2

Origins and arguments

The *Malleus* is an idiosyncratic text, reflective of its authors’ particular experiences and preoccupations. It is, in the first place, an expression of a distinctively clerical worldview, the product of two lifetimes of academic, spiritual, and pastoral experience within the Church. But more than this, it is also the result of a peculiarly Dominican encounter between learned and folk traditions, an encounter determined in part by the demands of inquisitorial office, and in part by the requirements of effective preaching and pastoral care. Yet although the *Malleus* is certainly a Dominican text, it is not necessarily representative of Dominican or even inquisitorial thought as a whole. Dominicans in France, Spain, and, to a lesser extent, in Italy had quite different notions of what witches were all about, and of the means required to curb their spread. Despite the book’s subsequent popularity throughout the continent, the *Malleus* is very much a book written by and about people living in southern Germany and the Alps, and reflects this more or less coherent cultural tradition. Finally, the authors themselves were unusual figures in their own right, whose personal histories – especially that of Institoris – manifest themselves in their writing.

When Henry Institoris began to compose the *Malleus*, some time in 1485–86, he was well into his fifties, in other words, by medieval standards, he was already an old man.1 Indeed, early in 1486, after a particularly unpleasant encounter with the inquisitor’s zeal, Georg Golser wrote to a friend that Institoris seemed “completely childish on account of his age.”2 Yet Golser’s appraisal was almost certainly wrong: despite his age, Institoris was not senile. Rather, he was a man capable of inspiring profound animosity in those he met, and his “childishness” seems to have been a permanent feature of his personality, perhaps exacerbated by, but not the result of, his advancing years. The casual insult does, however, make the point that despite a career that left him exceptionally well qualified to tackle his subject, Institoris was not someone who was so well respected by his peers that his views on witchcraft would be
accepted without question. Quite the contrary, he was widely (and perhaps even charitably) regarded as being somewhat eccentric.

Undeniably, Institoris was a well-educated man. At a young age he had entered the Dominican convent in his home town of Schlettstadt, a house well known for its excellent library and provincial school. There, Institoris received training in the humanities before matriculating to the four-year course in the arts required of all Dominicans. The curriculum of the Dominican studium artium centered upon rational philosophy, and above all upon the works of Aristotle. Students began with grammar and logic, and then proceeded to natural philosophy, metaphysics, and moral philosophy. But at the same time they were also prepared for their work in the ministry by attending courses of practical lectures on basic theology, scriptural interpretation and effective preaching. Graduates of these schools could then claim the title of Master of Arts, and a rank comparable to that of graduates of the universities.

The most promising of students, however, among whom Institoris was plainly numbered, were encouraged to continue their education at a school for advanced theology; and Institoris probably studied theology at the studium generale at Cologne, which, after St. Jacques in Paris, was the most prestigious Dominican school in fifteenth-century Europe. There he would have studied and lectured on sacred scripture, the Sentences of Peter Lombard, and the theology of Thomas Aquinas. All in all a degree of Master of Theology required at least fourteen years of higher education, but, since friars were required to teach as lectors at provincial schools for between five and seven years before they could be awarded their degrees, all of this time need not have been spent at the university. Hence, Institoris probably spent at most three or four years at Cologne, before leaving with the titles of Master of Arts and Lector in Theology, and, though his subsequent career would seem to have left him scant time for further study, he nonetheless continued to lecture, eventually receiving his doctorate in theology at Rome in 1479.

Institoris’ most important pursuit, however, was always a vigorous, zealous and uncompromising war against the enemies of the faith, whomever he might perceive them to be. Heretics and witches had this much in common with the emperor and reforming clergy: all were the objects of Institoris’ righteous wrath. This aggressive zeal for the faith, combined with his considerable personal ambition, secured rapid advancement for Institoris within the Order. Although little is known of his early career, we do know that in 1467, at about the age of 37, he received an important position in the papal commission assigned to combat the Hussites in Bohemia and central Germany. Institoris’ job was to preach against heresy and to collect money to assist the campaign; in October of 1467, we find the head of the commission, Rudolf, bishop of
Wratislava and papal legate, writing to encourage and assist Institoris by delegating to him the power to remit sins and the authority to grant plenary indulgences. In another letter, written four years later, Institoris agreed to lift the interdict he had placed upon the town of Lipczk in retaliation for the continued presence of “supporters of Bohemian heretics,” which would indicate that he had also been provided with a corresponding stick with which to beat the intransigent.

Institoris’ success and apparent popularity in Rome obtained an appointment for him as inquisitor in 1474, with all of the privileges of a preacher-general of the Order. His appointment was unusual, however, in that instead of being appointed to a particular province, Institoris was authorized “to carry out the office of the Inquisition, either where there is no inquisitor, or, where there is, by [that inquisitor’s] permission and pleasure.” By the terms of this assignment, Institoris was now free to choose his own residence and move about as he pleased, an unusual honor for one so new to the Holy Office. In the Inquisition Institoris found his calling, and soon received additional promotion for his successful prosecution of heretics and witches. In 1478, Pope Sixtus IV appointed him inquisitor to upper Germany, a position to which he was reappointed in 1482 with Jacob Sprenger as colleague. In the meantime, as Schlettstadt’s most famous son, he had been elected prior of the Dominican convent there in 1481, although just two and one half years later he was released from the obligations of that office, possibly to allow him to devote his energies more fully to the Inquisition.

By 1485 Institoris was easily the most experienced inquisitor in Germany, and was held in high esteem in Rome: in the letter confirming his position as inquisitor for upper Germany, Pope Sixtus was unstinting in his praise, commending him as a man notable for his “zeal for religion, knowledge of letters, integrity of life, constancy of faith, and other praiseworthy virtues and merits.” Nonetheless, there was also a sharply contrasting side to Institoris’ life and character, hard to reconcile with such a glowing endorsement, unless we see Brother Henry as one of those people adept at ingratiating themselves with their superiors while systematically alienating their subordinates and peers.

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. For example, at exactly the same moment as he was receiving his first appointment to the Inquisition in 1474, Institoris was facing a lengthy prison sentence, the result of his typical inability to restrain himself when fired with zeal for a just cause. In a sermon defending the temporal powers of the pope against imperial infringement, Institoris had allowed himself to make several personal and slan-
derous remarks about the emperor himself. The emperor was not amused and nor was the Dominican general chapter, which ordered Institoris to be jailed for detracting from the majesty of the emperor.\textsuperscript{10} Indeed, only the intervention of the master-general of the Order saved Institoris from prison: the same letter that gave him his promotion suspended his sentence, a suspension that was eventually made permanent in 1479.

But if it was easy to pardon an excess of enthusiasm on behalf of the papacy, it was less simple to excuse Institoris’ frequent quarrels and misadventures within his own Order. In April of 1475, the master-general was again compelled to intervene in Institoris’ affairs, this time to authorize the prior of the convent at Basel to settle a dispute between Institoris and two other Schlettstadt friars, each of whom had charged the other with the theft of a sum of money.\textsuperscript{11} The matter was settled, apparently in Institoris’ favor, but it is indicative of his ability to carry a grudge that four years later the unfortunate prior at Basel was still receiving instructions from the master-general, this time authorizing him to resolve Institoris’ charges of slander against his opponents.\textsuperscript{12}

A more serious matter arose in 1482, when Institoris had been given the job of collecting money donated for the war against the Turks, and was strongly suspected of embezzling funds. On March 26th he was summoned to present himself in Rome within nine days or face “the gravest penalties,” including, but not limited to, the loss of all goods, privileges, offices and rank, to be followed by expulsion from the Order, excommunication and imprisonment.\textsuperscript{13} Nor was Rome entirely convinced of the effectiveness of its draconian threats, for just six days later a papal commission also wrote to the bishop of Augsburg, asking him to determine “as secretly and cautiously as could be done” whether Institoris was still in the city and ordering him to be detained if he was. The commission further specified that all money, silver, and jewels which Institoris had deposited with “a certain widow” were to be recovered by any expedient means and entrusted to someone of greater reliability.\textsuperscript{14} Although the conclusion of the affair is undocumented, Institoris was evidently not convicted of anything serious since he retained his position within the Inquisition, and was back in papal good graces by the following summer. He was not, however, given further financial responsibilities.

It is hard to know what to make of these scandals, but they dogged Institoris’ career.\textsuperscript{15} Though Institoris never mentions his troubles in his writings, it seems likely that they contributed to the keen hostility with which he greeted any hint of criticism, and to his self-image as a man unjustly persecuted by numerous enemies. To Institoris’ superiors, however, it seems that, when weighed in the balance, Institoris’ devotion to the papacy and the Church – as well as his capacity for hard work – counted for more than his occasionally
serious lapses in judgment. In consequence, despite his constant bickering with his colleagues and his intermittent brushes with more serious disciplinary proceedings, Institoris retained his position as inquisitor for most of his long life and he was still pursuing witches and heretics in Bohemia when he died, probably in 1505.

For most of his life, then, Institoris was involved with the fight against heresy. At the beginning of his career we find him participating in the trial and execution of the Waldensian “bishop,” Frederick Reiser – an event which, Institoris tells us, confirmed his belief in the ever-increasing power of heresy in Christendom. Soon afterwards, Institoris was preaching against the Hussites, and his experience with Utraquism goes far toward explaining his concern with sacramental heresies of all kinds. Such were his chief concerns at least through 1480, when, while in Augsburg, he perceived “a dangerous error concerning the daily communion of the laity,” and initiated inquisitorial proceedings accordingly. Indeed, a great deal of Institoris’ writing – even that on witchcraft – is closely tied to his conceptions of the sacrament and the ways in which a physical object can mediate between the natural and supernatural worlds. The Malleus was Institoris’ only work on witchcraft, but he wrote about the sacrament on several occasions, attacking eucharistic errors, great and small.

By 1480, however, Institoris had become concerned by the dangers of witchcraft, and he accordingly began to prosecute suspected witches with vigor. Unfortunately, the precise extent of the inquisitor’s campaign is not clear. Though Institoris claimed extensive personal experience in witch prosecutions both in the Malleus and his personal correspondence (for instance in a report written in 1490 to the Nürnberg city council, he boasted of having been responsible for the discovery and execution of more than two hundred witches), there is an almost complete lack of corroborating evidence. Indeed, on the basis of contemporary documents, the only witch-trials in which Institoris’ participation can be proven are those which took place in Ravensburg in 1484 and in Innsbruck in the following year. Though additional records might easily have been lost, it seems certain that Institoris’ own account of the extent of his personal experience in witchcraft prosecutions is greatly exaggerated.

Whatever his previous experience, however, in the autumn of 1484 Institoris arrived in Ravensburg and began at once to preach against witchcraft. In response to his request that Ravensburgers come forward to denounce “heksen ald unholden,” a number of suspects were arrested, and eventually eight women were convicted and burned. Yet although Institoris seems here to have had the support of the mayor and other civic officials, elsewhere he met with opposition from local officials, both secular and ecclesiastical, who
resented the sudden expansion of inquisitorial activity against foes even more nebulous than usual.

In response, Institoris went to Rome that winter, carrying a letter, signed both by him and his colleague, Jacob Sprenger, asking for explicit authority to prosecute witchcraft. By early December he had received an entirely satisfactory reply in the form of the famous “witch-bull,” the *Summis Desiderantes* of Innocent VIII, which recognized the existence of witches and the authority of inquisitors to do what was necessary to get rid of them; Institoris and Sprenger, the pope commanded, were neither to be molested nor hindered in any manner whatsoever by any authority, under pain of excommunication and worse.21 Further, the bishop of Strassburg was asked to enforce the provisions of the bull, and to compel obedience, through excommunication if necessary, or, failing that, through an appeal to the secular arm. Six months later, Innocent supplemented this endorsement with personal letters to Archduke Sigismund and the archbishop of Mainz, thanking them for their efforts, but also urging them to be even more active in their support of the Inquisition.22 At the same time, Innocent wrote to the abbot of Weingarten, who had apparently assisted Institoris’ campaign in Ravensburg the previous year, to say that he had urged the Archduke to protect him from the retaliation of those he had offended – some indication of just how unpopular Institoris’ efforts had been.23

Meanwhile, Institoris had taken his campaign back to Germany, stopping first in Tyrol and the town of Innsbruck.24 At the time, Innsbruck was a prosperous but unspectacular south German town, notable only for its proximity to Italy (the source of its prosperity) and the presence of the archduke, who had a permanent residence there since the early years of the century.25 Tyrol was, Institoris tells us, a notorious hotbed of witches; but it is just as likely that simple convenience, combined with his haste to begin prosecutions, explains his choice of location – the diocese of Brixen, which included Innsbruck, being the first territory within his jurisdiction on the road from Rome.26

As was proper, Institoris first presented himself and his credentials to Golser, the bishop, in order to obtain his consent and support (although with the recent promulgation of the witch-bull, and with Innocent VIII still actively promoting his inquisitors’ investigations, the bishop could hardly refuse). In mid-July Golser circulated the witch-bull throughout his diocese with an open letter to all ecclesiastical personnel, commanding them to assist Institoris’ investigations and offering an indulgence of forty days to all who would step forward to denounce witches.27 In addition, Institoris had advertisements displayed prominently about town, most likely (as he recommends in the *Malleus*) through notices on the walls of the parish church and town hall which invited
anyone with any knowledge of witchcraft whatsoever to come forward and testify, under pain of severe ecclesiastical and secular penalties. 28

Institoris knew his audience well, as the tenor of such an appeal shows. There was no talk of devils, or diabolic pacts, or intercourse with Satan; at this point in his investigation the emphasis was placed squarely upon concrete misfortunes attributed to maleficium and rumors of malign occult powers. Further, people were advised to come forward “if anyone knows, has seen or heard that any person is suspected of being a heretic and witch, and particularly of practicing things which do harm to people, cattle or the fruits of the earth.” 29 At the same time, Institoris began a vigorous schedule of preaching, in an effort to educate his audience about the dangers of witchcraft, its signs and telltale characteristics, and to recommend permissible countermeasures. To all appearances, Institoris’ campaign was immediately successful: soon he was hearing an impressive stream of testimony – an extensive melange of direct accusations, rumors, legends, and snippets of traditional witchcraft beliefs – out of which, over the next five weeks, he was to cull sufficient evidence to indict about fifty witches. At this point, however, something happened. The proceedings were delayed for three weeks, at which time Institoris produced a second, alternative list which indicted only fourteen suspects – seven from the first list and seven altogether “new” witches, prominent among whom was Helena Scheuberin.

By mid-September, Bishop Golser wrote to Institoris granting him full episcopal jurisdiction, and authorizing him to conduct trials in the bishop’s name. 30 But once again Institoris’ proceedings were impeded, this time by order of the archduke, who ordered Institoris to consult with a colleague – a pastor from a nearby town whom the bishop named as commissioner. It was not until October 14th that these two men, accompanied by witnesses and a notary, began to hear formal testimony concerning the suspects. Although the proceedings at Innsbruck did not conform to the neat patterns laid down in inquisitorial manuals, this was not unusual for the period. As Richard Kieckhefer has shown, in late-medieval Germany the activities of the papal Inquisition (to say nothing of episcopal inquisitions) were very much ad hoc affairs. Typically, inquisitors operated as independent autonomous agents; they had little supervision outside the papal curia, and their objectives and jurisdictions were only loosely defined. 31 Often enough, such institutional shortcomings led to inertia, but where motivated inquisitors actively campaigned against heresy, they led to disorganized and irregular proceedings.

Given the above, it is not altogether strange that Institoris’ investigations ran into difficulties. Yet, even so, it is surprising that his investigation should have suffered so sudden and so thorough a collapse: within a month, on
November 14th, Golser wrote another two letters – the first to Institoris directly, complaining of the scandals and the dangers which his trials had generated and urging him to quit the town; the second, to a friend and priest in Innsbruck, saying that,

if [Institoris] does not withdraw with all speed, you, father, should say to him in my place that more than enough scandals have arisen because of his bad trial, and that he should not remain in this place, lest anything worse should follow from this or happen to him.\textsuperscript{32}

Although Golser does not specify the precise scandal he has in mind, he is probably referring to the interrogation of Helena Scheuberin with which we began. He was apparently offended by the nuts and bolts of the inquisitor’s case, since he later commented to a friend that the inquisitor had “clearly demonstrated his foolishness” since “he presumed much that had not been proved.”\textsuperscript{33} Institoris for his part could not disagree more, and maintained in the \textit{Malleus} that he would have needed an entire book to record all the instances of malign magic reported in Innsbruck alone:

For how many of the blind, of the lame, of the withered, of those ensnared by diverse infirmities, legally swear that they strongly suspect that infirmities of this kind both in general and in particular have been caused by witches?\textsuperscript{34}

An especially large number of alleged witches were suspected of love magic, which Institoris blamed upon the high number of bitter, betrayed women in the town.\textsuperscript{35} Yet this connection between female sexuality and witchcraft, so obvious to the inquisitor, was decisively rejected by the investigating commission that so abruptly halted the proceedings.

Institoris, however, refused to let matters rest, and he spent the next several months hanging around Innsbruck collecting evidence, harassing witnesses, even briefly seizing a suspected witch or two on his own initiative, all in all making of himself an insufferable nuisance. This independent foray into witch-hunting, combined with the wretched outcome of the trial, induced the bishop, a man who from the outset had been less than enthusiastic about the campaign, to write his letters urging the inquisitor to quit the city and trouble its citizens no more. This one-sided correspondence grew progressively more insistent until in February 1486, his patience exhausted, the bishop wrote to Institoris for the last time. He expressed astonishment that Institoris remained in his diocese where his presence had brought errors, dissension, and scandal, and ordered him to cease molesting the citizens of Innsbruck and to return at once to his convent, lest the husbands and friends of the women whom Institoris had persecuted lay hands on him and do him injury. Further, in language
unusually blunt for correspondence among ecclesiastics, Golser informed Institoris that he was to do nothing further in his diocese save leave it. This a disgruntled Institoris finally did, retiring to Cologne and leaving behind him an enraged citizenry, annoyed officials, and a thoroughly perplexed archduke, who hired two prominent doctors of law, Ulrich Molitor and Conrad Stürtzel, to explain the whole witchcraft business to him once and for all.

But by this time Institoris had also begun to write his treatise on witchcraft as a rebuttal to his critics and as a program for further action. He began with a short manual on technical matters: a series of instructions, advisories, and model documents for judges presiding over witchcraft prosecutions. Soon afterwards he decided to write a more substantial and ambitious work, one in which strictly judicial matters would comprise only the final part. This was to become the *Malleus Maleficarum*, the work that he was to “co-author” with his fellow inquisitor, Jacob Sprenger.

Institoris’ choice of Sprenger as his collaborator was both politic and wise. Perhaps first and foremost, Jacob Sprenger was a man far more distinguished and far less contentious than Institoris; second, both as an academic and within the Dominican Order, Sprenger’s career was exemplary. Having established himself as an outstanding scholar at an early age, by 1468 Sprenger was already lecturing on the sentences at the University of Cologne, even as he was still working towards his master’s degree; ten years later, he was a professor of theology; and, by 1480, Sprenger had been elected dean of the theology faculty. Sprenger was also well known outside the schools as the “apostle of the Rosary,” since his ardent devotion to the Virgin had been rewarded with a vision in which he was exhorted to spread the cult of the rosary throughout Germany. To this end, Sprenger had introduced rosarial brotherhoods to Germany, which immediately enjoyed tremendous popularity. Finally, Sprenger was active in Dominican politics as a champion of the Observantine reform: he was elected prior of the prestigious convent at Cologne in 1472 while surprisingly young (probably no older than his mid-thirties), and just two years later he won appointment as vicar to the Observant convents on the upper Rhine; then in 1481 he also became inquisitor to the same area, principally Mainz, Trier, and Cologne. In short, Sprenger could boast of a career as successful and as varied as any Dominican could hope for. Indeed, so estimable were Sprenger’s intellectual and spiritual attainments, that some have questioned the actual extent of Sprenger’s contribution to the *Malleus*. Although Sprenger certainly wrote the “Apologia auctoris” which prefaces the *Malleus*, and did so in terms that strongly suggest his active participation in its writing, nonetheless because the work is of one piece stylistically (and Institoris definitely wrote the third part of the text single-handedly), and because the *Malleus* throughout reflects Institoris’ known preoccupations, it is likely
that beyond lending the work the prestige of his name, Sprenger's contribution was minimal.\textsuperscript{40}

However it came into being, by 1487 Institoris had the manuscript of the \textit{Malleus} in hand, and the same desire to produce as authoritative a text as possible that had likely led him to seek Sprenger's collaboration in the first place now induced him to try to obtain the formal endorsement of the faculty of Cologne.\textsuperscript{41} Institoris' efforts resulted in two endorsements. The first, signed by just four members of the theology faculty, allowed that the first two parts of the text contained nothing contrary to sound philosophy and the Catholic faith, and endorsed the third as a model for actual witchcraft prosecutions (provided that nothing was done repugnant to canon law). The second boasted twice as many signatories, but was also more general; not even mentioning the \textit{Malleus}, it simply commended the Inquisition for its zeal, acknowledged the existence of witches, and encouraged all good Christians to assist in the fight against this pestiferous sect.

Exactly how Institoris came by these approbations is a complex and contentious question. Hansen has suggested that the second endorsement is, in effect, a forgery committed by Institoris with the help of a compliant notary after the first failed to meet his expectations.\textsuperscript{42} Schnyder, however, has recently given new life to a simpler alternative – that the first endorsement was signed only by those members of the faculty who could take the time to read and review the entire book, while sympathetic but typically busy academicians could sign the more general endorsement in good conscience.\textsuperscript{43} In any case, however accomplished, the result was the same: the \textit{Malleus} was now printed with an impressive collection of credentials, prefaced first by the papal bull, \textit{Summis Desiderantes}, then by the two approbations, uncomfortably spliced together, and finally by letters signed by Maximilian I in 1486, placing inquisitors under his protection. In short, the text proclaimed itself to be as authoritative as the authors' ingenuity could make it.

That such a show of authority was needed demonstrates just how novel the \textit{Malleus} actually was. Certainly there had been witch-treatises before, but these had either refrained from making sweeping judgments, had remained agreeably obscure, or had avoided doctrinal pronouncements altogether. The \textit{Malleus}, on the other hand, was readily available in printed editions, addressed thorny doctrinal problems without flinching from (or even acknowledging) their problematic consequences, and looked at an old but always disturbing subject in a new way. Witchcraft had for centuries remained on the periphery of Church doctrine and, although always a grave sin and a serious concern, it had never before been considered a cause for real alarm. In the \textit{Malleus} though, witchcraft was elevated to a pivotal position in the struggle between man and the devil, and was given new responsibility for the world's ever-increasing ills.
The *Malleus*, in other words, proposed a basic shift in the way in which the Church should conceptualize evil, a shift which not all contemporaries were prepared to accept.

Institoris and Sprenger wrote the *Malleus* with several stated objectives: first, it was to refute critics who denied the reality of witchcraft and hindered the persecution of witches; second, it was to provide arguments, *exempla*, and advice for preachers who had to deal with witchcraft on the pastoral level; and third, to lend detailed assistance to judges engaged in the difficult work of combating witchcraft through legal prosecution. In broad terms, each of the book’s three sections deals with one of these issues, while also addressing the two problems central to the work: “what is witchcraft?” and “who is a witch?”

Underlying this division, however, is a surprisingly sophisticated sense that categories are in part determined by the fields of discourse to which they pertain. Thus, whereas a legal determination of witchcraft depends upon a sufficiency of evidence of a particular kind, derived from behavior observed and conjectured, this is a kind of determination wholly inappropriate to theological discourse. That Institoris and Sprenger understood this distinction is readily demonstrated by their consideration of who should legitimately be called a heretic: heresy, in the strict sense, was an error in understanding and of faith, ultimately discernible by God alone. For this reason, the authors submit, a theologian would never be willing to make a certain determination of heresy because, no matter what a man’s behavior, it would be impossible to know if he acted out of an error of faith. For a canonist (or an inquisitor), on the other hand, a man was a heretic when he was so designated by the lawful judgment of men. In other words, the definition of the category “heretic” corresponded to the kind of discourse in which the term was used.

Similarly, the seemingly utilitarian arrangement of the *Malleus* responds to more sophisticated epistemological considerations, as each section treats its subject matter with changing rules of argumentation, types of evidence and criteria for logical validity. Accordingly, the first section examines witchcraft in largely theoretical terms, through the lenses of theology and natural philosophy, by citation of authority, and by means of “scholastic” argumentation.

But, in the second section, when the authors turn to matters of practice, they begin by remarking:

Because we are now concerned with moral issues whence there is no need to insist upon varied arguments and expositions in everything... therefore we pray God that the reader should not seek a demonstration of all things where
Thus Institoris and Sprenger call attention to the fact that their argument, which has up to this point tried to follow the rules of scholastic and theological argumentation, will now be framed in what they conceive of as moral terms; henceforth they will appeal to the rule of authority only to provide context for reliable human experience. This differentiation between kinds of discourse, however, cannot denote the presence of rigid boundaries between different realms of human experience, since it is an essential characteristic of the authors’ thought that the truth theologically determined must correspond at some level with the reality of sensory experience and vice versa. Rather, this distinction is necessary to illuminate the witch in all her aspects, which indeed is the point of the *Malleus*: to take the witch constructed by learned theologians, the witch of traditional legend, folktale, and rumor, and the old woman huddled before the inquisitor’s bench and to blend them into a single being – a being capable of satisfying the demands of all situations in which her existence was meaningful.

The *Malleus* was not, then, as Sprenger ingenuously stated in his “Apology,” merely a compilation of materials drawn from ancient and authoritative sources; it was instead a unique assemblage of experience and authority juxtaposed in shifting ways. Like all medieval academics, Institoris and Sprenger were acutely conscious of the value and importance of authorities, both to formal argumentation and to more casual discourse. Above all, they cite continuously from scripture; but in clear second place come the authors of canon and civil law: Gratian’s *Decretum*, the *Decretals* of Gregory IX, the *Decretalium Liber Sextus*, Justinian’s codification of civil law, and commentators on all of these. Among the *Malleus’* other frequently cited authorities (such as Isidore of Seville, Gregory I, Dionysius the Pseudo-Areopagite, Albertus Magnus, and the *Glossa Ordinaria*) there are also more recent works related to the Dominican educational background of its authors: these include Raymond of Penyafort, Peter of Palude, and, especially, Johannes Nider. But there is also Institoris and Sprenger’s own personal testimony; for despite our doubts as to the precise extent of their inquisitorial experience (it is not even certain that Sprenger had ever presided over a witch-trial) they both claimed extensive personal knowledge, and possessed a fund of narrative accounts taken from their own experiences or those of their informants.

Institoris and Sprenger begin their text by examining witchcraft at its most abstract, from the perspective of the Dominican theological system, and the analysis which follows was intended to mimic the forms of Thomist
disputation. This method, which the authors call “scholastic,” begins with a series of propositional questions. Then follows the counterargument, the citation of seemingly contrary authorities, a responsio or solution to the problem, and finally the replies to specific objections. In capable hands, and applied to appropriate subject matter, this sort of analysis was highly persuasive and carried considerable prestige – no doubt the reason it was chosen by our authors since it was not terribly responsive to their needs. First, and perhaps foremost, it appears that Institoris and Sprenger found it difficult to subordinate their discussion to the rigid logic of the questio; they often embark on rambling digressions into related but not strictly relevant topics, occasionally even abandoning their chosen method entirely. Second, the requirement that all objections be answered in full seems to have weighed rather heavily upon the authors. Although, to their credit, Institoris and Sprenger address difficult questions, their replies are often testy, ranging from terse, unsatisfying dismissals to lengthy and confusing bouts of jargon-filled debate.

Despite all of this, however, the main contours of their argument remain clear. The first part of the Malleus begins with two preliminary questions, both of which are necessary to the more detailed argument to follow. First, they ask whether the existence of witches is an essential tenet of Catholic teaching or whether witchcraft is instead imaginary, the result of some occult but natural process, the deluding phantasms of the devil, or simply the fancies of overwrought human minds. The latter possibilities the authors then emphatically deny: they point out that because the devil exists and has the power to do marvelous things, witchcraft, if done through his aid and with the permission of God, could certainly be real as well. They draw a comparable conclusion from the authorities – scriptures, doctors of the Church, theologians, canon and civil law; for, they argue, if witchcraft were imaginary and witches non-existent or essentially harmless, they would surely not be so consistently and severely condemned.

Witches, in their view, are beings who are not, and could not be, imaginary, but who “can, with the help of demons, on account of the pact they have with them, and with the permission of God, bring about real harmful magical effects.” In the Malleus, witchcraft is specifically predicated upon this combination of an overtly expressed pact with the devil, the active participation of the witch in acts of maleficium and consequent actual, physical, harm. All else definitionally is not witchcraft and does not fall within the purview of the authors’ investigation. The pact is crucial, for it articulates the relationship between the witch and Satan through which witchcraft must arise; through her pact,

the witch has offered herself completely and has bound herself to the devil really and in truth and not fantastically and in the imagination only, and thus it ought
to be understood that she cooperates with the devil in body and in truth; for all works of witches are to this end, whether they always carry out their witchcraft through the pact, or through a glance, or through the spoken word, or through the operation of some instrument of witchcraft deposited under the threshold of a house.\textsuperscript{53}

Since both the pact and the harm that springs from it are real, witchcraft must be real as well.

This conception of witchcraft is strikingly narrow: \textit{maleficium} is not simply a kind of magical or occult harm, but harm wrought through a cooperative endeavor on the part of both the witch and devil, when bound together in a particular kind of contractual relationship. Such a restricted definition required defense. In particular, the authors had to prove that occult harm arises exclusively from the devil and the witch in concert, since, in practical terms, if a witch could raise storms without the help of any demon simply by dropping rotten sage into running water, or if the devil in his turn could cause tempests without the aid of any witch, it would be difficult to know when to blame inclement weather on witchcraft and when not.\textsuperscript{54} In a long and convoluted response, Institoris and Sprenger argue in effect that although devils can and do work evil without the aid of witches, for various technical reasons they prefer not to do so. In fact, bad angels find the help of a witch so convenient when working physical harm, that they employ them as a matter of course whenever they wish to cause malicious injuries (\textit{maleficiales}).\textsuperscript{55} As far as the witches themselves were concerned, the matter was simpler, since if they really were witches, they must definitionally do their evil work through the devil. Although a person might employ natural agents to produce occult but still natural effects, when a witch employed any object, word, or behavior in her magic it was merely as a sign or adjunct to the power of the devil.

Institoris and Sprenger recognize that this is potentially confusing, and attempt to clarify their position using the example of \textit{fascinatio}, the evil eye.\textsuperscript{56} They accept as an established fact that the gaze of certain persons – menstruating women for example – has a natural power capable of bringing about physical effects, and that in some angry or disturbed old women this gaze may be sufficient to do real harm to young and impressionable minds and bodies. But the authors also insist that such old women are exactly the sort who are often witches, in which case the malice of demons inspires and assists the natural power of their eyes. The authors’ point, to which they will return several times, is that the mere possibility of a natural explanation for misfortune does not mean that all misfortunes are natural. Quite the contrary, where there are witches there will be witchcraft, and so only in the absence of possible malefactors should natural agencies be considered as possible causes for harm. In this way, the \textit{Malleus} employs the related categories of “witch” and “witchcraft” reciprocally, using the presence of one to determine the existence
of the other. Where there are witches, a category that is inevitably socially defined, there must be witchcraft; where there are *maleficiales*, misfortunes that are perceived to be malicious, there must be witches. This link between moral behavior and ambiguous harm, between the perception of human malice and malicious misfortune, allows the authors to extend their conception of witchcraft to an almost limitless number of applications and makes plausible their claim that witches constitute a serious threat to Christendom.

Institoris and Sprenger believed that witchcraft was already endemic throughout much of Europe and was increasing daily. They explain that this evil had increased in recent times because of an unhappy congruence between the three necessary preconditions for witchcraft: the presence of witches (or of women ready to fill that role), the active participation of the devil, and the permission of God.57 In this complex of interrelated variables, the necessary link between natural and supernatural realms was provided by the pact joining the witch with the devil. Looking at the problem from this perspective, the authors then begin to construct a formal definition of “witch.” *Maleficium* is not a major concern here, for although witchcraft may be a highly visible and fully sufficient sign of the witch, it is not a necessary one, for a witch is a witch whether she ever casts an evil spell or not, provided only that she has entered into an express compact with the devil. This unholy allegiance does determine the witch’s behavior, but her acts are those associated more with heresy than with the infliction of injury:

Mark well, too, that among other things, [witches] have to do four deeds for the increase of that perfidy, that is, to deny the Catholic faith in whole or in part through verbal sacrilege, to devote themselves body and soul [to the devil], to offer up to the Evil One himself infants not yet baptized, and to persist in diabolic filthiness through carnal acts with incubus and succubus demons.58

This list is interesting not only for the lack of any mention of *maleficium*, but also for the emphasis placed upon sexuality and reproduction. Institoris and Sprenger would argue that it was the specifically sexual link between demons and witches which was responsible for the appalling growth of witchcraft in their day, serving to lure already immoral women further into sin, holding them in sexual servitude, and providing, as well, future generations of witches.

In the following three questions, the authors examine this curious state of affairs in more detail, beginning with an attempt to construct a coherent picture of the power and the nature of demons and to explain their interest in human sexuality. Logically, they should then turn to the other half of the equation and examine the role of the witch herself. But before they do so, they try to address a perceived weak point in their argument, and embark on a long and confusing *questio* on the possible influence of the stars, both as the agents
of specific acts of *maleficium* and upon the growth of witchcraft in general.\(^{59}\) The latter point is simplest and addressed first: again following accepted authorities, Institoris and Sprenger argue that neither “fate,” nor the stars, nor the Powers that move them can determine human destinies, much less the sort of specific behavior required to become a witch, for the alternative would deny free will. Not that the human will is absolutely free, of course, else decisions would be made entirely at random: rather the will is informed by various extrinsic agents of which the stars are one. But stars affect only the body; angels, bad and good, affect the intellect; while God alone influences the will. It can happen that stars may give a person bodily appetites or physical predilections that make him more prone to witchcraft, but the catalyst for the specific sins of witchcraft will still be the temptations of the devil and not the stars, just as a choleric person, although naturally prone to anger, must be tempted in order to commit murder and is personally responsible for his actions if he does so. That the influence of the stars might lie behind specific occasions of *maleficium* is more problematic, and harks back to the unsatisfactory response to the possibility of natural causation in the second question. Ultimately, although the response is now considerably longer, it remains much the same.

Celestial bodies cause natural effects, but the works of witches which are called malicious harms are not of this kind, in as much as they arise out of harm done to creatures contrary to the accustomed order of nature.\(^{60}\)

The logical basis for this argument is the Aristotelian dictum that from the effect the cause is known; in this case the works of witchcraft are invariably harmful and unnatural and so cannot have a cause that is natural, as are the stars, or intrinsically good, as are the Powers that move them. Although not compelling, this argument allows Institoris and Sprenger to make an additional important distinction before moving on to the subject of witches and women: astrologers and magicians may employ operations that resemble the works of witchcraft, but because they utilize the natural power of the stars for their own private good, they cannot be witches.

It goes without saying that magicians and astrologers are also invariably male; that witches are most commonly female, Institoris and Sprenger accept as a simple fact, verified by their own experience and common consensus.\(^{61}\) This is in part a function of simple feminine frailty, and they assemble a tiresome collection of authorities to show that women are more credulous than men, more impressionable, more superstitious, more impulsive, more prone to emotional extremes: in sum more easily ensnared by the devil due to their weaker minds and bodies. More importantly, though, just as the devil’s power is greatest where human sexuality is concerned, so too is this woman’s greatest weakness, for she is naturally more sexual than men, “as is made plain by
her many carnal depravities."62 Throughout the Malleus, women are virtually synonymous with the appetites of the flesh, and, in the minds of the authors, this carnal desire is without doubt the mainspring of contemporary witchcraft: women’s lust leads them to copulate with the devil, to use magic to gain new lovers and revenge themselves against former ones, and to all manner of other sins. Thus it is no wonder, Institoris and Sprenger conclude, that witches are properly called maleficae and not malefici, for “all [witchcraft] comes from carnal lust, which is in women insatiable.”63 In this way, the spread of witchcraft in modern times is readily explicable through the increasing numbers of lustful and ambitious women who fall easily into league with the devil. Because this is the case, it is equally clear that lust, and especially lust that is manifested in some egregious sin such as adultery or fornication, is a reliable behavioral indicator of a predisposition toward witchcraft. It is not sufficient in itself, of course, as not all adulteresses are witches, but the authors’ point is that many are, and so a woman’s sexual behavior is a legitimate subject for inquisitorial inquiry and examination.

Witchcraft in the Malleus thus emerges as a phenomenon that is explicitly gendered and sexual. It arises from the insatiable sexual appetites of women; sexual intercourse with her master is the sign of a witch’s servitude, and increasing the devil’s progeny is one of her chief goals. Conversely, a witch’s magic is especially apt to disrupt the course of benign sexual relationships and fruitful reproduction, both because the devil’s power in this field is so great, and because the witch herself is predisposed toward this sort of mischief. Just how it is that witches bring about these misfortunes is the subject of the next several questions, in which Institoris and Sprenger attempt to map out the limits of witches’ power and at the same time to continue to demonstrate the close relationship between witchcraft and more conventional moral turpitude.

To begin with, a witch can influence a man’s passions, filling minds with excessive love or hatred.64 The devil’s ability to influence or delude the senses, and to bring fanciful images directly to mind, allows witches to do this, but it is their own desire for the chance to gratify their lusts while ruining the lives of others that makes this sort of evil so prevalent. As a rule, witches are just as repulsive physically as morally and desperately need the help of the devil to obtain the lovers whom they crave. As a result, this kind of magic is regrettably common, and the authors cannot count the number of times “adulterers inflamed with passion for the foulest of women have set aside their most beautiful wives.”65 Similarly, obstructing procreation is no trick at all for the devil, who can either interpose himself invisibly between man and woman during procreation, cause an abortion or sterility in the woman’s womb, or, most common of all, cause impotence or some other sort of sexual dysfunction in
men. But when this is the result of witchcraft, as is most often the case, it is further proof of the libidinous character of witches, who are eager to cast this kind of spell because they know that if men cannot perform sexually with their wives they will be more likely to submit to the witch’s own adulterous embraces. And so, the authors point out, “the fact that witches are more frequently adulteresses, prostitutes, and the like is shown by the evil impediment they place on the act of generative power.”

One of the most alarming of these impediments is a witch’s ability to cause a man’s penis to vanish into thin air, so that he can “see and feel nothing except his smooth body, uninterrupted by any member.” This is the sort of thing that chronically happens to adulterers who are not sufficiently attentive to their mistresses’ needs, or worse, who abandon them entirely, thus provoking vengeance. Fortunately, as the authors reveal, the loss of one’s penis is only one of the devil’s illusions, and not a real transformation — although this is unlikely to be of much comfort to those afflicted, since, as they go on to say, the condition is generally permanent. Similarly, when witches change themselves or others into the shape of animals, this is just another illusion, because a real metamorphosis is beyond the devil’s powers. But since the deceptions of the devil seem substantially real to every test that an average person is likely to devise, as a matter of practice it will make little difference whether one is assailed by a real wolf or a witch in wolf-form, save that the latter is likely to be even more cunning and vicious.

Institoris and Sprenger conclude their tale of witches’ evil deeds with an odd little digression about the abominable practices of midwife witches. These creatures are the worst of all their kind, for they kill infants both in the womb and at birth, and are even in the habit of stealing, vampire-like, into homes to drink the blood of children. Worse still, even when they do not kill the children they deliver, witch-midwives devote them to the devil, dooming them to a life of evil. The question is unusual both because it does not follow the normal “scholastic” method — it is a simple series of assertions, supported mainly by anecdotal evidence — and because it does not follow logically from the proceeding catalogue of kinds of supernatural harm — the question focuses completely upon the reprehensible character of the witch-midwives’ crimes. In one respect, though, the question does provide a fitting conclusion to this portion of the authors’ argument, for it states in the most forceful terms yet, Institoris and Sprenger’s contention throughout, that although a witch may utilize the devil’s power to do evil, she does it for reasons that are her own: witchcraft may be perilously tied to the demonic, but it is an entirely human sin.

This is a necessary point, for Institoris and Sprenger are about to tackle the difficult question of why, since all witchcraft is dependent upon the per-
mission of God, God should be inclined to permit it. 71 This is an especially important problem since, as the authors observe with annoyance, certain sapi-entes among the clergy argue that witchcraft cannot be real, since God does not permit such freedom to the devil as the abominable deeds of witches would require. In order to avoid meeting this formidable objection head on, the authors make a discreet withdrawal, and treat witchcraft in this context simply as a part of the larger issue of the existence of evil. God has, of course, ordained all things, but he permits witchcraft for the same reasons that he permits any other sin. First, because an action which may appear evil from all human perspectives may in fact be the cause of much good, and thus witchcraft may provide opportunities to test, warn, or purge true Christians. And second, because if God did not permit witchcraft, he would be denying a measure of freedom to witches. He does not will witchcraft to happen, but he has created human beings with the capacity to sin, and just as God permitted Satan to fall, and Adam and Eve to sin, he is similarly compelled to allow witches to work their evil with the devil’s aid. Yet these traditional explanations for the existence of sin obviously fail to answer the whole objection. For although it may be granted that God is required to allow witches to sin, it does not seem to follow necessarily that he should also give the devil leave to rain down wholesale destruction upon the innocent in the process. The permission to sin is one thing, the grant of deadly supernatural power is quite another. But Institoris and Sprenger put forth the ingenious, if rather circular argument that witchcraft is permitted precisely because the witch’s sin enables the divine permission necessary for witchcraft.72

Here, the first section of the Malleus comes to an end. 73 Although the description of witchcraft that Institoris and Sprenger have built up over eighteen dense questiones may seem disturbingly vague and even contradictory, it has actually proceeded in reasonably ordered fashion. Each questio approaches witches and witchcraft from a slightly different direction, establishing the relationships between the natural and supernatural, between women and demons, superstition and sin, witchcraft and sexual sin, God and evil, and so on. Rather like a pendulum swinging back and forth between extremes, the Malleus has located witchcraft within a series of arcs described by devils and women along one axis, and magic and sin along the other. The length of each swing is not always regular, but as the interior of the arcs are drawn and redrawn with each subsequent questio, essential characteristics of the category gradually emerge.

In the second part of the book, the authors get down to actual cases; they abandon the “scholastic” method, and proceed descriptively, with evidence provided by numerous exempla. Institoris and Sprenger are no longer concerned with what is theoretically possible, but with what, in their experience,
actually happens. The focus of their inquiry shifts accordingly, from abstract moral and theological issues to concrete questions about witches’ behavior, and especially about *maleficium* and the possible remedies for it. Institoris and Sprenger begin their examination by expanding chiefly upon topics introduced in the first section, adding details, clarifications, and frequently lurid illustrative examples to the dry arguments already presented. The authors’ goal is to demonstrate how their theoretical construction of witchcraft is reflected in real-world experience, and to prove that there is a “real” witch who is consistent with both:

And lest these things [the acts of witches] be thought incredible, they have been settled in the first part of this work through questions and the solutions to arguments, to which, if it is necessary, the skeptical reader can return to investigate the truth. For the present, only those acts and deeds discovered by us or written by others in detestation of so great a crime are to be considered, in case, by any chance, the earlier questions may be difficult for anyone to understand; and from these things that are related in this second part, he who thought that there are no witches and that no witchcraft can be done in the world may take back his faith and rebound from his error.74

For the most part, their project is now descriptive, and several chapters are almost entirely taken up with examples alone. In places, however, they must also make some revealing adjustments to their model in order for it to remain consistent with reality as they see it.

In part one of the *Malleus*, they showed that witches can, with the devil’s aid, do fantastic things; now they concede that the situation is more complicated, and that witches cannot, after all, injure or kill everyone they might wish to. In fact, witches operate under a variety of handicaps.75 Some persons are under God’s special protection; guardian angels defend saints and holy men; others may be “naturally” resistant to witchcraft due to the influence of celestial bodies and the angelic intelligences that move them; and the rites of the Church can procure similar supernatural protection for devout Christians. As the authors’ observe, sacramentals and exorcisms are designed specifically to combat demonic power, and so must have the same sort of virtue against witchcraft. Institoris and Sprenger also note that men of their own class, public magistrates who bring witches to justice, are almost never bewitched. Perhaps God has sympathy for their dangerous task and shields them from harm; perhaps the devil himself provides them with incidental protection since, in order to hasten a witch’s damnation, he deprives her of her powers when she is taken by the accredited agents of justice. The authors testify that, whatever the cause, they are alive and well despite the best efforts of their victims.
After this introductory digression into the limits of witches’ power, Institoris and Sprenger turn to the various strategies witches employ to gain new recruits, all of which unsurprisingly exploit the immoderate physical appetites of women. To recruit “honest matrons, little given to carnal vice, but who covet more earthly possessions,” witches will often cause milk cows to go dry, so that the distraught women will consult some local witch for advice, adopt some superstitious and blasphemous remedy, and in this way be led down the path to damnation. With “young maidens, more given to ambition and the pleasures of the flesh,” the matter is easier, and established witches need only find some pretext under which the girls can be discreetly introduced to handsome and desirable young devils. Finally, women who have been abandoned by their lovers seek out the devil of their own accord, either to satisfy their lusts or to gain revenge. Of all witches, these sad women are the most common, for “just as young women of this kind are innumerable, as, alas, experience teaches, so the witches who arise from them are unnumbered.”

Most of the time, the devil is strangely detached from the business of finding new recruits, preferring to delegate this sordid business to the witches themselves. When the time is right, the devil appears before the assembled witches and promises them prosperity and long life in this world. In return, they produce the novice witch who must abjure her former faith and perform an oath of homage to the devil, giving herself to him, body and soul, for ever. The devil then commands her to bring as many people as possible under his sway, and instructs her in the art of making a magic go from the bodies of unbaptized children. Though some novices may balk at this, the devil is shrewd: he asks such women only to do as much as they are willing to do, leaving the most horrid acts of sacrilege for later.

Once a witch has accepted the devil, she immediately acquires the ability to fly from place to place and the regular attentions of a demon lover, both of which are well attested by current reports and traditional authorities. Witches also acquire the ability to perform magic with the devil’s aid, although, somewhat unexpectedly, Institoris and Sprenger admit that not all witches’ magic is necessarily malign. For obscure reasons, witches are divided into three classes: those who only cause harm, those who heal as well as harm, and those who heal, but cannot bring about injuries. The most formidable kind of witch, possessing the most impressive occult arsenal, is the midwife-witch, who specializes in killing and eating unbaptized children; she becomes Institoris and Sprenger’s archetype, standing for all the others.

The remainder of the second part deals with maleficium proper, and consists of a remarkably thorough catalogue of witches’ powers to do harm. As mentioned before, witches can prevent procreation in various ways, turn themselves or others into animal form, or create convincing illusions of all
sorts. They can also induce the devil to possess people, cause all manner of sickness in humans or beasts, raise storms, and steal milk. In short, a large proportion of life’s calamities are encompassed by the witches’ extensive magical repertoire.

Unfortunately for the consistency of their argument, Institoris and Sprenger recognize that some kinds of misfortune appear to be attributable solely to the devil. Lightning strikes, for instance, often occur seemingly without the participation of any witch, although it may be that the witch responsible simply remains undetected.\(^8\) Worse, the authors are also forced to admit that *maleficium* is not quite the exclusive property of witches. Since demons are not particularly choosy about whom they aid, it is quite possible for someone who is not technically a witch to work harmful magic by virtue of a tacit pact alone, a pact forged whenever anyone uses superstitious means or rites to achieve some end.\(^8\) Such was a traditional ecclesiastical understanding of malign magic, but because *maleficium* is such an important part of Institoris and Sprenger’s conception of what witches are it creates an annoying gray area around the periphery of the authors’ definition of witchcraft.

From the authors’ perspective, a more helpful exception to the rule is the bizarre miscellany of male wizards which concludes their description of witches’ practices.\(^8\) Although these men are counted among those “addicted to witchcraft,” it is difficult to call them witches: they do not practice conventional *maleficium*, have intercourse with the devil, or indulge in most other characteristically witch-like activities, and their social roles are relentlessly male. Some such men are soldiers, such as the notorious “archer wizards” (*malefici sagittarii*) who shoot their arrows into a crucifix in order to acquire diabolically enhanced accuracy. But whatever their occupation, they are not obvious social deviants, despite their grievous sins, so that “witchcraft” for men does not correspond to a readily identifiable life style. The male witch is known strictly on the basis of sacrilegious behavior. He is thus a kind of marginal “witch,” who serves to define in different ways the bounds of “normal” feminine witchcraft.

Yet despite Institoris and Sprenger’s best efforts to define witchcraft clearly, in their next topic, the possible remedies for *maleficium*, the line between witchcraft and other magical operations becomes perilously obscure. The problem is that a bewitched person looking for a cure has few options: a human curative agency is impossible, because witchcraft is the work of the devil and beyond a mortal’s natural capacity to undo; divine help, though possible, is extremely unlikely (given that God has permitted the initial affliction, He is not often moved to remove it); finally, although the remedies of the Church will exorcize demons and keep them at bay, they are not much use once a magical spell has taken effect in accordance with divine will. The victim
is thus in a real quandary, since the only remaining source of relief is the devil or his agents:

It appears besides that [the bewitched] will be freed very rarely, however much they may implore divine assistance and the support of saints; therefore they cannot be freed except by the help of demons, which, however, it is not permitted to seek.86

Yet despite the warning of Aquinas and the theologians that a man may not lawfully look to cure witchcraft, certain canonists argued that the situation was not so cut and dried, and that in the absence of viable alternatives, the works of the devil might be legitimately destroyed through “vain and superstitious means.”87

Throughout this section of the *Malleus*, Institoris and Sprenger try to reconcile these contradictory positions, and establish some guidelines by which allowable remedies may be distinguished from condemned superstition. Their solution is to create a narrow space for acceptable “vanities” between diabolically effective but unlawful practices on one side, and perfectly acceptable but presumably ineffective remedies on the other. They cannot clearly define this acceptable “space,” because the nature of the operator remains much more important in the authors’ minds than the nature of the operation. It is unacceptable under any circumstances to go to a witch to have *maleficium* removed, even if she harms nothing else in the process; on the other hand, “a remedy which is performed with certain superstitious rites, but in which no other person is harmed, and not done by manifest witches” may be fine.88 No wonder, then, that they scrupulously avoided this subject while in a theological discursive mode, for, difficult as it is to justify in practice, it would be appallingly hard to do so in theory. In effect, Institoris and Sprenger authorize a limited amount of commerce with a passive, instrumental devil, in preference to any association with the more active moral evil of the witch. This decision allows them to give tentative approval to a variety of obscure occult practices which are perhaps legitimate for that reason alone.89

The remainder of this section of the *Malleus* examines both preventative and curative responses to various manifestations of *maleficium*, in a manner roughly parallel to the treatment of witchcraft itself in the previous section.90

Throughout, Institoris and Sprenger are concerned to separate unlawful superstition, identified by principles laid down by Aquinas and Nider, from permissible Christian countermagic. The authors consistently endorse a very liberal application of sacramental substances and Christian charms as the best possible preventative measures. Houses should be doused liberally with holy water, man and beast should be festooned with written charms, and holy wax and herbs should be placed on every threshold to ward off witches’ occult
assaults. If it would curb the power of witches, Institoris and Sprenger are quite prepared to see the sacramentals of the Church, and the rite of exorcism besides, employed by pious lay men and women, and, in the event that such steps should be neglected or prove to be ineffective, the authors recommend a graduated hierarchy of responses, beginning with a regimen of prayer, confession, pilgrimage, and exorcism. Should these too fail, the patient may then turn to a broad range of possible folk remedies, which Institoris and Sprenger examine with an eye to separating the permissible wheat from the condemned chaff.

Ultimately, however, the bewitched cannot hope for an infallible remedy, for the power of witches is too strong. There is only one completely reliable way to combat witchcraft, and this is to eliminate the witches, the course of action Institoris and Sprenger endorse in one of the most impassioned passages of the *Malleus*:

> But alas, lord God, although all your judgments are just, who will free the poor people who have been bewitched, crying out in their continuous pains? Now that our sins have aroused him, the Enemy very much has the upper hand. Where are those who have the strength to dissolve those works of the devil through licit exorcisms? This single remedy seems left to us, that, by punishing through various means the witches responsible, judges restrain their outrages, whence the occasions for the sick to visit witches will be removed. But, alas, no one feels this in his heart.91

To aid these embattled judges, the final portion of the *Malleus* provides a detailed guide to the conduct of witch-trial. Much of this is fairly technical, taken up with sample documents and advice on how to reject troublesome appeals, but Institoris and Sprenger begin by making the more general point that witchcraft is everyone’s problem and not the exclusive concern of the Inquisition alone.92 If witchcraft were purely a matter of heresy this might not be true, but the authors make the interesting argument that a witch is a heretic in the same way as is a simonian, only as a convenient legal fiction. Heresy, after all, is a matter of belief, and the devil does not really care if witches reject Christianity in their hearts or not; the outward show is all that really matters to him, as that is all that is needed to ensure damnation. Witches do not necessarily hold any false opinions about the faith, but are still guilty of apostasy, as well as whatever secular crimes they may have committed. Although this may seem like unnecessarily legalistic wrangling, Institoris and Sprenger were in fact entering into an important and contentious debate over the extent of the Inquisition’s jurisdiction. The constitutions of Clement V had forbidden both the papal Inquisition and local episcopal courts to try cases of manifest heresy alone and without the participation of the other. Institoris and Sprenger
argue that because witchcraft does not “savor of manifest heresy,” it is fair game for an episcopal court alone. Further, because witchcraft is generally known by physical injuries, the witch may also be tried competently by secular courts for crimes against civil law. Particular cases might, it was true, call for the overlapping jurisdictions of the Inquisition, and of the episcopal and the secular courts, but in general witches could be tried by the episcopate without the participation of the Inquisition or, where capital punishment was not called for, by the secular arm.

With this introductory encouragement to their colleagues out of the way, Institoris and Sprenger begin a step by step guide to the conduct of a witch-trial, from the method of initiating the process and assembling accusations, to the interrogation of witnesses, the formal charging of the accused, the interrogation and torture of the defendant, and the final determination of guilt and assessment of the penalty. The treatise is interesting from a legal perspective, and reveals much about how the authors accumulated the experience they brought to their treatise, but it does not contribute much to the image of the witch already developed. In fact, the process is very much the other way round: Institoris and Sprenger’s legal procedures would be meaningless without recourse to their already established conception of a witch. For example, the authors recommend that the accused be asked why she remains in a state of adultery or concubinage, because such women are more gravely suspected than are “honest women.” Similarly, a woman’s guilt is known by an inability to weep during torture, since the gift of tears is a gift from God denied to witches. In short, a witch-trial based upon the model in the *Malleus* is only practical if one accepts at the outset the conception of the witch and of witchcraft that it has constructed. This is, in fact, true of the *Malleus* as a whole. The book’s argument is predicated upon a series of assumptions about the nature of creation, about man’s relationship with God and with the devil, and about witchcraft and witches, assumptions we shall now examine.

Notes


Hansen, Quellen, 380–90.


Prior to being named a professor of theology, Institoris was regularly referred to as “Henricus Institoris de Sletstat, artium magister et theologiae lector.” See Schnyder, Kommentar, docs. 5, 8, 10, 12, pp. 35–7. For Institoris’ doctorate see ibid., doc. 15, p. 38. It was not unusual for busy Dominicans to receive advanced degrees while in Rome on other business, for which purpose (among others) there was a studium generale attached to the papal court. Hinnebusch, 1:43.

Schnyder, Kommentar, doc. 4, p. 34.

“Sententias nostras interdixti et suspensionis divinorum per nos in oppidum Lipczk ob praenestiam Bohemorum auctoritatem haereticorum.” Ibid., doc. 5, p. 35.


Further conflicts arose in 1490, apparently over Institoris’ conduct of an inquisition, when his Order censured him for “the many scandals which he perpetrated in the province” (“propter multa scandalæ, que perpetravit in provincia”); and again in 1493, when he was ordered on pain of excommunication to quit a lucrative but contested position as cathedral preacher in Salzburg (he did not, and the affair dragged on into the next year). Ibid., docs. 49, 55–7, pp. 58, 60–1.

Institoris recalled that Reiser, in his confession prior to execution, claimed that the heretics, especially the Waldensians and Hussites, “increase daily in strength and numbers.” Henricus Institoris, Tractatus Varii (np: 1496), sermon 2.1; Schnyder, Kommentar, 33, n. 1.

See especially Institoris’ sermons on eucharistic errors in Tractatus Varii, passim; and Schnyder, Kommentar, doc. 16, p. 38. For a full bibliography of Institoris’ works, see Quétif and Echard, 897.

Rudolf Endres, “Heinrich Institoris, sein Hexenhammer und der Nürnberger Rat,” in Der Hexenhammer, 207.


Hansen, Quellen, 24–7.

Ibid., 27–8.

Ibid., 29.

For accounts of the 1485 witch persecution in Innsbruck, see Hansen, Quellen, 385–6; Ammann, passim; and Schnyder, Kommentar, docs. 31–44, 48–54.

Dienst, 80–1.


Schnyder, Kommentar, doc. 32, pp. 49–50. The grant of an indulgence was standard procedure for inquisitorial investigations, see Lea, Inquisition, 1:407.
29 “Si quis scit vidit vel audivit aliquam esse personam hereticam et maleficam diffamatum vel suspectam et in speciali talia practicantem que in nocentum hominum iumentorum aut terre frugum.” Ibid., pt. 3, qu. 1, p. 195.
30 Schnyder, Kommentar, doc. 35, p. 51. As Golser points out in his letter, by the constitution of Clement V, inquisitors were otherwise at least nominally required to conduct their work in association with episcopal authorities. See Lea, Inquisition, i:387.
32 Schnyder, Kommentar, doc. 42, p. 53. “Et si non recederet quantocuius, tunc vice mea paternitas vestra sibi dicere dignetur, quod satis multa scandala sunt suborta propert malum processum suum, quod non remaneat in loco, ne detersius aliquid inde sequatur aut sibi contingat.” Ibid., doc. 41, p. 53.
33 “aber in practica sua apparuit fatuitas, quia multa presupposuit, que non fuerunt probata.” Ibid., doc. 43, p. 53.
34 “Quanti enim ceci claudi aridi et diuersis irretiti infirmitatibus iuxta formam iuris ex vehementi suspitione super maleficarum eis huiusmodi infirmitates in genere vel in specie predicentes.” Malleus, pt. 2, qu. 1, ch. 12, p. 139.
35 Ibid.
36 Schnyder, Kommentar, doc. 54, p. 54.
37 The result of the archduke’s inquiry was published by Molitor in the form of a dialogue between the two lawyers and Sigismund, in which Sigismund, interestingly enough, adopts the voice of skepticism. See Ulrich Molitor, Tractatus de Pythonicis Mulieribus, in Institoris and Sprenger, Malleus Maleficarum (Frankfurt am Main: Nicolaus Bassaeus, 1580); Lea, Inquisition, 3:541–3.
39 As early as 1496, shortly after Sprenger’s death, Servatius Fanckel, a professor of theology at Cologne, wrote that Sprenger contributed nothing to, and knew nothing about the compilation of the Malleus: “Es [sic] quidem verum . . ., quod malleus maleficarum inscribitur magistro Jacobo Sprenger pie memorie et uni altieri inquisitori sed magister Jacobus nihil apposuit aut scivit de compilatione dicti libri.” Schnyder, Kommentar, doc. 61, p. 62.
40 Joseph Hansen has persuasively argued that Institoris was virtually the sole author of the text, and, in the main, modern scholarship has tended to confirm his view, although his evidence is almost entirely circumstantial, centered mostly around the difficulty of fitting the authorship of such a lengthy text into Sprenger’s busy schedule. Hansen, Quellen, 404–7, and Danet, 43–5; Schnyder is more cautious, Kommentar, 419–22.
41 Institoris was also perhaps motivated by an order of Sixtus IV which in 1479 had given the University of Cologne the power and the obligation to censor books. Innocent VIII abrogated this order in 1487, which was perhaps just as well, because the form of Institoris’ approbation bears no resemblance to the university’s official nihil obstat. Henry Charles Lea, Materials Toward a History of Witchcraft, 3 vols., ed. Arthur C. Howland (1939; reprint, New York: Thomas Yoseloff, 1957), 1:337–8.
43 Schnyder, Kommentar, 422–5. Schnyder’s thesis would be more convincing were it not for the testimony of the eighteenth-century Jesuit scholar, Joseph Hartzheim, who claimed to have seen documents now lost in which two of the Cologne faculty protested against the fraudulent use of their names in the second approbation. Either Hartzheim or Institoris would seem guilty of fraud, and Institoris is usually considered the more likely suspect.

45 See their discussion of whether the canonists or the theologians should determine whether an individual is guilty of heresy, *Malleus*, pt. 3, p. 189.

46 “Et quia in morali iam laboramus materia, unde argumentis variis et declarationibus ubique insistere opus non est . . . ideo precamur in deo lectorem ne demonstrationem in omnibus quarum ubi accommodata [sic] sufficit probabilitas ca deducendo qui constat aut visus vel auditus propria experientia aut fide dignorum relationibus esse vera.” *Ibid.*., pt. 2, p. 86.


48 For the purposes of comparison, a rough count of the number of times a given authority is cited in the *Malleus* can be obtained from the index of references in Schnyder’s *Kommentar*, 288–98: the Bible (274), Thomas Aquinas (119), Augustine (75), Aristotle (34), Johannes Nider (22), Isidore of Seville (18), Gregory I (17), Dionysius the Pseudo-Arcopagite (13), Henry of Segus (13), Jerome (12), Albertus Magnus (11), William of Paris (10), Cassian (8), Raymond of Penafort (8), Vincent of Beauvais (8), Peter of Palude (6). A similar count reveals 270 references to canon and civil law, but this number may be high because it counts the citation of a particular canon as reference to all possible appropriate collections of canons since Institoris and Sprenger often did not distinguish between collections of law.

49 Of the narratives in the the *Malleus* that appear to be taken from the inquisitors’ own experience, most are situated in the diocese of Constance (20 accounts, 9 from Ravensburg alone); others are taken from the dioceses of Strassburg (10), Brixen (9), Speyer (8), Basel (7), Augsburg (2), and Worms (1). There are but two accounts from lower Germany, one each from Koblenz and Cologne, while two more are from Rome.

50 In the *Malleus*, pt. 1, qu. 12, for example, when the authors set out to show the horrible crimes of witch-midwives, they simply abandon their method for flat assertions.


58 “Attento etiam quod inter alios actus habent pro augmento illius perfidie quattuor exercere vide delicit, idem catholicum in toto vel in parte ore sacrilego abnegare scipsos in corpore et anima devovere, infantes non undum renatos ipsi maligno offecer, spucritius diabolicis per carnalacte actus cum incubus et succubis demonibus insiste.” *Ibid.*


63 “Omnia per carnalem concupiscentiam quae quia in eis est insatiabilis.” Ibid., 40.
64 Ibid., pt. 1, qu. 7, pp. 46–52.
65 “Quot enim adulteri pulcerrimas uxores dimittentes in fetidissimas alias inardescunt.” Ibid., 49.
66 Ibid., pt. 1, qu. 8, pp. 52–9.
67 “Scilicet quod adultere fornicarie etc. amplius existunt malefice ostenditur per impedimentum maleficiare super actum generative potente.” Ibid., 52.
68 “Nihil valeat videre et sentire nisi corpus planum et nullo membro interruptum.” Ibid., pt. 1, qu. 9, pp. 55–9, 57.
69 Ibid., pt. 1, qu. 10, pp. 59–63. For the authorities, see Lea, Materials, 1:179–80; Hansen, Quellen, 39.
70 Malleus, pt. 1, qu. 11, pp. 63–4.
71 For reasons that are unclear, the authors arbitrarily divide this discussion into two questions; this is a confusing development, as the solutions to the arguments presented at the beginning of question 12 are found at the end of question 13. Ibid., pt. 1, qu. 12–13, pp. 64–71.
72 This is a long and at times theologica complex argument, which is made no clearer by another arbitrary division into four questions. Ibid., pt. 1, qu. 14–17, pp. 71–81. See chapter 4 below.
73 The first part of the Malleus actually closes with a short aid to preachers, answering various common-sense objections to the reality of witchcraft sometimes brought up by troublesome laymen. The chapter is interesting but adds little to the main thrust of the book’s argument. Ibid., pt. 1, qu. 18, pp. 81–5.
74 “Et ne hec quasi incredabilia putarentur. Ideo in prima parte operis per questiones et argumentorum solutiones sunt decisa. Ad quas si opus sit dubius lector per investiganda veritate recurrere potest. Ad presens tantummodo acta et gesta per nos reperta sive etiam ab aliis conscripta in detestationem tanti criminis sunt deducenda ut priores questiones si fortassis alicui difficiles ad intelligendum forent. Ex his quaer in hac secunda parte traduntur idem capiat et ab errore resileat quo nullam maleficam et nullum maleficium posse fieri in mundo estimavit.” Ibid., pt. 2, qu. 1, ch. 5, pp. 111–12.
75 Ibid., pt. 2, qu. 1, pp. 86–92.
77 “Sed erga iuvenculas ambitioni et voluptatibus corporis magis deditas.” Ibid., 93.
78 “Et sicut talium iuvencularum non est numerus ut heu experientia docet, ita nec numerus maleficarum ex eis insurgentium.” Ibid., 94.
79 Ibid., pt. 2, qu. 1, ch. 2, pp. 95–101. This account is derived principally from those found in book 5 of Johannes Nider’s Formicarius.
81 Ibid., pt. 2, qu. 1, ch. 2, p. 95.
82 This topic covers eleven short chapters. Ibid., pt. 2, qu. 1, chs. 5–15, pp. 111–47.
83 Ibid., pt. 2, qu. 1, ch. 15, p. 147.
84 For example, Institoris and Sprenger know of a magus who produced “witch-butter” without having made an express pact with the devil. Ibid. pt. 2, qu. 1, ch. 14, p. 143.
85 Ibid., pt. 2, qu. 1, ch. 16, pp. 147–52.
86 “Apparet etiam quod rarissime liberantur quantumcumque divinum auxilium et suffragia sanctorum implorant, ergo non nisi auxilio demonum liberari possunt, quod tamen non est licitum querere.” Ibid., pt. 2, qu. 2, p. 152.
87 Provided, of course, that these fall well short of harmful magic and demonolatry. Ibid., 153.
88 “Vero remedium quod quibusdam ceremoniis supersticiosis practicatur non tamen in nocuumtum aliquius persone aut per manifestos maleficos agitatur.” Ibid., 156.
89 Ibid., 153, 157.
90 Ibid., pt. 2, qu. 2, chs. 1–8, pp. 158–84.
92 Ibid., pt. 3, pp. 184–94.
93 Ibid., pt. 3, qu. 6, p. 201.
94 Ibid., pt. 3, qu. 15, p. 213.