as pagan dealings with the demons, because without these humans would be unable to achieve such magical ‘miracles’:

“[T]he official attitude of early medieval Christians to magic, as defined by orthodox churchmen, was generally uncompromisingly hostile. Following the argument developed by the time of Augustine, it regarded all attempts to wield spiritual power

to achieve material ends as demonic unless deployed by its own accredited representatives, and using only prayer, Scripture or its liturgy as instruments.” (Hutton 2017: 153).⁷

The sinful, necessary relationship to these demons, which was in the foreground, was the *idolatry*, while the damage-causing *maleficia* were rather considered secondary:

“In the context of the social and religious restructuring of the Roman Empire in the 4th century, the first waves of prosecutions for magic occur. But the victims of these processes, as far as we can see, were rather men than women. [...] Around 350–380 AD, the Roman upper class apparently fears magic more and more as an activity directed against them. Magicians are fantasized as ‘magical assassins’ and brought to court.” “Above all, the magic legislation serves the common suppression of paganism and heresy.” (Frenschkowski 2012: 46, 51).

In contrast, magic in the secular sphere of the post-Roman period was much more, although not consistently, initially accepted as a non-demonic, accepted means of coping; both as ‘everyday’ black and white magic in the ‘superstitious’ sense described above, but especially as ‘learned’ magic of the educated elite.

(1) A **learned magic**, which originally rooted in the Egyptian temple culture, flourished in imperial Rome and was persecuted, then revived and further developed in the Renaissance:

“Egypt. A category of its temple priesthood, indeed, supplied magical services to ordinary people, on request, often using written texts, resting on beliefs and methods developed over millenia. [...] Egypt, both in terms of philosophical and religious attitude and textual transmission, was the origin point of this whole tradition. [...] Latin Christianity came late to the adoption of ceremonial magic of this sort, in the twelfth and thirteenth centuries, when the importation and translation of texts, mostly from Greek and Arabic, introduced it. However, some Latin Christians then took at least to aspects of it with great excitement, rapidly developing their own distinct version of it.” (Hutton 2017: 282 ff.)

This learned magic consisted—in addition to astrology and alchemy—mainly in the **invocation of demons**, in order to make use of their special abilities; while the church emphasized the cunning and deception of the demons.

The **learned magician** relied on his ability to control the demons. From the beginning, practical manuals were used—such as the *Testament of Salomon* from the first post-Christian century and similar pseudo-Solomonic texts of the next

1000 years. In particular, since the “Arab Renaissance” of the 12th and 13th centuries, “true manuals on the art of conjuration, written by magicians for magicians” (Cohn 1976: 166), such as the *Lemegeton* or *Clavicula Salomonis* with sources from the 16th century.⁸ For example, one invoked the main demon Baell or the “great president” Marbas:

“*Baell*. Their first ‘and principall’ king (which is of the power of the east) is called *Baëll* who when he is conjured up, appeareth with three heads; the first, like a tode; the second, like a man; the third, like a cat. He speaketh with a hoarse voice, he maketh a man go invisible [and wise], he hath under his obedience and rule sixtie and six legions of divels.”

“*Marbas, alias Barbas* is a great president, and appeareth in the forme of a mightie lion; but at the commandement of a conjuror commeth up in the likenes of a man, and answereth fullie as touching anie thing which is hidden or secret: he bringeth diseases, and cureth them, he promoteth wisdom, and the knowledge of mechanicall arts, or handicrafts; he changeth men into other shapes, and under his presidencie or gouvernement are thirtie six legions of divels contained.”

Even with these learned conjurations, it was, quite God-fearing,⁹ well trained and prepared ascetically, on the one hand—as with the oath or the simple rituals of the everyday white and black magic—the required **rituals** to be observed exactly: magical circle, magical places and times, as well as exactly carried out magical signs and formulas to meet the always threatening demonic dangers and (!) to attribute failures to a violation of these rules:

The 1256 translated from Arabic magic book *Picatrix*: “The purity of character, years of study, chastity, and devotion to the art required of the magician suggests that magicians, like professors, knights, and guild members, were considered members of a particular calling and made particular demands upon their initiates. Learning and purity are perhaps the most emphasized qualities, for the ignorant, unstudied or amateur magician runs the risk of being destroyed by the very forces he pretends to command.” (Peters 1978: 110).¹⁰

In this way, it was sometimes possible to ‘bind’ the demon permanently as an assistant in a ring, a bottle, a mirror¹¹; as an assistant who gave advice and predicted the future, but who also served to cause harm, illness, *maleficia* to one’s own enemies.

(2) This type of elevated magic flourished already at the time of the heretics in the 11th to 13th centuries at the newly founded **universities**, and above all in the field of astrology, as well as at the flourishing **courts** especially in France and in the papal environment:

“The formal learned magic that appeared with the revival of interest in antiquity and Islamic learning after the early twelfth century made a partially respectable and protected place for itself in the learned university world of the twelfth and thirteenth centuries. The protected character and learned qualities of the latter tradition made it the true antecedent of the humanists’ interest in natural magic in the fifteenth and sixteenth centuries, although the humanists themselves [...] professed considerable scorn on it.” (Peters 1978: 33).

In this sense, “in 1320 a cardinal on behalf of Pope John XXII.—who in 1326/27 issued the constitution *Super illius specula* mentioned below—sent a letter to the inquisitors of Carcassonne and Toulouse, at that time Jean de Baune and Bernard Gui [!]. The pope wished to ‘expel the wizards(*malefici*), who infected the flock of the Lord, from the house of God’, with which he primarily meant the ‘learned Magic’. Which is also mentioned in Guy’s *heretic* handbook (1323)—but not in any of his numerous verdicts—as well as later in the handbook of the inquisitor Nicolás Eymeric (1376), always only the ‘learned’ but hardly the ‘simple’ magic. (Utz Tremp 2008: 407 ff.).¹²

(3) If this interest **in the universities**—as well as their other ‘hereties’—remained an elitist-theoretical, and therefore less intensively pursued book knowledge, it gained at the **royal and papal court** with their intrigues, personal relationships and monarchical favor built ‘courtly’ milieu quite immediate practical-political relevance, both for prediction, as love spell, but also as *maleficium*, which was suspected and feared above all in unexpected deaths:

“It is in the court that great power and wealth are to be won, not necessarily by diligent service or high birth, but by favor [...]. The insecurity of the courtier—his need to play upon many stages at once, his pragmatic conviction that favor may be won by public and private methods, and his search for any methods that will assure or at least promise success make him especially prone to the vices of flattery, consulting magicians, and perhaps even instigating magical powers against his own enemies, real or imagined.” (Peters 1978: 49).

A ‘courtly’ constellation, which Peter Brown (1970: 26) can also show to be the case for ‘sorcery’ in late Rome, in the fourth century AD, before the full establishment of the Christian Church:

“For it is in this *demi-monde*, in the wide sense, that we find the professional sorcerer. The cultivated man, it was believed, drew his power from absorbing a traditional culture. [...] He did not need the occult. We meet the sorcerer pressing upwards against this rigid barrier, as a man of uncontrolled occult ‘skill’.”

4.3 The Political Sorcerer Trials in the 14th Century

“And so it went on, everywhere, in France and Spain, in England, in the Italian city-states, a life in perpetual small war conditioned by dynastic chance, surrounded by betrayal, mistrust, broken oaths and treacherous helpers; one had to be constantly on the lookout. The long absence of any imperial power north of the Alps and the permanent loss of their former strength accelerated their dissolution.”

“The fear finally also came home to the lords, not so much the fear of the plague as the fear of the wrath of their peoples and of each other. They now barricaded themselves in their strong houses, strengthened the walls and armed the gates of their castles. [...] Kings and princes feared being murdered; they were not groundless. [...] Magic and sorcery had found their way to the French court.” (Fried 2008: 397, 468).

We encounter the first great wizard-trials as **forerunners** of future *witch*-trials precisely in this milieu of the previously described ‘interim period’.¹³ At this time, both perpetrators and victims came from the feudal upper class—just as at the time of the *heretic*-period the new practice of the Inquisition-trial was initially used on the level of the high clergy—in order to then, in both cases, increasingly affect members of the lower classes in the further course:

“In the early years of the fourteenth century, however, the charge became virtually habitual as an explanation for deaths within the royal family, or as a credible excuse for prosecution among political rivals.” (Kieckhefer 1976: 12).¹⁴

4.3.1 At the French Court

“Retrospectively, this trial of a dead pope can be seen as initiating a process that was to culminate, much later, in the great witch-hunt.” (Cohn 1976: 185).

This was initially true above all for the **French Court**. After, at the time of Philip III, the Bold, his chamberlain Pierre de la Brosse had been executed as a magical murderer of the heir to the throne, Prince Louis, in 1276,¹⁵ these ‘political’ wizard-trials culminated at the court of Philip IV, the Fair (*The Fair*),¹⁶ in the conflict with the popes Boniface VIII (1294-1303) and Clement V (1305-1314):

Philip IV had considerable financial problems due to the war with England, so he first confiscated the church tithes and taxed the clergy, to which Boniface VIII—who had announced his ‘claims to world power’ in his bull *Unam Sanctam* (1302)—

reacted in 1296 with a ban on collecting such taxes without his permission. Philip IV in turn answered by accusing the Bishop of Pamiers,¹⁷ Bernard Saisset, of treason, whereupon Boniface, in two further bulls, “demanded the release of Saisset and reaffirmed the supremacy of the spiritual over the temporal power.”¹⁸

In this situation—which now repeated the old Investiture Controversy between the German Emperor Henry IV and Pope Gregory VII (Canossa: 1077) in ‘reverse order of battle’—Philip IV. resorted back to accusations of sorcery of the rival Roman family Sciarra Colonna against **Boniface VIII**.¹⁹ and accused him of ‘heresy’ in front of a meeting of bishops and ‘great lords’ in 1301:

“He has a private demon, whose counsel he takes in, and throughout, all matters. So that on one occasion he said that if all people in the world were in one region, and he in another, they would not be able to trap him, whether in law or in act; something that would not be possible without the use of demonic art. [...] In addition, he carried a ‘spirit’ in a ring on his finger; many cardinals and clerics had observed how the ring seemed to reflect sometimes a man, sometimes an animal’s head.”

“He saw how the lord Benedict [the later Pope Boniface VIII.] went out into a garden adjoining the palace, drew a circle with a sword, placed himself in the middle of the circle, sat down, and pulled out a rooster, and also fire in an earthen jar. He saw the Lord Benedict kill the cock and throw its blood on the fire. Smoke came from the mixture of blood and fire, while the lord Benedict read from a book and conjured up demons. After this conjuration witness heard a great sound, which terrified him. At length he heard a voice begging: ‘Give us a part.’” (Cohn 1976: 182, 184).

Philip IV’s Great Seal Keeper, the secular jurist **Wilhelm von Nogaret**, took Boniface VIII prisoner 1302—the year of the Bull *Unam Sanctam* (!)—on his summer residence in the Italian Anagni; freed by the residents, he died shortly thereafter. His successor, Pope Benedict XI, excommunicated Nogaret, for which he demanded the revocation of all previous papal bulls together with Philip IV from his successor, Clement V—who resided in Avignon as the first pope in 1309. Namely, under the pressure to reopen the old accusation against Boniface VIII posthumously in 1310/11, for which they had witnesses testify in Avignon and Rome.

In just this time, Philip IV—after he had first expelled 100,000 Jews from the country in 1306 for similar financial reasons and caused the same fate for the Lombards, that is, Italian merchants and bankers, from 1309 to 1311—pursued the Templars (1307–1314) because of their idolatrous worship of ‘Baphomet’, sodomy and murder, which, being directly subordinate to the Pope, were initially defended by him, but ultimately in vain.

In order to increase the pressure on the Pope even further, Philip IV, the Fair Philip I also accused the powerful Bishop of Troyes, Guichard, of the magical murder of his royal wife, Johanna of Navarre (†1305), in 1308, whereupon Clement V ordered the Archbishop of Sens to arrest Guichard for ‘maleficia, attempted poisonings and other fearful and sacrilegious crimes’:

A fortune teller Margueronne testified: “She heard Guichard deep in conversation with the Dominican, who began to read from a book of spells. After some time she saw, to her horror, a form like a black monk descend from a window high up in the wall, flying, without a ladder, until it came to rest by the bishop and the Dominican. The form had horns on its forehead, and Margueronne decided it must be the Devil. It addressed the friar: ‘What do you want of me, you who tire me out so?’—‘The bishop here has been asking for you.’—‘What does he want?’—‘He wants you to make his peace with the queen.’—‘If he wants me to make his peace with the queen, he must give me one of his limbs.’”

The accusation began: “It stated that Guichard was the son of an incubus,²⁰ i. e. of a demon. Details were provided by no less than twenty-seven witnesses. When Guichard was being born, it was said, his mother, fearing she might die, confessed that she had been sterile for seven years, and had been able to conceive only with the help of an incubus.”

“It appeared too, that throughout his career Guichard had kept a private demon, which he consulted at his convenience. The general view was that he kept it in a glass flask [...] the demon could also travel; it spied on the bishop’s servants, overheard their conversation and repeated it to the bishop.”

“With a demon for father, and another demon as his lifelong familiar, Guichard could convincingly be accused of multiple homicide.” (Cohn 1976: 189 ff.).

After **Pope Clement V**, had withdrawn the bulls of his predecessors and agreed to the conviction of the Templars, both processes—against Boniface VIII and Guichard—were discontinued after one and a half years. However, these first, widely publicized processes with appropriate propaganda had created a ‘**diabolical framework**’ from which—150 years later—the actual *witch*-myth could be built.

4.3.2 At the Papal Court in Avignon

“Moreover, clerics, being professionally concerned with demons, were more apt than laymen to fancy that they could command them.” (Cohn 1976: 195).

The successor of Clement V, **Pope John XXII**. (1316–1334) continued this ‘political’ practice:²¹ “Through most of his pontificate John was active in prosecution of sorcerers and invokers of demons.”²² Thus, shortly after his election,

Bishop Hugo Géraud of Cahors was burned because of a conspiracy against the pope:²³

“The bishop and his accomplices had allegedly employed wax images and other magical objects to bring about the pontiff’s ruin; after the plot was detected, various clerics at the papal court confessed under torture that they had dabbled in sundry forms of witchcraft.” (Kieckhefer 1976: 13).

The Franciscan Délicieux, who played a significant role in the criticism of the Inquisition of Albi at the time of the Cathars, was also accused of trying to enchant the predecessors of John XXII. with ‘drinks and powders’, in order to then be sentenced to life imprisonment for possession of magical books, where he then died.

In general, it is striking, according to Cohn (1976: 195), how often in this period **clerics** were accused,

“[S]omething which rarely happened in the great witchhunt itself. The reason is plain: ritual magic could be practised only by those who were learned enough to study the magic books; and in that period such people were still mostly to be found amongst the clergy.”

4.4 Comparison of *Heretics* and *Wizards*

“Yet no immediate surge of inquisitorial prosecutions of suspected sorcerers or invokers of demons, or indeed any further increase in authorities’ concern that such activities were widespread among the laity, can be detected in the closing decades of the fourteenth century”. (Bailey/Peters 2003: 1387).

These political processes **stopped**—approximately at the same time as the persecution of the Cathars **shortly after 1330** (Kieckhefer 1976: 16); only to be resumed 50 years later, at the end of the 14th century, in western Switzerland in a new form, for which the actual *witch* schema was developed there:

“Rather, it is in the early fifteenth century, leading up to the opening of the Council of Basel, that levels of concern and numbers of prosecutions began to rise significantly.” (Bailey/Peters 2003: 1387).

Three moments characterized these ‘political’ wizard-trials: The high social status of perpetrators and victims, the demonic-magical ritual and the accusation of *maleficium*. Three moments, of which the first two still had some relationship to

the Cathars, insofar as in Languedoc *believers* and *perfecti* (*‘Vollkommene’*) came from all social classes—from the countess to the shepherd—, and, insofar as the magical ritual was also considered ‘heretical’ *idolatry*, as worship of idols, while the *heresy* of the Cathars resulted ‘only’ from the fall from God. But there was neither the intention nor the practices of causing harm *maleficium*: There were thus neither ‘victims’, nor ‘magical’ rituals, nor *maleficia*. The initially raised against the Cathars ‘orgiastic’ allegations, as one finds them, for example, in the very first heresy trials in Orléans (1022), with Bernard of Clairvaux (1145) or with Konrad von Marburg (1231) disappeared over time:

“In particular, the accusation of cannibalistic child murder disappeared in the early 12th century; it only reappeared around 1450. To the extent that more and more was known about the actual activities of the heretics, these sensational accusations were transferred to ritual magicians and witches.” (Levack 1995: 52).

There was also the community of the Cathars, the believers and the perfect, their mutual bond and the quasi-church bishop organization, which was later attributed to the Sabbath-*witches*, while the accused perpetrators of the political witchcraft-trials were individuals, **lone offenders**: “The accused in those trials were all charged as individual offenders, not as members of a sect.” (Cohn 1976: 197). Lone offenders, men and women, possibly with magical means, who were sacrificed and eliminated in the political power struggle as *wizzards/witches*.²⁴

4.5 The Full Development: Conspiracy and *Witch-Flight*

“The sabbat was accepted generally as a real and dangerous meeting of the enemies of society.” (Quaife 1987: 61).

The full development of the European *witch*-scheme mentioned at the beginning therefore still required three further moments: The expansion of the conspiracy feared by the ruler to the common ‘conspiracy’ of the *witches*, in which the sectarian community allowed itself to be connected with the *maleficium*; the **witch-flight**, which made their omnipresence and their space-spanning magical abilities possible; and the **sabbat**, to which the flying community of *witches* gathered to realize the maleficious conspiracy project together with Satan:

“This reflected the social fears of the establishment. Meetings of dissidents in secret, in isolated places and engaged in activities subversive to law, order and morality, became the focus of communal anxiety and individual fears.” (Quaife 1987: 61).²⁵

The gradual development and combination of these three moments can be well followed in the processes of this time, which were investigated by Cohn, Ginzburg, Blauert and Utz Tremp.

4.5.1 The Diabolical Conspiracy: Two Early Processes

“In order for the intensive witch hunt to arise, the ruling class had to believe beforehand that the crime was of great importance and that it was committed on a large scale and in a conspiratorial form.” (Levack 1995: 38).

In a first step, the transition from the individual case to the diabolical ‘conspiracy’ increased the feared potential for threat.

(1) This—attached to the old ‘heretic sects’, now however ‘malefic’ coloured—moment was first uncovered by the Franciscan Bishop Richard de Lefrede²⁶ in Ireland 1324/25 in relation to the four times married **Lady Alice Kyteler**, the head of a 10-person sect, with the help of torture.²⁷ In a inheritance dispute mostly among Anglo-Norman nobility, she was accused of having acquired her wealth through diabolical means:

“Maleficia had been practised, poisons had been concocted, anathemas had been pronounced, men had been murdered to secure this wealth. Worse still, all this had been done with the help of a demon who had not only received, as his fee, worship and animal sacrifice—like Pope Boniface’s demon—but also had mated with Lady Alice.” [as the ‘*incubus*’ of the 60-year-old]. (Cohn 1976: 200).

Lady Alice—after a fierce dispute between the clerical and secular justice—could be excommunicated escape to England; other sect members were burned or received corresponding fines: “For the first time in European history (so far as is known), a woman was accused of having acquired the power of sorcery through having sexual intercourse with a demon [...] A new image of the witch begins to emerge.” (Cohn 1976: 203).²⁸

(2) However, we are still in the field of the learned magical ritual practices of the *nobilitas*. This changes in the following case, which took place a quarter of a

century later between 1397 and 1406 in Switzerland, in two ways: Although the ritual remains, the social status of both the perpetrator and the judge decreases.

Here, a certain **Stadelen from Boltigen** near Bern was again accused by a secular judge from Bern, Peter von Greyerz,²⁹ with the help of torture, of having committed various *maleficia* together with accomplices—sterility for livestock, seven miscarriages for a peasant woman, and he also knew “how to make children fall into the water and drown before their parents’ eyes, how to kill people with thunderbolts”:

“In answer to the judge’s question, accompanied by repeated torture, he explained how storms were made. It appeared that a group of **malefici and maleficae** [boldS. Q.] came together in a field and begged the prince of all demons to send them one of his demonic subjects, whom they designated by name. A black cock was sacrificed at a cross-road, its flesh being thrown high in the air, where the lesser demons snatched it up. After which the demons would make hail-storms and cast thunderbolts—though not, Stedeler added, always at the places suggested.” (Cohn 1976: 204).

Lefrede and Greyerz were **not professional inquisitors**. “Both men were clearly fanatics, driven by their own inner demons, rather than officials coolly following the routine of a great bureaucratic machine. Dominated by demonological obsessions, they used the inquisitorial procedure to justify and confirm those obsessions. Between them, they produced a true prelude to the great witchhunt.” (Cohn 1976: 205). Fanatics, like the great heretic hunters Konrad von Marburg and Robert le Bougre a century and a half ago at the beginning of the persecution of heretics.

But Arno Borst (1990: 53, 51) is right in his analysis of the Stadelen case to point out its general **societal background**: First, the accusation against Stadelen, that he “had the ability to invisibly transport one third of all manure, hay and grain that was on other people’s fields to his own field”, reveals a “ruthless competition within the village”. Then Greyerz, who as an outsider representative of Bern was responsible for the incorporation of the newly acquired Obersimmental into the Bernese territory—fanatic, but still quite rational—in the instrument of the *witch*-process sought a new area of law, with which he could circumvent the largely fixed customary law of the village.

(3) The idea of the ‘**conspiracy**’,³⁰ in which three aspects came together: the old devil’s or demon’s pact, the malefic intention of causing damage, and the ‘secret’ jointly conspiratorial act, caused the extent of the *witch*-danger to increase sharply:

“The idea of the ‘witch sect’ indeed eclipsed everything that had come before; its terrors far exceeded those of its immediate model, the various heretical sects of the high and late Middle Ages and the abominations they were said to practice.” (Rummel 1990: 92).

Up to the **feared revolt**. A background experience that at the end of the 14th century, in the transition to the 15th century, became very realistic through the aforementioned crisis-ridden revolts, from the French Jacquerie via the Italian Ciompi, to the Lollards and Hussites,³¹ caused by the ‘wrath of the poor’—at the end of the 14th century one was close to speaking of ‘dangerous classes’—(Mollat 1984: 190 ff., 205); and which was then also supposed to become politically relevant in the 16th century with its peasant uprisings, etc.³² If *witchcraft/sorcery* had previously only been an ‘individual’ idolatrous heresy with *maleficia* related to specific victims, it could now be constructed both as a threat not only to the community of believers and thus to the secular city-state, as well as, conversely, endow such ‘real’ uprisings with a certain ‘satanic’ quality:

“The age of the great witch hunt was also the great age of popular rebellion in European history, centuries that saw many peasant Jacquerie, religious wars, and finally the first national revolution of the modern era [the Hussites].³³ These upheavals unsettled the ruling classes throughout Europe, and their fears are reflected in the belief in the Sabbath.” (Levack 1995: 72).

4.5.2 Two Conspiracy Models

“For the first time in European history, such a massive internment program was decided.” (Ginzburg 1993: 49).

But I am anticipating the course of my story; we are still at the beginning of the development of the *witch* syndrome. And here, as Carlo Ginzburg convincingly argues, the trail leads back to the similarly motivated **early “conspiracy myths”** of the lepers, Jews and Waldensians, which in turn provided the leitmotif for the *witch* Sabbath.

In two successive waves of persecution, first the **lepers** were accused together with the Jews and then, in 1348, the **Jews** of spreading the leprosy and then the plague, the “black death”, which was first mass-produced in Europe since the sixth century, through the scattering of harmful powders and poisons in wells and waterways. And that in precisely the time when both the proceedings against the Cathars and the political magic proceedings were waning; but in precisely the

same area in which these proceedings had been played; with the center in Carcassonne, from Atlantic Aquitaine to the western foothills,³⁴ in which both the Jews who were expelled from France by Charles IV in 1323 and the persecuted Waldensians had settled.

(1) **Leprosy** was considered a sign of sin, the plague as a “punishment of God”: “The lepers inspire terror because the disease, which is understood as a bodily sign of sin, disfigures their features, almost takes away their human appearance [...]. The Jews are the people of the murderers of God.” (Ginzburg 1993: 55). Lepers therefore had to wear an externally visible sign—like the Jews since the IV. Lateran Council (1215).³⁵ And according to an edict of the French king Philip V from 21.6.1321 they should, if they had not been burned in large numbers because of the conspiracy, be accommodated in closed institutions for life, separated by gender, ‘so that they do not reproduce themselves’, as the consuls of Carcassonne put it:

“In the following centuries, other people were to take the place of lepers: madmen, the poor, criminals, Jews.³⁶ But the lepers were at the beginning. Despite the fear of infection, which gave rise to the development of complex isolation rituals, they had previously lived in hospice-like institutions, almost always managed by religious orders and largely open to the outside world, which one entered voluntarily.” (Ginzburg 1993: 49).

They were accused, the king of Graanada approaches the Jews and offered them a huge sum of money so that they could hatch a criminal plot to destroy Christianity. The Jews had agreed, but had explained that they could not act themselves, as they were too suspicious; it would be better to entrust the execution of the plan to the lepers: since they were in constant contact with the Christians, they could poison the water sources without difficulty. “For this they were to be set in the then vacant lordships,” it says in a contemporary chronicle. (Ginzburg 1993: 50 f.).

The immediate ‘justitielle’ connection between this conspiracy and that of the Cathars becomes particularly clear in the trial of the cleric **Guillaume Agassa**, head of a leprosarium, in Pamiers in 1321, in which both the Bishop Fournier³⁷ and the Inquisitor Bernard Gui—two late representatives of the destruction of the Cathars—were involved: After multiple tortures, Agassa confirmed such a meeting of the heads, on which they

“renounce the faith of Christ and his law and receive powder in a cauldron, the consecrated host, mixed with snakes, toads, lizards, emerald lizards, bats, human excrement, and other things’ and had been prepared in Bordeaux on the orders of

the King of Granada and the Sultan of Babylon [representatives of Islam]. If anyone had refused to renounce the faith of Christ, he would have been beheaded by 'a saber-bearing, large, dark man in armor and helmet' who presided over the assembly." (Ginzburg 1993: 58 f.).

(2) A generation later, it was first the poor and the beggars who were accused of 'scattering powder in water, food, houses and churches' in order to further spread the plague raging since 1347; but here too the **Jews** were suspected of being instigators and poisoners. Pope Clement VI of Avignon pointed out in vain "that Jews also died of the plague" and "that the plague also spread in areas where there was no trace of Jews." (Ginzburg 1993: 80):³⁸

"But the pressure from below this time had a much greater weight. It seems as if the obsession with conspiracy had settled within a span of thirty years, at a distance of one generation, in popular mentality. The outbreak of the plague brought it to light." (Ibid.: 83).

4.5.3 The Vaudois—'Waldensian *Witches*'

"Another contribution of heresy to witchcraft is the idea that the witches met in groups." (Russell/Alexander 2007: 63).

And fifty years later, the **Waldensians** who were driven into the Western Alps and persecuted there, with their secret group meetings and probably also their *syncretistic*³⁹ watered-down religious beliefs, were again cause for concern:

"Sorcerers almost always practised magic singly, but heretics worked in communities. The Alpine Italian heretics of the fourteenth century met in assemblies of seven to forty-seven, with an average meeting of about twenty. Once sorcery was transformed into heresy [by the pact idea S. Q.], the inquisitors assumed that the sorcerer/heretics, or witches, also practised in groups." (Russell/Alexander 2007: 63).⁴⁰

(1) So **Pope Alexander V.** complained in a bull to the Franciscan Ponce Fougeyron, General Inquisitor for the Geneva-Aosta-Avignon area, in 1409:

"[I]n the aforementioned areas, some Christians, together with the crafty Jews, secretly introduced and spread new sects and forbidden rites against the Christian faith. Furthermore, in the same areas [...] there are many Christians and Jews who practise witchcraft, divination, conjuring of demons, magical curses, superstition, evil and forbidden arts, and thereby seduce many innocent Christians and plunge them into ruin." (Ginzburg 1993: 83).

A *nova secta*, a ‘new sect’,⁴¹ which the Dominican Johannes Nider described in his early witch tractate *Formicarius* (see below, Sect. 6.3) with reference to the aforementioned Bernese judge Peter von Greyerz, as follows:

“that in the Bernese land there are ‘wizards’ of both sexes, who, more like wolves than men, devour children. In particular, he had learned from the inquisitor that in the Lausanne area some of these witches had cooked and eaten their own children. They had gathered and called upon a demon, who appeared in human form. Whoever wanted to become his disciple had to swear to renounce the Christian faith, to no longer revere the consecrated host, and to secretly trample the cross at every opportunity.” (Ginzburg 1993: 85).

“With changing targets (lepers—Jews; Jews; Jews—witches) the common element of these waves of persecution is the obsessive idea of a conspiracy against society.” “From a relatively limited group (lepers) one moves on to a wider, if ethically and religiously limited group (the Jews) and finally arrives at a potentially unlimited sect (wizards and witches). Like lepers and Jews, wizards and witches stand on the margins of society; their conspiracy is in turn inspired by an external enemy, the enemy of enemies; by the devil.” (Ginzburg 1993: 87, 88). It couldn’t be summarized any better or shorter.”

(2) In an area where, in the end, the former Franciscan **Tertiary Antonio Galosna** (1387), ‘Waldensian’ became, under torture practices of sexual promiscuity confessed: “According to them, the sect members, when they had eaten and drunk, extinguished the lights to begin an orgy under the motto ‘whoever has, hold on.’ (Ginzburg 1993: 95).⁴² Orgies, which were already attributed to the early Christians, which then appeared in the first heresy trials, and now, another 250 years later, sexist color the Sabbath.⁴³

The attributions as ‘Waldensian’ and ‘witch’ flowed together: ‘*Vaudois*’ were ‘Waldensian witches’ or witch-like Waldensians in an area in which “evidence for the alleged Jewish conspiracy of 1348 were constructed, which in turn had the alleged conspiracy of the leper and the Jew in 1321 as a model.” With which then also “the worship of the devil in animal form, orgies and infanticide became permanent components of a Sabbath stereotype that should remain almost unquestioned in the next 250 years.” (Ginzburg 1993: 95, 97):

“There is no reason at all to think that most of the men and women who confessed to these strange performances really were Waldensian. It seems, rather, that ecclesiastical and secular authorities alike, while pursuing Waldensians, repeatedly came

across people—chiefly women—who believed things about themselves which fitted in perfectly with the tales about heretical sects that had been circulating for centuries.” (Cohn 1976: 228).

(3) In his detailed and fascinating analysis of the early Swiss heresy, sorcerer and witch trials in the triangle Lucerne, Lausanne and Neuchâtel describes Andreas Blauert (1989) their constructive combination as a ‘**migration** of the French concepts of an unfolded witch model’ approximately in the sense of the *Hexen-Tractate* of the Richters Claude Tholosan (*‘Ut magorum et maleficiorum errores’* around 1436) to the east, whereby these new ideas, which one had learned in the context of the Basel Konzils (1431–1449) (s. Sect. 6.3), flowed into both the directed against the Waldensians heresy trials of the Dominican Inquisition in Lausanne, but also at the same time in the more oriented to sorcery offenses eastern Swiss secular proceedings in the Valais or Lucerne.⁴⁴ Almost detective-like, Blauert—and later Kathrin Utz Tremp following him—reveals on the example of processes in Fribourg and Vevey on Lake Geneva how the same Dominican inquisitor, **Uldry de Torrenté**, proceeded against 71 Waldensians in Fribourg in 1430, initially still with the accusation of ‘secrecy’ (*secta, synagoga* as a precursor of the Sabbath) playing a major role (ibid.: 40 ff.). In his later Vevey-processes, in which at least thirteen executions took place in 1442, as in the process against Jacques Duplan in Neuchâtel (1439), then Waldensian *heresy*-accusations connect with: ‘Violation of the most holy legitimate faith’ with *witchcraft*-accusations: pact with the devil, cannibalism. (ibid.: 46). Here, however, the ‘*heretic*-character’ was still maintained to the extent that the accused were predominantly male and to a not inconsiderable extent prosperous citizens:

“The processes of Vevey, Fribourg and Neuchâtel under consideration were obviously heresy trials which, like the contemporary trials in Dauphiné and Savoyen, came under the influence of the witch-hunt discussion beginning to emerge and which began to change gradually as a result, without losing their traditional form altogether.” It can be shown “that witch trials, to the same extent as the witch concept underlying them was developed from the regional heresy and sorcery trial traditions, had the tendency to absorb and transform their predecessors. The heresy offence was (still) less gender-specifically defined than the sorcery offence.” (Blauert 1989: 48 f.).⁴⁵

A new *witch*-model, which Hutton (2017: 174) attributes to the preaching of travelling **begging brothers** who caused corresponding panic:

“The obvious creators and propagators of it were the preaching friars of the mendicant orders, Dominican and Franciscan. Moreover, they were not just any members of those orders, but leaders of a particular movement within them, the Observant, which believed in purging Christendom of all laxity and ungodliness as part of the reform, which succeeded the Great Schism, of rival popes that had riven the Western Church in the decades around 1400.”

4.5.4 When Witches Learned to Fly

“They flew to the meetings on sticks and brooms: then they stopped in cellars, drank the best wine and shit in the barrels.” (Ginzburg 1993: 89).

These “conspiracies” still consisted of relatively small, manageable groups that could also meet “on foot” relatively well. To achieve the full picture of the Sabbath, the witches still had to learn to fly.

(1) Here too, one could—as with the *maleficia*—fall back on deeply anchored **popular ideas** of female night spirits⁴⁶ which, as Carlo Ginzburg demonstrates in his book on the Sabbath (1983), should reach back to the idea of shamanistic trance experiences and -travels, even into the Neolithic period;⁴⁷ and which, as Behringer (1994: 154) shows on the example of the shepherd Stoeckhlin (†1587)⁴⁸ were anchored in the population at the latest:

“In this respect, one must see the whole witch-flying stories against a different background than before: they are not only the product of Christian demonology or torture, but behind such stories, also statements in interrogation protocols, there are, at least in some regions of Europe, potentially experiences of an ecstatic nature.”

They have always contained two “demonic” flying phenomena:⁴⁹

- the “wild hunt”⁵⁰ cannibalistic, child-murderer *Strigae*: “Have you believed ... that you are able ... to travel through the spaces of the world, together with others who are similarly deceived; and that without visible weapons, you kill people who have been baptized and redeemed by Christ’s blood, and together cook and devour their flesh?” asks Burchard von Worms (around 1010) in his *Corrector-Bußbuch* (Cohn 1976: 209).
- And the more benevolent *ladies of the night*⁶ fairies, nocturnal entourage of Diana/Herodia mentioned in the *Canon Episcopi*.

Two ghost trains that correspond to the ambivalent, two-faced properties of these pagan deities, who rule over fertility and death, who reward and punish, as in the Grimm fairy tale (No. 24) the *Frau Holle*, in which the hard-working Gold-Marie is rewarded, the lazy Pech-Marie is instead showered with pitch:

“Wherever it had originated, therefore—and the evidence suggests somewhere in the broad Franco-German region—by the high Middle Ages the idea of the night journeys led by a superhuman female or females was spread over a wide area of Western Europe which included England, France, Italy and Germany.”⁵¹

Two flying ghost appearances, which were previously—even in the 12./13. Century—as **superstitious** ideas of simple people dismissed: “Who is so blind as not to recognize this as the wicked work of deceiving devils? It is clear that these things are put about from silly women and from simple men of weak faith”, wrote John of Salisbury in his *Polycraticus* (1159). But now they are dramatically built into the witch stereotype as a flight to the satanic Sabbath:

“But a time was to come when the attitude of the educated elite would be very different from this. In the fourteenth and fifteenth centuries some of the literate began to take over both fantasies from the ‘silly women and simple men’, and blended them into a single fantasy about organized masses of witches flying by night, intent on cannibalistic orgies, and guided by demons. And that did indeed contribute to the outbreak of the great European witch-hunt.” (Cohn 1976: 219).

An example of the high cultural occupation of the unconscious, which ‘thinks’ in the generally customary cultural categories of its historical time. That is why the *Benandanti* (Ginzburg 1993a) could ‘jointly’ drive out to fight witches in trance at certain fixed times of the year; why dreamers experienced known persons as *witches* as real as they felt pursued by them during the day; and why schizophrenics fill their thought worlds with the figures that fit into the time⁵²—for example, at the beginning of the machine age with machines, at other times with devils and witches, and today with ‘paranoid’ experienced Mafia killers, secret services or eerie rays from the cyber-space.⁵³

(2) Again it was the Alpine region in the lower **Wallis around Sion**,⁵⁴ in which 1428—for the first time by secular courts⁵⁵—more than 100 men and women were burned because they had confessed under torture to “belonging to a diabolical sect or society”:

“The demon appeared to them in the form of a black animal—sometimes as a bear, sometimes as a ram. After they had renounced (abgeschworen) allegiance to God, the faith, baptism and the church, the members of the sect learned how to impose death and illness on adults and children with magical means. Some claimed that they could temporarily turn into wolves to tear livestock; others said they could become invisible by taking special herbs indicated by the devil.”

Conspiracy, heresy, transformation, magic, black Satan as usual, and then, still relatively harmless, as if in transition from the Diana flight:⁵⁶“They flew to the meetings on sticks and brooms: then they stopped in cellars, drank the best wine and shit in the barrels.” (Ginzburg 1993: 89).⁵⁷

(3) In a long-lasting, sliding transition, for which Manfred Tschakner (2006) in the **Bregenz Forest** (near Lake Constance) on *witches*-processes came, in which—still in the middle of the 16th century, thus after the *Hexenhammer* (1486), but still before the beginning of the ‘great persecution’ (1570)—“with shamanistic elements pervaded popular beliefs over time so closely to the learned witch image that they were hardly distinguishable from it.” So the members of a ‘society’ met, which ‘magically acted in everyday life’, to eat and drink together—“namely wine from the cellars of the Lingenau provost and other people.” There were neither devil worship nor unchaste acts; but one rode on wolves to the assembly and fought there—analogously to the northern Italian Benandanti—with hemp rods in ritual fights:

“It is fought hard, but afterwards every injured person is magically healed. After the event one rides home on wolves. The members of this group apparently only called themselves the ‘society’; from their opponents they were disparagingly referred to as the ‘witch society’.”

4.5.5 Two Model Processes in France (1453, 1459)

Finally, in the middle of the 15th century, two early processes from **northern France** round off the picture:⁵⁸

(1) In Evreux, in Normandy, **1453 Guillaume Adeline**, a well-known doctor of theology and former professor in Paris—at the end of the ‘political wizard-trials’—was sentenced to life imprisonment with bread and water because a written pact with Satan had been found on him,

“binding him to preach sermons **against** the reality of the sabbat; with the result that judges had been discouraged from prosecuting frequenters of the sabbat, and the number of those frequenting it had increased accordingly. Adeline eventually confessed not only that he had indeed entered into such a compact with Satan, but that he himself had been in the habit of flying on a broomstick to the sabbat.” (bold S.Q.)

(2) In the best-known witch trial of the 15th century, **1459 in Arras**—the early example of the great witch hunts of the following centuries—the Dominicans Jacques du Boys and Jean, titular bishop of Beirut, again pursued this ‘*Vauderie*’ with the help of torture even of the richest citizens of the city, not because of committed *maleficia*, but because they had been seen at the sabbat in a successively tortured confession wave:

First, an hermit burned as a *witch* accused a young prostitute and an older painter, who in turn “named further participants at the sabbat, who in turn were arrested and tortured until they implicated many more.”

The two inquisitors—like the *witch hammer* at that time and extremely future-oriented up to the present day—insisted “that anyone opposing the burnings must himself be a witch, and that anyone who dared to assist the prisoners should be burned also. In their view Christendom was full of witches—many bishops and cardinals and, indeed, a full third of nominal Christians were secret witches.” (Cohn 1976: 231).⁵⁹

In the end, the Duke of Burgundy from Brussels **stopped** these processes—although a meeting of clerics and doctors called by him from Louvain could not decide the question of the sabbat. The accused knight Payen de Beaufort, an old man and head of one of the richest families in the province of Artois, appealed to the *Parlement de Paris*, which 30 years after the trial (already!) publicly and formally rehabilitated the convicted and accused in 1491.

4.6 Recap: A Long-Wavelength Transformation

“What late medieval witch-hunters and demonologists bequeathed to early modern Europe was thus not a fixed set of convictions and anxieties, but a more complex network of issues that called to be resolved and eventually were, at great cost.” (Kieckhefer 2013: 178).

If we look back from here—that is, from the end of the 15th century, before Luther’s theses (1517) and before the discovery of America (1492)—on the development of the *witch* stereotype **in late medieval** times, we see a gradual

development that one encounters again and again in the origin and dissemination of such stereotypes. Seemingly consistent, but actually often regionally and temporally broken⁶⁰, it takes over, as the “successor” of the original *heresy* of the Cathars and Waldensians, both moments from the Catholic-inquisitorial heresy process: *heresy*, as well as from the later secular witchcraft process: *maleficium*, in order to work out the full picture of a satanic *witch* conspiracy in several intermediate stages, which will then dominate the next two centuries.

Therefore, the *witch* cannot be understood as a *heretic* under a changed attribution practice, that is, as a “heretic of the early modern period”, but must be understood as an **independent phenomenon** with quite different characteristics, namely as a damage-causing person in her satanic connection. However, with three common bases, namely the anchoring in a magical-religious mentality, in a “pastoral attitude” that changes between individual and community, and a—now secularly oriented—*inquisition* procedure, which is initiated as an “official” process and tries to find out the truth with “rational” means—witness evidence, confession, torture—and to eradicate the evil that endangers the community.

A long-wavelength ‘**transformation**’ of *heresy* into the *witch*-construct on the basis of a political-economic change, in which, with the rise of urban-courtly-absolutist claims to hegemony, the clerical-secular hegemony balance is sorted anew. A power shift that—within the framework of an increasingly ‘legalization’—is particularly evident in the coarsening takeover of the Inquisition process by urban-secular institutions. Not only are the heretics first replaced by the wizards and lepers, and then by the *witches*—with now constant ‘conspiratorial’ heresy accusation—but at the same time, under the use of the Sabbath led by Satan:

- the danger schema is shifted from the endangerment of long-term spiritual salvation to the currently harmful *maleficium* and
- the protective function of sovereignty is transferred from the clerical guarantee to ensure the ‘protection of the spiritual salvation of the herd as well as of the individual’ to the secular promise to provide protection against individually tangible *maleficium* damages as well as against the endangerment of the community. Which I will go into in more detail in Chap.8.

Notes

1. Cf. the critical review of Briggs’ work by Max Dashu (1998), which, however, assumes a ‘natural witch concept’ that is less ‘satanic’ than ‘magical’. See also with more detailed references: Dashu (1999: 2): “Many writers equate witch trials with diabolist trials, going so far as to say that no ‘real’ witch trials occurred until the 1400s. This claim, and the associated failure to

- analyze the nature of the information we have about medieval witch persecutions, is profoundly anti-historical.”
2. In mutual relation to the ‘*Zauberwahn, Inquisition und Hexenprozess im Mittelalter*’ (‘Magic Delusion, Inquisition, and Witch Trials in the Middle Ages’) published in 1900 by Joseph Hansen.
 3. As well as another statement by Inquisitor Bernardo Rategno (1508).
 4. She begins her work with the sentence: “The present book starts from the hypothesis that the witch sect has inherited more from the heretical sects of late medieval times than is generally assumed, indeed that it is the heretical heritage that distinguishes European witchcraft from non-European.”
 5. “The influence of anti-Judaism is particularly perceptible in the *Errores gazariorum*. The notion of synagogue (*synagoga*) is used to designate the place where witches meet the Devil. The same terminology is also used by Tholosan or Martin le Franc. This term appears in all the witches’ trials, before the term Sabbath became established; the latter is even more explicitly related to the Jewish people.” (Ostorero 2008: 22).
 6. (Utz Treppe 2008: 254). “Nevertheless, the heretical substrate had a decisive influence on the first witch hunts. If we consider the territory of present-day Switzerland at the end of the Middle Ages as a whole [...], we find that in those parts of the country where there had previously been persecutions of heretics and an established Inquisition, the heretical elements in the accusations and confessions are much more numerous and the proportion of men among the victims of the witch hunts is much higher than in those where there had been no previous persecutions of heretics and no Inquisition had existed. This contrast is particularly pronounced between western and eastern Switzerland (in particular Lucerne and its territory), but also between northwestern Switzerland and the Leventina shaped by the northern Italian Inquisition.” (Utz Treppe 2008a).
 7. Augustinus “worked it up into its enduring form, which persisted through the Middle Ages; that the acts of magicians were accomplished with the aid of demons, whereas the miracles of christian saints were made possible by the intervention of the one true God. This polemical position [...] therefore was a defensive one formulated to cope with a serious challenge to its own credibility and public image.” (Hutton 2017; 148).
 8. The first part, the *Goetia*(1577), with the invocations of the demons, was adopted in 1577 by Johannes Weyer (1563), the prominent fighter against witch hunts, as an enlightening appendix to his book *De prestigiis Daemonum* under the title *Pseudomonarchia Daemonum*-which also serves as my source here. (www.esotericarchives.com/solomon/weyer). Cf. the extensively

- compiled *The Encyclopedia of Demons and Demonology* by Rosemary Guiley (2009), and, for those who like it even more 'esoteric': Marilyn Hughes (2012); as well as: (www.esotericarchives.com/solomon/goetia); (www.esotericarchives.com/solomon/lemegeton).
9. "Nowhere, in the surviving books of magic, is there a hint of satanism"; "The books of magic stress that a magical enterprise has no prospect of success unless the magician worships God and believes absolutely in his infinite goodness"; "Even when he was trying to work a maleficium, the magician felt himself a pious Christian or Jew." (Cohn 1976: 169 f.).
 10. Glaser-Hille (2019) emphasizes this "Christian" aspect in her analysis of early spell books also as an attempt to set themselves apart from—Hebrew-writing—Jewish magic, which "[a] s the gatekeepers of the original language—the language through which God revealed the secrets of the universe—Jews were seen as powerful magicians, particularly adept at magic" (188). In this sense, Johannes Trithemius in his *Steganographia* (1499) was "plagued by rumours of consorting with demons—immensely concerned with harmonizing this magical practice with Christian dogma." (185). "It is important to note that, in the efforts to assert Christian magical prowess and to paint magic as a Christian activity [...] the magical thinkers we have seen [u. a. Reuchlin's *De Arte Cabalistica* (1517) and Agrippa's *De Occulta Philosophia* (1533)] also emphasized that the theory and rituals were aligned with canonical Christian orthodoxy, thus defending their magic as being not only compatible with their Christian faith, but also necessary for it." (186). (See also: Sect. 2.3 (2)): "Cornelius Agrippa, a leading Renaissance contributor to the magical tradition, insisted that 'magicians are careful explorers of nature only directing what nature has formerly prepared, uniting actives to passives and often succeeding in anticipating results so that these things are popularly held to be miracles when they are really no more than anticipations of natural operations'." (Henry 2008: 8).
 11. Grimm's Fairy Tale No. 53: "Mirror, mirror on the wall, who is the fairest in the land" asks the stepmother of Snow White; "So the mirror answers: 'Queen, you are the fairest in the land.' She was satisfied, because she knew that the mirror spoke the truth." (see de.wikipedia.org/wiki/Schneewittchen).
 12. "Nevertheless, with his argumentation, Eymeric "Eymeric, Nicolás (1376)" laid the groundwork for the later clerical conviction that even simple witches had demonic powers and were apostates, with the argument that behind every magical act, even if it did not include worship or veneration, stood the veneration of demons." (Utz Tremp 2008: 421 with reference to Michael Bailey).

13. “However, prior to 1420, there exist fewer than one hundred references to trials involving sorcery.” (Waite 2003: 35). In contrast, in her above-mentioned criticism of Briggs Max Dashu (1998) raises the not unjustified question of such models for those ‘courtly’ processes: “The question that needs to be asked, however, is where this politically useful charge originated, as it appears after 1300 and runs into the mid-1400s. The particulars of these cases provide a ready insight: the means by which rival magnates could be brought down was ready to hand, in the already extant persecution of witches. Such cases are attested as early as the 6th century, in Gregory of Tours’ History of France.”.
14. Esther Liberman-Cuenca’s (2007: 118, 107 f.) analysis of the late medieval processes at the municipal and ‘royal’ level certainly confirms Dashu’s criticism mentioned above: “The belief in, and practice of, sorcery in England in the late Middle Ages were equally enjoyed and reviled by all members of these medieval communities, be they lay or religious, common or noble, or male or female.”; “[T]he practice of sorcery at the community level, and the potential harm that neighbors could bring to one another, was really a microcosm of regicidal sorcery and the potentially harmful effects it could have on the entire realm.”.
15. “Although the chamberlain (La Brosse) had accused Mary of Brabant of the deed, the latter, and with her Charles of Anjou, ousted the Queen Mother from the court. Philip himself thus rose to the first place in the succession.” (en.wikipedia.org/wiki/Philipp_IV).
16. (1285–1314) the younger brother of Prince Louis, great-grandson of Louis IX, who had victoriously ended the Albigensian Wars (Peace of Paris: 1229).
17. His later (!) Successor was Jacques Fournier, the later Pope Benedict XII., who as inquisitor from 1314 to 1325 persecuted the inhabitants of Montailou for heresy, without finding any “ritual magic” there (Cohn 1976: 194).
18. Cohn (1976: 181), whom I will continue to follow in the presentation of these political sorcerer’s processes. See also: (de.wikipedia.org/wiki/Philipp_IV).
19. “It was the Colonna who first put about the story of Boniface’s demonic contacts.” (Cohn 1976: 181).
20. Incubus: In antiquity it was considered—not sexualized—nightmare nightmare illness. He only received his demonic character since Thomas von Aquin in the 13th century: “Even though Augustine mentions *incubus* only in passing, in the hands of Thomas Aquinas in the thirteenth century this passage in *De civitate Dei* became the starting point for a new demonology.” In turn, it was questioned by Weyer, based on the antique: “[H]e argues that in virgins allegedly having had intercourse with an incubus demon, the hymen

- is still intact. Consequently, the attack must have taken place in imagination only.” (Metzger 2012: 500, 504).
21. He also intervened in the dispute of the Franciscans against the ‘Spirituals’ with the bull *Cum internonnullo* 1323 and had the Franciscan general Michael of Cesena imprisoned in 1327; in 1329 he also declared 28 theses of the mystic Meister Eckhart to be heretical in his bull *In agro dominico*.
 22. Kieckhefer (1976: 13), whom I follow in this section.
 23. Described in detail in Decker (2013: 30–32).
 24. Anna Bennet (2015) analyses this political function, inter alia, on the example of the—mostly neglected—female witches of the social upper class: Lady Kyteler (1324); Valentina Visconti, the Duchess of Orléans, sister-in-law of the French king Charles VI. in the 90s of the 14th century; Jeanne d’Arc (1431); Queen Anne Boleyn, the executed second wife of Henry II. (1536); or the Marquise de Montespan, mistress of Louis XIV., who, in the course of the “poison affair”—in the context of which Louis XIV. had to stop further “witch” persecutions in front of the *Parlement de Paris*—was banished in 1688 under the accusation of having celebrated black masses (satanic witchcraft) with child sacrifice together with a notorious poisoner (a. a. O.: 144 f.) (wiki/Madame des Montespan; see also Baschwitz 1966:205 ff.). “While the women portrayed in this study may seem to have been powerless in the face of witchcraft accusations, their condemnation in itself reveals an implicit narrative of female agency within a strictly patriarchal society. Socially prominent women proved easy targets for witchcraft charges precisely because they exerted a seemingly unnatural influence over male-gendered spaces like governance, commerce, religion, or warfare. Politically motivated witchcraft accusations sought to restore a natural arrangement of gender roles that uncontrolled female authority was seen to have inverted.” (a. a. O.: 152) (s. O.: Sect. 2.6 (3)).
 25. “The number of participants in witch meetings was estimated by one demonologist at least 500, by another even at 100,000. Such estimates are at least helpful in explaining why the educated classes of Europe were so afraid of the witch.” (Levack 1995: 36).
 26. The one who was present at the time of the aforementioned political processes in Avignon, later banished for 9 years to Avignon for various crimes, “including the instigation of murder”, “where he was able to persuade the pope, Benedict XII., that Ireland was full of demon-worshipping heretics, whom he alone opposed.” (Cohn 1976: 202)
 27. And indeed, as Esther Liberman-Cuenca (2007: 49) points out in her analysis of this case, as part of a continental inquisition process set up by the

- bishop: “The foreign bishop’s attempts to implement Roman law on the Irish. English law dictated that instances of sorcery were to be tried under the legal jurisdiction of the civil courts as a felony, whereas Continental laws categorized sorcery and witchcraft as forms of heresy, punishable under the statutes of the inquisition, whose methods of extracting confessions through torture were generally not permissible by English law.”
28. An early representation in: Seymour (1913: 22–45); a more detailed analysis in Bennet (2015: Chap. 2).
 29. Which told this case to Dominican Johannes Nider for his book *Formicarius* (1435–37).
 30. This is reminiscent of recent fears of conspiracy, which Baier/Mazoni (2020) (with Douglas et al. 2019) define as follows: “[T]o explain the ultimate causes of significant social and political events and circumstances with claims of secret plots by two or more powerful actors.” In their survey-based study in Switzerland, they find that “31.4% of adolescents and 35.9% of adults have a pronounced conspiracy mentality. These values are comparable to those of the German studies.” Once again, it is the ‘experience of insecurity (perception of anomie)’ that is the decisive variable: “A conspiracy mentality is therefore primarily to be seen as a reaction to an experience of insecurity. Conspiracy theories provide orientation and support when it seems that social order is lost.” They assume that “conspiracy theories and conspiracy mentalities are an important explanatory approach to the existence of violent extremism.”
 31. “Persecutions that were triggered by the fear of the Hussites in the 1420s. Unlike all other medieval heretics, the Hussites did not remain in the defensive, but went on the offensive, especially since Pope Martin V. (1417–1431) had called for a crusade against them on 1 March 1420 and one crusade followed the other and was defeated.” (Utz Treppe 2008: 457).
 32. Cf. Tilly (1999) for the ‘reality’ of these conspiracy fears and, in particular, the tables on revolutionary situations in Holland (118), the Iberian Peninsula (129 ff.), the Balkans (143 ff.), England (173 f.), France (222 f.).
 33. The Hussite question was ‘politically’ solved at the very council at which witches were first discussed: “The greatest achievement can be seen in the solution of the Hussite question, which still overshadowed the Council of Constance. Although the Utraquists were not able to implement the Four Articles of Prague, they achieved that communion in both kinds was allowed again in Bohemia. This was also confirmed by resolutions of the Landtag in Iglau. The negotiations of the Council of Basel with the Hussites led

- for the first time to the church's recognition of a divergent group" (https://de.wikipedia.org/wiki/Konzil_von_Basel).
34. "The pre-Alpine area of northern Italy and south-eastern France and the French-Swiss West Alps region with the regions or territories of Savoy-Piedmont, Dauphiné, the Valais and the Aosta Valley, Lake Geneva and the area around the cities of Neuchâtel and Fribourg in the decades of the 14th century up to the middle of the 15th century. These areas belonged to the dioceses of Geneva, Lausanne and Sion." (Rummel/Voltmer 2008: 25).
 35. Since the Council of Nogaret (1290) a red distinguishing mark on the chest or shoulder; but also a black cassock, a scarlet cap or a clapper (Ginzburg 1993: 54).
 36. Cf. Foucault (1973: 19 ff., 23): "Leprosy disappears, lepers are almost forgotten, but the structures remain. Often, in the same places, two or three centuries later, one can find the same formulas of exclusion in astonishing similarity. Poor people, vagabonds, prisoners and 'disturbed minds' play the role that the leper once had [...] With a completely new meaning and on a completely different level of development, the forms continue, in particular that more important form of a rigorous separation, which consists in social exclusion, but spiritual reintegration."
 37. Who, however, later as Pope Benedict XII. advocated for the interests of lepers and demanded the restitution of their worldly goods confiscated by ecclesiastical authority (Ginzburg 1993: 74 f.).
 38. What is the proportion of migrants in the so-called. 'New federal states' in the east of the Federal Republic?
 39. "Syncretism means the mixing of religious ideas or philosophies to form a new system or world view." (de.wikipedia.org/wiki/Syncretism).
 40. "If we start from the cumulative concept of witchcraft as it is represented in the *Errores gazariorum*, one of the earliest descriptions of the witch sect, probably created shortly before 1436/1438 in the Aosta Valley, then we can distinguish between heretical and magical elements. The heretical elements include the introduction to the sect, the pact, the night meeting, the organization of the sect and the accusation of hypocrisy, the magical elements include the flight of the witches and wizards to the Sabbath, the maleficia (in particular infanticide) and the motives for joining the sect (revenge and lust for pleasure as well as sexual desires)." (Utz Tremp 2008).
 41. "As early as 1409 Pope Alexander V spoke of a 'new heresy', and by 1450 the Dominican inquisitor of Carcassonne, Jean Vineti, in his *Tractatus Contra Demonum Invocatores*, argued that diabolical sorcery—witchcraft in its later classical meaning—was a new heresy." (Peters 2002: 232).

42. “The syncretistic Synagogue, as it emerged from the process (revision process [against Galosna]) and was supposed to continue to work, was the product of the ‘cooperation’ of a frustrated inquisitor with a broken head at the end of an adventurous spiritual career,” writes Utz Tremp (2008: 259) in her careful analysis of this Piedmontese dispute between the Inquisition and the Prince of Savoy-Achaia, with Galosna asvictim.
43. “Hansen has already drawn attention to a process that took place in 1387/88 in the Savoy town of Pinerolo, which mixed Cathar and Waldensian religious beliefs or accusations against both of these religious groups in a syncretistic way, and which was characterized by ideas of visiting the synagogue and orgies taking place there, all of which were to become constitutive for the young witchcraft of the region.” (Blauert 1989: 28).
44. As recently described, in the valley of the Leventina, south of the Alps, in the witch trial of 1459 against 37 people, of whom around 20 were burned, “the accused confessed to participating in a Sabbath, making a pact with the Devil, and flying through the air. Child murder and animal transformation are also part of the confessions.” (Schatzmann 2005: 82).
45. “The relationship with heresy had a special consequence on the formation of the concept of the witches’ Sabbath; since heretic sects gather together both men and women, initially the witches’ Sabbath was not exclusively associated with women. In Nider, Fründ, Tholosan, or the anonymous author of the *Errores gazarorum*, the Devil’s worshippers are both men and women, and there is no special insistence on women. This corresponds to contemporary trials—in the fifteenth century in French-speaking Switzerland it was principally men who were brought to trial. In the alpine regions the mythology of the witches’ Sabbath was not constructed against women and that is undoubtedly due to the importance of antiheretic stereotypes. It is only gradually that the Sabbath focuses on women.” (Ostorero 2008: 21 f.). Generalized: “The more reliant a definition of witchcraft was upon the model provided by diabolic heresy, the less could witchcraft be confined to women. [...] Logically, where such heresy-based constructions of witchcraft were most widely accepted, women should not have been singled out for persecution.” (Broedel 2003: 169).
46. “This nocturnal apparition is the popular belief that women fly around at night to go on love adventures, to celebrate common feasts, to kill small children and adults and to eat them at their feasts.” ‘Child-stealing Lamien’, the Roman ‘strix’, “a vampire-like bird that fed infants at his breast with poisonous milk or stole them from the cradle to suck their blood” etc. (Jilg

- 2007: 46 f.). See Tschacher (1999: 245 ff.) for a more detailed historical ‘reality’ of these ideas in the population.
47. Hutton (2017: 74–95) analyzes this ‘shamanic context’ in detail—also in criticism of Ginzburg.
 48. Chonrad Stoeckhlin, a shepherd and healer from Oberstdorf in the Allgäu region, was executed in 1587 as a *witch*. He claimed to have experienced, together with a whole “night’s company”, led by an angel, journeys to “places where you see joy and suffering—paradise and purgatory” for hours, while he himself would be “powerless” in a trance. He could also recognize *witches* like Anna Enzensberger—“But the shepherd’s statements, which he said he had received from his guide in the night’s company, led to her arrest and eventually to her burning as a witch.” (Behringer 1994: 99). The “initial ignition”, which was supposed to not only affect Stoeckhlin, but a total of 25 Oberstdorfers as *witches*.
 49. On the occasion of his analysis of the “night’s company” excursions of the shepherd Chonrad Stoeckhlin, Behringer (1994) deals in detail with such ghostly flights circulating in the population for good or ill.
 50. “The Wild Hunt was a procession of spirits or ghosts who roamed through the countryside revelling and destroying. The leader of this ghostly rout was sometimes female, sometimes male.” (Russell/Alexander 2007: 49).
 51. Hutton (2017: 132) with detailed analysis of origins: “[A]ncient folkloric figures. Two of those seem to have been especially influential in this case; the child-killing nocturnal demoness of the Mediterranean world and the cannibal witch of the South German one.” (a. a. O.: 283).
 52. “Psychosis [...] draws its content from the striving and values, yearnings, hopes and fears of personality and its destiny and experiences. Not that hallucinations occur and there are delusions, but *what* is hallucinated and *which* delusions exist, is comprehensible from the personality.” (Kurt Schneider 1959: 125).
 53. A general ethnological finding, which Harris (1989: 289) illustrates with Robert Lowie’s words for the visions of Crow-Indian youths: “(The youth) does not simply see and hear what every fasting person—whether in British Columbia or South Africa—sees and hears under similar conditions of mental exhaustion and the pressure of general human needs, but what the social tradition of the Crow tribe requires”; which also applies to the different symptoms of schizophrenic patients examined by Morris Opler in a New York hospital: “The Irish patients were mostly obsessed with sexual guilt, as well as introverted and calm, while the Italian patients were sexually aggressive and much more prone to violent outbursts and fits of anger.” (ibid.: 340).

54. And likewise in two other treatises (around 1435), which were based on more than one hundred witch trials conducted in the valleys around Briançon (French Western Alps) (Ginzburg 1993: 89).
55. Hutton (2017: 170ff.) locates the first processes of this new type in the Aneu Valley in the Pyrenees (1424): “local people who accompanied bruxas by night to do homage to the Devil. They would then steal sleeping children from their homes and murder them, and use poisonous substances to harm adults” (see also Granados 2014); in Rome: 2 women, “killing large numbers of children by sucking their blood on the orders of the Devil” or in Todi (1428: A magician: “sucking the blood and life force of children, like a strix, when going abroad at night in the shape of a fly. Moreover, she was accused of riding a demon in the form of a goat (when herself in human form) to join other people of her kind in revelling and worshipping Lucifer, who ordered her to destroy the children.”).
56. One of the first illustrations of a flying witch from 1451 can be found in Russell/Alexander (2007: 8); Eva Labouvie (1987: 53) shows an even earlier fresco of a ‘night rider’ from around 1300 on the Schleswig Cathedral.
57. A picture that reappears later, since under the then winemaking knowledge the wine often became sour or ‘turned over’.
58. I follow Cohn (1976: 230–232) here.
59. These Dominicans thus approach a calvinist-puritan thought that results from the predestination: Only a few elect reach the kingdom of heaven, the others are fallen to the devil (who else?); an idea that was further developed by the Scottish-English king James VI. or I in his *Daemonologie* (1597). (Russell/Alexander 2007: 97).
60. Kieckhefer (2013: 177–179) points out in his summary the complexity of the early *witch* model, which relativizes the simple idea of a “collective concept”, the result of a fusion of ideas associated with heresy and magic in the minds of educated men, as Joseph Hansen (1900) suggested (Broedel 2013: 33): “The first wave of trials for diabolical witchcraft turns out to be more complex than has usually been suggested in historical literature. The notion of an accumulation, in which one concept after another was added to the brew and remained there as an accomplished fact, is simply untenable. Regionalism remained persistent throughout late medieval Europe [...] And yet the story is not one of endlessly splintering perspectives.”.



The Witch: Construction or Reality?

5

Abstract

The witch stereotyp is a pure construction, which needs a plausible anchoring in the experience of the community as well produces ‘real’ consequences – maleficia – that can be experienced accordingly, which in turn further solidify the stereotype. The new witch construction caused real damage and real witch-fear. It sought its plausible basis in popular ideas and events—for example in the rural “witch” tradition or in the Carnival as a Sabbath model. It stylized the biblical devil model to the almost all-powerful Satan, who nevertheless had to obey the laws of nature.

The *witch* stereotype is a pure **construction**—or rather a typical “discourse product” (as Rüdiger Lautmann would say)—which defines both the evil, the *witch*, and its solution, the “Inquisition”, in a new way for this “witch time”. A construction that defines, as a pattern of interpretation (‘Deutungsmuster’) or as a *frame*¹, the way in which one perceives, explains and treats or should treat the “reality”—here both the existence of a “ghost” world and the causes of the experienced misfortune.

However, in order to be accepted, this construction does not fall randomly. On the one hand, it fits into its time, which at that time went out from the “real” **existence of “spiritual beings”** (“spiritual beings” here refers to 2.5), both in its mentality and in its political constitution, in order to fulfill its system-maintaining functions. And on the other hand, this construction needs, in order to convince, **plausible** clues, which must be deeply anchored both in general experience, that is, in general *Commonsense*, and in the individual unconscious, which I will go into in more detail in the following chapter.

At the same time, however, it also applies that the people involved in this “construction” at that time experienced and suffered from the *witch* and her *witchcraft* as highly “real”, both as a *witch* and as her “victims” and her persecutors.

In this sense, **five moments** gave this *witch* construct the necessary ‘real’ character: First, the directly associated consequences, namely the **misery** of the burning *witches* on the one hand and the fear of the *witches* on the other hand, as well as the emotionally stirring basis of the **terrible** (Sect. 5.1); then their directly ‘observable’ magical ‘successes’, the **maleficia** (Sect. 5.2), which are all ‘verified’ in the process. Rather ‘worldly realities’, which are ‘explained’ and ‘plausibilised’ by impressively convincing images of the *witch* conspiracy in a ‘carnivalistic’ inspired **Sabbat** (Sect. 5.3), as well as by a Biblically eschatologically occupied **Satan** (Sect. 5.4), even though this will always cause ‘demonological stomach aches’.

5.1 Construction and Consequences

“However, the threateningness that she radiated as a real or imaginary person was based on her constant presence. So the witch was—at least in the consciousness of the population—a permanently existing danger hotspot in the end a greater and more life-threatening danger than any war, any epidemic, any storm that claimed their victims, but eventually ended.” (Labouvie 1987: 92).

We thus encounter an elitist-controlled **construction**, which, over the course of centuries, takes on its own “real” life to such an extent that, in the end, some 100,000 people fell victim to it, of whom approximately half were burned alive or strangled mercifully in public on the pyre.² Numbers, which, in view of the simultaneous raging of the plague and the mass murders of the indigenous people in South America,³ during the slave hunts and in the course of the Thirty Years’ War⁴ still appear relatively “modest”—which is why one spoke and wrote of nine million victims:⁵

“With regard to the actual extent of the European witch hunts of the late Middle Ages and early modern times, there are sometimes fantastic ideas in the secondary literature. The number of victims was estimated at up to 9 million, which, in view of the previous population figures, appears quite absurd.” (Behringer 1987a: 165).⁶

(1) However, in such numerical games one easily overlooks both the **misery** that such *witch*-hunts—even in the case of an acquittal⁷—can cause in the immediate vicinity of the persecuted, be it through confiscation or social disgrace, in par-

ticular if, for example, the children of such *witches* themselves were suspected of *witchcraft*: In many places it was believed that “the witchcraft was hereditary—the child of a witch was also considered a witch” (Dülmen 1987a: 106f.)⁸—or by the fact that concrete *witch*-rumors focused on specific outsider groups:

“Executions only made up the absolute ‘tip of the iceberg’. In addition, there were probably at least twice as many people who were banished because of a serious suspicion of witchcraft, and twice as many who had to suffer other minor punishments because of this suspicion by the court, because in most times accusations of witchcraft were too risky for the plaintiffs or denouncers, because they could not bring any conclusive evidence for their suspicions, which could then, *inter alia*, also lead to corresponding defamation lawsuits”. (Behringer 1987a: 165).

But above all, one then also overlooks how much the alleged power of these ‘satanic’ *witches*-conspiracies, which became visible in the *witch*-trials—in contrast to the former ‘village witch’—**worried** the general population itself.

Similar to the worry today that one’s own children could fall prey to addiction, or the free-floating fear of crime and terror could occupy the heads of an insecure population. Which—at least back then—under the aspect of legitimation of a still not fully developed or insecure rule, whether intended or rather set in motion without conscious desire, was certainly beneficial to this. After all, the promise to grant security is one of the core elements of any rule. A promise that, in a now paradoxical twist, could also take effect if an in-between strengthened authority—such as the Duke of Burgundy mentioned above (4.5.5 (2)) or the *Parlement de Paris*—put a stop to this danger of inquisitorial persecution by the lower courts.

(2) This elite construction could be justified with the *heretics*’ with their behavior and rites, beliefs and church criticism, whereby one could relatively arbitrarily—or dependent on obedience to papal authority—define these groups as heretical heresy, another time as an order of poverty, as was particularly clearly observed in the comparison between the Franciscans, the persecuted Spirituals and the ‘heretical’ Waldensians.

A construction that now, in the case of the *witches*, relies on superstitious ideas and magical practices to ‘learnedly’ fit them into a satanic framework in such a way that the previously mentioned ‘village evil’ became a ‘*crimen atrocissimum*’. While witchcraft was ‘**in the popular magical consciousness**’ rather seen as a ‘jealous’, malevolent neighbor⁹

“at first it was seen as one of many possible forms of damage and impairment of rural everyday life. It was only one of countless dangers to which the people of that time were exposed, was just as life-threatening and existential as wars, crop failures, famines, epidemics, fires or storms.” (Labouvie 1987: 75).

Or, as a conclusion of his ethnological overview: “Most peoples, who have believed in the witch figure, seem to have regarded the risk factor most of the time in the way a modern car driver treats the danger of a road accident.” (Hutton 2017: 14).

The **learned construction** on the other hand combined this ‘village’ emotional basis of envy with all conceivable **horrors**:¹⁰ Sexual orgies—sodomy, incest, homosexuality among themselves or with demonic *incubi* and *succubi*¹¹—roasted children, human fat ointment for flying, cannibalism and corpse mutilation on the earthly side. With corresponding outrages against the otherworldly: desecration of the cross,¹² abuse of the host, irrevocable abandonment to Satan, apostasy from God with eternal damnation at the latest in the *Last Judgment*. Ideas that were repeatedly raised in one way or another—since the horror-spreading accusations against early Christians—whether because they were rediscovered in the monastery library or because one could not imagine logically-psychologically more and more terrible things each time.

For this purpose, one takes up ‘**real**’ fragments that then form the plausible core of the statement in order to interpret it correspondingly in the entire image. This already applied to the early Christian-hostile orgies accusation, in which the Eucharist ritual—‘body and blood of Christ’—was ‘cannibalistically’ reinterpreted; or later, when the Cathar rejection of marriage was wrongly interpreted as a release for fornication.

A scenario that was concretized in the Sabbath and that increasingly excluded the originally relevant damage-causing *maleficia* from judicial practice in the further course of this *witch* delusion: The answer to the question “Who did you see on the Sabbath?” was finally sufficient for the conviction of both the person questioned and the person seen.¹³

This replaced the originally popular idea of a ‘magical’ power inherent in the witch herself with the action of a diabolical **demon**, because one, ‘Aristotelian’ ‘trained’, magical abilities in addition to ‘natural’ and ‘spiritual’ powers could not be accepted as a third independently acting force:

“It could not acknowledge the efficacy of preternatural, magical forces except by postulating that they were in the control of spiritual beings, whether angels or devils. Even the movement of the celestial spheres was entrusted to angels. The Aristotelianism of the medieval schools was unwilling to recognize magic as an independent type of reality, and had to interpret it in religious terms.” (Kieckhefer 1976: 80).

Why, from this learned perspective, the 'lower' rituals, word formulas, *hexerische* instruments—herbs, images, conjurations—were always seen as helpful signs for the demons, how to proceed,¹⁴ for which—and why—the diabolical **pact** had to become a central part of this 'elitist' construction.

5.2 'Magic' and Magical 'Successes'

"[W]here prayers were of no help and the doctor was powerless, the unwitching specialist could bring relief." (Gijswijt-Hofstra 1999: 187).

What was always "reality" on this march from construction to the pyre? Was there magic and realistic malice-achievements; were there conspiracies and witch-sects, were there witches and Sabbat-ceremonies? What made this construction so convincing; where did it find its plausible basis; what did almost everyone believe in and what did they fear, "up" as well as "down", educated and uneducated, clerics and secular judges of these *witches* and *wizards*? A belief, which even opponents and skeptics of the *witch*-hunters, who always existed—one could appeal to the *Canon Episcopi*—held on to the reality of Satan and the *witches*, which is why their criticism remained ineffective for so long, because, actually until Descartes (†1650), they could not break out of this frame of thinking, imagining, perceiving and acting:

"No intellectual framework existed from which to fight witchcraft beliefs. The sceptics based their arguments on common sense, on charity, on mercy, or on references to ancient documents such as the *Canon Episcopi*. But they were still arguing from within the same traditional Christian framework as the witch-hunters. This is why the Protestant Reformers did nothing at all to ameliorate the craze. [...]. It was part of a coherent, dominant world view." (Russel/Alexander 2007: 124).

A frame of thinking that I have repeatedly described as magical-religious mentality, which, however, only gave the necessary **background thinking**, but as such was still not sufficient to explain the satanic *witch*-phenomenon, because, with the same mentality, there were no *witches* in Europe before the 14th century, and because worldwide the "global" witchcraft fits into the magical-religious thinking, without however finding its satanic measure there.

Let's go step by step here as well. First from the magical practices over the sect, the role of Satan to the model of the Sabbat, and then, in the next chapter, the propagandistic work of this construction by and among theologians and their

publications, among judges, in the processes and later in the law and finally in the heads of all participants.

The **existence of magical practices** in the everyday village life of black and white magic as well as in the “learned” magic was not in doubt. This magic **‘worked’**—in addition to the threat of behavior-regulating in the interactive village everyday life—also as such, and that in two ways:

(1) It acted quite **directly psycho-causal**, by, for example, in the *Voodoo*-death, actually leading to the death of those who live in such a system of thought and belief. Just as in the case mentioned above of impotence, in anxiety-heart-neuroses and other psychosomatic diseases on the one hand, and on the other hand in the wide field of medical placebo-healing,¹⁵ homeopathy or acupuncture and in particular in all psychotherapeutic treatments, from the doctor’s conversation to the discussion of shingles to years-long psychoanalysis. A wide field of ‘white magic’, which even today still provides a very significant share of all healing successes:

“By virtue of the placebo effect, counselling, common sense, or some genuine pharmacological causality, magic and superstition may develop a kind of useful ‘technology’ involving both curing and therapy. However, this is not science; it is hit-and-miss; it lacks the ‘controlled experiment and innovation’ of science.” (Knight 2008: 239).

In recent years, this type of psycho-neural ‘reality’ has been explained in more detail by **Edward Bever** (2008 [2016a])—almost in the sense of a paradigm shift—in discussion with Michael Ostling (2015/2016)¹⁶ and further developed. In his analysis of the Württemberg witchcraft and magic cases, he undertakes a fascinating analysis of the *realities of witchcraft and popular magic* primarily with reference to the newer ‘neuropsychologically’ oriented stress research:

“Not every supposed witch was real, of course, for some forms of maleficium, like weather magic, were, as far as we can tell, impossible, and since much maleficium was supposed to be perpetrated through occult, or hidden, channels, it was easy for fears, angers, jealousies, and rivalries to generate unfounded accusations. However, the great bulk of alleged maleficium concerned illness and other harm to people and animals, and not only did it involve a number of surreptitious physical activities whose potency has never been in question [...] but also it involved a combination of overt or subliminal communication of hostility and psychophysical vulnerability to stress that constituted a much more harmful form of interpersonal conflict than has been conventionally appreciated.”¹⁷

(2) One reason, by the way, why some *witchcraft* interpreters mistakenly assume that it was precisely the **medical** profession that was emerging at the time that was taking a 'rational' approach in the same way against such healers,¹⁸ as well as to religious belief in miracles; unless one assumes that it was mainly the lower clergy who, quite rightly, had to regard the healer as a competitor working magic in the same way.¹⁹ In fact, it was both these healers and their clerical rivals who kept the belief in *witches* alive even after the actual persecution had ended:

“As long as doctors were unable to accomplish very much, there was a flourishing demand for unwitching specialists, and they could in turn generate fresh demand. A similar argument applies to the Catholic and sometimes the Protestant clergy; in so far as the clergy were prepared to offer help in unwitching, they contributed to the continuity of witchcraft.” (Gijswijt-Hofstra 1999: 187).

(3) However, far more effective was the—both practically and demonologically—**constructed-causal link** between magical practice and the effect attributed to it, in both directions: directed towards the **future**, the expected event—rain in a rain spell, love in a love spell, and especially in the extremely common predictions—could, at best, take place as a *self-fulfilling prophecy*, as expected, and be interpreted accordingly, at least coloured by expectation.²⁰ While the non-occurrence of the event was due to the incorrect application of the ritual or to the influence of hostile demons and circumstances. A central 'professional' explanatory mechanism that, to this day, and especially pronounced here, attributes successes to the practitioner and failures to the 'untreatable' patient.

But this 'magically' plausible explanation often works just as much in the reverse direction, so that one resorted to the magical workings of a *witchcraft* **from the negative event** – the unexpected death, the failure of the milk, the untimely hailstorm – because otherwise such unexpected events could not be explained.

While these *hexerischen maleficia* could vary quite a bit depending on the region, cultural background, influences of the learned *Hexen* theory and religion, as Johansen (1990a: 355ff.) points out; this understandably applies to differences between city and country—for example, for the cattle and milk spell,²¹ but also for the type and extent of religious 'colonization': while, for example, early childhood death and potency spell were significant in France, they were lacking in the Denmark he examined, as the maleficia in Essex, analyzed by MacFarlane, in which the 'storm' damages so common on the continent, – as in general in the Protestant regions (Clark 1990) – turned out as *maleficia* because the *Hexen*—'lacking the Sabbath'—could not agree on them together. Such Wetter-Zauber (weather spells) were particularly feared in the south German area with its wine

and fruit cultures as *hexerischer* remote damage because, in contrast to the otherwise usual neighborhood *maleficia*, it could affect many, but usually not all, fields of an entire community; especially since such extensive destruction required the cooperation of several *Hexen*, and thus the Sabbat on which such weather spells were arranged.²²

If the Catholic Satan was even lacking, it was the individual *evil eye*, which is still attributed to – albeit individually, not acting collectively – witches today as a ‘natural’, often unconscious or unwanted property in Scandinavia or in rural witch beliefs and especially in Orthodox Greece or in Islamic Turkey (Blécourt 1999: 192ff.).²³

5.3 The Sabbat Conspiracy

“The frame story of the sabbath was provided by demonologists who, when they also acted as judges, enriched it with details elicited from their suspects.” (De Blécourt 2013: 89).

All of this is ‘global’ magical thinking horizons—as we find them in the same way in the ‘modern’ *witches of Gushiegu* (Haase-Hindenberg 2009) or in the recent witch burnings in Papua New Guinea. Ways of thinking that are now, on the next level—contrary to popular belief in wizards²⁴—in the Western *witch*-construct the idea of the Sabbat doubly plausible in **two development phases** designed. Namely, first, as a threatening heretic-conspiracy in the 15th century (see above Sect. 4.5.1), and then in the second half of the 16th century—that is, at the beginning of the ‘actual’ *witch*-persecution resuming—in a return to ghost-flight-imaginings always present in the population (see above Sect. 4.5.4), as demonologically developed, diabolical copy of the village and urban **carnival**: As a meeting place where *witches* met with Satan—which then was willingly and confirmed taken up by the lawyers as ‘besagungs’ evidence (“I saw the X on the Sabbat”):²⁵

“The witch hunt is directed per definitionem not against an individual, but against a large conspiracy. The key to uncovering this conspiracy was the witch Sabbat or witch dance imagination.” (Behringer 1987a: 134).

“The witch-Sabbat paradigm is, according to this [dualistic] structure, a variant of the conspiracy theory which is characterized by the following features: irrationality despite a high degree of logical consistency, numerous aggressors acting collectively within a society, a mentality based on a radical dualism and antagonistic structures, and the perception of opponents not as individuals but as impersonal beings.”²⁶

(1) Because one knows from experience that the danger-potency can increase dramatically with the number of conspirators in the ‘lower realms’—especially if one perceives them as the feared danger-potential with the eyes of the individualized **elite of the powerful**—if they ‘massively’ try to overthrow the established order: The heretical sect against the established church (and the ‘Christian community’); the lepers and the poor as the ‘dangerous class’ of the ‘*have-nots*’ against the ‘*haves*’—which will then dominate criminal policy in the 19th/20th century; the oppressed Jews against their Christian oppressors.

And in fact, as described above, these *heretics* formed such groups, openly at the meetings of the Perfected at the Cathar assemblies, secretly at the meetings of the persecuted Waldensian-*Vaudois*. And in exactly the same way that the clergy meet at councils, and in which the city’s oath communities, the guilds and the universities break out in a dangerous way from the previously valid social order, not to mention the ‘massive’ uprisings of the peasants, Pastorellen²⁷ and urban journeymen mentioned above.

Always existing conspiracy-fears, which then increase in weight when one can assign such conspiracies outstanding charismatic **leaders** to them, Heinrich der Mönch, Arnold von Brescia or Valdez, Franziskus, Huss, the Old Man of the Mountain among the Assassins and Osama bin Laden hidden in the mountains of West Pakistan or just Satan with his demonic legions.

(2) Why it was in the historical research of the last century, for the witches to assume an analogous to the heretics **real witch sect**, in which ‘pagan’ fertility cults²⁸ were supposed to survive. This began with the work of the law professor Ernst Jarcke (1828) and later received in Jules Michelet’s *La Sorcière* (1862) a romantic protest version: “Driven by a passionate urge to rehabilitate two oppressed classes—women, and the medieval peasantry—the aging romantic radical had neither time nor desire for detailed research”.²⁹ In the Egyptologist **Margaret Murray** this idea found—based on a huge ‘clipping file’ of quotes from English records, as from the leading demonologists like Bodin, Boguet or De Lancre³⁰—a convincing interpreter, who was responsible for almost 40 years from 1929 to 1968 for the article ‘*witchcraft*’ in the *Encyclopaedia Britannica*.³¹

“Down to the seventeenth century a religion which was far older than Christianity persisted throughout Western Europe, with followers in every social stratum from kings to peasants. It centred on the worship of a two-faced, horned god, known to the Romans as Dianus or Janus. This ‘Dianic cult’ was a religion of the type so abundantly described in *The Golden Bough* [a famous book by the ethnologist James Frazer (see 2.1, 2.7)]. The horned god represented the cycle of the crops and the seasons, and was thought of as periodically dying and returning to life.”

“The preservation of the Dianic cult was largely the work of an aboriginal race, which had been driven into hiding by successive waves of invaders. These refugees were of small stature—which was the reality behind stories of the ‘little people’, or fairies.”³²

“The organization of the Dianic cult was based on the local coven, which always consisted of thirteen members—twelve ordinary members, male and female, and one officer. The members of the coven were obliged to attend the weekly meetings, which Dr. Murray calls ‘esbats’, as well as the larger assemblies, or sabbats proper.”³³

(3) The Sabbat model developed in the second phase **demonologically** followed the example set by in Jean Bodin’s book *Demonomanie* (1580),³⁴ which was then further developed by Peter Binsfeld (1589),³⁵ Nicolas Remy (1595)³⁶ and Martin Del Rio (1599–1600)—“high-ranking official in the Spanish Netherlands,” “who around 1600 presented the comprehensive ‘update’ of the conventional witch doctrine”³⁷—as follows:

“Demonologies were the most influential vehicles for disseminating information about the witches’ Sabbath. They not only informed particular laws and legal decision, but they were also the major source for painters, preachers, and teachers.”; “Sabbath imagery provided a frame story where various fragments could be inserted, such as flight, apostasy, feasting, dancing, copulating, and whatever else caught the fancy of the prosecutors.” (De Blécourt 2013: 97, 99).

This new Sabbat concept was based on the model of rural fertility cults and **carnivalistic festivals**,³⁸ which these authors encountered in the confessions of torture of mostly rural *witches* who—lacking their own real Sabbat experiences—referred to the rural folkloristic rituals and exuberant festivities that they knew.³⁹ Which is why Eva Labouvie (1987: 77) rightly emphasizes that in the rural area—almost in contrast to the heretical, theological-juridical conspiracy theory—the “witch Sabbat concept in its components of dance and music, feast and entertainment actually had reference points in forms of rural sociability and family tradition, but also in collective folk magical practices”: “This was the age of Rabelais⁴⁰ as well as Calvin [...] The devils were as much comic folk-demons as deadly serious enemies of mankind.” (Nicholls 2007: 235, 237).⁴¹

“Upon arrival at the witch Sabbat, the witch had a long night of demonic celebrations ahead of her, starting with the dance. However, witches hardly ever confessed to participating in such morbid cult activities as demonologists described [...]. Most witch Sabbats, as described by the accused [...] were crude, often quite prosaic gatherings, resembling a church village festival, where one drinks, dances and fills the poor box with the proceeds.” (Roper 2007: 154 f.).

Here, the derogatory views of confessional moralists met with the associations of tortured *witches*, who wanted to make their ‘confessions’ plausible in a corresponding way.⁴² While “some [used] actual festivities and social gatherings such as church festivals, dance events, weddings, spinning room or tavern parties, which they knew from their own experience, as starting material [in many witch confessions], which was then transformed into ‘witch dances’ by means of variations, additions and daring interpretations”,⁴³ the Augustinian hermit Ignatius Ertl railed in a church festival sermon (1708):

“Dancing is a circle, whose center and focal point is the devil and whose circumference is the devil’s fellow demons. Yes, certainly: nowhere does the devil feel more at home than on a dance floor, where he has his tumbling and racing ground, where he celebrates his jubilee.”(Beck 2012: 173).

Thus, the women from Eichstätt (see below, Sect. 9.4 (2)) who were heard as *witches* referred back to baptisms, weddings, funeral festivities in order to answer the questions about the Sabbath and their accomplices ‘plausibly’:

“It seems that it was a wedding or other such celebration that every Eichstätt witch-suspect described to their interrogators in place of a gathering of the witch sect which they could not imagine themselves attending. The superficial diabolical elements originated with the commissioners through the wording of their questions.” (Durrant 2007: 147).

And so, in Swabia-Austria and in the Electorate of Trier, the Sabbath resembled less an ‘inverted’ religious ceremony, but rather a festive ‘village or town community’, in which, in particular in view of corresponding *Besagungen*, the ‘social stratification with a clear elite-hostile top remained clearly preserved’.⁴⁴

Just as Carlo Ginzburg (1993a/1966) came across the *Benandanti* in north Italian inquisition records, who went out at certain times at night to defend the fertility of the fields in a fight against witches and who were so redefined by the Inquisition around 1640 as *witches*, who worship the devil, that they eventually came to believe it themselves:⁴⁵

“The prolific monkish fantasies were inexhaustible when it was a matter of diabolizing the popular dream world, a dangerous rival to the joyless society of Christendom” Gustav Henningsen (1990: 207) says of the parallel he examined of the Sicilian *donas de fuera*, who could also cause damage, but could be easily reconciled by a penance ritual.⁴⁷

But on such village festivals there was no *maleficia*, the devil often appeared as a ‘Trixter’, and these *Benandanti* remained in a kind of trance in their beds at night, instead of literally going into the ritual fight.⁴⁸

(4) However, in a further step, both images—**conspiracy and village festival**—can be combined. For the ‘urban’ folk carnival developed in precisely this *witch* time—in the 15th and early 16th centuries—as ‘the festival par excellence with the three main themes of food, sexuality and violence’ (Burke 1985: 196 ff.), “the integration festival for all social classes, indeed for the city as such” (Schindler 1992: 141), which in the inversion of the usual order ‘turned all things upside down, including church doctrine’ (ibid.: 134):

“Throughout the late mediaeval and Renaissance period ritual inversion was a characteristic element of village folk-rites, religious and educational ludi, urban carnivals and court entertainment. Such festive occasions shared a calendrical licence to disorderly behaviour or ‘misrule’ based on the temporary but complete reversal of customary priorities of status and value.” (Clark 2007a: 151).⁴⁹

An **ambivalently occupied carnival** that on the one hand could confirm the parodied order as valid, but on the other hand was also experienced as—occasionally even realized (Le Roy Ladurie 1982)—a threat:⁵⁰

“[M]isrule was an ambivalent cultural form that was normally integrative but always contained the potential to disrupt, especially when circumstances rendered the structures of authority unstable and vulnerable to challenge.” (Clark 1999: 25).⁵¹

And because of that it was forbidden in the Protestant area and “included” in the Catholic area.⁵² Then it was logical to transfer its “perversion”—“drinking, eating, fornication and obscene dance”,⁵³ which occasionally reminds one of reports about the Munich Oktoberfest—in another “reversal” to make it “credible” on the Sabbath—how, conversely, to damn these festivals through the Satanic Sabbath—especially since here the departure from church authority was associatively immediately close to worshipping Satan:

“So the demonologist and witch hunter Nicolas Remy (1586) informs his readers in the description of the Sabbath that witches wear masks and condemns the whole Karneval, which “calls together, rustles, roars, howls, as if they were all crazy and foolish.” With one stroke, he linked costuming, carnival and entertainment with the demonic.” (Roper 2007: 159). And the inquisitor working in the French Basque country, Pierre de Lancre, wrote in 1630: “And since dancing is common among people, some witches want to excuse themselves by saying that they went to the Sabbath just to dance . . . , as if they were going to a parish or village fair.”⁵⁵

To be outraged as early as 1612 about “the witches’ dance on the Sabbath”: “So, do they not have a noble dance like those that are popular in France: [...] All the Pyrrhonic, the Moorish, the perilous jumps, dances on ropes, the cascading from high ladders, the flying with fake wings, Pirouettes, the dancing on half lances, swinging, making circles, the forces of Hercules on the woman turned upside down without touching her back to the floor, the canaries of the feet and of the hands [...] It’s the most lewd and the most shameless dance that one can see [...] Moreover it is the most violent dance and the most animated, the most passionate, in which the gestures, however mute, seem to demand more with silence, that the lewd man desires from a woman, over all others. Because the man and the woman cross each other several times at certain measured distances, one would think that each limb and little part of the body seeks out and takes its measure so as to join itself and associate itself with each other in time and space. [...] And yet, all of these dances are practiced still with much more liberty and more shamelessly at the Sabbath.”⁵⁶

An associatively and morally devaluing relationship between the “real” Karneval and the “just as real” perceived *witch*-Sabbath, which may also explain why in Northern European Great Britain and Scandinavia, which did not know such a carnival (Burke 1985: 205f.), the idea of the Sabbath could not take root.

5.4 Satan

“[I]n scholastic demonology there is a perceptible dichotomy between the highly abstracted, impersonal, invisible devil of theory, and demons in their more concrete, personal, and sensible forms.” (Broedel 2003: 44).

The central figure determining the new *witch*-image is **Satan**. A theological artefact, to which one hardly comes across in the Old Testament.⁵⁷ In a latent ‘Manichaean’ belief system—in which good and evil struggle, in order to be finally overcome at the end of time of the *Last Judgement*—his dominating role in life is ‘belief-logically’ plausible:

While at the beginning of the Old Testament it is not Satan, but the ‘sly snake’—in allusion to ancient Oriental, Egyptian snake god concepts—who seduces Eve: “And the serpent said unto the woman, Ye shall not surely die: For God doth know that in the day ye eat thereof, then your eyes shall be opened, and ye shall be as gods, knowing good and evil.” (Genesis 3, 4–5), at the end of the New Testament in the Revelation (20,2,7) it says: “And he laid hold on the dragon, that old serpent, which is the Devil, and Satan, and bound him a thousand years.” “And when the thousand years are expired, Satan shall be loosed out of his prison,” in order to be defeated at the end: “And the devil that deceived them was cast into the lake of fire and brimstone, where the beast and the false prophet are, and shall be tormented day and night for ever and ever.” (20,10).⁵⁸

(1) In the 15th/16th century, the idea of a “millenarian” paradise of 1000 years, which had expired or was about to expire since Christ, was primarily linked to the fear of the appearance of the Antichrist on the one hand and the impending *Last Judgment* on the other hand, probably rather on the level of the “intellectual elites”.⁵⁹ This led to a growing **eschatological fear of the end times**, in which the confrontation with Satan increasingly took on a central role:

“As the father of sin and prince of demons, the devil remained the personal agent and representative of this evil for any orthodoxy. Long ago he was excluded from the inclusion of others, and perhaps in the 16th and early 17th centuries, a time of openly expressed and occasionally civil war-like religious disputes and -fights, he had experienced an upgrade and thus a bizarre (also in the appearance of countless ‘devil books’ discernible) presence, which stabilized confessional society of the early modern period.”(Beck 2012: 401).

Pope John XXI († 1334), the persecutor of the spiritual Franciscans, was already regarded by Marsilius of Padua the present Antichrist. “Such accusations increased during the Great Schism (1378–1417), when each side accused the other of their head being the Antichrist.” (Delumeau 1985: 331). Johannes Huss takes over this battle word, as did Wiclif († 1384) before him and later Luther. A battle word that even popes used against each other:

“After the Council of Basel had deposed the reigning Pope Eugen IV as a heretic in 1439 and appointed the former Duke Amadeus of Savoy as Felix V., he described Felix V. in a bull issued in 1440 as “the first-born son of Satan” and related him to fortune tellers and a group of evil men and women under whose influence he had been for years (in 1416/17 a advisor of the Duke had been executed for witchcraft and conspiracy.)” (Rummel/Voltmer 2008: 29).⁶⁰

One—‘upper’ rampant—‘**elite’ end-time fear**, which was just as visibly justified by the ‘Hussite storm’ of the Taborites (1419 –1421), the conquests of the Turks⁶¹—Battle on the Amsfeld (1448), Fall of Constantinople (1453), Battle of Lepanto (1571)—and the Peasants’ Wars (from 1524) as well as by the ‘massive appearance’ of *witchcraft*, especially the magicians and *witches* associated with Satan—at least—as forerunners of the Antichrist, ‘the great master of magic’⁶² were defined. An apocalyptic scenario that at the same time could explain the dangers of this *magical* plague, such as, in the fear of the approaching *Last Judgment*, as ‘*moral code*’, the fight against these two monstrous assistants was compellingly required—even if the opponents of the persecution pointed out that one could leave this to the approaching *Last Judgment*.

Once again, on a common ideological level, the then hegemonic, theologico-historical eschatological end-time idea met with an equally theologically founded, demonologically constructed *witch* model:

“Evidence of their acceleration gave precision to the idea that the denouement was near, made the placing of present time at the end of history a more exact matter, and aided greatly with the identification of the Antichrist. In this sense, the phenomenon of witchcraft helped substantially to focus an entire historiographical paradigm. The intellectual traffic was thus two-way; the witchcraft writers depended on a theology of history (in which the devil had, in any case, a primordial and constitutive role), and at the same time contributed to its elaboration. The result was an apocalyptic interpretation of witchcraft, radically unlike anything that could have emerged either from the other styles of historiography available at the time or from those which governed historian’s views after the age of witch trials was over.” (Clark 1999: 316 f.).

Whereby the “enormous brutality” of this *witch* persecution allowed “the contemporaries of an epoch shaken by permanent crises [to] transform generally felt, but diffuse fears into a **fear’ of something**“ which could then, for example, be coped with in the hunt for *witches*. The underlying mechanism—collective fears are overcome at the expense of constantly new crimes—is of course a general one and still effective today.” (Blauert 1994: 43, bold: SQ).

(2) An end-time fear which applied to representatives of all three confessions, but which was also spread by **Martin Luther** in his writings:

“Luther was gripped by the fear of the Last Day.” “In 1520 the reformer proclaimed: ‘the last day is at the door!’ In 1530, just as the Turkish danger was intensifying, he wrote in the dedication of his translation of Daniel: ‘It is all over and fulfilled, the Roman Empire is at an end, the Turk is at the height, the pomp of the papacy falls, and the world cracks at all ends almost as if it were about to break and fall.’” (Delumeau 1985: 336).

A fear of Satan—“Whenever Doctor Martin encountered an obstacle, a opponent or an institution, he was convinced he was dealing with the devil”—which was also shared by his humanist contemporary **Melanchthon**: “Just like Luther, Melanchthon also had an indescribable fear of the devil and was afraid he might appear at any moment.” (Delumeau 1985: 365). A downright manichaeian revival of Satan as an equal opponent of God:

“that we are the devil’s captives as our prince and God.” “He goes on to say: We are subject to the devil with our body and property and strangers, guests in a world whose prince and ‘god’ is the devil. The bread we eat, the drinks we drink, the clothes we wear, more still, the air we breathe and everything that belongs to our fleshly life is of the devil.”⁶³

(3) This “exposed Satan as one of the great undertakings of European scholarly culture at the beginning of the modern era” (Delumeau 1985: 373). A ‘Manichaeism’ problem that dominated thinking in the **Catholic** Church for a long time, namely since Augustine, who himself was a follower of the **Manichaeism** for several years, and accordingly distinguished between the ‘worldly world’ and the ‘Kingdom of God’ in his book *De civitate Dei*. Revived with the invention of purgatory around the year 1000, the original sin from the satanic temptation of Eve, which led to the expulsion from paradise, has always been a shaping part of this ‘worldly world’.

A **stain of sin**, which, however, gave the papal church an early and decisive legitimacy, since it could only be removed by baptism consecrated by the church, while pagans and unbaptized people as well as *heretics* and *witches* fell into hell. Namely

in a “world now, where it is inclined to destruction, flooded with all the wickedness of the demons, as the wickedness of men increases and love fades away.” (Kramer/Institoris 1985/1486: 28).

In the course of the papal struggle for secular supremacy, which began after the **turn of the millennium**, this—offering protection against Satan—justification gained increasing importance in several respects:

- In the development of the Purgatory, which extended the papal rule into the afterlife in order to free the soul from the clutches of Satan even after death,⁶⁴
- in the fight against the Cathars, who with their belief that the world itself is a product of Satan not only allowed the latent Manichaeism core of religion to become dangerously manifest, but also thereby introduced the ‘satanic agenda’ into the center of the debate (Quaife 1987: 54) and
- in a late scholastic re-engagement with Augustine’s thinking, in which the condemned diabolical *witch*-pact became reality.
- In this sense, “the witch-sabbath demonology [...] also turns out to be part of a dualistic world view, in which two highest beings stand antagonistically in front of each other in a kind of force parallelogram and fight for the rule of the material world and the souls of humans.”⁶⁵

The devil, a theological artificial product that has now solidified into reality, on the one hand now came out of the **monasteries**, in which it served as a means of disciplining the novices—“Demonic temptation was a pedagogical device in the training of the monk”⁶⁶—with their opening to the outside: ⁶⁷

“When Christianity escaped the monastery the image of a powerful Satan was transferred into the secular world [...] The monks with their lingering monopoly of Christian teaching continued to highlight diabolic power and their devotional literature emphasised Satan’s dominance in the secular world.” (Quaife 1987: 53).

“But when these texts were read in the late fourteenth and fifteenth centuries by a non-monastic audience they confirmed the new beliefs about the alarming vulnerability of the world and its inhabitants to the power of Satan and were added to the new literature of demonology, sorcery and witchcraft.” (Peters 2002: 232).

On the other hand, just as with the *witch*-flight one could also draw on **folkloristic** ideas about unspeakably demonic powers, on a deeply emotional fear of darkness (in a world without artificial lighting),⁶⁸ and on fears in a threatening environment, in which there were werewolves⁶⁹ undead and night-specters, which harassed those still alive from the afterlife in order to give a ‘legitimate’ and clearly delineated shape to these relatively diffuse uncertainties from here. A figure that was first concretized in the papal call *Vox in Rama* (1233)—which was initiated by the ‘first’ Inquisitor Konrad von Marburg—and was allowed to appear as the devil in the orgiastic initiation ritual of the sect of the *Luziferianer*.⁷⁰

(4) However, this combination of *witch* and Satan, of ‘worldly’ *maleficium* and religious heresy, stood ‘demonologically’ before a **triple difficulty**, which then also provided the skeptical discussion with basic principles. Namely, firstly, the question of whether and how the/the devil as a **spiritual being**, as an invisible ‘intelligence’, could become **physically** active.

Originally, therefore, its field of action was limited to the effect of ‘spirit to spirit’, that is, to the ‘temptation’, seduction, illusions and dream experiences: under an Augustinian “perspective, all works of the devil were kinds of deceit: magic, superstition, paganism, were all, by this way of thinking, at bottom **empty of substance**; they were delusions (Quaife 1987: 74, fett: S.Q.)”; as was the case, for example, with the *Canon Episcopi* (906) (see above: Sect. 3.3). The sin consisted here in the ‘false belief’, at most—since Thomas von Aquin (1270)—in the ‘tacit’ closed pact (see above: Sect. 3.2 (2)). However, the new *witch* theory required the **physical** presence of the devil—when concluding the pact, as incubus, on the Sabbath⁷¹—for which the idea of the ‘compressed air’ or the story of the seed transport was invented (Sect. 6.4 (3)):

“This demonic agenda represents a considerable change from that assumed by earlier authors; where Augustine, for example, saw diabolic evil chiefly in terms of temptation and subsequent sinful human behavior, Institoris and Sprenger saw the work of demons rather in acts of material harm. While, to Augustine, the locus of the demonic threat was essentially interior, manifested in the impulse to sin, and resisted through the grace of God, in the *Malleus* the operation of demons is conceptually outside one’s self.” (Broedel 2003: 51).

(5) The second problem arose from the fact that only God could create or transform living creatures, while the devil, like the angels, was subject to **natural laws**. Although on land the *witch*—like the devil in the form of *familiars*—appeared as a black cat or as a werewolf and could “ride” to the Sabbath. What the devil, the “old trickster”, should produce again by means of “objectified” *Illusio*, like the spectral appearances of the *witches*⁷² (and, especially diabolically: of the innocent, as the skeptics meant) on the Sabbath. (see below Sect. 10.1.3 (2)).

(6) The third problem, which was decisive for further development, was the changing question of who was to be held **responsible** for this action over the course of theological development. At first it was God who “tested” Job with the help of the devil; later—especially with the Protestants, who therefore relied less on the *maleficia*, but on the heretical “pact”—he punished the community for committed sins:

“Thus all punishment, all misfortune, all the evils of the world were ultimately the work of God, who infuriated the devil by turning his malice to good ends; such was the traditional Christian interpretation of misfortune, until the end of the thirteenth century, when several factors conspired to modify this understanding, and to shift responsibility for misfortune away from God and towards his ministers.” (Broedel 2003: 69).

However, since Satan, the actual evil, could not be charged inquisitorially, finally the *witch* had to believe it—especially since it was originally the magical abilities of the “witches” that caused the *maleficium*. Since this type of ability was “demonologically” not allowed, one resorted to a “sign” theory,⁷³ with which the witch summoned the demons and showed them which *maleficium* she wished—typical: the wax doll pricked:

“The notion of sign, *signum*, was extremely important, for it supplied a common thread running through all types of magical operation. Sacramental observances, witchcraft, and ‘vain’ superstitions all depended upon signs of one type or another to communicate and mediate supernatural power.” (Broedel 2003: 157).

A service to which the devil—without any responsibility of his own—had committed himself through the pact (!). **Guilty** was the witch, who, out of envy or lust, used the devil’s abilities for her own lowly purposes. A ‘individualized’ conception of guilt (Abschn. 14.1 (3)), which began in the late Middle Ages as part of the persecution of heretics, and which was then, in reverse, supposed to enable Johann Weyer to absolve such ‘melancholy old women’ of guilt. In a future-oriented adoption of the traditional canonical model—sin and confession, heresy and possession—by the emerging secular criminal law: guilt and accountability:

“This idea of the pact-maker, the witch, was a necessary stage in our present-day world, in which the devil or the idea of him has no reality anymore, but in which the diabolical has become a possibility of man. But this knowledge—to become today’s reality—had to be experienced and experienced to the end: in the witch trials.” “The witch trials then stopped when man was so familiar with this new reality that he had the power to overcome the problem of evil within himself.” (Schild 1997: 114, 120).

If one follows this convincing analysis by Broedel, it becomes clear how these ‘theoretical’ demonological interpretations first ‘practically’ neither convinced the village accusers and witnesses or their judges of ‘first instance’, because they knew very well from their common **everyday life** who and what a witch is: *mala fama*, said by fellow-*witches*, inherited from the family. Which is why the demonology, which had become clever through its experience of the process, gradually adapted these theories to this ‘reality’ by emphasizing the aspect of *maleficium* ‘downstairs’ and the old pact-idea ‘upstairs’.⁷⁴ By which they—whether intentionally or not—flexibly supported the then prevailing, ‘ruling’ practice of justice—but could also possibly ‘skeptically’ undermine it. At the same time, however, it also becomes clear how these interpretations slowly seeped back into the *Commonsense* and from there—via confessions under torture—could confirm them in return:

“This kind of conception of the demonic [referring to the *Hexenhammer*] corresponds closely with a level of anxiety in witch-beliefs that is at least in part responsible for sustained witch prosecution in the late fifteenth century: on the one hand, it accurately mirrored notions of maleficium and the harmful occult powers of humans found in traditional European peasant communities; on the other, it provided a context in which these beliefs could be embraced by a learned clerical elite.” (Broedel 2003: 58).

In an ‘ideological’ development, in which, as part of an increasingly ‘confessional’ process, the traditionally elite model should increasingly approximate

popular-endemic ideas about witches/devils: In the transition from the illusion (*Canon Episcopi*) to the ‘reality’ of the witch, from the heretical ‘pact’ to the ‘maleficium’, from the bodiless ‘evil spirit’ or ‘fallen angel’ to the incarnate Satan. In a development over time: from classical dogmatism (Thomas Aquinas) via the earlier or later demonologists (Nider and Institoris or Del Rio and Binsfeld) and the popular great preachers (Savonarola, Geiler von Kaiserberg) as well as the university-educated lawyers (Carpzov as well as the ‘fearsome’ lawyers, such as Schultheiß) to the pastoral village priest or the village court. In order to be finally integrated into the various ‘cumulative’ witch models:

“The more a priesthood therefore strives to regulate the everyday practice of the laymen according to the will of God and, above all, to base its power and income on it, the more it must come to meet the traditional ideas of the laymen in the shaping of its doctrine and its actions.” (Max Weber 1985/1922: 284).

In propaganda, which I will deal with in the next chapter.

Notes

1. “Framing means selecting some aspects of a perceived reality and highlighting them in a text in such a way that a certain problem definition, causal interpretation, moral evaluation and/or action recommendation is promoted for the object described.” Robert Entman: *Framing: Towards a Clarification of a Fractured Paradigm*, 1993 in: [https://de.wikipedia.org/wiki/Framing_\(Sozialwissenschaften\)](https://de.wikipedia.org/wiki/Framing_(Sozialwissenschaften)).
2. See the tables in Decker (1994a: 308) and Dillinger (2018: 88 ff.); Ankarloo (2002) for Northern Europe from 1450 to 1700, and Monter (2002: 12, 16): “Although the actual figures are ghastly enough without embellishment, the temptation to exaggerate the size of Europe’s witch-hunts has proved almost irresistible.”; “Despite the notorious inaccuracy of early modern statistics, these estimates—between 25,000 and 30,000 witches executed in the Empire and fewer than 5000 in the rest of Christendom during the confessional century (1560 and 1660) contain a margin of error no greater than 20 per cent. To put it differently: three of every four witches executed in Europe between 1560 and 1660 spoke some dialect of German, while six of every seven lived—and died—within the boundaries of the pre-1648 Holy Roman Empire, a region holding about 20% of Europe’s population.” (s.o.: Abschn. 1.1 (2)).
3. The *Brief Report of the Destruction of the West Indies* by Dominican Bartolomé de Las Casas, Bishop of Chiapas in Mexico, (1552) reports based

- on his own experiences: “We can here cite as a certain and true fact that in the aforementioned forty years [since the beginning of the discovery, S. Q.] by the aforementioned tyrannical and diabolical procedure of the Christians more than twelve million men, women and children were led to the most ruthless and cruel slaughter in the most ruthless and cruel way, and we would indeed not be wrong if we were to give the number as fifteen million.” (Insel-Verlag 1981: 12), which the editor, Hans Magnus Enzensberger, confirms with “What is at stake is a genocide, committed against twenty million people” (p. 124).
4. “What effects did a war, during which, according to an estimate by Geoffrey Parker, a total of 1 million people were under arms, have on the population at large? The population loss was tremendous, and the number of German citizens decreased from about 16 or 17 million to 10 or 11 million, thus being reduced by at least a third.” (Burkhardt 2004: 283).
 5. Claudia Honegger (1978: 88) reports this as well: “Without encountering much resistance, they burned millions of people in Europe.” And “Alice Schwarzer said in a lecture at the University of Cologne in 1988: ‘The witch-hunt is part of our history, and a very painful, dramatic part at that: the witch-hunts are, so to speak, the Holocaust of women.’” (Lörchner 2021), while Federici (2004: 5ff.) reports on a “genocidal attack on women” in which “hundreds of thousands of ‘witches’ fell victim in the beginning of the modern era,” including not only the “European” witches but also the victims of colonization from the “New World” of Central and South America.
 6. See Wolfgang Behringer’s detailed account *Neun Millionen Hexen, Entstehung, Tradition und Kritik eines populären Mythos* (www.historicum.net/themen/hexenforschung/thementexte/rezeption/art/Neun_Millionen), as well as Rummel/Voltmer (2008: 74): “This figure was put forward by the town syndic of Quedlinburg, Gottfried Christian Voigt (†1791).” The feminist Max Dashu (1999) does not start from these 9 million, but estimates much higher numbers, given the lack of archives before 1400: “I appreciate that the popular figure of nine million burned is mythical, though my own count would have to include not only those who were burned, but also those drowned, branded, beaten, attacked and “scored” (cut to draw blood), fined, imprisoned, exiled, shunned, expropriated or deprived of their livelihoods. This much is certain: no one knows how many were killed.”
 7. “Even in cases where the suspect was set free, the costs—emotional, physical, and financial—of being on trial could still be devastating.”: “Anna was still required to pay the costs of her trial [...] and she was also to be closely

- monitored; in effect, she had been put on probation. Moreover, she would have to suffer the stain on her honour and reputation of having been accused of witchcraft, put on trial, imprisoned, and [unsuccessfully] tortured by the executioner, not to mention the physical and emotional effects of such an ordeal. Indeed, this injustice was felt not just by her, but also by her husband.” (Kounine 2018: 62).
8. “Experience finally teaches that the daughters of witches are always infamous among their own kind as imitators of their mothers’ crimes, and that the whole posterity is infected in the same way; and the reason for this is that they always leave a survivor behind them and, after increasing their perfidy, they strive with all their might, based on the pact they have made with the devil, to reproduce it.”; Therefore, the suspect should be asked about her parents at the beginning of the interrogation, because “witches usually offer their own children to the devils, or teach them, and usually the whole posterity is infected; and if the witnesses had confirmed it and she herself denied it, she would already be suspicious.” (Kramer/Institoris 1985/1486, II: 145; III: 51).
 9. Lyndal Roper (2012: 91, 113) emphasizes—with reference to psychoanalytical models—this emotional envy component as the central, driving force behind the ‘witch hunt’: “The witch, after all, is an embodiment of an emotion: envy.”; “Witches were thought to be envious destroyers of everything good, withering fertility in the natural and the human world because of their bitter envy [...] Murderous aggression originated not in the witch herself, but in those who accused her. It was not envy but identification of *someone else* as envious which provided the emotional fuel of the witch craze.”
 10. The horrors, the concrete contents of which are extensively documented in the witches’ statements recorded by Lyndal Roper (2007: 103 ff.) under the keywords ‘cannibalism’, ‘devil worship’ and ‘witch’s Sabbath’.
 11. *Incubus*!; *succubus*!: male or female demon during sex—lying on top or bottom (de.wikipedia.org/wiki/Incubus).
 12. This is how the Templars [(Sect. 4.5.4 (1))] were accused of the following initiation ritual: “The commander takes the newcomer aside, for instance behind the altar or into the sacristy. There he shows him a crucifix, and the newcomer has to deny Christ thrice, and to spit thrice on the crucifix.” (Cohn 1976: 85); a sacrilege, the emotional value of which is approximately equivalent to the current Mohammed cartoons.
 13. In their interrogation, “the Dillingen government based Stoeckhlin’s [(Sect. 4.5.4 (1))] activity as a witch finder (‘witch doctor’) and took the axiom as the basis that no one could know who a witch was, unless he himself

- belonged to the witch hunt.” (Behringer 1994: 108). In the same way, an elder in our time asked the accused witch Asara in Ghana: “Are there any other women on this spot that you know as witches?”, which would have convicted her as a witch if she had answered positively, “because only witches themselves can know the community of similar demonic beings.” (Haase-Hindenberg 2009: 124 f.).
14. “From a sermon by Geiler von Kaiserberg from the year 1508: ‘I say: The reason that witches or ogres do this is not a small, real cause of this; it is not more but a sign; when the devil sees the sign and hears the words, he knows what they want, and then he does what they want... The devil has made a pact with some people and given them words and signs; when they do the signs and use the words, he will do what they desire’” (after Schwerhoff 1986: 60).
 15. According to recent reports from the trade magazine ‘Proceedings of the National Academy of Sciences’, such placebos should also work unconsciously, even if the affected persons do not notice at all that they are receiving treatment (www.spiegel.de/wissenschaft/medizin/scheinbehandlung-placebo-wirkt-auch-unbewusst). At least our dog was also prescribed homeopathic sugar balls.
 16. Ostling characterizes Bevers’ approach from a cultural studies perspective as “a scientific manifesto against the twin evils of postmodern constructivism and rationalist dismissal.” “Bever rejects the reality of experiences and effects dependent on language and meaning—on the endlessly ongoing always revised conversation underlying the ‘social construction of reality’.” (2015: 204, 205). Bever’s foundation of the *witch* reality rests too exclusively in “‘realities’ that include physical actions, somatic effects, and subjective experiences explicable in terms of cognitive science and neurobiology, but which preferentially *do not* include cultural explanations except where these are reluctantly retained to save the appearances or to fill an evidentiary gap”; he defines “reality in ways that exclude language, discourse, symbol systems, ideology, learned embodied dispositions, folklore, habitus—in a word culture.” (2016: 238, 239).
 17. (Bever 2008: 433). A thesis that he further develops with the example of the consequences of “adult bullying” (“Bullying takes many forms, from physical violence through verbal assaults, ‘glaring, ignoring’ and hostile gestures, to social undermining via gossip, betrayal and ostracism”), among other things, using the mechanism of mirror neurons to unconsciously perceive anger, threatening aggression, hostility without explicit announcement (*evil eye*): “In the case of witchcraft, the innate sociability of the nervous system

- [mirror neurons and or shared neural substructures, but also by genetically programmed neurocognitive modules that react to and process stimuli in evolutionarily shaped, pre-programmed ways] makes people vulnerable to other peoples' hostility" with corresponding long-term stress consequences. (Bever 2016: 196, 204).
18. A typical representative was Margret Murray (1921: 170): "In short, it is possible to say that, in the sixteenth and seventeenth centuries, the better the midwife the better the witch." See to this, also feminist, 'witch-midwife-myth': Harley in detail under the successful title *Historians as Demonologists* (1990: 25): "The midwife-witch is a stereotype that has passed straight from the works of the demonologists into the work of historians with barely a glancing impact on the lives of real midwives", as well as Rummel (2006). Christina Lerner (1984: 152) critically: "A final problem is the timing of the witch-hunt. The masculinization of healing was only beginning during the period of the witch-hunt. By the eighteenth century, when professionalization was rapidly increasing and midwifery also taken over by men, the witch-hunt was already finished." In this sense, for example, the "traditional system of medical care for women, especially in rural areas, who were allowed to choose their own midwives, midwives, 'doctors' themselves" in Württemberg was just "abolished by a decree of the Royal Medical Department in 1808." (Kaschuba 1988: 76 f.).
 19. In Northern Italy: "The inquisitors of the Breciano [...] identified the clergy partly responsible for its [demonic] spread, and extracted confessions which led from admissions of superstitious practices such as medicinal healing, to admissions of diabolical practice. [...] The Brescian council appealed to the doge and apostolic nuncio in Venice in 1494 against the 'multa maleficia' committed daily by ordinary clerics, and in 1508 condemned clerics who led shameful lives and committed crimes, including unspecified 'diabolica fraude.'" (Bowden 2008: 142).
 20. A beautiful example is provided by the report on the Rüscherlerin of Reiden from Lucerne (1486), who was accused of causing hail weather: "The whole day there was a cloud over the pond; many people saw that cloud. And the whole day they had to ring the bells against storms, but toward evening a powerful storm came, with rain but no hail. If they had not been so quick to ring the bells, it would have been worse." (In: Strokes 2011: 183).
 21. In this sense, for example, Gijswijt-Hofstra (1999: 178) states: "The more the vulnerability to misfortune in the sphere of the domestic economy decreased, the fewer were the bewitchments in this area. Thus, it has been established for the Dutch province of Drenthe and for England that with the

- coming of the milk factories butter making ceased to be a target for bewitchment.”.
22. “Crop-damaging events were in Hohenberg [in Schwäbisch-Österreich] as in Kurtrier again and again triggers of witch hunts. In both areas of investigation, the weather spell took place as a central event even on the Sabbath, which often seemed to take place only for this purpose. Weather spell was persecution-intensifying always presented as an act of the witch community.” (Dillinger 1999: 119).
 23. Associated with the blue eyes amulet so popular in Turkey. In this sense, a father in the Anatolian mountains spread his index and middle fingers over the head of his son when I photographed him—allowed.
 24. “Whereas the sorcerer or sorceress in popular tradition is usually an enemy of an individual accuser, or a set of specific accusers, the devil-worshipper is an adversary of a broader and less personal society.” (Kieckhefer 1976: 75f.).
 25. “Late sixteenth-century authors virtually reinvented the witches’ sabbat. An earlier, heretical sabbat had been discussed in the fifteenth century, but the debate on flight and the loss of interest in heresy, had obscured it.” (Goodare 2016: 73).
 26. Schulte (2000: 273), to continue: “All the characteristics of the witch sabbat pattern correspond to the typical contents of a conspiracy theory, the function of which is to reduce complex relationships in perception, especially in the sign of social change. At the same time, such explanation patterns offer a relief from the pressure of reality in a more complicated or crisis-prone world. But conspiracy theories also provide suitable content to project and fight one’s own ideas and goals onto others. How highly topical!”
 27. IPastorelle: Shepherd’s Crusade at the time of Louis IX. (1251) which got out of control: The crusade seems to have been more of a revolt against the French Church and the nobility. (de.wikipedia.org/wiki/Hirtenkreuzzug_von_1251).
 28. A ‘romanticizing’ tendency that prevailed in the 19th century up to recent times in folklore studies in general. Thus, on the occasion of his investigation of early , Norbert Schindler (1992: 133) sees “the crux of the old romantic-mythological interpretations” above all in the fact “that they placed the origin and thus also the meaning of these customs in icy prehistoric times, thereby removing them from the practice of these customs in their historical development. The culture of the ‘primitives’ was considered by them to be a direct continuation of nature, just as subject to unchangeable laws and always the same rhythms.” See also Schindler (1984) on this tendency of ‘back to the lost paradise’.

29. Cohn (1976: 107), who also analyses the sources used at that time in great detail and whom I follow in this section. He is quite right to speak in this context—in general terms—of a “curious chapter in the history of ideas”: “Over a period of a century and a half, the non-existent society of witches has been repeatedly re-interpreted in the light of the intellectual preoccupations of the moment. The theories of Jarcke and Mone were clearly inspired by the current dread of secret societies; that of Michelet, by his enthusiasm for the emancipation of the working classes and of women; those of Murray and Runeberg, by the Frazerian belief that religion originally consisted of fertility cults; those of Rose and Russell, maybe, by the spectacle of the psychedelic and orgiastic experiments of the 1960s.” (a. a. O.: 125).
30. “The most brilliant minds, the keenest intellects, the greatest investigators, were among the believers: Bodin [...]. The skeptics were Weyer, pupil of the occultist Cornelius Agrippa; Reginald Scot, a Kentish country squire; Filmer, whose name was a byword for political bigotry; Wagstaffe, who went mad from drink; and Webster, a fanatical preacher.” (Murray 1921: 10 f.).
31. For Murray see Frenschkowski (2012: 79 ff.).
32. During my visit to Mali, Dogon Highlands, I was shown low caves in the cliffs above the village that were once inhabited by small people, the *Tellem*: “They chased out (and intermarried with) the Pygmy population then living in the cliffs, known as the Tellem”. (<http://vafriendsofmali.org/education/teaching-timbuktu/teaching-the-community/dogon-culture-and-malian-religion>).
33. Cohn (1976: 108-108) summarizes the essential content. (Murray 1921: 12, 161): “The evidence proves that underlying the Christian religion was a cult practised by many classes of the community [...] It can be traced back to pre-Christian times, and appears to be the ancient religion of Western Europe.” “The witch-cult being a survival of an ancient religion, many of the beliefs and rites of these early religions are to be found in it. Of these the principal are: the voluntary substitute [for the divine fertility sacrifice], the temporary transference of power to the substitute and the self-devotion to death.”
34. Translated by Johann Fischart: *Vom aussgelasnen wütigen Teuffelsheer* (1581). “Bodin, although his intellectual stature was universally recognized, saw his career grind to a halt. He never rose higher than a middling office as prosecutor in the royal subalternate court at Laon, where he was evidently a minority voice. During his tenure there (1575–1596), he apparently did not have the pleasure of convicting a single witch. [...] a careful count of his examples drawn from the jurisdiction of the Parlement of Paris reduces

- them to twenty-five—six from the environs of Laon, including two from the neighboring royal court at Ribemont. The chief magistrate of Ribemont, Antoine de Louen, had been sharply reprimanded in 1576 for his abusive conduct of a witchcraft trial—a fact which did not deter Bodin from adducting him several times as one of the subalternate judges whose ‘experience in such matters’ was deserving of better consideration. [...] I have seen a 1645 interrogation in which the examining magistrate, a councilor in the Parlement of Paris, seems to have mistaken the *Démonomanie* for an illicit treatise on magic.” (Soman 1989: 11). Zu Bodin s. Pearl (1999: 110–126): His *Démonomanie* “underwent at least twenty-three editions in four languages” und came 1594 on the ‘Index of forbidden works’, among other things, because he considered the Lykanthropie (werewolf) to be real, which heretically violated the sole power of God to create new beings.(a. a. O.: 124). So der *Canon Episcopi*, (sec. 3.3 (annotation 26))
35. In his work *Tractatus de confessionibus maleficorum et sagarum* (1589, German 1591), which was based on the indictment against his opponent, the governor Dr. Dietrich Flade who was executed for witchcraft in 1589, and in which he set down his experiences with 300 executions in the Electorate of Trier. He did indeed give “precise instructions for denunciations which did not justify the use of torture. He also spoke out against the water and fire test as a means of finding a verdict, but then ended the treatise with reports of the effect of church bells, their ringing which caused witches who were returning late from the Sabbath to fall from the sky.” (Hartmann 2007: 103f.). For content in detail: (de.wikipedia.org/wiki/Peter_Binsfeld).
36. Remy, a judge at the *Change-jury court* (Schöffengericht) in Nancy, had boasted in his 1596 German-translated *Daemonolatria*, which was full of examples, that “he had participated in the burning of 800 witches in Lorraine within 16 years, with as many people fleeing or dying before sentencing under torture.” (Behringer 1988: 273); but Kounine (2016: 62) writes, citing Briggs: “there is little evidence to back up his claim that he was involved in the conviction of 900 witches [...] the majority of the 144 witch trials directly discussed in the treatise would not have been personally overseen by Remy himself [...] The trials that he discusses were thus mediated through the local judges. So that the reader sees a combination of local understanding of witchcraft and ‘intellectual’ analysis.” Nevertheless: “This makes the *Daemonolatria* one of the most successful demonologies in the Holy Roman Empire at the turn of the seventeenth century, possibly even more so than the *Malleus maleficarum*”. See also: (www.historicum.net/themen/hexenforschung/lexikon/personen/art/Remy_Nicola).

37. Dillinger (2018: 50), Schwerhoff (2007: 7).
38. Dillinger (2018: 68 f.) distinguishes between the more traditional ‘demonological’ cult variant, as represented by Del Rio, which was rare in court, and the “by far the most common in court records. This Sabbath consisted essentially of a banquet and a dance. Parodic references to church ceremonies or their blasphemous inversion had no place in this Sabbath imagination. The witch’s Sabbath—with sometimes grotesque distortions—reproduced village festival culture.”
39. Or, as Ülo Valk (2008: 279) points out using the example from Lutheran Estonia, based on “local legends that were popular in the seventeenth century. We can see that the concept of the witches’ Sabbath was not forced into folk belief by the learned clergymen. It was not introduced from foreign belief systems but was recreated on the basis of local folklore [...] The local foundation of the witches’ Sabbath can be seen in the legends about supernatural feasts that are connected with delusions and dream-like experience. These legends refer to alcohol, music, and dance, which were all used in trance techniques known in Europe. In the testimonies given at witch trials, the perspective of belief legends was changed and stories were told as real experiences. The supernatural world was transformed into ‘historical’ facts—powerful imaginations and beliefs merged with social reality.”
40. Francois Rabelais (†1553), the most important prose author of French Renaissance, wrote a now proverbial, multi-volume humorous novel cycle about the two giants Gargantua and Pantagruel (de.wikipedia.org/wiki/Francois_Rabelais).
41. “The idea that the sabbat was a scene of depraved sexuality only surfaced occasionally, and then mostly by implication. In French-speaking Lorraine there was also a distinct lack of anything resembling an initiation ritual for new witches, or a parodic religious rites, both of them rather unexpected omissions. The principal model for these meetings was clearly to be found in village festivals or celebrations, where feasting and dancing were the signs of special events outside everyday routines. Although the food and drink might be terrible, and the dancing resemble compulsory exercise to discordant music there was still a certain humdrum familiarity about the scene.” (Briggs 2007 137).
42. Unless they were, as Bever (2008: 124 ff., 129) suspects, based on *out-of-body-experiences* (OBE): “[G]oing into the early modern period, OBEs were supported by a collective belief in their normality, reality, and significance, and by a long and evolved cultural tradition of what they would involve,

- whereas in the centuries since the enlightenment OBEs have been regarded as aberrant illusions, unimportant at best and pathological at worst.”
43. (Beck 2012: 172). So the Freising children-*witches* described the *Vöttinger Hexen-Tanz*, which was then imputed to them as participation in the Sabbath: “Anton Kastner reacted to all questions in an attempt to offer the court a convincing picture of his participation in a Vöttinger Tanz. And he operated like a tinkerer, a bricoleur, who strove to assemble from his available local and social knowledge as well as his knowledge of certain demonic imaginations, motives and actions a picture of reality, through which he hoped to replace what was lacking in actual knowledge, or to be able to pretend what was not really, but had to happen in the imagination of his persecutors.”(a. a. O.: 278)
 44. Dillinger (1999: 123 ff., 223, 128), which is particularly nicely illustrated in the “Sabbatimaginationen in Schwäbisch-Österreich like in Kurtrier” ‘when poor with rich witches argue about the weather spell to increase the price of food through the shortage’: “How then the rich under Inen [the witches from Schwäbisch-Österreich] alzaitt gesinnt seyen [Wetterzauber] to verüben], damit wann the fruchten und der wein verderbt, sye desto mehr uß dem Irigen lössen khönden.” “If the poor did not immediately agree, they forced them to obey by beating them.” So also Briggs (2007: 139) for the Lorraine: “[T] he common idea that the sabbat was dominated by a group of rich witches, who sat higher and enjoyed the favour of the devil, while the poor were marginalized. In this case the poor apparently made a vain attempt to have the hail fall on the oats rather than the wheat, because the oats were primarily used as feed for animals and their loss would affect the rich more seriously.”
 45. Cf. the numbers in Tab. 4.2 ‘Magical arts’ and the Friauli Inquisition, 1596–1785 (in Monter 1983: 68).
 46. Remnants of shamanistic elements which Klaniczay (1991: 29-50,48) proves to exist throughout Eastern Europe: “Overall, it appears justified to speak of a diverse integration of shamanistic elements into the belief in witches in Central Europe and on the Balkan peninsula.”
 47. This is what the Spanish Inquisition did in Sicily between 1579 and 1651 in 65 trials when they “convicted the ‘fairy-like Donni di fuora, who could cause both good and bad, as *witches*” (Blauert 1990: 32; Henningsen 1990). Behringer (1988: 189f.) reports a similar case from the Hochstift Augsburg: Here (in 1586), the 37-year old village-Rosshirt Conrad Stöckhlin, who as a fortune teller had recognized *witches* during a “‘wild hunt’” (during which his body would stay at home)—he had “during the journey asked his guide,

- in his opinion an angel, whereupon he answered him, the Entzensbergerin had done it to him”—was executed after appropriate torture, because this “wild hunt” could only have been possible with the help of the devil. (see also Behringer (1994): *Chonrad Stöckhlin und die Nachtschar*).
48. Just like the West African witches of the Kuranko in northeastern Sierra Leone: “Her body is shaken by convulsions and then breathing ceases. While the body is in this state of suspended animation it is vulnerable; if it is turned around then the *nie* (her nocturnal active witch-spirit) of the witch will not be able to reenter it and she will die.” (Jackson 1975: 391).
 49. Discussed in more detail in Clark (1999: 11 ff.): “It looks very much as though the great age of the witch was also the great age of the fool”; at least “in the thoughts of those who disapproved of them.”.
 50. A ‘reversal’ perceived as threatening, which was “a all-encompassing and obvious theme in the ‘late Middle Ages’. It can indeed be considered a theme that touches all aspects of the Carnival.” (Scribner 1984: 151).
 51. A thesis that Graeber/Wengrow (2021: 117) summarize quite generally in their ethnological analysis of the original ‘political’ thinking: “What’s really important about such festivals is that they kept the old spark of political self-consciousness alive. They allowed people to imagine that other arrangements are feasible, even for society as a whole, since it was always possible to fantasize about carnival bursting its seams and becoming the new reality.”.
 52. “For the Church, the folk festival is actually equivalent to excess and extravagance, to imprudent expenditure of body and property.” “In the field of morality, finally, the folk festival means immodesty and debauchery. The rules of Christian decency are ignored here: affection is expressed freely, the barriers of shame fall, and bodies give themselves to each other without reverence for the Creator. In the eyes of the moralists, the festival as a place of spontaneity, disorder and indecency embodies anti-decency par excellence.” (Chartier 1984: 159).
 53. The rites of excessive eating and drinking, noise and laughter, masking, dancing, and not least the “freed” sexuality, which are at the center of the carnival, served the “abolition of the everyday distances between people” (Schindler 1992: 161), the convincing analysis of which I use for this section. See also Schivelbusch (1990: 14 ff.): “Before non-alcoholic hot drinks coffee, tea and chocolate take their place in the European diet, alcohol plays such a central role as we can hardly imagine today. It is a pleasure and a food. The medieval people get drunk with wine and beer, especially on the many holidays of the year [...] On weekdays they enjoy beer and wine as part of the diet.” For example, Georg Vetter, a companion of Paracelsus, said:

- “I feared nothing more [...] that when [Paracelsus] was drunk (which was frequently) that he would summon a troop of devils, which again and again he wanted to do by his special art; but at my request, he abandoned it.” (Gunroe 2011: 299).
54. “The Oktoberfest attracts a global audience. Primarily it’s about sex and booze. In fact, a German madness is staged: the triumph of monarchy in enlightened times, ”titled Ullrich Fichtner in *DER SPIEGEL* (from 30.9.2013 No. 40: 62-66).
55. In: Behringer (2000: 261). And vice versa, “in the Ellwangen witch trials from 1611, the—probably real—participation in the carnival procession was relatively often understood as a ‘witchy activity’ and used as evidence.” (Mährle 1998: 372, note 81).
56. In: Levack (2015: 121) with a description that reminds me very much of our rock’n’roll dances from the 60s.
57. “As the great opponent of God and the supreme symbol of evil, Satan is less ancient than might be supposed. In the Old Testament he does not appear at all in that capacity. [...] We are accustomed to regard the serpent, who deceived Eve in the Garden of Eden, as being Satan in disguise; but there is no warrant for this in the text, where the serpent is shown as being one of God’s creatures, and therefore good, and is cursed only after, and because of, its disastrous intervention. Nor is there anything in the Old Testament or in the Gospels to warrant such an identification. Indeed, the first clear indication that the tempter in Paradise was Satan comes in non-canonical works from the first century after Christ.” (Cohn 1970: 3 ff.). S. general to the belief in the devil in the Bible and in the Apocrypha from a Christian-theological perspective: Braun (2007); see also the biblical and early church references in Frenschkowski (2012: 100 ff.), as well as the *Introduction* by Richard Raiswell (2012), which allows a good overview of the development of the devil-model, with the conclusion: “[T]he church never made any attempt to develop a single, authoritative definition of the devil.” “[T]he devil was made and remade over the centuries in response to the social, political and intellectual priorities of the age as they engaged with the biblical tradition, and in reaction to the devil of previous generations.”
58. On ‘Symbolism in the Paradise Story’: Martinek (1996: 35 ff.).
59. Matthew 24,7: “For a people will rise up against another people and a kingdom against another kingdom, and there will be great earthquakes, and in various places famines and pestilences. “But all these things are the beginning of the birth pains.” (24,8); “For many false Christs and false prophets will arise and will show great signs and wonders.” (24,24).

60. Which Bailey/Peters (2003: 1390) comment as follows: “The concerns of Eugenius IV. strongly suggest that diabolical, sectarian sorcery as an object of well-known papal interest was a plausible topic for conversation, if not necessarily official debate or canon-making, at Basel.”
61. “The wars with the Ottoman Empire (which devastated Greece, the Balkans, and parts of Hungary and Romania)” (Glaser-Hille 2019: 58). “Since the fall of Constantinople, he had become dangerously close. He became a projection object for fears and prejudices. The victories of the Turks were difficult to fit into a Christian world view.” (Roeck 2017: 704): “A barbaric race of unknown origin” wrote Erasmus 1530, “how many massacres have they [the Turks] not yet committed under the Christian people? How many cities, how many islands, how many provinces have they not yet torn from the Christian sphere of power?” (Delumeau 1985: 408).
62. Clark (1999: 357): “Just as Cain had been the first magician, so, according to Adam von Lebenwaldt, a Styrian physician, the Antichrist would be the last.”
63. Luther in the commentary on the letter to the Galatians according to Delumeau (1985: 375).
64. “What shall I say of those who, in the false hope of absolution, take refuge in security and measure the punishments of purgatory as accurately and infallibly as a water clock in centuries, years, months, days and hours” mocks Erasmus at the time of Luther’s theses (2010/1509: 51).
65. Schulte (2000: 273), to continue “Despite repeated theoretical refutation in the history of the Catholic Church, this dualistic idea reappeared in demonology, especially since the Council of Trent, and was further spread in practice by the Counter-Reformation preaching.”
66. “Numerous examples reminded monks constantly that they lived in an environment in which the power of Satan was incessantly at work, in which any stray thought or mischance was a manifestation of the devil’s immediate presence.” (Broedel 2003: 70).
67. “Indeed, until the fourteenth century scholastic theology kept the Devil under wraps. Satan was thought to be most powerful in the monasteries, where struggles of monks against the Devil sometimes achieved epic proportions, but even in those locations there was little fear that God would allow Satan to prevail. In lay culture the Devil was even less threatening, in many cases being depicted as a weak, if not comic figure.” (Levack 2013: 63).
68. “As scholars have long recognized, the night has widely been viewed as a metaphor for evil. Although links between the night, fear, danger, and the

- supernatural were not confined to the early modern period, it was during this time that these anxieties reached their peak.” (Millar 2018: 156).
69. For the—not entirely unjustified (as there were wolves)—fear of were-wolves, which were later reinterpreted as *Hexerichen*, in the mountainous Jura region of the Burgundian Free County in southeastern France, see Schulte (2000: 21-49). Strokes (2011: 65, 28) defines ‘wolf-riding’—in addition to making the weather—as a typical component of the early ‘image of the Alpine witch’: “Conceptually, metaphorically, and analogically, the two [wolf and outlaw] were interchangeable. Like the Devil, wolves and outlaws were embodiments of evil, and [...] they were solidly real embodiments of evil, within the experienced world. All three of these categories were mutually reinforcing conceptions of evil.” For the medical treatment of ‘were-wolves’ see Metzger (2013).
 70. Cf. Utz Tremp (2008: 311-353) and the text of the *Vox in Rama* in (314-317).
 71. Dillinger (2012: 114) quotes the following critical comment by Thomassius (1702) in this regard: “But I deny that the devil can assume a body and appear to humans. I cannot believe that he makes pacts with humans, sleeps with them, takes them to the Blocksberg on a broomstick, and so on. The holy men who have done miracles through the power of God and by faith have not made a pact with God because of this.”
 72. For example in the Salem witch trials (Sect. 10.1.3 (2)): “Apart from confessions, almost all of the testimony that made reference to the devil came from the afflicted girls and young women. Most of their information apparently came from demonic spectres that appeared to them in the form of human witches. The magistrates took the position that devils could appear in the image of a particular individual only with that person’s permission, so that the appearance of a spectre could be treated as proof that the individual represented was, in fact, a witch.” (Godbeer 2013: 407).
 73. “In place of the Neo-Platonic belief that the demons could be forced to act with an almost natural automatism due to the sympathetic relationships in the cosmos, Augustine postulated the idea of a sign pact with the demons. According to this, the demons should not be forced, but invited by signs to do something desired. [...] In order for there to be communication between humans and demons, an original contract on the meaning of magical signs would be necessary. Because, just as language is based on agreement among humans and the use of language requires the tacit acceptance of its binding nature, so too the art of magic (‘magica ars’) is based on a communication contract with demons.” (Harmening 1991: 17).

74. What was then reflected in the laws: The *maleficium* in the *Carolina*, the pact in the Württemberg Landesverordnung (1567), as well as in the Electorate of Saxony Constitution of 1572 (*Constitutiones Saxoniae*) (see below in Sect. [8.4](#)).



The Witch Propaganda

6

Abstract

A witch construction that—based on a “confessionalized” school education—is “enforced” both “university” at the top through the new book production, as well as “mass media-propagandistic” through preaching and religious instruction “down” and anchored in the heads as *Commonsense*. The Council of Constance (1431–1449) and the Witch Hammer (1486) are analyzed as examples. But it took another 50 years to persecute the Anabaptists before the actual witch persecution (1560) began.

As long as such constructions remain glued to the desk where they were invented, they are ineffective; which is why, then as now, only their “mass-mediated” dissemination could guarantee their implementation. This took place—based on a “confessionalized” school education—on two levels, “top” and “bottom”, in three interconnected information cycles (Sect. 6.1), which “propagandistically mass-mediated” anchored these constructions in the heads as *Commonsense* (Sect. 6.2). For this I go into the Council of Basel (1431–1449) as the beginning of this *witch* discussion (Sect. 6.3) and on the other hand into the *witch hammer* of Institoris as an early leading example in somewhat more detail (Sect. 6.4) in order to grasp its unexpectedly delayed effect as a time of incubation (Sect. 6.5), in which the new persecution instruments were “tested” on the example of the Anabaptists. Finally, I summarize this “prehistory” described in Chap. 3 to 6 in a short interim conclusion (Sect. 6.6).

6.1 Discursive Devil's Circles

“The accused probably told the inquisitors what they wanted to hear, and what the inquisitors wanted to hear, they had read in scholarly treatises on witchcraft. The treatises in turn described the confessions in the witch trials, while the trials were based on the descriptions in the treatises.” (Burke 1985: 88 f.).

In this “evolutionary” construction of the European *witch* schema **connect** thus popular witch-imagery—magically effective, jealous village witches, who bring damage and healing, an rather “everyday” devil, wild hunt and generous fairy—with new, or rather: with re-adopted theological fantasies—sexual orgies, Satan’s pact and worship, heretical apostasy—finally to the all-dominating Sabbat-model of the *witch*-time, this “scholarly pornography” (Briggs 1998: 32). What J. W. R. Schmidt already convincingly summarized in the preface to his translation of the *Malleus Maleficarum* in 1906:

“But the theories of the scholars, initially only known to their peers and passed down from generation to generation by them, constantly deepened and generalized, had to soon penetrate the broader layers of the people, to which the preachers contributed the most, of course the Evil One always being a welcome, always newly varied topic for the sermon; but to the people the devil has always been more comprehensible than the Lord in His sublime majesty: the devil in His affability, whom one can also occasionally give a good beating and make into a fool, is really the god of the common people.” (Preface to: Kramer/Institoris 1985: XI).

Three interconnected **information cycles** realize this construction in the *Commonsense*, anchoring it in the heads of all those involved in the *witch*-game. First in the mutual exchange between popular and elite “culture”. And thereby then both on a “theoretical” level within the Elites in the university relationships between theologians and jurists, but also “practically” for example in the interconnected executioner-societies, in *witch*-committees and with the travelling *witch*-commissioners.

(1) In this sense, these popular and “elite” *witchcraft* beliefs initially met primarily on the level of, for example, the **lower village and manorial courts**, as in the ordinary **preaching**¹, which was still widely “medieval” there, whether because one believed it oneself, or because one accepted the folkloristic everyday practice:²

“One will not go wrong if one assumes that most pastors believed in the existence of witches and preached accordingly to their congregations. However, this only fanned the belief in witches and wizards even more.” (Weiss 2004: 347).³

This also applies to the devilish beliefs that flourished among novices and mostly less educated monks in the **monasteries**, with their almost proverbial women's, sex, and devil fears, which now, as part of the Reformation, found their way outside:

“The theological ‘biography’ of the devil was kept alive above all by mystery plays and popular religious theater, and there it also took on burlesque features (‘diableries’), as they then survived, for example, in the Punch and Judy show and the like. Fear, ridicule and fascination are balanced against the devil.” (Frenschkowski 2012: 107).

Even the “more educated” **elite** is basically anchored in this popular belief, which, as mentioned, can provide the necessary plausible basis for them: *witches*, concubinage, flight, magic, power of Satan. This is particularly clear in the works of the demonologists, who, starting with the *Witch Hammer* (1486), repeatedly based their experiences on the witch trials they conducted, which is why Roper (2007: 81) rightly argues that “demonology became a science to a large extent based on experiential knowledge under the influence of confessions.”⁵

Accordingly, ‘theologized’ these ideas then—as part of a broad-based **‘psychological conditioning’**—in ‘all layers of the people’ such return, that they can gradually both by the population in general, as well as by the (future) *witches* themselves be adopted. So that in the end even the accused *witch*, occasionally also without fixed question-answer catalog⁶ and without acute torture, the expected satanic actions confess. Whereby she, voluntarily or usually under torture, incorporated details into their confessions, which were to convince their interrogators of the truth—such as village-known *maleficia* as well as the type of their devil-contacts:

“Since a confession almost always required a report on their devilish intercourse, the women were forced to invent convincing stories about sex, stories with details from their personal lives that were to convince their interrogators of the truth of their statement.” (Roper 2007: 123).

Which in turn on the level of the **judicial** persecution emotionally particularly successful, in an almost **irresoluble *circulus vitiosus*** could confirm the reality of these practices and the need to eradicate them, as well as this new ‘instrument’ to set in motion and use:

“Both the authorities and the population had learned in a sixty-year apprenticeship what witch hunts were and what they could be used for: To defend official claims and to resolve neighborhood conflicts; this does not mean, however, that one would have been so cynical – or so enlightened – as not to also believe in the reality of the witchcraft sect” writes Utz Tremp (2008: 542) as a finding of her minute analysis of the repeated witch hunts in the Swiss Dommartin of the years 1498 and 1528.

A process necessary for the development of the *witch* schema, because:

“[F]or the success of an intensive witch hunt it was necessary that also the lower classes acquired a certain understanding of the diabolical nature of the crime [...]. So one needed the neighbors of the witch to identify suspects, to facilitate their arrest and to obtain witness statements against them. If a witch hunt, especially a large one, was to be successful, then the lower classes had to believe in witchcraft and actively support the hunt.” (Levack 1995: 65).

A ‘success’ that was particularly close at hand in the context of the respective **‘legal culture’**. Even without the usual ‘one-dimensional’ questionnaires, but suggestively questioning, one could refer to earlier ‘confessions’ from one’s own ‘embarrassing’ interrogations or to those of closer colleagues, especially since there were no legally secure rules to inadvertently receive matching Sabbath testimonies in this way.

A process that, however, could also gradually nourish the **fear** of a now real *witch*-danger in both ‘cultures’⁷ up to the ‘moral panic’ of the later to be discussed *witch hunt* excesses, in which ‘down below’ as well as ‘up above’ one was convinced of the acute terrorist *witch* conspiracy together:

A cycle that already Johann Matthäus Meyfarth, Lutheran professor of church history at the University of Erfurt, a contemporary of Friedrich Spee, in his work *Christliche Erinnerung/An Gewaltige Regenten und Gewissenhafte Praedicanten, wie das abscheuliche Laster der Hexerey mit Ernst auszurotten...* (1635) summarized as follows:

The “preachers incite their rulers/the rulers press the judges/the judges torture the suspects/the suspects, out of the compulsion of the torture, ‘besagen’ as much as they can/the common people learn about statements/soon they suspect this one or that one/they look around for friends and relatives/associates and acquaintances/they take foolish reasons from the caterwauling of the cats/the screaming of the crickets/the bellowing of the oxen/and they dare to testify about it by oath.” (in: Lehmann 1978: 43 f.).

(2)⁸ This process of swinging back and forth with each other was then—in the context of the new established in Germany universities⁹—within the elite ‘**university**’ both under the citing demonologists¹⁰ as well as in a kind of interplay between theologians and lawyers further promoted:¹¹

“Throughout Europe, universities produced thinkers, clerical and secular, professional scholars and private dilettantes, who expounded on the meanings of magic in this world. Printing presses facilitated the spread of their demonologies, while their status as eminent gentlemen, officials, scholars, and theologians lent an impressive imprimatur to their ideas.” (Kivelson 2011: 53).¹²

Where they in turn the theological-scholastic ideas fund—in particular Augustine and Thomas Aquinas—the canonical-legal sources, such as the *Decretum Gratiani*¹³, as well as the worldly-**legal** texts of the Roman *Corpus juris civilis* and the heresy laws of Frederick II., along with the associated inherited clerical Inquisition processes, as a broad common starting point of their ideological construction used and implemented:

“The German Revolution [the Reformation] outlawed the Roman Catholic Church in territories that came to be ruled by Lutheran princes and subjected the entire ecclesiastical jurisdiction to the secular authority; yet a considerable amount of the substance of the Roman Catholic canon law was reintroduced by the secular German lawmakers and courts as well as by Lutheran ecclesiastical tribunals. Indeed, a considerable amount of the law of all countries of the West, including the United States, is derived historically from the canon law of the Roman Catholic Church.” (Berman 2003: 373).

A beautiful example of this is the early treatise of **Claude Tholosan**, secular chief judge in the Dauphiné east of the Rhone,¹⁴ a “stronghold of late medieval Waldensianism” (Blauert 1989: 28)—around 1436, that is, at the same time as Nider’s *Formicarius* and before the *Hexenhammer*. Tholosan systematically justified the primary jurisdiction of the secular court (also for the confiscation of property!) in both a ‘biblical’ and a reference to the two aforementioned collections of laws. He based himself, as did Institoris later, on “his personal experiences as a witch judge” and on an “expert opinion that he had obtained from Provençal lawyers”:

“I have learned the above from these wizards myself and, alas!—a hundred or more in number, with even more reliable information coming from people on whom witchcraft had been practiced.”¹⁵

Peters (2002: 235) therefore writes that this treatise by Tholosan is particularly important for the further theological-legal development of the *witch* model:

“[N]ot only for its use and reinterpretation of substantial theological and legal learning and for its timing, but because the author was a working lay magistrate, not a hunter after superstitions like Jauer, an inquisitor like Eymeric, a theologian like Nider or a chronicler like Fründ and others. In these cases, the theologians, the chronicler and the magistrate alike could point to direct contact with actual prosecutions [...] that has taken place within recent human memory and in readily identifiable nearby places.”

A very closely related **interaction**, which will intensify in the same way in the training of future canonical and secular lawyers, Dominicans, Jesuits and preachers and later directly in the opinion practice of the universities:¹⁶

“This communicative cycle was accelerated by the universities, which made the future judges familiar with the growing corpus of demonological and inquisitorial literature and also advised individual courts on how to conduct witch trials.” (Levack 1995: 61).

Whereby these new universities, which Michael Bailey (2008: 129) rightly points out, should now train practically useful professionals for their—confessionally oriented (*cuius regio eius religio*)—founders and territorial lords, as lawyers as well as clerics:¹⁷

“These newer institutions and their faculties were eager to assert their authority within their more limited territories, and to serve their political masters by working to maintain proper social and religious order in their regions.”

(3) **Politically** informed each other on the usual common meetings. Opportunity for exchange of experiences offered on ‘highest level’—as at the beginning of the *witch*-hunt the Synod in Basel (1431–1449)—in particular the **Reichstage, (Imperial Diet)**¹⁸ on which the Electors’ Council, the secular and ecclesiastical bench with 63 respectively 37 members of the Reichsfürstenrates and the city council with 51 seats for the Reich-cities met for usually longer lasting consultations.

Between the larger cities existed a network oriented on practical and legal assistance,¹⁹ which was generally valid already in the 13th and 14th centuries; both in the persecution of the delinquent fleeing beyond the city limits, as well as in the assumption of whole legal matters—for example in the wide dissemination of the Magdeburg city law since 1160,²⁰ which in criminal law provided for the

abolition of blood revenge and the introduction of witness evidence in contrast to blood revenge and trial by ordeal.²¹

This network did also work on the **rural level**. For example, Walter Rummel (1991: 70 ff.) describes in his study of the work of the 'witch committees' in the Electorate of the Palatinate and the County of Sponheim in the first half of the 17th century how these were founded 'on the model of the neighboring villages' and how they were actively engaged in well paid trips over a wide area to collect and pass on 'accusations' as evidence in court cases:

"The accusation of accomplices by confessing 'witches' undoubtedly constituted the most important piece of evidence." "For this reason, we often find knowledge of neighboring court cases and the suspicion or knowledge of accusations directed against members of one's own community as the trigger or beginning of a new inquisition. Technically, this 'jumping' took place, if not the mere rumor was enough, by the mutual exchange of Besagungen by means of official assistance."

(4) And '**practically**'—for example, for the original 'west-east migration' of the French witch model around 1440 personal identities and close **personal acquaintance** of the relevant inquisitors played a key role (Blauert 1989).²² Based on requests from recently affected cities to 'competent' city administrations, Blécourt/Waardt (1990) describe the spread of witch hunts in the Netherlands towards the end of the 15th century—"Cologne was one example." In particular, borrowed experienced executioners, who were responsible for interrogation, torture and the detection of *witches* (e.g. by means of *witch*-marks), quickly produced the desired results:

"In this way, a kind of network developed: each of the mentioned cities served as a center for the dissemination of the new persecution of witchcraft in the surrounding country. For the lay judges of the small village courts, the city was indeed the source of new knowledge and experience, but they were not necessarily inclined to support new developments immediately."²³

So during the first great persecution wave in Bavaria in Schwabmünchen of the diocese Augsburg 1589 gathered together with the risen to fame 'Master Hans von Biberach' "whole **executioner companies**":

"Master Hans Vollmair brought along his wife, daughter and son-in-law 'Master Christoph von Biberach.' From Bavaria came the executioners from Landsberg and Master Jörg Abriel von Schongau, from the imperial city of Kaufbeuren the probably related to the Schongau hangman Master Barthlemeß Aberhöll, from the diocese of Augsburg participated along with Master Veit von Schwabmünchen also the

hangmen from Oberdorf, Großaitingen and Oberstdorf, from the west traveled the master of the imperial abbey of Ochsenhausen.”

“The importance of these executioners for the persecution wave of the years around 1590 one can not overestimate.”²⁴

6.2 The *Witch-Propaganda*

“Gradually and consistently the new church authority (the legislative bishop and his officials) directed, supported by the state, the sacramental life from the family chapel in the parish church [...], and transferred the complex social groups of early modern society in the single size of the registered in the church book soul, which was accessible to the demanded by the Tridentine Church and the early modern state social and moral discipline.” (Hsia 1998: 74).

(1) In the sense of such a “witch” propaganda conveyed—as at the time of the heretics—above all the public shares of the “Inquisition process” in a double way a particularly effective form of “enlightenment” about the evil of the “witches,” as about the necessity to proceed herewith justice and fire: First, at the beginning of the “public sermon” of the inquisitor as a “call for denunciation”:

“(The judge) begin the process by a general invitation: [...] under penalty of excommunication within the twelve initially to be reckoned days [...] may one reveal to us, if someone knows, has seen or heard that any person is evil slandered or suspected as a heretic or witch and that she in particular does something that can damage people, livestock or crops and to the detriment of the state may be able to.” (Kramer / Institoris 1985/1486, III: 33 f.).

In order to read at the end in the public “proclamation of the sentence” on the “final day of justice” (the ‘endliche Rechtstag’),

after previously “by proclamation publicly announced that on the aforementioned day, at the and the time and on the and the place of the preacher a sermon for the faith and the secular arm will deliver a heretic” (Kramer / Institoris 1985/1486, III: 175),

the entire “witchcraft” deeds in the “original sin” in detail—“often at the execution of several people to hear in detail for hours.” (Behringer 1988: 224).

In order to then, in a **‘play of death’**, which at the same time demonstrated the power of the ruling class as well as the special horror of this crime, to have the *witches*, strangled or alive, ‘burned’ by the executioner:²⁶

“The executions were celebrated in such a theatrical form that literature speaks of a ‘liturgy of punishment’ and a ‘play of death’. Tens of thousands gathered to witness these demonstrations of state power and justice, especially in spectacular cases.²⁷ For example, the execution of several witches in Munich in 1600 [the Pappenheimer [see below, Sect. 12.2 (1)] became so famous that it was not only praised in several contemporary ‘newspapers’ and poems, but was still held up as an example in a ‘handbook for citizens and peasants’ published in Leipzig in 1744.” (Behringer 1988: 109 f.).²⁸

With this ‘theater of terror’, one could not only demonstrate the **acute** dangers of *witchcraft* and the protective power of the respective authority, but also, moreover, confirm and solidify their GOD-given, self-evident **institutionalization**—of the *witch* crime as well as of the Inquisition—by recourse to the long-standing tradition of **fire-sacrifices** of the *heretic*-burnings; while one hanged, drowned, broke on the wheel or beheaded ordinary criminals:²⁹

“[T]he crucial role played by the instantiation of the trial itself: the repetition of trial performances plays a central role in creating legitimacy; such repeated demonstrations provide a sense of continuity from past, to present to future; the antithesis of the arbitrary.”³⁰

A **propaganda apparatus**, which Briggs (1998: 383) justifiably summarizes as follows: “Church and state could penetrate the world of the peasants, even if the messages they handed down were always liable to be adapted to suit the recipients. The overall tendency can only have been to homogenize the various levels of belief, and smooth out local particularities. Every trial, every public reading of the confessions made by the accused must have reinforced the symbiosis, providing more material to be recycled in the future”.

(2) Used deliberately for didactic purposes, the propagandistic dissemination of the slowly developed *witch* schema initially took place quite ‘directly’ downwards through—sometimes expressly ordered—***witch-sermons***,³¹ in which their danger, the risk of excommunication for example in the absence of denunciation, the purgatory threatened by mortal sins and the ultimate eternal hellfire were painted just as colorfully as in church murals,³² religious theater and the passion plays,³³ which, taken together, corresponded functionally to the effect of contemporary television:

“However, many members of religious orders and clergymen acted as spiritual arsonists by writing demonological treatises that painted the devilish danger with gruesome stories that ‘proved’ the existence of the harmful and deadly witch sect

and, in addition, called on the secular authorities to pursue them mercilessly [...] Preachers, pastors and confessors who ‘enlightened’ their parish children about the evil deeds of the witch sect at the appropriate opportunity and searched their consciences for such sinful behavior thus conveyed the elaborate witch-imaginings of the scholars to the imagination of the simple people.” (Voltmer 2002: 88).

(3) A splendid example of such evangelizing penitential preachers was the observant Franciscan **Bernardino of Siena** (†1444)—a successful predecessor of Savonarola (†1498)—who preached against *witches*, sodomites and Jews or usurers for almost 40 years in central and northern Italy.³⁴

For example, in Rome (1426) he met with skepticism from his numerous audience; but when he threatened “At one point it occurred to me to tell them that if anybody had information on any man or woman who practiced these things and did not report them to the authorities, he or she would be guilty of the same sin”, the reports flowed in so strongly that, after consultation with Pope Martin V., only the two worst witches were burned. (Mormando 1999: 56).

In his “highly formal rhetoric” based, popular sermons³⁵ he argued with “ratio, auctoritas and convincing examples (*exempla*)”, to early design the future *witch* image. So he describes in one of his Siena sermons orgies à la Galosna (s. o. Sect. 4.5.3 (2)) and described Satan:

“[H]e goes everywhere you do and hears and listens to all of your conversations and thoughts and sees everything you do [...] there is nothing what we don’t do in secret that either the good angel or the bad doesn’t see.” (Mormando 1999: 85, 94).³⁶

“Through his impassioned sermons publicizing an ever more demonized and subversive image of the witch and related practitioners, Bernardino helped create the general level of fearful, if not paranoid, awareness of these nonconformist elements within the bosom of Christian society [...] Furthermore, news of what happened in Rome in 1426 spread beyond the city and beyond Italy.” (Mormando 1999: 220).

(4) This targeted *witch* propaganda could build on a primarily religious and supervised **school** education.:

“After the service, the cleric who had given the sermon went to the school and observed how the preceptors tested their students. [...] The instruction in the public schools was therefore largely an accompaniment of the church service and served to a large extent church purposes.” (Weber 2000: 79).

In this sense, the religious propaganda—in all three confessions—tried with a wide **catechetical religious instruction** for the people first to penetrate into the rural parishes—as little as the incomprehensible dogmatic-religious beliefs themselves could displace the deeply magical thinking—not least because they also had the lower clergy in mind:³⁷

“Almost all of the extensive evidence of the ‘exploding’ catechetical literature production in late medieval times is concerned with the topics of unbelief, disbelief, false belief, superstition, error, heresy, heretics and semi-heretics (semiheretici).” These are now also written in German, no longer Latin, but colloquially ‘after the country’s habit’.”³⁸

This is particularly evident in **Luther’s** various **catechisms**: “With its simple routines of repetition and memorization, catechizing became the single most important method of authorizing and conditioning Lutheran belief and behaviour.” In an **‘experiment in mass education’** (Strauss 1994: 197) “it was intended to be habit-forming—for adults as well as children, women as well as men, pastors as well as laity.” (Clark 1999: 491).³⁹

While the **Protestants**, following the example of the Jesuits, which was oriented more towards higher education,^{40,41} ‘theologized’ the sphere of education to a degree that is hardly comprehensible to us today, primarily through clergy and teachers⁴²:

“Education became increasingly ‘theologized’ in the wake of the Reformation, the eternal salvation or eternal damnation of parents depending on the intensity of their educational efforts. [...] Now, in the Reformation, one had discovered the field of education as the devil’s favourite playground. While theology declared the devil to be the greatest worry of mankind, religious education made him the central figure of child-rearing. “(Weber 2000: 250 f.).⁴³

(5) This new doctrine of faith, which was primarily carried forward by the evangelical pastors’ stand, i.e. Lutheran as well as Calvinist—by ‘local clergymen, visitation officials, and church governors’ (Clark 1990: 70)—therefore tried to reach the ‘common people of God’; in an attempt at a cultural re-education, a **‘acculturation’**, shows one of the purest examples of an ‘early modern cultural proscription’ (ibid.: 73), as Muchembled (1984) has it in mind. In the—often futile—fight for such a ‘fundamental change in popular culture’ (ibid.: 71), one preached against superstition and magical practices for a new, internalized relationship to God:

“Protestant witchcraft writings were thus dominated by the pastorate and its concerns—not by jurists or philosophers—and their tone is not so much intellectual as evangelical and homiletic.”⁴⁵

“In its power to alter the opinions and behaviour of ordinary people the sermon was selective and partial. But its influence on the structure and content of Protestant witchcraft writings shows that these too were aimed at a general lay audience (as well as at the pastorate as a whole) rather than at academic specialists.” (Clark 1990: 56 f.).

A ‘sermon’ that—pedagogically religious, but not ‘religious-magical’—certainly remained **largely unsuccessful**: One simply feared the—otherwise familiar, now ‘satanic’ *witch*—much more than the—catechistically learned—distant LORD. What Gerald Strauss (1994: 195, 211) can show on the basis of evaluated visitation protocols:

“On the evidence of these reports, the large mass of the populace exhibited after three-quarters of a century or more of Christian instruction a shocking ignorance of even the rudiments of the Evangelical religion and displayed disheartening apathy toward it.”; “Sixteenth-century folk practiced their own brand of religion, which was a rich compound of ancient rituals, timebound customs, a sort of unreconstructable folk Catholicism, and a large portion of magic to help them in their daily struggle for survival.”⁴⁶

A conclusion that was already regretted 400 years earlier by the Heidelberg **Hermann Witekind** (1585), when he noted that “the authorities mostly did not fulfill their task of educating their subjects to be pious Christians”:

“The church is badly organized, the services are poorly attended, and the subjects do not even know the most elementary basics of the Christian faith [...] Hence it is that the majority of parishioners know nothing at all of God, of his will, fear, obedience, invocation. [...] ‘It is no wonder that the devil takes root in such people, teaches them superstition and sorcery’”. (Schmidt 2000: 224).

(6) A ‘diabolical’ *witch* propaganda that was not only ‘juridical’ and ‘clerical’ spread, but which was also carried out ‘**literary**’ to a considerable extent on all cultural levels—through pamphlets, flyers and calendars, via ‘kitchen novels’ to scholarly debate: a significant ‘mental field’ that, as Kivelson (2011: 53) points out, can be particularly well shown using the Russian counter-example of a small *witch* persecution:

“Nor was such an image widely disseminated by an active print culture. The Orthodox Church and tsarist state maintained an absolute monopoly on printing until after the end of witch trials, and the scale of official print production remained trifling.”⁴⁷

Since the invention of **printing** in the middle of the 15th century, the *witch*-hunting region first spread the **reformatory** writings—“in more senses than one, Protestantism was the ‘religion of the Book’” (Larner 1984: 120):

“[A]lone between 1517 and 1525, more than 2,000 editions of the writings of the Reformer were sold in this period. And he was just at the beginning of his career. The success of his Bible translation was enormous. In his lifetime there were 84 prints and 252 reprints. The translation of the New Testament, which appeared for the first time in 1522 in Wittenberg, contained a slightly altered version of Dürer’s ‘Apocalypse’ in wood from 1498.”

In a book catalogue from 1625 one finds “under the headings ‘Last Day’, ‘Resurrection of the Dead’, (...), ‘Revelation of John’, ‘Daniel the Prophet’ 89 book titles, which were published in Germany after 1551, including 35 between 1601 and 1625”, and mostly of Protestant origin. (Delumeau 1985: 329, 353).⁴⁸

To an increasing extent, this ‘learned culture’ then also became anchored in general *Commonsense*, especially since even the great Dämonologists already paid attention to the entertainment value of their productions at that time:

“The literature of demonology opened up a whole imaginative world that drew on classical reference as well as the Bible to create something vivid and new. Belief in witchcraft was never just a matter of subscribing to a set of propositions about witches and demons or even to consistent binary worldview of a universe caught between good and evil. Like all belief, it consisted in a morass of images, half-articulated convictions, and contradictory positions, elements of which could occasionally come together in searing clarity to fuel suspicion that a particular individual was a witch.” (Roper 2012: 47).

Finally, demonology itself became **pure entertainment**:

“Demonology had become entertainment. By the 1690s, a clutch of old French demonological classics were being reprinted, this time not for their worth as intellectual treatises, but for fun. Witchcraft had become part of a popular market for stories; the witch, a character of fictions.” (Roper 2012: 144).

In a *gossip society*, in which this *Commonsense*—similarly, as today in the ‘social media’—plausibly maintained and driven by stories, fairy tales and rumors in the

spinning rooms, in the village gossip and on the way to the market or when pilgrimage:

“Itinerant musicians, jugglers, and players no doubt provided a lot of entertainment, but the overwhelming impression is that these people talked endlessly, both to strangers and within their own circles. Much of the point of the hours spent trudging to market or on a pilgrimage lay in gossip with one’s companions, then over a drink in one of the innumerable taverns. It is hardly too much of an exaggeration to call this a society that ran on gossip; like some gigantic spider-web it transmitted disturbances with remarkable speed across wide areas, although the details often became confused.” (Briggs 2007:43).

An important role was played by the—elevated as well as popular—**production of images**,⁴⁹ which was supplemented by corresponding pictorial woodcut **pamphlets** since Ulrich Molitors *De lamiis et pythonicis mulieribus* (1489) (Baroja 1990: 33):⁵⁰

“There were (Catholic) confession books and other brochures intended for the clergy on the Ten Commandments, in which the popular ideas about the devil and the devil’s conspiracy were set out in the discussion of the First Commandment.⁵¹ But many spell books and pamphlets with spells and blessings came off the printing press and found a ready market, not to mention popular books like the one on Dr. Faustus, in which—admittedly with moral indignation—a whole catalogue of magical arts was demonstrated in vivid examples.” (Schwarzwalder 1959: 210).⁵²

But one should also keep in mind here that even then the **literary production** was far **more diverse** than our focus on *witchcraft* would suggest.⁵³ For example, the analysis of more than 5,000 books printed in Strasbourg during the years 1480 to 1599 by Miriam Chrisman (1994: 87) shows that in this “perhaps the most vibrant intellectual center in sixteenth century Germany” (Hsia 1994: 215) at first (until 1520) about 41% mainly Catholic literature and then (until 1548) about 48% mainly Protestant texts predominated. In order to be outstripped in the following years—that is, at the beginning of the high time of *witch* persecution between 1570 and 1599—(with still remaining 17% Protestant books) by vernacular (that is, not Latin) books (21%), scientifically oriented books (20%) and school texts (16%): “The printers, finally, played the major role in shaping the intellectual world of the ordinary people”:

“Five major elements characterized what I will call lay culture. First there was a fascination with the world of nature [...] anatomy books, botanicals, herbals, geographical treatises, and books on astronomy [...]; technical manuals and treatises,

ranging from texts of surveying and applied mathematics to books on mining and scientific agriculture [...] In addition there were all sorts of how-to books [...] Finally, there was a moral quest that reflected a desire for an ethic relevant to everyday life as lived within the community and the family.”⁵⁴

In this change of content—from originally religious content to rather “secular” interests—once again the leading **mentality shifts** “further up” following new approaches and tasks in natural science and medicine as well as early absolutism, so that the fight against *witchcraft* can gradually lose importance, as I will discuss in more detail below in Chap. 13.

6.3 The Council of Basel (1431–1449)

“The milieu of the councils was excellently suited for the spread of this fear and was certainly not uninvolved in the many treatises that were written before the middle of the century.” (Paravy 1990: 134).

And just this printing press made it possible from the 1450s for also within the educated elite, who could read, to disseminate the content of court decisions, papal bulls, and relevant manuals. Already earlier, in particular the two great long-term **Reform Councils** in Constance (1414–1418) and Basel (1431–1449)⁵⁶ offered a broad—especially also informal⁵⁷—forum for discussion.⁵⁸

(1) The above-mentioned Dominican theologian and religious reformer **Johannes Nider** “was one of the most active and important men in Basel.”⁵⁹ Here he discussed his early collection of examples, the *Formicarius* (*Ant Hill* 1435–1437),⁶⁰ in the 5th book of which he also used reports of the Bernese judge Peter von Greyerz, which he—as also Blauert (1989: 58) believes⁶¹—interpreted in the modern sense of the newly developed French witch doctrine (cf. above: Sect. 4.5.5):

“And as soon as he put these stories up for public discussion at the Council of Basel, normal people elsewhere discovered the same devilish community of witches, not only in the Alpine valleys, but for example in 1446 in the university town of Heidelberg, then in Tübingen, then in Biberach.” (Borst 1990: 64).

Then, in Basel, “a French humanist”, **Martin Le Franc** wrote, as secretary to Pope Felix V at the Council of Basel, in 1440/1442, in his *Laudes Virtutum Mulierum* (*Champion de Dames*), dedicated to Philip the Good, “a very early and

extremely vivid picture of the followers of the witch-cult as it had developed in Savoy”, (Blauert 1989: 30f.):⁶² “What is new here is that witchcraft is attributed exclusively to women, and this by the *Adversaire*, the opponent of the Champion, who defends them with more or less success.” (Utz Tremp 2008: 22):

“Martin Lefranc, Provost of the Church of Lausanne [...] expresses the following enlightened view of witchcraft: ‘There is not a single stupid old woman / Who has done the least of these things; / But to burn them or hang them, / The enemy of human nature, / Who knows how to lay so many traps, / Deliberately confuses their senses. / There is neither stick nor staff / On which a person could fly; / But when the devil blinds them / They believe they are flying off / Somewhere to take their pleasure / And to expiate their lust.’” (Huizinga 1975: 352 f).⁶⁴

Two further influential *witch*-tractates date from this time around 1438, namely the report of the *witch*-trials in the Valais by the Lucerne court scribe **Hans Fründ**,⁶⁵ which, according to Blauert (1989: 68), he too ‘interpreted in the French manner’. And the influential *Errores Gazariorum* (*Errors of the Witches*) by an anonymous author, with pact with the devil, formation of sects, *witch*-sabbath, *witch*-flight, child murder and the “well-known sexual excesses.” (Blauert 1989: 63).⁶⁶

(2) And so Heinrich Kramer / Institoris and Jakob Sprenger published 50 years later, as an introduction to their *Hammer of Witches* (1486) the in their favor issued, notorious *witch-bull Summis desiderantes* of Pope Innocent VIII. from 5. 12. 1484, in which, among other things, it says:

“Recently, however, it has come to our attention not without extraordinary distress that in some parts of Germany [...] quite a few people of both sexes, disregarding their own (soul) salvation and deviating from the Christian faith, commit adultery with Incubus- and Succubus-demons and, through their spells [...] ruin the births of women and the offspring of animals, the crops [...]” They also manage [...] to prevent men from conceiving, women from conceiving, men from fulfilling their marital duties and women from fulfilling their duties to their husbands. Moreover, they do not hesitate to deny the faith that they have accepted through the reception of holy baptism with blasphemous words and to commit numerous other infamies, outrages and crimes, at the instigation of the enemy of mankind (the devil), to the detriment of their soul, to the insult of the divine majesty as well as to the harmful example and annoyance of many people.⁶⁷

The inquisitor (Sprenger, Kramer / Institoris) should, however, with our authority, through proceedings to be conducted by him, as often as necessary, repeatedly intensify the penalties and penances by, if necessary, calling on the help of the secular arm. He is also to keep under control, by means of sentences, penalties and

punishments of, Excommunication, Suspension and Interdict, as well as by other terrible means, which he may himself find, those who harass, obstruct, object in any way and rebel, whatever their dignity, their status ... and their high office or origin they may be and with whatever privileges of exemption they may be provided, disregarding any Appeal.⁶⁸

With this bull, which so much resembles the 250 years earlier for the Inquisitor Konrad von Marburg issued heretic bull *Vox in rama* of Pope Benedict IX. (1233) not only the activity of these two inquisitors⁶⁹ was supported.⁷⁰—of which Institoris had previously failed miserably in Tyrol, which then gave him the immediate occasion to work out the *Hexenhammer*. But above all, it ‘officially’ confirmed the reality of the various *hexerischen maleficia* and defined them as heresy to be pursued by the papal Inquisition. While, as Cohn (1976: 176 ff.) emphasizes, the preceding decrees of the popes Alexander IV. (1260) and John XXII. (1326 *Super illius specula*) prepared the ‘heretical’ ground, but remained limited to the previously known magical ‘sorcery’ with its necessary, idolatrous recognition and worship of the devil.

6.4 The *Hexenhammer* as an Example (1486/1487)

“[T]he *Malleus* does provide evidence of the transformation of the image of the educated, usually male ritual magician who commands demons into that of the predominantly female, illiterate practitioner of harmful magic who is accused of making a pact with the Devil and worshipping him collectively. By the end of the fifteenth century the magician had been turned into the witch.” (Levack 2015: 32).

As an **example** of this early theological-juridical construction, I choose something more detailed, because for these times representative—“the first witch treatise to benefit from printing” (Broedel 2013: 46)—precisely this *Hexenhammer* from the years 1486/1487. Especially since, in comparison with the below (Sect. 13.3) discussed *Cautio Criminalis* by Friedrich Spee (1631), one can obtain a good insight into the argumentative development of the intervening 150 years. His “central message is that the witches actually committed the damage that was attributed to them.” (Behringer/Jerouschek 2015: 18). Although his influence initially—in the early days of the Reformation (see. Sect. 6.5), in particular in Northern Germany—was relatively small,⁷¹ it later took on, as its countless new editions prove, a similar role as a “witch handbook” as the “heretic handbook” by Bernard Gui (1324 260 years ago. He can illustrate the ideological-legitimizing transformation taking place at the end of the 15th century from the *heretic* to the *witch* schema in this way:

“In this context, it is appropriate to ask what significance the Hexenhammer had. The common opinion that the Hexenhammer heralded the age of ‘witch mania’ and witch hunts in Europe probably needs to be corrected considerably,” Blauert (2004: 127) relativises: “In this perspective, the Hexenhammer is thus far more likely to be a product of the witch trials around 1480 and an already existing ‘witch craze’ than that it would have triggered this ‘craze’ itself [...]. In retrospect, however, it can be seen as a precursor of the great witch hunts of the 16th and 17th centuries.”

A success that—as Broedel (2003) shows in his monograph—is based not least on its practice-relatedness,⁷³ especially since it widely relies on its own inquisition experiences, *exempla* and popular legends, less as an example, but as a ‘proof’. This puts both the *maleficia*, which make up the core of the village’s fear of witches—and not so much the demonologically ‘learned’ *Hexen*-image (Pact, Flight, Sabbath)⁷⁴—as well as the always already valid *Commonsense*-image of the **female Hexe**—in place of the *gender*-neutral *Ketzer*⁷⁵—in the foreground of the *Hexen*-Discussion:

“The strength of the construction of witchcraft elaborated in the *Malleus* is that it is based upon and congruent with the narrative paradigms through which evaluations of witchcraft and the identification of witches were made on the local level. In these narratives, the various threads that comprise *maleficium* are woven together to determine the identity of witches beyond doubt. In the *Malleus*, Institoris and Sprenger raise these explanatory mechanisms to the level of learned discourse, integrating them (however uncomfortably) with a more theologically sophisticated conception of the world. In essence, the authors provide their audience with a window onto the discursive field in which their informants constructed witchcraft themselves.” (Broedel 2003: 143).

This also provided the basis for the—oriented towards the *maleficium*-damage—**secular** inquisition process instead of the traditional ecclesiastical-heretical *Ketzer*-process; a ‘secular’ process to which the *Hexenhammer* devotes its third, juridical main part.

The 1486/1487 published⁷⁶ *Malleus maleficarum* is—in its three parts: I. basic, theological considerations, II. Effects of witchcraft, III. Juridical consequences—the product of the ‘probably emotionally disturbed’ Dominican **Heinrich Kramer**, who called himself **Institoris**, and in 1474⁷⁷ was appointed Inquisitor for South Germany⁷⁸, (Levack 1995: 62);⁷⁹ his ‘co-author’ Jakob Sprenger, professor of theology at the University of Cologne, since 1470 Inquisitor for the Rhineland, seems to have only written the introductory *Apology* and later to have withdrawn from the joint project in a dispute.⁸⁰ The *Hexenhammer* is introduced by the inclusion of the aforementioned (Sect. 6.3 (2)) bull *Summis desiderantes* of

Pope Innocent VIII., as well as by an at least partially forged opinion of the University of Cologne.⁸¹

(1) **Methodically**, Institoris follows in his first part the traditional late-scholastic dialectical argumentation by first representing the opinion he considers to be false as objectively as possible—which at the same time (also evidenced by his failures mentioned above) shows how skeptical one was at that time towards the *witch*-stereotype—in order then to represent the counter-opinion and finally to find his own answer in the synthesis. In doing so, he relies in his thesis and antithesis primarily on authorities from the Bible, legal texts and the statements of the Church Fathers from Augustineto Thomas Aquinas to Bonaventura, while in the syntheses, already somewhat more modern, he draws primarily on **case studies** from court practice, as well as his own experiences from his inquisition practice:

“In rejecting this error [that there are no *witches* S. Q.], [...] because of those who have no many books, to say that one rejects it by saying that to teach it is against experience and against new and old regulations.” (Ibid.: I: 135).

This is especially true for his suggestions for relevant sermons:

“The frightfulness of the witch’s works is considered. The whole matter deserves to be preached.”; “In order to understand this, and so that the preachers at least have a core for their sermons, one must first speak of the angels”; “The preacher should finally be careful with certain arguments of the laymen or even some scholars, who, while admitting the malice and the power of the demons to cause such evils at his will, nevertheless deny that the divine permission is at stake. They also do not want (believe) that God lets such terrible things happen.” (Ibid.: I: 178, 198, 206).

(2) **Theologically**, first of all, and throughout the entire work, it is about the rejection of the church doctrine of ‘*Canon Episcopi*’ previously validly recorded as ‘superstition’, which, however, contradicts the ‘common sense’ of this canon as well as the Bible and the authorities as a whole; although there are also such flying fantasies, but:⁸²

“If they quote the chapter *Episcopi* XXVI, 5. in the first place, where it is taught that (the witches) only fly in the imagination and delusion, who is so unwise that he would want to conclude that they cannot fly physically. [...]. Such a person, who thus toiled at the shell of the words of the canon, would be quite contrary to the spirit of all holy doctors, indeed also to the spirit and sense of the Holy Scripture.” (Ibid.: II: 51).⁸³

Then Institoris devotes great efforts to the explanation of the interplay between *witch*, demon and the permission by God: “Three things are necessary for the accomplishment of the witch’s deed: the demon, the witch and the divine permission” (ibid.: I: 159). After all, these are three problems interconnected:

- Does the human *witch* have the ability to produce the *maleficia* herself, or does she need the demon for it: “Gaukeleien” (trickeries) are possible; physical changes, such as the removal of milk, however, only with the help of demons: Serious *maleficia* are only possible in the devil’s pact—directly or implicitly—which is why *witchcraft ex definitione* is idolatrous heresy, which makes the Inquisition and thus also the summary Inquisition process without the usual “constitutional” safeguards possible. But then of course the question of the responsibility of the *witch* arises:

In the case of the picture-nailing, it is therefore: “Experience teaches that such things happen to a pictorial i.e. bewitched human being—namely a prick or any other injury, although the injury is actually (only) inflicted on the picture by the witch or another human being, and the demon invisibly hurts the bewitched human being in the same way, yet according to the merit of the witch is attributed, because God would never allow the devil to hurt someone without her and the devil would not try to hurt someone for himself.” (Ibid: II: 122).

- Can demons exercise such *maleficia* themselves? If so—since they as “fallen Engel“ have lost the grace, but not the “natural” abilities of the angels (ibid: II: 47)—why do they need the human *witch*: To cause God “greater disgrace” in a very special way (ibid: II: 87) by taking this soul from him. Why—still quite “*ketzer* -pastoral”—“in the zeal for the souls”—and the danger to the other souls seduced by them—the extermination of the growing *witch* danger is necessary. (Ibid: II: 273).⁸⁴
- And finally the most difficult question of *theodicy*—“As useful as the question is for preaching, so difficult is it to understand” (ibid.: I: 163): How can God allow such injustice: “Because of the perfection of the universe.” (Ibid.: I: 162). In order to make the good appear by means of evil, for example “from the works of the witches the purification or testing of the faith of the righteous” follows (ibid.: I: 166). God does not want evil, but only allows it (ibid.: I: 176). But within limits, because otherwise Satan could destroy the whole world. This is prevented by the ‘good angels’.

(3) With regard to *witchcraft* Institoris confirms both its **reality** and its *maleficia*, repeatedly discussing the evils, which are also in the foreground in *Decretum*

Gratiani, which are primarily sexually related, but (not yet) on ‘orgies’ or even Sabbath phantasms,⁸⁵

for God leaves the *witches* particularly large scope for action here, “because of the hideousness of the act, and because the original sin, imposed by the first parents through their fault, is transferred by that action”, especially “the depravity of the first father through the original sin is transferred to the whole human race.” (Ibid.: I: 211; II: 12).⁸⁶

He is again and again occupied with the role of the *Incubi* and *Succubi*,⁸⁷ and in particular the question of how they, as spirits, without physical existence, manage to produce ‘witch children’:⁸⁸ First, the demon—in the form of compressed air—receives the seed as *Succubus* in order to then pass it on to the witch as *Incubus*. The problem here is:

“If it is said that the seed only has the power of generation as long as the warmth of the soul remains in it; but it must escape because the seed is brought over long distances: the answer is that the demons can store it somewhere to preserve the freshness of the seed, so that the warmth of life can not escape; or that they move very quickly because of the victory of the mover over the moved. Therefore, it does not cool down so quickly.” (Ibid.: I: 55 ff.).

A **sexual fixation**, which may—perhaps prematurely—be traced back to the intensified celibacy ideas and -requirements of this time: “The heart of the separation of the holy from the profane was sexuality” (Hsia 1998: 42),⁸⁹ which certainly played a central role in the development of the *witch* model and the associated desires and fears of sexual domination. At least Institoris describes this concern in his justification why women in particular fall victim to *witchcraft*, while he only treats male *witches* as ‘witch-hunting archers’ (ibid.: II: 161 ff.) Who are loyal to the princes:

“We conclude: Everything happens out of fleshly desire, which is insatiable with them [...]. Therefore, they also have to do with the demons to still their desires.” (Ibid.: I: 106).⁹⁰

The “neurotic” component of these concerns is finally concretized in the fear not only to be **impotent** (which *witches* could well accomplish), but in the fear that *witches* “usually hex the male members away”, which although neither they nor the demons could actually achieve, but they can ‘deceptively’ create a corresponding image:

“[B]y deceptive pretense, which pretense, however, has no place in the imagination of the sufferer, because his imagination can imagine that a thing is not present, even if he does not perceive it to be present through any external sensory action, seeing or feeling. Therefore one can speak of a true removal of the member, with respect to the imagination of the sufferer, even if not with respect to the true state of affairs.” (Ibid.: I: 138).

A highly modern interpretation that can plausibly derive some magical effect from the ‘imagined Placebo model’—without excluding other magical-demonic effects:

How *witch* effects can also arise. “For example, someone who walks over a beam placed high up falls down easily because he imagines falling in his fear; but he would not fall if that beam were placed on the ground where the person concerned could not fear falling. Item, the body glows at the mere perception of the soul, as in the covetous, or the angry, or it freezes, as in the fearful. It can also be transformed up to the disease, like fever or leprosy, as a result of vivid imagination and perception with regard to such diseases.” (Ibid.: I: 78 f.).

(4) **Legally**, Institoris knows the three classical types of proceedings:

“[T]he first, when someone accuses someone of the crime of heresy or of favoring the judge, by offering to prove it, and registering for the punishment of retaliation if he does not prove it. The second type, when someone denounces someone, but so that he does not offer to prove it, nor does he want to be part of the punishment; but he says that he denounces out of religious zeal [...]. The third type is the one by Inquisition, i.e. when there is no accuser or denouncer, but the rumor is busy in some city or place, (to tell) that there are witches there; and then the judge does not have to proceed at the instigation of a party, but even *ex officio*.” (Ibid.: III: 32).

Institoris advises against the first, the accusation lawsuit, because it is “very dangerous because of the punishment of retaliation” and “because it has many disputes in its wake.” (Ibid.: III: 32).⁹¹ He prefers the ‘**summary procedure**’ of the classical inquisition process, without indictment, with minimal defense rights—if the accused had to expressly request such, who could then be exposed to corresponding accusations himself, if he were to delay the process, for example (Ibid.: III: 61, 67). The sympathizers are included—“very severe penalties are also deserved by their followers, recipients, benefactors and defenders” (Ibid.: I: 187).⁹² Also badly reputed witnesses are allowed, such as “witches against witches, but only for lack of other evidence and always against and not for.” (Ibid.: III: 42).⁹³ He advises extended imprisonment to come to a confession:

“For frequent reflection, the misery of the prison and the repeated instruction by righteous men make him inclined to confess the truth.” (Ibid.: III: 85):

“[B]y proceeding summarily, simply and without ceremony in matters of faith, and entrusting the accused to prison for some time or some years, whether she might confess her crime after a year, oppressed by the horror of the prison, he (the judge) would not be unjust, but just act.” (Ibid.: III: 57).⁹⁴

As in the *heretic* manuals of Bertrand Gui (1324) and Nicolás Eymeric (1376), **interrogation tricks** and unfulfillable promises are allowed:

So one can promise the *witch* to let her live as a “key witness” and only sentence her to “lifelong imprisonment on bread and water”, “However, this prison sentence, as it is imposed, is not to be made known to her, but only the promise of life is to be made to her, and she is to be punished in some other way, for example, by banishment or in some other way.”⁹⁵ And others say that “one must keep the promise to her for a while and then burn her after a while.” “There is a third group of people who say that the judge can safely promise her the preservation of life, but in such a way that he relieved himself from the imposition of the sentence and appointed someone else in his place.” (Ibid.: III: 86 f.).

This should also apply with regard to the course of proceedings, the written procedure, the three-fold suspicion-level, depending on the extent of the rumor, the witness statements and the *witch*-indications, as well as the described in detail torture practice, each of which may only be ‘continued’, but not ‘repeated’ (ibid.: III: 88 ff.). Even the different procedure conclusions still correspond to the old practice: cleansing oath by a “so and so many people of your status and your reputation” if only the ‘evil slander’ existed, but further indications were lacking.⁹⁶ If he does not want to cleanse himself, “he will be excommunicated; if he has hardened this excommunication for a year with a hardened mind, he will be condemned as a heretic afterwards”—as was the case at that time in the Cathar -processes. If he has not found the number of cleansing helpers imposed on him, “he will be considered convicted and condemned as a heretic.” (Ibid.: III: 129 ff.); An ancient ‘Germanic’ relic that could hand over even the only ‘slightly’ suspected—especially from the lower classes, to whom the necessary following helpers were lacking—to the fire. From the public renunciation in the event of a ‘strong suspicion’ if neither witnesses nor confession, but *witchy* indications are available (ibid.: III: 141 ff.), About the ‘uncontradicted’, ‘furious’ suspicion, if he has been ‘convicted’ without confession (ibid.: III: 124) upto the transfer to the secular court with the final, hypocritically formalized request “that he may moderate his

sentence on you so that it remains on this side of bloodshed and danger of death” (ibid.: III: 172), Institoris takes over the Inquisition procedure, which has now been tried and tested for centuries.

A **summary heretic procedure**, which is dedicated to the greatest of all sins, which even “exceeds the sin of the (fallen S. Q.) angel and the (original sin S. Q.) of the first parents “in various ways (ibid.: I: 174):

“Just as, after the sin of Lucifer, the sins of the witches exceed all others, both in hideousness, since they deny the crucified, and in lewdness, since they commit fleshly obscenities with the demons, and in blindness of mind, since they rush into wild lust for any damage to the souls as well as the bodies of men and animals with the whole spirit of malice.” (Ibid.: I: 181).

(5) This also justifies going beyond the previous canonical practice of persecuting heretics and setting two important landmarks for the further development of the Inquisition process:

- By demanding the use of **secular courts** in addition to those of the bishop and the papal Inquisition, which were actually responsible for the crime of heresy; a demand that, from a secular point of view, the jurist Tholosan had realized and justified fifty years earlier (around 1436), because:⁹⁷

“It also seems that in the heresy of witchcraft, if not in other heresies, the diocesans themselves are able to relinquish their role in recognizing and judging on the civil forum; first of all [...] because this crime of witchcraft is not purely spiritual, but on the contrary, because of the temporal damages caused (by the witches), more civil, then also because one sees that special laws for the punishment of witches have been issued with regard to the whole course of the punishment. “

That is, “the secular judge can investigate and judge up to the final judgment, with regard to the penance he receives from the Ordinaries [clerics S. Q.]; otherwise with regard to a death sentence, which he can vote for himself.” (Ibid.: III: 29 f.).

- Contrary to the previous practice of heretics, which only provided for eternal imprisonment, those *witches* who have confessed and are repentant shall be handed over to the judgement of secular judges **like recidivists**, i.e. burned:

“In this heresy (of witchcraft), however, the secular judge, even if the spiritual judge accepts them as such for penance, may punish them with the last punishment because of the crimes that concern the general public, and the spiritual judge should not prevent him from handing them over, even though he does not give them to him for punishment, but leaves them to him.”⁹⁸

“[D]ue to the fact that they are not simple heretics, but apostates; and it happens that, in their apostasy, they do not deny out of fear of men or fleshly lust, no, they give up their body and soul to the demons and pay homage to him. From this it is sufficiently clear that, no matter how much they repent, and even if they return to the faith, they must not be imprisoned like other heretics in eternal imprisonment, but must be punished with the heaviest punishment, and this also because of the temporal damage that (they) cause to people and animals in various ways.” (Ibid.: III: 124, 71; I: 188).

(6) **Professional:** “Since it is our main intention in this work to release ourselves from the Inquisition of the Witches of Upper Germany, as far as it is possible with God, by handing them over to their judges for punishment” (Ibid.: III: 7), Institoris legitimates and propagates this work again and again in different directions as pleasing to God:

- First of all, as already in the two earliest *witch* trials (Sect. 4.5.5), all those who deny the reality of the *witch* are themselves heretics. A sentence that is still valid today, which secures one’s own professional opinion and accordingly diminishes or even ‘damns’ the opposing view. In this sense, Institoris propagates at the beginning of his explanations—in confrontation with the “false teachings” based on the *Canon Episcopi*:

“Those who say that there is no witchcraft in the world, except in the imagination of people; also do not believe that there are demons, except in the imagination of the great multitude, so that man would attribute the errors that he makes to himself to the demons [...] Since this contradicts the true faith, according to which we believe that angels have been cast out of heaven and become demons [...]. But since unbelief is heresy in a baptized person, they are accused of heresy.”

Especially since this “serves the infinite damage of the holy church, because for many years [the *witches*] have been left unpunished because of this pernicious opinion, because it took away the power of the secular arm to punish them; therefore they have grown to such an extent that it is now no longer possible to exterminate them.” (Ibid.: I: 4; II: 42).⁹⁹

- Therefore, the judges are not only obliged to pursue *witchcraft*, but in danger of sinning themselves if they did not:

In particular, the “bull of the pope as well as the teacher experience, which has made us so certain according to the confessions [of the *witches*] and the crimes they have committed that we can no longer abstain from the Inquisition without endangering our own salvation”; so that “the sins of the judges are not aggravated if those remain unpunished.” (Ibid.: I: 39; III: 53).

- Then he—as, by the way, already the Judge Peter von Greyerz in the case of Stadelen ¹⁰⁰—declares that “that horrible race with its sorcery” can not harm those who “exercise the public jurisdiction against the witches or act against them in any public office”, “because “immediately all witchcraft fails as soon as they are caught by officials of the state judiciary”:

“Because, after all, all power is from God and the sword according to the apostle for the revenge of the wicked and the retribution of the good, it is no wonder that then the demons are restrained by the power of angels when the judiciary is exercised for revenge on that terrible crime.” (Ibid.: II: 5, 3). ¹⁰¹

This may explain why, with the exception of the “witchcraft of silence”, one so rarely meets “real” *maleficia* in court. But here, too, one would be on the safe side—and ultimately also as a means of “meeting the vain with the vain” (ibid.: II: 263), Catholic confirmed:

“it is to be observed by the judge and all assessors that they do not let themselves be touched by her [*witch*] physically, especially at the naked connecting point of the hands and arms; but they should carry consecrated salt and consecrated herbs with them on Palm Sunday at any rate. These things, namely, wrapped in consecrated wax and worn around the neck, have [...] a wonderful preventive effect, not only according to the testimony of witches, but also because of the practice and custom of the church.” (Ibid.: III: 92).

- Finally, such a judge should also have no qualms about possible **miscarriages of justice**, because even the innocent convicted person may hope for paradise, as the heretic-inquisitor Konrad von Marburg (1231 had already preached in the succession of Arnaud Amaury before Beziers (1209):

“Although natural death is the greatest terror, it is not enough because it is set by nature as a punishment for original sin [...] if it is voluntarily suffered and patiently awaited and brought to God in all its bitterness. A violent death, however, is, whether someone deserves it or not, always satisfactory if it is borne patiently and gratefully.—This with regard to the punishments that are imposed for the sins of others.” (Ibid.: I: 192).

Quite apart from the fact that Satan would hardly bring an **innocent** person into such an evil reputation—which is why the evil defamation already justified burning at the stake in the event of a failed cleansing oath:

“Although the demon may be able to bring a person into an evil reputation because of other vices—but to bring him into an evil reputation because of such a [*witchcraft* S. Q.] vice, which cannot be committed without him, does not seem to be good possible. Moreover, it has not yet happened or been found anywhere that an innocent person has been brought into such an evil reputation by the demon and thus condemned to death because of such defamation.” (Ibid.: II: 1124).

- And just as the not infrequent **process-suicide** of the *witch* does not confirm the torment of imprisonment and torture, but only her culpable involvement with the ‘enemy’:

“You can see some people after confessing their crimes intending to take their own lives, that they take their own lives with the noose or by hanging, which is definitely caused by that enemy, so that they do not receive forgiveness from God through sacramental confession.” (Ibid.: III: 83).

(7) Instead of trying a first summary at this point, I quote from the last pages of **Joseph Hansen’s** *Zauberwahn* from the year 1900, who was ‘a liberal and vehemently anti-clerical archivist from the Rhineland’, “who could still share the belief in the progress of mankind and the ‘new spiritual movement’ since the 17th century [...]. The ‘Zauberwahn’ is still the most exciting and best work on the genesis of the witch-hunt, at the same time a document for a form of cultural history, which was soon to disappear in Germany for a long time.” (Honnegger 1978: 11 f.):

“Around the turn of the 16th century, that is, before the appearance of Luther, this delusion was no longer exclusively theological, but it had already become the common property of the educated world, a part of the general world view, which the sense of reality systematized alienated mankind had taken over from the authority from which she usually received religious beliefs and accepted as inexplicable certainties. Those blinded theologians who in the 15th century pushed the cumulative concept of witchcraft to the limit and defended the last objections of common sense belonged to the recognized spiritual leaders of the time; the Nider, Jacquier, Institoris and Sprenger were also leading personalities in the efforts of the order reform of the 15th century, which one would like to attribute today in historical considerations about the late Middle Ages special importance.” (In: Honnegger 1978: 154 f.).

In the moment when this *witch* schema came into the hands of the **secular judiciary**, that is, when ideology and apparatus became one dispositiv, an **instrument** was created, which, like the *heretic* dispositiv at the time, detached from its original conditions of origin, for 200 years functional in highly temporal and spatial different situations could be used—or, in the face of other alternatives: not used—when specific (power) interests should be legitimized and enforced in this way.

6.5 A Missed Opportunity or the Time of Incubation

“In the decades after the Reformation, it did not look as if the inquisitorial witchcraft delusion had a future in Germany.” (Behringer 2000: 78).

But first of all, the persecution of *witches* lost much of its momentum after its early peak in the 15th century—in Northern Italy, in Switzerland, in the Dauphiné in Western France, in Innsbruck and in Ravensburg in Upper Germany¹⁰²—between 1520 and 1570, only to gain new strength again **starting in 1560** with the persecutions in Wiesensteig in Southwest Germany **Wiesensteig**, near Göppingen (1562),¹⁰³ and reaching its first great peak in the **Trier** persecutions around 1585 in a first great wave of persecution¹⁰⁴:

During these years, “criticism of the concept of witchcraft by the Inquisition among theologians and jurists, that is, among the intellectual elite of the time, was so widespread that there was reason to hope for an end to the spook” (Behringer 2000: 79).¹⁰⁵

A half, almost *witch-free* century,¹⁰⁶ but a time of *incubation* in which the two viruses that were to shape future *witch* events could develop in the background, exemplified by the example of the **Anabaptists**: The fear of a diabolical conspiracy on the one hand and the secular instrument of the Inquisition on the other hand:¹⁰⁷ Sabbath and the mirror image of the ‘play’ of *witch* burning:

“The reactive, demonizing rhetoric of Catholic and Protestant propagandists against their Anabaptist critics contributed greatly to the resurgence of anxiety about heretical, diabolical sects conspiring against Christendom, intensifying popular pressure to persecute those responsible for divine wrath and making sure that judges would pressure suspects to deliver names of co-conspirators.” (Waite 2012; 212).

(1) With the Reformation, the **papal Inquisition** had largely collapsed in Germany and had been taken over by the episcopal and secular courts, which, however, as **secular** courts, primarily pursued magic that caused damage, but initially did not recognize the concept of witchcraft of the Inquisition. So the ‘moderate’ **Carolina** (1532)—representative of the thinking in this ‘incubation’ time—offered a juridical-procedural basis on which the—in her as such ‘*witchcraft*’ unknown—‘*witch*’ delicts were made entirely ‘worldly’ on the damage, and not on the God-denying *apostasy* (cf. Sect. 8.3). And the worldly jurisdiction against such *witches* desired by Institoris and by the judges Greyerzand Tholosan at the end of the 14th century—that is, at the beginning of the *witch*-persecution—could

already build on this juridical basis. Namely, in particular in the area of—episcopal, lordly and imperial-free—urban jurisdiction, but only in the course of the late 16th and 17th centuries did it degenerate into sheer *witch*-persecution.

(2) A turbulent, anxiety-ridden **‘reformist’ transitional period**, in which one—in the upper echelons of society—once again feared the end of the world, the impending apocalypse:

“Not only did Luther struggle against Satan, but he lived in the shadow of the apocalypse, believing that he would witness the final cataclysmic battle between the Devil and Christ which would sorely test the faith of believers.”; “Martin Luther used this fear to promote his agenda for reforming the Church, which quickly gained immense popular support.” (Waite 2003: 59, 231).

A time in which the newly emerging three confessions—Lutherans, Calvinists and “counter-reformed” Catholics—first had to consolidate their approach to faith internally and externally, that is, with and against each other as well as against their dissenters—Anabaptists/Wiedertäufer,¹⁰⁹ Philippists,¹¹⁰ Old Catholics¹¹¹ etc.¹¹²

Where they first—verbally—through preaching and pamphlets not only used the newly established vocabulary of the devil **reciprocally** against each other, but also anchored it in the *Commonsense* in such a way that gradually this “learned” model of the devil also infected the rural devil:

“However, during the 1540s to 1560s, the countless sermons and pamphlets warning the populace of the Devil’s evil plots and the nearness of the Antichrist’s arrival had worked their magic, reviving fear of diabolical conspiracies.” (Waite 2003: 231).

In a time which was not only threatened from the outside by the Turks. But in which, after the experiences of the Hussites wars (1414–1436) in the first half of the 16th century and the peasant wars (1524 –1526)¹¹³ as well as in the “Täuferreich” in Münster (1531-1535)¹¹⁴ and in the reformatory iconoclasm (1522–1566)¹¹⁵, one experienced very “realistically”—“threatening” forms of a “conspiracy” widely “religiously” coloured in the second half of the 16th century, which finally, in the French Huguenot wars together with the *Bartholomew* night of 1572, caused horror throughout Europe. Bartholomew night (1572)

(3) In order to take up the **old heretic—politics** towards the ‘left’, ‘radical’ Protestantism in a new inquisitorial way, at first most realistically.¹¹⁶ This applied in particular to the persecution of the **Anabaptists**:

“Between 1520 and 1565, several thousand individuals had been executed for their dissident religious beliefs, some two-thirds of them Anabaptists who had terrorized the authorities with nightmares of popular revolts and sedition far out of scale with their actual threat.”

“Although the demonizing rhetoric was always greater than actual efforts of suppression, during the sixteenth century thousands of individuals were arrested, tortured, and executed because they were perceived to be a profound, diabolical threat to the social order. Until 1560s and 1570s, the judicial slaughter targeted religious dissidents, particularly Anabaptists in the Empire, Anabaptist and Calvinists in the Low Countries and Calvinists in France. Starting in the 1560s, judicial persecution of a sect of witches was revived, and once again the beliefs about religious dissidents were transposed onto the imaginary sect of witches.”¹¹⁷

A new type of heretic-politics, which on the Reichstag in Speyer in 1529—thus three years before the *Carolina*—almost literally repeated the old *heretic* regulations from 1229 in a *Anabaptist mandate*¹¹⁸:

“Whoever has been re-baptised or has submitted to re-baptism is to be punished with death, without it being necessary for a spiritual inquisition court to take action first. The obstinacy of adhering to Anabaptist teachings is to be punished with death. Whoever leads the Anabaptists or drives their instructions forward is not to be pardoned under any circumstances, not even if they renounce. Whoever, after a first renunciation, has relapsed and renounced again is not to be pardoned any more. The full punishment shall apply to them. Whoever has fled from the Anabaptists to another territory is to be pursued there and brought to punishment.”

But Anabaptists and *witches* differed in two respects. With the Anabaptists, who, as it were, as the “fourth” confession¹¹⁹ openly confessed their faith,¹²⁰ in addition to the dominant men, **women** also took on religious leadership roles;¹²¹ although, according to Waite (2013a), up to this time—the second half of the 16th century—the exclusively “male” *heretic* model still prevailed:

“Anabaptist women, however, at times asserted a greater level of religious leadership as prophets, informal teachers, and martyrs.” Nevertheless, the general principle still applied: “A central difference between Anabaptists and witches is gender, and this helps to explain why Anabaptists were not demonized successfully, as the Waldensians had been in the fifteenth century.” “In the 1560s, as jurists and inquisitors switched their focus from heretics and conspirators to demonic witchcraft, the gender of suspects changed abruptly from men to women.” (Waite 2013a: 496, 498, 503).

(4) And yet this was only an “alternative breathing” before the great *witch*-fear, which **in the 50s / 60s**—almost two (propaganda)—generations after Luther’s

theses-attack—**newly “awakened”**. With three different, but closely related, components of fear: the fear of the damage-causing Satan, the concern for salvation and the ambivalently occupied interest in “white”, as well as in “learned” magic. Even the devil was approached with such a fear of pleasure. Namely, both in the world of **literate people**:

“The second half of the sixteenth century saw the rise and climax of a new genre of literature, the devil-book. In its most typical form it concentrated on a human vice or weakness like swearing, drinking, or dancing, and showed how devilish it was. Other works of this genre gave popular analyses of the power of the devil and his servants, the witches and magicians. The general effect of these pieces was to suggest that the devil was everywhere.”¹²²

As above all else also as a **warning image of terror**, with which the preachers called for repentance and remorseful insight in the face of the impending doom of the world. A ‘repentance’ in which it was about the ‘inner soul salvation’, about ‘true piety’, about the signs of the ‘chosenness’, about renunciation and self-examination, which could occur as much in a Lutheran as in a Calvinist, but also in a Jesuit way—for example in the mentioned Bavarian *mandate against all worldly joy* from 1593. Still caught in a more magical-religious mentality, they competed with each other as well as with a Renaissance-like lust for the ‘learned’ magic and a—replacement?—again profitable and to be fought ‘white’ magic of the healers, seers and witch finders.

As representatives of the ‘true faith’ of different confessions, in ‘pastoral worry’—for the sake of the entrusted as well as their own soul salvation—they used not only the confessional and the sermon, but above all the secular swords of law, justice and court, if they could not realize this themselves in a secular-episcopal double function:

“This new social toughness corresponded to a radical transformation of mentality among the ruling elite independent of nominal confessional allegiance [...] In crass terms, they departed from an open, vivacious, pleasure-seeking, this-worldly oriented, ‘Renaissance’ mentality, with contact with the popular world of the carnivalesque, to seek refuge in dogmatic, confessional, ascetic, other-worldly oriented, religious principles that offered solace in a situation perceived as precarious.” (Behringer 2007: 80).

(5) So an incubation stage, from which, after the Augsburg Compromise (1555), which, however, did not include the Calvinists, a **‘confessional’ ‘state’** should develop on the basis of the *cuius-regio-eius-religio* principle:

“At the same time, the exclusive jurisdiction of each ruler over his own territory was to be respected by every other. Each principality became a sovereign state in its foreign relations.” “Thus the principle of sovereignty, vested in princes and their councilors and high officials (the *Obrigkeit*) which was finally established within Germany in the Peace of Augsburg of 1555, was extended after much bloodshed, to all the European nations in their relations with one another under international law.” (Berman 2003: 66, 62).¹²⁴

A “state” that first shut down the open “heretical” resistance, in order then, with the “instrumentation” developed in the process—fear of the devil and worldly inquisition—in the transition to the early-absolutist form of government in the fight against an even more dangerous,¹²⁵ clandestine conspiratorial *witchcraft* to acquire the sovereignty-necessary **legitimization**:

“Once revived, witch panics took on lives of their own, spreading to realms that had either long suppressed their religious dissidents or had never had to deal with them. The fusion of elite-demonizing rhetoric against anticlerical heretics with popular anxiety over militant conspiracies, fear of divine anger, and intensified suspicion of assertive women, were significant features in the revival of witch-hunting in the 1560s in Germany.” (Waite 2013: 503).

6.6 A Short Interim Conclusion of the Long History

(1) If you follow the history of the *witch* persecution described in the four preceding chapters—which of course did not proceed in such a straightforward or regionally similar manner—it will first become clear how, on this “magical” background, the **three central moments** of this construction—in each case in a different time-dependent combination—came together: popular belief, clerical interpretation and worldly interest.

In this respect, the originally **popular demon belief** preserved its ambivalent attitude towards “good” and “bad” demons, Lamiae, nature and household spirits,¹²⁶ fairies and *donas de fuera* right up into the corresponding ambivalent practice of white and black magic. An ambivalent attitude that also applied to the chances and risks of “learned” magic, which, because it was “learned”, required a corresponding education, was mainly practised by elevated “clerics”, that is, those with a university education. But “down below” as well as “up above” it was always about **“material”** consequences, about damage or benefits, predictions and curses, which, however, were mainly condemned as heretical by the church at this time.

The thereby already mentioned **secular component**, which already used the devastating Albigensian Crusade and the instrument of the newly invented Inquisition in the interests of sovereignty—up to the “Peace of Paris” (1229)¹²⁷ and the destruction of the Templar Order by French King Philip IV. (1309)—dominated the **courtly sorcerer’s trials** of the 14th century. Here, too, it was not about heresy, but about worldly *maleficia* in the struggle of courtiers for reputation and position. A material attitude, which then also—at the beginning of the *witch-time*—suggested the worldly takeover of the originally papal-clerical Inquisition process, as already Peter Greyerz (around 1400) and Claude Tholosan (1436) pursued in the persecution of sovereign interests. A worldly, *maleficium*-oriented interest, which was then also taken over by both the “Dominican” *Witch Hammer* (1486) and the imperial *Carolina* (1532). A material-oriented orientation, which in the 16th and 17th centuries was temporarily lost to the Reformation, especially since the—now established—secular jurisdiction could retreat to the new theoretical-demonological basis of the “**implicit pact**” and the Sabbat-allegations.

However, the decisive weight fell on the “**clerical**” component. In this time of the decline of the papacy—Schism from 1378 to 1417—and the success of the “more modern” heretical movements from the Hussites to the Reformation, the previously “rational” *Canon Episcopi* attitude was given up; an attitude that Pope John XXII. had still represented in his bull *Super illius specula* (1326) as a warning against excessive Inquisition proceedings. Namely, in favor of a new myth, which was fed by emotionally charged conspiracy fears and eschatological fear. In order not only to hold internally together and externally separate the competing confessions from each other, but also to successfully serve the early-absolutist interests - *cuius regio eius religio*—at the same time.¹²⁸ Functions, which the contemporaneous humanism lacked, so that it had to remain ineffective in this stage, no matter how much it fertilized the accompanying intellectual skepticism.

(2) At the same time, this prehistory refers to three further aspects which typically drive the **development of such ‘social problems’**.

- First, the **vicious circles** (*circuli vitiosi*) which, over time, develop dynamically in a spiral-like manner, for example in the way demonology recurs to popular conceptions in order to ‘theologise’ them and ‘bring them back to the village’, which in turn served as confirmation for inquisitorial proceedings.
- Then the **demonological-theoretical processing**, which develops on the one hand—‘autopoietic’—in the abstract collegial ‘conversation’¹²⁹ and which, on the other hand, is adapted to ‘practical’ requirements—in order, for example, to make the devil physically appear.

- And finally the need to emotionally anchor this interpretation in a propagandistic way in both the *Commonsense* and in the minds of the individual participants in such a way that it—just as ‘self-evident’ as ‘generally comprehensible’, but by no means always conscious—can guide the perception, attitude and behaviour of those involved.¹³⁰

Fifty years of construction were required for the ‘hiatus’ and it took around 250 years for this ghost to leave people’s minds, which I will discuss in more detail in Chap. 13.

But before that, in my second “legal part”, I would like to discuss the development of this *witch* drama in more detail in the following four chapters, as it emerged on the village (Chap. 7), in the judiciary (Chap. 8), in the excess (Chap. 9) and, towards the end of the *witch* time, in the phenomena of possession and child *witches* (Chap. 10).

Notes

1. “Preaching involved a combination of exhortation to goodness, including obedience to authority, and warnings of the penalties for sin, including recourse to magic with or without invocation of the Devil, which would fall not only on individual sinners but on the entire community. Parishioners were expected to come to services regularly, weekly at the least, and more frequently was desirable.” (Bevers 2008: 357 for Lutheran Württemberg).
2. “There may also have been uncounted numbers of less educated clergy and those in minor orders who completely shared the folkloric views of the majority of the laity in the communities around them.”; “Yet many of the clergy seem to have found that ‘demonizing’ folklorized religion was too blunt and too extreme a weapon to use in the contexts where it mattered. Many people would simply refuse to accept that there was anything wrong in practices that were so obviously intended to be helpful.” (Cameron 2011: 138, 139). Convincing examples can be found in Iveta Todorova-Pirgova (2008) from Bulgaria at the beginning of the 20th century.
3. Schwarzwälder (1959: 214–216) reports that “the pastors also took care of their parishioners who were harassed and seduced by demons and the devil”. “From the pastors, denunciations were also made to the secular authorities. Such cases existed everywhere in Northern Germany. The most curious are the efforts of the pastor of Jakobidrebber in the county of Diepholz, who in 1695 took extensive protocols from two children about the witches’ affairs of a woman and sent them to the district court.”.

4. “The first trained jurist to offer guidelines for trying witchcraft in secular courts” (Monter 2002: 41). S. the connection between state formation and witch hunting at Bodin: Opitz (2008: 49-58): “Starting from the political dimension of witchcraft and the crime of witchcraft”—“as a means of stabilizing the state”—“he turns to the proposed (mostly legal) means of combating witchcraft.” (a. a. O.: 58)
5. For the analogous difficulty of the historian “to decode the information content or the precise content”, “to come to the bottom of the relationship between fiction and reality in the factual narratives of confessing [youthful] inquisitors”, see the thorough analysis of Rainer Beck (2012, 2016: 165–167).
6. Such a “questionnaire for the witchcraft process”, (1622) can be found in Hartmann (2007:124-127), or for Bamberg in Gehm (2012: 82–86).
7. “We should never underestimate the enormous fear, the shuddering terror that not only the witches but also their persecutors experienced. In what deep and trembling fears were the ruling classes, the village and town authorities, when they abandoned their sense of justice and their human compassion and behaved like inhuman beings?” (Lorenz / Midelfort 2006).
8. A short, informative overview of the relevant demonology literature of this *witch* time can be found in Edward Peters’ (1998) introduction to the Cornell University website listed in the bibliography.
9. Prague (1347/48), Heidelberg (1385), Cologne (1388). “In 1300 there were around fifteen universities in Europe, and none in German lands. By 1378 this number had doubled to around thirty, including the first German universities in Prague and Vienna. Across Europe, seven more came into existence between 1378 and 1400 (an additional eighteen were established in the first half of the fifteenth century). These newer universities were, in contrast to many older ones, founded by kings and princes, and they existed more directly to serve immediate political and religious needs.” (Bailey 2008: 128 f.).
10. Thus Pearl (1999: 59, 68, 70) speaks of a “network” of French, mostly Jesuit demonologists between 1530 and 1560, who had formed around Jean Maldonat at the newly founded Jesuit College de Clermont, whose lectures preceded the massacre of the Bartholomew’s Night (1572): “France’s demonologists were not a random group of unknowns who happened to share a particular obsession. They were, rather, a network of noted people who were committed supporters of the Catholic zealot party in the wars of religion. Many of these writers were intimately connected by personal relationships as well as by education and religious sentiment.”; “Several of

- France's major demonological authors of the next generation were students at the College de Clermont between 1565 and 1572, knew Maldonat and heard his famous lectures. These authors acknowledged their debt to Maldonat, and cited him frequently in their own works. Martin Del Rio, Louis Richeome and Pierre de Lancre were among this number.”
11. “The universities brought together legal scholars—teachers and students—from all over Europe, brought them into contact not only with one another but also with teachers and students of theology, medicine, and the liberal arts, and made them an calling or, in today's terminology, a profession.” (Berman 1983: 123).
 12. “Russia, like its Baltic neighbors (who also avoided the hegemony of a satanic template), developed far less institutional or technological infrastructure, which in turn posed obstacles to the consolidation and dissemination of uniform ideas [...] In Russia there were no universities at all until the mideighteenth century, and so this route to building a consensus around demonology was closed.” S. auch Kivelson/Shahen (2011: 29): “While acknowledging the occasional whiff of sulphur in the records of Muscovite witch belief, we find a conspicuous absence of any homogeneous theory of magical origins or efficacy, whether demonological or other, even at the highest levels.”
 13. “This work, which in a modern edition fills over 1400 printed pages, was the first comprehensive and systematic legal treatise in the history of the West and perhaps in the history of mankind.” “Together with Gratians *Decretum* [1140] the *Decretals* of Gregory IX [1234] remained the basic corpus of the canon law of the Roman Catholic Church until the adoption of the *Code of Canon Law* 1918.” (Berman 1983: 143, 203).
 14. |Claude Tholosan!: “One of the most important representatives of royal power in the region and he put the persecution of the new witchcraft crime entirely in his jurisdiction. Inquisitors thus became practically royal officials.” (Blauert 1989: 29). S. auch Kieckhefer (2008: 33–38): “They [Tholosan und Kramer/Institoris] were not arguing that secular judges could act against witches: secular courts already were doing so apparently without significant qualms or opposition. But they were attempting to motivate these judges to emulate their own proactive manner of prosecution.” (a. a. O.: 38).
 15. Paravy (1990: 147), dort auch der Text des Traktates.
 16. At the time of the execution of [Balthasar] Roß [1618 s. u. Sect. 12.2.2 (1)], there were 7 Catholic universities in the empire with the exception of the Austrian countries: Cologne, Freiburg i.Br., Ingoldstadt, Trier, Mainz,

Dillenburg and Würzburg. On the Protestant side there were 13: Heidelberg, Erfurt, Leipzig, Rostock, Greifswald, Tübingen, Wittenberg, Frankfurt/Oder, Marburg, Königsberg, Jena, Helmstedt and Gießen—in the order of their foundation years. Only full universities with imperial privilege and the right to award academic degrees are mentioned.

17. Then, however, a large number of universities were founded in order to prevent the visit of foreign universities by members of one's own group and to attract leaders who were compatible with the system. In the empire without the Netherlands, 12 Catholic and Lutheran as well as 8 Reformed universities were founded in the confessional period, in addition to 5 more Reformed universities in Switzerland alone.
18. "The Reichstag was convened at irregular intervals in a bishop's city or imperial city until the 16th century and was [by the way, similar to the Bundesrat today as the representation of the federal states vis-à-vis the party-politically elected federal government / parliament] the decisive counterweight of the estates vis-à-vis the imperial central power. Since 1663, the Permanent Reichstag has been meeting as a permanent congress of envoys in Regensburg."

The imperial abdications and imperial treaties dealt with a wide range of topics on which consensus had to be reached between the emperor and the various estates. Issues such as the expansion and development of government, administration, justice and the military were therefore dealt with at imperial level. Other topics included the preservation and restoration of the Landfrieden, the regulation of the peaceful coexistence of the different Christian denominations, the declaration of war and peace, the financing of imperial institutions and imperial enterprises and the shaping of the economy in the empire." (de.wikipedia.org/wiki/Reichstag).

19. See below Sect. 9.2 (3) note 40).
20. "[T]he law of Magdeburg, dating from the twelfth century, were received to over eighty new cities, the laws of Lübeck were received in forty-three cities, those of Frankfurt in forty-nine, of Freiburg in nineteen, of Munich in thirteen. Typically, the newly founded 'daughter city' would send for the laws of the 'mother city'. Whose leading judicial officers would prepare a new edition of them. Also the courts of the daughter city would often submit individual cases to the judges of the mother city." (Berman 2003: 34).
21. "The Magdeburg Rulebook [...] gave many of the Lower Saxony settlements in the east the model, penetrated as far as the Baltic and Poland, conquered Novgorod and Minsk." (Roeck 2017: 208). See also: (de.wikipedia.org/wiki/Magdeburger_Recht).

22. Thus, the Dominicans Johannes Mulberg, who led the Basel Beghin trial (see above, Sect. 2.6 (3) note 151), Nider and Sprenger came from the same Basel Dominican monastery (Blauert 1989: 119), while the Lausanne Dominican Uldry de Torrenté as inquisitor between 1430 and 1440 in the West Swiss cities decisively advanced the transition from the heretic to the witch trial on the basis of the Basel Council discussion (1431–1449) (see below, Sect. 6.3).
23. Blécourt/Waardt (1990: 188 ff.); see also Zürn (2008: 208).
24. (Behringer 1988: 134). An extensively illustrated overview of the ‘executioner’ in his ‘taboo and ambivalence’, ‘self-understanding’ and ‘number of executions’ in: Schild (1997: 177–196). See also Nowosadtko (2004). Joel Harrington (2015) describes the situation and practice of such a ‘state murderer’ in his ‘lifelong struggle for respectability’ on the basis of the diary of the Nuremberg executioner Meister Frantz: “In the first ten years of his service to the city of Nuremberg, Meister Frantz whipped 191 convicted men, hanged 71 delinquents, beheaded 48, wheeled 11, chopped off five fingers and cut off three ears.” (a. a. O.: 204).
25. But this does not lead to imitation by any means: “If you preach this to the people, no one among them [in the milk-witch] will be instructed by truly. For however much he calls on the demon and believes that he can carry this out by mere invocation, he will deceive himself, because he lacks the basis of that perfidy: because he has not paid homage and has not denied the faith”, that is, the ‘pact’ is missing. (Kramer / Institoris 1486/1985: 148). Nevertheless, the reading of the sayings was repeatedly—in vain—prohibited, for example in the witch process ordinance of Electoral Trier (1591).
26. For folklore in the vicinity of the execution, the executioner, the gallows and the ghosts of the condemned, see Davies/Matteoni (2017).
27. “Recent representations emphasize the character of the execution as a popular public spectacle, as a focus for collective emotions such as hatred or pity, and as a community cleansing ritual.” (Schwerhoff 2011: 97). Thus, the Wyhler pastor Matthias Hagenbuch, Augustinian canon from St. Märgen, reported on the execution of Anna Truttin in 1751 that “she should be burned alive, which was also carried out on her on April 24, 1751, the spectators were more than 10 to 12,000.” (Graf 2016: 94 f.).
28. Cf. in general on the practice of execution as a “spectacle of death”: Dülmen (1984). Huxley (1955: 267): “Most of us find it hard to believe that we ever took pleasure in the spectacle of a public execution. But before we start congratulating ourselves on our finer sensibilities, let us first remember that we were never allowed to see an execution, and secondly, that

- when executions were public, a hanging was as attractive as a Punch and Judy show, and a burning was the equivalent of a Bayreuth Festival performance or an Oberammergau Passion Play—a great event that was well worth a long and expensive pilgrimage.”
29. “In the late Middle Ages, modes of execution were matched to each crime. Witches, sodomites, arsonists, and counterfeiters were burned. Thieves were hanged with the noose, traitors drawn and quartered, murderers set on the wheel. Female thieves were drowned and murderesses were usually buried alive; both of these were sex-based mitigations of the usual mode of execution. Similarly minors were drowned; doubt existed regarding the full culpability of women and minors and the punishment of drowning was slightly more survivable than other modes of execution. As such, it contained an element or ordeal, leaving the final verdict to God.” (Strokes 2011: 115).
 30. Kate Leader (2020: 247) in her analysis of the International Criminal Court, newly established in 1998/2002.
 31. So the Dominican Vincent Ferrier “the one who constantly proclaimed that the *Last Judgment* ‘*cito, bene cito ac valde breviter*’ (‘soon, very soon, within a short time’) would break in. So his favorite speech. Seven out of ten of his sermons speak about the Last Judgment” (Delumeau 1985: 332). “As a penitentiary preacher [he traveled] through large parts of Spain, France—in 1403 he was in the Dauphiné [where the first syncretistic heretic-witch- proceedings under Tholosan were carried out], as well as Italy and around the year 1400 also parts of today’s Switzerland.” (Blauert 1989: 118).
 32. For example, in the representations of the *Last Judgment* or in the witch/devil pictures, with which Johansen (1990: 233) demonstrates the advance of the *witch*-fear in Denmark: “The believers could only find out that the devil was *in the church* through the wall paintings.” Already Pope Gregory the Great († 604) is said to have said: “What writing is to the learned, painting is to the ignorant, and for the people the image takes the place of letters. On walls they read what they cannot decipher in books.” (in Lerner 1984: 119).
 33. Andreea Marculescu (2012: 185, 170) very nicely illustrates how, for example, in Jean Michel’s mystery play *Mystère de la Passion* (1486): “theatre becomes a medium by means of which the notion of witchcraft enters collective memory and shapes people’s perception of the role of the demonic in the world”, in particular “allows a critical re-evaluation of those aspects of witchcraft that theologians struggled the most to conceptualize:

- the material existence of demons, and the linguistic and corporeal idioms that demons used in their encounters with humans.”
34. ”If there were a saint of witch hunting, this dubious honor would go to Bernhard von Siena (1380–1444), who was canonized in 1450.” (Decker 2013; 45). “For nearly forty years of his public career, motivated by an uncompromising spiritual zeal and some profound personal psychic drive, Bernardino waged a veritable one-man antiwitchcraft campaign. The spark of his campaign then went on to inflame some of his contemporaries, who joined in the endeavor to expose and eliminate these enemies of society.” (Mormando 1999: 53).
 35. Approximately 45 days during Lent, usually for several hours, in front of large audiences: “In the late summer of 1427 [...] Each day, for forty-five days, people in the thousands—forty thousand, says one contemporary chronicler with some exaggeration—gathered just before the break of dawn in the dimly lit arena of the town’s main square, the Piazza del Campo. There, for two, three, or more hours they sat listening to the ‘soft, clear, sonorous, distinct, explicit, solid, penetrating, full, rounded, elevated and efficacious’ voice of friar Bernardino”, begins Franco Mormando (1999: 1) his analysis of the previously underutilized sermons of Bernardino.
 36. A pedagogical topos that could still be found in some pious “black pedagogy” today.
 37. In the introduction to his broad section “*Witchcraft and Religion*”, Stuart Clark (1999: 437 ff.) emphasizes the role of this literature directed at the lower clergy: “The questions these authors addressed were largely to do with the problems of piety arising from the personal good fortune or (more usually) misfortune of parishioners, where the last thing that was needed was complicated metaphysics or philosophy”; “One senses a faithful transposition of the ideas taught in countless faculties of theology into the writings of their clerical graduates. Conversely, the same topics received constant attention from the dogmatists and casuists themselves”; “to neglect this literature is, thus, to get a false impression of the incidence of demonology in early modern culture.” (Kasustik: casuistry, a practical moral doctrine based on individual cases).
 38. (Harmening 1990: 79). “Catechetical texts are [composed as a link between ‘above’ and ‘below’, expressly ‘for instruction of the simple laymen’ [...]] ‘It would probably be good if, as in former times during the plague, the medical faculty would draft a little treatise (‘tractulus’) for the instruction of individuals, the theological faculty or on its behalf would produce a little work on the main points of our religion and especially on the command-

- ments for the instruction of the simple ('simplices').” (Johannes Gerson (†1429) according to Harmening 1991: 52). See also: Cameron (2011, Part II).
39. For Luther’s critical position in the Reformation process, see Kolb (2004).
 40. “It was the academic training of the original members that enabled them to understand how the running of schools could be a new and important ministry, with the result that the Jesuits became the first teaching order in the Catholic Church.” “[T]he Jesuits learning based to a large extent on subjects outside the traditional clerical curriculum became systematic in ways and to a degree different from the others. The Jesuits interpreted the humanistic program to entail theatre in which the students played the parts, which in turn often entailed singing and dancing, at least in the intervals between the acts.” (O’Malley 2004: 225, 227).
 41. The catechism of the Jesuit Peter Canisius (†1597) was also very popular on the Catholic side: “The number of other sixteenth- and seventeenth-century catechisms, catechism studies, and guides to pastors and householders composed for individual Catholic territories (eventually dioceses) or for general use is very considerable.” (Clark 1999: 500 f.).
 42. For Württemberg, Bever (2008: 359) writes: “This [catechism] orientation was most clearly indicated by the facts that the school system was overseen by the Church Council; teaching was not an independent profession but the first stage of service for prospective pastors after finishing their studies; and one of the duties of pastors was to visit schools weekly to check on the student’s progress in learning the catechism. Children were expected first to memorize ‘the Ten Commandments, the Creed, the Lord’s Prayer etc. ... word for word’ then study the short explanations of each element in the Small Catechism, and finally move on to the lengthy exposition of the Large Catechism.” While in the Catholic areas the Jesuits took on this function. Does this remind us of the so-called Koran schools?
 43. “At certain times the pastors, especially Protestant ones, devoted whole series of sermons to this theme” (Weber 1999: 103).
 44. Clark (1999: 512), who deals with this acculturation in his chapter *Acculturation by Text* in great detail—which is quite controversial in the debate about the Muchembled/Delumeau theses (see above. Sect. 1.2 (1))—supplements this ‘attempt’ with a “at least in intention”. Cameron (2011: 142) comments on this: “The only issue for debate appears to be whether the enterprise of dissuading the masses from their traditional beliefs succeeded or not. If it succeeded, it was ‘acculturation’; if it failed, then the outcome was a separate ‘elite culture,’ [...] On the other hand, a more recent genera-

tion of social historians appears to argue against the idea of any substantial change, let alone ‘modernization’, of popular belief and practice in the early modern period.” (Cameron 2011: 142).

45. IHomiletic: Sermon teaching.
46. A state that applied equally to the urban population and even their secular authorities, as Abray (1994: 229 ff.) can show for the Lutheran Strasbourg: “A simple Bible-based religion everyone could understand, good morals that everyone could appreciate and practice, a church in which the clergy served the laity and did not dictate to them—to secular Lutherans in Strasbourg this was the essence of the Reformation”. And for the magistrate, in which Lutherans, Catholics and Calvinists were represented, the following applied: “What the magistrates wanted from Lutheranism was not confessional precision but peace and salvation. They avoided doctrinal debate in their own chambers because it fostered division, and they sought to prevent such debate among their people for the same reason.”.
47. Interestingly, John Seymour already justified the minimal witch hunts in Ireland in comparison to the conditions in England, *inter alia*, with the same argument in 1913 (p. 10 f.): “A third reason that may be brought forward to account for the comparative immunity of Ireland was the total absence of literature on the subject. [...] Now in England from the sixteenth century we find an enormous literary output relative to witchcraft, the majority of the works being in support of that belief. Many of these were small pamphlets which served as the ‘yellow press’ of the day. [...] In Ireland on the other hand [...] there is not the slightest trace of any witchcraft literature being published in the country until we reach the opening years of the nineteenth century.”.
48. A good overview of Protestant literature from the period between 1520 and 1630 can be found in Stuart Clark (1990).
49. More extensively described and interpreted by Lyndal Roper (2012). This has been the case since early times: “[T]he devil could often be seen chiselled into the very fabric of many churches—in grotesque capitals, for instance, or in sculpted reliefs such as that of Last Judgement at St. Foy’s from the early twelfth century, or in another from the middle of the thirteenth century in the Cathédrale de Saint-Étienne in Bourges where he is involved in the weighing of souls [...] He could be seen in some of the magnificent paintings of Judgement of Giotto [...]—and increasingly from the final third of the fifteenth century, on the pages of printed books, pamphlets and broadsides as well.” (Raiswell 2012: 28f.).

50. Figures of such pamphlets and newspapers by Behringer (1988: 127, 243, 313, 339, 343, 345); a complete newspaper article from 1580 in Midelfort (III: 211–213 in Midelfort 2013). Marion Gibson (2001) shows, using the example of English pamphlets, the different influence they had on the image of *witches*: while, prior to 1590, the “legalistic” court report focused on the—correspondingly found—refusal-guilt syndrome (see above: Sect. 7.1), the subsequent “journalistic” report, based on third-party information, emphasized the innocence of the victim in the face of motiveless attacks by the morally degenerate *witch*: “In summary then, the story of motiveless witch attack was not told in pamphlets made up from legal documents, which told stories of denial of charity and witch’s revenge.” (ibid.: 52). See also Ursula-Maria Kraus (2005) for the real background and the satirical use of such “newspapers”.
51. “Most significant of all, how witchcraft was itself conceived was fundamentally altered by the crime’s inclusion in the first Table of the Decalogue and under the first Commandment in particular. This, after all, was the most important of all the divine laws, and the sins against it outclassed all other in heinousness.” (Clark 1999: 503).
52. Christina Larner (1984: 122) points out that at that time probably reading was more widespread than writing, which is why one should not conclude from the “lack of signatures” to the total illiteracy: “It is now becoming clear that reading and writing were totally separate and distinct skills. Many could read and regularly read the Bible, chap-books, and what were known as small godly books, but could not write their name. Reading may have been a common peasant skill.” Tóth (2004: 206 ff.) remarks on the early Reformation in Hungary with regard to the role of the widely distributed pamphlets: “[T]hese one- or double-sided illustrated publications became a window on the world, not only for the literate minority but also for the illiterate, to whom they would be read aloud. Whether about belief or organization, the ideas behind the Reformation interested everyone [...] when citizens gathered in the tavern, ‘the one that can, will read, the rest—perhaps ten, twenty or however many will listen’ [...] many arguments could be heard among the common people, whether in villages or towns, while eating or drinking, day or night’.”
53. For the situation of popular literature in France, see the case study by Roger Chartier (1984: 236–252, 252) for the period from 1530 to 1660: “Publishing strategies therefore create not a progressive enlarging of one book-oriented public but systems of appreciation that culturally define the

- products of printing, that fragment the market, and that draw new cultural boundaries.”.
54. Chrisman (1994: 100).
 55. ”The decisive reason for the breakthrough of Gutenberg’s invention, which took place in an almost dramatic form, was that it met a receptive market. The discourse revolution had prepared it, through the interplay between paper and money economy—in the lap of societies that had capital and in which there were literate middle classes and with them educated laymen.” (Roeck 2017: 584).
 56. “Basel became virtually the center of the entire Western Christian world.” (Bailey 2003: 5). “With around 500 permanent representatives and a total of an estimated 150,000 visitors from all parts of Europe, this assembly formed a ‘intellectual hub’ (Blauert), on which the findings made in south-eastern France, in western Switzerland and in northern Italy, partly already in the universal scholarly language Latin, should find wide dissemination.” (Rummel / Voltmer 2008: 29).
 57. The witch theme was not officially on the Basel agenda (Bailey 2003: 28). “It was about eliminating the church split” (Decker 2013: 44).
 58. Bailey/Peters (2003: 1377, 1389) describe under the beautiful title *A Sabbat of Demonologists* the participants in this discussion, their mutual relationships and remote effects: “Basel represents a critical nexus in the history of witchcraft and early witch-hunting activities.” “The council served as a nexus for what could ultimately become wide-ranging networks of connections.” The “five basic treaties” mentioned below were created within about 15 years, between 1428 and 1443.” (Decker 2013: 43).
 59. (Bailey 2003: 5). “For at least the last decade of his life he was the principal leader of the observant movement [Reform wing of the Dominicans] in the Dominican province of Teutonia, which encompassed the entire southern half of the German speaking world and was the scene of some of the most vibrant reform activity of the Late Middle Ages.” (a. a. O.: 75). He was Prior of the Dominican convent Basel, which he reformed, and in which essential activities of the council took place, and finally worked as a university professor in Vienna. See also: Borst (1990: 64).
 60. “His writings represent perhaps the most important single source we have on the origins and early development of the idea of witchcraft. No other authority from this period, the crucial period of initial formation, wrote such extensive, detailed, varied, or influential accounts of this new phenomenon,” writes Bailey (2003: 140), who in his book *Battling Demons* extensively the general reform concerns of Nider describes, who with his

Formicarius-Collection positive and deterrent examples for relevant sermons wanted to provide.

61. Since it was at that time—around 1400—still about sorcery and not about *witches*-processes: “Nider obviously had traditional attitudes to the sorcery offense in this report over the link of the idea of the invocation of the devil (Invocatio) [...] led to ideas that came from the narrower tradition of the polemics of heresy and that reached him in the form of the report of his French informant. “(Blauert 1989: 59). Bailey / Peters (2003: 1381) report accordingly: “[N]o fewer than nine participants in the trial of Joan of Arc circulated in Basel at the time of the council, most of them in responsible positions”, among which the Dominican Nicholas Lami probably discussed the case with Nider, who refers to it: “From whom he understood that she had a malignant spirit for which she was burned at the stake by appropriate public authorities.” “He (as many other clerical and secular authorities) wished to condemn her as a socially disruptive figure, a woman who dressed and in many ways behaved as a man, who claimed divine authority, and who, for a short time at least, wielded considerable political power. Such considerations are certainly valid and important, but they need not detract from Nider’s association of Joan with witchcraft. Indeed at this time [also at the beginning of the *witch*-discussion] witchcraft was emerging as the ultimate image of female rebellion”, namely rather as *maga* (sorceress) than as *malefica* (witch), that is, rather on the basis of the *Canon Episcopi* (a. a. O.: 1384).
62. Savoyen became the “bridge and transit country” of the new offense and persecution concept. Felix V. appointed men of his environment, conciliar theologians, to bishops and thus spread the “learned” belief in *witches* to other regions. (Neugebauer-Wölk 2007: 10)
63. “Not only did le Franc’s poem echo the concerns of both his own master and Eugenius IV, but in its illustrated margins the manuscript depicted for the first time *witches* riding on broomstick to the sabbat. By 1440 all of the elements of the later theories of witchcraft had assembled in place and had even begun to acquire a distinctive visual imagery.” (Peters 2002: 236)
64. However, Bailey/Peters (2003: 1391) point out that Huizinga—like others—only quotes the opponent, not the champion responding to this, who, *inter alia*, refers to the *Canon Episcopi*: “[W]hich is why scholars who have not read the whole section of the poem sometimes maintain that Le Franc believed the charges and others say that he did not—in fact, he rehearsed both sides in favor of *philogyny*.”(!).

65. “The chronicler, Hans Fründ, [...] relates that in 1428 the region was infested with sorcerers—over 700 in all—who used diabolical magic to cause death, injury, sterility, and impotence. They could also metamorphose into wolves, fly on magic chairs, and enter storehouses and larders at night to feast and drink [...] At certain times, they gathered in ‘schools’ to do homage to an ‘evil spirit’, and to consume the flesh of children. According to Fründ, over 200 of these noxious cultists were eventually burned [...] but never mentions demons or the devil; nor do these heretics exactly worship their leader, but instead give him tribute in the form of sheep or oats.” (Broedel 2013: 39). Cf.: (https://de.wikipedia.org/wiki/Hans_Fründ#cite_note-1).
66. Cf. for the previously mentioned basic texts in detail: Utz Tremp (2008: 5–26), as well as the original texts in: Martine Ostorero, Agostino Paravicini Bagliani, Kathrin Utz Tremp (eds.) (1999): *L’Imaginaire du sabbat: édition critique des textes les plus anciens (1430 c.–1440 c.)*.
67. Dillinger (2018: 48) rightly points out: „The bull [...] was conservative in many respects: It focused on damage magic, without going into flight and sabbath. The narrowing of the magic offense to women, which Kramer was supposed to be important, was not found in the pope’s writing.”.
68. In Behringer (2000: 88–91). |Exemption|: exempt from jurisdiction; |Suspension|: removal from office; |Appellation|: appeal against judgment; |Interdikt|: suspension of religious rites.
69. “In 1474, the order leadership appointed him [Institoris] as inquisitor. Four years later, Pope Sixtus IV confirmed and clarified his competence as inquisitor for the whole of Upper Germany.” (Decker 2013: 47).
70. Bishop Georg Golser of Brixen complimented Institoris out of his diocese and prohibited further inquisitions in 1485: “But he told me that he had become childish because of his old age when I heard him here in Brixen with the chapter. I advised him to go to his monastery and stay there.” (Behringer 2000: 113). For the course of events: Behringer/Jerouschek (2015: 58–63): “The failed Innsbruck witch trial was the historical background and immediate occasion for the Malleus Maleficarum.” (Ibid: 64). However, in his well-founded and thorough analysis of the Innsbruck witch trial, Manfred Tschalkner (2018) shows that it was not Bishop Golser, who was actually persecution-friendly, who was responsible for Kramer’s failure, but that the—probably—more skeptical Archduke Sigmund, ruler of Tyrol and Vorarlberg (and ‘conversation partner’ in Molitors *De lamiis et pythonicis mulieribus* (see Sect. 13.1.1(1)), ordered the trial to be broken

- off due to irregular behavior by Kramer, whereupon Golser, annoyed, had to expel the inquisitor from the country.
71. Schwarzwälder (1959: 166, 191); but Rummel (1990) shows with the miracle book of the monastery Eberhardsklausen, near Trier, which was kept by Wilhelm von Bernkastel for 45 years from 1485 to 1490 and then from 1510 to 1536, how clearly the reading of the *Formicarius* and the *Malleus Maleficarum* had an effect on the second part of the miracle account. Rolf Schulte (2001a: 20) reports: “Even in 1677, a judge from Holstein ordered a copy of the book in a witchcraft trial that had become difficult for him in order to get legal, possibly also ideological, advice.”
 72. “For, in 1487, with the claim to completeness, the ‘witch hammer’ is of course not a collage, but a late-scholastic ‘sum’ of the ‘knowledge’ about witches. And that ‘knowledge’ still means truth guaranteed by ‘authorities’, i.e. knowledge conveyed literarily, which is to be ordered and commented on according to the summae methods of the time, the work of the witch summist Heinrich Institoris (Kramer) also testifies to this himself. [... as] mediator and organizer of a specific, but existing knowledge, which one could and did use, about ‘witches’. (Harmening 1991: 60).”
 73. In this context, Dillinger (2018: 53) even says: “In the witch hammer as in the demonology of later times, the argumentation was still mainly inductive, not deductive. The demonology commented on the witch trials. The demonologists did not ‘invent’ the witches, they found them in the trial records and tried to explain them.”
 74. “Their picture of witchcraft was successful precisely because it corresponded so closely with the ideas of the less well educated. Other demonologists treated witchcraft as a sect, worse than, but otherwise similar to, other heresies.” (Broedel 2003: 100).
 75. “While heresy may have been more or less gender neutral, superstition certainly was not: for centuries, superstition and magic had been conceived as particularly feminine vices, and for theorists who constructed witchcraft principally around notions of *maleficium*, this tradition informed witches’ gender.” (Broedel 2003: 170) “Herzig argues that, unlike virtually every other witch writer of his day, Kramer separated witchcraft and conventional heresy in two complementary but entirely distinct categories. The sects of ‘Waldensians’ were largely made up of men who spread false doctrines; the modern heresy of witches on the other hand, was composed of women who performed black magic directly at the devil’s instigation.” (Broedel 2013: 48).

76. “The market for the *Malleus* was partly among those who had enjoyed a classical education and who read for pleasure—the *Malleus* itself was not translated into German. It was aimed at the upper end of the popular vernacular market, often published in large format. The other classics of demonology were mostly translated into German.” (Roper 2012:184).
77. (Or 1479); In 1484 he was appointed together with Jakob Sprenger “as General Inquisitor of the Church Provinces of Mainz, Cologne, Trier and Salzburg. [...] In 1484/85 he conducted the well-documented witch trials of Ravensburg and Innsbruck. The experiences that Institoris had gathered in these trials flowed directly into his witch hammer.” (Blauert 2004: 125). “By 1485 Institoris was easily the most experienced inquisitor in Germany, and was held in high esteem in Rome [...]. Certainly Institoris was widely disliked, and the belligerence, self-righteousness, and refusal to compromise that served him so well on the inquisitor’s bench caused him difficulty in other contexts.” (Broedel 2003: 12). For more details on his *vita* and on his—possible—involvement in the early inquisition processes in the southern German region/Alsace, see Behringer/Jerouschek (2015: 40–63, 81–83).
78. “The results of recent research suggest that Heinrich Institoris, with the help of others who also received relatively young demonology at the Basel Councilor on the Upper Rhine, initiated the first early modern witch hunts in Upper Swabia. But this only succeeded in communal or official conflict situations.” (Zürn 2008: 206).
79. “Aman like Institoris, who barely escaped arrest and punishment for embezzlement of indulgence money [1482, arrest warrant by Pope Sixtus IV. (Nesner 2007: 90)] and later, together with his colleague, supported by a clever lawyer, falsified a notarial instrument—such a man may not claim to be a savior of endangered souls, “evaluates the editor of the *Hexenhammer*, J. W. R. Schmidt (Kramer / Institoris 1985/1906: XLII).
80. Behringer/Jerouschek (2015: 31–40) write about Sprenger: “The aim is not to discover and kill the apostates, but to integrate the believers and to strengthen the faith, for example in his works to promote Marian piety and the rosary brotherhoods, the introduction of which in Germany was Sprenger’s work.” (a. a. O.: 35 f.).
81. The “wisely, however, only a part of the edition, which was not calculated for Cologne and its environs [was prefixed], in order to prevent premature discovery.” (Schmidt in Kramer / Institoris 1985/1906: XVI; there also this opinion).

82. “The Canon Episcopi presented certain obvious problems until theologians discovered a loophole suggesting that although riding with Diana was not possible, riding with the devil clearly was,” says Midelfort (1972: 19).
83. Cf. Tschacher (1999: 264–271) for the reinterpretation of the *Canon Episcopi* in the context of the Council of Constance by the Bishop of Avila, Alfons de Madrigal (Tostatus) (1440), while the Dominican Johannes de Torquemada, “one of the leading figures of the council” (around 1450) in his commentary on the *Canon Episcopi* contained in the *Decretum Gratiani* “the completely illusory nature of the flight it described” maintained. (Bailey/Peters 2003:1393). But already in 1458 “the Dominican and Inquisitor Nicolas Jacquier in his work *Flagellum haereticorum fascinariorum* launched the principle counter-attack.” The *Canon Episcopi* could “not at all mean the current phenomenon of witchcraft, because this—as already Pope Alexander V. in 1409—was a completely new crime, which at the time of its composition did not yet exist.” (Rummel/Voltmer 2008: 59). “Jacquier is the first author to focus his attention not merely on the threat posed by witches, but particularly on the more insidious danger coming from those who doubt their existence. Indeed his ‘preface to the reader’ is entirely devoted to exposing the ‘perverse principles and foolish assertions’ of ‘many people who—coming out in the most untimely manner—greatly favour and defend the *fascinariii* heretics [i.e. witches] to the serious detriment of the Catholic faith” (overall: Duni 2016: 211, 212).
84. A question that ultimately lies behind the idea of the common pact with the devil, and which also concerned Jean Bodin (1580): “As the body cannot act without the soul, nor the soul alone eat or drink, yet together body and soul can do all these things; so too, the witch and the devil together could do more than either separately.” (after Midelfort 1972: 14).
85. To that extent, he only confirms the reality of the *witch*-flights on the one hand and, on the other hand, under reference to Nider “that outstanding scholar who distinguished himself by wonderful works in our time”, “that the witches came to a fixed assembly and through their power truly saw the demon in the assumed form of a human being. The disciple had to give him the promise to renounce Christianity, never to take communion and to trample the cross with his feet where he could do it secretly.” (a. a. O.: II: 31). However, Goodare (2016: 66) suspects that Institoris deliberately did not go into more detail about the Sabbat because this would be less useful in court than the popular *maleficium*: “Did its author [...] simply forget to discuss the sabbat? [...] it is more likely that he downgraded it because he had not found it useful in the identification and prosecution of actual

witches.” So also Broedel (2003: 129, 146):” [T]hey seem completely unaware of the prosecutions in France and the Savoy in which the Sabbat occupied such a prominent place.”;” [I]t was the connection between the witch and her *maleficium* that constituted their radically revised standard for ‘manifest heresy’. [...] For this reason, Institoris and Sprenger need not require proof that a witch had attended the Sabbat or delivered the obscene kiss, because they had made the symbolic markers of heresy dependent upon the evidence they found so readily at hand.”.

86. That sounds quite Cathar.
87. Trevor-Roper (1970: 99) is very English about it: “And as a pledge of their service, they constantly had sexual intercourse with the devil, who—since even he was averse to perverse lusts—appeared to witches as an incubus and to witch-masters as a succubus.”.
88. A problem that Thomas Aquinas (1225–1274) had already solved in the following way. (Herzig 2003: 56 with exact source reference).
89. An attempt to clearly split one’s own highly ambivalent feelings towards sexuality into the opposite poles of the *witch* and the Virgin Mary: “the same authors who wrote the famous misogynist witch hunter’s manual, the *Malleus Maleficarum* (1487), were also associated with the growing devotion to the Virgin Mary. Jacob Sprenger was one of the founders of the cult of the rosary.” (Midelfort 1982: 191 in Midelfort 2013). See also: (en.wikipedia.org/wiki/Rosary).
90. Amiri Ayanna (2018) analyses, based on his *Nürnberg Handbuch* (1491)—a shortened version of the *Hexenhammer*—as a source of his image of women: “*The book of Ecclesiasticus* in the Hebrew Bible, also known as *the Wisdom of Ben-Sir-ach*. A text that dates back to approximately 200 B.C.E.”.
91. Schwarzwälder (1959: 193 f.) reports from Bremen that in 1530 Jochym Dortmann tried “to bring about a witchcraft trial against many people in Bremen through denunciation”; however, as part of the accusation process offered to him by the Council, he failed in his evidence, whereupon the Council sentenced him to death in an inquisition trial for witchcraft in order to “deter accusers and also open complaints of witchcraft”: “The procedure of the Council in this case is the opposite of what the ‘Hexenhammer’ expected from the authorities.” (194). See also the *witch* trial in Nördlingen in 1534, in which the city council also had the two plaintiffs arrested, who then withdrew their charges and were expelled from the city (Behringer 1988: 86).

92. This can also be, as Institoris experienced in his practice, people “who exercise a public authority, i.e. public persons such as secular or also ecclesiastical lords, who have secular jurisdiction. They can also be patrons in two ways; by omission and by commission [...] if they do not arrest those [...] or if they do not promptly execute them,” which can be penalized with excommunication with a one-year probationary period, as Institoris quite promisingly considers at the very end of his *Hexenhammer* (Ibid.: III: 213).
93. “One might well wonder how the word of a convicted witch, a slave of the father of lies, could be accepted as legal evidence against others suspected of witchcraft. The stock answer was that witchcraft was so horrible a crime that no orthodox, upright Christian could possibly know anything about the crimes committed. [...] Thus Bodin explained that ‘proof of such evil is so obscure and difficult that not one out of a million witches would be accused or punished if regular legal procedure were followed’” commented Midelfort (1972: 19).
94. A practice that, for example, in Bremen, where the *crimen exceptum* and thus the summary procedure were not recognized, was also not practiced with regard to the prison sentence: “In Bremen, the prison sentence seems to have rarely lasted longer than a few weeks.” (Schwarzwälder 1961, III: 163, 117).
95. Kieckhefer (1976: 90) reports a case from Zurich (1487): “The judge kept his promise at least nominally: a suspect confessed diabolism when she was assured she would not be executed. The judge sentenced her to life imprisonment in a narrow cell with no windows, and with only a hatch on the ceiling through which she could be given one meal a day. After her death, her corpse was to be burned to ashes. Prisoners subject to such treatment seem to have viewed the judges with justifiable suspicion, and not infrequently vacillated repeatedly between confession and retraction—a mode of behavior which only assured their condemnation.”
96. “One must beware, in a judgment, whatever it may be, to state that the accused is innocent or blameless, but (say) that nothing has been legally proven against him, because, if he is again indicted and (something against him) is legally proven at a later time, he can be convicted without the aforementioned acquittal judgment being contrary to it.” (a. a. O.: III: 127). Which has been possible with us again since the Law on the Establishment of Material Justice of 21.12.2021 (BGBl. 2021 I 5252), which is being reviewed by the Federal constitutional Court in these days.
97. Jürgen Schmidt (2000: 30) is quite right to emphasize: “If one therefore reproaches the *Hexenhammer* of Heinrich Institoris for propagating the

- secular persecution so strongly, then the only truly original thing about it is that here an inquisitor (to the detriment of his colleagues) recognized a development that had already started in reality and was irreversible.“
98. A well-formulated statement that reminds us that even God does not want evil, but can allow it through Satan in order to strengthen good: “God allows evil, even though he does not want it to happen; and that for the perfection of the universe.” (Ibid.: I: 162).
 99. A ‘delict’, which Guillaume Adeline (1453) already fell victim to, and which justified the indictments in Arras (1459) (cf. Sect. 4.5.5); at the same time another example of how well Kramer / Institutoris knew the history of early witch persecution.
 100. “Therefore, as Greyerz said, witchcraft cannot harm all people, especially those who are devout to the Christian faith, and, which is almost the same, loyal to the public judiciary.” (Borst 1990: 63).
 101. “In the Europe of the witch trials, it was to find expression in the widely shared view that when witches were apprehended by the judicial authorities, or their agents they promptly lost all their powers.” (Clark 1999: 571, 573): So wrote the papal *witch*-judge Paolo Grillandi 1669: “Demons are not able with their powers to reach against human justice and to free captives from the hands of public justice, since God does not permit it ... otherwise it would follow that the Devil’s power would be above the Divine and that justice would utterly disappear and all laws would be overturned, which God in no way allows.”.
 102. In which Kramer/Institutoris began to work as an inquisitor in 1484/85, claiming to have burned a total of 200 witches, but failing in Tyrol in 1485 through the intervention of the Bishop of Brixen (see above).
 103. “Count Ulrich von Helfenstein, ruler of the region around the south-western German city of Wiesensteig, was directing a witch-hunt that ultimately destroyed over sixty witches for causing a destructive hailstorm in August 1562, robbing children of their ‘holy baptism’, and infanticide. The count’s decision to pursue a diabolical sect of witches, rather than the more typical few individuals, set a new precedent.” (Waite 2013: 500).
 104. “One hundred years after the work of the Dominican inquisitors, the Electorate of Trier took the lead in a witch-hunt of a magnitude previously unknown in Germany. At the urging of Weihbischofs Peter Binsfeld more than 300 people were burned as witches within five years.” (Behringer 1987: 29).
 105. “In fact, between 1520 and 1576 concern about witches declined to such an extent that the *Malleus Maleficarum* was not once reprinted.” Before that

- there were from 1487 to 1520 13 editions and then from 1576 to 1660 16 further editions.(Midelfort 1972: 67, 242).
106. “Between 1500 and 1560 there were very few efforts to uncover a large diabolical conspiracy of witches. Instead, legal proceedings were conducted against individual witches, typically but not exclusively an old woman with a reputation for magic or malicious behavior, and the trial normally ended with non-capital sentences.” (Waite 2003: 135).
 107. “Court officials learned how to extract confessions from Anabaptists, and applied their experience to interrogations of witches. Since some Anabaptists actually desecrated sacraments, including hosts, it became easier, at least for demonologists, to imagine witches performing such sacrilege. Similarly, the idea that witches were rebaptized into the devil’s sect only became prominent in the literature after the advent of Anabaptism.” (Waite 2013: 497).
 108. “With Institoris, the Inquisition practically ceased to exist in Germany. Already since the 13th century it had led only a shadowy existence here, since there were hardly any heretics, apart from the Hussites in Bohemia [...] The German princes vigorously forbade a transfer of the Inquisition from Italy or Spain to the Empire, and even the Catholic Emperor Charles V refrained from such an unpopular measure. Formally, a member of the Dominican convent in Cologne was regularly appointed inquisitor until the 18th century, but unlike his Italian colleagues, he could not make arrests, let alone conduct a regular criminal trial. Thus, the monk largely contented himself with the office of book censor.” (Decker 2013: 53).
 109. |Anabaptist: “Anabaptists, or more correctly: ‘Baptists’, a movement that was growing rapidly at the time, to which the Mennonites, Hutterites and Amish belong today, who strictly biblicist not only rejected infant baptism, but also in strict separation of state and church rejected the oath, military service and all violence.” (de.wikipedia.org/wiki/Märtyrer_der_Täuferbewegung).
 110. “The Philippists (also: Melanchthonians, Adiaphorists) are a group of theologians who have emerged from internal Protestant disputes. The name goes back to Philipp Melanchthon, who took over the leadership role in Protestantism after the death of Martin Luther in 1546 and determined its line.” (<https://de.wikipedia.org/wiki/Philippisten>).
 111. “Until well into the 1570s, however, the Tridentine remained largely claim and program. The clergy with the episcopate at the head was predominantly opposed to the Tridentine reform, which demanded a deep-seated, concen-

- trated and disciplining change within the priesthood. They refused the confession of faith.” (Schilling 1988: 18).
112. See Goertz (2004) for a discussion of the various forms of *Radical Religion*: “The negative aspects of reality included, in the eyes of many contemporaries, above all the realm of power that the clergy had established for themselves over the course of the centuries: the usurpation and imitation of secular power, the fiscalization of church services, their imposition of their will upon the laity, the cause of spiritual powers of sanctions in legal rulings, their self-imposed immunity from vows of poverty and luxurious representation, the neglect of duties and decadent lifestyle, sexual excess, greed, and simony.” (Ibid.: 72).
 113. See Scott (2004) for a discussion of the four main points of their 12-article demands: “1) communal control of pastors (who should preach the Gospel as the Reformers understood it) and their remuneration through tithing; (2) the abolition of serfdom and servile dues; (3) the restoration of communal usufructs; (4) the removal of legal and financial burdens upon individual tenants or peasant families.” (a. a. O. 65). “The consequences for numerous castles and monasteries were devastating. A total of about 1000 were partially or completely destroyed in 1524/1525. In the Bamberg region alone, nearly 200 castles were destroyed or damaged within 10 days in mid-May. In Thuringia, the Halberstadt region and the Wernigerode region, there were about 300 destroyed monasteries. However, in contrast to most monasteries, many castles were not rebuilt, but fell into ruin.” (de.wikipedia.org/wiki/Deutscher_Bauernkrieg).
 114. (de.wikipedia.org/wiki/Täuferreich_von_Münster). A situation that also began in Münster as a city reform carried out by the guilds: “For the guildsmen of Münster, there was a fundamental continuity between patriarchal domination in family and corporate life, on the one hand, and patriarchal rule in a polygamous sacred ‘tribe’, on the other.” (Hsia 1994a: 69).
 115. “As iconoclasts publicly stabbed and smashed saints’ images and vessels containing consecrated hosts, they revealed the impotence of these sacred objects” (Waite 2013: 495); see also Waite (2003: 142 ff.): “On the orders of reformist theologians and the authorities who had adopted the reformist doctrine, paintings, sculptures, church windows and other works of art depicting Christ and the saints, as well as other church decoration—partly also church organs—were removed from churches, partly sold or confiscated, destroyed or damaged. The iconoclasm affected cities and villages throughout Europe, especially in the Holy Roman Empire (1522–1566) including Switzerland and the Burgundian Netherlands (1566). Scotland

- (1559) and England during the Civil War (1642–1649) were also affected.” (https://de.wikipedia.org/wiki/Reformatorischer_Bildersturm).
116. Luther “did not object when a Speyer Reichstag in 1529 created the legal basis for the death penalty for baptism. The Augsburg Confession then condemned the Anabaptists in its ominous 16th article, which is only partially reproduced in modern editions. Luther, who was considered a heretic in half of Christendom, now sided with the persecutors. Everything radical, uncontrollable threatened his alliance with the state.” (Roeck 2017: 786). The burning of Miguel Servet, a ‘free thinker’ who, among other things, also rejected infant baptism, whose “smoke clouds spread throughout Europe,” by Calvin in Geneva in 1553 (Reinhardt 2009: 166 ff.).
 117. Waite (2003: 145, 231), whom I am referring to in this section, with reference to William Monter: “As William Monter has noted, it was this fear that finally convinced many rulers to secularize heresy trials, making it easier to try witches as well.” See also Waite (2007: 109) and Monter (2002: 19): “Luther and his Catholic opponents alike, provoked repressive measures of unprecedented severity; they were hunted with zeal and rage by several governments in the aftermath of the 1525 Peasants’ War [...] Meanwhile, however, one hears little about prosecutions of witches.”.
 118. S. (de.wikipedia.org/wiki/Wiedertäufersmandat).
 119. In particular in comparison to the ‘third’ confession of the Calvinists, who were still excluded in the Augsburg Concordat (1555).
 120. “Court officials learned how to extract confessions from Anabaptists, and applied their experience to interrogations of witches.” Waite (2013a: 497).
 121. “[W]omen felt encouraged to take an active part in the Reformation process—above all in the Peasants’ War and the Anabaptist movement. They participated in anticlerical agitation, they often took up arms, they became preachers and missionaries, they operated subversive communication networks, they hid and sheltered the persecuted, they supported their husbands, and they often let them when the spiritual harmony between them was disturbed. This certainly demonstrates a deeply rooted spiritual tendency toward egalitarianism, which also benefited women. This was not to have a prolonged effect, however. [...] the emergence of radical women was notable enough that the higher authorities indicated their concern, and sometimes even noted a particularly feminine affinity to mystic and apocalyptically motivated subversiveness.” (Goetz 2004: 75 ff.).
 122. Midelfort (1972: 69–70). The first of these works, the *Sauffteufel* was published in 1552 and went through 17 subsequent editions; see also the impressive table for the period from 1550 to 1599, which for the 1560s

- shows “nearly 100,000 copies of devil-books on the German market,” as well as the 1569 *Theatrum Diabolorum* written by 21 Protestant pastors and theologians with 24 Teufelsbüchern and the *Theatrum de Veneficis* from 1587–88 with 33 Teufelsbüchern: German title: *Das ißt von Teufelsgespenst, Zauberern und Giftbereitern, Schwartzkünstlern, Hexen und Unholden, vieler fürnnehmen Historien und Exempel bewärten, glaubwürdigen, Alten und neuen Scribenten*; see also: Schulte (2000: 132–134): “Voices calling for moderation.”
123. Liberman-Cuenca (2007: 68) speaks in her analysis for the 14th and 15th centuries in England quite literally of: “the rise of a professional class of trained necromancers, whose services could be contracted at the right price.”.
 124. In a European peace movement between 1555 and 1575: “several states or territories were to experience something which contemporaries in general called ‘peace,’ ‘pacification,’ or even ‘religious peace.’ This concerned the Holy Roman Empire in 1555 with the Peace of Augsburg, France from 1563 with the Peace of Amboise, the principality of Transylvania during the 1560s and notably in 1568, the hereditary states of Habsburg in 1568 and at the beginning of the 1570s, Poland in 1573 with the famous religious clause of the Warsaw Confederation, the Netherlands in 1576 with the Pacification of Ghent and the Religious Peace of 1578” (Christin 2004: 424–425).
 125. “As Christoph Mumprecht (1560–1620), an advisor to the Lutheran Count Palatine Philipp Ludwig von Neuburg wrote: ‘when one speaks of witchcraft, one understands by it all kinds of vice that can be imagined, against all the commandments of God, which come together and combine in the same, as idolatry, the most vicious blasphemy, wanton rejection and despising of the word of God, of the holy sacraments, the most willful denial of God’s grace, of the Holy Ghost, *crimen laesae majestatis utriusque*, the cruellest murder, theft, unspeakable immorality, which far exceeds the sin of Sodom...’” (Waite 2003: 126).
 126. S. to this belief in spirits: Dillinger (2018: 37 ff.).
 127. End of the Cathar persecution ([https://dewiki.de/Lexikon/Vertrag_von_Paris_\(1229\)](https://dewiki.de/Lexikon/Vertrag_von_Paris_(1229))).
 128. By the way, the Greek Orthodox Church, which was well anchored in the Eastern Roman Empire, was able to maintain its Canon Episcopi attitude. (Lintinas 2016).

129. So the Lutheran jurist Carpzov referred in his *Practica* (1635)—as a commentator in the university reports, which often decided about life and death, above all on *the Hexenhammer* of the Dominican Institoris (1486), who in turn relies on the information of the *Formicarius* of his fellow religious Nider (1436) who in turn goes back to the stories of the Bernese judge Peter von Greyerz (around 1375).
130. An emotionally anchored *witch*-fear, which, stimulated from the outside, involuntarily actualizes the entire ‘fearful’ *witch*-model, just as Christmas songs or Marcel Proust’s ‘Madelaine’ memories awaken buried childhood memories. S. (www.peter-matussek.de/leh/s_18_material/s_18_m_07/proust_madelaine.pdf).

Part II

The Legal Persecution of Witches: How the Crime of Witchcraft was Realised

Every **dispositif**, that is, every ruling apparatus of power, has two interrelated and intertwined elements: The ‘ideology’ founding the dispositif and the practical ‘apparatus’ matching it.¹ While in the first main part I traced the ‘clerically’ developed demonological witch ‘ideology’, in the second main part I will now focus on its ‘apparative’ implementation, a ‘realised’ witch persecution, which was primarily ‘legally’ enforced as the Inquisition.²

In the following, I will first describe the “normal” village witch pattern in section 7, based on four rather ethnologically oriented studies, as it emerged in the transition from regulated custom to “justice use”. Chapter 8 deals with the emerging “legal playing field” - from the *Carolina* via the work of “fearful lawyers” to the use of torture. As a “counter-example”, I go into the Spanish-Roman Inquisition (8.7) in order to, at the end of this chapter, sketch three power-political levels - empire, territories, cities - on which this new legal instrument was used (8.8). Chapter 9 describes the actual, institutionalized mass persecutions that so decisively shaped the image of this witch time; namely “below” by the work of rural *witch* committees, and “above” in the anti-reformatory concern of the Franconian, spiritual foundations and territories. Mass *witch* persecutions, which finally ushered in the age of the insane in the 17th century with the phenomena of possession and child *witch* (10th. Chapter), in which psychiatry and youth welfare take care of this clientele, which I have dealt with in more detail in my *Psychiatrie-Komplex* (2018, in Chaps. 9 and 10).

Notes

1. I use this concept following Foucault. The best short definition in: (en.wikipedia.org/wiki/Dispositif): “Dispositif or dispositive is a term used by the French intellectual Michel Foucault, generally to refer to the various institutional, physical, and administrative mechanisms and knowledge structures which enhance and maintain the exercise of power within the social body. The links between these elements are said to be heterogeneous since knowledge, practices, techniques, and institutions are established and reestablished in every age. It is through these links that power relations are structured.”
2. These are of course highly simplified “analytical” distinctions that constantly “circularly” merge into each other in the course of witch history, if one thinks, for example, of the early function of the confirming Inquisition ‘experiences’ or of the involvement of the Jesuits in the Franconian mass persecutions.



The 'Normal' Witchcraft

7

Abstract

Based on some—using court records—“ethnographically” designed studies from England, the Lorraine-Saarland border area and the county of Lippe, a more original form of “normal-rural” witchcraft results. Orienting itself on the concretely damaging behavior, the *maleficium* of the witch, it was—relatively independent of the “learned” *witch*-Sabbat-scheme—embedded in a more comprehensive village culture, following older, traditional roots, self-regulated, “village-internal” solved.

At first I said that one can only understand the fully developed witch stereotype from the interaction of church, state and population, in which the theological Satan model, the always already existing everyday magical ideas and the development of a suitable persecution apparatus fit together so that at the end the great *witch* persecution could take place. In this sense, one today—in the sense of a (merging) ‘two cultures model’—distinguishes more clearly between a globally valid ‘village’ witch model on the one hand and a clerically developed ‘elite model’ valid only for Europe on the other,¹ whereby then often the particularly interesting role of the juridical-professional persecution practice is left out of account.

In the last two chapters I first described the development of the demonological-theological, witch image related to the covenant with Satan, which Kramer/Institoris first systematically summarized on the then basis in his *witch hammer*, and which was later developed by Jean Bodin (†1596), Peter Binsfeld (†1598) Martin Del Rio (†1608) and Pierre de Lancre (1612). In this chapter, however, I want to go into the empirical, ethno-historical² and regionally³ oriented analyses

of the available inquisition records⁴—from England and from the ‘territories between the empire and France’ (Lorraine, Luxembourg, Trier)⁵ as well as from the Westphalian county of Lippe—based on the usual everyday witch ideas⁶ in the population, which have shaped the younger *witch* research so decisively since the 1970s.⁷ I summarize their key statements in a final interim conclusion in order then, in Chap. 8, to present the juridically steered persecution side on this basis.

7.1 Alan Macfarlane: Essex (1970)⁸

“It thus became a common procedure in witch-detection to isolate the suspect and wait for some animal or insect [!] to appear as proof of her guilt.” (Thomas 1971: 446).

I begin with the basic study by Alan Macfarlane (1970), who, with reference to and in comparison with various ethnological studies, mainly from Black Africa examines **the situation in Essex**, northeast of London, from 1485 to 1680.

“Essex was considered relatively wealthy and was a stronghold of Puritanism. In comparison to other English regions, Essex had the highest number of witch executions, a total of 82 (fewer than some German small towns).” (Behringer 1988: 12).

(1) Since in England the other two influence components—Catholic theology and type of inquisitorial punishment—did not play a decisive role, we have here, as it were, the **original form of the witchbelief** in front of us, which, on the continent, only meets us in a correspondingly deformed way from the 14th / 15th century onwards. On the one hand, therefore, all the “satanic” moments were missing here—with the exception of a persecution wave triggered by two inquisitors in 1645⁹—and, on the other hand, within the framework of a hierarchically oriented judicial system (Quarter Sessions and Assizes)¹⁰ one refrained from using the prohibited **torture** (Macfarlane 1970: 23):

“Witches in the county of Essex were not believed to fly, did not meet for ‘Sabbats’ or orgies, dance and feast, indulge in sexual perversions, like some of their Continental counterparts. There were in Essex no possessed convents, no financial profits to be made from witch-hunting, no professional inquisitors.” (Ibid.: 6).¹¹

While the cases of ‘white magic’, in particular the multitude of ‘*cunning folk*’ of small magicians, were mostly sentenced by clerical courts with relatively minor fines, the both *Act agaynst Conjurations Inchantments and Witchecraftes* of 1563

and, intensified, 1604, provided in *witchcraft*-induced damage to body, life and property, the then customary death penalty for ‘serious offenses’.¹² In the absence of other evidence, one relied, in addition to the ‘Besagung’ by other *witches*, also on indirect evidence, in particular on motives and hostilities and on the entire social background of the accused: “his parent’s character, his friendships, drinking habits, and general reputation.” (Ibid.: 16 ff.).

Here too, the *witchcraft* accusation dominated the list of all offenses, since one could find *witches* and *witch*-finders in almost every village; but their damage spells were limited to offenses against body, life and property, while the weather spell was just as lacking as sexually motivated damage to men and women. Verbal threats or the ‘evil eye’, as well as the use of small ‘demonic’ animals, the so-called *Familiares*(*imps*), served as *witch* helpers:¹³

“Their two principal techniques, if such simple activities can be given such a title, were sending their familiars to bite or frighten their victim, or making some remark which might be interpreted as vicious.” (Ibid.: 171).

(2) The core of *witchcraft* resulted from long-term ongoing **neighborhood conflicts**—in particular the lack of a ‘*witch*-flight’ furthered limited activities. Conflicts that were based on a ‘*witch*-career’ in three ways:

- The starting point was almost always a request that was refused or an insult that in turn led to a reaction from the *witch*, the success of which—necessary for a conviction—was seen in an unexpected occurrence of damage. Such a violation of neighbourhood obligations could make the victim feel guilty, so that now in turn—in a recognized way—the victim’s own aggression was ‘projectively’ projected back onto the ‘aggressive’ *witch*: the ***refusal-guilt syndrome***.¹⁴

“The motives immediately suggest that it was tension between neighbours which led to acts of witchcraft. A person was refused some small object and in her anger retaliated by bewitching her refuser.” “Another feature common to all the motives is that it was the victim who had made an open breach in neighbourly conducts, rather than the *witch*. It was the victim who had reason to feel guilty and anxious at having turned away a neighbour, while the suspect might become hated as the agent who caused such a feeling.” (Macfarlane 1970: 174).

- The subsequent **village rumours**, which intensified in particular after the involvement of a *witch*-finder, the information exchange, condensed even more the more often this *witch* could be accused of further crimes, which was now,

since this person was known in the village, initially could reduce her acute danger, especially since one avoided any further contact with her for one's own protection:

"From then on every word or deed of the suspect is interpreted to fit the conviction of her guilt, people become suspicious to mark all the words and deeds of the suspected and to interpret the worst of them" Macfarlane (1970: 110) quotes the contemporary Richard Bernard.

- The interaction of the thus increasingly numerous victims of an accused led to the—from below triggered—accusation, after previously both the securing village **consensus** had been established in this way, and the conviction grew that by this accusation—with the hoped-for death sentence as the only remaining means—the *witch* danger could finally be banished:

"When enough proof was accumulated, and the village was united, the prosecution could occur [...]. It seems that the prosecutions at the law courts were only the final, and necessarily partial expressions of far more widespread suspicions in the villages. One accusation [...] might emerge from a complicated background in which the whole village, through rumour and gossip, took part. Thus witchcraft does not appear as some random outburst on the part of an individual, but rather as a phenomenon arising from the roots of society." (Ibid.: 112).

The *witchcraft* accusation could in principle affect all village residents, although widows and other people in need of help were particularly affected:

"Witchcraft prosecutions in Essex centred on the relationship between middling to rich villagers and their slightly less prosperous and older neighbours. The neighbours were usually women, and often widows." (Ibid.: 205).

Macfarlane (1970: 249) at the end of his comparative analysis suspects that the economic and social upheavals in this *witch* time loosened the old ideals of village charity. The *witchcraft* accusation-triggering violation of this tradition could thus be functionally positive less—as in Black Africa—conservatively focused on compliance with these rules, but rather progressively oriented towards the beginning public **welfare**:

"might not only be used to 'express moral rules... outside the criminal and civil law', but also to generate the energy for the creation of new 'moral laws'. The witch epitomized the older social sanctions, the collectivist tradition in which every man was responsible for his neighbours. While such conservative sanctions were still rec-

ognized by the very belief in witchcraft, the flow of accusations from slightly richer to slightly poorer, from slightly younger to slightly older, from men and women to preponderantly women, suggests that the effects were radical rather than conservative. The English accusations occurred during a period of great change, social, economic, religious and political.”¹⁵

In view of the moral dilemma between the traditional positive ecclesiastical evaluation of the alms-giving and the recent demand to leave the welfare of the poor to the competent official bodies (*PoorLaws*),¹⁶ this ‘radical-changing’ function proved to be “to suspect of witchcraft was a means of justifying the withholding of alms.” (Douglas 1970a: XXV).

7.2 Keith Thomas: England in general (1971)¹⁷

“But most important was the theological idea that the disaster had been caused by God, either to punish sin or to try the believer, or for some other unknown but undoubtedly just purpose.” (Thomas 1970: 56).

(1) In his broad overview of the interaction between religion and magic in Reformed England in the 16th and 17th centuries¹⁸, Keith Thomas (1971) confirms the findings of his student Macfarlane (1970).

In England, where the *Malleus Maleficarum* had not been translated, until the Reformation ‘at most a dozen *witches* were executed’; even afterwards, in the face of a high number of acquittals up to the last execution (1685), at most 1000 *witches*,¹⁹ mostly women, were not burned, but hanged (Thomas 1971: 450 ff.),²⁰ although in England at this time there were almost always *witches* and—up to the 19th century (ibid.: 248)—respected²¹ healers in every village.

The widely held rural *witch* belief met an ‘elitist’ *witch* model, which only partly drew on continental ideas and early on skeptically assessed their ‘reality’. Thus, **Reginald Scot**,—arguing modernly too early—in vain, in his skeptical *Discoverie of witchcraft* 1584²²—65 years before Friedrich Spee’s *Cautio Criminalis* (1649) – drew on Johann Weyer’s *De praestigiis Daemonum* (1563) (ibid.: 580).

The *witchcraft* was considered as an individual, damage-causing offense, which, **lack of Sabbat-conspiracy** neither with weather magic nor with sexual orgies was connected, nor, as in Calvinist Geneva, for the outbreak of plague or other ‘sent by God’ natural disasters (ibid.: 83) could be made responsible.

(2) Functional the magicians, the *cunning folk*—astrologers, healers, witchfinder—occupied the field of the ‘Catholic’ magic pushed back after the

Reformation, namely in two ways, both helping and controlling, since the confession as a help and control instrument was omitted: "The personal confession and interrogation of every single layman was potentially an altogether more comprehensive system of social discipline than the isolated prosecution of relatively notorious offenders." (Ibid.: 155):

"Where there is witchcraft there is usually witch-cleansing. One of Keith Thomas's insights into the post-Reformation increase in English witchcraft accusations points to the loss of religious techniques for dealing with personal problems: confession and absolution, exorcism and protective blessing having become unavailable, witchcraft fears were less easily controlled." (Douglas 1970a: XXXIII).

A finding that very nicely the **equifunctionality** of religion and magic can prove. And that in the same way—albeit in the opposite direction—occurred in late Roman times, when the established Christianity made the Roman magicians an end:

"It may well be the case that the Christian Church effected a *détente* in sorcery beliefs in this period. But it did not do this through its repeated and ineffective injunctions against 'superstitious' practices: rather, the Christian Church offered an explanation of misfortune that both embraced all the phenomena previously ascribed to sorcery, and armed the individual with weapons of satisfying precision and efficacy against its suprahuman agents." (Brown 1970: 28).

As a result, now that "Catholic magic" had been condemned and extinguished by the Reformation, the effect of *witch* could explain the occurrence of unexpected "unnatural" damage **more plausibly** than the competing alternative explanatory models²⁴—for example, of the Protestant clergy, who proclaimed that the misfortune was sent by God for the purpose of testing (*à la* Hiob) or as a punishment,²⁵ which is why, in view of a future compensatory, eternal life, it is better to endure the misfortune than to turn to the *cunning folk*. Especially since, within the framework of *witch* belief—instead of the recommended, but always uncertain in terms of success prayer—one could find the personal perpetrator and preventively and curatively—for example, by the scratching of the face customary in England²⁶ of the *witch*—specifically take action against such damage:

"The great appeal of witch-beliefs, as against other types of explanations of misfortune, was, therefore, that they provided the victim with a definitive mean of redress: They did not merely offer the intellectual satisfaction of identifying the cause of the mishap; they made it possible to take immediate steps to make things put right, by consulting the cunning man and applying *the* appropriate magical remedies." (Thomas 1971: 545).

The **Protestant Church** of England was thus relatively helpless against the white and black magic closely interwoven in their eyes²⁷, especially since the established state justice system could act without increased persecution interest (cf. Sect. 12.1.2). This was all the more true because this church, like its *cunning-folk* competitors, followed the same magical mentality. By connecting causes animistically with moral offenses on the one hand, and, on the other hand, – also in the context of a professional self-preservation interest – being caught in a self-confirming circle that could not be dissolved until the 17th century by a mechanistic progress-believing thinking: If the prayer was not answered, the praying person was unworthy; if the prophecy did not come true, one had miscalculated; the failed incantation pointed to ritual errors; the failure to heal was indicative of witchcraft influences: A “face-saving function of witchcraft” (ibid.: 538), which today we ascribe to the patient’s ‘unwillingness to be treated or the ‘lack of insight’ of the patient.

The Thomas/Macfarlane model discussed so far—in particular the *refusal-guilt syndrome*—from the 1970s—was long undisputed in England, but here too **younger research approaches** are approaching the more complex results of the studies by Walter Rummel and Rainer Walz (cf.: 7.4, 7.5). For example, based on his qualitative analysis of the records from Kent, Malcolm Gaskill (1999: 265, 268, 278) shows that female *witches* acted more actively and aggressively in interest conflicts with their similarly strong neighbours: “Witchcraft accusations might have played a part in power struggles between different camps within the community.”

“In short, it is simply impossible to encapsulate the experience and meaning of witchcraft within such a narrowly conceived framework. A final observation to be made from the Kent material concerns the use and abuse of witchcraft accusations as an expression of hostility and a means to resolve local disputes—in particular, the association and conflation of the offence with a range of grievances in the community.”

7.3 Robin Briggs: Lothringen (1996)²⁸

“Witchcraft was so much a part of everyday life for the mass of the population that it became relatively domesticated, as just one of the dangers one faced; there were ways of dealing with it and it was part of the magical universe that was largely taken for granted.” (Briggs 2016: 151).

In his overview of the “social and cultural context of *witch*-hunting”, Robin Briggs (1998) generalizes this explanation direction taken by Alan Macfarlane (1970) and Keith Thomas (1971) also for the **continental witchcraft**, basing

himself extensively on about 300 inquisition records from the rural and small-town, predominantly French, Catholic Lorraine (capital today: Metz) from the years 1560–1580. Under the premise mentioned above in more detail, that in the *witch*-phenomenon “popular and learned culture” reinforce each other, he **relativizes** the influence of the theological *witch*-model.:

“It is mistaken to think of simple oppositions between popular and learned culture, which are really no more than abstractions invented by historians to describe a much more complex reality. Judges, clerics and peasants shared much of their cultural experience, while their ideas were always interacting.” (Briggs 1998: 28).

So the Sabbath was used in court mainly to investigate accomplices, even if it may have provided sufficient conversation material in the spinning rooms²⁹ for sure. Accordingly, Briggs emphasizes the role of rural *witch*-belief—which was always alive before and after the actual *witch*-hunts in village life.

Four moments of his analysis I would like to highlight for our context: (1) The role of *cunning folk*, that is the healer, quack, small magician; (2) the ‘regulated dealings’ with *witchcraft*, which rarely led to an accusation; (3) the complex social entanglement of the *witch* role in the village; (4) the developing *witch* career, which Macfarlane had already worked out.

(1) These **healers** were not only consulted in case of illness. They practised love spells, helped to find lost objects and treasures, provided information about missing persons and predicted lottery numbers³⁰ (ibid.: 180): “There is no clear way of distinguishing them from those neighbours who might be consulted in an emergency.” (ibid.: 71). Briggs also emphasises that their ‘golden age’ began when the traditional magical-religious practices were pushed back in the time of the Reformation and Counter-Reformation (ibid.: 122). Why they were mainly persecuted by the church (‘silent pact’),³¹ occasionally also by the state,³² which, however, met with rejection and little willingness to report in the population.³³

“There cannot be the slightest doubt that the clergy were right in seeing a fundamental association between witchcraft and the cunning folk. They were indissoluble parts of the same belief system across most of Europe, feeding off one another and often giving the same individuals dangerously mixed reputation. In the millennia-old history of witchcraft beliefs this symbiosis must always have been absolutely crucial, energizing the whole structure and providing the mechanisms for local mediation. When clerical reformers identified this enemy and tried to attack it, they overreached very seriously, for they had little to offer in its place. Nor could they ever persuade the ruling groups as a whole that this was a battle worth fighting; an attitude of amused disdain was more likely to emerge than a great moral crusade.” (Briggs 1998: 133).

In their mediating—and above all a suspicion confirmed—³⁴ role, these healers clarified, for example, whether it was a case of *bewitchment* or whether one could still fall back on natural causes; they offered amulets and showed how to protect oneself from *bewitchment*; finally, they also gave—often encrypted—hints on possible *witches*, without naming them themselves. They relied on the suspicions of the victim and their knowledge of the entire village events, as well as on their own research, if they postponed their answer by a few days, for example:

“Like their African counterparts, they maintained their prestige by a combination of fraud and good psychology. [...] Sometimes their activities, especially in love matters, took the form of attempts to arrange the future rather than predict it; many of them acquired an unsavoury reputation as pimps and panders. Even without any conscious deceit they might pick up a good deal of local knowledge, and adapt their recommendations accordingly.” (Thomas 1971: 243).

This made them an essential part of the entire *witch* matrix, by confirming their “real existence” as ‘witch-finder’ and also ‘practically’ helping to survive the ‘*bewitched*’ everyday life:

“The crucial role of the local healers and cunning folk in sustaining witchcraft beliefs is obvious, even if we may also see them as the necessary product of such beliefs. [...] [T]hey were joined in this role by a certain number of clerics, physicians, surgeons, apothecaries, knackers and hangmen, all seen as possessing some expertise in detecting witchcraft.”; “The importance of the *devins* may have lain primarily in their position within a multi-layered structure which validated and sustained beliefs, and helped to turn private, almost unavowable thoughts into public and acceptable ones. At the same time they generally allowed for the informal resolution of accusations.” (Briggs 2007: 205, 206).

(2) This healer thus formed an essential support pillar of the village-small-town **self-regulation**, in which one had learned to deal with the always present *witchcraft*—fearful, but by no means completely helpless:

“Confident that they knew the culprit, they found some comfort in the diagnosis. Those who had inflicted the harm could allegedly take it off again and found themselves under intense pressure to make signs of reconciliation. Endless little dramas of this kind were played out across Europe, few of which can ever have reached the courts; this was the enduring everyday reality of witchcraft beliefs.” (Briggs 1998: 95).

Such strategies ranged from the threat of violence to scratching the face of the witch to the occasional, but overall rare lynching,³⁵ one restricted contact with the

suspect, tried to achieve their goodwill through small gifts or to prevent or reverse the *witchcraft* by threatening a lawsuit; one informed each other about the rumor mill and gradually collected in folk belief anchored clues³⁶ like the known *maleficia*, to create a solid and solidary protective basis for a 'common' accusation. An accusation that was always seen as a last resort from a village perspective—which is why Briggs (2007) expects a high dark figure³⁷—although the arrest destroyed the magical potential of the *witch*, which would only increase the real danger of such a person and their family if it failed—for example if the *witch* was released after surviving two tortures:

“Witchcraft beliefs were so deeply embedded in early modern social structures and ways of thought that they inevitably tended to become domesticated. [...] In practice, people usually lived with witches and their malice as they did with all the other risks of an unpredictable environment. There were many techniques for limiting one's personal exposure and controlling the suspect's behavior. Negotiation rather than confrontation was the preferred mode, often used with some subtlety.”³⁸

(3) The current *witchcraft* always consisted of a complex social and social psychological **interaction**. As a process, it initially developed from a dispute with a subsequent damage, which was interpreted as a secret revenge of the witch, often with the *refusal-guilt syndrom* identified by Macfarlane³⁹ and the corresponding projection of aggression playing a role (ibid.: 140 f.):³⁹ “Witches were essentially reactive, responding to acts of aggression or hostility from others. Like snakes, they had to be provoked before they would strike.” (ibid.: 137).

If one had, possibly strengthened by the healer, a specific *witch* suspicion, one tried—on the assumption that only the *witch* could undo the damage caused—to persuade or threaten her to take appropriate action, if necessary, also at the sickbed of the victim or to apologize. One also hoped to achieve this by burning things from the house of the *witch* or using them magically as a remedy. If the *witch* refused the restitution, she was convicted as a *witch* as much as by her appearance at the *bewitched*; if she was successful, the stigma remained, but initially peace could return:

“Angry exchanges and suspicions of bewitchment were much commoner than criminal prosecutions. A very powerful motive for accusing someone was the hope that they might offer a cure. This was likeliest if the charge were made indirectly, often in the form of an invitation to visit the sick person. There must have been a complex code in operation here, full of implicit understandings which are all too likely to escape the modern eye. In the negotiations which followed the witch was really being invited to accept responsibility, then secure pardon and immunity by removing the evil.” (Ibid.: 75).

The *witch* could in turn threaten with a *bewitchment*; which could be the last remaining, but quite effective ‘weapon’ in her precarious situation on the one hand; but on the other hand often provided the first evidence of her later *witch* activity.

The reaction to the frequent **insult** ‘You old witch’ or the like was also double-edged.⁴⁰ If the insulted person did not defend herself by a defamation lawsuit, it was likely that the accusation was true; but if she went to court—which was also financially problematic for the poorer people, among other things—then there was the danger that the other side would try to prove the *witchcraft* accusation: “Failure to seek reparation for being called a witch was one of the commonest charges made by witnesses.” (Ibid.: 159).⁴¹

All in all, such “interpersonal relationships between witch and accuser” were “vital not only in the formation of the accusation, but also to those subsequent stages during which the two parties negotiated their position, often in a public or semi-public forum, the accuser or victim at least frequently being assisted by the mediation and support of friends and neighbours.”⁴² And indeed not least of all because, as Kounine (2016) points out in her careful analysis of exemplary individual cases from Württemberg, due to the immanent **ambiguity** of the *witch*-image it was by no means clear from the outset *what* a witch is, whether she actually acted in a ‘*witch-like*’ manner, and to what extent the damage is attributable to her:

“This ambiguity also goes some way towards explaining the reticence people showed with regard to accusing someone of witchcraft. Indeed, what we find is a plurality of ideas of what constituted a ‘witch’ that were then made to matter in particular ways by particular people.” “The trial narratives show that what constituted evil or good was not always distinguishable or definable. The fear surrounding the witch lay in the very act that it was *not* easy to categorically say whether someone was evil or not; the threat did not lie in their ‘otherness’, but rather their very sameness.” (Kounine 2016: 83, 86).

Which is why in these ‘normal cases’ of *witchcraft*—in contrast to mass persecution—the general **reputation**, the good or bad reputation, the long rumours career, the origin from a *witch* family, the social status or the former husband’s protection⁴³ could decisively determine the further *witch* and process career.

(4) In the further course of this a regular witch-career could develop, which, as described by Macfarlane, begins with early rumours, interprets new unexpected events on this basis,⁴⁴ and gradually concentrates on certain ‘village-known’ persons from the group of persons described by Macfarlane:

“There was something of a vicious circle; weaker and poorer members of the community made more demands on their neighbours, risked being rejected or treated with less respect by them and could only attempt to defend themselves by displays of aggression. In the process they made themselves vulnerable to witchcraft charges, yet these only crystallized around a tiny minority of the potential victims.” (Ibid: 147).

Whereby the *witch* sometimes **herself believed**, to be able to work magic, as Arthur Wilson already pointed out in 1645 in England:

“They themselves, by the strength of fancy, may think they bring such things to pass which many times unhappily they wish for and rejoice in when done, out of the malevolent humour which is in them: which passes with them as if they had really acted it.” (in: Thomas 1971: 502).⁴⁵

In these “years of harassment and local hostility” (Briggs 1998: 157), which could sometimes last for decades, whole regular *witch*-careers and, based on that whole ***witch-families***,⁴⁶ emerged in such dense village and small town milieus, which were known to everyone—which then reflected in the ‘bad reputation’, which in turn could act as an indirect indication for the inquisition process. In a process, in which the witnesses—often as the first ‘re-interpretation’ stimulated by the last occasion-offence—again and again reported about events, which took place years or even decades ago—a possible evidence for the intensity and duration of such rumours. But also as an indication that so often old women and widows were accused, who were conspicuous already decades ago, but then—at the beginning of such a ‘career’—were still protected by their husbands and family relations (ibid.: 22).⁴⁷

(5) A process of isolation and stigmatization, which on the one hand created the aforementioned “solid” foundation of multiple witnesses of an accusation. And on the other hand, the *witch* herself could take it on in her self-image,⁴⁸ as is already recorded in the anonymous verses *The Witch of Edmonton* in 1621.⁴⁹

“Some call me witch,
And being ignorant of my self, they go
About to teach me how to be one; urging,
That my bad tongue (by their bad language made so)
Forespeaks their cattle, doth bewitch their corn,
Themselves, their servants, and their babes at nurse.
This they enforce upon me; and in part
Make me to credit it.”

An adoption of this attribution, which could serve both as a “weapon” and a threat, but also came to light in the desperate confession, if, for example, even one’s own family had confirmed such accusations:

“Confessions, notably those offered voluntarily, can imply a state of mind in which the accused gave way to self-hatred and despair, mingled with awareness of their own malevolence (however impotent) and were left with little capacity to resist their interrogators.” (Ibid.: 156).

Not infrequently, such confessions served as a kind of covert suicide: “For those who made the confessions death loomed in a very real sense, although many seem to have felt that by making a clean breast of their sinful relations with the lord of the underworld they ensured ending up in the other place. Fortunately the historian is not called upon to decide whether this amounted to more than the exchange of one fantasy for another,” Briggs (1996: 49) adds sarcastically.⁵⁰

In a “Devil’s Circle”, in a *folie à deux*⁵¹ with the inquisitor (ibid.: 58), in which the witch—even without torture—reproduced the theologically overformed vil-lage *witch* patterns, for example when she spoke of the lewdness with the devil and of the Sabbath or of the *maleficia* she caused against people and animals, with which her inquisitor found his *witch* belief confirmed.⁵²

“Two sides are necessary for the witch interrogation, the witch and her questioner. Both are necessary for the creation of fantasy. The relentless questioning of the interrogators and their relentless focus on detail encouraged the witch to her fantasy images and opened her eyes to her motives and the question of guilt. Both were psychologically involved in the content of the fantasy.” (Roper 1995: 250).⁵³

In a form of “transference and countertransference” taking place in psychoanalysis between therapist and patient, in which “the projections of the accused onto the examiner make it possible to express buried emotional experiences”:

“By getting to know the person who interrogates her and unconsciously identifying herself with his needs, she can invent the story he wants to hear.” (Roper 2007: 89).⁵⁴

Namely, in a language that is not hers, but in which they can communicate together:

“It is undoubtedly true that the pressures of interrogation and the pain caused accused witches to shape their accounts of their own emotions and present a narrative of their psychic worlds in a particular way—the language of witchcraft forced

them to present the devil as their seducer and the ultimate cause of their fall. But narratives in which people try to make sense of their psychic conflicts usually involve borrowing from a language which is not at first the individual's own. We might say that coming to understand oneself can involve learning to recognize one's feelings in the terms of a theory, psychoanalytic or diabolic, which one might not originally have applied to oneself." (Roper 1999a: 218).⁵⁵

Especially since all participants perceived these "stereotyped" and "socially embedded" fantasies together as learned and experienced "reality":

"Judges, witnesses, and suspects alike operated within a restricted set of themes and possibilities, determined by their common understanding of the language and practices of witchcraft and by their social environment. One of the consequences is that these stories usually seem inherently probable [...] The appearance of realism is not the same thing as factual accuracy, however, and it is crucial to remember that in some respects narratives of witchcraft simply had to be fictions because their central aim was to establish connections that did not truly exist." (Briggs 2017: 119).

7.4 Eva Labouvie, Walter Rummel: Saar-Mosel-Gebiet (1991)

"Many witch-huntings from all high court districts of the Saarland confirm the generally circulating among the rural population belief of the 'magic power in the blood', which often enough gave the first impulse to an irresponsible insult and the resulting rumors of witchcraft." (Labouvie 1991: 169).

(1) In their approximately simultaneous investigations of the records in the neighboring German-speaking area, Eva Labouvie (1991)—whom I follow mainly at first—finds in the Saar-Raum and Walter Rummel (1991) in the neighboring lower Mosel-Gebiet, especially in the testimony and in a wealth of insult complaints, a **rural witchcraft pattern that agrees widely with the previously discussed work**. In this particularly **persecution-intensive**⁵⁶ area, small and smallest hamlets predominate,⁵⁷ confessionally mixed—Calvinist, Lutheran, Catholic, but also "Baptists, Mennonites, Huguenots, Jews and Gypsies, who were able to settle for a long time under the protection of the Lutheran Counts of Nassau-Saarbrücken." (Labouvie 1991: 13). In a region fragmented by lordship, in which—in view of the distant overlords of the Electorate of Trier, whose Elector was at the same time the clerical and secular head, of Lorraine with the Obergericht in Nancy, of the Palatinate-Zweibrücken and Nassau-Saarbrücken—a multitude of small lords could exercise their right of blood.

Under their umbrella, community ***witch-committees* developed**, which could drive the persecution process ‘from below’ in a decisive way. This relatively rare institution in other European regions, to which I will turn in Chap. 9, provides good evidence for the particularly emphasized intensive involvement of the population in the *witch*-persecution in the recent *witch*-research—in contrast to secular and clerical interests of power.

(2) The *witch*-hunt, which among other things was abruptly ended by the devastating consequences of the 30-year war and then only sporadically resumed, mainly affects women here too, and in particular widows without male protection, as well as predominantly the poorer population, which anyway made up the majority of the rural population.

On the basis of inherited magical ideas, a general ***witch-interpretation pattern developed here as well, under the influence of the church***⁵⁸, which initially emphasized damage magic—with the corresponding “white” identification and protection spell—and which from about 1611 increasingly took over theological interpretations in its later phases.

An interpretation pattern in which—as in the previously cited works—a prolonged *witch*-career builds up rumor-wise around certain conspicuous persons in the immediate vicinity within these small places. In order to finally reach the *witch*-committee on the occasion of a specifically attributable damage case or through an testimony (‘Besagung’) or whole testimony-systems of other witches, already sentenced to death—and thus defined as particularly true because of the “purifying” torture and in view of the still expected salvation of the soul. Which then collects the necessary witness statements and evidence from the files of previous convictions in order to bring an indictment before the High Court. In this way, rumor, witness statements and ‘Besagungen’ are supplemented by indications of kinship and friendship “witchy” relationships and by the lack of defense against corresponding previous ‘*witch*’-insults:⁶⁰

“However, an irresponsible witch insult was considered, according to the collective community understanding, to be an irrefutable confession of guilt. This is why there were incessant complaints about such defamation at the district courts during the witch-hunt. (Labouvie 1991: 167).

(3) **Multifunctional** served this witch-hunt—in addition to the direct elimination of evil—first of all the explanation and, as Labouvie emphasizes, also the relief of the victim from self-inflicted behavior; then, as generally assumed in ethnology, also to relieve the pent-up conflict potential and—in addition to the instrument of charivari⁶¹—for social control both towards disturbers and outsiders as well as towards excessive success—for example in love affairs:⁶²

“Witch-hunt accusations had an explanatory function where institutional and community, individual and group-specific inadequacies left no other plausible alternative solutions available. They had a tension-relieving, at least tension-reducing function where pent-up conflicts and the associated mutual defamation, violence or negative behavior could no longer be corrected or other forms of conflict resolution were either rejected as inappropriate, as too dangerous or punishable, or had failed. Finally, a witch-hunt accusation then had a control function at the community level when it came to restoring, maintaining or excluding a position that did not conform to them.” (Labouvie 1991: 218).⁶³

An interpretation based on English research, which Walter Rummel (1991: 294, 303) supplements for the economically and procedurally very similar areas of the Trier and Sponheim Untermoselle, which he examined in the vicinity of (around Koblenz): As an “economic” (i.e. s.) interest⁶⁴ and as a deeply rooted, long-built “hatred and envy” in particular between the members of the witch-committee on the one hand and the leading village elite on the other—“the activities of the committees thus included an organized condensation of ‘hatred and envy’ against certain persons”:⁶⁵

“The striving for profit and asset growth was only one element of subliminal process motivation. No less strongly pronounced was for the committees and for a part of their witnesses the hope for the displacement of annoying competitors and the need for revenge often long-standing humiliations and controversial words.”⁶⁶

(4) The **role of the Church**, according to Eva Labouvie, was less in the enforcement of its concrete satanic Sabbath image—as much as this was later to be found as a result of torture—since, to a large extent, the traditional village ‘damage model’ had been preserved as the basis for persecution. However, over time—that is, in the 100 years after the *Hexenhammer*—church propaganda had rather diffusely intensified the **fear of the devil** as well as, certainly unintentionally, also the—possibly even as a result—growing role of white magicians, the *cunning folk*. Because, as English research had already emphasized, on the one hand the approach taken by the Reformation and Counter-Reformation against magical abilities—especially that of the lower clergy, who were therefore often sought after—could revive the importance of these ‘white experts’ as a possible alternative. And because, on the other hand,

“the churches’ fight against ‘superstition’ deprived folk culture of numerous means of independent magical defense against the forces of evil. It may therefore be assumed that people increasingly found themselves helpless in the face of the accumulating demonic powers; this is borne out not only by the witch-hunt that began in

the 16th century, but also by the large number of ‘serious demonic temptations’ and bad dreams at night, of which the baroque miracle books give testimony.” (Schindler 1992: 240).

With which, one would like to conclude, the originally balanced ‘ambivalence’ between spell and counter-spell, between black and white magic, was so shifted that the recourse to the ‘from above’ offered *witch*-process now seemed to be the only way out: “Without the official offer of a witch-hunt, the village opponents would have been limited to their conventional methods of dealing with and fighting each other.” (Rummel 1991: 315).

7.5 Rainer Walz: The Persecutions in the County of Lippe (1993)⁶⁷

“This left the women, who were convinced of their innocence, in a situation in which a clear, promising strategy was no longer possible.” (Walz 1993: 520).

In his ethnologically oriented, detailed analysis of the inquisition and the rural Gogerichts-records of some villages in the county of Lippe⁶⁸ Rainer Walz (1993) can confirm the previously described rural-village witch-version also for the time before and after the Thirty Years’ War⁶⁹ with the relatively late peak between 1649 and 1669. Located in the *hexerischen* neighborhood of Paderborn, Lemgoand Minden⁷⁰ the former Lutheran county became Calvinist in 1605. Similar to the Saar-Mosel region, it suffered greatly from the consequences of the Thirty Years’ War.

(1) Here, too, the persecution proved to be a **multi-functional instrument** primarily for the reduction of contingency—that is, for the explanation of inexplicable misfortunes—and for the isolation of the opponent; but less for the control of strongly deviant behavior (ibid.: 64, 284), as can be seen, for example, from the comparison between the *hexerischen* burdened and the equally frequent unburdened petty criminals Gogerichts-cases. Concentrated on the **neighborhood-familial conflict level** (ibid.: 289, 293), it often followed—not openly shown—rumors-career, but could also be triggered despite ‘good rumors’ by acute damage, by conspicuous defense attempts of the suspects or by hints of a widely visited *witch*-bannern⁷¹:

“In most cases, a victim came to a concrete suspicion of crime if he could connect it to an existing rumor, to the relatives or acquaintances of the suspects with witches, or to other suspicion factors. If a woman was already in the rumor, she was often

suspiciously spied on not only by the victim according to later witness statements. This can be most clearly shown for the butter or milk spell [...] This type of spell was the one most commonly suspected of being magical by the rural population.” (ibid.: 307).⁷²

So that now “the peasantry in a large, lawyer-drafted application could demand the opening of the proceedings *ex officio*.” (a. a. O.: 98).

The role of the **village-specific witch-discourse**, in which the causing of damage and the demand to remedy the damage by a *removal*⁷³ again to fix, widely left out the role of the devil and Sabbath, which in turn, according to an ‘everyday’ version⁷⁴ mostly only came up in the torture stage:⁷⁵

“In most cases, suspicion arose from actual or imaginary transactions of an economic nature, in which one’s own property was absolutely or relatively diminished. Significantly less often, the suspicion was based on observations that could be interpreted as evidence of participation in the witch’s Sabbath.” (Ibid.: 309 f.).

(2) From his ethnological-sociological perspective, Walz emphasizes two moments that have been less mentioned in the previously treated studies: the role of the general village culture as well as the ‘*bewitched*’ interaction strategies in the course of such *witch-careers*.

According to this, the *witch-event* could be classified as a relatively ‘normal’, expected pattern of behavior in a more general **village culture**. A village culture that, on the one hand, was based on the values of always to be defended honor⁷⁶ and the jealously guarded possession—“a pre-modern individualism of ownership” (ibid.: 289)—and that on the other hand reacted relatively roughly ‘agonistic’ to actual or assumed offending actions over a wide area ‘ritualized’:⁷⁷ insults, refusal to return the borrowed, refusal to buy or sell, ‘grazing’ or ‘ploughing’:

“Not only the suspicion of witchcraft, which often accompanied transactions of ownership, showed a close emotional attachment to property. This attachment can also be observed elsewhere. The mistrust and the short-circuited attribution observed during the witchcraft procedure are also characteristic of village interaction, which is particularly evident in the frequent, almost magically associated accusations of theft. That honor structured village communication is also increasingly being pointed out by recent research. The disparagement of the witch was only a sophisticated special case of these structures.” (ibid.: 520).

In particular, the ‘principle of the *sum constant*’ applied⁷⁸, according to which “the gain of one is regularly interpreted as the loss of the other” (ibid.: 53), so that, for example,—always suspiciously observed—a successful sale of butter could only be explained by a *witchcraft* of the milk.⁷⁹

This structural ‘normality’ also shaped the behavior of the villagers during the long-lasting **phase of rumors**: “The silence of the victim about his suspicion and the waiver to even avoid the suspect” (ibid.: 310), which can then be interpreted retrospectively in the concrete suspicion phase, if necessary, became the core of the accusation, because then “the rumor was tendentiously equated with truth.” (ibid.: 518). This was almost even more pronounced in the relationship between the actual *witchcraft*-accusations, which rarely ended up in front of the Gogericht, and the very frequent *witchcraft*-insults, which, similar to ‘thief’, adulterer or ‘whore’, although as an insult, but not as a magic accusation were considered.

(3) The focus of such ethnological analyses lies in the complex **interaction processes**, in which one side ‘attributes’ the *witchcraft*, that is, ascribes the magical damage to the accused. While this—in the context of the village culture compulsorily designed as ‘agonistic ritual’⁸⁰—already leads to an almost hopeless ‘*pragmatic paradox*’ (ibid.: 59)—that is, a ‘double bind’—from which above all the impoverished *witch* could hardly find her way out anymore:

“One of the essential functions of the witch hunts may be that—unlike in other village conflicts—the pursued woman was deprived of the possibility of defense as soon as the rumor had reached a certain strength. Once it had crossed the initial threshold, both defense and silence could lead to disaster.” (ibid.: 340).

Such ‘paradoxes’ resulted, for example, from the obligation to sue for witchcraft, which, however, could fuel the rumor or lead to a changeover to the inquisition process, while the waiver was considered an important witchcraft indicator. Also the attempt to ‘repair’ or ‘apologize’ for a ‘threat’ or an ‘attributed’ action proved at least the bad conscience, just as the ‘*commissioning*’ (‘Beschickung’), that is, the inquiry whether an accusation or even a mention existed. In particular, the *dismissal* (‘Abtun’) proved to be an indicator justifying even torture: When asked to ‘repair’ the *bewitchment*—which only the *witch* herself could do—both the refusal and the compliance with the request proved the accusation, in particular if the accused, unknowingly, by chance, benevolently or only neighborly realized such a *dismissal*—for example, stroked the head of the sick person; regardless of whether this person recovered or now ‘finally bewitched’ died.⁸¹

A paradoxical situation that can be exacerbated by the fact that the accused or discredited woman, like her pursuers, begins to interpret their interactions ‘**ego-centrally**’:

“The uncertainty about one’s own position in the village often led to the fact that notorious women too quickly attributed random remarks about witches or references that might have been meant for entirely different people to themselves, thus worsening their situation, in the worst case even causing the trial. If a woman did react concerned at all to such a remark about bewitching, which was not meant for her, the environment concluded that she understood it as a reference and thus revealed her bad conscience.” (Ibid.: 341).

Paradoxes that reached into the Inquisition trial, if, for example, the questioned witnesses were indeed unsettled by the defense, but continued to cling to their attributing interpretations:

“The investigation of the witnesses’ behavior shows that their confessions to the defense indeed made the belief in witches absurd, but that this remained without consequences. [...] In the trial, one agreed with the statements of the intellectually superior defense in many cases, but one remained, often expressed in a veiled way, with one’s inner certainty. The agonistic behavior obviously increased the cognitive consonance to such an extent in the accusers and originally neutral people that blatant contradictions, exculpatory arguments and observations were simply no longer perceived”

An attitude that the prosecuting fiscal officials as well as the **lower judges** followed in the same way, who, beyond the *indicia* doctrine of the otherwise applicable *Carolina* (ibid.: 77 f.), searched for reasons for the torture phase, which was then also allowed by the mostly called university Rintelen:

“Especially in the behavior in suspicion it becomes clear that the fiscal officials believed the quick attributions of the village population resulting from mistrust, so that the pragmatic paradox in which the women were also came to bear on the level of the persecutors.” “It is obvious that the judges were more obsessed with the devil’s fear than the ultimately deciding chancellery officials.” (ibid.:492, 510).

(4) A paradoxical situation, for which, as an example, the actually **prohibited water test** in the county of Lippe may serve, which has been in force since 1582.

“This medieval ordeal experienced—although officially prohibited [4th Lateran Council 1215]—in connection with the early modern witch trials, especially in the Westphalian and Lower Saxon areas, an amazing renaissance. In some aristocratic territories of Westphalia, the performance of the test between 1600 and 1605 even

became a regular mass phenomenon, in which supply and demand mutually determined each other: Taking advantage of the emerging water test culture to improve their own finances, some aristocratic courtiers turned their territories into ‘popular water test centers.’”⁸³

Namely, already in the run-up to the actual inquisition, on the part of the accused as a “risky” strategy, occasionally combined with the offer to also bear the resulting costs:

“Evidence of the unshakeable belief of the persecuted women in the water test is that some of them organized or at least planned replacement water tests, either because they were in doubt about their own identity—that is, they considered unconscious magic possible—because they feared that they would not be allowed to take the test, or because everything was too slow for them and they wanted to create clarity quickly.” (Ibid.: 357).

This also applied on the part of the accuser for “the numerous requests for a **combat water test** “to underline the seriousness of the—in itself not harmless ⁸⁴—accusation:

“The challenge to the fight took place in the following way with Anneke Tölleke. She was challenged to the test by Jobst Mahiß, who she had bewitched on the arm. He asked her first to remove the illness again. When she denied it, he said she had done it to him and he wanted to take a bath with her. She replied: “If you want to do that, you can do it, she didn’t want to go to water.” This dispute continued until they came to Meier’s house, where she said to him, “he should be quiet, otherwise she wouldn’t let it be.” Later he asked her again, “how it would be, whether she wanted to go to water with him, he wanted to bathe with a witch, but she always said she didn’t want to go to water.” (Ibid.: 360).

A fateful strategy to prove the otherwise hardly detectable innocence, which was pursued even more during the process, led relatively safely to the stake:

“If the prosecutors in Lippe still allowed the test in the middle of the 17th century, most of them did so for only one Machiavellian reason. They hoped that after the test, which—apparently through manipulation ⁸⁵—turned out to their disadvantage, the women would consider themselves convicted and make a confession.” (Ibid.: 375).

7.6 An Interim Conclusion: A Rural *Witch* Pattern

“Ordinary villagers having identified a witch, normally negotiated with her or him, seeking reconciliation and rehabilitation rather than prosecution. Executing a witch was a *failure* of normal community processes.” (Goodare 2016: 250).

The ethno-historical studies of rural everyday *witchcraft* in the regions of England, Lorraine, Saar-Mosel and North Germany, which are supplemented by the work of Rudolf Schulte (2001a) on Schleswig-Holstein,⁸⁶ show a largely consistent event that, oriented on the concretely damaging behavior, the *maleficium*, of the *witch*, relatively independent of the “learned” *witch* -Sabbat-Schema—embedded in a broader village culture—follows older, traditional roots.

(1) In the **dense interaction network** of mostly small village communities of the 16th and 17th centuries, in which actually everyone ‘knows’ everyone, ‘talks’ about him, and was more or less dependent on each other,⁸⁷ a long-established magical everyday mentality dominated, in which white and black magic *-cunning men/healers/witch finders*⁸⁸ and evil spirits/wizards/witches—almost inseparably accompanied the thinking and acting constantly. Namely, since the Reformation/Counter-Reformation, the more the equivalent competing ‘Catholic magic of the village priest’ could no longer offer sufficient help. Here, for example, long-standing rumors arose from neighborhood conflicts or unfulfilled requests for help, or as a result of other inexplicable advantages or damages (*contingency reduction*). Triggered by special events—curses, current damage, unrequited *witch*-insults, suspicious excuses—this could lead to an increasingly restrictive *witch*-career. A situation that is getting worse, in which the accused in the *double bind*, in a ‘pragmatic paradox’—such as in the *dismissal* or in the attempt to take legal action in return—a *witch image* realized, in which she occasionally finds herself as a *witch*. In order to now be delivered to the ‘authority’ together by the rest of the village community:

“[T]he quarrels among villagers that gave rise to suspicion of witchcraft, the threats and counterthreats that were hoarded in the bank of communal memory until some crisis of incivility precipitated legal action—were a constant element in people’s experience, waning and waxing in frequency and intensity but never rare.” (Kieckhefer 2013: 166).

(2) A situation that was actually already ‘internally’ solved in the village by means of *inquiring* and *making amends* (*‘beschicken’* and *‘abtun’*), by counter-

magic and mutual threats, by *cunning folk* and exorcism, as well as by avoiding contact or expulsion from the community:

An informal witch control, “whose complex and informal structure allowed many variants of interaction between witch, victim and fellow citizens. [...] The goal of informal witch control was to achieve the abolition of the spell that was imposed on the person who felt damaged, to solve a concrete conflict between two parties, to restore communication between them and, if necessary, to reconstitute the relationship on another level—taking into account that on this other level one of the parties was stigmatized as a witch and pushed into social isolation.” (Bender-Wittmann 1994: 124).

(3) This situation changed with the strengthening of an **early modern justice** in two ways. First, it provided a tool with its graduated justice procedure that offered a less risky ‘official’ solution for the previously ‘internally’ solved conflicts, in particular because the new ‘proto-state’ had taken over the risk of an accusation lawsuit (see Sect. 8.2):⁸⁹

“As witchcraft trials became a routine phenomenon [...] there may have been a growing tendency to incorporate them in local feuds, and to think of witchcraft as a natural extension of personal enmity.” (Briggs 2007: 90).

At the beginning still relatively uncontrolled: for example in the *witch committees* or in the patrimonial courts of the manors in Schleswig,⁹⁰ and in particular in the activities of the appointed or self-appointed *witch* commissioners. In order to ‘burn to ashes’ these *witches* in now ‘properly’ regulated processes with the increasing consolidation of this early state judicial power—first in the English court system, later in a centrally expanded court practice up to the ‘university legal practice’—which I will discuss in more detail in the next chapter.

(4) In the course of this development, the **‘learned’ witch-scheme** slowly also penetrates into rural thinking: that is, *witch*-flight, Sabbath, pact and consorting with the devil, which previously played no role in rural *witchcraft*-everyday life in England as well as in North Germany. At first, victims, witnesses, and the village community followed the rural **feared** damage-bringing *witch*-model, in order to reproduce the desired **satanic** model more or less well under torture:

“Even at its most intense the persecution was largely parasitic upon this far more extensive system of witchcraft management, which long predated the trials, and would continue for a very long time after they had ceased.” (Briggs 2007: 385).

In their fear of the devil and their Sabbath-imagination, they could refer to corresponding village-sermons. Later, the courts used the **Sabbath**, in order to obtain a sustainable piece of evidence with the—forced by systematic torture—sabbath accusations ('Besagungen') all the more so when the previously valid indications: *witch-mark* and water-test were no longer admissible. If there were previously, with the exception of the work of the *witch-commissioners*, mainly, but *endemically*, only individual proceedings on the village level, while the mass-persecutions emerging from this 'Besagung'-practice resulted in a very different kind of a downright witch craze occurring around 1600, which I will discuss in more detail in Chap. 9:

"My own estimate—merely an educated guess—is that neighbourhood animosities played a role in no more than a large minority of the total of about 50.000 who were executed in the course of the European witch-hunt. Probably more executions were generated by mass panics than by neighbours. However, the mass panics were relatively restricted in space and time whereas neighbourhood tensions existed all over early modern Europe, even in places and times with little witch-hunting. Most places, most of the time, had few witchcraft trials, not many could say with confidence that they had none. The lurking possibility of witchcraft trials thus played an important role in structuring and constraining neighbourhood relations all over Europe during this significant period of history. Before our period, and again after it, the neighbours had similar beliefs about witches, but were restricted to non-judicial options. Whether the absence of the prosecution option made the relationships between witches and their neighbours more rancorous, or less rancorous, would be hard to say." (Goodare 2016: 118).

(5) The fate of the 57-year-old **Anna Schmieg**, wife of the village miller, which Thomas Robisheaux (2009)- mikro historical – researched on the basis of rich archive material, who was executed in 1672 as the last *witch* and poisoner of the Lutheran County of Hohenlohe in southwest Germany, can be read like a crime novel and summarise the entire interactive event by way of example.

In a 'game', on the one hand, intra-family and neighbourhood conflicts led to a murder by poisoning (with a 'false' victim), while the village witnesses developed the *witch's* history of the very individualistic, 'newcomer' suspect:

"In some way her notoriety fit contemporary stereotypes of a witch as a quarrelsome and aggressive older woman beyond her childbearing years. [...] When Anna's neighbors called her a quarreler, a 'no-good woman', a drunk, a tight-fisted hoarder, even an 'evil woman' they were articulating the moral values that saturated public life after 1650." (Ibid.: 131).

On the other hand, Court Councillor Dr Tobias Ulrich von Gülchen, together with Court Pastor Ludwig Casimir Dietzel, carried out the interrogations of the individualistic, indeed sarcastic accused over a period of nine months in a carefully

planned and documented **Inquisition process**, constantly appealing to Count Henry Frederick:

“In doing so, von Gülchen was applying theology as a practical science closely allied to the law – one that provided crucial guidance in ferreting out a person’s hidden life and making sense out of it. Theological inquiries might reveal a dark pattern in the details of Anna’s childhood, moral behavior, and reputation for drinking, cursing and blessing strange objects. [...] For these reasons von Gülchen asked that his close colleague, while the highest Lutheran official of the Land [...] appeared with him for the first part of Schmieg’s interrogation [...] While the court adviser himself carried out the questioning, Dietzel would listen and advise von Gülchen privately.” (Ibid.: 95).

When the accused nevertheless survived the torture, the University of Altdorf/Nuremberg recommended her release, while the University of Strasbourg called for further torture. The latter finally led to a confession in which—in a Lutheran context—the Sabbath played no role:

“With her formal confession, written and approved on November 4. Anna’s earlier identity as the miller’s wife and a mother vanished altogether. What took its place was a new and terrible one: that of a witch. In fifteen detailed charges, her official confession revealed her secret life: her seduction by the devil when she was fifteen or sixteen, her drowning one of her own children in the millrace, her attempt to murder Eva [her daughter] and her son-in-law with [poisoned] cakes, but killing her neighbor instead, her harm to neighbors and their animals, as well as a life of cursing, drinking, and godless behavior, and a suicide attempt.” (Ibid.: 299).

A successful example of juridical-Lutheran “pastoral care” from the time of the transition from the *witches* to the *insane*. While here the—probably proven by the then “novel” forensic medicine—poison-murder was still fitted into the explanatory schema of a *witch* career in order to be able to promise the repentant *witch* direct access to paradise on the day of execution:

“In fact, the prisoners, having confessed fully and then willingly meeting their deaths, would immediately go to heaven to stand before God. The execution was therefore two dramas at once. The state showed its power to apply the law, restore justice, and punish the guilty. And citizens were invited to watch the drama of salvation. A public execution was a sermon in action.” (Ibid.: 303).

What one would in our time—equifunctional—psychologically-psychiatrically explain from the development of the ‘perpetrator personality’ in order to ‘re-socialize’ it at the end by a long prison sentence.

Notes

1. Christina Larner (1984: 130) speaks here of a 'natural witchcraft control' in contrast to the 'unnatural (official) control': "So far as witchcraft and witch-hunting are concerned, I would argue that since witch beliefs are endemic to pre-industrial societies while witch-hunting is not, the forms of witchcraft control used before the witch-hunt began can be regarded as natural, and those that result from a literate form of indoctrination as unnatural."
2. | Ethno-historical I: Application of ethnological-descriptive methods to historically past cultures. See the discussion in Douglas (1970) and in particular Douglas (1970a) and Thomas (1970) as well as Walz: Research status and methodological approach (1993: 1–65).
3. Cf. to the problems and chances of a *Witch research as regional history*: Eva Labouvie (1994).
4. The complexity of this source situation can be seen, for example, in Katrin Moeller (2008): "In Mecklenburg, however, rich source material is available, which can essentially be divided into two main streams. One of these streams is the records (court records, verdict registers, chamber records, accounts, protocol books, chronicles, contribution registers, church books, etc.) of the State Archives in Schwerin. [...] For the noble lawsuits in particular, the second main stream of the Mecklenburg source tradition is therefore significant. This is represented by the teaching verdicts of the Rostock and Greifswald faculties of law, in individual cases also by the corresponding institutions of the universities of Helmstedt, Kiel, Brandenburg, Leipzig, Frankfurt / Oder, Wittenberg or Stettin."
5. See the exhibition catalogue Beier-de Haan/Voltmer/Irsigler (2002) for this.
6. With the sentence "The belief in witches is mainly shaped by rural life", Anita Schmielewski-Hagius (2004) introduces her relevant compilation of this rural everyday magic.
7. In order to be criticized in recent times in favour of a "government-political" question-orientation as rather "naive" following the court records: "In court it was a matter of joining the members of one's own narrative to a universally accepted sequence of events in order to appear in the desired light in front of the opposing party and oneself." (Modestin 2002: 107). Voltmer (2016a: 104) criticizes the recent "emotional turn" in the same way: "All in all, trial records, however substantial they seem to be, present—even in the testimonies of witnesses and confessions—the specific perspective of the prosecution. Withal, putting testimony into writing was itself an instrument of power and the suppression of the mostly unlearned accused."
8. For the situation in England in general, see below (Sect. 12.1.2).

9. Matthew Hopkins and John Stearne 1645–1647, who, among other things, used the method of sleep deprivation as a torture: “As the English Civil War was drawing to its close, the two men travelled around East Anglia offering their services to local authorities to search out witches; their crusade may have had as many as 200 victims, a high proportion of the total of those put to death in England.” (Briggs 1998: 191); see also Macfarlane (1970: 135 ff.). A critical analysis of this—by no means so clear—exception in: Jim Sharpe (1999: 244, 252): “On one level then, the witchcraft detected in the East Anglian outbreak of 1645–1647 was hardly atypical: most of those accused of witchcraft were women from the lower orders [...] Thus the alleged atypicality of the Hopkins trials lay not in these areas, but rather in the high profile which the devil enjoyed in the witches’ account of their activities.”; “A much more common impression, however, is that of a jumble of popular and ‘educated’ beliefs which were mobilized into an agitated interaction by the conditions of a mass witch hunt.”
10. “The Courts of Quarter Sessions or Quarter Sessions were local courts traditionally held at four set times each year.” (en.wikipedia.org/wiki/Quarter_Sessions); “The assizes heard the most serious cases, which were committed to it by the Quarter Sessions” presided over by traveling judges: “who were judges of the King’s Bench Division of the High Court of Justice who travelled across the seven circuits of England and Wales” ([en.wikipedia.org/wiki/Assizes_\(England_and_Wales\)](http://en.wikipedia.org/wiki/Assizes_(England_and_Wales))). “These men endeavored to observe the rules of procedure and of evidence correctly. Moreover, their geographical and cultural origins placed them at a distance from the village squabbles that so often formed the basis of witchcraft accusations.” (Sharpe 2008: 73). See below (Sect. 12.1.2, note 28).
11. What Keith Thomas’ (1971: 437 ff.) summarizing overview of the situation in England in the 16th and 17th centuries can confirm in general.
12. A first Act of 1542 was already repealed in 1547. The Act of 1604 was formally repealed in 1736, but now it was punished to call another person a witch. (en.wikipedia.org/wiki/Witchcraft_Acts). Cf. general: Thomas (1971: 442 ff.) and Mendes (2017: 280 ff.).
13. Thoroughly treated by Darr (2011: 140-155); Hutton (2017: 262-278) as well as Millar (2016: 174), who, based on English pamphlets, interprets these “pet”-like *familiars* as expressions and projections of the emotional feelings of *witches*: “[T]o demonstrate how familiar spirits can be understood as physical manifestations of a witch’s hatred, desire and fear.”
14. “The internal conflicts are projected on to the outside world; such projection is defined as ‘escape from repressed conflict by attributing one’s own

- emotional drives to the external world,'" quotes Macfarlane (1970: 244) the ethnologist Kluckhohn.
15. An interpretation that Modestin (2002: 106 ff.) doubts: "The questionable model, in which the rejected were attributed evil thoughts of revenge by the refuser, has recently been interpreted by Marion Gibson as a narrative matrix, less the echo of actual events than a narrative convention."
 16. *Vagabonds and Beggars Act* 1495: "In 1535, a bill was drawn up calling for the creation of a system of public works to deal with the problem of unemployment, to be funded by a tax on income and capital. A law passed a year later allowed vagabonds to be whipped."; to be properly developed around the turn of the century: "The first complete code of poor relief was made in the Act for the Relief of the Poor 1597 and some provision for the 'deserving poor' was eventually made in the Elizabethan Poor Law of 1601." (en.wikipedia.org/wiki/English_Poor_Laws).
 17. To the—in the local context less relevant—criticism of Thomas s. Barry (1999: 25): "A lack of concern for the processes of cultural transmission, compared to the intellectual plausibility and social/psychological usefulness of given ideas. There is no extended discussion, for example, of the role of education, the press, sermons, customary events or storytelling practices in the transmission of beliefs."
 18. After Henry VIII had 1534 from the Pope abdicated, an independent Anglican Church developed in England under his daughter Elizabeth I. (1558–1603) in confrontation with the strict Calvinist Puritans, which influenced the religious events to a great extent under Oliver Cromwell (1640–1658). See also (Sect. 12.1.2 (3)).
 19. "There were apparently not more than 500 executions, and the conviction rate, based on the trials for which there are records, was only about 25 per cent." (Levack in: (<https://routledgetextbooks.com/textbooks/9781138808102/>))
 20. A final *witch*-process ended in 1717 with an acquittal, although no less than 25 witnesses had testified to the *witchcraft* (Thomas 1971: 452).
 21. "In their own communities the cunning folk were often feared and respected. If a wise woman fell under suspicion from the authorities her neighbours might rally to her defence, providing compurgators in the ecclesiastical court, or drawing up certificates testifying to her innocence. Even if she was gaoled, they still thronged to her ministrations. William Perkins (1608) summed up the whole process, 'Let a man's child, friend, or cattle be taken with some sore sickness, or strangely tormented with some rare and unknown disease, the first thing he doth is to bethink himself and inquire

- after some wise man or wise woman, and thither he sends and goes for help.' And when as a result of his charms the sick party recovers, the conclusion of all is the usual acclamation: 'Oh, happy is the day that ever I met with such a man or woman to help me!'" (Thomas 1971: 251 ff.).
22. "If all the devils in hell were dead, and all the witches in England burnt or hanged, I warrant you we should not fail to have rain, hail and tempests, as now we have, according to the appointment and will of God, and according to the constitution of the elements, and the course of the planets, wherein God hath set a perfect and perpetual order." (in: Oldridge 2007: 367). A good overview in: Littlewood 2009: "In his book, he employs a broadly Protestant position and takes delight in ridiculing Sprenger and Kramer's *Malleus Maleficarum* and Bodin's *Démonomanie*, both written by earlier Roman Catholic authors but then used by the post-Reformation English witchfinders, as on the continent, for judicial instruction in the techniques of interrogation." (ibid. 350). For the religious-political background of Scott: "disavowal of religious heterodoxy and opposition to radical puritanism"—see Elmer (2016: 18-33; 23). Excerpts in: Levack (2015: 352–359). S. Wootton (2001: 123): "[F]or it is easy to read him as holding that spirits 'are onlie imaginations in the mind of man' or that 'spirits and divels are onlie motions and affections', which would place him among the Sadducees or the contemporary sect of the 'Family of Love'." See also: (de.wikipedia.org/wiki/Reginald_Scot).
 23. In Venice, which was repeatedly affected by the plague, and which successfully introduced the first quarantine measures, a senate decree of 22.6.1630 was understood as "The plague as a divine call for moral repentance". "Therefore, a kind of moral police should be created. To prevent all blasphemy, too loose lifestyle, gambling, gluttony, boastful expenditure on jewelry and lack of discipline in clothing", while the helpless medical profession assumed that "people who deliberately spread the disease in league with the devil or as agents of enemy powers. For example, with the "pest ointments" with which they smear door knockers, door handles, walls, church portals." (Walter Saller in: *Geo Epoche. Venice 810–1900* (2007: 13, 15)).
 24. "Witchcraft was not the only alternative explanation available. If a man suffered some unexpected reverse, he could seek an astrological explanation in the stars; he could blame evil spirits or the fairies; he could ask himself what ritual precaution he had neglected; or he could just shrug his shoulders and blame his bad luck. [...]. They could accuse other enemies of society, like the Catholics, around whom extensive sadistic fantasies had been woven." (Thomas 1971: 542)

25. "If the wicked man encountered adversity this was clearly a punishment from God; if a godly man was smitten then he was being tested and tried." (Thomas 1971: 82)
26. "Scratching was another popular, yet illegal, test to reveal a supernatural sign of witchcraft. The belief was that by scratching the suspect with the nails and drawing her blood, the bewitched victim could enjoy temporary relief after scratching a suspect confirmed the suspect's guilt." (Darr 2011: 173–182). "The practice of 'scratching' alleged witches to remove their power continued long into the 1800s" (Oldridge 2007: 371). "The idea that witchcraft was in the blood may be related to a popular remedial measure; the victim would gain some relief by scratching the witch until the blood ran. The practice is found in 13th century England and survived into the 19th, despite the objections of Puritan divines [...] and the readiness of some magistrates to give damages for assault to those who had been scratched." (Holmes 1984: 96).
27. "To theologians, such practitioners were all guilty of diabolical compact, but to this consideration the populace at large seems to have been indifferent. In England, as on the Continent, the blurring together of black and white witchcraft was fundamentally alien to popular beliefs." (Thomas 1971: 449).
28. Briggs (2007) concretizes his findings on the basis of extremely well-preserved archival material with a hardly readable, yet extremely detailed and convincing wealth of systematically ordered case studies.
29. These meetings in the spinning rooms, the community-forming role of which Shorter (1977: 150) extensively investigates under the French term *Veillée*, were "an integral part of the life of the people in almost every part of the European continent."
30. Regular lotteries served as a way to raise money for the 'state' back then; but one also often relied—as in the case of the judgments of God—on decisions by lot, with the idea that God would help the just decision to victory: "Until the beginning of the seventeenth century the lot was generally regarded as a direct appeal to divine providence." (Thomas 1971: 119 ff.); which is why, for example, the new pope of the Copts was recently determined by lot.
31. "Protestant clerics and demonologists were particularly given to such declarations about the link between idolatry and witchcraft. [...] The only concession was that purely natural means of healing might be used, after one had prayed for divined assistance, but this was to exclude most forms of popular therapy. It was actually better to die a pious death than to obtain healing by magic, a position more notable for its logic than its persuasiveness" Briggs (1996: 125 ff.) adds in his English-dry style.

32. This is particularly evident in Spain, where the Inquisition hardly persecuted *witches*, but rather such magicians.
33. Briggs (1996: 186) quotes, as an example, the statement of a peasant woman from 1647: “When asked why she did not pray to God rather than running to a witch-doctor, ‘We can get that man, but we cannot get God.’”
34. “All the wizard did was to confirm the suspicion already present in the client’s mind.” (Thomas 1971: 548)
35. “After 1600, lynchings were relatively rare in most Western European countries, where the prospect that the government would prosecute the ringleaders of such displays of popular justice tended to keep the number of illegal executions at a minimum. Without the fear of prosecution by the government, local communities in Poland and other Eastern European countries were more inclined to take justice into their own hands.” (Levack 2013a: 439). “Witch lynchings by ordinary folk were very rare in most places, but there were quite a few places where they did occur from time to time. Information is patchy, but significant numbers of lynchings occurred in France, Denmark and Poland.” (Goodare 2016; 249)
36. Cf. Roeck (1992: 91 ff.): “The ‘sensitive’ registered clue fit into a pre-figured, imaginary pattern, into a mental grid, in which the detail could be completed to form the image of the hag. [...] A conflict in the ‘whole house’, an accident, an illness or something similar was, so to speak, a catalytic element for the emergence of the witch; her suspected concrete guilt, her function in an absurd causal chain, only delivered the key to the interpretation of the clues and thus made them plausible.”
37. A dark figure that also results from the usually long careers before the actual indictment: “The great majority of accusations matured slowly, by a process of accretion over time. This is why the documents give at least a reasonable picture of how a suspected witch could exist within a community for many years; they are as much a record of suspicions, negotiations, and counter-measures as they are of persecution through the law.” (Briggs 2007: 377)
38. (Briggs 1998: 408). “Precisely because accusations were normally formed at moments of great emotional tension, passions could ebb away again once the crisis had passed, and the categorization of neighbours as witches often remained tentative.” (Briggs 2016: 151)
39. “Their dependence on begging exposed them to the classic refusal-guilt syndrome, in which those who refused charity (thus breaking with the normal expectations of neighbourliness) felt at once angry and guilty, then projected their own feelings into the other person. If the rejection was followed by a misfortune, the supposed ill-will became witchcraft.” (Briggs 1998: 276)

40. Examples of such insult processes from the 17th century: Tschakner (2006a).
41. A *'double bind'*, which Walter Rummel (1991: 149 ff.) can confirm impressively in his study in the lower Moselle region (see below).
42. Quoted Briggs (1996: 118) Jim Sharpe.
43. "Having the support of a man was one of the most effective defence strategies." (Kounine 2016: 157)
44. A very typical description of this development can be found in the contemporary criticism of George Gifford in Briggs (1996: 161 f.).
45. A *hexerisches* self-image, which Monter (1976; 199) could already establish for the neighbouring 'French Switzerland': " [A]t least some of the people arrested as witches were sincerely persuaded of their guilt; a few Jura Catholics had even confessed it to their priests and received absolution years before being arrested by secular authorities. There is no reason to doubt that in the Jura region, as elsewhere in Europe, many people attempted to practice black as well as white magic. The hundreds of Jura confessions giving precise details about spreading diabolical powder or grease; the dozens of circumstantial descriptions of how they made hail, sometimes successfully and sometimes not; even the bizarre circumstantial accounts of damage done by werewolves—all suggest 'facts' that were fully believed by at least some of the people who confessed, as well as by the men who judged them."
46. "The idea that a 'race' was either sound or tainted was much employed, both in self-defence and in accusations"; "the idea of a taint in the blood was just as firmly rooted, so that the children and siblings of convicted witches were always in danger of being drawn in after them. Testimony in the courts often shows how retentive the popular memory was for any lapse within the wider kinship system, later cited as if it were evidence." (Briggs 1998: 24, 247) (already then; cf. Kappeler (2020), discussed in: socialnet reviews (<https://www.socialnet.de/rezensionen/28175.php>)).
47. "Between a quarter and a third of the old women in a community would have had no direct descendants alive; most of these would have been at least partially dependent on formal or informal charity for even basic subsistence." (Briggs 1998: 255)
48. Masiak (2021) describes this situation of self-incrimination for members of so-called witch families in the community of Fürstenberg/Paderborn on the basis of the labeling theory.
49. In Thomas (1971: 526). The history and a good analysis of this play can be found in Daniele Z (2017?) in: Witchcraft and the disruption of social norms

- in *The Witch of Edmonton* in: (https://www.academia.edu/26772165/Witchcraft_and_the_disruption_of_social_norms_in_The_Witch_of_Edmonton).
50. A quite convincing, psychoanalytically oriented analysis of such a confession by the 21-year-old Augsburg woman Regina Bartholome from 1670 can be found in Lyndal Roper (1995: 232 ff.): “With the devil, the witch had a figure available that allowed her to dramatize psychological conflicts with extraordinary clarity.” (a. a. O.: 242)
 51. *Ifolie à deux*! “‘Mental disorder for two’. There is an adoption of delusions by a previously healthy person, caused by a person suffering from psychosis.” (https://flexikon.doccheck.com/de/Folie_à_deux)
 52. But it could also happen the other way around, as Hopkins reports, that women would voluntarily submit to the water test or the search for witch’s marks to prove that they were not witches: “The obvious explanation for this apparently suicidal conduct is that they were trying to clear themselves of pre-existing suspicions in the belief that the ordeal must confirm their innocence.” (Briggs 1998: 192)
 53. “There is clearly an interaction taking place in the confession-making process; between the accused, her accusers and her interrogators; between a widespread witchcraft belief and individual experience.” (Jackson 2007: 356)
 54. Burke (1985: 87) says about this: “The situation looks like a parody of the interview situation of modern anthropologists and their informants during field research—anthropologists are worried that they may only receive the answers that they unconsciously suggest to the informants during the interrogation.” A concern that was relatively foreign to the inquisitors.
 55. An interactive interpretation process that then also applies to the psychiatric field in general: “The ‘productive’ power of the mental health professions thus lies in the generation of schemas of self-misinterpretation.” (Ingleby 1983: 183)
 56. “In the duchy of Schwarzenburg’s Kurland possessions, in the town of Weiersweiler alone, in the town of Weiersweiler, at the end of the 16th century, with a population of no more than 50 adults, 16 people, almost a third of the adult community members, were sentenced to death by burning at the stake for witchcraft. In the same period, another eight townspeople were also involved in witch trials through incriminating confessions of witchcraft. About half of the Weiersweiler population had thus been confronted in a direct and personal way with the phenomenon of accusations and persecution of witches.” (Labouvie 1991: 71)

57. "550 village communities and 11 towns with a population of between 600 and 2,800"; "the towns rarely had more than 100 inhabitants." (Labouvie 1991: 13, 41)
58. "Overall, a population loss of 83-84% can be assumed for the county of Nassau-Saarbrücken for the offices of Saarbrücken and Ottweiler, of probably 100% for the office of Homburg, for the archbishopric of Trier of 88%, in the office of Blieskastel and 62% in the office of Saarbürg and for the duchy of Lorraine of 66.5% in the Saarland, of 53% in the office of Schaumberg and 72.8% in the office of Siersberg. The population in the duchy of Pfalz-Zweibrücken's Saarland towns was decimated by 90%." (Labouvie 1991: 252) cf. also (Labouvie 1995: 60 ff.).
59. [Patterns of interpretation: "for the perception and interpretation of reality, [...] according to which the actions, behavior and lifestyles of women were interpreted as sorcery or witchcraft." (Ahrend-Schulte 1994a: 27)]
60. Walter Rummel (1991: 149–156, 151) analyzes this *double bind* as the 'devaluation of the private law action for injuries': Whoever did not defend themselves was guilty, whoever defended themselves was—possibly by *Besagung*—the witch property ascribed: "If it was about witchcraft, the sympathies of the local officials were on the side of the Injurianten; their defamation took on the character of factual assertions," especially since they "regardless of their annulment all reappeared in the proceedings, as well as their authors," and reconciliation attempts were interpreted as corruption. "
61. "The 'Haberfeldtreiben' was known under the names Charivari, Katzenmusik, Schnurre, Skimmington, Shivaree in the whole Atlantic culture from Puritan New England to the mountains of Upper Bavaria"; "it was directed against 'disorder' in the household, which the community meant as a deviation from the usual gender roles." Men who did women's work; husbands who let themselves be beaten by their wives; or, in England, who beat their wives; inappropriate marital relationships; cuckolded husbands. The customs persisted on the village and in smaller towns "up to the threshold of the 19th century." (Shorter 1977: 255, 252, 254)
62. "Love affairs of a village inhabitant, in which the question arose how the 'Schürzenjäger' came to all his otherwise so virtuous lovers, were explained with witchcraft." (Labouvie 1991: 207)
63. A function that is also ascribed a certain 'preventive' character in ethnology. Harris (1989: 207ff.) quotes Gertrude Dole for this: "The social norm of being friendly prevents group members from accusing each other of any crimes. Since there is no effective political control or control by kinship groups, interpersonal relationships have become a kind of game whose

almost only rule is not to show any hostility to others, so as not to be suspected of witchcraft or sorcery.“ However, Dashu (1998) points out that such a ‘positive’ interpretation (which is all too quickly ‘conservative’) would obscure its negative aspects: “Midelfort’s notorious hypothesis that witch hunts were a ‘functional’ system that stabilized society and ensured harmonious relations, rather than a displacement mechanism that avoided dealing with dangerous realities, and a persecutory repression of women. Unfortunately, such favorable interpretations of the hunts are not unique. Levack agrees (“the prosecution of witches did help to protect a community from general corrupting influences and sinister forces”) [20] and so does Hans Sebald (“witchcraft [persecutions] served as an instrument for preserving a style of social interaction that was fair to everyone”). [21] Briggs does not go so far, but he comes too close for comfort. It is discouraging to see these ideas have not yet died a well-deserved death.“

64. For the socio-economic situation of the peasants during this *witch* time, see Dülmen (1998: 110ff., 110): “The peasant class was much more differentiated according to property, wealth, rank and law. Since the 16th century, especially at the end, the rich peasant class, which remained numerically the same, began to close itself off and, like the richest merchant families in the city, to form a caste, while the poor and lower-class peasant class increased in the village.”
65. For rural Eastern France, Soman (1989: 13) accordingly states: “Witchcraft was, and still is, a causal explanation of a classic situation in autonomous agrarian communities—an uncanny increase in worldly prosperity enjoyed by peasant X while peasant Y suffers a corresponding decline in his fortunes. X and his family seem to be draining vitality from Y and his kin. [...] In these circumstances a trial serves three overlapping functions: (1) a meritorious act to purge God’s world of the servants of Satan; (2) a blow struck against their enemies both actual and potential; and (3) a legitimization of their social advancement.”
66. “Witchcraft suspicions and witch trials could be understood as extreme variants of village (and small city) communities of terror. In addition, Coser’s [1991] sociological analysis of the community as a greedy institution could find its most impressive confirmation in the persecution of witches. In these cases the greed of the community often went so far that many of its members were devoured“, Gerd Schwerhoff (2016: 216) concludes his analysis of the *The Dark Side of Community*.
67. “The approximately 200 process acts preserved in the Lemgo City Archives are among the most extensive local evidence of witch trials in Germany.

- They show that an estimated 250 people fell victim to the trials, half of them after 1653.” (de.wikipedia.org/wiki/Hexenverfolgung_in_Lemgo), as well as Scheffler, Jürgen: *Lippe—Hexenverfolgungen*. Aus: Lexikon zur Geschichte der Hexenverfolgung, hrsg. v. Gudrun Gersmann, Katrin Moeller u. Jürgen-Michael Schmidt, in: historicum.net, URL: (<https://www.historicum.net/purl/jezqz/>). For the Lippian Lemgo, see also the persecution analyses published by Christine Meier, Ursula Bender-Wittmann, as well as by Gabriele Urhahn and Gisela Wilbertz in the volume *Hexenverfolgung und Regionalgeschichte. Die Grafschaft Lippe im Vergleich* edited by Wilbertz et al. (1994), which biographically process the individual fate of Maria Rampendahl in the last Lemgo witch trial, which went as far as the Reichskammergericht.
68. “Until the middle of the 20th century an independent small state, which in the 16th and 17th century to the core zones of witch hunts in Germany belonged” (Scheffler 1994: 267)
 69. No records were evaluated for the meantime of the Thirty Years’ War.
 70. See Paderborn below (Sect. 10.1.2). Using the example of Minden—a small town with 4 to 5000 inhabitants and its own jurisdiction with 170 accused between 1584 and 1684—the excellent analysis by Barbara Groß (2009), (based on 3 cases described in detail), can confirm and supplement the work of Walz: on the part of the—admittedly not so persecution-willing—population, she describes the interaction system based on rumors, injured honor and hopeless situation of the accused, which, however, was “used” by the city council for its own function depending on the political overall situation. (see below Sect. 8.8.3 (3))
 71. “Most of the time, however, Wicken Klaus probably gave his information in conversation, without using a ritual, by letting himself be informed about the case beforehand and thus obtaining information about whom his client suspected. [...] If Wicken Klaus did not know whom his clients suspected, or if he did not dare to confirm the suspicion, he avoided precise information, but left it at general hints.” (Walz 1993: 211)
 72. To which Reginald Scot (1584) remarked at the time: “Such episodes are validated by a whole series of legal and theological authorities who have detailed the powers witches have, but Scot mischievously notes that the milk will never turn to butter when the maids have eaten the cream or their mistress has actually sold the butter beforehand in the market.” (Littlewood 2009: 351)
 73. “This was based on the popular belief that a witch could undo the damage she had caused.” (Walz 1993: 345)
 74. “When looking at the reports of activities during the dance, it is striking that there were only very few, very weak indications of orgiastic behavior. [...] In

- addition, there were no or very few statements about any promiscuous practices. They apparently played no or only a minor role in the collective imagination of the rural population.” (Walz 1993: 393)
75. Soman (1989: 14): “The intrusion of the sabbath into witchcraft trials does *not* attest its penetration and absorption into local folklore, as many historians contend. What it attests is the suitability, convenience, and admissibility of the concept for the purpose of litigation (The two formulations are not mutually exclusive; notions of the sabbath are indisputably present in folk beliefs; but the distinction is capital for a sound interpretation of all judicial documents.)”
76. Groß (2009: 182-185, 210) underscores in her analysis of the small town Minden this ‘fundamental category’ of honor as ‘symbolic capital’ (à la Bourdieu): “In ‘societies of presence’ [...] whose sociality was essentially based on communication among those present, in interaction, as a behavior-guiding ‘code’”: “With reference to honor, the actors involved can negotiate very different, often contradictory, demands and claims [...] Addressing witchcraft suspicions as questions of honor means always taking into account and considering witchcraft accusations as a mode in which different resource issues can be negotiated.” Whereby the communicative forms, which witchcraft victims and their relatives used habitually in Minden in dealing with the suspects, also belonged to the typical form repertoire of early modern honor dealing.”
77. “As often as accusations of theft were, accusations of [allowing livestock to graze on someone else’s land] and border violations were suspected. The accusations and the reactions that followed were often very tough. So in 1656 Hans Könemann complained in Stemmen that Johan Bock had accused him of causing him damage with the horses, whether by grazing or driving over land, is not said. Bock had ‘addressed him with unrestrained words, called him a lame rogue and pointed to his mother’. Johan Bock, on the other hand, complained that Könemann had pointed to his mother during the reprimand for the damage, called him a witch’s son and said he wanted to keep his horses.” (Ibid.: 427)
78. |Summenkonstanzl: An “idea that all goods—material as well as possession and health, but also intellectual such as honor—were only available to a certain extent, had to go to the expense of another with a striking increase. The extraordinary increase in wealth and power had a different value in this system than in modern market-based thinking, which is based on a linear expansion of general prosperity.” (Tschaikner 2006)

79. The “‘zero-sum gain’ or the ‘limited benefit’: the unconscious appreciation of the ‘moral economy’ by the farmer who only cultivates for his own needs: supply and demand are calculable, wealth and resources are kept within limits and are more or less evenly distributed—a fair balance, investments, profit and economic growth were not widespread before the industrial revolution.” (Gaskill 2013a: 67 ff.)
80. For example, it was required that one not let an insult go: “The person who was insulted was forced to take retaliatory measures if he did not want to lose face. All mutual scolding was retaliatory scolding. Retorsion was the means by which one could return a degradation to the perpetrator and reduce his credibility.” (Walz 1993: 438)
81. Ingrid Ahrendt-Schulte (1994) provides with her analysis *The Case of Ilse Winter in Donop 1589* a convincing individual example for this *double bind*: *Dismiss* (‘abtun’) and fateful defamation lawsuit.
82. A psychological mechanism that we know from the discussion with ‘lateral thinkers’.
83. Groß (2009: 232 f.) after Gudrun Gersmann: “The nobility organizing the water test, like the Lord of Westerholt in Lembeck, as well as the city and country residents, who stormily demanded the test as a means of cleansing from accusations of witchcraft, paid as little attention to what the councils ordered in distant Münster as before. Between 1600 and 1650 the test enjoyed such a great influx at times that it became a real mass phenomenon. In contrast to the earlier, quasi “from above”—within the framework of an already begun witchcraft procedure—ordered tests, the practice of the test carried out in prophylactic—on a voluntary basis—became increasingly established in this period, which in many cases stood alone and did not lead to a process. The jurisdictions of Gemen, Merfeld, Lembeck and Ostendorf were to develop into centres of a true water test industry in the course of time. The hangman responsible for the correct execution of the water test was used there on numerous days almost without interruption to cope with the influx of “volunteers” from hundreds of kilometres away, who, even if they failed the test, did not necessarily have to expect a witchcraft procedure.” (Gersmann 2006)
84. Whether the accused person, who is regarded as a *witch*, could take revenge accordingly, or whether an unprovable accusation could be interpreted by the Go-Judge as a *witch*-insult or the Court of Assizes could pronounce corresponding penalties in the event of an acquittal.
85. “Contrary to popular belief, not a single known water test in Schleswig and Holstein led to death by drowning. The widely held, false belief in a

- seemingly alternative choice between proving guilt by swimming or dying by long submersion did not exist here.” (Schulte 2001a: 54)
86. There were also 600 to 800 executions in 846 *witch*-trials between 1530 and 1735 in Lutheran Schleswig-Holstein (Schulte 2001a: 67), mainly in individual proceedings—with the exception of Fehmarn, where the “juridically not inexperienced believer” Berend Nobis raged as a *witch*-commissioner (73 f.). “Persecutors and courts [were] willing authorities in the form of a lord, a Protestant cathedral chapter, a village court in an office or the council of a city [Lübeck].” (13) Similar to the adjacent Scandinavia, but with harsher sanctions, one followed the “conventional understanding of malicious magic” (107), within which the illness and livestock magic dominated, while the southern German weather magic “played a completely subordinate role.” (86) “Only from 1580 did the devil’s pact appear consistently in the proceedings next to the element of malicious magic” (89), but the *witch*-sabbath “took root only to a limited extent in the elite culture and folk culture of Schleswig-Holstein.” (Schulte 2001a: 96)
87. “In small-scale face-to-face early modern communities’ conflicts possessed a completely different quality than they do in modern, functionally differentiated societies where the differentiation of roles is greater and it is easier to keep out of someone’s way.” (Schwerhoff 2016: 215)
88. “Although these actions were punishable, they were rarely brought before a court, because their abilities were in demand as paid services by people of all social classes. They belonged to rural and small-town everyday life like craftsmen and merchants.” (Meier 1994: 90). For Spain Salazar’s (1610): “These ‘white witches’ were generally well-regarded, and the local authorities, both ecclesiastical and civil, left them alone [...] among them were a number of priests, writes Salazar. One of their specialties was in fact to cure the effects of witchcraft.” (Henningsen 1980: 303)
89. Liberman-Cuenca (2007: 92) on the late medieval situation in England: “Evidently the courts provided members of a community a legal and safe outlet in which to defuse existing tensions and repair relationships, and eased the difficulties and anxieties of town and village life that had resulted from a rapidly changing world. In this way, a layperson’s ability to bring an accusation of sorcery against another, or to defend their reputation in the courts, appeared to be a social mechanism by which the community could reaffirm the status quo, but also an efficient and public way to find justice for perceived wrongdoing. In this way, one can begin to see how people used the courts to bring to justice, in particular, scandal-making women and men of bad fama who were thought to have practiced certain forms of sorcery to

socially elevate themselves or to wound those at the receiving end of their wrath.”

90. “80% of all witch trials were localized in the east of the country. [...] Especially patrimonial courts imposed disproportionately many death sentences. In these landscapes, in which the noble jurisdiction prevailed and the lordship was strongly fragmented, the majority of the larger witch hunts also took place.” (Schulte 2001a: 72). “There was no possibility of appeal from the patrimonial to the sovereign courts, so that hex-believing nobles and their lawyers could still let the pyres burn relatively long against the spirit of the times.” (Decker 1994: 299)



The Ruling Criminal Justice System: The Legal Playing Field

8

Abstract

The new witches' criminal justice "playground" could, despite good intentions, in the hands of "terrible lawyers" persecution-intensive slip away, while the Spanish-clerical Inquisition such excesses could prevent. As a product of domination it was secular-legal – so not, as the medieval heresy-persecution: ecclesiastical-canonical – increasingly professionalized and secularized, in a connected threefold tension legislatively, in the legal doctrine and by the courts realized.

Ideology as well as apparative practice, thus the entire dispositif, are based on "cultural constructions".¹ As such, they are based on rules and values set and enforced by humans, which give them an "objective" weight; they thus "legitimize" and—independently of their respective actors—set them for a (temporary) duration. Such rules must be enforced and, if necessary, "decided". This is best done when they are generally anchored in the *Commonsense* and in the individual *habitus*² as "self-evident", and when they are justified by appeal to higher-order rules—Bible, natural law, laws, constitution or human rights. As a "custom", they are not only enforced in "simple cultures" by the direct social environment, but also "communally" decided in case of dispute: by *dismissal*, penance, wergeld or divine judgement. In a fluid transition, increasingly "authorities" are involved: Professionally by *missi dominici* during the time of Charlemagne, by papal "legates" during the time of the "heretics" and by *witch* commissioners and *malefic* commissions during the "witch" persecution; institutionally by canonical collections of decrees, "state" ordinances and laws, as well as by municipal court judges, Reichskammergericht and legal university opinions:

“In the late eleventh, the twelfth, and the early thirteenth centuries³ a fundamental change took place in Western Europe in the very nature of law, both as a political institution and as an intellectual concept. [...] Politically there emerged for the first time strong central authorities [...] Partly with that, there emerged a class of professional jurists, including professional judges and practicing lawyers. Intellectually, Western Europe experienced at the same time the creation of the first law schools, the writing of its first legal treatises, the conscious ordering of the huge mass of inherited legal materials, and the development of the concept of law as an autonomous, integrated, developing body of legal principles and procedures.” (Bermann 1983: 86).

The type and extent of the witch-hunt was—in addition to the two previously treated theological-clerical influences on the one hand and the rural belief in witches on the other hand—finally also decisively determined on this side of the Alps by the respective secular—and no longer, as in the heretic time, by the canonical-clerical—sovereign legal and justice system. In a sovereignly oriented system that was based on the “long-standing” “informal” regulations in the population in order to appropriate them more and more,⁴ because without the participation of the population—reports, testimony, expectation of punishment—the still fragile “criminal justice system” would remain largely toothless.⁵ In order to replace, step by step, not only the—according to their own village rules—slowly developing rumor-condensation through the tortured Sabbath-statements, but at the same time to replace the usual informal—and by no means ineffective—local forms of self-protection or extra-judicial conflict resolution—amulets, counter-spells, isolation, ‘lynch’ justice—in favor of their own punishment strategies “preventively” as a precursor to witchcraft. With the further consequence that this emerging justice apparatus could not only serve the power interests “from above”, but also be used “from below” as part of a “justice use” to enforce one’s own interests: “The involvement of a court served as a means to bring the solution of private disputes to the level of an institution—mostly of an authority—by way of escalation.” (Dinges 2000: 504).⁶

After a short introduction to the role of a “ruling” judiciary (Sect. 8.1) I first go into the judicial-legal development (Sect. 8.2), which is reflected in the two legal texts of the *Bambergensis* and the *Carolina* (Sect. 8.3), which I summarize once again in 8.4. The resulting professional takes the place of the previously leading clergy (Sect. 8.5) in order to finally drive the *witch* persecution to the top as “terrible lawyers” (Sect. 8.5.2), especially since they succeed in dealing with the resulting problems of evidence, inter alia, with the help of torture (Sect. 8.6). Two gruesome roots of the “Inquisition” myth *The Inquisition*, which so little corresponded to the actual practice of the Spanish-Roman *witch* Inquisition

(Sect. 8.7). As part of a juridically argumentative and acting mechanism of rule (Sect. 8.8), which I would like to concretize at the end (Sect. 8.8.3) with four “communal” examples, in order to draw a further interim conclusion at the end (Sect. 8.9).

8.1 The Influence of the Ruling Criminal Justice

“It is ordained by God for the rulership, according to the writings of the *Hintersassen* (rural subjects), that they ‘execute the will of God and the order, and that the innocent become willful again and the fairness, divine and worldly statutes and rights ... transgressions handle and protect, and also prevent further unrest.’” (Labouvie 1991: 136f.).

This *witch* persecution driving **ruling judicial** influence showed itself beautifully in the more tolerant **English counter-example**, which, although it also knew *witches* and the power of the devil, yet procedurally renounced both the conspiratorial Sabbath and the use of torture, although both components were known from the continental discussion. (see below Sect. 12.1.2).⁷

In the same way, a further law Christians III. from 1547 in **Denmark** prevented *witch* trials from becoming a mass phenomenon in the first place, by the provision that persons convicted of theft, treason or sorcery should not be allowed to act as witnesses in court against others, together with the ban on torture, a process form based on the accusation process and the introduction of the duty to submit death sentences to the appellate court in 1576.⁸

The Elector Frederick III, who converted to Calvinism, also intervened decisively in the course of proceedings from the **Palatinate** after 1560 in collaboration with the university of Heidelberg, which he reformed, by

“the Palatinate process of law required the consistent application of the *processus ordinarius*. Since allegations and the rumor of a bad reputation were not allowed as incriminating evidence, neither the ordeal by water was allowed nor could the devil’s mark be sought, the hurdles to bring evidence in order to allow torture were insurmountably high. In stark contrast to hard-line persecutors, the lawyers of the court council always started from the principle of innocent until proven guilty.”⁹

This range of established secular and ecclesiastical authority was already apparent early on: for example, the Duke of Burgundy’s intervention and the jurisdiction of the Parisian *Parlements*, already in the 15th century (1459), ended the persecutions in Arras (see above, Sect. 4.5.5), while the investigation of the Spanish Inquisitor “Alonso de Salazar y Frias in the years after 1610 could (quite

successfully) demystify witchcraft in the Basque Country”;¹⁰ as much as the Spanish/Portuguese Inquisition was sufficiently occupied with the persecution of the so-called ‘pseudo-Christians’, the *Conversos* or *Maranen*.¹¹

So a quite ‘**positive**’ influence of such early state authority, but on the other hand the ‘negative’ persecution excesses of established rulers such as in Fulda,¹² Trier, Mainz, Cologne, Bamberg or Würzburg, which for a long time determined the image of zealous ‘state’ persecutors, to which I will turn in the next chapter.

In this respect, Dillinger (2018: 106) rightly emphasizes this ‘positive’ influence of a ‘regulated’ justice system:

“If a territory already had justice structures in the 16th and early 17th centuries that allowed such critical discussions, only moderate persecutions took place there. The discussion and review of the suspicion created distance between the origin of the witch-hunt suspicion and the verdict. This distance can be understood in the transferred as well as in the literal sense: Where superior courts or faculties of law had to be heard as experts who had no connection whatsoever to the origin of the witch-hunt suspicion on site, usually only moderate persecutions took place.”

We must finally include in this image, alongside this “positive” and “negative” early state intervention, the long-overlooked influence of the demanding **population**, of the frightened public, which has also been neglected in the “witch” discussion. A complex interplay between “top” and “bottom”, in which the elitist theological-legal *witch*-model of the *crimen majestatis* could now also conform to that of the witch-fear of a population made insecure by concrete damage.

An interplay that can be demonstrated well using the examples of the Palatinate and the situation in the valley community of Prättigau reported by Behringer (1998: 60) with its “abrupt changes in persecution”: On the one “authority-related” side, in the—otherwise very persecution-poor—**Palatinate** (cf. Sect. 12.1.3), the temporary Bavarian occupation in 1629 in the Upper Office of Mosbach led, during the course of the 30-year war, to an intensified *witch*-hunt including the construction of new prisons and the appointment of a Bavarian *witch*-commissioner. (Schmidt 2004: 247 f.). In the **Prättigau** valley, on the other hand, it was the communities that repeatedly, but unsuccessfully, called on their Tyrolean authorities to persecute the *witches*:

“In the years 1649 to 1652, the valley community was able to buy itself free from Austria and join the Swiss canton of Graubünden. Immediately, a period of wild witch-hunting broke out in the three self-governing high courts of the valley community under self-elected judges, which has gone down in the history of the country as the *Groos Häxatoodi*.”

At the “lower” end of such hierarchies, “the people” from time to time, in the absence or inadequacy of sovereign control, appropriately heated up, indulged in Jewish-Pogromen, *Hexen-Ausschüssen* and occasional Lynchjustiz against notorious *Hexen*, or—real as well as pretended—exerted pressure on the sovereign by way of petition, in order to remind them of their “official duties”. On the other hand, we know of no example where this “people” would have intervened against a spreading *Hexen-Verfolgung*.¹³

An occasionally “almost symbiotic relationship” between sovereignty and population, to which I will return immediately below, using the “*Hexen-Ausschüsse*” examined by Eva Labouvie and Walter Rummel. (see below Sect. 9.1)

8.2 The General Development of the Criminal Justice System

“In the late Middle Ages, therefore, the accusation and inquisition procedures were fairly equal in criminalibus, before the latter gained the upper hand in the 15th century. The final suppression of the accusation procedure did not take place until the second half of the 16th century, in the individual territories and jurisdictions, however, with varying intensity.” (Jerouschek 1992: 359f.).¹⁴

But before that, I want to go into the general—procedural as well as material—situation of this criminal justice system of the Inquisition, crystallizing in the “*Hexen-Zeit*”, and to place the *Hexerei* in its criminal family of offenses.¹⁵

(1)¹⁶ In the **cities**¹⁷ had—starting from the movement for the protection of God and the peace of the land with its approaches to a more defined “criminal law”—in defense primarily of the feud attacks of the “wandering robbers” and other ‘people harmful to the land’ (‘*landschädliche Leute*’) since the 13th century, and then intensified in the 14th and 15th centuries, that is, before our “*witch-time*”, developed its own jurisdiction.¹⁸

“The cities were involved in feuds either because a knightly neighbor or a city declared feud to them for some reason, or because they themselves refused to a troublesome neighbor, ‘he be noble or ignoble’. Once the feud was underway, it was a matter of getting the feud opponent and his helpers in hand. They were pursued and arrested at the right opportunity. But these urban feuds, the more the cities were admonished to keep the peace of the land, commanded by kings and rulers, became measures of criminal prosecution. [...] The pursuit and arrest had to become a self-evident procedural measure.” (E. Schmidt 1965: 89).

This applied in particular to ‘**people harmful to the land**’ offenders (*nocivi terrae*),¹⁹ “dangerous people of higher and lower origin, dangerous subjects, often habitual criminals,” to whom the ‘accusatorial’ cleansing oath of the defendant was denied in favor of a plaintiff’s witness:

“It was enough that the plaintiff invoked the bad reputation of the detainee as a harmful man and that his oath helpers joined him in this. “In such a ‘procedure on reputation’ it was” no longer really about the proof of certain acts, but about the proof of the social harmfulness and danger of the defendant.” “Now, with this type of criminals, one made little fuss, but rather decided in the council whether it would be more useful to kill them or to let them live.”²⁰

This detached, from a **procedural** perspective—especially in the cities striving for independence—the old, formally still existing **accusation process**²¹ in favor of, in theory, an officially organized, but initially hardly restrained and regulated, worldly inquisition process interested in the “material” truth and the “confession”. A process form in which an inquisitor acted as both “prosecutor” and “judge”,²³ and which was carried out “secretly”^{24,25}

“As the cities established greater judicial autonomy and struggled with the criminal elements of an increasingly mobile population, they turned more and more to the ultimate punishment [Death penalty] to maintain the peace. [...] Thus the late Middle Ages witnessed the beginnings of a modernizing revolution in criminal justice. The compensatory system, known among legal historians as composition, began to give way to the punitive, the state (here the city state) began to function as accuser and prosecutor as well as judge. Rather than restoring the peace by banishing the offending person from the city, the peace was ensured by destroying that person altogether.” (Strokes 2011: 82 ff.).

Of the old regulations, only the public design of the ‘Final Judgment Day’ (‘endliche Rechtstag’)²⁶ in which the confession was read as a prerequisite for conviction, was retained in order to restore the disturbed legal peace in two ways:²⁷

“At the Final Judgement Day, the words of the confession helped complete the ritual transformation of the convict into ‘poor sinner’ (‘arme Sünder’).”

“When completed and publicly presented, the confession therefore acted as a single official narrative which superseded all other accounts and was pronounced with official fanfare at the trial and execution. They achieved this official effect by stinging the revealed ‘facts’ into compelling narrative form.” (Robisheaux 2004: 188, 197).

The use of unregulated or restricted **torture** (Sect. 8.6), in order to obtain a confession during the first plague epidemics, which then had to be repeated outside of the torture, gained decisive weight during the 14th century—especially during the persecution of the “poisoning the wells” Jews. If the accused revoked this confession during the “Final Judgment Day”, the court could either rely on the testimony of two assessors who were present during the torture, or, usually, order the torture to be repeated.

The development and enforcement of this **urban jurisdiction** against the colorful variety of feudal judicial institutions was a central moment in their increasingly emancipation from their “feudal” city lords,²⁸ as Andreas Blauert (1989: 116 ff.) can show using the example of the *heretic-witch* trials of the 15th century in Bern, Lucerne and Fribourg:

“Medieval cities could play a pioneer role in the development of new, unified and centralized forms of jurisdiction [...]. The young belief in witches apparently found its way into the courts of these cities particularly quickly, which were freeing themselves from inherited feudal bonds.”

In retrospect, this inquisition process—first clerical, later in its secular form—replaced the “medieval” accusation process, which was based on compensation,²⁹ with its own ‘Inquisition’ maxim in order to be abolished in favor of the current practice only in the 19th century. Now with a characteristic accent shift:

“In the Ancien Régime, the punishment was public, but the trial was secret according to the rules of the inquisition process. The logic was reversed.³⁰ According to the views of the criminal law reformers, the publicity of the punishment was counterproductive, which is why the sanctions were moved behind prison walls. On the other hand, in the middle of the 19th century, a public and oral trial became established, which became a new medium of the discourse on criminality.” (Schwerhoff 2011: 194).

(2) **In terms of matter**, the *witchcraft* offense—by the way, next to prostitution and infanticide, the only typical female offense in view of the mass of male violence crime—was invented in the transition to this “modernizing revolution in criminal justice”, as an essential part of the **‘serious crime’**.³¹ Among these offenses, it was—‘top’—as the worst, the *crimen plusquam exceptum, atrocissimum et occultissimum*—that is, comparable to the current terrorism—especially since it offended both the secular and the divine majesty³² and thus, as blasphemy, “was an attack on the community.”³³ This ‘exceptional’ *witch* offense met more than the ‘usual’ offenses in addition to the ‘top-down’ propagated, fear-

exciting diabolical conspiratorial dangers in double fashion also other popular fears: the male fear of a female, lust-emphasized slyness (see below. Sect. 14.2 (2)), as well as the concern about the non-resident strangers:

“The judicially ordered death and the permanent exclusion from urban society decided by a sentence with mile indications mainly affected foreign and vagrant people. It was not the poor who were criminalized by the rich, but the foreign and the other by the citizenry.” (Schuster 2000: 378).

This fear of the ‘foreigner’, which also today attributes the ‘migrant’ the more frequent and terrible crime—from juveniles to ‘Islamism’—acted at that time in view of the central importance of the good reputation and the honor valid in the population and in court. Why it was natural to look for the *witch* first in the circle of the ‘immigrants’, and this even if it was so long ago:

“[L]ong-term immigrants from near or far whose failure to fully integrate socially spelled their doom when witchcraft arose.” (Strokes 2011: 174).

In terms of content, the *witchcraft* offense, which, if at all, was not defined in detail by law, was given its coloring ‘**in the normal case**’ by the local usage, which was largely determined by the dominant *maleficium*—weather making, milk theft, impotence—and ‘**in the extreme case**’ of the big *witch* hunts by the adoption of the demonological model: pact, intercourse with the devil, flight and Sabbath. The accusation, as so often in the case of serious offenses,³⁴ often included a ‘whole list of supernatural offenses’:

“In addition to ‘victimless’ crimes such as night flight and attending the witches’ sabbath, witchcraft confessions stretched from anti-religious crimes such as blasphemy, apostasy, and diabolism, to personal violence such as murder, infanticide, and physical harms of all sorts, to crimes against the common good, such as storm raising. Much of the harm believed to be caused by witchcraft corresponded to the crimes which were being punished more frequently in the latter part of the fifteenth century.” (Strokes 2011: 114f.).³⁵

In a combination in which *witchcraft* on the one hand served as a Joker instead of the more difficult to prove ‘criminal’ offense or to emphasize its special perversion, and on the other hand this offense as a concrete *maleficium* could prove the *witchcraft* accusation:

“Indeed, as Ed Bever [2008] has recently pointed out, a significant portion of the accusation against witches had a physical, criminal element such as assault or trespassing.” (Strokes 2011:115).

(3) Thus, Behringer (1988: 57) can, based on the Munich protocols of the Hofrat, to which all serious cases had to be submitted, show that, in 1630, at the height of the second Bavarian wave of persecution, in addition to property offenses (32%), morality offenses (33%), and violence offenses (6%), witchcraft with 5% and sorcery with 9% were represented; and Marianne Sauter (2010: 131–133; 134) finds, in her study of the expert practice of the Tübingen Faculty of Jurisprudence, under 3410 verdicts (1602–1719), the gravest offenses (*crimina excepta*): homicide offenses (28.4%), morality offenses (21.4%), property offenses (15.8%), witchcraft (9.2%), and infanticide (8.9%):

“The frequency of the individual groups of offenses in the Tübingen Spruchakten corresponds—as can be shown by a comparison with the work of Wolfgang Behringer and Robert Zagolla—in many points to the general trends of this time, but there are also individual deviations. As always, however, the ‘dependence of the offense development on changes in the socio-historical constellation’ [Behringer] can be seen here.”³⁶

Zagolla (2007: 172) also emphasizes that—in contrast to the demonological *Crimen-exceptionum*-theory (Kramer, Bodin)—in the general, university-taught ‘theory of procedural law’, the *witch*-process **not** “as a special procedure from the general principles of criminal procedure” was excluded. “Witchcraft was never the only crime that was referred to as *crimen exceptum*”; this applied to the doctrine of *indicia*, the use of torture, or the use of predictions, which were applied in the same way to other forms of ‘**serious crime**’,³⁷ as much as one deviated from these procedural conditions in the ‘local court customs’:

“A unbiased look at the reality of early modern criminal justice practice actually suggests that many phenomena that are often considered typical of witch trials occurred to a greater or lesser extent in other criminal proceedings. [...] Many city judges, officials, and patrimonial court officials apparently ignored the principles of common criminal procedure and instead oriented themselves primarily on their local court traditions until the 17th century.” (Zagolla 2007: 181).

“But the well-known chain and mass processes in the witch strongholds with their predominantly death sentences have hardly any parallel in other areas of crime, even though we also know certain peak periods in the frequency of judgments there,” relativizes Gerd Schwerhoff (2017: 15).³⁸

8.3 *Bambergensis* (1507) and *Carolina* (1532)

“Punishment for zauberey (sorcery): If someone does harm or harm to people through zauberey, they should be punished from life to death, and such punishment should be done with fire. But if someone had used zauberey and no one had been harmed by it, they should otherwise be punished according to the circumstances of the case; The judges should use the advice of the council, as is written in the following text.” (Article 109 CCC).

The further, already at the time of the *Hexenhammer* early secular ‘legislation’ now tried first since the **Wormser Reformation of 1499**³⁹ in analogy to the canonical-papal legislation and in adoption of the Italian development of the Roman *Corpus Juris*⁴⁰ to get a grip on this excessive jurisdiction. Famous was the **Bamberg Halsgerichtsordnung** (*Constitutio Criminalis Bambergensis*, CCB), which was published by Bishop Georg III. in the Franconian Prince-Bishopric in 1507 as a reform law:

“Schwarzenberg’s code [...] was the first of its kind, certainly in the West, perhaps in world history, that is, the first systematic and comprehensive codification, in the full sense of that word, of a single branch of law, namely, the law of crimes punishable by death, twenty-six in all, ranging from blasphemy and perjury to robbery and murder.” (Berman 2003: 138).

The largely based on, but only **subsidiary** to local law—until 1870—valid,⁴² *Imperial Criminal Code* of Emperor Charles V., the **Carolina** (*Constitutio Criminalis Carolina*, CCC),⁴³ was—at the urging of the Reichskammergericht—after 30 years of consultation in 1532 at the Regensburg Reichstag passed. The starting point of these reform laws were the complaints to the by the *eternal peace* (1495) newly established Reichskammergericht,⁴⁴ which then at the Freiburg Reichstag (1497/1498) had given the impetus for these reforms. (E. Schmidt 1965: 107).

Both penal codes represent—also in their chronological sequence—together with the *Anabaptist mandate* of 1529 (see above Sect. 6.5 (2)), ‘the time of incubation’ (Sect. 6.5) at the beginning of the Reformation, before the actual *witch-hunts* of 1560/1570, a time when it was primarily about ‘*heretics*’, and not about ‘*witches*’. They are “both primarily penal procedure codes” (Lorenz 2004: 133). They tried, surprisingly liberal and rule-of-law for this time, to limit both content-wise the heaviest crime—the *witch-hunt* is not listed here, but it will be subsumed under sorcery later—and procedurally the torture⁴⁵ possible for all *crimina excepta* – as much as possible, which was largely taken from them in the

subsequent period by excessive interpretations. But one tried nevertheless—especially in the Protestant regions and in their expert opinion practice—within the *Carolina* to argue:

“The Rostock faculty of jurists based their penal instructions primarily on the penal code of Emperor Charles V. from 1532. The *Carolina* clearly dominated among the quoted legal sources already in the period from 1595 to 1610 [...] In view of this dominance of the *Carolina* over all other legal sources, the observation seems to be confirmed that was already made for the decisions of the Reichskammergericht: namely, that the *Carolina* was considered as the ‘only binding [...] legal source in the field of criminal procedure’, to which the Roman-canonical law had only subsidiary importance and the common law literature had the task of supplementing and interpreting above all. That this position of precedence of the *Carolina* remained disputed in scientific discussion until the 17th century changes little the fact that it soon became the standard in judicial practice.”⁴⁶

(1) **Procedural**, the prevailing—parties-operated—inherited accusation process went over into the official, three-parted secret inquisition process—general inquisition: determination of a crime, specific inquisition of the perpetrator (possibly with torture) and public ‘Final Judgment Day’—.⁴⁷

In a general, very openly kept⁴⁸ **‘Indicative’ Doctrine** (‘Indizien-Lehre’) the respective requirements for torture⁴⁹ and conviction were laid down,⁵⁰ and in case of doubt the duty to submit the **records** (‘Aktenvorlage’) to the ‘experts in law’ was established (219 CCC), since, as the official—also practically justified—justification: “[t]he local judges and assessors, who were merely involved in the administration of justice due to their social position and had not completed a legal studies, that is, they were not familiar with imperial (Roman) law.” (Lorenz 2004: 134):⁵¹

Such experts in law “can be found at the ‘superior courts’, with the sovereign authorities, in the faculties of law and the so-called assize courts, to the extent that they were already occupied with learned lawyers.”

“[i]f the judge finds that a matter ‘goes beyond his understanding’, he sends the records with a request for legal advice to such a body of experts in law. Indeed, it became customary for all important questions, in particular whether to torture or how to judge, to be submitted to the experts in law.” (E. Schmidt 1965: 135).

A successful transmission of documents required a widely formalized process in which, above all, the questioning of the accused during the “special inquisition” was conducted by means of pre-formulated questions (*articulated interrogations*).⁵² Based on this transmission of documents, the decisions of which were published in so-called *council collections*, a **judicial practice**, which could

increasingly circumvent the legal limits of the CCC, developed.⁵³ This was particularly true for the *poena extraordinaria* developed by Italian doctrine, a regular suspicion penalty that could be imposed on the basis of sufficient evidence if there was no confession, and for the establishment of the so-called discharge of instances (*absolutio ab observatione iudicii*) in which the person was not finally acquitted, but “the proceedings were only provisional, i.e. they were suspended until new suspicion arose.” (Ibid.: 179).⁵⁴ For: One could only be sentenced if there was a—possibly extracted—confession or if one was convicted by two ‘credible good witnesses who knew what they were saying from personal knowledge.’

(2) **Substantively**, for example, soothsayers should not be punished with imprisonment or torture (Art. 21 CCC); torture against wizards should only be used in certain cases listed in Art. 44 CCC⁵⁵ if “the same person is also notorious for this”, that is, only if they have a bad reputation and, above all, the death penalty should only be imposed if the witchcraft has caused damage (Art. 109 CCC).⁵⁶

In doing so, the *Carolina* only partially followed the old Roman law, which never punished magic as such, but only if it “had demonstrably caused harm to man or beast.” “The Romans punished harmful magic precisely because it was effective, never because it was ‘superstitious’.” (Monter 1983: 3f.).

In the earlier episcopal *Bambergensis*, which was not expressly adopted from the *Carolina* in this respect, it was still said in Art. 130 CCB with regard to heresy according to old law:

“If someone is recognized by the regular spiritual judge as a *heretic* and has been transferred to the secular judge in this respect/he should be punished with the death penalty from life to death.” (italics S. Q.)

In order to formulate the first sentence of the later Art. 109 CCC in the sense of the Church in the following Art. 131 CCB under ‘penalty of sorcery’ as follows:

“Likewise, if someone causes damage or harm through sorcery/he should be punished from life to death and *such punishment should be carried out in the same way as for heresy* (italics S. Q.) with the death penalty. But if someone....” (as CCC).

A ‘roule-of-law humanist’ limitation in early 16th century—that is, before the Reformation and Counter-Reformation had fully established themselves—which was later also undermined theologically in the then leading worldly oriented

jurisprudence in the sense of the *Hexenhammer*. Materially restricted these two ‘humanist’ influenced laws (‘Halsgerichtsordnungen’) ‘sorcery’ to the causing of damage. Both penal laws therefore knew neither *witch*-flight nor devil’s pact and devil’s fornication or even a Sabbath conspiracy; they required the *processus ordinarius* with its relatively strict rules of evidence, which was later lost in the re-introduced ‘summary procedure’, in the *processus extraordinarius*.

A highly significant ‘confiscation ban’ was also formulated in Art. 218 CCC—albeit in a highly unclear way—which prohibited the territorial rulers from confiscating the entire property of the convicted person, a measure which was intended to protect his family and heirs.⁵⁷

It remained open—quite generally, but also as an outlined offense—the crime of ‘*witchcraft*’, which had to be laboriously developed from the ‘sorcery’ in the subsequent period. In doing so, legal practice followed the theologically established *witch*-model with its ‘classical’ components, as they were dealt with at the beginning of the actual persecution wave in an expert opinion of the Heidelberg Faculty of Law in the Rockenhausen witch trial (1561/1562) as follows:

“The apostasy from God, the covenant with the devil and the devil’s concubinage form the basis. Participation in the witch’s dance, including fornication, is the second part, the practice and teaching of harmful magic finally the third part of the offense. Harmful magic was committed with both unnatural and natural means (poison).” (J. Schmidt 2000: 84).

8.4 A ‘Legal’ Development

“[W]itches who had done no harm had to be punished in some other way than execution by fire. But many other forms of execution were still available. And since executions ‘provoke disgust at their confessed denial of God and bond with Satan, and also since scant penitence, conversion and improvement’ could be expected of them, all nine persons richly deserved execution.”⁵⁸

If we follow this development from the early *heretic* process up to the abolition of the *witch* trials in the 18th century, then this ‘legal’ development makes the **shifting power play** between the church’s and the world’s perspective, between *heretic* and *witch* trials, strikingly visible: On the original basis of the medieval inquisitorial *heretic* process, for which Pope Innocent IV’s bull *Ad extirpandam* (1252) allowed—then relatively little used—torture, Pope Alexander IV (1260) extended the jurisdiction of the Dominican inquisitors in a letter of 1260 to witchcraft, but only if it occurred as heresy, which at the same time he wanted

to withdraw the simple art of fortune-telling and the ‘white magic’ from their jurisdiction. This basis—the *Canon Episcopi* included in the *Codex Gratiani* (1140), to which Gui also followed in his handbook (1324)—left the **witch-bull *Summis desiderantes*** (1484) (cf. above Sect. 6.3. (2)), which thus made the ‘total’ *witch* persecution possible, as it was elaborated in the *Hexenhammer* (1486)—in principle, but by no means consistently—possible.⁵⁹

On the secular side, in particular in the **cities**, in the fight against the ‘harmful’ people, a simplified, torture-based inquisition process was developed, which was initially also applied to the ‘wizards’, but which took over the persecution of the ‘novel’ *witches* to an increasing extent in the course of time, while the ‘white magic’ was left to the church courts. Against this, one tried—at the beginning, Roman-law as well as canonically (*Canon Episcopi*) and secular, rather oriented on the population-near *witch* image than on the later demonological *witch* model—to restrict the persecution of the wizards—but not the unnamed *witches*—accordingly in the two **neck court orders** (‘Halsgerichtsordnungen’) (1507, 1532) by basing it on the damage caused, the *maleficium*, while this damage did not play a role on the church side, since one had to take care of the spiritual salvation which was contained in the heresy. But also on the secular side the torture was allowed, which was increasingly developed into a decisive moment of the process.

With which one last, in another turn from the worldly sorcerer process to the ‘clerical’ *witch* image, again landed on a theological figure, namely the **Devil’s Pact** and Sabbath, in so far as the **participation in the Sabbath**, resp. the corresponding simple and in particular the multiple Besagungby convicted *witches*, without further evidence proved the act of the *witchcraft* devil’s pact. The courts thus left—materially: shift from the *maleficium* to the *apostasy* (‘pact’, participation in the Sabbath), and procedurally: *processus extraordinarius*—the narrow limit of the anyway only subsidiary *Carolina*, which was also—after the end of the ‘incubation period’ (see above Sect. 6.5)—first abolished in the **Protestant penal laws** analogously to the Scottish example:

“In 1563, the Scottish witch law—obeying Calvin’s voice—prescribed the death penalty for all witches, whether good or evil, as well as for those who consulted them. After one had already, deviating from the Carolina, 1567 in the ‘Lutherian Württembergische Landesverordnung’ introduced a new penal code, Elector August the Pious 1572 introduced another new penal code in Saxony, the ‘Constitutiones Saxoniae’, according to which the ‘good’ witches had to be burned as well, solely

on the basis of the pact they had concluded with the devil, even if they had harmed no one with their sorcery”.⁶⁰ “This provision was the result of the organized pressure of lawyers and clerics from Wittenberg Luther’s. Ten years later, it was adopted by the Lutheran Elector Ludwig VI. from the Palatinate⁶¹ and a number of other princes.” (Trevor-Roper 1970: 134).

8.5 The Playing Field of the Lawyers

“The emerging profession-group of lawyers established itself in the late 16th and early 17th centuries in both the city councils and the princely administrations. Through this new elite, which at the universities had studied the ‘fashionable crime’ of witchcraft, the demonology of the scholars could influence urban legal practice.” (Bender-Wittmann 1994: 107).

The ‘*witch-time*’ was the playing field of the lawyers, just as the ‘*heretic-time*’ followed the rules of the clergy, and later—not only—the *insane* learned to listen to their psychiatrist.

(1) Now the social coexistence, which so far had followed custom, tradition and convention, was summarized in ‘**rational**’ **invented rules**, that should apply to everyone; in court orders like the *Bambergensis* or the *Carolina*, in *electoral Saxon constitutions*, *Mainz rules* for the distribution of confiscations (1612): “how to deal with the punishment of witches by confiscation”, or in an *instruction*, which was issued between 1605 and 1613 in the small principality of Ellwangen by Johann Christoph von Westerstetten:

“Later, on the same day that this usually tortured confession had been exacted, the prisoner was to be *besiebnnet*. This involved a solemn confirmation of the confession before seven men and was regarded as important proof that the accused was now telling the truth voluntarily. According to the Instruction, the court was to convene still on the same day, and make a final judgment. The court then informed the *Stadtvoigt* and the secular councillors of the sentence, so that preparations could be made for the punishment (usually execution). [...] On the second day the convict was to be told of the sentence passed on him in his absence, and was given the opportunity to confess and take communion. On the third day if all went as prescribed, the sentence was to be executed. [...] As a symbol of its legal independence, Ellwangen never permitted appeals to higher courts in criminal cases.” (Midelfort 1972: 99).

(2) Decisions that were previously made according to custom, through whim or force, are now brought before the court **if one finds the right one**, whose jurisdiction could in turn be further disputed by appeal⁶²—and if the appropriate means and above all knowledgeable lawyers can be found. Insults, inheritance disputes, neighborhood disputes could just as easily be forced into the legal *witch* costume as sovereign border issues, sovereign jurisdiction or municipal party strife. To continue to litigate for years after the trial about its costs and the distribution of the confiscated money up to the Reichskammergericht:

So Heinrich Efferenn (s. u. Abschn. 12.2.1 (2)) from Reutlingen, “one of the town councilers”, 1665, who fought against the years of tyranny of Mayor Philipp Laubenberger, according to the Besagung of his wife and himself accused, had to flee to Cannstadt, where he first received asylum. After his return—because there were also *witch* trials there—he was arrested again, but “doubt had by then become pervasive. Efferenn won his legal battle, yet the fight over a three-year period had cost him all his wealth.”⁶³

(3) In this time developed a ‘learned’ and writing, **academic lawyer classby** Peter Greyerz (around 1400) and Claude Tholosan (1436) to Benedict Carpov (†1666),⁶⁴ David Mevius (1641)⁶⁵ and Friedrich Martini (1604) ‘doctor of law and professor of canon law’ from the University Freiburg, who “emphatically denied that witchcraft was only a spiritual crime. Flight to the sabbath and coitus with demons were definitely possible.” And who favored the full confiscation⁶⁶ of the goods of those convicted of witchcraft with a peculiar interpretation of the Carolina.⁶⁶

Law courts sought legal advice—or should have sought advice—from the legal faculties and the “higher courts” and “Schöppenstühlen” occupied by “learned” judges;⁶⁷ an advice that was initially more or less non-binding, but then increasingly became the decisive appeal. If this advice did not fit their own opinion, they tried another institution:⁶⁸

After a big fire in Balingen in 1672, the people demanded the burning of three witches. When the faculty at the University of Tübingen advised against carrying out the torture, the court wrote to the Oberrat in Tübingen:

“They would not only kill them but would place the magistrates in great personal danger.... [Therefore,] in order that we might give the vulgar a sop and silence their mouths, we have been moved to petition your princely grace graciously to allow us to consult a different faculty, like Strasbourg, since as is well known the legal faculty of Tübingen is much too lenient in criminal matters and especially in *delictis occultis* and are always inclined to the more gentler.”

They were given permission, but also the University of Strasbourg rejected torture. After the court had therefore ordered their banishment: “As the poor woman was being taken through the streets of the city, she was set upon by the rabble, stoned, and so badly hurt that she died a few days later.” (Midelfort 1972: 190 f.).

8.5.1 Example: Schwäbisch-Gmünd (1617)

But also in the small imperial city of Schwäbisch-Gmünd (with 6000 inhabitants) in southwest Germany⁶⁹—which at the beginning of 1617 had to borrow the executioner from the neighboring Ellwangen during a witch panic, in which also the wife of the mayor, that of the Schultheiß⁷⁰ and a priest, who was said to have been baptized in the name of the devil, fell victim—two legal representatives fought each other: **Dr. Leonhard Karger**, a judge and member of this city council, “one of the most respected men in the community, and at his death in 1616 perhaps one of the wealthiest”, and an unnamed ‘counter-expert opinion’ of a Gmünden *prosecutor*. While Karger, strictly oriented towards the *Carolina*, argued on 62 pages, inter alia, against the use of sabbath-testimonies (‘Besagungen’), the **counter-opinion**, which only used the two arguments already known from the time of the heresy—God will find the innocent anyway, and the torture ‘purifies’ all mistakes won the case:⁷¹

“When Karger asserted that witches were clearly such dishonorable persons that their word was worthless, he was forgetting that no matter how malicious and infamous a person may be, ‘yet he purges himself and supplements any judicial lack through torture’.” (Midelfort 1972: 119).

But at the same time, with the then typical arguments, looking very modern,

- a kind of “state of emergency” (would one say today) made it necessary to go beyond the existing law: “on account of the enormity of the crime, it is permissible to go beyond the laws”;
- in case of doubt, the judge is responsible for the community and not so much for the individual: “It might be best for individuals (*respectu nominati*) to apply Karger’s rule, but it would certainly not be best for the state (*respectu reipublicae et boni publici*). Obviously the issues of individual and society were as alive then as now”, Midelfort (*Ibid.*: 118) adds;
- also, by experience it is ensured that witches fly, “for we have heard their confessions. Against these hard facts the windy arguments of mere reason cannot prevail; for ‘experience is the efficacious teacher of things’”;⁷²

- “nor could the Canon Episcopi be used to disprove the flight of witches, since modern authorities agreed, he said, that this document did not refer ‘to our witches’ (ad lamias nostras). Second, when we confront a doubtful case, the commonest opinion is most likely to be true, for ‘the greater truth may be presumed to reside with the greater number’”⁷³ Which Midelfort in turn comments as follows: “In this way Karger’s opponent maneuvered himself to the side of both democracy and empirical knowledge.”
- Finally, even the critics could not deny that the accusations of witchcraft were indeed ‘sometimes’ true, which is why we must take the confessions seriously, because otherwise ‘not one of a thousand confessed and convicted witches would have been burned’, which is why Bossius had already said “that we sin more justly in pardoning than in condemning.” (Ibid.: 117 f.).
- But above all, it is significant that Karger referred to the ‘illusions of non-Catholic writers’. “In the fierce atmosphere of Counter-Reformation Gmünd, this blow was vital.” (Ibid.: 120).

8.5.2 ‘Terrible’ Lawyers

And finally there were the ‘terrible’ lawyers, who, for example, as ‘*Witch-commissioners*’ the lower courts should advise legally. As legal predecessors of the National Socialist judges Roland Freisler⁷⁴ and Hans Filbinger⁷⁵—and no less money- than power-hungry, obedient to a sadistically founded belief ideology—they now took over the role of the previous Dominican *heretic*-inquisitors—fanatical, in typical professional arrogance: “I am better, I know it better and I will improve you.” From the upper court of Cologne **Roemeswinkeln**, with whose witch image this book was introduced above, via the Cologne council **Dr. jur. Heinrich von Schultheiß**,⁷⁶ “a mass murderer of the book-writing sort” (Baschwitz in Franz 1992: 215), or the upper court of Cologne ‘highly learned’ **Franciscus Buirmann**—“this agile mass murderer could appear within a year in Rheinbach, in the Bonn area and in Ahrweiler” (Schormann 1991: 62)—or his colleague, **Dr. jur. Johannes Moeden**, whose “bloodstain from 1627 in the northern Eifel, i.e. in the immediate vicinity of the now massively erupting Cologne witch trials, extends to proceedings which took place at the end of the 1550s in the Koblenz area”, up to the “imperial **Notar Antonius Ludovici** from Koblenz, who had a regular collection of denunciations, and whose bussiness acumen was demonstrably in over 60 proceedings to the advantage of the prosecutor and thus also profitable for him”.⁷⁷

“If one” writes Walter Rummel (2005: 218 ff.), from whom I take these examples, “follows the thesis of Roger Chartier about the oversupply of learned lawyers in the 17th century, then the opportunities to participate in the ‘extermination of the damned witches’ turn out to be a stroke of luck for career strategy. Formal applications for positions in the proceedings (as a lawyer, scribe, executioner) testify to this.”

And in the German south we encounter them both as experts in the Upper Franconian bishoprics as in the secular sphere of influence. For example, at the beginning of the 17th century in Bamberg clergy and lawyers found themselves in perverse collusion under the ‘spiritual leadership role of **Weihbischof Friedrich Förner**’:

The “experienced lawyers like Johann Gregor Harsee, Ernst Vasoldt, Maximus Steiner or Jakob Schwarzconz [as witch commissioners], who acted out of power and greed. The ranks of the witch commissioners were additionally completed by young graduates primarily from the University Ingolstadt.” (Gehm 2012: 26).

In order to sentence ten to fifteen year old *witches* to death by the executioner’s axe or by strangulation and burning at the end of this century in the Salzburg Jackl trials with their over 120 victims of death by **Hofrat Dr. Sebastian Zillner** as the ‘leading witch commissioner’. (see below in Sect. 10.2.3).

While in the secular sphere—in addition to the careerist from Esslingen **Daniel Hauff** (†1665)⁷⁸- we meet in these times, since 1627, with a **Dr. Matern Eschbach** an advisor at the court of Margrave Wilhelm von Baden-Baden, a “zealous witch eradicator”, who

“having built a reputation at his work, was called repeatedly, from October 3, 1628, through April 10, 1631, to the towns of Bühl and Steinbach as well as Baden, where he conducted examinations, advised on the amount of torture to apply, and heard ratifications of confessions (*Besiehnungen*). During this time, Eschbach and his colleagues established a fierce reputation as unrelenting torturers and left a trail of some 200 reports by which we can at least gauge their activity.” (Midelfort 1972: 132 f.).

8.6 The Problem of Proof, Torture⁷⁹

“If she were searched for the witchmark, her body was certain to offer some suitable mole or excrescence; if not, she must have cut it off, or perhaps concealed it by magic. It was certain, that these marks could mysteriously come and go.” (Thomas 1971: 551).

In today's time, it is difficult to prove a "victimless" crime without any damage or evidence: Without a corpse, no murder, or without a victim, no complaint. With *witchcraft* it was the other way around: The victim, the dead person was there, a "perpetrator" had to be constructed, that is, found and convicted:

"As was constantly emphasized by contemporaries, witchcraft was not only the heaviest ('atrocissime') but also the most secret ('occultissime') of all crimes. Pact, concubinage, flight and dance, even the damage spell, everything took place without witnesses. Only the punishments of God and the allegedly caused damage were visible, but there was no direct trace to the witches. The main question was therefore how to recognize the witches at all." (Behringer 1988: 171).

In contrast to the medieval accusation process—which did not know *witchcraft*—one could not rely "officially"⁸⁰ on divine judgments anymore, that is, that in the end God determined the outcome of the process. Instead, the confession—double functional—came into the center of the process: First "clerical", as in the confession—starting point of the medieval inquisition process—as a prerequisite for the desired penance for heresy; then, "worldly" as *regina probationum*, that is, as a valid proof of the committed *maleficium*.⁸¹

"[T]he aura of authority and factuality surrounding the confession stemmed not only from its status as a product of the legal process but also from the mystique of sanctity attaching to it out of its close associations with the religious rite of confession. The history of the long, complex symbiosis between juridical and religious confession reaches back to the twelfth and forward into the nineteenth century with the sixteenth and seventeenth centuries forming a watershed." (Robisheaux 2004: 177).

A procedural goal that in turn had to rely on corresponding, process-initiating clues and confirming assertions in order to be finally forced by torture.

The process of finding out about rumors, *cunning-folk* and find-spells up to the double-functional Sabbath-'Besagung'—as an triggering display as well as a convincing evidence, because previously judicially by the conviction of the witnesses as *witches* confirmed⁸²—I have discussed in the previous chapter as part of the rural *witch*-pattern.

Accordingly, one was urgently dependent on the '**Besagungen**' and denunciations, as the Munich court councilor Dr. Johann Sigmund Wagnereckh, one of the leading witch hunters (cf. 12.2), around 1601 in the then usual latinized mish-mash emphasized:

“And this should take place all the more, since one is more than excepted in crimine, atrocious and occult, that one otherwise hardly or never would not find out, it were then the case that ever a sorcerer or fiend became apparent from a special will of God, or the matter thus roughly attacked, and externally used sorcery in front of the people, so that they were caught, quod rarissimo vel nunquam continget.” (in Behringer 1988: 259).

The **torture**⁸³ was only allowed to be used in serious crimes, “that is, if a death sentence or imprisonment was to be expected”—that is, in addition to *witchcraft* typically in infanticide, theft and morality offenses (sodomy); and only, “if the accused had not confessed in the good Inquisition (‘gütliche Inquisition’) and could not be convicted by two witnesses.”⁸⁴

But one needed both for the use of this actually indispensable torture—which had established itself generally at the beginning of the 16th century (Trusen 1995: 207)—as well as for the final verdict legally tenable indications (‘Indizien’) instead of the formerly customary God-proofs.⁸⁵ Namely, in three equally constructed ways: For the torture the bad reputation, the *mala fama* (Art. 25, 26 CCC),⁸⁶ the high number of equally sounding witness statements—in southwest Germany at least three sayings—instead of the former oath helpers, as well as occasionally, but rarely, the proof of magical aids⁸⁷ or the misuse of child corpses,⁸⁸ and in particular the obvious, but hardly refutable, escape attempts. Or, in the absence of torture as in England,⁸⁹ the small animal helpers, the *familiares(imps)* up to the ‘devilish fly’, which visited the imprisoned.⁹⁰ The search for a pain insensitive *witch’s mark* as a seal of the concluded devil’s pact, for which the *witch* was previously shaved,⁹¹ and the lack of which only indicated that the *witch* had conjured it away, or the search for a ‘healed’ host wafer⁹² or the ability of certain witch finders to recognize the witch at a visible only to them *Devilsmarke* in the eye (Briggs 1998: 194, 217).⁹³

If the evidence was sufficient for the use of torture, it was initially only threatened, often with the desired success, and only demonstrated (*territio*). Torture could not be repeated in principle, could lead to acquittal after two tortures, but this did not prevent it from being ‘continued’ for days in a terrible way if necessary.⁹⁴ The **confession** thus achieved and desired in this way—as queen of the evidence—had to be repeated without torture; if it was refused, the court practice—in addition to the evidence suggesting torture, resorted to the re-admission of the water test or the tear test, in which the lack of tears or the endurance of torture suggested the help of the devil⁹⁵—or, as in the canonical process, on the testimony of two jurors who were present during the torture (57, 91 CCC),⁹⁶ the testimony of two unblemished jurors was generally considered equal to a confession. Even if an acquittal was pronounced, one could pronounce a mitigated **pen-**

alty and merely ‘discharge the accused from the instance’, but otherwise resume the proceedings at any time.

In fact, this body of evidence opened the door wide for a conviction by a “malicious” judge, while the “good-willed” or “enlightened” judge had a wide range of latitude to disbelieve such evidence or at least to mitigate the torture. The different acquittal rates, for example, between English⁹⁷ and German *witch* trials or between Munich and the diocese of Augsburg⁹⁸ illustrate this judicial latitude as well as its goal-oriented approach, as does the termination of all *witch* trials, which was primarily based on the problem of proof, to which I will turn below (Sect. 13.3):

“What influenced them [the reformers] was not a denial of the possibility of witchcraft as such, but a heightened sense of the logical difficulty of proving it to be at work in any particular case. This was a difficulty of which everyone had long been aware. Not even the most zealous witch-hunter had ever said that *all* misfortunes were the work of witches.” In view of the alternative explanations mentioned above, it was necessary: “All these possibilities were to be carefully investigated before a witchcraft accusation was levied. But this advice posed two perplexing questions. How was one to distinguish witchcraft from all the other possible causes? And how was one to know for certain the identity of the witch?” (Thomas 1971: 573f.).

8.7 The Spanish-Roman Inquisition: Myth and Reality⁹⁹

The horrors of the Inquisition with its practice of torture form, just as the associated horrors of *witchcraft* are a the centuries-spanning **myth**, a *Black Legend*,¹⁰⁰ which still shapes today’s popular History TV features^{101, 102} The Spanish Inquisition is supposed to be the model for this, but in terms of *witches* it is hardly comparable to the secular inquisition addressed in this book. I therefore first go into this myth *The Inquisition* (Sect. 8.7.1). As a contrast program—also in contrast to the previously analyzed “ultramontane” persecution practice north of the Alps—I describe the actual work of the Spanish Inquisition and the role of the “reformer” Alonso de Salazar on the example of the Basque *witch*-madness of 1609–1614 (Sect. 8.7.2), as well as the work of the Roman *Heiligen Officium* together with its *witchcraft trial instruction* of 1600/1623 (Sect. 8.7.3). In order to draw an ambivalent conclusion at the end (Sect. 8.7.4).

8.7.1 A Myth: *The Inquisition*¹⁰³

“[I]n discussions of the rights of political resistance, the Inquisition was depicted as the universal oppressor of those who sought political liberty as well as true religion. [...] the instruments of the Roman Church and the Spanish Empire merged into a single awesome and fearful institution: *The Inquisition*. Many people who found it difficult to agree with each other on many issues found it easy to agree upon *The Inquisition*. By the beginning of the seventeenth century, they had invented a new and potent idea for the western imagination.” (Peters 1989: 154).

It were these experiences with the traveling *witch*-commissioners and the other terrible lawyers, with the torture reports of a Friedrich von Spee and the stench of the publicly burned witches, which gave plausibility to the terrorist myth *The Inquisition*. A myth that is still effective today,¹⁰⁴ when, for example, the Duden defines ‘Inquisition’: “(from the 12th to the 18th century, especially during the Counter-Reformation) a court that acted as an institution of the Catholic Church with great hardness and cruel methods of investigation against apostates, heretics.”¹⁰⁵

The fear of a secretly meeting, seemingly omniscient court with its torture practice, its prisons and its publicly displayed pyres had a much more intense effect than the “endemic” village witch and devil fear. Especially when it grew into a trial avalanche that not only affected the “poor” village witch or their easily definable witch daughter, but could threaten almost everyone.

A concretely anchored, rumor-based, sermon- and pamphlet-spread myth that was now politically turned, developed and used in double. First in the confessional dispute, which, initially directed against the Pope, equated the newly established Inquisition authority in Rome with the “medieval” heresy inquisition. In a dispute that then also burdened the Protestant side “inquisitorially”, in their “fight” against the Anabaptists or with the burning of the anti-trinitarian theologian and doctor Michael Servetus (1553) in Calvinist Geneva.¹⁰⁶ And later then propagandistically—especially in the wake of the Dutch liberation wars (1565–1568) against the powerful Spain under Charles V and Philip II.—with a caricature of the newly founded Spanish Inquisition in 1480.¹⁰⁷

A centralized Inquisition each in Spain, Portugal and Rome, which actually pursued fewer witches, but with Autodafé¹⁰⁸ and book index (since 1547) wanted to “defend” the pure Catholic orthodoxy against Judaizers and Moriscos, as well as against Lutherans and Erasmians, as well as against Giordano Bruno (†1600) or Galileo Galilei (1633):¹⁰⁹ “The Spanish Inquisition was designed at first to monitor and control inhabitants of Spain who had converted to Christianity from Judaism

and Islam; the [spanish] Sicilian and Sardinian tribunals shared these targets. By contrast, the creation of the centralized Roman Inquisition was planned primarily to confront various forms of Protestant heresy, when local responses had been inadequate or nonexistent.” (Black 2009:131).

A myth, which Francisco de Goya since 1814 with his *Caprichos* and *Desastres* pictorially drove forward, which was critically and satirically denounced by Montesquieu (1748)¹¹¹ and Voltaire (1759)¹¹² and in which Friedrich Schiller and Giuseppe Verdi glorified freedom in their *Don Carlos*. Finally, in Fjodor Dostojewski’s (1879) *Großinquisitor*, Jesus, who had reappeared, was released from prison as a representative of the state’s reason of order:

“*The Inquisition* [myth] was an invention of the religious disputes and political conflicts of the sixteenth century. It was adapted to the causes of religious toleration and philosophical and political enlightenment in the seventeenth and eighteenth centuries. In this process, although it was always anti-Catholic and usually anti-Spanish, it tended to become the representative of all repressive religions that opposed freedom of conscience, political liberty, and philosophical enlightenment [...] as the enemy of modernity on all of the fronts on which modernity clashed with repressive tradition.” (Peters 1989: 231).

A myth that still upholds a medieval *witch-Inquisition* image with its—by ‘plausible’ ‘legitimized’ facts – *Fake-News* about the ‘early modern period’, which can easily downplay the warnings of our time. Warnings that accompany us about the common practice of recent dictatorships up to the rule-of-law-defying events in our political partner nations and that cannot prevent us from still using torture worldwide as a means of ‘truth-seeking’:¹¹⁴

“By distancing ourselves from Master Franz and his colleagues, we make them harmless figures from the world of fairy tales, violent offenders who cannot harm us, and thus reveal more about our fears and dreams than about the world we have inherited from them. We look at this caricature of the executioner with the inevitable hood, as today’s popular culture shows us, with the same patronizing amusement as adults who watch children play—always aware of our superior reason and cultivation. But is this emotional and intellectual distance really justified?” (Harrington 2015: 337).

8.7.2 Salazar and the Basque *Witch-Mania* (1609–1614)

“1. They are to indicate the exact place at which the witches gather and state the distance of this place from their home. 2. They are to show the place where the Devil

sits...”. “When all four had been separately taken out to the witches’ meeting place and the interrogation had been completed, their answers to the questions were compared.” (Henningsen 1980: 296).

Gustav Henningsen (1980)¹¹⁵ investigates, under the revealing title *The Witches’ Advocate*, the surprisingly ‘rational’ procedure of the **Spanish Inquisition**, which was established by the work of Alonso de Salazar, a predecessor of Friedrich von Spee (1631) who was long forgotten, but then also set the precedent for its future.¹¹⁶

(1) The newly established Spanish Inquisition in 1478 was a tightly hierarchical, largely autonomous organization vis-à-vis the king and the pope, at the head of which was the Inquisition *Suprema*, a General-Inquisitor with several *councillors*, who supervised the work of 19 Inquisition courts (*tribunal*)¹¹⁷ with three inquisitors each, with the help of reports and letters, specific and general instructions. These tribunals, which were allowed to decide independently in cases of agreement, were in turn based on an extensive ‘*secret intelligenz service*’ of locally appointed (*witch*) commissioners, who were controlled, among other things, on extensive visitation tours every two years. These tribunals had their own prisons and semi-open ‘*houses of correction*’; they conducted their proceedings according to the traditional heretic-inquisition procedure, strictly confidential. The Inquisition successfully insisted on its ecclesiastical competence in *witchcraft* matters vis-à-vis the interference of secular courts, so that it was able, not always successfully, to prevent their death sentences also in later times—among other things by the intervention of Salazar.¹¹⁸

(2) The 1609 **Spanish-Basque witch-hunt** took place at the same time as an extensive, French-Basque *witch-hunt* led by the *witch*-commissioner De Lancre, who published his successes in 1612 in book form.¹¹⁹ In terms of its nature and extent, it resembled the later Mora-excesses in Sweden (1668–1676), in which, driven by clerical propaganda, children appeared en masse as witnesses as well as victims, who were allegedly abducted by *witches* to the Sabbath.¹²⁰ In a first wave of persecution initiated by the Abbot of Urdax¹²¹, the inquisitor Valle was able to bring 31 suspects into the Inquisition prison in Logroño, of which 13 died as a result of a “prison epidemic”. Since there had already been several *witch-hunts* in this area in the early 16th century, but no one had been sentenced to death,¹²² he acquired his *witch*-knowledge as follows:

“During the course of 1609 Valle had established himself as the Tribunal’s witch expert. The chief basis of this expertise had been the study of old witch trials, the interrogation of the prisoners at the Tribunal, and his experiences on the journey of visitation. In addition to these sources of knowledge he established a valuable contact with the French witch judges while he was at Urdax, and this gave him fresh insight into the hidden world of the witches.” (Ibid.: 120).

After almost two years in prison, in January 1611, in a three-day *auto-da-fé* with allegedly 30,000 spectators, in addition to other “heretics”, six of these people were sentenced to death as non-confessors (*negativos*),¹²³ two priests were banished to monasteries, while the remaining *confidentes* were absolved with lighter sentences.

(3) The second wave, which reached its peak three months after this *auto-da-fé*, affected some 3000 suspects.¹²⁴ **Alonso de Salazar**, the youngest of the three inquisitors of Logroño, wrote in an interim report on the success of his 8-month visitation tour on 4 September 1611, which took place as part of an extended *Edict de Grace*¹²⁵ in a letter to the General Inquisitor:

“When I left Logroño only 338 confessions have been made¹²⁶... But by now, with God’s help, I have dealt with 1546 cases on my journey. These may be divided up into the following groups: 1199 children under twelve [girls] and fourteen [boys] have been absolved *ad cautelam*; 271 persons of twelve and fourteen and upward have been reconciled (these were of varying ages; many of them were elderly, and some were even senile); 34 have renounced [their errors] *de levi*;¹²⁷ finally, there are 42 revocantes, some of whom have recanted their confessions after having been reconciled by the Holy Office, and some of whom have made the recantation on their death-beds [which was considered particularly credible]. In addition there are a large number of children of five years old and under.¹²⁸ After consultation with my colleagues I have read some exorcisms over them chosen by all three of us for this purpose. So that people of all ages have had a share in the comfort and consolation which has been anticipated by them, and by their children and relatives, and this has served to generally reassure the whole district.” [...] ¹²⁹ “A great deal of terrible injustice had already been imposed in the name of Christian zeal on those who were suspected of belonging to this sect; and this was done even when the suspicion rested only on the allegations of children. Prohibiting the suspects from [taking] the sacraments of the church—which has been practiced quite openly and been very extensive—has also caused great harm.” (a. a. O.: 254, 255).

(4) **Alonso de Salazar**,¹³⁰ who had already contradicted his two colleagues Valle and Becerra during the first wave in the cases of the *negativos*, became increasingly skeptical during his visitation journey,¹³¹ for which the retractions of the

revocantes spoke at first, which described how much family, neighborhood, and “commissarial” pressure they were under when they made their statements, even though this would have earned them the death penalty as recidivists.¹³² Why—so Salazar in his report of October 3, 1613—his two inquisitor colleagues had determined:

“We marvel that he [Salazar] tries to insinuate that the majority of the witches’ confessions and everything else that emerges from the visitation are dreams and fantasies, for it is clear that the tricks, intrigues, and contrivances of the Devil have been powerful and strong enough to blind the understanding of many people. All of this, naturally, has allowed the Devil to better protect his witches.” “In another place, continued Salazar, they go so far as to say, that ‘blinded by the Devil I defend my witches.’” (a. a. O.: 352).

Since the Inquisition paid particular attention to positive evidence (*actos positivos*),¹³³ Salazar had the content of the confiscated *witch* pots **examined**, which the suspects, for fear of being considered as *negativos*, had subsequently stirred up. But above all, he questioned, in an experiment—“which is unique in the history of witchcraft”—four *witches* from a group of 36 confessing *witches* in succession about their *aquejarre* (Sabbath-place) as explained in the motto above.

Salazar, who was supported, among other things, by the Bishop Venegas of Pamplona¹³⁴ and his accompanying commissioners, and who received the backing of the General Inquisitor, sent his very extensive report in March 1612 to the *Suprema*. In fierce disputes with his fellow inquisitors, they repeatedly delayed their assessment of Salazar’s reports until August 1613 in order to determine in them (Ibid.: 339 f.) the *actos positivos* of the 19 *witches* they had once heard:

“These two documents contain in principle all the material which provides incontrovertible proof that the witch sect is a reality and that all the monstrous things that the *witches* confess actually do take place.” (Ibid.: 336).

In response to which Salazar said:

“My colleagues are wasting their time [...] it is not very helpful to keep asserting that the Devil is capable of doing this or that, simply repeating over and over again... the theory of his angelic nature; nor is it useful to keep saying that the learned doctors state that the existence of witchcraft is certain. [...] The real question is: are we to believe that witchcraft occurred in a given situation simply because of what the *witches* claim? It is clear that the *witches* are not to be believed, and that the judges should not pass sentence on anyone, unless the case can be proven by

external and objective evidence sufficient to convince everyone who hears it. Who can accept the following: that a person can frequently fly through the air and travel a hundred leagues in an hour. [...] Indeed, these claims go beyond all human reason and many even pass the limits permitted the Devil.” (Ibid.: 350).

(5) The *Suprema* dealt with the whole matter in the presence of Salazar and his former inquisitorial colleague and opponent Bezerra, who had in the meantime been appointed *Fiscal* (Prosecutor) of the *Suprema*. Finally, on 29 August 1614¹³⁵ it issued an **Instruction** with 31 points, which was largely based on a draft by Salazar—“the fact, that Salazar had played the chief role in reshaping the instruction.” In it, she firstly deals with the need to thoroughly investigate the *maleficia* and to keep the commissioners, who are not allowed to interrogate, on a short leash, and then practically acquit all old cases, including those who died in prison, of their old ‘crimes’:

“7. The inquisitors are to instruct the commissioners and the priests to explain to the people that damage to crops is sometimes the way God punishes us for our sins, and sometimes is a natural consequence of bad weather.”

“10. No commissioner is to institute inquiries into these matters, either on his own initiative or as the result of a denunciation.”

“15. No person is to be imprisoned or sentenced solely on the basis of the witches’ denunciation.”

“19. All the evidence resulting from the present cases is to be suspended so that unless fresh evidence materializes—no legal proceedings can be instituted on the basis of the old evidence, and the suspects are not to be debarred from holding posts in the Holy Office.”

“31. Public discussions of the witch question has produced very undesirable consequences [...] The Tribunal is therefore to issue an order imposing silence on these discussions.” (Ibid.: 371–376).

After his return to Logroño, Salazar implements these instructions, instructs the commissioners and publishes the latter-mentioned *Edict of Silence* as the only publicly announced reaction to the decision of the *Suprema*. (Ibid.: 379). In his report to the *Suprema* in 1617, Salazar wrote:

“[T]hat the eighteen hundred witches and four thousand suspects, as well as all their dependents and the local authorities, were now living ‘in such a state of peace and understanding ... that it seems utterly incredible. No one’, continued Salazar, could have imagined that with the imposition of silence on the witch question it would have been possible to combat the craze to such an extent that today it is as if the problem had never existed.” (Ibid.: 383)

8.7.3 The Roman Inquisition (1542)¹³⁶

“The proportion of death sentences imposed by the Holy Office was small, about 130 between 1550 and 1800. The highest was about 30 executions, i.e. about 8% of all cases in the 10 years up to 1570. After 1620, the Inquisition in Rome executed a total of only about 10 people, 3 of them in the 18th century.” (Decker 2013; 107).¹³⁷

(1) In Italy, Pope Paul III—10 years after the *Carolina*, in view of the Trient Reform Council (1545–1563) demanded by Charles V—with the bull *licet ab initio* 1542 founded the *Sacra congregatio Romanae et universalis Inquisitionis seu Sancti Officii*, the **Holy Office**:

“To this end, a well-organized authority was created, with the Pope and initially six, later about 10–12 cardinals at the top and a staff of qualified employees, first and foremost a Dominican as *commissarius*, the chief prosecutor and head of the proceedings until the final decision by the Congregation, then the assessor, a secular priest, responsible above all for the extensive correspondence, and finally a large number of *consultatores*, advisers, lawyers and theologians, as well as notaries.” (Decker 2013: 75).¹³⁸

Worldwide planned (*universalis*), it practically restricted itself to upper and central Italy, which it however—in conflict with the independent princely states and city republics¹³⁹—covered with a ‘close-meshed net of dependent inquisitions’, which were to a large extent conducted by Dominicans. (Decker 2013: 76).

At first, one judged, in constant conflict with the regional secular and episcopal courts¹⁴⁰—under the aegis of Cardinal Gian Pietro Carafa, the later Pope Paul IV.—in the usual way relatively harshly. So the death penalty applied also to ‘penitent *witches*’ and to “those who use a consecrated host in sorcery.” But “increasing caution” led to the fact that in Rome—with a high number of secular executions—the last *witch* was burned in 1572 (!):

In addition to ‘numerous cases of magic, fewer cases of malicious magic, than love spells, fortune telling and magical treasure hunting, after 1623 only necromancy, which often targeted the Pope, and host desecration were punishable by death.’

Otherwise, the Holy Office intervened boldly, but often without great success in foreign legal proceedings. For example, in relation to Venice¹⁴¹ or in Graubünden, where it saved 15 children whose parents had been burned as *witches*, in order to entrust them to the inquisitor in Milan.¹⁴² Also in cases of possession it intervened; for example in Paderborn¹⁴³ or in the southern Italian Bitonto (1593/1594):

Here the Pope “ordered the release of the ‘witches’ who had been defamed by the possessed. Their good reputation was to be restored. In return, the bishop and his advisers were punished because they had disregarded essential legal principles: torture without sufficient evidence, withholding of a sufficient defense or an appeal to a higher authority, for example to Rome. [...] There was also a legal aftermath for the women who had denounced their fellow citizens as witches. Charges of perjury, superstition and in this context of slander or libel were brought against four women.” (Decker 2013: 89–92).

Finally, the obsession of two nuns who, among other things, accused 1613 the provost Jean Leduc of being a sorcerer in **Lille**, in Catholic Flanders, provides a telling counter-example to Loudun (see Sect. 10.1.4):

In response to a request from the Brussels Nuncio, Cardinal Garcia Mellini replied. “S.H. has instructed me [...] that you should not believe the testimony of possessed persons and of witches who testify that they have seen other people at witch’s Sabbaths, because of the deception that takes place in such actions. In addition, Your Excellency should have the *corpi delli delitti* of the alleged acts of sorcery and witchcraft verified; and even if the case should turn out to be one of illness due to sorcery and witchcraft, you should also rely on the opinion of experts confirmed by oath, who judge from their knowledge of the actions.” The prelate was acquitted. Pope Paul V also ordered that the provost be promoted in compensation for the suffering he had endured. The nuns were imprisoned. (Decker 2013: 95f.).

(2) The decisive innovation was the revised *witchcraft trial instruction*, (around 1600) which, initially used internally, was sent to the external inquisitions and published for the first time in 1625—unofficially.¹⁴⁴ It reads like Spee’s *Cautio Criminalis* (1631, see Sect. 13.3):¹⁴⁵

“Both expressly recognize that there is magic and witches [...], but they are critical of the particularly problematic elements of witch belief, witch flight and witch Sabbath. Their concern is to ensure the greatest possible legal certainty in this delicate offense. The allegations of participation in the witch Sabbath are rejected.”

In particular, she demanded the ‘involvement of doctors’;¹⁴⁶ the determination of the *corpus delicti*;¹⁴⁷ the rejection of the allegation ‘not even in connection with other evidence’; extreme caution in exorcisms, especially when the alleged devil incriminates people; ban on humiliating examinations (devil’s mark); milder torture (only “by pulling on ropes” without additional weights); claim to defense incl. duty to defend; humane regulation of detention conditions.¹⁴⁸ (Decker 2013: 99f.).

8.7.4 An Ambivalent Contrast Program

“Was the Roman Inquisition a ‘Bloody tribunal’ as outsiders regularly alleged? There was undoubted horrors of long imprisonment, uncertainty over accusations, accusers and outcomes, the fear of torture and occasionally its actual implementation, and some horrendous burnings. However, these factors should be balanced against the reality that—in comparison with many other courts in Italy and elsewhere—the death sentences were few, the torture rarer, and opportunities for plea-bargaining and accommodations leading to spiritual penances existed. Therefore, we might guardedly answer this question: No.”, is Blacks’ conclusion (2009: 258).¹⁴⁹

First of all, one should not forget that **the same Inquisition** not only—and relatively rarely—condemned *witches*, and that it was not only the miller Menocchio (1600)¹⁵⁰ but also, inter alia, the two Dominican monks Giordano Bruno (burned alive in 1600) and Thomas Campanella (†1639), author of the utopia *The City of the Sun*, as well as Galileo Galilei (†1642), who had to renounce the Copernican heliocentric doctrine in 1633,¹⁵¹ fell victim.

Above all, both *heretics*—Protestants and host desecrators, converted Jews (*Conversos*) and Muslims (*Moriscos*)¹⁵², and in Portugal from 1531 on mainly the *Maranos* who had fled from Spain (baptized Jews)—as well as in the later phases necromancers and everyday magicians. A—sometimes also bloody—fight for the right ideology, everyday morality and attitude was propagandistically underlined in Spain by magnificent *Audodafé*’s, and in Rome by the ‘*Congregation for the Index of Prohibited Books*’ subordinate to the Inquisition since 1559 and 1564 (until 1917), without execution authority, the notorious *Index of Prohibited Books* (*Index Romanus*) was created.¹⁵³

In this physically and ideologically fought battle, it was not only about securing the Catholic faith or “pastoral” about the salvation of the souls of the subjects, but also directly and indirectly about the political security and legitimation of both the Church State, which until the Napoleonic time as **secular power** acted, vis-à-vis the competing Italian princely houses and city republics, as well as the Spanish “world empire”: Charles V. (†1568), Philip II. (†1598), for example in the fight for the last remaining “Spanish Netherlands”:

Elena Bonora (2019) convincingly summarizes these power-political aspects of the Roman Inquisition: “As a repressive organization, it was exceptional in the Ancien Régime for its extensiveness, probably no European sovereign had a structure of control that was so widespread and hierarchically organized throughout its territory,” emphasizing its power-political role: “The Spanish Inquisition was a powerful tool in the process of consolidating the monarchy. In Italy, however, the Inquisition tribunals were established in the dominions of princes of the peninsula¹⁵⁴ who had to accept the activity of judicial institutions run by ecclesiastics dependent on the pope.”

This also applied to the persecution of conspiratorial necromancers in the context of the papal election: “In a short time, as we have seen, the risk of an accusation of heresy became a tool for regulating mechanisms of access to the papacy and the distribution of power at the highest level of the Church.”

“[T]he extension of the Inquisition’s jurisdiction to crimes that the civil courts had dealt with for a long time arose from two desires: on the one hand, to reaffirm and strengthen the ecclesiastical jurisdiction with respect to civil authorities, and on the other, to safeguard the honor of the clergy.”

The **Janus-face** of this Inquisition is hidden on the one hand in a perfectly constructed bureaucratic-hierarchical organization that could rely on both the local inquisitors controlled by it and on the accompanying *secret intelligence service* as well as on a religious indoctrination that guaranteed the belief in this GOD-near rule. A valid since the Council of Trent (1545–1563) consistent Catholic belief system that, in contrast to the “reformatory” insecurity that began in the 15th century—Hussite storm, councils in Constance and Basel—offered a self-evident, not to be further questioned frame, in which instead of the community-destroying *witches* saints and Mary, the mother of GOD, held the society together.

A Janus-faced approach which, on the other hand, could not forego the emotionally deep-seated fear of Satan and his *witch-like* accomplices, but which designed—and enforced—a modern ‘**rule of law**’ justice procedure for its time. Within which one could ‘rationally’ argue without thereby questioning the common basis of belief—just as this had been conceived and practised for centuries in the *Canon Episcopi*, and of which the ‘Renaissance figure’ of Alonso de Salazar set a convincing example.

Within this framework, it was thus in principle possible to argue and act ‘rationally-procedurally’ without giving up the punishable offence of *witchcraft*¹⁵⁵ or resorting to the—nevertheless existing, resistant—demonological theories.¹⁵⁶ And this both in the emphasis on the *actos positivos*, in particular also with regard to the alleged *maleficia*, but also in their strategy to end this *witch craze*: Instruction of the (*witch*) commissioners and *Edict of Silence*:

“The decision effectively to stop prosecuting diabolical witchcraft did not involve any change in doctrine or teaching. In fact, no mention is made of the decision itself. Rather, the new instructions focus on tightening up procedures, above all by centralizing decision-making and effectively reducing local autonomy. The most consequential change—opting for future avoidance of persecution of witches—is nowhere stated explicitly as such. Rather, its significance can be gauged only in retrospect.” (Amelang 2008: 81).

Under these premises, it was on the one hand possible to procedurally resort to the original ('rational') heretic procedure:¹⁵⁷ *Edict of Grace* (*tempus gratiae*), long imprisonment instead of torture, meticulously observed written form.¹⁵⁸ In a clerical court system, that on the other hand controlled 'from above' by the ruling power, which, relieved of the turbulent everyday life of witch persecution, could both defend the stricter state-secular intervention¹⁵⁹ and keep the subordinate *tribunals* and their '*secret intelligence service*', the (*witch*) commissioners, on a short leash.¹⁶⁰

"Thus until well into the seventeenth century many inquisitors considered that witches ought to be burned. It was largely owing to the centralized method of government of the inquisition and the authority of *la Suprema* that it was possible to implement a decision that was to a great extent unpopular and thus to bring about the suspension of witch burning about a century before the remainder of Europe changed its policy", Henningsen writes (1980: 389) in his final epilogue.¹⁶¹

A success for the *witches*, to the detriment of the *heretics*.

8.8 Three Legal-Political Levels

If one follows this, in the recent *witch* research again emphasized 'third', legal-political *witchcraft* dimension—in addition to that of theology and folk belief—then four levels are available: On the one 'powerful' side, the otherwise relatively weak imperial jurisdiction and that of the slowly consolidating larger territories, and on the other 'weaker' side the smaller states and cities, which used their traditional jurisdiction in the defensive struggle, as well as the community *witch* committees, which I will discuss in more detail in the next Sect. (9.1).

8.8.1 The Imperial Level

"Since the 1680s, the trend can be observed that the highest imperial jurisdiction increasingly began to take action against local rulers who did not take their sovereignty duties seriously because of 'abuse of power' and to execute high court judgments by way of imperial execution." (Tschaikner 2005: 107, 110).

On the imperial level, the aforementioned *Carolina* created a common legal background. It was also used extensively, but with individual modifications, at lower levels; in smaller principalities for defense or in the imperial cities as evidence of their direct imperial connection to the emperor. It was represented by

the two **imperial court institutions**: the Imperial Chamber Court ('Reichskammergericht')¹⁶² located in Speyer and later in Wetzlar, and the Imperial Council ('Reichshofrat')¹⁶³ (since 1559 in a fixed form)¹⁶⁴. They were considered relatively open-minded—for example, they condemned 'Besagungen'—(Schormann 1991: 159)¹⁶⁵ and served as by no means rarely used appellations instances with mostly long process duration. Although this was officially forbidden as a revision instance in criminal cases, the main case could – on the way to an action for annulment ('Nullitätsklage')¹⁶⁶ – be "referred back to the lower court for further proceedings, with the order to observe the opinion of the highest court in the future as well as to hear and sentence according to law." (Oestmann 1994: 239). In the so-called **Mandate-process** (*mandatumsine clausula iustificatoria*) one could also achieve a kind of 'injunction' "without prior hearing of the other side":

"This was especially the case if there was a danger that the applicant would suffer irreparable damage through the actions of the lower courts [...] This process was one of the most promising means of obtaining help and could be a matter of life and death." (Fuchs 1994: 12).¹⁶⁷

Finally, one could appeal directly to the RKG on the basis of the civil law **injury-proceedings**—in which one demanded 'compensation for the defamation' if this was done 'intentionally' (*animus injuriandi*)—if the required amount of money had been reached.¹⁶⁸

Despite the lack of its own enforcement staff¹⁶⁹ they were occasionally successful in intervening:¹⁷⁰A "so to speak 'silent' effect is to be highly valued together with the actual intervention and is likely to have contributed more and more over time to preventing worse." (Schormann 1992: 279).

In this sense, Peter Oestmann (1994: 255 ff.) gives consideration to the three processes pending at the end of the Lippe witch-hunt (see above Sect. 7.5):

"that the three Lippe RKG proceedings were held from 1659 to 1682 with only short breaks between the cases [...] it becomes clear that the Lippe government and the city of Lemgo were constantly under pressure to justify themselves during the entire last Lippe wave of proceedings [...] This effect must not be underestimated," especially since at this time the important supporters of the persecution, the 'witch-mayor' Cothmann, died and the previously so supportive Rinteler faculty of lawyers had changed their 'attitude' with the change of their protagonists.

This influence becomes even clearer in the case of the **Frankish mass persecutions**. Thus, on the complaint of a "Würzburg syndic who had escaped from prison", the Reichskammergericht successfully prohibited the further *witch* inqui-

sition from the “great *witch*-persecutor Prince-Bishop v. Ehrenberg in Würzburg by means of an *Mandatum inhibitorium* in 1630. While the Reichshofrat could only redirect the corresponding *witch*-persecutions in Bamberg back to “normal” channels after four imperial mandates and after the appointment of the moderate Dr. Winter by the flight of the Bamberg prince-bishop in front of the Swedish troops:¹⁷¹

This development was triggered by the arrest of Dorothea Flöckh, wife of a Bamberg city councillor, and a corresponding complaint to Emperor Ferdinand II (1630). Despite an initial imperial mandate, in which the prince-bishop was called to account, this one continued the process in an aggravated form and had this ‘*witch*’—in knowledge of the 2. mandate—“executed early in the morning of May 17, 1630, before the imperial mandate and the papal intercession arrived. In a fierce dispute at the Regensburg Kurfürstentag, Dr. Anton Winter, “who had converted in 1627 and gone to Bamberg as a Hofrat, confirmed the accusations of the petitioners.” After a third, sharply rebuking imperial mandate and further complaints, Dr. Winter was appointed “to the president of the *Malefiz*-commission in a 4. mandate, which was now supposed to guarantee a regular processing of the further proceedings.”

The Reichshofrat probably also intervened “1639 in Kurköln on the complaint of Gerhard Urbach, finance officer in Adendorf, and probably stopped his [Ferdinand von Bayern] extermination program.” (Schormann 1991: 161, 165).¹⁷² He also controlled in 1680/1682 on the complaint of some escaped citizens from Vaduz in two imperial commissions the *witch*-processes of the Vaduz count Ferdinand Carl Franz von Hohenems.¹⁷³ Their commission president, Fürststab Rupert von Bodman, had the court records checked by the University Salzburg, which declared all processes to be illegal. The count was deprived of criminal jurisdiction. When he continued to obstruct the work of the imperial commission, he was arrested and taken to Swabia, where he died in 1686; with his lands the princes of Liechtenstein were encumbered.¹⁷⁴

8.8.2 The Great Territories

“The hypothesis that early modern statehood drove the *witch*-hunt significantly has found prominent representatives for a while. Meanwhile, however, the view is gaining ground in international research—not least in view of a much better state of research—that the large, emerging and, in particular, centrally located European states were actually quite restrictive towards the *witch* hunts.” (Schmidt 2008: 149).

Before above all it succeeded the larger territorial princes with the help of academically trained lawyers to develop this high jurisdiction to the **instrument of rule**, mostly—similarly as in the empire the Imperial Chamber Court and the Imperial Council—double functional as a permanent court on the one hand and as the closest advisory board with corresponding intervention authority on the other hand. A double effective vehicle of power, that should guarantee in the course of a growing ‘centralization’ one of the central legitimizing state functions, the observance of the right as well as the security, and thus both the actual rule as their ideological protection. This led to a ‘**structural division** of the procedure’, why Härter (2000: 467) speaks of a ‘dual inquisition process’: “[I]n a local investigation and a central decision procedure, that corresponded to a separation between local investigation organs and central decision instances.” An instrument, that at the same time also, at least on the level of the witch persecution, could restrict their excesses through their increasing professionalization—if one leaves out the excesses (see below: Sects. 9.4 and 9.5) in the independent upper Franconian bishoprics—by proceeding according to the criteria of the ‘*Carolina* and opposing excessive persecution wishes.

(1) Since the 15th century, the dukes of Lorraine have occupied the court of **Nancy**, the *Change*, systematically with trained lawyers and high-ranking Lorraine dignitaries, who in the course of the 16th century gradually obliged by Aktenversendung Instructions—*Advisen*—also to the otherwise independent high courts, in order to finally establish itself as appellate body.¹⁷⁵

“On their meeting of 1569, the Lorraine Estates – so also the high court judges of the duchy – six years later complied with the ducal will and committed themselves in all criminal proceedings before the consultation of the sentence an *Advis* from *Change* to get.” (Biesel 2005: 234).

“This was a decisive step in a long process of attrition, by which the independent rights of local bodies were eroded away to the benefit of the dukes and their own agents, although no system of appeal on the French model was involved, which would have seen the case effectively re-heard in the higher court.” (Briggs 2007: 17 f.).

This concentration was supplemented by a requirement to request the ducal hangman, which, as complaints of the general assembly from 1607 prove, again and again “refused to the judgments of the independent high courts to execute if they did not with the *sentences* of the *Change* agreed.” (Biesel 2005: 238).

In this way, for example, one prevented—among other things by the arrest of the responsible nobleman Bernhard von Levenstein—that the German-speaking rule Eppelborn appealed to the Reichskammergericht in 1611:

“He was then obliged to lodge an appeal in the future only with the Assizes in Nancy, the Lorraine Accounts Chamber, the Ducal Council or with the Aldermen of Nancy.” (Ibid.: 246).

The successful confrontation with the autonomous areas of the Teutonic Order was even more pronounced, for which Archduke Maximilian of Austria, the Grand Master of the Teutonic Order, 1606 finally appealed to Duke Charles III. of Lorraine in vain:

“He pointed out that the place Pachten with the high, middle and lower courts was the property of the Teutonic Order. In addition, death sentences had been carried out in Pachten for at least 40 years. Advisors were only sought from the Teutonic Order. Neither ducal officials nor the duke himself had demanded any other procedure.” (a. a. O.: 258).

(2) Even in the Duchy of **Bavaria** – from 1623 Electorate—there was “a relatively tight, centralized court system since the late Middle Ages,

“which forbade the bailiffs and land judges (in about 100 courts) to make the high court decisions on their own. Crimes punishable by death were theoretically only judged by the sovereign, but practically they were a matter of the court. or the central authorities [...]. The permission of this superior authority had to be obtained for the use of torture, apart from a few exceptions, including the crime of witchcraft, and the sentence in the high courts was ordered on the instructions of the collegial superior authority.” (Behringer 1988: 52).¹⁷⁶

While “in his principality the holder of the judiciary, in the imperial cities the city council, or in the bishoprics¹⁷⁷ the diocesan government decided to a large extent on its own, in the Principality of Bavaria, despite its early absolutist state form there was a system of checks and balances”:

“The prince was not only confronted with his political civil service (Secret Council, Court Council, Chamber of Commerce), but also with the representatives of the Estates, the magistrates of large cities, the representatives of the bishops ruling in the country, the diocesan clergy, the Jesuits in Munich and Ingolstadt, the state university, the members of the princely family, the social network of patriciate and country nobility, from which the land judges and members of the middle authorities were recruited to a large extent, and finally independent advisers of the princely grace.” (Behringer 1988: 418).

A complex “political” framework that already existed in those days, among other things resulting in the fact that in Bavarian Southeast Germany, between

1562 and 1775, “only” about 900 witches were burned at the stake, while in the more fragmented, neighboring areas of Franconia and Southwest Germany, in this time period, 4000 burnings each must be taken into account. (Behringer 1988: 414f.).¹⁷⁸

(3) Jürgen Michael Schmidt (2005) impressively worked out this claim of the newly awakened territorial sovereignty on the example of the dispute over the **community of Bodenheim** south of Mainz.¹⁷⁹

As a member of the Mainz Cathedral Chapter, the Abbot of St. Alban had acquired the bailiwick over the place by purchase in 1277, which was divided between him and Mainz in the 15th century, so that the abbot had five-sixths and Mainz one-sixth. In the village lived about one-third each of serfs from the Calvinist Palatinate, who practically knew no *witch*-trials, and from the Catholic Electorate of Mainz, as well as originally one-third of royal serfs, who were pledged to the Palatinate. The Palatinate exercised rights of serfdom more and more successfully – as in a neighboring village – since 1607 with the help of local functionaries (*upper* and *lower* ‘*fauth*’): taxation, inclusion in the militia, interference in high and low jurisdiction.

From 1612 to 1615, the provost of St. Alban carried out *witch*-exception-trials with the consent of the Elector of Mainz in order to secure his sovereignty.

“In which 25 out of 32 people were burned as witches and two died in custody. That was 10% of the population and 17% of the female population, of which two-thirds were Palatinate serfs, that is, about 33% of adult Palatinate women, including in particular the female members of the Palatinate *Fauths*.” (Ibid.: 154f.).

After repeated threats, the Palatinate intervened militarily and freed the imprisoned *witches*.¹⁸⁰ When group conflicts intensified in the community, the provost once again took up the persecution of *witches*—even though, as part of larger political constellations, the Palatinate and Kurmainz had agreed to settle the matter amicably—by arresting the *Oberfauthen* Martin Schmidt as ‘King of Witches’ for ‘witchcraft, adultery and murder.’

After a second military strike by the Palatinate and the ban on their own serfs taking part in any further *witch* trials, it was agreed that Martin Schmidt should be tried in Mainz in 1617 in an accusation process under imperial law (CCC), for which “the Palatinate organized the defense and controlled the procedure for its legality at every stage.” (Ibid.: 160): “The faculties of Protestant universities in Heidelberg, Rostock and Marburg, called upon as experts, as well as the faculty of the Catholic University of Cologne, rejected the evidence as completely untenable and acquitted the

accused. In particular, the Palatinate was able to prove that the petitions of the community assembly submitted by the provost were manipulations, forgeries or distortions of community resolutions.” (Ibid.: 162).

8.8.3 Municipal Defense Struggle Against Claims of Sovereignty

“In this context of lordship and politics, the massive persecutions played a prominent role, because the criminal proceedings anchored exclusively in the territory of the imperial abbey by means of document dispatch and instance drawing were intended to prove the claim to undisputed, sovereign blood and high justice.” (Volmer 2003: 250).

As the example of Bodenheim showed, the—simple to construct, but particularly well legitimizing lordship—*witch* crime was also used to demonstratively **reject** such superior territorial sovereignty claims and thus emphasize the autochthonous independence, which in turn could trigger particularly intense waves of persecution.

As examples for this, I take (1) the long dispute of the archdeacon of the Osnabrück cathedral chapter with their prince-bishopric, in which it not went around the *witch*-persecution, but only around the ‘church discipline’, thus also around blasphemy and sexual offenses (with money and prison penalties), but the comparison to the parallel Lausanne dispute from the 15th century (see above Sect. 1.3. (1)) shows the *longue durée* of such jurisdictional conflicts. The example (2) of the Davensberg *witch*-trials around 1629, with which a patrimonial court wanted to and could assert itself against the prince-bishopric of Münster, underlines the role of such trials in the ‘estates’ resistance against territorial unity wishes. (3) The council in Minden followed a complex ‘power-political logic’, while (4) the mass trials of the independent imperial abbey of St. Maximin demonstrate their successful effort of autonomy against the Electorate of Trier, which one could also shift these trials into the ‘moral shoes’ of this.

(1) After the Peace of Westphalia, the prince-bishopric of **Osnabrück**—which since then was alternately occupied Catholic or Protestant in ‘alternative succession’—experienced a dispute lasting until its dissolution (1802) between its central authorities and the noble archdeacons of the cathedral chapter (court of appeals in ten spiritual court districts):

“[I]n the territorial government functions, the cathedral capitulars were indeed responsible to the respective sovereign; but as cathedral capitulars they tried to assert their own interests against the sovereign and the central authorities primarily. Thus, the cathedral chapter acted as a mouthpiece of the spiritual court lords in the jurisdictional conflict between the sovereigns and archdeacons. The influential position of the archdeacon in Osnabrück resulted primarily from their far-reaching judicial power. Social prestige and power politics were combined for the holder of an archdeaconry with considerable financial benefits.” “[A] central structural feature of the spiritual state: the existence of a second power center, the cathedral chapter. Sovereign [Catholic as well as Protestant] and cathedral chapter saw in the power of sanctions over the subjects an important means of exercising political power.”¹⁸¹

(2) Gudrun Gersmann (2000) describes a quite analogous situation on the basis of the confrontation between the persecution-poor prince-bishopric of Münster¹⁸² and the self-assertive, **noble patrimonial courts**,¹⁸³ in a “conflict constellation between the ‘central authority’ in the form of the Münster city council on the one hand and the ‘particular powers’ in the form of the cities and noble courts on the other hand”;¹⁸⁴

The court of Davensberg-Nordkirchen, had, as part of its ‘high jurisdiction’—under the rule of the noble family of Morrien—firstly executed several ‘male and female suspects of witchcraft’ in 1611; then, in 1618, sentenced ‘for alleged witchcraft’: “Seven ‘witches’, two men and five women, ended up under the hand of the executioner, another suspect died in prison after the devil had, as it was said in the official version, ‘broken her neck’.” “In 1629, within a few months, a witch hunt was carried out on alleged witches and wizards in the Münsterland, which was without equal.” In this context, the 80-year-old Anna Walboem was also tortured and, despite the objection of the city council, denied a mitigation of imprisonment. There, deceased, the city council was unable to gain control over the court, especially with regard to the autopsy of the body, since the judge had turned to the—notorious Heinrich Schultheiß (! S. Sect. 8.5.2) for advice (a. a. O.: 443).

“With the involvement of the lawyer Heinrich Schultheiß the Davensbergers once again expressed their intransigence and their insistence on their own way of conducting the proceedings, while at the same time they referred the state government to their limits. In fact, the case of the old Walboem showed very clearly where the influence of the state government ended: Despite all their efforts, the city council was not able to implement their ideas against the noble court of Davensberg.” (Gersmann 2000: 444).

(3) Also in **Minden**—a “territorial city” with 3000 to 5000 inhabitants within the diocese of Minden, which could carry out “witch” trials independently—the city

council used the “social logic of symbolic trial conduct” in the political power struggle.¹⁸⁵ This initially applied to all three waves of trials—1604–1615, 1629–1637, 1669–1675—with a total of 170 accused; in different political constellation: vis-à-vis the diocesan bishop, imperial occupation, Sweden, Brandenburg landgraves.

This became particularly clear during the second wave during the Thirty Years’ War, when the Protestant city was both occupied by the empire (1625) and subject to a Counter-Reformation Catholic bishop who “restituted” the evangelical churches and arrested all evangelical clergymen (Groß 2009: 325 f.). In this situation, the council, militarily and spiritually weakened, “fell back on its jurisdiction competence in order to stage itself as the holder of the criminal jurisdiction over and over again”:¹⁸⁶In doing so, “he not only confirmed his claim to this central sovereignty, but also symbolically expressed his claim to political autonomy.” “In the witchcraft proceedings of the late 1620s and early 1630s, which followed the political logic of symbolic trial conduct, two aspects were therefore combined [...] The aspect of trust-building and legitimation, which came into play vis-à-vis the citizenry, and the aspect of power demonstration vis-à-vis the competing holders of power. Both aimed at the consolidation of power by the Council.” (Groß 2009: 330).

A constantly maintained “symbolic” strategy, which was also used “internally” if necessary—without physically eliminating the “opponent” here, as was the case, for example, in Lemgo or Osnabrück.¹⁸⁷ This led to a confrontation in 1614 between this council and the “40ger Gremium”—made up of merchants, guild masters and community representatives, from which the council was elected—when the council tried to quash a “witch” trial that directly affected the council—“for the first time council- *related* persons”.

The multi-layered nature of this *witch* strategy is shown by the fact that the beginning of this 1614/1615 series was initially initiated by the same council as a “demonstration of jurisdictional competence towards the territorial lord, the evangelical administrator Christian von Braunschweig-Lüneburg”:

“If the criminal prosecution of witchcraft had only been a demonstration of power by the Minden Council against the city lord a few months earlier, it soon became the occasion and object of a bitter internal power struggle between the Council and the Forties, in which the objectives of the Magistrate regarding the proceedings had completely shifted. Instead of forcing the proceedings, their prevention was now on the political level.”

“The termination of the investigations was unacceptable to the Forties.” After severe threats, “the Council gave in”, but “after the complete boycott of the proceedings had failed against the resistance of the Forties”, the Council “relied on letting the persecution wave run its course ‘naturally’; by letting it run out.” (Groß 2009: 342f.).

(4) The function of such *witch*-trials as evidence of ‘statehood’ was finally shown particularly impressively in the so-called **Trier ‘superhunt’** of the early last two decades of the 16th century, which also claimed the life of Dietrich Flade in 1589 (cf. Sect. 9.2), with which the small freeReichsabtei St. **Maximin** tried to defend itself against territorial claims of the Electorate of Trier:

“St. Maximin saw itself as directly subordinate to the Emperor and the Pope and therefore neither subject to the Kurfürsten land sovereignty nor to the spiritual sovereignty of the Trier Archbishopric. Therefore, in the decades-long dispute with the Trier Electors and Archbishops, the Reichsabtei tried to assert its administrative and jurisdictional independence in secular and spiritual matters. This included the refusal of land and Turkish taxes, the establishment of a multi-level office structure and its own supreme court, and the attempt to also assert spiritual jurisdiction.” (Voltmer 2003: 250).

8.9 Interim Conclusion: The Legal Playing Field

“The European witch hunts of the Early Modern period and the history of crime in that era have long been established areas of research for legal history as well as general history. Strangely enough, however, both phenomena are usually considered separately in historiography, although in contemporary witch hunting ordinances (‘Halsgerichtsordnungen’), witchcraft and sorcery were quite naturally classified as one criminal offense among many others.” (Schwerhoff 2017: 1).

The type and extent of the *witch* hunts in the early modern period were a **sovereignty-produced**, which was realized in a worldly-legal way—that is, not, as in the medieval *heretic* persecution: ecclesiastical-canonical—, but increasingly professionalized and secularized, in a connected threefold tension: legislative, in legal theory and through the courts.

(1) On the level of the rules-setting **legislation** was the general, but subsidiary valid *Carolina* (1532) territorial laws—such as the Württemberg Landesverordnung (1567) or the Saxon Constitutions (1572)—and above all the respectively handed down municipal tradition, which, for example, used the forbidden evidence of the water test or the *witch’s marks*, opposed.

A tension that is already evident in the fact that the two early neck court orders of the *Bambergensis* (1507) and—even more explicitly—the *Carolina* (1532) were issued in the still relatively persecution-poor ‘hiatus’ period (see above Sect. 6.5) before the Counter-Reformation Council of Trent (1545–1563), while the two latter state laws were confessionally Lutheran-influenced. The former

were drafted by canonically and Roman-law trained lawyers, referred to sorcery and emphasized the damage caused, thus—up to 50 years after the *Hexenhammer* (1486/1487)—neither of *Hexerei* nor of the satanic pact. As primarily process-oriented laws, they—at the threshold of the accusatory to the inquisitorial process—paid attention to the verifiability of the indicia leading to torture, with the only incompletely achieved goal of limiting their scope. An undertaking that, now confessionally Lutheran-influenced, was dissolved in favor of the heretical pact-idea in the two aforementioned state laws, only to fall into the further course of the ‘Besagungen’ producing Sabbat-ideology.

(2) Also the emerging **legal theory** followed ‘juridically’ argumentative up to the 19th century the specifications of the *Carolina*, but in order to insert both the ‘more modern’ *Hexen* phenomenon and the extended practice of torture into its relatively open framework. So that, for example, Benedict Carpzov’s (1635) strictly juridical argumentative *Practica Criminalis* could gain acceptance as the leading manual, to which one then also resorted in the university expert recommendations for practice.¹⁸⁸ While the ‘bewitched’ demonologists—Jean Bodin (1580), Peter Binsfeld (1589) or Martin Del Rio (1599)—played only a minor role in the current persecution practice, as much as one also resorted to their explanations in legal theory. A ‘pragmatic juridical’ way of thinking, which even the Roman Inquisition (1542) followed, and why the Spanish Inquisition expressly condemned both Kramer’s *Hexenhammer* and the practice of De Lancre (1612).

(3) In the **pursuit of everyday life**, the ‘upper’ increasingly better-educated ‘university’ judges, court councillors, syndics and experts differed from the ‘lower’, working at the front, largely unfamiliar with legal matters, ‘village and town judges’ who represented the locally prevailing, theologically ‘colonized’ *commonsense*. Clamped together by the largely followed—positively confirming as well as negatively rejecting—legal opinions,¹⁸⁹ by the advisory activity of *witch* commissioners and notaries, as well as by the practical knowledge of the torture personnel. In a field of domination, which ‘up’ as well as ‘down’ also determined the extent of the respective—extra-legal—use of justice: For the preservation of domination as well as for personal confrontation.

(4) A ‘secularizing justification’—which was also generally reflected in the growing early absolutist police (‘polizey’) administrative apparatus. It corresponded to a **legal professionalization**, which favored and further promoted it.

At the beginning, within the framework of the traditional ‘common law’ or a ‘divinely’ guaranteed law, the ‘law’ ‘could also function without an established enforcement apparatus: In the medieval’ trial by ordeal, as in the early modern cleansing oath in the lighter *delicta ordinaria*, in which torture could not be used, as well as in the belief that God would protect the *witch* persecutors from them and never allow the conviction of an innocent person. A lack of **enforcement apparatus**, which applied to the jurisdiction of both imperial courts—the Reichskammergericht and the Reichshofrat—which could only resort to the ‘Reichsacht’ (an outlawing throughout the whole imperial kingdom) in extreme cases, but also to the recommendations of the ‘learned’ legal opinions, which were borne by the self-evident respect.¹⁹⁰ In a slowly expanding system of legal and institutional control, only to fail in the end against the doubts of these now better established representatives of the higher judiciary, which I will discuss in more detail in my III. main part.

With an insight that extends beyond this time: The power of seemingly ‘legal’ enclosures of such highly emotionally charged criminalizations—in place of a late de-criminalization—neither prevents their now process-justified ‘endemic continuation on a smaller flame’, nor their—uncontrolled and fanatically unbounded excesses, which I will report on in the next chapter, carried out with the active assistance of ‘terrible lawyers’.

Notes

1. See the voluminous and well-commented picture book by Schild (1997): *History of Jurisdiction the 1000 years of cruelty* “From the verdict of God to the beginning of modern jurisprudence.”
2. “Habitus means for Bourdieu the class-specifically acquired, unconscious but nevertheless precise adaptation of the dispositions, patterns of behavior and attitudes of a person to the respective social environment. The entire behavior of individuals is determined by this habitus: The habitus performs the implementation of objective social conditions into subjective, individual and class-specific practice. Unconscious and yet precisely adapted to the social field.” (<https://www.bing.com/search?q=habitus+bourdieu+einfach+erklärt>)
3. That is, from the *Dictatus Papae* Gregory VII (1075) or Canossa (1077) to the *Worms Concordat* (1122) or in the ‘heretic time’ from the 1st Crusade 1096 to the burning of the last heretic *Belibaste* (1321) or, worldly-judicially, from the *Constitutions of Melfi*, Frederick II (1231) to the *Carolina* (1532).

4. “A chief source of that law [in the twelfth to fifteenth centuries] was custom and the *Schoeffen*, being responsible, intelligent, educated (though not university trained) leaders in the local community, the city, or the territory, knew the custom or else were capable of finding it out.” (Berman 2003: 131)
5. Francisca Loetz (2000) speaks here of the level of the *L’infrajudiciaire*: “Instead of conflict resolution primarily under the aspect of more or less successful enforcement of a state monopoly of law, conflicts are brought into the center of interest as spaces of interaction and mediation between parties in conflict who negotiate a socially acceptable solution together.... Both, justice and *infrajudiciaire*, can thus be understood as a complex overall system of social regulation that serves to establish social peace and thus the consolidation of the social order.” What may hardly correspond to the perspective of the *witch* pursued in the cooperation of village and court.
6. “It remains to be said quite fundamentally first of all: The ‘use of justice’ is constitutive for the system and by no means an exclusive characteristic of the witch trial. Secondly, this use is always interest-driven, with the spectrum of these interests being set very wide, from the achievement of an immediate material gain to the avoidance of possible magical damage. But we must say goodbye to the—rather implicitly assumed than explicitly expressed—‘pure’ or ‘abstract’ motives such as ‘pursuit of justice’ or ‘protection of the divine world order.’ ... The attractiveness of the witch trial lay precisely in the fact that individual interests could be brought into line with the common good, and that they could be given the aura of supra-individual godliness. In the medium of the witch accusation, the own motive was transformed and thus received, so to speak, higher consecrations.” (Schwerhoff 2017: 19f.)
7. “William Perkins (1558–1602), an English Protestant minister and theologian, was one of a small group of English clergymen responsible for introducing continental European ideas of witchcraft into England in the late sixteenth and early seventeenth centuries. In his treatise *The Damned Art of Witchcraft* [1602] Perkins insisted that the pact with the Devil, rather than the practice of harmful magic, was the essence of the crime of witchcraft.”; “Perkins also proposed that English judicial authorities use Continental standards of proof in the investigation and trial of witches. These included interrogation on the basis of sufficient presumptions of guilt, the administration of torture, and the conviction of witches on the basis of the Roman-canonical law of proof, which demanded either a confession or the

- testimony of two eye-witnesses in all capital cases.” (Levack 2015: 102, 172)
8. Johansen (1990a: 341): “Viewed against a European background, the 1576 article was unique, as it is the first example of automatic appeal in witchcraft cases heard at secular courts; about fifty years later the Parlement of Paris passed similar measures. On the other hand, the Spanish Inquisition had adopted the procedure as early as 1526.” cf. also Labouvie (1991: 37).
 9. (Rummel/Voltmer 2008: 120). more extensive below (Sect. 12.1.3)
 10. S. below (Sect. 8.7.2) and Baroja (1968: 184 ff.); (Monter 1983: 75, 67); Gareis (2016: 107 f.): “He was probably the most influential figure in ensuring that those accused of witchcraft were generally not put to death in seventeenth- and eighteenth-century Spain. The Spanish Inquisition was one of the first institutions in Europe to rule against the death penalty for supposed witches. Its Instructions of 1614, which embodied Salazar’s ideas, were influential throughout Catholic Europe.” (en.wikipedia.org/wiki/Alonso_de_Salazar)
 11. S. the numbers in Monter (1983: 68 ff.).
 12. By the *witch* judge Nuß/Roß (Sect. 12.2.2(1)): “According to the prevailing opinion, the trials from 1603 to 1606 claimed nearly 250 lives.” (Jäger 2006)
 13. Such resistance only occurs within urban communities if different factions there are vying for power using the *witch* instrument (see below in Sect. 8.8.3).
 14. Zagolla (2007: 147–165, 150, 151, 162) discusses at length, based on the expert opinions of the University of Rostock, the relationship between the accusation and inquisition process in the 17th century: “Contemporary legal theory was well aware of significant differences between the accusation and inquisition process”; “At the latest in the 17th century, the inquisition process was the predominant process form in most German territories. Accordingly, most witch trials were conducted inquisitorially”; “It is hard to avoid the impression that authorities were primarily willing to begin and actively pursue an inquisition process when, in their eyes, the crime in question endangered public safety. Property crimes were considered a private matter in some places, and not every authority was eager to pursue moral offenses.”
 15. When I speak of “Inquisition” in this volume, I mean the secular, procedural adaptation of the originally medieval canonical inquisition process (as it continued to be used in Spain)—as opposed to the accusation process, while in English-language literature, the term “Inquisition of the

- Early Modern Period” is mostly used to refer to the ecclesiastical inquisition carried out by bishops and, in particular, to the inquisition institutions established in the 16th century in Portugal, Spain, and Rome. (see E. Peters 1989)
16. For the Roman prehistory, see E. Peters (1989: 11–39). In the following, I rely on Eberhard Schmidt (1965), as well as on Ströhmer, Michael: *Carolina*. From: *Lexicon of the History of the Witch Hunt*, ed. Gudrun Gersma et al. (www.historicum.net/no_cache/persistent/artikel/1586). The texts of the *Carolina*: In: Behringer 2000: 124 f.); of the *Bambergensis* (www.uni-mannheim.de/mateo/desbillons/bambi/jpg/bambi).
 17. And in particular in bishoprics, which could rely on the already practised clerical Inquisition process for this, as Jerouschek criticises Eberhard Schmidt (1992: 347): “If one considers, for example, that the canonical inquisition process was also practised by the episcopal officialates of Germany, then Kroeschell’s finding ‘the way of reception did not simply lead from Italy to Germany, but also from church to secular jurisdiction’ can hardly be contradicted.” A thesis which is also extensively represented by Berman (2003)
 18. The feud was prohibited in this time in the ‘Worms Landfrieden’ 1495.
 19. “The ‘harmful people’ developed more and more into a real mass criminality from the collapse of the Carolingian empire. Poor sons of peasants, former, now freed slaves, runaway monks and nuns, derailed travelling scholars, wandering Jewish traders populated the streets. [...] Particularly dangerous were the men, whose activity had been fighting and killing until then, e.g. dismissed mercenaries, who had been used in the context of feuds and had learned to provide for themselves. [...] The criminalisation of the feud led to the fact that the impoverished nobility became ‘robber barons’ with their troops, who lived from kidnapping, extortion and raids.” (Schild 1997: 104). Which fits well with the current situation in Libya: (<https://taz.de/Libyen-unter-der-Herrschaft-von-Milizen/!5771598/>)
 20. (E. Schmidt 1965: 83). A “proof of dangerousness”, which is to be carried out today in the event of impending security detention. S. Hipp (2022) for the case of Lübcke. With a tendency at the time to simplify procedural rules, which one still encounters today with “overloaded” judges. In this sense, former Federal Judge Thomas Fischer criticized in a full-page ZEIT article (09.11.2017 No. 46, p. 14) *The Search for the Good Law* the demands for procedural simplification raised by 80 court presidents on a so-called court chamber day: “Behind this is also a certain world view and idea of one’s own role: ‘We’ are the good guys; Judges never abuse due

- process, they have to defend themselves against the abuse of the ‘other side’. Suspects deny and lie because they fear just punishment. Defense lawyers help them because they get paid for it; the less space you give them, the more convincing the truth is.”
21. “In the traditional accusatory procedure, private plaintiffs, cooperative prosecutors or ‘state’ or church fiscal initiated the process, which thus took place as a party process in the trias plaintiff, accused and jury court.” In “a situation of oral communication from layman to layman, in which plaintiff and accused could directly present their arguments and bring in their ‘social capital’ (status and reputation). [...] Overall, the constitution and procedure of territorial late medieval criminal justice corresponded more to a horizontal, semi-formal social control, which, however, had a relatively low degree of formalization and gave the social community an enormous control potential.” (Härter 2000: 462)
 22. officially organized: While the accusation process required the (private) complaint of the affected person or a relative of the affected person, with consequences, which also had to be borne in the event of a failure of the evidence (*talion*: the accuser suffered the requested punishment), now the ‘state’ (the church) took over the accusation: This ‘inquisition maxim’ still applies today to criminal law: “The official principle is a procedural principle in criminal proceedings, which states that the state is responsible for the prosecution and accusation of committed crimes.” (<https://www.juraforum.de/lexikon/offizialprinzip>)
 23. While today—even more clearly in the English criminal procedure—the two functions of the prosecutor and the judge are strictly separated, and the actual investigative work is the responsibility of the police—under the supervision and direction of the prosecutor: “Police, which officially functioned as an auxiliary authority of the prosecutor since 1871 and was actually responsible for the investigation of crimes.” (Zagolla 2006: 120)
 24. “The interrogations of the witnesses and the accused took place in camera, and the witnesses were sworn to secrecy about their interrogation.” (Ahrendt-Schulte 1994a: 146)
 25. While in modern criminal procedure today the orality applies: “In fact, almost everywhere in Germany, around the middle of the 19th century, lay-dominated jury courts were introduced; the proceedings were no longer carried out in writing, but orally and publicly.” (Zagolla 2006: 102), as well as the principle of publicity applies: “The principle of publicity is laid down in § 169 paragraph 1 sentence 1 of the German court system law (Gerichtsverfassungsgesetz: GVG). According to this provision, the oral

- main proceedings before the court, including the pronouncement of judgments and resolutions, are public. Other legal bases that require the principle of publicity are Article 6 of the European Convention on Human Rights (ECHR)” (<https://www.juraforum.de/lexikon/oeffentlichkeitsgrundsatz>)
26. Up to the farce of a ‘Final Judgment Day’, as in the Pappenheimer process (Kunze 1982: 347 ff.), (cf. Sect. 12.2.2 (1))
 27. A good description of the course of a ‘Final Judgment Day’ in Schild (1997: 167 ff.)
 28. For the gradual development of the urban inquisition process from the *Handhaft* procedure, see Schild (1997: 154–158)
 29. The remnants of which reach into the still valid civil law process of private prosecution, for example in the case of insults, (§§ 374 ff. StPO).
 30. Not so in some areas of Islamic criminal procedure—in Shiite Iran or Sunni Saudi Arabia—where the death penalty is still carried out ‘publicly’.
 31. “Witchcraft and infanticide were thus in the early modern period the two crimes with which—temporarily—the quantitative dominance of men among the ‘capital offenders’ was broken.” But “infanticide, despite contrary theories about huge dark figures, was even in times of highest trial activity no mass crime.” (Schwerhoff 2017: 8)
 32. “A characteristic of witchcraft is its location at the intersection of ecclesiastical and secular justice, its character as a *crimen mixtum*.”
 33. (Angenendt 2009: 205): “Because hostility to God, whether understood as blasphemy or sacrilege, always affected the general public, it was the duty of the authorities to take appropriate action: They had to eliminate the crime.” (a. a. O.: 246). Cf. to today’s § 166 StGB:
(de.wikipedia.org/wiki/Beschimpfung_von_Bekennnissen,_Religionsgesellschaften_und_Weltanschauungsvereinigungen).
 34. For Lucerne, Strokes (2011: 113) notes: “Murder and theft often appeared in conjunction with other crimes. They appear not only together but also in combination with charges such as oath breaking, blasphemy, bestiality, witchcraft, and arson. [...]. [T]he mixture of various crimes together characterized capital criminal cases of the late fifteenth and early sixteenth centuries in Lucerne. In over a third of the executions for which a crime is known, multiple crimes are listed [...]. In combination, however, the chance of a death sentence was substantially increased.”
 35. But not only in the 15th century: In an interview (02.12.2020) with the Iranian musician Mehdi Rajabian, who was sentenced to 6 years in prison by a revolutionary court in 2015 for using “female voices” in his music album, of which 3 years he spent in house arrest, he says: “I am accused of corrup-

- tion and the promotion of prostitution. Blasphemy. Propaganda against the system, whatever.” (Arno Frank in: <https://www.spiegel.de/kultur/musik/mehdi-rajabian-iranischer-musiker-im-hausarrest-wegen-frauenstimmen>).
36. An informative overview of the type, evaluation and punishment of more serious urban crime around 1600 is provided by the evaluation of the diary of the Nuremberg executioner Meister Frantz by Harrington (2015)
 37. This would also apply to Carpzov: “Despite his cautious sympathy for Bodin’s view, Carpzov also believes that a strict adherence to the *Carolina* is necessary in the witch trial.” (Zagolla 2007: 176)
 38. “Zagolla’s interesting analyses are awaiting discussion and verification on the basis of further source studies.” (Schwerhoff 2017: 17)
 39. S.: (www.koeblergerhard.de/Fontes/ReformationderStattWormbs1499.htm): “The law book is divided into six books. Three of them are dedicated to procedural law, the fourth and fifth to private law and the sixth to criminal law” [...] The sixth book is divided into two parts. Part 1 deals with the “civil penalties and fines” for a number of illegal actions in 24 titles, Part 2 with the “punitive penalties” in 21 titles, thus addressing both criminal procedure and criminal law very briefly. Title 14 refers to municipal law and later to the Monrichterbuch. Apparently, 6, 2, 1–10 were almost literally taken over from older Italian juristic writings [...] The *Klagspiegel* is also used differently. “While heresy is only mentioned in the parent-child relationship (4.3 T 4.4 and T4.12), witchcraft does not appear, in 6.2 T 12.1 the Zauberei is ‘punished with death’:” “Those who practice magic or witchcraft in Latin called MalefiTi, or those who understand the black art, or make predictions about the future contrary to our Christian faith, shall be punished according to the nature of the case.”
 40. Developed by the Italian juristic schools of the Glossatoren and Postglossatoren in the 12th and 13th centuries, and tested and proven in the criminal practice of the Italian city-states (E. Schmidt 1965: 107 f.).
 41. But already in the spirit of the Reformation: “Schwarzenberg did, however, become an ardent and prominent Lutheran.” (Berman 2003: 146). Cf. to Schwarzenberg who was also decisive in the formulation of the *Carolina*, as well as to Berman: *Schwarzenberg and the Bambergensis and the Carolina* (2003: 137–154)
 42. A subsidiarity that was demanded on the one hand by the cities that were interested in the quick reputation procedure and the informally handled inquisition process—especially at the city meeting in Esslingen (1522): The Halsgerichtsordnung “was not invented to the disadvantage of anyone but the imperial cities and to nothing more princely than to ‘harzen and to

- pflanzen' (to heart and spare) all evil-doers" [already then!]; and on the other hand also by the larger territorial states in order to preserve their sovereignty. (E. Schmidt 1965: 131 f.)
43. Text: (<http://ra.smixx.de/media/files/Constitutio-Criminalis-Carolina-1532.pdf>)
 44. "This court elected by the Reichsständen with its seat first in Frankfurt am Main (from 1527 in Speyer and from 1693 in Wetzlar) consisted of nobles and jurists each for half and was, inter alia, responsible for refusal of justice and appeals. Even today, process documents for about 75,000 disputes are preserved from the activity of the court, which extends to 1806 in various archives." (ius.unibas.ch/uploads/publics); including "about 200 RGK processes with references to the witchcraft delict [...], which are distributed on 25 archives in 5 states." (Oestmann 1994: 234).
 45. "There is no doubt that torture played a significant role in the witch trials, but it is often forgotten that torture was not only an important part of the witch trials, but of all early modern criminal proceedings, as the then evidence system was based entirely on torture. [...] Torture must therefore be considered not only the soul of the witch trial, but the soul of the early modern criminal trial as a whole," emphasizes Sauter (2010: 15) at the beginning of her analysis of the decision-making practice of the Tübingen Faculty of Law.
 46. Zagolla (2007: 135) referring to Oestmann (1997)
 47. An instructive example of the course of such proceedings can be found in the Word Protocol of the very early witch trial against Catherine de Chynal from the year 1449 (Gamba 1990), as well as for the 150-year later Pappenheimer trial at Kunze (1982) and in particular in the two Freisinger children-witch trials of 1715, 1740 and 1755, which were analyzed in detail by Rainer Beck (2012) on 1000 pages in the early 18th century, in which not only the interplay between the various "institutions" involved in the trial, but also the "reality" content of the "voluntary" confessions were particularly well worked out. Further examples are the excerpts from 18 trials from different countries in Levack (2015: 191–294), Jürgen Macha with a protocol invented by Heinrich Schultheiß for teaching purposes (1634), Uta Nolting with a word protocol of the torture of Gesche Pawesting (1614) and Elvira Topalovic on the "constructed reality" of such revised protocol copies (1636) in Moeller/Schmidt (2003: 24–76)
 48. As such 'sufficient suspicions were, for example, in the moderate "edict of the Bremen Archbishop Johann Friedrichs from 1603: 'bad Leumunt and smell, bad company and companionship or association with bad people,

suspicious place and time, hostility towards the injured, flight, when someone robs, teaches other people witchcraft or entrusts someone to bewitch and sends the bewitched the same, also has special association with witches and sorceresses or goes about with such suspicious things, gestures, words and beings that carry witchcraft on themselves’—What a huge catalog of flexible possibilities for initiating a process! Their assessment was entirely in the hands of the authorities—in Bremen of the Council—placed.” Schwarzwälder writes (1961: 113).

49. “Overall, one can certainly appreciate the *indicia* apparatus of the *Carolina* as a rational proof system. However, the Hammer of Witches, whose author recommended quite different *indicia* to the judge, was different. These were supposed to play the decisive role in the witch trials of the 16th and 17th centuries, i.e. to make the application of torture appear permissible.” (‘Besagungen’ and witch-mark/‘Hexen-Mal’): “The daily court practice in the witch trial, on the other hand, went beyond seeing such a new *indiciu*m in the callousness during the torture and immediately proceeded to another and usually much harsher torture.” (Lorenz 2004: 143)
50. However, Lorenz emphasizes (2004: 442): “The omission of the *Carolina*, however, to regulate the course and execution of torture binding (as was done, for example, in the Austrian penal code of 1768), but rather to leave it more or less to the discretion of the judge, was thereby considerably strengthened in its evil effect, that in the absence of lawyers and trained court personnel, criminal justice was still in the hands of lay judges for some time. Because these were usually not aware of the purpose of the *Carolina*, and all too often made ‘short work’ of the defendant.”
51. A detailed analysis of such a practice of saying provides Sauter (2010) on the basis of the final and intermediate judgments—in particular with regard to the question of the application of torture—of the Faculty of Law of Tübingen, as well as Zagolla (2007) for the Rostock faculty.
52. An example of the question schema (1590) and a corresponding written protocol (1629) can be found in Behringer (2000: 280–299). Durrant discusses in detail the question schema (1617) from Eichstetten reproduced in the appendix (2007: 255–262)
53. In this way, for example, to Benedict Carpzov (†1666), inter alia, assessor (‘Schöppe’), at the Leipzig assessor’s office, sent 2000 courts of Saxony their files, creating him as ‘the founder of the older German legal science’ (E. Schmidt 1965: 153 ff.). Sauter (2010: 42–52) and Zagolla (2007) deal extensively with his *Practica nova Imperialis saxonica rerum criminalium* (1635)

54. "It is not surprising, therefore, that suspects 'acquitted' of the crime of witchcraft often found themselves accused again one, five, or ten years later. Many of the acquitted learned that they could not resume a normal life, and so they moved to a different region in the hope of escaping their past." (Midelford 1972: 74 ff.)
55. Art. 44 CCC: "If someone suspects that others learn witchcraft or bewitch someone, and the bewitched person has the same relationship with witchcraft or a witch, or has suspicious behavior, words, and ways that carry witchcraft, and if this person is also notorious for the same: this is a legitimate indication of witchcraft and sufficient cause for a criminal investigation." (in Behringer 2000: 124); see also below Thomasius (1987: 99 ff.). For the problem see the *nullity lawsuit* ('Nullitätsklage') to the Imperial Court (1603) by the witch judge Balthasar Roß (Schormann 1992: 275 ff.).
56. In addition to witchcraft (Art. 109), the *Carolina* also provided the death penalty: for counterfeiting (Art. 111), unchaste behavior (Art. 116), rape (Art. 119), treason (Art. 124), robbery (Art. 125), infanticide (Art. 130) and serious theft (Art. 159) (Sellert 1992: 330 ff.).
57. See Midelfort (1972: 165): "In Article 218 of the Carolina a number of common abuses are listed, with an order that they be eradicated everywhere. Among these abuses one reads: 'Item, at certain places when a criminal is punished with death, except in cases of lese majesty *or in other cases where the criminal has not forfeited life and property*, the wife and children are reduced to beggars and the property is confiscated by the lord.'"; the cursive section is unclear; an 'exception' (except) that includes the crime of witchcraft? According to Zagolla (2007: 484, 486), the Rostock faculty pleaded for the exemption of the accused from all court and trial costs, "They never imposed a confiscation of goods to pay for the trial costs or as a punishment."
58. Accordingly, in 1631 the Strasbourg Faculty of Law decided in favor of the small suburb of Ulm near Oberkirch "in an elaborated analysis of Article 109 of the Carolina." (Midelfort 1972: 136).
59. Previously, Pope Paul II had declared witchcraft to be a *crimen exceptum* (an extraordinary crime) in 1468, thus eliminating all legal restrictions on the use of torture in these cases, as was previously the case with treason, murder, rape, and murder by poison. (Trevor-Roper 1970: 120).
60. Part IV, Constitution 2 of the Lutheran Saxon Constitution of 1572 (*Constitutiones Saxoniae*) "for the first time placed the spiritual aspect of the crime in the foreground. It punished the worst crime, the pact with the devil with the death penalty, regardless of whether damage had been done or not:

‘Of those who go around with sorcery and fortune-telling: Since sorcery occasionally breaks in violently, and is not only forbidden in the common imperial laws, but also in Divine Scripture, we therefore constitute and ordain that if anyone, in the profession of his Christian faith, makes a pact with the devil, goes around, or has dealings, the same person, even if he has not harmed anyone with sorcery, be sentenced and punished with fire from life to death.’ On the other hand, the crime of harmful sorcery was now considered the less harmful crime and only punished with the somewhat lighter punishment of beheading: ‘But if someone outside of these pacts does harm with sorcery, whether great or small, then the sorcerer, man or woman, shall be punished with the sword.’ This was the reversal of the Carolina’s penal principle. Otherwise, the constitution also placed fortune-telling, which made use of the devil’s help, under the penalty of beheading.“

(www.historicum.net/themen/hexenforschung/lexikon/sachbegriffe/art/Kursaechsische_K)

61. Lutheran son of the aforementioned Calvinist Friedrich III. cf. Friedrich von Bezold (1884) in: (de.wikisource.org/wiki/ADB:Ludwig_VI.); (see below Sect. 12.1.3)
62. Erika Münster-Schroer (2000: 421) analyses an instructive example based on an accusation of witchcraft in the early 16th century: “A legal dispute, which initially concerned a ‘poisoned well’, occupied the Düren Schöffengericht, the Oberhof in Aachen, the Femegericht in Arnsberg, the Rottweil imperial court, the Reichskammergericht, the Reichstag in Cologne, the Duke of Jülich as the territorial lord, two electors, the Cologne archbishop (as the Duke of Westfalen) and the Archbishop of Mainz, Emperor Maximilian, and as a side issue the Council and courts of the city of Cologne.”
63. (Midelfort 1972: 156 f.). In Fritz (1998: 291) one reads this as follows: “The resigned mayor had taken refuge in Cannstatt under the protection of Duke Eberhard III of Württemberg after his withdrawal from Reutlingen. From there he filed a lawsuit with the Reichskammergericht, as he had already done in 1660. After years of dispute, the parties agreed out of court to pay 5000 fl. (!) to Efferenn as compensation for the shame suffered, his confiscated property and his expenses. This enormous sum caused great displeasure among the citizens when the settlement became known—but this time against Mayor Laubenberger and his followers, because everyone was clear that this money had to be raised through additional taxes.”

64. In his *Practica Criminalis* on the Saxon court practice. Schormann (1991: 143) remarks on the 20,000 death sentences attributed to Carpzov: “If someone is supposed to have started passing death sentences 13 years before his birth, he may well bring it up to 20,000. As far as the sources allow, the Leipzig court of aldermen also refrained from participating in witch trials during Carpzov’s time as alderman.” Wolfgang Sellert (1992: 339) judges this fairly, portraying him as a typical representative of the witch doctrine of his time: “Carpzov therefore neither pronounced 20,000 death sentences nor, measured against the state of the law, jurisprudence and doctrine of his time, was he a cruel and fanatic penal jurist. As far as the witch trial is concerned, he certainly does not belong to the still very small minority who mostly fought this procedure at the risk of their lives, but he also went beyond the *communis opinio jurisconsultorum* not particularly far”, although, together with the best-known witch hunters, he advocates the death penalty even without damage and for torture “a proof based solely on pure conjecture” is sufficient (p. 336).
65. The one who, as vice president of the Oberappellationsgerichts Wismar, was responsible for the Swedish parts of the Holy Roman Empire after the 30 Years’ War, held fast to the witch schema in his *Commentarius in ius lubecense*, strongly based on Carpzov, but emphasized the procedural cautions, especially the defense and the right to inspect the files (Lorenz 1992: 316 ff.), more clearly than Carpzov on the basis of the *Carolina*: “In contrast to Carpzov, Mevius assumes that all possibilities which the civil procedure grants a defendant for his defense, must be available to the defendant in criminal proceedings as well.” (Lorenz 2004: 148)
66. When he simply declared the ambiguity in Article 18 CCC to be a printing error of the word ‘not’—against which Karger from Schwäbisch-Gemünd referred to his opponent, who relied on Martini, citing the 80-year court practice (Midelfort 1972: 61 ff., 165 ff.). The Coburg Schöffenhof’s justification of 1628 was probably more convincing: because “the witches, according to the testimony of many confessions, received a lot of money from the devil; the heirs of the devil’s money should of course not be allowed to keep it, but it should be used to further eradicate the witches.” (Schormann 1991: 144)
67. Examples of this expertise practice from the late period of witch hunting can be found in Sönke Lorenz (1995), who distinguishes three rough chronological periods: (1) up to around 1720, when torture or execution was still recognized, (2) between 1720 and 1750, when the *crimen magiae*

- was still considered real (3) in the middle of the 18th century, when Christian Thomasius was celebrated as the “leading opponent” (p. 237).
68. So also Reutlingen: “The syndic Johann Georg Bachmann was personally sent to Strasbourg to obtain an expert opinion from the local faculty of jurists there. The University of Strasbourg is thus consulted for the first time by the people of Reutlingen in a witch trial. Obviously because they hoped for greater compliance from the local jurists regarding the opinion than from the people of Tübingen, whose cautious attitude in witch trials was well known. The people of Strasbourg fulfilled the expectations placed in them.” (Fritz 1998: 251f.); or Ellwangen: “The instructions issued in Freiburg did not satisfy the Ellwangen Council for unknown reasons. They therefore decided immediately after the Freiburg notice arrived to request a second opinion, this time from the Ingolstädter Faculty of Jurists [...] Without further ado, they [the local legal scholars] recognized [the minors] for immediate execution of the death penalty.” (Mährle 1998: 391)
 69. I follow Midelfort (1972: 112ff.) here.
 70. ISchultheiß: The presiding judge of the Schöffengerichts (Schormann 1991: 30) appointed by the landgrave.
 71. A ‘victory’ that is reflected 30 years later in the detailed protocol of the several-day interrogation of Nikolaus Weitlufft from Schwäbisch Gemünd (1650). (Hermann 2006)
 72. It becomes clear here just how much such an ‘experience’ follows Kuhn’s paradigm: Torture “rested on the hope of uncovering facts that an innocent person simply could not know”; how inconceivable it was that coherent stories could be inventively created under torture, based on an already existing ‘witch model’ of commonsense, is shown by the following passage from the interrogation of “Johann Holtz, aged 71, and his 57-year-old wife Anna, highly respected citizens’ from Wertheim am Main, who were accused of witchcraft by an 11-year-old girl in 1642: ‘Q. Why in that case did she confess that she was a witch?—A. She confessed out of fear of torture.—Q. How could that be, since she confessed everything so circumstantially and repeated it again, in such a way that everything was consistent throughout. From that fact it must follow irrefutably that she was a witch.’ The examiners simply could not imagine the creation of a coherent story that agreed so well with what they already knew. If the poor woman could tell the story, it must be true.” (Midelfort 1972: 103, 141ff.)
 73. The jurists refer to this today as hL and hM (prevailing doctrine, prevailing opinion).

74. “Freisler, President of the People’s Court, the highest court of the Nazi state for political criminal cases, is today known as the most famous and at the same time most notorious judge in Nazi Germany. He was responsible for thousands of death sentences in the proceedings he conducted, many of which were show trials with predetermined verdicts. The trial of the members of the White Rose resistance group, in which, among others, the siblings Hans and Sophie Scholl were sentenced to death, as well as the trials of the conspirators of the July 20, 1944 assassination attempt, are exemplary of this.” (de.wikipedia.org/wiki/Roland_Freisler)
75. “From 1966 to 1978 he was Prime Minister of Baden-Württemberg. In February 1978, Rolf Hochhuth accused Filbinger in the ‘ZEIT’ of having pursued a German sailor with Nazi laws after the end of the war as “Hitler’s maritime judge”. He followed a report from Spiegel from April 1972 about a judgment by Filbinger as a maritime judge in the British prisoner of war camp 1945, against which Filbinger had successfully sued for cease and desist. Filbinger also sued Hochhuth for cease and desist and was partly successful. However, the court saw the designation of Filbinger as a “terrible lawyer” as covered by the right to freedom of expression. In and after the trial, four death sentences from the Nazi era were discovered in court files, to which Filbinger had been a party.” (de.wikipedia.org/wiki/Hans_Filbinger#Die_Filbinger-Aff.)
76. Schultheiß defended (1634) his procedural practice in a more than 500 page long *Außführliche Instruction, wie in Inquisition Sachen des gräulichen Lasters der Zauberey [...] zu procediren* (Decker 1992: 189 f.), which he addressed in particular to “the noble holders of rural courts” (Gersmann 2000: 444): “For Schultheiß, two Besagungen were already sufficient to open the proceedings and to surrender the accused without any possibility of escape to the death by fire.” (Franz 1992: 217). “The author had worked for the Archbishop of Mainz before transferring to Cologne in 1616; he remained involved in witch-hunting, principally in the eastern ‘Sauerland’, the duchy of Westphalia for almost a decade after publishing his legal guide.” (Monter 2002: 25). He was attacked by Michael Stappert, a country pastor, with ‘the confessions of the accused that shook him’, around 1630—at the time of Spee with the same criticism of the excessivorture practice in a treatise of 30 pages, which was not published until 1676 in the book of the Hexenprozess-Kritikers Hermann Löher. Stappert describes 21 cases of judicial murder in the duchy of Westfalen between 1616 and 1628 with the naming of the perpetrators and victims (Decker 1992: 189 ff.).

77. Cf. Rummel (1991: especially 163 ff.) for Koblenz notary Ludovici and Dr. Johann Moeden, who served as an expert witness.
78. (Jerouschek 1995). See also 12.2 (1), note 67.
79. Robert Zagolla (2006) tells the story of torture from antiquity to the time of the *witches*, the Third Reich and the GDR to the UN Convention against Torture of 1984 and the most recent discussion of allowing it again in the event of a “state of emergency”, without, however, going into more detail about the “Guantanamo practice“.
80. As much as one would like to use the inadmissible water test again and again (see above Sect. 1.3. (5) and 7.5. (4)).
81. Even today, during police interrogation, the suspect is occasionally told to “ease his conscience.“
82. “Since ‘Besagungen‘ were considered irrefutable evidence of membership in the witch society, they could suffice as the only evidence for the indictment and later conviction of a village member in several cases.” (Labouvie 1991: 168).
83. “[...] we will carry out the aforementioned E. E. judgment and instruction on the evening of the 14th of this, however, first by our executioner, then by our prisoner, Kraseman, first gently admonished, then led to the torture chamber, and with moderate torture, as with the application of the windlasses, with the Brunswick staves, and with the thumbscrews (as all of this is called by the executioner) However, without doing anything with fireworks, such as sulfur or light, he was not able to find out anything from him [...]” (Zagolla 2007: 321 according to Lorenz (1982).
84. Zagolla (2007: 224) in an extensive discussion.
85. In her analysis of the “interim reports”—which mostly concerned the question of the use of torture—Sauter (2010: 184–236) deals in detail with the different types of these required for the use of torture. So also Zagolla (2007: 224–293) in his analysis of 11,000 decisions in criminal cases of the Rostock Faculty of Law from the years 1595–1610, 1645–1660 and 1685–1700.
86. “Proportionally, the index of *bad reputation* appears in the interim judgments regarding torture in 42%, in cases of witchcraft in 39%, in theft in 36%, in murder in 20% and in infanticide in 13% of the cases. This shows that bad reputation played a very important role in witchcraft trials, but that it was also of enormous importance in other criminal proceedings, so that one cannot speak of a special role of the witchcraft offense based solely on the percentage ratios.” (Sauter 2010: 201f.).

87. “[I]n the house of a Schongau witch, no less than 48 suspicious objects were found, dozens of amulets, magic bags, ointment jars, roots, strange stones, hostias, a small wooden horse whose legs were tied together with a thread, pierced waxbulbs, magic sheets with mysterious signs, letters with various powders, bundles of herbs, magical plants, feathers, human skin [!], animal bones” (Behringer 1988: 186), which reminds me very much of the corresponding market stalls in Bamako/Mali or Marrakech.
88. “The desperate search for the ‘corpus delicti’ shows the aporias of this situation: The ominous black pot, which was supposed to contain the ‘zaubermatery’, turned out in the case of Maria Margarethe Göbel (1655) to be a mixture for coloring eggs for Easter, and the allegedly by Margarethe Schuhe (1655) and her ‘complices’ abused corpse of a child turned out when exhumed on the Kastellauner cemetery—a ghostly scene—as unharmed, “which is why one contented oneself with the main criteria of the witch doctrine—renunciation of God, concubinage and pact with the devil, participation in witch dances and malicious magic,” in order to finally be able to conclude the proceedings.” (Rummel 1991: 157).
89. S. extensively Darr (2011: 29): “Having no divine guidance through the ordeals, and deprived of the confession-inducing mechanism of torture, the English had to seek a way to discover witches. Discovering true witches necessitated consideration and moulding of procedural and evidentiary tools: What was a good proof for witchcraft? What level of certainty was required for a conviction? How could innocent people be protected from false accusations?”
90. Also in England since 1579: “Thereafter it was a relatively common procedure to search the suspect’s body for any likely-looking protuberances which would then be pricked to see whether it hurt [...] The witch’s mark was sometimes thought of as a teat from which the familiar could suck the witch’s blood as a form of nourishment.” (Thomas 1971: 445 f.).
91. “In the course of the witch trials, these women were mostly completely undressed. After that, they had all their hair shaved and then the search for the stigma diabolicum (= witch’s mark) began. For this, needles were stuck into all birthmarks, warts and scars on the body. If a spot was found to be insensitive to pain or if it bled less, the judge considered this to be a sure sign that it was a witch.” (www.frei-e-buerger.de/hexe-pdf/hexenserie).
92. “Dietrich Hiermann, the Freisinger, ‘Abdecker’ (skinner)[...] and executioner then [1723 the 11-year-old] Gröbner of his clothing, shaved all his hair, searched him on the head and body. On the head he had discovered two smaller, him suspicious-looking cuts, which he ‘opened’ and with a

summoned priest on the remains of the Holy of Holies examined, but in which they found nothing, so that Hiermann washed them and covered them with a ‘plaster.’” (Beck 2012: 799). See also Müllender (2009: 115, 255) for the Zauberer-Jackl-Prozesse: “All had devil’s marks, throughout on legs and feet, and partly hostages healed in them.”; “Zillner feared that these hosts were still present in the body and therefore an execution with the sword was not possible. Therefore, he tried to win the court council to have the host surgically removed before the execution.”

93. Cf. the work of Margaret Atkin in Scotland (1597): “She was carried from town to town to make discoveries in that kind [...] In the end she was found to be a mere deceiver.” (Larner 2000: 70). “In front of the judges of the Council of Pamplona, for example, in 1527 two girls appeared; one was nine, the other twelve years old. They themselves were witches, the two said, and they also knew many other witches. ‘If we look them in the left eye’ the children explained, ‘we will recognize them, because we are of their kind.’ Nobody wanted to reject this offer, and so with the help of the girls the whole country was searched. The children decided at every place which suspects were actually villains and which were not. In no time 150 witches and wizards were arrested.” (Weber 2000: 200). See also Gareis (2016: 93). During the Basque witch hunt, a fourteen-year-old from the same area also claimed “to be able to recognize witches by looking them straight in the eye [...] and had caused great harm.” (Henningesen 1980: 276). De Lancre (in Pearl 1999: 142): “On 3 September 1610 they called me to see if I recognized the mark in the eye of a seventeen-year-old girl: I saw it as soon as I entered the room ... the girl confessed that her mother had taken her to the Sabbat.”
94. For the procedure, see the recommendations of the mentioned *witch* commissioner Heinrich Schultheis (1634) as well as the report of the lawyer Johann Meyfahrt (1635) and the two shocking letters of Rebecca Lempin (1590) and Johannes Junius (1628) in Behringer (2000: 301–311). In a witch trial against Katherina Bertsch from Unteröwisheim (1562) disputed between Württemberg and the Palatinate, the torture went “to the limits of the ability of the executioner [...]. But Barbara held out and confessed nothing. Then the executioner capitulated and said that his art was now at an end, the woman was so possessed by the devil that he could not get to her. The conviction that the woman was not purified after the fifth torture she had endured, but on the contrary, her resistance proved the pact with the devil [...] was also shared by the Schultheiß, the court, the bailiff and

- the [Württemberg] government [why] Barbara should remain in custody until new evidence against her existed.” (J. Schmidt 2000: 128).
95. “The inability of witches to cry was given a scientific explanation in a medical report prepared for a witch trial in Rothenburg ob der Tauber in 1652. Natural tears come from the water in which the heart swims. The heart sends the water into an artery leading to the head, and from there to the eyes, and in this way ‘tears then arise’. But a witch could not be moved to tears—because her heart was dried up. As was the water surrounding it.” (Zika 2016: 47).
 96. Incidentally, this is a problem that still preoccupies the courts today when it comes to deciding to what extent a confession made to the police can be introduced into the proceedings.
 97. Thomas (1971: 452).
 98. Differences that we encounter today in the same way in, for example, drug jurisprudence in the relationship between the federal states or in traffic criminal law even among adjacent court districts.
 99. Monter (2004) offers an overview of the relevant research literature on the Iberian-Roman Inquisition.
 100. Thus Christopher Black (2009), who in his *Italian Inquisition* analyzes the practice of the Roman Inquisition in detail with a view to the Spanish Inquisition
 101. Cf.: the four typical examples of the ‘Catholic Inquisition over 500 years’—from the ‘Albigensian’ massacre in Bézier (1209) to the English witch hunter Hopkins (1645): (Not suitable for children under 16 years of age with strong scenes of torture, “hanged, taken down alive, disembowelled, quartered”) (<https://www.fernsehserien.de/die-inquisition/episoden-guide/0/38204>) with Richard Felix (<https://richardfelix.co.uk/book-richard>) as commentator (torture chamber with Iron Virgin: “Spikes pierce eyes”; Inquisition in the witch hunt in England etc.)
 102. With the gruesome torture-chamber paradigm of the Iron Virgin (<https://www.spiegel.de/geschichte/folter-im-mittelalter-der-mythos-der-eisernen-jungfrau>). See also Zagolla (2006: 111–119): “Not only the Iron Virgin, but also spiked torture chairs and iron masks of the judge, much of what is shown today in torture museums or torture exhibitions, springs from modern fantasies and has little to do with historical reality.”
 103. I follow here first the content-rich analysis of Edward Peters (1989). But see the not unjustified objection of Max Dashu (1999: 8) that one could easily overlook the history before 1542: “Surprisingly, Peters’ complete omission of any discussion of inquisitorial witch hunts has been widely

- adopted. Many writers ignore the 15th century and early 16th century trials and literature, without ever bothering to critique what has been written about them previously. Under this new orthodoxy, it no longer seems to be considered necessary to discuss the role of diabolism, or any period other than the height of the Burning Terror. Discussion can then focus on the less severe procedures of the post-1600 inquisitors, and even praise their relative 'leniency'. However, this approach begs the question of their original role in fueling the hunts."
104. "That the old myth of the almost unlimited powerful and hyperaggressive Inquisition can still hold in the German public is to be seen as a late consequence of the anti-church propaganda of the Kulturkampf and National Socialism." (Dillinger 2018: 91). Thus Federici writes (2004: 31): "By the thousands heretics were burned at the stake, and to eradicate their presence the Pope created one of the most perverse institutions ever recorded in the history of state repression: the Holy Inquisition." Another example is the one-sided church criticism of Ellerbe in her Conclusion of Chapter 8 *The Witchhunts* (1995: 137): "The Church invented the crime of witchcraft, established the process by which to prosecute it, and then insisted that witches be prosecuted [...] through the terror of the witch hunts, reformational Christians convinced common people to believe that a singular male God reigned from above, that he was separate from the earth."
105. In: (<https://www.duden.de/rechtschreibung/Inquisition>)
106. "Tried for heresy at Vienne in 1553 by an inquisitorial court, partly, it turns out, on the basis of evidence supplied with Calvin's approval, Servetus fled to Geneva later that year, where he was tried and condemned as a heretic on the authority of a reformed church. [...] The case aroused great concern throughout Europe, giving Catholic critics a substantial opportunity to attack Protestants for their hypocrisy." (Peters 1989: 15)
107. "The terror that the Spanish inquisition initially aroused among Muslims and Jews also spread among Protestants from the mid-16th century, first in the Spanish Netherlands, then also among Huguenots in France, Puritans and Anglicans in England, and in the age of religious struggles would be propaganda exploited and grossed up to that ["created by Protestant enlightened and liberal historians"] 'black legend' whose reverberations can still be felt in popular history today(Decker 2013: 71, 159)
108. A detailed description of such an Autodafé in: Henningsen (1980: 181–202)
109. On Giordani's and Galileo's Inquisition process:Black (2009: 182–194)

110. “Goya turned on the Inquisition with full fury, and in his sketches and paintings after 1814 he elevated his pictorial denunciations into the most remarkable visual art ever produced against that institution.” (Peters 1989: 215). S.: (https://en.wikipedia.org/wiki/The_Inquisition_Tribunal#/media/File:Francisco_de_Goya_-_Escena_de_Inquisicion_-_Google_Art_Project.jpg)
111. In his magnum opus *The Spirit of the Laws* he wrote: “[I]f anyone in times to come shall dare to assert, that in the age in which we live, the people of Europe were civilized, you (the Inquisition) will be cited to prove that they were barbarians; and the idea they will have of you will be such as will dishonor your age, and spread hatred over all your contemporaries.” (<https://plato.stanford.edu/entries/montesquieu/#toc>)
112. “Drawing on the religious and philosophical arguments of Bayle and the political and economic arguments of Montesquieu, Voltaire frequently used *The Inquisition* as the target of literary satire [...] he really intended that *The Inquisition* be regarded as a metonym for all of the most detestable forms of religious persecution.” (Peters 1989: 178)
113. “In the work of Friedrich Schiller and Giuseppe Verdi, the story found its way into the hands of a poetic genius and playwright and those of a great composer. Their work established the theme as one of the most evocative monuments to human liberty with *The Inquisition* as its chief enemy.” (Peters 1989: 237)
114. For example, what the press freedom ranking may stand for, on which in 2017 Germany was in 16th place and Turkey in 155th place. And what the annual reports of Amnesty International on the worldwide torture situation may testify to. (https://de.wikipedia.org/wiki/Rangliste_der_Pressefreiheit); (<http://www.amnesty-gegen-folter.de/Main/Dokumente-Jahresberichte#name>)
115. With numerous original quotes, illustrations and tables of the women and men witches led to the Inquisition Tribunal. A recent ‘short version’ by Amelang (2008).
116. “It is a strange alloy of medieval heretic court and modern state power. The Spanish Inquisition was, unlike its medieval predecessors, a semi-state organization. It was indeed made up of Dominican fathers. But they were not called by the Pope or by their order, but by the Cardinal Inquisitor, who was chosen by the Spanish king and only nominally appointed by the Pope. The king also appointed the members of the highest council of the Spanish Inquisition, the ‘Suprema’.” (Decker 2013: 70)

117. Details and map (Henningsen 1980: 360 f.). For the work of the Madrid Tribunal in the 17th century, see Keitt (2005; 45 ff. 48): “The capital city remained contested ground in internecine power struggles between competing factions within the Holy Office. As a result of this disputed jurisdiction, some of the trials examined here began in Madrid only to be transferred later to Toledo, a situation that often resulted in lengthy delays as documents had to be transferred between various sites.”
118. In 1616, the High Court of Vizcaya pursued 289 witch cases. “However, thanks to the intervention of Salazar, the campaign in Vizcaya did not end in mass burnings. The king’s commission was withdrawn, the witches were absolved, and the 289 trial records were transferred to the Tribunal, which suspended all the cases.” (Henningsen 1980: 387f.)
119. “About eighty people were killed. However, added Bishop Venegas, ‘it seemed that the judge who was holding the said witch trials was condemning them without due process of law,’ so the Parlement suspended the judge’s commission and ordered him home.” (Monter 2002a: 271). He “was a concillor in the Parlement of Bordeaux and wrote a self-laudatory account of his exploits in the Labourd in 1609–1611 (*Tableau de l’inconstance des mauvais anges et demons*. 1612)—a book that has too often been taken at face value. Spanish evidence, analyzed by Gustav Henningsen, suggests a different interpretation, namely that President Jean d’Espaignet was appointed to accompany de Lancre for the precise purpose of acting as a brake upon his over-enthusiastic junior colleague.” (Soman 1989: 11). For more on De Lancre, see Pearl (1999: 7. chapter): “One of the best known and most discussed of all the French demonologists.”; “De Lancre’s mission is a pointed example of a linguistic and intellectual imperialist who could have little understanding or trust of a people, so foreign and primitive, who lived almost in his own backyard.” (Ibid.: 127, 139)
120. See also Sörlin’s (2008: 120) comparison of Blåkulla, Sweden: “For unlike the Swedish trials, where the children were involved from the very beginning, the Spanish Basque ones started as ‘adult trials’. The concept of child witches does however apply here, since in the confessions, the adults place their apostasy from God in their childhood.”
121. Who acted as a more ruthless witch commissioner in the second wave (Henningsen 1980: 211, 216)
122. Between 1526 and 1596 not a single *witch* was burned (Henningsen 1980: 347). “The Suprema did not authorize the execution of a single witch until the Navarrese auto of 1610, although local Inquisitors in Zaragoza (1535)

- and Barcelona (1549) burned eight witches without its approval, for which they were severely reprimanded.” (Amelang 2008: 83)
123. Another 5 people were sentenced to death *in effigie* on this auto-da-fé, but at the end (see below) were also rehabilitated.
 124. Amelang (2008: 79): “In the end, over 8400 individuals—many of whom were children—confessed to being witches, or were denounced as such. Both its size as well as the high proportion of minors involved made the Navarrese witch craze one of the more anomalous, and certainly the largest, episodes of witchcraft in recorded history.”
 125. During this time the citizens were called upon in imposing sermons to confess in order to receive absolution; no accomplices were asked for—“since this was merely ‘wasting time’”; no arrest and no confiscation: “non who made confessions were to be subjected to reprisals. [...] The priest were to be requested not to deny the Sacraments to the witches who had made confessions; and the Tribunal was not on any account to forbid the priests to hear the witches’ confessions.” (Ibid.: 231)
 126. On 9 March 1611 the Tribunal of the *Suprema* had previously announced that their commissioners had found 1946 witches, of which 339 *confidentes*, and 42 *aquellarres* (Sabbat-places).. (Ibid.: 213 f.)
 127. “Convictions were administered at various levels, which affected the severity of punishment [...]; there might be slight suspicion of heresy, mild suspicion, vehement suspicion, strong suspicion, or, at worst suspicion of formal heresy. Somebody sentenced to abjure lightly, *de levi*, did so in a private ceremony in the inquisitorial or Episcopal building; and the punishments were likely to be penitential rather than physical. Those abjuring *de vehement* or *de formali* were humiliated publicly in a church (at a major service), on the steps of the cathedral, or at an *auto da fé*, with a public reading of the accusations and sentence. The last and most serious category tended to apply to the relapsed, and might be followed by execution.” (Black 2009: 88)
 128. In his report summarizing the entire visitation, he counted a total of 1802 cases, including 1384 children and 81 “retracted the confessions which they had made to the Holy Office...; and finally 6 confessed to having relapsed by returning to the *aquellarres*.” (Henningesen 1980: 301)
 129. Especially since he had recommended building small chapels or churches on the Sabbath grounds (*aquellarres*), but not new monasteries. (Ibid.: 313 f.)
 130. 44-year-old. Church lawyer and priest. From 1600 to 1608 as “diplomatic agent in Rome of the Castilian bishops”; at the same time representative

- of the Archbishop of Toledo in Madrid, recommended by the Pope as an inquisitor (ibid.: 49). “In 1623 Salazar compiled a copious report covering all aspects of the witch problem since 1614.” “In 1628 he became fiscal to the Council of the Inquisition and in 1631 a member of la Suprema.” He died in 1635 at the age of 71. (Ibid. 386)
131. This is how he writes in his second report: “I have not found a single proof or even the slightest indication from which to infer that one act of witchcraft has actually taken place ... Rather, I have found what I had already begun to suspect in these cases before my experiences during the visitation, that the testimony of accomplices alone—even if they had not been submitted to violence and compulsion—without further support from external facts substantiated by persons who are not witching is insufficient to warrant even an arrest.” (Ibid.: 304 f.)
 132. “Salazar went on [in his final second report of 24.3.1612] to say that the relatively small number of revocantes, eighty-one in all, who came forward during the journey of visitation must be considered in the light of the strict prohibition of revocation which was still in effect at the commencement of the visitation. Thus it was Salazar’s opinion that at least three-quarters of the witches had made false confessions and that therefore a large number of revocations was to be expected in the future.” (Ibid.: 317)
 133. S. Questionnaire, which begins with question 1: “Did the witches during the sabbath or on the way to and from it, hear clocks, bells, dogs, or cocks from nearby villages and farms?” and ends with question 12: “Were they convinced that they had participated corporally in the sabbath, or did the ointment make them fall asleep, so that these things were merely imprinted in their imagination or fantasy?” (Ibid.: 58)
 134. “A former Inquisitor in Granada and ontime member of the Suprema” (Monter 2002a: 271); at the same time Archbishop of Toledo—who had checked Valle’s findings in his own visitation.
 135. On the basis of an earlier instruction of 1526, which was issued under the tolerant General Inquisitor Fernando de Valdés—“one of the most important figures in the history of the sixteenth-century Inquisition” (Monter 2002a: 262)—“in which the confiscation was prohibited for confessors, Besagungen did not allow arrest, in relapse and refusals the *Suprema* was to be involved and careful examination is needed to verify whether people who attend Sabbats or gatherings of witches do so really, or if they stay in their beds.” (Monter 2002a: 260 f.)
 136. In this section I follow Decker (2013). See also the relatively advanced “rule of law” working method of the Roman Inquisition—in comparison to

- the secular inquisition north of the Alps: Tedeschi (1990) and, summarizing the essential points: Winfried Trusen (1995: 211 ff.): “At the highest instance of the Church Inquisition, it was recognized that the heresy and witch trial practiced by the inquisitors of the late Middle Ages was illegal and now endeavored, apart from a few exceptions, to strictly adhere to the basic rules of Italian criminalistics.” (p. 214)
137. See the two tables in Decker (2013: 90 f.) Further numbers in Black (2009: 135 f. as well as the tables *Types of Accusations and Cases*: 260, 265)
138. “The ‘Roman Inquisition’ is a common title given to the Holy Office of the Inquisition as reformed from 1542 under central papal control in Rome. It brought existing local inquisition systems within Italy under central control from a Congregation of the Holy Office led by a select group of cardinals. A separate Congregation of the Index was established from 1571, which concentrated on censorship and book controls. The two Congregations had overlapping membership, but they did not necessarily work in harmony. By the early 17th century the papacy had established over forty local tribunals in central and northern Italy (except in the Republic of Lucca), and it had tribunals in Malta and the papal enclave in Avignon. The operation of local tribunals outside the Papal States had to be negotiated with state rulers; the system in the Venetian Republic came close to being a church-state diarchy. The Roman Inquisition had to operate indirectly in the Kingdom of Naples because the Spanish monarchy would not let it operate openly, and the papacy (as feudal superior), would not agree to a branch of the Spanish Inquisition there.” (Christopher Black (2018) <https://doi.org/10.1093/obo/9780195399301-0279>)
139. So in relation to Venice—after fierce fighting over one of the last great *witch*-hunts in Italy (Valcamonica/Brescia belonging to Venice 1518/1521), that is, before the establishment of the Roman Inquisition (1542)—a kind of condominium existed: “In fact, the powerful Republic of Venice succeeded in the course of the 16th century, with the permanent establishment of the Roman Inquisition, that its representatives had a seat and a vote in the Inquisition tribunals.” (Decker 2013: 55–66, 65).
140. “Inquisitorial jurisdiction and operations were challenged on many sides, by state governments, local legal officials such as the *podestà*, by bishops and their vicars.” “The Roman Inquisition emerged from a ‘medieval’ Inquisition that had seen local domination in a few areas, where inquisitors and bishops joined forces [...]. The new Inquisition after 1542 developed from that background and the new challenges of reform. Its early evolution was messy and controversial, with power struggles between cardinals

- in Rome—hardliner against moderates—and between hardliners and some ‘softer’ Popes (Paul III, Pius IV). [...] Given that many bishops from the 1520s to the 1560s had sympathy with some of the ideas of ‘reform’—whether from northern Europe or from the hybrid Valdesian [Juan de Valdéz, not: Waldenser] and other ‘*spirituali*’ or evangelist inspiration—they wished to restrain inquisitional severity and undue intrusiveness into personal beliefs. Thereafter inquisitor-bishop relationships varied locally between cooperation and animosity.” (Black109, 256). See also Firpo, especially for the role of ‘Valdesian spiritualism’ in Italy in the 16th century. (2004: 177–180)
141. In Padua, which belonged to the Republic of Venice, the “secular justice had the first access, but did not hand over the ‘witch’ to the local inquisitor, but only granted him access to the files. He sought advice in Rome. The *Instruction* was sent to him. He sentenced the accused to permanent imprisonment because of apostasy. But the secular court set its own standards. He recognized the death penalty, which was carried out on the pyre.” (Decker 2013: 104 f.). For the analogous situation in Brescia (Val Camonica), in which in 1520 about 60 women and 20 men were burned: “[B]ut further inquisitorial activity was hindered by the Ten [Venedig Council] while it examined the paperwork at length in several stormy meetings in Venice”; “Several hundred case notes (now lost) were sent to Venice, and the Ten interviewed the offending inquisitor Bernardino de Grossis, and notified the pope that he ought to be removed.” (Bowden 2008: 150)
 142. In 1654, the Nuntius in Lucerne, Carlo Carafa, wrote: “The secular authority of the Councilors [wants to] condemn many boys and girls aged between about 8 and 12 years to death as alleged witches.” The Cardinals decided that they should be instructed. For this purpose, a sum of money was sent to Milan. “Later they were to be accommodated with ‘honest men and honorable women’ in Milan, where they should earn their living.” (Decker 2013: 118–123)
 143. S. below (Sect. 10.1.2). “In addition to deficiencies in the design of the files, Alexander VII, who was legally trained, noticed a fundamental, conceptual error. Instead of proving obsession, it was assumed as given (the serious error of *petitio principii* [...]). For the *indicia* were by no means convincing when viewed soberly.” (Decker 2013: 127–138)
 144. “First only circulated among the inquisition courts in manuscript form”; “1657 as an official announcement of the Church in Rome printed.” (Decker 1994a: 293, 302). “The *Instructio* stressed the need to refrain from prosecuting individuals denounced by others, who claimed to have

- seen them at the sabbath. It prohibited suggestive questioning and excessive torture, and forbade inquisitors to regard defendants' failure to cry as a proof of their culpability, or to shave their bodies in search of witches' marks. The *Instructio* insisted on the need to consult physicians and establish material evidence for the perpetration of crimes involving *maleficium*. It also prohibited the pursuit of witchcraft accusations made by exorzists, because of their notoriety for assuming ubiquitous demonic activity." (Herzig 2013: 256)
145. While Cesare Carena does not know Spee in one of the 'most read manuals for inquisitors *Tractatus de S. Officio* (1655), but praises Tanner and had read the *Praxis Criminalis nova* (1635) by the Leipzig jurist Benedict Carpov: "For Carena it is the prime example of persecution hysteria beyond the Alps [...] which he juxtaposes with the justice of the Roman instruction against [...] 'If only this extremely holy document were always before the eyes of the secular judges, especially the ultramontane in those places where they prosecute witches because they are feared by all and especially the judges. For scribes spread terrible things about the witches everywhere, so that [the judges] believe that they are sacrificing to God when they proceed against them with all cruelty and torture confessions out of them with all means.'" (Decker 2013: 102f.)
146. "Cardinal Albizzi, Assessor of the Holy Office since 1635, wrote that he had not yet experienced a case where the summoned doctors could not explain the case with their medical knowledge, so that one no longer had to resort to the devil and witches." (Decker 2013: 106)
147. "[D]uring a house search of suspects up to the search of the bed, whether there is incriminating evidence, for example, dolls or needles. But even if there was a find, caution was advised, because: 'Where women are, there are also needles.'" (Decker 2013: 99)
148. "The cells were spacious and bright. The prisoners were entitled to straw, sheets and blankets, but could have them delivered at their own expense: bed, table, more sheets and towels. They had the opportunity to wash, have a barber, a laundress and a seamstress come. Twice a week they could change their clothes." (Decker 2013: 99)
149. "These figures, large as they are, shrink to microscopic dimensions for any twentieth-century scholar aware of the Nazi Holocaust. More European Jews probably died in a single day in late 1944 than across the long history of the Iberian Inquisitions. Other comparisons reinforce this impression. However noisily they anathematized 'Lutherans', they executed far fewer Protestants than did secular government in Reformation Europe. All

- three inquisitorial systems combined put far fewer people to death in three centuries, for whatever reasons, than the 40,000 people who were executed for witchcraft by secular authorities across Europe between 1580 and 1650. There is blood on the inquisitors' hands, which seems obscene for a Christian "Holy Office" aware of the sixth commandment, but there is much less of it than the "black legend" has supposed." (Monter 2004: 267)
150. S. dazu Quensel (2017, Sect. 4.1.2)
 151. "He was sentenced to a fine and life imprisonment, which was eventually converted to a mild house arrest." (Schwerhoff 2009: 102).
 152. S. Schwerhoff (2009: 59 ff.)
 153. For the function of this institution Black (2009: 158–206) and Godman (2001), who mainly goes into the view and motivation of the inquisitors working there up to the present day (including the admission of Graham Greene to the index). An institution that is continued after 1917 as *Congregatio pro Doctrina Fidei* as "advisory board for the Pope in all matters of right faith as well as for inner-church censorship and disciplinary authority". "Its main task was to combat all 'pernicious' currents of modernity such as rationalism, atheism and socialism." (Schwerhoff 2009: 109)
 154. S. the maps 1 and 3 in Black (2009: XVI und XVIII)
 155. "The Inquisition never questioned its right to judge cases involving witchcraft. As far as it was concerned, despite the mixed nature of the crime and the imprecision of royal legislation, its jurisdiction was never in dispute." (Amelang 2008: 81 f.)
 156. Die *Suprema*: "For instance, a letter dated 27 November 1538 advised the inquisitors not to believe everything they read in *Malleus maleficarum*, even if he [i.e. the authors Sprenger and Institoris] writes about it as something he himself has seen and investigated, for the cases are of such a nature that he may have been mistaken, as others have been." (Henningsen 1980: 347). A short letter of the *Suprema* (1608) "ordered an overzealous *comisario* in Bilbao to release seventy-six copies of the newly-reprinted *Malleus Maleficarum* [...] which he had confiscated; they belonged to a Madrid bookseller named Francisco de Robles, who may well have sold a few copies to inquisitorial policy-makers later that year." (Monter 2002a: 270)
 157. On the beginnings and development of this inquisition process at the time of the heretics s. Quensel (2017: 5. und 6. Kapitel)
 158. Salazar had brought "more than 5600 folios (or 11,200 pages of manuscript)" with him from his 8-month visitation. (Henningsen 1980: 307)

159. But Monter (2002a: 275) concludes: “After the exploits of Dr. Salazar [...] the Spanish Inquisition no longer persecuted witches itself. However, it did little to prevent witch-hunting in the Crown of Aragon. This story closes not on a high note of inquisitorial ‘enlightenment’ toward witches after 1614, but on a return to the inactivity and non-intervention that had characterized its record throughout northern Spain since 1550.”
160. Soman (1989: 14) explains the success of the French *Parlement* in a similar way: “Although they were alive to the dangers of erudite magic, the Paris magistrates were too urban, too urbane, too far removed from village squabbles to be thrown off course by fears of peasant witchcraft. When, in 1597 one of their own number began to behave violently and claim his household was bewitched, the Parlement stripped him of his office and declared him insane.”
161. “In 1641 the Logroño tribunal imprisoned a witch who stood accused by twenty-eight adults of a variety of *maleficia*, including causing two men’s penises to disappear, she had also been the victim of a midnight knifing by the *regidor* of her village. She was merely given a formal warning and released. Twelf years later she was again accused of ‘having removed a boy’s natural parts’. The Supreme Council ordered her rearrested, and she was finally imprisoned in 1657; but even as a recidivist, she received only a *de levi* abjuration and four years of banishment.” (Monter 2002a: 315)
162. Cf. Schormann (1992). However, the RKG was relatively rarely active in *witch* cases; Fuchs (1994: 11) found only 13 relevant cases (=0.21%) in a sample of 6300 RKG cases.
163. Responsible for Reichslehnsachen, for disputes over Imperial privileges and reserved rights, and for criminal cases against Reichsunmittelbare (Schormann 1991: 161). “Because the *Reichshofrat* had been created in order to arbitrate disputes between autonomous Imperial governments, individual subjects could not appeal to it against witch-hunting zealots. The Imperial Free City of Nuremberg had to bring a formal complaint against the bishop of Bamberg, or the Free City of Cologne against the Archbishop-Elector of Cologne, in order to involve it.” (Monter 2002: 33)
164. “There was mostly no competition between the Reichskammergericht and the Reichshofrat. Although both courts were responsible for the same areas of law and sometimes, when the proceedings before one court were not favorable or came to a standstill, the other court was called upon. However, there was often exchange and cooperation between both courts”. The Reichshofrat was “more flexible in terms of the design of the legal proceedings. The proceedings usually did not last as long as the proceedings

- of the Reichskammergericht, which was strictly bound by the procedural law of the time. And the Reichshofrat often used commissioners to settle disputes on site.” (de.wikipedia.org/wiki/Reichshofrat). “The Reichsacht and the often following ecclesiastical excommunication proved to be highly effective enforcement measures for the enforcement of the decisions of the RHR.” (Gehm 2012: 207)
165. “The RKG seems to have been generally known in the second half of the 17th century as a court that ruled in favor of those persecuted as witches.” It “was not willing to recognize denunciations as evidence within the meaning of Art. 44 CCC.” This of course also applied to the *water test*. (Oestmann 1994: 243, 249, 251, 247). The RKG also did not consider the *witchcraft* offense to be a *crimen exceptum*. “The Speyer decisions rather show that the RKG also insisted on compliance with the regular procedural principles of the ‘Carolina’ in this case.” Fuchs is more reserved in his judgment (1994: 63): “[T]he thesis of a critical attitude of the Reichskammergericht towards the witch trials [should] not be overused. Claims that the court was ahead of its time are certainly exaggerated. [...] Doubting the witchcraft offense was obviously completely foreign to the Reichskammergericht, at least during the high phases of the persecution. The imperial law spoke a clear language here.”
166. “Although its jurisdiction in criminal proceedings was basically withdrawn from it in 1530, it became important for the witch trials in the empire through the so-called *nullity proceedings* (Nullitäts-Klage)—RKO 1555; XXVIII § 5: if ‘nullity or otherwise contrary to nature, reason and fairness, and therefore principally on the nullity for process’ was applied for (according to: Falk 1992: 283)—important. In cases of refusal of justice and nullity, of non-compliance with the legal procedure and arbitrariness of justice, that is, in cases of failure of local and territorial jurisdiction, anyone could appeal to the RKG.” (Schormann 1992: 270)
167. “Characteristic of both forms of procedure is a reversal of the position of the parties. Before the RKG, the victims of the witch trials or their families sued the witch hunters.” (Oestmann 2006)
168. “In most of the Westphalian witchcraft injury processes that went through several instances to the Reichskammergericht, the Reichsgericht was not called by the person threatened by any persecution, but by the party defaming. That in some cases precisely those who wanted to enforce a persecution of their opponents as a witch appealed to Speyer, shows that the RKG did not necessarily have a very firm reputation as a helpful instance against the witch hunts.” (Fuchs 1994: 39)

169. Even today, the Federal Constitutional Court does not have its own enforcement apparatus: “Constitutional courts are highly fragile institutions. Constitutional courts have no troops, not even a bailiff. They only have their authority, the power of their arguments.” (Andreas Voßkuhle, President of the Federal Constitutional Court, in an interview in *DIE ZEIT* No. 21, 2020). In view of the current political situation in the USA (abortion, gun, climate protection judgments), Heinrich Wefing (2022) writes to the US Supreme Court with reference to its election-decisive judgment against Al Gore in favor of Bush (December 2020): “The court has no money to buy consent, it has no guns to enforce its judgments. It lives alone and exclusively on the agreement of all Americans to adhere to the judgments of the Supreme Court. Even if it’s about everything. Or precisely then. As Al Gore did. But how long does this agreement last?”
170. “Among the RKG procedures in witchcraft cases that have become known beyond the region are the trials of the Bamberg chancellor Georg Haan, of Maria Rampendahl from Lemgo, Katharina Henot from Cologne, and the imperial marshaless Cäcilie von Pappenheim from Ansbach. Even the Fulda witch judge Balthasar Nuß was tried by the RKG after he was removed from office.” (Oestmann 2006). Even though the ruling of the Reichskammergericht was often formally correct from a legal point of view, in 1626, for example, in the case of Katharina Haug from the Margraviate of Baden-Baden, it prohibited further torture “without new evidence”, which could easily be brought forward for further torture and confession, which is why “her husband bribes a prison guard and helps his wife escape to the Free Imperial City of Strasbourg.” (Schormann 1991: 158f.)
171. I follow Behringer here (1988: 327ff.). The petition to Emperor Ferdinand II. and the justification of the bishop (1631) can be found in Behringer (2000: 389f.). Britta Gehm (2012: 205–260) describes this confrontation of the Bamberg archbishop with the Imperial Council in detail and almost excitingly: the “diplomacy” at the Regensburg Electoral Congress or the tug-of-war over the sending of the protocol originals, which are just as familiar to us today.
172. After the Reichskammergericht had already ordered in 1632 in the case of Cramer “at ten marks of lötings golts” that “she and her ‘vielermelten’ Cramer should not complain the procedure set out in the Carolingian criminal procedure code, but should not – ab executione et tormentis – proceed without prior mature cognition and unblemished condemnation...”, (in Behringer 2000: 390–394)

173. “[H]e who in his county Vaduz between 1648–1651 and 1677–1680 burned about 300 people as witches. With only 3000 inhabitants this was 10% of the population, a persecution intensity that was neither achieved in Lorraine nor in the Electorate of Cologne.” (Behringer 1998)
174. Monter (2002: 34): “Thus a late and brutal Alpine witch-hunt helped create one of the smallest sovereign states in contemporary Europe.”
175. I follow Elisabeth Biesel here (2005). See the above-mentioned “rural” belief in witches in Lorraine (Briggs 1998). Briggs (2007: 61) compares the role of the *Nancy Court* with the university opinions of the *Carolina*, “but was exercised much more routine fashion, usually at least twice during each trial.”
176. “[E]ach process got at least one councillor as a ‘commissioner’ or referent who had to work on the files and had to refer to the court of the council before each decision.” (Behringer 1988: 287)
177. |Hochstift|: Area in which the bishop claims the rights of a landowner for himself (prince-bishopric), in contrast to the |dioceses|, the area of his spiritual-ecclesiastical rule (ecclesiastical supervision) (<https://de.wikipedia.org/wiki/Hochstift>)
178. I return to the dampening role of this political complexity in the two “Bavarian witch hunts” under (Sect. 12.2.2).
179. Cf. also J. Schmidt (2000: 321–361) with plenty of quotes.
180. “[T]hey found only the already decomposing corpse in a dark, stinking hole.” (Schmidt 2005: 157)
181. (Rudolph 2000: 629 f.). “In the end, the effort of both sides, manifest in thick volumes of files at the Reichshofrat, proved to be in vain. When the Prince-Bishopric of Osnabrück was secularized in 1802, the lawsuit had not yet been decided.” (Ibid.: 636)
182. Cf. Justin (2021) in comparison to the persecution hotbeds of Osnabrück and Lemgo
183. “[A] private jurisdiction that was based on the ownership of land and property.” “The early modern Münsterland [was] crisscrossed by an impenetrable tangle of competing Gogerichts- and Freigerichtsrechte, Vogteirechte and allodial Herrschaftsrechte.” (Gersmann 2000: 427)
184. Gudrun Gersmann (2006) supplements this Davensberg report with the parallel discussion between Coesfeld and the same Münster government: “The staging of witch trials as a means of consolidating one’s own rule—the motive structure presented for the aristocratic witch policy also seems to have played no small role in the [...] Coesfeld persecution wave of the early 1630s.” “The Coesfeld witch trials began in the spring of 1630 with

- the arrest of the two women in Horstmar suspected of witchcraft, Anna Nibers and Aleke Cleißmann, who soon drew attention to suspicious events in Coesfeld.” “With a wealth of sayings, the victims of 1631 prepared the ground for the wave of prosecutions the following year, while the mayor and city council left their mark in an unmistakable way.” “Thus, the stubbornness that the city showed in the matter of witch trials is likely to have been fed by the same source as at the aristocratic court of Davensberg—ultimately it was only about demonstrating the independence of Münster and thus documenting one’s own claim to power both internally and externally.”
185. Following Barbara Groß (2009: 331): “With only a few exceptions, the initiative in initiating the Minden witch trials came from the city council, which is to be described as the driving force behind the judicial persecution of the *crimen magiae*. In contrast, the residents of Minden had little interest in seeing their suspicions tried on a legal level, the extra-judicial disputes of the city residents with their *magical* fellow citizens followed a different social logic.” (Ibid.: 346)
186. The same was true for the third wave: “In view of the described political logic of symbolic process management, the last wave of persecution in Minden in the late 1660s and the first half of the 1670s is also revealing: In July 1669, after three decades of relatively little persecution, the Council began to increasingly rely on the option of a “witch trial.” The increased readiness to persecute by the Magistrate coincides strikingly with the move of the Landesherrliche government from Petershagen to Minden in September 1669, by which the sovereign, in the form of his officials, was present in the city for the first time in over three hundred years.” (Groß 2009: 334)
187. “The terrible dynamics of the mass persecution of witches in the urban milieu are not a specialty of Lemgo, as, for example, the comparison with the city of Osnabrück makes clear. Here, a kind of greenhouse effect may have been important. Both cities were in more or less bitter conflict with the territorial lords over their political autonomy. A small distance between political officials and court officials on the one hand and the parties in the witch trial on the other hand—up to the personal identity of accusers, witnesses and political decision-makers—seems characteristic. Therefore, the usurpation and targeted steering of the proceedings by inner-city leaders or factions may have been easier than elsewhere.” (Scheffler 2006)
188. “Between 1685 and 1700, [in the Rostock expert opinions in comparison of the quoted sources] the dominance of the *Practica nova* by Benedikt Carp-zov became clearly visible.” (Zagolla 2007: 140, 142)

189. “In principle, however, it can be assumed that the sayings of faculties of law and Schöppenstühle were considered binding by most local courts in principle. This bindingness depended less on the designation or formulation of an instruction, but much more on the authority of its issuer.” (Zagolla 2007: 71)
190. Why one could simply obtain another opinion from another university.



Abstract

Mass persecutions, which so decisively shaped our image of witches, took place ‘below’ as a result of uncontrolled, rural-village witch committees, and ‘above’ by means of Malefiz commissions of Franconian witch bishops who acted in a Counter-Reformation manner, both of which relied on tortured witch ‘Besagungen’.

It is the large-scale persecutions that have long fueled the idea of a “top-down” controlled “*witch-mania*”. In fact, however, the tension between “top” and “bottom” - between the “elitist” *witch*-model and that of the population - could drive the persecution of *witches* as much as moderate it, as I will discuss in this and the after next chapter. But it could also be demanded and fueled from “below” in the same way, as well as occasionally encountering resistance, which was particularly the case when it also affected the elites of the city. It became risky when the persecution of *witches* was based on “parallel interests of population and authorities” (Behringer 1988: 193), as in the example from the Electorate of Köln (Sect. 9.1(1)), which claimed about 2000 victims between 1626 and 1635. (Behringer 1998: 61).

It is often said that the persecution would hardly have taken place without the **cooperation of the population** through denunciations and witness testimony¹—a model that may apply to the previously (Chap. 7) treated ‘normal’ witchcraft as well as the rampage of the *witch*-commissions—but this primarily applies to the “first *witch*” (Behringer 1988: 131) in the case of the “top-down” mass persecutions. Once, however, one primarily relied on the tortured ‘Besagungen’, the resulting persecution chain—as a ‘*large chain-reaction hunt*’—could feed on

itself from then on, as long as it was not “exhausted” internally or stopped from the outside.

(1) “Above” and “below” one often referred to the **model** of neighboring or comparable territories. Thus, “up” in Munich, for example, “the great Franconian witch hunts became a permanent model for the Bavarian persecution supporters. They form the background for any understanding of the southeastern German *witch* discussion”:

“In 1629, the former Eichstätt witch commissioner Dr. Kolb, who [...] had entered Bavarian service, praised his procedure: ‘Then, as the witch trial is conducted in Bamberg, Würzburg and Aychstett, the same procedure, it is said, he also took in Ingolstadt and Wemdingen.’” (Behringer 1988: 241).

But also “down” one made pressure based on the conditions in the neighboring territories:

For example, the citizens of the ‘Lutheran model community’ Winningen² near Koblenz in une 1640 ”addressed a petition to their authorities, in which they asked for the resumption of the proceedings with the justification: ‘In all neighboring villages, the Churtrierische Herrschaft has ordered the subjects to proceed with the extermination of witchcraft, which they diligently hold, and because we are between them, they stumfiren [= ‘press’] us strongly, just as if we had wanted to care the same [sc. the witchcraft] and not to eradicate these weeds.’” (Schormann 1991: 145).

This could be in this “identity competition” as well as the differentiation—as in the initially mentioned examples between Rothenburg and Würzburg or in the relationship between the imperial city of Cologne and Kurköln—but also the concern of standing as a “dissenter”, as Schormann (1991: 146) for this Winningen case quoted Walter Rummel (1986) assumes:

“However, for the Lutheran joint lord it was about proving the religious unassailability of his subjects also by the fact that one would by no means lag behind the neighboring ‘papists’ in the persecution of the ‘witches’.”

(2) In both cases, the ‘normal’ as well as the excessive persecution, ‘top’ and ‘bottom’ were always threefold **bound together**: By the shared *witch*-belief, which, initially dogmatized ‘top’, had again leaked ‘down’ propagandistically. Then by the long-nurtured *witch*-fear—‘top’ as worry about the satanic conspiracy threatening the Christian community, ‘bottom’ as worry about the concrete *witchcraft* damage to body, property and crops. And finally, thirdly, by the sovereign promise and the corresponding expectation to grant protection against this and to root out the evil with fire and sword.

In the context of an expanding ‘**moral panic**’,³ in which ‘normal fears’ combine with propaganda from above—sermons, court proceedings, pamphlets—against outsiders considered responsible for this evil in order to eradicate it fundamentally. ‘Moral panics’, the basic pattern of which can flare up again and again in different places—‘instrumentally’ used both ‘up’ and ‘down’ in a two-hundred-year *longue durée*—then, after some time, collapse again.⁴

(3) In these persecutions, the professional **lawyers**, mentioned in the last chapter, as well as the Jesuits of the Tridentine Counter-Reformation, played a key role. The former both in relatively sovereign-free areas as *witch*-commissioners and in sovereignly organized *witch*-commissions; the latter, on the other hand, in the spiritual sovereign territories as exponents of the Counter-Reformation.

A significant part of these *witch* processes, however, also took place, rather shaped by lay judges, in the **rural and small-town area**, whose population rarely exceeded 500 to 1000 citizens, in which ‘everyone knew each other’. Namely not only the accused and the accuser as well as the witnesses, but also the lay judges responsible there, who came from the same community. In a time when not only the evidence available today was lacking, but also their legal knowledge was rather replaced by ‘gut feeling’, as one says today, or by ‘common sense’. Which is also what the *Carolina* complained about. Which is why more or less corrupt, legally trained *witch* commissioners took over the—local-foreign—leadership, and the expert opinions received were based on the files sent. In this situation, for an assessment—from time immemorial—it was decisive for the *bad character*, for the bad (or good) **reputation**, for the status in the community or for the outsider position:⁵

“[T]he mid-eighteenth-century criminal process was geared to identifying, holding responsible, and punishing those whom the local community regarded as of bad character: those who lacked support among their peers on the basis of their previous conduct and general reputation.”⁶

A status that had developed in a long *witch career*, and which was already known to all participants. A *bad character*, which from the outset made the accused guilty, while we today,⁷ always (should) start from their innocence. Why a possibly extracted confession was considered as their confirmation, while their refusal was incredible. And why the court could decide independently on their accountability, which was understandable in case of obvious frenzy, but why Weyer’s *melancholy* had no chance.

In the following, I will first (Sect. 9.1) deal with these rather “bottom-up” pursuits. That is, the role of the *witch* commissioners and *witch* committees, which could become active mainly in the rural areas towards the end of the 16th century in an as yet unsecured “state apparatus”; while on a more small-town council level, such proceedings were used to compete for power and prestige (Sect. 9.2). As a counter-example, I describe the intervention of the established Württemberg government (1683)⁸ in the beginning Calwer *witch* persecution (Sect. 9.3). The consistent persecution “from above” can be found in the Franconian ecclesiastical territories. Here, Jesuits and *malefic* commissions carried out the mass persecutions of the early 17th century, which afflicted both ecclesiastical principalities (Sect. 9.4) and the bishoprics of Bamberg and Würzburg (Sect. 9.5). In order to draw a brief conclusion (Sect. 9.6) in the end.

9.1 *Witch Commissioners and Witch Committees*

“Legitimized by the oath of allegiance, the committees and monopolies claimed the right to levy witch taxes in order to finance the gathering of evidence and the initiation of proceedings. The tax registers set up for this purpose served at the same time to keep regular party lists, in which the names of those were listed who supported the cause of the witch hunters. Anyone who refused to make an entry and thus pay a sum of money was openly referred to as a sympathizer of the witches and placed under suspicion.”(Voltmer 2008: 226).

Once the “ordinary”, kept in check by traditional counter-strategies, witch-fear has grown into a veritable *witch*-craze, and at the same time a strategic outlet is offered to it in the inquisitorial *witch*-process, which avoided the outdated accusation risks, the **pressure from below** can drive the *witch*-persecution decisively forward: Whether the “state” power is itself interested in the persecution, or whether it loses control in the smaller territories or has not yet established it. In this interplay of “top” and “bottom”, the middle local ‘elite’—of economic and professional origin—played a decisive role, as Goodare (2016: 257, 363) repeatedly emphasizes:

“To the extent that we can identify a mainspring of witch-hunting in socio-political terms, therefore, we can locate it among local propertied elites [...] those just above the villagers but with connections to richer members of village society, were more responsible for witch hunting than any other social group.”; “Priests, pastors, judges and officials in local courts not only spent longer thinking about witchcraft, but were also more likely to think that prosecution was a normal approach. They were in the front line of the campaign for godly discipline [...]. If they thought that godly

discipline was important, they might well think that it should include witch-hunting. [...] Local elites, both secular and ecclesiastical, formed the authority structures that attempted to enforce these orthodoxies on the common people of Europe.”⁹

(1) The witch-persecutions in the through the Cologne-war (‘kölhnische Krieg’)¹⁰ Electorate of Cologne—with Bonn as its capital—in which the Wittelsbach Elector Ferdinand, a staunch supporter of the Counter-Reformation,¹¹ after his victory staged a “extermination program”, which claimed a large number of *witch*-victims in the years 1627-1639, serve as an example of the first case.

Namely, in the middle of the 30-year war—in which Cologne participated as a member of the Catholic League—at a time when the Catholic side had gained so much advantage that Emperor Ferdinand II. on March 6, 1629 issued a *restitution edict*¹² according to which all church property that had come into Protestant hands since 1552 was to be returned; which Cologne began to implement immediately with regard to the ecclesiastical property in **Nassau-Diez**—at the same time as the beginning of the great *witch*-hunt¹³.

As part of a general ‘decentralization’ strategy, in which decisions were left to the lower courts of the aldermen, well-educated legal *witch*-commissioners were appointed in the Electorate of Köln such as the later ennobled Heinrich von Schultheiß (see above Sect. 8.5.2), in order to ‘professionalize’ the ‘witch justice’, but not to prevent it (Becker 2005: 196, 198). They were, barely controlled by the Elector’s Council of State, requested by the local courts of the aldermen at the urging of the population. This ultimately led to the fact that these ‘uncontrolled’ could ‘rage’ as ‘unbiased experts in law’ on behalf of the “persecution-willing forces of a place, the aldermen, the bailiff, or even the committee itself” (Becker 2005: 200):¹⁴

“The merchants and craftsmen in the small towns, the wine growers and farmers in the villages, they were, by the basic decision of the Council of State not to let the proceedings be controlled and monitored by a central authority, the masters of the proceedings themselves, at least as long as they were in agreement with the sub-lords or the bailiffs, who embodied the authority locally and could exercise far more influence on the local course of proceedings than the central office in Bonn.” (Becker 2005: 201).

“When Elector Ferdinand began to implement his extermination program according to law and order, he had created the necessary conditions. Through his witchcraft process ordinance¹⁵ the already unstable rule of law had become even more unstable [...] Against all opposition, the witch’s mark was retained as the main indication. The witch commissioners were ready for action, legally trained and eager for persecution. Through them, the normal courts of the aldermen were repurposed for the extermination program.” (Schormann 1991: 44).¹⁶

(2) This pressure is even more clearly visible in the population in the cooperatively elected **witch-committees** in the Lower Moselle region investigated by Walter Rummel (1991)¹⁷ and in the Saar region investigated by Eva Labouvie (1991)¹⁸ (cf. Sect. 7.4), in which, with the focus on the years 1587–1634, in 591 trials 460 *witches* were executed and only 23 were acquitted, which in relation to the population density was about eight times as much as in southeastern Germany/Bavaria investigated by Behringer (1988) and twice as much as in southwestern Germany investigated by Midelfort (1972) (Labouvie 1991: 67ff., 97):

“Here, in fact, an almost insurrectionary popular movement was at work, which had arisen in the villages and, by means of its own investigative and indictment committees, pursued the persecution of witches suspected of being in the immediate vicinity. However, this model was not limited to the Electorate of Trier: it can be found in other territories in the area between the Middle Rhine and the Moselle, in large parts of the Eifel, the Hunsrück and the Westerwald up to the Westphalia of the Electorate of Cologne¹⁹, as well as in individual regions in southwestern Germany and in the Alpine region.” (Rummel 2005: 212).

In this area “suspicions of witchcraft were brought before the territorial high courts almost without exception by village-appointed witch-committees, which conducted a kind of village inquisition and developed their own initiatives to combat the increasing accusations of witchcraft”. (Labouvie 1991: 82):

“The community members of Niederkell and Mandern therefore met in autumn 1627 for a consultation under the village lime tree in Mandern, as more than 30 people from the villages of Mandern, Niederkell and Schellingen had already been accused in the witch trials that had been initiated on the Grimburg, some of whom had previously been publicly suspected.”

“It seems to have been an ancient tradition that the eligible male village members made suggestions from their midst, which were then put to the vote, the term of office of the two majority-elected committee members probably not lasting more than one year, perhaps only six months.” (ibid.: 86ff.)

Their task, which initially resulted from the **plaintiff function** of the old accusation process, consisted in the independent organization of the entire process (Rummel 1991: 114). So first of all in the fact, as locals familiar with the long-standing gossip mill,²⁰ to collect sufficient evidence—on average, ten to twenty percent of the adult residents of a place were actively involved as witnesses. This material was then presented together with the corresponding expert opinions of the often self-selected, trusted “commissioners” by the committees themselves, the superior lay judge court—“usually consisting of two to eight lay judges

appointed or elected by the lord after payment of a sum of money”. Which is why it is hardly surprising that this then led, after the formal consent of the competent (condominial)²¹ ruler, to a high “success rate” of 96-98% death sentences.²² Collectively legitimized, the committee members were also able to arrest, detain and, profitably paid, to guard suspects, but they also had to, first of all, to be liable for the costs incurred by the community, and not by the competent ruler:

“The most important task of the village committees, which were formed without the intervention of the authorities and also carried out their activities without the veto of the lord, was to explore possible evidence and clues and to assemble them into an indictment according to the legal principles of the lord’s territory, the ‘articles’ of which guaranteed a judicial hearing of the case presented. Their area of responsibility also included the establishment of guarantors or the provision of guarantees for the regulation of costs as well as the collection and forwarding of the court costs to be carried out in mutual agreement.” (Labouvie 1991: 93).

This often resulted in close cooperation between these committees, the competent **officials**—as representatives of the respective sovereigns –, the self-employed legal experts and the widely limited to formal courts:²³

“The weakness of the sovereigns had given the local officials the exercise of highest judicial functions and the witch committees a high degree of protection. For the officials it was *Christian zeal* that drove the community forward, the committees were *dogs* that helped them, the officials, as *hunters* in the witch hunt. And, because, as a Sponheim bailiff once put it quite classically, *with unwilling dogs badly hunt was*, let the committee members all conceivable support to the overcoming of the accused come. In this sense of understanding, for a period of almost eighty years in the western German area, one of the most unusual alliances of that time developed, with rural village residents on the one hand and bourgeois-noble officials on the other.” (Rummel 1995: 46).

Especially since these committees together with their ‘entourage’ as well as the officials—in contrast to the sovereigns, who followed the confiscation prohibition (218 CCC) of the Carolina for the most part (with the exception of Luxembourg)—could ‘earn’ quite well at these processes, since their ‘inflationary bloated’ **costs**, as far as possible, were to be reimbursed by the relatives of the executed:

“a clearly disproportionate financial interest of the middle class and high court lords from officials, nobles, vassals and manorial bailiffs. At the same time, however, it also shows a certain self-evident and generally tolerated generous calculation for

expenses and services of community members in their functions as witnesses, committee members, craftsmen, innkeepers, court persons or occasional helpers; on the other hand, a group of educated jurists and lower officials such as mayors, watchmen, messengers, guards or executioners drew a considerable financial profit from witch trials.” (Labouvie 1991: 148), including the priests and pastors accompanying the accused.²⁴

The income opportunities researched in detail by Walter Rummel (1991)—the fees of the lawyers involved, the travel and security costs of the committee members and, in particular, the excessive catering costs—still applied, contrary to the provision of Art. 61 CCC²⁵ on the basis of allegedly ‘subsidiary’ valid municipal law, even if the accused was later acquitted,²⁶ because she survived the double torture. The accused was also charged with the total costs incurred for the preparation of the proceedings and, contrary to the applicable property law, the husband had to bear the process costs of his wife sentenced as a *witch*, which was ultimately not unfair, since she often served as a ‘substitute victim’ of the male opponent who, according to his position, could not be attacked (Rummel 1991: 159 ff., *passim*, 305).

The report from this time of the *Gesta Treverorum*²⁷ on the persecution of the ‘plagued by deep witch-fear’ (Rummel 1995: 46) Elector Johann VII. from Schönenberg “is characterized by grim openness”:

“Many officials supported this movement, hoping to gain gold and wealth from the burning of this kind. Therefore, in the whole diocese, in cities and villages, selected prosecutors, investigating judges, court messengers and assessors, judges and executioners appeared at the courts, dragging people of both sexes to court and interrogation and burning them in great numbers Meanwhile, the notaries, scribes and innkeepers became rich. The executioner rode around on a fine horse like a noble courtier, dressed in gold and silver. His wife competed in luxury with the nobility.” (Rummel 2005: 214).

What the above-mentioned Trier Theology Professor Cornelius Loos summed up in the much-quoted sentence: “The persecutors used sorcery themselves, a ‘new alchemy’ by means of which ‘gold and silver would be extracted from human blood.’” (after Rummel 1991: 321).

(3) In general, for this Saarland area, as well as for the Lower Moselle region examined by Rummel (1991), it was “on the part of the authorities that the wishes of the subjects for explicit and energetic prosecution were more or less complied with in all transmitted cases”, and that the superior, but far away, sovereigns of

the almost 100-year-old rule of these *witch*-committees were relatively powerless in the face of repeated bans:²⁸

“Neither the ban on the committees under Schöenberg (1591) nor their licensing under Sötern (1630), neither the obligation of the local prosecution to send the files to the sovereign’s supreme courts, nor the issuance of fee ordinances and other interventions could stem the social infiltration of the sovereign’s judicial system.” (Rummel 1990a: 33).²⁹

But Rummel’s (1991) very detailed analysis shows that it was less the “population below” that at most provided the initial “populist” supporters, but that—in view of a distant and by Kondominal-domination weakened sovereignty—an “alliance of officials, private lawyers and notaries” gradually appropriated “sovereign prerogatives”. With good earning opportunities, they became almost “familial” active in “smaller table societies” together with a steadily growing group of very independently acting committee members—an upwardly pressing village faction vis-à-vis the still dominant village scribe and upper class. In “coexistence of ideal and material motivation”, on “the background of the legitimizing power of witchcraft belief”, these *witch*-processes were “used predominantly as an instrument in the intra-village power struggle”, Rummel (1991: 316 ff.) summarizes the results of his investigation, which Rita Voltmer (2008: 226 ff.)—like the above-cited Julian Goodare (2016)—can confirm as follows:

“The community assembly did not consist, as idealistic cooperative ideas or the communalism-theory suggest, of equal members, but—quite comparable to the urban council groups—of parties, factions and groups that could form a clientele running through all layers among the village and town residents. This also did not make the witch hunt a matter for the entire community, but only for those leadership group that, with the help of their clientele, was able to steer the heated mood in the desired direction, and that thus had a special ‘social interest’ inwards. [...] Factually, this meant nothing other than that [they] established a political tyranny and worked on the increase of their material and social capital at the expense of their neighbors.”

Until finally—after the end of the 30-year war (1648)—the archbishop Carl Caspar von der Leyen, who ruled from 1652, after a scandal that caused a sensation—a **city notary in the Kurfürstliche city of Koblenz** had added the names of accomplices to the confession protocols without authorization, for which reason he, after several processes that had been brought about in this way, was beheaded—these *witch* processes around 1653:

because “in the course of their various attempts at extermination [...] all such excesses, falsehoods, costly and unjust things have been found that we have been highly obliged to generally prohibit and forbid such processes and inquisitions in our archbishopric and to have them declared null and void.” (Rummel 2005: 218).

So that shortly afterwards the Catholic markgrave of Baden, who up to then had been largely inactive, in 1660 in the Sponheim *condominium* together with the still hesitating Lutheran Elector Palatine effectively put an end to the work of these *witch* commissions:

“If one also assumes in Kurmainz”—under Elector Johann Philipp von Schönborn, allegedly acquainted with Friedrich von Spee—“a will to throttle the persecutions, then a clear trend crystallizes within three important Catholic territories in the west of the Holy Roman Empire.” “The decisive factor for the termination of the Kurfürstliche and the Sponheim processes were the local conditions which were considered politically intolerable.” (Rummel 1991: 257).

9.2 Rebellious Townspeople

“Here it was possible, [...] to depose the ruling elite, which was recruited from the ranks of the merchants, and to tyrannize the city with witch trials for a few months, primarily against members of the old ruling class.” (Voltmer 2008: 234).

This complex basic pattern of a “rebellious” power game of different powerful positions in a “bottom-up” operated *witch*-persecution results also from the two by Johannes Dillinger (1999)³¹ comparatively investigated **medium-sized territories**: the Electorate of Trier and Swabia-Austria “with extremely severe witch-hunts”,³² namely in addition to the above (Sect. 8.8.3) described, pressing for urban autonomy *witch* processes, as well as in addition to the later (Sect. 12.2.1) treated intra-urban power struggles.

(1) In a basic constellation, in which, as described in the previous section, a relatively weak, good-willed and *witch*-fearing Elector and Archbishop, Johann VII. von Schönenberg (†1599)—who in 1591 had issued an *witch*-process ordinance oriented towards the *Carolina*—is confronted with a three coalition, in which the relatively autonomous municipal *witch* committees cooperate with small nobility, appointed Amtmänner and the – intended for control – legal experts which they themselves can choose at will.³³ With the already described interest- and cost-‘political’ consequence of an out-of-control *witch* hunt, which, based on the

exchange of ‘massive’ Besagungen between each other, led to two widely published sensational city events: First, Dietrich Flade, Trier Statthalter, the highest official of the Elector—as a judge of the High Court of Trier a strict *witch* judge³⁵—was executed after multiple tortures in 1589; he was followed by the Trier Bürgermeister Niclas Fiedler (1591)³⁶ and Hans Reuland (1594). Sensational was not only the high status of the executed, but above all the thereby contained abolition of the divinely granted **immunity** of the judge against demonic temptations, why Martin Del Rio has him, next to Weyer, as an opponent of the *witch* trials, and thus as a ‘false’ judge cursed by God, represented (Dillinger 1999: 351):

After his execution, “in September 1589 there were massive riots among the population, after all Flade’s forced confessions had confirmed what was long claimed in the many *witch* trials in the surrounding area: The authorities and the city were allegedly infiltrated by *witch* masters and *witches*. There was considerable uncertainty, especially among the guilds”, which then led “in several guilds [to the formation of] committees ‘for the sake of sorcery’, which in turn delegated their representatives to a so-called monopoly [...] to represent the interests of the community before the Council, before the Statthalter and the Elector.” (Voltmer 2008: 233).

(2) The second sensation were the persecutions in **Cochem** in the years 1594/1595.³⁷ Set off by initially not further pursued sayings in front of the *witch*-committee of the village Klotten and driven by its legal representative—a ‘career-conscious engaged bourgeois jurist’—Dr. Conrad, called Pomerius, who was accused of witchcraft himself later, it succeeded, “the Rottmeister Cochems, the leaders of the citizen watch, acting on behalf of the citizenry in front of the council“, to move to support a *witch*-committee, the ‘leading members of which came from “non-council families” for the most part, “mostly were less well-to-do craftsmen and wine growers” (Dillinger 1999: 330):

”The common citizenry has gathered in Cocheme, held their conventicles, and set up new committees ... also a new scribe ... and a new messenger ... without the knowledge of the respectable council, elected them, and set them up.” (Rummel 1990a: 38).

In a ‘kind of parallel government’ they led a reign of terror with months of tumultuous arrests and arbitrary torture³⁸ until they were dissolved in 1595 by an intervention of the Elector:³⁹“While the bailiff made common cause with the committee, the competent Elector’s commissioner Emmerich von Eltz approved its revolutionary and brutal behavior by demonstrative absence from the scene of the events.” (Voltmer 2008: 234).

(3) In the mostly loosely organized territories of **Swabian Austria**, which were subordinate to the government in Innsbruck – especially in the county Hohenberg with the towns Rottenburg, Horb and Oberndorf (south of Tübingen) – at first the relatively weak Innsbruck government was subject to a coalition between the city councils, which also fulfilled the functions of judges, and corrupt bailiffs or mayors. The bribable Rottenburg bailiff Christoph Wendler was later removed from office in expectation of a *witch*-trial, while the Rottenburg mayor Johann Georg Hallmayer supported by him, accused of sexually abusing imprisoned *witches*, died in prison.

And in the same way, here too, members of the upper class were often affected, as in the trial against **Christina Rauscher**, wife of the rich innkeeper Johann Rauscher and daughter of the Horb merchant and mayor Martin Gerber, who fought for a leading position against the old city elite: After four women and one man from the Horb upper class had been executed in 1599, Christina received support from Innsbruck several times, but was imprisoned again and again, held in prison for almost a year and, although she was pregnant in the 7th month, repeatedly tortured, without the competent bailiff intervening. Without a confession, she was released after the visits, which were caused, *inter alia*, by her case, by Innsbruck in 1605. She successfully sued the mayor Feser and the entire Horb city council and last visited as a ‘commissioner in her own right’ on behalf of the government the Horb business. (Dillinger 1999: 287 ff., 391 ff.).

While in Kurtrier the actual pursuit impetus came from the rather rural witch committees, it was in the **Hohenberger** cities the **urban councils**, which, thanks to their large number of members, represented a relatively broad citizenry including their persecution interests,⁴¹ while in the other, partly imperial-free cities of this territory the smaller city councils could relatively well encapsulate themselves against such appearances, especially since they wanted to avoid intervention by superior instances:⁴²

“The importance of the Hohenberger city councils for the witch trials lay in the fact that on the one hand they were not, like the councils of the other territories of Swabian Austria, representatives of socially isolated small elites, but shared the problems and interests of the majority of the population, including their interest in witch trials.”

“Overall, the Hohenberger witch trials represented a failure of the Innsbruck central power and the enforcement of local autonomy. The local officials could not assert themselves against the popular demand for persecution or even make themselves its tool.” (Dillinger 1999: 279, 293).

In the end, the Innsbruck government, in power since 1604, also achieved a more “orderly” process here through increased visitations, replacement of city council members, and transfer or conviction of corrupt “officials”, even though it still

allowed for occasional *witch* trials over the next hundred years, while in Trier, fifty years later, the intervention of Archbishop Carl Caspar von der Leyen in 1652 was finally able to put an end to *witch* trials:

“The relatively smooth usurpation of jurisdiction in criminal justice by city councils or even by the rural population over long periods of time, which prevented the potential for criticism of persecution by the central government from being actualized in the trials, initially seemed to confirm the working thesis of the primacy of the local in witch hunting [...] However, the end of the trials showed a necessary modification. The early absolutist, centralizing state, which superseded the local, had the opportunity to actualize and personalize itself locally: visits by the central government, centrally controlled personnel changes on site, and public control of local officials in accordance with the *Carolina* put an end to witch trials in Hohenberg.” (Dillinger 1998: 149).

(4) In his resumé, Dillinger emphasizes two complementary, noteworthy power-political moments: On the one hand, it is usually about the defense against “foreign” **social climbers**, “who pursued their political and economic interests against locally established elites as agents of the emerging territorial state” (ibid.: 443), like Dietrich Fladeor Christoph Wendler. And on the other hand, here one can see a ‘**communalist**’ defense of claims of rule—on the part of the Elector or by the Innsbruck government—in which the community defended its traditional *witch*-hunting committees or the Upper Swabian cities through their city councils their **autonomy** claims: “The witch hunts in Kurtrier and Swabian Austria were in their organization, their agents and partly also in their victims means and expression of a striving for local autonomy” (ibid.: 352). A not quite uncontentious idea,⁴³ which, however, makes power-political sense when both the “conscious” intentions and objectives of the participants are “functionally” classified as secondary, as ‘multifunctional’ these two aspects—power struggle internally and externally—are seen together.

9.3 Calw As a Counter-Example (1683/1684)

“The commission prohibited all talk of witchcraft, all rumors, and all vengeful acts against suspected neighbors. One-quarter of the local militia was called forth, from sections of Calw most distant from the trouble spots. When even that measure proved insufficient, the central government in Stuttgart finally sent in an ,understanding captain and a platoon of 40 soldiers’ to keep order.” (Midelfort 1972: 162).

The corresponding counter-example is provided by the events in Calw,⁴⁴ one of the most important industrial cities in Württemberg in the northern Black Forest, in the later *witch* years 1673-1683, in which a childrentriggered *witch* panic of the population could be avoided by the intervention of the sovereign.

In the years 1683/1684, 31 boys and 38 girls aged 3 to 17 accused a total of 77 adults of witchcraft,⁴⁵ which caused considerable unrest among the population. After the sixteen-year-old playmate Bartholomäus Süb and his eighty-year-old grandmother⁴⁶ had been executed with the approval of Stuttgart, a commission of four lawyers and the theologian Georg Heinrich Häberlin found the children's stories worthless, but banished three women from the city.⁴⁷ "because they would be in grave danger of life and limb if they remained in Calw" (Midelfort 1972: 161 f.):

"To calm this sort of frenzy, the commission instituted special days of prayer and repentance. Specific prayers were changed to emphasize the devil as deceiver, and catechetical instruction was reformed. Häberlin preached sermons explaining how deceptive the devil was and how little men really had to fear from witchcraft."

"The commissioners agreed that ,if one tried to burn all the witches in Calw and anyone touched by such a vice, even here [in the Black Forest!] one would sooner run out of wood than such people:'"

9.4 The Spiritual Foundations of Ellwangen, Eichstett, Mergentheim

"The appointment of a witches' deputation familiar with the conduct of the proceedings, which was already decreed at the end of May 1611, had serious consequences for the trial practice." (Mährle 2004: 381).

As much as the pressure from "below" could intensify the persecutions, as long as they were not stopped from "above", the persecutions in the south German and Franconian **ecclesiastical territories** during the first half of the 17th century—in their uncontrolled, "pastoral" combination of spiritual and worldly authority—show how just an persecution triggered from "above" could almost unchecked develop into an destructive *witch-hunt*:

"Their political weaknesses stemmed from two main causes. First, unlike secular princes, they had no heirs and thus no continuity in office. Second, their authority was often stymied by their chapters, who were permanent, irremovable and frequently pursued interests opposed to theirs. Thus, the central governments of the great ecclesiastical princes were proverbial for their inefficiency. [...] At the same

time, these prelates were spiritual as well as temporal lords: their moral obligation to improve the spiritual as well as the material environment of their subjects was more direct and more intense than for even the most paternalistic and zealous secular rulers. The resulting combination of inefficient government and heightened moral obligation defined the parameters within which these great landed prelates operated.” (Monter 2002: 22 f.).

Using the following examples, I would like to show two situations that arise directly from the **institutionalization** of persecution: on the one hand, its intimate territorial entanglement, both through the ‘Besagungen’ that extend beyond the territory and through the personal connections of the persons involved in the persecution:

“There was cooperation between the Catholic dioceses in the persecutions, although they did not hesitate to poach each other’s persecution specialists.” (Behringer 1988: 239).

And on the other hand, the sudden expansion of *witchcraft* far beyond the original *witch*-stereotype, triggered by the tortured **Besagungen**, in three directions: both into the “better circles”, where more and more male *witches* were caught, and increasingly as the persecution of child ‘*witches*’.

(1) An exemplary case of this excessive pursuit in the smaller spiritual princely states is firstly the **Fürstprobstei Ellwangen**(1611–1615) in eastern southwestern Germany (155 square miles). A former large imperial Benedictine monastery, which in 1460 had been converted into a directly papally subordinate, ‘exemptes’ Domkapitel (Cathedral chapter)with 12 canons of knightly birth,⁴⁸ which could therefore act almost entirely independently of spiritual and worldly control.⁴⁹

Under the rule of the prince-bishop of **Westerstetten**,⁵⁰ whose ‘Instruction’ I have already mentioned above (Sect. 8.5 (1)) as an example, in 1611, after the subsiding of a first wave of trials (1588)—after the arrival of the first Jesuits and after one had hired executioners from Augsburg, “who had already gathered relevant experience” (Rummel/Voltmer 2008: 112)—the trial against the ‘*first witch*,’the 70-year-old Barbara Ruffin. Against her, firstly the still ‘normal’ malefic-rumors were collected, for example also by her relatives, before one subjected her to multiple torture,⁵¹ in which she then

“admitted desecrating the host, copulating with the devil, attempting to poison her son, having a pact with the devil, and ruining crops; and she identified a number of her accomplices [...]. She attended a witches’ dance, she said, but asserted that if

she were a witch, she would confess it. She showed her examiners a devil's mark on her foot the size of a kreuzer (a common coin), which the torturer, Meister Wolff examined."⁵²

After their execution by sword—a favor of the prince-bishop—one went with the help of a **'questionnaire'** with 30 questions of the Dr. Carl Kibler⁵³—with corresponding equally torture statements—to leave it at three denunciations and possibly the proof of a devil's mark as a prerequisite for torture, without further witnesses to question:⁵⁴ "This increase in efficiency meant that for many witches it took two weeks or less to move from arrest to execution." (Midelfort 1972: 104):

"By the end of the year 1611, at least 7 execution days had been held in which surely well over 100 persons died. The year 1612 saw another 17 burnings, with probably at least 140 executed. The annual letter of the Society of Jesus mentioned a total of 167 executed for that year. For 1613 we have records of some six executions days." (Ibid.: 104).

Finally, in 1615, three priests and an organist were executed—one of them admitted to having baptized children in the name of the devil for four years: "This obviously explained why so many witches were found in Ellwangen." (Ibid.: 104 f.):

"The duration of the Ellwangen process series from 1611 to 1618 as well as the temporary intensity of the proceedings reflected a pronounced will to persecution of the prince-prelate's government. This absorbed or overlaid all persecution impulses from the collegiate population and led to the execution of nearly 300 people in 1611/12."⁵⁵

As **'indicators'** with which one selected the persons to be imprisoned, one initially relied, as usual, on the increasing flood of Besagungen with each torture, under which one, as if it were a second filter, primarily resorted to family relationships, which on the one hand corresponded to the familial inheritance thesis, but also, especially in the case of victims from the upper social class, were 'politically expedient', as was particularly evident in the Bamberg excesses:⁵⁶

"The prosecution of the councils was primarily based on the idea of close family or social ties between the victims [...]; the structure of the persecution wave was predominantly characterized by witch families and housemate proceedings."⁵⁷

This once again proved the establishment of an institution specifically oriented towards the persecution of *witches*, professionally staffed, to be the decisive moment:

“This commission consisted of two princely councillors, the court master Arnold von Wolffen zu Wöllstein and the secular councillor Dr. Carl Kibler. It represented, so to speak, a institutional solidification of the prince-bishop’s will to persecute and acted as a catalyst for the practice of the proceedings. Witch trials were conducted very quickly under the new sign of the career instrument for the commissioned court councillors.” (Mährle 2004: 381f.).

Here, based on the quoted instruction (Sect. 8.5(1)), “the methods of that extremely dynamic persecution were applied for the first time, which were to become generally leading in the second and third decades of the 17th century for the conduct of witch hunts in the spiritual territories of southern Germany.” (Mährle 1998: 451).

Corruption on the part of a Schultheiß (s. chapter 8, note 70) the torturers and the guards; the futile protest of a judge, who was then also executed after his wife; voluntary confessions of a 16-year-old—“standing, she received the death blow” (ibid.: 108), another favour of the prince-bishop—like that of a 7-year-old, who could not be burned, however, until she had not improved by the age of 14; and finally also the protest of the neighbouring Protestant Öttingen, whose citizens had apparently been named *witches*⁵⁹, led 1618 to a fiery ‘*counter-report*’

“If officials had not acted quickly, they would have sinned against the innocent, whom they were obliged to protect. In addition, the magistrates were justified in seeking out witches in order to convert them to God and *save their eternal souls* (in italics S. Q.). For this reason, they could assert they had been models of ‘getrewer Christlicher eyffer, discretion, und angelegene Sorgfaltigkeit’ (of true Christian zeal, discretion and due diligence).” (ibid.: 110).

But after 73 *witch-burnings*⁶⁰ the judges were probably ‘tired’: “By 1618 apparently they had reached this stage. In that last year of the great panic we know of perhaps six burning days, with possibly ten executed. In a way this was a last spasm of the hunt.” (Midelfort 1972: 111).

Meanwhile, however, the panic had spread to the neighboring imperial city of Schwäbisch-Gmünd, as mentioned above (Sect. 8.5.1), in the context of the dispute with the objections of the judge Dr. Leonhard Karger.

(2) Even more important, it seems, is that the prince-abbot of Westerstetten, under whom these Ellwangen persecutions had begun, was appointed prince-bishop of the small diocese of Eichstätt (1612-1637), where—as successor to the more tolerant bishops Martin von Schaumberg and Johann Conrad von Gemmingen⁶¹—he began, with the help of the Jesuit order, which he had appointed against the resistance of the cathedral chapter, to implement the recatholicization on all levels:

“If the institutional presence of the Society in Eichstätt was delayed, Westerstetten was able to use his position to further the spiritual aims of its missionary activity in Europe: the recatholicization of Protestant regions and the strengthening of belief in Catholic states.”; “The witch persecutions in both Ellwangen and Eichstätt formed part of Westerstetten’s programme of reform. [...] Among the witch commissioners, therefore, it seems that Protestantism, witchcraft, sin, superstition and irregular life-styles were regarded as overlapping and complementary threats which needed to be rooted out together.” (Durrant 2007: 38, 40f.).

The “routine witch hunter” set up his own **witch commission**. Which, occupied with trained lawyers, “was only concerned with the persecution of witches”, and which “assumed almost an administrative character with its own scribes and extraordinary powers.” (Behringer 1988: 239). In order to—between 1617 and 1630, until the Swedish invasion - “burn witches every year.”⁶²

“In the Eichstätt persecution, individual persons were interrogated until they denounced hundreds of other alleged witches. Thus, finally, a fisherman’s wife from a village near Eichstätt accused 223 persons.”

“Among 150 known victims of the Eichstätt persecution, whose social position is known, are three former mayors, eight wives of mayors, four city councillors, the hospital master with wife, five male innkeepers and brewers, nine female innkeepers and four brewers, the wife of the city clerk, the widow of the monastery judge of Rebdorf, [...] the ‘Domkapiteldepositorin’, the daughter of the bishop’s bailiff as well as Maria Richel, the wife of Chancellor Bartholomäus Richel, who switched to Bavarian services after her burning in 1621.” (Behringer 1988: 240).

A *witch* clientele, which—within the framework of a strictly adhered to question schema⁶³—was almost exclusively won through Besagungen forced by torture, since there were hardly any accusations or witness statements in Eichstätt:

“[F]ew accusations of witchcraft originated from within the communities of the principality and no witness statement substantially confirms the malevolence behind any experience of misfortune.”; “The escalation of the persecution was a product of

the dynamics of the interrogation process, and this is how most women accused of witchcraft found themselves before witch commissioners or other judges.” (Durrant 2007: 19, 2507).

(3) Finally, the villages **Mergentheim/Markelsheim**(1629–1631), since 1526 the seat of the in Prussia secularized German Order (‘Deutscher Orden’) in which, next to Ellwangen, the largest percentage of *witch* persecution with 126 executions took place in southwest Germany, offer an example of the problem of this almost uncontrollable ‘pastoral’ combination of spiritual and worldly authority: “In matters of jurisdiction, these quasi-spiritual territories employed secular officials to conduct trials and especially to pronounce sentence. In this way the Church remained undefiled by the blood of criminals.” (Midelfort 1972: 143).

It began in connection with the Würzburg persecution when the authorities demanded the extradition of nine-year-old Johan Bernhard, son of a rich Markelsheim magistrate. After he confessed to having signed a pact with the devil with his blood, to having flown to numerous dances, and “had had intercourse with the devil on numerous occasions”, he was executed in 1628 with four accomplices. When Velltin Beckh, a tailor, complained about his three sons, a Mergentheim commission found eight children aged 8 to 14 years as witnesses:

“When questioned concerning these charges, the boys admitted their reputation but claimed that they were joking when they spoke of learning from the devil and of flying to sabbaths. Georg (15 years old) was especially adamant that he had spoken ‘nicht im Ernst sonder Narrenthey’.” (Midelfort 1972: 145).

The Bamberg, asked for assistance, sent the jurist Dr. Ernst **Vasoldt**, an important advisor to the bishop, who promptly had four *witches* burned and made a list with 140 or 134 names for Mergentheim as for Markelsheim after his arrival.

9.5 The Larger Spiritual Territories

“Not lawyers or secular counselors, but Jesuits made the outstanding publicistic contributions in the Bavarian witch discussions [...] The unbroken relay of the unconditional persecution advocates of the highest political influence lasted in Bavaria almost a whole century.” (Behringer 1988: 234).

(1) In fact, we find the worst *witch*-hunts in the larger **Catholic-ecclesiastical territories**. Thus, Behringer (1998: 61) lists only one of the 16 ‘largest witch-hunts in Europe’ between 1510 and 1750 in the Lutheran Mecklenburg (1000

[?] Deaths)⁶⁴ as well as the three Calvinist territories Bern (1000)—respectively the Waadt with the capital Lausanne, which under the Calvinist ‘fighter against the Catholic superstition’, Pierre Viret, “probably holds the dubious distinction of being the most witch-ridden corner of Protestant Europe”⁶⁵—Scotland (1000 [?])⁶⁶ and the county of Nassau (460):⁶⁷

“Among the political leaders responsible for the largest persecutions were the most prominent princes of the empire, the three ecclesiastical electors, led by the elector / archbishop of Mainz, as imperial chancellor holder of the highest imperial office after the emperor. In addition to the electors and archbishops of Cologne and Trier, we find the bishops and princes of the Franconian bishoprics Würzburg, Bamberg and Eichstätt, the bishops of Augsburg and Strasbourg, of Minden⁶⁸ and Osnabrück, the abbot of Fulda and the bishop of Breslau. There were also ecclesiastical territories with few witch executions, but they were generally particularly affected.” (Behringer 1998: 55).

It is tempting to think of the ‘spirit of the Counter-Reformation’ here, which after the Council of Trent⁶⁹ from 1545 to 1563 ended the respite from persecution mentioned above (Sect. 6.5) between Luther’s theses (1517) and 1560.

In a ‘**Counter-Reformation**’, which was driven primarily by the **Jesuits**⁷⁰. This included the later canonized Peter Canisius, rector of the Bavarian University Ingolstadt, who “as the first German provincial (1556-1569) laid the foundation for the Jesuits’ decisive influence on the Counter-Reformation in Germany”,⁷¹ or Gregor von Valencia and his student Jacob Gretser, who worked as “ideologues of the hard witch-hunt after 1590” at the same theological faculty (Behringer 1988: 232f.).

As the ‘spirit of the Counter-Reformation’, that is, less as a direct attempt at the ‘extermination’ of the Protestants, even though this may occasionally have played a role—as in the example reported above from Bodenheim (Sect. 8.8.2(3)) or in the re-catholicization of Freudenberg in North Baden-Württemberg—this may have been an attempt to protect the purity of the faith or the unity of the ‘Catholic’ community against all the dangers of a heretical temptation:⁷² in the face of heretical Protestants, whose books were banned or burned, as well as in the face of heretical *witches*, who betrayed the Christian faith in the devil’s pact:

“In their motivation and approach quite comparable to the reform-oriented Dominicans of the 15th century, they also stylized the witch or the sorcerer as the opposite of the devout Christian. Fear of demons and the devil could—for didactic purposes intentionally increased—be used to awaken greater faith and moral discipline.”

“In their opinion, the devil was just as responsible for the spread of false doctrine, that is, Protestantism, as for the spread of false religious practice and so-called superstition.” (Rummel/Voltmer 2008: 89f.).

A genuine ‘pastoral’ concern, therefore, which was ‘implemented’ all the more ruthlessly ‘from above’, the closer one could feel to God as his earthly representative, as a spiritual Elector, Archbishop, Provost or Abbot. As a representative who, even now, and not only at the time of the *Last Judgement*, had to take up the fight against Satan and his *witch-like* helper forces. In an attempt to root out this weed, for which they were—in addition to the aforementioned Jesuits—legitimized by the Catholic demonologists from Thomas Aquinas via Jean Bodin, Peter Binsfeld all the way to Martin Del Rio—who considered one single Besagung to be just as sufficient evidence as the ‘use of witch-boys and -girls as witnesses’ (Rummel/Voltmer 2008: 46). And who were just as supported by the ‘fearsome’ lawyers, *witch-commissioners* and *malefic-commissions* as the required legal and theological opinions of the Catholic universities Freiburg, Dillingen or Ingolstadt:

“All of the aforementioned bishops are regarded by confessional historiography as fanatical protagonists of the Counter Reformation [...] It should not be forgotten that the bishops who figured among the generation of witch hunters were also the first generation seriously confronted with enforced sexual segregation and celibacy.” A “spirit of fanatical severity with which they were brought up to treat themselves and others.”

“Their elite functionaries, those jurists and theologians who fulfilled the duties of educators, father confessors and councillors, and accepted decisive posts at courts and the universities, necessarily suffered other pressures than did the potentates. Status neurosis had risen greatly since the fifteenth century, when the estates could still invoke the privileges of nobility (*Indigenatsprinzip*) to win public office [...] a rigid normative code in education, profession of faith, work ethics and expected forms of behaviour upon which their social status depended.” (Behringer 1999: 87 ff.).

(2) In particular, the **Frankish persecutions** “realized the dark dream of absolute witch persecution, in which, without regard to political, social or humanitarian obstacles, only the logic of the persecutions was followed.” (Behringer 1972: 239):

“While in Ellwangen they were just dealing with the witch-burnings of 65-71 (January to December 1616), persecution began in the dioceses of Würzburg, Bamberg and Eichstätt. The much-praised Reform Bishop Julius Echter von Mespelbrunn had 300 witches burned in the diocese of Würzburg between July 1616 and June 1617.” (ibid.: 237).

In the climax years 1626-1630, in the Diocese **Bamberg** under the Bishop Johann II. Fuchs von Dornheim “no less than 600 witches were burned”,⁷⁴ and in the Diocese of **Würzburg** under Bishop Philipp Adolf von Ehrenberg “900 ‘witches’

are said to have been burned.” (ibid.: 238)⁷⁵. Together, in Ellwangen, Eichstätt, Würzburg and Bamberg, “perhaps more than 3,000 burnings”,

which “in the first 29 witch-burnings in the residence city of Würzburg (1627-February 1629)⁷⁶ affected several young nobles, two learned theologians, five canons, 14 vicars, the wife of the former chancellor, a female mayor and three female city councillors, two city councillors and several other members of an upper class of officials and citizens” (ibid.: 240). And which were also said to be quite profitable there—exceptionally—by way of confiscation.⁷⁷

In these, from above guided, by special central *witch*-commissions implemented persecutions it went the ‘theocratic’ minded, ‘fanatical rulers’—by the way, just as, although considerably more bloody, as in Calvin’s Geneva and quite in the sense of Jean Bodin model of a Christian ruler (1576)—primarily about, their territory confessionally and morally **to recatholicize**:

“As well as witchcraft, over-zealous prince-bishops such as attacked a whole range of conduct defined as deviant and immoral: unseemly dancing at weddings, cursing, swearing, drunkenness, blaspheming. An essential goal of such advocates of social discipline seems to have been the imposition of order on what they perceived to be a disordered, unstable, morally chaotic world.”⁷⁸

And namely also in a cross-common *witch*-strategy, as in Table 9.1 compiled ‘most eager prince-bishop persecutors’ quite well document;

Table 9.1 The most eager persecutors of witches in Germany. (Source: Spiegel, Geschichte 2021: 109 after Behringer (2000/2005 compiled))

Number of victims	State	Prince-Bishop	Reign
2000	Electorate of Cologne	Ferdinand of Bavaria	1612–1637
900	Würzburg	Philipp Adolf von Ehrenberg	1623–1631
768	Kurmainz	Georg Friedrich Greiffenklau	1626–1629
700	Ellwangen	Johann Chr. Westerstetten	1612–1636
650	Kurmainz	Johann Adam von Bicken	1601–1604
600	Bamberg	Johann Georg II. Fuchs	1623–1633
361	Kurmainz	Johann Schweikhard	1604–1626
350	Kurtrier	Johann VII. von Schönenberg	1581–1699
300	Würzburg	J. Echter von Mespelbrunn	1573–1622

But in the ende “all Frankish witches bishops [except Julius Echter] face their lives in exile: v. Ehrenberg (Würzburg) 1631, Fuchs von Dornheim (Bamberg) 1633 und v. Westerstetten (Eichstätt) 1636.” (Behringer 1988: 330 f.):

“This progress toward anarchy corrected itself by controls within society in every large hunt known in the German Southwest. Not the Swedes,⁷⁹ but a crisis of confidence in the judicial procedures, brought panic to a halt”, Midelfort (1972: 194) summarizes his analysis of the southern German witch hunts.

9.6 A Short Interim Conclusion: Institutionalization

“Generally speaking, in witch-hunting, all legal administrations that allowed individuals or very small groups to acquire power without effective control were extremely dangerous. If the administrative structure gave radical individuals the chance to occupy key positions, they could spark major witch-hunts.” (Dillinger 2013a: 511).

The “mass persecutions” discussed together in this chapter have their roots on the one hand—just as the “normal witchcraft” discussed in chapter 7—in the general *Commonsense witch*-schema; especially clearly in the *witch*-committees, but also as the basis of the lordly-spiritual “witch hunts“. A “downstairs” and “upstairs” **common witch-schema**, which is shaped threefold. First, emotionally, by a general *witch*-fear and devil-fear, which is propagated by the clergy and demonstrated realistically by justice; then by the moment of the *witchcraft*-caused *maleficium*, which is “understood” materially “downstairs“, and which is “upstairs” as an attack on the common “soul salvation“. And finally as a readily available instrument, which in the “normal” rural *witchcraft* can exclude the ill-reputed *bad characters* from the village community, in the *witch*-committees can realize local political ambitions, and in the spiritual authorities—also—can and should legitimize political claims.

The decisive difference between a “normal witchcraft” that runs through the whole “witch time” and its highlights in a “mass persecution” lies in its uncontrolled professionalization or “institutionalization”. Uncontrolled, because it was either allowed to develop relatively undisturbed far away from an early absolutist, bureaucratically organized control power or within the framework of weakly constituted spiritual-secular regimes. In this context, legally specialized “institutions” took over the task of witch hunting, for which they developed summary trial forms tailored to their needs: witch characteristics and family relationships, tortured confessions and ‘Besagungen’, all of which contradicted the Carolina.

In order to—like all these “pastoral” tuned and institutionally secured professions—prove and further secure their existence. Whether as informal, but lasting for almost a century “witch” committees, advised and guided by legally trained notaries and “witch” commissioners, or by specifically appointed legally trained “witch deputations” or “malefiz commissions”:

“Witch hunting institutions of the princes and the grass-roots witch-hunting organizations of the communities both had a simple structure that allowed the witch trials to progress swiftly from initial accusation to execution. The reason for this procedural similarity was the fact that both systems lacked internal controls or ‘checks and balances’. States subjected their criminal courts to administrative control were less prone to witch-hunting.”⁸¹

Notes

1. Of course, “exculpatory statements were also tortured out of the alleged witches if it was not opportune to bring a person to court.” (Grießhammer 2013)
2. In the county of Sponheim in the *Kondominium* of the Lutheran Palatinate Count and the Catholic Margrave of Baden.
3. “First, we have five components or *elements* of the moral panic; (1) concern or fear; (2) hostility toward the folk devil; (3) a certain level of consensus about the nature of the threat; (4) a disproportion between the concern and the threat; and (5) a certain degree of volatility of the concern, an evanescent or coming-and-going quality that does not characterize more ongoing threats. Second, there are five *spheres* within which moral panics are expressed or *actors* who express them (1) the general public; (2) the media; (3) social movement activity; and/or (4) political activity, such as speeches and law proposed by legislators; and (5) law enforcement, mainly the police and the courts.” (Goode/Ben-Yehuda 2009: 49)
4. In this sense, Goode/Yehuda (2009: 169) see in the persecution of supposed witches the basic paradigm of a—driven by fear, directed at the elimination of the—*folk devils*’ moral panic: “The persecution of supposed witches in Europe between the fifteenth and the seventeenth centuries is a classic historical instance of the moral panic [...] The witch craze is the ‘mother’ of all moral panics, and in two senses; one, that it provided a *model* for subsequent scares [...] and two, that it was one of the most *horrific* of all panics in human history.” However, one should keep in mind that this 200-year ‘*witch craze*’ actually broke down into a number of regional and temporally limited *moral panics*, as I address, for example, in the following 10 Chapter.

- In addition, the authors stick too much to the traditional *Inquisitions* myth: “The Inquisition, sensing the crumbling of the traditional medieval order, launched the witch-hunt to prevent social change. [...] Catholic ideology and practice—the Inquisition pointed a finger at precisely the threat that undermined the medieval order.” (Ibid.: 193)
5. For Scotland Lerner (2000: 103) states: “Indeed it is hard to overemphasize the importance of reputation in the production of a witch in Scotland. Alongside the individual charges of malefic, supporting them and finally summing them up we find frequently that the accused was ‘of ill fame’ [...] or in legal terminology was of *mala fama* or *difffamatio* [originally quite generally as the reason for the *General-Inquisition*]. Reputation was considered by lawyers and demonologists to be in itself a sign (though not a proof) of witchcraft [...] It was a standard method of assessing guilt.”
 6. Lacey (2006: 38 ff.) in her analysis of the historical development of *responsibility* (criminal responsibility) in English law.
 7. At least that is the official version, while in reality even today a ‘bad reputation’—social background, milieu, previous convictions—still influence the judge’s verdict. See Dorothee Peters (1973): *Richter im Dienste der Macht: Zur gesellschaftlichen Verteilung der Kriminalität. (Judges in the Service of Power: The Social Distribution of Crime)*.
 8. On the one hand, “in Württemberg as in the whole empire, criminal justice was in the hands of lay judges”, on the other hand, “the actual decision-making competence in criminal matters [...] but since the 16th century was with the Oberrat in Stuttgart, which was called the Regierungsrat from 1710. This was a not precisely defined body, which was two-thirds composed of learned counselors, i.e. trained lawyers who had completed their studies with a doctorate at a university (usually Tübingen) and had already gained experience through practical work at a higher court (Hofgericht, Reichskammergericht). The remaining third consisted of noble counselors, all of whom were elected for life.”; “The last word in all criminal proceedings was with the sovereign. Only with his confirmation was a judgment final.” (Sauter 2010: 82, 84)
 9. “Almost all historians today conceive of witch hunting as an activity imposed upon the peasantry by the ‘elite’. [wrote Soman 1989: 10] The trouble with this formulation is that it ignores both the multiplicity of elites and the diversity of their interests. In France the zealous faction within the magistracy turns out to have been a rabble of parvenu village judges, many of them barely literate, particularly in eastern France where they did not own their offices and control of their professional qualification was inadequate [...] As for the church, the zealots were concentrated in the itinerant preach-

- ing orders rather than among the resident curates, who had a permanent stake in the peaceful continuity of village life.”
10. 1583–1586, triggered by the Cologne Archbishop Gebhard Truchseß von Waldburg against Ernst von Wittelsbach (from the Munich line). Elected Archbishop of Cologne, he converted to Protestantism in the year 1582 and proclaimed—contrary to the ‘spiritual reservation’ stipulated in the Augsburg Religionsfrieden von 1555, according to which the spiritual princes were allowed to change their confession, but then had to leave the territory to a Catholic successor—the equality of the confessions and the free confession of the cathedral chapter of Cologne. The war later turned into the Dutch War with devastating consequences. (historikerbuero.de/indextexte/Koelnischer%20Krieg)
 11. “In Catholic countries, ‘Gegenreformation’ not simply meant the implementation of the decisions of Trient and Catholic renewal. [...] Gegenreformation also meant the confessional consolidation of the areas that had remained officially Catholic in the Reformation and the confessional securing against all enemies of Catholicism, not least the recatholicization of already lost areas. Part of this essentially political struggle was the intensified persecution of witches, as here enemies of the Christian faith were hit, to whom an animosity was anyway directed, but through their persecution a relatively large effect for the Catholic cause could be achieved with relatively little risk.” (Lehmann 1978: 31)
 12. “The ‘Restitution Edict’ marked the height of imperial power during the Thirty Years’ War. At the end of the 1620s, Protestants in Northern Germany suffered devastating defeats at the hands of the imperial and Catholic League troops. The provisions of the Edict meant the return of the archbishoprics of Bremen and Magdeburg, as well as seven other bishoprics and over 500 monasteries. These were mainly located in Württemberg, Franconia and Lower Saxony. In the affected imperial circles, imperial commissioners enforced the Edict by inspecting and occupying the secularised property with the help of soldiers, and then handing it over to Catholic administrators.” (de.wikipedia.org/wiki/Restitutionsedikt)
 13. (Schormann 1991: 51 f., 150 f.). “In total, over 400 people fell victim to the Nassau witch trials, a conservative estimate.” “Each time, the great waves of persecution came from the Electorate of Trier over the Condominates.” (Ibid.: 151)
 14. For example, Thomas Becker (2005: 202) describes, among other things, on the basis of the extremely critical report by Hermann Löher, a Schöffe of this time, how the ‘false witch judge’ Commissioner Frans Buirmann 1631 brings

- a resistant oldest Schöffe to unknowingly sign a blank arrest warrant against himself and his wife (p. 202). “The book *Hochnötige Unterthanige Wemütige Klage Der Frommen Unschültigen* (Necessary Subordinate Mournful Complaint of the Pious Innocent), printed in 1676 by the Amsterdam merchant Hermann Löher, is a moral accusation of the witch hunt and one of the most important contemporary descriptions of such events.” See also Becker (2002: 20): “Nowhere else do we find a source for the history of the witch hunt, in which the conflicts that have arisen within a court are described as dramatically and as comprehensibly as here with Löher”. ([de.wikipedia.org/wiki/Hochnötige_Unterthanige_Wemütige_Klage_Der_Frommen_Unschültigen](https://de.wikipedia.org/wiki/Hochn%C3%B6tige_Unterthanige_Wem%C3%BCtige_Klage_Der_Frommen_Unsch%C3%BCltigen)). Of the 1,000 copies printed, “hardly more than a handful were sold, the rest were stamped as waste paper after the author’s death”. (Voltmer 2003: 228)
15. Which, although issued and signed, was not printed and only handed down in manuscript form (Becker 2005: 195); which was “reissued in an expanded form in 1628, at the beginning of the great persecution”, and the reproduction and distribution of which was ordered by the Court of the Imperial Council in the meeting of 4 January 1629. In it, *witch-stigmata* and ‘Besagungen’ were expressly allowed as evidence. (Schormann 1991: 36 ff.)
 16. This example from Cologne also shows how much such historical analyses are subject to evaluations. While Becker (2005) emphasizes the work of the *witch* commissioners, but does not mention the influence of the Elector, Schormann (1991) focuses on the interplay under the aspect of the Exstirpation (eradication) programme. Cf. the controversy: Rummel (2005: 208; note 13).
 17. With 83 accused persons from the period 1574-1664, of whom 46 were executed (Rummel 1991: 23).
 18. Further examples in Rummel (1995). In Scotland, too, the *kirk-sessions* seem to have played a similar role at times. (Jones 2016), see Sect. 14.3.2(3) note
 19. However, Rummel (1991: 277 ff.) finds a significantly longer and well-connected “office continuity” of the committee members in the neighbouring Moselle region between Trier and Koblenz.
 20. “This spying on possible suspects, especially in connection with the thematization of their character, granted wide possibilities of application to practically all conflicts of rural society. Almost inevitably, basic problems of coexistence under contemporary conditions had to be expressed in the corresponding witchcraft accusations: economic competition or distribution struggle for scarce goods, social factionism, conflicts over family positions and honor.” (Rummel 2005: 220)

21. The disputed areas were mostly under the *condominium* of different sovereigns, such as the Catholic Elector of Trier, the Lutheran Elector Palatine and the Catholic Margrave of Baden.
 22. Labouvie (1995: 59) and (1991: 97).
 23. “The ‘final day of reckoning’ finished as a public day of reckoning, the procedure.” “Before the court of aldermen assembled in the town hall or outdoors at the court linden tree [...] an appointed prosecutor appeared, read an indictment compiled from a complaint, witness statements and confession [...]. The court then rose for the ‘retirement’ to reappear after taking a ‘period of reflection’ and to pronounce the sentence.” (Rummel 1991: 110). Despite this “largely emptied spectacle”, the aldermen had a high social prestige in the village.
 24. In a 1629 trial that ended with an execution, “the Saarburger together with the Büschfeld Amtmann received a total of 69 gulden 6 albus, the Schöffen pro person 3 gulden and half and mouth costs, the Schützen and Boten each 15 gulden, the Nachrichter (executioner) 30 gulden 6 albus, the Confessor and Pastor over 10 gulden. A local innkeeper received approximately 14 gulden for the food of the condemned and mouth costs of the court personnel and the committee members received over 80 gulden from both rules together.” (Labouvie 1991: 146ff.). A horse cost approximately 45-50 gulden, and “with amounts of 400 gulden, the average category of process costs, one was able to purchase larger farms in the office place Kastellaun.” (Rummel 1991: 159)
- For comparison: Dr. Vasoldt, who was loaned out to Mergentheim in southwest Germany (see below in Sect. 9.4 (3)), claimed 46 gulden, 16 kreuzer in travel expenses for the 22 mile journey and 91 gulden, 47 kreuzer for food expenses for the four months of his stay: “When his fees and expenses had all been paid, his visit to Mergentheim had cost 570 Gulden, 49 Kreuzer, a tidy sum when compared with the 12 gulden his servant received for the same period.” (Midelfort 1972: 145). The original bill can be found in: (www.landesarchiv-bw.de/stal/hexen/hexenverfolgung). See also the original cost statement from the account book of the executioner in Rendsburg from 1616 (Schulte 2001a: 64ff.).
25. Article 61 CCC provided that the accused, in the event of an acquittal, was only responsible for the costs of his food during his imprisonment.
 26. This hotly contested rule allowed, above all, the financial liability of the plaintiff in the event of a failed accusation, which was common in the old accusation process, to be circumvented, since now the damaged freedman was also obliged to pay. (Rummel 1991: 133)

27. “The *Gesta Treverorum* (‘the deeds of the Treveri’) is a collection of stories, legends, papal letters and records of the Archbishop of Trier. They were collected by the monks of the Benedictine Abbey of St. Matthias. The collection begins in 1105 and was continued until the end of the state of Trier in 1794. The *Gesta Treverorum* were published in the 19th century as a three-volume work.” (de.wikipedia.org/wiki/Gesta_Treverorum)
28. “The subjects exerted considerable pressure on the authorities. [...] In the Sponheim-Trier condominium of Beltheim, the subjects took the levy of the ‘Ungeld’ (excise tax) as an opportunity to confront the lordship with their demand for witch trials; in doing so, they demonstrated in a subtle way the connection between performance and counter-performance. In the Trier office of Limburg, on the other hand, the inhabitants of the village of Elz threatened in 1589 to move to neighbouring lordships, i.e. to declare a tax and corvée strike, if the Elector refused their demands for trials. The Elzers were then just as successful as the subjects of the Sponheim office of Kastellaun in 1629 and the inhabitants of the Trier-Nassau condominium of Wehrheim in 1651.” (Rummel 1995: 42)
29. So “the mildness of the land lords o Kur-Trier”—which actually only consisted of a reduction of the required procedural costs—“in most cases appeared like a measure of protection against the unrestrained persecution of the village committees, which, contrary to explicit and repeated prohibitions and joint sovereign instructions of the criechingischen, flersheimischen, fleckensteinischen and pallantschen officials, still operated in the Kurt-Trier possessions of the Saarland.” (Labouvie 1991: 140f.).
30. Lottes (1984: 156f.) emphasizes the two sides of a “formation of a village power elite” in general: “If it split the village and gave rise to some hostility toward the village patricians, the *Dorfehrbarkeit* (village honorables) as they were called, it also gave the peasantry an experienced and self-conscious leadership. For the responsibilities of the village officials were manifold and required a sound knowledge of agriculture for all economic decisions, [...], a knowledge of the law and a grasp of politics when dealing with a manorial lord or the officials of the territorial state. The continual observance of these duties brought forth a peasant political elite capable of formulating a political and social program whose failure in the Peasants’ War of 1525 should not be taken as a measure of its realism. [...] In this respect, the density of domination was higher within the village than on the level of relations between the village and the lord or the officials of the territorial state.”
31. Which I follow in this section.

32. Swabian-Austria: In the period from 1493 to 1711: 528 cases with 403 executions in Kur-Trier (without Kondominien, which were mainly investigated by Labouvie (1991) and Rummel (1991) in the period from 1487 to 1660: 788 cases with 699 executions (Dillinger 1999: 96, 100).
33. Which by no means followed the *witch*-treatise of the Bishop Peter Binsfeld (†1598), and which—though in vain—forbade the reading of the Besagun-genat the ‘final judgement day’. (Dillinger 1999: 83f.)
34. “Instead of ‘the highly criminal vice of witchcraft ... being eradicated through regular means’, the Elector said that the communities had ‘conspired together on account of one or the other restless subject’, ‘rotted together’ and ‘made almost the same kind of alliances as rebels’”. (Rummel 1990a: 30)
35. Dietrich Flade: “1571 city mayor in Trier and assessor of the court in Koblenz. In 1578 he became professor at the university in Trier, in 1586 even its rector. He was succeeded in office by Peter Binsfeld [the famous demonologist]. Flade was alderman at the high court in Trier and the court of the free imperial abbey of St. Maximin in front of Trier. In 1581 Flade was appointed elector’s cityholder in Trier.” (de.wikipedia.org/wiki/Dietrich_Flade). For the ambivalent role of Flade see also Voltmer (2003: 251-257): “Faust figure, witch patron, persecutor?”
36. Excerpts from the text of his confession can be found in: Beier-de Haan/Voltmer/Irsigler (2002: 72-76)
37. See the analysis by Rummel (1990a) of the records of the Reichskammergerichts, to which the Cochemer Commission had turned after it was sentenced by the Koblenz High Court in March 1595 to repay a considerable sum of money.
38. “Together with Vogt Bolen and the members of the Commission, ‘together with some useless fellows from the general citizenry, cobblers and tailors, with spears and other firearms,’ they ‘fell into her house,’ ‘attacked her with great tumult, pulled her out onto the street and dragged her through the mud, kicked her with their feet and finally chased her over the street like a dog, dragging her into the prison on the castle.’” (Rummel 1990a: 41)
39. “In September 1594, this local wave reached a new peak with the tumultuous arrest of the widow Anna Kurzer and Barbara Thielmans, because by now it was also becoming clear that this had a social direction: the latter was the wife of a Cochemer judge and mother of a licentiate in law; the former was the wife of the deceased innkeeper Rudolf Kurzer, whose house was directly on the Cochemer market square, in direct proximity to the domicile of Judge Thielmanns [sic]. Both victims thus belonged to the city’s upper class, that

- group which had been effectively deposed since the uprising of 1594.” (Rummel 1990a: 39)
40. “The close proximity of many imperial cities with declining economic importance, crypto-territorial nobility or monastery rule, and incomplete state control over rebellious small cities did not allow for the emergence of a regionally consistent type of witch-hunt, even though the region was constituted by communication. For example, most states were much too small to afford differentiated and specialized law enforcement agencies—from the Obervogt to the bailiff to the executioner. Therefore, the authorities demanded specialists from each other. In this way, members of dynasties of executioners such as the Vollmar (Vollmair) from Biberach gained great influence on the procedures in neighboring territories in the late 16th century with their cruel practice, as they brought almost all victims to confession.” (Zürn 2008: 208)
 41. “The Hohenberg witch trials must therefore be considered as popular persecutions which were not imposed by the nobility or the church authorities on the population, but which corresponded to their own demands and were partly dictated by them.” (Dillinger 2004: 291)
 42. “Especially the imperial cities showed with their restrictive policy towards witch hunts that this chance [of refusal of persecution] existed. [...] A coalition of [Habsburg] rule and population seemed to threaten, which could have marginalized the city councilors in the medium term” (Dillinger 1999: 274f.), as this eventually happened.
 43. In the context of their investigations into the *witch*-commissions in Trier, Luxembourg and the Eifel region, Voltmer and Rummel emphasize their ‘inner’ interests: “Few rural communities [...] were organized in the sense of the term ‘communalism’ coined by Blickle; the majority of villages involved in the witch-hunt lacked the sovereignty of statutes, administration, justice and peacekeeping in their own right.” “There are also content-related reasons against a general application of the ‘communalism’ model [...]; realistically considered, all actions related to the crime of witchcraft focused precisely on those persons who were already identified by individuals or groups as social or personal enemies.” (Voltmer 2008: 215)
 44. I follow Midelfort here (1972: 158 ff.); see also Dillinger (2013: 117 ff.).
 45. “There have been several children of about 7, 8, 9 and 10 years, some boys, some girls, some of whom still go to public school, others who have recently been taken out of it, who have testified in front of parents, acquaintances, friends, and also ultimately in front of clergy and secular officials, and who still confess that they were picked up at different times of the night by cer-

- tain people (some of whom have already been taken into custody by high authorities and interrogated) and led to the meeting of the witches”, reports the Augsburg Theophil Spitzel in *The Broken Power of Darkness* 1687 (in: Behringer 2000: 424). See Weber (2000: 286-297) for a more detailed account.
46. “She had a very bad reputation with authorities and fellow citizens for more than half a century. This was due to excessive visits to fairs with corresponding alcohol consumption and to what was considered deviant sexual behavior: in 1637 she had gotten pregnant by a soldier, at the time of the trials she shared a bed with her step-grandson (out of poverty, as the family no doubt rightly defended themselves). The rumor that she was a witch and poisoner was even older. She lived together with her three stepdaughters Anna, Ursula and Agnes. The step-grandson Barthel, also considered very malicious by local authorities, was the illegitimate son of stepdaughter Agnes.” (J. Schmidt 2008: 171)
 47. One of them “was beaten to death by the residents of a neighboring town of Calw—outside the area directly controlled by the dispatched troops. This was one of the few documented cases of lynching of witches in German-speaking countries.” (Dillinger 2013: 120)
 48. “The provost resided in the castle above Ellwangen and had the ecclesiastical rights of a bishop. He maintained military for the defense of the provostry, which was 40 men strong in peacetime.” ([de.wikipedia.org/wiki/Ellwangen_\(Jagst\)](https://de.wikipedia.org/wiki/Ellwangen_(Jagst))). In the city lived 1500 to 1600 inhabitants.
 49. In Dillinger/Fritz/Mährle (1998: VI) a overview sketch of the three neighboring South German territories treated there: Ellwangen, Reutlingen and Hohenberg shows very nicely how fragmented these sovereign territories were at that time.
 50. Johann Christoph I. von Westerstetten (1603–1613) and his successor Johann Christoph II. von Freyberg und Eisenberg (1613–1620) “Both saw themselves as the avant-garde of a reform Catholicism. The old church had to be reorganized and the believers had to be led more consistently in order to regain ground lost during the Reformation.” (Dillinger 2013: 124)
 51. “In the proceedings in the Fürstpropstei Ellwangen the Biberacher Henker (hangman)[Hans Vollmair] very quickly also gained a dominant position over the prince-provostal councillors who were responsible for the conduct of the proceedings. This found its clearest expression in a largely implemented practice of procedure forced by him, which was in contradiction to the valid imperial law.”; “Scharfrichter (executioner), whose income at the height of the persecution even exceeded those of the highest-paid prince-

- provostal councillors.” (Mährle 2004: 379, 384). See the merits of the executioners in Mährle (1998: 477-480).
52. Midelfort (1972: 103), which I follow in this case.
 53. Asked were first the sexual seduction, then the abuse of the host, then the digging up of dead babies, then the *maleficia* and finally the Sabbath “obviously under great pressure to name as many other witches they had seen at the sabbath as possible.”: “Weier Anna, for example, denounced 24 different persons.” Sometimes such lists were used 23 years later. (Midelfort 1972: 106)
 54. “A hermetic sealing off of all extra-procedural influences [...] the monastic population could neither influence the practice of the process through supplications nor through witness statements.” (Mährle 1998: 450)
 55. (Mährle 2004: 381). In total, Mährle (1998: 382) expects 418 victims in over 70 witch hunts for the period from 1611-1618. See the list of victims of the process 1588-1694 (Ibid.: 452-476).
 56. This also applied to Mergentheim: “The most interesting point is the observation that in Mergentheim always the same circles of people were affected by the witch hunts and that we are dealing here with so-called ‘witch families.’” (Wohlschlegel 2004: 393)
 57. (Mährle 2004: 382 f.). “The concentration of the persecution on ‘witch families’ implicitly led to the actual limitation of the persons mainly threatened by the procedures and thus reduced resistance potentials within the population.” (Mährle 1998: 422). An impressive example is the schema of the “witch family” Rinckh (Mährle 1998: 407; Fig. 4).
 58. “It became evident that the Ellwangen prison guards made their largely homogenized and thus the functioning of the Ellwangen persecution mechanisms possible through whispering of Besagungen and confession points. By physical threat and targeted intimidation of the persons imprisoned—for example by plastic description of the torture practices in the witch trials—they satisfied their sexual and [...] also their material interests in the most shameless way.” (Mährle 1998: 403)
 59. “Witches very commonly denounced persons in other towns and in completely different jurisdictions. In this way the germ of witch hunting could pass from town to town very much like an epidemic. To assist their neighboring regions, the officials at Ellwangen even assembled a book of persons denounced from regions outside the Fürstpropstei, alphabetically by town.” (Midelfort 1972: 106). “The present denunciation lists contain the names of persons from Dillingen, Dinkelsbühl, Schwäbisch Gmünd, Dewangen, Nördlingen, Aalen, Lauchheim, the county of Wallerstein, the Lordship of

- Limpurg as well as from the diocese of Bamberg. The names of many other said persons from outside the diocese can be found in the interrogation protocols of the Ellwangen proceedings.” (Mährle 1998: 432, note 320)
60. (Behringer 1988: 237). “Ellwangen experienced a devastating witch hunt between 1611 and 1618. In this wave of proceedings there were no acquittals. There were over 370 executions. 250 executions affected persons from the city of Ellwangen itself, which had a total of 1,500 inhabitants.” (Dillinger 2013: 125); “In a total of around 450 executions, there were 418 executions in the years 1611/1612 alone. Since 67% of the victims came from the residence city of Ellwangen, with an estimated 1,500-1,600 inhabitants at the time, more than 12% of the city’s population must have perished in two years. The death rate of the accused was almost 100% in the Fürstpropstei. Those who were arrested once did not survive!” (J. Schmidt 2008: 155)
 61. “Schaumberg and the cathedral chapters of his immediate successors in Eichstätt were reluctant to impose Tridentine decrees and resisted the introduction of new religious orders, notably the Jesuits, into the see.” (Durrant 2007: 10)
 62. Behringer (1988: 238); Rummel/Voltmer (2008: 115). Durrant (2007: 3, 21) speaks of a total of 217 to 256 executions with a death rate of over 98%, instead of the usually assumed 400 executed.
 63. In this questionnaire only 11 of 84 questions were directly related to the less interesting *maleficia*: “The questions about the witch-suspect’s crimes in the world were subordinated, both in quantity and in their position in the interrogatory to those about her spiritual offences and her accomplices.” (Durrant 2007: 47)
 64. Cf. Moeller (2002, 2005): “The previously estimated number of around 1000 witch burnings must be revised upwards considerably in light of the new data, and Mecklenburg must actually be counted as one of the centres of the witch-hunt. The structure of the verdicts was relatively favourable for the accused, however, in comparison. Only around 52% (around 2000) of all proceedings resulted in a death sentence, whereas at least 35% of all accused were acquitted! In another 9% random punishments were imposed, 4% of all offenders managed to escape. Despite, or perhaps precisely because of, the relatively high density of persecution, the number of victims of executions remained relatively low in comparison to other territories.” Moeller (2008)
 65. Monter (1983: 44ff., 47): “The best evidence suggests more than 2000 witch trials in Vaud, a province of about 160 parishes, between the Reformation

- and 1680, and local samples suggest an execution rate of 90 per cent, far greater than in other parts of French Switzerland.”
66. Regarding the Scottish numbers: Larner (1984: 23ff.), who assumes around 1500 executions mainly in the vicinity of Edinburgh; likewise Levack (2008: 77): “execution of approximately 1 500 witches (in a population of about 900 000 people).”
 67. “The number of executions in this county [Nassau-Dillenburg] rose to about 170 in the years 1628-1632, with the main focus in the cities of Herborn (96 executions) and Dillenburg (39). In the county of Nassau as a whole, about 400 people were executed during these years.” “The use of professional witch commissioners: The overload of the Dillenburg Council of Elders with diplomatic tasks during the Thirty Years’ War and the growing number of witch trials led to the use of specialized witch commissioners who were interested in witch trials for financial reasons and reopened old proceedings that had ended in acquittal, or, with the help of committees, discovered more victims.” (Koppenhöfer 2012)
 68. In Minden, which was subject to the bishop, but the city council was the driving force. (see above: Sect. 8.8.3 (3))
 69. At the Council of Trent, which was initially under Emperor Charles V and Pope Paul III, later under Charles’s sons Philip II. of Spain and Emperor Ferdinand I with Pope Pius IV, the shock of Luther was to be processed later, then Calvin, three main goals: The theological delimitation about the interpretation of the Lord’s Supper and the question of the “lay chalice” (whether also laymen can be given the chalice with wine, as was conceded to the Hussites); the role of the bishops (residence requirement, since bishops often assumed the benefices, but not the duties on site) in relation to the Pope (the reform of the Curia was spared); and the improvement of the clergy: “The Tridentine Reform is to be understood as an attempt to increase the disciplinary power of the bishops over the clergy and at the same time to unify the different liturgical practices. [...] The core of the enterprise was the development of a professional clergy, which was better trained to prevent the infiltration of lay practices into the sacramental life.” (Hsia 1998: 157ff.)
 70. “Jesuits are members of the Catholic religious order Society of Jesus (Societas Jesu, Order abbreviation: SJ), which was founded on August 15, 1534 by a group of friends around Ignatius of Loyola. In addition to the usual three vows—poverty, celibacy and obedience—members of the order commit themselves to special obedience to the Pope through the fourth vow.” “In Europe, Jesuits had a significant role in the Counter-Reformation, the Catholic reaction to the Protestant Reformation, which it considered heresy.” (de.

- wikipedia.org/wiki/Jesuiten). “Third, the individual internalization of the renunciation of traditional monastic community forms (choral prayer, seclusion) and thus an unrestrained activity of the Jesuits in the world is made possible.” (Reinhard 1983: 261). For the European-wide role of the Jesuits in the context of the Counter-Reformation, see Hsia (1998). “In 1549, the first Jesuit establishment was founded in Ingolstadt, from where these agents of the Counter-Reformation and Catholic renewal in the next few decades stretched an ever-denser network of their colleges, residences and stations across the empire. In their grammar schools, colleges and universities [...], the carriers of Catholic confessionalization grew up.” (Schilling 1988: 17)
71. (de.wikipedia.org/wiki/Petrus_Canisius). For Canisius, see also Lederer (2005: 215-219): “the ‘second apostle of the Germans’ after Boniface.”
 72. “The property of those who remained Protestant was confiscated and, according to Vierordt, witchcraft accusations were leveled at other Protestants. Thus in this one instance the witch hunt may have served the Counter-Reformation”, but the data situation is unclear. (Midelfort 1972: 138 ff.)
 73. Griebhammer (2013) quotes the mandate of Johann Gottfried Bischof zu Bamberg, 1615, for this purpose: “And since some of our subjects and those assembled above in our cathedral chapter have not yet complied with our complete ... fatherly admonitions to return to the old Catholic, salvific Apostolic faith, but rather persist in disobedience and error to their own detriment, this grieves us greatly. So we want the same ... for their own salvation and eternal welfare ... to command them that they, by means of both the Catholic religion and faith as well as confession and holy communion, shall irreproachably and obediently take their places in their parish by the Sunday after Easter called *Misericordias Domini*. As we then graciously command and earnestly impose upon all our bailiffs, officials, castellans, bailiffs, sheriffs, mayors and judges that from the moment they receive our mandate, in addition to our local officials, who still have such subjects in their offices who have not yet aligned themselves with the Catholic religion, they shall demand that they be reported ... if they have not yet confessed ... so that we may not recognize them as our obedient subjects, much less tolerate and suffer them any longer in our diocese.”
 74. “More than 300 people by name and at least 100 more victims are to be lamented, who were imprisoned in a specially built witch house and tortured and executed by a specially appointed executioner and three witch commissioners” (Griebhammer (2013) with some further documentary hints). In this, on the advice of the suffragan bishop Friedrich Förner (who had published a series of 35 ‘witch sermons’ in 1626), 1627 erected *Bamberg witch*

- house* with its 40 places “were frequently subjected to especially gruesome forms of torture in order to compel them to confess their guilt” (Walinski-Kiehl 2008: 254f.). Cf. to the Bamberg neck court ordinance (‘Halsgerichtsordnung’ 1588): Griebhammer (ibid.). For the Bamberg witch trials in general, see Gehm (2012), who, like Behringer for the ‘Munich witch wars’ (s u. Abschn. 12.2.2), describes the long-standing conflict between persecutors and opponents of persecution, which was ‘resolved’ here by their justification (burning as a witch together with their family members) up to the ‘trial against Chancellor Haan’ (ibid.: 149-162). A short but informative overview of the initially tolerant bishops, the pernicious influence of the Weihbischof Friedrich Förner, the moderating role of Chancellor Georg Haan and the premature execution of the 22-year-old Dorothea Flöck s. Pfaffenzeller (2021) on the situation of the mayor Johannes Junius and his secret letter to his daughter Veronika: Walinski-Kiehl (2004).
75. Contemporaries spoke of a “Würzburg work”: “1623-1631: The reign of Prince-Bishop Philipp Adolph von Ehrenburg. His merciless witch hunt was known throughout the empire as the “Würzburg work”. His actions were praised in Munich as a model. One third of the city’s women were involved in witch trials” (Griebhammer 2013).
 76. A shocking list of the ‘fires’ in: Griebhammer (2013): List of the 29 fires that were set in Würzburg in 1627-1629 to destroy witches and wizards. There were 157 named victims from all professional and social classes. This list is incomplete, the fires were continued until 1630.
 77. “At least 80,000 fl. from the assets of the executed were retained by the Prince-Bishop of Würzburg. Burning witches was a lucrative business here. Wonderful Baroque buildings were erected, which, if they escaped the bombing of the Second World War, are now admired by numerous tourists unaware of their history.” (Griebhammer 2013)
 78. (Walinski-Kiehl 2008: 251): “The attempt to achieve greater religious purity led Bishop Johann Gottfried von Aschhausen (1609-1622) of Bamberg and Bishop Julius Echter of Würzburg to undertake extreme forms of mortification, such as wearing hair-shirts and indulging in self-flagellation, Echter aptly summarised the ethos of this dour religious world-view when he stated that every thought of joy and gaiety prevents us from feeling sorrow, pain and tears for our sins.”
 79. The Swedes, who under Gustav II. Adolf 1632 advanced victoriously to Munich: “His intervention in the Thirty Years’ War in Germany prevented a victory of the imperial camp of the Habsburgs and thus indirectly secured

- the existence of German Protestantism.” (de.wikipedia.org/wiki/Gustav_II._Adolf)
80. “Free from control institutions, they offered the opportunity for mass persecution without adequate legal basis. So the pronounced desire for persecution of a prince directly created new state institutions and thus increased statehood. The Franconian bishoprics of Bamberg and Würzburg, the imperial cities of Esslingen and Rottweil, and the persecutions in Salem can be cited as examples. Even the courts of the nobility had similar structures. They were subject to the whim of the noble landlords and were not kept in check by control institutions.” (Novy 2014)
 81. This is how Dillinger (2013a: 511, 539) summarizes his thesis—“[T]he political system of the state, its changing distribution of power, and its inherent tensions must be regarded as one of the many factors which influenced witch-hunting”—after a brief overview (a. a. O.: 528).



Abstract

Towards the end of the witch hunts, the two future-oriented variants of witchcraft predominate: the exorcism-possessed tandem in the context of confessional disputes and child witch trials. While the possessed to be healed by the exorcist lead into later psychotherapy, the fight against the child *witches* becomes a concern for the “systematically decoupled youth” of our time. Examples include the “Witches of Salem” (1692), the “Devils of Loudun” (1632-1649), the Swedish Mora trials (1668-1676) and the Bavarian sorcerer’s apprentice (‘Zauberbuben’) trials (1675-1740).

Two variants of the usual *witch* theme—that is, both the rural/village *witch* and the mass persecution—cross its boundaries promisingly: The tandem of the possessed and the exorcist, and the fight against the children—*witches*. Both variants initially appear during the whole *witch* time, just as this, occasionally and individually.¹ While it is—‘in the pamphleteering’—“mostly simple people who are possessed by the devil—shepherds, maids, peasants, craftsmen and their wives” for whom one sought advice in monasteries (Krah 2005: 163 ff.)—it was often **children**, about whose imputations then larger persecution chains were triggered. But here too we encounter both variants—again as before with the ‘actual’ *witches*—predominantly around the turn of the 18th century and towards the end of the *witch* time a ‘massive’ appearance,² the inner group dynamics and the ‘steered’ choreography of which lead beyond the usual ‘cultural’ practice of infection.

But above all, both variants turn out to be direct, professionally approached predecessors of the later ‘time of the *mad*’: While the possessed to be healed by the exorcist lead via Weyer, Gaßner,³ Mesmer, Charcot and Freud into later

psychotherapy, the fight against the child-*witches* becomes a concern for the ‘neglected youth’ and the ‘decoupled youth’ in our time.⁴

10.1 Possession and Exorcism⁵

“In the conventional witch doctrine, possession and witchcraft had always been clearly distinguished from each other: ‘On the other hand, those who have never called on the devil or lured him: And yet are possessed and possessed by him, can not be accused of being a sorcerer at all ... because there is no will of the possessed in between.’”⁶

If the *witch*-crime was primarily the “problem-property” of the lawyers, even if it was defined as a “diabolical pact” from a theological perspective and propagated by the Jesuits, and thus, as it were, the *heretic*-crime occupied by the lawyers, then **obsession** falls into the domain of the **clergy**, in a still restrained competition with the doctors, who will take over the “pastoral” scepter in the “time of the *insane*.”

With roots dating back to biblical times⁷—The healing of the possessed of Gadara (Mt. 8.28-34)—it was once (and later still among the Protestants) considered a punishment for committed sin. In our “time of the *witches*” it was again, as with the *witches*, the demonologists who, within the framework of this *witch*-thinking, developed the early modern form of the possessed-exorcism tandem out of the “normal” exorcistic everyday practice of the monasteries and village pastors. At first, in contrast to the *witch*, the possessed were considered innocent, possessed by devils or even *bewitched*, only to be finally ambivalently persecuted as *witches* themselves or to receive “positively possessed” saint status—as was the case, for example, with the mentioned below (10.1.4) Jeanne des Anges from Loudun:

“[A] shift which occurred in this period [time of the Catholic Reformation after the Council of Trent] from a traditional understanding of possession as a punishment for one’s own or another’s sin, to possession being increasingly represented as the consequence of witchcraft, with the possessed as victim. This victim status, in turn, emphasized suffering as the foundation of holiness, and for this reason, possession became in many cases a feature of devotional life. At the same time, however, critics feared diabolic manipulation in cases of positive possession, as they did in cases of ecstatic spirituality.” (Ferber 2004: 115 f.).⁸

(1) As the “innocent” sister of *witchcraft* it follows the same premises. Embedded in the religious mentality of its time, but more clearly confessionally bound,

propagandistically realized in its exorcistic practice, it demonstrated the power of the **clergy**, which it knew how to preserve vis-à-vis the judiciary and medicine. Demanded by an insecure population, practiced by the lower clergy, it could only be tamed with difficulty within the hierarchical structure of the Catholic Church: *Rituale Romanum*. In order to nevertheless, like the *witches*, survive as a “possible individual case” the existing skeptical criticism up to our time.

Three quarters of these obsession-affected **women** in the context of the above (2.6.(3)) mentioned, emerging during the Reformation ‘new female spirituality’.⁹ At that time, they were typically also found as small or larger ‘mass hysteria’¹⁰ preferably in religious institutions, such as poorhouses, orphanages or—and here particularly symbolically—in nunneries.¹¹ But it could also affect whole movements, such as the dancing mania of the 14th and 15th centuries.^{12,13}

At its peak at the same time as the actual *witchcraft*, it could refer to both a long biblical tradition and—now without *witch*-reference—survive its late bloom in the 17th century until today; in the 19th century under the Pietists¹⁴, Jansenists and Methodists, in the 20th and 21st centuries mainly under the Pentecostals¹⁵ (Levack 2013: 237, 245):¹⁶

“Although demonic possession was a feature of religious life in the Middle Ages, an abundance of literary evidence suggests that the number of episodes began to increase in the fifteenth century and reached a peak during the late sixteenth and early seventeenth centuries, the same decades when witch-hunting was at its most intense. Like witchcraft cases, instances of possession also declined after 1660, although, unlike witchcraft prosecutions, they continued into the modern period, long after witchcraft trial came to an end.” (Levack 2013: 194).

(2) The possessed were the victims; **exorcism**, the—mostly public—expulsion of the devils, was the professional instrument: “Possession required exorcism, in a sense, to prove its reality: its incursions could only be truly countered by spiritual weapons.” (Ferber 2004: 26). A lucrative instrument practiced by priests and monasteries: “Pilgrimages and exorcisms were important sources of income for many **monasteries**, so it is not surprising that the orders competed with each other.” (Lederer 2005: 226). Not only on the Catholic side, but also among the Lutherans.¹⁷

A professionalized instrument that was initially “delimited downward” during the *witch* times—the *Rituale Romanum*¹⁸—whose ritual could then “legitimize” the healing power of the Catholic Church “obviously” in the confessional dispute:¹⁹

So the Bamberg Bishop and *witch* preacher Friedrich Förner wrote in his *Panoplia Armaturae Dei* (1625): “It is true Church, and has the teaching of Christ, and the true Gospel, in which there is the power of compelling demons, driving them out, and destroying their illusions. This power is not found either among Lutherans or Calvinists, as has already been proved elsewhere *ad nauseam*, rather it is only the Catholic priests, remaining in the unity of the Catholic Church [who can do this]. Therefore only the Catholic Church to which we hold is the true Church of Christ, militant on earth, and in that true faith, outside which there is no salvation.” (Cameron 2011: 233 ff.).

A **tandem** of possession and exorcism that—like with the *witches*—was experienced as well as suffered, but could also be abused, simulated²⁰ and used for political power.

In the following, I will first (Sect. 10.1.1) go into this phenomenon—possession-exorcism—in more detail, then describe an example of a possession in Paderborn (1656-1661) (Sect. 10.1.2), before subsequently showing its social context in relation to the better-known events in Puritan Salem (1692) and Catholic Loudun (1632-1637) (Sect. 10.1.3 and 10.1.4). Finally, I will summarize the most important points again (Sect. 10.1.5).

10.1.1 General Characteristics²¹

(1) If one starts from the personal existence of the devil and an immortal soul as unquestioned axioms, then one concludes—within the framework of this ‘mental’ logic—that the contact between **Satan** and the (living) human being can take place in three stages:

- On the level of white and ‘learned’ magic in the conjuration, which means taming Satan, even if this, as in the case of the Faust saga, turns out to be an error in the end.²²
- Then in the *witchcraft* pact, in which the *witch* is constructed as a satanic accomplice. The question was which pact partner needed the other to realize the intended *maleficia*: the devil the *witch* as a necessary human tool, the *witch* by her own inherent abilities or but only in the illusionary belief to be able to act independently.

Both cases, magician and *witch*, act—in the eyes of the church—with **free pact-will** denying God, with the additional weight of the *witchcraft maleficia* being differently accentuated by theologians and jurists each time.

As logically—but empirically merging—**third form** is still valid in Catholic doctrine today²³ the obsession, in which one or more devils take possession of the afflicted person and use their body as a dwelling—“it was assumed that the demon was invisible in the body of the possessed” (Dillinger 2018: 54)²⁴—to blaspheme GOD through them in words and behavior. And that is contrary to the—in itself remaining free—will of the possessed, who therefore, in contrast to the other two forms, remain **innocent victims** even in the worst fantasies, which of course had to be specified in detail in each case.²⁵

A three-way division that, in the first case, emphasizes the disposition, that is, the apostasy from the faith, in the second case the damage—that is, in modern terms, the enmity to the constitution or the violation of rights—and, in the third case, the ‘mental incapacity’ and the possibility of treatment as a bridge to the ‘*insane*’ in the foreground of security thinking.

A ‘bridge’ on which, on the one traditional, obsessed side, the *witch* can appear as the perpetrator with her obsessed victim: If, in later years, this is often—although by no means always—seen as the cause of the *bewitched* obsession, and because the demons sitting inside the possessed could very well *recognize witches*: “Aside from the names of the demons occupying their bodies, this was the main type of information that ecclesiastical authorities tried to extract from them during their exorcisms.” (Levack 2013: 189).

And on the other, ‘modern’ side, this obsession is today, as already at that time by Weyer²⁶—also by the Catholic Church in most cases—as a **mental disorder**,²⁷ initially as ‘melancholy’, then as ‘hysteria’,²⁸ neurosis, multiple personality, epilepsy or schizophrenia-like, paranoid behavior interpreted. A ‘paradigmatic’ mental gap in which, at that time—in view of the axiom of the indivisibly immortal soul—a only since Sigmund Freud thinkable multiple or even multiple ‘consciousness’ was actually still unthinkable.²⁹

“The soul is immortal. Created from nothing and poured into the womb of the mother six months after conception; not like that of animals, which are handed down from the parents to the young and die with them, disappearing into nothingness.” (Huxley 1955: 215) Robert Burton (1621).

“Our concept of a vast underworld of unconscious mental activity, much more extensive and effective in many respects than the activity of the conscious ego, was unthinkable.” (Ibid.: 219).

(2) In this scenario of obsession, the trained **exorcist as an expert** appears as a precursor to the therapists who today inhabit the other shore. Officials who, analogously to inquisitorial torture, could possibly evoke “typical” reactions through suggestion or (unnamed at that time) hypnosis, for example, in the way that three

hundred years later the psychiatrist Jean Martin Charcot “as a globally recognized specialist for hysteria” (Weber 1999: 233) showed his student Sigmund Freud at the Parisian Salpêtrière the ‘*hysteroepileptic arch*’.³⁰ Functional equivalents that in both cases name the evil through their diagnoses, thus concretizing, if not even constituting, and that through their often also helpful interventions both unintentionally collusive the evil ‘iatrogenic’³¹ can intensify,³² but also non-therapeutically material, ideal and political use:³³

“Although its purpose was to heal demoniacs, the procedure more often than not aggravated their symptoms, allegedly agitating the demons within and causing the demoniacs greater suffering.” (Levack 2013: 81).

This diabolical obsession could especially visibly underline the **work of the devil** in its usual, public-effective, theatrical form—and thus the salvific function of its clerical opponents:

“The theology of obsession served the Church not only for apologetic, propagandistic and missionary purposes, it also proved to be an instrument for motivating moral and religious education.” (Weber 1999: 103).³⁴

In this sense, Lyndal Roper (1995: 175) emphasizes in her analysis of the re-Catholicization driven by the Fuggers of the mixed-confessional Augsburg the role of the public exorcisms, inter alia, carried out by the Jesuit Petrus Canisius:

“The priests of the Counter-Reformation strove to demonstrate the truth of their doctrine by practicing exorcisms that vividly illustrated their authority. In a series of dramatic cases, these priests carried out private and later public exorcisms from 1563 onwards, and achieved remarkable and shocking conversions of members of the Protestant elite, mainly women, to Catholicism through their means. The powerful Fugger family played a key role in these events, from whose houses the servants came who were exorcised in most cases.”

A finding that applied relatively unqualifiedly to the “middle” and “lower” level of the Church, while Rome, i.e. the *Sanctum Officium*, in its Instruction of 1620 (*Instructio pro formandis processibus in causis strigum, sortilegiorum et maleficiorum*) (8.7.3 (2)) admonished to caution, as is also clear in the immediately mentioned case of the Paderborn possession:

“Many exorcists, which is very unwise, [...] ask the evil spirit during the conjuration how he entered the body of the possessed, whether by a maleficium, and who committed this maleficium. Therefore, the devil, the father of lies and an enemy of

human peace, often answers that he was driven into the possessed by a maleficium, committed by the and the person by means of this or that food [...] Therefore, all judges should beware of conducting maleficium proceedings because of demonic possession; they should be careful not to be deceived by some who cheat and simulate in these things that they are possessed. For often such cheaters are found.” (In: Decker 1995: 104f.)

(3) In the later stages of our ‘*witch*’ time’ it was **three characteristics** that characterized this construct of possession: On the side of the possessed, first of all, the unrestrained **violation** of religious and moral morality with its verbally and behaviorally staged clear sexual coloring impressed. Supplemented by the almost always associated ‘**epidemic infection**’—for example, within the nuns of the same monastery, but also successively in different monasteries of the same nun order of the Ursulines³⁶—up to that of the involved exorcists (see below. Sect. 10.1.4). And on the other ‘pastoral’ professional side, the exorcistic fight against the devil fell into the—otherwise justitiell increasingly receded—**competence of the church** or into the orders specialized for the task of exorcism with a clearly delimited diagnostics as well as a widely laid down official, but not always observed exorcism canon, the *Rituale Romanum*.³⁷

For the **diagnostic proof** of the possession³⁸—significant for the truth of the diabolical accusations as well as for the defense of their lucrative fraudulent use—initially four ‘verifiable’, only diabolical characteristics applied: Speaking or understanding other, especially biblical languages (Latin, Greek, Hebrew); superhuman strength; levitations against gravity; secret knowledge or future-oriented predictions. Characteristics that could then be supplemented—as in Paderborn (see below. Sect. 10.1.2) by corresponding ‘tests’, for example by showing false relics or alleged sacraments, such as un-consecrated water.³⁹

(4) But one will have to assume overall that—within the framework of the then “valid” mentality, which was taken for granted, but which could also be used for vested interests—all four participants in the exorcism, to varying degrees, accentuating, combined belief, conviction and fraudulent conduct in a **hermeneutic circle**:⁴⁰ the possessed and their exorcists, to underscore their concerns “credibly”, the audience and, amplified, the “church politicians”, to enjoy the spectacle in their interest, or to legitimize their claims to power:

“[A] performative view of spirit possession sees the phenomenon [with divine and demonic possession alike (2.6.(3))] as a particular cultural process of identity-formation that subsists upon three interdependent factors. They are: one, the cultural constructions of particular identity ‘roles’; two, the self-representations of the

individual as she ‘performs’ such roles; and three, the collective evaluation of the individual’s action by observers, or the ‘audience’”, to which the clergy is then of decisive importance. (Caciola 2000: 288).

Within the framework of learned, propagated by pamphlets, and clerical “theatrical scripts that were encoded in their religious cultures”:

“In other words, demoniacs acted in ways they were either taught to act or were expected to act. [...] Their assumption of the role of the demoniac took place as members of the community—usually ministers, physicians, and family [...]. The family members, neighbours, and clergy who witnessed possessions also had their own parts to play in these religious dramas, assuming the role of a chorus that would join the demoniac on stage. The entire performance thus became the product of the interaction of the demoniac, the exorcist, and the audience. The manuscripts could therefore be adapted to specific circumstances.” (Levack 2013: 140).

“For their development, a certain number of spectators was required who attended the exorcism like a theatre play. In front of these ranks, the possessed behaved like actors.” (Weber 1999: 132).

This was especially true for the **confessional orientation** of these exorcisms, the most common application of which followed the Catholic rite, while the **Protestants**—more Lutheran than Calvinist—searched less for the devils with fasting and prayer than for the underlying **sinfulness** of the possessed:⁴¹

“The scripts that Protestants followed were different from those of Catholics, as were the Protestant methods of dispossession. Protestants and Catholics also had different views regarding the moral culpability of demoniacs. These differences were rooted mainly in the Protestant, and especially in the Calvinist or Reformed, view regarding the prevalence of sin and the difficulty of overcoming it.”; “Although Protestants, when they did decide to conduct an exorcism, could not match the extravagance of the Catholic ritual of exorcism, which they considered to be superstitious and magical, they could nonetheless use their own procedures for dispossessing demoniacs by means of prayer and fasting to theatrical effect.” (Levack 2013: 206, 143).

A hermeneutic circle, a “collusion of demoniac, audience, and text”, which gained momentum in the late period of the *witch*-hunt, when it was possible to connect the **possession with the witchcraft** in such a way that the demon sitting inside, when asked, should indicate the guilty *witch*.⁴² On the one hand, this meant that devils—and thus angels and God—and *witch* confirmed each other, and on the other hand, the previously thought to be sinful—because God struck her with possession because of her sins—possessed could be excused as a victim,

as Raiswell/Dendle (2008) can convincingly show using the English Calvinist/Puritan example: “In this respect, the introduction of a witch frees both God and the demoniac from culpability, transferring the formal cause of the affliction to the witch”:

“Now, instead of hinging upon the dynamic among demoniac, audience and text, the circle turns upon a mutually reinforcing dynamic between the demon and witch: the testimony of the possessing demon garnered from the mouth of his victim confirmed and compounded popular anxieties about certain local women commonly construed to be witches; the subsequent examination of these accused witches then authenticated the veracity of the original diagnosis. Removed from the fallible realm of human interaction and recast into that of the preternatural this new circle sees apparent possessions function as particular pieces of empirical data that point to the reality of witchcraft, while the reality of witchcraft serves as a universal premise from which the authenticity of a particular case of possession can readily deduced.” (Raiswell/Dendle 2008: 761f.).⁴³

10.1.2 Paderborn As an Example (1656-1661)

“Among other things, Löper wanted to prove that the exorcism of the Catholic priest on the possessed proved the truth of Catholic dogma against Lutheran and Calvinist ‘false doctrines’, the preachers of which could not drive out demons.” (Decker 1994: 301).

Such a very typical course of possession panic—with execution and murder⁴⁴ of the accused *witches*⁴⁵—began in 1656 in the **Paderborn bishopric**⁴⁶ with two about 18-20 year old sisters—“they no longer spoke, only expressed themselves through partly confused gestures, rolled on the ground, twisted their limbs, etc.”⁴⁷ After the consulted Capuchin monks had declared these possessed to be ‘simulators’,⁴⁸ the Jesuit Bernhard Loeper, who was teaching at the Paderborn university and a determined champion of the Counter-Reformation, took the lead in preaching and exorcising.⁴⁹ Namely, on the—typically municipal political—background of a power and distribution conflict:

“The fronts within Brakel⁵⁰ ran at the beginning of the year 1656, shortly before the outbreak of the possession, on two conflict fields: On the one hand, the eligible upper class and the rest of the citizens faced each other. The dispute, which broke out in the early 50s over the tax privileges of the rich or the burden-bearing majority, was not resolved, but smoldered on. On the other hand, the spread of the Capuchins aroused envy and the feeling of being set back (by the pastor) or of being afraid of increasing tax burdens (by the citizens). On all levels it was a distribution conflict, not a worldview-religious dissent.” (Decker 1994a: 240).

The between two bourgeois and clerical factions fluctuating bishop Dietrich Adolf von der Recke⁵¹ turned to the personally known to him **Pope Alexander II**, who found the submitted documents ‘in many respects unusable and without reasonable knowledge of the law’ and recommended that the accusations of the possessed should not be admitted as evidence. Nevertheless, the bishop set up a special ‘**commission of lawyers** to decide on the further procedure’; namely, instead of the ‘actually competent secular authority, which also skeptically assessed the conduct of *witch* trials based on claims of the possessed.’ (Decker 1994a: 103).

After the bishop had forced the Jesuit Loeper to resign, Loeper instigated a **revolt** within which not only several *witches* were executed as part of an ordered ‘general inquisition’, but the “number of possessed in the city and diocese of Paderborn rose to about 200 within a few weeks”, which both pursued the Capuchins: “so that they only dared to leave the monastery armed with clubs”, as well as “killed ten people in different places”. (Ibid.: 111).

Finally, these processes were only **stopped** by his successor, Friedrich von Fürstenberg (†1662), whose grandfather and father were still “radical witch hunters”, who could probably fall back on his ‘positive experiences during his nine-year stay as a secret chamberlain of the pope.’ (Ibid.: 113).⁵³

Without now going into more detail theoretically about the role and functionality of these phenomena of possession, which have probably been too little investigated so far, I would like to illustrate them with two examples from the late period of *witchcraft* that caused a sensation throughout Puritan Salem and Catholic Loudun, in order to also give the mentioned ‘bridge’ function in the transition to the following phase of ‘*madness*’ some color.

10.1.3 The *Witches* of Salem (1692)

“An army of devils has broken horribly into the place which is the center and in a certain sense the first-born of our English settlements: and the houses of the people there are full of the cries of pain of their children and maidservants, tortured by invisible hands, with quite supernatural torments.”⁵⁴

The Puritan’ *Witches* of Salem’⁵⁵ offer a highly dramatic⁵⁶ example of the late phase of the *Witch*-time, in which almost all *Witch* ingredients came together point-like: Possessed young girls, executed *witches*, revival preaching, inheritance disputes, community-political conflicts, socio-cultural change, special court and political word of power.⁵⁷

(1) The place of origin of the events was **Salem-Village**, a rural impoverished suburb of the prosperous port city Salem-Town,⁵⁸ which for some time now had claimed its own church seat in order to substantiate its independence.

Salem is located in Massachusetts, New England, which at that time had a total population of about 100,000 (Levack 1995: 193), and which in 1630 was founded by Puritan settlers⁵⁹ as theocratic ‘New-JeruSalem’, as the ‘spiritual center of Christianity’.⁶⁰

As a community whose everyday life was strictly organized and controlled by religious biblicism; namely—in accordance with the Calvinist doctrine of predestination—by the ‘chosen’ ministers of **God**, who in the end could also decide who was ‘chosen’, while the secular peace judges were supposed to mercilessly persecute “all behavior that could be offensive in the eyes of God” (Erikson 1978: 150), including *witchcraft*, since these dissenters were anyway damned to hell from the beginning:

“In this sense, the punishment of criminals was not only a convenient method for the protection of public order, it was at the same time the fulfillment of a duty of loyalty to God.” (Erikson 1978: 166).

This constantly growing community, to a large extent independent of England, had, as Ericson (1978) explains, already survived two crises that came close to the core of self-understanding—such as the power claims of the established elite—:

Namely, the ‘*Antinomist Controversy*’ (1636-1638), in which, among other things, the circle around Anne Hutchinson denied the status of the elect to some of the Puritan ministers, after which they were finally banished; and the confrontation with the Quakers preaching religious tolerance (1656-1661), in the course of which several Quakers who ‘suicidally’ resisted the pronounced banishment were executed, until English King Charles II. stopped this practice. At this time—in contrast to the climax of European *witch* persecution – ‘only’ about 4 to 5 *witches* were executed.

This Puritan unity broke down at the time of the Salem *witch* persecution. In addition to costly battles with Indians and new developments in the ‘motherland’ England⁶¹—Glorious Revolution 1688/1689 with the ascension of William III of Orange—, the rise of the Salem merchant class and internal disputes between the clergy—such as the aforementioned claim to an own church seat necessary for the desired autonomy—shook the traditional distribution of power:

“Since this was part of the great transition from Puritan to Yankee, there was a sense in which the values espoused by the ministers more generally were at stake, but at the time none of them seems to have been aware of this.” (Briggs 1998: 312).

A situation that Reverend **Cotton Mathers** described in his *Wonders of the Invisible World* in 1693 as follows:

“I believe that no plantation has ever been more pursued by the wrath of the devil than our poor New England [...]. First, the Indian Powawes turned all their magic arts to harass the first settlers here [...]. In addition to all this, the devils (if I may say so) have now finally descended upon us with such fury that it is now much and will soon be even more, to the astonishment of the world.”

A transitional situation, which Boyer/Nissenbaum (1974: 209) summarize in their conclusion as follows:

“[T]he social order was being profoundly shaken by a superhuman force which had lured all too many into active complicity with it. We have chosen to construe this force as emergent mercantile capitalism. Mather, and Salem Village, called it witchcraft.”

This initial situation was fueled in three ways; structurally by the municipal autonomy-aspirations of a community feeling oppressed, which materialized in the context of an inheritance dispute within the Putnam family between the impoverished rural elite and the rich urbanites,⁶² and which found its common point of reference in the newly appointed, controversial **revivalist preacher Samuel Parris**, local pastor of Salem Village.⁶³

(2) The first signs of possession were initially shown in the house of this pastor, in which young girls between the ages of nine and twenty, in the presence of the **slave Tituba** from Barbados (?), met with allegedly magical abilities, among other things to predict future marriage (Briggs 1998: 314). The two youngest girls, daughter and niece of Parris,

“began to show a very unusual illness. They uttered incomprehensible screams, fell into grotesque convulsions and sometimes ran around on all fours, barking like dogs.” (Erikson 1978: 129).⁶⁴

When this possession spread from the rural Thomas Putnam’s house, leader of the Pro-Parris faction, throughout the whole town—in the end there were a total of 16 known possessed⁶⁵—the overwhelmed doctor suspected diabolically-*hexerische*

influences. The girls, who as the only ones could reliably recognize such *witches*, first named next to Tituba two other ‘typical’ *witches*:

“Sarah Good was a beggar known throughout the city, daughter of a French inn-keeper; she was said to hold frequent conversations with herself. Sarah Osborne was a bedridden older woman who was said to have deprived her first husband’s children of their inheritance by giving it to her new husband.”⁶⁶

Tituba made a detailed confession—she had read more names in the ‘*Book of Satan*’.⁶⁷ Fueled by the sermons of Parris⁶⁸ the *witchcraft* accusations—not least against the circle of the city’s Joseph Putnam—quickly spread, involving also the neighboring communities and then the upper ranks of the social hierarchy up to the governor’s wife. So that in the end 150 *witches* were in prison and 200 more were suspected.

The newly appointed English governor Sir William Phips set up a **special court** in which the girls’ allegations, including ghost appearances as evidence⁶⁹ were admitted, and in particular the girls’ attacks were considered as evidence if these attacks stopped abruptly when touched by the suspected *witch*.⁷⁰

“At four executions during the summer, 19 people were hanged, including a clergyman [the predecessor of Parris, Burroughs, ‘the wizzard minister’], a constable who had refused to arrest more suspected *witches*, and at least three other previously respected personalities. Six of those executed were men, the others mostly poor older women.”⁷¹

But—similar to European cities—the doubts about such evidence became more and more clear as the **urban elite** was involved in the accusations:

“They may also have come to see the accusers as possessed rather than bewitched, a reclassification which made their revelations inadmissible as legal evidence.”⁷²

The governor dissolved the special court at the end of the year. The remaining cases were mostly acquitted by the regular courts or pardoned by the governor.⁷³

(3) The ‘natural experiment’ of a *moral panic*, which claimed more than half of all victims investigated in New England in a single year, while the middle and southern colonies hardly knew any *witchcraft* persecution (Levack 1995: 193) is clearly visible in this:

- The almost insoluble interplay between very earthly interests and concerns with a fanatically religious zeal, which could escalate very quickly with the help of the possessed child witnesses employed for this purpose, in a way that endangered the entire (Salem) society.
- A power struggle between two factions within the community, whose ‘reference point’ was the Reverend Samuel Parris: a rural, impoverished faction striving for autonomy, which persecuted *witches*, versus a more worldly, persecuted, urban, mercantile faction opposed to Parris.
- In a power political situation which was relatively weakly occupied at the beginning, since the governor was absent and the urban elite was weakened by internal disputes. A situation which was then initially dominated by the special court appointed to carry out the persecution, until finally, in the same year, and with growing skepticism and increasing danger to the elite itself, it was ended by a word of command from the new governor. By a ‘special court’ which was so committed to this ‘crime’ that only its dissolution could save the *witches* through a regular court.
- And that in a cultural climate in which the old theocratic model of thought was regarded as endangered by the emerging **mercantile capitalism**, which is why its representatives explicitly presented “the persecution of witches as part of a general attack on the power of the devil” as their own justification. Which is why the special court associated with them did not punish *maleficia*, but only the **devil’s pact** as the core of the *witch* crime with death. (Levack 1995: 194).
- The persecution of *witches* was supposed to avert the feared **crisis of loyalty**—with a relatively low risk and great effect—as long as the still valid puritan mentality could be strengthened in this way, and thus one’s own social position could also be politically secured, similar to how Lehmann (1978: 31, 69) assumed this to be the case for the Counter-Reformation excesses in the Franconian area.

Finally, as a counter-example, the comparatively almost ‘*witch-free*’ situation outside of this ‘experiment’—temporally before and after, as well as spatially in the other saturated North American colonies—demonstrates the ‘positive’, system-preserving **dual function** of this *witch*-hunt, which is supposed to outline the society’s ‘ideological-cultural’ content and **limits** on one hand—the central topic of analysis for Kai Erikson:

“that deviant behavior is often advantageous for society, since it provides a kind of demarcation and measurement that every social life requires.” (1978: 10).

And by thereby on the other hand legitimizing the elite residing therein, which is endangered but nevertheless legitimate from a ruling-political perspective. A dual function, which in this Puritan society was previously ensured equifunctional through similarly founded other crises—namely, the Antinomist and Quaker crises analyzed by Erikson—but this time, at the end of Puritan rule, did not hold for very long.⁷⁴

A dual function that was in the ‘normal case’—for itself and for the elite ruling within it—ensured to a certain extent by dense informal as well as formal controls alike, and that precisely when the actual authority—here the governor—is absent:

“Puritan discipline was to a large extent a matter of community vigilance, and every citizen, regardless of his position in the control apparatus, was expected to monitor public order as conscientiously as the order in his own house.” (Erikson 1978: 151).

A corset that, however, could on occasion—again predetermined on this religious level, and thus not arbitrarily—‘witch-like’ explode once in a while, only to be dissolved in the end by those in power.

10.1.4 ‘The Devils of Loudun’ (1632-1637)

“No longer aroused by priestly suggestion, the frenzy of the nuns gave way to a dismal, hangover-like state, in which mental confusion was mixed with shame, remorse, and the conviction of a serious sin.” (Huxley 1955: 191f.).

My third example describes a deadly farce,⁷⁵ in which high and low politics, ambition and arrogance, intrigue and fraud came together to form a widely known **tragicomedy**, which—similar to the late *heretic*-process against the Templars—throws a revealing light on the relatively early end of the *witch*-hunt in France.

(1) The Catholic devils of Loudun appeared—in the middle of the 30-year war - from 1633-1637 in the service of the ‘politics’ in the strongly Huguenot⁷⁶ oriented, west-French Loudun. In order to let, in the Ursuline monastery⁷⁷ founded there shortly before, the 25-year-old, physically handicapped, intriguing prioress Jeanne des Anges and her 17 novices burn in ‘passionate love’ for the recently transferred canon Urbain Grandier in Loudun.⁷⁸

This Grandier, a Jesuit student, intelligent and arrogant,⁷⁹ a womanizer and popular not only in the higher circles of Loudun, managed, among other things, to create a number of intimate enemies in a short time through two won lawsuits, including the

prosecutor/state attorney Trincant, once his best friend, whose daughter he seduced and left pregnant, as well as his nephew, the canon Mignon, head and confessor of the Ursulines, and finally also the Carmelites, who were sued by him, whose lucrative wonder-relic lost influence at this time.

The great politics: The weak and devil-believing Ludwig XIII. and his powerful cardinal Richelieu, who was in the process of consolidating the growing absolutist state, was also trying to push back the protected Huguenots who were previously protected by the *Edict of Nantes* (1598).⁸⁰ For this reason, he wanted to demolish the city's fortress of the Huguenot governor Jean Armagnac, a friend of Grandier, also for private reasons.⁸¹

Therefore, he sent "Jean de Martin, Baron de Laubardemont, First President of the Court of Aids of Guyenne, a member of the State Council" (Huxley 1955: 83) as his confidant with unlimited powers to Loudun, where, as a royal commissioner, he was to take the necessary measures without being disturbed by the competent secular bailiff, the competent Archbishop of Bordeaux or the repeatedly called *Parlement de Paris*. What this one used generously by, for example, any criticism of his measures as 'uprising' or 'insult to majesty' with punishment.

This Laubardemont now staged—on the basis of nocturnal ghost games of the young novices⁸²—together with his cousin, the above mentioned prioress Jeanne des Anges, and the intimate enemies of Grandier, to which also belonged the competent Bishop of Poitiers, as well as with a whole troupe of partly fraudulent, partly possessed exorcists—Carmelites, Capuchins, Jesuits—a **multi-year play** of obsession, in which finally twice a day, except Sunday, the prioress, plagued by seven devils, together with her nuns and six worldly possessed people in four church venues publicly the devil was driven out.⁸³ Whereby they—after exorcistic invocation of their devils—most acrobatically,⁸⁴ with blasphemous curses—in which "God, Christ and the Virgin Mary were constantly blasphemed, but never Louis XIII. And certainly not His Eminence" (Richelieu) (Huxley 1955: 210)—and shameless actions to the delight of the ever-increasing, also from abroad hurried **audience** in front of the exorcists on the ground rolled:

"In a letter written by [the twenty-year-old Englishman] Thomas Killigrew after his visit to Loudun in 1635, he describes the treatment that was meted out to this irresistible Sister Agnes, whose beautiful features and astonishingly unchaste behavior had earned her the affectionate nickname *le beau petit diable* from the regulars of the exorcism ceremonies [...] that the unfortunate one was a slave under the feet of the monk. For after the pious father had put her in convulsions and caused her to roll on the ground, he stood triumphantly on his prostrate victim." (Huxley 1955: 158f.).

“In the midst of devils the exorcist was the deputy of God. And as the deputy of God he had the privilege of doing with these creatures of a lower order what he wanted,—to make them perform tricks, to put them in convulsions, to handle them roughly, as if they were stubborn pigs or cows, to prescribe them laxatives or the whip.” (Huxley 1955: 158).

A play that was only interrupted once on the arrival of the archbishop when he appointed his **personal physician**: ‘The nuns got scared and behaved like lambs; There was no sign of obsession. ‘After a ban on further exorcism,’ there were no devils to drive out during the following months.’

But soon the obsession broke out again. The king’s brother, Gaston d’Orléans, was convinced during a visit, the **income of the monastery** was growing and the prioress developed into the “visible” stigmatized **wonder saint** who was allowed to visit the sick Richelieu and the heavily pregnant Queen Anna of Austria.⁸⁵

(2) A play that served its purpose mainly in its first phase, however, was to destroy **Grandier**. In his trial, one relied—contrary to the prevailing theological doctrine, which had been expressly confirmed by the Paris theological faculty as early as 1610—on the truth of the church-sworn statements of the devils, who all stated that Grandier had forced them to enter the nuns sexually aroused as a *witch* by pact—which one then found physically during the exorcism sessions⁸⁶—although he himself never wanted to have any visual contact with the nuns. After his arch-enemy, the barber Mannoury, had found the necessary devil’s marks in a “wonderfully simple and effective way”—“after two dozen painfully painful stabs he turned the probe around and pressed the blunt end into the pastor’s flesh. Miraculously, this caused no pain. The devil had marked the spot.” (Huxley 1955: 208)—the **sentence** was passed:

“We hereby declare Urbain Grandier to be rightly accused and found guilty of the crime of magic, witchcraft and the possession caused by him in the persons of some Ursulines and secular girls from this city of Loudun as well as other crimes that arise from this.” (Aubin 1981: 125).

After this sentence, all his leg bones were broken in vain by the rack in order to find his (already known as friends, skeptics and helpers) “accomplices” in order to finally burn him very miserably alive in front of a huge audience in 1634.⁸⁷

Contrary to the usual expectation, his death could not end the now so lucrative obsession. Only when the king “withdrew the four thousand pounds pension that he had hitherto paid to the exorcists to cover their expenses” and the “intention of the monks to establish a kind of new Inquisition” no longer fit into Richelieu’s

political concept (Aubin 1981: 275) could this five-year-long spectacle slowly come to an end.

(3) An amazing story,⁸⁸ from which I would like to emphasize two aspects that occur again and again in these forms of social control, namely on the one hand the abuse of power and on the other hand the role of the relevant mentality.

The **abuse of power** met us on the upper level in the—not only characteristic of the emerging absolutism—elimination of all competing mechanisms of justice that stood in the way of the prosecution of such exceptional crimes, by royal decree or commissioner's order. And on the “professional” executive level we found this abuse in the total and willingly accepted, quasi-divine power of the exorcists.

On the **mental level** the almost insoluble interweaving of religiously motivated intrigue and profound religious conviction impresses; not only in front of a believing-unbelieving audience, but also in their own person; and that both with the “victims” and with the “perpetrators”. The former, the possessed, combined fraud with rehearsed role-playing—over the years they assigned quite specific grimaces and figures to each of their devils; but they also lived with a certain pleasure the monastic frustration in blameless blasphemies and “immoral” behavior, in order to finally, more or less “hypnotized”, follow the commands of their “god-like” masters.

And on the other side of the exorcists one “staged”—on this basis—the all-pervading convincing⁸⁹ **play**, but then falls victim to the fear of the afterlife punishment, becomes possessed by the possession himself, dies of fear of the spirit of Grandier or falls among the possessed in repentance and penance.⁹⁰ Only to then unexpectedly—on this mental basis—attribute this repentance to the malicious list of the devil, who only wanted to stir up unbelief with it; or to explain the failure of all tests of possession with the fact that the devils are simply too stupid to speak Latin correctly or are prevented from levitating by the—binding, unsolvable by the church—pact with Grandier, while at the same time their—but not preventable by such pacts—statements were recognized as court-valid truths. A deeply ambivalent existence, which finds the appropriate paradigm in the wonderful change of the prioress from the shamelessly possessed to the worshipped (quasi-)saint.⁹¹

10.1.5 An Interim Conclusion: Possession and Exorcism

“It was as if the intensely pious culture of Catholic cloisters and of gnesio-Lutheran parishes unintentionally created or cultivated a demonic personality through which the pious could experience and express their temptations, doubts, and repressed attachment to the world.” (Midelfort 1999: 79).

As a specifically **clerical instrument**, this particularly flourishing tandem of possessed-exorcist in the 16th/17th century can demonstrate the functioning and function of such cultural-ideological power potentials to us in a much more impressive way than the more worldly oriented *witch*-inquisitor-pair. This is first of all on the individual interaction level in the use and success of a common language, and then on a higher social level as an instrument in political power play.

The **cultural framework** used, as with *heretics* and *witches*, was still the same religious, now more strongly confessionally pronounced, mentality. In this context, in the transition to “modernity”—absolutist, urban, commercial, “scientific”—one wanted to defend one’s own “exorcistic” (in the true sense of the word), above all by the Jesuits represented, spiritual professional monopoly in the confessional competition in that the Catholic side “obviously” had the “better” healing techniques.

(1) Even more than in the case of *heretics* and *witches*, both parties involved here—exorcists and possessed persons—found a **common ‘language game’** in their often several months-long, if not years-long **interaction**, which fulfilled two conditions: On the one hand, it moved all the way into the names of the devils and the negative as well as positive hallucinations of the possessed persons, and, on the other hand, into the rampant (anti-) ‘sexualization’ of the other. This ‘language game’ took place within a **mentally predetermined framework**, which nevertheless left room for the possessed persons’⁹² own imaginative shaping—just as in the case of the immediately mentioned *witch children*. In a **‘language’** that was ‘mastered’ by the correspondingly trained professionals in a formative as well as shaped by them way and that enabled the possessed persons to make their ‘problems’—be they ‘real-psychiatric’ illnesses, religiously or sexually frustrated protests, or struggles for recognition—generally comprehensible:

“[P]ossession was a form of escape from the constraints imposed by authority and social convention, but it was not an effort to abolish or even reform such convention. [...] In the theatre of possession and exorcism demoniacs could express their frustrations and anxieties, but as in all theatrical productions, they were unable and

in many cases unwilling to change the social, political, or even the ecclesiastical order.” (Levack 2013: 190).

Namely, in a ‘language’ that, in a suggestive as well as autosuggestive way, can draw on a **predetermined reservoir** for a **wide range of ‘unconscious’** expressions all the way down into the physical—powerlessness, speech disorders, paralysis, typical grimaces and ‘shameless’ contortions:

„In these ways, it appears, German laymen and laywomen constructed an idiom in which to experience and express their religious doubts and their miseries, not an idiom that was purposely taught them by their priests and pastors, but a grammar for their experience of the world, made up of materials partly provided by jurists and theologians. Seen from this perspective, the history of demonomania, of diabolical obsession and possession, is the dark side of the history of piety.“⁹³

A validly experienced and effectively graspable reservoir,⁹⁴ which on the one hand convinces the exorcist in a *folie à deux* in the ‘regulated’ fixed exorcism ‘game’ and makes him play along with this ‘*folie*’ himself from time to time, even falling victim to it. And on the other hand, it allows and facilitates following group dynamics rules in the monastery as well as ‘jumping’ from monastery to monastery in a ‘fashionable’ way:

“All aspects of possession behaviour are in fact highly structured, even stereotyped, in terms of a variety of cultural codes and conventions. This is noticeable in the cultic aspects of the behaviour, or where what are taken to be professional skills are involved – as they are for instance in the self-induction of trance states, the interpretation of the pronouncements or demands made by possessing spirits, and the setting up of formal procedures for getting them to depart. Here, the themes of vocation, initiation, and discipline are natural uppermost. [...] Cultural modelling is, however, a feature of every aspect of possession, prescribing and controlling even its apparently most random and anarchic physical manifestations. The essential point is that ‘being possessed’ only makes sense in terms of the detailed features of a familiar and well-defined social persona – to whom, moreover, everyone else knows how to react.”⁹⁵

An overall **professional** event, which was supposed to particularly emphasize the role of possession in the final stage of the *witch* times in order to also provide a model for how in our ‘time of *madness*’ psychiatrists and *madmen*, therapists and patients, together with an infected ‘therapeutic society’, can find each other in a common ‘language game’.

For today as well as back then:

“Diseases are determined by cultural factors, health disorders by the social context of the patient. Even in deviation from the normal, the sick person has the usual in mind, and in the choice of symptoms he orients himself to given possibilities. So in every expression of a disease the prevailing idea of it enters; all sick people participate in the view of their suffering prevalent in their vicinity. Therefore, the naming of a disease is a kind of language game, in which the patient, his environment and those from whom healing is expected, are involved.”⁹⁶

(2) **In the more general political power game**, the Church, under secular pressure, relied on its remaining clerical competence for the ‘spiritual-religious’ possession. Its ‘exorcistic’, especially by the Jesuits represented professional monopoly, proved to be a still usable, but increasingly questioned power instrument in a fourfold defensive struggle.⁹⁷

An “ideological” power instrument that always, when it became “serious”, then nevertheless fell back on the “more real” *witch* burning: First, with respect to the “lower” competition⁹⁸ of the fraudsters, healers, village priests and doctors:⁹⁹ The *Instruction* of 1512 and the *Rituale Romanum* (1614). Then, in the municipal-political power struggle—of which the Paderborn example may be—or, on a higher level, in the Parisian attempt to nullify the Huguenot-favoring *Edict of Nantes*. But above all in the by no means only internal-religious confessional dispute.

While one could initially still resist the skepticism of **doctors** for a long time by recourse to their professional competitors,¹⁰⁰ and meet the ‘lower’ competition through professionalization and exclusion,¹⁰¹ one all too quickly found oneself in the situation in the ‘political’ power struggle—similar to and together with the *witch*-hunt—to be abused for quite secular purposes and, as in Paderborn or Salem, to be ended by them. This ‘**abuse**’ still determined the late Loudun case (1632-1637) described earlier in the background, while its early history can be impressively documented by Sarah Ferber (2004: 3rd chapter) for the role and the fate of Marthe Brossier (1599):

Marthe Brossier, 26 years old, acted with her family and various exorcists in public exorcisms equipped with official certificates as a ‘traveling demoniac’. At the end of the 35-year religious war¹⁰²—after the tolerant ‘*Edict of Nantes*’ of the former Protestant converted to Catholicism Henry IV. was ratified by the Parisian *Parlement*—the followers of Catholicism defeated in the war brought Marthe Brossier under the aegis of the Capuchins to Paris, which they still dominated, in order to stage the people against the king and *Parlement* in public exorcisms.¹⁰³ After several, controversial medical examinations and the vigorous intervention of well-known clerics,

the *Parlement* sentenced Marthe to two months in prison and then expelled her from Paris. Jacques-Auguste de Thou, *Parlement*-President, wrote: “Who knows if this was not . . . done to move the spirits of the people and to excite sedition in the principal city of the kingdom, from which the example will pass to others? . . . In the heat of these disputes and contestations, it is not possible to say how much the union and concord was broken and the affections of all divided’. [...] Brossier was for both sides, it seems, a vehicle of domestic diplomacy, but little more.” (Ferber 2004: 59).

(3) The main weight of these defense battles was, ‘naturally’, in this **confessional dispute**; not only between Catholics and Protestants, which remained undecided in Germany, but in France in a two-front battle of the Gallican-French Catholics (*politiques*), who were represented by Henry IV and the *Parlement*, on the one hand, against the Jesuit-Catholic *Zealots* aligned with Rome and Spain, and the Protestant Huguenots on the other, which ended successfully with their expulsion, but could not prevent secularization. A two-front battle, as it was fought in a similar way in England between Anglicans, Catholics and Puritans (see below Sect. 12.1.2), which ultimately ended in Salem for the Puritans who had emigrated there:

“To secular governments manifestations of religious enthusiasm represented a threat to civil order, a concern that Hobbes had expressed in the middle of the seventeenth century. [...] In the final analysis the modern bureaucratic state has proved to be the most effective restraint on ecclesiastical authorities who allowed possession and exorcisms to proceed. Those authorities might have wished to limit them at various times, but their efforts were undermined by their reluctance to discredit the entire phenomenon.” (Levack 2013: 239).

In this defensive battle, as mentioned, the demonstrative appearance of the exorcised devils was supposed to provide the ‘mental’ still accepted, visibly legitimizing proof of the physical existence of spiritual beings (see above: 2.5 (3)). A **proof**, which was actually used in the interplay between clerical propaganda¹⁰⁴ and the resulting need in the population—as well as (and together with) the *witch*-hunt—with the double goal, on the one hand, to prove the superiority of one’s own confession: “most notably by displaying the triumph of the Host as a means of exorcism”—and on the other hand, to give the devil the chance to defame the ‘opponent’¹⁰⁵ or to denounce him as a *witch* and to bind the population to himself; which in turn could increase their need for exorcistic healing:

“The effectiveness of Catholic exorcisms helps to explain the increase in demand for them, and that demand created a psychological disposition in the demoniac that was conducive to a cure. This demand also explains why there were so many Catholic

possessions, there is little evidence of a corresponding Protestant demand.” (Levack 2013: 112).

Rather, the Protestants used the practice of exorcism themselves as a welcome proof of the magical-blasphemous backwardness of Catholicism.

An overall professionally expressed event, which should then re-evaluate the role of child-*witches* in the final stage of the *witch*-time, in order to at the same time provide a model for how to deal with such ‘evil’ children in our time.¹⁰⁶

10.2 Child-Witches¹⁰⁷

In the *New Newspaper of Six Hundred Witches*, Bamberg 1630, it says: “There are some girls of seven, eight, nine and ten years old, among these sorceresses, of which twenty-two have been executed and burned, as they have screamed over the mother, who has taught them such devilish art.” (Behringer 2000: 263).

In the course of the *witch*-hunt, children assumed quite different, but always emotionally particularly effective roles in three different variations:

- First, they were the **victims** of the *witches*. Originally as a kidnapped, slaughtered or exhumed evidence for the particularly abhorrent ‘child-cannibalistic’¹⁰⁸ *witch*-practice.¹⁰⁹ Then as one of the typical victims of the *maleficia*, beaten or bewitched. And finally, as in the Salem case described above, as a bewitched, possessed girl, who, herself innocent, was not in question as a *witch*.
- But they were also considered to be particularly sought-after **witnesses**¹¹⁰—as in the case described above from Calw (1683)—because these ‘innocent’ children did not lie—“Children and fools tell the truth”:¹¹¹

„Their first statements initially placed the children quite outside the context of the court: They did not speak to judges when they first talked about witchcraft and the Sabbath, but with other children, neighbors and relatives. In stark contrast to adult suspects of witchcraft, it seemed as if children were naively divulging the secrets of the witch group, both the spells and the identity of the witches.” (Dillinger 2013: 103).

They could speak freely about their Sabbat experiences, because they had been kidnapped or because they were not yet criminally responsible. And, “encouraged by the constant witch burnings” (Behringer 1989: 34), they could—without

torture—joyfully and inventively vary the *witch* myths they had overheard¹¹² and thus confirm them. This applied to the Salem girls as well as to the fulminant beginning of numerous excessive *witch* hunts:

„The role of children as triggers of witch trials has so far been hardly appreciated in secondary literature. However, it can be observed that the fantasies of children played an important role in many spectacular persecutions. Only the beginning of the Kurtrier processes 1585, Ellwangen 1611, Würzburg 1628, the first witch executions in the imperial city of Augsburg 1625, the last mass processes in southwest Germany and Sweden, in the USA and in Bavaria should be mentioned here.” (Behringer 1988: 176).¹¹³

- Finally, however, children could also be—especially towards the end of the *witch*-hunts—**perpetrators** themselves.¹¹⁴ On the one hand, because and if one assumed that *witchcraft*—similar to later “drunkenness”—could be transmitted, learned¹¹⁵ or inherited.¹¹⁶ And on the other hand, because they had “dedicated themselves to the devil of their own accord”. Whether out of carelessness, fear or imagination—**they confessed to it themselves**.¹¹⁷ Whereby a such “confession” as ‘*regina probationum*’ always counted as proof of truth, compare for example the ratio numbers of the fanaticized Würzburg persecution of the years 1627-1629 with 74% adults and 26% children.¹¹⁸ As an example of this, I will first go into the Augsburg individual cases and then into the Swedish-Protestant Mora excesses. Or because they had aligned themselves with the turbulent post-war period and the slowly fading *witch*-hunt at the end of the 17th century as annoying **street gangs of juvenile delinquents**, for which I would like to cite the Austrian-Catholic process against the Jackl-gang:

“As far as can be seen, young women or children between the ages of 9 and 17, who accused themselves or close relatives of witchcraft, were always at the center of the last witch trials that led to executions. The average age of the six witch girls who were at the center of the trials in Landshut, Straubing, Burghausen and Mühldorf / Salzburg was 13.5 years. Men or ‘Zauberbuben’ were not executed between 1749 and 1756, as far as can be said at the present state of research, nor were very old women apparently,” says Behringer (1988: 359) for the Bavarian area.

This already appeared at the height of the persecution wave during the 30-year war in 1629 in the residence of the Archbishop of Mainz a *Newer Tractat Of the Seduced Children Witchcraft*,¹¹⁹ which showed concern—as early as then—about the increase in child *witches*:¹²⁰

“The author asserted that the first reason for such conditions was the sins of the parents, for whom witch-children were a fitting punishment. But more important, such witchcraft was due to the sins of the children themselves. One should not think that they were innocent merely because they were young. Their cursing, coveting, and immoral words and games were proof enough that these children had fallen into mortal sin. The only reason children in general were presumed innocent was their imperfect reason. When they came to full reason ‘and know the difference in value between gold and an apple’, then they might be treated as adults. In addition, hardened malice could ‘supply their years’ and bring them into mortal sin.” (Midelfort 1972: 140, 252).¹²¹

The anonymous author follows here perhaps Jean Bodin (1580) and Peter Binsfeld (†1598),¹²² who both provided for—moderate—torture and the death penalty for minors:

“A young child of eleven years, who with a stone has killed a little daughter, and thereafter [...] was led to the gallows and hanged, how much more justly should one then punish a magical child, which has reached its fourteenth year, when it has held assemblies with the devils.”

“But one may well moderate the punishment of fire, to which one is otherwise accustomed to condemn those of older age [here the twelve-year-old girls are meant, who are ‘married to the Satan’ with the attainment of this age. KR].” (Bodin according to Rau 2006: 86).

10.2.1 Augsburg Children-Witch-Processes¹²³

After the children were first held in solitary confinement ‘in the iron’, so that “four of the children, aged seven, eight and ten, begged on 6 and 7 April 1724 that they might be allowed to die at last,” “all the witch children were transferred to the hospital.” (Rau 2006: 312).

In the imperial city of Augsburg, which, in contrast to the neighboring diocese of Augsburg, as mentioned above (1.1 (3)), had relatively few *witch* trials, in the end the child *witch* trials predominated.

In the comparatively late witch-hunt in Augsburg, after the 30-year war between 1649 and 1730, 45 children—32 boys and 13 girls with an average age of 11 to 12 years, 53% between 7 and 10 years old (Rau 2006: 113 ff.)—were involved in witch trials, which corresponded to a share of 60% of the witch trials in the imperial city (ibid.: 109, 111). In these proceedings, first in 1625 and 1680 each a 16-year-old girl and a 17-year-old boy were executed, while finally—as the conclusion of the entire Augsburg witch trials—a group of 33 children between 7 and 17 years in the time from 1723 to 1730 had to sit in prison, hospital or jail for up to 6 years.

(1) In two proceedings at the beginning of the 30-year war a 11-year-old girl, Maria Braun 1625, and a 9- to 10-year-old girl, Ephrosina Schweber, 1630, each tried to cover up a small theft by referring to the devil.

Maria Braun, reported to the authorities by her father¹²⁴—“It would therefore probably be best if one took the child into custody, examined and interrogated it officially because of the suspicion of witchcraft. For this he also earnestly implores ‘umb dere Obrigkeitlichen hilff und Beistandt’” (Rau 2006: 131)—at first accuses her 53-year-old aunt of seducing her, only to then denounce her own mother as a *witch*. All three are imprisoned; after an moving confrontation between daughter and mother, in which the daughter maintains her accusation, the mother is tortured 4 times over a period of 6 weeks, during which she ‘remains tearless,¹²⁵ so that in the end she has to admit to being a witch for 4 years and seducing her daughter. She is—after a failed escape attempt—executed, the aunt is exonerated and released, and Maria, after her father’s remarriage, is released from prison after 7 months: “Vermainen, allem ansehen nach, es sey alles was das medle ietzt gesagt, lauter Fabelwerckh vnd ain erdichts kindisch wesen.” (Ibid.: 173).

Maria, often punished in vain by her mother—“once even with 20 ‘strokes’, so that her mother’s hand would have hurt a lot. However, the punishments had not helped much” (ibid.: 132)—according to her mother “got into trouble with the Evil Enemy by cursing him”, because “the daughter had always been such a disobedient child that one could only have dealt with her by cursing her with ‘heavy and great earnestness.’” (Ibid.: 162).

Cheerful and consistently Maria fabulates about her lover ‘*HannsHundsCäsperle*’¹²⁶, about the concluded pact:

“Then the Evil Spirit said to her, now you have no God anymore, now you can no longer pray, you also have no father and mother anymore, I am your father.” “This prescription is said to have been made with the old devil, who cut her with a knife in the thumb of her right hand and with the blood flowing out wrote something in a book.” But no cut or scar could be found (ibid.: 136 f.).

In addition, she had been “taken six times on the fork to the high court and also six times to meals elsewhere, twice on a cat and once on a billy goat, which she even had to kiss” (ibid.: 142) by her mother after her “training.” Finally, in prison now, she had seen a “white angel” with two large wings and a small red beard appear to her, who admonished her to tell the truth, which is why she now had to accuse her mother. What astonished the authorities was “how the child could be visited in such a well-guarded prison by an angel without this being noticed by the guards” (ibid.: 142).

In the second “pre-war” case, the little **Ephrosina** 1630 accused her 57-year-old grandmother, as stated in the log, of “waking up the grandchild who had been sleeping for some time and telling her to get up, get dressed, and steal money from the master’s breeches pocket,” and of “offering to take her for a ride on a witch’s fork” (ibid.: 180f.). The granddaughter retracted, the arrested grandmother was released without conditions, and “the city council imposed a whipping punishment to be carried out by her master Elia Maystetter” (ibid.: 183) on Ephrosina.

(2) After a longer break during the 30-year war, during which the city had lost more than half of its population through hunger, plague, and war, (ibid.: 186) five more child trials disturbed the city in different, but overall quite typical ways, driven by the Lutheran-Pietist theologian and preacher Theophil Gottlieb Spitzel,¹²⁷:

- 1654 the 16-year-old Barbara Frölin is executed together with the 64-year-old Anna Schäfer, because they had killed the possessed Maria Pihler with demonic means during exorcisms, which had led to the death of Maria. The Carmelite monk, Father Franziskus, who had exorcised Maria to death, “climbed the pulpit the next day and announced to the assembled churchgoers”:

“that the deceased Maria Pihler had been a witch. This fact had been confessed to him by the girl herself, that she had committed adultery with the devil. Furthermore, she had revealed to him that the young Barbara and the old Anna Schäffler, who were now in prison, were also witches. He had taken all necessary measures to free Maria Pihler from the devil by means of spiritual ceremonies, But the two other witches had successfully used all their magic against it” (ibid.: 210).

- 1661 the 14-year-old, voluntary confessing Johannes Lutzenberger, who had already broken off two apprenticeships, is reported by two concerned parent couples, because he had devilish seduced their 8- to 10-year-old children, in which money had appeared. Because of his “puberty”¹²⁸ he is released after repentance:

“[He] should be released from prison in view of his blooming youth, reported rejection of the evil enemy and shown improvement of his life, but at home be whipped sensibly by his father in the presence of a city servant and finally be kept at home for at least a quarter of a year and be driven there to fear of God and all good.” (ibid.: 236 f.).

- In 1680, the former 17-year-old Jesuit student and student Veit Karg, “who had led a rather unrestrained life outside the imperial city. Begging, companionship, drinking, gambling, fornication were apparently his main occupations.” (Ibid.: 270). He was sentenced to death, *inter alia*, for theft, church theft, fraud and arson—in which 15 houses went up in flames—after the torture confession,

“because of the denial of the Holy Trinity and all the saints, as well as because he entered into an alliance with the evil enemy, and promised him with mouth and hand to be his, and to believe and do what he would grant him, and then that he committed various attacks and thefts, out of grace with the sword and bloody hand from life to death.” (Ibid.: 267).

- In 1685, the nine-year-old Caspar Meyer, who had set fire to the house in which his stepmother lived, confessed that he had been seduced by three witches who were already in prison when he was four years old. He has to take part in their execution, demands after 6 months in prison “one should prepare a bath for him, in which one should take away his ‘displeasure and discontent’ by opening his veins and gradually bleeding to death.”¹²⁹ His further fate is unknown (ibid.: 279).
- Finally, in 1690, the 17-year-old, ‘melancholy’, suicide-endangered and initially confessing Jacob Schmidt was accused of witchcraft by the 20-year-old Juditha Wagner, who was known to him and was in prison, but was then exonerated by her after confrontation. She is executed, he “is handed over to the master or wherever he would stay again for diligent supervision.” (Ibid.: 292).

(3) In 1723, finally, two citizens showed the **ten-year-old foster child David Kopf** with the claim that he had ‘committed himself to the devil and practiced witchcraft.’ With the seamstress, the ‘crooked Cäthe,’ he would go to the witch’s dance. Also his two siblings, the fifteen-year-old Juliana and the seven-year-old Anton, as well as four children of his father’s brother, were ‘seduced devil’s children’ (ibid.: 296 f.). Further complaints of concerned parents—“it has come so far that even parents have reported their own tender children to the authorities, and also delivered them to life imprisonment if necessary”—led to the fact that finally, by 1730, 33 children aged 7 to 17 years, from middle-class crafts families, who went to the same school, were kept in prison, hospital or workhouse,¹³⁰ to further infections to avoid.¹³¹

The complaints initially concerned ‘immoral’ behavior, which they continued during their imprisonment:

“The Satan had committed adultery with the boy just this morning in the guise of a maid” complain the parents of the seven-year-old Johann Fischer. And the mother of the nine-year-old Anna Gruber had “on the orders of the confessor [...] had to examine her apparently seduced daughter and found two conspicuous small brown spots on the genitals.” “Therefore she feared a consummated devil’s adultery of her young daughter.” When the examination by two midwives only found a birthmark, the ‘untouched’ daughter protested: “This sign was imprinted on her by the evil enemy, so she did not hurt her, it.: she with his hands or claws on the body reached in (‘an den Leib hineingelangt’), so she did well, and committed adultery with her.” (Ibid.: 301 ff.).

But the children had also ‘diabolical’ gunpowder ¹³² put in their parents’ beds to ‘inflict intolerable pain and suffering’ on their parents.

The city council, which since the Peace of Westphalia (1648) had been equally divided between the two confessions but was nevertheless united, asked the faculty of law at Heidelberg University for an expert opinion, which, after a long period of hesitation, was finally delivered in 1726. This opinion confirmed the death penalty “whenever a pact is made with the devil and adultery is committed, even if no one is harmed.” However, the children should not be put to death

if they “show signs of improvement and have been badly brought up or led astray.” They could then “be returned to their parents in the fear of God.” The other children, however, should be “kept in the custody of the magistrate at the expense of the treasury, in separate and well-guarded quarters, and with the care of a spiritual advisor, until their improvement or incorrigibility has been sufficiently ascertained.” (Ibid.: 316f.)

Although “the accused and confessing children were basically considered incorrigible by their parents, teachers, and masters,”¹³⁴ they were gradually released. The seamstress Catharina Rufin, who had been accused and called a witch by all the children, and who had waited in vain for six months to be interrogated, was released and banished from the city.

The two boys who had been accused of witchcraft, David Kopf and Gottfried Betz, were the last to be released. They were now 16 and 22 years old and confessed that they were willing to confess the truth now:

“They had never been involved in witchcraft, never taken part in witch’s Sabbath rides, and had never been led astray by the seamstress Catharina Rufin. David Kopf also confessed that he had made his earlier statements only because he ‘had been

beaten with a stick by his godfather, the vicar, accused of witchcraft, thrown into the Catholic prison, and beaten there, and threatened with harsher punishment if he did not confess to witchcraft.” (Ibid.: 319 f.)

(4) Although only a few trials took place during these 100 years between 1625 and 1730, and even fewer people were executed, the long-term continuity and the increasing focus on child- and male-oriented *witchcraft* are noteworthy.

Like children caught in a close-knit web, these children become ensnared in an *evil* witch’s matrix, in which they are either falsely accused of being a *witch*—Barbara Frölin and Jacob Schmidt—or else their parents and foster parents seek help from the authorities; be it because of child theft or arson, be it because of a broken apprenticeship or because of a ‘lazy tramp’s life,’ all the way to group dynamic mischief, which is so reminiscent of Tom Sawyer’s ‘gang of robbers’ in Mark Twain’s *Adventures of Huckleberry Finn* (1884) (Stephens 2003: 624) or of the ‘Duke Park gang’ of Munich children from the Thomas Mann family,¹³⁵ or to the shared ‘doctor’s game’, in which the sexually charged model of the Teufelsbuhlschaft is now ‘broken down’ to the level of children:

“The interest in these conspicuous Augsburg children arose from the conviction of the existence of an evil power in the child, not from the belief in the innocence of children. In dealing with the fantasies of adolescents, the main focus was on their self-gratification,” a topic which then, at that time—“the English treatise *Onania* appeared in the first decade of the 18th century, its German translation in 1736” (Roper 2007: 298)—leads directly into the ‘time of the *insane*.’

In a *hexerischen* matrix, to which all participants adhere, in order to drive it forward for another century. A hegemonial matrix, which can not only shape thinking and even childlike imagination,¹³⁶ but also, deeply emotionally anchored, provokes actions full of fear and anxiety: The clergy, who justify their deadly exorcism from the pulpit, Spitzel who preaches the corruption of the children or the confessor who forces the mother to look at the devil’s mark;¹³⁷ the university faculty of law, which in the first half of the 18th century still wavers between the death sentence for a 64-year-old woman and the religious-educational custody of these conspicuous children, while the urban patrician council, over the course of these 100 years, progresses from the “pinching with the glowing tongs” of the condemned 64-year-old Anna Schäfer to this very religious-educational custody of these conspicuous children. And for both parents and their children, who both use this *witch*-matrix in their own way as a self-evident, nearby instrument, as an explanation or excuse for the conspicuous behavior, but also as a reservoir and playing field for their own believed fantasies, lies and “power-demonstration”:¹³⁸

“Both—adults and children—play with the devil in their own way. While pastors, teachers and parents use Satan as an instrument to generate pressure and threat, horror and fear, and try to enforce their teachings and morality with his help, the Reutlinger children-hexen¹³⁹ come up with the idea of letting the devil speak for them. With this they catch up with the pious adults with their own methods. However, the revelations of the Satan speaking from the children plunge the adults into horror and uproar.” (Weber 2000: 39).

Up to the “voluntary”, fantastically embellished **self-incrimination** that can arouse the (missing?) attention of the parents and the demands of the frightened public in all reported cases, as well as the efforts of an authority that is still “helpless” in these matters, as long as the child’s statements corresponded to their own *witch*-belief:

“The protocols of the proceedings show that the accusations of the Augsburg child witches finally convinced the representatives of the imperial city’s authorities in every case that there must indeed be cases of witchcraft, pact with the devil and intercourse with the devil, which they would have to pursue and sentence accordingly. The own ideas of the incumbent mayor and the interrogating representatives of the city council about witchcraft and pact with the devil had obviously prevented them from dismissing the children’s accusations as mere figments of the imagination and illusions of the senses, since the charges obviously had the appearance of credibility,” Kurt Rau (2006: 420) concludes his analysis, which I have largely followed in the last section.

10.2.2 The Mora Excesses in Sweden (1668-1676)¹⁴⁰

“Numerous little girls gave evidence against their grandmothers, mothers, and older sisters.” (Ankarloo 1990: 312).

The **Lutheran Sweden**—next to Denmark one of the two Scandinavian great powers of this time—took over the continental *witch*-schema in its universities from the middle of the 17th century and followed the continental moral concepts with regard to pomp, sexual behavior and forbidden begging since the ordinances of 1664—that is, shortly before the Mora excesses. In its *witch*-justice it resembled the tolerant Danish model—accusatory procedure, liability only in case of proven damage, torture only in exceptional cases and since 1614 presentation to the appellate court in Stockholm if a death sentence was to be imposed.¹⁴¹

In this situation, a regular *witch* panic broke out in the northern coastal provinces of Sweden from 1668 to 1676—relatively late compared to the continental

climax—which, like an avalanche, also engulfed the Finnish and Baltic provinces under Swedish rule and collapsed all the well-established legal safeguards temporarily. In it, 740 ‘quite average’ women and 116 men were convicted, including 37 women and 6 men beheaded and then burned. In this persecution, ‘hundreds’, if not ‘thousands’ of **children and adolescents** played a central role, first as victims, then as witnesses and finally as convicted *witches*.

The panic was triggered in 1668 in **Darlana/Mora**, north of Stockholm, by children who showed signs of possession and who told very vividly how they were abducted by adults to the Sabbath on Blåkulla (comparable to our ‘Blocksberg’).¹⁴² The parents who panicked as a result stormed the willing local courts, which were occupied by village dignitaries and pastors, and then turned to the king, who appointed several royal commissioners during these eight years to deal with the overwhelming number of indictments:

“At the beginning of the troubles in Dalarna, the local bailiff reported that ‘he had been asked by the elders of the parish as well as the vicar and the county sheriff to start the procedures [...] he was approached by the parents of the transvected [flown away] children, who were in great anxiety and lamentation, humbly and sadly complaining that their tender, helpless and simple children are being seduced by the old witches to submit the power of Satan ... and that they want all this to come to the attention of the authorities and with all due respect they demand, that if the old ones are not exterminated, it is to be feared, that all this will go further than anyone can believe’.” (Ankarloo 1990: 308).

The ‘children’, often destitute orphans, made up the majority of the witnesses, whose statements were then divided proportionately so that:

“a 5-year-old child may have been considered as one-tenth of a witness, a 14-year-old as at least half. By adding the fractions the stipulated two whole witnesses were soon arrived at. It was not unusual for twenty thirty, or forty children to give testimony against the same witch.” (Ibid.: 303).

They developed, partly paid, partly also working extortionately, into regular *witch* hunters, who could recognize *witches*—as in Spain at that time—by only their visible signs in the eyes. Whereby they carried their accusations into the neighboring areas until finally Stockholm itself was threatened.

First, the appellate court, which had previously relied only on written reports, intervened with its own interrogations, and finally these ‘children’ confessed their lies in court, whereupon all proceedings were abruptly discontinued and finally four of these witnesses, including a 13-year-old, were executed.

In contrast to the Salem trials described above, also ‘youths’ were sentenced in the Mora trials. Thus, in the first series of trials in 1668, 18 people were sentenced to death by the lower courts, including four under 15 years of age, of which the appellate court confirmed 7 verdicts. Other youths had to appear in front of the church portal for a year to be punished there.

In the course of these trials, the higher level was only able to maintain control with difficulty in its relationship to the rural courts, in which above all the Lutheran pastors set the tone, so that the previously valid legal controls were at least temporarily suspended. This applied, for example, to the ban on torture or to the ban on hearing witnesses under the age of 15. This proved to be all the more fateful because these witnesses—who were considered innocent and incapable of lying (*doli incapaces*)—were accommodated together in ‘wake-houses’ for their protection, where they could agree on the details of their statements under the guidance of some leading youths.

10.2.3 The Zauberbuben-Prozesse in Bayern (1675–1740)

“The persecution, expulsion and destruction of the beggar children therefore occupied a special position in the 17th and 18th centuries in the struggle of the church and the authorities against minority groups deviating from the norm, rebellious and apparently or actually involved in magical practices.” (Weber 2000: 221).

A completely different, ‘more modern’ variant is offered by the Austrian-Bavarian ‘wizard-boy-trials’ between 1680 and 1740, in which predominantly **male children-youth gangs** in a way formed the conclusion of the European *witch-trials*:¹⁴⁴

“Slowly age and sex came to matter less, leaving society with no protective stereotypes, no sure way of telling who might be, and who could not be, a witch.”¹⁴⁵

(1) The best known, and almost legendary, is the Salzburg **Zauber-Jackl-Prozess**, in which between 1675 and 1681 198 people were tried, of which 139 people—2/3 male—were sentenced to death, including 39 children between 10 and 14 years and 53 adolescents between 15 and 21 years (Schormann 1991: 105).¹⁴⁷ Jackl, Jacob Koller, who allegedly was never caught himself, is said to have led a larger, but loosely connected group of thieving vagabonds and beggars as the son of a *witch*, Barbara Koller, who was burned at the beginning of the series of trials, and a roofer; he allegedly pretended to be able to perform

magic, to cause weather-magic and to make himself invisible. “The way of life of the gangs meant that real delinquency mixed with harmless begging, sleight of hand tricks and elaborate ideas about the possibility of magic and witchcraft.” (Behringer 1988: 353):

“They unanimously confessed that, driven by the wretched wit and desire to know how to make small mice, rats, etc.¹⁴⁹, they had gone with the so-called Zauber-Jaggl to the next meadow outside the city on the side, where suddenly a black man had stood, with a rough and black face, and claws on his hands and feet, this one had asked them, maleficants, for their names, and with a knife he carried with him had made a cut in the little finger of their left hand, had caught the blood, and with it had written their names in a black book.”

Stolen hosts they had “on the instigation of the Zauber-Jaeggel and the devil stabbed with the knife, until the blood had often flowed out”¹⁵⁰ and on the Sabbath “many tables had been set with food of boiled and roasted, and they had been treated with the best wine etc. After the meal they had danced with each other, and indeed each with his mistress, but had soon gone to the side, and with the devils, as their supposed lovers, had committed the sin *etiam inversa venere*, in which shameful mixture they had sometimes played the role of incubi, sometimes of succubi,” writes the preacher Theophil Spitzel from Augsburg in *Die gebrochene Macht der Finsterniß* (1687) (Behringer 2000: 426 f.).

This, in its core on 16 months—between December 1677 and March 1678—condensed process series repeated, to half a century shifted, the model of the ‘classical’ Franconian persecutions (see above: Sect. 9.3 and 9.4) in a ‘more modern’, early-absolutist guise with the novel target group of vagrant begging:

“By declaring the beggars to be witches, she announced the end of the paternalistic poor policy of which the beggar had been the symbolic figure.”¹⁵¹

In the previously largely persecution-free, independent imperial territory of Salzburg¹⁵² the bishop Max Gandolf (1668-1687)—again ‘pastoral’—appointed as landgrave began to organize his already quite centralized rule administratively and judicially more efficiently, whereby—under religious-moral claim¹⁵³—the school-religious youth and the little successful poverty policy¹⁵⁴ were in the foreground:

“In Austria, this process of social disciplining was reflected in the form of police regulations as a fundamental process of the 17th century. Spontaneously expressed blasphemies, so-called ‘careless life’ and illegitimate begging were punishable by law in the newly enacted ‘police ordinances’, and for the all-encompassing improvement of the subjects, the various authorities ordered the mandatory attendance of the Counter-Reformation sermon.” (Schulte 2000: 257).

The criminal jurisdiction lay in the hands of the collegial court council, the final judgment in the hands of the archbishop. The execution of the proceedings was the responsibility of a permanent member of the court council; the subordinate city, country and care courts were obliged to report, they received interrogation instructions and transferred the prisoner to the Salzburg city court. In this context, the court council member Dr. Sebastian Zillner, who was also responsible for the morality and begging policy as well as the alms chamber, dominated as the “leading witch commissioner” to a large extent the essential phases of the process series. In the course of which he developed a standardized “special interrogation”, which increasingly served to accelerate the overcrowding of the prisons¹⁵⁵ and contained “popular ideas of sorcery, but was determined by the learned discourse on witchcraft.” (Mülleder 2009: 374). In addition to the question of contacts with Jackl, who was stylized as a “wizard” and *seducer of the youth*, there were about 20 questions:

“Establishment of a devil’s pact on the mediation of Jackl, apostasy, desecration of images of saints, desecration of hosts, witch flight, participation in the witch dance with devil’s consort and devil worship, visit of the devil during imprisonment, malicious magic on humans and animals, weather magic, cellar driving (‘Kellerfahren’), production of small animals as well as sexual intercourse with animals.”¹⁵⁶

Weakened by exhausting imprisonment, threatened with torture, a deadly “compulsion to confess” arose, from which hardly any of the accused could escape. When the persecution also extended to “settled” and “disreputable talk” spread in the population, the prince-bishop intervened with stricter process rules,¹⁵⁷ which initially led to a “brutal finale” with increased use of torture, in order to “run out again and again in the 80s with witch trials against members of the lowest social classes.” (Mülleder 2009: 376).

(2) These conjurer processes spread throughout Austria¹⁵⁸ and over a large part of eastern Upper and Lower Bavaria and reached 1715-1717 in the west, inter alia, the area around the **bishopric (Hochstift) Freising**, a ‘medium-sized’ small town with 2500 to 3000 inhabitants (Beck 2012: 25), in which a total of 56 male juveniles, almost all under 20 years old, four adults, including two women, were sentenced in nine processes, in order to finally 1740 and 1755 expire in two last processes now without further executions. (Behringer 1988: 354). Two of these Freisinger children-*witch*-processes are exemplary analyzed by Rainer Beck in his book *Mäusemacher* (‘mousemaker’) (2012).

In the **first process 1715-1717** three minor beggar boys were executed—after the 11-year-old ‘main perpetrator’ Andre Trudenfanger had committed suicide in his cell, and his ‘accomplice’ Antoni Kastner had ‘died of a disease’ there—while two less involved city boys were spared. Originally arrested for magical ‘mouse making’, but without further consequences (*maleficia*), they produced, in the course of their two-year interrogations, in the opinion of the interrogating ‘city and welfare judge’, all the components of the *witch* crime—pact, *witch* dance, lewdness and blasphemy. The final opinion of the city ‘ban judge’—who quoted all demonologists, but not Thomasius—emphasized the ‘wickedness’ of the boys: this “suited the attribution of an inner corruption, which one did not even have to prove to the individual on the basis of criminal acts”:

“And such ‘malice’, which was important for their criminal consequences, indicated something like a social danger of the inquisits (‘accused’), and was thus of prognostic relevance. Miesenböck’s confessions of witchcraft and his brazen quips did not only reveal a ‘great’ but a ‘wickedness’, which, as Rumpfinger pointed out, ‘replaced the age’ and was so deeply rooted that in him ‘not the slightest hope of conversion or improvement’ could be seen. [...] The accused had offended the honor of God, which in itself already demanded their execution as a form of reparation. But the lack of hope for improvement, for a kind of ‘resocialization’, made a responsible reaction even more urgent, since the wickedness of the accused would continue to grow and infect others. The ban judge referred to a rule according to which ‘such malicious boys’, ‘especially because there is no hope of improvement whatsoever with such’, ‘must be uprooted and removed from the side’. “Since evil was also bad for the bad guy himself—his soul’s salvation—it was best, and also merciful, to kill him to everyone’s advantage. A social eugenics motivated by pragmatism as well as Christianity.” (Beck 2012: 351 f., 357).

One of the two city boys released in the first process, Veit Adlwart, now 17 years old,¹⁵⁹ formed the core of the **second process phase from 1721-1723**, in which a total of 18 boys from 11 to 17 years old were arrested one after the other, of whom 6 were strangled or beheaded and burned:

“It seems that it was a society of not excessively ‘accommodating’ or upwardly mobile children and adolescents who had one way or another mostly had something to do with each other.” (Beck 2012: 419 f.).

These ‘street urchins’ boys were first arrested for minor thefts, harassment of churchgoers and other mischief, but then also because Veit or they had seen each other at *witch* dances, in detention. But one found the typical *witch*-acts ‘a few weeks after its opening’:

“A case of ‘mature’, in a certain sense classical, just male witchcraft: pact, intercourse with the evil, participation in the witch dance, weather making, spell on people, abuse or desecration of the host. [...] In addition, there were the countless unassuming services that the devil let his under devils do for the inquisitors. The boys’ crime consisted not only in their own and apparent acts, but also in what they allowed themselves to be used for or what pleased their hearts.” (Beck 2012: 480).

One confessed, retracted possibly several times, in order to avoid the execution, which was only possible with ‘voluntary public confession’, and then, after threatened or carried out torture,¹⁶⁰ to confess again. They reported on their meetings in a down-to-earth and imaginative way:

“They were well-known, normal places where the accused had dealings with the devil; they had been everyday situations in which they had called him or he had interfered in their activities; they had been random encounters or games in which one had incited the other to go over the Isar bridge to make mice or the Jodl had suggested making a ‘weather’.” (Beck 2012: 603 f).

They playfully took over magic fantasies “of a contemporary children’s and youth culture” or pictures from the showman’s business, as one could see them on the church fairs, up to the possible role-playing à la Tom Sawyer, in which they possibly played the repeatedly mentioned ‘devil’s pact’ as an initiation rite:

“Even in several confessions, a joy in fantastic scenes and adventures seems to break through. For example, in an illustrative outing by Georg Schrotte in the style of such ‘fiction’, which one imagined such that an upper devil riding on an exotic camel, who let the sounds of a hunting horn resound, and a riding fun devil with a billy goat, who held burning splinters or torches aloft for illumination, escorted two boys sitting on oven forks through the air.” (Beck 2012: 651).

The focus increasingly shifted to their “childish **pseudo-homosexuality**”, which defined 11-year-old Mathias Widman as a “habitual offender of unnatural carnal lust” (ibid.: 702) or accused Veit Adlwart of “masturbating with the devil and, climax of the whole, sharing his bed with a deviless.” (ibid.: 715).

The, in the time of the generally declining *witch*-persecution appropriate change was initially initiated by confessors, supported by the father of Mathias’s input, and indicated by occasional dissent in the city council. The breakthrough came when the competent Bann-lawyer, who had pleaded for a death sentence in the previous 6 cases, unexpectedly dismantled the *witchcraft*-evidence in front of the city council in the case of Mathias and, dropped his admitted, death-worthy “unnatural running lust” because of his immaturity (*impuber*) (Beck 2012: 828).

Gradually, the other inquisitors were not ‘acquitted’, but ‘transferred to spiritual education’, that is, left to monastic education (Beck 2012: 875): “Such education, detention and/or deportation measures can be observed in many places in the late 17th and early 18th centuries. Historians occasionally speak in this context of contemporary pastoralization or pedagogization tendencies, which can be understood as a certain humanization of the way in which conspicuous, especially in witchcraft accusations entangled youths were dealt with, who were no longer necessarily killed, but were now trying to bring them back on the right path.” (Beck 2012: 889).

You can really see them in front of you, these ragged, neglected, begging street gangs of youths, playing with the *witch*-fears of their environment, dreaming of richly stocked feasts and free love play, and then, at the word, but hardly taken seriously anymore, eliminated for lack of other alternatives:¹⁶¹

“The accusation of sorcery and witchcraft served as an argument for the radicalization of their persecution. If, for example, vagrant and rogue children could not only be found begging and stealing, but could also be convicted as sorcerer’s apprentices and child witches, they did not have to be integrated into society through labor and religious education. It was easier to just get rid of them.” (Weber 2000: 221).¹⁶²

10.2.4 Interim Conclusion: Children, Adolescents As a “Social Problem”

“Let us sum up: a large part of the processes or inquisitions against children was due to deprivation, the associated self-stigmatization, to simple self-importance, to the taking up of the magical world into the child’s world of play, and finally to the conscious use of such a child by adults.” (Walz 1994: 219).

A long way from the originally power-political sorcery in the 14th and 15th centuries, in which the allegedly kidnapped children were supposed to serve in the production of a *witch*-salve, to the power-political farce of Loudun and the “child-belief” still taken seriously by the population in the late periphery of Swedish Mora, in New England Salem, and in the likewise marginal, Upper Bavarian-Austrian countries, in which, in the end, it was mainly the children themselves who became *bewitched* perpetrators.

I cannot go into the changing role of childhood here—as an object of concern for one’s own children in Salem and Mora, but also as a feared subject in fear and worry for the destitute orphans in Mora or the gangs of youths in Salzburg—as important as this would be.

In a long, little-researched **history of childhood**¹⁶³ with its numerous siblings, a infant mortality rate that often reached 50%, along with the associated ‘tenderness taboo’, the problem of illegitimate births, the handing over to foreign wet nurses, neglect, absolutely ruling fathers, work and hardly sufficient education: Here, ‘in a fundamental ambivalence’ (Walzer 1980: 521), the two opposite images of the ‘sweet innocence’ à la the Jesus-belief of St. Francis on the one hand and that of the small, rebellious devils on the other hand, predominated—according to the biblical saying, they could only be kept in check with a rod—“Spare the rod and spoil the child”:¹⁶⁴

“The small child, lying in its cradle, is both fickle and full of emotions; and although its body may be small, it has a bad (flawed) soul and is entirely inclined towards evil ... If we allow this spark to spread, it will jump and burn down the whole house. For we do not change and become righteous by birth, but through education,” wrote the two Puritans Robert Cleaver and John Dodin 1621 (Illick 1980: 441).

It was only late—around the time of the writing *Èmile ou De L'Éducation*(1762) **by Jean Jacques Rousseau**—that a slowly developing understanding for the needs of children began to take hold, which can occasionally be found earlier as well, and the beginnings of which Hartmut von Hentig locates in the 17th century in the preface to Philippe Ariès: *Geschichte der Kindheit* (1992: 10):

“In the 17th century, the interest in education is rekindled by the moralists, educators and churchmen (of both confessions). The child is not amoral, insensitive to moral distinctions, ‘raw’ (and must grow up): an object to fondle and have fun with, but innocent, corruptible, in need of protection and education: an object of serious responsibility.”

Whereby then these children-*witches*, as mentioned above for the possessed, form a convincing deterrent **counter-model**:

“The churches ‘discovered’ the child witches precisely at the moment when they were dealing with the most intense reform and educational efforts and, by means of a repressive control and performance system that encompassed all areas of life, wanted to transform the whole society according to the principles of orthodox and responsible Christianity. Under these conditions, the little witches had to serve as a model of Christian child-rearing: Their example could demonstrate how a child was not supposed to be.” (Weber 2000: 27 f.).

But then these ‘children’ offer a ‘social problem’ when they fall out of the prevailing socio-economic system as **adolescents** that neither could be traditionally caught in the village community nor ‘modernly’ solved by welfare and police:

“The child witches therefore moved mostly on the margins of society: Not only because they were children, but also because they were poor and had little family support.” (Dillinger 2013: 219).

This is particularly evident in the initially successful ‘Mora adolescents’ like in the Salzburg Jackl trials. Compared to the ‘Pappenheimer’ landfaring people executed in 1600 (see 12.2.2(1) below), they demonstrate the ‘progress’—at the beginning and end of the ‘Bavarian’ witch-hunt (between 1600 and 1700): If it then affected the adults with—forged—begging letters, now children and adolescents were the victims. Namely as objects of an authority that was still quite helpless in terms of personnel and finances, which in both cases hoped to gain control of these ‘deterrent’ means or at least to demonstrate their protective sovereignty.

A ‘**social problem**’, which was solved very ‘worldly’ in the flourishing imperial city of Nuremberg—which was rather skeptical about witchcraft—in the second half of the 16th century, by finally hanging such juvenile thieves after various milder punishments in case of continued relapse:

“In burglary without violence and ordinary theft, juveniles were often involved, in some regions as many as one in three thieves came from the group of fifteen- and sixteen-year-olds. Occasionally, the juveniles, who sometimes operated in organized gangs, stole large sums of money, but as a rule they only stole relatively unimportant items such as a bracelet, a pair of trousers, a few loaves of bread.”; “In fact, all juveniles who were hanged for theft in Nuremberg were repeat offenders, some of them had already been arrested and released two dozen times [...]. Every member of a particularly diligent gang of young thieves had been presumably already at least ten times in the begging box or hole, in some cases followed by a public flogging. And the main thing: All juvenile thieves who were finally sentenced to death had previously been sentenced to the second heaviest punishment of eternal banishment, usually at least two or three times [...] At some point, the Council came to the conclusion that ‘no improvement could be expected.’” (Harrington 2015: 255, 257).

But now, at the end of the *witch*-time—to a varying degree of course—the demonologically religious **Devil-mythology** anchored in the *Commonsense* generally works, which still fits all of the five examples mentioned last—Loudun, Salem, Augsburg, Mora and Salzburg or Freising—into the same satanic scheme and is therefore—with very different interests—interpreted: The young Catholic nuns possessed by the devil and delivered to their exorcists, as well as the possessed Salem girls, who revolt against the Puritan norm. In these two cases, the ‘fantasized Sabbath’ can take a back seat to the live and visible devils. While this once ‘learned’ Sabbath was so deeply rooted in the ‘popular’ consciousness in Lutheran Mora, in the mixed-confessional Augsburg, as in Catholic Salzburg and

Freising, that now even these children could boast about it and, without torture (accounts speak of ‘beating with rods’), convincingly tell about it:

“The old women are placed upside-down on the table and burning candles are inserted into their orifices [...] Blåkulla is not Hell. Hell lies in the nether regions. The evil, menacing devil is sometimes chained under the table. White angels step in to protect the tormented children. They are, in fact, living next door, in the Angels’ Chamber”, the Mora children tell (Ankarloo 1990: 315).

So convincing that the concerned parents, with the help of their committed Lutheran pastors, could push back the not at all weak royal jurisdiction at this time, or that the helpless authorities in the Catholic Austrian-Upper Bavarian area could legitimize their deadly ordering intervention towards the population with it.

A “culturally predetermined **framework**” I said above, within which these children, possessed as well as childlike *witches*, could relatively freely fantasize. So the nine-year-old boy from Bamberg, interpreted by Hans Sebald, voluntarily told during his three interrogations by two of them convinced lawyers of the Malefiz-Commission in April and May 1629, *inter alia*:

“Then we went to a well, from which we took out four black-and-white spotted cats. While three of my friends were busy filling the empty wine barrels with well water, the cats had more than two hours to fly the wine to a hiding place on the land, far from the city. There we hid the wine for future celebrations. I had the task in the cellar to sit on the wine barrels and to whip them with a leather strap, which my demon had given me specifically for this purpose.” (Sebald 1996: 132).¹⁶⁵

A predetermined framework, within which these children had to insert or interpret *realia* at the same time in order to convince the inquisitors:

“Everything that could possibly be verified from outside became an object of interest. The children had to produce the gifts and horns for carrying ointment that they had been given at Blåkulla—everything had, however, been turned into rubbish. This appeared to many to be a sign that the children had been blinded by Satan.”

“The story had to correspond to reality and it therefore contains features that were intended to keep its validity intact in the face of objective situations and checks. In a concrete situation, then, the criterion of coherence has to go hand in hand with the criterion of correspondence in order for the stereotype to be capable of rational comprehension.” (Sörlin 2008: 104, 108).

In a *witch-delusion*, yes in a demonomania, in which these ‘suggestible’ impressive¹⁶⁶ children—as Hans Sebald (1996: 203 ff., 215 ff.) explains with reference to the work of Emile Dupré (*Pathologie de l’imagination et de l’émotion*,

Paris 1925)—mix together fantasies, lies and suggested content. So much so that they—like the convinced and self-confirming adults, and just as the impressed and necessarily standing by audience—finally believe in it themselves within the framework of the jointly shared *witch* mythology, and can no longer let go of it even if it means their ruin:

“In doing so, children with conflict-ridden family backgrounds combined a voluntary self-stigmatization as a witch or sorcerer with the accusation of close relatives as instructors or Sabbath participants. Suspicions of witchcraft served here as a means of conflict resolution in that the mention of family members enabled the children to break the cycle of family violence in which they often lived. [...] The accusations also met the children’s desire for an alternative world in which the family power relations were reversed by the position of power that the self- and other-accusations gave the children, and served to compensate for neglect and deprivation.” (Groß 2009: 349 f.).

A phenomenon that, as Sebald (1996: 222 ff.) points out, could stoke the child abuse hysteria 250 years later in just this way and just as emotionally-fearful and consequential¹⁶⁷ in the model of a much realer *longue durée*, in the model of a new **social youth work** that, since the 19th century, has developed new professional strategies in growing concern for ‘the welfare of the child’ or, perhaps better, for ‘the welfare of an endangered society’, which could only with difficulty be separated from their religious-confessional roots. Namely, both institutionally on the level of the confessional welfare associations, as well as ideologically in the ambiguously occupied pastoral leitmotif of the dual concern for the lost sheep as for the endangered flock; which I can then go into in more detail in the third volume of the insane.

How a ‘**fashion**’ spread, even back then, these excesses. Whether it was that in Loudun also ‘worldly’ possessed people appeared or the later demoted exorcist Barré opened a lucrative dependency in Chinon, while the Salem girls also found their *witches* in the neighboring communities. Or whether it was, more clearly, that the Mora excesses—carried forward by the impoverished orphans—flourished around the Baltic Sea,¹⁶⁸ while the model of the enchanted sorcerer’s apprentice from Salzburg offered the neighboring lords a welcome action schema.

To then come to an end. While in Loudun the five-year possession, so to speak, exhausted itself—or the participating nuns, exorcists and spectators—, especially since no further obvious damage occurred after the burning of Grandier and the royal subsidies had been discontinued, the Mora experiment and Salem were recognized as nonsensical and politically prohibited at the moment when the allegations turned dangerously ‘upwards’. With the last remnants of the Augsburg

children's witches group and the sorcerer's apprentice then falling victim to the slowly but surely failing spell of these witch ideas, which I will now turn to in the third part.

Notes

1. "The phenomenon of demonic possession has its own history, but at various times it has intersected with that of witchcraft. There were reports of possession long before witchcraft prosecutions began in the fifteenth century, and they continued long after those prosecutions came to an end in the eighteenth century. But during the period of witch-hunting, especially in the late sixteenth and seventeenth centuries, cases of possession were often attributed to witchcraft. According to early modern demonological theory, a demon could enter a person's body either directly or at the command of a witch. When possession was attributed to witchcraft, its physical symptoms were identified as *maleficia*." (Levack 2015: 295) with relevant excerpts (299-342). Raiswell/Dendle (2008) compare the only very early cases (687-700) from the Anglo-Saxon period with the English cases from the 17th century.
2. "Johann Weyer never mentioned child witches in his treatise from 1562, for example. Just twenty years later, in some of the massive trials of the 1580s and 1590s, children began to step forward as witnesses. In the early seventeenth-century trials in Würzburg children even appeared as witches, curious and eager to learn the dark arts. By the 1670s and 1680s the dynamics of many trials came to revolve, in shocking and new ways, around children and adolescent boys." (Robisheaux 2013: 192)
3. "Father Johann Joseph Gaßner, former Jesuit from Klösterle in Vorarlberg, began to heal thousands through exorcisms. In 1775 he was active in Ellwangen, Regensburg and Sulzbach, but not in Munich, where the newly founded Bavarian Academy of Sciences and other enlightened opponents limited his influence. A literary and political battle broke out around Gaßner, which resulted in about 150 large and small printed works. His opponents [...] suspected that Gaßner and his patients were only pretending to exorcise demons or be possessed by demons." (Midelfort 2005: 85). A dispute in which Bavaria turned to the help of Anton Mesmer (Lederer 2005: 227): "Seizing the opportunity to position himself as a man of science and enlightenment, Mesmer managed to replicate all of Gassner's wonders, but to give empirical explanations for them on the basis of his own theory. Whereas Gassner produced convulsions in sinful subjects whose demon

he chimed to be exorcising, Mesmer provoked crises caused by ‘tidal disharmony’, which he cured through touching and stroking with magnets. Despite this apparent victory of science over superstition, the medical faculty of Vienna grew intensely suspicious; having him declared a public menace, they forced his departure.” (Porte 1999: 251). So much for the role of ‘scientific’ evidence.

4. “The majority of pre-modern criminals were young by our standards, and indeed criminal sources sometimes allow us to trace the criminal careers of children and adolescents in detail. The career of ‘youth crime’ as an independent field of perception and activity only began in the late 18th century.” (Schwerhoff 2011: 29)
5. I limit myself in my presentation to the mostly treated ‘narrower’, clerical form of this obsession, which, as Éva Pócs (2005: 84, 131) extensively treats from an ‘more folkloristic’ perspective, merely represents “one of the basic forms of communication with the supernatural”: “Theoretically it has close ties to the psycho-biological state of trance or—to use a term fashionable in ethno-psychiatry—to some forms of *altered states of consciousness* (ASC)”; “In what sense can we talk about possession as a discrete system based on a distinctive communication technique? The close connections between the fluid categories of *possession by the dead*, by *fairies* and by the *devil* indicate that here we are dealing with variations of a single common system of ideas.” Caciola’s encyclopedic article (2005a) briefly and pregnant informs about the (international) practice and different interpretations of exorcism.
6. Bodin: *Demonomania* (1580) in the translation by Fischart (1591) quoted in Schwerhoff (1986: 76).
7. S. (Dillinger 2005); Levack (2013: 33–40). S. also Porterfield (2005), who in her first chapter *Jesus: Exorcist and Healer* extensively deals with his various interpretations: “Among all the activities ascribed to Jesus in the New Testament gospels, exorcism and healing are among the most prominent. The Gospel of Mark, the earliest gospel, presents Jesus as a prophet known throughout Galilee for exorcism and healing, and Matthew and Luke build on this depiction. John does not refer directly to exorcisms performed by Jesus but does emphasize Jesus’ role as healer. Taken together, there are seventy-two accounts of exorcisms and healings performed by Jesus in the four New Testament gospels, forty-one of which refer to distinct episodes.” (Ibid: 21)
8. Keitt (2005: 172) on the inquisition process against Eugenia de la Torre (1639): “In fact, according to their inquisitors they were all too adept at

manipulating the discourse of demonology for their own purposes. These claims went so far in the eyes of the Inquisition that a new charge, that of feigning diabolism, was added to the denunciation. This kind of deception does not seem to have been limited to this case alone; the inquisitors complain repeatedly of a widespread tendency of defendants to attempt to evade culpability by claiming ‘it wasn’t me, but rather the devil who took my form’.”

9. “The promotion of piety among women, both within and outside the convent, inspired many of the possessions of the early modern period. This undertaking began in the thirteenth century, achieved broader success in the fifteenth century, and became central to both Catholic and Protestant programs of reform in the sixteenth and seventeenth centuries. It led directly to the efforts of women, mainly nuns but also laywomen in the towns, to aspire to sanctity and, as part of their spiritual regimen, to achieve mystical union with the divine. The similarities between the symptoms of divine possession that these women cultivated and those attributed to the Devil, coupled with the misogynistic assumption that women were more likely than men to have commerce with demons, aroused suspicion among clerical authorities that divine possession was of demonic origin. This reclassification of divine possession as demonic became almost routine by the early seventeenth century.” (Levack 2013: 172 ff., 257 ff.)
10. Midelfort (2007b: 244 ff., 245) on the other hand presents—a gender-neutral—increase of *Besessenheit* especially in the 2nd half of the 16th century mainly in the North German Lutheran areas: “At least thirty-two places were touched by possession between 1490 and 1559, a span of seventy years; but the next twenty years (1560–79) found twenty-three places infected; and the last twenty years of the century (1580–99) added a further forty-four locations (and a generous increase in scale as well).”; see also Midelfort (1999: 61 ff.) with a table 1.1 on the ‘published Cases in Deutschland 1490–1650’, as well as four maps on the distribution of the places where possessions were recorded. On France see Ferber (2004: 4, 156, note 10): “France, home of the most intense and enduring scandals of possession”; “The exact number of major possession cases in France is difficult to state, as criteria for significance vary.” With cases from Laon (1566) to Toulouse (1682).
11. “From 1491 to 1494, the obsession broke out in a nunnery in Cambrai, in 1551 in Uvertet (County of Hoorn), in 1550-1556 in the monastery of the Holy Brigitta near Xanten, in 1552 in Kintorp near Strasbourg. In the year 1554 an epidemic in Rome affected 84 people, including 24 baptized Jews.

- In 1555, 80 young girls were affected in a Roman orphanage. Between 1560 and 1564, the nunnery Nazareth in Cologne was the site of such appearances [a young nun ... made indecent movements under constant laughter, and her unchaste spirit also affected her sisters, and the 'plague' spread throughout the monastery (Weber 2000: 202)]. In 1566, 30 (according to other reports 70) children, mostly boys, fell ill in a stone orphanage in Aix." (Weber 1999: 133)
12. "Originally, the dancing mania was known as the Veitstanz. The term dancing mania (lat. Epilepsia saltatoria), also called dance disease or choreomania, refers to an phenomenon in the 14th and 15th centuries that was described by writers as a dancing mania or dancing plague. It was referred to as an epidemic folk disease of the Middle Ages. People danced until foam came out of their mouths, wounds appeared, and they sometimes collapsed from exhaustion." (de.wikipedia.org/wiki/Tanzwut). As I write this, every night from 19 to 4 o'clock, nerve-racking, thumping hotel disco music echoes over the sea: "Frenzied dancing had appeared in epidemic form earlier in the Middle Ages, but in 1372-74 it erupted in Swabia, England, and the Netherlands, spreading then to Hainaut, Flanders, Brabant, the Lower Rhine, Cologne, Utrecht, Tongern, Aachen, and south to Franconia, Metz and Strasbourg." (1518). (Midelfort 1999: 32-49, 33)
 13. "In Europe, finally, in 1782, the behaviour of an apparently possessed child, daughter of the doctor and judge Tschudi, led to the—the—as far as is known—last 'official' witch trial and to the execution of the young maidservant Anna Göldin in the remote Swiss cantonal capital of Glarus." (Rau 2006: 102) "She was a maid from the Rhine Valley who served in the best houses in the Glarus region. Finally she worked for Johann Jakob Tschudi, a powerful man who was a doctor, judge and government councillor. When rumours surfaced that he was having an affair with her, he got into trouble. 'Carnal intercourse', as it was called at the time, was incompatible with an office. So Anna had to disappear." (Friedolin Elmer in: DER SPIEGEL, 2017, No. 36: 97). See also Grothe (2021) and Hauser (2016), who refers to his book *Der Justizmord an Anna Göldi. Neue Recherchen zum letzten Hexenprozess in Europa*. (2nd ed. 2013).
 14. "The pietists rejected orthodox Lutheranism as sterile dogmas and empty rituals, and cultivated instead an individual piety that stressed an emotive understanding of God's will; strict adherence to Christian morality; the importance of mystical, prophetic and apocalyptic visions; the ultimate authority of the Bible; and the perfectibility of the world." (Bever 2005: 159).

15. “[M]any of the possessions in the 1960s and 1970s took place among Pentecostals [Pfingst-Gemeinden] often known as charismatics, who were seeking more emotional religious experiences than mainstream Christian denominations offered. Pentecostalism originated in the late nineteenth century, and by the late twentieth century it had become the third largest force in Christendom, after Catholicism and Protestantism. [...] Pentecostals believe that the modern world is infested with demons—not merely the metaphorical demons equated with evil but real supernatural beings with their own identities and missions, just like the demons of medieval and early modern roman catholicism [...] grounded in the apocalyptic belief that the world is in its Last Days, when the Book of Revelation foretold that the power of the Devil would be greater than in the past.” (Levack 2013: 245). See also Porterfield (2005: 172-180) and McClymond (2016: 399-418) for their Christian predecessors and worldwide spread with: “four spiritual or charismatic gifts that seem especially important—healing, tongue-speaking (glossolalia), prophecy, and exorcism.” “At least among European and North American Protestants, one charismatic gift after another was newly re-emphasized—divine healing (from 1870s-1880s onward), tongues-speaking (from 1901), Christian prophecy (from the late 1940s, but gaining momentum in the 1980s) and exorcism and spiritual warfare (from the 1990s).” (Ibid.: 403)
16. This is especially true for the group of ‘charismatic lay Christians’. Ferber/Howe (2005) describe a relevant process in Australia (1993) with ‘experts’ and Samuel Pfeiffer (2005) gives an overview of the beliefs and symptoms of 343 ‘psychiatrically ill patients of religious belief, mainly Protestant’: “Mental illness can be so painful that the affected person experiences it as foreign and made from outside. Depending on the cultural and religious background, the cause can be seen in demonic forces.” (Ibid.: 304 f.)
17. An example of a Lutheran ‘pamphlet’ with its own Lutheran exorcism rite in Krah (2005: 168 f.): “At the latest, the true intention of the pamphlet becomes clear, which must be understood less as an authentic report than as a theological treatise in the sense of Lutheran mission [...]. The motif of obsession remains fundamentally in the pamphlet literature only a carrier function, it is functionalized for one’s own, in this case Lutheran interests.”
18. “The *Rituale Romanum* and its imitators set the bar so high that possession hardly seemed possible anymore. Theologically seen, this procedure had the advantage that the sacraments of the Church were now better protected against fraud and superstition, but also the clear disadvantage that the devil was arbitrarily and without biblical justification simply banished from many

- of his favorite territories and activities or better said, was forgotten. So it was no wonder that the *Rituale Romanum* could only establish itself slowly. ” (Midelfort 2005: 82). “Yet the Church did not make it compulsory for priests, bishops, and members of the regular clergy to follow the *Rituale* in their exorcism practices. As a result, prior to the eighteenth century, and in some regions even later, the exorcism rituals of the 1614 *Rituale* had only a limited impact.” (Roest 2018: 329)
19. “As in France [against the Huguenots] these English exorcisms were intended as proof that the Catholic priests alone had power over the Devil. The demoniacs cooperated sensationally with their priestly exorcists, confirming the power of the consecrated Host and the relics of recent English martyrs, while, in their demonic voices, identifying the Protestants and Queen Elizabeth as Beelzebub’s allies.” (Waite 2003: 180)
 20. Jürgen Beyer (2005) describes a former cowherd who, as a self-binding, begging fraudster with symptoms of possession, calls for repentance.
 21. Weber (1999) provides a good overview; Waardt et al. (2005) and Levack (2013) contain rich material.
 22. “Faust’s death is dated to the years 1540/41. He is said to have died in the ‘*Hotel zum Löwen*’ in Staufen in the Breisgau as a result of chemical experiments due to an explosion. Faust is said to have tried to make gold. His body was found in a ‘*horribly deformed state*’. It was concluded that the Devil himself had taken possession of his soul.” (de.wikipedia.org/wiki/Johann_Georg_Faust)
 23. “The revised version of the Exorzismusrituals from 1999 uses the term ‘Exorzismus’ instead of ‘Liturgie zur Befreiung vom Bösen’ in the title. While this is of relatively little importance for the liturgies celebrated in the German-speaking world, the Catholic exorcism rite is still very present in African and Latin American countries, France and Italy.” “The Vatican offers exorcism courses [four-month courses at the *Pontifical Regina Apostolorum-Universität*] and held the first international exorcism conference in Mexico in 2004. During a general audience on St. Peter’s Square on September 15, 2005, Pope Benedict XVI addressed the participants of the Italian national congress of exorcists and encouraged them to “continue their valuable service to the Church.” Under his predecessor John Paul II, some 200 priests were appointed as exorcists in Italy in 2003.” (de.wikipedia.org/wiki/Exorzismus#Christentum)
- And for Catholic Poland it is said that in the “past 15 years the number of officially appointed demon-expelers has been increased from 4 to 120”; “those who go to exorcism are depressed, addicted or stressed, suffering from

- burnout or feeling pursued by bad luck. The monthly magazine 'Egzor-cysta' has doubled its circulation to 30,000 copies in just one year" (DER SPIEGEL 52: 2013, p. 77).
24. Theoretically, a distinction was made between an—caused by the *Hexe*—*obsessio*, in which the devil only—from the outside—takes possession of the body, and a *possessio*, in which he controls body and soul: "According to the leading Congregationalist, Nathaniel Holmes [1652], those who were entirely wicked might suffer possession by the Devil, during which both body and soul would be horribly afflicted. Less hopeless sinners might suffer obsession, in which the Devil was granted power only over the body", but as Harley (1996) showed on the example of the Salem trials, *in praxi* hardly any distinction was made between these two.
 25. "The interesting thing is that the patient [a student from a wealthy family] had actually already committed himself to the devil's pact of sorcery—with this source [1605] we have a very special case of possession and witchcraft—but despite all this, the way back to the Christian [Lutheran] community is still open to him." (Krah 2005: 169). In the case of Anna Elisabetha de la Haye (1664) described by Trevor Johnson (2005: 234), who also came from a better household, the 'pact signed with his own blood' also played no role.
 26. "Johann Weyer (1515-1588) analyzes in his main work *De praestigiis Daemonum* (first edition 1563) with the critical eye of the doctor detailed examples of possession from the relevant literature and contemporary everyday practice. He characterizes the majority of the possessed—as well as the witches—as melancholics manipulated by the devil [...]. Following the classical four-humors theory, he describes melancholy as a pathological disturbance of the balance of the humors. "The devil sneaks in, he confuses the good body humors, poisons heart and mind with harmful humors, clogs the veins and weakens the body. As a result, the 'spiritus', the constructive soul forces, are confused and the human imagination manipulated." (Klinert 2005: 104, 92)
 27. A classic example of this is Sigmund Freud's (1923) interpretation of the case of Christoph Haizmann(1677) as 'Teufels-Neurose', which is interpreted by Richard Hunter and Ida Macalpine (1956) as schizophrenia. (Midelfort IV: 625-642 in Midelfort 2013)
 28. The one today in the psychiatric manual "ICD-10 by the terms dissociative disorder (F44) or histrionic personality disorder (F60.4) replaced, not least because the term hysteria from an etymological point of view, a connection with the female gender and a negative evaluation. Other common synonyms

- are: histrionic reaction, conversion disorder, conversion hysteria, somatization disorder (with multiple, often changing physical symptoms) and psychoreactive syndrome.” (de.wikipedia.org/wiki/Hysterie)
29. “In the seventeenth century undesirable thoughts, impulses or drives, instead of being seen as the subconscious or unconscious stirrings of Freudian psyche, were viewed as something separate from and indeed alien from the self.” (L. Jackson 2007: 361).
 30. S. (de.wikipedia.org/wiki/Hysterie).
 31. *lkollusorisch*: often unconsciously, acting collectively. *liatrogen*: medically caused damage
 32. The case of the 23-year-old student Anneliese Michel gained great notoriety in 1976. She died of the consequences of extreme malnutrition, and in the months before her death, two Catholic priests had carried out the Major Exorcism on her multiple times. For this, they were given a six-month suspended sentence. The case and its various interpretations are well-represented (de.wikipedia.org/wiki/Anneliese_Michel). See also Weber (1999: 273-294).
 33. Klaus Dörner (1984: 67) tells the story of the “healing success of Dr. W. St. Clare. In February 1787, an hysterical epidemic with cramps and panic attacks broke out among the female workers in a cotton factory. It even spread to a distant other factory—sympathetically-infectiously. The factory (2-300 workers) had to be shut down. However, the doctor called in with his ‘portable electrical machine [...] by electric shocks’ was able to heal all patients in a short time and thus bring the factory back into operation.”
 34. As in the case of Nicole Obry, for example, who was analysed in detail by Moshe Sluhovsky (2007: 255) (1565), who was exorcised with eucharistic wafers in the cathedral of Laon in front of ‘10,000’ believers, and was possessed by the ‘Beelzebub’, who presented himself as the leader of the Huguenots: “These spirits left Nicole’s body but not before they announced that they were returning to Geneva, their headquarters.” (Ibid.: 256). See also Ferber (2004: 2nd chapter): “Obry’s possession catapulted her, or at least her name, to local and indeed national and international fame. Over a relatively short but intense period of ten months, from November 1565 to August 1566, Obry went from being a young woman of no account, to being renowned, manhandled, reviled, imprisoned, and interviewed by royalty, only to return again, by and large, to the life of a home-maker and, later, a mother.”(Ibid.: 27)
 35. “The early modern exorcism was significantly promoted by some early Jesuits, in particular by Petrus Canisius and his work in Vienna, Augsburg and

- Bavaria. [...] The activity of Canisius in the 1550s to 1570s was followed by a wave of conjurations of demons in Europe, which extends deep into the 17th century—‘the golden age of the demonic’ (William Monter)—and formed the basis for the modernization of the exorcism ritual. At the end of the 16th century, Bavaria finally became an exporter of exorcists.” (Lederer 2005: 229)
36. After the previous cases in Aix (1611) the obsession broke out 1613 in the monastery of the Saints Brigitta in northern French Lille, 1628 in Madrid, 1632-1638 in Loudun, 1642 in Louviers, 1652-1662) in Auxonne (Weber 199: 134). For the history of the Ursulines see Hsia (1998: 45 f.).
 37. 1614 by Pope Paul V. laid down. See Weber (1999: 83 ff.) and for the present time: (www.exorzismus.org/exorzismen-und-exorzist/87-verlauf-des-Exorzismus). See to the controversial new version of 1999, in paragraph 15 it says: “You have to properly distinguish between cases of demonic attack and cases of gullibility, where someone thinks, even if he is religious, that he is attacked by black magic or witchcraft or a curse, which are thrown over him, his family or his property by others.” (Midelfort 2016: 254 ff.) With reference to a critical interview with P. Amorth (<http://www.etica.com/deutsch9/91ex0.htm>).
 38. “The logic of discernment proceeded along the following lines: Were apparently miraculous phenomena, such as trances, truly supernaturally accomplished? If so, then were they due to the intervention of the divine or of a demonic spirit? If not, were they simulations—human deceptions? Or might they have resulted from an organic pathology or state of mental instability”. (Caciola / Sluhovsky 2012: 2)
 39. This caused in Reutlingen the removal of nails, needles, straw, bones, etc., which was temporarily considered a typical part of diabolical possession, first skeptical checks: “Like Christina, Anna (1750) was also supervised around the clock on the city council; always a barber and a midwife were present. In order to investigate the origin of the secretions, one created a ‘harbor for the excrementis.’” (Weber 1999: 188)
 40. “The dynamic among would-be demoniac, audience, and texts operated as a mutually authenticating hermeneutic circle: the symptoms manifested by the demoniac confirmed the expectations of the audience, which were themselves a product of its member’s encounters with the demonic both in person and on the page; thus conditioned, the expectations of the audience define the parameters under which particular possessions could be enacted.” (Raiswell/Dendle 2008: 580)

41. Erik Midelfort very nicely demonstrates the difference between a Catholic and a Lutheran solution to such a possession in his essay “Catholic and Lutheran reactions to demon possession in the late seventeenth century” (1986) (in Midelfort 2013) with the example of Christoph Haizman, who was first exorcised in 1677 and later admitted as a lay brother in the Mariazell monastery, and Anna Meyer, who was medically diagnosed in Lutheran Stuttgart in 1695, but then expelled from the city because of high treatment costs: “Anna Mayer was to be sent on her way at once with travel money.” (a. a. O: IV: 646)
42. “While theologically this is rather dubious, for, as scripture makes clear, there is no truth in the devil (John 8:44), its proponents argued that under such circumstances, a possessing demon was constrained by the power of God to speak only the truth, with the result that his identification of his mistress could be accepted uncritically.” (Raiswell/Dendle 2008: 758 ff.)
43. Harley (1996; 311 ff.) provides this excusing function of the witches for the possessed with the example of the discussion at the time of the Salem trials (10.1.3): “Bewitchment, or obsession through a witch, involved a relatively innocent sufferer, as did natural disease—although, in the view of the godly, God was sending the affliction for some good reason. In cases of possession or fraud, however, the person exhibiting the symptoms was guilty [because God had allowed this heavier demonic intrusion because of the greater guilt of the ‘possessed’]. A witchcraft accuser who exhibited extreme psychological symptoms was always vulnerable to having a rediagnosis imposed, unless he or she held relatively high social status or had a reputation for piety”: “Ann Cole of Hartford, Connecticut, was ‘a person esteemed pious,’ so her allegations were taken seriously, despite her strange symptoms.”
44. Nine *witches* and 3 *wizards* from Brakel executed. “A total of 9 men possessed, who were sentenced to death by ecclesiastical courts as murderers (possibly also because of other crimes).” (Decker 1994a: 314, 168)
45. In addition to the Capuchin Father Aegidius, “two more of the accused as *wizards* sat in a leading position in the twelve-member city council.” (Decker 1994a: 49)
46. Paderborn “was like Bamberg, Würzburg, etc. one of the many ecclesiastical principalities that existed next to the secular powers, the duchies, principalities, counties and smaller territories, as well as the free imperial cities since the 13th century.” (Decker 1994a: 16) Paderborn: United in personal union under the Cologne Elector Ferdinand von Wittelsbach since 1630: “Between 1628 and 1631, in the Duchy (Westphalia) about 600 and in the (in the northeast adjacent) smaller principality Paderborn about 90 people

- can be proven to have been accused of witchcraft. At least 90% of them ended up on the pyre. The total number of defendants in these years must have been much higher, because a considerable part of the process files were lost.” (Decker 1992: 187)
47. Rainer Decker (1995: 105), whom I follow here; see also Decker (1994a) in detail
 48. “Monks of the Brakel Capuchin monastery checked according to the provisions of the Roman *Rituale Romanum* of 1614, whether the obsession was present. They spoke to the girls, daughters of a blacksmith, in Latin and French and showed them alleged relics, in reality bones of sheep, and supposed holy water, in reality beer. Since the ‘demons’ did not master the foreign languages and did not even recognize the falsity of the relics or the holy water, the Capuchins declared the ‘possessed’ to be simulators.” (Decker 1994: 301)
 49. At the same university where Friedrich v. Spee had been banned from teaching, but under the same ‘general’ Goswin Nickel, who at that time as the responsible ‘provincial’ was ‘well-disposed towards Spee’, and 26 years later not only did not support the persecution-prone Father Loeper at the Pope, but sharply criticized him and ordered him to leave Paderborn’ (Decker 1995: 108). ”In addition, according to recent research, it can be considered quite certain that Nickel’s commitment to the ‘witch lawyer’ Spee even went further [...] it can be seen from this that the new edition of the *Cautio Criminalis* ‘could only appear with the knowledge and consent of the Cologne Jesuits, especially the provincial Goswin Nickel. (Decker 1994a: 112)
 50. A town of freeholders in the diocese of Paderborn.
 51. In a “confidential letter to Ferdinand v. Fürstenberg [he wrote]: ‘On the one hand, I, together with my counselors, was prevented by my conscience from proceeding rashly against the witches accused by the demonic voice, on the other hand I was driven by the popular sentiment (*vulgaribus rationibus*), and in the middle of it all I stood, abandoned by all in the attempt to suppress this vulgar opinion, which was even supported by people on whose advice and piety I depended.’ Stuck in this dilemma, accused of favoring the witches, Dietrich Adolf ordered the witch inquisition for the cities of Brakel and Paderborn in early summer 1657.” (Decker 1994a: 265)
 52. “The hordes of possessed were not to be contained and, worse than the Brakel girls before them, they became aggressive against the alleged witches and sorcerers: they broke windows, accused citizens and strangers of witchcraft, and announced that all of Paderborn would be reduced to

- ashes if the witches were not finally brought to the stake.” (Decker 1994a: 89)
53. Weber (1999) provides further examples of child possession in southwest Germany, in particular in the appendix *Stories of Possessed Children in the 17th and 18th Centuries* (pp. 307-355).
 54. Cotton Mathers 1693 (Erikson 1978: 144).
 55. A detailed political analysis in Boyer/Nissenbaum (1974). Literature in Midelfort (1995: 162) and, more detailed: Midelfort (2008: 369 ff. in Midelfort 2013).
 56. And accordingly by Arthur Miller in his *The crucible(witch hunt)* as a drama (1953) and film (1996) implemented dramatically.
 57. “The problems which confronted Salem Village in fact encompassed some of the central issues of New England society in the late seventeenth century: the resistance of back-country farmers to the pressures of commercial capitalism and the social style that accompanied it; the breaking away of outlying areas from parent towns; difficulties between ministers and their congregations; the crowding of third-generation sons from family lands; the shifting locus of authority within individual communities and society as a whole; the very quality of life in an unsettled age.” (Boyer/Nissenbaum 1974: 180)
 58. “Most of the accusers lived on the west side of Salem Village, most of the accused and those who supported them lived on the east side.” (Russel/Alexander 2007: 119 with map).
 59. “These ‘Puritans’ as they were called in the country soon, were in temperament, if not quite the policy of Calvinists; they harbored deep suspicion of the Anglican hierarchy and its extensive ritual fabric. With all the differences that existed among them, these early Puritans represented a new hard line in English thinking: consistent in action, intolerant in principle, ascetic in their customs, they had seen the vision of a true church.” (Erikson 1978: 40)
 60. In the following I first refer to Erikson (1978).
 61. “The constitutional disputes attending the overthrow of King James II. in 1688-9 also contributed by weakening the authority of the British and colonial government as well as provoking political dissension in the village.” (Russel/Alexander 2007: 120)
 62. A dispute over the inheritance between the sons of Thomas, Junior,—the leader of the Pro-Parris faction—and Joseph from the first and second marriage of Thomas Putnam, the Elder: “Joseph, who could only have been seen as an interloper though he bore the family name, moved quickly and

- effortlessly into a privileged position in the Village”, especially since he, 21 years old, married the 16-year-old daughter of Israel Porter, the richest leader of the Anti-Parris faction. (Boyer/Nissenbaum 1994: 134 ff.)
63. The Anti-Parris faction refused to pay the due church fees, since they rejected the election of Parris and the autonomy claim raised for Salem-Village.
 64. The nine-year-old Betty, the daughter of the Reverend Parris, “was a child, raised in a strongly punishing religious environment, saturated with the concept of the sinful nature of man, manipulated with fear of the devil and eternal hellfire, which suffered under inevitable guilt feelings. Finally, the girl used her mythomaniacal talent to forge the supernatural components of Puritan culture into a scenario that allowed her to rebel and take revenge”, writes Hans Sebald (1996: 212 ff.) with reference to Marion Starkey’s book *The Devil in Massachusetts*.
 65. See: (de.wikipedia.org/wiki/Hexenprozesse_von_Salem) and others, also with the names of the people involved in the whole process.
 66. (de.wikipedia.org/wiki/Hexenprozesse_von_Salem).
 67. “Tituba gave her audience one of the most extravagant confessions ever heard in a courtroom in New England. She spoke of the creatures that inhabit the invisible world, of the dark rites that bind them together in the service of Satan, and when she was finished with her amazing description, she had convinced everyone in Salem Village that the problem was much worse than anyone had dared to imagine.” (Erikson 1978: 131)
 68. “Where other ministers would have been very cautious, he drove the out-break forward in sermons which implied that the witches were themselves devils, and insisted that there could be no neutrals in the struggle between God and the Devil.” (Briggs 1998: 315)
 69. As so-called spectral proof I: “It was based on the assumption that the devil could in the form of him by pact with witches other people in a dream, in a vision or but for third parties visit and torment invisibly. Every person noticed in such a spectral appearance (allegedly) was considered suspect of witchcraft, since it was assumed that Satan could only after explicit consent to take on the form of a particular person.” (Rummel / Voltmer 2008: 47); a not uncommon at the time in England (Kittredge 1907: 197 f.): “Even Chief Justice Holt, whose honorable record in securing the acquittal of every witch he tried is well known, did not exclude spectral evidence: it was offered and admitted in at least two of his cases—in 1695 and 1696—both later than the last witch trial in Massachusetts.”

70. “This belief, which gave the ghost figures verifiability, seemed to offer a harmonious reconciliation of natural and theological directions,” because “the suffering of the possessed could be used as a test of guilt or innocence—according to the latest ideas of the rising experimental sciences. One could actually make experiments to uncover the secrets of the invisible world. The judges learned that the look of the accused witches threw the possessed into seizures, but that the touch of a witch alleviated the suffering.” (Midelfort 1995: 164)
71. The eighty-year-old farmer Giles Corey had refused to testify during the trial and was therefore not hanged, but on September 19, 1692 by crushing with stones executed (de.wikipedia.org/wiki/Hexenprozesse_von_Salem). “His torture, known as *peine forte et dure*, was an established English procedure designed to force recalcitrant prisoners to enter a plea so their trials might proceed.” (Boyer / Nissenbaum 1974: 8)
72. (Briggs 1998: 315). For the discussion between the two Mathers—father Increase and son Cotton—on the one hand and the skeptics on the other hand, see the informative article by Harley (1996); for their role and the behavior of Governor Phips see also Baschwitz (1966: 315-325).
73. “Most of those convicted in the Salem witch trials were granted a general amnesty in 1711. In 1957, Ann Pudeator, who was hanged as a witch, was declared innocent. On November 5, 2001, the Governor of Massachusetts signed the declaration of innocence for the last five women.” (de.wikipedia.org/wiki/Hexenprozesse_von_Salem). And recently, in August 2021, “Elizabeth Johnson, who escaped the death penalty in 1693, is to be retroactively pardoned because a class of eighth-graders exerted pressure on politics and found an ally in the Massachusetts senator: Diana DiZoglio recently introduced a bill to parliament that is based in part on the research of the young people. On this basis, Johnson is to be retroactively pardoned.” (Frank Patalong: Late Pardons in the USA The Witches of Salem. In Spiegel Geschichte from 28.08.2021 (<https://www.spiegel.de/geschichte/usa-die-hexen-von-salem-und-ihre-spaeten-begnadigungen-a-6685b09b-7868-4c27-9157-c2ce6ca101e9>)).
74. “[T]he witch-hunters may have been on the offensive in 1692, but it was a fleeting offensive—counter-offensive, really—in the midst of a general and sustained retreat.” (Boyer/Nissenbaum 1974: XIII)
75. “A farce is a comedy that aims to entertain the audience by depicting unlikely or extravagant, but often conceivable, situations, disguises and confusion. Verbal humor including puns and sexual innuendos and a fast pace, which becomes even faster during the course of the play, and conscious

- absurdity or nonsense are also often found in a farce.” ([de.wikipedia.org/wiki/Farce_\(Theater\)](https://de.wikipedia.org/wiki/Farce_(Theater)))
76. “Huguenots is the name used for the French Protestants since about 1560. Their faith was strongly influenced by the teachings of John Calvin” (de.wikipedia.org/wiki/Hugenotten); the Huguenot Wars 1562-1598, which began with the bloody Bartholomew’s Night (1572), were ended in 1598 by Henry IV. with the *Edict of Nantes*, which guaranteed the Huguenots a limited freedom of religion. (de.wikipedia.org/wiki/Hugenottenkriege): “The occasion was the wedding of Catherine’s daughter to Henry of Navarre (1553-1610), which had brought many Protestant nobles to Paris. Even before the dawn of 24 August, the day of Bartholomew, Coligny and other Protestant leaders were killed. [...] For three days terror ruled the city [Paris]. Thousands fell victim to the unleashed mob here and in the province; even respectable citizens had forgotten all civility and participated in the slaughter.” (Roeck 2017: 853)
 77. The Ursuline Order was founded in 1572 and introduced in France in 1614. “The convent consists of daughters of noble and bourgeois families who either had no wealth or did not want to give a dowry to those who, in order to get rid of them, banished them from their circle.” (Aubin 1981: 18)
 78. I follow here the presentation of Aldous Huxley (1955/1952) and that of the Protestant Nicolas Aubin (1981/1694), which—slightly anonymous (H. I. S.) added—was published in Amsterdam in 1716 (p. 295)—“a very good report on Grandier’s trial and the following possession is. The author was a resident of Loudun and knew many of the people involved.” (Huxley 1955: 431)
 79. He describes the engraving printed by Huxley (1955: 12): “After-faustian eyes resemble his portrait of a fleshier, not unlovable and only slightly less intelligent Mephistopheles in the costume of a pastor.” Google image material ‘Urbain Grandier Loudun’.
 80. At the end of the tolerance period, after Richelieu had conquered the fortified Rochelle, the main fortress of the Huguenots, in 1628.
 81. On the one hand offended by Grandier—among other things because of a pamphlet falsely attributed to him by the conspirators—on the other hand in the endeavor to expand his neighboring settlement ‘Richelieu’ at the expense of Loudun.
 82. “The youngest of these ladies had a cheerful disposition and sought as much entertainment as their abode allowed them. They took advantage of [...] the common belief that ghosts were causing havoc in their house.” (Aubin 1981: 18)

83. But after his arrival in 1634/1635, the Jesuit Father Surin changed this practice with Jeanne: “Jeanne’s relationship with Surin saw the two of them turn exorcism inwards, away from public display, and importantly, away from what Jeanne referred to as ‘the violence ordinarily practiced in exorcisms’ [...] Jeanne was in a sense learning to live with her demons, to recognize them as an aspect of her own personality, and thereby give her spiritual pursuits meaning.” “The arrival of Surin saw the beginning of a long and intense spiritual partnership between him and Jeanne des Anges. Both were around thirty years old and their friendship became life-long.” (Ferber 2004: 137 ff.)
84. “It took seven devils and the canon Mignon to create the circumstances under which Soeur Jeanne was finally able to do the splits.” (Huxley 1955: 257)
85. She wrote an *autobiography* in 1644: “The autobiography was modelled upon the *Life of St. Teresa*. In it Jeanne described her life in terms of a spiritual quest, marked by an almost infinite degree of scrupulosity concerning her motives and the ways in which she allowed demons to have scope to act, as a consequence of her own defective will.” (Ferber 2004: 140). She had already read the “autobiography of the mystic Teresa of Ávila” as a child. (Waard 2005: 14)
- A ‘spiritual plagiarism’, which Keitt (2005: 115 ff.) holds true in general for Spain in the 16th/17th century: “Saint Teresa, whose autobiography served as an inspiration not only for subsequent generations in her Reformed Carmelite order but also for beatas such as María Bautista, who saw in Teresa’s literary example an outlet for their own spirituality. Because Saint Teresa provided one of the best examples of a woman successfully negotiating the male-dominated Counter-Reformation power structure, her image was eagerly embraced by women seeking legitimacy for their own spiritual experiences.” “[A] template for the lives of spiritually inclined women in Counter-Reformation Spain, [...] using established patterns of sanctity to construct their own identities.”
86. Depicted (?) in Aubin (1981: 49, 144), Frenschkowski (2012: 112); text in Götz (2007: 61) with source reference.
87. They prevented his last words, which he had promised, by throwing holy water at him and hitting him with the crucifix, boycotted the agreed-upon strangulation by a knotted rope, while the enraged exorcists themselves—what a mortal sin!—set fire to the woodpile.
88. A story that, on the one hand, has direct parallels to the witchcraft trials of the possessed Ursuline nuns in Aix (1609–1611) and in Louvier (1642–

- 1654), in which the priests Louis Gaufridy and Thomas Boullé were burned at the stake (both trials described in detail in Ferber 2004); all the more astonishing, if, on the other hand, one compares it to the reaction of the *Holy Office* in the parallel story of possession in the Flemish city of Lille (1613) (see above: 8.7.3 (1)).
89. Only the exorcist leader Pater Barré from the nearby Chinon—"he saw the imprint of cloven hooves everywhere [...] he continually fabricated possessed girls and then exorcised them. Thanks to his efforts, Chinon was full of raving girls, bewitched cows, husbands who, because of the malicious curses of some sorcerer, were unable to fulfill their marital duties." (Huxley 1985: 150f.)—was dishonorably discharged in 1640 for having been convicted of fraud (Aubin 1981: 279ff.).
 90. Father Lactance, who had set the pyre ablaze, died one month after Grandier in "an attack of unspeakable rage and frenzy" (Aubin 1981: 167); the Capuchin Father Tranquille "behaved during his last year of life (1638) like the nuns whose hysteria he had so carefully cultivated. He rolled on the ground, cursed, screeched, stuck out his tongue, hissed, barked and whinnied." (Huxley 1985: 303); the last Jesuit to be appointed, Father Surin, who accompanied the prioress in her "second career as a saint" as a confessor and mentor, was—at times—himself possessed; the barber Mannouri saw Grandier as a ghost, whereupon he died a few days later "in the belief that he still saw Grandier, constantly trying to push him back and prevent his approach with all the means and forms of language." (Aubin 1981: 287). The nuns Claire and Agnes recanted—in vain—their testimony and publicly accused the exorcists, and the prioress "went into the middle of the convent courtyard in her underwear, with her head uncovered, a rope around her neck and a candle in her hand and stood there for two hours in the pouring rain", to then confess to Laubardemont her false testimony. (Aubin 1981: 147).
 91. Similarly to Elisabeth Ranfaing: "Ranfaing's possession [ends] in 1626, after more than six years of exorcisms, and she went on to establish a new Lorraine- and France-wide religious order, Notre Dame du Refuge, beginning in Nancy, in 1629. She also became the so-called 'spiritual mother' of a secret confraternity, known as the 'Médailles'. [...] Ranfaing and Jeanne des Anges had in common the fact that each woman only attained a reputation as a mystic as her possession waned." (Ferber 2004: 192)
 92. As Trevor Johnson (2005: 245) notes in the case of Anna Elisabetha de la Haye mentioned above in relation to her fantasies and physical complaints: "[T]he temporary (but consciously or unconsciously desired) liberation of

- the affected person from the usual community constraints imposed on the behavior of women and, in particular, of young women.”
93. (Midelfort 1999: 79). A common language game in which, in Catholic Reformed France in the 17th century, the possessed could refer to both the known models as well as the current *living saints*; while the exorcist could and had to bring in both his “professional” experience and his devil ideology: “Possessed women in this era were familiar with accounts of the lives of female saints and with the possibilities of divine intervention, and their actions were [...] interpretable within and largely shaped by martyrological and hagiographical understandings of possession. [...] Thus representing the speech of possessed women, however much it was their own, always had to be framed within their relationship to their male interlocutors, in order to safeguard the notion of successful exorcism as an act of obedience.” (Ferber 2004: 146).
 94. “It is often reported that the spectators of an exorcism were subject to similar hallucinations as the exorcised. Groups of people who attended an exorcism then sometimes came to the shared conviction that they had seen a demon, or even whole swarms of evil spirits ‘like flies,’ leave the body of the possessed with their own eyes.” (Weber 1999: 136).
 95. Clark (1999: 399) referring to the relevant ethnological literature.
 96. Weber (1999: 260f.) for the comparison between possession and the concept of multiple personality. “All illnesses, including what was then called demonic possession, are socially constructed and can be understood only if they are studied in the cultural context in which they took place.” (Levack 2013: 114)
 97. A power instrument that the Jesuits in Holland in the 17th century—in which there was no witch-hunt since 1608—deliberately used in their confrontation with the local Catholic clergy: “[I]t seems that the copious use of healing sacramentals detached from the sacrament of confession was a typical element of the strategy in countries which the Society tried to recover from the advance of Protestantism. It is therefore all the more remarkable that they used this same strategy in the United Netherlands in their competition with other Catholic priests.”; “It is clear that, in the cut-throat competition between the rival sections of the Catholic clergy, the miraculous demonstrations of heavenly favour proved to be an effective propaganda weapon.” (De Waardt 2009: 356, 359)
 98. “In the late sixteenth century, when the number of demonic possessions reached new heights and when exorcism manuals became widely available in print, the number of exorcists increased dramatically. Many of the new

- practitioners were lay healers who believed that demons were the cause of the illnesses they were hired to cure. In Germany wandering practitioners known as *Teufelsbanner* developed profitable businesses by charging fees for their services. Others who met the popular demand for exorcisms were parish priests who had no training in the art.” (Levack 2013: 96)
99. “The people affected by the demonic attack—that was clear and insightful—did not belong in the hands of doctors, but rather the competence of the church was required. Not with medical treatment, but with conjuring words and holy means—with hosts and holy water, relics and crucifixes, consecrated candles and symbolic gestures—the affected had to be treated and healed; only in this way could the satanic power be stopped.” (Weber 1999: 200)
100. This is how the royal physician Michel Marescot (1599), appointed by the Bishop of Paris, judged the behaviour of the possessed Marthe Brossier together with the majority of his medical colleagues: as sheer fraud. Marescot wrote: ‘Nihil a daemone. Multa ficta. A morbo pauca’ (Nothing from the devil—much fraud—a little illness). In contrast, a Lorraine physician, Remy Picard, fiercely attacked the Franciscan Claude Pithoys in the case of Elizabeth Ranfaing (1618). Pithoys had referred to Marescot’s opinion in a positive way. Picard called Pithoys’ work a ‘defamatory libel’ and a ‘chaos of absurdities and impertinences’, full of ‘horrible blasphemies’. ‘What he has told of Marthe Brossier is so far distant from the truth that I blush for this assured liar’. (Pearl 1999: 48f., 56f.).
101. ‘Between the middle of the 16th and the middle of the 17th century, possession and exorcism experienced a renewal, during which the rite was modernised and its popularity increased sharply. Radical Counter-Reformers and Jesuits, above all Petrus Canisius, introduced a new objectivity, characterised by routinisation, professionalisation and systematisation. At the same time, they fought against unofficial competitors, i.e. against all those practices which they devalued as diabolical superstition.’ (Lederer 2005: 214 with examples)
102. Eight ‘Huguenot Wars’ 1562–1598 ‘Similarly to the later Thirty Years’ War, the Huguenot Wars were not purely religious wars; dynastic and power-political backgrounds played an equally important role’: Catholic nobility (‘Holy League’) against monarchy; House of Guise (Lorraine) against House of Bourbon; participation of the Calvinist Palatinate and England on the one hand, the Catholic Spaniards on the other (de.m.wikipedia.org/wiki/Huguenottenkriege). See also: Diefendorf (2004)

103. “Within a few days of the registration of the Edict of Nantes, the Capuchins dramatically presented a new demoniac to the city of Paris [...] During her exorcisms, her primary demon identified himself as the selfsame Beelzebuth who had possessed Nicole Aubrey in 1566. This demon, as L’Estoile stated, ‘Said marvelous things against the Huguenots.’ For the embattled Capuchins of Paris, Marthe was a godsend. They arranged great public exorcisms, to which huge crowds of curious Parisians, always eager for novelties, flocked. Her Beelzebuth preached against heresy and the Edict, while the preachers of the city echoed the message.” (Pearl 1999: 48)
104. What about the *Compendio dell’arte essorcistica* des Franziskaner Girolamo Menghi (1572) with its 17 editions may stand for; until the Vatican recorded it in the 18th century in the Index of banned books: “[T]he most fervent promoter of the idea that possession was almost always caused by witchcraft.” (Levack 2013: 66 f., 109, 194). “[O]ne of Europe’s most famous sixteenth-century exorcists and possibly the most successful writer of exorcism manuals who ever existed, available for a wider scholarly audience.” (Roest 2018: 301; more about Menghi: 323–26)
105. So proclaimed the devil Beelzebub from the mouth of Nicole Obry/Aubrey at the beginning of the French -Religious Wars (1566)—as well as 33 years later at its end through Marthe Brossier: “Ordered to speak by the exorcist, the main devil possessing Nicole revealed himself as Prince Beelzebuth, one of the major demons. Beelzebuth also made it clear that he was Prince of the Protestants referring to them often as ‘my Huguenots.’ The exorcist forced Beelzebuth to talk, and he delivered sermons on the cruelty and infidelity of the Huguenots, a popular theme of Catholic preachers during the religious wars. He even told how local Huguenots had stolen a Communion wafer, cut it up and boiled and burned the pieces. Beelzebuth raged, ‘I with my obstinate Huguenots will do Him (Christ) more evil than the Jews did!’”. (Pearl 1999: 44)
106. *CSU wants tougher penalties for young violent offenders*: Children under 14 should no longer be automatically exempt from punishment, the CSU parliamentary group demands in a motion (5.1.2020) (www.zeit.de/politik/deutschland/2020-01/strafmuendigkeit).
107. Behringer (1989: 31) gives a first overview: “Children” in witch trials are a topic that is not only little known to the general public, but has also been hardly noticed by research. “A short, critical recent research overview can be found in Dillinger (2013: 15-21, 15): The research “has found some, but compared to the central question of the connection between witch beliefs and gender roles, still little attention.”

108. "The damage to the children was thus the actual determining factor of the monsters. 'Lamiae' means as much as 'tearing monsters/are just the Striges, in which they tear all the children out of the body with all their strength and power. 'According to Ellinger (1629), the Lamiae also included' those devil's brood/which open the graves and graves of unbaptized children at night/and steal them from there/cook and boil them/and thereby prepare their witch ointment.'" (Weber 2000: 122)
109. Richard Kiekhefer (1993: 108-108) offers an overview of the three different forms of symmetry that can be explained in "late medieval Europe": a "trichotomy of blood-sucking, flesh-eating, and (more simply) infant-afflicting or infant-slaying witchcraft.": "Anxieties about the vulnerability of children may be constant, and in most cultures these apprehensions may spontaneously be given mythological expression, but the crucial factor is whether and how these fears are exploited by authorities [...] the suspected child-killing witches seem to have been in greatest danger of being mythologized and executed when popular anxieties were ratified and exploited by authorities."
110. This was particularly true when these children, in their stories about the Sabbath, picked up and confirmed rumors and beliefs about witches that were already circulating in their social environment, as did 10-year-old Maria Ulmerin from Rottenburg, who between 1594 and her execution in 1608 influenced at least 60 proceedings as the "mouthpiece of local witch rumors."(Dillinger 2013: 134-149).
111. In a "letter from Judge Johan Barckhausen from the year 1658 [it says] 'So one can and must believe such testimony, one would not want to believe anything, except what one could grasp with both hands. Whoever wants to reveal the truth about hidden things should ask the children and other simple people, because there is no malice in them, but they say plainly, without further thought, what has happened, what they have seen and heard, so I believe their testimony more than others, who are afraid of their own danger and have been prompted and driven by others to either completely suppress or so disguise the truth that it leaves the interrogator uncertain and in doubt.'" (from Koppenborg 1994: 195)
112. "The pictures of the children from the Sabbath were more vivid and detailed than the representations of the older witches and wizards, who usually oriented themselves on given schemes and fixed formulas. With aggressive and provocative sexual images in the scenario of the witch's Sabbath, the minors knew how to repeatedly shock the adults." (Weber 2000: 102)

113. For the southwest German area, Midelfort (1972: 179) says: "From 1627 on, every large witch hunt began with children."
114. A list of the focal points of the child witches can be found in Weber (2000: 211 ff.), in particular in Würzburg and Wertheim (1629-1644) (pp. 261-274); Sebald (1996: 70 ff.) describes the cases of the English child witches; Walz (1994) analyses the child processes of the county of Lippe; Dillinger (2013: 107-213) describes in detail 8 case examples from Esslingen (1663), Ellwangen (1613), Rottenburg (1594-1608), Schwerin (1643), Annaberg (1713), Henndorf near Salburg (1678), Sigmaringen (1668) and Itzehoe (1694).
115. "[T]he idea that witchcraft was a power to do harm which could be taught by the initiated to the uninitiated was so flexible a concept that it could accommodate plausibly any person and any situation of perceived social conflict in the mind of an accuser." In Rothenburg: "There witchcraft was more frequently imagined to be passed on by mothers to daughters but, precisely because it was believed to be a learned art, it could also be imagined as something taught and acquired by male blood-relatives and by in-laws and unrelated household members and acquaintances of both genders." (Rowlands 2001: 88, 80)
116. Jean Bodin (1580) "was, like other authors of demonological literature of the opinion that witchcraft was inherited. Children of a 'convicted' witch would therefore be highly suspect of being monsters themselves. As proof, he argued that the accused of witchcraft had confessed without any 'torture', as minors at the age of about twelve years, they had been led by their mother to the devil and had had sexual intercourse with him." (Rau 2006: 85)
117. For example, the 16-year-old Maria Ostertegin, who in 1613 in Ellwangen caused the "model example of a witch-hunt 'from above'" described above (9.4)(see Dillinger 2013: 123 ff.).
118. In the *Newspaper of Six Hundred Witches* Bamberg 1630 it says further: "And the sorcery has taken hold in Bamberg and Wuertzburg so that also the children are taught in schools and on the streets to each other, therefore some schools are completely eingestellet [...]. So the parents promise their children to Satan in the womb, especially it is to be wondered that such small children can bring about thunder and lightning..." (In: Behringer 2000: 263)
119. Beck (2012: 340) names a clergyman, Wolfgang Schilling, as the author.
120. "They complained that parents set a bad example or used bad childrearing techniques. In taking this approach, they were lining the problem of witch

- children to a broader cultural concern about parenting that began to grow during the sixteenth century. This concern, in turn, was part of the even broader campaign of confessionalized social discipline, concern about children's morality was just one front of the wider push to reform popular behavior and recast popular culture." (Bever 2008: 117)
121. The author of this—apparently a theologian—was of the opinion that he ‘cannot remember or know of, [...] ever having heard or read of, so many young boys, unable to father children or even still children [...], being so involved in such witchcraft and poisoned by it.’ In addition, ‘the children themselves would also be the cause [...] because of their own sinfulness, or the bad influence of their peers, depending on their age, or from the great negligence and oversight of their parents, leading them to curse [...], to speak and play in an obscene way and other such gross sins.’ (After Rau 2006: 88)
 122. “It was the theorist of the great Trier persecution, Bishop Peter Binsfeld, who first raised the question in 1589 of how to deal with ‘minors’ in witch trials in his *Tractatus de confessionibus maleficiorum et sagarum*. Apparently this was a new question, because Binsfeld could not base his argumentation on any authority, as would have been usual. Instead, he appealed to his own experiences in the Trier trials”: “and to prove the matter, I appeal to the judicial proceedings and common knowledge of this city of Trier, which it would be a great foolishness and stubbornness to contradict ...”(Behringer 1989: 35)
 123. I follow Rau here (2006); see also Roper (2007: 278ff.).
 124. In this sense, the above-mentioned (8.5.2, note 76) Kur-Trier witch-commissioner Heinrich von Schultheiß 1634 “in his ‘*Außführliche Instruction Wie in Inquisition Sachen des gewlichen Lasters der Zauberey...zu procediren*’”, demanded “that the small, 6.7.8.9-year-old children, who are led astray by this vice [of witchcraft] in their innocence, reveal everything and open the eyes of the authorities.” On the other hand, the parents had the duty, in order to avoid the eternal loss of their salvation and out of “right, true love and loyalty towards their poor, led-astay children”, to report these children to the authorities as witch-children.” (Rau 2006: 56ff.).
 125. “[I]t has never become wet for her” (Rau 2006: 150).
 126. “That the evil enemy has had to do with her, at the dance once, when she danced naked, and also on the böth [...], and how it happened the first time, he, the evil one, has left something [note of the protocol: ‘S. Maria’] in the little hole from which she pisses, which has stuck there for 2 days and she cannot go for it, it has also hurt her a lot, it has been a long time, which

- he has put in there, which he has pulled back and forth.” But the examination by two midwives confirms that she is still “a true virgin” (Rau 2006: 133, 139).
127. In his writing *Die gebrochene Macht der Finsterniß* (*The broken power of the darkness*) (1687), in which, among other things, he also refers to the Mora processes discussed below (Weber 2000: 282), he calls for—that is, more than 300 years ago, with a justification that is not unknown today—‘particularly harsh treatment of the witch children, which served him as evidence for the existence of witches’. The parents would be responsible through “the cursing of the poor children, and the bad upbringing of them”. “With the infernal poison [...] infected [...] that rarely some hope for a complete cure and permanent improvement could be created.” (Rau 2006: 90f.)
 128. “But since puberty is not yet completed.” (Rau 2006: 235).
 129. This seems to have been an appropriate method of execution for this age: “Convicted child witches had their veins cut in a tub with hot water. They then bled slowly. This execution by *sectio venae*, corresponded to an ancient suicide practice. It was considered a ‘good’ death by gradually fading away into death without much pain.” (Dillinger 2013: 63)
 130. Even in the later phase, “there were still about 20 ‘diabolical’ boys and girls here, supervised by four prison guards and three nurses. However, the ‘worst’ children were to be separated from the others and—if no separate space was available in the hospital for them—brought back to the prison.” (Rau 2006: 312)
 131. S. also Walz (1994: 225 ff.) on the behavior of the children interned in a ‘inn’ and the problems of the institution’s staff—“This motley spectacle was a perfect staging of the devil by Johan Herman”, whose execution the children had to watch. Koppenborg (2007) also reports from Detmold: “The imprisonment of over 50 children in an inn converted into a prison in Detmold that lasted over two decades had a significant impact on the persecution in the residence city. The trigger for the internments were the accusations in the original complaint of the teacher Herman Beschorn from Lemgo in 1653. In addition, mainly those children were interned, whose parents had been accused in previous witch trials.”
 132. The parents of the Betzschen ‘Teufelskinder’ described it “as a mixture of shards of glass, bones, nutshells, oats, barley and wheat grains, hair, black and yellow powder, a kind of file, a half human jaw and a large number of white, yellow and black threads.” (Rau 2006: 308).

133. “This inquisition is extremely cumbersome and difficult, as can be easily seen, and even more difficult to formulate a sentence, since in the Senate the two religious parties have quite different principles.” On the Protestant side, one wanted to release the seamstress and arbitrarily punish the children, while on the Catholic side one “believed that no improvement could be seen in them, but rather they became more and more stubborn every day, no other means would be left to get rid of them all at once from the world! You could at least execute them by the guillotine because of their tender age; by this the children might perhaps still come to salvation, and the city treasury would be relieved of the daily burden of expenses at once.” (Rau 2006: 315)
134. “Even in the city council, it was agreed that with these ‘devil’s children’ no real improvement could be expected. Only the master builder spoke in favor of ‘gradually taking their [the children’s] bad experiences and fantasies out of their minds and leading them to true fear of God.’ However, the child-witches should not go unpunished. The worst of them should be whipped with 15 strokes once a week for four weeks in the workhouse. The smallest and youngest, on the other hand, should only receive a punishment of 10 strokes once a week ‘because of their youth and childhood years.’” (Rau 2006: 317). A ‘modern’ view at the time, which was only uncovered 230 years later in the ‘home campaign’, and which was only ‘compensated’ for half a century later in 2012 by a fund set up by a ‘round table.’ See Peter Wensierski’s book *Schläge im Namen des Herren (Beating in the Name of the Lord)* (2006), which was filmed in the ZDF film *Und alle haben geschwiegen (And Everyone Remained Silent)* (11. 3. 2013).
135. Manfred Kappeler (2012: 84) describes how they realized their vividly described “youth pranks” in their “*Herzogpark-Bande*,” including a feast with food they had stolen from various stores, to which a young actor who was amazed by it also took part, with whom they had established close and forbidden contacts. A pubertal expression (ibid.: 74), which not only left the parents helpless, but also endangered their bourgeois reputation, so that it was decided to “send the two oldest ones to boarding school,” as was said at the time.
136. Weber (2000: 96ff.) quotes the Reutlingen chronicler Lorentius Hoffstetter (†1692) with a statement by Maria Dörr’s four-year-old granddaughter, which shows “that even small children shared the belief in witches.” Dillinger (2013: 107ff.) reports on the case of the not yet five-year-old lawyer’s daughter Anna Maria Hauber from Roßwälden near Esslingen (1663), who stated that she had visited nocturnal dances with her parents.

137. Walz (1994: 222) describes the controversial discussion in the Lippe consistory, in which the superintendent pastor Dreckmeier from Schötmar “although recommended the improvement through Christian education []: but that such instruction could be a complete improvement and conversion from the devil to godt ... catch on to their souls salvation, I can not believe. As justification, he quoted the words of Jesus from the returning evil spirit (Matthew 12, 43 ff.). Therefore, they should be brought back to Christianity and then secretly killed.”
138. “The aggressive devilish fantasies directed the children against those who confined and suppressed them: primarily against the clergy and pastors, and with the material that their education and theology had provided them, they staged an impressive, all-encompassing dangerous game.” (Weber 2000: 99)
139. The twelve-year-old Urban Helbling, whose mother had been drowned as a witch, said (*besagt*) as possessed child in Reutlingen 1665 170 people, including numerous children, so that under the city judge Johann Philipp Lauberberger 11 women, two men and a nineteen-year-old boy were executed within a year. (Weber 2000: 20, 57)
140. I follow Ankarloo (1990) here. For the wealth of contemporary baroque *reportage* see Ankarloo (2002: 94): “The sensationalism of now and then are not very different.”
141. In 1649, Queen Christina of Sweden, daughter of Gustav Adolf, ordered the city of Verden an der Aller, which was subordinate to her: “that they cease all further inquisition and process in this matter of witchcraft, and that those who have been captured so far be released and restored to their former state.” (in: Behringer 2000: 398). See also Wook (2006).
142. In 1675, the French ambassador wrote “having seen the little girls [in one of the wake-houses set up in Stockholm for the supervision of the transvected children] coolly in a letter to his king that ‘j’ai vu quelquefois cette petite comédie, que j’ai trouvée au moins fort bien jouée’” (I have seen this little comedy, which I found at least very well played) (Ankarloo 1990: 310).
143. See the convincing report from 1670 in (www.kriminalia.de/2010/12/der-hexenprozes-zu-mora-in-schweden-1670), as well as Per Sörlin (2008), who analyzes the ambivalent situation of the children—on the one hand involved in the Sabbath, on the other hand victims: “The children were in a dilemma [...] they sought to make their evidence credible [...]. On the other hand, the children’s willingness to cooperate meant that they could not avoid arriving at Blåkulla and participating in sin. This fact has contributed to certain of the curious contrasts in the stereotype, the children of course wanted to minimize their own responsibility.” (Ibid.: 108)

144. In the following, I rely on Behringer (1988: 353 ff.) And, in more detail, on Müllers thorough analysis (2009).
145. Midelfort (1972: 182) with relevant table.
146. Adapted for the stage by Felix Mitterer: *Die Kinder des Teufels (The Children of the Devil. A Play and its Historical Background.)* Innsbruck 1989.
147. Müller (2009: 372) lists: “The average age of the 124 people executed or died in custody as a result of the sorcerer-Jackl trials between 1675 and 1679 is just over 20 years, with significant differences between the sexes: for the 90 male persons it is 18.4 years, for the 34 females it is almost 27 years. The reason for this is to be found in the large number of females over 30 years of age who were executed, while for the males the 10-15 year age group (with a share of around 40%) dominates.”
148. Dillinger (2013: 184) on the other hand: “that the Salzburg Court Council even swept the news of Jakob Koller’s death under the rug. Koller had already been buried in St. Wolfgang in April 1677. However, since the deceased did not match the description given by the twelve-year-old Dionysius Feldner of the sorcerer Jackl, the authorities assumed that it was a case of mistaken identity.”
149. Dillinger (2013: 101) correctly points out that this claim had particular weight at the time: “As a rule, child witches claimed that they could Rats and Mice make. These were no trifles: The rodents were feared as pests that infested grain stores. A plague of mice could certainly adversely affect rural economies.” Rainer Beck (2012: 50-64) goes into great detail about this child’s mouse-making: “More important than the tangible damage in the wake of childish antics seemed to be what Kofler, Spitzel and the other admonishers were aiming for: that these magic tricks were a sign. A sign that these children were antisocial beings who had drifted away from and fallen under the influence of evil, and were no longer part of the Christian community.” (Ibid.: 64). The example of nine-year-old Altje Ahlers from St. Margarethen bei Itzehoe, who in 1694 conjured a mouse from a handkerchief in front of her school friends, shows how closely child’s play and *witchcraft* fears merge; Thomasius—contrary to the prosecutor’s request for torture and the death penalty—classified it as ‘childish pranks’ in one of his first expert opinions. (Dillinger 2013: 201-206)
150. This is what was said in a similar case 50 years later in Freising (1724): “Gröbner, who was 17 years old at the time of his arrest, ‘pulled out a Düchl (= handkerchief), on which a Hl. host was hanging.’ They discussed it. The crime and another blood sign followed. For now ‘this Gröbner put the Düchl with the holy host on an oak stick ... and all four of them pulled

- out their knives, but Gröbner announced, > I have to see if I can hit it.< He therefore made a stab with the knife and hit it, and immediately 3 holy drops of blood followed, over which they all 4 were shocked and Gröbner announced > Jesus, Jesus, what is that<.” (Stephens 2003: 533)
151. Quoted by Schulte (2000: 256) from Schindler (1992: 274).
 152. “As late as 1569, a council in Salzburg, which was also responsible for Carinthia, rejected witchcraft in the medieval Catholic tradition as a product of imagination and ordered that, in the event of witchcraft complaints, the illusionary character of such offenses be pointed out and any sinners be brought back into the Christian community through religious instruction. Only recalcitrant persons were to be reported to higher church authorities.” (Schulte 2000: 260)
 153. His predecessor had “left the government business to selected members of the cathedral chapter as early as 1662, while Max Gandolf made the subjects feel the love and severity of an engaged prince of the country in a typical way of the time—or at least made serious efforts to do so.”; “From the very beginning [...] great attention was paid to religious and moral issues”, especially since the land’s own Protestants could not be expelled until the mid-80s in a “small” and 1731 in a ”great emigration”. (Mülleder 2009: 33f.)
 154. “The attribution of beggars by members of the administration as the cause of their newly judged insufficient performance and the resulting criticism of the superior authorities made the beggars witches to be pursued—at the level of the subordinate courts as well as at the level of the court council.” (Mülleder 2009: 373)
 155. “Because the court could not cope with the large number of pending proceedings quickly enough, a backlog of prisoners lasting until the end of the mass persecution had already formed in December 1677, which often meant months of imprisonment for the affected persons before their first interrogation by the court.” (Mülleder 2009: 375)
 156. (Mülleder 2009: 128). S. ,A typical interrogation protocol’ (ibid.: 146–152).
 157. “The mass persecution no longer ran smoothly. Max Gandolf criticized the routine reporting obligation of the Court Council and made several orders that showed that he no longer trusted the mass persecution in the practiced manner and that he demanded caution in arrests.” (Mülleder 2009: 179)
 158. Schulte (2000: 243–264, 247) describes the parallel persecution of “beggars and vagabonds” in Carinthia for the period from 1630 to 1720, who are ”consistently accused of the so-called weather-making [both as a protective promise and as a threat] as the main offense.“

159. His then-companion, Franz Weingartner, had wisely left. In addition, three older women were arrested, two of whom were also executed.
160. [T]he Court Council had issued the order to revoke ‘initially still amicably’ and, if they had not confessed again, to ‘examine them with real cat-o’-nine-tails torture in such a way that on the first day 30 to 40, on the second day 20 to 30 and then 15 to 20 well-sensitive strokes were given.’” (Beck 2012: 731)
161. A very empathetic picture of these young people, who were dependent on begging, can be found in Schindler (1992: 258 ff.): “A youth subculture, an underworld, characterized by a mixture of vagrancy, street begging, hooliganism, casual work and also occasional petty crime.” (a. a. O.: 294). Müller (2009: 323-354) supplements this with a wealth of short biographies of the victims of the Jackl trials.
162. Hans Sebald (1996: 126 ff.) extensively analyzes the imaginative confession of an anonymous nine-year-old boy from Bamberg, a member of a juvenile gang (1629) at the time of Prince-Bishop Johann Georg II (who boasted of having burned 600 witches): “The behavior of the roaming juvenile gangs was a mixture of harmless begging, lucrative performances of magic tricks for entertainment, offenses up to crimes, practicing of magic and witchcraft in the belief in the effectiveness of magical formulas and rituals.” (S. 199)
163. Cf. the contributions by McLaughlin et al. in deMause (1980).
164. “If one extended the definition for children to all completely dependent persons—which one should truly do—then there is no doubt that the stick and the whip were widely used in the eighteenth (!) Century.” (Walzer 1980: 515)
165. It is quite strange how, 200 years after the beginning of *witchcraft*, the story of the first *witches* from Swiss Sion—with which I also began my story—almost literally repeats itself: “Then they made a stop in the cellar, drank the best wine and shit in the barrels.” Had the judges read *Formicarius*?
166. Under empirically verifiable conditions, such as were typical for such ‘inquisitions’ (Sebald 1996: 232 f.).
167. For example, in the case of Rainer Möllers, a teacher in a Montessori kindergarten, who spent 26 months in detention, (1995) with more than 200 interviewed children in a trial that “became a disaster for all those involved in the proceedings” (Gisela Friedrichsen and Gerhard Mauz for the acquittal in the Montessori trial) (www.spiegel.de/spiegel/print/d-9184337.html); cf. in general Elizabeth Loftus (1994) on the US origins with corresponding research evidence: “The belief in secret satanic organisations [below: 13.5 (3)] devoted to the sexual abuse, murder and cannibalism of young children

led to a series of legal proceedings in the United States and Great Britain between 1982 and 1990, most of which collapsed through lack of acceptable evidence.” (Oldridge 2007: 18). A fate one would also wish for the current Q-Anon hysteria.

168. Which Ankarloo (1990: 301) can impressively prove for the first two years with map excerpts: “The witch-craze was still on the move after eight years.” “And the messengers were not travelling merchants or bureaucrats, but the marginal members of the local communities, young people in search of work, poor children on the run, soldiers and their families on the move to and from the armies.” (Ibid.: 302)

Part III

The Witch Politics Game: How the Crime of Witchcraft was Decriminalised

So far we have dealt with the emergence of a ‘social problem’—the *witchcraft* and/or the *witch* persecution?—The third part now deals with the long-neglected but actually—politically—essential question of how such a social problem ends, i.e. which processes determine that such permanent, seemingly ‘natural’ phenomena give up their existence.

The attempt to explain the *witch* phenomenon (also) as a *witch-politics problem* is, like all historical *witch* research, subject to some very typical **epistemic presuppositions**. This is not only true for the respective subject-specific perspective—here: Sociology—or to the political neutrality of the scientist, once emphasised by Max Weber, but so fragile. But, more closely, also for the respective leading *Witch* image or for the way we understand the development of *Witch* history. Especially as their *witches myths occasionally turned out to be as ‘political’ as the ‘actual’ witches phenomenon*.

These are the preconditions that I first examine in an introductory 11th chapter. As a starting point for my considerations, I then refer in Chap. 12 to the—so far rather less studied—counter-examples of *witchcraft*-tolerant countries and cities, which give an indication of the socio-cultural moments of the time that could promote or hinder *witchcraft*. Against this background, I describe in Chap. 13—again as a counter-example to the *Witchcraft construct discussed in Part I—the respective time-bound ‘ideological’ Witchcraft scepticism, which was supposed to facilitate the exit from the hegemonically valid Witchcraft construct, at least among the ‘supporting elites’*. An enterprise—according to the summarising conclusion in my concluding 14th chapter—that, in view of the manifold legitimising functions of this *witch* model in everyday life, as in gender and domination politics, had to encounter considerable ‘professional’ resistance.



For the Conditions of An Analysis

11

Abstract

Methodological and substantive requirements of a historically oriented research of witches shape the leading image of witches and how we interpret the development of the history of witches. This applies to the way we analyze this phenomenon “standpoint-related”, deal with the “methodological” problem of a “causal” question and what we understand as the “reality” of witchcraft. The research of witches in the Third Reich serves as an example of “secondary myths of witches”. Under the motto “Knowledge and Power” the socio-cultural variables are discussed.

“Historians of witchcraft have traditionally given much more thought to the question why the trials began, than why they came to an end.” (Levack 1999: 4).

Witchcraft is a construct. Why we today see it as “not real”, as “delusion”, as was said before, as “fake news”, to which only “the illiterate” fall prey. The “early modern” people, on the other hand, experienced and treated it as a “real fact”. Just as we today understand “drug addiction” as a construct, which, however, is experienced by the “addicts” as such and diagnosed and treated by the psychiatrist accordingly.¹ Two perspectives—from the outside: theoretical, historical, and from the inside: experienced, suffered and treated; which is why it is so difficult for us to put ourselves in the situation at that time.

Before I look “from the outside” again at the end of this *witch* phenomenon in the last three chapters, I would therefore like to address some **typical problems** of this look itself, with which the **witchcraft research** in ever new turns tries

to do justice to this phenomenon. For this I skim over some questions that have already occupied us in the previous text in order to arrange them a little better. Namely, first of all—sociologically—such aspects with which we describe and analyze this phenomenon “from ‘our’ standpoint” (Sect. 11.1) and how we—epistemologically—deal with the “methodological” problem of a “causal” question (Sect. 11.2). I then go on to discuss the importance of some socio-cultural variables that play a role in the *witchcraft* research of recent times, in particular: secularization, leading personalities, state power formation (Sect. 11.3), only to return once again to the question of the then valid *witch*—“reality” (Sect. 11.4). Finally, I summarize the result in a “methodological conclusion” (Sect. 11.5).

11.1 Our View “From the Outside”

As much as we as scientists try to carry out our analysis as neutrally and “objectively” as possible, we cannot avoid that the selection and interpretation of the relevant factors are determined by our preferences and emotions, our prior knowledge and our professional training, as well as by the “archive” of previous relevant research and the respective “mental” environment in which one researches. Especially since the *witchcraft* topic in our time can evoke emotional double burden, empathy with the persecuted and aversion to their persecutors.

11.1.1 Our View of the Excesses

“Large panic trials were basically different from the smaller trials in that they depended on masses of denunciations whose truth was hardly doubted. As a series of witch trials progressed, the typical stereotype of the old woman, living a solitary and eccentric existence, usually began to break down.” (Midelfort 1972: 194).

In addition to the already repeatedly mentioned disciplinary perspectives, it was above all the view of the exciting **mass phenomena** that threatened to dissolve the *witch* phenomenon one-sidedly, while the associated chance of a **politicization** of the findings could again cloud the historical view. But first of all, for our question about the end of the *witch* problem, we should—from the historical course of events—more clearly distinguish between the ‘endemic-normal’ *witch* processes and the organized ‘epidemic’ execution excesses discussed in the last chapter.

These gruesome, visually and emotionally so conspicuous **excesses**, which were mostly broken off relatively abruptly and often from ‘above’ in the first half

of the 17th century, determined research on *witches* until the end of the 20th century. That is why Soldan-Heppe (1911), as evidence of an allegedly continuous extreme persecution practice, counted with Baron de Lamothe-Langon (1829) for the period between the heretics and *witches* (1320 and 1350) in Carcassonne over 400 convicted sorcerers and in Toulouse 600 verdicts, two thirds of which would have been pronounced for delivery to the secular arm (cf. Sect. 4.1.2).

But in this perspective, not only the highly diverse forms of this *witchcraft* including those in the tolerant regimes (12th chapter) were neglected. Above all, this view of the excesses concealed the actual 'historicity' of this *witch* phenomenon, its 'clerical' origin and legal enforcement, its 'rural' roots and long-term 'endemic' effects, as well as its termination and transition into the subsequent forms of such a 'pastoral' basic attitude.

A one-dimensional lens that can also tint the **disciplinary** view, especially when, vice versa, in criticism of the 'excessive' perspective, one ethnologically or sociologically of religion pushes the 'global' witch phenomenon into the foreground.² a 'disciplinary' legitimate and informative view, which, however, does not do justice to the weight of a 'scientific-demonological' early modern-central European *witchcraft*:

A recent example of this is the criticism of Schwerhoff (2007) of Monika Neugebauer-Böck (cf. 2.4, note 76): "In fact, the recent—further expanding—religious studies contributions, for example by Neugebauer-Böck (2007/2003) or by Glaser/Hille (2019), open the necessary view of connections between demonologists and 'Renaissance magicians' (cf. 1.1.1(1)), but they neglect almost completely their implementation by the 'political' component, that is: law, justice organization, judges and rulers, as well as the 'audience', the neighbors or the population, together with their complex—time- and space-bound—interest structures."

A difference between endemic and epidemic *witchcraft*, which is also shown in the fact that at the end of this phase the 'classical' *witch* stereotype of the 'poor old, everyone in the village known witch', which had dissolved in the climax of the first half of the 17th century in the dynamics of the great *witch* hunts in several ways, could revive again.³

11.1.2 The Political Temptation: Secondary Witch Myths

"We see how the pyres flared up, on which countless tens of thousands tortured and torn bodies of the mothers and girls of our people were burned to ashes in the witch trial."⁴

(1) These so visibly gruesome **excesses**, which, however, were mostly broken off relatively abruptly and often from “above” still in the first half of the 17th century, determined both the just mentioned *witch* research, as well as the *black legends*, not only for the role of the *Inquisition* (8.7), but above all as a “politically” steered search for the “actually guilty” and their interest-bound motivation to carry out these persecutions. Legends – corresponding to those on the side of the persecutors – who, with regard to the persecuted witches, romantically ‘protested’ with Jules Michelet or favored fertility cults à la Murray (cf. above: Sect. 5.3. (2)).

In addition to the originally “Dominican” *witch* myth—which invented the phenomenon of the “satanic” *witch* (main part I)—**secondary, explanatory witch myths**, which instead of “Satan” explained their worldly representatives as responsible. This already began during the time of the confessional persecutions between Catholics and Protestants—as is particularly clear from the English example (12.1.2)—dominated the “Kulturkampf” in the 19th century and fueled the *witch* research in the Third Reich—to which I now turn as a deterrent example; they served the feminism of the 70s, which raved about 9 million victims (5.1) or about the *‘Vernichtung der weisen Frauen’* (*Destruction of the wise women*).⁵ All these “secondary” *witch* myths are based—as well as the related modern conspiracy theories—on previously interested “ideologies”. They always take individual research findings as plausible anchors, generalize them and anchor them—with always convincing “internal logic”—emotionally in these excesses.

(2) As a rarely treated example of this excess-oriented, one-sidedly ideological view, I choose the *witch* research in the **Third Reich**, which, with a new edition of this “culture struggle”, also tried to legitimize the “race and blood” of the “witch” example in the fight against the—not unaffected—Catholic Church.⁶

“The discussion of the witch mania in the Third Reich was part of a process in which a ‘people’s community’ legitimized by Germanic history was to be negotiated. As early as 1934, both Himmler and Rosenberg tried to institutionalize Germanic research: Both founded their own institute for prehistoric research and tried to win over as many scientists as possible. Rosenberg’s institute was called ‘Arbeitsgemeinschaft für die deutsche Volkskunde’ (‘Working Group for German Folklore’), Himmler founded the ‘Ahnenerbe’ (‘Ancestral heritage’) and the H-Sonderauftrag.” (Leszczyńska 2009: 293).

Namely, with a perverted “scientific” strategy, with which the Catholic opponent also fell into this ahistorical starting position. In the dispute over the position of *witches* among the Germans—from the time of Tacitus’ *Germania* (58-120 AD) or in the *Edda* or Icelandic Sagas—the National Socialists define “witches to

Germanic martyrs, who want to protect the old customs and ideals, the 'essence of the people'.⁷

They claimed and "proved": "that the belief in witches, among other things, goes back to Etruscan culture, from where the papacy transplanted this "un-Germanic delusion" into Germanic medieval times," because "the church has always striven to destroy the German people," as a "deliberate extermination of the Germanic race was to be realized through the extermination of women":

"[T]he terrible [...] witch hunts, which in the dirtiest way represented a single defamation of German womanhood and brought hundreds of thousands of German women and girls to the torture and the stake in a dishonorable way."⁸

In its response to Rosenberg's book—*Myth of the 20th Century* (1931)—the **Catholic Church** reacted in "extensive" *Studies on the Myth of the 20th Century* on the same level:

"The burning of witches is an old Germanic custom, nothing else but the making harmless of the female and also of the male sorcerer." "The belief in witches is therefore not from Etruria or Rome to Germany, but unfortunately an old Germanic folk custom, which has not been combated steadfastly enough by the church."⁹

Which was then countered by Friedrich Pfister (1936) with a "That one now tries to attribute the victims of the witch trials to the German account, is real Jesuitism." (Harmening 1991: 84).

Both refer to a nebulous, yet continuously ongoing history, as we experience it again and again with such ideological, "historically" founded legitimization attempts. More than two hundred years after Thomasius (Sect. 13.4.2) they miss the "rural witch" like the participating audience, overlook the "Dominican" demonologists as well as the influence of the "secular" Inquisition and its incorporation into the secular sphere of rule, in order to propagate this "scientific" work within their "history policy".¹⁰

(3) But the opposite "romantic" view of the "normal" **witch**-trials also often succumbs to the same mythological one-sidedness, anchoring it in a dark pre-history. Normal witch-trials, which then only occurred sporadically in the second half of the 18th century, until the belief in the existence of the devil-bundling *witches* at least disappeared from the minds of those responsible for this "constructed" phenomenon and the associated apparatus.

This applies equally to "positive" explanations à la Murray (5.3 (2)) or even the more recent *Wicca* movement (13.5), and even to the younger "folkloristic"

analyses, as much as these rightly refer to the “normal-global” side of witchcraft; a perspective that can then no longer grasp the professionally supported “power” problem addressed in the final chapter.

11.2 The Problem of a Causal Explanation

“[I]f we set out to explain why the witch trials of the fifteenth century began we are asking the wrong question. It is wrong, first of all, because [...] we cannot assume, that there was a single phenomenon for which we can give an accounting.”; “Not only the explanans, but the explanandum was multiple.” (Kieckhefer 2006: 103 f., 106).

All too close was the question of how such a terrible thing could happen;¹¹ just as one asks about the reasons for the two world wars, about the roots of anti-Semitism, about the causes of schizophrenia. So, **causal** fixated, after those “tangible” initial conditions—for an apparently just as “essentially” clearly delineated phenomenon—seeks, against which one could not only preventively, but also later curatively act. But this apparently so plausible “temporarily” directed sequence—from cause to effect—repeatedly proves to be a dead end, which neither takes into account “circular” processes nor their causally reinforcing “intermediate products”, such as the hospitalization of the schizophrenic or the now colonized *Commonsense*, into account; quite apart from the fact that this view, focused on the “causal roots”, often has problems adequately capturing the “historical” process itself in its change and, above all, in its extinction.

(1) This attempt to *explain* the *witch*-phenomenon **causally**, that is, for example, to ask why it only developed in the 15th century, that is, long after the end of the *heresy*, why the elites among us in Central Europe lost their early “medieval” reason (*Canon Episcopi*), why there were several rampant persecution waves in the 16th and 17th centuries, and why this *witchcraft* finally came to an end in the 18th century, is faced with a double difficulty, either generalizing or “multi-causal” to argue.

Generalizing explanations are—unless they are formulated too abstractly—always quickly relativized by readily available counter-examples, especially when, for example, neighboring territories reacted quite differently.

This is for example the case with the widespread use of the thesis by Wolfgang Behringer (1988: 96 ff., 2007), who analyses these waves of persecution as an attempt to deal with the consequences of the “Little Ice Age“, which was relevant

at that time‘ and caused hunger catastrophes, the death of children and growing price inflation¹²: “The major persecutions were rooted in years marked by agrarian crises.” (Behringer 2007: 83):¹³

In the formulation by Jürgen Schmidt (2000: 13): “A strong awareness of crisis in the face of the existential threat posed by the severe agrarian crises that followed the sudden deterioration in climate of the ‘Little Ice Age’ and affected most of the years of persecution; at the same time a radical change in mentality towards dogmatic and other-worldly patterns of thought and behaviour, which particularly promoted the reception of the spiritual aspects of the witchcraft act by the elite. This can be summarised as a darkening of the world view, especially at an official level, and a hardening of living conditions, especially among the people.”

However, not all agrarian crises led to persecutions—as is shown, for example, by the plague and hunger crises analysed by Romano/Tenenti (1998: 11 ff.) for the “witch-free” 14th century (cf. above Sect. 4.1.1)—while, conversely, in regions not affected by them, *witches* were persecuted at the same time.¹⁴ This is why the existing *witch*-model could be used as an exonerating function in one place, while in another place it could fulfil quite different functions or be replaced by other “scapegoats”—leprosy, Jews, or in Württemberg by ‘Gypsies’ and ‘landfahrer’ [itinerant people]—¹⁵

While some people attribute the blame to the “evil” forces of nature as the “ultimate” cause, Federici (2004), using a feminist-Marxist approach and the same economic data—price explosions and wage cuts—blames the “evil”, “original capitalist accumulation”. In their efforts to exploit male labour power as productively and “ordered” as possible, it was necessary to tame women—in a patriarchal way—both in housework for their unpaid reproduction, and as child-bearing machines for the production of future workers. For which the persecution of *witches*—as magically disorderly and resistant, as well as infertile, but sexually dissolute part of the population—provided the deterrent instrument:

“Which has not been recognized is that the witch-hunt was one of the most important events in the development of capitalist society and formation of the modern proletariat.”; “Most of all, it required the destruction of the power of woman which, in Europe as in America, was achieved through the extermination of the witches”; “the witch-hunt was, at least in part, an attempt to criminalize birth control and place the female body, the uterus, at the service of population increase and the production and accumulation of labor power.” (Federici 2004: 176, 62, 199).

This is therefore another attempt at a generalising—“mercantilist” underpinned—explanation, which, however, overlooks the fact that the “early capitalist”

countries, the Netherlands and England, as well as the large trading cities, such as Augsburg of the Fugger and Welser, produced the lowest numbers of persecutions, an issue to which I will return in the following 12th chapter.

A problem of explanation, which concerns both the question of the **causes** underlying the *witch*-phenomenon, i.e. witchcraft, as well as its persecution, as well as the question of their **functions**,¹⁶ i.e. its—consciously targeted as well as entirely unintended—effects on other areas of society¹⁷—such as the control of the compliance with village behavioral norms, self-enrichment motivated by interests, or the legitimization of otherwise insecure rule.¹⁸

Causes and functions, which appear in the most diverse way, dominant or in changing constellations, in different situations, regions, times and periods. Which is why it is obvious to speak of the *witch*-phenomenon as being indeed only **multicausal** or multifunctional, which however then tends to blur the concretely graspable differences in a lumpy way.

(2) A problem of explanation, which one should address in three ways: ‘typologically’, by ‘theories of middle range’ and just ‘historically’:

- ‘**Typologically**’ it was a matter of, on the one hand, working out the **variety** of different persecution scenarios on the villages or in the cities, in the work of the *witch*-committees, the *witch*-commissioners or the so-called *witch*-bishops in the Franconian dioceses, vis-à-vis ‘village witches’ and upper class *witches*, adolescents and children. Without losing sight of the overall picture of the ‘early modern *witch*’ in her ‘*family resemblance*’ (‘*Familienähnlichkeit*’)¹⁹; a common overall picture, which becomes especially visible in the difference mentioned below (11.3.2) in relation to *heresy*.
- On the ‘theoretical’ level, one should—as already mentioned at the beginning (1.1)—resort to ‘**theories of middle range**’ instead of comprehensive theoretical approaches—“a complex model of social interaction, full of checks and balances, which allows considerable scope for the merely contingent“:

“Most of us, I assume, would agree that any serious interpretation of European witchcraft must be multifactorial, relating it to a number of discrete, or at least separable, causes. Any attempt to suggest that there is a single cause, or even a dominant one, a hidden key to the mystery, should be treated with the greatest suspicion. There has been no shortage of heroic attempts in this direction, of course.” However: “Once we start aggregating, the variables multiply so fast that chaos theory, with its patterns of unpredictability, is the *scientific model which best fits the case*. This is not a counsel of despair, however; I would argue that it liberates us from the

impossible demands created by a heavily mechanistic conception of human society.” (Briggs 1999: 57, 51, 53 in italics: S.Q.).

- And seen ‘**historically**’-processually, such phenomena do not develop ‘causally’ *ex ovo* from initially ‘pure’ causes, nor do they follow continuously causal processes. In the course of such ‘evolutionary’ developments, we repeatedly come across quite fundamental changes in the leading approach, whose elements are not abandoned, but—sometimes laboriously—integrated into the ‘new’ thinking. We find such almost tectonic faults, for example, ‘inquisitorially’ in the transition from the medieval *heretics* and wizards of the feudal period to the demonologically defined *witches* of the ‘early modern period’, from the ‘superstition’ threatened by church sanctions to the heresy of *witchcraft* to be punished with fire, as well as in the materialization of a physically appearing devil (the ‘Leibhaftige’) instead of the previously only spiritually understood ‘evil’ spirit. In a process that neglects the equally worldly and village-related *maleficia* in favor of a real Satan pact, and in the place of the traditional individual village witch the conspiratorial orgiastic *witch-sabbath*. Such new, historically social phenomena develop evolutionarily or revolutionary from their history, but at the same time ‘aufzuheben’ (in a Hegelian sense) them,²⁰ that is, take them into their own development and, accordingly, interpret them anew and integrate them into this. This applies in the same way to *witchcraft* in its relationship to *heresy*, as to the ‘magical’ roots of our natural science or to the relationship between the original canonical law and its later secular competitors or between the traditional clerical inquisition process and its later secular form: from the proof of God (‘ordeal’) prohibited as early as 1215 to the forensically ascertained *witch*-mark and then, in our time, to the drug-specific hair analysis. A frequently misinterpreted, dialectically bound dependence, which Otto Neurath, a critical member of the Vienna Circle, held in the well-known metaphor:

“There is no tabula rasa. Like shipbuilders, we have to rebuild our ship at sea without ever being able to dismantle it in a dock and rebuild it from the best components.”²¹

In addition, one must take into account, the force of circular developments (*feedback*), and the possibility that in different stages of the problem-unfolding and -resolution, quite different cause-constellations can become effective. In which the original event in the further—often mutually reinforcing—course will produce fundamentally new, independent conditions: be it a ‘propagandistically’ contaminated population, a degenerated inquisition process or just a—slowly

fading—‘satanic’ *witch*-consensus. Which is why the beginning is often accompanied by the unexpected magic of the—politically so important—end:

“The end of the witch hunts is one thing, the end of the witch trials is another, the after-life of the belief in witches and magic finally a third, whereby the discourse-related interlocking of the latter should not be left out of consideration.” (Jerouschek 1995: 118).

11.3 The Socio-Cultural View: ‘Knowledge and Power’

“Christian transcendentalism no longer seemed to provide the blueprint for an orderly, smooth-running commercial society. Witches ceased to be prosecuted and began to be patronized; rustics were now ridiculed for believing what the Establishment had taught before.” (Porter 1999: 236).

Our question about this ‘end of the *witch*-problem’ leads us right into the hotly debated question of the importance of **ideal, cultural factors in the general power-play**—and this independently of their truth-content: belief and knowledge, conspiracy theories and enlightenment, *fake news* and fact-finding—that is to say, after the influence of changing mentalities, ideologies ‘and beliefs, or more concretely, after the relationship between ‘knowledge and power’²²

As a sheer construct without a ‘material basis’, the *witch*-problem was to a particular extent dependent on its ‘ideology’, on its images, stereotypes, narratives and theories, that is to say, on a ‘**knowledge**’ with its justifications and arguments, with its authorities and evidence, which is why it can provide such a convincing example of its power and impotence in the general political game. A knowledge that in the 15th century constructed the *witch*--model, in order then to let it bloom fully in the 16th and 17th centuries and slowly die out in the 18th century. A knowledge that was rooted in a common, religious-magical **mentality**, which was ‘anchored’ ‘above’ as well as ‘below’ in a common *commonsense*, which then also colonized individual heads to such an extent that inquisitor and *witch* could communicate with each other in a ‘common conversation’.

Of course not on its own, solely by virtue of the plausibility of its arguments—for which the low resistance of the *Canon Episcopi*-model as well as the low effect of the skepticism present from the beginning, speak just as much as the desperate struggle of the *witch*-hunters at the end of this time. But always embedded in the changing mentality of this time (Sect. 11.3.1), the variations of which I illustrate by means of a comparison of the *witch*- with the *heretic*-time

(Sect. 11.3.2). Driven by 'leading heads' (Sect. 11.3.3), as well as used legitimizing in the power-play of the 'emerging state' (Sect. 11.3.4) from which it profits.

11.3.1 On the 'Mentality' in Flux

"Secularization [...] was more than the campaign of reason against religion or the march of science. It was, to cast the explanatory net far more broadly, in part an unintended consequence of the spiritualization of religion and the utter division between the sacred and the profane upon which Protestantism insisted; it also came about because of the enormous transformation of material life itself within the public sphere under urban market capitalism." (Porter 1999: 174).

Mentality change was anchored in the slow transformation from religiously dogmatic and biblical thinking to secular humanism, Cartesian skepticism and early Enlightenment, as well as in the transformation of a Jesuit-Calvinist-Lutheran ideal of society to an urban, early capitalist will to order and shape society. A change, which, driven by the 'intellectual elites', gradually—'above' and 'below'—also affected the rest of the population, in order to be reflected, largely delayed, in each case also in the *commonsense*:

"[T]he learned conception of the witch and the intellectual confutation of witch-beliefs and magic mounted in the long eighteenth century. They clearly carried weight in elite circles. But there was more to the transformation than that. It also had much to do with a shifting balance of social elites, a move from the supremacy of the clergy and the church as the dominant agency of beliefs to the emergency of the Habermasian public sphere and the fourth estate; if once the sermon had been mightier than the sword, soon it would be the pen."²³

Changing environmental conditions, which in turn—positively as well as negatively—participated in the 'success' of the witch model: Mentally first as a visible confirmation of God's omnipotence, and later as a striking example of justified skepticism. Power-politically, first as a protection guaranteeing the salvation of souls, and later as a guarantor of the rule of law. Professionally as a designated exorcist or as a legal witch-expert judging in the last instance.

(1) If one argues within the framework of such mentalities, or more concretely, about the weight of 'cultural glasses', which guide our thinking, our perception and our actions in such a way that a reality corresponding to this mentality emerges from it, one easily gets into a double risk.

On the one hand, one tends to understand it **holistically** and comprehensively as ‘the’ mentality or, more concretely, as ‘the’ uniform culture of, say, the elites or the people—which it always is in its hegemonic dominance as well as in its resistance to ‘lateral thinkers’²⁴—but without grasping its complex, inherently contradictory, often holey-porous composition or its ‘ultrastability’²⁵ necessary for its ‘survival’.²⁶ Especially since demonology dealing with Satan and the witches was, for its part, part of an overarching, highly vibrant and contentious intellectual culture to which it contributed and from which it drew its barely questionable certainty:

“In effect demonology was a composite subject consisting of discussions about the workings of nature, the processes of history, the maintenance of religious purity and the nature of political authority and order. Inevitably, its authors took up particular intellectual positions in relation to these four major topics of early modern thought. Quite simply, their views about witchcraft depended on concepts and arguments drawn from the scientific, historical, religious, and political debates of their time. Equally, by theorizing about witches, they made important contributions to these same debates.”²⁷

The ‘**conversation**’ conducted within the common religious-mental framework between *witch*-hunters and their opponents, who—necessarily closely related—nevertheless maintained this framework together with the corresponding ‘fitting’ reality despite their ‘internal’ opposites,²⁸ provides us with a concrete example for this. A ‘conversation’ that in this way could shape the jointly experienced ‘*witch*-reality’ on all socio-cultural levels, from the university court’s expert opinion to the village’s confrontation with the work of the *witch*-committees or in the inquisitorial ‘interview’.

On the other hand, one overlooks, represses or overestimates the influence of the—in turn previously designed—reality, to which this mentality, or more concretely, the culturally determined theoretical analyses and practical actions must yield in order to achieve it again in their sense. A **reality** that in everyday practice, socio-economic conditions, power-political strategies of a ‘becoming state’ (Sect. 11.3.4) and, *last but not least*, in alternative approaches to mentality forms the resistant **substrate** of the respective hegemonic mentality. A mentally shaped, professionally produced ‘*witch*-reality’ (Sect. 11.4), at the relatively clear beginning and end of which we can particularly well follow both the reality-generating and the reality-related functioning of such control phenomena.

For *witches* ‘lived’ in such a magically religious space, which was, however, ‘real’ broken in three ways: ‘practically’, ‘mentally’ and ‘realiter’. The ‘practice’ of *witchcraft* was produced both in the interactively—village-like as well

as urban—lived everyday life, as in an early stately 'confessionalized' attempt to design society 'pastoral'. 'Mentally' this construction had to deal with an alternative view of reality (Sect. 11.4).

An—to the respective development of the *witch*-model suitable—interplay of 'knowledge and power', in which the knowledge, supported by the power, guaranteed the enforcement of its content; and the power, legitimated by the knowledge, its enforcement.

(2) For a long time one **discussed** the *witch*-phenomenon mainly within the framework of a (still) **religious-magical mentality**, the contents of which, however, underwent considerable change.

In the foreground stood and still stands the **clerical, confessionally religious** 'Western' root of the satanic *witch* model developed in the 15th century, which I also follow to some extent in my first main part for the beginning of this story. A specific 'western' version, which is initially confirmed by the lack of Greek or Russian Orthodox or even Islamic *witches*; as – that in the fervor of the 'culture wars'²⁹ the Catholic, Roman-Spanish tolerance (see above. Sect. 8.7) was completely overlooked. In fact, however, this component lost ground in the course of the '**secularization**' in the 16th century both on the continent and in England in favor of a more juridically shaped *witch* concept, while in the literary 'expert opinion war' (12.2.2), the clerical specialists against a university educated judiciary lost ground.

So at the beginning of the ***witch* research** this threefold contoured *witch* phenomenon (popular belief, theology, justice) was essentially discussed only under the church-secular dual characteristic—so to speak under the heading *cuius regio eius religio*—in the confessional territorial framework. Initially, all three confessions blamed each other until well into the times of the 'Kulturkampf' (1871-1887) around 1900, only to then – also one-sided – highlight the rise of a new '**secular**' mentality as the decisive agent of the decriminalization of this *witch* crime in the 20th century:

"Until the middle of the twentieth century, those historians [...] attributed the decline in one way or another to the emergence of modern rationalism, the rise of science, or an even vaguer dispelling of ignorance and 'superstition' [...] This interpretation arose during the Enlightenment, and it became the backbone of late nineteenth- and early twentieth-century liberal and Whig historiography." (Levack 1999: 4).

As 'secularization', which nevertheless constantly resorted to this religious basis: the ideal of the *godly state*. Which is why Berman (2003: 369) is rightly pointing out in his conclusion that this 'secularization' at the same time also meant a

‘spiritualization’ of the secular sphere, insofar as the state and the municipality took over the previously clerical tasks:

“It is submitted that—contrary to the usual interpretation—such transfer in both the German and the English Revolutions should be understood not only, and not primarily, as a process of secularization of ecclesiastical responsibilities and activities but also, and primarily as a process of spiritualization of secular responsibilities and activities. This at least, is how it was understood by its Protestant authors—especially in sixteenth-century Germany and in seventeenth-century England.”

(3) However, despite the aforementioned explanatory problems, we must also keep this *witchcraft* unfolding over three centuries ‘**in content**’ in its common ‘round’, ultra-stable form in mind, in which the individual *witch* phenomena ‘family-like’ unite.

This is first achieved in the **comparison** to the previous *heretic* persecution. A comparison that points out how in the ‘Early Modern Period of the *witches*’ a new social environment—urban, early absolutist compared to feudal clerical—the ‘common’ specific peculiarity of this still religiously defined phenomenon conditioned. A ‘round shape’ of the *witch* phenomenon, which wins its own—time-specific effective—‘**reality**’ (11.4). Witch on the one hand in the course of sovereign ‘confessionalization’ as such is produced, and on the other hand in anticipation of our ‘modernity’ as ‘real’ is proven.

11.3.2 On the Relationship Between Heresy and Witchcraft

“In short, the fact that inquisitions existed, and that they could be vicious, is not necessarily proof that the medieval church was either monolithic or totalitarian.”³⁰

A comparison of the *heretic* with the *witch* persecution can not only the independent, frame-giving ‘round shape’ of this *witch* phenomenon illustrate, which as ‘familienähnlich’ ‘brackets the various *witchcraft* together, but at the same time in two ways also serve as an example of how—again in a similar ‘familienähnlichen’ framework—the once leading religious-magical mentality in the course of these transitional centuries changed, and how this ‘ideal’ transformation ‘politically’ was anchored.

Namely, as Harold Berman (1983) points out, each in the wake of a society-spanning revolution: The *heretic* persecution in the context of the first ‘Papal Revolution’ triggered by Pope Gregory VII. (1073), which, freed from the worldly imperial dominance, could develop a first early state formation in Western

Europe. The *witch* persecution in the wake of the second 'German' (Lutheran-Calvinist) Revolution,³¹ which in its individualizing 'authority-thinking created a new basis for the construction of a worldly-early absolutist rule:³²

These "great revolutions were 'total' revolutions in that they involved not only the creation of new forms of government but also new structures of social and economic relations, new structures of relations between church and state, and new structures of law, as well as new visions of the community, new perspectives on history and new sets of universal values and beliefs. 'The reformation of the world', which was a slogan of the Papal Revolution, had an almost exact counterpart in each of the other revolutions." (Berman 1983: 20).

So in the third part of this book we look back on the *witch*-time to the initially³³ treated phenomenon of the *heresy*, in order to bring out their respective 'round shape' from each other,. It applied to both cases that the *heresy* like the *witchcraft*—each in their time—to the worst imaginable crime, the *crimen laesae majestatis divinae*, as an insult to the divine majesty, had been declared, and that one burned those to whom one could attribute such a crime. With a decisive variation: With the Cathars, among whom women also took on important tasks, one burned—in contrast to the 'witch-time'—mainly men, who then also regained their numerical weight in their two transitional times—at the beginning of the *witchcraft* as Vaudois, and at the end as juvenile delinquents'—again,³⁴ while for women at these times at first the persecution as 'heretical' Beguines, as in Basel (2.6 (3)), and at the end, in the transition to the 'time of the insane', the role of the possessed was provided.

In both cases this procedure served—if we once leave out the other associated functions—doubly functional both to expand and secure one's own **ruling power**, thus as protection of the community and the salvation of souls on the one hand, blood court on the other hand—as well as to enforce the ideology supporting one's own rule. With the decisive difference that the *heretic*-persecution protected a given 'religious' legitimacy, while the *witch*-persecution founded a new 'secular' legitimacy.

A 'inquisitorial' **control device** that increasingly both lost sight of the sense of the original accusation process oriented to balance between perpetrator and victim, as well as the initially existing, 'constitutional' procedural safeguards in the fight against this 'special crime endangering rule' considerably restricted and largely abandoned; two early achievements that were lost in this way well into the 20th century.³⁵

In a fight for the **religious interpretation authority** ('Deutungshoheit'), in order to secure one's own insecure rule, with four significant **variations**:

(1) In the late Middle Ages, in the context of the Cathars, the initial focus was on asserting the papal claim to power in Languedoc in the context of a feudal power vacuum that was fragmented, with help of crusade, purgatory, confession, and inquisition—for example, as part of the Fourth Lateran Council (1215). In the early absolutism of the early modern period; 300 years later, the ‘middle’ secular powers that were fighting each other—in the context of a continuing Reformation and Counter-Reformation (1517; Council of Trent 1545–1563)—under the battle cry of an *cuius regio eius religio* pursued the construction of a confessionally unified, secular state, a *godly state* in the sense of Goodare (2016). A process that took more than a hundred years in both cases, accompanied by and crossed by numerous other functions and interests, as well as accompanied by self-perpetuating *feed-backs* from marauding inquisitors, ‘apostate’ sects and moral panics.

(2) In both cases, this *crimen plusquam exceptum, atrocissimum et occultissimum* then served as—equipped with maximum terror and turned into a community-hostile conspiracy—a **counter-image** to the ruling ideology: As a heretic who denied the orthodox Catholic faith. Or as a witch who acted against church and state. A legitimizing antithesis which was particularly emphasized in the English Restoration period (in the 1660s):i

“Witchcraft in English society, as in others before and since, was a negative representation and, arguably, a negative reinforcement of the ideal vision of society. Agreement as to the nature and identity of the paramount enemy of society – the witch – could reinforce consensus about the values which the community could agree to share. In particular, in English society and, indeed, in Christendom more generally, this meant that the witch’s nature as a social *and* religious criminal was significant.”³⁶

A religiously coloured ideology, which in and of itself—that is, without such professionally organised counter-images—was **relatively arbitrary** to shape within the given authorities of the Bible or scholasticism. This is evident, for example, in the various confessional versions that were at least better disguised theologically-biblically at the time of the Reformation. Religious-clerical variants that, however, even during the time of the ‘heretics’, allowed for the same game under the porous umbrella of an apparently unified Catholic faith for various orders, tertiaries, beguines or heretical sects. For which, not least, the different fate of the Waldensians and the Franciscans at that time, as well as the common Biblically based arguments of the ‘witch’ persecutors and their opponents ‘testify’ afterwards.

With a now second **variation**: The **counter-image** attributed to the Katharer represented, 'more realistic', to the—previously papally 'revolutionary'—own **core** of the Catholic religion as valid: Obviously in the—also pursued by the Gregorian Reform at the end of the 11th century—original, early Christian concern of poverty, asceticism and ethos of the Sermon on the Mount. A concern that was then used 'confessionally' in the *witch*-time at most against the 'vanity' of the Catholic Church in order to instead focus on the protective role of the 'authority' ('Origkeit').

(3) Now a third **variation** becomes more significant. From the beginning, but hidden, also the Christian thinking was tinted dualistic-Manichaeic—at least since (around 420 A.D.) Augustine opposed the earthly state, which was called *civitas terrena*, "also 'Devil's state' (*civitas diaboli*)",³⁷ to his *civitas Dei*, a 'God's-state'. In a dualistic horizon of **ideas**, in which logically and psychologically—but not yet 'physically' real—the Good is opposed to the Evil; an 'evil' Evil, which makes the 'omnipotence' of God shine all the brighter, the more powerful the Evil is designed. At the time of the *heretics*, as if in the fight against themselves, that is, against the corruption of their own original inner core, which could be fought against representatively in the externalized Evil of the—believing in the power of Satan—*heresy*. While in the more modern *witch*-time above all the demonologists—more clearly than their theological colleagues—materialized Satan as a **personalized** 'devil'. A now self-evident common '**Manichaeic**' ideology—less argumentatively demanding, and now often also 'pressured from below':

"Demonological theorists, however, had consciously to guard against the accusation that they were Manicheans, and although they made ritual protestations to protect themselves most of their treatises are open to this interpretation. It is perhaps noteworthy that demonological works tended to be published on their own rather than as part of an integrated scheme of theology. In theological as opposed to demonological treatises, whether Catholic, Calvinist, Lutheran, Arminian, or other, the role of the Devil tended to be highly spiritualized. He was a kind of unholy Ghost, not an incarnate or physically powerful form."³⁸

In combination with the worldly lawyers 'reality-conscious', one now grasped both the tangible **worldlymaleficium** as well as the conspiratorial fears always feared by the rulers. In order to, based on the rural *witch*-fear, subsequently attribute the satanic form invented by demonology, which is tangible and Manichaeic, to the originally rather meager village devil.

(4) And in both cases it was about spreading fear and terror, fear through the **Inquisition process**—in its inquisitorial-secret form as well as through the

cleansing burning ritual. With now a fourth **variation**: In the *heretic* time, the fear of of the naked violence of the ‘Inquisition’ dominated, while the Cathars were not feared as such in the end, so that the population and the inquisitors understood each other as opponents. The *witch*-fear, which was stirred up and widely spread in the *witch*-time, could on the other hand positively legitimize the early-absolutist rule, which was forming and religiously shaped in this time, early-absolutist, by the fact that, now correspondingly ‘domesticated’, one—against the ‘constructed’ evil—called for help.

11.3.3 To the ‘Leading Personalities’

“Intellectual historians have never really abandoned the Great Man theory of history. They often write as if all important ideas in a given age can be traced back to one or other extraordinary individual [...] rather than seeing such authors’ writings as particularly brilliant interventions in debates that were already going on in taverns or dinner parties or public gardens [...] but which otherwise might never have been written down.” (Graeber/Wendrow 2021: 27).

As an ‘educated academic’, one likes to use the explanation of the beginnings and the end of *witchcraft* on the administrators of this ‘knowledge’, on **leading personalities**, thinkers and rulers, because their works and actions have often been quoted in the past in the form of slogans—and often correspondingly distorted. Not without reason, because in them both the ‘zeitgeist’, that is the dominant ‘mentality’, or its possible variants, and thus also the chance of a skeptical-resistant view, can be grasped in a crystalline form, and because they show the limits and possibilities of what was ‘thinkable’ at that time, which ‘language’ and arguments were available at all. Especially since the whole *witch*-event did not fall from the sky ‘structurally’, but ‘on both sides’, by the persecutors and their opponents, by correspondingly responsible **constructors and actors** was ‘realized’.

(1) However, it always remains open to what extent, when and under which power-political conditions such messages reached ‘those up there’, the Frankish archbishops or the tolerant prince-electors; just as open as their influence on those who ‘at the front’ of this event—good- or ill-willed—realized it as Bauman’s ‘helpers’ and relevant professionals, as village priests, lay judges and executioners, or—then as now—as ‘ordinary men’³⁹ or as ‘unofficial collaborators’ (IM of the Stasi). But above all, this recourse to ‘literature’ neglects the role of the—less well-documented—‘audience’, that is, a population that can and must provide the ‘nutritious soil’ for both these ‘theories’ and their ‘implementation’.

(2) So first of all, 'seen negatively', the **charismatic seducers**: from the actual demonologists and inquisitors of the *heretic*-persecution over the Weihbischof Binsheim, Luther, Calvin or the Calvinist Vitrel in Waadt, to the smaller 'hate-preachers', the terrible lawyers as well as the delusional-fanatical archbishops, who wanted to clean their territories and root out the heretical weed. But it also affects, 'seen positively', the role of the **'wise' rulers**, for example in the Palatinate, Denmark, Sweden or the Fürstbischof Johann Philipp von Schönborn together with the 'smaller' fighters, like Cornelius Loos in Trier (1592) or Dr. Leonhard Karger in Schwäbisch-Gmünd (1616), as well as later the intervention of the 'enlightened' rulers, who wanted to turn to other 'order' tasks.

'Leading' personalities, who could not only significantly influence and drive the *witch*-event as well as stop it as large or especially as medium and small holders of power, but whom we find from the beginning also among the **theoretical constructors** of the *witch*-model, who in the context of their 'mental' time at least long-term influenced their 'thinking' and thus always also their practical action as negatively as positively; about their 'propagandistic' beginning I have reported in the 6th chapter, and on their skeptical attempts to break out of this prison of thought, I will go into more detail in the following 13th chapter.

11.3.4 In the "Emerging State"

"[T]he overall chronological boundaries of the godly state match the chronological boundaries of witch-hunting." (Goodare 2016: 361).

In recent *witch* history, however, there has been a renewed focus on the "legitimizing function" for the emerging "state", on the early-absolutist rulers, on the legitimizing myth of the *Inquisition* (8.7.1), for which both the model of the Frankish archbishops and the legitimation by blood justice and security promises spoke.

A quite plausible "socio-cultural" basis, above all, for the sovereign consolidation beginning in the 16th century. In the slow construction of a more hierarchically ordered sovereignty vis-à-vis an initially still largely autonomous, estate-organized society, this power-political situation changed. Initially, it was a matter of using religion as a "confessional state", later as a nascent "bureaucratic state", each time to channel the "wild litigation" into better-ordered channels in order to first prevent the gross *witch* excesses, without yet completely abandoning the *witchcraft* offence:

“There is no small irony in this pattern [...]. Just as the rise of witch-hunting was associated with the emergence of the modern state, its decline was also linked, sometimes in a most direct way, with the growth of state power during the age of absolutism and enlightened despotism.”

A basis that, in the further development of a trained “bureaucratic state” and a centralizing judiciary, initially “constitutionalized” the *witch* persecution, only to gradually replace it since the 18th century with other equivalent state functions, such as police, military and “social legislation” according to the Prussian model.

A power based on “knowledge” on the “positive-tolerant” side of which I will go into more detail in Chapter 12, and on the “power game” of which I will speak in the final Chapter 14.

11.4 On the “Reality” of *Witchcraft*

“The plague was either caused by the influence of the heavenly bodies or imposed on mortals for our punishment in righteous anger over our evil deeds,” writes Boccaccio (around 1350) in the introduction to his *Decameron*.

Behind all these attempts to explain the *witchcraft* always stands again the astonished ‘outsider’s question’ “How could one believe in the reality of the *witches*.” A question that, turned ‘inward’, can put our own ‘reality’ view to the test. Especially since we, according to John Locke, want to base our knowledge on empirical experience,⁴³ only to then, following the different variations of constructivism, understand the ‘recognized object as constructed by the observer himself through the process of recognition’.⁴⁴ And because we, politically, fear an ‘false consciousness’⁴⁶ that is spreading again: how can preached and believed ‘ideologies’ occupy the heads so unattainably.

Three aspects of the *witchcraft* ‘reality’ could help to find an answer: Admitted to the valid variations of a hegemonic mentality (1), it resists its—practical, social and skeptical—change (2, 3)⁴⁷, as long as it, mentally conform, can be ‘proven’ as such (4, 5, 6), only to then disappear in a new social reality (7).

(1) In **everyday life** on the village one could very well distinguish between ‘normal’ accidents and illnesses and the hexerical *maleficia* and attribute greater catastrophes to God or the planets.⁴⁸

As hexerical *maleficia* counted the ‘**average**’ accidents,⁴⁹ which exceeded the knowledge of the doctors or which had been diagnosed as such by the healers, monks or pastors who had been asked for help.⁵⁰ Which is why one could,

quite in line with the usual rural everyday practice: farmer's rules, craft traditions, customs, white magic, or with the means of the church magic: processions, holy water, amulets, protect oneself 'rationally' on a corresponding magical level, as long as this was not condemned, displaced and replaced by the Inquisition as heretical or 'papist' itself.

In the **cities** one had to, from the beginning—in an ascending line from the rural small town via the smaller and larger free imperial cities up to the trading and residential cities—necessarily plan, act and react 'rationally' with a behavior that was more adapted to the changing real conditions: at the market, in the urban planning and administration, in the guilds, as well as in the necessary 'politics' inward and outward, and above all in the territorial and international expanding early capitalist trade,⁵¹ which, for example, reached as far as the Orient with the Augsburg Welsers and Fuggern, and included intensive financial relations with the occasionally bankrupt European ruler courts.⁵²

This required a different kind of '**realistic-secular**' mentality, which could then also spread to the **ruling courts**, which, at the level of the actors and actor groups, within the framework of an expanding 'political' arena, relied on arguments, power games, social control and regularly controlled institutions. In this way—admittedly still for a long time at the expense of continuous, but regulated procedures against isolated *witch*-crimes—to prevent escalating larger *witch*-excesses from the outset:

"The later sixteenth century witnessed wave upon wave of more or less organized 'social control' by regimes of all political and religious colours across Europe. Through the early modern period regimes sought to collect more and more information about their people, as seen for instance in parish registers or taxation records. Increasingly they took control over the care of the poor, generally striving to immobilize the indigent poor, to punish and deter vagabonds [...] and to inculcate habits of social cohesion, sexual discipline, and gender and class subordination. These campaigns for hierarchical, rational uniformity in society could not fail to intersect with the response to popular beliefs and customs." (Cameron 2011: 175).

A 'secular' rulership practice, which by the way was also, but better theologically disguised, based on the papal and episcopal rulership practice, and whose Renaissance-core Machiavelli analysed in his *Il Principe* (1513). This early modern **Baroque-papacy**⁵³ with its nepotism and patronage system⁵⁴ was

"the precursor of the modern state. It had a standing army; it introduced a permanent direct tax in 1543; it created the first permanent diplomatic corps; it centralized administration and pushed back the local autonomy of the periphery; and it

promoted mercantilism through the construction of roads and ports as well as the expansion of industry and trade. With the centralization of administration in the Church state, the concentration of power in the person of the papal monarch went hand in hand.” (Hsia 1998: 126ff. 134).⁵⁵

But even this, based on the earthly ‘real’ world, thinking was always more or less **magically religious coloured**, supported and secured. Not only among the Calvinist ‘early capitalists’: in the belief in their own divine mission and election or in the God-willed patrician status, in everyday and festive rituals, in prayer, churchgoing and ritual trade customs, in the use of horoscopes and fortune tellers.

(2) On the one hand, this mentally based, magical religious practice proved to be in everyday life an equal, **reality-related** ‘rational’ practice—witch-like in the village, white magic in the city, spiritual assistance in battle—and on the other hand as a **rational** used confessional or morally coloured rulership strategy. But in the **argumentative witch**-dispute one also encounters **approaches of a different, reality-related mentality**, which went beyond the traditional theological argumentation.⁵⁶

First, still within the authority of the **Bible**, but with a changed point of view, in empathy with the hitherto unhesitatingly sacrificed or denied innocents, for which the Jesuits Tanner (1602/1626) and Spee (1631) referred to the biblical parable of the weed in the wheat field (Mat 13,24-30), which was not to be burned until the day of *the Last Judgment*. Then, in a long tradition back to Abaelard (1122) and the *Canon Episcopi* the recourse to the **recta ratio**, the still divinely inspired reason, with the help of which Spee could contradict the dogma of scholasticism. In the context of this ‘**new thinking**’ promoted by humanism, the confession of the *witch* or the ‘diabolical’ speaking of the possessed was then considered as empirical evidence for the existence of spiritual beings—from the devils to the Holy Spirit. But above all, it acted in the reality-related recourse to the **practical proof**, to one’s own experience and the **experiment**:

“A further step towards scientific modernity was the systematic experiment. After blurred traces in medieval sources, there are more and more references in the second half of the 16th century that it became method.” (Roeck 2017: 978).

While as ‘**proof**’ served the conviction of a corrupt *witch*-judge or notary, or the own experience of the taken confession. And Spee let the torture practice be observed covertly in the experiment or refuted the claim of the executioner that the devil had broken the witch’s neck in the dungeon; while the Spanish inquisi-

tor Salazar (1611) tried out witch ointments,⁵⁷ examined the injury of the hymen and let the alleged Sabbath-places be visited in order to end the *witch*-persecution to a large extent in Spain.

Experiments that replaced the original, banned since the 13th century trial by ordeal in England: While it was originally about the water test to let God decide on guilt and innocence,⁵⁸ in the 17th century—especially on the level of the local *pre-trial* procedure⁵⁹—one relied on the ‘facts’ proof by, for example, previously carrying out the same procedure with an ‘innocent’ or letting a possessed person touch a ‘innocent’ third person instead of the accused *witch*.⁶⁰

“The learned writers of the seventeenth century shifted from the language of scriptural proofs to factual proofs. Witchcraft became a matter of fact that could be studied by observation. This concept, as well as the justices’ openness toward experiments, fit in the framework of human, rather than divine, fact-finding.” “Reconstructed as experiments, supernatural techniques were removed from the realm of vulgar superstition and subjected to the rational and methodological quest for justice and discovery of the truth.” “It is unlikely that the reconstruction of the ordeal as an experiment was due to the emergence of natural philosophy and modern science, as the highly structured supernatural experiment were used in witchcraft cases well before the birth of what we today call science.” (Darr 2011: 191, 195; 265).⁶¹

Evidence for the intrusion of a ‘more modern’ mentality, which initially on the level of **technology** already at the end of the 15th century—printing press, firearms, voyages of discovery—created a very practical, experience-saturated knowledge (Romano/Tenenti 1998: 177 ff., 199 ff.). Which was then implemented by the Renaissance physicians humanly in their **medically** directed observation practice:⁶²

“Observation literature, therefore, began in the sixteenth century to break the bonds of editorial commentary and reproductions apparent in its earlier exemplars. Johann Weyer [1563], Pieter van Foreest [1606], and Felix Platter [1614] all came to delight in recording their own firsthand, eyewitness case histories. These Renaissance physicians had not actually hit upon something radically or fundamentally new in the history of medicine, for we know that the praise of firsthand observations goes back at least to Hippocrates and Galen, and had been cultivated by Arab and Western medieval physicians as well. But within the terms of Renaissance German psychiatric writing, there was a dramatic surge of *observationes* and of lengthy case histories.” (Midelfort 1999: 179).

This initially and in particular applied to the forensic medical and psychiatric **forensic physicians** like Bever (2005: 161) can prove for Baden-Württemberg (cf. Section 2.4 (1)):

“[T]he medicalization of the problem, in terms of both determining the causes of ailments and explaining ‘free’ confessions, involved more than just a change of mind; it involved a realignment of institutional affiliations, a distancing of the government from the religious establishment and the forging of new ties to the medical community. This process would continue over the next centuries as leadership of Western society shifted from a partnership of nobles and clerics to an alliance of specialized professionals.”

A new ‘reality’ view, in which finally on a then mostly still very elevated ‘higher’ level also the **philosophers** “competed as rivals in the dispute over truth and world view.” (Lehmann 1978: 58): Introduced with the skepticism of Descartes (1637) and the English empiricists—Francis Bacon († 1626, John Locke († 1704)⁶³ or David Hume († 1766). And which finally with the Englishman Reginald Scot (1584 or the Dutchman Balthasar Bekker (1691) led the whole *witch*-concept *ad absurdum*, or with the doctor Johann Weyer (1563 could anticipate the future psychiatry of ‘melancholy’ women.

(3) But even such reality-related arguments, as we know today, are by no means completely free of **epistemological problems**. Namely not only because such arguments were relatively easy to refute at that time, as for example in the reply of Jean Bodin (1580 to Weyer—because this could not possibly apply to all *witches*; always a powerful argument of dismissal, which will then prefer the exception in each individual case. Or because, consistently in this line of thinking, one wanted to hold the devil responsible if the examined indicia—the child’s corpse or the devil’s mark—were not found. But because the demonologists—‘experience-scientifically’, as Lyndal Roper (2007: 81) rightly believes—based their experience on the statements of the condemned *witches* in the same way.⁶⁴

Experiences, which in their mental matrix under the double premise that Satan exists and the cleansing torture guarantees the truth of the later voluntary repetition of the confession, were just as credible to them as the conviction gained in the confession or the “psychiatric” diagnosis of Weyer. Whereby “the layer of educated lawyers to whom the process protocols were sent”—in contrast to the “practical experience of the opponents of the *witch*-hunt”—“largely without knowledge of the inhuman and law-destroying judicial practice” judged.⁶⁵

This too was always a construction in the given and often jointly accepted dispositive framework of an ideologically occupied and apparatusally solidified “reality” view, in which, as Stuart Clark (1999) repeatedly emphasized, proponents and opponents could exchange their arguments to a large extent on the background of a shared belief in ghosts and devils.

(4) A "truth" problem—to what extent do statements and "reality" agree—which was particularly close when this reality itself confirmed the "**existence**" of *witches*.

Whether in the village in the convincing accumulation of the *maleficia* growing over the years in the testimony against the already badly rumored witch—"when checking the past again and again, the events fit together in the eyes of those affected to form a seamless chain of witch's work" (Roper 2007: 19)—or, authoritatively, from the credible diagnoses of the healer and priest as well as from the checked by the courts, confirmed by torture and "free" confession, publicly read *urgichten* of the *witch*-confessions. A certainty of the court, which was based on the number of matching sayings against a certain *witch*, and which was confirmed content-wise by the *witch*-statements authoritatively given in the textbooks—in a *circulus vitiosus*. A real *Witch*-existence, which—regardless of the required repetition of the torture confession in the proceedings—also resulted from the **voluntary confession** of previously not tortured or threatened with torture *witches* at the end of their "*witch*-career", which accepted this attribution, or who, like their other mental-controlled environment, wanted to understand themselves as *witches*—suicidal, problem-laden or driven by envy, hatred, revenge and "*ego enhancement*"⁶⁶ or as the only remaining means of the very poor:

"The fear of witchcraft bestowed power on those believed to be witches. A reputation for witchcraft was one possible way of modifying the behaviour of those more advantageously positioned. More than that it was a direct way of providing benefits for themselves" argues Lerner (2000: 95) with reference to Thomas (1971).⁶⁷

Confessions, which were especially difficult to refute from a legal standpoint towards the end of the *witch*-hunt, as long as one still saw the confession as the *regina probationum* (queen of proofs) (Lorenz 1995: 230ff.), and the truth from the mouth of a child was hardly to be disputed. However, one should always keep in mind when dealing with these so-called "voluntary" confessions that we too are reliant today on the protocols of the Inquisition:

Thus, the careful analysis of the answers of the 11-year-old Andre Trudenfanger from Freising (1715) during the "General-Inquisition" (that is, before any torture) shows that he spoke of experiences in dreams and nightmares and that his nocturnal abnormalities were probably due to a *pavor nocturnus* (night terror), which the inquisitor of course interpreted as a *witchcraft* confession: "It is undeniable that his spectacular statements had their origin in a reality that was primarily a reality of images and imagination, of 'ghosts', fantasies and dreams." (Rainer Beck 2012: 79 ff., 91).

(5) A motive which could also repeatedly be based on the accused's more real **criminal maleficia**: theft, vandalism, assault, murder. From a legal perspective, the *witchcraft* crime was therefore at the center of an entire **crime family** of different severity and jurisdiction, from which it, depending on time and situation, derived its special content-related severity, and to which, in turn, it could *witch-like* rub off. As a *maleficium* it bordered on child and poison murder, as well as on the theft of milk from one's neighbors, which "before" and "after" again fell solely within the jurisdiction of the ordinary courts; as a Sabbath crime it took over the then so virulent dangers of real conspiracies, as well as the stigma of the Fastnacht- "orgies" punished as sinful; as a pact crime it became an idolatrous heresy, a sinful offense against God and majesty, while as a magical sorcery crime it fell into the field of white and black magic, for which clerical jurisdiction was able to maintain its competence for a long time. As an incriminating defamation, it relatively easily discredited secular and clerical as well as confessional competitors, as well as the neighbors concerned about their reputation, who have to defend themselves against this in front of the village court in order not to be considered a *witch*. And child *witches* as well as sorcerer's apprentices bear witness to the rising "youth problem" just as much as possession leads into the field of forensic psychiatry:

"The crime of witchcraft encompassed a variety of activities that could be prosecuted as crimes in the ecclesiastical or secular courts. Witchcraft could denote heresy, apostasy, blasphemy, maiming, murder, poisoning, theft, the destruction of crops, the killing of livestock, arson, sodomy, fornication, adultery, infanticide, and conspiracy. In 1584 the English sceptic Reginald Scott identified fifteen different crimes attributed to witches." (Levack 2013b: 482f).

(6) A quite adequate 'reality' view, which, however, was also based on the general *witch-fear* realiter then particularly close, if the *witchcraft* curse 'neuro-psychologically' **became effective**, if the touch of the sick by the cited *witch* 'obviously' could break the witch's curse, or if, conversely, the *witch* triggered **voodoo-death** also actually occurred—apart from the always close suspected or derived causal relationships between a typed *witch*- acting together with its attributable malefic results. After all, every magic lives from the achieved successes, while the non-occurring expectations and failures can be attributed to understandable additional conditions or unprofessional behavior.⁶⁸

(7) In this respect, the *witch*-persecution—but not the belief in *witches*—could only then come to an **end**, as the magical-religious mental reality basis

at least among those who were ultimately responsible for this persecution, **lost ground**. Be it because the 'confessional' problem, which could finally heat this mentality so excessively, since the Peace of Westphalia was increasingly 'regulated' territorially,⁶⁹ be it because the mutual diabolization of competing sects called their seriousness into question,⁷⁰ or be it because the 'religious' morality pietistic internalized or caught in baroque church splendor.⁷¹ If not even the aristocracy, following the exemplary court of Louis XIV.,⁷² the 'great difference' to the superstition of the people emphasized just as much,⁷³ as the new 'educated' university elite of lawyers and civil servants—which was trained for the Prussian state by Thomasius at the beginning of the 18th century at the new university in Halle:

"The decline of belief in witches in the upper and middle classes should therefore not only be based on new scientific knowledge and philosophical theories, but hardly less on social snobbery." (Levack 1995: 229).

Since the persecution of witches—with the relatively rare lynch murders aside—always had to be organized by the '**state**' as a court procedure, whereby a 'weak' rule from below could be overrun, while 'strong' rulers at least reserved the right of final appeal, the file -template or appeal, one finds here, in the changed mentality and interests of those who realize the **new 'state'**, finally the decisive reason for the end of the persecution⁷⁴—but not the end of the belief in witches, which is slipping back into folklore.⁷⁵ A mentality and interests, which at least began in the 16th century in the big cities, and which, after the Peace of Westphalia, in the new 'territorial' thinking in the context of a new 'reason of state', the 'concern for the salvation of the soul'—including the influence of the clerical spiritual advisers—behind the '**mercantilist**' state interests⁷⁶ let.⁷⁷ A state concern, which was interested in pomp, 'state-building' wars and the taxes and duties necessary for this—including the rediscovered lucrative role of the Jews⁷⁸—as well as in a population 'disciplined' for this, which is why the millenarian threatening end of time disappeared from the mental field of vision just as much as the pitch and sulphur of a hellish Satan or the 'cow smell' of a still believing rural population.

So in a different way to produce and perceive this 'reality'—practically-strategically 'realized', mentally justified, plausibly 'real' anchored: mercantilist, capitalist, nationalist, colonialist, globalist. At the beginning of 'our reality', which, after another 300 years, in the crisis-ridden 21st century, begins to doubt itself once again in the struggle for 'alternative facts', *fake news* and new conspiracy myths.⁷⁹

11.5 A 'Methodical' Conclusion

If you look at the 'archive' of *witch* research as a sociologist, it becomes once again clear how difficult it is to work objectively and neutrally with Max Weber. This is completely independent of whether and to what extent it is possible to grasp 'the' truth of the *witch* phenomenon and to what extent the results correspond to the respective—mostly only implicitly accessible—research question.

If we start from the distinction between an inside and **outside perspective**, then this initially applies to our look back at the then *witch* phenomenon. A perspective that, explicitly, led first to the so-called 'secondary *witch* myths', but that can also implicitly, and mostly unreflectively, guide the formulation of the question, the selection of material and interpretation of the *witch* event. A perspective that at the same time follows our everyday thinking, for example by being fascinated by the conspicuously special, the excesses, letting itself be seduced by the simple 'why is that so'. And a perspective that, when choosing its interpretation variables, relies on the professionally or mentally current 'vocabulary'—just as this book follows the familiar legal socio-cultural variables.

The difficulty of 'understanding' the then **inside perspective** in its 'reality view' from this starting point is additionally reinforced by the fact that one can usually only fall back on the then **outside perspective** of the Inquisition protocols. Three **approaches** offer themselves as a way to at least a better understanding: First, a look as differentiated as possible, which supplements or dissolves the abstract description—'the' *witchcraft* etc.—in favour of the 'individual case', whether this is the recourse to the 'family-like' constellations, or whether this is the psychoanalytical interpretation à la Lyndal Roper. Then the—so far less taken, almost discredited—way from our current experiences—emotional, professional or 'political'—to infer the then situation: How, why and for what reason do we fear today, how would a contemporary lawyer deal with the then expert opinion task, how can one 'legitimize' oneself politically today and how does one realize the 'pastoral' attitude that has been running for centuries in our present? And finally, as a third attempt to find this approach, the question of how it was possible to gradually dissolve 'our' reality view from the then perspective. A question that still occupies us today when we try to 'understand' or even 'convince' a so called 'lateral thinker' ('Querdenker').⁸⁰

Notes

1. Cf. Quensel (2010: 129 ff. These 2.2): *Rausch und Sucht, Modell des Drogenkonsums? (Intoxication and addiction as model of drug use?)*

2. A good overview of this ‘popular-cultural’ approach is provided by Gábor Klaniczay (2010: 200): “Beyond the acculturation model, the opposition of popular and elite versions of beliefs concerning witchcraft, and the problem of the general climate of anxiety in the early modern period, there was a fourth fertile territory within the popular culture approach to research on witchcraft: examination of the conflicts related to popular medicine, healing and midwifery, and the role of cunning folk.”
3. See, on the one hand, the process of the 74-year-old Catherina Schmid (1745) from Alleshausen at the southern German Federsee, described in detail by Lyndal Roper (2007: 302-315), in which the old clichés reappeared, but less detailed: “In her process, indeed, petrified relics from long-past times were washed ashore, while elsewhere the age of enlightenment was already dawning.” On the other hand, Doris Kaufmann (1995: 78-79) describes the case of the ‘daughter of a farmer’, Sophia W., who in 1817 complained to the King of Württemberg in a letter that neither the doctors nor the Protestant and Catholic clergy called upon could or wanted to heal her of her ‘possession’.
4. Himmler in a speech to the Reichsbauerntag 1935. (in: Leszczyńska 2009:43)
5. For example, the *Vernichtung der Weisen Frauen (Destruction of the Wise Women)* by Heinsohn/Steiger (1985), which was popular among feminists at the time. “It is therefore not surprising that clichés, prejudices and misunderstandings about the early modern witch hunts are still being widely disseminated in film, television, yellow press, historical novels and websites—provocatively formulated—in a nutshell: Church and state, motivated by an aggressive misogyny, would have persecuted, tortured and burned as witches in the Middle Ages, mostly red-haired and particularly beautiful or old and particularly ugly women, a total of almost nine million women, preferably midwives and healers, by lecherous and perverse inquisitors in order to discipline the female members of society, to eradicate their secret knowledge of medicine, contraception and abortion, and at the same time to drive them out of professional life in order to free men, not least doctors, from unnecessary competition.” (Voltmer/Irsigler 2002: 1). See also Jütte (2007)
6. “In 1935, Himmler founded a research group at the SS Security Service to deal with the history of the witch trials. The first report of the group dates from 22.09.1935, the last from 19.01.1944. A complete microfilm copy now exists at Frankfurt, although the originals remain in Posen (Poland).” (Monter 2002: 52). For their scientific supervision within the framework of ‘opponent research’ by the historian Günther Franz, see Jürgen Matthäus,

- Weltanschauliche Forung und Auswertung (*Ideological Research and Evaluation*). From the files of Department VII in the Reich Security Main Office, in: Jahrbuch für Antisemitismusforschung 5, 1996, pp. 287-330. Comprehensive: Dieter R. Bauer/Sönke Lorenz (eds.), *Himmlers Hexenkartothek. The interest of National Socialism in the witch hunt*. Bielefeld 1999.
7. Leszczyńska (2009: 51): “The collection of evidence for a special position of women in Germanic culture as well as of indications that were suitable to compromise clergy and Christian theology characterized not only the tactics of the H-Special Commission, but also formed almost an everyday topic of the press in the Third Reich.”
 8. Rosenberg 1935 in a speech before a women’s assembly (Leszczyńska 2009: 237, 42, 225)
 9. (Leszczyńska 2009: 237 f.): “Especially the passages in which ‘infection’ with the witch-hunt is mentioned remind us of Rosenberg’s texts, with the one difference that, according to the studies, it was the church that was infected with the witch-hunt by the Germanic peoples and not vice versa.” (Ibid.: 240)
 10. Up to and including direct state intervention and steering of scientific production, which is impressively described by Leszczyńska (2009: 328–353) using the example of the National Socialist opponents Otto Höfler and Bernhard Kummer. In order not least to ‘re-establish itself in Germany and Austria after 1945.’ (Klußmann 2021)
 11. In the words of Monika Neugebauer-Wöck (2007: 4): “The unavoidable basic question of witch research [...] is: Why did the largest witch hunt in human history take place in comparatively civilized European cultural space between the 15th and 17th centuries? “. Of course, one could just as well ask as a sociologist: ‘What role do the “professionals” play in this—then and now? Or: ‘Why were they the *witches*, later drug users and sexual psychopaths, and throughout Jews?’ Or—as a feminist—‘Why were they just women?’ In short, such, in themselves justified, “basic questions” are always also—manifest or latent—interest-specifically conditioned.
 12. [Preis-Revolution]: See: Dülmen (1998: 28 ff., 34): “Among the many crises of the 16th century, the hunger and inflation crisis of 1571/74 has exceptional importance. In terms of intensity, duration and extent, it was the heaviest of the late 16th century [...]. Between 1570 and 1574 there were many cold and long winters, rainy summers with catastrophic harvests [...]. The prices for grain rose quickly to four or five times the low price [...]. The general price increase for grain was followed by an increase in the cost of all other food.”

13. A thesis that Wolfgang Behringer recently gave more plausibility to with his book *Tambora oder das Jahr ohne Sommer. Wie ein Vulkan die Welt in die Krise stürzte (Tambora or the year without summer. How a volcano plunged the world into crisis)* (2016) for the years 1815-1817.
14. In his comparison of the witch-hunts in the Electorate of Trier and in Swabian Austria, Dillinger (1999: 102ff.) confirms these connections between “high times of agricultural production crisis with the focal phases of the witch trials” for Trier and for a first wave around 1590 in Swabian Austria, “the second persecution density remained however out. It becomes very impressively clear that it is not enough to refer to the ‘Little Ice Age’ in order to explain the witch trials.” See also the relevant criticism by Durrant (2007: 246) and Briggs (2007: 376): “Yet similar conditions and pressures obtained across large areas of Europe, which nevertheless saw very different levels of witchcraft persecution, so yet again no straightforward causal relationship can be claimed.”
15. Why Dillinger (2018: 79) therefore summarises: “Crop failures were a necessary but not a sufficient condition for intensive witch hunts.”
16. This approach, originally developed by Talcott Parsons, examines the “functional” position of its subsystems in preserving the system. However, in the following I use this concept less conventionally, as is usual in ethnologically oriented witch research, in order to emphasise the possible tasks that the witch model—functional, multifunctional, equifunctional—can fulfil in a wider context, in communication and conflict situations and in particular in the general power game; whereby this “function” can be both “positive” and “negative-dysfunctional” from the perspective of the participants, as well as “consciously manifest”, but can also be “behind the back” of the participants without their knowledge “latent” prevail. See Groß (2009: 25-27)
17. Barbara Groß (2009: 25ff.) therefore deliberately replaces the term “function” with the term “social logic”: “The reason for this is not that the question is rejected that the witch researchers are trying to answer with reference to this term, namely the question of the social situations in which the contemporary actors resorted to the action option ‘witch suspicion’ or ‘witch trial’, and the logic of action they followed, but because the term function has connotations that are to be avoided here”: Dysfunctionality, awareness of this effect, cynical instrumentalisation.
18. “It seems that Luther’s successful rebellion against the all-encompassing Western Church had caused a devaluation of established authority, a spiritual and political crisis of authority and loyalty, whose consequences the ecclesiastical and political authorities sought to catch up and compensate for by

- pursuing all outsiders with particular vehemence. A group like the witches, who could be easily identified as dangerous opponents of true Christianity on the one hand, and who, on the other hand, did not represent a serious power test for the persecutor, unlike the conflicts with states with different confession orders, was an even more grateful opponent for such an intention than the Anabaptists,” Hartmut Lehmann (1978: 69) sums up his analysis.
19. |familienähnlich!: A concept by Ludwig Wittgenstein to ‘mark concepts with blurred, fuzzy boundaries’. (<https://de.wikimedia.org/wiki/Familienähnlichkeit>): “We see a complicated web of similarities that overlap and intersect. Similarities on a large and small scale. I can’t characterize these similarities any better than by the word ‘family resemblances’. (Wittgenstein, *Philosophical Investigations*, sec. 66 ff., in: Geier 2015: 16). As an example: Games” are like families, in which some members have a turned-up nose, others a bulging forehead or curly blond hair; there is no one property that all family members share. (Edmonds 2021: 393). See also: (<https://www.biologie-seite.de/Biologie/Familienähnlichkeit>)
 20. |Aufheben!: “The dialectical sublation is a central concept of the philosophy of G. W. F. Hegel. It denotes the process of overcoming a contradiction, whereby the positive, valuable elements are retained and continued and the negative ones are dropped. (https://www.wikiwand.com/de/Dialektische_Aufhebung)
 21. Otto Neurath (1932): *Protokollsätze* in: *Erkenntnis* 3: 204–214. Here quoted from: Damböck (2013: 75)
 22. A question that has been raised under the meme ‘knowledge is power’ since Francis Bacon’s 1597 formulation *Nam et ipsa scientia potestas est* (*For even knowledge itself is power*) in his *Meditationes sacrae* (1597) for knowledge, and by Michel Foucault for the power aspect. (<https://de.wikipedia.org/wiki/Macht/Wissen>)
 23. Porter (1999: 236) in his *tour de force* about the humanities background in this final phase of the *witch-time* (1680-1800)
 24. ‘Querdenker’: A label that is unfortunately being abused by right-wing populists in recent times.
 25. “In systems theory, organizational science, ultrastability is particularly the ability of an organization to maintain its own identity through internal changes caused by adaptation to environmental factors.” (www.wirtschaftslexikon.co/d/ultrastabilitaet)
 26. A warning that Peter Burke (1985: 69, 160) repeatedly emphasizes in his analysis of European Volkskultur: “There was a great variety of popular culture in Europe at the beginning of modern times, but it was structured varia-

- tion that existed side by side and next to each other.”; “So if there was no real essential difference between the forms of high and low culture, there were nevertheless gradual differences, which were primarily due to the fact that popular culture was handed down orally at that time as well as now.”
27. Stuart Clark (1999: VIII) in the Preface to his extensive *Thinking with Demons*, which, with this wide-ranging intellectual framework, could open up the *witch*-phenomenon to a highly topical epistemologically relativizing approach.
 28. “The orthodox theory of witchcraft was not such a closed system and skepticism was not so open as we usually imagine it. It would therefore be more meaningful to place the authors as part of a spectrum between the widely hypothetical poles of complete faith and total doubt, and not as opposing groups.” (Clark 1992: 30); enlightening Kittredge’s (1907) analysis of the skeptics who are still caught in the “witch” thinking, as well as the “division in thinking”, as in the two famous lawyers Bodin and Carpzov (1.2 (3)).
 29. In his article *Kulturkampf (Culture War! What tears societies apart. The “culture wars” of the present over values and identity have their predecessors in the European culture wars of the nineteenth century)* writes Christopher Clark (In: DIE ZEIT No. 49 from 29.12.1018 p. 21.): “The rhetorical exaggeration was occasionally so extreme that it created a kind of virtual reality. Pope Pius IX., for example, referred to the anti-clerical governments of the Kingdom of Italy as “wolves”, “liars”, “monsters from hell” and “messengers of Satan in human form”. “A flood of insults also flowed in the other direction over the Catholics. For the left-liberal Rudolf Virchow, who coined the term “culture war”, it was nothing less than the victory of scientific light over medieval darkness and fanatic superstition. Already between 1859 and 1878—only in Germany—427 historical novels with predominantly anti-Catholic content were published. “Dogs”, “fat bellies”, “rogues”, “rascals”, “villains” were some of the synonyms Wilhelm Grothe found for monks in his 1861 novel *Schwert und Kapuze (Sword and Hood).s*”
 30. (Macy 1998: 381): “In fact, it is more accurate to say that there was not one medieval church [...] it is this diversity itself that becomes an ancient and enduring Christian tradition, and any present monolithic and totalitarian understanding of Christianity can be seen for what it really is, the creation of a nineteenth century reaction to the liberation movements of Europe and an historic aberration up with which we must not put.”
 31. “Luther burned the canon law books, Pope Gregory VII denounced the imperial and royal laws by which the church had been governed—laws which permitted bishops and priests to be appointed to their posts by the secular

- authorities, church officers to be bought and sold, and the clergy to marry.” (Berman 1983: 21)
32. Revolutionary upheavals, which then opened the doors to the “psychiatry complex” in the third step of the “French” Revolution (1789) with the legendary “liberation of the insane” by Philippe Pinel (Quensel 2019)
 33. (Quensel 2017)
 34. “The most important difference between heresy and witchcraft is that witchcraft is considered a female crime. This was especially true at the peak of persecution, in the period between 1550 and 1650. In an earlier phase men had represented up to forty percent of the accused, and a smaller number continued to be prosecuted later, mostly drawn from the ranks of the vagabonds, beggars, itinerant laborers, as well the gypsies and lower class priests.” (Federici 2004: 196)
 35. In his—unfortunately not outdated—contribution *Erdogan’s zweite Rache* (*Erdogan’s second revenge. how the Turkish judiciary deals with members of the protest movement—and with their lawyers*) Michael Thumann (2013) confirms such an meanwhile even further extended, completely unbelievable, political process practice: “The prosecutor is allowed to keep investigation results secret from the accused. The defendant cannot find out whether new facts might exonerate him. Witness statements can be anonymized. In the proceedings, the accused does not know who incriminates him. Detention without limit is possible, so one can stay in custody for years without the trial beginning. If the proceedings are then opened, the accused is not allowed to sit next to his lawyer in the courtroom. Those accused under the anti-terror law have actually lost their trial before it has even started.” (In: DIE ZEIT No. 27, from 27.6.2013: p. 7)
 36. (Bostridge 1997: 108 ff.): “For a wide variety of intellectuals after the Interregnum [1649-1660], witchcraft belief retained its vitality as a guarantee and definition of social, religious and intellectual order. Witchcraft played well to a number of different audiences, and was a negative area of discourse upon which otherwise divided Christians could agree. ‘It seems doubly grievous to me’ wrote the Dutch Calvinist Balthasar Bekker in an examination of the religious economy of England, ‘that the Protestant Church is split by such a thing as Nonconformism, yet finds itself at one in such inexcusable error.’ Perhaps only an outsider could properly recognize this aspect of Restoration witchcraft theory.” (Ibid.: 84)
 37. (Götz 2007: 66, 68): “There is no doubt that Augustine’s polar concept of the two states offers starting points for an interpretation in dualistic terms, if one loses sight of the unity moment in God’s universal creative power, which is

- also subject to the ungodly. “In 22 books, Augustine develops the idea of the state of God (*civitas dei/caelestis*), which is in permanent opposition to the earthly state (*civitas terrena*). The earthly state appears in Augustine’s representation partly as a divinely willed temporal order of power, partly as a realm of evil controlled by ungodly forces.” (de.wikipedia.org/wiki/De_civitate_Dei).
38. (Larner 2000:158): “So far as basic Christianity was concerned [...] there was in all its popular forms in this period a strong pull towards Manicheism. The attraction is evident both for those who used witchcraft as an explanation for their misfortunes and predicaments and for those who consciously or semi-consciously took on the name witches. If the Devil is once admitted to have power (whether of himself or by permission makes very little psychological difference) then he may in any given set of circumstances be a better proposition than God. In the first place he made himself visible.” (Ibid.: 172).
 39. Christopher Browning (1999): *JGanz normale Männer (Just regular men. The Reserve Police Battalion 101 and the ‘Final Solution’ in Poland)*.
 40. Schulte (2001a: 114) provides very nice evidence of this: “The early modern state began to make its mark: If there were four ordinances in Holstein until 1499, they rose to 50 in 1551 to 1600, to 229 from 1601 to 1650, and to 405 from 1651 to 1700.”
 41. “I have used the phrase judicial skepticism to describe the attitude of those judges, inquisitors, magistrates, and writers who responded to trials in this way [a larger number of acquittals; increasingly reluctant to initiate prosecutions in the first place]. The essence of their intellectual position was a genuine doubt whether those persons who were being prosecuted were actually guilty as charged, and this concern led in turn to a more general uncertainty whether the crime could ever be proved at law.” (Levack 1999: 7).
 42. Levack (1999: 88) concludes his analysis of five case studies thus.
 43. “*Nothing is in the mind that was not previously in the senses*” In: *An Essay concerning Humane Understanding* (1690). S. (https://de.wikipedia.org/wiki/John_Locke#Erkenntnistheorie)
 44. As was so vigorously discussed in the ‘empiricist-positivist’ manifesto (1929) *SWissenschaftliche Weltauffassung (Scientific Worldview)* of the Vienna Circle: “Empirical hypotheses and cognitive-sensible theories are verified, falsified, or confirmed by statements in which results of observations and experiments are recorded.” (Geier 2015: 115)
 45. S. ([https://de.wikipedia.org/wiki/Konstruktivismus_\(Philosophie\)](https://de.wikipedia.org/wiki/Konstruktivismus_(Philosophie)))
 46. “The angelic determination of ideology as false consciousness was for a long time one of the most popular concepts of Marxism of intellectuals” (<http://>

www.inkrit.de/e_inkritpedia/e_maincode/doku.php?id=f:falsches_bewusstsein)

47. As Thomas Kuhn could so convincingly analyze in his *Structure of Scientific Revolutions* (1962, 2012)
48. “Surprisingly perhaps, a fairly clear conceptual distinction existed in the minds of pre-modern physicians and theological observers alike between natural and supernatural illness. Most illnesses were assumed to be caused naturally (even when a prior cause in the form of divine providence was inferred) and therefore called for natural medical remedies. Theological commentators on superstitions on the whole left what they deemed ‘natural’ medicine with a fairly clear territory to work in.” (Cameron 2011: 32)
49. “The witches of the Early Modern period seem to have operated, as it were, in the consciousness of their contemporaries on a middle level.” (Lehmann 1978: 24)
50. With the already mentioned paradoxical consequence to which Quaipe (1987: 114) points out with reference to Keith Thomas: “Without the protective ritual of medieval Christianity, black magic appeared more dangerous and white magic more necessary. The apparent resurgence of sorcery amongst the peasants only confirmed in the minds of segments of the establishment the danger and diabolical nature of the situation.”
51. For this ‘early capitalist development’—urbanization, bourgeois status, long-distance trade, emergence of a world market—see the well-readable presentation by Dülmen (1998: 19 ff.).
52. “In 1523, Jakob Fugger, eager to get back the money he had lent to Charles V to buy the votes of the electors for his election as emperor, wrote to the ruler: “It is also well known and public that Your Imperial Majesty could not have obtained the Roman Crown without me, as I can show to Your Imperial Majesty’s commissioners in writing. So I have not looked at my own profit here; for if I had wanted to withdraw from the House of Austria and further France, I would have gotten a lot of good and money, as I was then offered. But what has happened to Your Imperial Majesty and the House of Austria as a result, Your Imperial Majesty can well consider from high understanding. “(from Romano / Tenenti 1998: 320); Truly an example of US campaign finance.”
53. “The Baroque Age celebrated the magnificence of the rulers to excess. The expenditure exceeded anything seen before.” (Roeck 2017: 1013)
54. INepotism: Awarding of goods, offices and incomes to relatives. IPatronage: The award of benefices, which were often acquired due to the lack of a residency requirement.

55. “The papal revolution gave birth to the modern Western state—the first example of which, paradoxically, was the church itself. [...] Thus the church executed the legislative, administrative, and judicial powers of a modern state.” (Berman 1983: 113)
56. As much as such “experiments” were then again anchored in traditional theological “witch” thinking—especially in the case of the failed attempt to prove the witch’s flight of the sleeping witch. See Stephens (2003, Chapter 6), in which he mainly deals with the above (2.5 (2)) mentioned Bartolomeo Spina (1523: “For Spina, experience is another word for faith, not for empirical thinking. He doubts that he or his readers will ever see or interact with demons. So he proclaims that one’s own experience is never to be trusted. The curious should beware of experimenting with witches because he has demonstrated why God and demons doom experiments to fail. Experiments must be left to the experts, to people whom one can trust: saints, doctors of the church, and witches.”)(Stephens 2003: 172 f.)
57. Experiments which the Neapolitan doctor Giambattista della Porta had already carried out a half century earlier (1558): “He and his colleagues physically assaulted an old woman after she had anointed herself and fallen into a trance, so that they could show her the bruises when she regained consciousness. The fact that she still insisted on having travelled to a sabbat proved that only dream experiences (produced entirely by the natural constituents of the ointment—of which Della Porta provided formulas) had actually occurred.” (Clark 1999: 238). See also Keitt (2005: 165): “Laguna [1554] undertook actual experiments using an ointment derived from nightshade. He recounts one instance in which he smeared the ointment on the body of a woman, who after sleeping soundly awoke to recount visions consistent with those related by witches. These results led Laguna to the conclusion that the legendary feats of witches were in fact naturally caused hallucinations brought on through the use of such an ointment at the behest of the devil.”
58. James VI. described—during his “Scottish” reign—in the *Daemonologie* (1597): “the test as ‘good help’: ‘so it appears that God has appointed (for a supernatural sign of the monstrous impiety of the Witches) that the water shall refuse to receive them in her bosom, that have shaken off them the sacred Water of Baptism, and willfully refused the benefit thereof.’” (in: Darr 2011: 160). An interpretation which dates back to the 9th century: “A ninth-century fragment of the regulation (*ordo*) of Montpellier also mentions trial by water. This text of the benediction read at the execution of the trial shows that the defendant’s floating on the surface of the baptismal water was taken as a sign of guilt, while sinking down i.e., that the baptismal water accepted

- him/her, indicated innocence. [...] The river, as contemporary sources attest, symbolized the Jordan, since before liturgical trials by water, the river had been consecrated.” (Tóth 2008: 137). The transition to the “modern” is very nicely shown in the opposite direction by a double-founded opinion of the University of Leiden (1593): “The professors answered that the water test was invalid. One of their arguments was strictly medical: women who were suspected of witchcraft, they wrote, were often melancholic. This implied that they tended to be rather fat and consequently would float more easily than other women. Of a more theological nature was their argument that the devil was the great deceiver and could therefore be expected to hide in the water under the suspected woman and then lift her up so that she would not sink. The court found these arguments convincing enough to forbid the administration of this test.” (De Waardt 2013: 243)
59. Of course with a wide range of interpretation possibilities: “Experiments were repeated until deemed successful. Results were interpreted as consistent with guilt. If the devil’s mark was not found, it could have been cut off or hidden by devilish means.” (Darr 2011: 274)
 60. “In addition to blindfolding, the neutrality of the experiment was reinforced by using volunteers as a control group. One of the chief supernatural methods of obtaining proof was based on the belief that by the touch of the real witch, the victim would react in some extraordinary fashion. The use of blindfolds and a control group could help discern whether the victim reacted to the presence or touch of the suspect alone or of any passerby.” (Darr 2011: 188)
 61. Accordingly, Komornicka (2012) analyzes the changed meaning of the water test: While the clergy was forbidden to participate in the medieval, concluding God’s proof at the Lateran Council (1215) because of the possible involvement of the devil, its re-admission during the “witch” time served as a refutable “witch” indication for this very involvement of the devil.
 62. Since 1560, the number of published *Consilii* and *Consultationes* as well as first-hand case studies in the form of *Observationes* has increased dramatically (see Tables 3.6 and 3.7 in Midelfort 1999: 165ff.).
 63. John Locke (*Epistola de Tolerantia* 1689), who advocated for the separation of church and state, saying, “to distinguish between the business of civil government and that of religion, and to mark the true bounds between the church and the commonwealth. These bounds are on each side, fixed and immutable,” argued for tolerance between different religious sects, but not for atheists: “Locke takes [...] the high road of toleration; but his scheme is hedged by exceptions. Those, for example, who deny God’s existence ‘are

- not tolerated at all'. For an atheist, 'promises, covenants, and oaths, which are the bonds of human society, can have no... sanctity'. In Locke's view, 'the taking away of God, even only in thought, dissolves all'. In general, 'no doctrines, incompatible with human society, and contrary to the good morals which are necessary for the preservation of civil society are to be tolerated by the magistrate'." (Bostridge 1997: 100)
64. Schwerhoff (1986: 64) quotes the French judge Henry Boguet (*Discours exécration des Sorciers* (1602): "All of the witches I questioned were never able to cry in my presence; or if they did, the tears were so insignificant that one could not notice them. I claim this even though I have seen such witches who appeared to be crying; because I have no doubt that they were only pretending; even if their tears were not an act of hypocrisy, I am ultimately very sure that they could only produce them with great difficulty." Regarding Boguet, see Monter (1976: 69ff.): "several printings"; "brief for a demonology, and very practical"; "Boguet's demonology—which is entirely rural and traditional in its empirical emphasis." See also: Schulte (2000: 147-150): *Der Werwolffinder, der keine Werwölfe finden durfte* (*The Werwolffinder who was not allowed to find Werwölfe*) *Lykanthropie (Werwolf)*" (because only God can realize such a transformation)
65. Lehmann (1978: 52ff.) with reference to Wanda Baeyer-Katte (1965): *Die historischen Hexenprozesse* (*The historical witch trials*).
66. Ego enhancement: The *witches* "readily accepted the label as a manifestation of their enhanced place in the eyes of their contemporaries. Ego enhancement readily explains the admission of witchcraft by thousands of women who never saw a torture chamber, an ego-enhancement based on their new-found power. This power was accepted or used to improve existing conditions." (Quaife 1987: 176ff.)
67. "Some individuals successfully traded upon their family's evil reputation to extort tribute from their uneasy neighbors, as did the witches of Fewston in Knaresborough Forest. The head of one of these clans 'had so powerful hand over the wealthiest neighbours about her, that none of them refused to do anything she required; yea unbesought they provided her with fire, and meat from their own tables and did what else they thought would please her', quoted Holmes (1984: 96 ff.) Fairfax (1882)"
68. The modern version is described by Frank Schirmacher (2013: 207 ff.) in his biting analysis of the current "information capitalism" which, in its belief in its own art creations, is so similar to the alchemy of our *witch-time*, for the "cosmic supermarket with 50 million sold self-help books in the business sector": "Amazingly, there are hardly any complaints [...]. Because

they manage to convince the buyers that it is the customer's own fault if the product does not work. The journalist Barbara Ehrenreich, who visited some of the trendy self-discovery factories, calls it one of the loneliest moments of her research, when a coach, smiling, replies to her complaint 'It does not work': 'You mean, it does not work for you.' Who enters the shining lobby of the 'secrets of success of a millionaire', is called, if he is immediately thrown out through the revolving door, mockingly after him: Everything is possible, except for you."

69. "On the political level, the Thirty Years' War was a 'war of state-building.' [...] However, it was not yet a war between states, but rather literally a war of state-building—and precisely therefore caused a special degree of bellicosity. For at this pubescent stage of the state, the war presented a confrontation not between fully developed states but between different political allegiances and concepts. [...] Thus, on the lower territorial level, a kind of pluralistic state-building took place, including even highly organized political units such as regions and cities. But at the same time, Europe had already succeeded in incorporating the integrative universalism of the Habsburgs into the political system in the reduced form of a constitutional electoral emperorship as well as in establishing supraterritorial institutions such as the imperial diet and the imperial courts as a result of the sixteenth-century reform of the empire." (Burkhardt 2004: 277, 280)
70. For the situation in England, Elmer (1999: 167, 179) states: "During the 1650's, for example, the Quakers were only one of a number of sects who were stigmatized with the taint of demonolatry. The Baptists had long shared a similar fate."; "Once witchcraft became the property of parties, sects and factions, it ceased to function as a universal arbiter of divine truth or justice. In addition, with no agreed reference point from which to judge, with absolute certainty, the actions and beliefs of men, argument *a contrariis*, a fundamental assumption of traditional demonological discourse, was increasingly controversial and partisan."
71. "[I]n Catholic Germany in this period [after 1650] it was the interplay of political and confessional stability, political and religious particularism, and a dynamic Baroque religiosity with strong elements of popular participation that caused confessional loyalties to be internalized by the wider population. While the elites moved toward a more tolerant and open view of religion, peasants and townspeople came to be imbedded in confessionalized communities and Catholic culture." (Foster 2004: 242)
72. With a Baroque music that still evokes this era for us today, 300 years later: For example, Couperin's *Les concerts Royaux* (1722) at the court of Louis

- XIV., Bach's *Brandenburg Concertos* (1721), or Vivaldi's *Four Seasons* (1728)
73. "By 1800, however, it had come to pass that in most parts of Europe the clergy, the aristocracy, the merchants and the representatives of free professions—and their wives—had left popular culture to the lower classes." (Burke 1985: 284)
 74. "When the establishment of the Kingdom of God ceased to be a political objective and was replaced by the pursuit of liberty, the defence of property, the belief in progress, enlightenment, patriotism and other secular alternatives, the courts ceased to convict." (Larner 1984: 90).
 75. "For present-day witchcraft research is mainly restricted to the period of the hunts. The student's interest evaporates together with the smoke of the last pyre. The reason for this undoubtedly has much to do with the dominant rationalistic historiographic tradition, in which witchcraft was considered an aberration and in which the witch trials were seen as a blot on the development of human (that is, white male) enlightenment. Witchcraft was a fantasy, its prosecution a craze." (Blécourt 1999a: 339)
 76. "Mercantilism denotes the prevailing economic policy and economic theory in the era of early Christian European capitalism (16th to 18th centuries). With the need of the absolutist regimes for growing, secure revenues to pay for the standing armies and the growing bureaucracy as well as the representative costs of the ruler, a practice of economic policy dominated by interventionism developed in various European states, based on first approaches to an economic theory." (<https://de.wikipedia.org/wiki/Merkantilismus>)
 77. "[A]fter the Thirty Years' War war, the authorities of any confession not only lost their taste for confessional dispute; in that period they valued other state political goals higher than the confessional consolidation of their territories. After the great population losses and the economic destruction of the Thirty Years' War [...], it was necessary to repopulate them and to fill the empty state coffers again by suitable economic measures." (Lehmann 1978: 55)
 78. While at the beginning of the Reformation, even with Luther up to the last pogrom in Frankfurt (1614), the traditional religious anti-Semitism still dominated, in the 17th century one tolerated and appreciated the Jewish trader and thinker (*Hebraicum*): "To generalize greatly about trends in this period, it could be said that the reappearance of Jews on landscapes from which they had been expelled or driven for generations was a consequence of the shift from a popular public sphere permeated by the *Weltanschauung* of the friars [...] to one increasingly dominated by monarchs and bureaucrats: this-worldly, confident of humanity's power to change and control, and

- associated with capital cities [in particular in Amsterdam]. Within the new context of thinking, Jews lost much of their fantastic, ‘enchanted’ image and assumed a more instrumental, utilitarian one.” (Bodian 2004: 477)
79. Since the “Jahrhundertphoto” of 12/24/1968 as the “starting shot” for a new “mentality” (<https://www.swr.de/wissen/apollo8-dasjahrhundertfoto>); perhaps analogous to Columbus’ 1492 journey, with which one could start the “Early Modern” period. A new geological era, the beginning of which Lewis/Maslin (2015: 171) set in 1610, right in the middle of our *Hexen-Zeit*. (s. Chakrabarty 2021)
80. Or, as Giovanni di Lorenzo in ZEIT (1922 Nr. 01: 1) said at the end of 2021 about the Corona protests: “Among them are, of course, right-wing radicals and ‘lateral thinkers’, whose Corona theories are often so crazy that one wonders whether one has not been too strict in the assessment of superstition in the Middle Ages.“



End of the Witch Persecution: Tolerance 12

Abstract

As a prerequisite for “decriminalizing” the witch-hunt, the counter-examples of the three tolerant, low-persecution countries are examined: the Netherlands, England and the Palatinate, whose secular, pragmatic mentality is particularly conspicuous in the equally tolerant large cities. The “expertise war” in Munich analyzed by Behringer shows the almost abrupt transition from a clerical-Jesuit leadership to a juridically equally well-trained official elite.

Fascinated by this “medieval” *witch*-hunt, researchers in the *witch*-hunt—as understandably as usual in the explanation of such “social problems”—always looked for the corresponding “negative” causes of this “terrible” intolerance, without, however, **positively** asking about the possibility of tolerance, that is, investigating the relatively “witch-free” areas,¹ a topic that William Monter’s (1983) analysis dominates. Under this—“politically” so important—“positive” perspective, one then has less the “down” and “up” occurring excesses in view, but the conditions of an optimally self-regulating coexistence. So concretely for our “witch-time”: both the forms of religious tolerance and the way in which one dealt individually and communally with an otherwise uncontrollable misfortune, or how this could already be solved urban or sovereignly at that time. A “misfortune” that one therefore interpreted neither as *maleficium* nor attributed to the other confession—and in particular, as Monter rightly emphasizes again and again, not to the Jews.

A tolerance phenomenon that can provide “counter-examples” as a “neighboring” (see above 1.1 (3)) **counter-example** for the “actual” deeper lying causes of this early modern “social problem”. This tolerance followed—with each different

accentuation—two factors: mentality and distribution of power. Mentally, it leaves the religious-confessional orientation in favor of a stronger world-related interest binding. A “secularization”, which then not only alleviated the religious-confessional conflict, but also integrated the Jews commercially and could abandon the persecution of *witches*. Powerfully, it results from a stalemate of the opposing forces—“For national communities, the most common circumstance was stalemate in a religiously inspired civil war.” (Kaplan 2004: 494)—such as in the Augsburg Concordat (1555) or in the *Edict of Nantes* (1598) and in particular in the Peace of Westphalia (1648), or whether it was within mixed confessional city governments, such as in Augsburg or Strasbourg, which sometimes even led to joint church worship (so-called *simultaneum*).²

12.1 Persecution-poor Countries

Such persecution-poor Herrschafts-constellations can be found, for example, in the Calvinist Netherlands,³ in the equally Calvinist Palatinate, as in the Anglican-Puritan England, or in the three Catholic Eastern European countries or in the above-mentioned (8.7) Catholic Mediterranean region.⁴

12.1.1 The Netherlands

“The tolerance of the Dutch Republic was almost proverbial during the seventeenth century”, “a freedom that was not limited to religious life, but manifested itself, for example, in the relationships between men and women and between employers and employees.” (de Waardt 1995: 152).

The Calvinist-influenced Dutch Republic, which burned the last *witch* in 1608,⁵ was—in contrast to the Spanish Netherlands, which persecuted *witches*—“not only a tolerant, economically prosperous and highly urbanized state during the seventeenth century, but also a pluralistic and open society.”

“The many books that were printed there made it the intellectual center of early modern Europe. In this bourgeois society, new ideas could find relatively easy access. It is therefore to be assumed that these social and cultural factors contributed to the rapid spread of the ideas of Weyer and Scot.” (Stronks 1992: 97).

In a second early capitalist *dutch cycle* described by Giovanni Arrighi (2006), Holland experienced a long-lasting economic-commercial boom in this period, which nullified all attempts by Philip II of Spain to establish his inherited rule since 1581.⁷ Here ‘the great cities were almost autonomous in their criminal jurisdiction’ and throughout tolerant towards *witchcraft*: It was just that “economic interests and the demands of trade and traffic influenced the tolerant attitude; a country like the Netherlands, which is dependent on free trade and traffic, does not benefit from intolerance”:⁸

“The overthrow of central power was to some extent a consequence of economic development and tolerance in Holland. But precisely because there was no central power in Holland after 1581, this tolerance could prevail. Philip II strove for the unity of his countries in political leadership, jurisprudence, taxation and religion. If practiced by his subjects, magic and devil worship were incompatible with all his claims. The collapse of central power in Holland was ultimately the cause of the fact that the persecution of witches ended here earlier than elsewhere.” (de Waardt 1995: 152).

This also applied in the following period, in which Calvinism never developed into a state church, and a “pragmatically tolerant attitude of the authorities towards other confessions than the prevailing one” was “the characteristic of society in the Republic of the United Netherlands, where the *cuius regio eius religio* had never applied.” (Mout 1992: 234).

For my question of tolerance decisive was here the combination of **three moments**, which could reinforce each other: In addition to the lack of differently hierarchically oriented power positions of power groups fighting each other, on the one hand it was the dominance of an “urban” oriented “worldly” mentality, which had to neither—with the help of *witch*-process claims—prove its independence, nor had to particularly intensively defend itself against corresponding superior judicial interventions. And on the other hand, the lack of a “state church”, which Stuart Clark (2007b) rightly sees as an essential moment of the *witch*-persecution, eliminated the need to “nearly” bring the “believing” citizen loyalty to the state in the “counter-image” of the heretic or the heretical *witch*. A “power-political” basis of tolerance—power balance, urban mentality, lack of a “state church” making everyone happy—which we had encountered in a similar way about 400 years earlier in the tolerant Languedoc of the early Cathars, and which we also find in the great German cities (12.2).

12.1.2 England

“The association of Roman Catholicism with witchcraft formed a consistent and dominant theme of English demonological thought from the Reformation to the end of the seventeenth century, and undoubtedly constituted an important element of Whig writing and propaganda from the late 1670 afterwards.” (Elmer 2016: 283).

In contrast to the situation on the continent, there were no mass persecutions in “early bourgeois” England—with the exception of the successes of the two *witch*-specialists Hopkins and Stearne (1645–1649) in East Anglia with about 200 executions (see above: 7.1 (1)). Nevertheless, there were also about 500 to 1000 executions in England.

This was determined—in addition to the “village” *witchcraft*-events treated above on the one hand, and the “early capitalist-urban economy”⁹ emerging in England at the end of the seventeenth century on the other hand—by three general **socio-political moments** specifically highlighted by English *witch*-research, but now in a specifically English form, for the entire *witch*-event: confessionally the Anglican-Calvinist mentality of those involved in the persecution event; closely related to this, the respective political situation; and above all the moderating, specifically English justice organization.

(1) **Confessionally**, England had already separated from Rome in 1534 under Henry VIII. and introduced a more mediating form of Anglicanism in which he set himself as head (*Act of Supremacy*), thus connecting the two components, sovereignty and confession, almost inseparably with each other for the next one and a half centuries.¹⁰ This was in a two-front battle, in which—in a changing constellation—on the one hand, Roman Catholicism was understood as the main enemy from the beginning. While on the other hand, the Puritans pressing for the completion of the Reformation and in particular their extreme variants, the *Dissenter*,¹¹ such as the Quakers or Baptists, had to be repelled.

With three, for our question decisive characteristics: This dispute went—from the beginning skeptically accompanied: Reginald Scot—initially widely on the discourse and propaganda level, especially in the sermon, in writings and pamphlets, in each of which the opposing party was ‘condemned’ and as *witch* screamed.¹² It was driven by state through *witch*-laws and confessionals prohibitions and regulations; a primarily **discursive dispute**, which also reflected in the process with accusers, witnesses and *juries*, in order to possibly then fail at the ‘royal’ *assize*-judge:

“Above all, detailed examination of many of the dwindling number of trials for witchcraft after 1660 reveals that nonconformists figured disproportionately as victims and witnesses in such cases. The overwhelming balance of this evidence suggests that in the period after 1660, when witchcraft and related beliefs were clearly under threat, the most vocal and committed defenders of the idea of witchcraft and the reality of witches emanated from within the dissenting fraternity.” “At the same time, it would appear to be the case that religious and political divisions at all levels of society infected the judicial system, thus making it extremely difficult to secure prosecutions against any malefactor, including witches, whose crime was susceptible to political interpretation and judgement.” (Elmer 2016: 185, 174).

(2) Augustin Mendez (2017) analyses these different interests first for the early time under Elizabeth I. and James I. at the example of the **different witchcraft-definitions** in the three *witch-laws* (1542, 1563, 1604)¹³ on the one hand and in the opponent’s writings of the puritan demonologists on the other hand:

“[T]hat demonologists’ grievances may be connected with the strain between the Puritan wing of the Church of England from the 1580s onward to rectify the incomplete nature of the Reformation by strengthening the discipline and morals of the population, and of the conformist and moderate majority more concerned with obedience than with orthodoxy.” (Mendez 2017: 280).

The government, interested in peace and order, wanted¹⁴—as well as the *Carolina* (1532)—only the occurred damage, thus the *maleficium*, punish, whereby she included the ‘black magic’, like treasure hunting and love spells, while the ‘white healing magic’ left out.¹⁵ The few then demonologists—like for example Perkins (see 8.1, note 7)—set in the effort to complete the Reformation anti-hierarchically on the devilish pact (*covenant*), and thus on the GOD-denying *apostasy*, because *witches* could cause damage only with the help of the worshipped Satan due to their lack of magical abilities.¹⁶ Why they also wanted to punish the healing ‘white magic’, and that for both the *cunning folk* as well as for their clients:

“The classification of witches by color (black or white) or by the end of their presumed abilities (good or bad) was an approximation to witchcraft that embarrassed theologians, especially because it was not exclusive of the populace but was also shared by the members of the highest judicial and legislative office.” Because: “he which practiseth witchcraft, and he that seeketh helpe therby, are both alike guiltie of the same impietie, and before God subject to the same punishment.”¹⁷

In essence, however, it was also about securing a confessionally and religiously **legitimated rule**:

“[T]he Witchcraft Acts are considered here as another law enacted to settle a religious policy controlled by monarchs as supreme governors of the Church. Legislation could influence and model beliefs. To define and to punish witchcraft, to establish the liturgy and to determine the organization of the church were part of the same strategy. Consequently, the demonologist’s critique of the content of the laws might be considered another example of the debates inside English Protestantism to define the meaning of the Reformation.” (Mendez 2017: 292).

It was therefore only natural that *witch* trials increased whenever opponents of different confessions met unchecked; with the losers of such confrontations—mostly Puritans or *Dissenters*- being the ones to initiate such proceedings.¹⁸ A situation, as Elmer’s (2016: 114–138) more detailed analysis shows, that also the aforementioned ‘exception’ of the Hopkins/Stearne persecution was based on. And one that let these procedures end after 1660, when England reorganized itself in a more tolerant multi-confessional manner.

(3) In a close connection between ‘**religion and rule**’ as the ‘English version’ of the *cuius regio eius religio* principle: While during the reign of the Anglican Elizabeth I. the ‘Catholic witch’ was in the foreground (the Catholic Mary Stuart was executed in 1587), their persecution subsided to a ‘trickle’ under her absolute successors, the two Catholic Stuart kings James I.¹⁹ and especially Charles I.²⁰ This changed—by the way in the late period of the continental 30 Years’ War—in the 1640s during the English Civil War, with the execution of Charles I. (1649) as its climax, and the subsequent time of the Puritan Oliver Cromwell’s rule. In the absolute rule of Charles II. and the Catholic James II., which was restored after his death (1658) and ended in 1688 with the *glorious revolution*²¹ and the enthronement of William III. of Orange²² (1689), the still ongoing confessional conflicts were ‘**politically**’ mixed with early forms of the opposing *Tories* and the ‘parliamentary’ *Whigs*:

“The process of desacralization implicit in certain interpretations of the Glorious Revolution [...] sapped the rationale of the Restoration [Catholic Stuart Restoration in the 1660s] version of witchcraft theory. [...] The Wenham controversy [controversial witch trial of 1712] demonstrated that witchcraft as ideology was dead” and “Hutchinson’s work [*Historical Essay* 1718] represented the effective closure of debate.” (Bostridge 1997: 136, 153).²³

Namely, in such a way that members of the *Dissenter* sects increasingly replaced the traditional *witches* as ‘*surrogate witches*’:

“The restored regime [after 1660] did not focus on the discovery and prosecution of ‘real’ witches, preferring instead [...] to root out ‘surrogate witches’ in the shape of religious and political dissidents. Between 1660 and the end of the century, the desire to discover and punish witches was destined to become a preoccupation of the dissenters, who largely labored in vain to convince those in authority of the reality of the threat posed by demonic witchcraft”; “Witchcraft, accordingly, receded as a real threat to the body politic at the same time as religious and political dissidents of various persuasions were becoming increasingly subject to the full rigour of the law, as well as impassioned hostility in loyal pulpits and the press.” (Elmer 2016: 179, 239).

(4) In these, almost inseparably confessional-political conflicts, the *witch*-question—in the discourse as well as in the persecution—took on decisive **legitimizing** tasks:

“The theories of witchcraft which emerged in the wake of the Reformation were the product of a mentality which saw polity and society as religious entities; a view which placed the sacral state at the centre of ideological concerns, and made the witch, as a compound of anti-social, treasonous, and diabolical threats, highly plausible.” (Bostridge 1997: 242).²⁴

Namely, in such a way that, on the one hand, the “God-willed” absolutist rule—above all of the first two absolutist Stuarts—could largely forego their persecution, “because there could be no *witches* in their realm”.²⁵ Only to then persecute those of differing religious beliefs, Catholics and *Dissenters*, as *witches*.²⁶ While on the other hand, their opponents, in particular the Puritans, who conducted such proceedings, wanted to emphasize their existence as “the punishing hand” of God:

“Witchcraft as a historical phenomenon, both as a concept and a crime, was intrinsically indebted to, and shaped by, the wider political framework of early modern England. [...] In political terms, witch-hunting was a double-edged sword. On the one hand, the idea of witchcraft and the pursuit of witches constituted, in the words of Stuart Clark, ‘a critical test of political legitimacy’. This was manifest in the early years of the Elizabethan settlement, and at the outset of the civil war, when new and vulnerable regimes, eager to impose a new godly order on the state ab initio, were able to demonstrate divine approbation for their new-won authority through the discovery and eradication of various enemies of the state, including the witch. At other times, however, witchcraft beliefs seem more commonly to have acted as a vehicle for the expression of opposition to those who held the reins of power, in

which the presence of witches in the body politic insinuated political failure and weakness. [...] Witchcraft, in other words, was inherently Janus-faced and had been so ever since the passage of the first witchcraft statutes in the sixteenth century.” (Elmer 2016; 292).

A constellation which—as Peter Elmer (2016: 298) concludes his “political analysis”—after the 1660s with the growing weight of the ‘**party-political**’ component²⁷ made the “religious” *witch*-problem disappear:

“[I]ts underlying binary logic and theocratic assumptions about the nature of authority were increasingly ill-suited to the cultural and intellectual demands of an emerging pluralistic polity. No longer relevant to the priorities of this new world, support for witchcraft retreated to the margins of respectable belief—discredited, though never entirely vanquished.”

(5) While Bostridge and Elmer, following Steward Clark, have recently emphasized this previously—also with us—“theoretically” rather under-illuminated confessional-political framework, the comparison of the third legal component of the **different justice systems** still underscores its moderating importance—which we can also point out for the later continental events.

The English *witch*-trial, which procedurally neither knew the satanic ‘allegation’, nor torture or the recourse to the water test—as much as these were occasionally used, especially in the *pre-trial*-phase -, renounced the *processus extraordinarius* in order to treat *witchcraft* as a ‘normal’, albeit particularly serious crime, as originally intended by the *Carolina* (1532), which of course also regulated torture. In addition, there was a three-stage structure of the procedure from the local *Justice of the Peace* via the *grand* and *petty jury* to the highly educated, royal *Assize*-court of traveling judges²⁸—without sending records, university opinions and without the chance of another appeal to review the decision. In the course of its 200-year history, a system of rules of evidence and procedural safeguards was developed—with recourse to precedent cases and by royal decrees—which ultimately led to the annulment of the *witch*-crime (1736):

“During that era [1542–1736] major structural, procedural and evidentiary developments occurred. The lawyer-free proceedings, where witnesses could testify to almost anything, including hearsay and gossip, and very few procedural privileges were accorded to the defendants, were gradually changing. By the mid-eighteenth century, the law of evidence was already formulated, including the basic rules of hearsay, character, corroboration and confession. Treatises on evidence began to appear. The changes also included the development of a prosecutorial apparatus, pre-trial investigation and examinations, the changing roles of jurors, the growing involvement of lawyers and the rise of defense witnesses.” (Darr 2011: 262).

12.1.3 The Palatinate

“The faculty of law thus belonged to the guarantors of the Palatinate’s abstention from proceedings until the university’s demise in the Thirty Years’ War, not least as a training institution for the Palatinate’s leadership.” (Schmidt 2000: 377).

While tolerance in Calvinist Netherlands was based on a ‘pre-capitalist, urban, fragmented’ structure, and the ‘early bourgeois’, Anglican England was able to reinterpret and legally enclose the absolutist *witch*-discourse in a party-political and in a juridical way as early as the sixteenth century between ‘Rome and *Dis-senters*’, the Palatinate, which was Calvinist-Lutheran²⁹, offered the early model of a more ‘worldly’ oriented, already ‘well organized in the second half of the sixteenth century’ early-absolutist rule, in which “no witch-hunt in the narrower sense can be proven” since the Reformation. (Schmidt 2000: 74, 71).

(1) The Palatinate, which was located in the southwest German area and was widely spread territorially³⁰, with its seat of government in Heidelberg, was considered the most important secular principality among the then seven Electors³¹ and developed into the ‘leading force of German Calvinism’ under Elector Frederick III. since 1559.

Interestingly, the Electorate of the Palatinate experienced the ‘probably **first German**’ *witch*-trials in pre-Reformation times. In these—after the Council of Basel (1431–1449) and before the early persecution excess in Arras, France (1459)—eight women were burned in 1446/47 by the Basel witch judge Peter Blech, who had recently caused the execution of the first *witches* in Basel in 1444. Trials which continued until 1474/75, thus even before the time of the *witch-hammer* (1486), represent an early example of the ‘epidemic’ spread of the ‘witch-model’ developed in the French-speaking part of Switzerland, which was now also adopted by the Palatinate.³² Namely, on the one hand, by the renowned University of Heidelberg—the third German university after Prague and Vienna—promoted, and on the other hand, embedded in a comprehensive anti-heretical policy, which also participated in the crusade against the Hussites (1421).³³

(2) In the overall relatively tolerant period **after the Reformation** (cf. above 6.5), the Lutheran Elector Otto Henry (1556) issued a *church order*, in which the application of the Mosaic laws—with the exception of the 10 commandments—and thus also the ‘Maleficos non patieris vivere’ so highly esteemed by Luther—were abolished, because ‘a reintroduction would contradict God’s will’.³⁴ A policy which was continued under the Calvinist Elector Frederick III. in a police ordinance directed against *witchcraft* (1562)³⁵ and then under the Lutheran Ludwig VI. in a *maleficence ordinance* (1582), which, “together with the entire body

of legislation of the year 1582 represents an important stage of territorialization”, and which “can even be understood as the conclusion of the statehood of the Palatinate”:³⁶

“Where the *Carolina*, the Württemberg Land Ordinance and the [Electorate of Saxony] constitutions set the death penalty for every magical act which causes even the slightest disadvantage to humans, the maleficence ordinance limits the death penalty to the physical damage of humans and animals. This excludes the huge field of damage to crops and weather-making from the maleficence ordinance as a criminal offense.” (Schmidt 2000: 181).

In addition to a graduated system of punishment—admonition, banishment—there were two **obstacles to the process**: Restriction of the role of ‘Besagung’³⁷ and a ban on ‘crime solving’ by fortune tellers, which was also punishable for their customers. However, the decisive factor was that the procedural procedure was divided in such a way that the entire preliminary proceedings including the indictment were carried out as a pure inquisitorial procedure ‘entirely in the hands of the authorities’, whose ‘decisions were made by the Heidelberg **Ober-rat**’, which controlled every step of the procedure’, while the communally differently organized *Schöffengerichte* in the main proceedings, the final ‘*Endlichen Rechtstag*’, which was mostly fixed, were allowed to pronounce and execute the sentence. (Schmidt 2000: 75 ff.).

This policy corresponded to a ‘fatherly’ Calvinist church discipline mentality, which internally focused more on education and missionization than on persecution, and which proceeded in the same way against magical practices—which also included Catholic practice³⁸—as against blasphemous dancing,³⁹ for which, for example, since 1570, the establishment of *Konsistorien* was set.⁴⁰ These were ‘elected bodies of the “elders” of the communities in the Palatinate who were to monitor the subjects on site’ (ibid.: 405). A policy that could be well combined externally with territorial-political interests in the relationship to the neighboring or condominium-commonly administered territories; be it, as described above in the case of Bodenheim (8.8.2 (3)), in this way to expand one’s own sphere of influence; or be it, as in the case of the confessed ‘witch’ Ottilia Rühl, who had fled to the Palatinate, not only to refuse her extradition, but also to support her in the prosecution of her financial claims for damages (ibid.: 286 ff.), in order to in this way underline the sovereign priority.

A policy that, in the 30-year war, after the occupation by the catholic Bavaria in the Palatinate 1629–1631, initially—for example in Mosbach—the *witch-hunt* temporarily came to life again.⁴¹ In order to finally—after unspeakable

destruction, which wiped out 70 to 80% of the population⁴²—after the reconstitution of the correspondingly reduced Palatinate (1648) by Elector Charles Louis, not least for the sake of *peuplierung*⁴³ in the old tolerance style to continue.

(3) If one examines the **reasons** for this specific Palatinate development, one comes across three decisive variables: First, here—similarly to the Netherlands—the rather worldly oriented, but based on an absolute God calvinistische attitude⁴⁴ including its ‘Christianization’ motivation played an essential role, which, however, as the counter-examples of the Calvin-dominated Geneva⁴⁵ or of James/Jakob VII.-ruled Scotland show, did not necessarily have to be so peaceful-tolerant. This applied whenever the then dominant—more or less ‘early-absolutist’—**ruler** did not submit to the then dominant *witch*-fear in a ‘fanatical’ way, that is, ‘intolerant’, which, by the way, was independent of the then prevailing confession, for example, also for the ban on *witch*-persecution by the Archbishop of Mainz Johann Philipp von Schönborn (after 1648) or by the Trier Archbishop Carl Caspar von der Leyen (1653).

However, the decisive factor was probably the role of a **legally educated** civil service, which in the Palatinate obeyed three conditions: The Palatinate *Upper Council*, the ‘actual political decision-making body’, had—undisturbed by the otherwise mostly ruling, but missing in the Palatinate *Estates*—the responsibility and decision-making power in the relevant magic and *witch*-trials. He could—in stark contrast to the otherwise so important ‘committees’ or ‘town councils’—in the widely fragmented territory of the Palatinate ‘locally- and status-distant’ relatively freely decide. Namely, as a body that lasted beyond the individual—confessionally differently oriented—rulers, especially since it took over the training of its possible successors to a large extent. (Ibid.: 78).

This ‘early modern’ governance structure was finally thirdly **ideologically** several times secured. Once, at the level of the Elector Palatine by a close relationship to Johann Weyer, whose oldest and youngest son then took over high positions in the Palatinate. And on the other hand, by the early support of the **Faculty of Law of the University Heidelberg**,⁴⁶ which trained a ‘committed to the legal ethos’ civil service.

While their **theological faculty** with the power center in the Calvinist *Church Council*⁴⁷ at the beginning vehemently, but unsuccessfully voted for a *witch*-hunt, by emphasizing the ‘spiritual’ side, that is, the heretical apostasy from God sealed in the devil’s pact. In order to finally give in to the *Christlich Bedenken (Christian considerations)* of the Calvinist Hermann Wittekind (1585) (s. 13.2.3 (2)), with the book *Von Zauberey und Zaubern Gründlicher Bericht* by the Reformed pastor Antonius Praetorius (1598), written in German, who pleaded for the complete abolition of torture because it did not occur in the Bible (ibid.: 306) and the

sermons of the Church Council Abraham Scultetus (1608), ‘one of the leading Palatinate church leaders’, who equated Catholic priests with *witches* and wizards,⁴⁸ fully on this new tolerance policy; a policy, by the way, which—in contrast to the work of Loos or Spee—did not have to fear any censorship problems.

12.1.4 Three Eastern European Countries: Poland, Hungary, Bohemia

“In a region where noble privilege was strong, and central government was weak, a truly remarkable amount of peaceful coexistence flourished within all parts of the Christian community during the sixteenth century.” (Monter 1983: 145).

While the three Protestant, Western European states discussed so far were already relatively advanced on the way to a consolidated modern statehood and pragmatically-juridically got the *witchcraft* under control, the ‘East’ was still largely in the ‘innocent childhood shoes’ of an self-evident feudal rule.

This is how Monter (1983: 145) describes the correspondingly fragmented, but economically still underdeveloped power situation in the three eastern European states,⁴⁹ Poland,⁵⁰ Hungary⁵¹ and Bohemia.⁵² Here the nobility still prevailed—largely feudal organized—while the subjects were serfs and the position of the respective Catholic king was relatively weak. As long as this situation remained stable—that is, without power struggles ‘above’ and without power claims on the ‘lower’ level—it allowed a multi-confessional tolerance also⁵³ towards the *witchcraft*, so that there the *witch*-hunt—without ‘Frankish’ mass executions—only started relatively late at the end of the seventeenth century:

“The great lesson which emerges from this overview of early modern east-central Europe is the reversibility of toleration. [...] Confessionalism generated much less friction here than in the Empire or in Western Europe—at least until 1600. [...] The persecution of witches, like the persecution of heretics, came late to this region. For Poland or Hungary, one could argue that the nadir of religious intolerance was not reached until 1725, with maximum legal disabilities against Protestants and maximum numbers of witch trials.”⁵⁴

12.1.5 Interim Conclusion: A Pragmatic-‘Bourgeois’ Mentality

In comparison to these “tolerant countries”—including the Mediterranean countries treated above (8.7)—it is first of all noticeable that neither the “population”

nor the “state” appeared here as a driving force of persecution. Be it because the former remained as “serfs” or next to an established (city) citizenship without a voice or were “catechized” in a Calvinist tolerant manner. Or be it because the “state”, as in Rome and Madrid, could do without the “witch” legitimization as an “inquisition”, that is, paid less attention to such “irreal” *maleficia* and devil’s pacts, but rather to the “more real” dangers of religiously divergent beliefs, which were primarily fought in Italy with censorship⁵⁵ and in the two Iberian countries—just as brutally—with expulsion and *Autodafés*.

Such a “state” failed in the Eastern European countries as in the Netherlands—for very different reasons—as a superior power, while the rule in England, even at the time of the absolutist Stuarts, as in the Palatinate under different confessional rulers, could legitimize itself as a beginning “official” state through a pronounced judiciary organization. In all three regions—Netherlands, England and Palatinate; Eastern Europe and in the Mediterranean countries—there was, in very different ways, missing a power struggle fought between powerful ruling groups, in which the victim of “witchcraft” was to give such power claims legitimacy: as a claim or as a defense of sovereign-judicial functions as well as a sign with symbolic power for a security-guaranteeing, but still “insecure” anchored rule.

In addition, although in all these tolerant countries the **religion** in all its variations—Catholic, Anglican, Lutheran, Calvinist, Puritan—determined the political life and social practice as a “state church”, their representatives were able to forego the eradication of such “satanic evils” in favor of a “resocializing reintegration” on all levels within the framework of their “pastoral” basic attitude:

“For the Spanish Suprema: “Even if persons [participated on the Sabbath], the old principle of church law remained in force that repentant first offenders could hope for leniency. Not even their property should be confiscated. [...] Witchcraft was not primarily seen as a field of criminal justice and its means of fire and sword, but as a problem of pastoral care.” (Decker 2013: 72).

If one disregards the “late” situation of the Eastern European countries, then above all a **pragmatic “high-bourgeois” mentality**⁵⁶—again in different degrees of expression—made this type of tolerance possible. In Spain, the inquisitor Alfonso de Salazar was able to increase the skepticism of the *Suprema* that was already present, in Rome Cesare Carena blasphemed about the *Praxis Criminalis nova* of the Leipzig lawyer Benedict Carpzov. In the Palatinate, the Heidelberg University and the Elector’s High Council acted hand in hand, while in England the confessional dispute was captured in constitutional parliamentarism as a party political issue, and in the Netherlands, after their victory over Philip II of Spain

in Amsterdam in 1595, the *Rasphuis*, the “first prison of Europe” was erected.⁵⁷ Always accompanied by convinced skeptics, by Scott and Weyer, by Hobbes and Erasmus, by Wittekind and Hutchinson. Two influence factors—urban mentality and religious enlightenment—which also mentally ushered in the end of the “witch” persecution, which I will deal with in more detail in Chap. 13.

12.2 The Role of Large Cities

This religiously tolerant urban mentality is—as in the Netherlands—especially prevalent in the patrician-merchant-dominated large cities, of which I have already mentioned Bremen,⁵⁸ Cologne, Rothenburg and Augsburg (12.2.1). The city-political power game of these cities is exemplarily demonstrated in the “opinion-conflict” of Munich analyzed by Wolfgang Behringer (12.2.2), which is why I would like to emphasize the upcoming leading role of a professionally legal civil service in the interim conclusion (12.2.3).

12.2.1 An Urban-worldly Mentality

“It seems rather that the rule applies that witch trials were in an indirectly proportional relationship to the degree of population density, demographic and behavioral urbanization.” (Roeck 1995: 177).

(1) If one looks at the “German” map of the *witch* persecutions, it becomes apparent that the at that time **large cities** were relatively little affected by this—“that they remained practically islands in the midst of landscapes in which numerous witches were persecuted and executed.”⁵⁹—if we disregard the archbishop cities of Würzburg, Mainz, Bamberg or Trier. This was the case, for example, for Cologne in its relationship to the neighboring Electorate of Cologne under its Elector Ferdinand von Wittelsbach or for the mixed-confessional, early capitalist Augsburg in its relationship to the diocese Augsburg or for the Bavarian residence city Munich in comparison to the neighboring diocese of Freising as well as for Bremen, Frankfurt,⁶⁰ Münster,⁶¹ Basel⁶² or Amsterdam.⁶³

“This is exemplarily visible in the imperial cities of southeastern Germany. The cities of Augsburg and Nuremberg, which were important opinion leaders, held back and exerted a moderating influence on smaller cities, Ulm and Memmingen with their territories and the important Regensburg also did not burn any witches. Augsburg resists the persecution wishes of the bishop, Nuremberg (which had never

burned a witch)⁶⁴ criticized the procedure of the neighboring margravates,⁶⁵ but was concerned about its good reputation; after all, one did not want to give the impression that one wanted to protect the witches.”⁶⁶

But this only applies—in addition to the residence city of Munich, which I will address immediately—to the larger imperial cities, as Midelforts (1972: 126 ff.) analysis of the power conflicts in the **smaller cities** of southwest Germany can show. In this sense, I have already mentioned (8.5.1) the situation in the free imperial city of Schwäbisch-Gmünd with its 6000 inhabitants; the smaller free imperial cities of Offenburg and Gengenbach with about 1100 inhabitants also took part in the great southwest German *witch*-hunt 1627–1630, which in Offenburg with the conviction of the councilor Hans Georg Bauer (1629) reached the highest circles, and which in one of the last waves of persecution in Reutlingen and Esslingen⁶⁷ (1662–1665) were quite clearly politically motivated:

“Where then did the large trials occur?” asks Midelfort for southwest Germany (1972: 81) “They took place in the middle-sized territories, in the imperial cities, and in the church lands. [...] They occurred in imperial cities like Constance, Offenburg, Gengenbach, Reutlingen, Nördlingen, Esslingen, Schwäbisch Gmünd, Rottweil, and Schwäbisch-Hall.”⁶⁸

So in the Protestant **Reutlingen**⁶⁹—a craft-organized town of tillers with an annually elected council, which was also the government and the High Court—the various waves of persecution (1565–1666) with a total of ‘only’ 63 executions in close connection with these elections:

“[T]he typical course of persecution in Reutlingen [depended] heavily on the constitution of the city and the replacement of an older and more experienced generation of councilors by a younger one. [...] With newcomers who, with ostentatious persecution, wanted to secure their still uncertain position or regain a lost rank.” (Fritz 1998: 240).

This was especially true for the last, children-triggered and by lynch threats driven⁷⁰ wave of persecution (1660–1665), in which two *novi homines*—the apothecary Heinrich Efferennand Johann Philipp Laubenberger, master of the shoemakers’ guild—competed for the office of mayor (cf. 8.5 (2)). At the center of this was the wife of Efferen, who was repeatedly said to be a witch, who finally escaped to Tübingen with her husband. After Laubenberger had secured his position permanently, he let the wave of persecution run out.⁷¹

(2) One can—certainly not entirely without justification—also explain this situation with the fact that in cities the usual sayings could relatively quickly also

reach the upper social classes, as was for example the case in Würzburg in the years 1627–29 under Prince-Bishop Adolf von Ehrenberg (9.5 (2)). Why one set the existing financial and social “capital” of different groups of relationships in motion “preventively” more quickly in larger, municipally administered cities in order to put a stop to such developments. One can also—following Jerouschek (1995: 125 ff.)—refer to “purely pragmatic considerations”:

“A community, at the head of which were not moral entrepreneurs, but normal politicians, who in the conduct of witch trials did not see a nobile officium, could” such a witch-hunt “simply not afford in the long run, if it did not want to be unfaithful to its destiny of profane order policy,” which was to follow quite different priorities, why one could do without a witch hunt: “Especially since their judiciary threatened to suffocate from the flood of denunciations and indicatives in the course of the expansive witch hunts.”

Even with respect to the “normal” witchcraft, this increasing distance of the urban social classes from each other caused a corresponding slow decline in persecution, namely in two ways. On the one hand, the interest of the authorities in legitimizing the protection against the dangers of witchcraft shifted from the securing to the just mentioned “profane order policy”, which was to follow quite different priorities, why one could do without a witch-hunt:

“The state is increasingly no longer a community of salvation, as its task the reasonable organization of coexistence of citizens, the guarantee of peace, security and law comes to the fore. A state that no longer claims to want to save souls, also does not have to persecute witches anymore.” (Roeck 1995: 171).

And on the other hand, with these “upper” elites themselves, the previously freely floating fear of witches disappeared, just as it always had been with “gypsies”, Jews or “Mohammedans”, who were indeed fallen heathens, but not witches; and that in just the way that Midelfort (1995: 168)⁷² could work out as the reason for the low witch-hunt in the colonial areas.⁷³ The magistrates now often felt alienated and much superior to the common superstitious folk, that clung almost irremediably to its flawed worldview. This superstition was still a matter for school and sermon, but the end of the witch trials was, in my opinion, also the abandonment of the goal of a Christian society.”

(3) Similarly, as the flip side of the previous, but widely perceived as a failure religious ‘civilization’ efforts, one now felt, towards the end of the *witch*-time, in front of these ‘subhumans’ or in front of the uneducated lower social classes culturally so invulnerable **superior**, that one could no longer take their magic

seriously. Until then, in the nineteenth century, the possibly real slightly better founded fear of the *dangerous classes* of the social ‘underclass’ could take up their criminalization under another aspect again:

“The persistence of superstitious beliefs among the peasantry may have actually contributed, in a somewhat ironic way, to the triumph of scepticism among the elite. [...] The effect of this ridicule was to encourage members of the upper classes, even those who were not well-educated, to give at least lip-service to the new scepticism so as to confirm their superiority over the lower classes. Scepticism, in other words, became fashionable. [...] The decline of witch-beliefs among the upper and middle classes may have had as much to do with social snobbery as with the development of new scientific and philosophical ideas.”⁷⁴

In this sense, the Austrian *Constitutio Criminalis Theresiana* completed in 1766 was justified as follows:⁷⁵

“[I]t is well known to what intolerable extremes the craze concerning sorcery and witchcraft has lately extended. Its foundations were laid by the inclination of the stupid and vulgar crowd toward superstition. Silliness and ignorance, which gave rise to simple-minded amazement and superstitious practices, have finally led to a situation in which gullibility has gained ground everywhere among the people, who have become incapable of distinguishing reality from illusion.” (Klaniczay 2007: 388).

(4) One must, as mentioned above (11.4 (1)), rely on the associated influence of an **urban, worldly thinking**, which was already noticeable in the persecution of heretics in Languedoc, which boomed in the Dutch *dutch cycle* and early in the Hanseatic League (twelfth to seventeenth centuries), in which “nearly 300 sea and inland cities of northern Europe had joined the Hanseatic League” in the fourteenth century.⁷⁷

In a world in which the newly emerging **technology** still without electricity and steam—but with spiritual assistance, prayers, masses and spiritual battle songs⁷⁸ -Columbus helped, with a compass, which has been around since the fourteenth century, and hourglass between 1492 and 1504 sail four times to America, in which then Cortez 1519 with 508 soldiers, bronze cannons and 13 arquebuses conquered the Aztec empire, while Gustav II. Adolf a hundred years later in 1632 war-decisive by three shots from an imperial matchlock musket was killed.⁷⁹

A new way of thinking that could now break up the still dominant religious world view in a novel, pragmatically and power-politically oriented ‘rationality’ in general, by critically reviewing the ‘exceptional’ *witch*-process framework on

the basis of its practice-relevance in a weighing, pragmatic and tolerant manner. Without thereby completely falling out of magical thinking, however:

For example, in the sixteenth century, the ‘early capitalist’ Anton Fugger (1493–1560)—no longer trusting solely in the ‘supervision of God’⁸⁰—resorted back to the services of the healer Anna Megerler⁸¹ in order to solve communication problems of his far-reaching trade network with her prophetic abilities. Whereas—only 100 km away, 150 years later—the Freising prince-bishop Eckher von Kapfing (1697–1727) was “once deeply affected when he learned from his dead father about a nun that he needed 45 more masses to get out of purgatory.” (Beck 2012: 48).

12.2.2 The Munich ‘Witch-Wars’ in the Seventeenth and Eighteenth Centuries

“It is a testimony to the tactical skill of the enlighteners in Munich that the witch-theme, which was exposed in many ways, was chosen as the symbol of political and social progress.” (Behringer 1988: 391).

The witch-discussion in the Bavarian residence city of Munich in the seventeenth and eighteenth centuries, which was exemplary analyzed by Wolfgang Behringer (1988)⁸² offers for this city-worldly oriented ‘*witch*-politics’ an illustrative **example**, which took place rather in the ‘courtly’ than in the urban context, but could also be based there on the urban patriciate and the involved rural knights.⁸³

(1) The Bavarian (electoral) principality was ruled under the Wittelsbachs Duke Wilhelm V. and from 1597 under his son Maximilian I.⁸⁴ as the power of the Counter-Reformation. It had—comparable to the Protestant principalities—received from the Roman Curia the right to control the state churches and their jurisdictions,⁸⁵ and had early on centralized the blood-jurisdiction in its residence city to such an extent that both the torture and the execution had to be confirmed by the central authority, for which, inter alia, the central prison of the Falkenturm also served.

When early *witch*-hunts from the years 1586–94 threatened to spill over into Bavarian territory in 1589, the *witch*-hunt was initially carried out on the basis of a first expert opinion from the Ingolstadt University from the year 1590, which, under the leadership of the Jesuit Gregor von Valencia, strictly followed the guidelines of the *Hexenhammer*, Del Rios and Bodins:

“The great Franconian witch hunts served as a permanent model for Bavarian supporters of the witch hunt. They form the background for any understanding of the southeastern German witch discussion.” (Behringer 1988: 241).

On the occasion of the *witch*-trial against the vagabond family of the **Pappenheimer**, who in 1600—at the same time as Giordano Bruno in Rome—was burned alive after cruel torture,⁸⁶ and which was supposed to serve to initiate a ‘systematic and nationwide witch hunt’⁸⁷, a heated **political dispute** broke out on the occasion of a subsequent trial against three *witches* from ‘better circles’⁸⁸:

Namely, between a party of supporters of the witch hunt, who predominantly came ‘from abroad’,⁸⁹ and whose core included, among others, the Jesuits Gregor von Valencia and Jacob Gretser,⁹⁰ as confessors of the prince, as well as the group’s leading Chancellor of the Court Council Dr. Wagnereckh⁹¹ and his adjutant, Court Councilor Dr. Vagh. Opposite them was a party of opponents of the witch hunt, which was predominantly made up of the bourgeoisie and the nobility of Bavaria and Tyrol under Chancellor of the Empire Joachim Donnersberger.⁹² They dominated the faculty of law at the University Ingolstadt, in the city councils of the large cities, on the knight’s bench of the Court Council and in the Secret Council; as nobles, they were at the head of the representative assembly and initially with Bernhard Barth, the chief justice, who was actually the spokesman for both the nobility bench and the party of opponents of the witch hunt in the Court Council. (Behringer 1988: 283).

In order to find a solution to this stalemate, the well-connected “international” party of proponents proposed a **expert opinion marathon**, which first asked the University of Ingolstadt in this case of the three *witches* for another expert opinion,⁹² which, answered by the faculty of law in 1601, was highly skeptical above all with regard to the role of the denunciations obtained through torture, citing the *Carolina* unexpectedly.⁹³ Just as the previous opinion of the Munich Council of Secretaries had already confirmed, it stated that

“the Besagungen (‘denunciaciones’) from the ‘informal’ confessions were invalid (i.e. not valid), and even if the denunciations came from convicted witches, they were invalid: Either the alleged witches were innocent and could not make valid denunciations, or they were guilty and had actually entered into a pact with the devil. But then their denunciations were also invalid, because the devil tried to harm people with all means, including through his followers. Therefore: Denunciations are invalid in any case.” (Behringer 1992: 169).

Since “the axe was laid to the grown tree of the witch-hunt”,⁹⁴ one now asked for opinions from the very Catholic University of Freiburg (Dr. Martini: full support

of the proponents), Dillingen (Jesuit university without faculty of law, with cautious judgment), from the Italian universities of Padua (positive in favor of the proponents) and Bologna (negative citing the practice of the *Heiligen Officium* in Rome).⁹⁵ The friendly governments of Lorraine, Kurmainz, Kurtrier, Kurköln and Baden⁹⁶ were written to, as well as the most famous living demonologists, the Lorraine witch judge Nicolas Remyand Martin Del Rio from Graz. The position of both parties was taken on all expert opinions.

In addition to the positive opinions from Ingolstadt and Bologna as well as the cautious replies from the friendly governments, two events came to the aid of the opponents: An expert opinion by the **Jesuit Adam Tanner**,⁹⁷ a forerunner of Friedrich Spee (13.3), who, in contrast to the previously dominant group of Jesuits, fully supported the position of the “opponents”. By referring, like Johann Weyer (1563), to the parable of the “tares among the wheat” in Matthew 13,24–30:

“Then the servants said to him, ‘Do you want us to go and weed it out?’—He said, ‘No! Lest in gathering the weeds you root up the wheat along with them.—Let both grow together until the harvest; and at harvest time I will tell the reapers, Gather the weeds first and bind them in bundles to be burned, but gather the wheat into my barn.’”

With which Tanner—without fundamentally denying the existence of witches—raised the **protection of the innocent** to the highest principle, and unhinged at the same time the—since the beginning of the heretical Inquisition—prevailing principle of Binsfeld and Martin Del Rio “that God would not allow the conviction of the innocent and that in the case of the special crime of witchcraft because of its great danger, the endangerment of the innocent should be accepted” (Behringer 1992: 172 ff.):

“To claim, therefore, that God never allows or will never allow many innocent people to be involved in witch trials together with the guilty, without first making a reasonable investigation of the nature of the trial and the manner of procedure, is an empty axiom, and it is even false, because it is neither supported by reason nor by authority.” (in: Behringer 1992: 175).

An argument that he could then also—for the first time ever, and later taken over by Friedrich Spee—justify with the fact that at this very time, after a long political tug-of-war on the basis of the opinions of the University Ingolstadt, the witch judges Sattler von Wemding (1613)⁹⁹ and the Fulda witch judge Balthasar Roß (1618)¹⁰⁰ because of the corrupt conviction of the innocent had been **executed**.¹⁰¹

“The execution of the witch judge was more than just a symbolic defeat of the prosecution party. For all those who believed that God would not allow the burning of the innocent as witches, the execution of Sattler was a debacle without equal: it was the public refutation of a false theory.” (Behringer 1988: 305).

The proponents wanted to introduce a preventively oriented ban on folk magic in order to establish a systematic witch inquisition in a Bavarian *superstition and witch mandate* from 1611/12 as an answer:

“Unfortunately the Superstitiones and superstitions (Aberglauben) [...] want to take hold of the common bad people first of all, so that ... it has to be feared that some of them will gradually be completely led into the highly forbidden and damned vice of witchcraft and sorcery.” (Behringer 1988: 296).

Since it was published prematurely without ‘prior consent of the Duke or the Secret Council’, this early form of the stepping-stone theory, which we would now call a ‘gateway drug’, was indeed allowed, but under the compromisingly compromising condition that “‘such mandates should be sent to the district courts alone,’ that is, they should not be made available to a wider public in print. [...] They were not allowed to give it away, copy it, or reproduce it in any other way. Not even the noble or ecclesiastical court lords, holders of the lower court jurisdiction, were given the mandate text.” (Ibid.: 298 f.).

A truly political-tactical masterpiece, which was sensibly supplemented in 1613 by the fact that the two main protagonists of the persecution supporters of the Hofratskanzler Wagnereckh were so overloaded with honorary offices that he could hardly be present at the Hofratssitzungen anymore, while his adjutant Dr. Vagh was sent to the Remtamt Burghausen as chancellor. (Ibid.: 306).

(2) This preliminary conclusion of the dispute came just in time, because in the year 1614/15, a great **wave of persecution** had broken out in Catholic southern Germany, especially in the neighboring spiritual dioceses. In constant dispute with the supporters of the persecution, who were basically supported by Elector Maximilian I., it was possible, in the Electorate of Bavaria—with the exception of the Wemdinger Prozesse¹⁰²—to execute one man and to release 24 people in 40 processes with 51 people in these years. But on the other hand, just this procedural ‘defusing’ of the witch trials had enabled their perpetuation’ (a. a. O.: 341), which also allowed isolated *witch* trials in the next century until 1760.¹⁰³

The **final end** of this long-running dispute did not take place in Bavaria until in the *Bavarian Witch War*, which was triggered by the execution of the senile noble Subpriorin Maria Renata Singer von Mossau (1749) in Würzburg.¹⁰⁴ After a lively dispute between the Würzburg Jesuit Georg Gaar, who pursued the

witches, and his opponents from northern Italy, Hieronymus Tartarotti and the more radical Scipio Maffei¹⁰⁵, in 1766 the Theatiner father Don Ferdinand Sterzinger declared in an academy speech in Munich:

the belief in “witches” as fairy tales, which “the common people, especially in our dear Bavaria, still believe because of lack of better education, but which is a tasteless chimera or fictitious thing for a reasonable thinking person.” (Behringer 1988: 371).

In one of the “greatest debates of the Enlightenment in the German-speaking world” (Behringer 1995: 289), in which, among others, then also the Privy Councillor Peter von Osterwald intervened, and on the other side mainly the Order theologians with about 40 pamphlets argued,¹⁰⁶ it was also about the secularization of these church properties, which had previously been exempt from taxation, that Osterwald justified at the same time (1767) in his “Lochstein-Schrift”¹⁰⁸, as well as about the containment of the power of the orders in the country and about the “school system”, which had been largely secularized even before the abolition of the Jesuit order (1773) in Bavaria’ (Behringer 1995: 311 f.):

“If the fiscal motive was clearly visible in the state attack on the immunity of the monasteries, no other topic was better suited to desavow the monasteries in front of a broad enlightened public than the witch theme. The defence of the witch-burnings by the Order theologians not only put their theology into question, but also the legitimacy of their monopoly on education and their immunity.” (Behringer 1988: 391).¹⁰⁹

12.2.3 Interim Conclusion: A Professionalized Civil Service

“One community after another had learned by painful experience that judicial procedures were not perfect, that even judges might be witches, and that if allowed to proceed by its own massive mechanism, the witch trial procedure could implicate and eradicate every person in town.” (Midelfort 1972: 158).

This example from Munich illustrates in four dimensions—power politics, legitimation, professionalism and its effects on the persecution of *witches*—to what extent the end of this *witch* event was “politically”—strategically embedded in the interactions of those responsible for it, without the “people” being significantly directly involved on this level.

(1) First of all, it is noticeable that the early-absolutist Elector **of Bavaria**, Maximilian I. **of Bavaria**, Maximilian I. (†1651), who, like his brother, the Elector of Cologne, Ferdinand von Wittelsbach, was considered the spearhead of the Catholic Counter-Reformation and a great opponent of witches,¹¹⁰ could not assert himself in front of his staff, the Secret Council, the Court Council and, in particular, in front of the Munich City Patriciate and the rural nobility. An intention that could only be seen once in the series of persecutions of the witch commissioner Hofrat Dr. Kolb appointed by him in Wemding in the years 1629–31. But already his attempt to let this commissioner also work in Ingolstadt failed because of the resistance of the local urban society, so that Dr. Kolb had to take flight:

First of all, he was “exposed to social ostracism. This began with the fact that the leading commissioner had to sit outside the three Ingolstadt Councils during the interrogations, continued with the fact that he was left sitting for hours in front of the door of the council chamber and excluded from the deliberations, and ended with the fact that he was denied any payment for his services, ‘and when he had not good acquaintances in Ingolstadt, who could have given him money, he would have been ridiculed.’ (Behringer 1988: 316).¹¹¹

‘Politically’ we find here the typical early-absolutist **intrigue game**, as Machiavelli had described it in his *Il Principe* as early as 1513: The accusation against the lawyer Dr. Hell, the selection of favorable experts, the premature publication of the witch mandate, the and interrogations of the members of the Court Council ordered by the Oberstkantler Joachim Donnersberger and finally the ‘promotion’ of the two protagonists of the persecution supporters, Hofratskanzler Dr. Wagnereckh and Dr. Vagh.

A power politics, in which at the beginning of this story it was primarily about the deterrent example of Pappenheimer, and then about the defense against the dangers of an excessive persecution wave. But at the end it was used by the reformist director of the ecclesiastical council, Hofrat Peter von Osterwald, in a kind of double strategy in his state-church reforms, because “no other topic was better suited to desavow the monasteries in front of a broad enlightened public.”

(2) The example of the two *witch* judges who were executed for corruption mentioned by Tanner could shake the legitimizing claim that no innocents were convicted; a knowledge for which, as mentioned above (9.1 (3)), in the same time in Kurtrier the Archbishop Carl Caspar von der Leyen 1652 the *witch* persecution prohibited, as the machinations of a corrupt notary became known. This convinced because such occurrences were interpreted ‘**empirically**’-

‘**rationally**’—and not ‘biblically’; whether in the context of a trained urban culture, as in Munich, or under a ruler who was open to it.

On the other hand, this *hexerische* accusation against the former Schultheiss Hans Georg Hallmayer in Rottenburg 1602, who himself had previously burned 80 *Hexen*—‘having sexual relations with Satan’ in the assumed form of a hospital maid here—as well as the conviction of the Elector’s Steward and *Hexen*-Judge Dietrich Flade in Trier 1589 as a *Hexer*¹¹³ always then increased the general *Hexen*-fear, when and because one wanted to recognize the special power of Satan in it, which even the ‘most zealous witch hunters’ (a. a. O.: 93) could grasp.

According to Midelfort (1972: 158), we therefore speak in his analysis of the southwest German persecutions of a general ‘**crisis of confidence**’ in relation to the judiciary and higher administration, which ultimately led to at least the large *Hexen*-hunts to stop:

“Place after place must have suffered that crisis of confidence which can be seen in so many of the better-documented witchcraft panics; a crisis that shook local society to its roots and destroyed the trust in the tradition of magistrates and institutions that had permitted the hunts in the first place. More important, the magistrates themselves lost faith in their judicial apparatus.”

(3) Under the **Professions-Aspect** we experience in this first half of the seventeenth century the almost abrupt transition from a clerical-Jesuit leadership to a juristically just as well-trained official elite, which could be clearly separated not only personnel—‘foreign supporters’ against ‘natively rooted opponents’—but also argumentatively. Where the ‘apostate’ Jesuit Tanner occupied an intermediate position in that he was content-wise on the side of the ‘more modern’ opponents, but in the justification initially still strongly argued biblically, but then quite pragmatically referred to the execution of the two corrupt witch judges. Also the two worldly-legal heads of the proponents, the up-and-comer Dr. Wagnereckh and the convert Dr. Vagh, remained as long as they could lean on the group of Jesuits, but lost, just like the witch commissioner Dr. Kolb—because of the ‘lack of stable odor’ would say Bourdieu—as the worldly legal elite took over the scepter.

But the fate of the requested opinions also speaks for this ‘professional replacement’. First, in 1590 at the university Ingolstadt, still quite ‘Jesuit’, but already 1601 at the second Ingolstadt opinion ‘juristisch-modern’; a statement that then also, cautiously, from the university Dillingen and from four of the five questioned governments overall ‘worldly’ fell. But above all, it is surprising that at this relatively early time at the beginning of the seventeenth century—ultimately even with success—one wanted to and could decide the very fundamentally conducted

dispute on this ‘intellectual’ level of the requested opinions and the respective internal delivered counter-opinions.

In order to declare the *Hexen*-conception as childish delusion at the end of the *bayerischer Hexenkrieg* (1766/67) and to answer the clerical objections satirically.

(4) A dispute that can now also show—politically and argumentatively—**practical successes**. Right at the beginning the defense of the with the Pappenheimer condemnation threatening persecution wave, as well as later—from the exception in Wemding as ‘rule confirmed’—one could avoid that the persecution excesses starting in 1614/15 on the neighboring territories spread to one’s own territory, not only for the city of Munich, but for the whole Electorate of Bavaria.

Successes that one had to buy, of course—as so often in such disputes—that the *witch*-crime ‘in principle’ remained valid, as long as it was only carried out procedurally correctly and along the lines of the *Carolina*. Why one avoided the great persecution waves, but until the end, and longer than in Northern Germany, in individual cases ‘confessing and correctly treated *witches* from principle’ continued to burn, because, as the Elector’s court judge in the case of 14-year-old Veronica Zerritsch shortly before the end of the persecution in 1755/56 said:

“If one does not execute a witch who can be convicted with certainty, when does one want to execute witches at all? Therefore it is necessary to burn the girl as a witch [...] ‘unless one wanted to completely abolish the inquisitions in this domestic vice at once, and let the witches be witches all the same.’” (Behringer 1988: 363).

Notes

1. In this sense, the professor of psychology Carl Hart writes in his book *Drug Use for Grown-Ups. Chasing Liberty in the Land of Fear* (2021): “He always realized more and more clearly, ‘that drug-abuse scientists, especially government-funded ones, focus almost exclusively on the detrimental effects of drugs’ (p. 9). Looking back, he summarizes: ‘I had been indoctrinated to be biased toward the negative effects of drug use. But over the past two-plus decades, I had gained a deeper, more nuanced understanding’ (p. 246).” (Review by Henning Schmidt-Semisch in: (<https://www.sozio-polis.de/coming-out-of-the-drug-closet.html>)). And Mazur/Sztuka (2021: 150) state in general: “In the social sciences, considerable emphasis is placed on various kinds of tensions and conflict. Historian study war more often than peace, clinical psychologists study mental illness more often than mental health, just as social psychologists study prejudice and conflict more often

than prosocial attitudes and cooperation and sociologists study social tensions more often than social collaborations. The reasons for the disproportionate emphasis on various forms of ‘dysfunction’ have been widely discussed.”

2. “A group of eight imperial free cities—Ulm, Donauwörth, Kaufbeuren, Leutkirch, Biberach, Ravensburg, Dinkelsbühl, and the great commercial center of Augsburg—formed the chief ones in the empire after 1555. In these towns both Protestants and Catholics enjoyed full citizenship, exercised their faiths publicly, and had members on the city council”. “Usually *Simultaneum* involved a division of the church building: Catholics would attend mass in the choir, Protestants hear sermons in the nave, and in many *Simultankirchen* a partition was erected to separate the two spaces.” (Kaplan 2004: 494, 496)
3. For the general *witch* situation in the Netherlands, see de Waardt (2018): “From this it can be concluded that the two sides of the North Sea together formed a mild zone of witchcraft prosecutions. The line that divided the regions in France where witch-hunting was intense from those where it was restricted should therefore not be located on the North Sea, but in the Low Countries.” (Ibid.: 136)
4. Other examples would be Christian III. in Denmark (8.1), the *Parlement de Paris* (1.1, 1.3 and passim) or Württemberg’s intervention in Calw (9.3).
5. De Waardt (2009: 353): “in Gorinchem, a small town east of Rotterdam. The woman who was then burnt appears to have given herself up voluntarily to the authorities. This, however, was exceptional. As a result of verdicts given by the highest judicial institutions of Holland in 1593 and 1594, it had become impossible either to put a person who was suspected of witchcraft on the rack or to submit them to the water test.”
6. That is, after the previous *Genoese Cycle*, and before the following *British Cycle*. See: (<https://empirewithoutemperor.wordpress.com/world-system-theory/ii-3-systemic-cycles-of-accumulation-of-capital>)
7. “The ditch between Spain-loyal Catholics and radical Calvinists was torn too deep and led to the fact that the Calvinist provinces of Holland, Zeeland and Utrecht joined forces in a defense alliance in 1579, the Union of Utrecht. This contract became the founding document of a new state, the Republic of the United Netherlands. In 1581, the General States—the general assembly of the Estates—took the final step and declared their independence from the Spanish crown. In this act of abjuration, a king anointed by God was declared deposed for the first time in history.” (de.wikipedia.org/wiki/Niederlande#Republik_der_Sieben_Vereinigten_Provinzen)

8. Quoted by de Waardt (1995: 152), whom I follow in this section, Johannes Lindeboom *Erasmus' Bedeutung für die Entwicklung des geistigen Lebens in den Niederlanden (Erasmus' importance for the development of intellectual life in the Netherlands)* Archiv für Reformationsgeschichte 43 (1952)
9. Arrighi's (2006) *British Cycle* (s. note 6)
10. On the early Reformation situation in England in the 16th century between Heinrich VIII and Elizabeth I, see Haigh (2004): "England had decades of messy politics, religious change and reversals, faltering steps and occasional leaps, uncertainty and struggle, and blundering responses threats and crises. In the end [...] 'it' was a Reformation of sorts, but a Reformation by accidents and in installments. 'it' was not what anyone intended, and not what many people liked." (Ibid.: 136 f.)
11. On the almost unmanageable diversity of these dissenter sects, see (<https://de.wikipedia.org/wiki/Dissenter#Literatur>)
12. A first overview of the English discussion in: Baschwitz (1966: Part Four).
13. "Each Act intended to endow the monarchy with the exclusive authority to determine what witchcraft and a witch were." (Mendez 2017: 82)
14. "The intention of the Witchcraft Acts was to punish possible causes of tension and social unrest that could affect the kingdom's stability. That is the reason the laws penalized *maleficia* that harm people and their goods, induce unlawful loves, and found stolen property. Authorities were, thus, more worried with enforcing social peace than with the strict application of biblical sanctions. Demonologists also looked for ways to regulate the population, but by establishing a rigorous discipline to create a godly society respectful of divine precepts." (Mendez 2017: 85)
15. "Their healing tasks were deliberately excluded from the laws. In early modern England, secular authorities never criminalized charismatic healing; rather, it remained under religious jurisdiction." "The common law never prohibited healings supposedly produced by divine gifts. Consequently, those who looked for medical services from wise folk were not criminalized. If the offer was not to be punished, neither was the demand." (Mendez 2017: 284, 289)
16. The "theologian and preacher George Gifford in both of his treatises dedicated to the matter *A Discourse of the Subtill Practises of Devills by Witches and Sorcerers* (1587) rejects the belief extended over the English population that demons were summoned and controlled by witches: 'For the uncleane spirits are the doers in sorceries and witchcraftes: men and women are but instrumentes. They should not be condemned for causing damage by harm-

- ful magic because that action was committed by the Devil, who misled witches and victims to think that the former were the source of the latter's misfortunes.' This did not mean that the effects of witchcraft were imaginary; *maleficium* was real, although not produced by the witch." (Mendez 2017: 285 f.)
17. Mendez (2017: 288 and 290) after Thomas Cooper, *The Mystery of Witchcraft* (1617)
 18. "Witchcraft [...] figured prominently in puritan and parliamentary circles as the war of words escalated from the late 1620s onwards." "During the course of the 1640s, as the country became embroiled in a bitter civil war, spokesmen for the parliamentary cause, like their royalist counterparts, grew ever more eager to ascribe demonological motives to the actions of their opponents." "In the light of the ubiquity of such language it is hardly surprising that acts of witchcraft were widely reported on the battlefields and sieges of the first civil war." "[A]ttempts to prosecute witches in the courts continued [during the Interregnum 1649–1660] to emanate, first and foremost, from towns and villages that were often paralysed by religious conflict and were more often than not promoted by those seeking to acquire renewed religious and/or political legitimacy within their respective communities." (Elmer 2016: 101, 106, 112, 139)
 19. As a Scottish king James VI. he was known as a *witch*-persecutor, who had written a corresponding *Daemonology* in 1597, in order to now intervene moderating in *witch*-trials as James I. in England: "As a matter of fact, by the time he became king of England, James appeared to have lost interest in this issue. According to evidence, his only contribution to the passing of the law [1604] was to give his consent to the final version." (Mendes 2017: 282); see also Tyson (2011, Appendix C) with the text of this *Witchcraft Act*
 20. "Under Charles, the trickle of witch trials almost dried up. In the decade 1628–37, there were just eleven Home Circuit prosecutions—five in Essex, four in Kent, and two in Surrey—none of which resulted in hanging. [...] Charles declined to support puritanical preoccupations like sorcery, possession and idolatry, and his justices and judges knew it." (Gaskill 2013: 293)
 21. "The Glorious Revolution, also called 'The Revolution of 1688' and 'The Bloodless Revolution,' took place from 1688 to 1689 in England. It involved the overthrow of the Catholic king James II, who was replaced by his Protestant daughter Mary and her Dutch husband, William of Orange." (<https://www.history.com/topics/british-history/glorious-revolution>)

22. Under his rule, the 1688 *Toleration Act* (for all denominations including the *Dissenter*, with the exception of Jews and Catholics), as well as the 1689 *Bill of Rights* (as the “fundamental right of parliamentarism”) were passed.
23. “Hutchinson’s book is therefore a testimony to a point at which a moderate scepticism about witchcraft came to be acceptable because outright belief phenomenon seemed more dangerous than outright disbelief in it. Hutchinson was content to go part of the way down the sceptical route of the free because the alternative was the disruptive enthusiasm represented popular uproar over the Jane Wenham case or that associated with the Prophets.” (Hunter 2012: 422)
24. “[W]itchcraft, much like festive culture in early modern Europe, functioned in a political context in one of two seemingly contradictory ways. In the first place, it sometimes performed an integrative or consensual role, helping to reinforce normative behavior and underscore the social, religious and political status quo. But at the same time, it might equally act as a subversive force, encouraging criticism of those holding the reins of power, particularly when the position of the latter was rendered unstable and vulnerable to challenge by broader political events. [...] In both instances [...] the extent to which the ability to deal with the threat of diabolical witchcraft was perceived at the time as a test of political legitimacy.” (Elmer 2016: 7 ff.)
25. “[W]here the divine and charismatic authority wielded by James I and Charles I may have operated to preclude the possibility that the body politic was infested with witches and demons. The mere presence of such ‘demi-gods’ on the throne was seemingly sufficient to guarantee a climate of official ‘skepticism’ with regard to witchcraft.” (Elmer 2016: 75)
26. “First, godly magistrates were far more likely to invoke the threat of witchcraft at moments of acute political crisis such as regime change or the creation of new polities and governing elites. And second, well-established regimes, secure in their authority, were far less likely to acknowledge the threat posed by demonic intruders as to do so risked casting doubt upon the godly status of legitimacy of the powers that be.” (Elmer 2016: 8)
27. “The emergence of the first recognizable political ‘parties’ once again threatened to tip the country over the edge and into civil war, initiating in the process a revival of an extremist rhetoric in which the figure of the witch as rebel once again figured prominently. While the [Reform-orientierten] Whigs and their dissenting supporters were not averse from indulging in such word games, the [kingly] Tories and their High Church allies were the masters of such discourse, creating in the process a radical new under-

- standing what it meant to talk of witches and demons in a fractured and permanently divided body politic. The upshot [...] marked a critical stage in the ‘disenchantment of the world’, a process that was rooted in the growing divisions within English political culture and which ultimately would lead to the emergence of a new kind of polity, pluralistic and tolerant of difference, in which belief in spirits and witches was no longer mandatory.” (Elmer 2016: 229)
28. Orna Darr (2011: 31, 80, 264) describes this three-stage English system in detail [whose ‘two-stage’ solution could be contrasted with the ‘witch’ committees described above (9.1)]: The [local] *Justice of the Peace (JP)*, “a member of the lower gentry, usually without legal education”, first examined the accusation in a preliminary *pre-trial* procedure, which possibly led to the arrest of the *witch*, in order to then submit it to the *Grand Jury*—originally also local laymen—for review of the evidence: “The juror’s knowledge included the suspect’s reputation, hearsay, rumours and other circumstances surrounding the crime.” “If they found the bill to be true,” (and the accused pleaded ‘*not guilty*’) the actual trial began before the *petty jury*, which decided on the guilt, in order to finally be sentenced by the royal *Assize* judge: The English justice system was structured in a way that combined peripheral and central input. The pre-trial stage was handled by the local community, whose members prepared the case for trial. The trial was orchestrated by the assize judges, who travelled from the centre to dispense royal norms. At the end of the trial, however, the verdict was given by the representatives of the community, the jurors.” See in detail: Berman (2003) Chapter 10 *The Transformation of English Criminal Law*.
 29. Michael Schmidt (2000) and Walter Rummel’s review of Michael Schmidt’s: *Glaube und Skepsis. Die Kurpfalz und die abendländische Hexenverfolgung 1446–1685* in: (www.sehepunkte.de/perform/reviews.php?id=170): “The Electoral Palatinate was, despite a strong center, a torn territory, surrounded and partly interwoven with numerous noble dominions, for whose owners-long-term losers in the process of sovereign consolidation-witch trials were known to be a tried and tested means of demonstrating their legal position. From this point of view, the elector, the court council and partly also the bailiffs had good reason to hold on to those great traditions of the territory which were opposed to witch trials, if only because of the reason of state.”
 30. See the maps for 1450 and 1600 in Schmidt (2000: 57, 511).

31. As a reminder, in addition to the three archbishops of Cologne, Mainz, and Trier, at that time there were the Electoral Palatinate, Electoral Saxony, Electoral Brandenburg, and the King of Bohemia.
32. “The earliest relevant ‘migration’ of the witch hunt from the Italian-Swiss area of origin to Germany took place via the electoral family of the Palatinate, which had dynastic connections to the House of Savoy. In 1446, Elector Louis IV commissioned a witch-inspector from Basel to conduct trials in Heidelberg.” (Neugebauer-Wölk 2007:12)
33. “It was Elector Ludwig III (1410–1435) who led Hus to the stake at the Council of Constance in his old Palatine capacity as imperial judge.” (Schmidt 2000: 51)
34. “In Heidelberg—under the influence of Philipp Melanchthon—the opinion prevailed that the Mosaic laws, with the exception of the Ten Commandments, had been imposed by God solely on the Jewish state that had perished. At the moment of Christ’s birth, God had abrogated all Mosaic laws, which accordingly could no longer claim any validity in the Christian states, or at most moral validity.” (Schmidt 2000: 65)
35. “We should refrain from practicing magic, from conjuring up devils, and from prophesying, so that our subjects not only incur useless costs, but are also led to superstition, and sometimes honest people are placed under suspicion and are falsely slandered and accused [...].] not to tolerate, but to expel them from our country, if they do not desist from such unholy deeds, or to punish them in case [to] life and limb.” (Schmidt 2000: 133).
36. Schmidt (2000: 184) citing Schaab: *Geschichte der Kurpfalz* (1988/92).
37. “Where an offender and prisoner have confessed and declared something to each other in torture, which such a crime, which they may have committed together in great numbers, should not be believed or judged on the basis of this information alone, but other circumstances should be taken into account.” (Malefizordnung, Title VII, fol. 7^V) (Schmidt 2000: 178).
38. In the *Heidelberg Catechism*, “which every Palatinate child had to learn by heart since 1563”, it said in question 94: “That I, when I lose my soul, should shun and flee all idolatry, sorcery, superstitious blessings, invocation of saints or other creatures”; and in question 80 (which ‘probably came directly from the pen of Elector Frederick III.’) it said: “And so the mass is in essence nothing other than a denial of the one sacrifice and passion of Jesus Christ and a cursed idolatry.” (after Schmidt 2000: 400, 407).
39. “The Palatinate police ordinance of 1546 had already restricted dancing, before Elector Ottheinrich demanded in 1556 for the first time in a very

- massive way that the Landesordnung to be created should completely prohibit the ‘immodest’ dances in order to promote Christian discipline.” In 1564, dancing was first banned for church and school servants, but the most stringent regulations were issued by Elector Ludwig VI. in the police ordinance of 1582, in which he actually prohibited dancing in general as a ‘pagan, disgraceful and unchaste custom’. The only exception was the wedding dance and even this was only allowed in closed company.” (Schmidt 2000: 234)
40. “The historical norm seems to have been the combination of church discipline and secular violence on an institutional and personal level at least in Protestantism. This applies to the Lutheran consistories, which were often composed of church and secular councils and which frequently used secular punishments such as fines, dishonorable punishments and banishment.” (Schwerhoff 2011: 167). For the Palatinate ‘Church Discipline Controversy’, in which Erastus advocated state supervision instead of a presbyterian constitution in the fight against internal church control and sanctions—especially excommunication—(Erastianism, which later became important in England), see Gunnoe (2011: Part II, 163–209 and 396–409).
 41. Whereby the more persecution-friendly, newly appointed Bavarian Elector Maximilian I was able to prevail here, while in the also belonging to the Palatinate Upper Palatinate in Bavarian North, which later remained definitively with Bavaria, its moderate officials had the say (Schmidt 2000: 449 ff., 438 ff.); see also below (12.2.2) the ‘Munich witch wars’.
 42. “The country was largely depopulated and turned into an economic wasteland. Over 80% of the Palatinate population was exterminated! In the Oberamt Kaiserlautern the total losses were even 90% [...] In Heidelberg, of the 6000 citizens who used to live there, only 300 were left in August 1635, which was 5% of the pre-war population.” (Schmidt 2000: 448)
 43. The Calvinist Elector Karl Ludwig showed “clear signs of religious tolerance, to which he had been stimulated in the Netherlands and in England.” He “allowed all three confessions to practice their religion privately.”; Even more important “was the tolerance of the Elector towards Jews and Christian sects.” In order to just increase the population density again, the Elector not only settled Lutherans and Catholics, but also Jews from Portugal, ‘Hutische Brothers’ from Moravia, Socinians (a Unitarian sect) from Poland, ‘Jew-Christians’ (Sabbatarians) from England and Anabaptists (Mennonites) from Switzerland.” (Schmidt 2000: 462 f.)
 44. Elector Friedrich III saw “the world solely governed by God and thereby denied the devil any independent power.” According to his motto ‘Lord,

- according to Your will', Friedrich declared, "that the devil [...] without the will of my father in heaven does not want to bend the little hair on me, let alone break out." (Schmidt 2000: 81); cf. also *Heidelberger Katechismus* 1st question.
45. Calvin in Geneva: "There he created a significantly new form of Protestantism, then supervised an effort to export it to many other parts of Europe." Kingdom (2004: 107) in a good overview of the role of this 'religion founder'.
 46. This is also where, from 1556 to 1561, Franz Balduin, a jurist from Arras who was a staunch opponent of the death penalty for heretics, taught and expressly based his expert opinion on the decision of the *Parlement de Paris*, which had overturned the proceedings in Arras: "one of the most severe condemnations of the procedural crimes of the early witch hunts in Europe." (Schmidt 2000: 66 ff., 69) (see above 4.5.5).
 47. He then lost influence under Lutheran Ludwig VI: "The Lutheran Restoration under Ludwig VI had to have a particularly positive effect [with regard to the *witch* trials] in that now mainly those in church leadership and at the university had to leave the country, including the proponents of heresy and witch trials. The mild-minded councillors, however, remained in the country. The church council lost the extraordinary influence it had partially had on Palatine politics in the second half of Frederick III's reign as a result of Ludwig VI's measures." (Schmidt 2000: 172 f.)
 48. "But that is not just superstition/but real sorcery/that the Papal Mass priests think/that when they have mumbled and breathed the five words *For>this/is/my/body* over the host in the Mass/then they turn the bread into the essential body of Christ. That is just a diabolical misuse of the institution of the Holy Communion." (in: Schmidt 2000: 315)
 49. For the situation in Poland, Hungary, Russia, see the contributions by Michael Ostling, Ildikó Kristof and Valerie Kivelson in Levack 2013: 318–374
 50. "Poland's record was essentially similar to that of its carefully studied southern neighbour, Hungary, with recorded trials and executions peaking in both places around 1700. Neither kingdom ever produced a witch-hunt of international notoriety, and both contained a comparable proportion of Germanophone subjects, who tended to hold the earliest witch trials in east-central Europe." (Monter 2002: 12 f.). See also: Wijaczka (2008, 2016) for numbers and the ratio between secular and ecclesiastical courts.
 51. On witch hunts in Hungary see Klaniczay (1991: 51–71, 52): "The persecutions reached their peak relatively late, namely in the years 1710 and 1730,

- with more than 200 defendants and more than 60 death sentences per decade. The witch hunt was then carried out quite actively until it was stopped by intervention from above, i.e. by Maria Theresa's enlightened legislation, between 1758 and 1766."
52. On the late persecutions in the Bohemian countries and in Slovakia see Kreuz (2016)
 53. "Poland in the sixteenth century has long been recognized as one of the most religiously tolerant states in Europe. The reasons given for this include Poland's tradition of religious plurality before the Reformation and the strong position of the Polish nobility, who could choose their religious beliefs and destiny even against the wishes of the king." (Palmitessa 2009: 198)
 54. "Extensive witch hunts began" in the adoption of the belief in witches from Germany "only after 1650, and more than half of the executions took place between 1676 and 1725, with the worst years being the first years of the eighteenth century" (Levack 1995: 202 f.). See also Hsia (1998: 81 ff.).
 55. Remember the burning of Giordano Bruno in 1600: "It was not his daring cosmology that brought Bruno to the stake, but rather his attacks on religion. His polemic 'Expulsion of the Triumphant Beast' is one of the most monstrous things that has been written against Christianity—Bruno once calls it 'donkeyism'—before Nietzsche. Christ is encoded as the 'divine and miraculous Orion', who 'makes the sky piss with fright'. The Nolaner caricatures him as the presumptuous monkey of divine wisdom, who performs all kinds of juggling, conjuring tricks and other miracles, which were all for nothing." (Roeck 2017: 962)
 56. A 'bourgeois' mentality that is also reflected in literature (see above: 6.2 (6)): "1539 Georg Wickram, the illegitimate son of a wealthy burgher of Colmar, had begun to write novels."; "Wickram's novels marked a new attitude toward burgher life. He depicted merchants and tradesmen having their own ways, which no longer had to be considered inferior to aristocratic life. Urban men and women did not have to look to the nobility for heroes; they could create their own. Family relationships—a deep, reciprocal love between husband and wife and responsibility toward children—took the place of the romantic love of the chivalric tale." (Chrisman 1994: 75, 93 f.)
 57. It "was primarily intended for beggars and young petty criminals. [...] The idea of the houses of correction spread throughout Germany in the early seventeenth century [i.e. at the height of the *witch*-hunt] via the North German Hanseatic cities." (www.de.m.wikipedia/wiki/Rasphuis). In fact, as early as 1553, the *Bridewell Prison and Hospital* was opened in London

- “with two purposes: the punishment of the disorderly poor and housing of homeless children”, which was administered together with the *Bethlem Hospital* (“which treated the insane”) from 1570 (www.Londonlives.org/static/Bridewell.jsp); evidence of the parallel development of these two ‘tolerant’ countries, which also affected the Hanseatic cities here (Bremen: 1603).
58. For Bremen see Schulte (2013). “The city of Hamburg certainly did not belong to the centres of the witch-hunt. Here there were no mass trials of greater magnitude than in other areas that would indicate that the Hamburg authorities saw the witch-hunt as a suitable means of coping with crises.” “Almost all of the surviving trials were probably traditional damage suits.” (Rogge 1995: 398 f.) See also Rogge (2006). Bremen and Hamburg abolished the death penalty ‘for civilian crimes’ as early as 1849. (Davies/Matteoni 2017: 4)
 59. Thus “one could formulate the thesis that the ‘urbanised’ space limited the imagination that was necessary to construct the witch more than the rural environment, because it still offered comparatively more stimuli and thus ‘reduced’ sensitivity. And of course it is to be considered that the city represented an environment where the classic field of activity of the ‘witch’ was highly limited: the consequences of a hailstorm were experienced here in an abstract way, namely through bread or grain taxes, and if livestock farming was insignificant in the city, there were also no sick cows for which one could hold witches responsible.” (Roeck 1992: 90 f.)
 60. Frankfurt, which, however, repeatedly over the centuries had the largest German Jewish community with pogroms, including the Fettmilch uprising of 1614, one of the last pogroms before National Socialism (de.wikipedia.org/wiki/Frankfurter_Judengasse).
 61. S. Justin (2021) for Münster, which had previously experienced the “Anabaptist Kingdom” from 1531–35, and in which, in the midst of the *witch-time* (1648), the Peace of Westphalia was decided after a five-year peace conference under international occupation.
 62. “After 1501 [accession to the Swiss Confederacy], we know of only two women executed as witches in the city of Basel. A number of other women were also accused as witches. Some of them were released, others were banished [...] After the reformation in Basel [1529] the judges went even further. After 1537 they apparently ceased to punish witchcraft altogether.” “[...] The history of witch hunting in Basel was thus relatively brief and restrained. Between 1440 and 1540, sixteen women were executed as

- witches in the territory of Basel. The motivation for witch hunting appears to have been largely rural.” (Stokes 2011: 48 ff.)
63. “In Amsterdam there were no more trials since 1566 because the accusations of sorcery, which were occasionally expressed, had too clear a political background.” (Mout 1992: 231)
 64. Stokes (2011: 57, 58) relativizes this a little on the basis of Kunstmann *Zauberwahn* (1970): “Although Nuremberg’s reputation of never having burned a single witch is undeserved, there were no witch hunts in the imperial free city. This must be attributed primarily to the restrained stance of the city council and the advisors they chose to consult.” Which, however, did not exclude Jewish pogroms and expulsions—as in Frankfurt: “The Black Death sparked a pogrom against Jews in Nuremberg in 1349. Not only were over a third of Nuremberg’s Jews killed that year, but royal protection was temporarily withdrawn and the survivors were driven from their homes and their possessions were plundered.”
 65. “[T]he confession of a suspected witch under torture in the neighbouring Margravate of Ansbach [led to the arrest of two women from villages in 1592] which were under the jurisdiction of the Nuremberg courts. After a careful examination of the charges associated with both cases, Nuremberg’s legal experts found torture to be unjustified and recommended dismissal of the lawsuits. When [the executioner] Master Frantz confirmed in addition that both women were already too old to endure physical force, the Council ordered the women to be released.” (Harrington 2015: 298)
 66. Behringer (1988: 156): “Augsburg referred a ‘witch finder’ of the city in 1591, who had tried to extort a member of the Fugger family in Augsburg by making use of the general fear of witches. In Nuremberg, such a troublemaker was even executed. Friedrich Stigler from Nuremberg had been an assistant of the Eichstätt executioner. After his return to Nuremberg, he went into the business of witch hunting. [...] Stigler had dared “out of pure brazen mischief [...] to falsely accuse several women of this city without any grounds or truth of being unhulden or druten, and thereby to stir up and bring about all kinds of unrest, bad suspicion and aversion among the citizens [...]”. See also: Harrington (2015: 296 f.)
 67. Under the aegis of the ‘newly appointed city attorney Daniel Hauff’, an unrelenting ‘witch inquisitor and ‘fearsome jurist’, ‘reporter for a special court set up for witches’, one of the ‘most devastating pogroms in south-western Germany with more than three dozen executions, as many special inquisitions and hundreds of witness interrogations’ up to the upper class took place, with which Hauff tried to make a career in this way, which

- finally met with resistance from the established city oligarchy, and which could only be ended with his 'unexpected death' in 1665 (Jerouschek 1995: 121 ff.).
68. Laura Stokes (2011: 63) finds the same situation in her city comparison between the persecution-poor 'large cities' of Nuremberg and Basel and the small Catholic city of Lucerne (3,200 inhabitants): "As a small city with a large rural territory, deeply embedded in the forested mountains [of Switzerland], Lucerne developed early into a city that hunted witches. Beginning around 1350 and continuing almost without pause into the mid-seventeenth century, the urban lords actively prosecuted witches, excuting over 200 people in the process. Unlike Basel and Nuremberg, Lucerne was a city where the danger of witches and the need to combat them were as real to the ruling elite as to their subjects."
 69. I am referring here to Fritz (1998: 2004)
 70. "All three [executed witches] had in their confessions the apothecary [...] as a playmate mentioned. At the same time, these accusations were probably deliberately spread throughout the city in order to stir up the mood against her." The brother-in-law of Efferen, Pastor Michael Bantlin, to whom the three women had confessed this before their execution, "testified that they (the commissioners) on the aforementioned women (the apothecary, the wife of Engel [...]) inquired, and by name and thus them (the executed women), what they should say, prescribed." (Fritz 1998: 272, 273). Bantlin was then deprived of his church office.
 71. Not least because he had now read Meyfarth's (13.3.2) *Christliche Erinnerung. An gewaltige Regenten, und Gewissenhafte Praedicanten, wie das abscheuliche Laster der Hexerey mit Ernst auszurotten, aber in Verfolgung desselbigen auff Cantzeln und in Gerichtsheusern sehr bescheidenlich zu handeln sey* (1635), as the marginal notes by Laubenberger in the appendix (1998: 309–312) can prove.
 72. An 'colonial' aspect that has been little investigated so far, which Silvia Federici (2004: 256) in her chapter *Colonization and Christianization: Caliban and Witches in the New World*, however, more related to 'cunning people', at least for the mass murder in South and Central America, vehemently contradicts: "The persecution of men and women through the charge of witchcraft is a phenomenon that, in the past, was largely considered by historians to be limited to Europe [...]. It is now recognized, however, that the charge of devil worshipping played a key function also in the colonization of the American aboriginal population."

73. So Midelfort (1995: 157) for French Canada: “The few witch cases in Québec in the seventeenth century had nothing to do with the Indians. They were always processes and confrontations among the French! And why? I think that, despite the theology, one was not afraid of what one despised. As subhumans, the Indians were not able to trigger the real, apocalyptic horrors of the devil.”
74. (Levack 2007b: 381 f.). “A number of factors ran together to create the elite retreat from belief in witchcraft and magic over western and central Europe in the decades around 1700, but perhaps the most potent of them was straightforward snobbery.” (Sharpe 2004: 452)
75. Cf. also the Academy speech by the Munich Theatine father Don Ferdinand Sterzinger from 1766 (see below 12.2.3)
76. “[T]he increasing importance of the city and the associated rise of money economy and lay education, elementary expressed: increasing social division of labor, and by differentiation growing complexity of existence due to the mass coexistence of people.” (Reinhard 1983: 259)
77. (<https://de.wikipedia.org/wiki/Hanse>). A worldly urban thinking, which today (since 1994) is repeated, for example, in the merger of the *European Cities Against Drugs* (ECAD): “It is the leading organization for promoting a drug-free Europe. It comprises 250 cities, including 20 capitals, in 30 European countries and represents millions of European citizens.” (https://de.wikipedia.org/wiki/Europäische_Städte_gegen_Drogen). It becomes particularly clear to us in recent times, since 2016, in the merger of the *Global Parliament of Mayors* (<https://globalparliamentofmayors.org>), “which is based on ideas by Benjamin Barber (*If mayors ruled the world* 2014): ‘[T]he democracy in its national state form is in a dilemma: problems such as migration, terrorism or pandemics are transnational, at the same time politics is being conducted in a state model that is partly 400 years old. We are trying to solve twenty-first century problems with a concept from the seventeenth century. [...] City politicians are close to the citizens, they have to deliver: if the garbage stinks, the heat becomes a problem, people can’t find a place to live, the subways are overcrowded’”. (From an interview with Peter Kury, Mayor of Mannheim: <https://www.spiegel.de/politik/ausland/weltparlament-der-buergermeister-staedte-an-die-macht-a-afd5cd95-47e5-492a-bc9c-bb827f4ce371>)
78. “‘A *Mighty Fortress Is Our God*’, a Protestant battle song that Friedrich Engels characterized as the ‘*Marseillaise*’ of the Peasants’ Wars” (de.wikipedia.org/wiki/Ein_feste_Burg_ist_unser_Gott#Benutzung_als_Kampflied).

79. “Black powder and first cannons were actually used on a large scale, indeed, decisive for the outcome of the war [1337–1453 between France and England] during the Hundred Years’ War.” (Fried 2008: 475). See also: (de.wikipedia.org/wiki/Handfeuerwaffe); ([de.wikipedia.org/wiki/Gustav_II._Adolf_\(Schweden\)#Tod_bei_Lützen](http://de.wikipedia.org/wiki/Gustav_II._Adolf_(Schweden)#Tod_bei_Lützen)); (www.planet-wissen.de/sendungen/2011/08/videos/15_video_30_krieg.jsp).
80. The Armenians could still rely on their rich trade in raw silk along the trade routes from London to the Philippines, conducted by the establishment of bishopric branches led from Julfa near the Persian Isfahan, in the seventeenth/eighteenth century: “A virtual empire without land had been created by the masters of long-distance trade, a global organization that lasted almost three centuries—and that without a secular power that could have safeguarded rights and contracts. The supernatural supervision was sufficient.” (Manfred Dworschak: *The Inventors of God* in: DER SPIEGEL, 2012, No. 52: 112–123, 117)
81. Roper (1995: 132): “An early modern merchant had good reasons to feel attracted by fortune telling. Merchants like Anton Fugger were confronted with difficulties for which such magical practices promised a solution. As head of an international conglomerate, whose representatives and agents were scattered from Tyrol to West and East India, Anton Fugger had to rely mainly on the work of men whom he never saw.”
82. See also, shortened in Behringer (1992).
83. “Almost 24,000 people lived in the capital of the Duchy of Bavaria; less than half of them were subject to the jurisdiction of the city council. The citizens would only be a small group next to the court and the clergy, it was complained in 1596 in the town hall” (Kunze 1982: 16). In fact, the city council was largely subordinate to the ducal administration and thus to the ducal court council. (Kunze 1982: 361 f.)
84. Since 1623 ‘Elector’ of Bavaria, “a passionate opponent of witches” (Behringer 1988: 419); for more information: Kunze (1982: 89 ff.). Brother of Ferdinand von Wittelsbach († 1650), who was also Elector of Cologne and Prince-Bishop of Liège, Münster, Hildesheim and Paderborn, mentioned above (9.1 (1)) as *witch* persecutor.
85. Kunze (1982: 97).
86. (www.historische-serienmoerder.de). “For these ‘malefic persons’ would not have ‘in a sum’ less than ‘four hundred and one child, eighty-five old people with sorcery executed’, would ‘forty-three times in the cellars have gone’, would ‘twenty-eight churches and one hundred and seven murders committed, twenty-three times burned, twenty-five times of night robbery

- committed, thirteen times theft committed, twenty-one times of hail and storm made', innumerable times of livestock and pasture ruined and four bad marriages made.'" (Kunze 1982: 373). For the social background and the course of the proceedings, see the habilitation thesis by Michael Kunze (1981) and, with much time color, "translated" in a generally understandable way: Kunze (1982).
87. In the Pappenheim process, the tortured mother accused "no less than ninety-nine people" (Kunze 1982: 319 with examples) during an interrogation on 1 July 1600. Through torture, "in a short time, several hundred denunciations of alleged accomplices were achieved in many places, which opened up the possibility of extending the process to the persecution. Arrests were made in many places, more suspects were brought to Munich. In July and November, twelve people were burned as witches in a cruel way, including nine men. The signal effect of these executions can be described as extremely high: woodcuts and printed newspapers, chronicles and poems report about it." (Behringer 1988: 242)
 88. "[A]mong the incriminated women were not those of the lower class of the street or the mercenaries (as with the Pappenheimers), but rather the respectable wife of a mayor, a money-rich innkeeper, a plump peasant woman. Against their arrest, energetic protests were made by relatives, respectable citizens, friends in high positions." (Kunze 1982: 387)
 89. "From Spain, Belgium, Jülich Baden, Italy; converts from the Upper Palatinate, which at that time belonged to the Calvinist Electoral Palatinate and from Schleswig." (Behringer 1992: 166)
 90. In the preface to his work dedicated to the Eichstätter Hexenbischof von Westerstetten *De festis christianorum* (1612), he wrote "And if ever with an evil or a sickness, so the word applies here, an incurable wound is to be cut out with a knife, so that the healthy part is not affected." (Behringer 1988: 249)
 91. For information on the person and actions of the court councillor and lawyer Wagnereckh, who had already led the Pappenheimer trial as an inquisitor, see Kunze (1982: 38 ff. and passim).
 92. "[H]ierauf begern f. D. ... informationem juris, erstlich und in specie, was gestalt gegen den benannten drei Persohnen auf die beschehne denunciations sey zu procedieren ... Fürs ander begern I. D. von beeden Faculteten Theologica et Juridica ein ausführliche information insgemein, et quoad totum processum in hoc crimine instituendum." (Behringer 1988: 261)
 93. In response to the two-part question, the theological faculty answered the general question in favour of the proponents, while the faculty of law—

- abstaining from the theological faculty, because it did not want to decide on the possible imposition of a death sentence, of which 2 of the 3 experts agreed with the lawyer—as usual had to decide the specific legal question; which is why the lawyer Dr. Kaspar Hell involved in it was later arrested and, after 14 months in the Falkenturm, lost his professorship.
94. “Et hoc esset securim ad arborem ponere, das die denunciationes in effectum nit gelten wurden”, Wagnereckh said in a counter-expertise based on Del Rio (Behringer 1992: 170).
 95. See Rainer Decker (1995: 100): Del Rio, confronted with the opinion from Bologna, “expressed that he did not believe that these allegations about the Inquisition were true. But even if this were the case, one should not change the principles of procedure in Germany, France and Spain (!). He had overlooked that the procedure of the Spanish inquisitors was largely in agreement with that of their Italian colleagues.”
 96. 1603: in addition to the whole material that had already been sent to the universities—the three cases, the various opinions and counter-opinions—a new summary was added, which sketched the course of the dispute so far. As a result, it appears that, with the exception of Lorraine, “in the most important Catholic territories of the Empire, the hard line of the persecution supporters was not followed.” (Behringer 1988: 277 ff.)
 97. From the year 1602, which was lost, but in his main work *Theologia scholastica* (1626/27) included again identically in view of the whole opinions. (Behringer 1992: 171). He taught at the University of Ingolstadt since 1603 for almost three decades. “With the Catholic Spee, the Lutheran Meyfarth and the Calvinist Löher the most important German opponents of persecution referred to Tanner.” (Behringer 1988: 280); see also Behringer (1992: 172 ff.) ‘On Tanner’s attitude in the witch question.’ Excerpts in Behringer (2000: 374–377)
 98. “Tanner wanted a reform of the penal provisions, but no relaxation in the severity of the persecution, ‘otherwise the simple people would come to the idea that the crime did not exist’ and the fall from God would remain unpunished”; “There is nothing in the Disputatio that does not also occur in the standard representations of demonology and witchcraft, which just demanded witch hunts, while Tanner rejected them.” (Clark 1992: 18)
 99. S. Behringer (1988: 303 ff.)
 100. Or rather, Nuß, as Schormann (1992: 276) says, who addresses the case. See also Schormann (1994), where he also goes into more detail on the political background: “The political background of the trial against the witch judge of Fulda cannot be denied. The court was controlled by the

- accused's personal enemies. The trial lasted twelve years.”; “There is no doubt about the initiative of the Landgrave of Fulda [Abbot Balthasar von Dernbach]. He triggered the mass persecution and enforced it, and his centgraf Balthasar Roß looks so much like the Cologne witch commissioner Dr. Franz Buirmann that they could be confused.” (ibid.: 321, 323). See also—critically—Berthold Jäger (2008): “The driving force behind the witch hunts was apparently the Fulda centgraf Balthasar Nuß, a close confidant of Dernbach, centgraf and ‘malefizmeister’ in the city of Fulda since 1602/03. He was arrested in 1606 on the orders of Dernbach’s successor Johann Friedrich von Schwalbach on the basis of complaints from the population and because of obvious illegal enrichment, embezzlement and bribery—not because of the witch trials themselves (!)—and sentenced to life in the galleys. [...] Nuß was executed in December 1618 after thirteen years in prison on the basis of an expert opinion from the Faculty of Law at the University of Ingolstadt.” See also: Stieber (2021)
101. For France, Soman (1989: 14 ff.) reports the following parallel case: “One of the most scandalous cases to come before the Paris court was a rash of illegal executions in the borderlands of northeastern France and the Spanish Netherlands. The hangman of Rocroi, Jean Minard, was earning handsome fees as a witch pricker. In the summer of 1601 he claimed to have found the mark of the devil on 274 people ‘whom he examined and [afterwards] executed by sentence of justice.’ On November 28th of that same year, the Parlement issued a warrant for his arrest charged him with ‘conspiracy and collusion in the death of more than two hundred persons’, and sentenced him to life in the galleys. Although only eight of his victims had been subjects of the king of France, it was a French court, not the Archdukes nor the magistrates of Liège who put a stop to his nefarious practices.”
 102. Behringer (1988: 307); in the next wave of persecution 1629–31, a total of 43 witches were executed in 42 district court trials under the witch commissioner Hofrat Dr. Kolb appointed by Maximilian I., including 39 witches executed in Wemding alone (a. a. O.: 318): “In the first witch fire, in addition to three women, a rich innkeeper and butcher were executed, whose mother had been denounced from Donauwörth in 1609 and executed in Wemding. Four of the five people executed in the second witch fire were rich, including the mother of a city councillor. In the third witch fire, one of the most respected and richest men in the city, the mayor Epple, was burned, as well as a relative of the former Bavarian court chancellor Dr. Brugglacher.” (Ibid.: 314)

103. The last Bavarian executions included in 1755/56 a 14-year-old ‘confessing’ girl, and in 1775 a poorhouse inmate from Kempten, who was said to have ‘bewitched’ a 5-year-old possessed fellow inmate (Behringer 1988: 361 ff.) See also (Petz 2016)
104. The *witch* who was denounced in three-year exorcisms by six possessed nuns in the women’s monastery of Unterzell in Würzburg, which additionally “broke the rule valid for over one hundred years that the upper class and the clergy were exempt from witch trials,” (Behringer 1988: 369). Cf. (de.wikipedia.org/wiki/Maria_Renata_Singer_von_Mossau).
105. See Vansacker (2016) for the Italian discussion.
106. Not only the objection of the Abbey of Scheyern that with this their existence—the production of the Scheyrerkreuzchen (an amulet) “strangely useful against witchcraft and sorcery ... distributed so that one often had 40,000 of them in one year,” but also the vehement satire of the primacy of the state over the church in the question of taxation. (Behringer 1988: 380 ff.).
107. “The church held 56% of the total property in Bavaria and enjoyed tax immunity.” (Behringer 1988: 389)
108. “*Veremund von Lochstein’s Gründe sowohl für als wider die geistliche Immunität in zeitlichen Dingen (Veremund von Lochstein’s reasons for and against ecclesiastical immunity in temporal matters)*, which vehemently advocated the view of the primacy of the state over the church, especially in the question of taxation.” (Behringer 1995: 294)
109. The abolition of criminal legislation against witchcraft and sorcery did not take place in Bavaria until Feuerbach’s criminal law reform of 1813 (Behringer 1988: 399).
110. “*Pietas Bavarica* owes much to Archduke Maximilian I (ruled 1598–1651), whose personal piety became legendary after his death. Maximilian and his successors promoted Marian devotions of all kinds.” (Foster 2004: 238)
111. To this overall ‘mild’ attitude towards a *witch*-hunt, Ressel (2007) writes: “A minimum of four instances were publicly available for each process in Ingolstadt throughout Bavaria—the Ingolstadt city council, the supreme judge appointed by the prince and city council, the prince’s council, and especially the university—which were established for witch processes in Ingolstadt. Since ‘the university’ was also a very heterogeneous institution with many professors and different opinions, a high degree of public awareness and pluralism can be seen in the Ingolstadt processes. In contrast to a neighboring territory like the Bishopric of Eichstätt, where the processes were controlled by a narrow elite around the prince-bishop and therefore led

to hundreds of victims, the Ingolstadt processes were spread across many instances. Therefore, they usually took a long time and led to intensive and expensive investigations (for example, denunciations were closely monitored in Ingolstadt).”

112. He died in prison in 1605 (Midelfort 1972: 93).

113. (de.wikipedia.org/wiki/Dietrich_Flade).



Abstract

The role of the skeptics (Weyer 1563, Scot 1564) which was formative from the beginning is supplemented neohumanistically (Hobbes 1651) and continued confessionally, with the Protestants initially setting their sights on the Job model (Brenz' Hagelwetter-Predigt 1539, Witekind 1585). The procedural strategy of the Jesuit Spee (*Cautio Criminalis* 1631) and the final criticism of the jurist Thomasius (*De Crimine Magiae* 1701) are dealt with in more detail. The further survival of the witch cults (Wicca, etc.) is mentioned.

When speaking about the end of the *witch*-hunt, again and again the brave skeptical **theorists** are mentioned, who were influenced less by the popular belief and the need to hunt them, but who nevertheless provided an important counterposition in a “political” dispute fixated on “authorities” directly—as in the cases of Weyer¹ or Spee with his influence on Johann Philipp von Schönborn²—or more indirectly.³ A counterposition, which at first limited the excesses and later accelerated the end of the hunts. A *discursive* dispute, which once again demonstrates how dependent arguments are on the “zeitgeist”, what role they play in the “political” dispute and how “arbitrary” they can be—with the same starting point—used antagonistically.

As a counter-example to the *Malleus Maleficarum* I will go into more detail here about Spee (1631) and Thomasius (1701), who were both published in Latin at that time. However, before that, I would like to explain the chances and risks of a “moderate” criticism using the model of the Tübingen Lutheran Johann Brenz, who in his already mentioned correspondence with Weyer not only rejected the classic *witch*-model, but nevertheless wanted to punish their “serious attempt to

contact the devil” by referring to Exodus 22,18: “Here the law is right in punishing the completed attempt.” (Monter 1983: 32).

In this sense, I first describe the—at least in the short term—relatively ineffective, but nevertheless existing **skepticism** throughout the time of the *witch*—which—in the long term—could be enforced (Sect. 13.1). An expert dispute handling arguments and evidence, whose first, content-oriented confessional phase (Sect. 13.2) leads to a more successful procedural phase. For this purpose, Friedrich von Spee’s *Cautio Criminalis* (1631) provides an example of how—as a Jesuit—one could already “modernize” oneself from the hegemonic thought prison at that time, which is why I will go into this in more detail (Sect. 13.3). And then with a “secular” strategy with which the lawyer Christian Thomasius should bury this construct at the beginning of the eighteenth century as its “executor of the will”. (Sect. 13.4). Unless it could survive to this day as a highly alive farce (Sect. 13.5).

13.1 A Skepticism Present From the Beginning

“Doubts about witchcraft were not a product of the Enlightenment, but accompanied the whole witch-hunt era.” (Roper 2007: 80).

At the beginning of the *witch*-time, which of course replaced the skeptical *Canon Episcopi*-prehistory mentioned above in Sect. 3.3), even those who argued against these procedures still clung to the generally accepted *witch*-belief for a long time, and that only out of necessity, because, as has been mentioned several times, the denial of the *witch*-existence itself was a punishable *heresy*. For whoever denied the *witch* also denied not only the power and the work of Satan and thus the omnipotence of God, but also undermined the basis of faith supporting the scholasticism, especially the ‘church fathers’, of Saint Augustine and Saint Thomas Aquinas, and thus the still prevailing **legitimation** of secular rule at the time:

“The belief in the Devil as the basis of the belief in witches is therefore a hard-fought self-evident truth in Christian tradition, and since attacks on the belief in witches [...] were ultimately understood as attacks on this pillar of Christian dogma, it was impossible within this argumentative framework to fundamentally doubt the existence of witchcraft.” (Stockinger 1983: 31).

This was especially true if and as long as the Church was also the supporting state church, because, as was particularly the case in the still uncertain early absolut-

ism before the 30-year war, the legitimizing basis of state rule was also called into question:

“At the same time, the Devil, hell with its terrors, and witchcraft itself were all contributors to the moral systems of the state churches and, in some respects, indispensable to their functioning. They provided the mirror-images of their positive equivalents, and they were sanctions against sinning. Punishing demonism and witchcraft made a valuable statement about collective orthodoxy and its enforcement. [...] Its very significance was relative to the expectations of church-type Christians.” (Clark 2007b: 174).

A common basis of faith for all three confessions—Catholic, Lutheran, Reformed—why one could occasionally also resort to their respective ‘heretical’ writings, be it the *Malleus Maleficarum* among the Protestants, as with Carpvov,⁴ or be it the rejection of the *Cautio criminalis* of the Jesuit Spee as an allegedly Protestant heretical product:

“Beyond the few outbursts of the witch literati against the confessional opponent and beyond the dispute about the right remedies against sorcery, they copy each other across confession boundaries.” (Schwerhoff 1986: 68).

(1) However, on all levels—among theological and legal “demonologists” as well as among the population⁵ -skepticism and criticism **from the very beginning** accompanied this *witch*-phenomenon; at first based on the *Canon Episcopi*, then as criticism of the procedure and the problems of proof. A skepticism that, as Walter Stephens convincingly demonstrates in his, mentioned above (Sect. 2.5 (2)) *Demon Lovers* (2003), was also driven by the thinking of early demonologists from the inside:

“Skepticism about the world of spirit did not arise suddenly in the late seventeenth century or the early eighteenth to destroy belief in the witchcraft. The battle between the skeptic and the believer was inside the thoughts of every writer who defended the existence of demons, witchcraft, or both. Witchcraft theory and witch-hunting were caused by skepticism, not by belief or credulity.” (Stephens 2003: 364).

“Even at a very early stage general discussions of witchcraft often implied fundamental epistemological and ontological questions, both about demons and about God. Such problems were pursued with increasing rigour throughout the early modern period, and frequently intersected with more general discussions of certainty and doubt.” (Stephens 2013: 104).⁶

And then always from the outside, “rational” according to the medical model of the **Johann Weyer**, who in 1563 published the book *De Praestigiis Daemonum*.⁷

“Though it is often suggested that Weyer was a confused voice crying in the wilderness, and that he was ill treated for his efforts, the most recent thorough account fails to bear out such a view. Not only was Weyer well treated and respected for his work, but he also prompted a whole series of writers to oppose witch hunting and to refresh (if not wholly to expropriate) his arguments. Up to 1630, one can list at least 12 articulate disciples in Germany alone.” (Midelfort 1972: 32).⁸

Or in the similarly radical criticism of the Englishman **Reginald Scot**, whose later—under James/Jakob VI./I., English king and author of the *Daemonologie*—burned book *Discovery of Witchcraft* (1584):

“[T]he most fully developed attack on witch-hunting ever published, except for Weyer’s. ‘Witchcraft is in truth a cousing art’, Scot proclaimed. ‘It is incomprehensible to the wise, learned, or faithful, but a probable matter to children, fools, melancholic persons and papists.’” (Monter 1983: 32).

This skepticism **began** with the expulsion of Institoris by Georg Golser, Bishop of Brixen—or by Archduke Sigismund (?)—or with the warning against his *Malleus Maleficarum* by the Spanish Inquisition or the doubt about the possibility of a demonic *maleficium* in the treatise *De lamiis et phitonicis mulieribus* by the Constance jurist Ulrich Molitor, which appeared in 1489, two years after the *Malleus Maleficarum*, that is, also before the Reformation.⁹ It continued in the long-lasting latency of the first decades after the Reformation, as in the Spanish *Instruktion* of 1614, in which the death penalty for witches was rejected, and in the *Instructio pro formandis processibus in causis strigum sortilegiorum et maleficiorum* by the Roman *Sanctum Officium*,¹⁰ which since 1624 has largely dispensed with torture and denunciations in Italy.¹¹ (see above: Sect. 8.7.3).

(2) A skepticism that in turn was much more fundamental—and in the long run also successful—rooted in a new image of man and society, in which **humanism** emphasized the dignity of man over the prevailing theology:

Thus Pico della Mirandola († 1494) wrote at the time of the discovery of America in his *Oration on the Dignity of Man* (*Oratio de hominis dignitate*): “No limitation shall restrain you; you will determine your own nature according to your own will, in whose hand I give you, as former and creator of yourself, according to your own pleasure and from your own power. ‘We are born to be what we want to be.’” (Fried 2008: 392).¹²

The content-related meaning of the Bible texts was relativized, which mainly affected Protestantism, which was more strongly arguing on the basis of bibles; one argued—mostly in addition as a supplement—with legal principles¹³ or with philological¹⁴ arguments, which were already used by Johann Weyer, a student of the humanist Agrippa, for example in his dispute with Johannes Brenz.¹⁵ As ‘**Renaissance**’ this humanism¹⁶ opened the view to the *witch*-free time of antiquity and the Middle Ages, which was then also shaped by the work of Balthasar Bekker (1691) and Christian Thomasius (1701):

“It was the humanism and the philological questions that came with it that provided a tool that could serve the critics of the witch hunt. The edition of sources, on the one hand the Bible in the original languages, but also the Church Fathers and ancient writers, facilitated access to the ‘ad fontes’. In addition, there was the need for biblical aids such as concordances, polyglots, dictionaries, etc., which should enable a targeted study of the Bible.” (Haustein 1995: 262).

In this sense, the philosopher and humanist Pietro Pomponazzi, who was known as an expert on Aristotle, refuted in his various writings—including in particular: *Tractatus de immortalitate animae* (1516)—the ‘neo-platonic’ thesis, which had been valid since Thomas Aquinas, that Aristotle had confirmed the incorporeal existence of intelligences, and thus that of demons or even the immortality of the soul:¹⁷

So he wrote: “Aristotle did not argue for the existence of these spells and *veneficia* [i. e., *maleficia*]; in fact, we are told that he said these charms were the fantasies of simple women. [...] But since the Church argues for *maleficia*, and since Plato and other serious authors defend *maleficia* as well, I will try to respond to [their] arguments by following the way of Nature, without demons. And I will show that if such things can be done *by* demons they can also be done *without* demons.”¹⁸

(3) Even more important was the rise of a worldly oriented **state and social theory**, as it—at the beginning of the Reformation!—with the 1513 to 1518 written, 1532 published *Discorsi Machiavellis* began:

“What was so novel and so corrosive in Machiavelli’s account was the blatant disregard of *which* religion a people might be made to observe, along with a disinterest in that religion’s own internal sincerity, so long as its political purposes were served. True or false, Christian or pagan, religions were to be judged in the same way, with the false and the pagan emerging, in this instance, as superior social instrument.”¹⁹

An “epistemological” turn that is just as naturalistic-materialistic as it is extremely pessimistic, which was taken up in 1625/1639 by the French “free thinker” Gabriel Naudé²⁰ with the thesis that all “political magic”—including the “religious inventions and deceptions” of Moses—“was empty of all truth and efficacy except in the hugely successful ‘construction of politically useful fictions of the supernatural.’” (Clark 2008: 270 ff.). And those **Michel de Montaigne** († 1592)—“a retired president of the Parlement of Bordeaux”—in the last chapter of his *Essays* entitled *The Hinkenden* (‘The Limping’: that is the witch hunt) holds: “Those people must value the worth of their religious speculation too highly if they are willing to have a man burned alive for its sake.”²¹

In a “New Humanism”,²² which, roughly since 1570, subordinated religion, together with law and constitution, to the demands of political necessity: “of reasons of state”; and which in **Thomas Hobbes’** *Leviathan* (1651)²³ subjected the “Kingdome of Darknesse” to the test of *Cui bono?* (who benefits from it?), “concluding that such doctrines had been devised by churchmen to keep ‘the People more in awe of their Powers.’”²⁴ A New Humanism, which was finally to find its way into the “early Enlightenment” of a Bekker (1691) or Thomasius (1701) or Voltaire (1764) in the thesis “There is nothing so sacred as the life of man, for the preservation whereof, all Policies or Forms of Government, all Laws and Magistrates, are most especially ordained.”²⁵

(4) A skepticism that was driven forward literarily **in all three confessions**: Lutheran and Calvinist, for example, by Johann Brenz (1539) and Hermann Witekind (1585), and which finally also found its way to their polemical Catholic theologians, from Cornelius Loos (1592) to the Jesuits Tanner (1602/1626) and Spee (1631), only to end up in the “early Enlightenment” of a Bekker (1691) or Thomasius (1701) or Voltaire (1764).

(5) This increasing skepticism **made the ruling elites** in the larger cities and in the legally trained civil service of the impending absolutism increasingly uncertain, but here it repeatedly ran into the “intolerable” consequence of recognizing all previous verdicts as murderous miscarriages of justice.²⁶ But it also reached the—less well-known to us—“middle level” of those who were knowledgeable about reading:

“on which also the ‘ordinary’ preacher, judge, bailiff or city councilor had the opportunity and the arguments to deny witches on the basis of the Bible, to do without ‘witch sermons’ and to take a negative attitude towards witch trials.” (Haustein 1995: 267).

A development that Eva Labouvie (1995: 67, 70) can even document for the final stages of the village *witch* committees in the Saar region she examined (cf. above Sect. 7.4), which she describes as *a rejection of the devil*: In addition to the consequences of the 30 Years' War and an alleviation of the village communities through official poor relief, after 1635 it was first and foremost the knowledge of "an ultimately ineffective persecution, a change in the composition and organization of the village communities, which, together with the disinterest of the authorities, did not allow for a continuation of earlier waves of prosecutions." Even more important was an increasing skepticism on the part of the intermediate courts, "which points to a professionalization and aristocratization of the courts, even though no official ordinances demanded a corresponding revision of the justice system.":

"It may be true that a certain professionalization of the judiciary and the advance of state officials into active jurisprudence made the participation of lay judges superfluous. [...] Instead, the relevance of opinions from the faculties of law at universities increased to such an extent that, in the later court proceedings, no witch trial could take place without their being consulted." (Labouvie 1995: 70 f.).

This is a somewhat double-edged problem that we will now also address in the "Protestant solution."

13.2 The Protestant Solution²⁷

"Now someone might think that the people, since they were otherwise freed from many papal superstitions through Luther's Reformation, would also have been freed from these monks' and priests' chatter about the witches' pact with the devil. But nothing of the sort has happened." (Thomasius 1987/1701: 89).

With the Reformation it was hoped that the *witch* craze would die out (cf. above Sect. 6.5). Not only did the Catholic Inquisition lose ground in Protestant areas; the Protestant religion restricted and fought the "magical space" of the Catholics, which was also curtailed in the Counter-Reformation, which was shaped by the Jesuits. The Italian Renaissance and the Central European Humanism promoted a view more oriented towards this world, which was particularly shaped by crafts and commerce in urban areas, and which, in the larger principalities of early absolutism, showed signs of a "more rational" jurisprudence and administration.

But now a new, **professionally trained religious elite** determines the political scene: The Catholic clergymen educated at the Roman *Collegium Germanicum*,

as well as the theologians and lawyers trained at the Catholic and Protestant universities:

Here, “a generational change took place nationwide between 1570 and 1585. In the place of men who guarded the religious peace as a hard-won political compromise, theologians and politicians had come who were ready to gamble on offensive reformation, demarcation and revision in the interests of inner solidification of their churches and the expansion of their sphere of influence, which was always to serve their personal reputation at the same time.” (Schilling 1988: 23).

13.2.1 Two Counter-Strategies

“None of the most famous witchcraft sceptics of the sixteenth century denied the possibility of the crime they were discussing. Certainly Wier and Goedelman did not deny it, however bitterly they attacked the activities of witch-hunters.” (Levack 1999: 34).

In order to counter this mentality of persecution, two fundamentally different strategies were available: The **fundamental doubt** about the basic components of the *witch*-stereotype, whether it be the existence of ‘physical’ devils or the harmful action of the *witch* or the devil, or the conspiratorial Sabbath, the *witch*-flight or the diabolical pact itself. This path, which had already been taken early on by Johann Weyer or Reginald Scot, was fundamentally blocked for the Catholic theologians after the failure of the Jesuit Cornelius Loos (1592) (see above, Sect. 1.3 (3)), which is why they chose the **‘procedural’** attack as the initially more successful second alternative—for which I cited the Jesuit Adam Tanner above and will return to his co-religionist Friedrich Spee below.²⁸ A path, however, which, as already emphasized—in view of the retained *witch*-stereotype—could prevent the excess, but not the correctly carried out *witch*-process.

Both strategies—content-related as well as procedural—were faced with the problem that supporters and opponents of the *witch*-persecution still moved within the framework of **the same thought system**—as was particularly evident in their joint ‘demonization’ of the competing ‘white magic’ showed. So that Brenz wanted to forego the death penalty not because of the *maleficia*, but because of the pact with the devil, and even Johann Weyer (1563) advocated this punishment for male wizards because of their actual real dealings with the devil.³⁰

Why Clark (1992: 30), whom I follow here, emphasizes that for both “Augustinian” shaped theologies in general, “the intellectual agreement was much more important than the intellectual conflict”, as different as they were in their

‘remedies’. While the Catholic Church could fall back on its broad “sacramental” offer, Protestantism had to rely on faith and trust in God, fasting and praying, as well as on the ‘renunciation of the devil’.³¹ A very closely related agreement, which ultimately less separated these confessions in these *witch*-questions from each other than their internal differences, if we think of the Jesuits Tanner and Spee or of the “Protestant witch-hammer” of the lawyer Carpvov:³²

“Cornelius Loosand Reginal Scot came much closer to a full denial, but neither made a categorical statement to that effect. Loos, like almost all the others, denied the reality of the sabbath, night flight, and the explicit pact with the Devil, but not magic itself [...]. Scot insisted in good Calvinist fashion that the age of miracles had passed and that a sovereign God would not permit human beings to exercise supernatural power, but he did not include the ‘working of wonders by supernatural means’ in his summary of the ‘absurd impossible crimes’ attributed to witches.” (Levack 1999: 34).

The possible content-related skepticism before 1600 met a **“flexible” demonology**, which could repeatedly call into question individual components of the *witch*-scheme—such as their powerlessness,³³ or the *witch*-flight, even the reality of the Sabbath—without giving up the overall concept, even if only “reduced” to the actual “pact idea”:

“As a result, it (the demonology) was spiritually resistant. A less flexible doctrine of faith would have been fragile and vulnerable if it was attacked: the demonology, on the other hand, enjoyed a long life because it could absorb and raise a variety of opinions and doubts.” (Clark 1992: 24).

Likewise, one could also admit **“procedural”** wrong developments, which, however, did not affect the “actual” summary process,³⁴ while, conversely, the “procedural” arguing opponents themselves—even if only for a not further defined core area—admitted that there was indeed the “actual *witch*-crime” as such, as difficult as it was to recognize. As the Lutheran theologian Theodor Thumm 1621 formulated mediating:

“Some say that the witches had no power at all; others, on the other hand, exaggerate their power more than is reasonable. The former err by their restraint, the latter by excess. By taking the middle way, we do not hold them responsible for nothing but also not for everything.” (in Clark 1992: 24).

13.2.2 The Confessional ‘Relativization’

“Contrary to the position taken in the *Malleus maleficarum*, the theologians at Tübingen attributed all misfortune to the work of a providential God, denying that any intermediate demonic forces played a role in the process.” (Levack 1999: 42).

On the first level of the attack on the *witch*-stereotype content-wise, ultimately, the traditional *Canon Episcopi*-model of the illusionary *witch*-flight competed with the ‘realistic’ model of the scholastically secured *witch-hammer*.

For the Protestantism, which was rising in the first half of the sixteenth century—with its ‘biblistic’ tendency to let only the Bible count as the basis of theological conviction—it was therefore more reasonable to rather lean on the *Episcopi*-model than to follow the ‘holy’ Catholic scholasticism. With that, it excluded a decisive characteristic of the *witch*-image from the discussion, namely the damage caused by the *witch*, without however giving up its central pact idea:

“The Bible as such receives an enormous increase in its normativity through the reformatory doctrine of scripture. The Protestant supporter had to justify the mandate of persecution even stronger than a Catholic theologian with Ex 22,18 [see above Sect. 3.2 (4)] and other passages, which however yielded nothing beyond the mention of some uncertain type of damage spell.”

In contrast, the Catholic “justification of the cumulative witch concept was a conglomerate of different authorities, in which the Bible played a subordinate role. [...] The catastrophe of the biblical argumentation for the [Protestant] persecution supporters was thus predetermined.” (Haustein 1995: 264).

(1) This development, which applies to the whole Protestant Europe,³⁵ started relatively early in the ducal Lutheran Württemberg—especially at the University Tübingen—by interpreting such damage, which was attributed to witches elsewhere, either as punishments or as tests of God, which he allowed Satan to carry out with his explicit consent:

In the Old Testament *Book of Job* God bets with Satan about whether the pious Job will remain pious even if he were to lose everything: “But stretch out your hand and touch everything he has: what does it matter, he will deny you to your face” (1, 11). At first, God allows Satan to “destroy everything he has in your hand; but do not lay your hand on him himself” (1, 12), that is, his children and all his property, and then also to “strike Job with evil sores from the sole of his foot to his head” (2, 7). But Job always speaks the well-known words “The Lord gave, the Lord took; may the name of the Lord be praised.” (1, 21). For: “Blessed is the man whom God punishes” (5, 17); “He repays man according to what he deserves, and strikes each one according to his deeds. Without doubt, God condemns no one unjustly, and the Almighty does not pervert justice.” (34, 11 ff.).

This eliminated the *maleficium* of the witch—because neither these *witches*, nor the devil nor chance or the stars (the ‘learned’ magician), nor natural causes are responsible for such damage as bad weather or earthquakes, but only the omnipotence of God.³⁷ It is therefore the task of people to look within themselves, to examine why they are punished or tested by God and to repent of their sins:

“This tradition not only contributed to the moderation and ultimately the decline of witch-hunting in the duchy of Württemberg, but it also made inroads in Denmark, where pastors trained in the Tübingen tradition were largely responsible for the decline of witch-hunting that began in that kingdom as early as 1625.” (Levack 1999: 42).

At the beginning of this development was the *Hagelwetterpredigt* by Johann Brenz (1539), “basing his argument on Job he insisted that storms came directly from God and that witches could have nothing to do with them.” (Middelfort 1972: 37)³⁸—which, as mentioned (Sect. 3.3), already the Carolingian Archbishop Agobard of Lyon in his small Latin book *On Hail and Thunder* at the time of the *Canon Episcopi* in the ‘darkest Middle Ages’ (816) had seen very similarly:

The role of the devil then consisted in: “The devil could often tell when God was going to chastise His people with a storm, or he could at least see a storm coming from afar. He could then rush to his faithful, the godless witches, and prompt them to work their magical rituals and mutter their imprecations. When the storm finally came, the simple, deluded witches naturally thought that they had caused it. [...] no witch could take the blame and relieve God’s people of their moral duty to examine themselves and repent.” (Middelfort 1972: 37 ff.).

This relativized **Brenz** at the same time also a particularly important moment of the Sabbat-imagination in South Germany, insofar as this was supposed to serve the meeting of the *Weather-Hexen*, since they were not able to produce large-scale bad weather as individuals. Without questioning the heretical devil’s pact itself, which—similarly to later figures such as Spee or Carpozov—the retained belief in the devil made possible, even intensifying *witch*-hunting, since the renunciation of the *maleficia* successfully opened the doors of torture to prove the actual juristic-theological *witch*-pact-construction.

(2) With this ‘modern’—almost reminiscent of the evening weather report—analysis, which was supposed to include ‘God’s people’ in a traditional, but newly interpreted way, one could just as well have switched directly to Weyer’s (1563) line of the *witches* plagued by melancholy, since with it the *hexerische maleficium* necessary for a burning of the *Carolina* (Art. 109 CCC) fell away.

This way was chosen—on the basis of the ‘Tübinger *Canon Episcopi*-Basis’ - by the Melancthon student and—in the tolerant Palatinate so influential—reformed Heidelberg professor of Greek, later then of mathematics, **Hermann Witekind**’ (alias: Augustin Lerchheimer) in his 1585³⁹ in the Palatinate still anonymously appeared, practically argumentative,⁴⁰ German-speaking writing *Christlich bedencken und erjnnung von Zauberey* (Ulbricht 1992: 99 ff.), in which he widely followed the already longer time valid Palatinate practice (see above Sect. 12.1.3).

“One should try, he said, the witches ‘to convert and to improve’ and not ‘to kill and to destroy’. The punishment for the once fallen away from God should be left to Him. If, however, two conversion attempts of different intensity had failed, the woman should pay a fine or, in lieu thereof, a public disgrace. If she still hangs on the false belief, she should be expelled from the country.” (a. a. O.: 106).⁴¹

In contrast to the proponents of the death penalty, who referred to Moses *Exodus* 22,18, he argues—as later the lawyer Thomasius—that one would not go back to Moses anymore, “only to defend the ‘sharp and severe against the poor foolish women/Moses has to do the best’” (a. a. O.: 107).⁴² Decisively new was “that Witekind was the first to propose social measures to combat the witch-hunt after an analysis of the social backgrounds of the witch-hunt.” (Lehmann 1978: 40): In addition to promoting education, he calls for ‘material support for endangered women by the parish, private charity and integration of women into the village community’ (Ulbricht 1992: 109 f.).

His Heidelberg confrere, the Calvinist pastor **Antonius Praetorius**, who completely rejects torture because it is not mentioned in the Bible, argues in his *Gründlicher Bericht von Zäuberey und Zaubern* at the same time (1598) on the basis of his own confession-experiences under reference to the parable of the ‘weed under the wheat’ very similar.⁴³ While the Protestant doctor **Cornelius Pleier** around 1628, that is, at the same time as Friedrich Spee, in his German-written *Malleus Judicum* follows Weyer, Witekind and Praetorius not only takes the individual *witch*-components apart, but above all goes against the *witch*-judges: “This is not Christian, Turkish, pagan, not even beastly, but diabolical. ‘So you commit sorcery yourselves, you are greater and more certain sorcerers, you should also be more likely to be interrogated than those you interrogate.’” (Franz 1992: 211).

He chose a middle way—similarly to the well-known Lutheran lawyer and *witch* theorist from Rostock, Johann Georg Goedelmann (1591)⁴⁴—the Württemberg theologian **Theodor Thumm** mentioned above (Sect. 13.2.1), who distinguished three types of *witches* in his *Tractatus Theologicus* (1621): the harmless

melancholic *witches* à la Weyer, those who had made a pact but had not caused any harm, who should be admonished, and finally those who, with pact and devil worship, were criminally trying to harm their neighbors (ibid.: 50); a position that was last represented, almost one hundred years later, by the way, also Georg Heinrich Häberlin, professor of theology at the University of Tübingen, in his calming sermons on the occasion of the intervention in Calw mentioned above (Sect. 9.3), which finally ended the persecution in Württemberg.

(3) But as so often with these apparently convincing arguments, the other side could also appeal to this in their fight against popular magic, by no longer distinguishing itself from this ‘ridiculous’ belief in maleficium, but—as Johannes Brenz (1539) had done in the past—the underlying devil’s pact or even the belief in the existence of such a diabolical agreement as the essence of the religious crime of apostasy—*Apostasy*—in the foreground. They also based themselves, inter alia, on the text of Deuteronomy 18, 10–12:⁴⁵

“that there be not found among you anyone who makes his son or his daughter pass through the fire, or who is a soothsayer, or a diviner, or a sorcerer, or one who casts spells, or who consults ghosts or spirits, or who seeks oracles from the dead. For whoever does these things is an abomination to the Lord.”⁴⁶

It was not the damage, but the **intention** to harm in this way that was—by the way, as in the doctrine of heresy already laid down by Abelard (1122) and later fixed in the *ketzerisch* ‘stubborn’ denial of witchcraft—the essence of the religious crime:⁴⁷

“That real witches deserved death, not for the evil they did, but for renouncing God and Christ and intending to harm their neighbors.” (Midelfort 1972: 39).

Whoever turned to a magical healer denied God, because even if he was successful, this could only have happened with the help of the devil. This is how **Conrad Platz**, pastor in Biberach in Württemberg, preached in 1565:

“The pious ‘should prefer a thousand times to be ill and miserable in God, than to be bright and healthy with the devil, to die in God, than to survive with the devil [...] by means of devilish conjurations and blessings’.” (Clark 1990: 66 f.).

A perspective that was already 1567 to the corresponding, the *Carolina* of 1532 changing **Württembergischen Landesverordnung** led—five years before the kursächsischen *Constitutiones*—in which it was no longer about the difference

between harmful and harmless magic (CCC 109 demanded the ‘damage’), but only on the between demonic and non-demonic magic. In doubt, this also allowed the ‘white Magic’—as in the above (Sect. 12.2.2 (1)) mentioned *Bayerischem Aberglauben und Hexenmandat* by 1611/12—the *Hexerei*-accusation justify. The Tübinger Jurist Christoph Besold (um 1604) could then completely twist the argumentation:

“The pact with the devil was alone such a terrible crime, said Besold, that no actual physical harm need be proved to justify death by fire. Turning the providential tradition against itself, Besold asserted that treating witchcraft mildly would surely bring the punishment of God in the form of war, famine, or plague.” (Clark 1990: 52).

(4) If one follows Erik Midelfort (1972), then for **Baden-Württemberg** – in its present area – with its different confessional composition at the beginning of the sixteenth century in both confessions—Catholic⁴⁸ as well as Lutheran—an overall ‘open’ and undecided discourse between the two models: *Episcopi* or *Hexenhammer*. In the escalating confessional dispute around 1600, however, the Catholic side increasingly oriented itself towards the *Hexenhammer*-Modell,⁴⁹ especially since “certain arguments were considered ‘Protestant’ and could no longer be used by Catholic persecution opponents.” (Behringer 1988: 228). While the Protestant side—more clearly linked to the Prädestination by the infinitely all-powerful God—followed the lutherischen *Hiob*-Modell well into the beginning of the 30-year war:

“The Reformation did not invent the moderate witchcraft doctrine at all, as the examples of Molitoris’ and Plantschs show. But it is possible and likely that it has intensified and stabilized the already existing approach. Beyond all confessional details, the theological core program of the Reformation—theocentrism, providentialism and the devaluation of magical means of grace—corresponds to a concept of witchcraft that reduces the power potential of the devil and the witches and highlights the omnipotence of the creator.” (Schwerhoff 1986: 69).

How, in the first place, in the sixteenth century, the **confessional identity** was sharply outlined on the “official” level—Council of Trent 1563, *Heidelberg Catechism* 1563, *Concordia Formula* 1577⁵⁰—after years of struggle for delimitation and exclusion—but in religious everyday and persecution practice, mostly “from above” prescribed, it still turned out to be highly fragile:

“[F]or despite the apparently comprehensive nature of these prescriptive documents, confessional identity remained a controversial and fragmentary construct [...]. The clear disjunctive categories of Catholic, Lutheran, and Calvinist conform more to

modern notions of denominational churches than to the contested definitions of religious orthodoxy in the late sixteenth century, and as such, they lack explanatory power without reference to specific situations.” (Kern 2007: 185).

A **confessional differentiation** that slowly increased only during the seventeenth century and now also reflected in the field of *witch*-hunting, which is why in southwest Germany—as Behringer assumes for the southeastern German area⁵¹—after 1600 a total of more *witch*-trials and, above all, disproportionately more executions took place on Catholic than on Lutheran territories. And this is mainly because on Protestant areas—because of the missing Sabbath idea—the excesses, in spite of continuing individual proceedings,⁵² were deprived of the ground: “though the Duchy of Württemberg had its share of witchcraft trials and executions, there were relatively few large panics.” (Clark 1990: 51).⁵³

13.3 The “Procedural” Strategy: Spee’s *Cautio Criminalis* (1631)

“If you look at the important, relevant treatises, not only those by Spee and Thoma-sius, it becomes extremely clear that there are widespread attacks on the procedural form and its practical implementation. This matter is prior to the deliberations of the last time of the witch hunts. It is decisive for their termination.” (Trusen 1995: 203).

If one could not or did not want to attack the theologically founded, satanic *witch*-model as such, whether because one was too much imprisoned in this thought-prison, or because one had to fear the charge of heresy, the procedural way out offered a double-edged, but ultimately quite successful, now **legally** justifiable alternative. It curbed the excess and, in the face of increasing difficulties of proof, gradually led to the abandonment of individual prosecutions.

13.3.1 On the Basis of the *Carolina*

This development also led in Germany to the relevant Inquisition process—on the basis of the of the *Carolina*—after more than half a millennium back to its once ‘rational-modern’ origins by emphasizing **six conditions**: Sufficient defense, trained judges and review by a higher appellate institution, as well as convincing evidence, the ban on *hexerischer* Besagung and restriction or ban on torture.

In this sense, the court councilor in Bonn who was responsible for the great persecutions in the Electorate of Cologne in 1695/96 issued two orders: “No one should be arrested before the opinion of an impartial legal scholar has been obtained. A defendant was not to be threatened with torture at the first interrogation. Rather, the suspects were to be interrogated first about the points of investigation. The accused had to be asked before which notary he wished for the interrogation. Likewise, the accused was entitled to a defense lawyer;” who was to be provided to him at the expense of the community if necessary. (Decker 1983: 210).

The **Inquisition process was once**, in the ‘time of the *heretics*’, a reforming, clerical invention, the security conditions of which were taken up again in the instructions of Spain and Rome for the continuing clerical Inquisition in the seventeenth century; Conditions which could now also gradually restrict the scope of the *witch*-hunt to the bans in Denmark, the Palatinate and Trier. But: A risky ‘procedural’ strategy, since it left the *witch*-crime itself. A strategy whose development can be followed in the Munich expert opinion dispute, and which, against the background of conflicting interests and ideologies, both the changeable fate of the *Carolina*, as well as the ambivalent judgment about the great lawyers Georg Goedelmann (1591), Matthias Berlich (1616) and Benedict Carpozov (1635)⁵⁵ may explain, each oriented procedurally on the model of the CCC, pleaded for moderation, but emphatically represented the *witch*-schema:

That is why “in the legal discussion of that time, on the one hand, the worst possible witch crimes can be mentioned, which correspond to the legal situation [for example the electoral Saxon *Constitutiones* from 1572], on the other hand, quite clear indications are given for the process of how those terrible excesses could be curbed.” (Trusen 1995: 220).

13.3.2 Friedrich von Spee: The *Cautio Criminalis* (1631)

“To be honest, I have long since stopped knowing how much I can still believe in the authors whom I used to read with great curiosity and always highly esteem, in Remigius, Binsfeld, Del Rio and the others. Their whole doctrine is based on fairy tales and confessions extracted by torture.” (Spee 1631/1982: 93).

Within the great theological debate between the “skeptics” Weyer (1569), Scot (1584), Witekind (1585) and Loos (1592) on the one hand, and the “demonologists” Bodin (1580), Binsfeld (1598), Remy (1595)⁵⁶ and Del Rio (1600) on the other hand, it was a generation later—in the middle of the 30-year war at the height of the *witch*-hunt—the Jesuits Tanner (1627/28) and Spee (1631) as well

as the Lutheran-Orthodox theologian Johann Meyfarth (1631/32)⁵⁷, who already propagated this “procedural” strategy at that time as a way out to save the innocent from conviction.⁵⁸

(1) As an counter-example of the “witch hammer” (1486) discussed at the beginning, the initially anonymous, Latin-written *Cautio Criminalis oder Rechtliches Bedenken wegen der Hexenprozesse*⁵⁹ by **Friedrich von Spee** is generally considered. As a—previously dismissed—professor of moral theology in Paderborn he had been able to collect such “practical” experiences with these *witches*, but above all with their direct persecutors,⁶⁰ that he begins his “preface” as follows: “I have dedicated this book to the authorities of Germany; first and foremost to those who will not read it, less to those who will read it.” (Spee 1982: XXXVIII). Theologically, he is oriented, like Tanner, to the above-mentioned parable of the wheat and the tares (Spee 1982: 39, 49). He often justifies his arguments with a *jus naturale* or a *recta ratio*, making him repeatedly aware of logical fallacies and relying on “reasonable considerations” rather than “arguing with the weight of authorities.” (Spee 1982: 2).

It is not without appeal to see how this Jesuit, on the one hand, more than 400 years after Adelard von Bath († around 1160) or after Clara von Assisi († 1253) and, on the other hand, almost at the same time as René Descartes (1637), calls into question dogmatic and inherited **authorities**, an attempt that was already close at hand in this time to think ‘autonomously’, which, however, will not be completed until half a century later by Balthasar Bekker (1691) under direct reference to Descartes: “Descartes, who in his search for certain knowledge abandoned reliance upon books, rejected the ‘authority’ of the ancients as well as of the scholastics.” (Levack 2007b: 378).

Spee speaks disparagingly of the ‘tinkerers in the study rooms’ who ‘build their philosophy only behind the stove’ (ibid.: 247, 253):

“They may sit quietly in their study rooms and, as they have done so profitably so far, let their theological tinkering loose upon us. But then I ask that men who have such great authority at least once incline their authority a little closer to the prisoners and get enough of the dirt of the dungeon to feel it before they leave. I know from experience that the mind and imagination are always stimulated to pursue only much milder thoughts.” (ibid.: 247).

As a confessor, he learned that even and especially **innocent** people are convicted:

“After I had dealt a lot and long with these prisoners, both in confession and outside, after I had examined their nature from all sides, called upon God and man for help and advice, investigated clues and documents, talked to the judges themselves as much as possible without violating the secrecy of confession [...] I could not come to any other conclusion than that innocent people are considered guilty.” (ibid.: 32).

What he later supplemented with regard to the aspect of torture: “I have the firm conviction that among fifty randomly condemned witches, hardly five or even hardly two are really guilty”; “I can personally testify under oath that, so far, I have not led a single condemned witch to the stake, from whom, taking into account all aspects, I could say that she was really guilty.” [printed in italics in the text].

Spee becomes even clearer in his **criticism of torture**:

“Let’s invent some horrible, heinous crime that the people are afraid of. Then spread a rumor about it and let the inquisitors intervene with the same means as they now use against the phenomenon of witchcraft. I promise in fact that I will submit to the highest authority and throw myself alive into the fire if, after a short time, there should be fewer people guilty of this crime in Germany than there are now people guilty of magic.” (ibid.: 154).⁶²

Spee turns—especially in the context of the persecutions he experienced in Paderborn at the time (see above Sect. 10.1.2)—first of all **to the princes** whose task it is to ‘constantly review the activity and procedure of his officials’, which he then concretizes in 22 points: visit prisons, check torture and interrogation and “he should not always believe everything that is brought to him.” (Ibid.: 18 ff.). However, his main focus is on those directly involved in the process—first of all with regard to the excuse that is still highly topical today, ‘to have acted on order’:⁶³

“It’s really a laugh! The prince shakes off all worry and effort and pushes the responsibility onto his officials. The officials relieve themselves again and shift the responsibility to the prince. A pushes it to B., B. to A. The prince thinks, ‘My officials will look at that,’ and the officials say, ‘Our prince will look at that!’ What is this for a circle.” (Ibid.: 22).

(2) But then he rages:

- against the custom of paying the participants according to the number of those convicted, instead of paying them a fixed salary (ibid.: 54)

- about the ‘theologians and prelates’ who ‘always spur the princes against the witches, although they have no idea or the ‘lawyers’ who see a lucrative business here (ibid.: 45 f.)
- about clergymen, “who, as often as they visit the prisons, exhort the unfortunate prisoners, urge them, press them, torment them and admonish them to confess their guilt”⁶⁴ and who “before judges, prison guards and executioners only constantly repeat admonitions, the prisoners to interrogate them intensively and to torture them.” (Ibid.: 72 f.)⁶⁵
- against other ‘clergy and clerics who set a bad example for the slanderers and gossipers’. “First of all, they begin to scream that there is no doubt that this only comes from the witches, this plague spreads secretly ... And then, so that it does not look as if they did not know and could, then they read exorcisms, consecrate the houses, distribute consecrated amulets.” (Ibid.: 173)
- about executioners and interrogators, who put “the accused very exactly or as good as exactly in the mouth what they should answer about their complicity, their crimes, about the time and place of the witch dances and any other detail.” (Ibid.: 89)
- against the ‘lustful rogues’ who search for witch marks: “I myself have not seen any yet and will not believe it if I do not see it.” (Ibid.: 154, 214)⁶⁶
- about the nonsense of the ‘silence spell’, which is then also used as a diabolical clue—after an exorcism set against it—for further torture. (25th question, 113 ff.)
- against the statement that the devil had broken the neck of the prisoner found dead (41st question, 207 ff.).

Namely, with a ‘little story’, in which he proves to his friend, an initially credulous official, that “the corpse is indeed quite rigid and cold, but the head is quite limp and movable in all directions”. If, on the other hand, one believes the executioner, “who does not want to be said to have used the torture beyond measure”, “then I am very much afraid that even our parents, from whom we think they died in their beds with all honors, had their necks broken by some evil spirit.”• Against allegations or denunciations,⁶⁷ even if Binsfeld and others fear that then no more proceedings could be carried out: “Here one has to decide: Either the opponents have safe and good ways to discover the witches, or they do not. If they have any, well, then they should use them; if they do not have any, then they should let it be and not try to discover what they can not discover. Who forces them to weed out a weed that they do not know?” (Ibid.: 270 f.).

(3) No wonder that this book can convince us content-wise and stylistically as almost ‘modern’ 380 years after its first publication, in its analysis of the ‘command emergency’, its torture criticism, in its sarcasm, as in its empathy with the victims and the legitimate mockery of the scholars:

“What are we still wondering if everything is full of witches? We’d better wonder about the enormous blindness of the Germans and the narrow-mindedness of even the scholars. But they are of course used to hanging out behind the stove in peace and comfort and thinking their thoughts, and since they do not even have a mere idea of the pain of torture, they have splendid thoughts and words about the torture of the accused and order them so generously as if a blind man were talking about the color of which he has no concept. [...] If they were stretched on the rack for even a quarter of an hour afterwards, they would quickly let go of all their wisdom and big-mouthed philosophy.” (Ibid.: 95 f.).

‘Modern’ in particular also with its appeal to the ‘common sense’, to the *recta ratio*, to one’s own experience and the ‘critical research’: “I have made the observation myself and with the help of secretly employed persons that the main fraud and the core of the whole fraud [in the tortured interrogations] is to be sought here.” (Ibid.: 131).⁶⁸

A ‘modernity’ that first and foremost shows that in the middle of the 30-year war during the climax of the experienced *witch* persecution, a Jesuit—that is, a ‘professional’ who, like the doctor Johann Weyer (1563) in the ‘new’ scientific thinking was not educated, but is still rooted in the theological center of the hegemonic mentality—can break out of this dominant ideological structure not only itself, but also argumentatively for others from his practical, ‘Christian’, that is, ‘sympathetic’, empathetic experience.

This is, quite independent of the question of its acute effect at the time,⁶⁹ not only significant because its analysis can still encourage us to break out of “standpoint”-related such thought prisons. But because this *Cautio Criminalis* at the same time offers a hint that even then a theological-legal thinking could have influenced practical everyday action—as much as this remained still highly resistant to a traditional religiously understood *witch-mentality*. So one could very well discuss against each other in the same scheme, with arguments whose “fundamental” validity was not to be denied. But their successful acceptance should always depend on an “extra-discursive” “knowledge-and-power” environment.

In a **discursive space** in which usually “down” as well as “up”—individually varied, pragmatically supplemented and imaginatively designed—dominated a self-contained mixture of a given “language”, deep emotions and concrete interests the framework of the discussion. In a still dominant “language” which,

within the framework of a theological-legal *witch*-modelbiblicist, legally, populistically argued, and which allowed to communicate the respective own interests, fears and problems, interactively acceptable, depending on the situation and position. In a common emotional context which, time-specifically dyed—each millenarian, existentially threatened by hunger, war and pest, fanatic⁷⁰ as well as sadomasochistic (Roper 1995: 213)—made it possible to plausibly express oneself as a *witch*-magic-devil-fear pictorially. Namely in connection with the professional interests described so critically by Spee, which could flourish in this context and which could justifiably further develop this framework.

A thinking which could be “counteracted” on the other side just as much—even still **within this “language”** and thus committed to this in turn—by the weed-grain-parable or by the reference to the “innocent” martyrs tortured and sentenced under Nero,⁷¹ whether by the memory of the duties of an authority appointed by God and the threatening *Last Judgment*⁷² and above all by a recourse to the “normal”, emotionally compassionate everyday common sense, which—even if repeatedly colonized falsified—could nevertheless also call this hegemonic, professional-ideological superstructure into question and “deconstruct” it in its “rational” pointedly ingenious fragility.

A modernity which can finally also lead almost seamlessly into **our time** in twofold way—“organizational-sociologically” as well as “phenomenologically”:

The facts, admonitions and suggestions reported by Spee thus provide a picture of the then **court culture** which can still occasionally be observed today. This ranges from the aforementioned ‘state of emergency’ to the ‘ridiculous and foolish answer’ of the lawyer who was pointed to the abuse of law: “This is just how practice is today” (ibid.: 56), or the tendency of the judges “that they feel it is shameful to release someone so easily, namely as if they had hastily arrested and tortured someone who had turned out to be innocent” (ibid.: 103), rather than being “more favorable than unfavorable to the accused in doubtful cases”:

“It therefore looks very much as if these unjust people were only out to brand every person a criminal whom they could apprehend at any price. If they succeed, they are in a good mood and triumph. If it fails and the innocence of someone comes to light instead, they frown, then grumble and growl with their friends, get angry and can’t get over it, while they should be happy about it.” (ibid.: 52).

And in just this way he—just like the Lutherans—relies on the **duties of control** of the ‘early-absolutist’ authorities:

“The more powerful an authority is, the more it has to care for its subjects and the more seriously it has to account. [...] If they are therefore not to be excused despite increased wisdom and increased possibilities to rule correctly and carefully, if they still do not know what they should know, if they still do not have a really careful judicial procedure, then they will be all the less excused because they, equipped with great resources, have paid little attention.”

Namely, especially when “the whole world is screaming that the authorities should now initiate the inquisition against the witches, which have only been created by their own tongues in this multitude.” (Ibid.: 170, 279).

In doing so, Spee finally also takes the younger ‘**phenomenologically**’ **oriented witch research** forward,⁷⁵ when, for example, he goes into the type of—for the initiation of the inquisition so important—‘**rumor**’:

“The gossip sneaks through houses and cities, one joins the other until they have gradually become strong enough to appear as an open rumor, of which then no one knows who were its authors. And even then the authorities do not wake up to investigate who spread the plague breath; No, on the rustle of the bastard gossip she arms herself against all those who have blackened this criminal gossip, investigates, catches them, tortures them and wants to have them guilty at any price.” (Ibid.: 164 f.).

Or when he shows how the tortured **Sabbat-knowledge** comes about, not only through suggestion and ‘dizzy influence’, but:

“Sempronia was not unknown, what her whole village, every child knew, that at such and such a time this cow had gone in, that child had withered away [...] Not much different is it when some simpleton maintains the opinion that so-and-so must be witches because they had known how things go at the witch’s Sabbath. Who has not heard this a thousand times already? Are not the confessions of all the condemned always read out in court?” (Ibid.: 139).

Truly a convincing ‘dissident’ voice, which, already at the beginning of our Western statehood, not only emphasized the highly ambivalent role of its professional carriers, but—390 years ago—was able to formulate the principle that is more necessary than ever today: “One must defend the state, I do not deny that; but it must be done in such a way that one does not rebel against reason and also does not violate the natural rights of any human being and the love of one’s neighbor that binds all Christians.” (Ibid.: 184).

13.4 The Executor of the Will: Christian Thomasius (1701)

“It annoyed me even more that, as soon as I heard the rationes contrarias of my Lords colleagues, I was immediately convinced of their importance, and could not answer anything.” (Thomasius 1987/1702: 14 f.).

At the still hotly contested end of this dispute, which was fought with mental weapons, two Protestant ‘executors of the will’ stand at the transition to the eighteenth century:⁷⁶ The Dutch Calvinist theologian Balthasar Bekker⁷⁷ and the Lutheran jurist Christian Thomasius at the University of Halle,⁷⁸ both of whom can only accompany the slow extinction of the *witch*-trials at the beginning of the Enlightenment, even under considerable publicistic noise⁷⁹ and personal sacrifice—which is why, for example, **Bekker** was dismissed as a preacher by the Calvinist Synod in Alkmaar as an ‘atheist’.⁸⁰

“The importance of Bekker, however, lies in the response to his work, which clouds the clarity of traditional pictures of free-thinking Dutch society or of the disrepute in which witchcraft belief was held among the European intelligentsia. One hundred and seventy-five books or pamphlets contributed to the Bekker controversy; 131 argued against Bekker. Bekker’s own analysis of the strength of witch beliefs in Holland, even among educated people, is significant. Ministers divide into three groups, he wrote: a small group of the credulous, prepared to believe almost any tale of witchcraft; a few skeptics who believe nothing; and the vast majority, who repudiate some vulgar beliefs, but believe in the possibility of witchcraft and veracity of some relations of witchcraft. This is a pattern to be found all over Europe, well into the eighteenth century.” (Bostridge 1997: 241 f.)

Both authors first focused on the center of the *witch*-construct, the diabolical **pact**, which, like its other components, was not possible because the devil, as a spirit, had no actionable body. Bekker referred to this in his work *The Enchanted World (De Betoverde Wereld)*⁸¹ 1691, German 1693) based on the strict separation of body and spirit in the sense of Descartes:⁸²

“The book, which was translated into English, German, and French and widely circulated throughout Europe, mounted a sustained attack on learned witch-beliefs. Bekker denied the pact with the Devil, the Sabbath, metamorphosis, flight, conception by a demon, demonic possession and the very practice of harmful magic itself. Bekker’s skepticism regarding witchcraft was far more systematic and consistent than that of Johann Weyer and even that of Reginald Scot. [...] Whereas Weyer could not bring himself to abandon the belief in a powerful knowledgeable and deceptive Devil, Bekker denied that the Devil even possessed knowledge, much less

a capacity to intervene in the operation of the material world. In Bekker the Calvinist insistence on God's sovereignty is carried to the point that the Devil is rendered completely powerless."⁸³

Thomasius argued more cautiously and within the framework of the Pietism close to him, which held that the devil, as a morally evil principle, led humans from spirit to spirit to lust, greed and hubris (1987/1701: 75);⁸⁴ as he generously admits in his announcement of the lecture for the winter semester 1702/03 (*Reminder Because of his future winter lectures*), not only as an alibi:

"I also believe that there are wizzards and witches who harm people and livestock in hidden ways" as long as "that the previous witch trials were no good, since the alliance with the devil was the basis of the processt, quod non est in rerum natura; so you have to be very careful if you want to accuse people of having done harm through witchcraft" (Ibid.: 221 f.).

13.4.1 *De Crimine Magiae* (1701)

"Of the third characteristic, namely the conversation and community with witches and sorcerers, there is still the question? Because if there are no witches and sorcerers at all, then no one can have any community with them." (Thomasius 1987/1702: 103).

While Friedrich Spee could rely on his experience as a confessor at the time, Thomasius, as he reported 26 years later, experienced his Saulus-Paulus-Erlebnis as a young faculty member, as his first *witch*-report, in which he, following Carpzov in 'blind obedience to authority', was rejected by his faculty colleagues.

In his first work *De Crimine Magiae* (*On the Crime of Magic*) from the year 1701 (German 1703) he follows the content very closely Balthasar Bekker⁸⁶—although somewhat skeptical of his Cartesian approach (Thomasius 1987: 95)—while he is 'procedural'—'his main concern' (Trusen 1995: 224)—obliged to a large extent Friedrich von Spee,⁸⁷ whom he initially thought to be a Protestant (ibid.: 43), only to praise him later as a role model:

"For this one has placed the great unfairness of the Inquisition process against the witches so clearly before the eyes of the defenders, that the Protestants should be ashamed of them." (Ibid.: 215).

Ideologically, he deals with the Lutheran jurist Benedict Carpzov and the repeatedly mentioned Lutheran preacher Theophil Spitzel from Augsburg, in order to finally vehemently criticize the **indictment doctrine** decisive for the application of torture of Art. 44 of the Carolina (Sect. 8.3 (2)):

“And even if I let it go that there are witches, the ‘conversation’ would still be a very deceptive sign, because there can be many other reasons, e.g. friendship, neighborhood, same education, greed, equality of status and countless others more, why someone is used to dealing with a sorcerer.” (Ibid.: 103).

Like Weyer, Spee and Bekker, he complains—contrary to the scholasticism,⁸⁸ quite Cartesian⁸⁹—the ‘prejudice of human **authority**’, to which he himself fell prey at first, and the resistance of which he experienced later mainly from Lutheran sources very vividly:⁹⁰

“This is quite common to the human race, that one sticks from youth in the prejudice of human esteem, and imagines that the common opinions, even if they were just as wrong, would have been considered true at any time, and one is angry about those who show the opposite of such errors quite clearly.” (Ibid.: 111).

He makes fun of Spitzel’s example of the Swedish informants in the Mora-processes (see above, Sect. 10.2.2), because it “clearly appears that even the most innocent people have been denounced by the boys” (ibid.: 93); mocks Carpzov’s *Tractatus de hereticis et sortilegiis* (1536) proof that this was still confessed by the *witches* themselves:

“[S]o I ask, which judge would be even more absurd and unintelligent to give credit to a thousand women if, for example, they unanimously testified: They had been in heaven, had danced with St. Peter, or had slept with his hunting dog. Now what is reported of the witches’ statements is, I will not say far more ridiculous, (for the cruel procedure with the witches requires a sad expression,) but far more foolish than this.” (Ibid.: 95).

and emphasizes, with reference to the devils of Loudun

“[T]hat the Papal Clerisey invented the vice of sorcery in order to get rid of the pious people who were hateful to them under the guise of justice and a divine jealousy.” (Ibid.: 99), or in his *Memoirs*:

“[I] hold that the witch trials are worthless, and the NB. belonged to the bodily devil with the pitchfork and his mother were a purum inventum of the Papal priests, whose greatest arcanum is to make the people afraid of NB. such devils, and to get

money for masses, rich inheritances and foundations for monasteries or other piis causis, and to make innocent people who say Papa quid facis, (Pope, what are you doing) suspect as if they were sorcerers who harmed the people.” (Ibid.: 223).

13.4.2 *Processus Inquisitorii Contra Sagas* (1712)

“[T]hat the common persuasion is twofold, one of the common people, the other of the teachers and the authorities. For the common persuasion of the common people among the Germans is undoubtedly very old and still retained from paganism [...], but one nevertheless finds nothing of the covenant and Beyschlauff of the devil with the people.” (Thomasius 1987/1712: 129).

In his second work *Processus Inquisitorii contra Sagas* (1712) which—in addition to the translation of relevant English works that he initiated—served the **historical** securing of his theses, Thomasius designed an ideational history of the development of the *witch*-stereotype, which also largely set the right accents from today’s perspective:

“For since these people swear on their lives that the common opinion of the pact of the devil with witches is very old, and if not from the creation of the world, then at least from the fall of the first man, they could be shamed by showing that the common opinion of the covenant of the devil with witches and with his carnal mixture, as well as the meetings of witches etc. is very new, and the devil, who according to this common opinion makes explicit covenants, is barely more than one hundred and fifty years old,” since “neither the Holy Scriptures, nor the Roman and papal law, or the laws of the old Franks, knew anything about such witches.” (Ibid.: 112 f., 117).

More than three hundred years ago, Thomasius describes a **development line** from the episcopal heretic inquisition process over Niders *Formicarius*- “a very simple and credulous man” (ibid.: 161)—first up to the bull of Innocent VIII. in the *Hexenhammer*,⁹¹ and then—each with brief content information—to go into the great demonologists and their critics in more detail.

He distinguishes between the folk belief and the clerical construction, and criticizes the “mistakes of those who resist the inquisitors”, who thus only procedurally argued because they unintentionally

“thereby also giving other learned people among the Protestants the opportunity that they carelessly spread the things about the pacts of the witches with the devil, about the familiar spirits (incubi and succubi), about the meeting of the witches, and about the transformation of the witches into wild animals etc.” (Ibid.: 193).

Finally, even his Protestant co-religionists are reproached, either because the work *Theatrum de Veneficis* that they published in 1586 “gave the judges the courage, who then proceeded against the witches so carelessly again” (ibid.: 203), or because:

“that almost all Protestant jurists, very carelessly ascribe this auctorem [Martinus Del Rio], and do not consider that Del Rio shamefully and very insolently attacks Luther and the Lutherans, as well as the Reformers, because he says that the growth of the vice of sorcery is due to Calvinism and Lutheranism.” (Ibid.: 207).

13.4.3 Thomasius, Bekker, Spee: An ‘Inner-Legal Criticism’

Even Thomasius and Spener “did not formulate something like a fundamental right according to which the way of thinking and behaving referred to as witchcraft should be tolerated by the society of their time as a harmless form of nonconformism, whose representatives should be instructed and enlightened, but not persecuted and punished.” (Lehmann 1978: 66).

Both authors, Bekker as well as Thomasius, published half a century after the 30-year war when the great *witch*-excesses were already history and only occasionally were *witches*, often very young *witches* and *wizards*, sought after. But the literary debate still persisted—not at a high, but at an intensive level—and occasionally the university opinions still advocated torture and the death penalty, while the *witch*-laws continued.

(1) If one compares **Bekker with Thomasius**, the radical, but in the tolerant Netherlands dismissed and ridiculed, Calvinist theologian with the successful lawyer, who is said to have influenced the Prussian *witch*-legislation⁹² in great eulogies -

“[S]o contemporaries already see in Christian Thomasius a brave Hercules who, in the fight against the abominable beast of superstition, the belief in witchcraft, has won the first victory for the movement” (Weißbach 1711 after Pott 1995: 186 f.) -

- in 1714 King Frederick William took over all *witch*-decisions, in 1728 the last *witch* was burned in Prussia, in 1740 torture was abolished in Prussia⁹³ -

then it not only shows that Thomasius’ more cautious actions were “politically” more successful. But at the same time it is now becoming clear once again how the **legal profession** had finally taken over the scepter in the long-lasting dispute

with the theologians in practical-political as well as theoretical-argumentative terms. Practical-political because Thomasius was able to train the “later civil service elite of Brandenburg Prussia” in university teaching and through his “dissertations”⁹⁴ (Pott 1995: 195). And theoretically argumentative, in that he—following the pragmatically oriented Friedrich Spee—used less traditional theological or even scholastic arguments and more legal, procedural arguments.

(2) If one compares **Thomasius with Spee**, it is not only his radical advance against the devil’s pact as the center of the younger *witch* scheme that stands out—which he was able to lead together with Bekker, and which Spee probably also wanted to follow, who had to argue even more cautiously at the time. But also the different argumentation bases, which in the case of the confessor Spee turned out to be much more saturated with experience than in the case of Thomasius, who dealt with the ideological *witch* model in a more ‘professorial’, legal and historical way as part of his report practice.

Thomasius—happier than Spee at the height of the *witch* hunt—published “at the right time”, “when an already prepared bourgeois public expected the decisive ‘word of power’ to be able to withdraw the legal legitimation from the *witch* trials, which had been waning for a long time.” (Pott 1995: 198).

(3) In a time between Descartes’ ‘godless and mechanistic skepticism’ (1637) and Kant’s Enlightenment (1784), in which “the end of the *witch*-hunt coincided with the beginning of the Enlightenment”, (Pott 1995: 184), an Enlightenment that was about the liberation from superstition and prejudice:

“Enlightenment is man’s exit from his self-incurred immaturity. Immaturity is the inability to use one’s own understanding without the guidance of another. Self-incurred is this immaturity when its cause lies not in the lack of understanding, but in the lack of resolution and courage to use it without the guidance of another. *Sapere aude!* Have the courage to use your own understanding! is therefore the motto of Enlightenment”—as aptly as it was then and is today—Kant wrote in *Answering the Question: What is Enlightenment.*⁹⁵

In a time in which the ‘**natural law**’ took the place of a ‘divine law’; in which the jurists Hugo Grotius with *De jure belli ac pacis* (*On the Law of War and Peace* 1625) and Samuel von Pufendorf with *De iure naturae et gentium libri octo* 1672, (*Eight Books on the Law of Nature and Nations* 1711) created the foundations of modern public and international law.⁹⁶ But, as Lehmann (1978: 66 f.)

rightly points out, a time in which it was not yet about ‘personal rights and human rights’:

“The right to be a witch without being burned was thus, so to speak, newly confirmed, without legal guarantees for this extreme form of religious dissent and for this special form of social protest having been found, to which outsiders could have appealed in later times.”

Within the framework of a **secularized state understanding**, in which ‘the authorities should not save souls, but protect the peace: “A prince is not set up to avenge the honor of God, but the duty of a prince is to defend his subjects from external force,” Roeck (1988: 401) quotes Christian Thomasius.⁹⁷

A time, however, in which above all the **legal elites** in the civil service both in the large cities, as Behringer could demonstrate using the example of Munich, as well as at the higher courts and in the legal advisory bodies of the universities—but at first still laboriously above all in the case of voluntary confessions—but in a “turbulent process of dissolution of old stereotypes” (Lorenz 1995: 233) increasingly skeptical of the *witch*-trials presented to them:

“The end of a witch-hunt in the sense of a process continuum therefore always had the prerequisite that in this triad of authorities, court and advisory body [of the universities] the process-inhibiting tendencies had to prevail over the process-promoting ones with regard to the summary procedure with essential restrictions on the defense, the admission of otherwise unsuitable witnesses, the denunciation of accomplices,” Jerouschek (1995: 119) holds in his analysis of the last Esslingen ‘pogrom’ under Daniel Hauff already mentioned.⁹⁸

In this respect, Trusen (1995: 226) can justifiably conclude at the end of his investigation of the “legal basis of the *witch*-trials and their termination”:

“The end of the witch-trials is not primarily the result of the Enlightenment, but to a large extent the result of internal legal criticism, which was directed against the *crimen exceptum* with the carrying out of a summary procedure with essential restrictions on the defense, the admission of otherwise unsuitable witnesses, the denunciation of accomplices. In particular, the problem of torture with the consequence of the confessions and thus the mass persecution increasingly came to the fore. Their excessive use not only led to a crisis of certainty in wide circles, but above all to criticism in the legal field.”⁹⁹

But it took almost another century until this factually expiring *witch*-persecution finally came to an end in the **legislation** of the ‘enlightened absolutism’ in Prussia in 1721,¹⁰⁰ in Austria under Maria Theresa and Joseph II. in 1787¹⁰¹ and in Bavaria in 1813 with Ludwig Feuerbach’s penal reform^{102,103}

“The reason for this discrepancy is that official pronouncements of judicial institutions are seldom intended as forthright explanations of jurisprudence. More frequently they constitute a façade, a false front to reconcile popular opinion to measures and decisions which would otherwise be unacceptable. For a modern analogy, consider the futile legislation still largely unrepealed, although rarely enforced, concerning soft drugs.” (Soman 1989: 1).

13.5 Up to the Present Day¹⁰³

“Feminist Witches use the persuasive power of stories of Burning Times martyrs to explain women’s emotional discontent under patriarchal oppression and to alchemize these negative emotions into hope, which fuels action for social change.” (Zwissler 2016: 263).

With the expiration of the early-modern *witch*-myth, the growing disinterest of the relevant professions and the fading of ‘confessional’ mentalities, this myth disintegrates in the eighteenth century into its once connected components, while its supporting, so ambivalent motive, the pastoral self-confirmation, is lifted on the one hand ‘welfare-state’, on the other hand ‘psychiatric’¹⁰⁴.

Three of these components, now less ‘clerical’ than ‘worldly’ oriented, determine this further development, which I cannot analyze in this book in more detail: First, there is the silent survival of the ‘natural’ magical, non-scientific world of ideas, which today finds expression in the boom of esotericism. Closely connected with a wealth of rather sect-like ‘substitute religions’, which can be condensed into politically usable conspiracy ideologies’ and -isms.¹⁰⁵ In the end, they often—as once—rely on anti-Semitic models, which are now no longer ‘religious’, but anti-state or anti-capitalist, if not even anti-Israeli.

(1) Although the theological-juridical ‘superstructure’ of the classical *witch*-scheme gradually lost ground in professional thinking and acting in the eighteenth century—“by the end of the eighteenth century educated opinion in Europe had virtually ceased to believe in the reality of acts of witchcraft” (Hutton 1999:

31)—its **popular** ‘base’—exorcised, that is, without Satan,¹⁰⁶ *witch*-flight and conspiratorial Sabbath—also survived in this Europe¹⁰⁷ up to our century in the guise of white and black magic, as belief in witches, in the form of witch-knowing healers, card readers, dowzers, treasure hunters and astrologers:¹⁰⁸

“Long after the end of the witch-trials, thinking and acting in terms of witchcraft still formed part of the cultural repertoire which was available to people in cases of misfortune. [...]. It could explain misfortune and the responsibility for it could be attributed to someone else. At the same time, witchcraft was a means of power, an instrument which could be used to damage the position of another person and/or improve one’s own. To counteract the threat of bewitchment there was the threat of accusation.”¹⁰⁹

A continuum that extends into the twentieth century, which grew above all on **Protestant-Orthodox** ground: “For those whom the Biblical word was law, it was but a small step from the devil to the witch”:

“The stronger the sense of sin, the smaller the step to witchcraft. This partly explains why thinking in terms of bewitchment continued to possess relatively great appeal in orthodox Protestant circles, such the Württemberg Pietists, the English Methodists and the Dutch bible belt.”

Not to mention their pseudo-scientific successors in the sprawling psycho-area¹¹¹ or in the commonly twisted media version of a ‘*witch-hunt*’ “to protect men from accusations of sexual assault.”¹¹²

The running out of this very long-wavelength ‘problem’ phase, which in the end also in court—as part of ‘modern’ penal law—could completely reverse the role of the participants:¹¹³ Now the ***witch as victim*** sued her abusers, without falling into the at that time obvious danger of being recognized as a ‘*witch*’ after all; even if the courts occasionally dismissed this lawsuit, since everyone knew that there were no *witches*. And the *witch*-finder was now considered a fraud and ‘occultist’, who exploit the credulity of the victims by rashly accusing *witches* (Blécourt 1999: 177 ff.).

Witchcraft degenerated into the gladly researched ***folklore***¹¹⁴ and legend collection¹¹⁵—or from 1935 to 1942 into the by Heinrich Himmler established **H-Sonderauftrag** in the “search for old Germanic tradition and in the fight against Christianity”.¹¹⁶

(2) The 19th and twentieth centuries initially developed their witch content as an emotionally compassionate, ‘anti-patriarchal’ **feminist** argument. Only then—almost parodistically, but seriously meant—to become ‘real’ again in double form as feminist-colored modern witch cults on the one hand and as fear of satanism on the other hand, without taking over their dogmatically fixed missionary ambitions; namely, at about the same time as the fundamentalist, biblicistic ‘New Christians’ gained importance, especially in the USA.¹¹⁷

On the basis of the ‘secret cults’ flourishing in the eighteenth and nineteenth centuries, such as the Freemasons and Rosicrucians as well as the ideas of English romanticism¹¹⁸ organized¹¹⁹

- in “an apparently romantic reaction against a rationalist world view and an emphasis on direct and personal experience as against learning as the basis of knowledge. This epistemology [...] resembles that of the psychotherapeutic professions and it is probably no accident that the post-war period saw these latter also spread and develop in significance.” (La Fontaine 1999: 118) -

since the beginning of the twentieth century, more or less charismatic personalities from urban middle class, mainly in England and the USA various **witchcraft cults**.¹²⁰ They, like their predecessor cults, rooted their origins in early times up to the Neolithic period, for which, for example, the above-mentioned (Sect. 5.3(2)) ‘scientific’ works of Margaret Murray or James Frazer provided the—not always desired—legitimizing basis:¹²¹

“That framework consisted of an apparently proven historical link between paganism and Witchcraft, which completed the cultural context from which a new religion would arise.” (Hutton 1999: 30 f.).¹²²

“There were at least three distinct groups that had considerable importance in this milieu. The first was composed of the ceremonial magicians, the most prominent among them being the local chapter of the Ordo Templi Orientis, an occult organization popularized decades before by the infamous Aleister Crowley.¹²³ The second comprised Wiccans and representatives of other witchcraft traditions, including Gardnerians, Alexandrians, Strego, Welsh Traditionalists, the Minoan Brotherhood founded by Buczynski, and the Pagan Way (a more open organization that was used to recruit for others). The third group was made up of Satanists, mainly associated with Anton LaVey’s Church of Satan, although they had a much smaller impact on the Magickal Child scene.”¹²⁴

So in the last 50 years since about 1960¹²⁵ gathered under the name **Wicca**¹²⁶ in the context of a ‘neo-paganism’ a ‘new religious movement’, a ‘religion of witches’, which is recognized as a religion by the state in the USA since 1994.¹²⁷

Syncretistic anchored in older religions mostly mystical, pantheistic nature, positive life-affirming, nature-oriented and ecologically, they follow, tolerant, the ethical motto “As long as it does not harm anyone, do what you want”.¹²⁸ Clearly feminist-colored¹²⁹—“derived from the fact that the figure of the witch is one of the very few images of independent female power which Western civilization has offered to modernity” (Hutton 1999: 61)—is this religion less theoretical, but rather held together by their pronounced rituals.¹³⁰ A high priestess together with a high priest lead relatively independent *Coven* of mostly 13 people of different directions.¹³¹ Their central goal “is not to pay reverence to divinities but to cultivate personal powers of self-control and self-knowledge, and perhaps of clairvoyance, prophecy, psychokinesis and psychic healing.” (Hutton 1999: 72).¹³²

A good insight into this neopagane mentality, argumentation and practice especially from the early days offer the two books by **Lois Bourne** *Witch Amongst us – the Autobiography of a Witch* (1987/1979) and *Conversations with a Witch* (1990/1989), in which she answers mainly letters she received after her *Autobiography*.¹³³ Lois Bourne, student of Gerald Gardner,¹³⁴ led as high priestess the first, founded by Gardner English *Coven*.¹³⁵

In confrontation with a dogmatically hardened Christianity she mixes just as ‘ancient witch knowledge’ with newer approaches of parapsychology, as religious historical fragments from Egypt, India, from Ephesus and Dervish knowledge with original native fertility cults, to justify the priority of a comprehensive divine matriarchy, which the ‘born’ *witches* via an otherwise stunted 6th sense access to an ‘astral’ world of spirits and the deceased opens. So it succeeds, with the help of their—in the *Coven* bundled—‘emotional energy’ just as well to heal and to help with psychic and material problems, but also—contrary to the ethics of witchcraft—to harm by curse. Meditatively she can also see the ‘aura’ of distant interaction partners, observe goblins and especially contact the souls of the deceased by clairvoyance.

(3) While the just mentioned ‘witch-groups’ do not know Satan, because he belongs to the rejected Christian cosmology, the other, ‘darker’ side of the *witchcraft* is emphasized by some smaller groups, such as the 1966 in San Francisco by Anton LeVeyfounded *Church of Satan* or their offshoot, founded by Michael Aquino *Temple of Set*. Law-abiding, but anti-authoritarian oriented at the ‘rebellious’ Satan, they are, in contrast to most world religions hedonistically shaped, social Darwinian ideas close.¹³⁶

As harmless as these groups are, they served in the 1980s and 1990s in the USA, and later in other English-speaking countries, as the basis for a **mass hysteria** that attributed such ‘Satanists’ to the ritual, sexual abuse of small children, in particular to children in day-care centres (‘nursery schools’) or to toddlers cared for

by baby-sitters;¹³⁷ a “moral panic” that could allegedly be ‘hypno-therapeutically’ confirmed by corresponding memories (of the *survivors*) of rape and torture.¹³⁸

“The assumption that there was a large network of satanic groups that practised violence against children and killed up to 60,000 people a year was supported by a broad coalition of fundamentalist Christians, feminists, doctors, police officers and social workers.”¹³⁹

A professionally driven ‘witch-hunt’,¹⁴⁰ confirmed in lengthy criminal proceedings,¹⁴¹ that could ideologically directly link up with the old child murder myths, without any demonstrable findings¹⁴² and with corresponding confessions¹⁴³ that were induced; all the more so as it was assumed, as in the past, that children would not lie.¹⁴⁴

(4) The most recent product of these modernised—politically Trump-supporting paedophilic argumentative—conspiracy theories, albeit without an effective enforcement apparatus,¹⁴⁵ initially developed the **QAnon movement** in the USA, which also spread to Germany in 2020, in which, for example, UNESCO is accused of mediating children to paedophiles:

“In spring 2020, QAnon supporters spread the false information that the lockdown was not for the purpose of combating the COVID-19 pandemic. In reality, it was supposed to provide an opportunity to rescue children from torture chambers where they would have adrenochrome extracted on behalf of the elite. This metabolite of adrenaline is falsely claimed to confer eternal youth.”¹⁴⁶

“A recurring theme is the myth of a dark, secret elite that is said to have brought the USA under control through the “deep state”. Often the statements have more or less hidden anti-Semitic connotations. Real events are often interpreted as evidence for the claims.”¹⁴⁷

Using the old-fashioned **child abuse** motif, which always works, even in our everyday political business. Less ‘satanically theological’, but more media-friendly psychological in the high value of the child abuse discussion, for example, politically in the paedophilia accusations against the Greens in the recent, and yet quickly fading echo¹⁴⁸, without really doing justice to the actual abuse problems, for example in the family context: “The abstract fear of paedophilia has turned into paranoia.”¹⁴⁹

Notes

1. “Immediately after the publication of Weyer’s book, Duke Wilhelm V. von Jülich-Kleve-Berg (1516–1592), Elector Friedrich III. von der Pfalz (1515–1576), Count Hermann von Neuenahr and Moers (1520–1578) and Count Wilhelm IV. von Bergh-s’Heerenberg (1537–1586) rejected further torture and execution; Count Adolf von Nassau (1540–1568) also shared Weyer’s opinion.” (de.wikipedia.org/wiki/Johann_Weyer)
2. See the more cautious Pohl (1995). While Ritter (in Spee 1982) additionally states: “It can also be assumed that Queen Christine of Sweden, under the influence of the German translation of Joann Seifert’s ‘Cautio’ dedicated to her and the officers of the Swedish army in 1647, issued a rescript in 1649 ordering the immediate cessation of all pending proceedings, the end of any inquisition, and the release of all witches in custody.” See also Monter (1976: 84 ff.): “There were, however, two significant events in Franche-Comté [west of the Swiss Jura] in 1660 that may have strengthened the parlement’s final shift toward leniency for witchcraft suspects. First and most important was a French translation of Friedrich Spee’s famous *Cautio Criminalis*, published like Boguet’s books at Lyon, and translated by a Besançon physician, named François Bouvot, who added a lengthy preface to explain his motives [...] Bouvot’s translation appeared with two *imprematurs*, the second from Pierre Alix, *Chanoine Théologal en l’Eglise Métropolitain dudit Besançon*, a man who disliked both Symard [“The Symard panic struck many different parts of Franche-Comté in 1657–1659, thanks the unusually well-organized and mobile campaign of *monitoires*” (ibid.: 82)] and his successor as Inquisitor.”
3. For example, in 1665 the Tübingen faculty, in a negative opinion for Reutlingen, quoted a “conscientious theologian and J(uris) C(onsultus), who had dealt with the question of why there were so many witches in Germany. The person quoted is none other than the well-known opponent of the witch trial, Friedrich Spee, whose 2nd *dubio* is paraphrased.” (Fritz 1998: 268)
4. “In the first part of his work, however, Carpzov deals with the opinion of Johannes Weyer [...] and rejects it completely. His authorities are the Hexenhammer [...] and the works of Jean Bodin, Peter Binsfeld, Nicolas Remy and Martin Delrio—all of them pronounced supporters of the witch hunt. It is interesting that Carpzov, as a representative of Lutheran orthodoxy, here relies exclusively on post-Reformation Catholic authors. [...] The pact with the devil is the key point of the witch-elicited crime for Carpzov, because the

witches, as allies of the devil, also threatened the confessional state in its sovereignty, which is far worse for him than the ordinary damage spell.” (Sauter 2010: 66)

5. “Even the most tireless witch hunter could never assume that the entire population of his district believed in witchcraft. There were always dissenting voices, even if they often spoke up quietly, like a pastor in Nördlingen who attacked the witch trials in his sermons, or a husband in Eichstätt who was convinced of his wife’s innocence and determined to sue those who had brought her to prison without cause.” (Roper 2007: 80). Rainer Walz (1993: 368) quotes extensively from the petition (1653) of the peasant Tönnies Strohmeier, advised by a sexton, whose wife was accused of being a *witch*; “But it would be an unheard-of thing if the devil were to interfere with divine government in such a way that he would always be ready to harm the witches if they only wanted to or whom they wanted to; because that would be against divine government, providence and omnipotence, since evil and good are sent to us by the fatherly hand of God ...”
6. Bostridge (1997: 3) on the relevant *witch* discussion in England: “Educated scepticism did exist, but it had done so from the start. Moreover, the sceptical arguments offered by Francis Hutchinson in 1718 [*An Historical Essay Concerning Witchcraft*] were much the same as those of Reginald Scot in 1584 or Thomas Ady [*Candle in the Dark*] in 1656.” The doctor Ady and Sir Robert Filmer’s *An Advertisement to the Jury-Men of England, Touching Witches*, (1653) argued procedurally and anti-Catholic: “[B]oth attempted to focus the reader’s attention upon issues of definition, arguing, on scriptural grounds, for a reappraisal of what it meant to talk of witches and witchcraft. At the same time, both were keen to depict English laws on witchcraft as a form of Catholic conspiracy hatched by that ‘grand Witch’ the Pope and carried on by his emissaries, the Jesuits, who are revealed as the true witches or deceivers of the state and its lawmakers.” (Elmer 2016:161). “Thomas Ady—probably a physician in Essex, England—represents a powerful, sceptical voice in the tradition of Johann Weyer and Reginald Scot. His works [...] expressed considerable doubts about the reality of witchcraft and greatly criticized physicians who attributed physical afflictions too readily to demonic interference. Ady and the sceptical tradition were echoed in the work of John Webster, *The displaying of supposed witchcraft*, of 1677, and the dissenting minister George Burroughs, one of the victims of the Salem Village prosecutions in 1692, quoted Ady favorably.” (Peters 1998: 7)

7. Excerpts in Behringer (2000: 141–147). “What Weyer fundamentally rejected was the idea that demonic or diabolical attacks and cases of possession could be caused by human agents. It may have been his opinion that the world was full of devils, but it was not possible for humans to command or control them,” basing himself not only on his medical experience as, among other things, city physician in Arnheim and personal physician to Duke Wilhelm V of Jülich-Kleve, but also on theological and legal sources: “We remember that Weyer considered the old hags to be weak, hallucinating, insane women. He quoted countless passages from the Justinian Digest and from later legal sources and commentaries where special leniency was recommended towards old, weak, insane, and female beings.” (Midelfort 1992: 57, 60; 1994: 234 ff., as well as 1999: 172 ff.)
8. On Weyer’s reception as the “father of psychiatry” (Zilboorg) in relation to the recent discussion of his role: Elmer (2013a: 563–567; 566): “[A] new view began to emerge of Weyer that was radically at odds with his former image. In contrast to Zilboorg’s portrait of the man as a confirmed sceptic, Weyer was now depicted as a medical conservative, whose views on demonology and medicine were neither radical nor convincing, and whose approach to witchcraft differed little from that of his supposedly ‘credulous’ opponents [...] Weyer may have shifted the blame for witchcraft away from innocent old women by invoking various medical explanations for their confessions of guilt, but he nonetheless remained wedded to a system of ideas that retained a central role in the sublunary world for the devil, demons, and sorcerers.”
9. (Schwerhoff 1986: 64 ff.): His book “was meant to be a refutation of at least some of the theses put forth by Institoris [...] Molitor drew on a very broad range of sources: philosophical and theological works, Scripture, classical literature and hagiography.” (Duni 2016: 219). No power of the devil for *maleficium*, no night-time ride of the *witches*, but rather a pact, and with that “the witches ‘should be sentenced to death from this world for their apostasy and evil will [...]’” “Another feature of Molitor’s work is the series of woodcut illustrations that it included, depicting various forms of witchcraft and diabolical sorcery.” (Peters 2002: 242). “It appeared in several closely successive editions from 1489. Probably with Molitor’s approval, a German translation *Of the Unholden or Witches* was published before 1500. His treatise also reflected the witch trials against 48 women in the diocese Konstanz (1481–1485) [which were conducted by the authors of the *Hexenhammer* as inquisitors]. The little witch book was published until the late sixteenth century.” (de.wikipedia.org/wiki/Ulrich_Molitor)

10. "It circulated widely in manuscript until 1655 when Cesare Carena, the fiscal of the Roman Inquisitions" published it; in 1661 it was translated into German. On the Italian practice with its Instruction of the Sanctum Officium (c. 1620), which begins with the words: "Experience, teacher of things (Experientia rerum magistra) clearly shows that various bishoprics, vicars and inquisitors, but especially secular judges, commit grave errors every day in the conduct of witch trials": Decker (1995: 101 f.). The surprisingly 'liberal' text finds in Behringer (2000: 395–397); cf. also Gentilcore (2007: 98). (see above: Sect. 8.7.3).
11. "The refusal of the Spanish and Roman Inquisition to execute anyone for witchcraft after 1610 tells only half of their story. The other half, described in monographs from all three Mediterranean Inquisitions [...] chronicles their preoccupation with condemning a wide range of traditional but illicit magical practices." "They were always merciful with those who confessed. De Lancre, the French parliamentary judge and demonologist, censured the Logroño inquisitors for executing only those witches who refused to confess at their 1610 *auto de fe*, while pardoning all those who had confessed: this procedure, he knew, was the exact reverse of proper justice." (Monter 2002: 47, 48 f.)
12. Of course Gianfrancesco Pico della Mirandola, who was himself involved in witch trials in his "relatively short and grippingly reportorial" *Strix, sive de ludificatione daemonum* (1523) had four people discuss with each other: Apistius as radical doubter, his friend Phronimus, a Humanist, Dicastes as Theologian and Inquisitor, and Strix, the witch, as "expert witness to the reality of *maleficia* and demonic copulation." Through this book translated into Italian by the Dominican Leandro Alberti (1524) "even illiterate Italians could hear a systematic exposition of practically everything that had been discovered about witches." (Stephens 2003: 87 ff., 232 ff.). On Mirandola see also Stephens (2013: 114–117): "In the century between *The Hammer of witches* (1486) and Jean Bodin's *On the Demon-Mania of Witches* (1580) the most systematic and impressive refutation of arguments against the reality of witchcraft." In this sense also began Bodin's *Daemonology* "with a devastating attack on Pico della Mirandola." (Neugebauer-Wölk 2007: 11). See also Herzig (2003: 58 ff.), who admittedly went into less benevolent detail about Pico: "In *Strix* Pico clearly identifies himself with those who supported the *Malleus*. He praises the German tract explicitly".
13. "It was obvious that lay practitioners of law looked at witchcraft from a very different perspective from that of inquisitors, and their doubts could be a major obstacle to the prosecution of the crime." This was the case, for

- example, with Molitor in relation to Institoris' *Hexenhammer* or for Gianfrancesco Ponzinibio's *Tractatus utilis et elegans de lamiis et excellentia utriusque iuris* (1511): "Ponzinibio affirmed explicitly that, because of their absolute rarity, phenomena such as bodily interactions between Christ and the Devil did not constitute a legal precedent for judges dealing with real-life situations. Belonging in a meta-historical dimension not comparable with the world of human experience, the events described in the gospels could not be resorted to in order to prove that witchcraft was ordinarily possible", because: "jurisprudence teaches that no rule can be derived from extremely rare events (*ex his quae raro accident, non fit lex nec regula*). (Duni 2016: 219, 227, 225)
14. philologically: scientifically text-critical; here Hebrew-Greek-Latin word meaning.
 15. Excerpts from the correspondence in: Behringer (2000: 335–338); the full correspondence in Midelfort (III: 219–226 in Midelfort 2013).
 16. Cf. for this Renaissance, which began in the city-states of northern Italy, and its 'humanist' reception of ancient ideas, the short but informative essay by Peter Burke (1991) in an attempt "to place the events in Florence in the fourteenth century in a sequence of interrelated changes that extends from about 1000 to 1800. These long-term developments could be called the 'Westernization of the West.' (Ibid.: 102)
 17. For Aristotle's *hylomorphism*: "A concept first proposed by Aristotle, is the theory that every living thing (called substance) has a form (often called a 'spark') and a matter. The matter is the flesh, so to speak, whereas the form is that which causes the matter to be alive. [...] That flesh has the potentiality of a human, but it is not human. The soul (that is, the form), on the other hand, is that which animates the flesh, giving it life. The composition of soul and flesh, that is, form and matter, is what makes a human being a human being. The form and matter are not spatially separated, but rather integrated into one single substance." (Glaser-Hille 2019: 30, note 160 with lit). Why—aristotelian—there can be no 'independent' spirits/intelligences, while this was 'neo-platonic' possible (derived from Plato's 'Ideas').
 18. Stephens (2003: 78) after Pomponazzi *De naturalium effectuum admirandorum causis* (1520) [whereas the 'nature' also included the influence of the planets]: "Pomponazzi opposed more than three centuries of Scholastic scholars, whose primary effort had been to reassure the Christian intelligentsia that Aristotle could indeed be used to demonstrate such crucial Christian doctrines. Three years before Pomponazzi's book was published,

- probably in response to ‘leaks’ of its contents, a church council condemned it, declaring the immortality of the soul an article of faith.” (Ibid.: 358)
19. Clark (2008: 267), whom I follow in this section.
 20. “The demoniacs of Loudun interested him especially and were explained by him in medical terms as melancholics.” (Clark 2008: 272).
 21. Within a few decades after those words were penned (1585), a majority of the high Paris magistracy had come to agree with Montaigne, the royalist, rather than with Bodin the Ligueur [katholisch-konservativer Widerstand gegen Henry IV.]” (Soman 1989: 12). S. auch: (www.hansschauer.de/html/dir5/_ch10s06.html). On Montaigne s. Pearl (1999: 102–107)
 22. Clark (2008: 273) refers to Richard Tuck, *Philosophy and Government 1572–1651*, Cambridge 1993.
 23. Hobbes, who both ‘anti-meteaphysical’ stressed that ‘Äspirits’ not be recognizable: “[S]pirits, be they considered as corporeal or incorporeal, are not available to sense, and are, consequently, no fit subject for natural philosophy. Demonology is not a science”, as also ‘anticlerical’ took action against ‘priest fraud’ under the motto *cui bono*: “If we can know nothing of spirits except by revelation, why have the schoolmen erected, dogmatically, their doctrines of incorporeal substance and separated essences?”, in order to then nevertheless punish witchcraft as a revolt: “a rebellion against God, and the desire to cause harm”. (Bostridge 1997: 42, 46)
 24. (Clark 2008: 274, 275): “Part 4 of *Leviathan*, where we find the attribution of demonology, ancient and modern, to the controlling interests of the clergy, suggests that Hobbes did not much favour the existence of any organised church in a commonwealth and allowed its sovereign the power to control doctrine as something (quite apart from being inseparable from sovereignty and the security of civil society in any case) could no longer be left to the divisive preferences of churches”: The state, “no longer a distant god, secures peace. Its immense power is given to it so that it can provide security and pleasant life for the people. In particular, it is to be master of religion.”
 25. (Clark 2008: 278): “Towards the end of his book, he made the memorable statement, entirely in line with the exposés of instrumentalism we have already encountered, that he could see no difference ‘between the actions of the Phylosophical [ie. Platonic] Heathen Priest, and the Magician or Witch, but only this, that the one had Law and Authority on his side, [and] the other had not’.”
 26. “The burden of responsibility must have weighed heavily on the governing people and their legal assistants who had decided to abolish the witch trial. Because by their return to reasonable jurisprudence they made it clear that

- they had recognized the previously customary court procedures as unreasonable [...] And now one stood in front of the dawning realization that jurisprudence had failed inhumanly.” (Bachwitz 1966: 357 f.)
27. In this section I follow Clark (1990) and Midelfort (1972). Schulte (2001a: 22–34) gives a good impression of the range of the theological discussion in Lutheran Schleswig-Holstein, which also referred to Brenz and Spee.
 28. Lehmann/Ulbricht (1992a) distinguish four basic positions in their overview: 1) based on the omnipotence of God (e.g. Brenz, Wittekind), 2) the legal argumentation (Spee, Meyfarth) 3) expertise (Weyer) 4) fundamental doubts about the physical existence of the devil (Scot, Loos, Thomasius). Stuart Clark (1992: 16 ff.) differentiates 1) questions of demonology, which aim at the nature of witchcraft, 2) methodological doubts about the credibility of the sources, as they were promoted in particular by humanism, and 3) the ultimately more successful criticism of legal practice.
 29. Clark (1999: 203) supports this, for example, by the fact that Weyer actually only generalized the deception by the devil, which was otherwise also admitted, for the case of the “old women”: “de praestigiis daemonum” is very much a pure demonology—a book about demons in which witchcraft is defined away in accordance with a medicine of gender.”
 30. In his thorough analysis of Weyer’s writings, Midelfort (1994: 243, 249) emphasizes, however: “Recent critics are off base when they charge that Weyer simply shifted the capital charge of witchcraft from old women to the learned (male) magicians. Despite the outrage Weyer felt toward the blasphemies of the magicians, he did not generally urge their execution. Instead Weyer insisted on religious grounds that, if witchcraft was a spiritual crime, as heresy and blasphemy and apostasy were, then the proper remedy was spiritual as well.” “He made it clear enough in Book VI that execution should be reserved for those who physically harmed others with their poison or in any other way.”
 31. Schwerhoff (1986: 69) differentiates a little more clearly: “Against the Catholic doctrine of merit and its work sanctity, the reformers set the power of sovereign divine grace as the sole source of redemption. [...] Beyond all confessional questions of detail, the theological core program of the Reformation—theocentrism, providentialism and the devaluation of magical grace means—an understanding of witchcraft that reduces the power potential of the devil and the witches and highlights the omnipotence of the Creator.”—to be in agreement with the pact-related apostasy.
 32. But Midelfort (2013: IX) is right to point out, for example, with regard to the *Liber de tribus impostoribus* “a notorious work that claimed the three

- great Western religions were all based on fraud; Moses, Jesus, and Mohammed were branded as impostors” (IX: 6), that we know and can know very little about the “dark opposite” that worked, for example, with copies, etc. in the underground, similar to the *samisdad*, because of the very successful censorship.
33. Why the Palatinate medical professor Thomas Erastus in his confrontation with Weyer—similarly to the Lutheran Reformer Johannes Brenz, an advocate of the *witch*-hunt -, 1581 not because of the damage, but because of this pact for *witches* basically advocated the ‘death penalty for heretics’ (Schmidt 2000: 161 ff.): “Whoever also uses natural means to achieve results that go beyond the power of nature, and in doing so uses neither the help of God nor that of the good angels, necessarily invokes demonic help, either through a secret or through an open contract.” (in Clark 1992: 27). In detail in Gunnoe: *Concerning Witches: Erastus’s Debate with Johann Weyer* (2011, Chap. 9: 339–373)
 34. Carpzov: “For most witch crimes were mostly committed in secret and left no traces. Therefore, he joined Bodinus and said that in witch trials it was ‘not necessary’ to ‘act conscientiously on the procedural rules.’ For the witch trial had to take place outside the rules of regular procedure, because there was ‘a crime to be distinguished from the others.’ This resulted in the fact that in *crimina occulta* one could be tortured without a *corpus delicti*, i.e. a piece of evidence.” (Sellert 1992: 335)
 35. Clark (1990: 70): “It looks very much as though the Württemberg pastors were exponents of a general north-European view rather than of a southwest German speciality.”
 36. “The book of Job in particular must be regarded as its scriptural cornerstone.” (Clark 1990: 62)
 37. Johann Georg Sigwart, a professor of Scripture at the University of Tübingen 1602 (Midelfort 1972: 42 f.), and Stähelin preached 1607 “that Christians must be wiser than dogs that bite the stone thrown at them instead of the man who throws the stone.” (ibid.: 45)
 38. The complete *hail weather sermon* can be found in Midelfort (1974, III: 213–219 in Midelfort 2013), in which Brenz indeed explains the formation of hail scientifically: “The scientists assert that hail originates when the sun draws up the humidity or moisture out of the earth and carries it through the air to the clouds [...] this freezing and coalescing are the origins of hail as explained by the scientists and naturalists [...] hail, which begins in a natural way but is ordered and regulated by God the Lord, the true and right

- author, according to his desire.”(Ibid.: 215). A beautiful example of how difficult it was (?) To penetrate religious thinking with scientific arguments.
39. At the same time as the criticism of the Englishman Reginald Scot (1584).
 40. “No broom/no fork flies through the air/they are greased as they want. Wherever you put them/they stay/they do not move. “And whoever believes that the witch left the house through the chimney: “That is impossible, often not even a cat comes through.” “When he tries to refute the idea that old women would dance on the forest floor at night in wind and weather, he writes: ‘It takes more to dance than red shoes/strong legs are also needed.’” (Ulbricht 1992: 113, 121). For comparison: 100 years earlier (ca. 1450) the Spanish bishop Lope de Barrientos, “member of the royal court of Castile” in his *Tratado de la divinança*: “‘speaking naturally’, any wise man ought to ask himself, if those *bruxas* that claim to go through countless places and enter the houses through chinks, [...] it is impossible ‘for a body with three dimensions’ to go through such little spaces.” (Granados 2014: 182)
 41. Further original texts in Behringer (2000: 175–178, 339–345); see also: J. Schmidt (2000: 205–242).
 42. Even Luther considered the Pentateuch—the first 5 books of the Old Testament—to be the ‘Jew’s *Sachsenspiegel*’, which had nothing to do with the Christians, “except if it was about natural laws: ‘I do not hold the commandments because Moses has potted them, but because they are planted in my nature and Moses stamped with nature.’” (Haustein 1995: 266)
 43. “He criticizes the torture and describes the atrocities committed in the process. The water test is unjust, as are all other means by which the people, the judges and their executioners try to prove that the accused are witches. Judges who allow all this are not only tyrants, but also murderers. [...] What they do is not human, but diabolical.” He pleads “for an administrative policy pursued in a Christian spirit”, Christian schools and ‘police orders’ (Dresen-Coenders 1992: 135 f.); see also: J. Schmidt (2000: 296–312).
 44. Clark (1990: 75 f.). Texts in Behringer (2000: 345–348). See also: “The Mecklenburg jurist held the witches’ flight to the witches’ Sabbath for ‘nothing but devil’s straw, deception and fantasy.’ Such fantasy is also that some believe that witches and wizards can be transformed into cats, dogs and wolves. ‘As for weather magic, it is God’s and not man’s work.—Therefore, no judge can torture someone on such points, much less kill him, because there is no mention of them in the Carolina (1532). ‘He spoke out against the water test, but not consistently against torture and the death penalty. Compared to the doctor and witch theorist Johann Weyer, who began to shake the witch mania fundamentally with his ideas, the jurist Goedel-

- mann merely demanded that the witch hunts be carried out in accordance with the legal regulations of the *Constitutio Criminalis Carolina*.” (de.wikipedia.org/wiki/Johann_Georg_Goedelmann)
45. Calvin used this text against the “Papists” in 1555: “To question the dead is qualitatively no different from worshiping saints and celebrating masses for the dead: ‘what has been invented for the service of the dead in the papacy is pure sorcery.’” (in Haustein 1995: 263)
 46. (cf. Clark 1990: 62 ff.) For the very controversial and uncertain interpretation of the originally Hebrew terms: Haustein (1995: 250 ff.). For example, already Johann Weyer wrote in his work *De praestigiis daemonum* (1563): “I find that these ungodly people with their shameful arts, delusions and forbidden predictions can neither be interpreted nor printed in the same words by the Rabbis and Jewish interpreters, nor by the Latins. The Greeks are neither in agreement with the Hebrews nor with the Latins in this respect.” (p. 256 f.); and the Dutch, Protestant theologian and persecution opponent Balthasar Bekker meant in his *Bezauberte Welt* (1693) “The terms are actually untranslatable, ‘because we do not have words into which we can translate the Hebrews, because we do not really know what kind of arts and lifestyles were meant by them.’” (p. 259).
 47. This is what was said in the *Directorium inquisitorum* by Nicholas Eymerich (1376), edited by Francis Peña (1578): “Two conditions must obtain before one is considered a heretic in the proper and complete sense. The first is if one holds in the intellect or the mind erroneous views concerning the faith, and this is the beginning of a disposition toward heresy; the second is if one stubbornly clings to these errors in the will or the affect, and this act fulfils or completes the heresy.” In: Black (2009: 69)
 48. It was the Catholic theologian from Tübingen, Martin Plantsch, who in 1507—that is, before the Reformation and before Brenz—based on the Book of Job preached that “Since man suffers only when God wills or allows him to suffer, one should fear only God: ‘This is stated against the many who, whenever they suffer or undergo harm, blame or accuse the stars, or demons, or fortune, some [blaming] witches, others [blaming] enchanters.’” (Midelfort 1972: 35)
 49. “The strong providential tradition nourished by Brenz and his followers in Southwestern Germany seems to have provoked the Catholic front to solidify its ranks against it. Such a hypothesis might explain the growing severity of Catholic witch hunting in the seventeenth century.” (Midelfort 1972: 64)

50. “The Heidelberg Catechism was originally the catechism for the Reformed (Calvinist) state church of the Palatinate.” (de.wikipedia.org/wiki/Heidelberger_Katechismus). The *Concordia Formula* summarizes the confession of the Lutheran Church (de.wikipedia.org/wiki/Konkordienformel).
51. “The Protestant-ruled cities and territories largely stopped the executions of witches after the wave of persecution ended in 1590”; “The decline in ‘Protestant’ witch burnings in Southeast Germany corresponds to contemporary developments in Southwest Germany.” (Behringer 1988: 228)
52. Nevertheless, there were also executions of 60 people in 17 processes between 1661–1670 in Southwest Germany (Midelfort 1972: 32).
53. Cf. the two tables in Midelfort (1972: 32 f.): “These figures show that regardless of the ratio of Catholic to Protestant populations in the German Southwest, Catholic magistrates conducted only 1.9 times as many witchcraft trials as the Protestants but executed 3.6 times as many people. Thus Catholic magistrates in the German Southwest were nearly twice as zealous (or efficient, or superstitious) as Protestant magistrates, and roughly twice as many people were likely to die in a Catholic trial as in a Protestant one.” (p. 33)
54. Cf. the type of argumentation used by the defense in Lippe County: in Walz (1993: 401–418, 487–505), as well as the description of a successful defense in Dillenburg, Nassau (1589) by Ulrich Falk (1992), or the successful argumentation of the “bailiff” Zauner, which in 1724 prevented the conviction of 11-year-old Zieglerbub Widmann by the Freising Council (Beck 2012: 825 ff.) on the one hand, and on the other hand the impossible position of a defender, for example in the aforementioned Pappenheimer trial (Kunze 1982: 365 ff.), as well as the successful efforts of the “witch” committees investigated by Rummel (1991: 87 ff.), to dissuade the accused from defending himself in view of the trial costs incurred by his family. For the risk of a defender himself being charged with an *insult* trial for insulting the inquisitorial authorities, see the detailed analysis of a complex RKG case (1583): “It was about the insults exchanged in party pamphlets”—such as the accusation of having “tyrannically” violated due process: “That the honor of the authorities was to be placed under special protection was one of the principles of the early modern legal system.” (Fuchs 2010: 176). For the practice of defense in Scotland, based on George Mackenzie (*Pleadings in some Remarkable Cases*) (1672) Larner 2000, chap. 13: *How to defend a Witch*.
55. Thus, Trusen (1995: 219 ff.) quotes Carpozov’s work as a *Protestant witch hammer*, which even surpassed Berlich.

56. “He employs the ultimate argument that witches are like mad dogs, so that even though they may be the dupes of the Devil the peace and safety of the public require their condemnation and punishment.” (Briggs 2007: 21)
57. The Lutheran theologian Johann Matthäus Meyfarth fought above all against torture. Cf. his book *Christliche Erinnerung* (1635) for a detailed description of the torture practice he observed (in: Behringer 2000: 301 f.). He was “convinced that torture was a particularly sophisticated tool of the Devil to win new victims” and warned the authorities of the *Last Judgment* to be expected soon: “The description of the hour of death and the description of the Last Judgment combined Meyfarth to a grandiose vision of the punishments that God would impose on the witch judges and all those involved in the witch trials.” (Lehmann 1992: 227). See also: (www.historicum.net/themen/hexenforschung/lexikon/alphabetisch/h-o/art/Meyfart_Johann).
58. The Protestant lawyer Justus Oldekop 1654 (de.wikipedia.org/wiki/Justus_Oldekop) published under his name in the criticism of Carpov in his *Observationes Criminales* “42 examples which more impressively than any other argumentation show that innocent were forced to make a false confession and suffer the death penalty under the torture.” (Trusen 1995: 222)
59. Continued on the title page: “Necessary for the authorities of Germany at present, but also for the advisers and confessors of the princes, for inquisitors, judges, lawyers, confessors of the accused, preachers, and others very useful to read. By an anonymous Roman theologian.”
60. (s. above Sect. 10.1.2). “The peak of the persecution was with at least 85 victims around 1630. In the Büren territory alone, between 17 March and 15 April 1631, 50 people were executed. Against this background, the *Cautio Criminalis* appeared in print in May 1631. Its author, the Jesuit father Friedrich Spee (1591–1635), taught moral theology at the university of his order in Paderborn since 1629. Spee had opponents in Paderborn (Bishop Johann Pelcking, the rector of the P. Christian Lennep college), but he had friends at the university and probably also in the learned bourgeoisie who were concerned about the printing of his book or recommended it to their students for reading.” (Decker 2006)
61. “It makes my blood boil when it comes back to my memory again and today I hear those unjust inquisitors again who [...] did not hesitate to say that [...] the pious theologian Tanner had to be tortured because he had written sensibly about the witch trials.” (Spee 1982: 161)

62. Michael Kunze (1982) offers a depressing example of this torture practice based on the protocols of Pappenheimer trial from the year 1600.
63. “Eichmann himself repeatedly defended himself during the entire trial [1961 in Jerusalem] with the argument that he had only acted according to the so-called Führer principle and was therefore not guilty in a legal sense. He also claimed that he had never been directly involved in the murder or deportation of people, but had only forwarded orders as a “cog in the system.”” (<https://de.wikipedia.org/wiki/Eichmann-Prozess#Verteidigung>)
64. Rummel (2007: 94) quotes from a “secret letter” by the imprisoned Hans Wilhelm Mölich from Winnigen dated 13 November 1652 : “The pfahrherr was one with him, ahn stadt trostes ihme verwißen, der theuffell seye bey ihm und besitze ihn/er seye ein offentlicher zauberer, sey uf den dantz plätzen gesehen worden... und viell der gleichen auch gesagt, eß liegen zwar viell zauberer uf dem kirchhoff, die seyen alle verdampt, wan er aber verbrenndt, so würde er zum jüngsten tag gloriwürdigh auß den aschen erstehen.”
65. However, this was also demanded by “state authorities”. This is what the “General Instructions” issued by Duke Wilhelm V of Bavaria in 1590 demand: “Since experience shows quite clearly that it is not good if one leaves the priests alone with them, the judge should under no circumstances allow this to happen outside of confession, but should always assign one or two people to them who were present during the discussion, if the judge cannot be present himself. Nor should they be allowed to talk to each other, but the priest should admonish them to be patient, to repent of the truth, to renounce the devil, to fulfil their vow, to true remorse and penance, and to make a confession. He should also not give them any cause for revocation or accept it from them without good cause.” (Hartmann 2007: 106). See also Müller (2009: 142 f.): “Conflict between clergy and jurists.”
66. “That the executioner does not use a deceptive pike, for example a magical, enchanted or one that is designed to penetrate when the executioner wants it to, but when he does not want it to, only apparently penetrates, because it slides back into the handle; like the knives of the jugglers are designed. (Spee 1982/1631: 216). As was practised at the same time with Grandier in Loudun (1634) (see above: Sect. 10.1.4 (2))”
67. Statements that should actually not be obtained from “notorious” witnesses, which one could then obtain in another torture in order to name accomplices, since this would purify the notoriety of the information from the first torture, as Binsfeld believed. “It is therefore easy to see what kind of mani-

- fold evil the devil can now do to us. He would be a lazybones if he let this opportunity go unused.” (Spee 1982: 220, 230)
68. He also refers to the situation in Italy and Spain: “At any rate, the Italians and Spaniards, who apparently by nature are more inclined to consider and reflect on these things, see quite clearly how many innocent people they would have to execute if they wanted to imitate the Germans. Therefore, they rightly leave it alone and leave the business of burning witches to us alone, who would rather give in to our zeal than calm down according to the command of our master Christ.” (Spee 1982: 50)
 69. S. Oorschot (1995: 12 ff.).
 70. “If the princes tolerate such fanatic zealots full of unbridled passion around them, then it is to be feared with good reason that they (as so often happens) intoxicated by passion, do not consider and prevent many things that are dangerous to the innocent citizens when the proceedings have once got underway.” (Spee 1982: 45)
 71. As an example against the opinion of the great demonologists that God does not allow the conviction of such innocent people, which is mentioned by Spee (1982: 290 ff.) in an “appendix”, and which “has not yet been given more attention to my surprise.”
 72. As, for example, the Christoph Besold (1604) mentioned above (Sect. 13.2.2 (3))
 73. Just as the Saxon Wittenberg jurists had mocked the “doctor” Weyer 100 years earlier: “Famous is the statement of the Wittenberg jurists, published a little later, mainly written by Matthäus Wesenbeck (1531–1586), which went over Weyer’s entire performance in an unspeakable arrogance: The views of the latter were simply meaningless and did not need to be discussed any further, because Weyer was a doctor and no jurist.” (Jürgen Michael Schmidt in his informative analysis of the Saxon Constitution in: http://historicum.net/themen/hexenforschung/lexikon/lexikon/sachbegriffe/art/Kursaechsische_K)
 74. As already Cornelius Loos 40 years earlier (1592) the ‘unstoppable *machina*’ described, “the whole horrible, terrible, enormous machinery of wizards and witches, which was initially built on vain illusions and delusions, then grew even more from even more nonsensical chatter, and then, with the help of fables and poetical fiction, expanded to an immeasurable extent. When the empty credulity of people came on top of that, it strengthened and solidified itself even further. And why shouldn’t one believe in this machinery of wizards and witches, not only among the people, but also among the more noble ones? You can see how the writers and the judges

- strive to strengthen and defend the machinery; the former when they describe the contentless confessions and the latter with their various bitter punishments and tortures.” (van der Eerden 1992: 150)
75. Concisely summarized in his final 51st question “What a short overview of the procedures currently in use in many witch trials looks like” (Spee 1982: 279 ff.) And almost ‘literally’ confirmed by Walter Rummel (1991) on the basis of the thorough investigation of the witch trials conducted in the lower Moselle region at that time and the village ‘reality’.
 76. To which also the physician at the University of Halle, Friedrich Hoffmann, belonged, who in 1704 took up the work of Bekker and Thomasius (Pott 1995: 199 ff.) see also: (de.wikipedia.org/wiki/Friedrich_Hoffmann).
 77. The Dutch Baptist (Mennonite) and small businessman Abraham Palingh, who had already preceded him in the Netherlands in 1659 on a bibliolatrist and pacifist basis, 30 years earlier, with similar skepticism (de Waardt 1992).
 78. Cf. the introduction in Thomasius (1987) as well as Pott (1995) and Lorenz (1995).
 79. See Rolf Lieberwirth’s “Introduction” in Thomasius (1987: 17 ff.) as well as Lorenz (1995: 237 ff.). Thus, the Lutheran pastor Petrus Goldschmidt (1698/1705) from Schleswig-Holstein persisted “stubbornly against the ‘witch advocate’ Thomasius on the omnipresent work of the devil in the form of spirits, demons and humans on earth. Also the ‘reason fool’ Bekker [...] he accused of blindness to these life-threatening forces.” (Schulte 2001a: 33)
 80. “He should never experience, in his exile until his death in 1698, anything but mockery and scorn, as well as sharp criticism of his views.” Pott (1995: 189). “But the Amsterdam burgomasters decided to pay him his full salary nevertheless until his death a few years later. By that time, accusations of witchcraft had long ceased to be held admissible by Dutch courts. The last execution of a witch in the Dutch Republic had already occurred almost a century earlier, in 1608.” (de Waardt 2018: 134). Excerpt in Behringer (2000: 442–444); see also: (de.wikipedia.org/wiki/Balthasar_Bekker).
 81. The abbreviated full title was: *The enchanted world. Or A thorough investigation of general superstition/concerning/the art and the ability/power and effect of Satan and evil spirits over humans/And what they do through their own power and community: So to refute from natural reason and H. Scripture in 4 books*; [...] (a. a. O.). “It would be hard to identify a more comprehensive assault upon the cumulative concept of witchcraft before the end of the great witch-hunt.” (Levack 1999: 37)

82. Why he was accused together with the also by Descartes influenced pantheistic Baruch de Spinoza († 1677) (de.wikipedia.org/wiki/Baruch_de_Spinoza#Philosophie) of: “‘The destruction rage of both was only caused by the slow poison of Cartesianism; and by licking the saliva of Descartes’—so a particularly tasteless critic from Leipzig (Ernst Kettner 1694)—they only took on his poison and fell into blind rage against God and religion.” (Pott 1995: 194). But Elmer (2013: 557) emphasizes that Bekker’s skepticism was less based on Descartes than on religious and political motives: “[S]cholars of the Dutch sceptic and theologian Balthasar Bekker (1634–1698) have long suspected that his attempt to disenchant the world and purge it of the influence of witches, devils, and demons was primarily shaped by religious and political motives rather than his attachment to the mechanical philosophy of Descartes. Moreover, the reception of his ideas is now widely understood to have followed a similar trajectory.”
83. Levack (2015: 380) with excerpts
84. For which the writing *Theological Considerations* (1700) by Philipp Jakob Spener may stand (Lehmann 1978: 63). “[I]n the conventicles of the Pietists finally cells of strict Christian faith and morality were formed, whose goal was to renew the church from within, but which also partly separated from the church. “They classified” all forms of magic, witchcraft and belief in witches as sin and unbelief, but not as a criminal offense. “The belief in the devil was not doubted by the Pietists. On the contrary: The constant struggle between the kingdom of the devil and the kingdom of God was for them a basic principle of the history of salvation. “The confrontation with the devil was” understood as a task of pastoral care and mission for the truly believing.” (Lehmann 1983a: 24)
85. A “moral principle” that should still be considered a “claim of the evil on the rule over man” even by Kant, “purified of the nonsense of superstition and the madness of fanaticism” (Pott 1995: 202).
86. “[H]e finds two ways that have ensured the widespread belief in the devil. First, there is the cultural-historical way that led from paganism to Judaism to the church fathers, that is, to Christianity. The second way is an individual: from early childhood to the convinced adult. In school, the two ways would cross and verify each other at the latest and thus contribute to the consolidation of the belief in the devil. And if a prejudice—over generations, indeed peoples—and with the individual since early childhood—has formed, as is known with the prejudice of the diabolical power, then there is little hope that people will give it up again in adulthood.” (Pott 1995 Ibid.) See the motto from Weyer at the beginning.

87. “It is certainly not difficult to get a confession out of a man by torture; But that is not enough. I fear that if one tortured you and me, we would say everything that was required of us, and if one tortured us further because of the circumstances, we would also lie about circumstances, and indeed such as we knew the judge would be glad to hear, and by whose testimony we would be released from torture first.” (Thomasius in his ‘Remembrance’ 1987/1702: 223)
88. About which Erasmus (2010/1509: 41, 70) had already made fun 200 years earlier when he spoke of theologians: “while the theologian ransacks the treasure chests of the divine and in the process is constantly at war with bugs and lice over fava beans”. “Theologians should be passed over in silence and this high-minded and irritable profession might easily attack me with six hundred conclusions and force me to retract, the refusal of which would bring me under suspicion of heresy. For they suddenly threaten with excommunication if they don’t like you.”, which Cornelius Loos (1593) had to experience painfully almost 100 years later.
89. The first methodological rule in René Descartes *Discours de la méthode* (1637) was: “Accept only as true what is indubitably certain.” (de.wikipedia.org/wiki/Discours_de_la_methode)
90. As if in reversal of the arrogance mentioned above by Spee, the theological faculty in Halle “achieved through a complaint to the Oberkonsistorium that Thomasius was forbidden, under penalty of dismissal, to deal with theological matters in his lectures on 27.10.1702.” (Lieberwirth in: Thomasius 1987: 21)
91. “So that the inclined reader may have a foretaste of these Actoribus, I have excerpted the following from them. The main reason they bring is this: they say there are three things in the world that could not find the middle ground in good and evil, the tongue, the clergy, and women. [...] they chatter a lot against the female sex, e.g., that a woman is a necessary evil, a natural temptation.” (Thomasius 1987/1712: 115)
92. “The abolition of torture took place in Scotland in 1735, in Prussia in 1740, in Saxony in 1770, in Austria in 1776, in Belgium in 1787, in Switzerland in 1803 and in Bavaria in 1806. Except possibly in Scotland, it had little effect on the persecution of witches, simply because it took place so late.” (Levack 1995: 222)
93. S. on the history of the abolition of torture: Zagolla (2006: 85–102, 90): “Torture was therefore abolished in Prussia; but the ban was kept secret from the subjects; it also did not apply to all crimes, and the king reserved

the right to approve its use in individual cases if public security was threatened; at the same time, many courts circumvented the ban by forcing a confession through beatings. The abolition of torture was therefore not a sudden breakthrough and an absolute victory for humanity in the enlightened monarchy. It would take another hundred years for the violent extortion of statements and confessions to be finally displaced from German judicial practice.”

94. In which the professor set the theses, which were then to be worked out accordingly by the respective respondent.
95. Printed in: (www.uni-potsdam.de/u/philosophie/texte/kant/aufklaer.htm).
96. (de.wikipedia.org/wiki/Hugo_Grotius); (de.wikipedia.org/wiki/Samuel_von_Pufendorf).
97. To continue: “The process of secularization is particularly evident in the comparison between the concepts of Bodin and Hobbes.” While “Bodin’s state still had the knowledge of God in the world as its primary task, the possibility of his worship as a prerequisite for the true happiness of the citizens” in the first place, “Hobbes—70 years later—already denied the possibility that spirits could take possession of human bodies. He considers the doctrine of demons to be a remnant of paganism—the question of the witch hunts does not arise in the ‘Leviathan’ because there are no witches.” (Roeck 1988: 401 f.)
98. “Towards the end of the Thirty Years’ War, especially among the young graduates from law schools, one notices a generational change in which jurists and even some theologians tended to view the state and the law as bulwark against partisanship, zeal, and chaos. Elites who leaned towards the new arguments about ‘reason of state’ also tended to distance themselves from beliefs in witchcraft. New approaches in medicine and the growing use of forensic medical investigations in controversial legal cases also led elites to play down mystical or diabolical explanations of poisons and look instead towards chemical explanations.” (Robisheaux 2013: 190)
99. Which Levack in his analysis of the *General Reasons for the Decline in Prosecutions* (1999: 87) confirms as follows: “The decisive turning points in the prosecution of witches in the various jurisdictions of Europe can be linked much more solidly to the demand for legal caution in handling witchcraft cases than to changes in learned witch-beliefs.” In order to accordingly (2013a: 445) formulate as a task for future research: “especially those [theses] concerning the role of central law courts, German law faculties, and the insistence on judicial caution, historians need to study whether changes in religious mentality might have influenced the decline in prosecu-

- tions. This question is especially relevant in light of the widely held view [...] that a fundamental philosophical skepticism based on or greatly influenced by the mechanical philosophy had little or no impact on the decline of prosecutions. But shifts in religious outlook, which profoundly influenced the views of sceptics throughout the period of the hunts and became widely accepted in the late seventeenth and early eighteenth centuries, had a more direct and immediate impact on the attitudes of both the educated and the uneducated.”
100. “In the *Improved Land Law of the Kingdom of Prussia*, edited by Cocceji, issued by Frederick William II., (1721) finally describes devilish connection and witchcraft as ‘delusion, dream and fantasy’, ‘imagined by the tiresom Satan on the perpetrator’.” (Trusen 1995: 225)
 101. The first order 1766 by Empress Maria Theresa in Behringer (2000: 451 f.). The *Constitutio CriminalisTheresiana* (1768 practically ended the witch hunt (Klaniczay 2007: 388 f.; Krász/Tòth 2016), and in the *Josephinao* 1787 sorcery is no longer mentioned, while the blasphemers were to be committed to the insane asylum (de.wikipedia.org/wiki/Josephinisches_Strafgesetz). See also Klaniczay (1991: 73–84) for the background—the first ordinance was issued in 1755 against the vampire hysteria—for the advisory role of the doctor Gerald von Swieten and for the influence of the “leading thinkers of the Italian Enlightenment” which I will not go into in this book.
 102. A short overview of the de jure decriminalization as well as the last executions and witch trials in Europe is provided by Levack 1999: (74–78)
 103. In this part I follow the contributions of Ronald Hutton, Jean La Fontaine and Willem de Blécourt in: Ankarloo/Clark (1999); an overview of the neglected research of the witch fear and activities of the *cunning men* in recent times can be found in: Owen Davies: *Witchcraft, magic and culture 1736–1951* (www.karisdgarden.co.uk/cunningfolk).
 104. I go into the psychiatric continuation in Quensel (2018)
 105. “Among the best known of these religious movements are the Church of Scientology, the Divine Light Mission, the Unification Church, the Order of the Solar Temple, the Children of God, Subud, the People’s Temple, and the Hare Krishna movement. Most of these religious movements started as social organizations that were largely community based, and, [...] they drew clear boundaries between themselves and the wider society, developed hierarchical structures, and had a distinct set of beliefs and teachings formulated by the leadership and put down in writing.” (Morris 2009, Chap. 8, 271)

106. As useful as the devil still was in the ‘black pedagogy’: “If you lie, the devil will take you, you will go to hell”, or in court some serious act of violence should ‘explain’: “The devil rode me.” (Owen Davies 2007)
107. S. o.: (Sect. 1.1 (4)) for the current, alarming non-European conditions
108. “There are numerous examples spread over large parts of Europe of (pre-dominantly) men who tried to trace buried treasure by magical means [...]. Similarly numerous and widespread, though substantially overrepresented in the Mediterranean area, are the examples, predominantly of women, who practiced love magic for themselves or for other women.” (Gijswijt-Hofstra 1999: 176)
109. This is how Maijke Gijswijt-Hofstra (1999: 175) summarizes her findings from across Europe in *After the Witch-Trials*. For the survival of a village’s *witch* belief, see Ryan (2008) and Valk (2008) for Estonia’s Lutheran Est-land, Todorova-Pirgova (2008) for Bulgaria’s multi-confessionalism, and Mencej (2008: 305–307) for Orthodox East Slovenia: [T]he basis of witchcraft accusations is envy between neighbors in the village, behind which we can presuppose the concept of limited good [...]—the village witch has the role as some sort of scapegoat in the village—night witches (like lights or vague presences) mainly resolve tensions with the supernatural world [...], although they can also be mobilized for other purposes.”
110. Gijswijt-Hofstra (1999: 180, 187). “In any case, supernaturalism surged back in repeated revivals, ambiguously in the Pietist movement in Protestant Germany and amongst certain individuals like Emmanuel Swedenborg, but more directly in English Methodism, whose founder, John Wesley, was adamant as to the authenticity of witchcraft, reasserting Joseph Glanvill’s baseline position—‘the giving up of witchcraft is, in effect, giving up the Bible’—and regretting that ‘the English in general ... have given up all account of witches and apparitions as mere old wives’ fables’.” (Porter 1999: 238–240). However, Owen Davies (1997: 1) argues that after Wesley: “While Anglican clergymen accused Methodists of propagating ‘superstition’ in their parishes, it was, in fact, the rites and the fabric of the churches and churchyards of the Anglican faith which continued to act as a powerful focus of popular magic.”
111. Stephens (2003: 368) points to recent psychiatric experts who deal with seductions by aliens: “Some of these psychiatric researchers, professedly for the most humane, altruistic, and scientific of motives, solicit and record the abductees’ ‘expert testimony’ about corporeal interactions with aliens. The most eminent theorist of this movement is the psychiatrist John Mack of Harvard Medical School. Among enthusiasts of alien abduction, Mack [in:

- Abduction: Human Encounters with Aliens* 1994] has parlayed his impressive credentials and seductive prose into the kind of moral and scientific authority that Heinrich Kramer would have envied.” “[M]any of the advocates of Wicca, such as Vivianne Crowley and Selena Fox, are either psychologists or practising psychotherapists and [...] the writings of Jung have had an important influence on the work of many witches.” (Morris 2009: 286)
112. Margarete Stokowski in SPIEGEL ONLINE from 23.1.2018 in a worth-reading article on the *MeToo* debate (<http://www.spiegel.de/kultur/gesellschaft/hexenjagd-ist-was-anderes-ihr-memmen-kolumne-von-margarete-stokowski-a-1189301.html>)
 113. Maria Tausiet (2005) describes a late (1812–1814) “outbreak” of possession in Tosos, Spain: “One of the classic accusations against women accused of witchcraft was that they had sent the devil into the bodies of their victims. As if the world were upside down, it was almost 200 years after the end of the witch hunts that the witch now turned to the bishop’s court for protection from her persecutors and accused them of these “sick” people who, “under the pretext of being possessed,” had tried to kill her several times and had forced her to leave the city.” (op. cit.: 279)
 114. For the beginnings of folklore in England, see Walsham (2008: 202 ff.): “The impulse to record ‘superstition’ in early modern Britain, then, sprang from two complex roots, which were themselves composed of several tangled and intertwined threads: religious polemic and antiquarianism.” A good, methodologically informative compilation of this ongoing witch-folklore can be found in Blécourt (1999) and Gijswijt-Hofstra (1999) and specifically for the county of Lippe: Scheffler (1994: 275, 295): “For the rural-small-town population the belief in witches offered a traditional explanation and action pattern in personal crisis situations, which was no longer shared by all villagers, but not yet completely discredited or tabooed”; “The reports of witch accusations published in the daily newspapers made it clear that there were not only witch-suspicions in remote, agriculturally shaped villages, but also in the milieu of the small-town workers.”
 115. Hans Harter (2005) documents the historical processing of an “early” (1533) witch-hunt in Schiltach/Black Forest from the original pamphlets and 2 letters by Erasmus via chronicles and collections of fairy tales to the television play and the Schiltach carnival customs. Another instructive example of how a much-discussed possession in Norway (1647) becomes a folk legend can be found in John Ødemark (2017)
 116. In 3052 folders, witch trials were collected in Germany (Schormann 1981: 8 ff.) In detail: Leszczyńska (2009: 52–121); (supra: Sect. 11.1.2 (2))

117. Cf.: (www.gotquestions.org/new-Christian); (www.wayofthemaster.com/10principles).
118. S. (de.wikipedia.org/wiki/Geschichte_der_Freimaurerei); (de.wikipedia.org/wiki/Rosenkreuzer); (de.wikipedia.org/wiki/Englische_Literatur#Romantik)
119. This is the case, for example, for the role of the writings of the mathematician and alchemist John Dee (1527–1608)—a colleague of Newton’s, who was also a lecturer at Trinity College in Cambridge (Gaskill 2013a: 75)—who, through his medium Edward Kelly, wrote down the *Henochian* language in which God communicated with the angels. In the *Hermetic Order of the Golden Dawn* it became an essential part of new magical practices from 1888 onwards, which were then taken over, inter alia, by LaVey’s *Church of Satan*: “We find a mélange of Crowleyites, Golden Dawn practitioners, Satanists, purist scholar-magicians, and pragmatic experimentalists. Among these various factions, the question of authenticity has been much discussed, as has the question of the reality of spiritual entities.” So: Asprem (2017: 113) in his relevant article. See also: (de.wikipedia.org/wiki/Henochische_Sprache)
120. Cf. for a general overview Morris (2009, Sect. 8.2–7, 274): “Over the past thirty years, there has been a self-conscious resurgence or revival of pre-Christian Paganism in both Western Europe and the United States. This new religious movement, which is often described as ‘Neopaganism’ or ‘modern witchcraft’, tends to present itself as a revival or as a contemporary manifestation of the ‘old religion’, the witch cult of Western Europe, as Margaret Murray described it.” Informative Hutton (1999) and, in detail, with relevant photos, Russel/Alexander (2007: 145 ff.); see also the very extensive contact and information website (witchvox.com). Christina Larnier (1984: 83) said sarcastically about this: “The standard witchcraft magazines all look as though a copy of *Penthouse* has been crossed with a PhD thesis.”
121. Margaret Murray wrote, for example, the foreword to Gerald Gardner’s *Witchcraft Today* (1954), the founder of the Wicca movement; cf. for this role of Margaret Murray: (Hutton 1999: 33 ff.).
122. Regarding the way in which one wants to ‘scientifically’ substantiate Gardner’s first *Coven* experience—in defense, for example, of the work of Hutton—with the early pagan roots of the Wicca movement, see Donald Frew (1998), (“Frew is a National Interfaith Representative for the Covenant of the Goddess, representing CoG at the United Religions Initiative, the Parliament of the World’s Religions, and other interfaith organizations”): “I’m not saying that the hypothesis that Witchcraft was a survival of paganism is

- proven—only that it can't yet be ruled out and that the plausibility of alternative anthropological or sociological explanations should not weaken its case.”
123. On Aleister Crowley see Josephson-Storm (2017: 153–176, 159) in detail: “Crowley had a significant impact on the history of modern magic. He founded the A. A., succeeded Theodor Reuss as leader of the *Ordo Templi Orientis*, and even launched a halfhearted attempt to take over the Theosophical Society. Crowley also participated in the British Society for Psychological Research and their tests of various spirit mediums. He also exerted a significant influence on the following generation of magical societies and new religions.”
 124. This is how Dan Harms (2017: 175, 172) describes “the alternative spirituality scene of New York City in the mid-1970s, especially surrounding the Warlock Shop and Magickal Child bookshop”, on the background of which 1977 the *Necronomicon*, “perhaps the most popular modern grimoire” was written and ‘legitimized’ in a syncretic way.”
 125. After the *Witchcraft Act* of 1736 and the *Vagrancy Act* of 1824 were repealed in Great Britain in 1951, “which, inter alia, penalized calling a person a *witch* or earning one’s living by fraudulent predictions and alleged sorcery. Only now was it possible to publicly call oneself a ‘witch’ without any problems.” (Frenschkowski 2012: 196 f.).
 126. Spoken: ‘witcha’. See in detail: (de.wikipedia.org/wiki/Wicca); for the history: Hutton (1999: 43 ff.).
 127. “[I]n 2001, the *Religious Identification Survey* showed that 134,000 Americans identified themselves as Wicca followers, while there were only 8000 a decade earlier. Worldwide, there could be 800,000, although there are no reliable statistics on this.” (Gaskill 2013a: 176)
 128. This is how the *Pagan Federation* which has existed as such since 1981 formulated three principles in 1989: “love of, reverence for, and kinship with, the natural world; a positive morality based upon the discovery and development of each person’s true nature, providing that this is done without harming others, and an active acceptance of both female and male diversity.” (Hutton 1999: 72)
 129. In particular, since the book *The Spiral Dance* (1979) by Starhawk (Miriam Simos), a Californian feminist. “*The Spiral Dance* became the best-selling book on modern witchcraft yet written, and all over Europe and America in the 1980s feminists began thinking of themselves as witches, and starting covens, simply because of reading it.” (Hutton 1999: 62). See also: (www.starhawk.org/writings/spiraldance).

130. “The absolute centrality of creative ritual. It is a religion with a minimal theoretical structure, and its only holy writings are a book of ceremonies, which are not regarded as canonical.” Where ‘ritual nudity’ plays a central role in the ceremonies as a symbol of a direct connection to nature (Hutton 1999: 74 f.).
131. “The styles range from Egyptian to Celtic to Indian or syncretic mixes—in Ethnology such a procedure is referred to as eclectic. Most covens value a connection to pre-Christian religions.” (wikipedia a. a. O.)
132. For German variants from the Ludendorffians via the feminist ‘Reclaiming witches’ to the recent #WitchTok see Lörchner (2021)
133. I owe these two books to my sister-in-law, Rica Quensel, a successful dowser, who once (!) read these books with pleasure.
134. Gerald Gardner, a hobby archaeologist, is considered the founder of Wicca with his book *Witchcraft Today* (1954). For Gardner: Hutton (1999: 42 ff.) as well as: (de.wikipedia.org/wiki/Gerald_Brousseau_Gardner).
135. (en.wikipedia.org/wiki/Lois_Bourne).
136. For “contemporary Satanism” see Fügmann (2011). See also: La Fontaine (1999) and: (de.wikipedia.org/wiki/Church_of_Satan); Recently, the Church of Satan in Oklahoma City, citing freedom of religion, erected a two-meter-high monument—“a horned demon with a ram’s head, enthroned under a pentagram, with two nice-looking human children at his side—after the deputies there erected a tablet with the Ten Commandments (<https://www.yandex.com/search/?clid=2186621&text=Satanisten%20Statue%20USA&lr=11508&redircnt=1588365018.1>); most recently, citing freedom of religion, it offers an alternative to the extremely strict Texas abortion law: (<https://www.stern.de/gesundheits/abtreibung-als--heiliges-ritual---wie-satanisten-texanischen-frauen-einen-ausweg-bieten-wollen-30714160.html>)
137. See La Fontaine (1999: 124 ff.) for a detailed account, as well as, skeptically criticizing the relevant literature and therapies, Jenkins/Maier-Katkin (2007).
138. A repeatedly shocking human ability to remember “therapeutically” induced memories, which can also reproduce “memories from the womb or from the time when they were still sperm” in the Scientology belief today. So the author Wright in an interview with SPIEGEL about his book *Im Gefängnis des Glaubens* in DER SPIEGEL 36/2013: 102–105.
139. (de.wikipedia.org/wiki/Satanismus).
140. “A Californian socialworker, who later became an international ‘expert’ on satanic abuse, produced a list of behavioural symptoms from cases, which like several others became a list of ‘indicators’ against which a child’s

- behaviour could be measured to see if they indicated satanic abuse.” (La Fontaine 1999: 136)
141. “In 1987, a trial shocked the American public, in which a satanic ring of 100 teachers and educators was accused of abusing 360 children of the McMartin Preschool in Manhattan Beach, California.” (wikipedia a. a. O.); “a case which was to take seven years to come to trial and proved to be the most expensive case in American legal history”, in the end the defendants were acquitted (La Fontaine 1999: 129).
 142. “One detail that accounted for the absence of bodies was the use of portable crematoria.” (La Fontaine 1999: 134), which directly recalls the argumentation in the Pappenheimer process mentioned above, where the missing bodies were allegedly burned in tar pits.
 143. Confessions, for example, of the 17-year-old Ileana, wife of a Pre-School operator, with whom “A pair of psychologists whose business was named Behaviour Changers had at least 35 sessions with Ileana, even waking her at night to interview her.”; or Paul Ingram, a part-time policeman and fundamentalist father, whose adult daughters accused him: “It was his unwillingness to believe that his daughters were lying that started the process of his destruction.” Both were sentenced to prison and later recanted.
 144. “The argument, that children’s disclosures should be believed turned into the slogan ‘Believe the Children’ and the dogma ‘Children do not lie’” (La Fontaine 1999: 128).
 145. So comparatively in the ‘clerical’ stage, still without ‘state Inquisition’
 146. (<https://www.de.wikipedia.org/wiki/QAnon>). See also: Sophie Garbe; *Satan, Weltherrschaft und Attila Hildmann (Satan world domination and Attila Hildmann)* in DIE ZEIT Nr. 37/2020, as well as the title topic in DER SPIEGEL Nr. 39, 2020: *DerQAnon Kult. Wie aus einer wirren Lüge die gefährlichste vewegung unserer Zeit wurde (The QAnon cult. How a confused lie became the most dangerous movement of our time)*. And in addition: Spiegel Auslandpodcast by Juan Moreno from 10.9.2020 ‘*Pedophiles, Satanists and the Deep State*’: “The recipe has been around since the Middle Ages: Take Satan, child abuse and immeasurable malice and define dark forces that have conspired against the people in order to ultimately enslave them. Sometimes the Freemasons are behind the conspiracy, sometimes the Jews, currently—according to the conspiracy theory around QAnon—it is left-wing elites, including politicians, Hollywood stars and practically all journalists who do not work for the US broadcaster Fox News.”
 147. “The QAnon narrative uses all the important factors of a conspiracy myth, but also has many characteristics of a sect: It provides clear enemy images,

- universal explanatory models for all processes and apocalyptic visions. It denies the existence of coincidences and complex relationships. Counter-evidence is not possible in their narrative. It gives its followers the feeling of being part of an elite that is in possession of secret knowledge and fights for the good. Whoever contradicts or even expresses doubts is assigned to the enemy camp.” (Tagesschau from 4.8.2020 <https://www.tagesschau.de/faktenfinder/qanon-faq-101.html>)
148. See the guest contribution by Franz Walter and Stephan Klecha: *Pädophilie-Debatte. Irrwege des Liberalismus* in Spiegel Online from 28.8.2013 with further references (spiegel.de/politik/deutschland/paedophilie-debatte-irwege-des-buergerrechtsliberalismus) as well as as an addition to the early history of the FDP: ‘*Das Tabu durchbrochen!*’ in: DER SPIEGEL 36/2013: 36 f.).
149. Pauer, Nina (2014): *Garantiert glutenfrei. Nie wurden Kinder so beschützt wie heute*. In: DIE ZEIT, Nr. 6, 45



A conclusion: Witches as an Instrument of a Symbolic “Politics” Game

14

Abstract

The *witch* model is—in summary—seen as a constructed language game that is used as an autonomous instrument of mutual understanding and as a pawn of highly different interests and power relations. The question of why mainly women were considered witches serves as an example. In the end, the legitimizing functions of this witch problem in the general confessional, early absolutist power game of this time are discussed, as well as the question of the role of the driving professional actors.

The “instrument” is the ‘dispositif’ from *witch* ideology and inquisition apparatus. The *witch* serves it as a “symbol” for demonic dangers; the pursuit as evidence of the “state” security promise. “Politics” is understood as the purposeful behavior of all those involved in the event—including the affected. The resulting “game” follows certain, but changeable rules; it knows losers and winners, which can vary depending on the course of the game—also *à la longue*.

In this final chapter, I would like to summarize the essential moments of this *witch* phenomenon once again. A phenomenon that can provide us with a **model**, a warning paradigm, in this—mental and rule—early modern transitional period between a late Middle Ages and a beginning new era, how such control phenomena develop, establish themselves in society and what functions they fulfill.

Against the background of the previous time of the *heretics*, in which in the south of France after the turn of the millennium in the confrontation with the Eastern-Roman-Islamic world first approaches of a European *culture*—crusades,

troubadours, inquisition—emerged,¹ the previously closely interwoven clerical-feudal bonds now disintegrate in the following centuries of wizards and *witches*, finally to be dissolved in the 30-year war territorially, early-absolutist, “secular”:

“The Thirty Year’s War, which directly involved the German Empire, the individual German principalities, Sweden, Denmark, Poland, France, Spain and the Netherlands, was a European civil war, in which even countries (such as England) that did not directly participate in the fighting were nevertheless deeply involved indirectly. Alliances kept shifting as religious animosities coincided or conflicted with political animosities.” (Berman 2003: 203).

Both processes, the development of *heresy*, as well as that of *witchcraft* unfold in a magical-religious space, in which now, however—against the background of a long-wave “disenchantment” of medieval religiosity through the Reformation and Counter-Reformation—the religious component shifts in relation to its **magical-secular** sister in multiple directions: On the one **religious** side, it leads to an intensified fight against the now released, compensatory growing white and black magic; to a religious “colonization” of the predominantly rural population and to an internalization of the religious experience in the “Calvinized” everyday life, in the family pietism or in the baroque Catholicism, underlaid by a millenarian stoked fear of hell. And on the other, **secular**, yet still religiously formed side, it leads to an urban-proto-state takeover of the moral control and order function of the church—processually in the ‘summary process’, legally in the *Policey* ordinances, institutional in the Consistory or the emerging poor relief—as well as in a regional-state “confessionalization” as a proof of legitimacy and community-forming identity anchor: “Government is preserved by religion, more ... than by offices or physical labors.”² With the **population**—unlike in the time of resistant *heretics* up to the Hussites, Anabaptists of Münster and Huguenots—willingly and drivingly involved in the *witch* persecution. Development lines that converge focus-like in the common *witch* project. In a development that can exemplarily show the formative role of such “power over the heads” with the help of a “cultural apparatus” that could already effectively secure the “repressive apparatus” of the emerging state formation.³

For the purpose of summarizing the results of this book, I would first like to emphasize the interactively functional meaning of this *witch* project as an autonomous instrument of mutual understanding (Sect. 14.1). A “language game” that secures rule, which I (Sect. 14.2) would like to illustrate using the example of the question why *witches* are women, in order then (Sect. 14.3) to go into its legitimizing function in the general power game of this time. With the question of the

driving actors of the dispositif (Sect. 14.4) I come back to my central concern of the professionalized controllers, in order to finally (Sect. 14.5) to draw a short summary.

14.1 An Autonomous *Witch* Construction as a Pawn

“It was precisely in its unspecificity that the power of the imagination of witchcraft lay: The unspecific became the enabling reason for positive statements for the interpretation of a variety of situations. Witchcraft accusations acted as almost universally applicable catalysts of conflicts.” (Dillinger 1999: 232).

If one tries to understand the long-lasting *witch* problem—but what was it, exactly: the *witchcraft* as it was understood back then, the *witch* fear or even the *witch* persecution?—then one first looks for a causal explanation, like one looks for the **causes** of poverty or the banking crisis, or for the causes of criminality or drug addiction. To avoid the difficulties arising from this (1), I use the **construct** character of the *witch* stereotype (2), which—being well anchored in mental and dispositional terms, but variable in shape—could be used as ‘Spielball’ (play ball) meaningfully and functionally in highly different social contexts; which in turn can ‘explain’ its constancy. In a language game, which, in ‘university’, ‘media’, village and processual discourse ‘realise’ the *witch* model (3); to find its final shape in processual discourse, in which also the *witch* as an acting ‘subject’ was included, and all participants could give shape to their interests and emotions (4). This offers functional possibilities for ‘interactive-interpersonal’ level as well as punitive fear-relief (5), and serves ‘justicially’ as an instrument to enforce concrete interests, both those of justice and those who knew how to use it (6). In this section, I emphasise its **everyday-life functions** stronger, to come back to the actual power games and the role of professional constructors in Sects. 14.3 and 14.4.

(1) To avoid the ‘causal’ risks discussed above (Sect. 11.1) completely, it was sensible to start from the **construct character** of this phenomenon. By first asking ‘genealogically-historically’⁴ how this construct was developed, on which cultural background, and with which popular, theological and legal elements it was composed—each time regionally and temporally varied—and then to think about how and why this construct, once it existed as such, was used as a ‘fashion’ following play ball in very different situations—and nevertheless confirmed as universally valid through this—with different interests and functions; and

which ‘internal’ actors were able to operate, maintain, expand and solidify ‘their’ *witch*-dispositif in an ideological and practical way to such an extent that it—in a *longue durée*—could shape a ‘*witch*-reality’ for more than two hundred years effectively:

“[E]ven if we cannot expect to explain why the witch trials occurred, we still can and must explain how they took place. [...] And explaining how the trials occurred may in a sense bring us as close as we dare hope to come in explaining why they took place.” “It is usually more productive to examine the process by which a perception arises and takes hold (‘explaining how’) than to seek some elusive cause behind it (‘explaining why’).” (Kieckhefer 2006: 105, 106).

Such a construct-related approach also seems sensible because the pursuit of the “satanic” *witches*—also in relation to the more reality-related “normal” village witch—as a sheer construct raises the question of its “historical” **constructors** particularly closely. At first one has the—“theoretically” more legitimate—“inventors” of this construction, that is, the theological and legal “demonologists”, and then—quite in line with the *labeling* approach—more concretely those, mostly lower-class, more or less “professionalized”, closer to the population **actors**, that is, judges, assessors and commissioners, preachers, exorcists and professionally torturing executioners, in view, who with the help of this construction declared certain persons as *witch*. With which they in turn guaranteed the existence, expansion and solidification of this construction: “Witchcraft [...] is almost a paradigm case of social labeling phenomena.”⁵ actors, who in turn were permanently anchored in a responsible **institution**, that is, in an apparatuses-ideologically formed dispositif; an approach to which I will turn again at the end (Sect. 14.4).

However, one easily overlooks that this permanently established construction—constructors like their institutional actors together with the population addressed by them—was rooted in a common, broadly culturally shaped “magical-religious” **mentality**. A mentality that, as Stuart Clark (1999: 686) can show, provided a legitimizing framework for the hegemonic demonology in terms of natural philosophy, millenarianism, theology and political science, which in turn was further secured by this demonology:

“In order to account for the development and decline of demonology, we do not, therefore, have to confront European intellectual life as a monolith or choose between seeing witchcraft beliefs as one of its central affirmations and seeing them as its ‘dark side’. They belonged—intimately, I have suggested—to some of its ways of thinking, and only indirectly, or not at all, to others. If the belief in witchcraft emerged to some kind of intellectual prominence in the fifteenth and sixteenth cen-

turies, it is probably because the ways of thought with which it was most closely allied, were regarded at that time as holding out promising, even progressive, possibilities of the future”, Stuart Clark (1999) concludes his material-rich, exciting to read analysis of a *‘thinking with demons’*.

This construction thus offered the entire social environment a previously non-existent opportunity to shape this environment with its help. Which this environment—regardless of the motives of the original constructors and of those currently acting within the dispositif—should also contribute to the existence of this dispositif.

This was all the more successful because this “construction”—just like the “heretic” model at the time—had become “real” in two ways. On the one hand, as a deeply ingrained pictorial **witch-stereotype**,⁶ which—contrary to Hans Baldung Grien’s lascivious witch pictures⁷—also corresponded to our fairy-tale *witch*-image of the hunchbacked old woman at the time,⁸ as much as these images in general obeyed the gender stereotype.⁹ And because, on the other hand, it existed as a detached, autonomous **matrix**, which is why, within the framework of the “malefic” pact model, one no longer had to explicitly resort to all the original ingredients of this figure: orgiastic Sabbath rituals, cannibalism, devilry paramour (Teufelsbuhlschaft) or *maleficia*, as much as these theological and legal ingredients still coloured the stereotype in a derogatory way—both individually and “collectively”—in the subconscious:

“The peculiarity of witchcraft, it seems to me, lies in the fact that, despite the astonishing differences of opinion, there was no norm dissent about the punishable nature of witchcraft at the core for a long time. The flexibility of the witch pattern is precisely shown in the fact that it did not have to be accepted and adapted in full in order to be used. Mostly the well-usable and accepted accusation of harmful magic was enough to initiate proceedings.” (Schwerhoff 2017: 22).

This character of the *witch*-construction as an assembled **ensemble** of various “typical” *witch*-characteristics also explains how this “model” could **spread** regionally with more or less variable content. First from the eastern Swiss area to southern Germany and into various non-German-speaking countries; from one neighbouring region to the next, between the *witch*-commission communities as well as between the competing Franconian bishoprics. The general “demonological” given framework—which as such did not have to be fully grasped *in concreto* at all times—was adapted to the respective regional, cultural and above all confessional environment. Especially since its “content”, i.e. what **‘is’** *witchcraft*, was less legally and literarily defined in terms of “act”, but orally passed

on—both developed and discussed “universally” in lectures and expert opinions, legally codified in court usage, and practically realised by travelling *witch*-commissioners or hired executioners, as well as maintained, embellished and further disseminated in everyday *commonsense*-talk. A “**transformation**”-process which can be observed today in a similar way, for example, in the internationally varying dissemination of criminal policy “achievements”, mostly of US-American origin, such as so-called prevention programmes as part of a comprehensive *preventive turn*,¹⁰ such as *zero tolerance policing* or the *three strikes*-policy as features of a parallel *punitive turn* or such as the politically so useful drug and crime-fear.¹¹

(2) Such a self-contained *witch*-construction thus acquires the character of a multi-functional, self-contained **playball**, which can be picked up and effective in two ways—each more or less consciously and intentionally -, namely as a culturally shaped ‘language game’, which I will discuss first, as well as a dispositively designed ‘instrument’.

A **language game**, which, preserved in the corpus of inquisition records,—then as now in comparable cases -, so to speak, realized the *witch*-model on four levels. First, and usually historically investigated, on the theoretical ‘university elite level’ of demonologists, laws, council collections and ‘scientific’ polemics of the proponents and opponents of persecution. Then in the general social discourse in sermons, pamphlets, spinning rooms and pub conversations. And on the lower—often rural—level in the respective everyday discourse between the ‘alleged’ *witch* and her ‘victims’, neighbors and persecutors, which Willem de Blécourt (2018: 19 f.) rightly points out from an ethnological perspective. In a ‘discourse’ that consisted of “stories, advice, means of identification, counteractions and memories of previous witchcraft events”, and in which, once started, “every tiny occurrence strengthened it, especially when it concerned the actions of the suspected witch”:

“Participants in the witchcraft discourse saw the world in terms of witchcraft, and it was precisely this kind of circularity that made it powerful. Once someone started to think in terms of ‘witchcraft’ and accused someone else, it became extremely difficult to break up the pattern. One of the reasons the discourse was so tenacious was that it also included visual confirmation and practical action.” (Blécourt 2018: 21).

And finally, highly emotionally charged and ‘convincing’, in the **process-event** itself, in the more or less powerless ‘dialogue’ between the questioning inquisitor and the accused *witch*, at the end of which a ‘real’ *witch* could often be burned.

For this language game¹², the preformed *witch*-story provides the ultrastable basic structure, **emotionally** held together by magical fear¹³, which remains as such even if individual parts of it are formulated differently regionally, subculturally or time-shifted—without a fully developed or highly differently described sabbath, no magical ability of the witch, but only illusions, no weather making, no *maleficia*, English *familiars*, Basque toads, German billy goats; an ultrastable matrix, in which finally even a ‘possessed’ or even a ‘male witch’ could appear as a *witch*. Within its framework, one had to ‘privately’, site-related, invent a round narrative figure in order to be convincing—Satan’s clothing, horns or cloven hooves, ‘cold’ (non-human) penis,¹⁴ concretized *maleficia*.

(3) As a processual language game, this *witch* model thus created a **sensible ‘reality’** in which all actors were involved: clergy, judges, *witches*, victims, witnesses, audience. This was especially apparent when a fear-ridden *witch* model—for example, in rural areas—was already firmly rooted. But as Jonathan Durrant (2007: 237) showed in his careful analysis of the Eichstätter persecution (see above Sect. 7.3 (2)), even when “only the interrogators and reformist clergy exhibited a fear of the witch”, *witch* panic, reports and incriminating witness statements were lacking. That is why the tortured suspects transferred their ‘*Sabbath*’ to nearby, city-known locations,¹⁵ and filled them with their experiences from nocturnal cellar parties, weddings or processions. In order to finally, under constant stress, resort to members of their family, neighbourhood or profession who were better known to them in their *Besagungen*, in order to offer their inquisitors a plausible statement that avoided the permanent threat of torture. A statement that, in turn, corresponded both their ‘familial’ *witch* image and their idea of a closely connected *witch* sect:

“[T]he suspect, unable to withstand further torment, peopled her confessions with intimates rather than enemies and mere acquaintances. Under intense pressure, it was these neighbours and kin who came to mind first because it was easier to diabolize the situations one usually shared with them than to invent wholly fictional ones contrived from relationships one could not imagine having in normal circumstances.”; “Once she was finally broken by the interrogators and confessed to being a witch, she then had to construct a confession narrative which was plausible to both herself and her tormentors. The interrogators served as guides in this process of story-telling by supplying the broad narrative outlines in the form of leading questions, but the suspect had to provide the detail.” (Durrant 2007: 109, 250).

A functional language game in which, during the *witch* time, all those involved—‘indexical’, with each ‘private’ interpretation and supplement—could **communicate**

with each other reciprocally, in a form that neither existed before nor after this time. Before that there were ‘real’ *heretics*, wizards, good and bad fairies, ‘wild ghost hunts’ and relatively harmless village witches; afterwards one made fun of such superstition again—unless one lived it life-affirmingly in a ‘modern’ *Wicca-coven*.

In this language game it was sometimes also possible for the *witch* herself to become active as a ‘**subject**’^{16,17} be it in the occasionally successful attempt at defence, as Laura Kounine (2016: 63, 78) emphasised on the basis of the cases she analysed from Württemberg:

“The ‘consumers’ of justice were not merely passive recipients at the hands of the state, but could instigate, shape, and manipulate the trial proceeding. The accused were also able to provide their narratives of defence.”

“[T]hese trials reveal the dynamism and agency of those put on trial. Those caught up in criminal courts attempted to shape their trial narrative, resist the identities imposed on them, and sketch out new ones. This was not always successful, of course, and the agency of those on trial could be severely restricted or fairly free, depending on who was presiding over the trial.”¹⁸

Or, as Lyndal Roper and Louise Jackson convincingly analyze using the example of *hexerischer* self-confessions, that they attempted in this ‘learned’ way to express their buried **traumatic experiences** and mental disorders in a conceptually comprehensible context: “With no other language available to describe or explain her feelings, belief in the Devil became the only answer.” (Jackson 2007: 359). Just as the tortured *Hexe* could ultimately fall back on this linguistic framework to credibly shape the *Hexen*-narrative expected by the inquisitor with her own “case-related” content in a *folie à deux*:

“Hexerei was more than a language in which what could not be expressed otherwise found expression. It created a symbolic world in which unsayable conflicts could be lived out and could bring others to play a role in a religious drama.” (Roper 2007: 264).

A “language game” whose religiously influenced, deep-psychologically effective frustrations—especially obviously in the interactive exorcism of the possessed—could also include the directly or medially involved Publikum in its spell.¹⁹ And on the other hand, it enabled the witches ‘victim’—who so often came from her own family or immediate neighbors in the rural and small-town environment²⁰—to give her more or less unwanted feelings a tangible form: envy, hate, revenge, defense of the guilt feelings when the alms were refused, as Alan Macfarland (1970) or Keith Thomas (1971) assume for England; often also as a simple

guilt-shifting (Schuldverlagerung) for one's own failure—like we experience it so often among siblings or in the family circle (“You are to blame that I ...”). A **Schuldverlagerung**, which, on a deeper level, was then all the closer, the more one was supposed to believe—at least secretly—that the misfortune was to be interpreted as “punishment of God” for one's own sins, or, infected by Protestantism, that the community-damaging storm was to be interpreted as God's punishment for the “satanic witch pact” or for its insufficient eradication (Midelfort 1972). A **guilt-projection**, which was particularly close in this piety shaped by the Reformation and Counter-Reformation:

“The new emphasis on personal piety and the intensive efforts for salvation demanded a high psychological price; because with it came a deep sin consciousness (Sündenbewusstsein) Whenever conscientious people sinned, whenever they violated the demanding code of conduct that was proclaimed so loudly, or whenever they doubted their own sanctity, they felt deep guilt and a sense of moral inferiority. [...] In this situation, people naturally sought ways out and came across the possibility of transferring the guilt to others.” (Levack 1995: 109).

(4) Whereby then this narration on the interactive-interpersonal level—that is, in addition to the more general ‘rule functions’, which I will discuss below—at the same time allowed the inexplicable misfortune: impotence, infertility, illness, locally limited hailstorms, to be ‘explained’ convincingly and specifically attributed to certain people in such a way that from this proven **action options** emerged, which in contrast to the alternative language games—such as the ‘punishment of God’ or the damage caused by the planets—their own preventive and defensive activities from the amulet to the ringing of bells to the ‘legitimate’ destruction of the perpetrator provided.

This language game also offered the possibility emphasized in ethnology to ‘informally’, visibly—but by no means intentionally aware—**communally** to agree on the dangers threatening from outsiders and on the scope of the currently valid community norms. Namely, both ‘setting limits’ and ‘promoting community’ on a societal level, such as in the smaller ‘confessionalized’ dominions of southern Germany or in the puritan community investigated by Kai Erikson in Salem (Sect. 10.1.3), but also on the communal level, where one behaved ‘friendly’ in order not to be considered a ‘potential’ *witch*:²¹

“The belief in witchcraft and magic is more socially significant not as a last resort against dangers and attacks, but as a form of active social control. The constant talk of witchcraft, the spread of witchcraft stories and narratives have a socializing effect

on the one hand in the sense of the societal norm system (in particular reciprocity and equality), on the other hand they also serve the prevention of specific disruptive behavior and as a means of pressure against deviant persons who fear not only to be suspected, but also publicly accused of witchcraft if they continue their behavior.”²²

Whereby the community of the ‘honorable’ usually only took action when the louder rumors-kitchen had eliminated the risk of the opposing slander lawsuit or the prosecution costs falling back on the accuser or the community in the event of the failure of the indictment.

And not least, with this *witch*-scheme the obvious opportunity arose to integrate diffuse millenarian fears of doom and more concrete existential fears of hunger, inflation, pestilence and war into a generally shared ‘top to bottom’ *witch*-fear:

“The time of the witch hunt was a period in which Europe went through the birth pains of the modern world, it was a special case. In this time there was inflation in Europe such as had never been experienced before, living standards fell, and at the same time capitalism developed, the modern state came into being, rebellions, civil wars and international conflicts broke out in great numbers, and the unity of medieval Christendom was destroyed. These changes were more fundamental, faster and more comprehensive than in any other period of European history before the industrial revolution and they exacted a high psychological price.” (Levack 1995: 152).

A function calling for punishment and persecution, which also promises a ‘punitive relief’ today with recourse to an allegedly growing ‘punitive’ i.e. ‘lust for punishment’ of state and population;²³ which could then also have an effect on an analysis of the *witch*-phenomenon. A discussion of punitive which Mark Fenwick (2013: 227) can illustrate using the example of Japan—temporally close, but geographically correspondingly distant.²⁴

(5) Finally, the judiciary **itself** used this emotionally so pronounced ‘language game’, just as it was in turn used in the context of a ‘use of justice’. On the one hand, to stoke the general *witch*-fear together with the preacher-clergy and to emphasize the *witch-like* terrible deeds of those condemned by it; as well as to ‘summarily’ convict and bring to the stake reserved for such *witches*, the ‘normal’ street criminals in the inquisitorial *heretic*-process, as was particularly clearly the case at the beginning with the wandering Pappenheimers (1600) and at the end with the Augsburg child *witch*-processes (1654–1730) or with regard to the ‘straying’ ‘youths’ in the ‘wizard boy-processes’ (1680–1740). While on the other hand this judiciary was able to prove its elite rationality whenever, for example, it

intervened against such excesses at the level of the ‘superior courts’, by insisting, for example with the help of the *Carolina*, on their ‘lawful’ persecution, instead of condemning them as absurd, as was only possible at the end of this *witch*-time.

In particular, those interested in the *witch*-dispositiv, more specifically in the malefic commissions and *witch*-committees, the traveling *witch*-commissioners and the nearby municipal courts, had at their disposal an **instrument** related to this, which—the more these instances were themselves convinced of the *witch*-schema and the less they followed the Carolina regulations—could be used specifically without too much own risk. In order to also achieve their own interests in the municipal power struggle, as in the so frequent neighborhood disputes, competition problems and career aspirations, which Walter Rummel (1991: 294 ff., 315) describes so vividly for the village lower Moselle region, hidden in a recognized language game, with “state” help. Interests that were previously sought to be satisfied with more laborious and less successful means of magic, direct violence or lengthy legal proceedings. Because: “Without the offer of *witch* persecution by the authorities, the village opponents would have been limited to their conventional ways of dealing and arguing.”

14.2 Why *Witches* are Women

“The reason is easy, for as that sex is frailer than man is, so is it easier to be entrapped in these gross snares of the Devil, as was overwell proved to be true by the Serpent’s deceiving of Eve at the beginning, which makes him the friendlier with that sex since then.”²⁵

The role of the *witch*-construction anchored deep in the *commonsense* as well as in the individual *habitus* and its effects can be illustrated using the example of the question of why *witchcraft* was predominantly attributed to women,²⁶ which, when asked causally, leads to the same problems,²⁷ as can be observed in the explanation of the low female crime rate,²⁸ which is repeatedly relativized by the reference to regionally different gender ratios, up to the predominance of male *witches* in countries such as Finland, Iceland or Russia. A question that leads us ‘genealogically’ back to a patriarchal, universally valid **image of women** that was inherited from antiquity, which, in medieval and early modern binary-polar thinking, but hierarchically-asymmetrically, opposed the “weak” woman to the “strong” man:

“The female form is an anomaly, according to this [Aristotelian] model, a variation on the main theme of mankind that only happens when and if something goes wrong

or is defective (or deficient) in the reproductive process. The *topos* of women as a sign of abnormality or ‘deformed male’ props up the derivative *topos* of difference as a mark of inferiority, which remains a constant Western scientific discourse.”²⁹

A *witch*-image that was threefold secured: with long-wave religious roots, which corresponded to the patriarchal claim and, anchored in the *commonsense*, so to speak ‘autopoetic’, that is, without explicit reference to these ‘roots’, could also color the female self-image.

A self-evident—work-related anchored in everyday life—**image of women**, which also applied to the experts of *witchcraft*: “They were entirely representative of their age and culture” (Clark 1999: 115). Why these persecutors—with the exception of the early *witch hammer*—in contrast to their theological colleagues, who opposed the emerging ‘female mysticism’ (Sect. 2.6 (3)), hardly dealt with this ‘self-evident’ question,³⁰ and why even their early opponents, like Weyer, wanted – in contrast to the male magicians - to exempt the female witches from persecution.³¹

However, Laura Kounine (2016: 70) relativizes Clark’s thesis in her analysis of the *Daemonolatria* by Remy, because this one very well also men as *witches* understood: “Not only could male witches be conceived of and prosecuted, but they could also be remarkably similar to female witches. This is not to say that they were inherently feminized or took on female characteristics of weakness and feeble-mindedness, but that men and women could often share in the same conceptual framework of human weakness and fallibility. [...] Witchcraft was not solely the domain of the female sex; and male witches were not necessarily conceptualized in a feminized paradigm. Rather, men and women could fall prey to the Devil because of human weakness and because of the violence of the Devil.”³²

(1) If one compares, for example, the relatively equal situation of women among the Cathar *heretics* with that of *witchcraft*—why Georges Duby (1987: 126) said: “The heresy failed because it presented itself to contemporaries as a feminist movement or was presented as such by its opponents”³³—then the clerical accusation raised at that time against the Waldensians, that here not only laymen, but even women could preach and ‘perfect’ become, offers a first hint of the **long-wave religious roots** since the letters of the Apostle Paul.³⁴

A **derogatory image of women**, which, in the monastic-monastic life³⁶ since Bernard of Clairvaux (†1153) of sexual-anxiety and Marian piety soaked, determined the criteria of the “discernment” theory of unholy practice, which began in

the fourteenth century with Gerson³⁷ then came to fruition in the parodic misogynistic women-stereotype of the over 200 year valid ‘Dominican’ *witch-hammer*:

So in the course of the Counter-Reformation, it was increasingly demanded “that all female religious communities, including the tertiaries and the previously exempt nunneries” be cloistered.³⁸ “The Counter-Reformation Church, which counted the enforcement of clerical celibacy among its most important tasks, valued chastity higher than all other attributes of female religiosity. [...] In order to protect chastity, urban women’s monasteries had to be enclosed, rural ones had to be relocated behind city walls, in order to ‘protect the nuns from the evil-minded men who roam around’, as Karl Borromäus (the Milanese reform bishop, † 1584) expressed it.”³⁹

Since late medieval times, both “love” and above all sexuality—in general—were devalued to such an extent that any desire was only allowed in marriage, and there at most subject to procreation and reduced to this. With which then ‘celibate’ witches were doubly burdened, because—in contrast to the men—they were precisely defined as such by this sexuality: By nature sexually sinful, they consort with the devil, instead of like a saint punishing themselves and loving God:⁴⁰“The enjoyment of venereal pleasures constituted inordinate love, and sensuality led to insanity. These dim views were widespread not only among theologians, canonists, and preachers of the fifteenth and sixteenth centuries, as well as the preceding ones, but also among members of society at large.”; “The dominant image of woman was, therefore, one of a creature ‘governed by her sexual parts’. Womans libidinousness was the subject of much religious, moralistic, and medical literature, where the correlation between her complexion (cold and moist) and disposition (to sexual insatiability) was explained in several ways.” (Frank 2003: 48, 52).⁴¹

(2) An image of women just as celibate and **patriarchal** oriented,⁴² which initially justified the guardianship of the protective man:

“Therefore, the inadequate female self, by definition a failed subject, requires constant supervision by her self-appointed male guardians in the interest of maintaining her virtuous conduct, and it requires brutal punishment in the interest of preserving the social order if the male guardians are disobeyed. Combined with the inquisitorial interest of the clerical writers to root out imagined heretical conspiracies, and to purify a male-dominated social order by purging it of moral contaminants it is hardly surprising that women were destined to become their tragic victims.” (J. Mitchell 2010: 33).⁴³

A women’s image, which is now also in the more **everyday-worldly** area of violent knights, productive craftsmen and ploughing farmers on the one hand and

the women concerned with domestic worries, nursing and children's problems on the other hand, outlines the **ordinary maleficium-contents**: Male "learned" white magic and witchcraft⁴⁵ against female domestic *maleficia*—ointments and curses, milk and butter witches, impotence and cannibalistic child abuse:

"The witch was the stereotypical opposite of the good wife. [...] The witch was a warning to women as to what would happen if they behaved in a way which could be counted as subversive." (L. Jackson 2007: 357).

In this counter-image of an old, childless, but devil-bewitching *witch* at the same time—as a latent background of her patriarchal behaviour—both the **concern of the men** about the "insatiable lust" of the woman,⁴⁶ a projection of their own more or less lived sexuality,⁴⁷ as well as the concern about their "domineering" was effective: "Men had access to formal power and prestige but the real decisions were made by women."⁴⁸

Stephen Mitchell (2011: 195) illustrates this concern with the example of Saint Bridget (Sect. 2.6 (3)): "A dynamic and fast-growing institution such as the Order of Saint Bridget may at some level have reinforced fears of a gynocracy, of an organized society of women. In this connection, it is worth noting that the opposition faced by Birgittine Order at the Council of Constance (1414–1419)—and to a lesser degree again at the Council of Basel (1431–1449)—was due not only to the interpretation of Birgitta's vision by many as heretical but also to a very high degree to the order's status as a 'double monastery'."⁴⁹

A counter-image, moreover, both to the worldliness postulate of marital fertility as a basis for old-age provision,⁵⁰ emphasised by Lyndal Roper (2007: 177 ff.), as well as to the theologically propagated ideal of the virgin Mary,⁵¹ in which the female *witch* in the context of the almost exclusively⁵² male-borne *witch-dispositif* endangers⁵³ as well as obligingly underlines the patriarchal norm:

"If we begin by emphasizing how often these accused witches were elderly widows or spinsters, we can argue that witchcraft accusations can best be understood as projections of patriarchal social fears onto atypical women, those who lived apart from the direct male control of husbands or fathers. These defenseless and very isolated women became the group most often exposed to charges of witchcraft." (Monter 1976; 124).⁵⁴

An "anti-maternal" counter-image, which at the same time also captures how the corrupted nature of their *witch*-children", conditioned by the original sin

introduced by Eve,⁵⁵ could be condemned as the debauchery of morals in the orgiastic Sabbath visited by the *witches*.

A women-hostile slide that was particularly close because the old women and widows who were normally pursued⁵⁶ were easily vulnerable because of the now absent familial-male support, and because in communal power struggles one rather turned to the wives as *witches* when it was actually about the position of the husband.⁵⁷

A *witch*-image that could increasingly affect **men** in such rampant, mostly based on tortured statements *witch*-panics, and that could deviate regionally and culturally from the usual gender distribution when, for example, the underlying malefic idea or the relationship between white and black *witch*-magic was correspondingly shifted.

(3) However, what is decisive again is that in the moment, better, in the time, in which this *witch*-image had clearly developed—that is, for example, since the *Malleus Maleficarum*, while in the Swiss area a gender balance could still be observed before⁵⁸—now the aforementioned, corresponding **language game** could assert itself. Generally culturally secured, pictorially stereotyped, emotionally and negatively valued, it proved to be a “practical” “elastic, biblically legitimized multi-purpose instrument”,⁵⁹ which could both confirm the general image of women, as well as act back on the self-image of the accused *witch*: “Women’s insecurities about their roles as wives and mothers were being played out within the context of the witchcraft confession.” (L. Jackson 2007: 364). Without constantly having to resort to the original causal chains or explicitly to the associated orgiastic Sabbath images, because everyone knew at that time, as did every woman, what a *witch* is,⁶⁰ namely a *witch* and not a *wizard*.⁶¹ Which is why it is hardly surprising if both the ‘*witch*’ herself, for example, falls back on this in her statements, and why women were more often available as ‘witnesses’ than for other offenses.⁶² Especially since women, as Schwerhoff (1994: 345 ff.) justifiably points out, in “inner-gender conflict” on the important ‘rumors’ level, also used this *witch*-image themselves, as was shown above (Chap. 7) in the discussion of the ‘rural’ *witchcraft*.⁶³

“Women are actively involved in the historical drama of the witch trials in many ways: They appropriate the attributed threatening and magical power quite actively to use it in everyday conflicts. They themselves spread rumors of witchcraft in such conflicts and take a significant share in the informal discourse on witchcraft.”⁶⁴

(4) However, Durrant (2007) is rightly pointing out in the Eichstätter mass persecution (Sect. 9.4 (2)), which also executed mainly women, that these women, who came mainly from intact and **wealthy families**—as was probably the case with almost all “witch hunts” directed “from above” by denunciations—in no way corresponded to the traditional image of the “old, impoverished” *witch*.⁶⁵ Their majority resulted on the one hand from their forced denunciations, in which the suspects resorted to their “women’s world”. And on the other hand, from the fact that the male judges, based on their own gender-related experiences, neglected or rejected denunciations by men (from their circles):

“It seems that the witch commissioners could not accept that these men might also be seduced into the witch sect. This is not to say that they were necessarily misogynistic nor that they could not conceive of men as witches [...]. Rather, these men were among those with whom they dealt on a daily basis in the political organization of the prince-bishopric, and they chose, I think, whether consciously or not, to protect them on those grounds.” (Durrant 2007: 251).

(5) **In summary:** Just as the image of the witch fit into the magical thinking of its time, and that of the satanic *witch* into its “confessional” manifestation—and in turn this thinking could determine a decisive point—as well the **female witch** fit into the hegemonic gender matrix valid in her (?) time: religiously and theologically founded and humanistically reinforced, anchored in social structure and gender-specific everyday life, legally confirmed and enforced by a male judiciary, in a power gradient in which the woman, subordinate to the man, acted helpless without his “protection”. Socially written in *Commonsense*, socialized into the individual, the *witch* octroyed by rumor and torture-‘conversation’. Just as the woman was accused of secretly killing children, poisoning and prostitution, while the man was allowed to shine with “honorable” beheading in murder and manslaughter. No wonder everyone knew that a *witch* was just a *witch* and no *wizzard*.

14.3 In General Power Play

“The ubiquitous enforcement of the Inquisition process thus falls into the period in which the early modern state was constituted. Its first test as a state disciplining instrument was the Inquisition process during the witch hunts, which, as it were, accompanied the birth of the early modern state as ‘birth pains’.” (Jerouschek 1992: 360).

The entire history of the *witch*-hunt, as I tried to show in the course of my analysis, has been from the very beginning embedded in the complex power-play of an

emerging **early-absolutist rule**, which began to dissolve the *heretic*-fixated clerical-feudal power system. Their role was already clearly visible at the beginning of the book above (Sect. 1.1 (3)) in the neighboring juxtaposition of persecution-poor and persecution-rich territories of rule. In their peak time, this persecution degenerated into uncontrolled excess at both ends of this dimension of rule: in the *witch*-committees at the lower and in the *witch*-bishops at the upper end. In order to finally be dissolved in a densifying statehood.

In this ‘*witch*-time’, the first European ‘states’ consolidate, first in Western European France, England and Spain. But also in the fragmented Habsburg-German empire, the great powers—Bavaria, Württemberg, Palatinate, Mainz, Saxony, Lorraine, Luxembourg, Austria and then also Prussia⁶⁶—at the expense of and in confrontation with hundreds of smaller powers, which—up to the Peace of Napoleon, the *Reichsdeputationshauptschluss* of 1803,⁶⁷ long time not unsuccessfully—had to and could fight for their independent existence:⁶⁸

“On the territory of today’s federal state of Baden-Württemberg, i.e. in South Germany, and in the northern part of today’s federal state of Bavaria, i.e. in Franconia, hundreds of imperial princes, imperial counts, imperial abbots, imperial cities and imperial knights, and even imperial villages coexisted. Politically, confessionally and economically, these regions were extremely heterogeneous.” (Behringer 1988: 19 f.).

Namely, in a **fourfold power struggle**: First **externally** as a ‘dialectical’ usurpation of the previous, clerical-inquisitorial rule, in which a confessionalized ‘state’ appropriated its ‘dispositive’ content—ideology and institution, i.e. pastoral task, poverty laws and inquisition. Then in the confrontation with the competing powers, which in the 100-year German Confessional War—from the early Protestant Schmalkaldic War (1546/47)⁶⁹ to the end of the 30-year War (1648)⁷⁰—faced each other. And **internally** as a power-political claim against a traditional communal and estates society with its codified rights, as well as against a resistant population, which openly rebelled in the Peasants’ War (1524–1526) and secretly in the stubborn indifference. A power struggle, which, in the guise of Reformation and Counter-Reformation, was experienced and negotiated mentally in a religious-confessional way, while previously a ‘Catholic’ superimposed traditional-feudal way of thinking, and afterwards approaches of a secular-national mentality at least determined the action of the elites. Tasks, which in the course of a general **confessionalization** strategy were not only to consolidate the emerging state externally and internally, but also to colonize and socialize its emerging ‘citizens’.

For this task, the newly **emerging, ruling elite**—in the urban patriciate⁷¹ as in the early absolutist principality—still uncertain in terms of power, decisively relying on the “religious umbrella” claimed by them as well—including the *witch* schema embedded in it—as well as the religious representatives of the newly emerging confessions were unable to realize their mission without their help. In this respect, the emotionally so rich instrument of the *witch* persecution as an expression and core of a new religiosity offered a quadruple chance: to legitimize itself morally in place of the former papal-divine call in the fight against “evil” (Sect. 14.3.1); the newly forming “population” “confessionally”—that is, neither feudal nor national (Sect. 14.3.2)—and “in the fear of the Lord” (Sect. 14.3.3) to unite; as well as, anchored in tradition, to prove and enforce “rule” in the development of a hierarchically structured judiciary (Sect. 14.3.4).

14.3.1 In a Moralizing, Early-absolutist State

“Rulers needed more than ever to prove that they and their states were godly.”
(Goodare 2016: 159).

(1) This newly emerging “state” began to break away from its medieval feudal-clerical origin, but still remained as a confessionally determined rule within the traditional religious-mental space of imagination:

“Reformation and Counter-Reformation—in that the confessionalization process at the same time has the tendency to be a Christianization process—initially led rather to an even more pronounced emphasis on this state goal [of an “*corpus christianum*”]. In the confessional competition situation among the European states, there is a further ‘moralization’ of the state goal.”⁷²

Which was not only true for the secular rule of the clerical rulers occupied by the Frankish bishoprics and prince-episcopal Mainz, Cologne and Trier, which pursued *witches* with particular zeal, but also for the very pious and *witch*-believing secular princes in Catholic Bavaria or Lutheran Saxony.

Rules, which until now, feudal, were more or less legitimized by their divinely consecrated status, now had to **legitimize** this, after the Reformation, more and more concretely by the protection and preservation of the Christian community.⁷³

“Godliness was not just important, as it had been in the middle ages, it was contested. As part of the process of inculcating the details of correct Christianity, the

authorities had to investigate, and stamp out, ungodliness in all its forms.” (Goodare 2016: 159).

Namely, in an increasing assumption of the former papal-clerical control of faith and morality, Protestantism inspired by Luther’s thinking of authority, but also papally transferred to the competing Catholic rulers.⁷⁴

(2) In this way, this religious-confessional component served to legitimize the struggle as a “confessional” one, rather than as a “national” one, in a way that was advantageous for those in power: “Borders were staked out not with fences but with churches.” (Larner 1984: 89).⁷⁵ In the course of this state-building process between the fifteenth and seventeenth centuries, a confession that was as uniformly aligned as possible—*cuius regio eius religio*⁷⁶—along with its church apparatus, was supposed to and could take on a supporting role in unifying the disparate population in the newly acquired territories: “In this process, confessional identity became an important measure of one’s allegiance to the state, regardless of how authorities defined orthodoxy within a large variety of specific political circumstances.” (Kern 2007: 180).⁷⁷

A confession that pervaded the entire social sphere and was often actively practiced by the ruler him or herself in a way that was devout, which—long before the awakening of the “nations” among us in our *witch*-land—was supposed to and could offer the disparate population in these newly acquired territories that “social” **unity** which they had hitherto found only in their shared dialect, occasionally still in feudal dependence, and at best as members of a village or town community: “It is my argument that, in the period from the Reformation to the industrial revolution, Christianity served as the world’s first political ideology [...] a total world view which serves to mobilize political action or to legitimize governments.” (Larner 1984: 123 ff.):

In order then, after the Peace of Westphalia (1648), to gradually lose its power of conviction,⁷⁸ on the one hand because this state-building process had achieved a certain initial completion on the national level, and on the other hand because the importance of religious orientation had diminished:

“One of the reasons, we may suppose, for the decline of witchcraft prosecutions and of witchcraft beliefs in general was the coming of a religious pluralism that permitted the members of all types of churches to coexist and spelled the end of the confessional state”, concludes Reginald Clark (2007b: 177) his analysis of the mutual influences of Protestants and Catholics in the *witch*-hunt.

(3) In the context of this ideologically and politically **competing** process of state-building, which drives each other forward and apart in turn, the witch hunts as the ‘more successful’ catholic exorcism allowed “Catholic or Protestant communities in religiously divided areas to prove that God was on their side, or more precisely, that they were on his side.” (Levack 1995: 120).

In this sense, for example, in Jean Bodin’s *Démonomanie* (1580), the persecution of the *witches*—the doubly sinful crime against God and against the state—was considered the central task of this state, as a barometer for its success or for its failure, which was punished by God:

“Just as the successful protection of a whole society from demonism was a direct expression of the divinity of its ruler (who secured a communal benefit by being different in kind from other men), so a nation in which witchcraft flourished was not merely badly governed in an administrative sense but lacked the essential attributes of sovereignty. But for Bodin the extent of witchcraft in a commonwealth was a political barometer of unique sensitivity.”⁷⁹

In this worldly-religious hybrid⁸⁰ transitional situation, the **doubly hybrid witch-dispositif** fit in exactly. On the one hand, because it combined the worst evils of both dimensions—the *maleficium* and the pact with Satan, the insult to majesty and the insult to God, as well as the destruction of the worldly-Christian community—in *one* act, whereby the *witchcraft*-offence could now connect the hitherto separately inquisitorially persecuted *heresy* with the traditional worldly magic and arson, while on the other hand, as *hexerische ‘Ketzerie’* [hexerical ‘heresy’], it could also impart the true *hexerisch*-satanischen [hexerical-satanic] core to all ‘more real heretics; similarly to how today, murder, rape and child abuse—not only in *Commonsense*, but unfortunately also in criminological theory—still provide the evaluatively true core of ‘crime’ from shoplifting and fare evasion, via drug use and small-scale street crime, all the way to the less frequently treated corruption and actual ‘state crime’.⁸¹

However, this ‘majesty-crime’, on the other hand, accompanied by theologians and juristic demonologists, could now, in a now worldly proceeding, keep alive the tradition of the church’s **Inquisition-proceeding** in a more aggravated form, or expand it in a lordly manner. Whereby *witchcraft* as a construct and as the resulting ‘dispositif’ was dependent on this newly emerging penalising ‘state’ in a quite different way than, for example, both the Katharer [heretics] and the bands of robber barons and band of robbers, who, threatening ‘real’ authority as well as community, each ‘existed’ as such without such labling institutions, even if they were not defined as such or (not yet) ‘criminally/inquisitorially’ persecuted.

14.3.2 Consolidation Through Confessionalisation

“‘Confessionalization’ made an important contribution to the growth of the modern state in Europe. Not that the churches intended to do so; more often than not it was quite the opposite. However, they all needed the help of secular authorities, a help that was granted willingly, but not free of charge. The churches had to pay for it. Early modern state-builder, on the other hand, knew very well that joining the process of ‘confessionalization’ would provide them with three decisive competitive advantages: enforcement of the political identity, extension of a monopoly of power, and disciplining of their subjects.” (Wriedt 2004: 60).

This religious-confessional unity, however, had to be **established** in the course of this ‘state-building’, mentally by a confessionally oriented Christianisation of the population and materially by the construction of the apparatus required for this: “In social terms, confessionalization was usually counted as an aspect of the ‘social disciplining’ that was necessary for the development of the state.” (Roper 1995: 148):

“Five principal types of spiritual matters were regulated by ordinances promulgated by secular authority in Protestant German lands during the sixteenth century. These ordinances regulated (1) church liturgy, (2) marriage, (3) schooling, (4) moral discipline, and (5) poor relief. Each of these types of laws contained some elements of radical change as well as some elements of continuity with the preexisting Roman Catholic canon law.”⁸²

(1) Within the framework of a comprehensive ‘**confessionalization**’⁸³ these gentlemen—‘Machiavellian’ and/or ‘gullible’—tried to intervene intensively in social reality in several ways in order to shape it **pastoral** ‘for the benefit of the community and of the individual’: confessionally within the region assigned to them—*cuius regio eius religio* -, moralizing with the help of numerous *Policey* ordinances and controlling with first approaches of a new bureaucracy:⁸⁴

“The concept of ‘confessionalization’, it should be recalled, is based on the fact that in Old Europe—no differently than in early modern times—religion and politics, state and church were structurally interwoven, that under the specific conditions of early modern socialization religion and church were not historical part phenomena, but covered the entire system of society and formed central axes of state and society. The entanglement was particularly dense in the Reformation period and in the subsequent confessional age.” (Schilling 1988: 5).⁸⁵

A new control of a—deeply morally valuing and devaluing—‘**social**’ **disciplining**, as it was already mentioned in Max Weber’s modernization theorem of a Calvinist

work ethic, which one today ‘politically’ relativizes in several ways: First, this ‘confessionalization’ remained largely without great impact on the countryside; it only began—now in all three confessions—in the second half of the sixteenth century; and was—although ‘initiated from above’—dependent on the participation of the population:⁸⁶

“[T]he so-called ‘Counter-Reformation period’ is at least as much characterized by the ‘second Reformation’, the expansion of Calvinism, as by increasing Catholic activity in society, culture and church. Since in the second half of the sixteenth century Calvinism proves much stronger than Lutheranism, the Protestant ‘Reformation’ reached its culmination at the very moment when traditional historiography placed the ‘Counter-Reformation’ in ascendancy.” (Wriedt 2004: 56).

(2) Confessionally, this ‘strategic’ approach ranged from the desired Christianization of the population through school, sermon, visitation and officially supervised church service, over a new, widespread religious press and the controlled allocation and supervision⁸⁷ of the parish offices to the demonstrative defensive struggle against the *witch* evil:

“A political ideology, by which is meant a complete set of ideas which serve as a focus for political unity, cannot flourish without a machinery for educating the populace; nor is a political ideology required unless there is a state organization in which the role of kinship and feudal ties have been eroded. So long as the only relationship of the peasant was to his lord, political ideologies were unnecessary.” (Larner 2000: 194).

“What is usually referred to as ‘confessionalization’ was not only imposed by churches and authorities, but also practiced in processes lasting over generations. Through learning, internalization and demarcation, the confessions acquired identity. They were hardened by controversial sermons, by the fire of the pyres, but above all by the religious wars that now burned Europe for a century.” (Roeck 2017: 850).

With the help of a **pastoral strategy**, which is now also being driven forward on the moral level by secular and ecclesiastical power working together—for example, by the ‘overseers’ (‘Zuchtherren’) in the mixed-confessional city of Augsburg (Roper 1999), by marriage courts in Basel⁸⁸ or in Calvin’s powerful Geneva consistory (Reinhardt 2009)—it undertook to accustom the common people, who were shedding the shackles of the Middle Ages, to a new order of the ‘early modern period’:

“[The Christian magistrate) struggled against blasphemy, profanity, luxurious living, and many other causes to protect his subjects against their own worst selves and to ensure their moral and spiritual welfare; hence the concern of the secular authorities

grew when the late medieval church, through increasing negligence and aloofness, failed in its proper task of moral and spiritual control. [...] The culmination came with the reformation. In Protestant territories the church became one branch of the territorial bureaucracy, while the position of the prince was decisively strengthened in Catholic principalities.” (Lottes 1984: 167).

With a multitude of *policeylic* regulations and regulations, one tried above all in the urban and there in the guild area in three directions to get a grip on the risk of impoverishment; to incorporate sexuality and violence into marital or military discipline; and to devalue the anarchically carnival pleasure as morally sour or to prohibit it as unchristian:

“Moral policing became the norm, not just of blasphemy and magical offences, but also all forms of previously tolerated sexual misconduct. Associating non-approved beliefs with the devil was one technique to suppress dissidence.” (Waite 2013: 492). “Much of this policing activity was related to sexuality, and thus to gender roles. There were attempts to crack down on adultery, fornication, scolding, prostitution and sodomy. This was not simply about criminalizing women, but it was about criminalizing offences linked to sexuality. Increased concern over witchcraft was often linked to these.” (Goodare 2016: 284).

(3) The persecution of the heretical *witch* embedded in this framework underlined the value of the salvation of the soul guaranteed by the respective confession as well as the necessary **sovereign security** of the new confessional unity—whether through the ‘purifying’ mass burnings in the Franconian bishoprics and principalities, or, conversely, in the Heidelberg Palatinate as an expression of reformist tolerance.

Just as the village witch is responsible for the small *maleficia*, one now also blames the great Satan and his female helpers for the **failure** of the sovereign protection offer for the great, community-damaging *maleficia*. A failure that was obvious in these politically turbulent and weather-dependent times and that in this time—after the Reformation and Counter-Reformation—with its deepened religiosity could now no longer just the work of certain saints – who were occasionally punished for it – but could call into question the promised salvic effect of the churches and their worldly protectors as a whole.

In addition to the classical biblical solutions to this **legitimation problem**, whether it be the constantly breaking Catholic original sin, which later proved itself in the conclusion of the devil’s pact, or whether it be the Protestant Job solution of the tempting and punishing God—who intervened above all when one refrained from sufficiently persecuting the satanic *witches*—therefore offered the general recourse to the satanic **evil** a particularly convincing explanation within

this mentality; both for the success—the *witch*-burning—as well as for the failures of state power that were likely in view of the evil’s superiority.⁸⁹ Embodied in Satan, whose importance increased the more the believers believed in God-fearing, and the more the hell-fear fogged up the heads. Where on the one hand the obvious Manicheism would be eliminated by the constant formula that ‘God in his omnipotence would allow Satan’s work’, and on the other hand, the secular-ecclesiastical rule saw itself called on to finally eradicate this evil in the person of the satanic witches’ assistant – highly ‘realistic’ – in view of the millenarian impending End-times.

“The thinking of all peoples, whose metaphysics pushes evil out of the real world, characterizes a strong millenarian tendency. This tendency ignites in the recurring cults against sorcery among the Lele”. “One way to protect the ritual from doubts is to assume that an enemy within or outside the community constantly destroys its positive effect. In this sense, amoral demons, witches or sorcerers can be held responsible” summarizes Mary Douglas (1988: 221, 226) her religious-ethnological study of this Congo people the Lele.

An “obviously exemplary” **legitimation strategy**, which was less about these “scapegoats”, but rather about the proof of the—albeit repeatedly failing because of the “magnitude of the problem” or the still insufficiently developed higher jurisdiction—state efforts.⁹⁰

It was always only about the state-protected **abstractum**, the salvation of the soul as such, while the *witches* and the possessed—as well as their “victims” who served only as witnesses and were left empty-handed—*de facto* took on the role of necessary extras without subject status,⁹¹ for whose salvation of the soul the exorcists or the often corrupted clergy were then allowed to take care of on the way to the stake.

14.3.3 Legitimizing Functions of Rule

“One way to achieve conformity in historical societies is to convince the common people that the gods demand obedience to the state.” (Harris 1989: 303).

In addition to the initially (Sect. 14.1) mentioned more or less **everyday** more or less latent functions—that is, not immediately obvious and deliberately sought-after **functions**—such as communication in the ‘language game’, as a vehicle for feelings of envy, hate and competition, for blame shifting or as an opportunity to actively process accidents, as an image in the mirror image or to preserve village

norms—the use of the *witch*-dispositive in the actual power game of the ‘powerful’ thus worked both directly and indirectly also for the enforcement of their own **power interests**.

(1) Under this aspect of rule, the *witch*-persecution ‘top’ as ‘bottom’ initially functioned not only ‘procedurally’ as evidence of independent autonomy, such as in the municipal defense struggle (Sect. 8.8.3), but also ‘materially’ by the efficient and legitimate **removal of the competitor**. And that alone by the accusation as a violation of the good reputation and honor, which were existentially particularly important at that time in the usual small-scale social relations. This applied even in the case of an—usually only temporary—acquittal, apart from the permanent damage caused by torture and the confiscatory financial consequences. Consequences that always affected the whole family, especially since this—like the time of the *heretics*—was considered to be particularly *witch-prone* down to the grandchildren.

(2) On the ‘higher’ power levels, which by no means dispensed with such ‘direct consequences’, the thereby indirectly sought-after **rule-stabilizing legitimation** came in addition. An existentially necessary legitimation in the belief of the population in the justification and necessity of this rule, because: “You can lean on bayonets, but you can’t sit on them”:

“Disobedience and nonconformity thus have not only punishment by the police-military state apparatus, but in this world and in the next the punishment of the gods themselves as a result.” (Harris 1989: 303).⁹²

This initially applied to the fundamental **religious dimension**, which—like the time of the *heresy*—is underlined as such by the ‘anti-religious’ mirror image of the persecuted satanic dealings of the *witch* as a valid and particularly relevant. Which is why their violation requires and justifies the necessary existence of those religious and secular institutions that are called upon to protect them.

This was particularly successful—to the annoyance of the less capable Protestants—in the Catholic practice of the exorcism of the possessed, such as the Jesuit Petrus Canisius successfully practiced in Augsburg around 1590 in front of a large public audience (Roper 1995: 175), or as in the years 1633–1637 the fame of the ‘Devil of Loudun’, the afflicted nuns and their exorcists justified.

And this was then also true for the great worldly “witch-hunts” which, as impressive show trials, now no longer symbolized clerical, but the new worldly power of the “state”; as in the mass-burnings in the Frankish dioceses or in the

Pappenheimer Pappenheimer (†1600) trial in Munich (1600), by demonstratively subordinating all other “worldly” offenses of these “vagabond” families to the sole offense of witchcraft leading to burning. (Kunze 1982).

In both cases, not only the reality of Satan or the satanic witch became visible and credibly reinforced for the already existing relevant “popular” knowledge, but also very “real”—whether intended or not—the potential of possible “clients” was decisively extended and set for the long term: Among the possessed by their typically contagious spread and among the witches by the tortured ‘Besagung’ chains.

(3) In reality, in comparison to other comparable evils, it was less about general preventive deterrence, as much as this goal was pursued by the inquisitor—since there were no “real” witches to deter.⁹³ Rather, at least latently, it was about stirring up the fear of the devil—up to the hardly controllable witch-panic—to such an extent that it could only be coped with by the growing “state” and those called to do so.⁹⁴ Especially when certain said persons, outsiders or finally entire groups of outsiders could be defined as responsible for this, and by destroying these—just as futile as thereby increasing the fear—the evil would be eliminated.

A very typical, fear and anxiety-inducing characteristic in the dependent population, which since this witch-time the rule and the professional control associated with it has successfully legitimized, and all the more credible the more these institutions themselves—obviously or propagated—are convinced by their construct.

An increasingly perfected, legitimizing control strategy, by means of which the “fear of the Lord” is redirected to an external evil and transformed into a call for protection and help. A strategy that previously remained unsuccessful in the still largely ruler-poor time of the persecution of heretics, despite purgatory and Dominican preaching, as long as one feared the Inquisition more than the heretics persecuted by it; and which today, in the unresolved relationship of the protection direction of the basic rights—through and/or against the state—still remains virulent.

14.3.4 Consolidation Through Justice Rule

“If we wish to speak about reason of state and absolutism in connection with witch hunting, we should look less at the celebrated introduction of state-sponsored prosecutions and the application of judicial torture, and much more at the central regulation of local justice.” (Levack 2007a: 224).

In addition to taking over the clerical papal control of faith and morality and the “confessional” occupation of the heads of their “subjects”, these new rulers developed the judiciary, which had always served as a badge of their rule. A “high judiciary” that was now supposed to and could show not only their actual power, the “blood court”, and their task, “to uphold the law”, as before. But which, in the course of consolidation, also served to incorporate and supervise the lower estate and municipal courts—competent as an appellate court as well as for the great special crimes after the manner of the *witch* crimes.

(1) Traditionally, there were **three characteristics** in which “domination” was constituted: From the beginning, on the one hand, it was the **military competence** in conquest and defense (the “Germanic warlord”), the “right to war and peace” therefore,⁹⁵ and on the other hand the wasteful pomp, that is the “ceremony”, the dependent entourage and the—in relation to the ruled—excessive wealth. In addition, in order to finance war and pomp, the right to levy taxes was gradually fought over for centuries.

As a symbolically significant badge of this rule, from the beginning—in addition to the divine call, symbolized in the anointing of the ruler, as in his “magical” ability to heal scrofula by laying on of hands⁹⁶—the right (penal) laws to pass and the **“High Judiciary”**:

“Everyone is subject to the authority that has power over him. For there is no authority without being from God; but where there is authority, it is from God. “But if you do evil, fear; for it does not bear the sword in vain: it is the servant of God, an avenger to take vengeance on him who does evil,” it says in Romans, 13th chapter, 1 and 3.

So the “legalized robbery” and the “right over life and death”, the “legal murder”, “enabling people to support and engage in one-sided killing without qualms of conscience.” (Cohn 1970: 16): “The judiciary became the most perfect, everyone understandable proof of the existence of a sovereign state.” (Dülmen 1998: 353):

“It was universally urged that justice (with piety and arms) was a prerequisite of princely rule, and that its administration was an authentic expression of divinity—indeed, a replica of God’s own justice.” “The king was, thus, the hypostasis of justice.” (Clark 1999: 627).

Above all, the **blood court**—and in less (?) civilized societies it still is⁹⁷—the true seal of sovereignty, the divinely permitted violation of the taboo of the 5th

commandment “Thou shalt not kill”. Ceremonial in the *auto-da-fé* or in the torture of the Munich Pappenheimer (1600), in which the mother’s breasts were cut off, the father was racked, impaled and then burned alive in front of their children,⁹⁸ or in the dismemberment of the attempted regicide Robert-Francois Damiens († 1757)⁹⁹ staged; the clergy forbidden, the layman prohibited, in the “dishonest” status of the banished behind the city limits executioner symbolically tangible.

A symbolically charged sign of power—because one dealt with true enemies, if at all possible, more directly—which acquired quite a special weight in our “*witch-time*” in the transition from feudal fragmentation to princely absolutism. “**Autonomous**” was whoever had “**jurisdiction**” as a provost,¹⁰⁰ abbot or bishop, as a small town or an immediate imperial city, as a knight, squire, duke or king. The “**gallows-hill**” adorned the cityscape; the location of the gallows defined one’s own sphere of influence vis-à-vis that of the competitor:

“If the legal situation is delicate, symbols of power acquire a special weight: This includes, not least of all, the erection of a gallows, which can become a politically explosive matter: When a thief is to be executed in La Roche at the beginning of June 1454, the Vogt of Lausanne takes great care to see that the gallows is erected exactly at the spot which Georg von Saluzzo, together with the knight Peter von Baulmes, to whom the neighbouring lordship of Arconciel-Illens belongs, has previously determined.” (Modestin 2005: 62).

(2) *Witch-trials* proved to be a welcome “**instrument of power**” in this context, both for legitimation and for direct confrontation.

First, the aspiring “**sovereign**” (‘Landesherr’) consolidates his sphere of influence in this ‘feudal’ fragmented field of power with the help of the ‘**learned jurists**’—trained in the new **Roman** law, by introducing reporting and presentation obligations, by forcing the dispatch of documents and gradually expanding the appeal to the court into a regular appellate procedure. An undertaking which met with determined resistance and which occasionally degenerated into sovereign excesses:

For Bavaria, which he examined, Behringer (1988: 110) states: “The trend in the entire region under investigation was towards political centralisation, ideological homogenisation and social hierarchy. Thus, for example, in the Duchy of Bavaria in the 1560s the rebellious¹⁰¹ nobility was deposed, in the 1570s the Protestant part of the citizenry was forced to emigrate [under the Augsburg Religious Peace of 1555: *Cuius regio eius religio*] and the development of the absolutist state was pushed forward with stricter internal leadership. Signs of this trend are, for example, the differentiation of the central authorities, the legislative mania in the second half of the century and the intensification of supervision of the state’s subordinate authorities.”

The “*witchcraft-offence*” offered itself as a “**playball of power politics**”—in which the “*witch*” served only as a “**playing piece**”—in three ways: In the population it was emotionally highly charged, diabolically underpinned and theatrically staged in a fiery death:

“The trial and execution of the alleged witches were partly something like a cultic act, a sacrifice in the hope of God’s favour, but partly also a public spectacle in which, alongside the deterrent effect, the amusement of the people was by no means neglected.” (Lehmann 1978: 51).

As a crime that was not legally further specified—especially since the harmful *maleficium* of the *Carolina* was increasingly replaced by the general devil’s pact apostasy—it was “attachable” to any conflict situation via defamation, rumor and accusation.¹⁰² And as a constructed reality, it found confirmation through witnesses, accusation and torture whenever such confirmation was sought. Its fear-ridden emotionality demanded and legitimized the—punitive and repressive as well as the controlling and moderating—intervention of the authorities; its diffuse shape, like the fragmented court field, opened the way “upwards” for those who had resources and mental strength. Two needs that were virulent “below” and were willingly taken over “above”.

(3) Within such “state-building” processes, witch hunting in the larger territories served less the “direct” demonstration of power—as, for example, with the smaller Franconian “witch-bishops”—but rather indirectly as a means of gradually subordinating the lower and middle instances to their own sphere of influence,¹⁰³ while these tried to defend themselves through “autonomously” organized court proceedings.

In this respect, the overall structure of a centralized court system in the larger territories—from the western kingdoms to the large duchies—should have had a moderating as well as stabilizing effect on the authority above all in view of the great witch hunts: “Where elites felt secure there was little witch hunting.” (Quaife 1987: 120). A development that is particularly evident in England, where, with a relatively modest centralization,¹⁰⁴ the royal court, the traveling Assize-court, established by Henry II in the twelfth century, with high-ranking royal judges, was responsible for a uniform and in particular also procedurally moderate witch hunt. A paradox of the strengthening state, which on the one hand—Franconian bishops—could systematize the persecution of witches institutionally in order on the other hand to curb this persecution legally.¹⁰⁵ A paradox that Susanne Karstedt (2018) also holds true for modern state atrocities: “The paradox of state strength and weakness”. Modern states have the capacity and muster

powerful institutions to provide security for their citizens and equally to decrease security of targeted groups.”

An interdependence that is also shown in reverse when one compares, for example, the situation treated by Midelfort (1972) in the fragmented southwest of Germany or in the Saarland and Moselle region investigated by Labouvie (1991) and Rummel (1991), which was “fragmented by authority”,¹⁰⁶ in which the municipal witch committees could take on the role of persecutors:

“The zone with relatively few witch trials consists of the Lower Rhine region, the North German Lowlands, eastern Germany and Bavaria. Politically, it roughly corresponds to the large territorial units [...] The core zone, at the same time the area with the greatest territorial fragmentation, comprises the southwest with the exception of Württemberg, the Rhine-Moselle region, parts of Hesse—not the Landgraviates of Hesse-Kassel and Hesse-Darmstadt—the area Westfalen,¹⁰⁶ the Saxon duchies and the Franconian region.” (Schormann 1991: 107).

A state-building process that, due to a lack of personnel, as well as long communication channels and limited financial resources, only slowly progressed, especially in the first phases of persecution, thus opening up a relatively large scope of freedom for **middle and lower courts**. This applied, for example, to the ‘rampage’ of the Kurköln witch commissioners and other ‘fearsome’ lawyers appointed, as well as to the municipal *witch* committees in the Saar-Mosel region, which, in close cooperation with officials acting to a large extent independently and with commissioners appointed for this purpose and providing legal advice, could still violate the provisions of the *Carolina* and the corresponding orders of their—perhaps not always entirely ‘uninterested’¹⁰⁷—sovereigns at the beginning of the seventeenth century.

This also applied to Calvinist **Scotland**, which, at the beginning of its first great *witch* persecution¹⁰⁸ in 1591, in contrast to England, had adopted the continental *witch* schema including its judicial practice in a slightly milder form—no orgies, but ‘Besagungen’—(Larner 2000: 198). Here too, it was not the emerging monarchy, i.e. James VI., who later (1603) became James I. of England, that was the driving force behind the *witch* persecution, but rather:

“The active, the dynamic force in most witchcraft prosecutions were local authorities, members of local elites who did whatever they could to gain the sanction of central authorities but who did not serve as their direct agents. The central officers of the state, moreover, did much more to restrain these local authorities than to abet them in their efforts to prosecute witches.” Therefore, one should rather speak of

a “reluctant central government” “responding to pressure from subordinate authorities, in this case the clergy, than the attempt of a developing state to discipline the population.”¹⁰⁹

However, this pressure—as well as in the area of the *witch* committees—came from the **locales** and not so much from the people or from private vigilantes, even though such lynch murders had occurred mainly at the beginning of the *witch* persecution. In order to conclude, in accordance with the old demands of Friedrich von Spee,:

“It was the failure of the state to control local authorities and to supervise local justice, that led to the great prosecutions of the seventeenth century.” (Levack 2007a: 219). A conclusion that Walter Rummel (1991: 24) can confirm in his study of the *witch* committees in the Kurköln municipalities: One must speak of a “creeping usurpation of sovereign prerogatives.” It arose from an alliance of officials, private lawyers and notaries with the subjects.

(4) This interest in a **concentration of power**¹¹⁰ of course also applied below the level of the sovereign, for example in the ‘bewitched’ dispute over specific **territorial sovereignty rights**.

This was already the case at the beginning of the *witch* trials, for example for the one examined by Borst (1990) of the Judge Greyerz (around 1400) or for the early ones described by Blauert (1989) of the Lausanne Bishop (1498).¹¹¹ This also includes the dispute examined by Schmidt (2005) about the village of Bodenheim (Sect. 8.8.2 (3)) between the Catholic Electorate of Mainz, the Reformed Palatinate and the Provost of St. Alban (1615–1617), or the dispute about the 13 year old ‘witch’ Margaretha Hörber (1627) between Rothenburg and Würzburg (Rowlands 2005),

in which, on the one hand, it was about the jurisdiction over the 89 properties of the village of Gebstattel in relation to the collegiate church of Komburg, and on the other hand, the Lutheran city of Rothenburg wanted to show its worldly tolerance in relation to its Catholic protectors, Prince-Bishop v. Ehrenberg in Würzburg.

In contrast, the mass persecution in the Lutheran city of **Osnabrück** in the years 1636–1639 served not only the consolidation of power of the new mayor—who, among other things, had the mother of the ousted mayor executed—but above all the defense of the city’s jurisdiction against the new Swedish ruler. (Schormann 1991: 138).

This is how one also made use of this *witch*-playball **within the cities** again and again. Be it in the ‘enlightening’ struggle between the factions, which Wolfgang Behringer (1988), for example, described in such a screenplay-worthy way for the two ‘*Bavarian witch wars*’ in Catholic Munich (Sect. 12.2.2), be it in the destruction of the competing city council faction in Paderborn (1628–1631) or Offenburg (1629); or finally the futile attempt (1616) of the lawyer Leon Kargerin Schwäbisch-Gmünd to prevent the *witch*-persecution, or the reversed strategy of the lawyer Daniel Hauff with the help of one of the last *witch*-pogroms 1662–1665 in Esslingen to rise.¹¹² A ‘game’ about reputation, power and property, which finally continued all the way down to the power struggle of relatively established *witch*-committees against the traditional village jury elite or the efforts of the Upper Swabian cities described by Johannes Dillinger (1999) against the Innsbruck government.

(5) In a **long-wave shift from the accusatory to the inquisitorial process**: While there, ideally, the perpetrator and the victim were of equal value in front of a neutral court in order to achieve reconciliation, compensation and peace, now, in the face of the crime committed against the ‘majesty’—*crimen laesae majestatis* -, the perpetrator and the victim lost their **subject quality**—all the more so, if the persecution was massive pursued; the one as a *witch*, where in the end it was only about disabling possible ‘accomplices’ by torture, the others as victims without a chance of compensation, which rather served the persecutors to cover the costs and to expand the persecution apparatus. A continuous ‘expropriation of the conflict’ (Christie 1977), which only began to find its way back to its early beginnings in the last century with the postulate of ‘resocialization’, which, however, largely maintained the object status of the perpetrator, the idea of procedural victim participation, private ‘offender assistance’,¹¹³ the offender-victim compensation and a *transitional justice*¹¹⁴ in small steps.

14.4 The Professionalized Control

“If the European witch-hunt has a lesson for us today, the idea that we could have been the victim is an easy lesson. The harder lesson to learn is that we could have been the persecutors.”¹¹⁵

A dispositif must be operated by by **professionals**, who, institutionally anchored, in turn feed on this dispositif by reputation and material gain. Namely by professionals who, as ‘**constructors**’ on the basis of their special training, develop a matching dispositif in order then, within this field, practically shaped by this, as

‘actors’ to implement its function to the outside. With a professionally oriented ‘language’ model,¹¹⁶ which can be implemented in concrete ‘dialects’ depending on space, time and process. So, to put it more concretely, first of all it was about developing the actual *witch*-matrix, in order then to realize it with the help of a matching apparatus in praxi, whereby in a continuously mixed process at the beginning the theorists dominated the practice, while in the further course rather the practice dominated the theorists:

The evaluations of the judges “were in turn shaped by guidelines: by those repeatedly touched teachings or dogmas (‘witchcraft’) of theology, demonology and criminalistics, with the help of which the court tried to classify and determine the events and appearances, the witnesses and inquisitors presented to it—similar to how the doctor infers certain diseases from certain symptoms on the basis of diagnostic classification systems. Only on the basis of such classificatory guidelines can the court recognize the traces and fragments of a questionable event, as they are presented to it by the inquisitors, in essence as what they are. And only with their help is it also possible to recognize what the inquisitors are trying to withhold from it, can it press for the completeness of the confessions.” (Beck 2012: 246).

Namely, always covered by a deeply believed—but sometimes also cleverly manipulated—**pastora lideology**, according to which they would have to save the soul salvation both of the sheep flock entrusted to them and of the lost sheep:

“There are passages in the literature of witches that give the impression that the persecutors saw themselves as the last bastion of the fight against an army of witches, demons and other forces of evil [...] Those who, from our point of view, were primarily perpetrators, saw themselves much more as victims of the witches, who had to fight for their lives and the lives of the people entrusted to them with all means, often on almost hopeless ground.” (Frenschkowski 2012: 115).

14.4.1 Theologians and Jurists as Constructors

In the theoretical development and canonization, as well as in the later destruction of the *witch*-model—which, as a highly unbound construct, was particularly dependent on the work of such experts—**theologians and jurists always worked hand in hand**. While the clergy took over the propaganda on site and the jurists worked with a broad middle class of experts in the process. So a construction that, simply put, was theoretically-ideologically, *theologically*-Dominican designed in the beginning, in order to be *juridically*-realistically specified in the end:

“[T]he trial process solidified suspicions, rumours, and gossip and cemented them as firm, permanent, and potentially fatal enmities.” (Kounine 2016: 50).

(1) In this sense, at the beginning the two **Dominicans** Johannes Nider (1435–1437) and Heinrich Kramer/Institoris (1486) described the basic model, relying on the wide range of theological material of canon law and, inter alia, on the writings of Thomas Aquinas († 1274) from the time of high scholasticism. Kramer could still rely on his own activity as a papal inquisitor, while Nider additionally used cases of the jurist Peter von Greyerz, who was to incorporate the newly acquired Simmental into the Bernese territory as a judge. Nider’s ideas were disseminated at the well-attended Basel Council (1431–1449), while the numerous editions of the *Malleus Maleficarum* already relied on the newly invented printing press (1458 first printing press in Strasbourg).

In the further course, the brothers of the order of the Jesuits, which was only founded in 1534, that is, after the “Reformation”, took over the former “scholastic” monopoly of the Dominicans and Franciscans as confessors, experts and university scholars—for example at the Catholic universities of Freiburg, Dillingen or Ingolstadt. They were the two demonologists’ “popes”, the Trier Weihbischof and rector of the University of Trier, Peter Binsfeld (†1598), and the universal scholar Martin Del Rio (1600). But they were also on the other side as critics of witches, like Cornelius Loos (1592)—who was forced to recant by Binsfeld in 1593, which Del Rio then published -, Adam Tanner (1602/1626), who had a decisive influence on the first Bavarian witch dispute in Munich, and Friedrich von Spee, who published his *Cautio Criminalis* anonymously in a Protestant publishing house in 1649. Together they fought and refuted the demonologists’ thesis that God would never allow the innocent to be punished, in favor of a primarily applicable presumption of innocence.

The witch hunters were supported by high-ranking lawyers from the beginning, who argued more case-related, as early as the royal chief judge in the Dauphiné, Claude Tholosan (1436), the French state theorist Jean Bodin (1580),¹¹⁸ whose work *De Magorum Demonomania* (1580) was considered the standard work, and Nicolas Remy (1595), chief judge at the central court of assessors *Change* in Nancy, who, like Del Rio, acted as an expert in the first Munich witch dispute.

(2) On the Protestant side, this Catholic phalanx was opposed by lawyers who primarily insisted on compliance with the procedural rules of the relatively liberal *Peinliche Halsgerichtsordnung* Emperor Charles V., the *Carolina* (1532), such as Georg Goedelmann (1591), Kaspar Hell (1601), who lost his professorship in the Munich dispute, Johann Meyfarth (1635), David Mevius (1641), who was responsible for the Swedish parts of the Holy Roman Empire during the 30-year war at the Oberappellationsgericht Wismar since 1630, or Justus Oldekop (1654/55),

who, *inter alia*, committed himself to the defense of a young peasant girl accused of being a witch, for which reason he “finally himself ‘incarzeriert’ and then dishonorably banished from the city under the sound of the bell of shame”.¹¹⁹ In particular, in his work *Observationes criminales practica* he attacked the then leading Protestant lawyer Benedict Carpzov (1635), professor in Leipzig and chairman of the Saxon court of assessors (‘Schöppenstuhl’)—whose “interpretation of the Carolina, which was particularly rigorous against all *witches*, was accepted as the authoritative explanation of this text of the *Carolina*” (Lehmann, 1978: 23) -, very sharply.

They were supported by the more skeptical Tübingen Lutheran theologian Johannes Brenz (1539) or the almost modern social argumentative Calvinist theologian Hermann Witekind (1585) from Heidelberg. In order to finally lead the last stronghold of the devilish pact *ad absurdum* at the end of the persecution period, in tandem between the Calvinist Pastor Balthasar Bekker (1691) and the Lutheran university lawyer Christian Thomasius (1701).

(3) Closely connected to each other in the common ‘*witch-conversation*’, quoting and fighting each other, united in the defense of the early engaged skeptical physicians Johann Weyer (1563) and Reginald Scot (1584), they created the **common ideological framework**. Mostly in a Europe-wide comprehensible Latin, which, soon translated into German, then also reached the lower floors.

14.4.2 An Ideologically Supporting *witch-net*

“Are there any more interesting comedians or jugglers than the preaching beggar monks with their ridiculous rhetoric pathos, which they have copied from the instructions of the rhetoric teachers in a comical way?” (Erasmus 2010/1509: 80).

(1) Here, in the theological and juridical faculties of the state-owned universities, the actual, **ideologically supporting *witch-net*** was knitted. First by the training of those experts who ‘up’ the Corps of Confessors, Advisors, Secret Councils, City Councilmen, as well as Court and High Court Lawyers, and then increasingly on the lower levels the army of preachers, priests and pastors, as well as the traveling *witch-commissioners*, municipal judges, notaries and defenders ready to hold. The theologians, supported by the order schools, went ahead, and in both professions the level of the lower charges left much to be desired for a long time.

An ideologically-juridical net from a relevant **legislation**: the two neck court orders (‘Halsgerichts-Ordnungen’) of the *Bambergensis* (1507) and *Carolina* (1532), as well as the Lutheran *Württembergische Landesverordnung* (1567) and

the new Saxon penal code, the *Constitutiones Saxoniae* (1572), which Carpzov then commented so universally; and both softened the *Carolina* in favor of the pact heresy. A constantly denser ‘**legal net**’, which then also found expression in countless *Policey-Ordinances* and sovereign *mandates*. In order to finally, with the help of the expert opinions recommended by the *Carolina* of the juridical faculties and *Schöppenstühle*, which increasingly took over the decisions in the *witch*-proceedings, with the help of decision collections and commentaries, to end in decision-relevant ‘court cultures’.

(2) An ideological *witch*-net, which is now increasingly being imposed in “dis-positive” practice **in population** as well.

Clerical the ground was prepared by an extensive literary production at different levels, as well as by traveling exorcists and preachers. Following the example of the Dominican **Savonarola**,¹²⁰—who ruled Florence from 1494 to 1498 until his public execution—they publicly invoked the devil in the style of US American television and revival preachers in order to “convert” their listeners.¹²¹ For which then the admonishingly designed *witch*-fires created the real credible background.

In combination with princely **consistories**, municipal moral controllers and a wide network of priests and village pastors, they strove for the welfare and soul salvation of a population that was initially still quite unwilling. Especially since this rural-agrarian “world”, at least at the beginning, to the detriment of the Protestant competition, was still widely sensibly integrated into rural *witch*-management with holy water, *Scheyrerkreuzchen* and other sacraments.

(3) The actual *witch*-persecution, however, was mainly in the hands of the **secular lay judge courts** on the flat land or in the small autonomous territories in which the majority of the population of that time lived. Occupied with poorly trained lay judges, accompanied by protocol-recording notaries, supervised by relatively autonomous, but legally uneducated, land-noble officials, as well as legally advised and directed by legally trained, traveling *witch*-commissioners, who, intended as a control, all too easily “fanaticized” and materially “interested”, degenerated. A “practice” that was finally realized on the field of torture, *witch*-recognition, guarding and execution by a despised, but highly practice-oriented, often inherited and endogamously married **executioner-caste**.

A middle and lower “professionalized” personnel, which then also reached deeply into the general population in the widespread lay *witch*-committees, in the craft required for guarding and execution—building gallows, fire huts, ordering carts, etc.—and above all in their very extensive catering.

And that—last but not least—also the actual **financial profiteers** were, who were paid by head-flat rates—which Friedrich von Spee already criticized as one of the main evils—who earned at the trades and banquets and who—similarly to today—could claim generous travel expenses, expenses and accommodation, unless they also had additional income opportunities in the form of smaller and larger corruption and blackmail.

With often **existence-destroying costs**, which were initially to be borne by the defendants—sometimes even in the event of acquittals—then by their families, by the communities and finally by the sovereign. While the regular **confiscation** was actually prohibited by the *Carolina* in order to protect the provision of the affected family, which of course did not prevent all sovereigns from enriching the state treasury in this way in the protection of a subsidiarity clause of the *Carolina*. Why the Jesuits in Trier, pursued by Binsheim, were able to coin the famous saying in 1592: “The persecutors made use of sorcery, a ‘new alchemy’, by means of which ‘gold and silver would be extracted from human blood’.”¹²²

14.5 A Short Resume: A Hybrid Solution Process

The *witch*-dispositif was therefore a worldly-religious hybrid product in a corresponding **hybrid transitional period**, in which the ‘secular state’—after a 100-year feudal-courtly pupation, as it began to develop at the French court of Philip IV since the fourteenth century—had freed itself from the papal dominance characterizing the time of the ‘heretics’, without being able to completely shake off its religious-mental ‘superstructure’.

In this transitional period, theologians and lawyers formed an early **historical block** in the sense of Antonio Gramsci,¹²³ which, with the *witch*-dispositif of the emerging secular rule, provided a legitimizing—dispositive, that is, ideologically and apparatusally founded—hegemonic power base and enforced it; regardless of their mutual animosities, different interests and professional perspectives. By taking over the task of averting and eradicating this self-constructed, satanic evil from society, both ‘division of labor’ in propaganda and judicial inquisition, as well as within the framework of a jointly prescribed religious mentality, in mutual support and security; propagandistically enforced, anchored in the *commonsense* and individual *habitus*, also carried out by the population—resistance-less—and sometimes vehemently demanded.

A **power-oriented block** that covered all social levels, from the sovereign court to the city council and down to the interplay between *witch*-committee, *witch*-

commissioner and lower officials at the village level. A block that followed the general 'state' development over the centuries of the *witch*-time; with the internal power balance shifting in favor of the lawyers, and both professions slowly losing importance in their relationship to the emerging absolutist rule. In order then, in the subsequent period of the *insane* and *junkies*, in the conflict-ridden interplay between lawyers and the new psycho-professions, to continue this control mode, 'family-like' ('Familien-ähnlich').

A **separation from papal supremacy**, which—at the time of the Lutheran theses-attacks—'worldly' already in the two relatively established 'national-states' in France since the Gallican¹²⁴ Concordat of Bologna (1516) and in the Anglican England (1529) under Henry VIII. officially carried out—not least in order to be able to rely on the income of the church and expropriate the monasteries, as well as to subject the clergy to state supervision (Tilly 1999: 163)—without giving up the basic principles of the Catholic religion there.¹²⁵ A process of solution, which in the actual Central European *witch*-area, however, was fought out confessionally on a religious basis as still the most important legitimation basis in this time in the course of **Reformation and Counter-Reformation**. In order to finally, after a 100-year religious war, early-absolutist-national forces as a worldly framework of a now earthly-related mentality—mercantilism, *raison d'état*, natural law, early capitalist liberalism—to release; a new framework in which the hybrid *witch*-dispositiv was increasingly excluded as an unacceptable foreign body:

"In the eighteenth century, in an age of deism, philosophy, natural science and sensuality, the mysteries and the glory of tridentine Catholicism went out of fashion. Preaching about sulphur and hellfire could no longer scare the minds; sensual and theatrical rituals became an embarrassment to those who preferred a more sober, unobtrusive religion; the outrageous arrogance of the Jesuits underlined the powerlessness of the Pope; and the fervour of popular piety with its rituals demonstrated the unbroken superstition of the simple man," Hsia (1998: 229) concludes his parallel representation of the *history of the Counter-Reformation between 1540 and 1770*.

A transitional situation in which the leading role of the **bourgeois-commercial city** as a precursor of this earthly-related mentality—together with the universities and administrative forms developed in them—was increasingly 'cancelled out' in the new, 'regional' acting forms of rule. The previously clerical tasks were taken over by the city or integrated into the new control regime—church control, marriage law, moral control, poor relief and tasks of preaching. On the religious side, the former domain of the two begging orders was replaced by the 1539 founded *Societas Jesu* of the **Jesuits**, which mainly took over spiritual advice and school youth and clerical education at a high intellectual level; until they were

first expelled from Portugal by Marquis de Pombal in 1759 and then in 1767 from Spain and had to be abolished by Pope Clement XIV. in 1773.¹²⁶

A **dissolution process** in which secular and religious-clerical spheres of influence slowly shifted their weights. What initially showed itself plakatively in the current inquisition process, in which, in the *heretic* process, the—clerical—lawyer had merely to judge the *heretic* quality of the tortured answers presented to him, while now one wanted to leave the confessor by no means alone with the *witch* in order to avoid unwanted revocations, became increasingly clear in the **legal area**, in which an increasingly regulating secular legislation was supposed to displace the classical canonical law more and more, and a—more or less independently developed—worldly-inquisitorial jurisdiction took over the place of the clerical courts on a initially relatively small, but slowly growing level of university-education. This can be seen in the development of the modern penal law, which began in 1532 with the subsidiary *Carolina*, then ended the *witch*-hunt in Austria in 1768 with the *ConstitutioCriminalis Theresiana*, set the first modern penal code into force in 1810 with Napoleon's *Code pénal* and created the German penal code, which is still basically valid today, at the beginning of the unification of the Reich in 1871.

A professionally and institutionally secured, **theological-legal framework** of the *witch*-dispositif, which at the beginning lifted the canonical restriction of the *Canon Episcopi* on the “religious” Satanic terror, in order then to drive the *witch*-hunts in their wave-like high points as well as to dissolve them again as obsolete. In doing so, this newly designed *witch*-dispositiv—“top” as well as “bottom”—could fulfill very different functions and interests. Namely, primarily for the reason—which is often overlooked in the relevant control theory—because this dispositiv fit “reasonably” into this transitional period. As an institutionally secured, comprehensible “language game” and control-relevant “counter-image”, it legitimated and confirmed the hegemonial-confessional, secular as well as clerical ideology, while at the same time providing a considerable field of activity for an increasingly secular control apparatus.

In a **cultural context** in which this *witch*-dispositiv could initially confirm and establish itself in a constant vicious circle of ‘autopoietic’, until finally, legitimated by a juridical-theological opposition, it lost its supporting basis in a this-worldly mentality of the leading elite of rulers.

An seemingly ‘**progress**’ from magical to rational thinking and acting, which, however, is neither unqualifiedly valid for the actual Middle Ages nor for our (post-)modernity. While it was quite possible to discuss ‘rationally’ in the Catholic-dogmatic framework at that time, today pseudo-religious, racist-nationalist mythologies still seduce the willing audience, while religious magic **on both**

sides—in the inward and outward Islamism, as in the US American Evangelism¹²⁷—quite openly also takes the international political events captive. In the fight against a—already at the beginning¹²⁸ and at the end of the *witch*-time ‘enlightening’ developed—**secular morality of law**: human rights and rule of law, an independent judiciary and an internationally effective jurisdiction.¹²⁹

Notes

1. I treat these connections in my book (2017): *Ketzer, Kreuzzüge Inquisition, Die Vernichtung der Katharer (Heretic Crusades, Inquisition. The destruction of the Cathars)*.
2. Johann Hug, priest at St. Stephen in Strasbourg, wrote around 1500 (in: Brady 1994: 15).
3. Mohamed Ezroua (2018: 3 f., 24) refers to C.W. Mills and L. Althusser for this in a conference paper: “According to Althusser, the State functions through different State apparatuses; some work with ideology (Ideological State Apparatuses), and others work with violence (Repressive State Apparatuses). Both types look after all the institutions that exist in a social formation to maintain order through the supervision of individual citizens and their behavior in public and private spheres—supervising them from the cradle to the grave; providing individuals with education, morality, well-being, philosophies of existence, and the truth about the world after death.”; “Lurking behind these varied representations of the witch and the devil during the Middle Ages and the early modern period in Europe, a plethora of other related entities acquired special significance and power. As these representations could not have happened without a super-active cultural apparatus working at them day and night, the larger entity englobing all of them is the State, upheld by the Church and its octopus-like tentacles.” An approach intensively discussed in Bremen in the 70s, which, however, too closely intentional on ‘state’ and ‘church’, the ‘political’ approach presented in this book, that is, the ‘responsible’ share of the professionals as well as the playing-with audience, too little in view.
4. [genealogically] in the sense of Foucault: “The historical perspective can be understood as a search for the historical origin of the present, with the concept of origin already indicating that it is not a search for a historical origin that would show an essence of the present. Rather, it should be shown that heterogeneous and contingent processes shaped the course of history. The genealogist is interested in the forces and forms of power that stand behind the events and make up a practice. A genealogy emphasizes the contingent character of the present and thus makes it possible to question the practice

under investigation. It also questions the value of a practice by reading history as a history of power.” [Thomas Bieri in: (<https://www.zora.uzh.ch/id/eprint/164374/1/20142159.pdf>)]

5. Schwerhoff (2017: 5) correctly summarizes this genuinely criminological perspective as follows: “Criminality can therefore only be understood sociologically as an interaction and attribution process between actors and institutions, which culminates in the labeling of certain people as ‘criminals’. Even more important than an original action that is then classified as ‘criminal’ (primary deviance), the consequences of the labeling and stigmatization process (secondary deviance) appear in the labeling perspective, which can lead to a permanent change in the behavioral disposition of an actor and to the redefinition of his own identity.” (a. a. O.: 4)
6. Mitchell (2010: 18, 23, 30) speaks (and shows in pictures) of three different *witch* images: “[T]he crone, or ‘evil old women’”; “the young seductresses” à la Baldung Grien: “showing them nude, and second by showing them engaged in sexual acts. This opportunity of depicting nude women without risking condemnation by the local authorities must have proved irresistible to many artists.”; “Finally we come to what we may regard as a third stereotype, the woman transformed into a demon. In the final stage of her career, the witch is now naked and bereft of all humanity.”
7. S. (www.google.de/search?q=Baldung+Grien+Hexe) as well as Clarks (1999: 12 ff.) provide informative and convincing interpretation of the image of the three intertwined witches, one of whom ‘invers’ looks at the viewer. S. also the detailed interpretation of the image *Witch and Dragon* by Yvonne Owens (2017: 344): “The youthful woman[...] presents a comprehensive ‘buffet’ of sixteenth-century medical and theological figures informing the idea of the dangerous female, sexual ingénue.”
8. “The specific weakness and fleshliness of women claimed by tradition made them a preferred object of diabolical temptation and seduction. The witch stereotype was the old, lonely, ugly-sad, squint-eyed, healing or at least healing-seeming woman in the countryside. If this woman had remained childless, she was not only without relatives in case of doubt, but she also corresponded to the negative female melancholic type [à la Weyer], which Hildegard von Bingen had already described medically-physiologically and which she had partially stigmatized theologically.” (W. Weber 1990: 165)
9. “Artists failed to develop a visual code for the male witch. [...] There were hardly any illustrations showing only male witches, whereas there were many showing only female ones.” (Goodare 2016: 298). But see Kouline’s

- (2018: 182 ff.) analysis of the woodcuts by Francesco Maria Guazzo (1626) “In Guazzo’s woodcuts, both men and women feature prominently, a marked contrast to the sensuous females and old cones that dominated visual representations of witchcraft in the sixteenth century.”
10. This is the title of a book by Henrique Carvalho (2017), discussed in detail in a review colloquium in: *Theoretical Criminology* 2018, Vol. 22 (H.4): 603–613
 11. In this sense, Newburn/Jones/Blaustein (2018: 570) argue with reference to Landvai/Stubbs (2009): “They argued that the idea of an ‘assemblage’ was useful as a means of illuminating how social policy is shaped by ‘contradictory, complex, and uneven processes’, while ‘translation’ was to be preferred to ‘transfer’ because, they argued, it helped account for the transformative nature of this process.”
 12. ILanguage gamel: A concept derived from Ludwig Wittgenstein, with which I first want to emphasize his (‘linguistic’) construct character, but at the same time also both the associated emotional-valuing attitude and the implicit instruction for action. Cf. Dietrich Busse in: (http://www.philfak.uniduesseldorf.de/fileadmin/Redaktion/Institute/Germanistik/AbteilungI/Busse/Anmeldeformulare_Busse/Hist-Sem-8.pdf)
 13. Roper (2012: 87) is right to emphasize in her plea for a ‘*history of emotions*’ that this emotional component, anchored deep in the subconscious, can explain the special impact of the *witch* model, which cannot be fully grasped by a purely ‘constructive-discursive’ analysis: “While the linguistic turn taught us much about how to read sources [...] we reach an explanatory dead end once we try to account for why some discourses should prove particularly powerful at certain historical moments and not at others.”
 14. “The idea that the flesh of the Devil was icy was common throughout Europe. It is not clear whether this idea is directly related to the educated scientific theory that the Devil took on a body of ‘condensed air’, but it is an almost routine observation.” (Larner 2000: 149). Murray (1921: 178) finds the following explanation: “Yet as the population and therefore the number of worshippers in each ‘congregation’ increased, it would become increasingly difficult and finally impossible for one man to comply with the requirements of so many women. [...] The obvious solution of the problem is that the intercourse between the Chief and the women was by artificial means, and the evidence in the trials points clearly to this solution. Artificial phalli are well known in the remains of ancient civilizations.”
 15. Which, of course, were not, as with Salazar, further explored

16. Kounine (2016: 20) sees in this early modern, individualized resistance of the *witch* to the inquisitor's demand—in which she—in a Lutheran way—relies on her conscience, her 'pure heart'—a similar beginning of the formation of an '**independent self**', which could no longer only be understood from its social relations and roles, as has been the case so far: "Witch trials [...] shed light on the way in which people could conceive of their self, their body and their subjective experience. If we trace patterns in the language of witch-trial narratives, it becomes clear that common folk made sense of themselves and their situation through the idioms of conscience, heart, and mind—idioms that were deeply entangled with the Lutheran world view. I suggest that we should no longer think—as has been the dominant historiographical interpretation—of early modern common folk as only conceiving of themselves as situated within a network of social relations, while attributing the higher realms of interiority to their elite counterparts. Nor should we remain trapped in chronologies of selfhood that focus on the Enlightenment as the key moment of change in the development of the 'modern self'."
17. Cf. Lerner (Sect. 3.2 (2)), which was, of course, 'ideologically' assumed for the act of the voluntary pact, but inquisitorially ignored in practice.
18. "At the same time, many of the suspects employed a range of risky but effective strategies to defend themselves, not least by playing on the fact that many of their enemies had good reason to fear that a formal trial could turn to their own disadvantage. After all, it was hardly possible to ascribe such extensive powers to witches, then suppose that they were incapable of defending themselves [...]. Witchcraft suspects cannot be deprived of agency, while some of them were aggressive and even rather unpleasant people. This status as dangerous persons was as ambiguous as many other aspects of witchcraft; it might as easily provide a motive to conciliate unwelcome neighbours as to prosecute them", concludes Briggs (2007: 179) the village interaction of his Lorrain cases
19. "A basic pattern of language and gesture, gaining definition in the century after 1590 was learned by the possessed [...] The behavioural traits of possession, while conforming to a basic pattern, could be individually shaped to provide an outlet for personal feelings that would not otherwise achieve sanctioned expression—sexual fantasies, religious doubts, rage at parents, frustration with the constrictions imposed by social and gender roles." (Holmes 2007: 312 ff.).
20. "Accusations arise within the family and are directed against relatives. They arise within sub-groups in the village and are directed against a close

- neighbour for a variety of reasons or against an unacceptable category of villager.” (Quaife 1987: 184)
21. Harris (1989: 207).
 22. (Hess/Stehr 1987: 32) from ethnological perspective with reference to Kluckhohn (1944).
 23. Compare the contributions in Lautmann/Klimke/Sack (2004); very critical: Roger Matthews in: *Realist Criminology* (2014: 117–137).
 24. Fenwick (2013: 227): “A new experience of an unmet demand for security provides the background and context in which criminal justice policies are developed, implemented and publically justified”; “What is also clear is that, at least in a Japanese context, the contemporary sense of insecurity extends beyond crime and encompasses insecurities associated with the adverse economic effects of the extended period of economic stagnation experienced since the price asset ‘bubble’ burst in 1991 [...] Moreover, particularly the uncertainties associated with the issue of nuclear power safety [Fukushima] and the threat posed by future catastrophic natural disasters.”
 25. James I. *Demonology* (1604) in: Tyson (2011: 128). S. also Clark (1999: 113) in his worthwhile analysis *Women and Witchcraft* (106–133): “Women were thus feeble in mind and unstable in behaviour, inherently imperfect creatures from whom evil and depravity were only to be expected. It was an obvious and easy second step to move from these general failings to the idea that women were the devil’s preferred target.”; “The prototype for this was Eve.” (Gaskill 2013: 50).
 26. In contrast, the figure of the *witch* was hardly processed literarily at the time (see above 7.3. (5): The Witch of Edmonton): “[T]he early modern witch who disquieted and panicked learned and lay folk alike never found any memorable literary expression, never became the protagonist of a best-seller either on stage or in a book until many years after she disappeared as a theological, legal, and social challenge and after she found refuge in the fantasy-scopes of the fairytale.” “The Faust legend, the story of a male witch, was to become one of the most widely disseminated narratives in the history of European literature, a tale unthinkable without the virulence of the contemporary, clearly gendered witch phenomenon.”. (Scholz-Williams 2013a: 2, 5)
 27. Significantly, one asks about the role of women in the case of *witches*, since they made up the majority of *witches*, while in the case of crime today, one almost exclusively analyses their gender-specific victim situation instead of their low offender role, instead of correspondingly researching that of men, who nevertheless make up the overwhelming majority of

- 'criminals'. Exception: Robert (Raewyn) Connell: *Der gemachte Mann. Konstruktion und Krise von Männlichkeit (The made man. Construction and crisis of masculinity)*. See Bereswill/Neuber (2010).
28. See the overview in Hans Joachim Schneider (2007: 235 ff.).
 29. Owen (2017: 361, 355 f.): "For Renaissance medical and occult philosophy, the feminine 'defect' of menstruation was pathological, a symptom of the cool, moist, phlegmatic humor, most dominant in women. [...] In this model of the humors the fiery sanguine element is 'virtuously' heated into the white, more spiritual substance of semen in the paradigmatic male physiology, and purged as the improperly converted corruption of menstruation in the 'defective', inverted, and therefore intrinsically unbalanced female physiology as 'superfluous blood'."
 30. "The often surprising economy with which the other conventional witch treatises [besides the *Hexenhammer*] unfold their misogynistic viewpoint is not an indication of doubts in this regard, but merely of the matter-of-factness with which they accept 'viehische begierlichkeit' and worse as an unchangeable characteristic of women," Schwerhoff (1986: 78) says, quoting Bodin.
 31. "[H]e began by saying that the devil exploited the inconstancy, superficiality, malice, impatience, melancholy, and uncontrolled affections of women in general, and the frailty, stupidity, and mental instability of old women in particular." (Clark 1999: 118); "The woman has apparently lost the attribute of dangerousness, the drives and affects embodied by her no longer represent a threat; but she has retained that of inferiority—in order not to fall victim to her own weakness, she needs male protection. The skeptics wanted to save the women suspected of being witches from the stake by taking away their fictitious magical power, without granting them more equality in return." (Schwerhoff 1986: 79)
 32. A finding that Briggs (2007: 365) can confirm in his study of the Lorraine files: "So it must be admitted that the variations within the gender groups were ultimately greater than those between them, while arguably the most obvious characteristic of the hundred-odd surviving trials of male witches is their remarkable similarity to those of the women. Witches largely behaved in the same way and for similar alleged motives, while the cases against them were built up in the same fashion irrespective of gender. Yet at the same time there is little or no sign that the male witches support for any notion that men were more likely to be accused if they were somehow lacking in typical male characteristics. Indeed a number of the cases would suggest that aggressive and difficult men might be at particular risk." Whereas

- Rowlands (2013: 465) says: “Like women, men who were deemed to have contravened patriarchal expectations about their social roles as good neighbours could find themselves vulnerable to accusation. This might be because they had committed adultery or indulged in criminal behaviours, or because they had failed markedly to live up to the standards of rational self-control and probity expected of the early modern household head. In this context the male witch represented the inverse of the good husband and father in the same way that the female witch was imagined as the inverse of the good housewife and mother.”
33. “The Cathars are certainly not to be referred to as a ‘women’s movement’ according to our investigations, but as a religious opposition within which women hoped to secure a satisfying surviving existence. After the Cathars’ displacement and extinction through preaching, crusade, and inquisition, the religious uprising of women continued. The Waldensians, who competed with the Cathars, already had equal-status female preachers in their ranks,” Urte Bejick summarizes her analysis of the last peasant phase (Montaillou) of the Cathars (1993: 147). For the late pre-Reformation period, Cameron (2004: 13) says: “In the Middle Ages, clerical writers alleged, to show how utterly subversive and disorderly dissenting movements were, that they allowed not only laymen but also laywomen to lead their religious activities. [...] Recent work on the Lollards and the Waldenses has argued, independently, that dissenters did not transcend the social values of their world. Women remained confined to secondary roles. [...] However, their role was fundamentally little different from that of Catholic laywomen.”
 34. Cf. (www.bibelkritik.ch/kirchenkritik/e15).
 35. “Ecclesiastical forms of religion are characterized by the functional relationship between male-dominated rituals and myths on the one hand and male supremacy on the other. [...] Even today, men dominate the ecclesiastical organization of all major world religions. The three major religions of Western civilization—Christianity, Judaism and Islam—emphasize the priority of the male principle in the creation of the world. Their creator god is male. And even if they, like Catholicism, know female saints, they play only a subordinate role in myths and rituals. They all believe that first the men and then only the women were created from a piece of the man.” (Harris 1989: 349)
 36. “Since Petrarch, women have been increasingly demonized and stigmatized by the learned elite as being predestined for evil. The monasteries were particularly fertile ground for this view. The monks saw in women mani-

- festations of decay, death and sin. Often, woman-hatred and horror of death were interwoven.” (Johansen 1990: 231).
37. “[F]undamental themes running through Gerson’s theory of discernment: the susceptibility of women to false revelations. The obedience that issues from the humility and discretion Gerson describes as typically the obedience of female penitents to their male superiors, as the following passage makes clear: ‘First, every teaching of women, especially that expressed in solemn word or writing, is to be held suspect, unless it has first been diligently examined by another ... and more than the ordinary teaching of men. Why? The reason is clear; because not only ordinary but divine law forbids such things. Why? Because women are too easily seduced, because they are too obstinately seducers, because it is not fitting that they should be knowers of divine wisdom.’” “Gerson’s assumptions about women’s overembodiment as the cause of their susceptibility to false visions, and the resulting need for strict male supervision, resonated profoundly in late medieval Europe.” (Keitt 2005: 59, 61)
38. “Although grateful for the reforming enthusiasm of its female members, the church was increasingly worried about controlling the new rush of piety. The climax of this search for control came at the final session of the Council of Trent. The reform of the monasteries or religious life had not been Trent’s top priority, but finally in 1563, before the participants went home, the council addressed the issue of monastic abuses and regulation.” “The significant resolution for religious women came when the council decided to reaffirm the medieval prescription of female enclosure (*clausura*), first officially promulgated in 1298 with Boniface VIII’s decree *Periculoso*.” (Leonhard 2004: 227, 240 f.). “In 1566, the bull *Circa pastoralis* confirmed the reform decree of Session XXV, Chapter V, which was promulgated by Pius V.” (Hsia 1998: 41). “In reality, however, recent scholarship suggests that the restriction of female spirituality was not as absolute as the Tridentine reformers may have wished; enforcement of enclosure was far from uniform and depended to a great extent on local circumstances.” (Keitt 2005: 106)
39. (Hsia 1998: 41, 52). In her introduction to the Basel Women’s Study (Wunder 1995), Simon-Muscheid writes: “The entry into the monastery took place from one’s own decision or from marriage- or religious-political considerations of their parents or other relatives, a ‘pious’ life therefore in generally accepted, ‘traditional’ channels, after the begging orders had also established themselves and declared the ‘stability of the place’ binding for their female members—against their will.” So “most of the nuns chose

- to leave” after the Reformation had finally established itself in Basel in 1525/1529. (Ibid.: Degler-Spengler 1995: 47)
40. “Male sexuality was not discussed in a similarly negative manner. Women were considered sexually insatiable and prone therefore to sinful and deviant behaviour, by contrast to the ‘norm’ which was construed as heterosexual, procreative sex under male control.” (Hester 2007: 279)
 41. “Sexuality was associated with the diabolical also because almost all the early fathers of the church believed that the angels fell through lust for the daughters of men before the flood.” (Frank 2003: 68)
 42. “Catholic and Protestant leaders therefore reinforced patriarchalism to impose tighter control over all women, whom they believed were easily tempted by the devil. In the process, the image of the potential witch was broadened to include any non-submissive woman; the polar opposite of the young, obedient, and sexually passive wife and mother, the witch was so assertive and sexually ravenous that she could be satiated only by demon lovers.” (Waite 2013: 496)
 43. Even the humanist Erasmus, who even wanted to allow a divorce, writes in his *Colloquium coniugium* (1526): “The highest adornment of the woman is to be obedient to her husband. That is how it is arranged by nature. That is how God wanted the woman to be completely dependent on her husband. [...] And he speaks of the female weakness, the woman is ‘inferioris personae et sexus imbecillioris.’” (Christ-von Wedel 1995: 132)
 44. “The modern stereotype ‘witch’s kitchen’ is not so wrong. Magic was used to support the respective gender-typical everyday activities or suggested as a possibility.” (Dillinger 2018: 125)
 45. Quaife (1987: 169): “The known occupations of 23 leading English cunningmen were 6 medical practitioners, 3 clergy, 2 schoolmasters, 2 astrologers, 1 churchwarden, 1 gentleman, 2 yeomen, 2 labourers, 1 miller, 1 comber and 1 shoemaker. There was little link between such people and the witch suspect.”
 46. As Erasmus writes (2010/1509: 38): “But an even more delicious spectacle is offered by old hags. Long since old women, abandoned to death and as it were so full of the smell of corpses that they seem to have risen from the dead, nevertheless always have the ‘rejoice in life’ on their lips, are full of lust and rutting, as the Greeks say.”
 47. Which ‘paradoxically’ is reflected in the intensified fight against prostitution since the sixteenth century: The “closure of the women’s houses since the beginning of the sixteenth century in the sign of the moral rigorism of the Reformation [...] *de jure* now the whore’s trade is everywhere punish-

- able by law” stands in contrast to the fact that “even women living in sin with a man [...] were threatened with forced admission to the women’s house”. (Schwerhoff 2011: 158)
48. (Quaife 1987: 108). “In Aristotle’s concept of the woman as ‘unfinished’ man and in the Jewish-Christian view of the woman as the embodiment of sin, two general themes are linked, which are reflected in the literature of witches: inferiority and danger.” (Schwerhoff 1986: 78). A fear that is very nicely illustrated in the medieval story of Aristotle and Phyllis. (https://de.wikipedia.org/wiki/Aristoteles_und_Phyllis)
49. “Proof of subsequent structural conflicts of the sort that worried many church leaders can be seen in the problems that arose at Vadstena and other Birgittine monasteries in the early fifteenth century, at least partially to be accounted for by the genders of the participants.” (St. Mitchell 2011: 195)
50. “It was in the torture chambers and on the stakes on which the witches perished that the bourgeois ideals of womanhood and domesticity were forged.” (Federici 2004: 204)
51. “More cynically, both courtly love and the cult of the Virgin were manipulated by the secular and ecclesiastical male elite for their own purposes—to cover adultery or to control the sexual behaviour of women. By the fifteenth century many academic clergy had lost touch with real women. The complex female gender had been simplified into the ideal and its opposite. The reverse image of the virgin was emerging. It was the witch.” (Quaife 1987: 86)
52. Cf. Jim Sharpe (2007: 299 ff.) for the mostly rural *witchcraft* in England: “The high level of participation of women witnesses in witchcraft cases, and the ready participation of women in searching for the witch’s mark, were areas in which women could enter the male dominated milieu of legal process and in which women, perhaps within parameters dictated and maintained by men, could carve out some role for themselves in the public sphere.”
53. In just the same way ‘endangering’, as at the moment the woman driving a car in the conservative-Orthodox Saudi Arabia (www.spiegel.de/politik/ausland/saudi-arabien-protest-gegen-auto-fahrverbot-fuer-frauen).
54. “The swearing, quarrelsome, ‘barking’ women, who did not submit to the divinely ordained order and wanted to be the master of the husband instead of his companion, as Geiler von Kaysersberg expressed it, were held up in sermons and treatises on marriage as a deterrent example to the ideal of the good, pious wife. The women who strove for ‘female power’ were thus brought close to the witches. Both represented the ‘wrong world’. They

- turned the order around, created disorder and were therefore considered a threat to Christian society.” (Ahrendt-Schulte 1994a: 104)
55. Weber (2000: 194): “The hunt for witches and for child witches was part of a comprehensive strategy for disciplining the people as well as for securing Christian morality and the continuity of faith. [...] While the proceedings against adult witches were accompanied by far-reaching social, religious and moral restrictions, the child proceedings called for a true cry for church relief and religious care of the younger generation. [...]”
 56. Cf. Rowlands (2001: 88, 79) for the image of the ‘old *witch*’, who inter alia points out that this would also be expected on the basis of the long *witch* career: “Even when old or middle-aged women were accused as witches, however, a closer look at their life-stories often reveals that their age at the time of formal accusation was just one piece of a far larger and more complex picture, in which age at first attribution of reputation and the gap between this and formal accusation—if the latter ever occurred—were equally important and worthy of analysis and explanation”; “This evidence lends weight to the point made by Briggs that ‘age at the time of the trial is an artifact of the whole process by which reputations were built up.’”
 57. In the countryside (Rummel 1991: 305), as for example also in the city of Offenburg (Midelfort 1972: 227 ff.)
 58. According to Quaipe (1987: 87); after all, one was on the way from the “male sorcerer” via the *Vaudois* to the female *witch* at this transitional time: “[T]hese same Jura dioceses which first popularly identified sorcery with heresy also offer the most important exception to the fifteenth-century trend to equate witchcraft with women [...]. The explanation seems clear; heresy itself was not sex-linked, and in a region where heresy and witchcraft were so closely connected in the popular mind, witchcraft was not originally sex-linked either.” (Monter 1976: 23 f.)
 59. (Schwerhoff 1994).
 60. “Where prejudices are in the air, everyone breathes them in a little bit, even their victims,” writes David Edmonds (2021: 212) in his analysis of the examples of Jewish self-hatred at the time of the Vienna Circle in the 1930s: “It should therefore not surprise us too much that some members of the circle, even some Jewish members, showed an attitude towards Jews which would articulate and affect us today.”
 61. Just as we know today what a *criminal* is, namely a *male criminal*, and not a *female criminal*.
 62. Sharpe (2007: 294); “Robert Muchembled and other historians have shown that the discussion of accusations of witchcraft in the village was essen-

- tially the work of women, whose internal discussions about the growth of rumors that could possibly be used as evidence in court decided.” (Behringer 1998: 29). A seemingly paradoxical situation, as we experience it today in the crime of *Female Genital Mutilation* (FGM), in which it is above all the mothers and female relatives who do the men’s business. S. Nadine Ahr “*Ganz viel Danke (Thank you very much.) A week in the Berlin hospital Waldfried, in which a doctor fights a global problem: the mutilation of female genitalia*.” In: ZEIT-Magazin from 18. 7. 2019: 24–32
63. “Even if women did not participate as direct parties to the accusation of a witch, they might be ‘involved’ in the ‘production’ of such in another sense. As a decisive informal control measure at the village level, the newer regional studies have all placed the ‘rumor’ in the center.” (Schwerhoff 1994: 346)
64. (Schwerhoff 1994: 348). What Ingrid Ahrendt-Schulte (1994: 210) adds as a conclusion to her analysis of relevant cases as follows: “The cases presented—which are not isolated cases—show that women also used their conflicts with each other, their competition and hatred towards each other, to spread accusations of witchcraft, to stir up suspicion of witchcraft in the community, to keep it alive and thus to cause unrest.” (see also Ahrendt-Schulte 1994a)
65. Cf. the “politically” motivated examples from the courtly world analysed by Anna Bennett (2015) (see above Sect. 4.4, note 24)
66. “Elector Frederick III (1657–1713) was the first to give this unconnected territory the name Kingdom of Prussia. The ambitious prince set out for Königsberg in the winter of 1701 to crown himself Frederick I there as “King of Prussia”. But he was not yet allowed to call himself “King of Prussia”, as parts of Prussia were still under Polish sovereignty.” (www.planet-wissen.de/politik_geschichte/preussen/geschichte_preussens)
67. “After the Imperial Knights (‘Reichsritterschaft’) and many small principalities had lost their independence by 1806, the number of immediately imperial territories decreased from several hundred to about thirty-four. The Reichsdeputationshauptschluss thus created a manageable number of medium-sized states from a multitude of small and smallest areas.” (de.wikipedia.org/wiki/Reichsdeputationshauptschluss). The churches still base their claim on the state for annual payments of around 460 million euros as compensation for secularisation losses, which could possibly be replaced by the actual government. (cf.: <https://www.spiegel.de/politik/deutschland/missbrauchsskandale-muss-die-politik-die-macht-der-kirchen-beschneiden-a-a8ab2d46-bede-4526-9279-1af52af1a7eb>)

68. “Thus in the year 1521, the Holy Roman Empire of the German Nation consisted, in hierarchical order, of the emperor, the seven prince electors, 50 archbishops and bishops, 83 prelates (chiefly abbots and abbesses), 33 secular princes, 138 counts and lords, and representatives of 85 free cities—almost 400 political jurisdictions in all.” (Berman 2003: 36)
69. (de.wikipedia.org/wiki/Schmalkaldischer_Krieg).
70. “The process begins with the evangelical visitations of the 1520s and the simultaneous inadequate old-faithful measures and ends with the violent establishment of confessional homogeneity in France 1685, with the securing of the Protestant character of the English monarchy between 1688 and 1707, with the expulsion of the Salzburg Protestants in 1731.” (Reinhard 1983: 262)
71. For the “rise of early modern bourgeoisie” see Dülmen (1998: 118 ff., 119 f.): “Leading positions in political, economic and social terms were held by the patriciate, it largely formed an oligarchy of aristocratic families from the old lineages of the Council ... Immediately below the patriciate, partly closely linked to it in power, was the merchant class.”
72. (Roeck 1988: 394). Bever (2008: Part IV, 425) demonstrates this using the example of Württemberg, inter alia also on the influence of the various rulers, whereby he particularly also goes into their influence on the termination of the *witch-* and magic-persecution, which may be read, for example, from the changing forensic designation of magical actions, from ‘sinful’ via ‘superstitious’ to ‘fraudulent’ and ‘foolish’.
73. Berman lets this new interpretation of sovereignty begin with the ‘first, papal revolution’ in the twelfth century: “The papal revolution gave birth to a new conception of kingship in Western Christendom. [...] The era of ‘sacral kingship’ gradually came to an end [...] For the first time emperors and kings were conceived to be ‘secular’ rulers, whose principal tasks were, first, to keep the peace within their respective kingdoms, that is, to control violence, and second, to do justice, that is, to govern in the political and economic spheres. Even in these matters, moreover, the church played an important role.” (1983: 404)
74. In this way, the Spanish king Philip II. “had the right to appoint all bishops, prelates and religious superiors in Spain” after the pope had already transferred the jurisdiction of the Inquisition to these Catholic monarchs in 1483. (Hsia 1998: 62 ff.)
75. An impression of the emotional, power-political and destructive force of this confessionalization can be gained today from the confessional disputes in the Arab world between Sunnis and Shiites. Bloody in Iraq, Syria

and Lebanon, power-political in the shifting balance between the orthodox Wahhabi Sunni Saudi Arabia and the equally orthodox Shiite Iran (see: Michael Thumann: “Gestern Freund, heute Störer” (“Yesterday Friend, Today Disturber. The Saudi Royal House fears the rapprochement of Iran with the West and fights against it with all means)In: DIE ZEIT from 28.1.2013 No. 49: 5). But we can also think of the emotionally charged “struggle for the expansion of mosques” here with us: Is “Islam a part of Germany”?

76. See for a detailed discussion of the different forms of this principle: (https://de.wikipedia.org/wiki/Cuius_regio,_eius_religio)
77. “It was standard for German universities to police the orthodoxy of its students and faculty with confessional loyalty oaths, either to the Catholic Church, or to the confessions of the Lutheran or the Reformed Churches. This could be a sharp tool with which to keep boisterous intellectuals in line, and one could make up a long list of academics that lost their jobs over what may seem to us to be fairly minor doctrinal deviations.” (Midelfort 2013, IX: 3). “The anti-liberal costs of confession-based state integration are obvious in German history and can be seen above all in the practice of the confessional oath—not least also in the academic work of the universities. To complain about this or even to blame the politicians and theologians of the confessional age for it would be anachronistic.” (Schilling 1988: 44 ff.). Disreputable predecessors of a more modern *Cancel-culture*, which, coming from the USA, is beginning to stir up here as well. (https://de.wikipedia.org/wiki/Cancel_Culture)
78. After the Peace of Westphalia in 1648, “international conflict had much more to do with national self-interest and dynastic aggrandizement than with religious ideology. At the national level the same tendency can be observed in the sources of domestic unrest; after 1650 there were few religious wars in Europe.” (Levack 2007b: 382); “The moment when religion ceased to be a key precipitant of international wars is dated quite precisely to the later phases of the Thirty Years’ War. The disappearance of religion as a cause of internal violence followed after an unspecified, but presumably brief, ‘time lag’.” (Benedict 2005: 121)
79. Clark (1999: 676); see also Opitz (2008: 49): “The idea that a stringent judiciary contribute to the welfare of the people—less in terms of crime reduction as rather in view of the ‘blessing of God’ and the prevention of misfortune and divine wrath -, Bodin has expressed in both writings [*Republique* and *Démonomanie*].”
80. hybrid: mixed.

81. See Quensel (2008) for the associated theoretical context.
82. (Berman 2003: 179): "As in the case of liturgy, marriage and schooling, so in the case of morals, the Lutheran civil authorities replaced the Roman Catholic papal hierarchy as the ultimate source and the ultimate enforcer of the new spiritual legislation: but again, it was Lutheran theologians, often law trained, who not only inspired but also drafted that legislation and presented it to the civil authorities to enactment." (a. a. O.: 187).
83. S. Overall summarized: Reinhard (1983): "Confessionalization in the service of political growth: If the emerging 'modern state' determined modernization, this creates three decisive advantages for its further development: 1. The reinforcement of its national and territorial identity inward and outward, 2. The control over the church as a powerful rival of the new state power, not least also over the church's property as an important power resource, 3. The disciplining and homogenization of the subjects, because 'confessionalization' is the first phase of the so-called absolutist 'social disciplining' by Gerhard Oestreich. Whoever has political ambition therefore can not avoid confessional policy!" (Reinhard 1983: 268).
84. "[D] iscipline was applied to group members in an active way through the vehicle of visitation, when ecclesiastical superiors or, more often than not, mixed commissions of clerical and secular officials arrived to investigate in minute detail the religious and moral life of the parish. Finally, the churches established control of that participation by careful record-keeping on baptisms, marriages, the Lord's Supper, and burials." (Wriedt 2004: 58)
85. (Schilling 1988: 5). See also Schilling (2004). "Confessionalization is a broad term that extends beyond the narrow limits of actual religious history and includes moral behavior, cultural patterns, and the increasing power of the religiously zealous state. It refers not only to specific confessions, but also to similar developments in states of different religious orientation. It means the Counter-Reformation Bavaria as well as the Calvinist Geneva," writes Lyndal Roper (1995: 148) at the beginning of her critical analysis of these concepts. "But—and this is the most important thing—it takes place in all three confessional areas with Calvinists, Catholics and Lutherans to a large extent and relatively parallel in time." (Reinhard 1983: 259)
86. "Whereas practitioners of the confessionalization thesis have always worked from the elites downward, those of the religious anthropology searched for the traditional and innovative elements in the religion of the common people, which meant practice rather than theology and doctrine." (Brady 2004: 12)

87. See Mary O'Neill's (1984: 65) analysis of the processes against simple village priests in Modena (1580–1600): “The functional equivalence of orthodox and superstitious remedies [...] indicates that people went to priests with many of the same expectations that they brought to magical healers, creating pressures that these men were often ill-equipped to resist [...] The resulting tensions often led them to expand their healing activities well beyond orthodox boundaries.”
88. The marriage court, introduced as part of the city reform in 1529 in Basel, “resolved conflicts within marriages and punished adultery. Decided cases of disputed marriage promises, requests for separation from bed and board, and divorces. Before 1529 in Basel such cases (aside from divorce, which was then still impossible) had been heard by the ecclesiastical courts” (Strokes 2011: 131 f.). “The Basel marriage court thus had both ecclesiastical and secular predecessors on the one hand and Protestant models in other cities on the other hand at the time of its introduction.” “The proceedings in court could fulfill two different functions: the official supervision of morals [...] and the resolution of conflicts in the area of marriage.” (Burghartz 1995: 169 f. with two analyzed case studies)
89. As Helena Barop (2021: 121) summarizes the US-American *war on drugs*: “a situation in which the state has an interest on the one hand to declare the drug problem particularly dangerous, but on the other hand particularly benefited from it when it was *not solved*. Because the greater the public fear of the drug problem was, the more likely the population was to allow the state to take tough action against drug offenders, the more effective the state could use its drug policy instruments in all the areas where it appeared advantageous to state actors.”
90. A strategy that we find today, 400 years later—globally—in the great ‘Action Plan on International Cooperation on the *Eradication of Illicit Drug Crops*’ (italicized on page S. Q.) of the UN General Assembly (UNGASS) which in 1998 decided to eradicate all drugs by 2008, and indeed up to drug-related death by impoverishment or targeted use of the death penalty. A pastoral penal function which is supposed to confirm the state’s offer of protection: “Evidence shows that while the system may not have eliminated the drug problem, it continues to ensure that it does not escalate to unmanageable proportions. We have to admit that, globally, the demand for drugs has not been substantially reduced and that some challenges exist in the implementation of the drug control system, in the violence generated by trafficking in illicit drugs, in the fast evolving nature

of new psychoactive substances, and in those national legislative measures which may result in a violation of human rights.” (World Drug Report 2013, Preface III).

Because of this obvious failure, the next meeting of UNGASS was brought forward to 19–21 April 2016, where despite numerous attempts, the old status quo remained in place (see <https://www.unodc.org/ungass2016/en/about.html>).

91. As much as the witch herself was considered ‘guilty’ de jure. A dilemma that is ‘solved’ for us today by the German § 35 BtMG: “If someone has been sentenced to a term of imprisonment of not more than two years for an offence and it results from the grounds for the judgment or is otherwise established that he or she committed the offence as a result of drug dependence, the enforcement authority, with the consent of the court of first instance, may postpone the enforcement of the sentence, any unserved portion of the sentence or the measure of placement in a drug treatment facility for a maximum of two years, [...]”
92. Which Harris (1989: 304) illustrates with a table from Guy Swanson’s *The Birth of the Gods* (1960: 166), in which in ‘societies with social classes’ the gods were interested in morality in a ratio of 28:8, while in the absence of such classes the ratio was 2:12.
93. At this point, a fundamental problem of our ‘historical’ perspective becomes clear once again: In the eyes of those times, the *witchcraft* was considered a ‘conspiratorial’ danger, analogous to the peasant uprising or the Hussite wars—or to the *dangerous classes* of the nineteenth century—a danger that had to be fought with all means and ‘deterred’ preventively. In our current ‘power-political’ perspective, while peasant revolts and heretic uprisings provided ‘real’ reasons to take action, the *witches* served merely as an end in themselves, as a means of ensuring rule. Which is why we—analogue to their later psychiatric and drug-consuming fellow sufferers (up to the present day)—do not know of any open or even hidden real resistance on the part of those affected.
94. “In the 1950s and 1960s, therefore, the Mafia myth fulfilled the important function of creating a sense of social cohesion through a threat scenario,” writes Helena Barot (2021: 89) in her analysis of US drug policy.
95. A power characteristic that the papacy lost in our ‘*witch-time*’, as part of the ‘Italian Renaissance’.
96. A ‘magical’ (i.e. comparable to ‘white magic’?) ability that was supposed to and could above all already very early on document the charisma of the French kings. See for this: Clark (1999: 655 ff., 667), who quotes the French demonologist De Lancre (1622) in the face of this dilemma as fol-

lows: “so that whereas in the touching of scrofula by the consecrated hand of our Kings, it is said ‘the King toucheth thee, and God healeth thee’, they [the witches] might say on the contrary ‘the Witch toucheth thee, but the Devil afflicts thee’.”

97. Apart from the massively used drone murders (see (principiis-obsta.blogspot.de/2013/11/drohnen-morde-ohne-gesetzliche-grundlage), as well as: (www.spiegel.de/ausland/usa-nahmen-offenbar-systematisch-zivile-opfer-bei-drohnenkrieg-in-kauf). On 27.6.2013 Kimberly McCarthy was executed in Texas with the lethal injection—the 500th execution since 1976 (www.spiegel.de/panorama/justiz/todesstrafe-500-hinrichtung-in-texas); for the USA see Garland (2014); for China: Miao (2013); see also the overview in Hood/Hoyle 2018, as well as the Amnesty International Report 2018 (<http://www.spiegel.de/panorama/justiz/amnesty-international-in-iran-werden-die-meisten-menschen-hingerichtet-a-1202351-druck.html>)
98. Kunze (1983: 379 ff.); tortures that Dolcino, a heretic, had to endure 300 years earlier (1307) in Milan. (Lea *Die Inquisition*. Greno Verlag (1985: 477–506)).
99. With the description of Foucault’s *Überwachen und Strafen* (1975) begins.
100. The provost is usually the head of the external affairs of a cathedral or collegiate chapter (cathedral, collegiate provost) (de.wikipedia.org/wiki/Propst).
101. Ifrondel: Resistance of the nobility against the lord of the land.
102. “The high adaptability of the witchcraft accusation to new social conflict constellations is one of the central findings of modern Hexenforschung.” (Moeller 2005: 326)
103. Which Soman—already (1978: 43)—confirmed for France as follows: “The chief problem for the high court was not so much the reality of the crime of witchcraft as it was the maintenance of public order and the imposition of high standards of criminal justice upon a lower magistracy far from easy to control.”
104. “In certain areas, the English state was not as developed as other territories of the same time. Until the end of the seventeenth century there were few tendencies to a standing army and hardly any efforts to create state tax and finance administration machinery. Furthermore, there was no civil service, as it was so pronounced in France (...) But there was one area in which the English state proved to be quite ‘organized’: the law (...) Most of the time, however, witchcraft was dealt with by the royal year courts (Assizes) in accordance with the laws of 1563 and 1604.” (James Sharpe 2008: 73). For the nevertheless also highly insufficiently developed gen-

eral crime prosecution in England in the seventeenth/eighteenth centuries: Rock (1983/1977: 203): “Law was open to ample bargaining and collusion. Deviant populations could not be immediately controlled, and command over information conferred a power which could affect most court proceedings. Justice came to resemble a market place in which an elaborate trading economy developed. The moral and the immoral, the regulated and the regulators, came to be utterly entangled in one another.”

105. A paradox that in the late Salzburg Jackl-processes (see above Sect. 10.2.3) the same ‘well-ordered’ court organization during the high time of persecutions could be moderating, but at the end of it could be used excessively.
106. S. Decker (1983): “A stronghold of witch-hunts.”
107. Think of the persecution-friendly Bavarian Elector Maximilian I.
108. “The Scottish witch-hunt was arguably one of the major witch-hunts of Europe. As in Germany its effects were local and highly concentrated.” (Larner 2000: 197)
109. Brian Levack (2007a: 215 ff.), in a misunderstanding-critical discussion with Christina Larner’s study (1983): “[I]t is difficult to establish a close connection between efforts to strengthen the Scottish state and the prosecution of witches. If anything, it was the *weakness* of the Scottish state, measured by its inability to superintend the trial of crimes in the localities, that led to the great witchcraft prosecutions of the seventeenth century.” (Levack 2008: 90) (see in detail Larner 2000/1983: 62): “From 1597 onwards [...] it was illegal to try and execute a witch without an individual commission from the Privy Council or Parliament or a trial at the Court of Justiciary.” But the facts incl. torture were raised by the local *Kirk-session*: “They were well aware of the type of evidence that would convict a witch in the High Court or obtain a commission from the Privy council” (ibid.: 107), while the *commission* occasionally appointed for the judgment was widely occupied by landowners: “[U]nderestimates the extent to which two other elites [in addition to clergy]—the lawyers and the lairds—were involved. In all cases which went through the Privy Council local landowners sat on the commission and were the ultimate judges.” (ibid.: 175).

In his latest *dissertation* Jones (2016) emphasizes for the last persecution wave 1649/50, with more than 500 indictments, the role of the centrally acting religious-radical *Presbyterian Covenanter*-movement: “They were committed to a creating a godly society, which involved purging the land of ungodliness”, which in the areas close to the center could be imposed on the—similar to the *witch*-committees (see above Sect. 9.1)—responsible

- for the persecution *kirk-sessions*, while in the further periphery rather a 'Calvinist-pietistic' pastoral attitude dominated: "to be responsible for their own salvation and to search deep within themselves to find the means to repent their sins." "The aim was reintegration rather than eradication."
110. "Landlords, mediate rulers, holders of the supreme court and the right of blood could equally suppress, tolerate or promote and use witch hunts for different reasons. However, the aim always seems to have been the consolidation of power within or the securing of power from outside." (Voltmer 2005a: 22)
 111. See also Modestin (2005).
 112. Paderborn, Esslingen: Jerouschek (1995); Offenburg, Schwäbisch-Gmünd: Midelfort (1972).
 113. See for example: (www.hoppenbank.info).
 114. "Transitional Justice stands for efforts to deal with the past of a violent conflict or regime in order to promote the transition to security and peace in a divided society." (www.sfbgovernance.de/publikationen/sfbgov_wp/wp15/index)
 115. The final words of Julian Goodare's analysis (2016: 392)
 116. For the function of such professional language models see Kappeler (2017)
 117. "This method, which was first fully developed in the early 1100s, both in law and theology, presupposes the absolute authority of certain books, which are to be comprehended as containing an integrated and complete body of doctrine, but paradoxically, it also presupposes that there may be gaps and contradictions within the text" which have to be resolved 'dialectically'. (Berman 1983: 131). Thus, clerically, from the Bible and the Church Fathers Augustine and Thomas Aquinas on the one hand, resp, canonically, from the Decretum Gratiani and, secularly, from the Corpus Juris and Carpozov's Practica Criminalis on the other, while, on the other side, physicians "in the circle of Frederick II. developed for the first time within the Christian world a natural science that was not a science of the divine" (Duby 1987: 308), as much as the one argued 'empirically' with the tortured witch statements, while the physicians fell back 'dogma-tically' on Galen's 'four-juices doctrine'—blood, phlegm, yellow and black bile.
 118. "The beginning was made in 1579 by Jean Bodin's Six Books on the State. Against the erosion of state authority, which he, a contemporary of the religious wars, had experienced firsthand, he put forward the epoch-making concept of sovereignty. It is conceived as the highest, indivisible and tem-

- porally unlimited power. The state alone has it at its disposal. Without it, it is not a state.” (Roeck 2017: 1015)
119. (de.wikipedia.org/wiki/Justus_Oldekop).
 120. (de.wikipedia.org/wiki/Girolamo_Savonarola).
 121. “God in heaven, how they gesticulate, how they modulate their voice, how they sob, how they throw themselves into their breasts, what grimaces they make, and how they drown out everything with vocal effort! Such sermon art one brother confides to the other like secret science.” (Erasmus 2010/1509: 80)
 122. After Rummel (1991: 321).
 123. Ihistorical block: Gramsci uses this concept for the interplay of different ‘class fractions’ with corresponding different interests: “This block forms the basis for a social order in which the hegemony of the dominant class is formed and safeguarded by means of a combination of institutions, social relationships and ideas. In Italy, this Historical Block was formed by the industrialists, the landowners, the middle class and parts of the petty bourgeoisie.” (de.wikipedia.org/wiki/Antonio_Gramsci#Hegemonie)
 124. Previously, since the confrontation between Philip the Fair and Pope Boniface VIII as well as by the ‘pragmatic sanction’ of Charles VII (1438) initiated and later (1682) as ‘gallican freedoms’ under Louis XIV. formulated (Hsia 1998: 142) cf. (de.wikipedia.org/wiki/Gallikanismus).
 125. (de.wikipedia.org/wiki/Anglikanische_Gemeinschaft#Geschichte).
 126. What Pope Pius VII then reversed in 1814 (de.wikipedia.org/wiki/Jesuiten#Die_Aufhebung_des_Ordens_im_18._Jahrhundert).
 127. S. <https://de.wikipedia.org/wiki/Evangelikalismus>. For the ideology of the widespread networks and the political influence that reaches as high as the White House (e), see the comprehensive analysis by Annika Brockschmidt (2021)
 128. “‘Therefore, with the invention of writing, we are free and want to be’, it says in the twelve articles that peasants [1525] put forward [almost 500] years ago in Memmingen.” (<https://www.allgaeuer-zeitung.de/bayern/wie-in-memmingen-die-menschenrechte-erfunden-wurden-arid-10562>)
 129. When writing this conclusion, I come across the SPIEGEL note on the one hand that the USA is imposing sanctions on the Chief Prosecutor of the ICC, Fatou Bensouda, because she has been conducting preliminary investigations since 2006 on “allegations against the radical Islamic Taliban and Afghan government troops since 2003, but also [about] possible crimes of foreign military personnel, in particular US soldiers and members of the US secret service CIA” (www.spiegel.de/politik/ausland/usa-verhaen-

[gen-sanktionen-gegen-chefanklaegerin-a-0ef291f3-73d1-4953-8f33-d94ff0f81139](https://www.spiegel.de/politik/ausland/den-haag-deutschland-und-71-staaten-verurteilen-us-sanktionen-a-65b7eaf5-21bc-4182-be7a-c0d8d9d8ae61)), ‘which are condemned by Germany and 71 states’ (www.spiegel.de/politik/ausland/den-haag-deutschland-und-71-staaten-verurteilen-us-sanktionen-a-65b7eaf5-21bc-4182-be7a-c0d8d9d8ae61) (from 3.11.2020). And on the other hand on the European project by Ferdinand von Schirach *Jeder Mensch (Every person)*, in which he demands in 5 articles new fundamental rights that can be claimed by everyone, namely: environment, digital self-determination, artificial intelligence, truth and globalization (In: Die ZEIT 31.3.2021: Nr. 14/2021; S. 5)

Appendix: Reading Recommendations

Johannes Fried (2008) conveys in 600 pages a ‘narrative’ related to modernity, palatable and written above all about the history of European ‘political culture’ in the long millennium between 500 and 1500. A Europe-wide overview of the general ‘developmental tendencies’ of this witchcraft period is provided for the early witchcraft period extending into the late Middle Ages up to the Reformation by Romano/Tenenti (1998), for ‘early modern Europe 1550–648’ by van Dülmen (1998) and for the Renaissance by Bernd Roeck (2017); Hsia’s reader (2004) provides information on the period of the Reformation with numerous references to literature.

Schwerhoff (2011) and Härter (2018) provide an overview of historical crime research; admittedly explicitly without witch prosecution (which would correspond to an account of the contemporary criminal justice system without terrorism), while Berman (2003) broadly examines the role of the Protestant ‘revolution’ for European law. Morris (2006) analyses the relationship between magic and religion from an ethnological perspective, while Cameron (2011) describes in detail the medieval and early modern history of folk magic from the perspective of ‘academic theology’ combating such superstition. Clark’s classic *Thinking with Demons* (1999, 2002) locates the witch specific magical mentality ‘below’ as well as ‘above’ the general ‘thinking’ of the time.

Good recent introductions to the narrower topic of witchcraft can be found in Behringer (1998), Rummel/Voltmer (2008) and from a cultural studies perspective: Frenschkowski (2012) and Gaskill (2013a) with a good overview of “further literature” (pp. 196–202), as well as Dillinger (2018) with a focus on “magic” (“However, witchcraft is only one aspect of the vast field of magic”). A more didactically and methodologically sound, pan-European overview can be found in Goodare (2016); Levack (1995) describes, in a readable and theoretically sound way, *The History of Witchcraft Persecutions in Europe*, while Baschwitz (1966),

just as easy to read and well researched, but pan-European, sketches the *dramatis personae* of the witch hunt before the boom of recent witch research. Most recently, the 5/2021 issue of *Spiegel Geschichte* (2021) offers a well-illustrated, popular, but overall consistent introduction to the topic. For England, Bostridge (1997) and Elmer (1999) allow, for France Pearl (1999) and Ferber (2004) a good “politologically” oriented insight. Black (2009) and Decker (2018) report from the Vatican archives on the Roman Inquisition. In his analysis of the Basque witch hunt (1609–1614), Henningsen (1980) allows a vivid insight into the content and coping with the belief in witches, while Robisheaux (2009) reconstructs a case report from the late *witch* time (1672) from rich archival material.

The theme portal *Hexenforschung (Witchcraft Research)* and in particular the *Lexikon zur Geschichte der Hexenverfolgung (Lexicon of the History of Witchcraft Persecution)* edited by Gudrun Gersmann, Katrin Moeller, and Jürgen-Michael Schmidt with numerous scientific individual contributions (www.historicum.net/themen/hexenforschung/lexikon) contains extensive material.

Original material is provided by Behringer (2000) and Levack (2015), supplemented by the website (www.routledge.com/cw/levack) with an interview and a lecture by Levack, a detailed glossary, interactive map and timeline, as well as a bibliography sorted by subject areas, up to the most recent time. Another commented bibliography of the most important witch works is offered by Gary Waite on the Oxford Bibliographies website (<https://www.oxfordbibliographies.com/view/document/obo-9780195399301/obo-9780195399301-0169.xml>)

Very good “Witchcraft Reader”, in which almost all renowned witch researchers are represented, are Darren Oldridge (2007) and Brian Levack (2013), who both go into the respective research and name the corresponding “basic literature”. *The Athlone History of Witchcraft and Magic in Europe* contains overview-like contributions from antiquity to the 20th century in 6 volumes. Relevant here are volumes 3 to 5: *The Middle Ages* (2002), *The Period of the Witch Trials* (2002), *The Eighteenth and Nineteenth Century* (1999).

A short introduction to the *Neuere Deutsche Forschung en zum frühzeitlichen Hexenwesen (Recent German Research on early modern witchcraft)* is given by Schwerhoff (1995); a very detailed overview of the history of witch research (with 1078 notes) from Nider (1435) to the late 80s—above all under the aspect of the research of the ‘irrational’—offers in the usual form Behringer (2004a); while I found the best overview of recent witch research with detailed literature and internet references at Midelfort (2008 in Midelfort 2013).

Extensive image material is contained in the exhibition catalogs *Hexenwelten*, ed. Richard van Dülmen (1987: 327 ff.) and *Hexenwahn, Ängste der Neuzeit (Hexenwahn, fears of the modern age)* (Beier-de Haan/Voltmer/Irsigler 2002), as well as Russell/Alexander (2007).

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¹in brackets: year of first publication

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