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Cover Image

On the cover, a protestor wearing nitrile gloves and holding his fist, 31 May 2020.
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Witchcraft Treatises in Early Modern Europe

Kayla Ouerbacher

In early modern Europe, a society where piety was expected, and God was exalted, the conceptualization of witchcraft as praise for the devil threatened the status quo. It also helped to define what was deemed righteous by providing such a stark counterexample. The ideas of witchcraft that permeated society in the early modern period centered around pacts formed with the devil to practice evil and inflict harm upon others.¹ Assumptions about who was most likely to ally with the devil were based mainly on stereotypes and misogyny. This is evident in the treatises of contemporary legal scholars that worked to help “construct a difference between the normal [Christian] world and the world of witchcraft in such a way as to legitimize the institutions to which they belonged or otherwise supported.”² By the fifteenth century, legal scholars and demonologists were publishing treatises to convey their beliefs about witches in general and how to best prosecute them. This paper addresses how the legal scholarship written in the early modern period by demonologists such as Heinrich Kramer, Jean Bodin, Nicholas Remy, and Henri Boguet was shaped by cultural influences, and in turn, influenced how society perceived and acted upon the problem of witchcraft. These highly educated scholars and theologians give us a window into the values, thought patterns, and biases held by prominent figures of early modern society that further our understanding of how witchcraft became such a significant concern for people of the era. Some scholars, such as Kramer, appealed to the religious virtues of European judges and society, emphasizing the heretical nature of witchcraft, its inherent ties with the devil, and the “fallacies” of skeptics as they aimed to support the Catholic Church. Others, such as Bodin, were more tolerant of differing religious beliefs yet advocated stringent prosecution methods.³ Ultimately, demonologists were greatly influenced by religious convictions, conventional expectations of womanhood and sexuality, and their geographical locations. In turn, legal scholarship by such demonologists was primarily driven by fear of both threats to the Christian Church by the Devil and demons, and by women who defied expectations of domesticity and sexual repression. By ‘othering’ and targeting perceived threats in their writings on witchcraft, demonologists worked to legitimize the subordination of women and uphold the role of the Church in society. To highlight how such influences are evident in demonological texts, I focus on religion, sexism and misogyny, sexual deviancy, and recommended prosecution methods to explore how the legal systems functioned in the regions where these scholars were located.

Historians have written extensively on the complex history of witchcraft and demonology, especially concerning the aspects of religion, misogyny, magic, sex, and philosophy. In Stuart Clark’s “Thinking With Demons,” he situates the subject of witchcraft within a larger conceptual framework of how early modern thinkers viewed the world in general through a “Saussurean” lens, wherein concepts can only exist with their opposite. Clark asserts that witchcraft existed in the minds of early modern scholars as something they could contrast against a “good” society. Clark explains that the language of the early modern period was rooted in binary opposites. To scholars of the time, “witchcraft was construed dialectically in terms of what it was not; what was significant about it was not its substance but the system of oppositions that it established and fulfilled. The witch — like Satan himself — could only be a contingent being, always ‘a function of another, not an independent entity.’”⁴ As such, the concept of “witchcraft” could only exist when juxtaposed against what it was not. Likewise,

the idea of witchcraft helped to validate institutions promoted as its moral opposite. When placed in the Saussurean framework assumed by Clark, this is undoubtedly the case. However, rather than discuss demonology broadly, I focus on specific texts and how the theoretical framework of inversion is implied in these particular writings.

Jonathan Barry notes that many demonologists viewed witchcraft as threatening to the Church, and in turn, wrote treatises out of anxiety, fear, and anger.⁵ While women were persecuted for witchcraft at higher rates than men, both Barry and Clark note that misogyny was not suddenly heightened in the period, nor were demonologists any more misogynistic than society at large. Instead, the weakness of women relative to men was taken to be self-evident.⁶ Barry claims that in the 15th century, “an increasing emphasis on clerical celibacy... meant women were in danger of being seen as both tempters and pollutants.”⁷ This helps to show that while witch trials were not created as a misogynistic ploy to target women, early modern society viewed women as the inferior sex, more apt to fall prey to the Devil’s temptations. Thus, witches were generally conceived of as women. Barry states that early modern theologians such as Kramer and Boguet viewed witchcraft as a “battle between the armies of God and the forces of evil.” This confirmed early modern assertions that witchcraft threatened to subvert the status of the Church’s power while simultaneously validating the Church as the moral authority.⁸

Marianne Hester has also commented on the association between women and witchcraft accusations, asserting that witch-hunts functioned as a form of “social control of women” within a patriarchal society.⁹ She claims that the conceptualization of the witch as a female helped to confirm men as the superior sex and provided an avenue to prosecuting women who did not conform to patriarchal society’s expectations of women.¹⁰ Hester claims that the construction and sexualization “the female” were tools to oppress women and maintain patriarchal power.¹¹ While men were undoubtedly tried for witchcraft, female sexuality was feared and objectified, and male sexuality was not viewed as equally damaging. Hester also points out how women were expected to be submissive to their husbands. The supposition that female witches fornicated with the devil further heightened the threat that female sexuality posed to a male-dominated society.¹² Unlike the claim made by Clark and Barry, Hester explains that the frequency of which women were implicated as witches was not only a result of longstanding misogynistic views but also as a mechanism to assure the repression of women in favor of maintaining a patriarchal status quo.

Belief in witchcraft was not a new occurrence during the early modern period. Much of the general public believed in magic, often citing it as an explanation for many of the misfortunes that faced ordinary people.¹³ Cultural biases against women shaped the stereotype of witches, resulting in the most common conception of witches as elderly, single, poor women.¹⁴ As the early modern period approached, people began to understand witchcraft and magic as having direct connections to the devil. The Catholic Church, which had maintained a monopoly on religious beliefs throughout prior centuries, was now threatened by the advent of Protestantism, which was just beginning to gain traction in regions where loyalty to the Catholic Church was relatively weak. While the Catholic Church blatantly denied the existence and power of witchcraft in prior centuries, by 1550, the Church’s stance on the matter changed drastically.¹⁵ The Church embraced the belief that witchcraft was inherently tied to the devil, thus making witchcraft a crime against God. The division of Christianity into Catholicism and Protestantism resulted in a barrage of religious wars, and both religious denominations sought to garner support through addressing fears of witchcraft and, in turn, assuring peoples’ safety from evil.¹⁶ This rift in the Christian faith made it necessary to define what constituted a moral, pious society. By establishing witches as evil and defiant towards God, it became easier to

validate existing institutions as the paragon of morality. As many demonological writers had ties to Christianity, the opinions of authors such as Kramer, Sprenger, Bodin, Remy, and Boguet simultaneously influenced and were influenced by the Church, its reaction to witchcraft, and the need to draw distinct boundaries about what was moral.

There is a prominent focus on religion throughout demonological writings and how witchcraft was inextricably connected to Satan. As one of the first authoritative statements from the Church regarding witchcraft as a crime, Pope Innocent VIII's 1484 Bull granted permission to Dominican inquisitor Jacob Sprenger and Dominican theologian Heinrich Kramer of Germany to embark on the mission of persecuting witches.¹⁷ Two years later, Kramer and Sprenger published the *Malleus Maleficarum*, a work that became a crucial resource for later demonologists. As Dominicans, an order of the Catholic Church, and "keen advocates of the cult of the virgin [Mary]," the authors would have been viewed as religious authorities, and the influence of religion is seen clearly throughout the *Malleus*.¹⁸ Dominicans exalted the virgin Mary as representative of purity and viewed most earthly women as aligning with the Biblical Eve, who was thought to represent lustful indulgence.¹⁹ Kramer claims that the Bible instructs believers to kill witches, and in his own words, if "witches did not really and truly make a compact with devils... to bring about...harms," then the Bible would not advocate such severe punishment.²⁰ Using the Bible to emphasize the gravity of witchcraft, Kramer communicated that the prosecution of witches was an urgent, pressing problem facing society.

To further illustrate the Biblical stance on witches, Kramer cites a selection of verses likening the "souls of witches and soothsayers," and "wizards and charmers" to "pythons in whom the devil works extraordinary things."²¹ Kramer treats these Bible passages as evidence that the persecution of witches was mandated and approved by God. Like many of its successors, the *Malleus Maleficarum* asserted that witches gained their powers to perform acts of evil through pacts with the devil through a four-step process: renouncing the Catholic faith, devoting themselves to evil, offering unbaptized children to the devil, and "indulging in carnal lust."²² This denial of God, as described by Kramer, helped popularize the notion that witchcraft was a crime of heresy, which made witchcraft not only a religious crime but also a secular crime that should be taken seriously in all judicial proceedings of every type of court. This provided grounds for many Catholic and Protestant witch hunters alike to "flush out witches living among them," helped by the fact that the *Malleus* quickly became the most sold book in Europe apart from the Bible.²³

As was relatively common for scholars of the time, French jurist and demonologist Jean Bodin had an extensive religious background. Born in 1529, that Bodin lived in the Renaissance period is evident in his religious persuasion. Though raised in the Catholic Church, Bodin grew critical of the Roman Catholic Clergy and its hierarchical structures in adulthood.²⁴ He studied philosophy in Paris, where intellect and spiritual experiences were bountiful, and went on to study law in Toulouse.²⁵ Due to his extensive education, Bodin was highly educated in secular aspects of the world. At the same time, Bodin's knowledge of the Catholic faith, and his reverence for God and the Bible, are all apparent in his *Demonomania*, wherein he asserts that witchcraft is a crime against God regardless of one's religion.²⁶ Similar to the *Malleus Maleficarum*, themes concerning witches renouncing God to obtain power from Satan are found in Bodin's writing.²⁷ Bodin believed that angels and demons served as middlemen between humans and God and that such beings were God's method of intervention in human matters.²⁸ Likewise, Bodin held that any compliance with demonic activity through witchcraft was treasonous toward God.²⁹ In the *Demonomania*, Bodin cautions against falling into the trap of believing "white magic" to be natural and good, saying instead that all invocation of the "good angel of the planets" requires "abominable idolatry by

worshipping its demon.”³⁰ Essentially, Bodin claims that there is no distinction to be made between “white” magic and “Black” magic, but rather that Satan had turned magic into “diabolical witchcraft,” which he then disguised as pious to lure “respectable men” to its clutches.³¹ Bodin cites an example of a young man who supposedly forced a sieve to move through words as proof that an evil spirit accompanied the young man. Bodin claims that this type of allegiance and reliance on a spirit was blasphemous towards God, performed through diabolical means, and “forbidden by the law of God,” as no one can make an object move without touching it by any natural means.³²

Bodin’s focus on blasphemy against God indicates that one of his primary concerns regarding witchcraft was the defiance of God inherent in a witch obtaining their powers. Bodin believed witchcraft to require direct contact and cooperation with evil spirits and demons and submission to Satan. Bodin explicitly believed witchcraft to be one of the most loathsome crimes possible to commit, as it “takes revenge both on the soul and the body.” Bodin believed that practicing witchcraft would damage the soul of an individual due to the pact with Satan that said individual was thought to have made, which forced them to renounce God and “visit with” the Devil. Bodin additionally asserted that by not fully prosecuting witches, the wrath of God would be brought down upon a community, meaning it was in the interest of the people that witches be hunted and punished.³³

Similarly, French lawyer Nicolas Remy, a contemporary of Bodin’s born in 1530, believed witchcraft was a crime against God. As Procureur General of Lorraine in the sixteenth century, Remy led a massive witch hunt and claimed to have burned close to 800 witches to death. However, some scholars disputed this number who claim trial records prove the actual number to be much lower.³⁴ In Remy’s *Demonolatriy*, published in 1595, he implicates Satan as a force capable of leading people “astray” through witchcraft. Remy describes Satan as capable of utilizing human failings to deceive people into thinking he could equip them with the means necessary to satisfy their wants.³⁵ Additionally, Remy lists examples of the poor being promised riches, and the wronged being promised means to avenge themselves, both ways by which Remy claims that Satan “burrows into their very hearts.”³⁶ He further explains that Satan gained people’s allegiance, as Satan could not fulfill his promises unless one turned against God and instead devoted themselves to the devil. It was believed that witches were only ‘rewarded’ with the power to harm if they shifted their allegiance from God to Satan.³⁷

Henri Boguet, another sixteenth-century French lawyer who worked in Franche-Comté, wrote *An Examen of Witches*, wherein he states that the reason to exterminate all witches was Biblical. Throughout *An Examen of Witches*, Boguet refers to various Bible verses in the margins of his text, indicating that he believed the Bible to be the ultimate resource for evidence on the evils of witchcraft. He asserts allowing witchcraft to endure would be direct disobedience to “the Majesty of the Most High” and that the Bible proved that God had threatened cities and villages for allowing witchcraft to persist.³⁸ This concern is reflective of Bodin’s beliefs that witchcraft was not only dangerous to those harmed by witches but also to the souls of those infected by Satan. Both authors warned of the wrath of God upon communities that ignored this threat. Boguet cautions that failure to prosecute the multitudes of witches throughout Europe could result in numbers “strong enough to make war upon a king.”³⁹ Through such threats, Bouget stresses the urgency and immediacy required of witch hunters to take action to defend the kingdom of God. In *An Examen of Witches*, Boguet also references the Biblical Book of Job to support his claim that Satan possessed the most expansive power on Earth, allowing him to grant witches the ability to do evil.⁴⁰ As other demonologists before him had claimed, Boguet clarifies that witches would have no access to powers were it not for the pacts they made with the Devil. He further explains that the

relationship between witches and the Devil is like that of the soul and the body: witches could not perform magic without the Devil, but the Devil needs witches to carry out evil.⁴¹

These authors emphasize religion and the role of God when it comes to witchcraft. They argue that witchcraft involved the rebuke of God in favor of the devil to gain a witch's powers. The influence of the *Malleus Maleficarum*'s assertion that witchcraft was heretical in that it required witches to denounce God is also seen in each author's writing. Although these authors share similar beliefs in this regard, they differed substantially regarding their religious beliefs. While Kramer and Remy were ardent Catholics and supporters of the Church, Bodin was incredibly tolerant of all religious beliefs. Bodin, like Boguet, advances his argument by asserting that witchcraft was not only a crime in the eyes of the Church but also a crime against God, capable of ravaging the soul and jeopardizing communities.

Another theme throughout the genre of demonologists' treatises was the view that women were the weaker sex and thus more likely to fall into Satan's trap of witchcraft. The *Malleus Maleficarum* features rampant misogyny. Although Remy, Bodin, and Boguet's treatises tend not to be as blatantly misogynistic, the biases against women popular in early modern society are evident in their works. In the sixteenth century, "marriage, education, politics, and religion" structured society patriarchally. This profoundly influenced demonological writers who believed that men, as heads of homes, were superior.⁴² While it is true that in the early modern period, men and women occupied clearly defined separate spheres of society, and gender roles were firmly adhered to, condemnation of women in Heinrich Kramer's writing is especially brutal.⁴³ This can be attributed partially to the understanding that women were the so-called 'weaker sex,' who resorted to supernatural methods of avenging themselves and were thus expected to turn to witchcraft more often than men.⁴⁴ Even though in France (as elsewhere in Europe), the stereotype of witch hunts as wars on women is mainly false, many demonological authors nonetheless assumed that women were significantly more likely to become involved in witchcraft than men.⁴⁵

In Kramer's *Malleus Maleficarum*, he claims that the reason women were more likely than men to become involved in witchcraft was that women were "intellectually feeble, morally weak." A woman's sexual perversion made them more inclined to fall prey to the Devil's persuasive nature, deny God, and engage in demonic activity.⁴⁶ Although he concedes that there was a possibility of men becoming witches, only claiming that it was "more likely" for women to engage in witchcraft, Kramer focused almost all of his attention on the supposed weaknesses of women. He goes on to say women are "an inescapable punishment...a desirable calamity,... and evil painted with fair colors."⁴⁷ The rhetoric that all women were "fragile" both of mind and body speaks to Kramer's biases against women. This might be an indication of why Kramer so adamantly sought to convict women of witchcraft.

Although milder than Kramer's assertions of female inferiority, Remy still advances misogyny in his *Demonolatriy*. Remy states that it was "easier for the Demon to impose his deceits upon [the female] sex" and that "it is not unreasonable that this scum of humanity should be drawn chiefly from the feminine sex."⁴⁸ Remy's language in *Demonolatriy* demonstrates the societal view that women were inferior to men and so weak-minded that the devil viewed them as easy prey. Although he does not explicitly claim that women were evil by nature, as Kramer had, Remy writes about women using derogatory language that communicates his patriarchal views. Bodin, however, differs slightly from Kramer and Remy in his gendering of witches. Although most of Bodin's testimonies were told by women, and he believed that female witches outnumbered male witches fifty to one, he admits that male witches did exist.⁴⁹ Despite this admission, Bodin still maintained biases against women, explaining that due to women's "larger internal organs," they were more likely to act on

opportunities allowing them to give in to “bestial desires,” as was possible through witchcraft.⁵⁰

Boguet’s gendering of witches appears to fall in line with the beliefs of Bodin. Most of the testimonies cited by Boguet throughout *An Examen of Witches* are of females, and he centralizes many of his arguments against witches on evidence that people in mostly female positions, such as midwifery, often turned to the devil. Boguet claims that “midwives and wise women,” who practice witchcraft, frequently kill the children whom they deliver. Since midwifery was viewed as a profession belonging to the female sphere, Boguet viewed women as threatening and inherently inclined to conspire with the devil.⁵¹ From a modern perspective, it is unsurprising that many babies died during childbirth due to a lack of medical knowledge. However, due to the prejudices against women and superstitions of the early modern period, these natural, albeit tragic, deaths were often attributed to female witches. Like Bodin, however, Boguet does not omit men entirely from the crime of witchcraft. He implicates male witches in his theory that they were as “addicted” to sexual pleasure as their female counterparts and were ‘known’ to appear at Sabbats and engage sexually with female demons.⁵²

Although some regions indeed had a relatively even ratio of males to females accused of witchcraft, women ultimately made up the majority of those convicted of witchcraft, a phenomenon that can be linked to the biases these authors pushed.⁵³ While the opinions of demonologists were not necessarily the sole cause for the uneven ratio of women to men convicted of witchcraft, they reflect the sexist bias against women.⁵⁴ The sexist sentiments of demonologists found in their published treatises illustrate how understandings of women shaped the legal scholars’ beliefs. Kramer and Remy held definitive beliefs that women were the weaker sex in all mental and physical aspects, and they merely alluded to the potential of males to become witches. In contrast, Bodin and Boguet admitted that although there were more female witches than male witches, men were tempted by the Devil’s promises as well.

Following the reasoning that the devil sought women to work as witches because they were “sexually perverse,” demonologists often discussed the sexual encounters between witches and devils, sabbats,⁵⁵ and rituals at great length. The purity of women was prized in the early modern period, and thus female sexuality was both feared and repressed. While crimes considered male-centric were typically those pertaining to violence, crimes centered around femininity were chiefly related to sexuality. The idea that women could “lead men astray” to commit adultery was widely considered criminal.⁵⁶ This projection of the Madonna on the “moral” female population is contrasted against the rampant sexuality that demonologists believed was universal amongst immoral witches. The fear of female sexuality manifests itself in the literal and figurative demonization of women and sex throughout demonologists’ treatises. The belief that witches made compacts with the devil typically involved a witch having intercourse with the devil, with demonologists arguing that these pacts were made in denial of God. Thus, sexual acts with the devil were seen as a means for Satan to take over both body and soul. Kramer, Bodin, Remy, and Boguet each discuss to some extent the sabbats and accompanying orgies witches would attend to fornicate with the devil supposedly.

Kramer fixates on the sexual aspect that many people believed to be involved in witchcraft and the sabbat. He describes at length acts of copulation between witches and devils or demons and claims that confessions have proven that the accused attended orgies frequently at sabbats.⁵⁷ Kramer insists that it is not merely the opinion of demonologists that witches copulate with the devil; he contends that testimonies of witches prove that this belief is credible.⁵⁸ He also concludes that witches “willingly embrace this most foul and miserable servitude,” based on his claim that the courts have witnessed many women punished for

engaging in sexual activity inconsistent with the Christian faith.⁵⁹ This is another manifestation of Kramer's flagrant misogyny, as he takes the sexuality of women in general as definitive proof that women would willingly engage in sexual acts with the devil. Kramer claims that the devil takes on the form of an incubus, a male demon capable of having sex with women, and presents itself visibly to the witch herself. However, the devil is invisible to any bystanders, and the "agitation of the legs and thighs" is the only visible evidence that witches "have been copulating with the Incubus devils."⁶⁰

Bodin addresses the supposed sexual practices of witches and demons in his *Demonmania* similarly. He uses the testimony of Jeanne Harvillier, a young French woman who claimed to have been "presented" to the devil by her mother, and the testimony of Marguerite Bremont. She claimed to have attended a sabbat and witnessed witches "lying with" the devil to support the claim that the devil physically copulates with witches upon their renunciation of God.⁶¹ Bodin also references the *Malleus Maleficarum's* explanation that witches copulated with the devil in "broad daylight," despite outsiders' inability to see any figure lying with the witch.⁶² This narrative, advanced by both Kramer and Bodin, alludes to the fears that demonologists, along with most of society, had regarding female sexuality. One can assume that these accounts of witches engaging in sexual practices with no other visible figure were because there *was* no other figure present. These cases were likely instances of self-stimulation. These demonologists assumed a demonic force was involved because the concept that women were sexual beings directly countered their world view of domestic, pure, and pious women. While Bodin does not come to a firm conclusion on whether children could be born due to a witch's sexual encounter with a demon, he addresses the question by claiming that doctors had not yet come to a consensus.⁶³ Bodin also considers the opinion presented in the *Malleus Maleficarum* that children born of this copulation would have been devils in the form of children capable of doing evil themselves.⁶⁴

Similarly, Nicholas Remy's *Demonolatry* emphasizes the sexual nature of a witch's relationship with the devil and women's susceptibility to the devil's temptations. He uses two testimonies from women accused of witchcraft as "firsthand proof" that although anyone could succumb to witchcraft, women were seen in more significant numbers than men at the devil's sabbats and were, therefore, more likely to become witches.⁶⁵ Remy discusses these sabbats as events where witches would participate in massive orgies with the devil and demons. Citing a 1588 testimony from Didatia of Miremont, who claimed she "was always so stretched by the huge, swollen member of her demon that the sheets were drenched with blood," Remy argues that the sexual encounters witches had with demons were mainly against their will.⁶⁶ He ponders whether one could become pregnant with the spawn of a demon. He goes so far as to graphically recount the testimony of a child that demons, as 'Incubi,' keep human semen they received as 'succubi,' (demons who appear in the female form to seduce men) and insert it into a witch.⁶⁷

Boguet's *An Examen of Witches* also advances the claim that witches performed sexual acts with the devil and demons. He references eleven different confessions wherein the woman accused admitted that Satan uses "carnal pleasures... as a means to bind them to his allegiance by such agreeable provocations."⁶⁸ He takes the confessions of Antoine Gandillon, Clauda Janguillaume, and Clauda Paget, among others, as evidence that the Devil used sex to bind witches to evil. Like Kramer, Boguet believed women were sexually perverse and claimed that women love carnal pleasures. Thus, witches enthusiastically engaged in this practice, commonly occurring at sabbats. However, while other demonologists such as Kramer exclude testimonies of male witches' participation in sexual acts with the devil, Boguet claims that just as women relished this practice, men were also "addicted to this pleasure" and attended

Sabbats as well. Boguet's beliefs regarding witches' desires to participate in these acts seem to contradict themselves. However, Bodin later claimed in *An Examen of Witches* that "coupling" with Satan was painful and capable of causing burning sensations in women. It was thus not pleasurable in the slightest.⁶⁹ He attributes this problem to the supposed physical deformity and ugliness of Satan. Still, Bodin claims that Satan was powerful enough to engage in sexual acts with witches using a body "formed from the air...so dense it is capable of coition of a woman."⁷⁰

While Kramer attributed the sexual perversion of women in general to be the *cause* of women becoming witches, it appears that other demonologists tended to view sexual perversion as a *result* of women's pacts with the devil. However, all these demonologists seem to concur that witches engaged in sexual acts with the devil and demons. Kramer describes this sexuality as "carnal pleasure," insinuating witches relished in the experience, while Remy clarifies that witches did not instigate or relish the act whatsoever. In *An Examen of Witches*, Boguet makes conflicting claims that witches loved carnal pleasures and that copulation with the Devil was a painful event that witches did not enjoy. While Bodin does not comment directly on whether or not witches experienced pleasure through sex with a demon, the fear of female sexuality shared by much of society is apparent in his *Demonmania*. The question of whether women could conceive children from these acts with the devil was debated as well. Boguet believed that a central reason for "coupling of the Devil" was to bear evil children detested by God, indicating that he believed children could be born out of sexual acts with demons.⁷¹ He further claims that the conception of a child with the devil was possible by "shooting male semen into the womb," thus impregnating the witch.⁷² Remy also questions how it could be possible for children to be born out of sexual encounters with the Devil, concluding based on the testimony of a child that demons reserved the sperm of a human male, using it to impregnate female witches. Though Bodin references this theory, he does not seem persuaded that demons impregnated witches in this manner.

In adherence to one of the primary functions of their legal treatises, each demonologist advises how to best obtain confessions from those accused of witchcraft, the degree to which torture should be used, the evidence needed for a conviction, and how to carry out punishment properly. These treatises were written to guide judges in their rulings on witchcraft, but they were not necessarily followed. Demonologists often wrote to encourage judges to diverge from standard prosecution procedures to condemn witches more easily. Many of the guidelines proposed by demonologists seem extreme and inhumane. Still, it is crucial to bear in mind that torture was frequently employed as a means of obtaining a confession in the early modern period, and many of the recommendations advanced by demonologists stemmed from the genuine fear that witchcraft was a serious threat to society.⁷³

The third section of Kramer's *Malleus Maleficarum* is predominantly concerned with how witches should be dealt with legally. Kramer refers to Roman Canon law to conclude that witches should be tried in civil and ecclesiastical courts. He believes witches can be seen as both apostates⁷⁴ or heretics,⁷⁵ depending on the nature of their crimes.⁷⁶ Kramer lists several methods by which a trial against someone accused of witchcraft can be initiated. The third involves "no accuser or informer, but a general report that there are witches in some town or place" is the most typical and allows for an anonymous accusation wherein the accuser does not need to appear before the court.⁷⁷ Kramer asserts that although two witness testimonies are not necessarily sufficient to convict an individual of heresy or witchcraft, due to the grave nature of said crimes, if the judge has "strong suspicion" based on witness testimony, the accused must be made to renounce their heresy. It is up to the judge's discretion to decide whether or not to condemn the accused.⁷⁸ Kramer also writes that witches may be used as

witnesses against one another, a common practice that ultimately resulted in an exponential increase of witchcraft accusations.⁷⁹ He also explains that the judge was not required to inform the accused of who testified against them because a witch may cause harm to those individuals.⁸⁰ While Kramer instructs that unless an accused witch confesses to the crimes they are accused of, they may not be sentenced to death, he nonetheless allows the use of torture in obtaining a confession. Although Kramer cautions that some witches may be immune to the pain inflicted by torture, not all witches are granted this protection. Thus, he argues, torture can be beneficial in exacting a confession.⁸¹ Ultimately, Kramer argues that upon conviction of a witch, the only punishment suitable is death.⁸² These harsh and seemingly immoral methods of conducting a trial related to the belief that the Devil was a master manipulator and that witches posed a threat to the safety and spirituality of society.

In his *Demonmania*, Bodin argues that failure to punish witches to the fullest extent would result in the wrath of God exacted upon a community. Witchcraft was dangerous because it could cause physical suffering and that it would also destroy the soul.⁸³ Despite his tolerance for different religious confessions, Bodin was incredibly harsh regarding the punishment of witches. In the fourth book of his treatise, *Demonmania*, Bodin claims that if witches were not made to renounce their “evil” ways, any punishment “prescribed for witches, even roasting and slowly burning them,” could not compare to the suffering they would otherwise experience at the hands of Satan or the suffering they would endure eternally for renouncing God.⁸⁴ Bodin also emphasizes the difficulty in prosecuting witches due to the secrecy under which they operate. He argues in *Demonmania* that witchcraft should be considered an “excepted crime,” as heresy and treason were, to work around the strict burdens of proof required by Roman Canon law.⁸⁵ Therefore, he asserts, witches needed to be named by accomplices because “respectable people” could not discover the depth of a witch’s crimes. According to Bodin, these accomplices could implicate an “infinite number” of fellow witches.⁸⁶

Like Kramer, Bodin grants the power to prosecute witches to both “regular” and ecclesiastical judges. Bodin also asserts, however, that crown prosecutors had the responsibility to lodge complaints against potential witches, as he raises the possibility that citizens could be too fearful of becoming involved.⁸⁷ As a means to resolve this problem, Bodin suggests that churches have a box for “poor simple people” who feared witches so that they could leave accusations anonymously.⁸⁸ Bodin’s stance on torture was similar to Kramer’s, as Bodin believed that witches had access to drugs that could numb the pain of torture. However, if they lost the drug, the immense pain inflicted by torture would compel witches to confess. Bodin also recommends methods of psychological abuse by prolonging the events leading up to torture itself and having someone in the torture chamber “cry out with a dreadful cry, as if he were in torment” due to torture to instill fear and incite a confession.⁸⁹

Bodin goes on to instruct judges on what evidence was required to prove one was guilty of witchcraft. He cites three forms of proof that were to be considered “necessary and indisputable.” First was concrete fact, the second was a voluntary confession, and the third was testimony by witnesses.⁹⁰ In identifying three different ways in which one could be proven guilty, Bodin gives judges options for prosecuting the accused, making it more likely to secure a conviction. This approach also bolsters his credibility amongst his readers, as it shows that he was knowledgeable about how witchcraft could be “proven.” Among the things which Bodin cites as “concrete proof” are poisons and spells in the possession of a witch, “digging beneath the doorway of a stable” preceding the death of livestock, possession of toads, possession of “waxen images pierced with needles,” or having been seen with someone who suddenly fell ill.⁹¹ Although most people now recognize how easy it would have been for any

number of these instances, or “proofs,” to be circumstantial, Bodin exhibits the superstitions of early modern Europeans by claiming that these “proofs” were sufficient evidence for a conviction. He instructs judges that if proof of this sort was produced, a confession was not necessary to convict someone of witchcraft.⁹² He also asserts that witness testimony by at least two witnesses could qualify as “clear and certain proof.” Likewise, if the accused remained silent, it should be interpreted as a confession, and a conviction could follow.⁹³ His justification for such methods of conviction was that witchcraft, practiced in secret, was very difficult to prove and that the ramifications for not persecuting witches would be grave.

Boguet also describes the methods of prosecution he viewed as proper through articles addressed directly to judges in *An Examen of Witches*. Like Bodin and Kramer, Boguet believed that the “usual legalities and ordinary procedure” for standard convictions need not be adhered to strictly, as witchcraft was an elusive crime to prove.⁹⁴ Boguet also advises that an individual should be imprisoned if even one convicted witch accused them, based on the reasoning that “witches who have confessed have as a rule never laid information against any who were not of their brotherhood.”⁹⁵ Boguet references both *The Malleus Maleficarum* and *Demonmania* as useful guides for judges to follow but adds that gentler questioning methods should be implemented to trap the accused into contradicting themselves.⁹⁶ Boguet also cautions against the use of excessive torture as, like his contemporaries, Boguet was convinced that witches had methods to minimize the pain they felt.⁹⁷ He concedes that torture was sometimes necessary but maintains that this was only when there was reasonable suspicion against the accused, knowledge of a confession made outside court, or the accusation by or association with another witch.⁹⁸ Boguet additionally advises against Bodin’s proposed practice of judges falsely promising witches immunity in exchange for a confession, as he considered such a practice to be immoral.⁹⁹

Many contemporary demonologists held similar views on how witches should be handled in court. Kramer, Bodin, and Boguet each condone departures from the standard legal procedure due to the secrecy surrounding witchcraft and the difficulties this caused in convictions. Where Bodin and Kramer each recommend using torture to extract confessions from those accused, Boguet rejects this, save for specific circumstances, as he was not persuaded of its effectiveness. However, while to the modern reader the use of torture to obtain a confession is not only morally wrong, but also conducive to false confessions, torture was a relatively common practice in criminal proceedings in the early modern period under Roman canon law.¹⁰⁰ Thus, as suggested by demonologists, its use would not always have been considered outlandish or uncommon.

The legal systems in the different regions where some of these demonologists wrote and worked often operated differently. In France, prosecution practices relating to witchcraft often varied between regions. The Parlement of Paris, the supreme appeals court, was incredibly reluctant to issue death sentences to accused witches because they were concerned with the lack of tangible evidence.¹⁰¹ Bodin often wrote on sensationalized cases wherein the defendant was sentenced to death as a means of setting precedents to “justify harsh sentences passed by lower courts” and pressure the Parlement of Paris to abstain from passing lighter sentences.¹⁰² Some of these tactics of persuasion do appear to have been effective. From 1565 to 1575, witchcraft appeals in the Parlement were heard at roughly the same rate as other crimes, with five or six appeals heard per year. By 1587, however, the witchcraft appeals heard by Parlement constituted approximately ten percent of all cases they reviewed.¹⁰³ While the number of cases heard by the Parlement in peak witch hunting years increased substantially, the Parlement remained far more lenient in their decisions. Nearly thirty percent of cases resulted in punishments as minor as a fine, and in eighty years beginning in 1565, only ten

percent of accused witches were condemned to a death sentence.¹⁰⁴ While this number may seem relatively high, it is important to note that this is roughly the same rate at which defendants in appellate cases of crimes such as arson and murder were sentenced to death. Although witchcraft was not a crime that could be proven with tangible facts as others could, people of the early modern period truly believed witchcraft to be a heinous crime and treated trials with appropriate seriousness. This illustrates that witch trials heard by the Parlement of Paris often resulted in lenient sentencing due to the court's concern that the lack of physical evidence made it difficult to determine guilt with certainty, not because the court itself denied the existence of witches.

Franche-Comte, where Henri Boguet tried witches, was part of French territory. However, "at the relevant dates" for this paper, rule over Franche-Comte was split between Germany as part of the Holy Roman Empire and the Kingdom of France.¹⁰⁵ While France was more moderate in its prosecution and sentencing of witches, Germany took a different approach. In the Holy Roman Empire, the *Criminalis Carolina* was a set of laws governing criminal procedure. Among these laws was the requirement that a suspect could be tortured to derive a confession if they met two criteria: living or associating with those convicted of similar crimes.¹⁰⁶ These conditions were not difficult to meet, and torture was used frequently in the Holy Roman judicial proceedings to elicit a confession, as advocated by Kramer. Although Germany was a part of the Holy Roman Empire and governed by the *Criminalis Carolina*, Germany was not a unified nation at the time, and its leadership varied greatly between localities.¹⁰⁷ Small territories typically controlled their legal systems, and the mass panic of German witch trials, along with the standards of the *Criminalis Carolina*, resulted in different judicial systems in small locales persecuting witches in vast numbers with the use of excessive torture.¹⁰⁸ For example, regions such as Wurzburg and Bamberg even began persecuting judges who opposed the recommended procedures for witch trials as dissenters.¹⁰⁹ As France-Comte was also partially under the control of the Holy Roman Empire, the *Criminalis Carolina* would have been similarly applied.

In the early modern period, Witchcraft threatened the existing conditions of moral society yet helped define ethical behavior. Demonologists, many of whom were devout Christians, propagated much of the fear surrounding witchcraft by amplifying the supposed religious ramifications and emphasizing the Biblical claims against witchcraft. Still, their beliefs were primarily influenced by societal norms of the time. Society was relatively pious, and these religious claims against witches worked to demonize those accused of witchcraft. However, in hindsight, many of the crimes witches were charged with were circumstantial events. Kramer, Bodin, Remy, and Boguet utilized the fear of both God and the Devil to push judges to condemn witches, who were thought to have made deals with the Devil in exchange for the power to induce harm. Demonologists often proposed that women were the most likely to succumb to the Devil's temptations, falling in line with the sexist undertones of society. Women were expected to fulfill duties within their societal sphere -- acting as homemakers, mothers, and wives. When a woman exceeded these boundaries or did not comply with early modern expectations, people feared this and used such women as scapegoats to blame for misfortunes. Women of the early modern period were also expected to uphold religious standards of modesty and repressed sexuality.

Fears of sexually awakened women were expanded upon and used to vilify such women and link them with witchcraft. Ideas surrounding witches performing these sexual acts with the devil indicate these fears, as female sexuality was sensationalized and literally demonized. Although it was undoubtedly the case that men were not excluded from those accused of and tried for crimes of witchcraft and associations with the devil, societal biases

against women were undoubtedly conducive to women being implicated in crimes of witchcraft more frequently than men in writings by prominent demonologists. Many authors advocated for severe punishments and alterations of standard criminal procedures to convict those accused of witchcraft more easily. Although some methods employed in these trials, such as torture, were relatively common for the time, one can understand how prosecutor procedures recommended by demonologists would undermine the equity of a trial. Many demonologists suggested that minimal evidence was required due to the “secrecy” of the crime, witches were encouraged to implicate others as fellow witches, and torture was presented as a means of obtaining a confession. Each of these suggested practices demonstrates how those accused of witchcraft were deprived of fair prosecution practices. Ultimately, the witch craze was borne out of fear. The writings of prominent legal scholars grant insight into the mindset of a society that allowed many innocent people to be sentenced to death.

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³ Brian P. Levack, “The Witchcraft Sourcebook,” *Routledge* (2004), pp. 72, 143.

⁴ Clark, “Thinking with Demons,” p. 9.

⁵ Jonathan Barry etc., “Palgrave Advances in Witchcraft Historiography,” *Basingstoke* (2007), p. 17.

⁶ Barry, “Palgrave Advances in Witchcraft Historiography,” p. 19.

⁷ Barry, “Palgrave Advances in Witchcraft Historiography,” p. 20.

⁸ Barry, “Palgrave Advances in Witchcraft Historiography,” p. 25.

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¹⁰ Hester, “Patriarchal Reconstruction,” p. 292.

¹¹ Hester, “Patriarchal Reconstruction,” p. 293.

¹² Hester, “Patriarchal Reconstruction,” p. 295.

¹³ Ruiz, “The Terror of History.”

¹⁴ Susan Moulton, “Witchcraft: Creation of the “Evil Other,”” (2011).

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¹⁶ Leeson and Russ, “Witch Trials;” and Ruiz, “The Terror of History.”

¹⁷ Levack, “The Witchcraft Sourcebook,” p. 72.

¹⁸ Lyndal Roper, “Witch Craze: Terror and Fantasy in Baroque Germany,” *Yale University Press* (2006), p. 136.

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²² Kramer, “Malleus,” p. 61.

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²⁵ Turchetti, “Jean Bodin.”

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²⁹ Lindfors, “Jean Bodin.”

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³¹ Bodin, “Demonmania,” p. 93.

³² Bodin, “Demonmania,” p. 97.

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