

# Trials and Witnesses for Witches in the Fifteen Century

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**ABSTRACT.** *The author shows how to start the proceeding of a trial. The most important and special section is how to choose witness and how to ensure the fairness of the trial in terms of the witches. So they indicate three common approaches to accuse in different situation, and some specific question about witness, including the status, number, and identity. And author adds that judges have the ability to force witness to give the truth by means of oath, and to examine them several times.*

**KEYWORDS:** *Inquisition, Sorceress, Excommunication, Ecclesiastical judge, Secular judge, Heretical, Denunciation, Accusation*

## 1. Historical info about the source

The idea was first put forward by Joseph Hansen, a 19th-century German historian who was pessimistic about the “Hexenwahn” of the late middle ages and early modern times and the people who put it into practice. His case was based on the recognition of certain procedural irregularities developed in the Approbation, which means the initial publication of the Approbation was separated from the main text of the Malleus, and an unsubstantiated declaration by two signatories of the Approbation admitted that they had not actually signed it. Procedural irregularities don't make any sense (after all, if the article is fake, why should it include proof of its own errors?). Independent publications are easy to explain

Malleus was not written for a specific group of audience, and the three parts have different roles in it. Its purpose are to provide material for the right way to preach on the subject of witchcraft or the sorcery. The reason for this was that people felt it necessary to resist the preaching of priests who denied this reality. The objective is to give the readers a better understanding of how the book was understood by them when it was published. Hopefully this will not only those who want to know about the work, but also those who are interested in the ramifications of this influential work.

Question1 : the method of initiating the proceedings

The first question is about the appropriate method for initiating proceedings involving the Faith against sorceresses. There are three methods: 1.when some one accuses other and could prove this or writes himself down for the penalty of retribution if he does not prove it before a judge. 2. someone could not provide the evidence, instead states that he is making a denunciation. 3. the method by inquisition.

As for the first method, in normal situation,it would not be used. The first reason is that if the accuser failed to accuse, he or she would suffer from the penalty of retribution. The second is that it is not customary, especially related to the Faith or sorceresses.

And we should note the twelve days. An ecclesiastical judge used to say, we order and command and in our orders require and suggest that within the next twelve days counted from now. Of these twelve days, we set the first four as the first deadline, the next four as the second and the final four as the third, fixing these dates in accordance with the triple warning dictated by the Canon.

Under the second circumstance, there are two manners. First is that accuser should have a notary and two respectable persons, whether clerics or laymen. Second is that denouncer also is required to make swear an oath in the customary way.

The third method is common but secret. It means there is no accuser and denouncer, just some rumors surrounded in the city exist.

Question2:the number of witnesses

There are two main reasons explain why on the basis of legal fairness it seems that two witness are not enough. The first is about the enormity of the charge, in other words, in criminal, the evidence should be clearer

than daylight. The second reason is about the abbreviation of the legal procedure, which means the accuser could not know the identity of the witness. The final reason is that it is illegal. Therefore, if two concordant legal testimonies appear against one person, the author prefers to impose purgation.

Furthermore, the judge could not penalize someone, even if both the three individual testimonies and bad reputation exist.

Question3 : whether they can be forced to give an oath

Judges, especially ecclesiastical judges, value the oath, and they even could force witness promise to god. Meanwhile, the heretics should be examined for several times. Witnesses in ecclesiastical cases are to be forced to give truthful testimony by means of an oath. Otherwise, the testimony will not be valid. And if someone's testimony is conflicting, judges could renew the investigation or inquiry again.

Question4: the status of the witnesses

Excommunicates in the litigation and criminal cases are normally not allowed to be the witness since they could not promise to god. Also, a sorcerer is allowed to give testimony against a sorcerer in the same way that a heretic is allowed to do so against a heretic, though in default of other proofs and always against and never for. Testimonies from their wife, children and friends are more effective as proof.

## 2. Method

First, because the particularity of witches affects the trial, authors in this article analyze numerous cases and clarify how to start a proceeding to give some suggestions and examples to other judges and inquisitors. Second, authors also introduce the witness, like the number, the status, the identity, the methods, to set up an intellectual and culture background knowledge for the following questions related to witches.

## 3. Discussion

This article mainly aims at the witches, which embodies bias of authors. First, they believe that witches are a special and troublesome group. Their existence would affect the witness, which means people could worry the witches could use magic to revenge them, thus the witnesses are hard to find, and the accuracy of testimony has to be concerned or examined. Second, since the entire section belongs to a legal procedure, we have to consider how the witness should relate to the defenders, how many witnesses do you need, and so forth to ensure the fairness of the trial.

## 4. Conclusion

The work tries to prove the truth of witchcraft, to portray the actions of witches, to provide a way to confront these witches directly, and to deal with the problem as a whole by convicting and executing witch practitioners in court and in execution. *Malleus Maleficarum*, first published in 1486, is a standard medieval text on witchcraft that remained in print throughout the early modern era. Its description about the evil acts of witches and methods of destroying them continue to contribute to our understanding of early modern law, religion, and society. Mackay's acclaimed translation, based on his extensive research and detailed analysis of the Latin text, is the only complete English version and is the most reliable. This crucial text, now available in a single volume, is finally accessible to people, especially students and scholars who study medieval history and literature. Detailed notes and a guideline to further reading, this volume provides a unique perspective from fifteenth century and its sense of crime, punishment and retribution.

*Malleus Maleficarum* is also one of the books that have been quoted far more than actually read. This book is famous for its colorful exposition of the harm caused by witches and demons. It often appears as an excerpt of an anthology and a reference for historical investigation.

In addition, it does attract readers into the spiritual world of religious authorities, facing what they see as an unholy alliance of demonic forces and ordinary people to spread harm and destruction to Christian communities.

## References

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