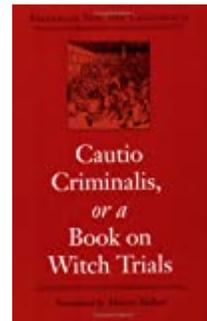




Friedrich Spee von Langenfeld. *Cautio Criminalis, or a Book on Witch Trials.* Charlottesville: University Press of Virginia, 2003. xxxvii + 233 pp. \$55.00 (cloth), ISBN 978-0-8139-2181-5; \$19.50 (paper), ISBN 978-0-8139-2182-2.



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A Warning against Excess

In 1631 an anonymous treatise appeared that would become famous for its opposition to the methods of and motivations behind witchcraft prosecutions. Entitled *Cautio Criminalis*, it was quickly linked to a Jesuit professor of moral theology, Friedrich Spee von Langenfeld, although it appeared without the Society's imprimatur. Circulating widely in Latin and translated into German, Dutch, and French, the *Cautio* called for German rulers to intervene directly in reforming their judiciary.[1] To support his claims of blatant abuse and inhumanity, Spee combined both traditional and modern styles of theological argumentation—among them, the *quaestio*, casuistry, and probabilism—with emotional and intensely moving appeals to justice and mercy based on his personal experience as a confessor to the accused. Passion, sarcasm, and irony imbue the *Cautio*. Because of his attacks on torture, judicial corruption, and superstitious ignorance, both Enlightenment rationalists and modern scholars have seen and frequently romanticized Spee as a light in the assumed darkness of the seventeenth-century prosecutions.[2] Marcus Hellyer's translation of Spee allows ready access for the English-language audience to this classic in both witchcraft and judicial studies and

provides an invaluable opportunity to read Spee with minimal distortions.

Hellyer begins his edition of Spee with an informative and clear introduction. In it he includes a brief biography of Spee, publishing history of the *Cautio*, summary of the *Cautio*'s arguments, description of the book's appeal, and sketch of the witch trials as probably experienced by Spee. Such a program might seem overly ambitious in a relatively brief book, but Hellyer skillfully condenses his material into less than thirty pages. For those interested in further research, Hellyer's notes to the introduction list classics in witchcraft studies, comprehensive biographies of Spee, and the authoritative critical edition of the *Cautio*. [3] Most valuable for a modern reader unfamiliar with Jesuit education and seventeenth-century German Catholic universities are Hellyer's brief definitions of probabilism and casuistry as understood during Spee's era. [4] Both guided Spee's critique of witchcraft prosecutions, yet as Hellyer rightly argues, they mark Spee as a man of his time, not as a harbinger of Enlightenment rationality.

Spee's topics are diverse but guided by his concern

over the judicial treatment of accused witches rather than the characteristics of witches themselves. Taken from the fifty-one questions Spee uses to organize his book, the following give a sense of his arguments and tone: “Question 6: Whether the princes of Germany act well when they proceed harshly against witchcraft” (pp. 16-18); “Question 12: Whether inquisitions against witches should cease if it is established that many innocent people have actually been entangled in them” (pp. 42-44); “Question 36: Whether rumor alone is sufficient for torture, at least when the crimes are difficult to prove” (pp. 141-144); “Question 49: What are the arguments of those who consider denunciations by witches to be completely trustworthy, and say they suffice for torturing those denounced” (pp. 198-212).

Spee never denies that witches exist; in fact his first question is “Whether witches, hags, and sorcerers really exist?” to which he responds emphatically, “I answer, they do” (p. 15).[5] Instead, Spee is preoccupied with the treatment and trial of those accused of witchcraft. Particularly troublesome for Spee are the use of torture, the acceptance of denunciations in trials, and the ability of rumor and reputation alone to trigger arrest and torture. He challenges denunciations made by confessed witches, especially ones who had been tortured repeatedly, and he condemns women’s credulity since his experience is that most of those accused are women. Like many of the demonologists and writers of witchcraft treatises his work is a conversation with other scholars; in the *Cautio* his primary opponents are Peter Binsfeld and fellow Jesuit Martin Del Rio.[6] Not only does Spee challenge their logic and learning, but he questions the validity of their experience, or lack thereof, and draws on his work as a confessor to imprisoned witches.

Yet Spee realizes that judicial reform must come from the rulers themselves, and beginning in his preface and throughout the text, Spee urges that Germany’s princes intervene with mercy and reason in witchcraft persecutions. In some cases, following conventional practice, Spee argues that abuses must only occur because the princes are ignorant of them, and he begins the book by quoting Seneca’s *De beneficiis*: “I will show you what great men are in need of, what those who possess everything lack, namely one who speaks the truth” (p. 13). In general, however, Spee’s tone is far less hopeful. Spee is dubious that the princes will actually read his work and is frequently sarcastic and ironic when discussing those most likely to read it: the princes’ advisors, judges, and other legal officials. Question 24 is a brutal analysis of how judges force confessions, while in Question 34 Spee

notes that, if he was an inquisitor, he would “immediately investigate every ruler, church prelate, canon, and cleric in Germany,” a perspective not likely to endear him to those very individuals (p. 132). Rather than relying on reform from within the judiciary, Spee concentrates his appeal on the reason and humanity of Germany’s princes, stressing the brutal experience and subversive nature of torture: “If we constantly insist on conducting trials, no one of any sex, fortune, condition, or rank whatsoever who has earned himself even one enemy or slanderer who can drag him into the suspicion and reputation for witchcraft can be sufficiently safe in these times” (p. 221). Germany’s princes should end judicial torture in witchcraft prosecutions for their own preservation.

Hellyer’s translation is remarkably readable, and he adds clear and brief explanations for those puns and ironic twists that are difficult for the modern reader. (The University of Virginia Press should also be commended for treating his editorial notes as footnotes rather than endnotes.) His admiration of Spee’s audacity comes through in both his introduction and the translation itself, and frankly, it is admirable; I was astounded at how brutal and biting Spee could be. Yet Hellyer’s treatment of Spee is remarkably free from the near hagiographical tone of too many other discussions about him, and he notes the weaknesses in Spee’s scholarship and arguments. For example, Spee’s quotes from the *Corpus Juris Civilis* are from only a “small number of authors” (p. xxi). Like many early modern scholars and demonologists, Spee is not particularly original either, and Hellyer highlights that Spee borrowed extensively from the writings of the Bavarian Jesuit, Adam Tanner’s *Universa Theologia Scholastica* (1627). Tanner’s condemnations of torture foreshadowed those of Spee, yet he remains obscure to many modern scholars.

Any translator faces criticisms from those who argue that nuances have been lost or that certain phrases lack the tenor of the original, and Hellyer will face criticisms from some Spee scholars for the way in which he has modernized Spee’s Latin. I, however, found Hellyer’s translation quite judicious and appreciate its readability, which makes the text suitable for both undergraduate and graduate courses as well as valuable for scholars. Even the few overdone statements in the introduction—such as the claim that the idea of a witches’ sabbath as a “reality” was “absent from the learned conceptions of witchcraft in many other countries” (p. xviii), a statement which ignores the internationalism of demonological discourse—do not detract from the book as a whole, especially if Spee’s text is treated as a complement to a

more general course or unit on witchcraft. I look forward to having my students grapple with Friedrich Spee and am grateful to Marcus Hellyer for providing this long overdue and nicely edited translation.

Notes

[1]. Spee's entire title, here in English translation, makes his perspective clear: *Cautio Criminalis, or a Book on Witch Trials. Currently Necessary for the Rulers of Germany, but also very useful for the Princes' Counselors and Confessors, Inquisitors, Judges, Lawyers, Prisoners' Confessors, Preachers, and Others to read, by an Unknown Roman Theologian*.

[2]. Spee's moving devotional songs and his death from plague while ministering to wounded soldiers have also contributed to his somewhat sanctified persona among modern scholars.

[3]. For Spee's biography see, Theo G. M. van Oorschot, S.J., in *Friedrich Spee im Licht der Wissenschaften: Beitrge und Untersuchungen*, ed. Anton Arens (Mainz: Gesellschaft fr Mittelrheinische Kirchengeschichte, 1984). The same author edited the most comprehensive critical edition of *Cautio Criminalis* (Tbingen: Francke, 1992).

[4]. Hellyer focuses on revising false, modern asso-

ciations when he defines these terms. Particularly laden with modern baggage is casuistry, and Hellyer stresses its more neutral, seventeenth-century sense: "casuistry is simply the application of general moral rules such as the ten commandments to particular cases (hence the term casuistry, from the Latin casus for case)" (p. xiii). For probabilism, Hellyer situates it within the context of theological education and scholarly debate: "As a Jesuit moral theologian, he [Spee] adhered to the doctrine of probabilism, that is, when confronted by a choice of actions one need not choose the one that is more morally safe or probable, but one can choose the lesser, provided that it has some probability, which means that it is supported by reputable authorities" (p. xxix).

[5]. Hellyer, however, suggests that Spee actually thought that witches did not exist but stated that he did so that his arguments against judicial abuses would have greater credibility (p. xxiii).

[6]. See Binfeld's *Tractatus de Confessionibus Maleficorum et Sagarum* (1591) and Martin Del Rio's *Disquisitionum Magicarum Libri Sex* (1589), a fellow Jesuit. P.G. Maxwell-Stuart has provided an excellent English translation of part of Del Rio's *Disquisitionum: Investigations into Magic: Martin Del Rio* (Manchester: Manchester University Press, 2000).

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