

QUESTION XV

Of the Continuing of the Torture, and of the Devices and Signs by which the Judge can Recognize a Witch; and how he ought to Protect himself from their Spells. Also how they are to be Shaved in those Parts where they use to Conceal their Devil's Masks and Tokens together with the due Setting Forth of Various Means of Overcoming their Obstinacy in Keeping Silence and Refusal to Confess. And it is the Tenth Action.

THE Judge should act as follows in the continuation of the torture. First he should bear in mind that, just as the same medicine is not applicable to all the members, but there are various and distinct salves for each several member, so not all heretics or those accused of heresy are to be subjected to the same method of questioning, examination and torture as to the charges laid against them; but various and different means are to be employed according to their various natures and persons. Now a surgeon cuts off rotten limbs; and mangy sheep are isolated from the healthy; but a prudent Judge will not consider it safe to bind himself down to one invariable rule in his method of dealing with a prisoner who is endowed with a witch's power of taciturnity, and whose silence he is unable to overcome. For if the sons of darkness were to become accustomed to one general rule they would provide means of evading it as a well-known snare set for their destruction.

Therefore a prudent and zealous Judge should seize his opportunity and choose his method of conducting his examination according to the answers or depositions of the witnesses, or as his own previous experience or native wit indicates to him, using the following precautions.

If he wishes to find out whether she is endowed with a witch's power of preserving silence, let him take note whether she is able to shed tears when standing in his presence, or when being tortured. For we are taught both by the words of worthy men of old and by our own experience that this is a most certain sign, and it has been found that even if she be urged and exhorted by solemn conjurations to shed tears, if she be a witch she will

not be able to weep: although she will assume a tearful aspect and smear her cheeks and eyes with spittle to make it appear that she is weeping; wherefore she must be closely watched by the attendants.

In passing sentence the Judge or priest may use some such method as the following in conjuring her to true tears if she be innocent, or in restraining false tears. Let him place his hand on the head of the accused and say: I conjure you by the bitter tears shed on the Cross by our Saviour the Lord JESUS Christ for the salvation of the world, and by the burning tears poured in the evening hour over His wounds by the most glorious Virgin MARY, His Mother, and by all the tears* which have been shed here in this world by the Saints and Elect of God, from whose eyes He has now wiped away all tears, that if you be innocent you do now shed tears, but if you be guilty that you shall by no means do so. In the name of the Father, and of the Son, and of the Holy Ghost, Amen.

And it is found by experience that the more they are conjured the less are they able to weep, however hard they may try to do so, or smear their cheeks with spittle. Nevertheless it is possible that afterwards, in the absence of the Judge and not at the time or in the place of torture, they may be able to weep in the presence of their gaolers.

And as for the reason for a witch's inability to weep, it can be said that the grace of tears is one of the chief gifts allowed to the penitent; for S. Bernard tells us that the tears of the humble can penetrate to heaven and conquer the unconquerable. Therefore there can be no doubt that they are

* "Tears." The beautiful devotion to the Sacred Tears of Our Lord is well known. The Premonstratensians have a Mass, "De Lacryma Christi," proper to the Order.

Our Lady of Tears, Santa Maria delle Lagrime, is the Patroness of Spoleto. A picture of Our Lady, painted upon the wall of the house belonging to Diotallevio d'Antonio, which stood on the road from Spoleto to Trevi, was seen to shed tears in great abundance. Many graces and favours were obtained before the miraculous picture. A small chapel was erected on the spot in August, 1485, and Mass was daily offered therein. On 27 March, 1487, the large basilica was begun, which on its completion, 8 March, 1489, was entrusted to the Olivetans.

displeasing to the devil, and that he uses all his endeavour to restrain them, to prevent a witch from finally attaining to penitence.

But it may be objected that it might suit with the devil's cunning, with God's permission, to allow even a witch to weep; since tearful grieving, weaving and deceiving are said to be proper to women. We may answer that in this case, since the judgements of God are a mystery, if there is no other way of convicting the accused, by legitimate witnesses or the evidence of the fact, and if she is not under a strong or grave suspicion, she is to be discharged; but because she rests under a slight suspicion by reason of her reputation to which the witnesses have testified, she must be required to abjure the heresy of witchcraft, as we shall show when we deal with the second method of pronouncing sentence.

A second precaution is to be observed, not only at this point but during the whole process, by the Judge and all his assessors; namely, that they must not allow themselves to be touched physically by the witch, especially in any contact of their bare arms or hands; but they must always carry about them some salt consecrated on Palm Sunday and some Blessed Herbs. For these can be enclosed together in Blessed Wax* and worn round the neck, as we showed in the Second Part when we discussed the remedies against illnesses and diseases caused by witchcraft; and that these have a wonderful protective virtue is known not only from the testimony of witches, but from the use and practice of the Church, which exorcizes and blesses such objects for this very purpose, as is shown in the ceremony of exorcism when it is said, For the banishing of all the power of the devil, etc.

But let it not be thought that physical contact of the joints or limbs is the only thing to be guarded against; for sometimes, with God's permission, they are able with the help of the devil to bewitch the Judge by the mere sound of the words which they utter, especially

* "Blessed Wax." The "Agnus Dei," which is a disc of wax, stamped with the figure of a Lamb, and on certain stated days blessed by the Holy Father. These Agnus Deis may either be worn suspended round the neck, or preserved as objects of devotion. They are to be regarded as Sacramentals.

at the time when they are exposed to torture.

And we know from experience that some witches, when detained in prison, have importunately begged their gaolers to grant them this one thing, that they should be allowed to look at the Judge before he looks at them; and by so getting the first sight of the Judge they have been able so to alter the minds of the Judge or his assessors that they have lost all their anger against them and have not presumed to molest them in any way, but have allowed them to go free. He who knows and has experienced it gives this true testimony; and would that they were not able to effect such things!

Let judges not despise such precautions and protections, for by holding them in little account after such warning they run the risk of eternal damnation. For our Saviour said: If I had not come, and spoken to them, they would not have sin; but now they have no excuse for their sin.† Therefore let the judges protect themselves in the above manner, according to the provisions of the Church.

And if it can conveniently be done, the witch should be led backward into the presence of the Judge and his assessors. And not only at the present point, but in all that has preceded or shall follow it, let him cross himself and approach her manfully, and with God's help the power of that old Serpent will be broken. And no one need think that it is superstitious to lead her in backwards; for, as we have often said, the Canonists allow even more than this to be done for the protection against witchcraft, and always say that it is lawful to oppose vanity with vanity.

The third precaution to be observed in this tenth action is that the hair should be shaved from every part of her body. The reason for this is the same as that for stripping her of her clothes, which we have already mentioned; for in order to preserve their power of silence they are in the habit of hiding some superstitious object in their clothes or in their hair, or even in the most secret parts of their bodies which must not be named.

But it may be objected that the devil might, without the use of such charms, so harden the heart of a witch

† "Sin." "S. John" xv, 22.

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that she is unable to confess her crimes; just as it is often found in the case of other criminals, no matter how great the tortures to which they are exposed, or how much they are convicted by the evidence of the facts and of witnesses. We answer that it is true that the devil can effect such taciturnity without the use of such charms; but he prefers to use them for the perdition of souls and the greater offence to the Divine Majesty of God.

This can be made clear from the example of a certain witch in the town of Hagenau, whom we have mentioned in the Second Part of this work. She used to obtain this gift of silence* in the following manner: she killed a newly-born first-born male child who had not been baptized, and having roasted it in an oven together with other matters which it is not expedient to mention, ground it to powder and ashes; and if any witch or criminal carried about him some of this substance he would in no way be able to confess his crimes.

Here it is clear that a hundred thousand children so employed could not of their own virtue endow a person with such a power of keeping silence; but any intelligent person can understand that such means are used by the devil for the perdition of souls and to offend the Divine Majesty.

Again, it may be objected that very often criminals who are not witches exhibit the same power of keeping silence. In answer to this it must be said that this power of taciturnity can proceed from three causes. First, from a natural hardness of heart; for some are soft-hearted, or even feeble-minded,

* "Gift of Silence." *De Lancre*, "Tableau de l'inconstance des mauvais anges et démons," Paris, 1612, has: "Pour ne confesser iamais le secret de l'escole, on faict au sabbat vne paste de millet noir, avec de la poudre du foyer de quelque enfant non baptisé qu'on faict secher, puis meslant cette poudre avec ladicte paste, elle a cette vertu de taciturnité; si bien que qui en mange ne confesse iamais." *Five Forfar witches, of which one was Helen Guthrie, in 1661 dug up the body of an unbaptized infant, which was buried in the churchyard near the south-east door of the church "and took severall peices thereof, as the feet, hands, part of the head, and a pairt of the buttocks, and they made a py thereof, that they might eat of it, that by this meanes they might never make a confession (as they thought) of their witchcraft."*

so that at the slightest torture they admit everything, even some things which are not true; whereas others are so hard that however much they are tortured the truth is not to be had from them; and this is especially the case with those who have been tortured before, even if their arms are suddenly stretched and twisted.

Secondly, it may proceed from some instrument of witchcraft carried about the person, as has been said, either in the clothes or in the hairs of the body. And thirdly, even if the prisoner has no such object secreted about her person, they are sometimes endowed with this power by other witches, however far they may be removed from them. For a certain witch at Issbrug used to boast that, if she had no more than a thread from the garments of any prisoner, she could so work that however much that prisoner were tortured, even to death, she would be unable to confess anything. So the answer to this objection is clear.

But what is to be said of a case that happened in the Diocese of Ratisbon? Certain heretics were convicted by their own confession not only as impenitent but as open advocates of that perfidy; and when they were condemned to death it happened that they remained unharmed in the fire. At length their sentence was altered to death by drowning, but this was no more effective. All were astonished, and some even began to say that their heresy must be true; and the Bishop, in great anxiety for his flock, ordered a three days' fast. When this had been devoutly fulfilled, it came to the knowledge of someone that those heretics had a magic charm sewed between the skin and the flesh under one arm; and when this was found and removed, they were delivered to the flames and immediately burned. Some say that a certain necromancer learned this secret during a consultation with a devil, and betrayed it; but however it became known, it is probable that the devil, who is always scheming for the subversion of the faith, was in some way compelled by Divine power to reveal the matter.

From this it may be seen what a Judge ought to do when such a case happens to him: namely, that he should rely upon the protection of God, and by the prayers and fasting of devout

persons drive away this sort of devil's work from witches, in those cases where they cannot be made to confess under torture even after their clothes have been changed and all their hair has been shaved off and abraded.

Now in the parts of Germany such shaving, especially of the secret parts, is not generally considered delicate, and therefore we Inquisitors do not use it; but we cause the hair of their head to be cut off, and placing a morsel of Blessed Wax in a cup of Holy Water and invoking the most Holy Trinity, we give it them to drink three times on a fasting stomach, and by the grace of God we have by this means caused many to break their silence. But in other countries the Inquisitors order the witch to be shaved all over her body. And the Inquisitor of Como has informed us that last year, that is, in 1485, he ordered forty-one witches to be burned, after they had been shaved all over. And this was in the district and county of Burbia, commonly called Wormserbad, in the territory of the Archduke of Austria, towards Milan.

But it may be asked whether, in a time of need, when all other means of breaking a witch's silence have failed, it would be lawful to ask the advice in this matter of sorceresses who are able to cure those who are bewitched. We answer that, whatever may have been done in that matter at Ratisbon, it is our earnest admonition in the Lord that no one, no matter how great may be the need, should consult with sorceresses on behalf of the State; and this because of the great offence which is thereby caused to the Divine Majesty, when there are so many other means open to us which we may use either in their own proper form or in some equivalent form, so that the truth will be had from their own mouths and they can be consigned to the flames; or failing this, God will in the meantime provide some other death for the witch.

For there remain to us the following remedies against this power of silence. First, let a man do all that lies in his own power by the exercise of his own qualities, persisting often with the methods we have already mentioned, and especially on certain days, as will be shown in the following Question. See II. *Corinthians* ix: That ye may abound in all good works.

Secondly, if this should fail, let him consult with other persons; for perhaps they may think of some means which has not occurred to him, since there are various methods of counter-acting witchcraft.

Thirdly, if these two fail, let him have recourse to devout persons, as it is said in *Ecclesiasticus* xxxvii: Be continually with a godly man, whom thou knowest to keep the commandments of the Lord. Also let him invoke the Patron Saints of the country. But if all these fail, let the Judge and all the people at once put their trust in God with prayers and fasting, that the witchcraft may be removed by reason of their piety. For so Josaphat prayed in II. *Paralipomenon* xx: When we know not what we should do, we have this one refuge, that we should turn our eyes to Thee. And without doubt God will not fail us in our need.

To this effect also S. Augustine speaks (26, q. 7, *non obseruabitis*): Who-soever observes any divinations or auguries, or attends to or consents to such as observe them, or gives credit to such by following after their works, or goes into their houses, or introduces them into his own house, or asks questions of them, let him know that he has perverted the Christian faith and his baptism and is a pagan and apostate and enemy of God, and runs grave danger of the eternal wrath of God, unless he is corrected by ecclesiastical penances and is reconciled with God. Therefore let the Judge not fail always to use the lawful remedies, as we have said, together with these following final precautions.

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QUESTION XVI

Of the fit Time and of the Method of the Second Examination. And it is the Eleventh Action, concerning the Final Precautions to be Observed by the Judge.

THERE are one or two points to be noted with regard to what we have just written. First, that witches should be questioned on the more Holy Days and during the solemnization of the Mass, and that the people should be exhorted to pray for Divine help, not in any specific manner, but that they should invoke the prayers of the Saints against all the plagues of the devil.

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Secondly, as we have said before, the Judge should wear round his neck Consecrated Salt and other matters, with the Seven Words which Christ uttered on the Cross written in a schedule, and all bound together. And he should, if he conveniently can, wear these made into the length of Christ's stature against his naked body, and bind other Holy things about him. For it is shown by experience that witches are greatly troubled by these things, and can hardly refrain from confessing the truth. The Relics of the Saints, too, are of especial virtue.

Having taken these precautions, and after giving her Holy Water to drink, let him again begin to question her, all the time exhorting her as before. And while she is raised from the ground, if she is being tortured in this way, let the Judge read or cause to be read to her the depositions of the witnesses with their names, saying: "See! You are convicted by the witnesses." Also, if the witnesses are willing to confront her face to face, the Judge shall ask her if she will confess if the witnesses are brought before her. And if she consents, let the witnesses be brought in and stand before her, so that she may be constrained or shamed into confessing some of her crimes.

Finally, if he sees that she will not admit her crimes, he shall ask her whether, to prove her innocence, she is ready to undergo the ordeal by red-hot iron. And they all desire this, knowing that the devil will prevent them from being hurt; therefore a true witch is exposed in this manner. The Judge shall ask her how she can be so rash as to run so great a risk, and all shall be written down; but it will be shown later that they are never to be allowed to undergo this ordeal by red-hot iron.

Let the Judge also note that when witches are questioned on a Friday, while the people are gathered together at Holy Mass to await our Saviour, they very often confess.

But we must proceed to the extreme case, when after every expedient has been tried the witch still maintains silence. The Judge shall then loose her and, using the precautions which follow, shall take her from the place of punishment to another place under a strong guard; but let him take particular care not to release her on any sort of security; for when that is done, they never

confess the truth, but always become worse.

But in the first place let him cause her to be well treated in the matter of food and drink, and meanwhile let honest persons who are under no suspicion enter to her and talk often with her on indifferent subjects, and finally advise her in confidence to confess the truth, promising that the Judge will be merciful to her and that they will intercede for her. And finally let the Judge come in and promise that he will be merciful, with the mental reservation that he means he will be merciful to himself or the State; for whatever is done for the safety of the State is merciful.

But if he promises her her life, as we showed in Question XIV that he can do in three ways, let it all be written down by the Notary in what words and with what intention mercy was promised. And if the accused begs for mercy in this way, and discovers her crime, let her be promised in a vague and general way that she will receive even more than she has petitioned for, so that she may speak with the greater confidence.

As a second precaution in this case, when she refuses altogether to reveal the truth, the Judge should, as we have said before, examine her friends and associates without her knowledge; and if these have deposed anything which might lead to her conviction, this must be diligently investigated. Also, if any instruments or unguents or boxes have been found in her house, they should be shown to her, and she should be asked for what purpose they have been used.

A third precaution can be taken when she still persists in her obstinacy after her associates have been examined and borne witness against her, and not for her. If she has no friends, let some other trustworthy man who is known to be congenial to the accused and to some extent a patron of hers, enter to the witch one evening and engage her in a protracted conversation. And then, if he is not an accomplice, let him pretend that it is too late for him to return, and stay in the prison with her, and continue talking during the night. And if he is an accomplice, let them eat and drink together, and talk to each other about the things they have done. And then let it be arranged that spies should stand outside in a convenient place, and

listen to them and take note of their words, and if necessary let them have a scribe with them.

As a fourth precaution, if she then begins to tell the truth, let the Judge on no account postpone hearing her confession, even in the middle of the night, but proceed with it to the best of his ability. And if it is in the day-time, let him not care if he delays his luncheon or dinner, but persist until she has told the truth, at least in the main. For it is generally found that, after postponements and interruptions, they return* to their vomit and will not reveal the truth which they began to confess, having thought worse of it.

And let the Judge take note that, after she has confessed the injuries done to men and animals, he shall ask her for how many years she has had an Incubus devil, and how long it is since she abjured the faith. For they never confess to these matters unless they have first confessed their other deeds; therefore they must be asked concerning these last of all.

As a fifth precaution, when all the above have failed, let her, if possible, be led to some castle; and after she has been kept there under custody for some days, let the castellan pretend that he is going on a long journey. And then let some of his household, or even some honest women, visit her and promise that they will set her entirely at liberty if she will teach them how to conduct certain practices. And let the Judge take note that by this means they have very often confessed and been convicted.

Quite lately a witch was detained in the Castle of Königsheim near the town of Schlettstadt in the Diocese of Strasburg, and could not be induced by any tortures or questions to confess her crimes. But at last the castellan used the method we have just described. Although he was himself present in the castle, the witch thought he was away, and three of his household came in to her and promised they would set her free if she would teach them how to do

* "They Return." "Proverbs" xxvi, 11: "As a dog that returneth to his vomit, so is the fool that repeateth his folly." II. S. Peter, ii, 22: "For, that of the true proverb has happened to them: the dog is returned to his vomit: and, The sow that was washed, to her wallowing in the mire."

certain things. At first she refused, saying that they were trying to entrap her; but at last she asked what it was that they wanted to know. And one asked how to raise a hailstorm, and another asked about carnal matters. When at length she agreed to show him how to raise a hailstorm, and a bowl of water had been brought in, the witch told him to stir the water a little with his finger, and herself uttered certain words; and suddenly the place which he had named, a wood near the castle, was visited by such a tempest and storm of hail as had not been seen for many years.

It yet remains to show how the Judge is to proceed in pronouncing sentence in a case where all these means have failed, or what is further to be done even when she has confessed her crimes, that the whole process may be brought to an end; and we shall complete this Last Part of this work with a consideration of these matters.

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THE THIRD HEAD

Which is the Last Part of the Work: How the Process is to be Concluded by the Pronouncement of a Definite and Just Sentence.

HAVING by the grace of God examined the proper means of arriving at a knowledge of the heresy of witchcraft, and having shown how the process on behalf of the faith should be initiated and proceeded with, it remains to discuss how that process is to be brought to a fitting termination with an appropriate sentence.

Here it is to be noted that this heresy, as was shown in the beginning of this Last Part, is not to be confused with other simple heresies, since it is obvious that it is not a pure and single crime, but partly ecclesiastical and partly civil. Therefore in dealing with the methods of passing sentence, we must first consider a certain kind of sentence to which witches are in the habit of appealing, in which the secular judge can act on his own account independently of the Ordinary. Secondly, we shall consider those in which he cannot act without the Ordinary. And so thirdly it will be shown how the Ordinaries can discharge themselves of their duties.