READINGS

for HS 4476

MEDIEVAL HERETICS AND INQUISITORS

Prepared by the Instructor

Spring 2018
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SEMINAR:
MEDIEVAL HERETICS AND INQUISITORS

Instructor's Office Hours: Tues/Fri 11:00-12:00 (DSPT 116E)
Instructor’s Phone: 510-883-2055 (office); 510-596-1800 (home)

COURSE DESCRIPTION:

Students in this seminar will read and discuss the sources for Christian dissenting movements during the period 1000-1400. Focus will be on "popular" heresies: Cathars, Waldensians, Joachites, Fraticelli, Dolcinites, Free Spirits, witches etc. We shall also examine how Orthodoxy responded to dissent: persuasion, coercion, repression, and inquisition. The goal of this course will be acquiring the background and techniques needed to understand and interpret original sources on dissent and its repression in the middle ages. The outcome will be that the student is able to write an original research paper, potentially publishable as an article, on some aspect of medieval dissent or its repression, using original sources and showings control of modern scholarly literature on the topic.

Required Reading

ALL THESE BOOKS WILL ALSO BE ON RESERVE AT THE GTU LIBRARY, IF YOU DO NOT WISH TO BUY THEM.

The Bible. Those who are unacquainted with this book should make time to read as much as they can.
Bernard Hamilton, The Medieval Inquisition. This book is out of print. A copy will be available on reserve in the GTU library.

Other Requirements of Course:

1. Active participation in discussions and reparation of presentations (50% of grade), including a weekly 10 minute oral report.
2. A major, 20 page, research paper, based on original sources: 50% of grade each.
MEDIEVAL HERESY:
SYLLABUS

2/9: Introduction by the Instructor and An Overview of Heresy

Reading to Supplement First Meeting: Peters, pp. 13-56.
All will read before next session: Norman Cohn, Chapters 2 and 3, "The Tradition of Religious Dissent," and "Messianism of the Disoriented Poor" in Pursuit of the Millennium, pp. 37-70. (Test his ideas against your individual assignment.) A copy will be on reserve in the GTU library.

2/16: The First Heresiarchs (1000-1150)

2/23: Cathar Origins (1100-1250) PAPER PROSPECTUS DUE TODAY

3/2: Waldensians

3/9: Developed Cathar Theology

3/16: Repression and Inquisition

3/23: Later Catharism

3/30: Spring Break (no class)

4/6: Poverty Heresies: Spiritual Franciscans and Imitators

4/13: Apocalyptic Heresies: Joachimites, Beguines, and Dolcinites

4/20: The Free Spirit (PAPER DRAFTS DUE TODAY)

4/27: Superstition and Sorcery

5/4: Paper Presentations

5/11: Paper Presentations

5/18: Paper Presentations (I hope not needed!)

5/20 (Friday): Papers Due in Final Form
MEDIEVAL HERESY
HINTS FOR PREPARING CLASS PRESENTATIONS

DO NOT TRY TO GIVE YOUR PRESENTATION USING ONLY HIGHLIGHTED PHOTOCOPIES OF THE SOURCE STUDIED! Write out your presentation or use a careful "dense" outline. Prepare the presentation as follows:

When you prepare, read your assignment once to get the overall "feel" of the materials. Then read a second time, taking careful notes. You may want to photocopy the reading so that you can mark up the text. Sometimes you will have to photocopy the material from a book on reserve, do this well ahead of time. Marking up the text cannot substitute for written notes!

Then assemble your presentation. Reread the material a third time. This last reading may give you new insights that you will want to incorporate into the presentation. You will probably find it easiest to give your presentation from written notes or a "dense" outline. This material is too difficult for you to "wing it." Your presentation should touch on the following points:

1a. Describe the "form" of your texts: are they treatises, chronicles, literary sources, inquisition records? What is its textual history? What do we need to know to interpret it?
1b. What are the origins of the texts? Was it written by the heretic or by an opponent? How close in time are they to the phenomena described? Are there reasons to believe that we cannot trust the source? If the source is problematic, can we learn something from it anyway?
1c. Outline the "narrative" of the text: what does it say? In some cases you may even want to prepare a written outline of it (max. 1 page) and distribute copies to the class. These first three items should prepare us to talk about the text and take no more than 5 minutes.

2a. THE BULK OF YOUR PRESENTATION should focus on developing and explaining what the texts tell us about the heresy or heretic under consideration. What did they believe? How did they support their beliefs, what was the composition of the heresy's followers, and what appeal did the heresy have? Why? How is this related phenomena related to other heresies studied? In the case of secondary sources: what is the author's thesis; is it convincing? Why or why not?
2b. In preparing item 4 you will also want to think about how this material relates to the general reading.

3. Finally, have marked or copied out any passages or quotations that will illustrate the points you want to make.

You should be well enough prepared so that you can listen carefully to the other presentations, take notes on them, and reflect on how they relate to your own project, rather than being preoccupied with what you plan to say. Good luck, your classmates are depending on you for the material you will present.
CITATION IN PAPERS

Use *Chicago Manual of Style* forms, not use "social science" in text citation.

**For a scholarly book:**

First cite:

Subsequent cites:

**For a published source:**

First cite:

NOTE that "4" refers to the chapter number (like chapter and verse in the Bible); these should be supplied if found in the edition used.

Subsequent cites:
Porete, *Mirror* 4, Babinsky trans., p. 82.

**For a source document in a collection:** NOTE THAT YOU MUST CITE THE SOURCE, NOT JUST THE COLLECTION:

First cite:

Subsequent cites:
Gui, *Inquisition* 2, Wakefield-Evans trans., p. 44.

**For a journal article or scholarly essay:**

First cite:

Subsequent cites:
Boyle, "Montaillou," p. 133.

**The Bible.** Use standard forms (you do not need to add bibliographical details):

- Gen. 1.20
- Exod. 2:4
- 1 Thess. 3.5
- etc.

If the particular Bible translation used is important give it at the first cite.

When in doubt, consult the Chicago Style Manual:
In the Library: Z253.U69 1993
On the Web: www.lib.lehigh.edu/footnote/chicago.html
All will read: Lambert, chapters 1-3

Individual Assignments:

1. **The First Recorded Heresy**: Leutard (1000), Vilgard (970); the Canons of Orleans (1022): Wakefield pp. 72-81 (pp. 76-81 are also printed in Peters, *Heresy and Authority*, pp. 66-71).


3. **Henry the Monk and Peter of Bruys** (ca. 1130): Wakefield, pp. 108-121 (pp. 114-117 are also printed in Peters, *Heresy and Authority*, pp. 75-78).

4. **Eon de l'Etoile and Arnold of Brescia** (1140s): Wakefield, pp. 141-150 (pp. 149-150 are also printed in Peters, *Heresy and Authority*, pp. 78-80).

5. **The Ship of Saint-Trond** (XII cent.): translated from *Gesta Abbatum Trudonensium*, XII, xi-xiv, by the instructor (in this packet, p. 16).

WEEK III: Cathar Origins (1100-1200)

Major Sources:
- Rainier Sacconi, *Summa*
- Durandus of Huesca, *Liber Contra Manicheos*

All will read: Lambert, chapter 4

Individual Assignments:

1. **The Old Origins Theory**: Runciman, *Medieval Manichee*, chapters 3, 5, and 7 (you may, of course read more). In GTU Library: BT1319 .R86


4. **Cathars in Italy**: Documents in Wakefield, pp. 159-172.

5. **Cathars in France**: Documents in Peters, *Heresy and Authority*, pp. 117-132


ALL SHOULD ASK THEMSELVES: Is Catharism really a heresy, or is it a "non-Christian religion"? And what was the appeal of Catharism?
WEEK IV: Waldensians

All will read:
Lambert, chapter 5 & 8

Individual Assignments


3. **Reconciliation of Waldensians and the Catholic Poor**: Wakefield, pp. 222-230.

4. **Later Waldensianism**: Wakefield, pp. 346-51; Peters, *Heresy and Authority*, pp. 149-163

WEEK V:  
Developed Cathar Theology

Major Sources:  
*Liber de Duobus Principibus*

All will read:  
Lambert, chapters 7 & 9  
Book of the Two Principles, Wakefield, pp. 551-567.

Individual Assignments:

1. **From the Book of the Two Principles**
   
   
   
   

2. **Cathar Theology I:** John of Lugio, in Wakefield, pp. 339-346.

3. **Inquisitors on Cathar Belief:** Wakefield, pp. 361-73, 379-86
WEEK VI: Repression and the Inquisition

Major Sources:
Corpus Iuris Canonici
Bernard Gui

All will read:
Lambert, chapters 10
Hamilton, The Medieval Inquisition

Individual Assignments:


4. Legal Procedure Transformed in 1230s:
   Inquisition Documents (in this packet, pp. 18)

5. Procedure reconstruccted:

6. The Inquisition in Song and Story: Peters, Inquisition, pp. 189-295. (THIS BOOK IS NOT THE PETERS COLLECTION OF DOCUMENTS Heresy and Authority!)
Major Sources

Jacques Fornier, *Register*:
sections of this have been translated on the web by Nancy P. Stork
(San Jose State University):
http://www2.sjsu.edu/depts/english/Fournier/jfournhm.htm

Steven of Bourbon

All will read:

Emmanuel Le Roy Ladurie, *Montaillou: Promised Land of Error*
Leonard Boyle's Critique of *Montaillou* (in this packet)
Translations from Fornier's Register, Peters, *Heresy and Authority*, pp. 253-265

All with be ready to discuss the question: "In the light of Boyle, can we trust Le Roy Ladurie's *Montaillou"?"

**Assignments.** Report on one topic *using Montaillou as your source*

1. Dualist Theology and the myths to explain it.
2. Cathar rituals employed
3. The role of the perfects
4. Salvation, how it happens?
5. Sexuality
6. Popular peasant beliefs (non-Cathar)
Useful biography:

Malcolm Lambert, *Franciscan Poverty*
Decima L. Douie, *The Rise of the Heresy of the Fraticelli*
Salimbene, *Chronicle*

**All will read:**

Lambert, chapter 11, pp. 208-13

**Individual Assignments**

1. **The Mind of Francis?**
   Rule of 1221, Rule of 1223, and the Testament, in *Omnibus of Sources*.


3. **Salimbene on the Apostolici:** Chronicle, pp. 249-269, 284, 286-287, 292-293, 570, 626-627
   A. Report on the Story of Gerard and his followers
   B. Report on the beliefs of Gerard and Salimbene's attack on them.

4. **Bernard Gui on the Apostolici:** Wakefield, pp. 404-411.

5. **Poverty Heresy In Southern France:** Fraticelli and Beguines (in this packet, 22)
WEEK IX: Apocalyptic Heresies

Major Sources

Joachim of Fiore, Liber Concordantium, Liber Figurarum, others
*Historia Fratris Dolcini*
Bernard Gui, *Manualis Inquisitionis Hereticae Depravitatis*

All will please review read:

Lambert, chapter 11, pp. 213-35

Individual Assignments


2. **Joachim of Fiore** in *Apocalyptic Spirituality*
   
   A. Two letters: pp. 113-119
   B. Book of Concordance: p. 120-135.

3. **Fraticelli Apocalypticism**:
   
   B. Angelo of Clareno, in *Apocalyptic Spirituality*, pp. 159-172.


5. **The Bernard Gui on Dolcino** (in this packet, p. 28)
WEEK X:
The Free Spirit

Major Sources
Marguerite Porete, *Mirror of Simple Souls*
Meister Eckhart

All will read:

Marguerite Porete, *Mirror of Simple Souls*, cc. 1-13 (pp. 80-96)

Individual Assignments

1. More Marguerite: A real "Free Spirit?"


WEEK XI:
Superstition and Sorcery

Sources
- *Corpus Juris Canonici*

All will read:
- "Medieval Documents on Witchcraft" (in this packet, p. 33)

Individual Assignments

2. **Medieval Theology and Evil, Thomas Aquinas**: Kors and Peters (7-10), pp. 53-76.
3. **Canon Law on Superstition**: Gratian, CC. 26 (in this packet, p. 39)
5. **From Heresy to Witchcraft**: Wakefield, (42), pp. 251-256.
6. **A Trial for "Witchcraft" at Todi** (in this packet, p. 63)

Feel free to complete Lambert, *Medieval Heresy* at your leisure . . .
There is a class of merchants, whose business was making cloth from linen and wool; these
men are commonly reputed to be shameless and proud beyond other merchants. A certain poor rustic
from the city of Kornelmünster thought up this diabolical trick to humble their shamelessness and
pride and get personal revenge on them. Having gotten the confidence of the magistrates and help
from frivolous men who delight in jokes and novelties, he constructed a ship in the nearby woods,
and having attached wheels to it, made it movable on land. He also got the authorities to allow it to
be dragged by ropes over the shoulders of the weavers from Kornelmünster to Aachen. Supported
as if by water by a great crowd of people of both sexes, the weavers nonetheless dragged it to
Maastricht where it was fitted out with a mast and sail; it was then brought to Tongres and then to
Saint-Trond. Abbot Rudolf hearing that the ship, so unpropitiously assembled, was approaching our
city without aid of mast or oar, with a display of such paganism, was preaching in a prophetic spirit
to the people that they should avoid involvement with it because they would be ensnared through this
in the deceit of the evil spirit, and that next an uprising would occur because of it, slaughter, arson,
and rapine would follow, and finally much human blood would be shed. Our citizens refused to
listen to this address which he gave every day that this idol of the evil spirits remained at Saint-
Tongres. Instead, filled with excitement and enthusiasm they installed this fatal "Trojan Horse" in
the middle of the city square. The weavers of the city received the invitation to come would without
delay to the sacrilegious vigils before this idol. Alas. Who has ever seen such a--if one might so
express it in Latin--"brutification" of rational beings? Such paganism among those reborn in Christ?
The invitation directed the weavers to load the ship night and day with all sorts of provisions, and
to continue their dedicated vigils by day and night. It was amazing that it did not also order them to
offer sacrifices before the ship to Neptune under whose protection ships are accustomed to be placed.
But Neptune reserved such to Mars, who wished them to be of human flesh. That occurred later in
many ways.

The weavers in the meantime, by a hidden and heartfelt groan, called down the punishment
of God the Just Judge on these men, that he drive a way this humiliation so that they might live in
accord with the proper way of life of ancient Christians and apostolic men, laboring with their hands,
and thus working day and night to feed and clothe themselves and provide the same for their
children. Indeed they questioned and asked among themselves pitifully, why this humiliation and
degrading situation had came upon them more than on any other profession, since there were other
professions among Christians much more contemptible than their's, and said that what alone was
ignoble and to be shunned was sullyng the soul with the uncleanness of sin, and that it is better to
be a poor rustic weaver than to be a sophisticated noble judge who is an oppressor of orphans and
a despoiler of widows. And although they pitifully asked this and, as I said, similar things, there
gathered before that miserable dwelling--whether of Bacchus, Venus, Neptune or Mars, I do not
know, or, perhaps better, of all the evil spirits--a gathering of various musicians singing filthy songs
unworthy of the Christian religion. It was also ordered by the magistrates that when anyone other
than the weavers could approached and touched the ship they would leave to the weavers a pledge
taken from what they worn around their necks, until they were willing to pay a penalty. What should
I do? Should I go on or remain silent? May a lying spirit not touch my lips! Just as evening was
coming on, just as the moon was rising, a mass of women, dropping all womanly modesty, hearing
the racket of this merry-making, came out with their hair let down, some half-undressed, some
wearing only their shifts, and broke in and shamelessly joined those leading the crowds around the
ship. You might see there sometimes a thousand of both sexes singing an outrageous and shameless
sea-chantey until the middle of the night. And when that damnable chorus broke off, there was let
off a huge din of unbridled shouting, and both sexes, men and women, set to ranting. What they then
did is for those who observed and participated to say; it is better for us to be silent and pass over what more serious things were allowed to happen.

These evil and sacrilegious rites were celebrated for more than twelve days, while the citizens deliberated what to do about getting rid of the ship. The better part of the councilors were sorry that they had received it, fearing God because of what they had seen and heard and what they expected to happen, and they urged that it be burned or by some means or other be taken moved away. But blind stupidity spread among the people by evil spirits viciously opposed this useful counsel that wherever it was located the place and its inhabitants would earn a horrible reputation. Thus it was decided that it be moved to the city near us, Louvain.

Meanwhile the Lord of Louvain, hearing about the absurdity of this ship, and being instructed by religious men of his area to avoid it and keep the monstrosity out of his area, sent his thanks and friendship to our citizens, humbly coming to terms with them that the treaty of peace be renewed and confirmed, so that they not infringe it, and especially that they not introduce that diabolical madness into his district. He said that if it were a jest, others should be found to play it on, and that if they ignored this message, he would break his peace with them, and reek vengeance on them with fire and sword. That he also communicated to the lords of Douay, who with their vassals had done homage to him by oath and with hostages. Since he had already done this three times, it was rejected by our citizens and the lords of Douay. For, because of the sins of the inhabitants, the Lord wished to subject the place to the fire and sword of those of Louvain. To this end then senseless people joined themselves to Count Gislebert against the nobles of their race and decreed that the ship was to be dragged toward Louvain beyond the city of Douay. This was done to our evil with a whole crowd of our citizens and an enormous outcry of the revelers. The citizens of Louvain, more prudent than our own and obeying the commands of the Lord of Louvain, closed their gates and did not permit the unheard of monstrosity to enter their city. The Lord of Louvain, refusing to allow contempt of his wishes and commands to go unpunished, appointed a day for his counts and vassals, who had refused to come to his first, second, or even third summons. He then moved against them and against us with a huge army of both knights and foot soldiers. Then, having besieged our city, since it was well fortified and filled with valorous soldiers, he went off and attacked Douay.
This week we shall examine a series of Documents concerning the ecclesiastical tribunals that investigated and punished heresy. Before the establishment of papal inquisitors in 1232, the investigation of heresy was left up to local bishops. Their failure to prevent heresy (especially Catharism) led Pope Gregory IX to appoint Franciscan and Dominican Friars as extraordinary judges. Initially they followed the legal procedures of Roman-Canon Law as had the bishops' judges. Later, as they found these inadequate, they were modified, reducing the rights of the defendants. Even after the papal initiative in fighting heresy, inquisitors received individual mandates from the pope; there was no international "Inquisition," only many local "inquisitions." We use the singular form of the word only for convenience.¹

Along with the ecclesiastical tribunals, the State worked to end heresy. We shall thus also look at documents important for showing the development of the understanding and punishment of heresy as a civil crime.

1. The Development of Canonical Procedure

This document represents the way in which both secular and ecclesiastical tribunals would have conducted cases in the early period of the inquisition, that is, before the modifications in procedure introduced by Alexander IV in 1254. As you read this, consider why inquisitors would have eventually requested modifications, in particular, the right to employ torture—in accord with the Roman Law.

Romano-Canonical Procedure from
Tancred of Bologna (1209-1215)

V. Concerning Proofs

We said in the previous section that the law is when a person who is legally interrogated confesses... We will now see what the law is when the accused denies what the accuser asserts. In that case the burden of proof is on the accuser, since the burden of proof belongs to the one who asserts, not to the one who denies. So we will now consider proofs, asking what a proof is, who must prove and to whom, what must be proven and when, and what kinds of proof there are.

1. Proof is the demonstration of matters in doubt through argument. And some say that the word proof [probatio] comes from the adverb "rightly" [probe] since he who proves is acting rightly.

2. The accuser and the accused may offer a proof, if the accused makes a denial; although if the accuser were to offer no proof at all, then the accused would be acquitted. That is so because, by the nature of things, there can be no proof of a negative. Therefore, one who simply denies a fact is not obligated to make a proof. If, however, he makes a negative statement about the law, as when

¹ There would later be a centralized organization to suppress heresy, the Roman Inquisition (founded 1542), which operated in the Papal States, and another, the Spanish Inquisition (1479-1820) in Spain, but these entities have no direct connection with the various medieval "inquisitions."
he says that his adversary is prohibited by law from being an advocate or acting or summoning witnesses or doing something which the law usually allows done, then he must make proof of the law that he says establishes the prohibition.

Note that although it is generally true that the accused is not obliged to make a proof, nevertheless there are certain cases in which the burden of proof shifts to the accused. These cases are defenses, presumptions in favor of the accuser, spontaneous assumption of the burden, oath by the accused, privilege of the accuser, misconduct of the accused, and when a negative has an affirmation implicit in it.

A defense shifts the burden of proof to the accused. For example, I claim ten from you and you plead as a defense that you have already paid; or I claim an estate from you that I prove to be mine, and you plead as a defense that it is yours by prescription. You are obliged to prove these defenses because in defenses the accused is the moving party. And this is true when the accused asserts something in making his defense. If, in doing so, he merely denies, then he does not have to prove anything.

A presumption in favor of the accuser shifts the burden of proof to the accused. If a brother claims a part of an estate from a brother that belonged to the father of both, although the accused denies that it belongs to the accuser, nevertheless, he must prove how it happens to belong to him alone. Otherwise he loses. It is similar if extraneous people leave something to a bishop in a will. It is presumed that they acted out of respect for the Church and left the property to it. Consequently, although the bishop is in possession and denied that the property belongs to the Church, he must prove that it was left to himself alone. Again, if a bishop claims a church that another person detains on the ground that it is located in his diocese, a party who denies that he is really bishop of it must prove this even though he has made a denial.

As to spontaneous assumption of proof, if the accused wants to take the burden of proof, it is customary for him to have to prove his innocence.

As to oaths, if the accused is offered the opportunity to take an oath by the judge, his oath should be received, and if he makes it, this takes the place of a proof.

A privilege of the accuser can also shift the burden of proof to the accused. Thus he who seeks repayment of what he paid someone on the grounds that it was not owed is usually required to prove that the amount was not owed. However, if the person seeking repayment has a privilege, for example, if he is an orphan, a minor, a soldier or a peasant, then the accused will have to prove that the amount he received was owed to him.

As to misconduct, if repayment is sought on the grounds that the money was not owed, and, after the accused is sought, denies that he received money from the accuser, the accused proves that he did pay the money to the accused, the accused must prove that he was owed what he received.

A negative that has an affirmative implicit in it must be proved by the accused, for sometimes one can deny by asserting and assert by denying. For example, if a son denies that he is under the authority of his father or if he denies that his emancipation was done correctly, he must give proof even though he has made a denial. It is the same if he denies that a testator was sane, for the denial implies that the testator was out of his mind, and that must be proven.

Otherwise it is generally true that the one who merely denies a fact need not prove it, as was said earlier, for there cannot be direct proof of a negative. One can indirectly prove a negative in this way: You can claim ten from me that you say I promised you. I deny that I promised. You prove by a document that the promise was made on such a day and in such a place. If I prove that on that day I was far outside the province, I have proven my negative indirectly, and your document is not accepted.

3. Whom must the proof satisfy? Only the judge and not the accusing party.

4. What must be proven? I answer: that which has been brought into court and on which the lawsuit depends either directly or by way of defense and rely. For if by witnesses or documents something else is proven than that which has been brought into court, or if witnesses are called to testify to one article only and they testify as to another, what they say to that article is not valid.

5. When must proof be made? I answer, generally it must be made after the bringing of action
as to each article which has been brought in to court and denied, and so that the accuser's claim is proven first and then the defense of the accused.

6. There are six kinds of proof. Proof is made by the clearness of the facts, by repute, by presumption, by party oath, by witnesses and by documents.

   Proof by the clearness of the facts is made when, for example, a cleric is proven to be incontinent by the fact that he has a young son or that he has a woman of ill-repute in his house. Similar proof can be made from facts that are notorious. An atrocious injury can be proven by the observation of the damage to the integrity of the body.

   Proof can also be made from estimation.

   Proof can be made by presumption. When a person bribes the witnesses of his adversary, he is presumed to have brought a bad case. When a man and a woman are frequently found alone in a private place it is presumed that they have committed fornication.

   Proof can also be made by an oath sworn by a party to a party or when the oath is allowed to a party by the judge because, for example, he has made a semi-plenary proof already and the party oath takes the place of another proof.

   Proof can be made by witnesses and documents. We will discuss this matter fully in the next section. Note that these two ways of proof are more properly called "proofs" than any of those just mentioned.

   Finally, note that a true proof prevails over a presumption.

   These kinds of proof have their place in the proof of facts. Proof of law is by statutes, canons, or customs . . .

Tancred has spoken of semi-plenary proofs--a plenary proof would be those that he calls "more properly" proofs. There were only two of these, documents and eye-witnesses. Since proof from documents was rare in cases of heresy, we shall now examine what he says about witnesses.

VI. Concerning Witnesses

. . . First we will see who can be a witness and who cannot.

1. Anyone can be a witness who is not prohibited, since the rule concerning witnesses, like the one concerning lawyers, is that anyone not prohibited is permitted.

   Slaves are prohibited . . .

   Women are prohibited from testifying in criminal cases and in cases concerning wills. In other cases, including spiritual cases and those involving money and those concerning marriage, they can give testimony.

   Minors of less than fourteen years are in general prohibited from testifying in all cases and minors under twenty in criminal cases.

   Infamous persons [those declared statutorily to be of bad repute] are prohibited and prevented from testifying . . .

   Paupers are prohibited from testifying . . .

   Infidels are prohibited from testifying against those of the faith. . . .

   Again, one is prohibited from testifying in his own case. . . .

   Children are prohibited from testifying concerning their parents.

   Also prohibited from testifying are servants or domestics under the command of a master or head of a household.

   Suspects and enemies cannot testify against their enemies. . . .

   In the cases just described, a person is prohibited from testifying by law. Nevertheless, the judge through the exercise of his office can exclude other witnesses . . .

VII. How many witnesses are sufficient for deciding a case.

   As opposed to a "plenary" or full proof. It normally takes two "full proofs" (eye witnesses or documents) to convict, as we shall see. Also, no number of semi-plenary proofs can add up to one full proof.

   Note this would exclude testifying against oneself.
... Normally, in a case of any kind two [eye]-witnesses are sufficient unless it is expressly provided in some law or canon that a larger number is necessary in some case. ... 

Question 1. The inquisition was a court and, as such, the accused or suspected heretic had to be convicted before punishment. What is Tancred's understanding of proof? Who brings the accusation?

Question 2. In canonical procedure, the accused was assumed to be innocent except in certain cases. What are these exceptions? The normal way to clear oneself of heresy was by oath. What effect does that have on presumption?

Question 3. What would be the effect of excluding the accused enemies as witnesses?

Question 4. What sorts of proof would probably be appealed to in cases of heresy?

Question 5. How would this procedure make it hard to detect and convict heretics?

Needless to say, the requirement of two witnesses or documents (two "full proofs") to convict made conviction difficult. Likewise the rules protecting the defendant (more stringent than in our system) in Roman-Canon Law hindered the prosecution of heretics. By the 1240s popes were approving changes which made detection and conviction easier. The next reading is from a manual for inquisitors. Note, however, that it does not include torture since this common Roman Law practice was not admitted in ecclesiastical tribunals until 1252, and then only by calling in torturers from the secular courts. Torture became regularized in ecclesiastical courts about the year 1300. The courts did have other means of "encouraging" confessions, imprisonment for example.

TEXTS ON POVERTY HERESIES*
Translated by Prof. David Burr

DEPOSITIONS CONCERNING FRATICELLI AND BEGUINES
Toulouse, 1320s

Alarassi Biasse

Alarassi Biasse of Sauvian in the diocese of Béziers, niece of Friar Pierre Déjean Olieu [Peter John Olivi] formerly of the Franciscan order, as we legally learned through her confession made during judgment, received in her house two Franciscans of whom she gives the names. They had first been at her house in Franciscan habits, then in secular clothing, more precisely in blue clothing worn over their Franciscan habits. These friars told her that they were traveling in secular clothing because they did not want to go to the far-off convents where they had been sent by their ministers, having looked and the sealed letters they bore with them and discovered that they contained orders to imprison them once they arrived. They said that six of them had been staying together at a hostel in Toulouse, which they did not identify.

Again she said that these two friars, one of whom was a relation of hers, stayed in her home dressed in secular garb from Easter into the month of June, just after the wheat was harvested. She and her mother provided for their needs. She added that two other apostate friars of the Franciscan order, whom she named, came to her house dressed in blue clothing and visited the first two. They stayed in the house with them, wearing secular clothing over their Franciscan habits. She gave one of them four canne of blue cloth out of which he made a tunic. Later they returned to Toulouse,

*Translated from the "Collection Doat"; documents published as an appendix in Raoul Manselli, Spirituali e beghini in Provenza (Rome, 1959).
where, as has been said, the six had stayed together for some time disguised as seculars.

Again, she received in her home and gave drink to two men who said they had come from Sicily in search of the aforesaid apostate Franciscans who did not dare to go about or show themselves in public. Their aim was to bring these friars to Sicily. In order to discern whether she could trust these two men enough to reveal the presence of the aforesaid friars, who were then hiding in her solar, she went to Toulouse and consulted Pierre Trencavel. He replied that she could trust the two and that the hidden friars could confidently leave and cross the sea with them. Once she had heard this, she returned to Sauvian and relayed all that she had learned from Pierre Trencavel to the fugitive friars. Fifteen days later the two men returned with a boat and came to her house. Later four more friars (whom she named) arrived and on a certain Saturday night all six friars boarded the boat along with the two men and they all left. Once they arrived in Majorca two of the friars returned to Sauvian and told her all that had occurred.

Again, she received in her home many other beguines (whom she named).

Again, she sometimes heard Pierre Trencavel say that the Franciscan friars burned at Marseilles were condemned unjustly and were holy martyrs. Asked if she believed what Pierre had said, she responded that women are of such a nature that whenever they hear something new they believe it easily, and thus she believed what she heard said about the friars condemned and burned at Marseilles, namely that they had been unjustly condemned and were saints. She said she did not know or remember how long she continued to believe it.

Again, she heard from one of the aforesaid apostates that the aforesaid friars were considered unjustly condemned saints.

Again, she said that after she had believed this for some time she confessed to the rector of the church at Sauvian. In the process, among other things, she revealed her conscience to the rector, saying she did not know whether to believe the aforesaid friars were justly or unjustly condemned, since some said they were justly condemned, while other said unjustly and thought them saints. The rector told her that our Lord Jesus Christ had given his power to the Blessed Apostle Peter, and that whatever the latter did on earth was done in heaven. Thus, since the aforesaid friars were condemned by the church, she should believe that they were condemned justly. And thus from that moment on she cast off her former belief and persevered in it no more, as she said.

Asked what she thought about the writings and person of friar Pierre Déjean, she replied that henceforth she would believe whatever the church should decide or will decide.

The aforesaid did all this four years and more before she confessed it during the judgment process, nor did she ever during the intervening time reveal what she knew about the aforesaid apostates or beguines to anyone who might capture them or wish to do so; nor did she confess all this until she was captured, brought to Carcassonne, and placed in prison. She says she repents.

Guillaume Doumergue Verrier

Guillaume Doumergue Verrier, maker of candles from Narbonne, already a fugitive, long publicly cited and excommunicated as suspected of heresy and complicity with the beguines, was finally found, arrested in the town of Orange, and brought to the prison at Carcassonne. As we legally learned through his confession made in judgment during the month of May in the year of our Lord 1325, he received many beguines in his house and accompanied from place to place Pierre Trencavel of Béziers, whom he knew to have escaped from prison and been condemned as a heretic, eating and drinking with him and frequently listening to his words against the pope and the church. He heard from Pierre Trencavel and from many others (whom he names) that the male and female beguines condemned at Narbonne and elsewhere, as well as the friars minor burned at Marseilles, were good people unjustly condemned and holy martyrs now in paradise. He said this frequently and believed it, he says. In particular when he was taken prisoner at Avignon, then interrogated by the lord pope's chamberlain and the archbishop of Aix on the pope's orders, he said he held similar views of this sort.

Again, he believed that Pierre Déjean, formerly a brother minor, was an uncanonized holy man in paradise and his writings or doctrine was good, holy and approved by the Council of Vienne.

Again, he believed that Jesus Christ possessed nothing either privately or in common.
Again, he heard from some spiritual brothers minor and beguines the following: that the eleventh horn of which the blessed John speaks in the Apocalypse refers to a certain small king who is to appear and be established by a false pope, who is in turn established by that small king; and that the pope is suspected to be brother Angelo of the Franciscan order; and that the false pope will leave the highest and greatest order in the world, that is, the Franciscan order; and that ten kings will come from the east and attack the pope.

Again, he heard that twelve evangelical men will depart from the aforesaid Franciscan order, go to the Greeks, preach to them, and traveling beyond the sea should convert both the Greeks and the Saracens to the faith of Christ, then come to the Roman Church and say, "You have killed the friends of God!"

Again, he heard that those ten kings or the eleventh king will humiliate the carnal Roman Church, and the eleventh horn will especially contribute to its humiliation.

Again, he heard that the beguines will obey neither this present Pope John [XXII] nor the one who will be falsely elected, because that falsely elected pope will be a heretic; but others besides the beguines will leave this present, canonically elected pope and adhere to the heretical false pope because they see him leading a good life; and that falsely elected pope will be the great Antichrist, just as the Lord Pope John was the mystical Antichrist. (For just as John the Baptist prepared the way for Jesus Christ, so the Lord Pope John prepares the way for the future great Antichrist.) That is what this Guillaume understands from the aforesaid things he has heard.

Again, they suspected that the aforesaid Lord Pope John was a heretic and the mystical Antichrist because he condemned and burned the four Franciscan brothers at Marseilles, or because he caused them to be burned because they asked to observe their vows purely, and because the Lord Pope issued a decretal dealing with granaries, wine cellars and clothing. They said he had erred because his dispensations led, as they said, to tearing down rather than building up, and he could not do that. That is what they said as he has reported it.

The aforesaid Guillaume Verrier confessed all this while under judgment, partly during the vigil of the Lord's Ascension; and later he said he repented and wanted to abandon his errors. Then, in time—more precisely during the following October—while being interrogated more fully on the aforesaid subjects, he said he wanted to explain what he had been questioned about at Avignon by the archbishop of Arles, chamberlain of the lord pope, and the archbishop of Aix. He explained as follows: He says he believes that the friars condemned at Marseilles as well as those of the third order (that is, those called beguines) condemned at Narbonne and elsewhere were glorious martyrs.

Again, he believes that the aforesaid Pierre Déjean is an uncanonized saint in paradise, and that his doctrine is catholic, conforming to the faith.

Again, he says that in view of what Lord Pope John has done, he seems to be the mystical Antichrist, but he would not affirm this and would not want to suffer death for it.

Again, he thinks the decretal the lord pope made on the property possessed privately and in common by Jesus Christ and the apostles is evil and wicked, that in this decretal the aforesaid lord pope has rejected and condemned the poor life of Jesus Christ. He says the same of the pope's other decretal concerning granaries and wine cellars. Moreover, as for anyone who has been or will be condemned because they refuse to accept the aforesaid decretal on the private and common property of Christ and the apostles, he says he considers them holy martyrs.

 Asked if he wishes to stand by these statements, he says he does.

Again, speaking of those who, whoever and of whatever condition they may be, consent and adhere to the aforesaid pope's declaration concerning the private and common possessions of Christ and the apostles, pertinaciously standing by it and refusing to receive correction when it is offered them, wishing on the contrary to live and die in this belief, he says he considers such people to be heretics, although he does not consider such those who believe this but later repent and wish to receive correction.

Asked why he formerly said he wanted to abandon the preceding beliefs and repent, he says
he felt differently about it in his heart than he now does, for God has placed a different intention in his heart; and he wishes to hold to that intention—that is, the most recent one—and persevere in it since it has been given to him by God.

And it was shown him in that very place, by many arguments and authorities of sacred scripture which are more fully given in his confession, that in believing thus he erred against the holy Catholic faith, the gospel of our Lord Jesus Christ, against the words of the saints (especially those of Saint Augustine), and against papal power, and that he defended errors—even heretical ones—condemned by the church, erroneous doctrine, etc.

Having been warned that he must entirely abandon these errors and abjure them, he replies that he holds, not error or heresy, but the pure truth of the Catholic faith in which he wishes to live and die, and that he wishes to persist in the preceding so long as it shall please God.

Committing these things over nine years before having confessed the aforesaid at diverse times and places . . .

[The manuscript breaks off at this point.]

CRIMES OF THE BEGUINES AT LOÈVE IN THE YEAR OF OUR LORD 1323.

Bernard Durban

Bernard Durban, blacksmith of Clermont, living at Loève, says he belongs to the third order of the Blessed Francis, was arrested in Loèvel in the year of our Lord 1320 by the Reverend Father Bishop of Loèvel's representatives on suspicion of heresy and Beguine error. He swore on the holy gospels of God that henceforth he would associate with no one who was suspected of heresy, no one who aided such, and no messenger of such, and that he would profess no type of heresy. After this, as is stated in his confession regularly obtained in judicial process on the 5th of August in the year of our Lord 1322, having heard that his sister Esclarmonde and many others (seventeen in all), men and women, were to be burned at the stake at Lunel, he went there with someone whose name he has given to see these heretics and his sister burned. The next day he left with many others who had been there and passed near the place where these heretics had been burned. There were a number of bodies that had not been completely burned, and when he had walked about a quarter of a half-league someone whose name he has given came with certain others carrying the bones and bodies of the burned. At Bernard's request, this person whom he has named gave him some bones and flesh said to have been from Esclarmonde, his condemned sister. He took and kept the flesh and bones, carrying them to his home in Loèvel. Then he placed them in a wall of his house and kept them there. Asked why he wanted to have and preserve these bones and this flesh, he said is was because of the love and affection he felt for his sister. Moreover, although he was present at his sister's condemnation and heard her condemned for heresy, because of the noise from those present he could not hear what happened. He heard from some of those present that his sister had asked for her confession to be recited to her and this request had been refused. Because of this he began to wonder whether she had been condemned justly or unjustly, and had begun to suspect the latter. He revealed none of this until after his associates were arrested, nor was he discovered until a certain canon brought him to justice.

Jacqueline Amouroux

Jacqueline Amouroux, wife of Amouroux Loret of Loève, as is stated in her confession regularly obtained in judicial process, was summoned as one suspect of heresy and beguine error by those who at that time serving as the reverend father lord bishop of Loèvel's representatives. Admonished by these representatives, she swore on the holy gospels of God that henceforth he
would associate with no one who was suspected of heresy, no one who aided such, and no messenger of such, and that he would profess no type of heresy. After this, on the 26th of July in the year of our Lord 1322, she confessed in judicial process that during that year, around the feast of the Blessed Michael, someone whom she named came to her bringing a sack of bones and told her to take care of it. Again, she said that the same year and day someone named by her, came and gave her part of the breast belonging to a woman burned at Lunel. She took and kept it until a certain Monday when she heard that beguines were being arrested and burned for doing such things, so she threw these things in a pig pen. Shown the sack, she identified it as the one which had contained the bones and acknowledged she had indeed said it said that they were from the beguines who had been burned. She concealed these things and confessed only after she had been arrested and led to the bishop's representatives. She said she repented.

**Manenta**

Manenta, wife of Bernard Arnaud, a cobbler of Loèvel, as is stated in her confession regularly obtained in judicial process, confirmed that she sometimes displayed devotion toward the condemned and burned beguines, considering them saints because of the austerity of the life they led. She also said that she had been given by someone whom she named, and in fact still possessed, a volume which belonged to her sister-in-law burned at Lunel, but she claimed that she displayed no devotion toward it ... [several words missing in record] ... many times that these burned beguines were saints and martyrs, but now she does not believe it, as she claims. She says she repents and is willing to accord herself with the command and correction of the Holy Church of God. She concealed these things and confessed only after she had been summoned and cited.

**Bérenger Roque**

Bérenger Roque of Clermont in the diocese of Loèvel, a parchment-maker, as is stated in his confession regularly obtained in judicial process, knew and often associated with Pierre Bru, a priest, with Jean Durban, Esclarmond Durban and Jean Houlier (alias Essorbon), and with many other beguines who were condemned and burned. He was present at some of their executions and, because he saw while they lived that their lives were holy and their actions admirable, at the time of their deaths he believed they had met a good end and died well. He was at Lunel when the beguines were burned, and as he returned home someone named by him gave him a piece of flesh belonging to one of those who had been burned. He took it due to the devotion in which he then held these heretics, because he himself had experienced their holy lives and behavior. He put this piece of flesh in a pomegranate shell on a table in his house and left it there two or three months. Having been told by others that it could not be corrupted, he inspected it after that time and, seeing that it was rotting, he removed it from his house and threw it into a field when he was on the way to his garden.

Again, he said he had seen in his house someone named by him kiss the heart of a beguine burned at Lunel.

Again, he said that, when he returned from Lunel after the burning, someone named by him showed him, while they were in a hostel at Montpelier, a sack in which there were many bones and body parts of those who had been burned, and they agreed with one another that the beguines had received their death and martyrdom well.

Again, he said he was present at the burning of those who had been condemned at Béziers, when two were removed from the fire. He concealed these things and revealed them only after he had been arrested, nor ... [several words missing] ... then he acknowledged everything. He said he repented.

**Martin de Saint-Antoine**

Martin de Saint-Antoine, alias Allègre de Clermont, of the diocese of Loèvel, having been
in the year of our Lord 1320 arrested at Loèvel by representatives of the Reverend Father Lord Bishop of Loèvel on suspicion of heresy and beguine error, swore that henceforth he would not receive anyone suspect of heresy, anyone who defended it, or anyone serving as messenger for heretics, and that he would adhere to no type of heresy himself. Later, however, as is stated in his confession regularly obtained in judicial process, when he heard that certain beguines, male and female, were to be burned at Lunel, he went with certain others named by him to Lunel. The day after they were burned, when the fires were completely extinguished, some bodies remained almost in their entirety, as he said. His group found Esclarmonde Durban, took her (or her cadaver), and broke it up still more so that they could put it in a little sack. Martin himself took the woman's heart or kidney and brought it to Clermont. He kept it there and still has it in his house, as he said. Asked why he took something from this woman rather than others, he said it was because, having seen and known her, he knew that she had led a good life, and because he had heard that, as she was going to the flames, she asked that what she had said be read to her and they had refused. Thus he believed that she had been unjustly condemned. He said he showed the aforementioned heart or kidney to some people named by him and one of them (whom he named) looked at the heart, crossed himself, and kissed it, and asked Martin to give it to him in its entirety or divide it with him, giving him half. Martin refused, as he said. He hid it and denied under oath that he had it until he was arrested, even denying it after until someone who had been present revealed the whole thing. He said he repented.
When the aforesaid Heresiarch Gerard had been captured and burnt, Dolcino of the diocese of Novara, the illegitimate son of a priest and a disciple of the aforesaid Gerard, succeeded him as teacher of error and depraved doctrine, becoming head and standard bearer of the whole sect and congregation that they falsely say is apostolic, but which is really an apostasy. And he elaborated their errors and added more errors to them, as will become evident below, where their errors have been gathered together for examination, so that it be easier for the faithful to avoid them once they have been identified. And the said Dolcino, travelling far and wide, particularly in regions of [Northern] Italy and Tuscany, added to his sect many thousands of both sexes, to whom he imparted his pestiferous teaching. And he predicted many future events through a spirit that was not so much prophetic as it was deluded and mad, and he asserted and pretended that he had revelations from God and prophetic understanding. In all this, he was found false, lying and a deceiver, deceiving both himself and the Margarite who was a sorceress and his heretical consort in sin and error, as the following will more fully reveal.

Now the aforesaid Dolcino wrote three letters that he addressed to all Christ's faithful in general and his followers in particular. In these letters of his, he went on madly about the Sacred Scriptures, feigning at the opening of each letter to hold the True Faith of the Roman Church. The deceit of this is evident from their very contents. I have laid out, for examination, the sense of these two letters. I have excerpted what follows, omitting for brevity's sake other things because they seemed to have very little to do with this matter. Of these letters, one was sent and composed in the month of August of the year of Our Lord 1300. In it, the same Dolcino asserted at the beginning that his congregation was spiritual and its very mode of living in poverty, and without the tie of exterior obedience but only interior obedience, was in fact and name truly that of the Apostles. He asserted that in the last days God had sent and selected this congregation for the salvation of souls, and that God had sent and chosen the one who was head of this congregation, that is to say himself (whom they called Fra Dolcino), who had received revelations about present and future events that would soon befall good and evil people so that he could explain the prophecies and understand the passages of the Old and New Testaments about the last days.

Also, he asserted that the secular clergy and many rulers and tyrants were his enemies and the ministers of the Devil, as were all religious, in particular the Preachers, Minorites, and others who were persecuting Dolcino and his followers in as much as these claimed to belong to the said sect that called itself a spiritual and apostolic congregation. For this reason, he said that he, Dolcino, and his followers were fleeing and hiding from the face of their persecutors, just as their predecessors in the said congregation had done, until the time arrived when, so he and his followers said, they would appear in public and preach publicly, once all their adversaries had been wiped out. Also, he said that all the persecutors of the aforesaid, along with all the Church's prelates, were shortly to be killed and destroyed, and that those of them who remained would convert to his sect and become members of it. Then, he and his followers would prevail in everything.

Also, he distinguished four states of the saints, according to their mode of living. First, there were the fathers of the Old Testament, the Patriarchs, Prophets, and other just men before the coming of Christ. In that state, he said, marriage was good on account of the multiplication of human race. Finally, when the last members of that state had fallen from the good spiritual state of those before them, Christ, among with his Disciples, Apostles and those imitating them, came to heal their infirmity. And he said that this same second state was a perfect remedy for the weaknesses of the earlier people and that it showed them the True Faith through miracles, humility, patience, poverty, chastity, and other examples of the good life, thus being in contrast to those areas where those of the earlier state had failed. In this second state, virginity and chastity were better than marriage, poverty than riches, and living without property than having possessions. This state continued until the time of Pope St. Silvester and the Emperor Constantine. After that, those in it soon declined from their earlier perfection.
The third state began with Saint Silvester, at the time of the Emperor Constantine, when in general the Gentiles and others began gradually to convert to the Faith of Christ. As long as those who had converted had not yet grown cold in the Love of God and Neighbor, it was better that Pope St. Silvester and his successors have temporal possession and riches than apostolic poverty. And it was better for them to rule others than not to, in order that they be provided for and maintained. But when people began to grow cold in the Love of God and Neighbor and to fall away from the way of life of St. Silvester, then St. Benedict's way of life was better than any other, because it was stricter about earthly affairs and more divorced from worldly rule. The good way of life for the clergy was then like that of monks, even though the good clergy were losing their greater part and diminishing in numbers, while the number of monks was increasing.

When the clergy and monks had almost completely grown cold in the Love of God and Neighbor and fallen from their earlier state, then the best way of life was that of St. Francis and St. Dominic, because it was stricter about the possession of temporal things and about worldly rule than the way of life of St. Benedict and the monks had been. Now, since a time has arrived when all prelates, clerics, and religious have grown cold in the Love of Neighbor and fallen from the state of those before them, it has become and still is better to reestablish the Apostolic way of life than to follow any other way. And, he asserted, God sent the Apostolic way of life in these last times. This Apostolic mode of life was initiated by Brother Gerard Segarelli of Parma, a man most beloved of God, and it will endure and continue until the End of the World, bearing fruit until the day of Judgment. This Apostolic way of life is the fourth and final state, and it differs from the way of life of St. Francis and St. Dominic, because their way of life involved having many houses and bringing alms back to them. And since we, Dolcino said, do not have houses and are not to bring back alms to them, our life is the best and the final remedy for everyone.

Also, he said that, from Christ until the End of the World, the Church had to undergo four developments. First it was supposed to be good, virginal, chaste, and suffering persecutions and so it was. This lasted until Pope St. Silvester and the Emperor Constantine. Second, it was supposed to be rich and honored, while continuing in goodness and chastity, and so it was. This continued for quite a while, and the clergy, monks, and all religious persevered in their way of life, following the examples of Sts. Silvester, Benedict, Dominic, and Francis. Third, it was supposed to be evil, rich, and honored, and so it truly was. This was its condition, Dolcino said, when he wrote the aforesaid letter, and so it will remain until all these same clerics, monks, and religious, are exterminated in a savage slaughter that, he said, would occur briefly, that is to say, within three years of his writing the letter to his followers. Fourth, it was supposed to be good, poor, reformed according to his own Apostolic way of life, and suffering persecution on account of it, and thus it was already becoming. This fourth development had begun on account of Brother Gerard of Parma, who he said was most beloved of God, and it was to continue and endure perfectly, bearing fruit until the End of the World.

To confirm the aforesaid four developments, he adduced the words of the prophet Isaiah, 54:1-57:21. This he asserted was his belief and conviction. He also said that, just as the one who persecuted him (Dolcino) and his followers had killed the founder of this new way of life (the aforesaid Brother Gerard of Parma), they were persecuting its second leader (that is to say Dolcino himself), whom God had given to the same congregation with knowledge to explain the prophecies to his followers. So he justified himself and his followers in many ways and condemned everyone else. Also, he predicts that certain things revealed to him by God will happen shortly, by which it can be determined whether he and his followers, rather than their opponents, are liars or have the truth, and vice versa. Also, from about the middle of his letter to the end, there is a treatment of events in the near future, beginning now and ending in three years. It says that all the Church's prelates, every cleric from greatest to least, monks, nuns, religious, and the friars and sisters of the Orders of Preachers, Minorites, and Hieronymites, who have fallen away from the way of life of their predecessors, belong to the third state of the Church, which has been explained above. From that state there have sprung many evils, such as Pope Boniface VIII who was then governing the Roman See and about whom he recounted many evil stories. He brought forward, in support of the aforesaid idea, many passages from the Scriptures of the Prophets and the Old and New Testaments, interpreted according to his perverse understanding. He said that all of the above-mentioned people would be exterminated, killed, and wiped off the face of the earth by a Divine Sword that would be wielded by an Emperor revealed [to him] and the kings that this revealed Emperor would create.
Now in the same passage he suggested and asserted that this revealed Emperor was Frederick, then King of Sicily, the son of King Peter [III] of Aragon. This Frederick would be revealed as emperor and would make new kings and then he would invade and seize Pope Boniface and have him killed, among with many others who were also to be killed. And, to prove the aforesaid, he adduced many passages of the Old and New Testaments, which he interpreted and explained in accord with his perverse inclinations and understanding. And he says that, when all Christians have been established in peace, there will come a Holy Pope miraculously sent by God and not chosen by the cardinals, because all who were then cardinals would be killed along with the others. And those who belonged to the Apostolic state, along with those clerics and religious who had joined them, would live under that pope, and, by divine aid, they would be freed from the coming tribulation and would receive the gift of the Grace of the Holy Spirit, just as the Apostles of the Primitive Church had. Then, they will bear fruit in various ways until the End of the World. And the aforesaid revealed Emperor, King Frederick of Sicily, the son of King Peter [II] of Aragon, and the Holy Pope, who will come after Boniface [VIII] is killed by the Emperor and the new kings who will be created by the revealed Emperor, will live and rule until the days when the Anti-Christ arrives. Then, to demonstrate the aforesaid, he adduces many passages from passages of, the Prophets, and the Old and New Testaments, explaining them and applying them in accord with understandings contrary to the Truth and to the common exposition of the Saints and Doctors.

Then he added that the aforesaid Brother Gerard of Parma, who had been killed, was the first leader of this new congregation, which he calls Apostolic, and that he, Fra Dolcino from the Diocese of Novara, is the second governor of the said congregation that will last and bear fruit until the End of the World. And, to prove the aforesaid, he adduces prophecies and passages of the Old and New Testaments, expounded according to his depraved understanding. Near the end of his aforesaid letter, he speaks about the first seven angels that are described, along with their churches, in the Apocalypse [Apoc. 2:1-3:21]. He says that the Angel of Ephesus [Apoc. 2:1] was St. Benedict and that the Order of Monks was his church. And, Angel of Pergamum [Apoc. 2:12] was Pope St. Silvester and the clergy was his church. And, the Angel of Sardis [Apoc. 3:1] was St. Francis and the Friars Minor were his church. And, the Angel of Laodicea [Apoc. 3:14] was St. Dominic and the Friars Preachers were his church. And, the Angel of Smyrna [Apoc. 2:8] was Brother Gerard of Parma, who had been killed by the above mentioned. And, the Angel of Thyatira [Apoc. 2:18] was Fra Dolcino of the Diocese of Novara himself. And, the Angel of Philadelphia [Apoc. 3:7] was the aforementioned Holy Pope. And these last three churches were that same Apostolic congregation that had been sent in these last days.

He adds that this congregation is denominated into three churches according to its three goods and the three tenures of its rulers. With the first good and the tenure of its first governor, it began and multiplied. With the second good and the tenure of its second governor, it is raised up, renewed, and multiplied. And with the third good and the tenure of the third governor, it will spread throughout the world, be preached and be made fruitful. And the revealed Emperor Frederick will rule and govern the whole world more completely than any other emperor ever has. And he will live until the time of the Anti-Christ, the time of whose arrival he claimed to know with certainty. All these selections are taken from Fra Dolcino's first letter, which he fabricated and faked in the month of August of the year of Our Lord 1230, as he himself says at the end of that same letter.

Selections follow from the same Dolcino's second letter, which as composed and sent in the year of Our Lord 1303, during the month of December. At the beginning, be gives his own name, Fra Dolcino of Novara, as the governor of all those belonging to the said Apostolic congregation, and then the names of his disciples, Margarite (who was beloved above all the others), Brother Longinus of Bergamo, Brother Frederick of Novara, Brother Albert of Carrara, and Brother Balderick of Brescia. These disciples and many others very much like them, numbering more than a hundred, as well as a great mass of brothers and sisters of the same congregation in Italy, numbering about four thousand and likewise without any bound of exterior obedience but only subject to interior obedience, send greetings to all who see the letter.

Also, a little further on, he adds what he knows about things that are happening and shortly about to happen. First, he says that in our days, that is to say around the year when he wrote and sent the aforesaid letter, the year of Our Lord 1303, there are to be four popes, two good (the first and last) and two evil (the second and third). He explains that the first pope was Čelestine [V], who
abandoned the papacy. To him he applies the prophecy of Isaiah beginning at "The Oracle concerning the wilderness of he sea" [Is. 21:1], which contains the passage about the "rider on an ass" [Is. 21:7]; the passage in the prophet Obadiah about brother Jacob [Obad. 10]; and the passage of the Apocalypse about the Angel of Pergamum and the servant Antipas [Apoc. 2:12-13]. He then explains the second pope by saying that it is that Boniface VIII who succeeded Celestine [V]. In the year when Dolcino's aforesaid letter was written, Boniface [VIII] had been captured during the month of September and died in the following month of October. To this he applied the passage in the prophet Isaiah about the "rider on a camel" [Is. 21:7], which speaks of a ruler of the temple who had a tomb set up for himself with an image in stone that looked alive [Is. 22:16?]. And he applied to it the passage in Obadiah about the pillage of Esau [Obad. 6], and that passage in the Prophet Zachariah, near the middle of the book, about the "worthless shepherd" and his arm and right eye [Zach. 11:17]. He explains that this arm and eye are King Charles I of Sicily and Charles II, the same king's son, both of whom fought against Frederick in defense of the pope.

The third pope, he says, is Boniface' successor, whom he does not call by his proper name, but to whom he applies the passage of the Prophet Jeremiah about Esau pillaged and what follows about Babylon the Great, where it says, "Behold, like a lion coming from the jungle of the Jordan ..." [Jer. 49:19]. He applies the words which follow "whomever I choose" to the first pope who follows the death of Boniface [VIII]. He explains that the lion is King Frederick of Sicily, who, he says, will arrive during the following year (that is 1304) on account of the new evil pope and his cardinals, and who will cause them all to be destroyed, along with the whole Roman Church. To this pope he also applies the passage in the prophet Ezekiel, "The end has come upon the four corners of the land ..." [Ez. 7:2] To the fourth pope, whom he does not call by his proper name, he applies the passage in the Prophet Isaiah about the burned peg [ref. uncertain], and that in Obadiah near the end, which begins "In Mount Zion there shall be salvation ..." [Obad. 17], meaning that there will be a Holy Pope who will reign in the Church. And he applies the passage in the Prophet Ezekiel, near the end of the book, where it speaks of the pastors who pasture themselves [Ez. 34]. There, when it speaks of the "mountains of Israel" who will endure many persecutions on account of God, he explains that this refers to himself and his followers [Ez. 36:4]. That holy fourth pope, whom the Apocalypse calls the Angel of Philadelphia [Apoc. 3:7], will not be chosen by the cardinals, because these same cardinals will have been destroyed by Frederick, along with the third pope. Rather, he will be chosen by God, through Frederick, who will be ruling and reigning. And then, the same Dolcino and the members of his Apostolic congregation will everywhere be freed, along with all the spiritual members of the other orders. And these will join the aforesaid congregation and receive the Grace of the Holy Spirit. Thus the Church will be renewed. And, when the aforesaid evil people have been destroyed, the these will reign and bear fruit until the End of the World. And, in the three "years of a hireling" mentioned in the Prophet Isaiah [Is. 21:16], the evil ones are supposed to be consumed and cut off, as was said above.

So, the years should be understood and interpreted in this way: the first of the three years was 1303, when there was desolation on the King of the South and upon Pope Boniface [VIII]; the second year was 1304, during which there was supposed to be a devastation of all the clergy, monks, nuns, and other religious of the Minors, Preachers, and Hieronymites, who been going from bad to worse till that time. All was this was to be effected in these two years, that is to say from 1304 to 1305, by Frederick, the Emperor of the Romans. And the said Dolcino asserted that he had received a certain revelation from God about how all this would occur, and that he was in hiding because of the persecution of himself and others; but that later they would come into the open and appear publicly. This ends the selections from the letters and writings of Dolcino.

Dolcino's aforesaid letters contained these things and much else, which was not so much false and absurd as it was deluded and demented. I have described these selections so that their falsity, absurdity, and insanity will be evident to present and future readers in the light of what happened. For, as I write this, on the first of May in the year of Our Lord 1316, ten years have already passed, and those things that he said were about to occur in the near future have in no way come about. Rather, the exposition and interpretation of the Sacred Scriptures that he gave in his letters has proved, in every case, to be false and ludicrous, as well as being completely unsupported by the true and commonly received opinions of the Saints and Doctors of the Church. Thus, the aforesaid Dolcino was both a false prophet, sent not by God but by the Devil, and a demented heresiarch, who...
as teacher of heresy and error deluded many others.
DOCUMENTS ON WITCHCRAFT
Edited or Translated by the Instructor

There are really very few documents treating witchcraft for the period under study. This is so for the simple reason that before the late fourteenth century the conception of “witchcraft” as held by people in the period of the great witch-hunts (1500s to 1700s) did not yet exist. In the most accessible collection of documents concerning witchcraft, Alan C. Kors and Edward Peters, Witchcraft in Europe, 1100-1700: A Documentary History (Philadelphia: Univ. of Penn., 1972), there are only four documents which relate to witches for before 1320. There are some others on “magic” but that is not the same as witchcraft. I have excerpted here the most important of these texts.

The most important text for attitudes toward witches in the High Middle Ages is the Canon Episcopi (called this from its opening word) in the collection of Canon Law called the Decretum of Gratian. It purports to be from the a council of the early Church but was really issued by a Frankish king of the eighth or ninth century. It was the only law of the Church on the witchcraft until the Decree of Alexander IV which I have also included. These two texts remained the law of the Church on witches until the late fifteenth century. Notice carefully the stance they take on “witches.”

The text that follows is accompanied by the thirteenth-century gloss.

The Canon Episcopi (C. 26, q. 5, c. 12)
Ca. 1140

1. Bishops and their official must labor with all there strength to uproot thoroughly in their parishes the pernicious art of sorcery and spell-casting invented by the Devil, and if they find a man or woman who employs this wicked practice, they should eject them foully disgraced from their parish. . . .

2. It should not be omitted that some wicked women, perverted by the Devil, seduced by illusion and phantasms of demons, believe and profess themselves, in the hours of the night, to ride upon certain beasts with Diana, the goddess of pagans and an innumerable multitude of women, and in the silence of the dead of night to traverse great spaces of the earth, and to obey her commands as of their mistress . . . But, oh, that they alone perished in this faithlessness and did not draw many with them into the destruction of infidelity! For an innumerable multitude, deceived by this false opinion, believe this really happens, and so believing, wander from the true faith and take up the error of the pagans that there is some divinity or power other than the One God.

Therefore the priests throughout their churches should preach with all insistence to the people that this is in every way false and that such phantasies are imposed on the minds of the unfaithful not by the divine but by a malignant spirit.

3. Thus Satan himself, who transfigures himself into an angel of light, when he has captured the mind of a miserable

Those interested in this topic can also consult: Henry C. Lea, Materials for the History of Witchcraft.
woman and subjugated it to himself by infidelity and incredulity, immediately transforms himself into the species and similitude of different personages and deludes the mind which he holds captive, exhibiting things, joyful or mournful, and persons, known or unknown, and leading it through devious ways. It is the spirit alone that endures this, but the faithless mind thinks it occurs not in the spirit but in the body. Who then, is there that does not imagine in dreams and nocturnal visions things to occur which he has never seen while awake? Who is so stupid and foolish as to think that all these things which only happen in the spirit happen also to the body? . . .

**CASE.** This chapter is divided into three parts. In the first part it treats of the care to be employed by priests in expelling diviners from their parishes, and proves by Apostolic authority that they ought to be expelled. In the second part, it is explained that certain women think that they ride out at night with Diana the goddess of the pagans and Herodias on certain kinds of beasts. This is not true but it has entered the minds of the faithful through the deceits of the Devil. In the third part, it is shown how this delusion occurs, that is, by diabolical spirits conjuring up such images in the human mind, and it proves by texts from Paul and Ezekiel that this is in the mind only. Part two begins at the words "It should not be omitted . . . Part three begins at "Thus Satan . . .

*that they alone*—That is, that not others, as in C. 1, q. 1, c. 23.

*b in the body*—that is, perceived by the physical senses . . .

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**Question 1:** Does the author believe in sorcery (trying to invoke evil powers and cast spells)?
**Question 2:** Who does the text say believes in witches (those who have become servants of the Devil and have received special powers like night-flight, etc)? Does the author believe in them?
**Question 3:** What role does the devil play in witchcraft?
**Question 4:** Why do you think there the law makes no provision for the punishment of witches?
**Question 5:** What are priests supposed to do about witches and witchcraft?

Until the mid-thirteenth century at least, the understanding of witches in the above text was shared by most educated churchmen. As an example, read the following opinion of John of Salisbury, the secretary of St. Thomas Becket and a leading writer of his age.

**From the Poli craticus, II, xvii.**
Ca. 1154

The evil spirit, with God's permission, inflicts the excesses of his malice on certain people so that they suffer in the spirit things which they erroneously believe themselves to experience in the flesh. In this way they claim that the "Lady of the Night" or Herodias or a witch-ruler of the night convokes nocturnal assemblies at which they feast and have orgies and carry out other rites, where some are punished and others rewarded according to their merits. Moreover, infants are set out for blood-sucking witches [lamias] and appear to be cut up into pieces, eaten, and gobbled up into

*Noctiluca*—a personage sometimes identified with the ancient goddess Diana.
witches stomachs, and then are returned through the powers of the witch-ruler, safe and sound to their cradles. Who could be so obtuse as not to see that all this is pure wicked phantasy produced by mocking demons? Indeed, it is obvious that only silly old women and the stupider kind of people could ever believe such things.

Question 1: What activities do the supposed witches indulge in? Does John consider this real?

Question 2: Who would believe in such things? What would John say if he met someone who claimed to be a witch, or if someone denounced a women to him as a witch?

It is important to remember that, even though "witchcraft" as it would be understood in the early modern period was not believed in during the period under study, the people of the time did believe that it was possible to invoke demons and make potions. The following is a statute concerning such activity from the laws of Parma, Italy, enacted in 1233 under the direction of a Franciscan, Gerard of Modena.

From the Statutes of Parma

A chapter of Brother Gerard concerning a certain grave but very commonly accepted crime in the city of Parma that harms and dishonors Jesus Christ and the whole Christian people. Brother Gerard planned to act firmly and aggressively in this case. Now, there were certain very evil wizards and enchanters, or, better, lying betrayers, who are called diviners by poor ignorant men and women, and who committed many crimes and terrible outrages against God that are shameful before men. And these miserable wretches give poisonous draughts to stupid men and women to commit evil acts and to seducers of women to destroy children in the womb and thus they led men and women into evil acts and serious crimes. They also receive fornicators and adulterers in caves and in their houses under the pretext of divining, and, after receiving payment from them, they lead them into and have them commit adultery, something that is horrible in the sight of the Most High Creator and ought to be so in the sight of all.

And so he decreed and established that the chief magistrate and the city council of Parma, during their tenure of office, shall be held, within six months of taking office, to summon these miserable diviners (of both sexes) before a public meeting of the council and give them one week to leave the city and district and to stay away permanently. And, if later they are found to have returned to the district to carry on their terrible business, they are to be bodily seized and put in chains. Then they are to be violently flogged out of the city in shame. All their property is then to be granted to those who ferreted them out and accused them.\textsuperscript{7}

Question 1: Who is the subject of this law? Do they sound like witches?
Question 2: What seems to be their major "business"? Are they "heretics"?
Question 3: What punishment is envisioned?
Question 4: Why do you think Gerard was so offended by these "potion-makers"?

About the same time that Gerard was chasing the potion-makers out of Parma, Pope Gregory IX had heard rumors that there people holding commerce with the Devil in Germany. In this case, because of the heretical implications of the report, the pope wrote to King Henry of Germany to alert him to the danger. This document is of importance for two reasons--first, it is the first serious attempt to connect sorcery with Devil-worship (and thus make it a heresy), and second, it contains the first description of the classical "witch's sabbath" of the Late Medieval and Early Modern

\textsuperscript{7} Statuta Civitatis Parmae, pp. 42-43, translated by lecturer.
periods. It is of interest that Gregory did not order his inquisitors to prosecute the witches he described in his letter--he left that to the State.

From the Letter Vox in Rama, 1232

When a novice is to be initiated and is brought before the assembly of the wicked for the first time, a sort of frog appears to him; a toad according to some. Some bestow a foul kiss on his hind parts, others on his mouth, sucking the animal's tongue and spit. Sometimes the toad is of normal size, but at others it is as large as a goose or duck. Usually it is the size of an oven's mouth. The novice comes forward and stands before a man of fearful pallor. His eyes are black and his body so thin and emaciated that he seems to have no flesh and be only skin and bone. The novice kisses him and he is as cold as ice. After kissing him every remnant of faith in the Catholic Church that lingers in the novice's heart leaves him.

Then all sit down to a banquet and when they rise after it is finished, a black cat emerges from a kind of statue which normally stands in the place were these meetings are held. It is as large as a fair-sized dog, and enters backwards with its tail erect. First the novice kisses its hind parts, then the Master of Ceremonies proceeds to do the same and finally all the others in turn; or rather all those who deserve the honor. The rest, that is those who are not thought worthy of this favor, kiss the Master of Ceremonies. When they have returned to their places, they stand in silence for a few minutes with heads turned towards the cat. Then the Master says: "Forgive us." the person standing behind him repeats this and a third adds, "Lord, we know it." A fourth person ends the formula by saying, "We shall obey."

When this ceremony is over, the lights are put out and those present indulge in the most loathsome orgy, without regard to sex. If there are more men than women, men satisfy one another's depraved appetites. Women do the same for one another. When these horrors have taken place the lamps are lit again and everyone regains their places. Then, from a dark corner, the figure of a man emerges. The upper part of his body from the hips upward shines as brightly as the sun but below that his skin is coarse and covered with fur like a cat. The Master of Ceremonies cuts a piece from the novice's vestments and says to the shining figure: "Master, I have been given this, and I, in my turn, give it to you." To which the other replies: "You have served me well and will serve me yet more in the future. . . .

Each year at Easter, when they receive the Body of Christ form the priest, they keep it in their mouths and throw it in the dirt as an outrage against the Savior. Furthermore, these most miserable men blaspheme against the Lord of Heaven and in their madness say that the Lord has done evil in casting Lucifer into the bottomless pit. These most unfortunate people believe in Lucifer and claim that he was the creator of the celestial bodies and will ultimately return in glory when the Lord has fallen from power. . . .

Question 1: How does this text represent a more developed idea of witchcraft than the earlier texts?

Question 2: What elements of heresy does Gregory identify in the practices he describes.

Question 3: Can you find in this description any ideas related to Catharism?

Question 4: Why do you think Gregory wrote to the King rather than to his inquisitors?

The last text concerning witchcraft is from the Liber Sextus the updated compilation of Canon Law promulgated by Pope Boniface VIII in 1298. It specified the relationship of witchcraft, heresy and the inquisition until the 1490s. The small print along side is the Ordinary Gloss, the official commentary on the Church Law.

Liber Sextus (X 5.2.8., with the Gloss)

C. VIII. The Inquisitors, deputed to investigate heresy, must not involve themselves in hunting out diviners or sorcerers unless they have knowledge that manifest heresy is involved.

It is reasonable that those charged with the affairs of
the faith, which is the greatest of privileges, ought not thereby to intervene in other matters. The inquisitors of pestilential heresy, commissioned by the apostolic see, ought not intervene in cases of divination or sorcery unless these smack\(^a\) clearly\(^b\) of manifest heresy. Nor should they punish those who are engaged in these things, instead they should leave it to other judges to punish them.

\(^{a}\)smack--As in praying at the altars of idols, offering sacrifices or consulting demons, or eliciting responses from them.

\(^{b}\)clearly--For this reason they do not have jurisdiction in doubtful cases; and it is permitted that the judges ask of others whether

they have jurisdiction. . . . So then, if it is not clearly the case, they should not become involved unless evidence becomes manifest. . . .

**Question 1:** Under what circumstances can inquisitors become involved in the investigation of witchcraft?

**Question 2:** Is witchcraft itself a heresy?

**Question 3:** What can make witchcraft a heresy?


SUPERSTITION IN MEDIEVAL CANON LAW
(WHOLE SECTION)

CASE TWENTY-SIX

Gratian: A certain priest is convicted before his bishop of lot-casting and divination; corrected by his bishop, he refuses to stop; he is excommunicated; in the end, on his deathbed, he is reconciled by a certain priest, without consulting the bishop; he is then placed under temporal penance as determined by the canons.

I. First it is asked, who are lot-casters?
II. Second, whether lot-casting is a sin?
III. Third, whence originates the practice of divination?
IV. Fourth, how many types of divination are there?
V. Fifth, whether lot-casters or diviners who persist should be excommunicated?
VI. Sixth, whether someone excommunicated by a bishop can be reconciled by a priest without consulting the bishop?
VII. Seventh, should temporal penance be imposed on the dying?

QUESTION ONE

Gratian: Isidore, Etymologies, 7, defines lot-casters as follows:

C. 1.

Lot-casters are those who, under the name of false religion, perform divination by lot, invoking the names of apostles or saints; or who predict the future by consulting the Scriptures.

QUESTION TWO

Gratian: That the casting of lots is not a sin is proved from practice and authorities: When Achan [Jos 7: 1-21] stole objects under the ban, the people were slaughtered at Ai because of his sin and fled the enemy. The Lord Joshua ordered that it be determined by lot whose sin caused the people to fall into the enemy's hands. Following Joshua's command, the lot fell on three tribes, and then on three families, and then on individuals, so that at last the lots indicated Achan.

Also, Saul [1 Sam 14: 36-46], when he was fighting the Philistines, swore that he would kill anyone among the people who broke the fast before sundown; then, when the lots indicated that his son Jonathan had eaten the honey which he had touched with his staff, Saul wanted to put him to death, but at the people's intervention he revoked the condemnation.

Also, Jonah [Jon 1: 1-17], when he was fleeing from the Lord's face, was identified by the sailors' casting of lots. He was thrown in the sea, and swallowed by the whale.

Of Zechariah [Lk 1: 8] it is read that he went by lot to offer incense. Matthias [Acts 1: 15-26] was made an apostle in place of Judas through Saint Peter using lots.

So then, many examples demonstrate that lots are not evil.

Hence also Augustine, On the Psalms [30.2], says:

C. 1.

The lot is not something evil, but a way to determine divine will and settle human doubt.
Gratian: The reply to this is that before the Gospel was revealed many things were permitted which were then completely eliminated in the time of perfect discipline. The marriage of priests and of blood-relatives is prohibited by neither the Law, the Gospel, nor the Apostle [Paul]; but it both are absolutely forbidden by ecclesiastical law. So, although there is nothing evil in lot-casting, it is forbidden to the faithful lest, under the cloak of divination, they return to the ancient cult of idolatry. Hence, of observing the heavens and seeking other signs of the future, the Apostle says [Gal 4], "You observe days and months and times and years, thus I fear that I have perchance labored in vain among you." So also, astrology and horoscopes have fallen into disuse among Catholics because when people become devoted to such things to satisfy their own curiosity, and so they pay less attention to things that profit their salvation.

That it is unsuitable to trust in lots, Jerome testifies, when writing on John 1 [verse 7]:

C. 2.

The examples of Jonah and Matthias do not justify trusting in lots generally.

We ought not trust in lots simply because of the example of Jonah; nor even because of the additional example of Matthias being chosen by lot as an apostle.

Also, Augustine [Letter 55:37], to the questions of Januarius:

C. 3.

Divine oracles are not to be put to worldly purposes.

Some take lots by random texts of the Gospels, and it is to be hoped that they act better than those who consult the oracles of demons. But it seems to me that this is a bad usage, as it would exploits divine oracles for secular purpose and worldly vanities.

Also Bede, on the Acts of the Apostles [1:1]:

C. 4.

The examples of Matthias and Jonah do not justify trusting in lots generally.

The examples of Matthias and Jonah being chosen by lot does not justify general belief in lots, since a privilege granted to an individual (as Jerome says) can in no way create a general law. If however, under some necessity, God is to be consulted by lot following the example of the apostles, this is not to be done without an assembly of the brethren and prayers offered to God.

On diviners, Augustine also writes [On Deuteronomy 5:19], saying:

C. 5.

No attention is to be paid to the predictions of diviners, even if the things they predict actually happen.

The Lord wants it to be understood that those things which are spoken by diviners are not according to God. They are not to be received, even if what they say happens, lest because of their predictions we worship what they worship.

Also, in On Christian Doctrine, 2 [chap. 19, 20, 21, 23]:

CASE TWENTY-SEVEN 37
Which human institutions are superstitious and which not.

That which concerns the institutions of men is partly superstitious and partly not superstitious. Among superstitious things is whatever has been instituted by men concerning the worshiping of any creature or any part of any creature as though it were God. Of the same type are things instituted concerning consultations and pacts involving prognostications with demons who have been placated or contracted with. These are the endeavors of the magic arts, which the poets are accustomed to mention rather than to teach. To the same class belong, although they show a more presumptuous vanity, the books of soothsaying and augury.

§1. Here also belong those amulets and remedies which medical science also condemns, whether these involve sorceries, or certain secret signs called "characters," or the hanging, tying, or in any way wearing of certain things, not for the purpose of healing the body, but because of certain significations, either occult or manifest.

These are not given the mild name of "physics" lest they may seem not to involve superstitions but to be helpful to nature. Of this type are the rings hung on the top of each ear, or the little rings of ostrich bones on the fingers, or the practice of telling a person with hiccups to hold his left thumb in his right hand. To these may be added a thousand other vacuous observances to follow if a limb trembles or if a stone, dog, or child comes between friends walking arm in arm.

§2. Other similar practices are the following: to step on the threshold when you leave your house by the front door, or to go back to bed if anyone sneezes while you are putting on your shoes, or to return to the house if you stumble going out, or, when your clothes are torn by mice, to dread more the omen of a future evil than the actual damage.

§3. Nor are those to be excluded from this sort of pernicious superstition who are called astrologists or, commonly, astrologers, because they are concerned with birthdays. Although these men seek out and even find the exact position of the stars at the time someone is born, yet, when they seek to predict on that basis either our actions or the outcome of our actions they err greatly.

§4. This kind of fornication of the spirit is happily not passed over in silence by Holy Scripture, nor has it frightened the soul into avoiding these things because falsehoods are spoken by those who profess them. Rather [Deut 13: 1-3], "even if they speak to you," it says, "and it comes to pass, do not believe them." If the image of the dead Samuel predicted truths to King Saul [1 Sam 28: 15-19], those sacrileges by which that image was called up are not less to be condemned. Again in the Acts of the Apostles [16: 16-18], although the woman with the Pythonical spirit gave true testimony of the apostles of the Lord, the apostle Paul nevertheless did not spare that spirit, but cleansed the woman by denouncing and driving out the demon.

§5. Therefore all arts pertaining to this kind of trifling and noxious superstition, constituted on the basis of a pestiferous association of men and demons through a pact of faithless and deceitful friendship, should be completely repudiated and avoided by the Christian.

Also, in the City of God [i.e. Rabanus Maurus, On the Tricks of Magicians]:

C. 7.

Inquiry into or following of the things requested of diviners or magicians is not life but death.

Anyone who wants to have salvation without the Savior or thinks he can become prudent without true wisdom, is not healthy but sick; he is not prudent but stupid, laboring under a grave disease; and stupid and demented he remains in utter blindness. And so every answer and every instruction that he asks from diviners or magicians, or from the demons themselves in this worship, should be called death rather than life. Those who follow them, if they do not reform, are headed for eternal perdition, as the Psalmist says [Ps 95:5]: "All the gods of the gentiles are demons." Through deceived persons they act daily to deceive others that they become sharers in their perdition. And so the vanity of magical arts, derived from the fallen angels grew strong through the whole earth for many centuries. Invented through a certain knowledge of the future and of the underworld and by their own invention, were soothsaying and augury, as well as what are called oracles and
necromancy.

Also, in Confessions 4.3:

C. 8.

True Christian piety rejects and condemns horoscopes.

Horoscope-casters, who are also called astrologers, are plainly not to be consulted, just as no sacrifices and no prayers are to be offered to any spirit for guidance in divination. So true Christian piety rejects and condemns them.

Also, Jerome [i.e. Origen, Sermons on Joshua 5.5]:

C. 9.

To observe auguries or consult the stars is idolatrous worship.

But also add this, that one who fornicates in his body sins, not only against the body alone, which has been made the Temple of God, but also against what is properly that Temple itself, because the whole Church is the body of Christ. And he is seen to violate the body because the injury to one member is communicated to the whole body.

§1. It is an Egyptian abomination if one harms the body, and after crossing the Jordan and after the second circumcision of Baptism, one is drawn back by the intrusion of old usages to observe auguries, to follow the stars, and to predict future events from these and other superstitions of this sort. The mother of idolatry is Egypt, from which it is clear that abominations of this sort germinated. If after the passage of the Jordan, you take up again these things and fall back into their snares, without a doubt you have brought the abominations of Egypt with you.

Gratian: Nonetheless these sacrileges ought no to be detested to such an extent that, when something from the threshing-floor or press has been offered to demons, what remains is also thought to be unclean, or so that, if we should happen to eat something that has been offered unknowingly, we therefore believe ourselves to have sinned.

Hence Augustine [Letter 47.3], to Publicola:

C. 10.

So the remainders are not unclean because something from the threshing-floor or press has been given in sacrifice to demons.

If something is taken from the thrashing-floor or press to sacrifice to demons, and the Christian knows this, he certainly sins if he allowed this to happen when it was in his power to prevent it. But if he has discovered this to have happened, or had not power to prevent it, he may use the remainder as clean from which those offerings were taken.

Also, Ambrose, on 1 Corinthians [10:25-26]:

C. 11.

He is clean of guilt who buys unknowingly what has been sacrificed to idols.

Although something has been polluted by accident through being offered to an idol, nonetheless he who bought it unknowingly should suffer no scruple, before God it is clean.
Gratian: Those from whom divination took its origin and what are its types, Augustine in On the Nature of Demons [i.e. as adapted by Rabanus Maurus, On the Tricks of Magicians, by way of Isidore, Etymologies 8.9] explains:

C. 1.

On the many kinds of divination.

So it is understood that the types of divination are taken from the Persians.

§1. Varro says that there are four kinds of divination, from earth, water, air, and fire; hence he affirms they are called geomancy, hydromancy, aeromancy, and piromancy.

§2. Diviners are so called as they are somehow filled with a god. For the simulate that they are filled with the divinity and so project peoples' futures fraudulently by certain tricks. There are two sorts of divination, art and madness. They are called sorcerers who practice the art using words.

§3. The are called mediums who make wicked prayers before the altars of idols and offer them evil sacrifices, thus by these ceremonies procuring responses from the demons.

§4. The are called soothsayers who determine times, for they set days and hours for conducting business and projects, and choose different times that men should observe. These also investigate the entrails of beasts and predict the future from them.

§5. They are called augurs who observe the flights and songs of birds and point out to people who approach them other signs of things and unexpected occurrences. There are also bird-seers. The auguries of birds are called auspices, taken from bird-life and what birds do. There are two kinds of auspices, one proper to the eyes and one to the ears: to the eye is the observing of bird-flights and that to the year the observing of bird-songs.

§6. Pythonesses are called from Pythian Apollo, who is the master of divination. They are called astlogians who take auguries from the stars. Astrologists are those who determine birth-signs. They describe the origins of human beings from the twelve heavens, and try to predict the characters of those born, their actions, and their future from the movements of the stars, that is from the sign under which they were born, or by interpreting that signs effect on their lives. These are the people commonly called astrologers whose superstition involves what Latins call "constellations" ("Signs of the Zodiac"). That is the determination of the stars as to how they were positioned when one was born.

§7. The first of those to interpret the stars were the called the magi, as is read concerning them in the Gospel [Mt 2] when they announced the birth of Christ. Later they become known only under the name of astrologers. Their art was permitted up to the time of Christ, when by Christ's command none were hence to calculate birth-signs from the heavens. Those are called horoscope-casters who predict various different fates from the hour of one's birth. Those are called lot-casters who, etc. As above.

§8. They are called fortunetellers who, when various parts of the body are presented to them, they predict that these signify good or evil.

Gratian: It is also asked on the nature of demons, what there nature is, whether they can foretell the future, and how many ways they might know the future.

Concerning these things, Augustine, in the same book [i.e. On the Nature of Demons 3, 5, 6, but as adapted in Rabanus Maurus, On the Tricks of Magicians], writes:

C. 2.

How many ways demons can know the future.

It should be known what the nature of demons is, that by the senses of their aerial body they easily surpass the senses of material bodies; they are incomparably superior in speed also, on account of the superior mobility of an aerial body over not only people and beasts but even over the flight
of birds. They prevail in these two things in as much as they have aerial bodies: their acuity of sense and their speed of motion. So they predict things which they see much earlier or report things that people are amazed by because of the lethargy of their earthly senses. Demons, on account of the long time they have been alive, also have much greater experience than people can acquire because of their short life span. Through these powers, which arise from the nature of their aerial bodies, not only can demons predict many future events and even do many things which human beings could neither know nor do. And so certain people judge them worthy to be served and given divine honors. This is especially because of the wretched vice of curiosity and on account of the live of false earthly happiness and worldly excellence.

§1. Now then, as the investigation concerns divination through demons, first it should be understood that they predict many things which they themselves will do. For they often have the power to produce illnesses, and by withdrawing air to bring on morbidity, as well as to incite to evil deeds through the perverse love of earthly comforts, and, on account of people's habits, there are certain to consent to those urging such things. They persuade by marvelous and invisible means, because of their intangibility they can enter human bodies without being perceived and affect people's thoughts by introducing visual images, both while awake and asleep.

§2. Sometimes, they foreknow future things not because they will do them but by using natural signs (which signs are imperceptible to human senses) to predict them. The doctor can foresee what the patient, being ignorant of this art, does not know how to see, so he is held divine. What is the marvel then, as in some manner the doctor can foresee disturbances, illnesses, and injuries to the human body, as well as good or bad future health, if demons through certain changes in the atmosphere visible to them but not to us can foresee coming storms? Human dispositions are not only communicated by voice but sometimes also conceived in thought and expressed by the mind through certain signs in the body. These can be observed with great facility and use to foretell many future actions, something that seems marvelous to those who do not know these dispositions.

§3. They fell from wanting to fall, and with envious will they delight in human error. But lest among their worshipers they loose the weight of authority, they so act that the fault be ascribed to those interpreting the signs and their connections, when they themselves have been deceived or have lied.

§4. Indeed evil spirits and deceivers of men, hinderers of salvation, were never wont to predict the decline of their cult or the ruin of the idols, even though it seems that they knew this was to happen in various kingdoms and places, as well as what adversity could befall their devotees. This is something of which those who read the books of the pagans cannot be ignorant. What is marvelous then, if, when the overthrow of the temples and idols was pressing, which had already been predicted by the prophets of almighty God much earlier, the demon Serapis communicated to certain of his worshipers about what was to come, so that they commended leaving and avoiding divination?

Gratian: It does not seem conclusive from reason that what people plan to do in thought the Devil knows by outward signs.

Hence, Augustine, Retractions 2.30 [i.e. the adaption of this in Rabanus Maurus, On the Tricks of Magicians], says:

C. 3.

It is a very obscure affair whether the Devil knows the inner thoughts of the mind from outward movements of the body.

In the same place I said that demons with great facility sometimes learn unvoiced human dispositions which are conceived in thought because the mind produces certain signs in the body. I spoke of this very obscure matter with more confidence than I should have. For it is sure that these things come to the notice of demons through certain things they experience. But whether these signs perceptible to them but hidden from us come from the thinker's body or are known instead by some other spiritual power, is something that can be know only with the greatest difficulty, or perhaps it cannot be known at all.
QUESTION FIVE

Gratian: But that lot-casters and diviners should be excommunicated if they refuse to stop is proven by reason and authority. For there is a certain type of cultivation of idols, preaching the future from the consulting of demons. For just like an avaricious man, because he expends for money the worship he owes to God, is named a worshipper of idols by the Apostle [Eph 5], so too they who labor, either by the consulting of demons or any sleight-of-hand, to discover future things, which are found sometimes revealed from God's oracle, attribute the rights of divinity to created beings. For the future is foreknown by God only, who in contemplation of his own causes even the angels to foreknow these things. Whence Isaiah [45: 21] said: "Tell me things gone before and newly come and I will say, you are what is God's."

§1. The worshipers of idols should be separated from the communion of the faithful. Whence, the Apostle said in 1 Corinthians [5: 11]: "If any brother is named a fornicator, or an avaricious man, or a servant of idols, you should not eat dinner with such a man." Hence it is even read in the decree of Gregory II [i.e. Council of Rome (721), c. 12]:

C. 1.

Let mediums and sorcerers be anathema.

If anyone acts as a medium, augur, or sorcerer, or makes use of amulets, let him be anathema.

Also, the Council of Ancyra (314), c. 23:

C. 2.

Let those performing divination do penance for five years.

Those who perform divinations and follow the habits of the pagans, or bring people who do this into their houses to practice magical arts, or for any other cause, are under discipline for five years according to the prescribed grade of penance.

Also, from a council of Pope Martin [i.e. Martin of Braga, Capitula, cc. 72, 74, 71, 75]:

C. 3.

Christians are forbidden to worship natural elements or to consult the positions moon and stars in ordering their affairs.

Christians are forbidden to follow the traditions of the pagans, and to observe or worship natural elements, or the positions of the moon and stars, or the empty vanity of portents, whether in building houses, planting hedges or trees, or contracting marriage. For it is written [Col 3:17]: "All that you do, whether in word or in deed, do it all in the name of Our Lord Jesus Christ, giving thanks to God."

§1. Nor in the collection of herbs and medicines are there to be any rituals or sorcery, other than perhaps the Creed or the Lord's Prayer, so that God the creator and lord of all be honored.

§2. If anyone follows the customs of the pagans and introduces diviners or lot-casters into their house so that these cast evil outside or cast spells or perform pagan rites, let them do penance for five years.

§3. Also, Christian women are forbidden to observe superstitions in cloth-making but let them invoke the help of God, who taught them the art of weaving.

Also, from the Council of Lyon (343), c. 30:
C. 4.

Let sacred office not be given to magicians or sorcerers.

It is not fitting that those dedicated to sacred or clerical duties be magicians or sorcerers, or that they make amulets thus manifesting the bondage of their souls. Those who do use such things, we order cast out of the Church.

Also, from the Fourth Council of Toledo (443), c. 30 [i.e. 29]:

C. 5.

Let a bishop or priest who consults magicians or soothsayers be deprived of office.

If any bishop, priest, deacon, or member of the clerical order is convicted of having consulted soothsayers, sorcerers, or mediums, as well as augurs, lot-casters, or others who practice the art of magic or anything similar, let him be suspended from his dignity, placed in a monastery and there expiate his crime of sacrilege through perpetual penance.

Also, from the Council of Agde (506), c. 38 [i.e. 42]:

C. 6.

Concerning those who practice augury or divination.

Some clerics and lay people practice augury undertake the science of that divination which they call, under the false name of religion, the Lots of the Holy Fathers, or they predict future events by looking into the Sacred Scriptures. Should any cleric or lay person be convicted of this or of having counselled or taught it, let him be excluded from the church.

Also, Leo IV (850) to the bishops of Britain:

C. 7.

Lots are judged to be nothing other than divination or spell-casting.

We determine that lots, by which all things are judged in your various provinces (something the Fathers condemn), are nothing else than divination and spell-casting. Furthermore we wish them to be condemned completely and no longer even to be named among Christians. We prohibit their use under the interdict of anathema.

Also, Gregory [Letter 11.53 (691)], to Hadrian the notary:

C. 8.

It is fitting to prosecute sorcerers and lot-casters as the enemies of Christ.

It has come to our attention that you have prosecuted certain sorcerers and lot-casters, and register our pleasure at your solicitude and zeal. Be persistent in your investigations and whenever you find any of these enemies of Christ, correct them using strict punishments.

Also, from the Council of Arles (530) [c. 30]:
Let any cleric, monk, or lay person who employs auguries or lots be excommunicated.

If any cleric, monk, or secular believes in practicing divination or augury, or in the lots, which are falsely called of the saints, or they are thought to have taught these to anyone so that they believe in them, let them be expelled from ecclesiastical communion.

Also, Gregory [Letter 9.65 (599)], to Bishop Januarius:

Let there be pastoral vigilance and care against lot-casters and the worshipers of idols.

We vigorously urge Your Fraternity to exercise pastoral vigilance and care against the worshipers of idols, soothsayers, and lot casters. You ask what to do if they refuse to desist from such things. If they are slaves, we order them flogged with rods, if they are free, they are worthy of being placed under close imprisonment and penance.

Also, from the Fourth Council of Carthage, c. 39 [?]:

Let those following augury and sorcery be separated from the Church.

We prescribe that those following augury and sorcery, like those practicing Jewish rites or holidays to be separated from the community of the Church.

From the Council of Ancyra [i.e. from an unknown Carolingian capitulary]:

Bishops should strive to eliminate lot-casting and the magic in every way.

Bishops and their officials must labor with all their strength to uproot from their parishes the pernicious art of lot-casting and spell-casting invented by the devil, and if they find a man or women follower of this wickedness to eject them foully disgraced from their parishes. For the apostle said: "Avoid the heretical man after the first and second warning, purposely, because this type of person is subverted." [cf. C. 24 q. 3 c. 29] Those who seek the favor of the devil, having left their own creator, are subverted and held captive by the devil, and therefore the holy church ought to be cleansed of such a pestilence.

2. It should not be omitted that some wicked women, perverted by the Devil, seduced by illusion and phantasms of demons, believe and profess themselves, in the hours of the night, to ride upon certain beasts with Diana, the goddess of pagans and an innumerable multitude of women, and in the silence of the dead of night to traverse great spaces of the earth, and to obey her commands as of their mistress and to be summoned to her service on certain nights. But, oh, that they alone perished in this faithlessness and did not draw many with them into the destruction of infidelity! For an innumerable multitude, deceived by this false opinion, believe this really happens, and so believing, wander from the true faith and take up the error of the pagans that there is some divinity or power other than the One God.

Therefore the priests throughout their churches should preach with all insistence to the people that this is in every way false and that such phantasies are imposed on the minds of the unfaithful not by the divine but by a malignant spirit.

3. Thus Satan himself, who transfigures himself into an angel of light, when he has captured the mind of a miserable woman and subjugated it to himself by infidelity and incredulity, immediately transforms himself into the species and similitude of different personages and deludes
the mind which he holds captive, exhibiting things, joyful or mournful, and persons, known or
unknown, and leading it through devious ways. It is the spirit alone that endures this, but the faithless
mind thinks it occurs not in the spirit but in the body. Who then, is there that does not imagine in
dreams and nocturnal visions things to occur which he has never seen while awake? Who is so stupid
and foolish as to think that all these things which only happen in the spirit happen also to the body?
For Ezekiel the prophet saw and heard visions of the Lord in the spirit, not in the body, as he himself
said: "I was in the spirit." And Paul did not dare to say that he was raptured in the body.

To all then it is to be publicly announced that those who believe such things or anything like
them has deviated from the Faith, and that they do not have the right Faith. For this faith in which
they believe is not His, but of another, that is of  the Devil. For whoever therefore believes that
anything can be made, or that any creature can be changed to better or to worse or be transformed
into another species or similitude, except by the Creator himself who made everything and through
whom all things were made, is beyond doubt and infidel.

Gratian: Some are found who moved by evil disposition in order to harm their enemies omit
the sacred vestments at the altar, or use funeral vestments, or remove the accustomed vigil lights
from the church, or celebrate the Mass of the Dead for living people.

This spell-casting the Thirteenth Council of Toledo, c. 7 (683), condemned, saying:

C. 13.

Let any priest who dedicates himself to this sort of spell-casting be removed.

Any priest or minister henceforward who presumes, moved on account of fear, to remove the
sacred vestments of the altar, or binds himself with any mourner's clothing, or removes the
customary vigil lights of funerals from the church, or orders them to be extinguished, if he has not
earlier purged himself by satisfaction of true repentance before his metropolitan, shall know himself
deprived of his place and dignity. Let it be declared beyond doubt to those separated under this
sentence of punishment that this has been done for profanation of Holy Orders, fear of subversion
of the Holy Faith, pertinence in resistance and disobedience, and fear of the sentence of divine
judgment. This in as much as God is more pleased by humility than by pain of interior fear.

§1. There are many priests, soiled by the deceit of enmity, who attempt, under false purpose,
to celebrate the Mass provided for burial of the dead for living people, so that by offering that
sacrifice for them as dead they bring them into danger. On this account our unanimous assembly
chooses that if anyone is henceforth identified as perpetrating such acts, he shall be deposed by from
his grade of Orders, and that priest himself, as well as any who incited him to do these things, will
be relegated to perpetual imprisonment.

Gratian: From the forgoing authorities it can be concluded that mediums, augurs, sorcerers,
and lot-casters, as well as other sectaries of this type are to be removed from the Church, and unless
they repent, to be put under perpetual excommunication.

§1. So, as the earlier c. 12, from the Council of Ancyra [i.e. a Carolingian capitulary], says
that such things as happen through sorcery happen in the spirit only and not in the body, so
Augustine, City of God [18.18, but as adapted in Rabanus Maurus, On the Tricks of Magicians],
would also seem to assert, saying:

C. 14.

It is proved that the tricks of magicians are not real but illusions.

The wonders of magicians are not surprise as the magical arts are such that they could even resist
Moses by their signs, changing staves into serpents and water into blood, and even in the
writings of the pagans we read that a certain sorceress, Circe, turned Ulysses men into beasts. It is
also read that some who eat of the sacrifice that Arcadians offered to their Lycian god were turned
into beasts. But all these things were done by magical slight-of-hand, and did not really happen. So
that these errors be obvious to the ignorant, we judge it suitable to speak first of their varieties and origins according to what is handed down from the ancients.

§1. Magicians are spell-casters, popularly so called on account of the magnitude of their crimes. By God's permission they employ natural elements and disturb the minds of those with less trust in God and bring evil using incantations without any poisonous draughts. Hence Lucian [Parsalia 6,257-258] said "The mind losses through sorcery looses its sanity without any draught of poison." They dare to conjure up demons so that their enemies die by evil arts. These also use the blood and the bodies of the dead against their enemies.

§2. Necromancers are those who use incantations to resurrect the dead for the purpose of divining and answering questions. Necro in Greek means "dead" and mancy means "divination," and thus the name for reviving bodies by use of blood. Demons are said to love blood, and so whenever necromancy is practiced gore is mixed with water so that it takes on the color of blood. §3. Hyromancers call up the images of demons reflected in water to see their actions and hear things from them from the water, where they are conjured up from the underworld by blood. Then further on:

§4. All the above pertain to fashioning of spells, which art is contrary to medicine whether it involves oral or written spells, whether worn or bound to the body. In all these cases this is a demonic art and has arisen from the association of people with the wicked angels. For this reason the Christian must wholly shun, repudiate, and condemn it. §5. There is also augury from birds. The first to invent this were the Phrygians. §6. The first to discover trickery was Mercury. It is so called because it tricks the eye. §7. Soothsaying is said to have been passed on from a certain Etruscan, Tages. He elaborated soothsaying after he died or disappeared. Fable has it that while a certain peasant was plowing he appeared from the furrow and explained soothsaying on the day that he had died. The Romans translated his books from Etruscan into their own language.

§8. Human curiosity is deceived by portents expressing the lies of demons, when people impudently seek to know things which they have no reason to investigate. Unclean spirits give this power so as to garner the perverse, that is evil people, for themselves, and they seduce them so that they spurn the truth and believe in lies. In the opinion of Paul [2 Tim 4:3-4], they do not uphold sound teaching, but follow their own desires, seeking masters who will tickle their ears and turn them away from the truth, turning aside to fables. They are led weighted down with sins and conflicting desires, running this way and that, but never finding the truth. In such a way Jannes and Jambres resisted Moses [2 Tim 3:8, cf. Ex 7], so that they resisted the truth, men corrupt in mind, reprobate as to the faith. But they did not prosper long, there foolishness was exposed before all, as they themselves were.

§9. None should believe that those who practice the art of magic can do so without permission of God (who causes all things that are to happen by his just judgment or permission). It is read that the aforesaid magicians did what Moses did when he cast down his rod and it became a serpent and they then cast down their rods and these become serpents. But Aaron's rod devoured their rods. The magicians were not the creators of the serpents, nor were the evil angels, by whom their ministers worked.

There are occult seminal properties in all the elements of corporeal things, which at particular times and causes come forth in their own species for their own means and ends. Thus angels are not called creators of what they do, nor are farmers the creators of their livestock not of their crops nor should they be called creators of anything growing from the earth, even thought they know the how to use certain visible times and causes so that they come to birth. What they do visibly, God alone, the one creator, instilled in things their cases and seminal forms.

§10. Furthermore, as Scripture tells how the Pythoness raised up the prophet Samuel to speak with the impious king Saul, it should be investigated whether the Pythonic art should be considered the within false art of magic. It may be said in reply that this sin was not in every way wicked, if the sense of the biblical history is considered. How could it have happened that the magical art controlled a man holy from his birth and just in his works? And if it did not control him, why did he cooperate? That either of these is correct is contrary to belief. For justice allows no diminution. If he had cooperated voluntarily he lost his spiritual merit that he gained while in the flesh. This is wholly absurd, for he who died just remains just.

Rather this was a trick of Satan, by which, so that many fall into error, it was contrived that
good people fall into his power. This the apostle shows among other things, when he says [2 Cor 11:14], "Satan changes himself into an angel of light." To create an error in which he might glory he slips in under the form and name of just man, that the hope which the worshipers of God preached avail for nothing, he lies that the just who have passed on are in his power. This also deceives some, that he did not lie about the death of Saul and his son. As though it were a great thing for the devil to foresee the death of the body, for certain signs are accustomed to appear to those who are to die, indeed it seems that God's protection is taken away from them; how much more then might the devil do this, whom the biblical prophecies declare is of the highest order of angels, and of whose power the apostle said [Rev 2:24], "Are you ignorant of the deep things of Satan?"

What marvel then, if he was able to see the impending death, since he was this, and he fell and wished to have himself worshiped as containing the power of God? For Saul was mentally disturbed to such an extent that he consulted the Pythoness. He was depraved on account of the sin which he performed and had condemned. But if anyone because of the biblical history thinks that those things which the words describe are not to be avoided, lest the sense of the history be voided, he does rightly, but less so if he thinks this was a real vision, rather than something that was imagined in Saul's mind. Nor can a reprobate man have a good understanding. The biblical history describes the mind of Saul and the appearance of Samuel, it passes over the question of whether the things that were said or appeared were true or false.

It said [1 Sam 28:14], "Hearing in what kind of garb was the one raised up, he understood," it says, "that it was Saul." It says what he understood, not whether he understood correctly. Then, against the text of another Scripture, he adored him as a god, thinking the devil to be Samuel, he worshiped him, thus Satan had the fruit of his deception. Here it appears that he worshiped him as God. If Samuel had really appeared to him, that just man would not have allowed himself to be worshiped, for he had preached that only God was to be worshiped. And how could a man of God, who was at rest with Abraham, say to a man of misfortune to worship one worthy of Gehenna, "Tomorrow you will be with me"?

In these two passages Satan exposes his lying subtlety, that he allows himself, under the name and appearance of Samuel, to be worshiped contrary to the Law, and, given the great distance between sinners and the just, he lied that the man overcome by sin would be with the most just Samuel. The truth could be said, the truth could be seen, if it were silent concerning Samuel's name, that Saul was going to be with the Devil; for he would pass over to him whom he had adored. So the devil always presents himself hidden under a veil, when he acts, so that he can possess the persons whom he had to fall.

§11. If anyone then objects and asks how can it then happen that diviners can foretell the future? Or how can that which is diseased produce something whole, or that which is healthy produce illness, if they did not have some strength or power of their own? That receives this answer from us, that it is unworthy of belief that sometimes what they predict happens, or that the sick seem to be healed, or the healthy harmed, because this happens by the permission of God, so that those who hear or seen such things be tested and the quality of their faith and devotion towards God appear.

Thus in Deuteronomy [13:1-4] it is read that Moses taught the people from the word of God, saying, "If a prophet arises in your midst, or someone says he has had a dream, and predicts signs and portents which come true, and then says, Come let us follow other gods which you do not know, do not listen to the words of the prophet or dreamer, because the Lord your God is testing you, to make plain whether you love him or not. Follow the Lord your God with you whole heart and your whole soul, and fear him. Keep his commandments, and hear his voice. Him shall you serve, to him will you cling, etc."

There he wishes it perfectly understood, that those things which are said by diviners contrary to God, even if what they predict comes true, are not to be accepted, lest you do what they command or worship what they say is to be worshiped. God does not show these things that happen to be outside his power; rather it should be asked why he permits them, and shows them to be a means of testing to discern what kind of love they have for their God, and to distinguish these things from him who knows all things before they happen.
QUESTION SIX

Gratian: That one excommunicated by the bishop may not be reconciled by another without consulting the bishop, except perhaps by the metropolitan or the Supreme Pontiff, is clear from reason and authority. For priests receive the power of excommunicating and reconciling from the bishops, not the bishops from priests, and so one priests may reconcile those excommunicated by them, but priests cannot reconcile those excommunicated by bishops. Reconciliation of penitents is an episcopal function, not a priestly one.

Hence, at the Second Council of Carthage (390), c. 3, Bishop Fortunatus said:

C. 1.

Reconciliation of penitents, confirmation, and consecration of virgins is not to be done by priests.

If Your Holiness so wishes, I reply. You remember that in a former council it was decreed that chrism, the reconciliation of penitents, as well as the consecration of virgins is not to be done by priests. If anyone should be discovered to have done this, what ought we to decree regarding him? Bishop Aurelius said, You worthiness has heard the suggestion of our brother and fellow-bishop Fortunatus; what answer will you give? And all the bishops replied, Neither the making of chrism nor the consecration of virgins is to be done by priests, nor is it permitted to a priest to reconcile anyone in the public ceremony. This pleases all.

Also, at the Third Council of Carthage (397), c. 36:

C. 2.

A priest may consecrate virgins with the bishop's permission.

A priest is not to consecrate virgins without consultation of the bishop, nor may he ever consecrate chrism.

Also, from the Council of Agde (506), cc. 43-44:

C. 3.

Deacons are not to minister to nor priests to bless a penitent in church.

A deacon is not to minister at nor a priest to perform the consecration of an altar.

§1. A priest shall be wholly forbidden both to pronounce the blessing over the people in church and to bless a penitent in church.

Gratian: See then that one excommunicated by a bishop cannot be reconciled by a priest. But note that there are two kinds of reconciliation, one public, the other private. Public reconciliation is when penitents are presented publicly before the entrance of the church and reconciled publicly by the imposition of hands by the bishop of that church. This seems prohibited to priests. Hence, at the end of the last capitulum, it is not prohibited to reconcile penitents absolutely, but only in the public ceremony. There is also private reconciliation, when penitents come to the grace of reconciliation for hidden sins or on their deathbed. This reconciliation can be performed by priests.

So Pope Evaristus [i.e. Hérard of Tours, c. 59] said:
At the order of the bishop, let priests reconcile penitents for hidden sins.

Let priests reconcile penitents for hidden sins at the bishop's order, and, as we have permitted above, let them absolve and give communion to the sick.

*Also, from the Second Council of Carthage (390), c. 4:*

C. 5.

If the bishop is absent, let one in danger of death be reconciled by a priest.

Bishop Aurelius said, If anyone is in danger of death during the absence of the bishop and needs to be reconciled for Holy Communion, the priest should consult the bishop, and so reconcile the sick person at his bidding. This we confirm after suitable consultation. All the bishops said, We agree with everything that Your Holiness has taught to be necessary.

*Also, from a council of Pope Martin [i.e. Martin of Braga, Capitula, c. 82, cf. First Council of Nicaea, c. 12]:*

C. 6.

Let a sick person complete the temporal penance, who has been reconciled in fear of death without being given Communion.

If anyone in their last extremities asks for final Communion and viaticum, let it not be denied him. If he becomes despondent after receiving communion it may be done again, but he is only to participate in the prayers; he is not to be given Communion again until he has completed the temporal penance. So, anyone who is at the brink of death and desires to receive the Sacrament should be allowed to, after consulting and getting approval from the bishop.

*Also, from the Council of Auray (441) [cc. 3, 4, 12, 13]:*

C. 7.

Let those facing bodily death be reconciled without the imposition of hands.

It pleases that those facing bodily death, who have accepted penance, receive communion without reconciliation by the imposition of hands. This reconciliation of the dying is sufficient according to the decisions of the Fathers, and they have fittingly called this kind of Communion viaticum. If they recover, however, let them be placed in the order of penitents. Then, when the necessary fruits of penance are evident, let them be received to lawful Communion after reconciliation by the imposition of hands.

§1. Penance is not to be denied to clerics asking it. §2. In the same way, the mute (as has been decreed) can be baptized or receive penance, if they had made request for it verbally in the past or do so now by gesture. §3. To those desiring them, all rites of piety are to be conferred.

*Also, from the Fourth Council of Carthage [cc. 20-21]:*

C. 8.

If one about to die has lost his voice or become unconscious, he is to be reconciled if others testify to his desire.

He who asks for penance when sick, if it is the case that when the invited priest comes to him and he, weighed down by illness, is unable to speak or has become unconscious, let those who have
heard him testify to it and let him accept penance, and, if it is believed that he is just about to die, let him be reconciled by the imposition of hands and let him receive the Eucharist by mouth. If he survives, let him be admonished by the aforesaid witnesses that he is to make satisfaction and that he is subject to the ordinances instituted concerning penance, in as much as the priest who gave him the penance will show.

§1. Penitents how have received the Eucharist as viaticum when sick, should not assume themselves to have been absolved without the imposition of hands, if they survive.

Also, From the Council of Nicaea (325), [i.e. c. 12 in the Hispana Version]:

C. 9.

Let the dying be reconciled through with the involvement and approval of the bishop.

In the case of those who are facing bodily death let the rule of the ancient ordinance be observed now so that anyone who is perchance facing bodily death not be denied viaticum at the passing of their life. If anyone who was despaired of survives after receiving Communion, let him be among those who have communion in the prayers only. In the case of all who are facing bodily death, let it be with the involvement and approval of the bishop that they be given Communion.

Also, Bishop Leo [Letter 108.4]:

C. 10.

Reconciliation is not to be denied to those who request it in time of need.

Let those, who in time of necessity and when imminent danger is pressing, ask the protection of penance and reconciliation, not be forbidden from making satisfaction and reconciliation, because we cannot put a measure on God's mercy nor limit the times, for conversion suffers no delay, as God says speaking through the prophet [cf. Ezek. 30:15], "When you convert in sorrow, you will be saved."

§1. If any are afflicted with an illness such that after asking a little while earlier, they are now not able to signify it, they ought to provide testimony as to this from the faithful gathered around. Then both penance and reconciliation are to follow, observing the rules of the canons of the Fathers which deal with such persons who have sinned by transgressing the Lord's faith.

Also, from the Council of Pamiers [i.e. the Roman Penitential]:

C. 11.

The offering of one hastening to reconciliation but unable to find a priest is not to be rejected.

If anyone has died, who has already confessed and presented good testimony, but was unable to come to a priest, but was overcome by death either at home or on the road, let his relatives make his offering at the altar and make redemption for captives.

Gratian: So you see that, by the order of the bishop, penitents may be absolved by a priest of their hidden sins or when in danger of death.

§1. But if the sinner is compelled by danger of death and the bishop is absent so that the priest cannot consult with him, is penance to be denied to the dying? And is the benefit of reconciliation not to be granted to the penitent whom converted God himself receives with forgiveness, according to the verse [Ezek. 8:27], "On whatever day the sinner converts, etc.," and [Mal. 3:8], "Turn to me with your whole heart, and I will turn to you." Can the Church fail to reconcile him?

Is the Church to scorn in the extern forum the one in whom God has inspired internally? Will the absence of a bishop damn the one illuminated by the presence of divine grace through the washing of regeneration? Assistance will be given to the dying by the laity if the priests are absent.
How then is he not to be supported by the benefit of reconciliation by the priest, if it happens that the bishop is absent?

If, following Augustine, when one dying confesses to a companion the magnitude of his crime is so made worthy of reconciliation by desire, can it be denied that the guilt of the crime falls to such a priest or bishop? Priests should not deny penance to the dying.

Hence Pope Julius [rather the Roman Penitential summary of Pope Celestine, Letter 2--i.e. c. 13 below] says:

C. 12.

The priest who denies penance to the dying is guilty of their souls.

If a priest denies penance to the dying, then he is guilty of their souls, for the Lord said [Ezek. 8:27], "On whatever day the sinner converts and does penance he shall save his life and not die." Indeed there can be true confession at the moment of death, for the Lord examines not the time but the heart. For [Lk 26] just one moment of repentance and confession at his last hour merited that the thief be received in paradise.

Also, Pope Celestine [Letter 2 (428), to the bishops of Narbonne and Vienne]:

C. 13.

Penance is not to be denied to the dying.

We understand that penance is being denied to the dying and that no attention is paid to the wishes of those who desire to be supported by this remedy to their souls at the time of their death. We are horrified, I say, lest by the occurrence of something of such wickedness that the dying might despair of the mercy of God, as though he would not want to succor those turning to him at such a time, redeem any man laboring under the weight of sin, and assist and free anyone who wills it. Is this, I ask, anything more than to add another death to the dying and cruelly kill the soul because it cannot be absolved? For the Lord, who is always ready to aid, invites to penance, and promises to the sinner [Ezek. 33:15], "In whatever hour, etc."); and again [Ezek. 18:23], "I do not wish the death of the sinner, but that he turn to me and live." Therefore anyone impedes a man's salvation when, at the time of death, he denies him penance, and that one despairs of the mercy of God, whom he does not believe will suffice to aid the one dying or is unable to in that moment. The thief handing at Christ's right hand on the cross would have been lost, if he had not accepted his repentance at that hour. When he was under punishment he repented, and for that profession of a single phrase, he offered him by his own promise, a place in paradise. Therefore, true conversion in intention of those in extremis is to be more valued than temporal penance, the prophet [Ezek. 18:33] thus asserting this, "When you convert in sorrow, then you will be saved." Since then the Lord then looks into the heart, at such a time penance is not to be denied to the one asking, for he binds himself over to the judge, who knows that all things hidden will be revealed.

Gratian: So penance is not to be denied to him, nor is he to be deprived of reconciliation. Therefore, without the bishop's consultation a priest should not reconcile except when danger of death demands it.

Also, from the Third Council of Carthage (397), [c. 32]:

C. 14.

A priest is not to reconcile a penitent without the bishop's permission, unless ultimate need demands it.

Let a priest not reconcile a penitent without consulting the bishop, unless the bishop is absent and necessity demands it. It is for someone's public and well-know crime, which has disturbed the whole society, that hands are imposed on him in the apse of the church.
Gratian: Now concerning temporal satisfaction as to whether it is to be imposed on the dying, Bishop Theodore of Canterbury, in his Penitential [i.e. in another penitential], determines thus:

C. 1.

For the dying the length of the penance is to be noted but not imposed.

From those in danger of death a pure confession of sins is to be sought but a temporal penance is not to be imposed on them, but only taken note of, and that weight of that penance is to be supported by prayers and almsgiving. If perchance they should die let them not be obligated nor separated from the communion and association of forgiveness. If by divine aid they are delivered from danger and recover, let them carefully fulfil the mode of penance imposed on them by the priest, and do so according to the authority of the canons, lest the doors of piety appear closed to them, and let them be refreshed by the intercessions and consolations of the church, in addition to the anointing with holy oil, according to the statutes of the holy fathers. And let them be fortified by viaticum.

Gratian: But according to others the duration of the penance is to be decided as to the gravity of the sin and the will of the one imposing.

Hence, Pope Leo [Letter 159.6 (485)]:

C. 2.

Let the time of full penance be set by the judgment of those presiding.

The time of full penance are to be set, using moderation, by your judgment, in as much as you examine the pious intentions of those converted, as well as whether they are entering on old age, or as you see them born down by any danger or infirmity. In these matters, should there be gave urgency in any case, such that when he is doing penance his health is despaired of, it is suitable that he be supported through the priest's solicitude with the grace of Communion.

Also, Pope Nicholas [Letter to Rudolf (864), c. 4]:

C. 3.

The priest is to consider, in the imposing of penance as satisfaction, both the nature of the crime and the contrition of the penitent.

Now in those matters which concern the doing of penance for crimes and returning to take up the balderick of the soldier of Christ, it is fitting that they act in accord with the sacred norms. So, because not all crimes are equal, you will judge which of these people fell because of desperation in grave illness and which have fled to the pagans. We commit the discernment to you, especially as you, who are present, are able to examine the places and times of the locality, the nature of the fault, as well as the repentance and sorrow of the people and the confessions of those coming to you.

Also, from the Council of Laon (IV cent.) [c. 4]:

C. 4.

Concerning the same.

On those, who have incurred various types of sins and show their true conversion by prayer,
confession of their sins, and penance, a temporal penance is to be imposed according to the gravity of the sin, following the mercy and goodness of God. Those who have been brought back in this manner are to be admitted to Communion.

*Also, from the Third Council of Carthage (397), c. 31:*

C. 5.

The time of penance is to be arranged according to the nature of the sin by the bishop's judgment.

Temporal penances are to be imposed on penitents according to the difference of sins according to the bishop's judgment.

*Also, from the Fourth Council of Carthage [cc. 18, 19, 65, 67, 66, 77, 22]:*

C. 6.

Penance is to be given to those asking it without respect of persons.

The priest is charged to give a penance according to the norms to the one asking penance, without respect of persons. But more negligent penitents are to be reconciled with delay. Hands are to be imposed on penitents by priests during the whole period of fast. On days of remission, penitents are to kneel, showing themselves to be dead and buried into the Church. But they are not to fast on Sunday. Since anyone who fasts rigorously on Sunday it not believed to be a Catholic. Penitents, who attentively follow the norms of penance, if by chance they die while traveling or at sea where they cannot receive support, are to be commended to memory for prayers and offerings.

*Also, from the Eighth Synod [i.e. adapted from Basil the Great, Shorter Rules, c. 106]:*

C. 7.

The length of penance should follow the nature of the transgression.

Let the time of penance depend on the nature of the transgression.

*From the same [i.e. adapted from Basil the Great, Shorter Rules c. 90]:*

C. 8.

Let the length and mode of penance be imposed on repentant sinners according to the judgment of the one presiding.

It falls to the judgment of those who preside, for how long and in what manner those delinquent ought to do penance, since age gives great understanding as to what differences are to be had in a punishment.

**Gratian:** *That we ought to receive the repentant and reject the impenitent is shown from the same synod [i.e. adapted from Basil the Great, Shorter Rules c. 24], which says:*

C. 9.

We ought to receive a penitent according to the interior disposition of their Love.

It is suitable the penance of the heart be considered, as the Lord showed when he said after calling together his friends and neighbors [Lk 15: 6], "Rejoice with me for I have found my sheep which was lost."
From the same [i.e. adapted from Basil the Great, Shorter Rules c. 5]:

C. 10.

Let penitents love the law of God and hate iniquity.

Let the one doing penance nurture in himself the same disposition which was born by the one who said [cf. Ps 119 (118): 53], "I hate iniquity and abominate it," in accord with what is written in the Sixth Psalm and in many others. Or those things which the Apostle said to those who were saddened as to God [2 Cor 7: 11], "See what earnestness this godly grief has produced in you, what eagerness to clear yourselves, what indignation, what longing, what zeal, what punishment. At every point you have proved yourself guiltless in the matter." But as to those very things where they had been delinquent they did much the opposite, just as Zachaeus did.

From the same [i.e. adapted from Basil the Great, Shorter Rules c. 9, cf. c. 24]:

C. 11.

Let the impenitent be considered as pagans.

Toward one who does not correct his own sins, we ought to act as the Lord commanded when he said [Mt 18:17], "Let him be to you as a heathen and a publican," and as the Apostle teaches [2 Thess. 3: 6], "Withdraw yourself from any brother walking disordinately and not according to the tradition which I handed on to you."

Also, John Chrysostom [i.e. Opus Imperfectum in Matthew 43.23]:

C. 12.

It is better to err by forgiving out of mercy than to punish out of severity.

"They bind up heavy and unsupportable burdens, etc." [Mt 23: 4] Such are those priests today who demand the fullness of justice from people while moderating it for themselves, that is to say, they appear to be just not from what they do but from what they say. Such are those who impose great weights on those coming to penance, for they command this but do not do it, for when they flee the punishment of present penance, they hold in content the future penance for sins. They are like those who place a bundle on the shoulders of youths who cannot carry it, causing them to cast off the burden or be crushed under its weight. This is like the man on whom you impose a heavy burden of penance, who either throws it off or after on what he cannot carry is scandalized and falls back into sin. So let us err by imposing light penances, for is it not better to bend our reason to mercy than to cruelty? Where the father of the family is generous, should not the one who administers for him be so too? If God is generous, would he want his priest to seem stingy?

Also, Pope Martin [i.e. Martin of Braga, Capitula, c. 74, cf. Council of Laon, c. 39]:

C. 13.

It is not licit to perform the rites of the Kalends.

The wicked rites of the Kalends are not permitted: spending time in idleness, and decorating houses with greenery from trees. All such rites belong to the pagans.

Also, Pope Zacharias [i.e. Council of Rome (743), c. 13]:
CASE TWENTY-SEVEN

C. 14.

Let him be anathema who observes the Kalends by pagan rites.

If anyone observes the Kalends of January with pagan rites or prepares anything else because of the new year or month using lamps or banquets in their houses, or presumes to lead singers and choirs through the streets and squares, let him be anathema.

Also, Augustine [i.e. Council of Tours (814), c. 32]:

C. 15.

Let no one seek to heal peoples illnesses by incantations.

Let priests instruct the faithful people so that they understand that magical arts and incantations do nothing to heal human illness, nor do they help sick, lame, or dying animals. Rather these are the snare of the ancient enemy by which the deceiver strove to trick the human race. And, if anyone should do anything of this sort, let him be degraded if a cleric or anathematized if a layman.

Also, Augustine [i.e. Martin of Braga, Capitula, c. 71, 73, 75]:

C. 16.

The "Egyptian Days" and the Kalends of January are not to be observed.

Let the so-called "Egyptian Days" and the Kalends of January not be observed, which some do by songs, drinking, and exchange of gifts, as if these were to augur well for the new year. Nor on other months, times, days, years, lunar months, or solar periods, may they consult divinations, fates, or auguries. Nor are they to attend or consent to such useless and purposeless observances, which tend to their damnation rather than salvation. Nor let them inquire as to the life or death of the sick, or coming prosperity or adversity through numbers of letters, of the moon, of through Pythagorean necromancy. Nor let them believe in the dream books falsely ascribed to Daniel, the so-called Lots of the Holy Apostles, bird-divination, nor anything else done at home: whether as to sexual intercourse, incantations while collecting herbs, or pictographic symbols used for the sick whether human or animal, other than the Creed and the Lord's Prayer. Nor are they to believe in magic frauds to bring hail or storms. If anyone believes in such things, goes to houses where they are practiced, or brings them home to consult them, let it be known that they have betrayed their Christian Faith and Baptism, become pagans and apostates, that become backsliders and enemies of God, and incurred the full weight of divine wrath for eternity, unless they become reconciled to the Church by doing penance. For the Apostle says [1 Cor. 10: 31], "Whether you eat or drink, or whatever you do, do it in the name of our Lord Jesus Christ, in whom we live, move, and have our being."

On the following of temporal penances, Augustine also writes in his Enchiridion [c. 79]:

C. 17.

It is a grave sin to observe days, months, and years.

Who does not understand how great a sin it is to observe days, months, years, and times (as those observe, who on certain days, months, or years want to begin something or refuse to do so, thinking that they are lucky or unlucky in accord with vain human teachings). We consider this nothing more than the enormity of which the Apostle spoke with fear [Gal. 4: 11], "I fear for you, lest perchance I have labored in vain among you." Also, on the Epistle to the Galatians [4: 11]: Let the reader understand how dangerous to the soul are the superstitious observance of times, as the Apostle said [Gal. 4: 11], " I fear for you, lest perchance I have labored in vain among you."
Nonetheless, even when such a well-known and authoritative letter is read throughout the whole world in all the churches, can our gatherings be filled with people who get times for doing things from astrologers. Indeed, they often do not hesitate to warn us not to begin building or other kinds of projects on what they call the "Egyptian Days."

*Also, Jerome [i.e. The Penitential of Theodore 24.233]:*

C. 18.

It is permitted to use herbs and minerals without sorcery.

Resisting the Demon, it is permitted to use minerals and herbs without sorcery.
A TRIAL FOR WITCHCRAFT AT TODI
IN THE 1400’S

The Process against
Matteuccia Francisci
of the Village of Ripabianca,
Charged with Witchcraft

Todi, March 20, 1428.

I. In the Name of God. Amen. This is the corporal condemnation and sentence of corporal
condemnation, issued, given, put in writing, pronounced, and promulgated as a sentence, by the
magnificent and puissant gentleman, Lorenzo de’ Surdi of this City, honorable Captain and Protector
of the Peace of the city of Todi and its outer territory and district, on behalf of the Holy Roman
Church and Our Most Holy Father and Lord in Christ by Divine Providence, the Lord Pope Martin
V, under the direction of that eminent gentleman and expert in law, Lord Tommaso de Castiglion of
Arezzo, Judge for Witchcraft of the aforementioned Lord Captain, with the consent, pleasure, and
consultation of that gracious Doctor of Laws, Lord Pietro de’ Ricchardini of this City, Associate of
the said Lord Captain.

This has been written, corrected, translated, and published by me, Novello Scudieri of
Bessano, Public Notary and now, among other offices, Notary and Secretary for Witchcraft by the
deputation of the same Lord Captain, in the Year of Our Lord 1428, during the Sixth Indiction, in the
reign of Our Holy Father and Lord in Christ by Divine Providence, the Lord Pope Martin V, on the
day and month indicated below.

II. We the aforesaid Captain Lorenzo, sitting in Tribunal at our accustomed Court for the
Judgment of Witchcraft at the site and location from which like corporal condemnations and
sentences of corporal condemnation are accustomed to be given,

pass and, by these instruments, pronounce, in the manner given, the sentence of the below-
indicated corporal condemnation on the below-indicated Matteuccia Francisci, for the below-
indicated faults, transgressions, and crimes of witchcraft, done, committed, and perpetrated by her,
to wit:

III. We are formally proceeding, by the means and by way of investigation, against Matteuccia
Francisci of the village of Ripabianca in the territory of Todi, a citizen, and considered and reputed
as a citizen in conformity with the statutes of the Commune of Todi, a woman of evil life and
reputation, a known sorceress, charmer, spell-caster and witch,

on the charge, concerning the charge, and in respect to the charge, which has not once but
many times been brought to the ears and attention of the aforementioned Lord Captain and his Court,
that, as a fact of common knowledge, as is evident from earlier resonating reports coming not from
hostile or suspect sources but rather from truthful individuals and persons worthy of belief,

the said Matteuccia, having not God but the Enemy of the Human Race before her eyes, in
1426, 1427, 1428, and earlier from the age when she had discretion, many times and in countless

8 This text, the oldest example of a trial for witchcraft in Italy, has been translated from Candida
Peruzzi, "Un processo di stregoneria a Todi nel '400," Stuì Storici, 21 (1955), 7-17. The original
(Todi, Archivio Communale MS (18), 20 bis, fol. 21v-23v) is in Latin, with quotations in Umbrian
Italian. In this translation, the Italian passages are indicated by italics and the original (with my
conjectural readings indicated in brackets) is included in the notes.

9 This would be 1427 in modern use; the medieval Italian year started on March 25.
places, enchanted those suffering in the body, the head or other members, either personally or by means of tokens (such as belts, hair, and like tokens) that had been brought to her on behalf of many different people of various places, because of the above-indicated and other illnesses, so that she might measure the said belts with pleats and say her incantations.

IV. And that, not satisfied with the above but so as to add evil upon evil, incited by the Diabolical Spirit, in 1426 and the period immediately following, she enchanted more than twenty . . . [persons from various?] . . . places possessed by spirits or having specters, who had come personally before her, while to those absent . . . [she sent?] . . . belts or other tokens, by reciting the following words: Every little-striker, every little-springer, every little-specter; there, let him remove it, let the earth take it, and let it harm no Christian. She said these words three times to the one afflicted, or she measured a belt three times with pleats, which, when measured, if it was large, she folded along the three pleats. And when the above-indicated words had been said, she spit three times on the ground while holding a lighted candle in her hands.

V. And that, not satisfied with the above, incited by the Diabolical Spirit and piling evil upon evil, in the year 1426 and immediately following up to the present day, she enchanted a very great number who were suffering pains in their members, by reciting these words: In the name of the Father, and of the Son, and of the Holy Spirit, and of Our Lady Mary with all the saints, and of Saint Peter who sets every evil aright, and of the blessed saint who was physician of the Christ who, physician and not unwise, did not abolish curing by means of the Holy Scripture, the moon, the sun, and our Lord God; may you flee accursed and not nourish yourself on blessed flesh; go off to the bottom of the sea because this soul can suffer no longer; and do not persist, do not cause defilement, do not vaunt yourself, do not cause pain, do not bring on me weakness any longer. These above-indicated words she said three times.

VI. And that, not satisfied with the above but so as to add evil upon evil, in the above-indicated 1426 and after, she enchanted many suffering body pains, by reciting these words: Worm, wormy creature that takes heart and soul, that takes the lungs, that takes the liver, that takes me in the nose, that takes me in the head, that takes me in the feet, that takes every good; Saint Susanna, to the outside send it out; Saint Julitta, to the outside cast it out; Saint Bruna, return to the arse, to the outside cast it out, from one to another, until none remains. Amen.

Saying these words thrice she threw three grains of salt in the fire.

VII. And that, not satisfied with the above but so as to add evil upon evil, incited by the Diabolical Spirit,

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10 "omne male percussiccio, omne male strausalcaticcio, omne male fantasmaticcio[,] deccho [Tuscan for ecco?] el toglia et la terra la recoglia et non noccia ad cristiano"

11 "Nel nome sia del padre del figlio et de lo Spiritu sancto et de Madonna maria con omne sancto et de sancto Pietro che omne male torni adreto [a retto?] et de sancto benedicto che fu medico de Christo che medico et non rencapesto [re-in-capito?] non tolse medicatura per la Sancta Scriptura, per la luna et per lo sole, per dio nostro Signore, che tu mucci maladicta et non ti folcere in carne benedicta, uanne [va ne?] in fendo de mare che questa anima non po' più sufferire[,] et ne durare[,] ne mondesthi [mondezz?]!, ne [nella?]! cima non ce [te?] mecti [metti?], ne dogla[,] ne piume [più me?]! ne più vito non cogla" With much thanks to Professor Regina Psaki on this passage.

12 "Lumbricia, lumbricaia che tieni core et anima, che tieni polmoncelli, che tieni facatelli, che tieni mena [me in?] naso, che tieni mena capo, che tieni mena piedi, che tieni omne beni, Sancta Susanna defore [di fuore?] linne [li ne?] manda, Sancta Jolecta defore linne gecta [getta?], Sancta bruna torna al culo defore linne gecta ad uno ad uno finché ce ne sta niuno. Amen."
she told a great number of those possessed by specters or spirits who had come to her for remedies, to get a pagan bone, that is one from the tomb of an unbaptized, and bring it to a crossroads and then, placing it there and saying the Our Father nine times with nine Hail Marys, she said these words: *Pagan bone, remove it from this one, and you take it.*\(^{13}\) Having done this and leaving, she let nine days pass before she returned to that road; and if she returned within nine days, the specter would return to her.

And she did this for a man from [San?] Martino in the territory of Perugia, who was nearly a simpleton, because he had become possessed from sleeping on a certain tomb. This happened in 1426 or there about.

VIII. And that, not satisfied with the above but so as to add evil upon evil, before the arrival of Fra Bernardino\(^ {14}\), she introduced many different people from different places to charms and spells.

IX. And that, not satisfied with the above but so as to add evil upon evil, incited by the Diabolical Spirit, she gave instruction to a very great number of those coming to her infatuated with women. And showing them a remedy, she gave them a certain bundled herb, enchanted by her incantations, which they were to give to their beloved to eat, and they were to take the wash water from their own hands and face and give it to them to drink, so that they might have their will with them and direct their love toward themselves.

She has done this many times at the changing of the four seasons, from then until the present day.

X. And that, not satisfied with the above but so as to add evil upon evil, before the arrival of Fra Bernardino at the city of Todi and in 1426 and 1427, on a great number of occasions, for different people from different places, she made charms from hair wound with pieces of parchment, placing them under hearths and beds, so that women might be loved by men and vice versa, reciting these words: *I do not see you; but that one be seen, that one which is the hidden heart of the body; stay enclosed, as stayed Christ in the tomb; stay fixed, as stayed Christ crucified; return to my homeland, as Christ returned to his mother.*\(^ {15}\) These words were to allow men get their way with women and vice versa.

XI. And that, not satisfied with the above and not having God before her eyes, incited by the Diabolical Spirit, in 1426, when a certain man had drowned in the Tiber, she arranged with a certain day laborer of the Branchi, who was called Cortona from the city of Cortona, that this Cortona would go to the said man drowned in the Tiber and get some flesh with fat from the said drowned man and bring it to her, so that she might make a fluid from the same cooked flesh. Cortona did this and he brought it to her and they made some fluid or oil from the said flesh, which oil was used for people's aches and injuries.

XII. And that, not satisfied with the above but so as to add evil upon evil, in 1426, when the woman of a certain priest in Castelpodio of the city of Orvieto came to the said Matteuccia, saying that her said priest did not love her and would not have sex with her and that just

\(^{13}\) *"osso pagano ad questo el tolli et tu larecoglij [la raccogli?]"

\(^{14}\) This is doubtless, St. Bernardino of Siena, whose preaching in Central Italy during 1426-28 was often directed at witches.

\(^{15}\) *"Io non uego [vedo?] ma ueduto ta [tale?] chi el core del corpo furato ta: sta folto, come stette [stette?] Christo nel sepolcro sta fisso come stette Christo crucifisso torna a la patria mia come tornò Christo a la madre sua"*
that day he had been beating her, and asking the same Matteuccia to provide her with some remedy to make him love her again,

the same Matteuccia told her to make a certain image of wax and bring it to her; and the said woman, having done as told, brought the said image to the said Matteuccia. Having taken the image from her, the said Matteuccia and the said woman set it beside the fire, and the same image was slowly consumed. The same Matteuccia told the said woman to recite the following words: *As this wax melts, so may my love’s heart melt until he does my will.*

When this had been done and some time had passed, the said woman returned to the said Matteuccia and said that she had obtained whatever . . . she wanted from her said priest, and that he had fallen back in love with her.

XIII. And that, not satisfied with the above but so as to add evil upon evil, in 1420,

when a certain husband and wife from the village of Collemedio in the territory of Todi arrived in the village of Ripabianca, and the said wife came to the said Matteuccia to talk about her husband, saying that he treated her badly, and asking the same Matteuccia to give her some remedy that would force her husband to make restitution for the numerous and great indignities he visited on her daily,

the same Matteuccia gave the aforesaid woman an egg and the herb that is called Horse-Tail, and she told her to cook them together and give them to her said husband to eat, so that he would become deranged for several days. And the said woman did this and the said man was deranged to the point of insanity for three days.

XIV. And that, not satisfied with the above but so as to add evil upon evil, incited by the Diabolical Spirit, in 1427,

when a certain woman by the name of Catarina from the territory of Orvieto came to the said Matteuccia, saying that she had a husband who loved her little and beat her daily and asking the same Matteuccia to give her a remedy,

Matteuccia told her to make a certain image of wax and bring it to her, that is, the said image to the aforesaid Matteuccia. When she had the image, the said Matteuccia wound it with the belt of a virgin girl and told the same Catarina to put the said image under the bed of her said husband, reciting these words: *Stay by yourself, as Christ stayed by himself; stay fixed, as stayed Christ crucified; return to me, as Christ returned by himself; return to my will, as Christ returned to his homeland.*

She said that these words were to be recited three times and the said image was to be placed at the head of the bed of her said husband, and he would be subject completely to her love and will.

XV. And that, not satisfied with the above but so as to add evil upon evil, in 1422 during the month of March,

when there came to the same Matteuccia a certain young boy who loved as his beloved a certain young girl whom he had long wanted to have her as his wife, but was unable to have her because the relatives of his beloved refused to consent since they wanted to make her the wife of another, and he requested from the same Matteuccia a remedy so that such and such would happen to prevent the aforesaid bridegroom and bride from getting along well together and having sexual relations with each other,

this Matteuccia, having the Diabolical Spirit before her eyes, told the aforementioned young

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16 “como se distruge questa cera cossi se possa distrugere el core dell’amor mio perfino che farà la volontà mia”

17 Apparently, *Equisetum arvense*.

18 *Sta in te come stecte Christo in sè, sta fixo come stecte Christo crucifixo, torna ad me come tornò Christo in sè, torna a la volontà mia, come tornò Christo a la patria sua.”
boy to take a certain lighted blessed candle and bring it with him to a certain crossroads and, while the groom and bride were at their wedding, to extinguish that same candle and pray using these words as well as other even worse diabolical ones: "As this candle bends in this heat, so may bridegroom and bride never be united in their love."

When this was done, she said he should place the said bent candle in a safe place, and that, as long as it stayed bent, the husband and wife would remain unable to have sexual relations. She has worked this charm for many people and in different places and she has had it done by others.

XVI. And, on the charge, concerning the charge, and in respect to the charge that, not satisfied with the above but so as to add evil upon evil, in 1427 in the month of May, when a certain woman from the village of Pacciano in the territory of Perugia, who was infatuated with a certain man, came to the same Matteuccia and asked her to make a remedy what would make him love her so much that she could obtain whatever she wanted, the aforementioned Matteuccia told her to gather some reeds, burn them, and put their ashes in the drink and food of the one she loved, so that she might obtain whatever she wanted from him.

XVII. And that, not satisfied with the above but so as to add evil upon evil, in 1427 in the month of December, when a certain Giovanna from the village of San Martino in the territory of Perugia came to the said Matteuccia to discuss her husband, who she said was keeping a concubine, spoke to the said Matteuccia about why her said husband did not love the same Giovanna but treated her badly, and requested advice about regaining the love of her said husband, the said Matteuccia told her to get a certain reed, flavor it with suger, and give it to her said husband to eat, and then to wash her own feet and give wine mixed with that water to him to drink.

XVIII. And that, not satisfied with the above but so as to add evil upon evil, she told a certain woman from Mercatello, who had asked a remedy from her on account of her husband because he loved her very little and was always out talking to other women, to take and burn some of her own hair and, when it was reduced to ashes, put it into her husband's food and drink, so that by so doing she might make him love her. She did this in 1247 in the month of October.

XIX. And, on the charge, concerning the charge, and in respect to the charge that, not satisfied with the above but so as to add evil upon evil, the same Matteuccia gave instructions to a great and uncountable number of women who had been beaten by their husbands and asked remedies from her to make them love them and do their will; to wit, that they take the herb which is called Horse-Tail and, having ground it up, give it to their husbands to drink or eat, reciting these words: "I give you to drink, in the name of the specter and of the enchanted spirits, and may you be unable to sleep or rest until you do what I would command you."

She did this in many different places, in particular in the territory of Perugia, in 1427 during the months of June, July, August, September, and October.

XX. And, on the charge, concerning the charge, and in respect to the charge that, not satisfied with the above but so as to add evil upon evil, in 1427 during the month of December, when certain men from the village of Panicale in the territory of Perugia came to the same Matteuccia bringing a feather rapped in a certain piece of parchment, which they had found in a
certain bolster, and saying that these appeared to be charms, because they had a certain cousin in the
said village of Panicale, whom they believed to be enchanted since he was going about deranged, and
they had found the said rapped up feather in the bolster on which he slept,

the said Matteuccia taking the said feather into her hands and reciting an incantation,
destroyed the said charms and told them to take it back to the said village of Panicale and burn it
there.

XXI. And, on the charge, concerning the charge, and in respect to the charge that, not satisfied
with the above but so as to add evil upon evil,
in 1427 during the month of November,
when a certain woman, the wife of a certain man who was called Poverello of Castro Derute,
came to the said Matteuccia saying that she had a certain sick son-in-law who could not be freed
from his sickness, and that she believed he had been charmed by a certain other woman with whose
husband her daughter had slept several times,

the said Matteuccia told her to search under the edge of the hearth in her daughter's house to
find the charms there and burn them.

A few days after this had been done, the aforesaid woman came to the same Matteuccia, along
with the husband of her said daughter, and said they had found three black animals that looked like
mice, which were rapped in flax mixed with linen and hemp, and that they had burned them, just as
the said Matteuccia had said.

XXII. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above, but so as to add evil upon evil and incited by the Diabolical Spirit,
in 1427 during the month of December,
when a certain maid-servant came to the same Matteuccia and said to the aforementioned
Matteuccia that she was in love with a certain man, and that, if this were possible, she wanted to stir
up animosity to make the said man would leave his wife and love her,

the aforementioned Matteuccia, to grant her what she wanted, told the said woman to wash
her own hands and feet, with these inverted backwards and kneeling with her feet folded backwards,
and, when she had so washed, to take that water and throw it where the husband and wife passed, with
the idea, intention, and expectation that this would stir up animosity between the said husband and
wife.

That woman did this and reported to the same Matteuccia that the said water had stirred up
such animosity between the husband and wife that within the boundaries established by her they could
never be found together and that they hated each other mutually.

XXIII. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above but so as to add evil upon evil,
in 1427 during the Month of September,
the aforementioned Matteuccia took water in which thirty herbs had been steeped, and she
intimated to certain sick man, who was afflicted in his whole body in such a way that he could not
walk and who had been brought to her, that to cure himself he should throw it into the street in the
said village of Ripabianca so that anyone who passed over the said water would catch the same illness
and be afflicted by the same illness, and she intimated to him that the illness would leave that sick
man through this potion.

XXIV. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above, at a great number of times, on different occasions, she performed incantations in respect to
different persons from different places for the above-indicated purposes.
And at various times she made charms and spells in respect to a great number of men and
women from different places, intending maliciously to harm them and having before her eyes the
Enemy of the Human Race.

XXV. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above but so as to add evil upon evil, incited by the Diabolical Spirit and not having 
God before her eyes,
in 1427 during the month of May,
when a certain woman by the name of Catarina from the village of Pleve came to the said 
Matteuccia so that she give her a remedy to prevent her from becoming pregnant, because she was 
not married and had been sleeping many times with a certain priest of the said village and was planing 
to have sex daily but was afraid that, if this made her pregnant, she would be embarrassed and the fact 
would come to the attention of her family,
the aforementioned Matteuccia told her to take the hoof of a mule and burn it, reduce it to 
ashes, and drink the said ashes with wine, reciting these words: *I take you in the name of the sin and 
of the Great Demon, that it might never stick.*

XXVI. And, on the charge, concerning the charge, and in respect to the charge that, not 
satisfied with the above but so as to add evil upon evil, incited by the Diabolical Spirit,
on a great number of occasions, she went as a witch to abuse infants and suck the blood of 
nursing children at many different times and places.
And she also went several times with other witches to the Night-Doings at Benevento and to 
other Night-Doings, by anointing themselves with a certain ointment made from fat of a vulture, 
blood of a owl, blood of nursing children, and other ingredients, and by reciting: *Ointment, ointment, 
bring me to the Night-Doings at Benevento, over water, over wind, over all bad weather.*
And then, 
after they had assembled, they invoked Lucifer, by reciting these words: *Oh Lucibel, demon of hell, 
after you were released you changed your name and have the name of Great Lucifer, come to me or 
send me one of your servants.*

And a certain demon would immediately appear before her in the form of a goat, and she 
herself would turn into a mouse.
And, riding on the goat, she would go to the said Night-Doings, 
always over graves, like a shriek of lightening.
And there she would find a great number of other witches, enchanted people, hellish demons, 
and the Great Lucifer who presided over them. And he would order her and others to go around 
abusing infants and doing other evils. And then, Matteuccia, after this command was given to her, 
would go to the many different places that she visited under the instigation and instruction of the same 
devils, and there abuse year-old boys and girls, sucking blood through their mouth and nose, and 
taking the said blood to make the above-indicated ointment.

XXVII. And, on the charge, concerning the charge, and in respect to the charge that, not 
satisfied with the above but so as to add evil upon evil and having the Enemy of the Human Race 
before her eyes,
in 1422 during the month of September,
the said Matteuccia, bewitched as above, went to the village of Montefalco to the house of a 
certain woman who was called L'Andreuzzia, who lived on the outskirts of the said village. And there 
she sucked and abused that woman's only son, who was not a year old.
From this abuse and sucking the said one-year-old became sick and, being wasted, did not 
 thrive.

XXVIII. And, on the charge, concerning the charge, and in respect to the charge that, not 
satisfied with the above but so as to add evil upon evil,

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21 “io te piglo nel nome del peccato et del demonio maiure che non possa mai appicciare piu”
22 “unguento, unguento mandame a la noce de Benivento, supra acqua et supra ad vento et supra 
ad omne maltempo”
23 “o, lucibello, demonio dello inferno pochè [poiché?] sbandito fosti, el nome cagnasti [cambiasti?] et ay [hai?] nome Lucifero maiure, vieni ad me o manda uno tuo seruitore”
24 Ed. reads *musipula*, i.e. "mousetrap"!
in 1427 during the month of May,
the same Matteuccia, bewitched into the form of a mouse as above, along with a witch
companion of her's, went to the village of Canale in the territory of Todi, to the house of a certain
woman by the name of Andrellina, who had an only son not yet six months old. And they sucked and
abused that child as they were accustomed to do.

XXIX. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above but so as to add evil upon evil,
in the aforesaid year [1427] during the month of August,
she went to a certain manor which was near the village of Andria in the territory of Perugia,
to the house of a certain Angelino of the said manor, and, bewitched, sucked a certain son of his, who
was eight months old or there about.

XXX. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above but so as to add evil upon evil,
in the previous year [1428] during the month of August, bewitched, she sucked and abused
a certain daughter, aged about seven months, of a certain Andreuzzo and Catarina of the village of
Rottacastello in the territory of Orvieto.

XXXI. And, on the charge, concerning the charge, and in respect to the charge that, not
satisfied with the above,
in 1427 during the month of May on a Thursday,
she went bewitched to the manor of Rotella in the territory of Orvieto and there entered the
house of a certain Mecharello of the said place. In it, she found a certain daughter of the said
Mecharello sleeping in a certain cradle near the bed of the said Mecharello and she abused and sucked
that same daughter of his, as she is accustomed to do.

XXXII. And that the said Matteuccia, beyond what has just been said, did sail to the said
Night-Doings at Benevento, while asleep, during six months of the year, that is, during the months
of April, May, August, September, March, and December, on three days of the week, that is, on
Thursday, Saturday, and Sunday.

XXXIII. And that each and every aforesaid item, all reported individually, was committed and
perpetrated intentionally by the above-indicated Matteuccia at the above-indicated places and times,
in the said village of Ripabianca in the territory of Todi, against the will of those she injured and to
their grave damage, in contempt and mockery of God and all the saints, and contrary to Divine Law,
good morals, and the letter of statutory law and order in the Commune of Todi.
And that it has been proved to us and to our Court that, in whole and in part, everything
aforesaid contained in this deposition, is true and occurred at the places and times contained in that
same deposition, on account of the truthful and lawful confession made spontaneously and lawfully
before us and our Court by the said accused Matteuccia during her trial.
And so she has spontaneously confessed and said that she has neither defense nor time to
prepare one, in as much as she spurned the opportunity.
The set time granted and assigned to the accused Matteuccia for preparing her whole defense
concerning the aforesaid has now elapsed, and neither she nor any other is acting to respond to what
is being presented fully and openly to our Court or to the other matters contained in our depositions,
and so on that account:

XXXIV. We, the aforesaid Captain Lorenzo, sitting as above in Tribunal, following and
intending to follow in the aforesaid, and concerning the aforesaid, every formality of the aforesaid
legal statutes and ordinances of the Commune of Todi and of the commission granted to us in this
case, by these instruments, following every proper procedure, process, law, and formality that we can
and must by law follow,
condemn and sentence the aforesaid Matteuccia, present in person before us, in order that she
be made an example and be unable to glory in her evil and wickedness or to tempt others attracted
to like things,

to be placed, with a miter fixed on her head and her hands tied behind her back, on a donkey, and to be led or be caused to be led to the customary public place of justice where like sentences are accustomed to be executed,
or to any other place inside or outside the said city that might suit and satisfy that noble gentleman, Ser Giovanni di Dom Antonio de San Nazario of Pavia, our Knight Associate, and there let her be burned by fire in such a manner that she die immediately and her soul be separated from her body.

XXXV. And let him not proceed to carry out the sentence, unless there is an order for the appropriate execution as follows:

We, the aforesaid Captain Lorenzo, sitting in Tribunal as above, charge, empower, and order Ser Giovanni di Dom Antonio of Pavia, our Knight Associate, here present, listening, and understanding,

that he go with our personnel and place the said Matteuccia or cause her to be placed, with a miter fixed on her head and her hands tied behind her back, upon a donkey, and lead her or cause her to be led in person to the customary public place of justice where like sentences are accustomed to be executed,
or to any other place inside or outside of the said city that might suit or satisfy the said Ser Giovanni, Knight,

and there have her burned by fire in such a manner that she die immediately and her soul be separated from her body, onto the execution of our sentence.

And let him present evidence of her execution to us by a public instrument, and let him say and do everything else he is bound to say and do according to the formalities of the statutes and ordinances of the said city of Todi.

XXXVI. The corporal condemnation and the sentence of corporal condemnation, issued, given, put in writing, pronounced, and promulgated as a sentence through the above said Lord Captain, sitting in Tribunal,
at his accustomed Court of Witchcraft where like corporal condemnations and sentences of corporal condemnation are accustomed to be given and put forth, which is situated and located in the Great Hall in the Lower Palace of the New Residence of the said Lord Captain, which palace is located in the City of Todi in the quarter of Santa Prassede and the Parish of San Lorenzo, next to the Piazza of the Commune, opposite the Palace of the Lord Priors,
during the meeting of the Public and General Council of the said city, summoned by the sounding of the bell and the voice of the herald, and convoked, gathered and assembled in the said palace in the accustomed way,

has been written, corrected, translated and published by me, Novello Scudieri of Bessano, Public Notary and now, among other offices, Notary and Secretary for Witchcraft, deputed by the same Lord Captain, in the Year of Our Lord 1428, during the Sixth Indiction, in the reign of Our Holy Father and Lord in Christ by Divine Providence, the Lord Pope Martin V, on the twentieth day of the month of March,
in the presence of Ser Polidoro of Todi, the Notary of the Chamber, with whom I audited the said transcript and prepared a duplicate copy, Ser Latino, Ser Corradino, Ser Guaspare, Ser Giovanni, Ser Andrea di Lorenzo, Costanzo di Mannuzio, and Matteuccio the Trumpeter of Todi, assembled, called, and enrolled as witnesses.

And I, Novello Scudieri of Bessano, Public Notary by Imperial Authority, and now Notary and Secretary for Witchcraft of the aforementioned Lord Captain, and through the same Lord Captain specially deputed for the exercise of, among others, the said office, was present for each and every part of the aforesaid, and being requested to write them, here have read, corrected, and published them at the command of the said Lord Captain, and have hereto affixed my accustomed seal.

(L.S.)
XXXVII. In the same year, during the same indiction, on the twentieth day of March, the aforesaid Ser Giovanni, Knight Associate of the aforesaid Lord Captain, immediately after receiving the commission related above from the said Lord Captain, departed and, returning, reported to the said Lord Captain that he had gone with his officials and personnel, and the said convicted Matteuccia, with a miter fixed on her head and her hands tied behind her back, and had placed her and caused her to be placed upon a donkey, and led her and caused her to be led in person to the customary public place of justice, where like sentences are accustomed to be executed, and there executed and caused to be executed on the person of the said convicted Matteuccia the said corporal execution, just as it was fully and completely contained in the commission that he had received in the orders from the said Lord Captain.

And he asked me, Novello, the below-indicated Notary, to draw up an public instrument concerning each and every aspect of the aforesaid, to the effect that the corporal execution had been carried out by the said knight, in the presence of Alvisio di Rainaldi of the Nidoli Quarter and the Parish of San Felice, Geliello di Marcuzzio of the Valle Quarter and the Parish of San Salvatore, Pietro di Simone of the Valle Quarter and the Parish San Quirico, Pietro di Giovanni of the Camuccia Quarter and the Parish of Santa Maria, who had been assembled, called, and enrolled as witnesses for this purpose.

XXXVIII. And I, Novello Scudieri of Bessano, Public Notary by Imperial Authority, and now Notary and Secretary for Witchcraft of the aforementioned Lord Captain, and specially deputed, through the same Lord Captain, for the exercise of, among others, the said office, was present at each and every part of the aforesaid, and being requested to write them, I have here read, corrected, and published them at the command of the said Ser Giovanni, the aforesaid Knight, as is above evident from my accustomed seal which I have affixed.

(L.S.)

My Seal, Novello the above-said Notary.
Emmanuel Le Roy Ladurie's *Montaillou, village occitan de 1294 à 1324* (Paris, 1975) is a study of the environment, demography, cosmology, mentality and religious beliefs of a small Pyrenean village of some 200-250 peasants in the Upper Ariège, not far from the border of Spain.

It has had a phenomenal success, and is, as the blurb on the cover of the French edition notes, "inspired by the most up-to-date historical and ethnographical methods." Needless to say, the author himself does not spell these methods out. He takes them for granted. But since the volume has had such an impact, and is, as reviewers and the blurb of the English edition keep reminding us, "in the tradition of the Annales school of French historiography," I, as a mere novice in these waters of mentality, came to the conclusion as I read Le Roy Ladurie's long and fascinating book, that it might be useful to pry the method loose from his packed pages, and to present it, with illustrations, in some sort of systematic way. The method, I discovered with no great surprise, falls nicely into two stages which, without any originality, I shall call *Via Inventionis* and *Via Compositionis*, the former being the route one takes in order to ferret out the data which one fashions into a narrative whole in the latter. As luck would have it, ten points emerged of their own accord, five for each stage.

*Via Inventionis*

1. *Respect your source*. Whatever one's source is--a cartulary, a court roll, a chronicle, an autobiography, a saint's life, any block of literary or diplomatic texts--one should first appreciate it as a whole before turning it to one's own purposes. In Le Roy Ladurie's case, the source is an inquisition register of Jacques Fournier, bishop of Pamiers, running from 1318-1325, and his raw material in the quest of the *mentalité* of Montaillou is a series of reports in that register of some twenty-nine depositions by inhabitants of, or people associated with, that village.

In his brief introduction, which is largely repeated in the English edition, Le Roy Ladurie gives a useful account of the circumstances of the register, of bishop Fournier (the future pope Benedict XII, 1336-1342), and of the tribunal procedures. He is just a little vague (F 18) about how many volumes of the register there originally were, but it is clear from the introduction to Jean Duvernoy's edition of the register in 1965 (R 1. 16) that there were at least two volumes of processes of bishop Fournier against heretics while bishop of Pamiers (1317-1326), only one of which, the present register, now survives.

This is not without some importance when, for example, one is faced with the problem of Pierre Clergue, the egregious rector of Montaillou, who, after twenty years and more in a double role as parish priest and Cathar sympathizer, wound up in jail at Pamiers, and died there, of natural causes, it seems, in 1321. Since one known volume of the depositions of 1318-1325 is now missing, it may be rash to conclude with Le Roy Ladurie (F 103, E 66) that Pierre Clergue, "for reasons unknown to us, kept silent to the end. This man who knew too much died without speaking or without any declaration he may have made to the Bishop being taken down in writing. Rightly or wrongly, one would like to think he did not squeal, unlike so many other unfortunate victims of the Inquisition." There are other possibilities. If he made a deposition, the missing register may contain it. If he did not, then this may have been because bishop Fournier had not had a chance of questioning him before he died, or had not had the time to assemble all the evidence against him by mid-1321, a bare year or so
after his capture. The surviving Fournier volume is an exceptional source, rich in detail and colour, with some of the most talkative witnesses imaginable. It is, all the same, and for several reasons, also a very tricky source.

First of all, one is dealing here with a printed edition which, by all accounts, is very insecure indeed. And although Le Roy Ladurie notes (F 19) that the edition is not without faults and "does not dispense with recourse to the original," there is no sign that he himself checked it at any point against that original. But, as he says, "the immense merit of the edition is that it exists," and, in any case, the pamphlet of corrections published by the editor in 1972, in response to criticisms, appears in the bibliography.

Second, the register is not simply a series of straight depositions and nothing else. There are also some important retractions. This means that a point made by a witness at one hearing may be disowned by the same witness at a later one. For example, an opinion that Mary was not the mother of God with which Le Roy Ladurie (F 97, E 61) credits Pierre Clergue on the strength of the deposition on 8 August 1320 of his erstwhile mistress Béatrice de Planissoles (R 1.230), was in fact withdrawn by Béatrice (R 1.245) two weeks later when she thought she was dying, and attributed to her first Cathar tutor, Raymond Roussel. Heaven knows, Pierre Clergue, twelve mistresses and all, is no great advertisement for Cathar or Catholic, but one should not blacken him recklessly. Béatrice, I may add, never called him a "devil" at any point in her depositions or retractions. The phrase which trapped Le Roy Ladurie (F 237, E 165) into thinking that she did occurs, I surmise, in another retraction on the same day in August 1320 (R 1.245), where she allowed that the "dictus rector" (Pierre) had never said, as she had claimed earlier (R 1.228), that it was not God who created bodies but the "diabolus rector mundi." A devilish trap, that, for anyone writing out index cards or slips, with "dictus rector," meaning Clergue, followed two lines later by "diabolus rector mundi," meaning the devil.

Third, these depositions and retractions as they stand in the register, are not the original depositions and retractions, but rather fair copies made by at least four different notaries of Latin translations of the original vernacular. As Le Roy Ladurie points out in his introduction (F 18, E xvii), the depositions originally in Occitan (or perhaps Gascon) were translated at some point or other into Latin, then before the final sentence were read back to the witnesses in the vernacular, point by point, so as to allow them to confirm or reject what had been written down. All the turns of phrases, therefore, in the present Latin are not necessarily those of the witnesses, although one may presume, as Le Roy Ladurie does (F 235-6, E 164), that Béatrice de Planissoles is consistently credited in the register with forms of the verb "ad amare" to describe her feelings in middle age for the priest Barthélemy Amilhac, then the word she used in Occitan signified "passionate love" in contradistinction to the rather lukewarm "diligere" which is used when she speaks of her celebrated first clerical lover, Pierre Clergue.

Some of the Latinity in the register is in phrasing clearly an echo of the vernacular. More often than not, however, it is plainly ecclesiastical--much more ecclesiastical, I am sure, than the witnesses were in their mother tongue. At all events, one has to be cautious, particularly where a source such as this lapses into technical language which, on the surface, seems straightforward. And one can take courage, when caught out, from the fact that even Le Roy Ladurie can nod on occasion. As it happens, this is once more in the company of the lady he likes to term on occasion "the nymph of Montaillou," when analyzing her rejection of Catharism and her first trip to confession for years, in a church in Lower Ariège: "How inseparable, he writes, this change of heart is from the 'technological progress' which the confessional used by the Franciscans represents in contrast to the practice at Montaillou, where the cure, Pierre Clergue, for better or worse, heard confessions behind the altar of the Blessed Virgin Mary." (F 512).

It was, you may remember, behind this altar that Pierre, when hearing Lenten confessions in 1301, first propositioned the startled young widow Béatrice, so the point is rather neat. The only problem is that the phrase "in foro penitentiali", which Le Roy Ladurie translates as "in the

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confessional" in citing Béatrice's deposition (F 512, E 315) has nothing to do with a "confessional" or "confession box," but simply means "sacramental confession" in contrast to "in foro externo" or court of law.

2. Index carefully. The second stage of the Via Inventionis demands a great concentration. Armed with cards or uniform slips of paper, one reads carefully through the chosen source and finds out just what it has to offer by way of documentation of the categories one proposes to investigate. Generally it is better to let the categories suggest themselves as one scrutinizes the source rather than impose a set of categories, but if one does not find this method satisfactory one can always turn for inspiration to the dazzling array of topics in Le Roy Ladurie's Montaillou: ecology, environment, family structure, authority, migrations, the mental outlook of men and women, peasants and shepherds, body language and sex, local libido, marriage, temporary unions, love in general, homosexuality, the condition of women, children and childhood, youth and age, education and literacy, cultural exchanges, social relationships, concepts of time and space, fate, magic, myths, religion in the abstract and in practice, clerical attitudes, salvation, death.

There will be pitfalls, of course, in the indexing. Much depends on the care with which each card is compiled, and if copies of a phrase or quotation or event have to be made because it falls under more than one heading, on the fidelity of the copying from card to card.

It goes without saying that the indexing should be accurate and complete. Thus the lapidary phrase, "There is no other age but ours," (R 2. 132), if indexed incautiously, may suggest, as it does to Le Roy Ladurie (F 430, E 282) in his chapter on time and space, that the Montailonais "lived in an island of time," devoid of past and future, but, if indexed with precision, it will be clear at once that what the suspected heretic Raymond de l'Aire, a peasant of Tignac, confessed to was that he had once said "quod anima hominis moritur mortuo corpore. . . . et quod non erat aliud saeculum nisi presens", meaning, surely, that there was no life after death, and that the only world he recognized was the present visible world.

What is important above all is to preserve the context of each gem one plucks from the source. If, for example, one comes across the statement in Béatrice's attestation, "eadem die, quia ipsa fecerat unam candelam vocatam 'retinctam', voluit ire ad ecclesiam Beate Marie de Carneissas" (R 1. 223), then a card on Béatrice's devotion to the Blessed Virgin may be in order. But it is not sufficient to note something like, "Béatrice. Devotion to Virgin. Painted candle made by herself." It must also be noted from what went before this phrase that this was in July 1295 at Montaillou and, importantly, that it was just after she had given birth. Later on one may wish to use the entry under several headings--in a chapter in which the affair between Béatrice and Pierre Clergue is discussed, for example, and in one on religion in practice. In each case the same card should be employed, or a precise copy of it. Otherwise you may note correctly in one place, as Le Roy Ladurie does, that Béatrice, "when she had risen from childbed," dedicated "a coloured candle made with her own hands to the local Virgin" (F 488, E 306), but rather wildly in another (F 237, E 165) that Béatrice "as a girl" had dedicated these candles. The candles in question deserve more than passing references. They are quite clearly "purification" candles, and since Béatrice is known to have had four children, she would have offered these candles four times in her life, and hardly "dans sa jeunesse."

3. Do some homework. The next stage in the Via Inventionis, if one is at all sensitive to the demands of scholarship, will be a thorough investigation of any texts, phrases or references which are unfamiliar or unusual, or upon which one hopes to build an argument later on.

In this respect I may mention two things which caught my attention early on when rifling through Montaillou. The first was that, as Le Roy Ladurie puts it, Pierre Clergue "sometimes acted as notary, taking charge of important documents, such as the one relating to the dowry of his friend Béatrice" (F 94, E 58). Now one reference does not make a notary, and certainly not one which simply says that Béatrice had given the document to Pierre for safekeeping, in commandam (R 1. 233), but of greater interest, perhaps, is the use which Le Roy Ladurie makes of this "notary" text in an important statement on dowries in his chapter on the domus (F 66, E 35):

The dowry was eminently personal; it was detached from the original domus of the young woman when she got married, but did not disappear into the undivided mass of the couple's possessions. If the husband died first, the dowry remained the property of the widow, and not of the husband's or the wife's heirs. As Béatrice de Planissoles said after her first widowhood
I hope that Le Roy Ladurie's exposition of dowry is not dependent upon his understanding of "quia iam quittaverat heredes" as "she had left the heirs with her dowry under her arm." "Quittare," of course, can mean "leave", but in legal terms it means "satisfy" or acquit. So what Béatrice really said in her deposition was that she had acquitted the heirs of any obligation to her in respect of her dowry. Clearly they had returned her dowry, and Béatrice, therefore, had no further need of the dowry document she had once confided to Pierre Clergue.

A second thing that caught my eye was an intriguing reference which Le Roy Ladurie makes several times to a "diocese of Palhars" in Spain, e.g., "The fire was watched over by the housewife (focaria), the 'woman at the hearth', as the priests' concubines were called in the diocese of Palhars" (F 69, E 37); 'Béatrice . . . thought of going with her lover [Barthélemy Amilhac] to Palhars, a remote diocese in the Pyrenees between Aragon and Comminges-Couserans, where priests, in accordance with an old pre-Gregorian and Nicolaitan tradition, were still allowed at this period to live with their housekeepers, concubines or focarias" [rectius focariae] (F 240, E 168).

I have not been able to find out much about the customs of this "diocese of Palhars" where, as Le Roy Ladurie says in another passage, "all eccentricities were allowed" (F 562, E 335), but I am sure at least that Palhars is never called a diocese in Fournier's register and that, in fact, there never was such a diocese. What the "Palhars" that occurs five or six times in the register is readily learn from the index to the edition of the register: a region of Spain in the province of Lérida. As one may see from a good map of Catalonia, it is the mountainous region of Pallares, where the river of the same name (Noguera Pallaresa) rises, just across the Pyrenees from Montaillou. And it was an area which was not unfamiliar to the many shepherds, heretics and others of Montaillou and the Upper Ariège (see R 2. 43, 70, 188, 466) whose migrations across the border to Catalonia in search of refuge or of pasturage Le Roy Ladurie has chronicled in several elegant chapters (F 133-149, E 89-102, etc.). Barthélemy Amilhac, the priest of the passage above who became the aging Béatrice's great love in Dalou in 1316, was from there, and precisely from Lladros. And it was at Lladros that he and Béatrice lived for a year as man and wife, "secundum abusum dicte terre," to quote Fournier's register (R 1.251), in the diocese of Urgel, the home diocese of Barthélemy, and, presumably, the singular "diocese of Palhars" of Le Roy Ladurie.

4. **Bear the cast in mind.** To understand the mentalité of any age one has to study people in their lives, their habits, their products and preoccupations, their successes and failures. With people of a long-gone age, of course, there is a difficulty, a formidable one. They are dead; and to capture their mentalité one is forced to make the best one can of a written or other record, whether that be as personal as a poem, a letter, a charter, a will and last testament, or as "second-hand" as a Vita, a chronicle, the present inquisition register.

Because the cast we assemble from our source to play out the life of an age is not a living one, it is all too tempting in our pursuit of mentalité to brush the characters aside one by one as soon as we have grasped what they have to say. And once the inventories are done, and the indexes all in order, we are prone not to bother with the characters again in their own right. Instead, turning the world of reality upside down, we use them to illustrate the anecdotes, the vignettes, the telling events, that they themselves occasioned. Yet a full, rounded view of each person in the source one is using is essential to any scientific and comprehensive approach to mentalité. Without it, mentalité is divorced from its only begetter, people.

This, to my mind, is the great weakness of Montaillou. Le Roy Ladurie is an adroit and gripping storyteller, but there is little or no sense of responsibility in his pages to the people who created his stories. Yes, there are persons and even potted personal histories all over the volume, but one is left with the feeling that Pierre Clergue, Béatrice de Planissoles, Pierre Maury, the engaging shepherd, and the rest are not being treated here as persons but as puppets who are jerked about to document a gamut of preconceived headings from body language, childhood, ecology and fate, to libido, morality, magic and religion, to mention only a few. Their identities are never clearly
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established. There is an insouciance about facts. The sister of Béatrice de Planissoles is a "catholique bigote" (F 237, E 165), although all we know about her is that she was married in Limoux (R 1. 232, 239). The power of the Clergue clan outside its own bailiwick of Montaillou is illustrated by what the bayle of Quié is reputed to have exclaimed when he heard of the capture of Bernard, "I am horrified. I would rather lose a ewe than know that Bernard Clergue is in prison" (F 409, E 271), whereas in fact he said just the opposite, "I couldn't care less if Bernard Clergue ends up in prison. I would be more shattered if I lost a ewe" (R 3. 402).

Among the many examples of a disregard of persons, that of the priest Barthélemy Amilhac stands out. Although Barthélemy never served in Montaillou and seems to have kept to the Lower Ariège, he is a vital part of the story of that village. Le Roy Ladurie is much indebted to his deposition of 1320 for his pages on Béatrice's love affair, her flight and capture, and depends hugely on him for the many revealing things Bernard Clergue had to say in prison at Pamiers in that year. Yet he seems unaware that he was a Catalan and that he was from Lladros of Pallars in the diocese of Urgel, although this information is in Fournier's register at the beginning of his deposition (R 1. 251). He never even wonders just where Béatrice had heard of the customs of the "diocese of Palhars", and why exactly she chose to go there with her lover Barthélemy.

When we first meet him in the company of Béatrice at Dalou in Lower Ariège, where he was an assistant priest and had two of the daughters of Béatrice as his pupils in school, Barthélemy is described by Le Roy Ladurie as a "young vicar" (F 238, E 166), as though he were a nondescript. Yet Barthélemy is remarkably detailed about himself and his career in his evidence before bishop Fournier (R 1. 251-259). A Catalan from Lladros, he was a professional assistant priest, serving a year here and a year there in Lower Ariège. He had been assistant priest at Dalou from at least 1313 until 1316, and his affair there with Béatrice began in January 1316 and continued until the following Pentecost, when they left for Pallars (R 1. 252).

Le Roy Ladurie is accurate enough in his page or so on the love affair (F 239-240, E 167-8), but he is very much at sea in his account of the journey to Pallars. Béatrice, indeed, as Le Roy Ladurie says, had become worried about gossip at Dalou and the possibility that some of her brothers might begin to harass her, but if she chose to go to Pallars it was simply because Barthélemy had told her, in reply to a question about the customs of his own native place, that they could live there in peace as man and wife in all but fact. Le Roy Ladurie further states that she and Barthélemy "went to Palhars, where a priest-cum-notary 'married' them," and that they lived there for a year "without causing the slightest scandal." Perhaps. But Barthélemy is quite specific about where they were "married" and where they lived. It was Lladros, and it was his own home town.

A few lines later, Le Roy Ladurie's control slips further. Noting that when Béatrice and Barthélemy parted after a year they did not meet again until "just before they were both put in prison," he adds that Béatrice "had already been roughly handled by the Inquisition, and she asked her former sweetheart to help her." Actually the meeting when she first asked for help was at his request and some three weeks before her first visit to the bishop and his Inquisition. As for the "rough handling by the Inquisition," when she did appear voluntarily if a little nervously before the bishop on Wednesday, 23 July 1321, Fournier handled her with great tact, excused her from the customary oath, and asked only one specific question before setting a further hearing for the following week. When she panicked over the week-end and failed to put in an appearance, she was captured rather easily at Mas-SaintesPuelles (Aude) a few days later, and with the luckless Barthélemy in her company (R 1. 258).

Barthélemy Amilhac is the outsider in the Montaillou saga. An ordinary, if very fallible, Catalan priest who was horrified when he first learned at Lladros of Béatrice's Cathar past, he improbably wound up in jail at Pamiers as the fascinated confidant of Bernard Clergue, the terror, with his brother the priest, of Montaillou. He listened, recited his breviary, and watched with a cold eye all the whispering and bickering between the various Montaillou men and women in the prison. Twelve days after Bernard had been released (14 November 1321) because of bad health, Barthélemy was the first to report on Bernard's plotting. He was, ultimately, one of the factors in the recall and subsequent imprisonment of Bernard, and his calm, clear account of Bernard's ramblings (R 2. 278-285) has provided Le Roy Ladurie with some of the more incisive parts of his chapter on the Clergue domus and on the whole mystique of clan. Yet to Le Roy Ladurie he is only "the young vicar" who hardly merits a mention outside of his affair with Béatrice.
Select wisely. Thousands of cards or slips may result from a text as rich as that of Fournier's register. When these have been arranged under the chosen headings, there will remain the question of whether to use them all. Any given point within a heading may have a dozen or more texts to illustrate it; any given text may be repeated under five or six headings.

Should one attempt to include everything? If so, then the result will be something akin to Le Roy Ladurie's Montaillou, where about 500 pages of the Fournier register produced a book of 625 pages, not including a raft of appendices which was left high and dry because the publisher refused to float it. There is hardly a subject left untouched, and some of the points are almost too well documented. But on the whole the volume is lively and readable, although the density of print on its narrow pages makes it look a little forbidding at first sight. There are patches of bewitching prose, but there is a tendency to overwrite and to strive for effect that often is at the expense of sober fact.

Should one, on the other hand, be selective? Possibly. But the process needs much discretion. It could be argued, for example, that Montaillou would be a better book if trimmed to half its present size. Rightly or wrongly this seems to have moved the English translator who, in fits and starts, managed to boil Le Roy Ladurie's 625 pages down to a lean, or relatively lean, 356. For the first fifteen chapters one page of French becomes, on an average, two-thirds of an English one. Then the pace quickens. A page of French now dwindles to less than half, and the final thirteen chapters (16-28) are squeezed into six.

The result is more than flat and unprofitable. Anyone in a hurry could have mixed up Vienne and Vienna, called Gioacchino da Fiore "Giacomo dei Fiori," or caused a surplus of priests in Upper Ariège by translating "clerc" by "priest," but there are, I must confess, too many enigmatic phrases for comfort in the English version, and sentences left dangling in the air as though a decision had been taken at some point or other to translate only every other sentence or, sometimes, only every second paragraph. Some of the compression is valiant, even brilliant. All the same, how is one to unravel the logic of the following paragraph--"The annual fair at Ax-les-Thermes was held on Holy Cross Day. But frequent as all these references were, for the people of Montaillou the crucifix remained virtually unoccupied. In Sabarthès, only a minority of zealots, supported at a distance by the mendicant monks, went in for macabre meditation upon Christ's suffering on the Cross" (E 303)--if the French edition (F 480) is not at hand to inform one that "the Crucifix remained virtually unoccupied" should read "at Montaillou the cross was a bare one, or one on which one rarely saw the figure of Christ crucified"? And what, short of a noon-day devil, is one to make of "It was at noon that the word really came into its own" (E 255), unless one can turn to the French (F 383) to find that the previous sentence, omitted in translation, had been speaking of "le verbe feminin," meaning the weight or "clout" of the word of a woman in contradistinction to that of a man, "le verbe masculin"?

Via Compositionis

Set the scene. Now that one is poised to deploy the selected slips and to write at length on various aspects of mentalité in one's source, there remains one small but important thing to be done. The reader must be given enough general information to enable him to follow your study with attention and to appreciate the persons and events which are part and parcel of it.

Le Roy Ladurie's introduction to Montaillou does give such a broad account. There is a general note (F 9-14, E vii-xi) on Catharism in the village and surrounding area, although one has to wait until the third chapter (F 98-101, E 62-64) to obtain some information on the central event of the whole story, the "tragedy of 1308" when all the inhabitants of Montaillou over twelve or thirteen were rounded up by the Inquisition, with Pierre Clergue, who had been protecting certain of the Cathars for years, as its local henchman. And even here in chapter three the tragedy is not seen in itself, but as an illustration of the power of the Clergue domus.

However, and with the pronouncement (F 10) that "Every historical study should begin with a critique of its sources," most of the brief introduction (F 10-19, E xixvii) is taken up with a short biography of Jacques Fournier, the then bishop of Pamiers (1317-1326) and future pope Benedict XII (1336-1342), and with the procedures of his and the Dominican Inquisition. According to Le Roy Ladurie, Fournier is "the person responsible for our documentary sources," and so, presumably, merits to be an object of this "critique." But of the real authors of "our documentary sources," the men and women of Montaillou and elsewhere of whose depositions at Pamiers Fournier and his notaries are
simply reporters, there is nothing, not even a list of the names of those upon whose depositions Le Roy Ladurie particularly depends for his study of the mentalité of Montaillou and Upper Ariège: Alazais Adémari (R 1. 307322), Raymonde Belot (R 3. 63-74), Bernard Benet (R 1. 395409), Bernard Clergue (R 2. 268-304), Guillaume Maurs (R 2. 170-193), Jean Maury (R 2. 469-519), and above all, Pierre Maury (R 3. 110-252) and Béatrice de Planissoles (R 1. 214-250), to mention some of the main Montaillou witnesses.

The court procedures, too, at Pamiers, are sketched in the introduction, yet there is nothing there of the prison at Pamiers where, so to speak, our documentary sources were hatched, and where the men and women of Montaillou who are Le Roy Ladurie's bread and butter were thrown together in difficult conditions before, during and after the interrogations in the episcopal court. Some like Bernard Clergue and the outsider Amilhac had the freedom of the prison. Others were in solitary confinement. Still others like Gauzia Clergue and Béatrice de Planissoles were semiimmured in a communal chamber, where they were harangued from time to time by Bernard Clergue, or spoken to by some intermediary of his like Barthélemy Amilhac, through a small aperture at which the women would take turns to listen to, and to reject, his proposals that they, and Béatrice in particular, should deny what they had deposed before the bishop (R 2. 278-296).

Was there collusion between the witnesses at any point? How does one account for curious verbal similarities from witness to witness? How does one explain, as Le Roy Ladurie does not, their incredibly detailed and uncannily precise memories? These, and questions such as these, would not come amiss in an introduction to any study which claims to begin "with a critique of the sources." So also a timely warning would not be out of place that the scene of the action is, for the most part, the Montaillou of 1300-1308, although the various characters are looking back as they speak from years between 1318 and 1325.

The cast of Le Roy Ladurie's Montaillou is, indeed, an unexpectedly talented and garrulous one, but for want of a proper introduction, and of an adequate setting, what it has to say is sometimes muted and, on occasion, more than a little hard to follow.

7. Play fair. Maintaining an objective stance is a difficult business in any kind of research. In Montaillou Le Roy Ladurie leaves us in no doubt where his heart lies in his "village of the yellow crosses": with the "goodmen," the overt Cathars, and their sympathizers. His accounts of their preaching, and of the "consolamentum" and the "endura," are moving, detailed and friendly. This is not unreasonable. Everyone naturally leans towards the underdog, especially with a seemingly doubledealer such as Pierre Clergue in the village of Montaillou, and the Inquisition at Carcassonne and Pamiers in full cry. What is surprising, however, is that Le Roy Ladurie is more than a little harsh on orthodox Catholics at Montaillou and in Sabarthès in general, and that this is not because they did not know anything of their religion, but because they did not, to his eyes, know enough. Even when he has to allow that religious belief and practice were rather good in respect of, for example, Baptism, the Eucharist and Penance, he still manages to find some fault. This is sometimes with none too convincing a result, as when he notes (F 502, but not E) that "Although the meaning of baptism derived from the idea of original sin, a knowledge of original sin was much less familiar to the peasants of Montaillou than that . . . of Transubstantiation in relation to the Eucharist." For my part, I am not disconcerted to find that the relationship of original sin to the sacrament of baptism was not widely familiar to the people of Montaillou, but I am very skeptical about the assumption that Transubstantiation was better known. Reading what the witnesses have to say in Fournier's register, it seems quite clear that everyone, Cathars included, knew well that in Catholic belief the bread and wine became the Body and Blood of Christ, but that they were equally aware that this was by Transubstantiation is not at all evident, nor even to be expected.

Religion and religious practice run all through Montaillou, and are given particular attention in chapters 19-27 (F 399-611, E 264-353). The great problem, however, and one which Le Roy Ladurie hardly faces, is that the evidence is almost entirely dependent upon the depositions of full Cathars or suspected ones. There is not much straight "Catholic" evidence, although at times one catches a glimpse of an ordinary, orthodox and pious Catholic who has no involvement in the Montaillou and Upper Ariège brand of Catharism. One such is Aude Fauré of Merveil, whose deposition in July 1318, the first in time in the register (R 2. 82-105) is, to me, the most harrowing and human. Although she was interrogated for heresy by bishop Fournier, it is clear from her testimony, and from the light sentence of fasting, local pilgrimage and communion four times a year,
that the "crime" of this young married woman was no more than an ordinary crisis of faith, and was largely a loss of belief, for emotional reasons, in the Real Presence of Christ in the Eucharist after the Consecration. Her deposition is invaluable for a view of Eucharistic practice and attitudes among the Catholics of the area, and not least for her report of a splendid prayer in Occitan which, she said, her Aunt Ermengarde Garaudy was accustomed to say at the Elevation of the Mass (R 2. 87, F 474, E 300).

The religious beliefs of the Cathars are not hard to ascertain in the register. Some of those arrested were reckless at their interrogations, as though they were convinced that it did not matter much what they said. But in most of the depositions of semi-Cathars and Cathar fellow-travellers, one has to sift the evidence very carefully to reach any solid conclusion on Catholic belief and practice. Le Roy Ladurie is not always a model of caution in this respect. For example, he cites an unnamed heretic (actually Jean Rocas of the diocese of Cahors) in support of his conclusion that confession was highly regarded even by the heretics (F 504, E 312), and quotes him as saying that "Not all the water in a tank, or even in the whole world, could wash away sin, unless there is confession and penance first!" (F 505, E 312). An admirable sentiment on the surface, but in fact Le Roy Ladurie has omitted the first part of the sentence in which it occurs, where Rocas states that baptism does not remit sins to children, since they are sinless at birth, then goes on to assert, "Nor does it remit sins for adults. Not all the water in a tank, or even in the whole world . . . " (R 2. 245). What Rocas was talking about was not penance but baptism, the accepted efficacy of which he denied.

Where it is ascertainable, the attitude of Catholic believers towards baptism, confession and the Eucharist is simple and sure-footed. Even Cathar sympathizers confessed in the Easter period once a year, in the spirit of Omnis Utriusque Sexus of the Fourth Lateran Council a hundred years earlier, or at least made a show of confessing (probably to avoid official suspicion). There was much honest piety, and a great preoccupation with salvation. This preoccupation was shared with the Cathars. In fact, it seems that the biting dilemma that faced ordinary people in Montaillou was whether Catholics or Cathars offered the best way to salvation. Given the spiritual state of the church from 1300-1320, with Pierre Clergue of the dominant Montaillou domus as sole priest, it must have seemed to many that the perfecti of the Cathars, with their claim to be both poor (quite justified) and pure (questionable), had a distinct edge on anything the Catholic church had to offer.

All in all, when one picks a circumspect path through the depositions, the picture of Catholic belief and practice in Montaillou and the Upper Ariège is far from gloomy. The teaching of priests like Barthélemy Amilhac in the various village schools and churches must have been, on the whole, solid and dedicated. The people of this mountainous area were not able to read or write, but they listened and they learned, and they talked and talked. Not everyone, of course, was as sophisticated as Arnaud Sicre, the informer from Tarascon, who, by his own account (R 2. 37), murmured "I though it was Gabriel," when Guillaume Bélibaste, one of the Cathar domini and perfecti, said to him in Catalonia that it was the priests who had invented the Ave Maria.

But Le Roy Ladurie is reluctant to be impressed. There are times, indeed, when I feel that his demands on the faith and practice of the people of Montaillou and the Upper Ariège are those of the present century, not those of the fourteenth. And in spite of his constant reminders in other contexts (e.g. "At an altitude of 1,300 metres the rules of priestly celibacy ceased to apply": F 222, E 154) that Montaillou was a remote mountain village and should not be judged in terms of the mores of the towns of Lower Ariège, it may well be that in this matter of religion Le Roy Ladurie's own mentality is that of a townsman.

8. Be circumspect. One of the most difficult questions to plumb for the Middle Ages is that of the competence of the clergy in rural areas. The scandalous side, as in the case of Pierre Clergue, is often easy to document, the day-to-day work as the priests in a parish hardly ever. One bits and scraps from which to form a judgement. And the more precious circumspect one has to be. Fournier's register is not, by and large, more helpful in this matter than any other source, although it does at least show that non-residence was not a problem in the Upper Ariège, and that even priests as dissolute as Pierre Clergue were not slack in their jobs, whatever their motives. As for clerical literacy, the evidence is not overwhelming, but it is enough to persuade Le Roy Ladurie that, on the whole, the clergy of Upper Ariège "had a curiosity of spirit that was not bereft of erudition" (F 514; cf. F 353, E 235-237). Faint praise, perhaps, yet Le Roy Ladurie seems to feel in the next breath that it may be too generous: there were some, he says, "well below this level. Adhémar de
Bédeillac, priest of Bédeillac, had forgotten the passages from the Gospels and other scripture which according to him he had once quoted in an argument with one of his parishioners (iii. 53)” (F 514, E 316).

This, surely, is to strain a point. Many scholars would be cheered to learn that the rector knew enough Scripture to quote it. In any case, Le Roy Ladurie's point is irrelevant. The Adhémar de Bédeillac who had forgotten the passages was not the rector of Bédeillac. He was a layman from Bédeillac who years after the event said (and who can fault him?) he was sorry he could not remember exactly what his rector, whose name was Bernard Jean, had cited in his argument with a parishioner (R 3. 53).

9. Hold tightly. At no point in the Via Compositionis may there be any slackening of concentration. Admittedly, with a litter of slips clamouring for attention, this sometimes very difficult indeed. And as ideas give way to ideas, it is easy to forget what has gone before. Three passages in Le Roy Ladurie will illustrate what I mean. Commenting on literacy in general he notes (F 353, E 236) that

In Junac, a village of peasant farmers and mountain blacksmiths, the perpetual vicaire, Amiel de Rives, possessed a book of homilies, or at least read such a book, though it might have belonged to his parish church (iii. 7-10). He extracted from it heretical views which he subsequently used in his sermons, in the presence of his parish priest [curé], the local lord, and a large number of parishioners.

Some 130 pages later (F 485, E 305), he uses the very same deposition (R 3. 7-13) to make a general statement about attendance at Mass:

The fact that in a village of considerable size like Unac in Sabarthès there were only about fifty people at an ordinary Sunday Mass shows that there was a certain amount of absenteeism which shocked no one. There is nothing surprising about this lukewarm attitude.

Thirty-five pages after that (F 520, cf. E 317), the Unac passage is called upon once more, this time when arguing that rural preaching in Sabarthès was in the vernacular:

It was in this way that Amiel de Rieux, perpetual vicar of Unac, harangued some fifty people, including a nobleman and a priest, and expounded the articles of the Credo—the articles of faith—in the Occitan language. He did, in fact, use the occasion to spread "errors" such as the non-resurrection of the body, or the absence of a soul in the newly-born. Such "falsehoods", of course, disturbed not a little the few vaguely-educated individuals who were in the church at that moment, but it left the great rustic majority of the audience unmoved.

There is no doubt here that Le Roy Ladurie's grip has become loose over those 170 and more pages: the perpetual vicar, Amiel de Rives, is fairly securely in hand (though his name changes to Rieux), but "Junac" has slid into "Unac," the "cure" who was present becomes just a priest, the "large number of parishioners" dwindles to "some fifty."

Now, the perpetual vicar and parish priest (cure) of Unac (not Junac), Amiel de Rives, did indeed say the things with which Le Roy Ladurie credits him, but on two different Sundays. On the first (c. 17 April 1323), there were, as Amiel himself states, about fifty people present, and, in spite of what he had preached in error, "no one objected" (R 3. 9-11). On the second occasion, some six weeks later, as we know from an informant of the Inquisition (R 3. 1113), there was "a great multitude" present, and the priest and the nobleman to whom Le Roy Ladurie refers in his conflation of the two occasions. The priest in question was Amiel's sub-capellanus or assistant priest, not his 'curé,' and it was he alone who was disturbed, passed on his doubts to the informant, and, in fact, later made a deposition of his own to the Inquisition at Pamiers (R 3. 12-13).

What is more, the text sheds an important light on the Sunday Mass system in rural parishes that is considerably at variance with the seemingly perceptive picture painted by Le Roy Ladurie. Since there were two priests at Unac, and Amiel's Mass on the first Sunday (that in April) is described simply as "missa quam celebrabat," and on the second (that in June) as "maior missa" ("main" or High
Mass), then clearly there were two Masses on a Sunday in Unac, and the perpetual vicar (parish priest) and his assistant took it in turn to say first and second Mass. And, as is usual in most places, and particularly in rural areas, the main or late Mass was crowded, with one or two of the gentry present and the assistant-priest on hand to help out where necessary, while the early or simple Mass had a scattering of parishioners, most of whom, anyway, would have been too sleepy to spot any heresy in what their parish priest preached. As for the assistant, he probably was still in bed during that first Mass of that Sunday in April. It would be his turn to get up early, and for Amiel to sleep late, the following Sunday.

10. Keep your feet on the ground. The greatest danger of all in the quest of mentalité, as in every area of scholarship, is that of playing fast-and-loose with the evidence. One is often tempted to jettison what does not suit one's purpose, or, worse still, because there is no evidence when one feels in his bones that there should be, to dream it up. The latter temptation is particularly attractive if one has read widely in anthropology, ethnology and kindred sciences, and is awed by the ease with which authors in these areas can turn a molehill into a mountain, or, to change the metaphor, can take off into the blue from a speck.

There are several good examples of this in Montaillou, but I shall, by way of conclusion, mention only one. Discussing the rather unexceptional devotion to the Virgin Mary at Montaillou and elsewhere in the Ariège, Le Roy Ladurie writes (F 493-494) in summary):

The Albigensian Pierre Clergue, while he might ridicule the official Virgin of the Catholic church, for all that was not any the less hesitant to venerate the terrestrial, chthonian, Virgin of Montaillou, under whose altar he buried his mother. By this act he fused his own 'devotion', global heresy, and local folklore, all into one.

This chthonian, earthy, aspect of the Marian presence in the parish of the yellow crosses, seems to me to be very, very fundamental. In the Pays d'Aillon, and in Upper Ariège in general, the Virgin Mother, without a shadow of doubt, is of the earth, just as God the Father, at the opposite pole, is in heaven. The two form a couple at either end of the vertical dimension.

Mary of Montaillou, Mary of the Sabarthès . . .: under her altar, and in the cemetery beside her chapel, she welcomes maternally the cadavers returned to Mother earth. The Goddess Mother is Goddess Earth.

It is odd, I must admit, that there is hardly any sign of fertility cults, whether human or agricultural, at Montaillou. But these fertility cults are there all the same. They are unspoken rather than non-existent. The cult of the Virgin has absorbed them. The written texts and even the consciousness of the people may have next to nothing to say about them, but they are there all the same. For these fertility cults, these cults of the roots of things, continued in the Middle Ages as the underpinnings of the Marian substructures of the piety of Montaillou, the superstructures of which were correspondingly high in the sky.

The launching-pad here was the fact, as Le Roy Ladurie sees it, that Pierre Clergue buried his mother under the altar of the Virgin. So Pierre Clergue shall have the last word. He did not bury his mother under the altar. He buried her beside it (R 3. 182).