Throughout the Middle Ages, Christian authorities linked most forms of magic to the demonic. Reliance on demons defined magic for many clerical thinkers and served to differentiate it from legitimate religious rites of prayer, blessing, or the deployment of sacramental power.¹ The fully developed idea of diabolical, conspiratorial witchcraft that framed most of the major European witch trials, however, only emerged in the fifteenth century. This “collective concept” (Kollektivbegriff) has often been presented in terms of a fairly precise set of stereotypes. Gerhard Schormann, for example, identified four key elements of witchcraft: a pact with the devil, sexual congress with demons (often to seal that pact), harmful magic (performed at the behest of the devil), and the gathering of groups of witches at sabbaths. Of these, he identified the sabbath as the “most consequential,” since it created a basis for one witch to accuse many others in the course of a trial, and he determined that only cases involving all four elements should be labeled as “witch trials,” while other cases involving harmful magic should be designated as “sorcery” (Hexerei vs. Zauberei).² Jeffrey Russell went further and designated eight characteristics of European witchcraft beyond just the practice of harmful magic, including infanticide, cannibalism, and the desecration of the cross and eucharist, all of which were thought to occur primarily at the witches’ sabbath.³

More recent scholarship has complicated such rigid categorizations, showing, for example, how multiple stereotypes of witchcraft developed in the late-medieval period, differing from one
another in important ways. Some experts now go so far as to argue in direct opposition to scholars like Russell and Schormann that the only essential feature of European witchcraft should be harmful magic alone, thereby allowing for more direct comparison to forms of magical practice that have been designated as witchcraft in non-Christian societies around the globe. Such an approach might also more accurately reflect the primary concern of the great majority of the European populace when dealing with witches, since most people seem to have focused far more on harm wrought through magic than on issues of diabolism, which was mainly an elite legal and theological concern. Despite such cautionary notes, however, most scholars would still agree that within the context of Western European history, witchcraft has generally been defined by two basic characteristics: the practice of harmful magic \((maleficium)\) and some kind of essential connection that many people, especially those in power, believed to exist between the witch and the devil. The phenomenon of witchcraft cannot be understood completely, in this context, if these two elements are separated. Moreover, although the idea of full-blown sabbaths and sexually consummated pacts between witches and demons developed mainly in the fifteenth century and thereafter, connections between the performance of harmful magic \((maleficium)\) and demonology extend much deeper into the medieval past. This chapter will explore how those connections developed across the medieval centuries, as an essential basis for understanding how various components of the collective concept of witchcraft functioned during the witch-hunts of the early modern period.

Early Medieval Developments
The Christian demonization of magic, to use Valerie Flint’s apt phrase, began in the very earliest
days of the new faith. Much pre-Christian magic relied on the gods and spirits of pagan
pantheons, which Christian leaders understood to be demons. In the middle of the first century,
the apostle Paul communicated this to the Christian community in Corinth when he wrote, “what
pagans sacrifice, they sacrifice to demons and not to God. I do not want you to be partners with
demons.” Several centuries later, the church father Augustine of Hippo declared that all
magical and superstitious arts were “constituted through a certain pestiferous association of
human beings and demons as if by a pact of faithless and deceitful friendship.” In his City of
God, he stated that “all the wonders of magicians…are done through the teachings and works of
demons.” Even astrological divination, viewed by many as a science, was based not on “the art
of observing and examining horoscopes, which does not exist,” but on “the secret inspiration of
spirits that are in no way good.” Later still, in the early seventh century, the archbishop Isidore
of Seville included a section on magicians (De magis) in his encyclopedic Etymologies. Here, he
reiterated the idea that all of the magic arts derived “from the instruction of evil angels.” He
also specified a class of magician who performed only harmful magic, whom he labeled as
witches (malefici): “There are magicians who are commonly called ‘witches’ on account of the
magnitude of their crimes. They agitate the elements, disturb the minds of men, and kill just by
the violence of their spells, without any use of poison.”

By linking magic so completely to entanglement with demonic spirits, Christianity created the
grounds for a sweeping moral condemnation of all kinds of magical practices, whether they were
intended to be harmful or beneficial, although as Isidore shows, intellectual authorities often
maintained a separate category of specifically harmful magic or witchcraft. Similarly, most of the law codes issued by Christian rulers in the early medieval period tended to preserve a distinction between magic used specifically for harmful ends and other kinds of magical rites. Such differentiation was typical of classical legal codes, and is found preserved under Christian auspices in the imperial Theodosian Code of 438. In its section *De maleficis et mathematicis*, which could be translated as “on witches and astrologers,” it condemned those who used magical practices to cause harm, but not those who used them to provide “remedies” against bewitchments. In its “interpretation” of this statute, however, the code went on to link the performance of magic, especially harmful magic, explicitly to demons, stating that “witches or enchanters or storm-raisers or those who disturb the minds of men through the invocation of demons should be punished with every kind of punishment.” Furthermore, it specified that any diviners who invoked demons in the course of their practices should be put to death, even though presumably their prognostications about the future were not directly harmful. Lastly, it stipulated that anyone who “offers nocturnal sacrifices to demons or invokes demons with incantations, should be put to death.” Here too there was no indication that specifically harmful or criminal behavior had to ensue. Rather we find a strict Christian declaration that involvement with demons is grounds for capital punishment in its own right, although presumably these harsh statues would have been read in light of this section of the code’s overall concentration on the harmful practices of *maleficium*.

The Germanic peoples who came to power in Western Europe as the Roman Empire declined had their own ideas of witchcraft, and these blended and in some instances clashed with classical and Christian conceptions in the early medieval law codes that these new rulers produced. In the
Burgundian Code, for example, if a man found his wife engaging in witchcraft (*maleficium*), this was one of three permissible grounds for divorce (the other two being if she committed adultery or was caught violating graves). ²¹ Here we have a clear indication that practices of witchcraft were often associated with women, although by no means exclusively so. In many other cases in Germanic law, the use of language, which inevitably employed the masculine forms of nouns and pronouns when referring to generic examples of proscribed practices, leaves the gender of the practitioners in doubt.

Another aspect of Germanic law that points to a gendering of witchcraft as more a female than a male act is the clear evidence that certain words translatable as “witch” were being used as a means to denigrate women, against which the law tried to offer some protection. For example, in a neat inversion of the Burgundian Code’s stipulation that a man could divorce his wife is she practiced witchcraft, the seventh-century Edict of Rothair, which was the first written codification of Lombard law, allowed a woman to leave her husband if he falsely accused her of being a witch (*striga*). ²² A subsequent edict makes clear that calling a woman a *striga* in this context was not so much a specific legal charge as a form of general insult, much like calling a respectable woman a whore or harlot. ²³ The Lombard laws also prohibited a man from killing another man’s female servant or slave “as if she were a witch...because it is in no wise to be believed by Christian minds that it is possible that a woman can eat a living man from within.” ²⁴

Here it appears that the ruling elites within Lombard society, who in other contexts clearly accepted Christian ideas of harmful demonic “witchcraft” designated by terms like *maleficium*, also opposed and sought to suppress certain popular conceptions of what a witch might be.
particular terminology used in this case referred to a woman who was considered to be “a striga, which the people call masca.”

Such tensions continue to be evident in the later laws of the Franks. A Carolingian capitulary from 785 condemned to death anyone who believed that either a woman or a man could be a witch (striga) “after the manner of the pagans.” Frankish law clearly accepted and condemned the Christian understanding of witchcraft, however. The general capitulary of 802 ordered that all counts and other royal administrators should diligently pursue all “witches [maleficos] and performers of incantations and auguries” and bring them to justice, along with other categories of criminals such as thieves, murderers, and adulterers. More than a decade earlier, the general admonition (admonitio generalis) of 789 instructed all priests that they should in some way police their parishioners (no methods were stipulated) so that they would not risk becoming “sorcerers, witches, enchanters or enchantresses.” Further on, here explicitly drawing on the biblical prohibition of magical practices in Deuteronomy 18:10-12, it ordered that all “sorcerers, enchanters, storm-raisers, or makers of magical ligatures” were to be either corrected from their sinful ways or else condemned. The passage from Deuteronomy made clear that all such practices were “abhorrent to the Lord,” and it specifically mentioned divination by consulting spirits, which Christian authorities would have read to mean invocation of demons. The admonitio alluded to such grounds for condemning magic, and it also condemned remnants of pagan rites such as people worshipping at certain trees, stones, or springs, which Christian authorities would have understood as demonic. Notably, however, it did not raise the issue of demons explicitly in its prohibitions. Again we see secular laws tending to focus more on
“witchcraft” in terms of harmful magic, although the shadow of the demonic and the absolute moral condemnation it entails hovers over all these codes.

Canon Law and Scholastic Demonology

Not surprisingly, church law stressed the demonic elements of magic in general and witchcraft in particular far more than secular law codes. Like secular law, however, early canon law included a good deal of skepticism about popular ideas related to the supposed power and practices of magicians and witches. Undoubtedly the most famous statute in canon law regarding witchcraft is the canon Episcopi, thought by medieval authorities to have originated at the early fourth century council of Ancyra but in fact first recorded in the early tenth century legal collection of Regino of Prüm. The canon began by ordering bishops to “labor with all their strength to eradicate the pernicious art of sorcery and witchcraft [sortilegam et maleficam artem], invented by the devil, entirely from their districts.” Following this brief and straightforward injunction, the canon changed tone and issued a long condemnation of “certain wicked women, turned aside after Satan, seduced by the illusions and phantasms of demons, [who] believe and profess that in the hours of the night they ride upon certain beasts with Diana, the goddess of the pagans, and an innumerable multitude of women.” In the medieval understanding, the figure of Diana was, of course, a demon merely posing as a pagan deity, and this description became fundamental to later notions of the night-flight of witches to demonic sabbaths. The canon, however, presented this nocturnal journey as entirely illusory, a demonic deception that took place only in spirit, and it derided anyone who would be “so foolish and stupid” as to believe that it occurred in reality.
The canon almost certainly originated as two separate documents. The first addressed the performance of diabolical witchcraft (maleficium), taken to be a very real threat against which bishops should “labor with all their strength,” and which the text explicitly associated with either men or women. The second dealt only with women who falsely believed that they gathered at night in a large company headed by a demon. These women were not labeled by any term that might be translated as “witch,” nor were they ever described as performing any kind of harmful magic, but in medieval readings of this document that distinction was washed away. What remained was the canon’s clear statement that certain popular beliefs now associated with witchcraft were not real. Later theorists of witchcraft returned to this problem again and again, either finding ways to argue around the canon and maintain that events supposedly taking place at a witches’ sabbath could be physically real despite its authoritative declaration, or asserting that the reality of a sabbath made no difference because simply to imagine oneself to be in the presence of demons and to swear fidelity to them was a horrible crime for any Christian.\textsuperscript{31}

Almost exactly one hundred years after the canon Episcopi’s first appearance in Regino of Prüm’s collection, the canonist Burchard of Worms included it in his Decretum, composed in the early eleventh century. He highlighted the canon’s condemnation of false beliefs associated with witchcraft by specifying a penalty: anyone who “believed these vanities” that women actually traveled with demons physically in the night should do penance for two years.\textsuperscript{32} Particularly in Book 19 of his collection, often circulated separately and known as Corrector sive medicus (The Corrector, or the Physician), he addressed a wide range of what he considered to be magical and superstitious practices. Sometimes he condemned the practice itself, such as when people would collect “medicinal herbs with evil incantations.”\textsuperscript{33} Just as often, however, he castigated belief in
the real efficacy of various practices, such as the idea that “enchanters” could raise storms or that certain women could move men either to love or hatred by “witchcraft and incantations” (*maleficia et incantationes*). In addition to the canon *Episcopi*, Burchard also included a statute that condemned women who believed that they went out secretly at night in physical form in order to kill other Christians and devour their flesh.

The most fundamental canon law collection, which remained authoritative within the Catholic Church for the rest of the medieval period and well beyond, was the *Concordia discordantium canonum* (*Concordance of Discordant Canons*), again commonly called the *Decretum* and generally attributed to the twelfth-century Bolognese legal scholar Gratian. For all its authoritative weight, however, Gratian’s collection added relatively little new material to discussions of witchcraft. Citing Augustine, he linked all the “magic arts” to demons, including astrology, divination, and sorcery (*sortilegium*). He also addressed a long section to the issue of how “the tricks of demons are not real but only imaginary.” While *Causa* 26 of the *Decretum* dealt with magic generally, *Causa* 33 focused on the case of a “man impeded by witchcraft” who was unable to perform sexually with his wife. The main legal issues at stake were whether the man could be cured, by what means, and whether divorce was possible if no effective cure could be found. Such questions had been debated by legal experts for some time. An important text on this matter, the canon *Si per sortiarias*, had been circulating since the time of the Carolingian archbishop Hincmar of Reims in the ninth century. Throughout the high medieval period (roughly 1000-1300), church law would continue to reiterate mostly well-established proscriptions on witchcraft and against demonic magic more generally. For major conceptual advances in this period, we need to turn to the realm of theology and demonology.
As canon law was being codified (and secular Roman law was being rediscovered, on which more below) at cathedral schools and universities in the eleventh and twelfth centuries, the general intellectual revival promoted by those institutions created a market for a major influx of ancient and Arabic texts, and ancient texts transmitted through or with Arabic commentaries, into Western Europe. Among these were many that dealt in whole or in part with magic. They presented learned discussions of astrology, astral magic, and also magic explicitly based on the invocation of spiritual entities, which Christian authorities understood to be demons. Here was a form of demonic magic that was far removed from the perceived foolish practices of uneducated rustics or deluded women. It was a refined and learned art with an impressive intellectual pedigree that had to be taken seriously. Many clergyman became intrigued or even infatuated with this new knowledge, experimenting with it in their school days and sometimes further into their careers as well. Some were no doubt drawn to the risqué nature of what they saw as dark and illicit practices. Others, however, sought to rehabilitate at least some aspects of this knowledge, positing a category of natural magic that they maintained was uninfected by the corrupting influence of demons. Such questions forced scholastic theologians to think about the nature of demonic power and its relation to magical rites in increasingly rigorous ways, and to draw far-reaching and influential conclusions.

William of Auvergne was one of the most important figures in the development of scholastic demonology. He was a theologian and then served as bishop of Paris from 1228 until his death in 1249. He appears to have been the first to use “natural magic” (magia naturalis) as a defensible and legitimate category. He did not reject the possibility of demonic magic,
however, and he discussed the extent of demonic power and its operation in many areas of the magic arts at some length in later works. For example, in one oft-cited passage, he explained how demons could appear to impregnate women even though these spiritual creatures were incapable of natural reproduction. Using its ability to move matter at great speed, a demon could first appear to a man as a succubus, abscond with his semen, and then in the form of incubus use it when mimicking sex with a woman. Another of William’s influential ideas was his postulation that pacts formed the basis of both sacramental operations and demonic invocations. He also discussed the actions of “witches” (malefici) and explicitly attributed the efficacy of their harmful magic to demons. It is important to note here that when William used the terms maleficus or maleficium, he probably meant to imply educated (and male) practitioners performing more complex forms of ritual demonic magic, not the simple spells or poisons typically associated with a village witch. When discussing the famous biblical injunction in Exodus 22:18, rendered in the medieval Vulgate as “maleficos non patieris vivere” and in the English of the King James Bible as “thou shalt not suffer a witch to live,” he defined malefici as “magicians or enchanters” who performed idolatrous rites that called upon demons. But of course the ambiguity between harmful magic of any kind and a more specific category of witchcraft was already inherent in the Latin terminology.

Even more than William of Auvergne, Thomas Aquinas, perhaps the greatest scholastic theologian of the thirteenth century, kept his discussions of magic at an abstract and theoretical level, not stooping to particular cases. It is well known that he had essentially nothing to say about witches of the sort who would later become the focus of the witch trials. He addressed the abilities of demons and the reliance of most forms of magic on demonic power in many
works, however, notably his *Summa contra gentiles* and his masterpiece *Summa theologiae*. These became the basis of almost all subsequent theological and demonological analysis of magical operations.

The Anxious Fourteenth Century

While canon lawyers and theologians debated the nature and consequences of demonic magic in university settings in the twelfth and thirteenth centuries, actual magical practices remained widespread across Europe, just as they had been throughout the earlier medieval period. People relied on rites that might be labeled “magical” (whether they themselves primarily thought of their actions in this way is more debatable) to heal illness and injury, to protect themselves from harm, to divine the future, and for numerous other purposes. The belief that people could harm as well as heal through magic was common, and those who fell under suspicion of performing harmful magic could face terrible consequences. In 1075, citizens of Cologne threw a suspected witch from the city wall. In 1128, citizens of Ghent had a supposed “enchantress” disemboweled. Both of these were instances of mob justice, not court sentences. As we have seen, early medieval law codes certainly allowed for strict penalties, up to and including the death sentence for the performance of harmful magic, but they also expressed some skepticism about certain popular ideas of what might constitute “witchcraft.” For many centuries church law tended to be even more permissive, often assigning penances rather than punishments, and even at its most severe generally opting to exile convicted magical malefactors rather than execute them. Even the seemingly immutable biblical command “maleficos non patieris vivere” was usually interpreted only as an injunction to separate *malefici* from faithful Christians, thus
removing them from the sphere of those “truly” alive.\textsuperscript{54} Certainly insofar as surviving records allow us to discern, no medieval court system, ecclesiastical or secular, prosecuted witchcraft with any great ferocity throughout most of the Middle Ages. This, however, began to change in the fourteenth century.

If Thomas Aquinas, writing in the mid-thirteenth century, provided the intellectual framework for most subsequent opposition to demonic magic (as well as reaffirming the ancient Christian position that most magic was in fact demonic), then Pope John XXII, reigning from 1316 until 1334, provided the legal foundations for most subsequent prosecutions, at least by ecclesiastical courts, as well as prompting clerical authorities to pursue legal action against suspected demonic magicians more vigorously than ever before. Driven by concern about demonic magic being practiced within his own court and by his political enemies elsewhere, John personally instigated a number of investigations in Avignon, where the papacy then resided, and in other courts across France and Italy.\textsuperscript{55} In 1320, he also convened a special commission of theologians and canon lawyers to consider exactly what kind of crimes were entailed in demonic invocation, and specifically whether such demonic magic automatically amounted to heresy.\textsuperscript{56} This was a complicated question because at least in theory heresy had to involve incorrect beliefs, not just improper or illicit actions.\textsuperscript{57} Clerical necromancers (that is, learned magicians engaged in demonic invocations) regularly claimed that they did not hold any false beliefs about the demons they summoned, nor did they worship them. Instead, they believed that they commanded these evil spirits, ultimately exercising an authority that Christ had conferred upon his apostle, and by extension to all faithful Christians, in the Gospels.\textsuperscript{58} The issue of legitimate exorcism therefore became central to many discussions of demonic magic. Again Aquinas provided the most
influential statement. Christians could properly adjure demons only by “compulsion,” never by “supplication.” Furthermore, even if the method of compulsion was used, “it is not, however, licit to adjure them for the purpose of learning something from them, or of obtaining something through them, for this would involve having some kind of fellowship with them.”

The issue of an implied “fellowship,” and of a pact at least tacitly entered into, lay at the heart of what might make demonic invocation an automatic heresy. John’s commission moved through a number of tangled points in its considerations, but ultimately it concluded that the very action of invoking a demon always entailed heretical error, and so demonic magic was automatically subject to ecclesiastical jurisdiction. In that same year, 1320, John ordered papal inquisitors in Carcassonne and Toulouse to investigate anyone accused of having “invoked demons in order to perpetrate some kind of witchcraft [maleficium].” Then in 1326 the pope issued the sweeping decree Super illius specula, which proclaimed any Christian who engaged in demonic invocation to be automatically excommunicated. Curiously, this proclamation was not immediately encoded into canon law. Some scholars even suggest that its attribution to John may not be genuine, although the concerns and even the language of the decree reflect John’s approach to these issues. It gained real prominence only fifty years later, when the theologian and inquisitor Nicolau Eymerich cited it as one of the principal justifications for inquisitorial jurisdiction over “magicians and magical superstitions” in his Directorium inquisitorum.

Even before Eymerich, however, Pope John was influencing inquisitorial action. One of the inquisitors whom he would have ordered to begin stepping up investigations of demonic magic in 1320 was Bernard Gui, then operating in Toulouse. Within just a few years, Gui was to write
one of the first great medieval inquisitor’s handbooks, *Practica inquisitionis*. Although he appears never to have tried a case involving demonic magic himself, he made sure to cover the procedures for doing so in his handbook. His most extensive treatment dealt with clergymen engaging in demonic invocations and described complex rites of learned magic in language very similar to John’s decrees, for example a rite involving wax images over which certain conjurations were performed, along with rites involving “blood taken from some part of his [the magician’s] own body and mixed with the blood of a toad, and with oblation given to the demons invoked in the place of sacrifice,” all in order to “procure such and such *maleficia*.”

Significantly, however, Gui described much simpler forms of magic as well, such as “curing disease by conjurations or verbal spells” (*per conjuria seu carmina verborum*), gathering herbs, as well as divination, rites used to identify thieves, and love magic. These are all practices that would later be associated with witches in the course of major trials. Gui does not describe anything like diabolical sabbaths, but he does indicate that people engaging in these more common kinds of magic were also invoking demons, showing them reverence or worship, and possibly offering sacrifices to them.

Half a century later, Nicolau Eymerich’s *Directorium* would become even more influential on subsequent inquisitorial practice than Gui’s *Practica*. To an even greater extent that Gui, he confined himself to discussions of learned ritual magic featuring elaborate ceremonies that could without much effort be interpreted as showing reverence or worship to a demonic spirit. Eymerich, for example, described rites involving prayers and singing, inscribing symbols and characters on various surfaces, burning candles or incense, and directly sacrificing birds or other animals to the demons being invoked. He presented these actions as patently and automatically
heretical. As already noted, he included John XXII’s *Super illius specula* as one of the primary grounds for inquisitorial jurisdiction over cases of demonic invocation, and he himself concluded that “to invoke is considered an act of adoration, and is counted and placed among the acts of adoration, […] therefore if a demon is invoked by a Christian, even if it does not appear that any other act of adoration has been offered to the demon, that savors of manifest heresy and such people must be considered heretics.”

While Eymerich did not include any descriptions of simpler forms of magical practice such as might be performed by ordinary people without a clergyman’s ritual training and access to Latin texts, there can be no doubt that he meant the basic legal and theological principles he elucidated to apply to the sort of women (and to a lesser extent men) who would become the main victims of witch trials. He also quoted the canon *Episcopi* in this section of his *Directorium*, and he stated without hesitation that the women it described “are perfidious and faithless and deviate from the right way” and therefore “they must be considered heretics.” This was true even though he had to admit that he could find no overt evidence of demon-worship in their practices, very much unlike what he had found in the elaborate rites of elite necromancers. He was prepared to acknowledge about the women described in the canon *Episcopi* that “it is not certain that they offer sacrifices to the demons they invoke.” But this did not matter. By his own logic, any act of *maleficium* relied on demonic power, and to call on a demon for such purposes, intentionally or not, constituted a form of adoration and so entailed heresy. With this equation firmly in place, inquisitors could now confidently condemn anyone suspected of performing any kind of harmful magic as being in league with demons and ultimately a servant of Satan. From
Secular Law in the Later Middle Ages

While demonology and inquisitorial procedure developed rapidly in the thirteenth and fourteenth centuries, secular law remained fairly static in regard to demonic magic and the crime of witchcraft, perpetuating but not elaborating much on earlier prohibitions. For example, one of the most comprehensive secular legal codes of this period, Castile’s *Las siete partidas*, composed in the thirteenth century and enacted in the fourteenth, made little mention of witchcraft aside from repeating the longstanding position that bewitchment that incurably impeded sexual function in marriage could be grounds for divorce. It included only somewhat more extensive treatment of learned forms of magic, including necromancy and divination by means of astrology. Practitioners of such arts relied on demons, it concluded, and so should be put to death. Interestingly, although it addressed these forms of magic as explicitly demonic, and therefore worthy of inherent condemnation, it also maintained the distinction typical of many earlier secular legal codes between harmful magic and magic used for positive purposes. To that end, it stated that those people who were found to “practice enchantments or anything else with good intentions, as, for instance, to cast out devils from the bodies of men; or to dissolve the spell cast over husband and wife so that they are unable to perform their marital duties; or to turn aside a cloud from which hail or a fog is descending, that it may not injure crops; or to kill locusts or insects which destroy grain or vines; or for any other beneficial purpose similar to these, cannot be punished, but we decree they shall be rewarded for it.” Presumably Castilian
authorities did not think that such beneficial forms of magic would be demonic, although that flew in the face of centuries of church teaching.

Undoubtedly, however, the most important contribution made by secular law during the high medieval period to the later witch trials was a matter not of legal understandings of magic but of methods of prosecution. The monumental consequences of the recovery of Roman civil law in the twelfth and thirteenth centuries and especially the gradual replacement of earlier accusatorial procedure with inquisitorial methods in most medieval courts is well established, in particular in terms of facilitating the prosecution of magical crimes. Most importantly, under the new procedure the responsibility for investigating suspected crimes and issuing indictments fell on the magistrates of the court, not individual accusers, who no longer faced the threat of legal retribution if their accusations could not be substantiated by sufficient evidence, as was often the case in secretive crimes such as witchcraft. The courts, for their part, did not need direct evidence of a major crime to launch an inquest, because they could proceed simply on the basis of a suspect’s bad reputation (infamia), which was exactly the sort of stigma that would cling to a person suspected by her neighbors of performing harmful magic. Convictions still required direct evidence or the “queen of proofs,” confession. For that, in very serious cases courts could now resort to torture. While church courts did as much as secular ones to develop inquisitorial procedure generally, secular law took the lead in the revival of torture as a legal method to extract confessions. The first known jurisdiction to employ torture in this way in the medieval West was the Italian commune of Verona in 1228. By contrast, Pope Innocent IV did not explicitly sanction the torture of heretics until the decretal Ad extirpanda, issued in 1252. From that point, both secular and ecclesiastical courts developed this method of “inquiry” with gusto.
Prior to the first real witch-hunts of the fifteenth century, a number of clearly political trials took place in the fourteenth century that featured elements of harmful magic, conspiracy, and torture.\(^8\) The most famous of these were the trials of the Knights Templar in France beginning in 1307. While charges of demonic magic were not a major part of these trials, they certainly saw officials of the French king Philip IV employing coercion and torture to extract spectacular confessions of conspiratorial guilt from some of the knights.\(^8^1\) In 1308, Philip also brought charges of demonic magic against Bishop Guichard of Troyes in connection with the sudden death of Philip’s queen, Jeanne de Navarre, a few years earlier.\(^8^2\) Then in 1314 charges of trying to kill the king himself were lodged against the royal chamberlain Enguerran of Marigny, and in 1316 Mahaut of Artois was accused of using magic to rekindle the affections of a new king, Philip V, for her daughter, Queen Jeanne of Burgundy. She was also rumored to have poisoned Philip’s older brother Louis X to maneuver her son-in-law onto the throne in the first place.

Finally, in 1331, King Philip VI wrote to Pope John XXII, who as we have seen had his own concerns about diabolical magical conspiracies, regarding magicians at court whom he suspected of plotting against him. The pope ordered the bishop of Paris to launch an investigation.\(^8^3\) Similar cases, though never in quite so intense a sequence, occurred at other courts throughout the fourteenth century.

None of these cases could be called witch trials in any strict sense. Nevertheless they represent the refinement of certain procedures, namely inquest and torture, and the ramping-up of certain concerns, namely about the use of harmful demonic magic in plots aimed at subverting proper Christian society, that would come to characterize the witch-hunts at their height. In these ways,
developments in the secular world, and not just among theologians and inquisitors, laid an important foundation for what was to come.

Conclusion

Learned magic, necromantic ritual, and political intrigue may seem quite far from the worlds of the (mostly) simple peasant women accused of witchcraft in the fifteenth century and thereafter, but they were all arenas in which concerns about harmful magic coalesced with those about demonic presence and power in the world, culminating in the ready acceptance, at least by many authorities, of an automatic and inevitable relationship between the practitioner of maleficium – the witch – and the devil. This development was not, itself, inevitable. Areas of skepticism and hesitation existed in both law and demonology for many centuries. Eventually, however, most of these were overcome, at least enough so that larger and larger trials could ensue. Moreover, as even simple magical rites came to be regarded as forms of demonic invocation, and as invocation came to be regarded as automatically constituting heresy, horrific stereotypes of cultic activities and conspiratorial plotting that had long featured in medieval ecclesiastical thinking about other kinds of heretics began to be applied to witches as well. Secret nocturnal assemblies, rampant orgies, formal abnegations of faith, and desecrations of the cross or the eucharist all began to appear in charges against witches and especially in the emerging concept of the witches’ sabbath.84

Witchcraft can be defined in many ways. Even when limited to the context of pre-modern Western Europe, an overly strict definition can hamper real historical understanding, as much as
it might also provide valuable analytical precision in some cases. Certainly to try to make witchcraft into an absolutely precise scholarly category would obscure the fact that the very terms that meant or came to mean “witch” in various European languages have often had imprecise meanings and have changed their connotations over time. Nevertheless, for the period in which the category of “witch” became the focus of greatest concern and elicited the most terrible consequences in European history, its two most essential features were the performance of harmful magic linked to some kind of perceived relationship with demons and the devil. It was during the Middle Ages that those connections were slowly but firmly established.

For simplicity’s sake, I will generally use the word “witchcraft” to translate maleficium and “witch” to translate maleficus or other terms such as striga or lamia whenever they are used, with the recognition that these words carried different connotations in different periods.


10 1 Corinthians 10:20.


13 Augustine, De civitate dei 5.7: “His omnibus consideratis non inmerito creditur, cum astrologi mirabiliter multa uera respondent, occulto instinctu fieri spirituum non bonorum.”


15 Isidore, Etymologies 8.9.9: “Magi sunt, qui vulgo malefici ob facinorum magnitudinem nuncupantur. Hi et elementa concutiunt, turbant mentes hominum, ac sine ullo veneni haustu violentia tantum carminis interimunt.”

16 Theodosiani libri XVI cum Constitutionibus Sirmondianis et Leges et novella ad Theodosianum pertinentes 9.16.3, ed. Theodor Mommsen and Paul M. Meyer, 2 vols. (Berlin:
Wiedemann, 1905): “Nullis vero criminationibus implicanda sunt remedia humanis quaesita corporibus aut in agrestibus locis.”

17 *Theodosiani libri XVI* 9.16.3: “Interpretatio: Malefici vel incantatores vel immissores tempestatum vel ii, qui per invocationem daemonum mentes hominum turbant, omni poenarum genere puniantur.”

18 *Theodosiani libri XVI* 9.16.4.

19 *Theodosiani libri XVI* 9.16.7: “Quicumque nocturna sacrificia daemonum celebraverit vel incantationibus daemones invocaverit, capite puniatur.”

20 For further analysis, see Derek Collins, *Magic in the Ancient Greek World* (Oxford: Blackwell, 2008), 162-64.


26 Alfred Boretius, ed., *Capitularia regnum Francorum*, Monumenta Germaniae Historica Leges 2 (Hanover: Hahn, 1883), 68.

27 Boretius, *Capitularia regnum Francorum*, 96.

Boretius, *Capitularia regnum Francorum*, 59: “cauculatores nec incantatores nec tempestarii nec obligatores.”

Joseph Hansen, ed., *Quellen und Untersuchungen zur Geschichte des Hexenwahns und der Hexenverfolgung im Mittelalter* (1901; reprint Hildesheim: Georg Olms, 1963), 38-39. The canon was reissued in several later collections, and finally in Gratian’s *Decretum* C. 26 q. 5 c. 12.


Burchard, *Decretum* 19.5.65, col. 961.


Burchard, *Decretum* 19.5.170, col. 973.

On its textual history and the possibility of multiple authors, see Anders Winroth, *The Making of Gratian’s Decretum* (Cambridge: Cambridge University Press, 2000).

Gratian, *Decretum* C. 26 q. 2 c.6.

Gratian, *Decretum* C. 26 q. 5 c. 14.

Gratian, *Decretum* C. 33: “Quidam uir maleficiis inpeditus uxori suae debitum reddere non poterat.”


William, *De universo* 2.3.22, in *Opera omnia*, pp. 998-1000.

William, *De universo* 2.3.35, p. 1009.


William, *De legibus* 27, pp. 88-89.

William, *De legibus* 4, p. 33: “prout malefici intelliguntur magi et incantatores.”


Kieckhefer, *Magic*, 188.


A number of his pronouncements are collected in Hansen, *Quellen*, 2-8.


Aquinas, *Summa theologiae* 2.2.90.2.

Hansen, *Quellen*, 4-5.

Hansen, *Quellen*, 5-6.

Eymerich, *Directorium inquisitorum* 2.43.9, ed. F. Peña (Rome, 1587), p. 341.


Gui, *Practica* 5.7.12, p. 301.


Eymerich, *Directorium* 2.43.2, p. 338.

Eymerich, *Directorium* 2.43.14, p. 344.

Eymerich, *Directorium* 2.43.8, p. 341.


75 Las Siete Partidas 7.23, 5:1431-32.

76 Las Siete Partidas 7.23.3, 5:1432.

77 For a general summary, see Edward Peters, Torture, rev. ed. (Philadelphia: University of Pennsylvania Press, 1996), 40-44; regarding witch trials, see Levack, Witch-Hunt (as n. 7 above), 75-80.

78 Peters, Torture, 49.

79 Peters, Torture, 65.

80 William R. Jones, “Political Uses of Sorcery in Medieval Europe,” The Historian 34 (1972): 670-87; Kieckhefer, Witch Trials (as n. 6 above), 10-15; Peters, “Medieval Church and State” (as n. 54 above), 218-22.


83 Hansen, Quellen, 7-8.

84 Magisterially treated by Kathrin Utz Tremp, Von der Häresie zur Hexerei: “Wirkliche” und imaginäre Sekten im Spätmittelalter, Monumenta Germaniae Historica Schriften 59 (Hannover: Hahnsche Buchhandlung, 2008).