

**HOW TO MAKE A (LEGAL) PACT  
WITH THE DEVIL?  
LEGAL CUSTOMS AND LITERACY IN WITCH  
CONFESSIONS IN EARLY MODERN HUNGARY\***

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It is well known that the historiography of early modern European witchcraft has been enriched by adopting a social/sociological approach during the last three decades.<sup>1</sup>

I myself have made use of a similar perspective in my book analyzing the social and cultural background of witch hunting in forty-five Hungarian Calvinist communities from the sixteenth through the eighteenth centuries. While having studied the witnesses' testimonies from a sociological point of view, I have almost entirely neglected this aspect in my examination of the confessions of the accused witches themselves. I drew only data of the yes-or-no-type from the latter: whether the accused witches accepted the charges, or rejected them, whether Calvinist demonology influenced popular imagination, or not (Kristóf 1998).

This approach—not so much a social, but rather a somewhat religious focus—is perhaps most commonly used by the students of witchcraft confessions. It aims at demonstrating whether or not official church demonology penetrated into popular witchcraft beliefs; and *vice versa*, whether or not particular popular concepts of witchcraft affected learned demonology.<sup>2</sup>

There is, however, a possibility to deepen the analysis of witch confessions by adopting a somewhat similar “social” approach (in the broadest sense of the term) as has been used in the case of the witness testimonies. This approach would involve the following working hypothesis. Analyzing witch confessions, the researcher always has to take into account the possibility that the accused witches, having been interrogated and even forced by the magistrates to speak about their alliance with the Devil, might have confessed to their diabolical activities based on many different aspects of their stock of everyday knowledge.

The Hungarian confessions do seem to indicate that the above-mentioned religious aspect might have been only one among many others. I suggest that a broader social interpretation is also inscribed in the stories, to be seen in the frequent occurrence of two closely related groups of notions. These are certain characteristics of the contemporary urban/rural practice of “literacy” on the one hand, and that of criminal and civil “law,” on the other. At least four dozen early modern Hungarian witch confessions seem to represent one or another element of both practices, as will be shown below.

All of these confessions originate in official interrogations conducted by Hungarian town and county magistrates during the seventeenth and eighteenth centuries. In almost all of these cases, the questions put to the accused witches rely on the 60th chapter of Benedict Carpzov’s famous jurisdictional treatise, *Praxis criminalis*, written in 1635 and adopted into Hungarian criminal law from the end of the seventeenth century on.<sup>3</sup>

In his own model of interrogation, Carpzov seemingly attempted to describe the witches’ pact as something “real.” It was a very concrete, quasi-tangible “thing” for him, almost like a physical object. According to *Praxis criminalis*, the pact had two particular forms. It could be made orally as a sort of ritual/ceremony, and could also be put into writing as a kind of document.<sup>4</sup> It is easy to recognize, however, that there are plenty of “holes” in Carpzov’s representation. Practically nothing is said about the very circumstances under which the diabolic alliance could be carried out. The most important “rubrics” like place, date, instruments, and moreover, the particular procedures itself are expected to be “filled in” by the interrogated people. And it is exactly here, in the functioning of this forced imagination that the researcher can grasp something about the ways the “witches” interpretation worked.

Let us turn to the confessions themselves. I find it significant that a great many elements (ideas and practices), connected with the particular procedure of concluding a pact with the Devil, seem to have had their counterparts in the contemporary social world. Imaginary, diabolic acts and gestures seem to reflect particular legal customs; rites common in seventeenth and eighteenth-century Hungarian cities and villages, and descriptions of the pact as a physical object seem to rely upon particular written documents used in contemporary bureaucracy, jurisdiction, or even economic life. It is these very features that encourage me to pro-

pose a *social (legal/communicational) reading* of the image of the witches' pact.

Let me point to some of the specific characteristics of the Hungarian witch confessions that support this interpretation.

A significant general feature of the stories is their reference to a remarkable communicational duality to be seen in the ways of representing the satanic contract. A couple of "witches" described written documents, while others mentioned only certain words and/or symbolic gestures.<sup>5</sup> This dual representation might have been based upon a particular characteristic of early modern Hungarian legal practice.

I would argue first that the image of the witches' pact could itself imply the idea of a "business transaction"—a rather bizarre version of a sale and purchase procedure in which it is nothing other than the soul of a human being that is put up for sale. Secondly, I propose that it is not by chance that *both the oral and the written means* of communication are used by the defendants in order to authenticate, in imagination, that semidemonological/semilegal business.

It is not a very much known—actually, barely studied—fact that a similar double possibility of authenticating and proving a legal transaction was also permitted by early modern Hungarian civil law. This possibility was usually expressed by a specific formula, one of the most completely elaborated versions is *litterali documento vel humano testimonio*.<sup>6</sup> It meant that a legal transaction could be either written down or—and it is important to emphasize this "or"—could have been testified by a group of witnesses present at the occasion, that is, by oral means. I cannot yet provide an exhaustive list of all those early modern law books and local decrees in which this principle occurred, it seems to me, however, that it referred primarily to the middle and lower status groups of the contemporary society. As for its chronology, one can find it at least from the sixteenth century onwards right into the eighteenth century.<sup>7</sup>

It is significant that early modern Hungarian civil law made this legal/communicational choice possible primarily for those particular social groups—town dwellers and peasants—who actually played the roles of accusers and accused in the drama of witchcraft. Having been themselves involved probably in various legal transactions—like selling or pawning a piece of land or a vineyard, lending or borrowing money, or making one's last will—the defendants must have been quite familiar with the possibility

of selecting the oral or the written mode of authentication. And, when they were interrogated during a witch trial and forced to imagine how to sell one's soul to the Devil, they supposedly made the same communicational/legal choice.

The general communicational/legal practice adopted in early modern towns and villages might have thus patterned the representation of the witches' pact to a considerable extent. Some witch confessions permit the researcher to go even beyond the general features and to point to particular elements of the imaginary pact that also seem to have had their equivalents in contemporary social/legal practice.

Let me consider first the "oral/gesture" version of the pact. It is remarkable how deeply these stories are penetrated by a certain "symbolism of the body," and especially, that of the "hand."

According to official learned demonologies, a peculiar form of concluding a pact with the Devil could consist only of a rather simple gesture, a kind of ceremonial use of the hands. Stretching out one of them during the act of oath-taking was represented already in *Malleus maleficarum*,<sup>8</sup> while shaking them in conclusion of the agreement was described, among others, by Johann Weyer, the famous sixteenth-century physician of the Prince of Clèves. (It is important to note that Weyer referred to this particular gesture as a powerful example in his counterargument put forward against the possibility of any contract between demons and human beings. He argued that the Devil, being of a spiritual nature, does not even possess a hand that could be extended toward the human party.<sup>9</sup> Peter Melius, the first bishop of the Hungarian Calvinist Church in the sixteenth century also emphasized the disparity of nature of humans vs. demons as he, too, argued for the impossibility of the witches' pact.<sup>10</sup>)

Describing the "gesture version" of it, the Hungarian witch confessions refer, however, quite frequently to the act of a handshake.<sup>11</sup> This gesture, being an ancient symbol of agreement in European Christian culture, constitutes one of the most constant elements in Hungarian customary law, as well. It has been fairly often mentioned in various civil law trials held in early modern Hungarian cities and villages; it was a quasi-compulsory gesture involved in almost any legal transaction.<sup>12</sup> I would argue then that the recurrent representation of shaking hands with the Devil finds its explanation in the hypothesis suggested here. If the practice of early modern

civil law served indeed as a model for the image of the witches' pact, the use of this gesture was almost inevitable.

Another gesture described quite frequently in the confessions is a peculiar act of stabbing or cutting one's finger in order to use one's blood to conclude the pact. A witch could write the entire text of the contract with blood, could sign it with blood or could only pour some drops of blood onto a paper or into a book as a sign of the agreement.<sup>13</sup> Beyond its evident allusion to the Faustian story, which in itself demonstrates another cultural influence on the construction of this image, there might be at least two possible levels of legal meaning implied in this representation, both of them depending on small, seemingly insignificant, details: who actually cuts the finger and which finger is cut.

As for the first detail, in most of the stories it is not the would-be witch herself who voluntarily injures her own body. In one type of the confessions she is forced by the Devil or by another witch to do so, and in other types it is the Devil himself or another witch who carries out the act. This representation might refer to one of the contemporary legal customs of self-defense and the underlying ideas: to the custom of the so-called "blood-showing."

Originating in ancient medieval feudal law and developed with the intention of reducing the number of violent fights and bloodshed, the custom of blood-showing was used to protect the injured party in a quarrel or a fight, provided that he or she showed his or her bleeding wounds immediately to the magistrates (or other witnesses available). No matter who actually began the quarrel, the law made it easier for the "showing" party to prove his or her case. Consequently, it was more probable for the injurer to be found guilty and be obliged to pay a penalty.<sup>14</sup>

I would propose that the central idea of this custom—to defend the injured victim, the blood-showing party—is very close to the idea suggested by the witch confessions (see note 13). The would-be witches are presented as victims of a violent—diabolical—injury, rather than willing participants. Wounded on the hand, the would-be witches, however, had had no possibility to "show their blood" to the magistrates because at the moment that the wound was done to them, they were usually far from home. As if the occasion of the witch trial was the first opportunity for the witches to prove their case, by narrating in detail, from whom and under what circumstances they got those bleeding wounds.

Behind the widespread demonological motif of writing with blood, these stories might have also conveyed a message of innocence, perhaps inspired by, consciously or not, a plea for innocence. A plea, perhaps from a would-be witch and inscribed within the convention of the popular knowledge, might appeal to the magistrates as an explanation for diabolical activities.

The strategy of relying upon the imagery and practice of the contemporary legal means of self-defense did not seem to have been limited to the custom of blood showing. Let me only hint at the fact that a parallel custom seems to have been incorporated in the early modern Hungarian discourse on witchcraft as well. This is the so-called “blue-showing” which was based upon the same ideas as its “bloody” version but it concerned those cases of fights which resulted only in bruises (“blue” spots) on the body, and not in open wounds (see note 14). This gesture seems to have been attributed quite frequently to the healer-type of witches. Witnesses to the Debrecen witch trials for example described it as a particular strategy of “good” witches showing to their patients how many bruises they had had to suffer from supernatural enemies in defense of the same patients.<sup>15</sup> The legal custom of blue showing, reformulated in terms of witchcraft beliefs seems to reveal a similar, more or less conscious strategy of defending oneself against the charges of voluntary ill-willed magic, as that of blood showing.

The other aspect of the stories about blood—the significance of which fingers the would-be witch has had cut—is also closely connected to the contemporary means and ritual of oath taking.

When they spoke of the act of concluding the nonwritten version of the pact, the accused witches most frequently used the Hungarian verb *beesküdni*. Its meaning is quite close to the English expression: “to take an oath of office.” In ancient Hungarian, *beesküdni* had a double reference. On the one hand, it was used in the context of a certain function or office that could be taken after the act of taking an oath. On the other, it was an oath required of new candidates to a body of people—a corporation or a society—united by certain common activities or privileges.

It is quite common that the accused witches present the particular setting of this oath taking in their confessions. In many of these cases, the imaginary solemnity of the ceremony seems to have been modeled on its everyday, official equivalent. A significant example comes from a witch

confession made in 1757 in the city of Szeged (Southern Hungary). The accused Catholic woman described a room in an ordinary house and a table in front of which she was standing during the ceremony. Beside the Devil himself, there was “a man” in the room “who recited the text of the oath and she repeated it ... she took her oath on a book of big size,” which was lying on the table (Reizner 1900, p. 527). This description would probably correspond to the ordinary circumstances under which almost any kind of official oath was taken in early modern Hungarian cities or villages—excepting, of course, the presence of the Devil. The house of a magistrate, the Bible lying on the table, the written text of the oath read aloud to the candidate were all common elements in the procedure of the ceremonial initiation into a kind of community office (that of the judge, the sworn members of the council, the many types of lower functionaries) on the one hand, and, into the body of the urban or village community or a guild, on the other.

Some of the Hungarian early modern law books and local decrees concerning customary law describe the particular procedure of oath-taking in a detailed manner. One of these texts commenting upon habitual gestures made during the ceremony leads us back to hand symbolism and to the issue of the significance of fingers. This text is to be found in a handwritten law book which dates from the end of the sixteenth or the beginning of the seventeenth century and was used in the city of Kassa (Kosice, Slovakia). The text is all the more important, because the population of Kassa was religiously mixed in early modern times. Here Catholics, Lutherans, and Calvinists lived together, therefore the formulas and the meanings of the oath might have been put forward in such a way that all the three churches could accept them. (The issue of the Calvinists is, however, a more complicated one—I am not so sure that they would agree on the use and the symbolism of the gesture described.)

The remarkable passage of this *Instructio pro juraturis* reads as follows:

All of those who want to take an oath should hold out their right hand with their first three fingers stretched out. The first finger, the thumb is understood as God, the Father. The second, or index finger signifies the Son, while the middle finger the Holy Ghost. The last two fingers have to be bent, of which the ring finger stands for the soul—hidden in the human body—and the little finger means the body, which is con-

sidered smaller than the soul. The whole hand represents the One God, the Creator who had created Man and all the creatures of Heaven and Earth (Petkó 1883, p. 797).

Unfortunately, it is not very common for the defendants in Hungarian witch trials to specify the particular hand and the particular finger that was used for the bloodletting in the pact. If it is mentioned, it is either the little finger or the ring finger which are named; the hand being less certain (there are, however, confessions, specifying the right one).<sup>16</sup>

At this stage, at the beginning of the study of this particular gesture symbolism, I can but propose a preliminary interpretation which needs, of course, thorough further research. Let me first point to the fact that a very similar finger symbolism was already put forward in *Malleus Maleficarum*, in passages in which the two fifteenth-century inquisitors described the “usual manner” of making the deponents swear. Krämer and Sprenger themselves identified the first three fingers to be raised as symbol of the Holy Trinity elaborating a different but nevertheless remarkable interpretation for the last two fingers. According to them, the deponents should bend or “depress” the latter in testimony of the damnation of their soul and body if they will not “speak the truth in their depositions” (*Malleus Maleficarum*, 207, emphasis is my own: *I. K.*). Provided that this legal and religious interpretation of the hand and its fingers was known enough in early modern times to affect popular imagination, the following hypothesis could be proposed. The imaginary use of one or the other of the last two fingers for concluding a pact with the Devil could be explained according to this legal and religious gesture symbolism, which vested the fingers with a binary significance: divine vs. human / salvation vs. damnation / sacred vs. diabolic. Preferring the human/diabolic fingers to let blood from might thus suggest that some demonological concepts were incorporated indeed into the stock of knowledge of town and village people. The act of cutting the ring finger, which signified the human soul, would symbolize the perfect or “official” version of an alliance between a human being and the Devil. It is tempting to associate it with the Faustian story of offering one’s soul to Satan. However, in the act of cutting the little finger (symbolizing the human body), it is not so easy to find a parallel. Could it represent a kind of “popular” demonology in which the physical/material/bodily features of the alliance are much more stressed than the spiritual ones?



Even if it were so, one should be very careful in attributing constant, rigid, and fixed meanings to the hand and its fingers. The use of the first three divine/sacred fingers for example is to be found in other contexts. In early modern culture, the meaning of the particular fingers of the hand could also vary. Let me only hint at two contexts. The first three fingers raised and symbolizing the Holy Trinity is a very ancient gesture known from Christian iconography and liturgy. In its pictorial representations, it is attributed mostly to Jesus Christ and Catholic—later also Lutheran—priests and stands for the act of blessing.<sup>17</sup> It appears, however, in another set of liturgical gestures, as well: in that of making the sign of the Holy Cross in which the meaning of the particular fingers depends on the specific way of holding them. One of the official, Post-Tridentine prayer books written by the Catholic Archbishop Péter Pázmány and published in Hungarian in 1651, distinguishes three different ways of holding the fingers while making that sign. The one with three outstretched and two closed fingers symbolizes for him the Holy Trinity. Making the sign with the thumb and the index finger put together would stand, however, for the double substance of Jesus Christ (divine and human), while making it with all the five straightened fingers would refer to the five stigmata of the Savior (Pázmány 1606, pp. 12–14).

The religious as well as legal hand/finger symbolism certainly deserves further investigation. We have to acquire a better understanding of its possible connections to early modern witchcraft discourse. The Hungarian witch confessions seem to indicate, as I argued above, that there existed a certain connection.

Turning finally to the written form of the pact, it seems that its representation in Hungarian witch confessions permits a similar legal, communicational (sometimes even economical) interpretation, just as the “oral/gesture version” treated above. All three forms according to which the accused Hungarian witches have imagined the written contract—a piece of paper (called sometimes *levél* i.e., a letter, sometimes *cédula* i.e., a slip), a book (either small or big) or a (not much specified) list (*lajstrom* i.e., a register of names)<sup>18</sup>—seem to have had, again, their social counterparts in the everyday life of town or village people. They belonged to the sphere of practical literacy used in every day life by early modern bureaucracy. Supposedly nobody could escape this sphere involving various public as well as private transactions and administrative acts. Public acts were recording

taxes in diverse books; registering members of the community—those moving in and out, those marrying or dying or those becoming orphans or members of a guild—into other kinds of books; and private acts: proving the sale of goods by written contracts (*contractus*), making written vows (*reversalis*, *alba*), signing pledges, testifying to having paid taxes by written receipts (*cédula*, *scheda*, or *quietantia*), or testifying, for that matter, to one's identity by means of the so-called *passus* (a letter of pass).<sup>19</sup> It is thus significant—but not at all surprising—that many of the defendants imagined the diabolic pact as one of these latter types of documents.<sup>20</sup> It was called, for example, a written *contractus*,<sup>21</sup> an *alba*,<sup>22</sup> others imagined it as a list of names written into a book,<sup>23</sup> or even as a *cédula*, a slip received from the Devil himself.<sup>24</sup>

I would suggest in conclusion that, in order to elaborate appropriate answers to official interrogation, the Hungarian “witches” made considerable use of their knowledge of the surrounding social world. They drew from contemporary legal practice (customary as well as written law) in general, as well as of their everyday use of the means of communication in particular to construct the image of the witches' pact. Far from denying the impact of religious ideas and official demonology on witchcraft beliefs, I find it important to emphasize that certain phenomena of contemporary social life could also be hidden beside or behind those beliefs.

Paraphrasing Marcel Mauss, one of the French pioneers of social and legal anthropology, I would say that the witches' pact appears in the confessions as a *fait social total* (a total social phenomenon). It is an imaginary transfiguration of ideas and institutions that are, in the same way as their image is, “at once legal, economic, religious, aesthetic, morphological, and so on.”<sup>25</sup> It is exactly this multiple reference of the image and the possibility of its multiple reading that I attempted to highlight in the present study.

### Notes

\* For a further elaborated version of this paper analyzing early modern Hungarian discourses on witchcraft and civil law from the point of view of communication and functional literacy, see Kristóf, “Towards a Historical Anthropology”; see also Klaniczay and Kristóf 2001.

- 1 Here I can but refer to some of those studies: Ankarloo and Henningsen 1990; Behringer 1987; Boyer and Nissenbaum 1974; Clark 1980, 1990, 1997; Demos 1982; Henningsen 1980; Klaniczay 1990a, 1990b; Larner 1984; Levack 1987; Macfarlane 1970; Midelfort 1972; Monter 1976; Thomas 1978.
- 2 The most prominent scholars arguing for this particular approach are, among others, Éva Pócs and Carlo Ginzburg: Pócs 1992, 1999; Ginzburg 1983, 1990.
- 3 The index called *Régi Magyar Könyvtár* (A Short Title Catalogue of Ancient Books Printed in Hungary, hereafter referred to as RMK) lists three editions of *Praxis Criminalis*, all of them in Latin and published in the—mostly Catholic—city of Nagyszombat (Trnava, now in Slovakia): 1687 (RMK II/1621), 1697 (RMK II/1897), 1700 (RMK II/2013). As for its eighteenth-century editions, the bibliographical index made by Géza Petrik mentions three of them, all in Latin: Tyrnavia, 1717 and 1732, Claudiopoli, 1748; Petrik 1888, p. 811; I used its first edition, see *Praxis Criminalis*. Its introduction and use in seventeenth and eighteenth-century jurisdiction in Hungary is treated by Iklódi 1982 and Klaniczay 1990b.
- 4 Chapter 60 (*De Magia*) provides important indications concerning the particular forms that could have been attributed by some German magistrates to the witches' pact. Two questions of its *Interrogatorium* are especially relevant in this respect: “*An scripto vel ore tenus sit factum?*” (Question 5) and “*Ubi sit pactum, aut quale signum inde habeat?*” (Question 9). *Praxis criminalis*, p. 31.
- 5 This statement is based upon an earlier study of mine in which I set up an inventory of the references made by the accused witches as well as their accusers to written and printed means in their confessions and testimonies. See Kristóf 1995.
- 6 The formula is used in this particular form—though in a negative sense—by the lawyer of two ecclesiastical landlords (the Provostship of Csorna and the Abbey of Pannonhalma, Western Hungary). For example, as he was raising objections against the evidences produced by the other party—a peasant family—in a trial of succession held before the court of the Abbey in 1655: “*Procurator dominorum terrestrium solenniter protestatur super replica et assertione procuratoris I, quam ex quo nullo literali documento vel humano testimonio etiam coram tribunali doceret, neque praetensi I consanguineitas eiusdem constaret, cui assertioni tamquam nuda, in foro contradictorio locus dari non debet.*” Varga 1958, p. 382 (emphasis is mine: I. K.).
- 7 For the inhabitants of the so-called free royal cities, one of the most important historical sources in this respect is a general law book existing in manuscripts as well as print. One of its manuscript versions coming from the sixteenth century, written in Latin and enumerating eight free royal cities (Bártfa, Buda, Eperjes, Kassa, Nagyszombat, Pest, Pozsony, and Sopron) is published in Harsányi in 1909. From among its later printed versions I used the bilingual (Latin and Hungarian) one printed for the inhabitants of the city of Kassa (Kosice, now in Slovakia) in 1701, to be cited further on as *Jus civile*. The formula in question appears, among others, in the following particular contexts in this law book. Proving one's proprietary rights to a house, a piece of land or vineyard: “*Si quis super alienatione domus, vel vinea aliquid jus habere praetendit, id literis Civitatis Sigillo autentico roboratis,*

*vel testimonio juratorum civium probare tenetur.*” *Jus civile*, pp. 14–15; concluding a sale and purchase contract of a house or land property: “*Si quis domum, vineam, jugera, foeneta, sive quacunq̄ue alia immobilia emerit*” [...], he is obliged to act “*bizonyos emberek elõt, vagy kötés levélben*” that is, in the presence of certain people or by putting the business into writing. *Ibidem*, pp. 21, 22; pawning (a house): “*Si quis hominum domum suam invadiaverit, vigore Literarum Civitatis aut testimonio sufficienti juratorum Civium* [this is how he should proceed].” *Ibidem*, p. 114; Transactions of credit and debt: “*Si attractus fatebitur, vel si Literis efficacibus, aut testimonio sufficienti A. contra I. approbare voluerit* [this is how they should proceed].” *Ibidem*, p. 106; Testifying one’s identity, origin, or reputation: “*Quod nemo acceptetur in Civile consortium eorum, nisi sit Pater familias & bonae famae*” which is to be testified “*levélel avagy élő jámbor személyekkel*” that is, either by means of a document or by honest persons. *Ibidem*, p. 3; For peasants, versions of the same formula are to be found for example in the early modern archives of the landlord’s courts of which hundreds of documents are published by Varga 1958. For the presence of the formula in cases of testifying identity, see note 6, in that of making and testifying last wills, see my article: Kristóf 1999 dealing with the double—oral and written—form of sixteenth and seventeenth-century Hungarian testaments. One could also prove “*quietantiakkal avagy emberi bizonyással*” that is, by means of written receipts or human testimony to have performed some feudal services, like having payed the tithe. Two cases, among the many, come from the Estate of Szalónak, Western Hungary from 1651: *Ibidem*, pp. 201, 203; as for the nobility, the use of written documents seems to have been much more preferred in legal contexts than that of oral evidence. Much further research is needed, however, to understand the differences (and the similarities) between early modern law books like that of Werbőczy or Kithonich written for the (middle/lesser) nobility and law books like *Jus civile* and others written for burghers. See Werbőczy 1989 and Kithonich 1650. I could, however, cite examples to demonstrate that the formula in question was applied, in some cases, also to the legal/communicational practice of the nobility itself. According to the judges of the landlord’s court held in the Estate of Németújvár (Western Hungary) in 1613, for example, one could prove his noble (here actually *agilis*) status and also that of his land by “*humano testimonio ac si voluerit, literis etiam et literalibus instrumentis.*” Varga 1958, p. 269; question XXX in the law book of Kithonich treats the way one should defend himself or herself against accusations of infamy. It says precisely that “*literali fulcimento, aut alio probabili documento, sufficienti scilicet humano testimonio comprobare, ipsum verum Nobilem & honestae conditionis hominem esse.*” Kithonich 1650, p. 211 (emphasis is mine: I. K.); for more references and a broader discussion of the formula, see Kristóf, “Towards a Historical Anthropology.”

- 8 The so-called “solemn ceremony” is described like this: “[...] witches meet together in conclave on a set day, and the Devil appears to them in the assumed body of a man, and urges them to keep faith with him [...] and they recommend a novice to his acceptance [...] if he finds the novice or disciple willing, then *the Devil stretches out his hand, and so does the novice, and she swears with upraised*

*hand to keep that covenant.” Malleus Maleficarum, pp. 99–100 (italics are mine: I. K.).*

- 9 On Weyer, see Baxter 1977, especially p. 61.
- 10 On Melius, see Kristóf 1997, p. 10 and 1998, p. 56.
- 11 The stories to be cited here relate the gesture not only to the Devil himself, but also to witches. One of the tortured witches coming from the village of Ebergöc (Sopron County, Northwestern Hungary) confessed in 1745 that one night she happened to meet two women in her courtyard who “invited her in their company [...] telling her *to give them her hand; so she did, stretched her hand towards them* and they told her: very well, from this time on you belonged to us.” Schram 1983, II, p. 228; one of the most detailed confessions representing the circumstances of the ritual/diabolical handshake comes from the village of Kamocsa (Komárom County, Northwestern Hungary), from 1728. The tortured woman admitted that she had walked once through the fields belonging to her village with Mrs. Hegedűs, a suspected witch and just as “they stopped at the crossroad at noon [...] there appeared the Devil before them, in human form, wearing German clothes, and Mrs. Hegedűs forced her *to give her hand to him* and deny God the Father, the Son, the Holy Spirit, the Virgin Mary, and the Holy Sacrament of Baptism before him,” which she did. Klaniczay, Kristóf and Pócs 1989, I, p. 499; the act of shaking hands with the Devil appears even in 1781. A woman from the village of Mezőtárkány (Heves-Külső Szolnok County, Northeastern Hungary) told her judges that “there came a Black Man to me one night, twenty years ago [...] He promised me lots of money *provided I give him my hand, so finally I shook hands with him.*” Sugár 1987, p. 214 (italics are mine: I. K.).
- 12 For aspects of the legal symbolism of the hand in ancient Roman culture, see Maine 1931; for its religious symbolism in medieval Western Europe, see Schmitt 1990, especially pp. 93–134 (Chapter III, *La main de Dieu*); for the specific use of the hand in medieval rites of vassalage, see Le Goff 1982.
- 13 Let me give only two examples. A peasant woman, living in the village of Rőjtök (Sopron County, Western Hungary), confessed under torture in 1746 that “she was registered [into the witches’ company] by her own blood having been obtained from her finger.” Schram 1983, II, p. 256. According to the testimony of the landlord of a 16 year-old servant, made in the city of Csorna (Northwestern Hungary) in 1734, “while crossing one of the courtyards, she met a tall man wearing a cloak [...] who addressed her by name and showed her a book, then wanted her to drop her blood into that book, but she did not do that.” *Ibidem*, p. 97.
- 14 For the free royal cities of the Hungarian Kingdom, Tractatus II, Titulus III (*De verberationibus cum livoribus & plagis ac sanguinis effusionibus*) of *Jus civile* describes that practice in details. It states that one has immediately to show his or her wounds or bruises either to the magistrates or—if they are not available—to his or her neighbors: “*Si quis hominum quempiam virorum verberaverit, & verberando eisdem livores & plagas intulerit, aut inferri fecerit, palam vel occulte, & ipsa testimonio sufficienti probari poterit, aut citatus trinies, vel ad tres terminos juridicos venire per se vel per legitimum Procuratorem suum parere noluerit, aut non curaverit, extunc*

*parti laesae pro quolibet livore & plaga vel sanguinis effusione singulas tres Marcas & Judici pro tempore constituto totidem solvere tenebitur. Si autem testimonio sufficienti probare non poterit, & ipsi livores & sanguinis effusiones post perpetrationem juratis Civibus ostensae fuerint, juxta fassionem ipsius, jurati Cives, quot & quantae ipsae plagae livores & sanguinum effusiones fuerint, pro quolibet illarum in terminis post se se sequentibus, semet tertius purgabit suis juramentis. Si autem ipsos livores, plagas & sanguinum effusiones jurato Civi vel juratis Civibus non ostenderit, & loca seu cicatrices plagarum, livorum vel sanguinis effusio non apparuerint, penitus & omnino; tunc Attractus se solum in proximo termino juridico purgabit suo Juramento, juxta quantitatem & divisionem causarum.” Jus civile, pp. 31–32. Its sixteenth-century manuscript version repeats this passage almost word for word: Harsányi 1909, pp. 60–61. The same gesture of blood showing and blue showing referring to women is described and treated the same way, although separately in Titulus LXII (*De poena inferenda vituperantis aut verberantis Mulierem, aut livorem vel sanguinis effusionem patientis: ac de mulieribus se mutuo verberantibus*). *Jus civile*, pp. 81–82. To be found with almost the same words in the sixteenth-century manuscript version: Harsányi 1909, p. 84.*

- 15 One example, among the many, is that of Mrs. András Bartha, a healer or wise woman, accused of witchcraft in Debrecen in 1725. According to the testimony of one of her patients, the notary of the town of Kaba, she showed bruises and wounds on her body to him in order to give evidence of her nightly fights against witches as sign of her good will and said to him: “I have been suffering a lot for your health, just like the other night; she kept exhibiting him her body, which looked blue. She even asked him to tell the witches of Kaba not to torment her any more.” Kristóf 1998, p. 98.
- 16 Let me cite only three of the most revealing examples. A teenage Catholic gypsy girl confessed in the town of Báticasék (Tolna County, Southwestern Hungary) in 1782 that a certain woman “had cut her ring finger of the right hand and she had to register herself with that blood [into the witches’ company].” BA-Szkd782.doc: unpublished document to be found in the *Archives of Witchcraft*, Institute of Ethnography, Budapest; an accused peasant woman told in her confession made under torture in the village of Rőjtök (Sopron County, Northwestern Hungary) in 1746 that “she had been carried to the bushes of Lövő [a nearby village] and there György Tóth and his wife registered her name among those of the witches with the blood of her little finger.” Schram 1983, II, p. 257. According to the notary, a woman from the village of Barbac (Sopron County, Western Hungary) confessed under torture in 1742 that “*Diabolus nomen ipsius ipsa consentiente annuente, et volante sanguine e digito minori emisso inscripserit.*” *Ibidem*, p. 171 (italics are mine: I. K.).
- 17 Analyzing medieval religious gesture symbolism, Jean-Claude Schmitt provides plenty of illustrations of the liturgical acts of *benedictio* and *consecratio* in which the priests’ first three fingers of the right hand are raised while the two last ones are bent. The hand of God, that of Christ and saints are also often represented as making the same gesture. See Table V, VI, XX, XXIV, XXXII and Figure 3, 7, 14, 16/3, 16/7, 17/1, 17/4–6, 17/8, 19/1, 37 and pp. 208 and 329 in his book: Schmitt 1990.

The very meaning of it—the Holy Trinity—is mentioned, however, only in connection with that of making the sign of the Cross with the first three fingers joined. It is Cardinal Lothaire, the later Pope Innocent III, who wrote on this finger symbolism in his *Ordo missae* and *De sacro altaris mysterio* in the end of the twelfth century: *Ibidem*, pp. 333–34; the gesture of blessing can also be seen on numerous woodcuts spread by Hungarian Catholics as well as Lutherans as a means of religious teaching and propaganda. For pictures, more references, and a further discussion of finger symbolism, see Kristóf “Towards a Historical Anthropology.”

- 18 For the inventory of these forms, see Kristóf 1995.
- 19 The particular types of written documents, their terminology, and the legal gestures (for example a handshake) cited here refer to those used in general in early modern Hungarian jurisdiction—in the practice of civil as well as criminal law. Supported by the National Scientific Research Fund (OTKA, No. F023078), I am currently pursuing research into the historical anthropology of legal and religious communication in Hungary between the sixteenth and the eighteenth centuries. Working primarily on two groups of sources—early modern printed books on civil/criminal law and the archives of certain communities—my investigations concern both the norms and the practices of legal communication. I am obliged to express my gratitude here to the Committee of that Fund, without whose help I would not have been able to prepare this study.
- 20 For a further elaboration on this argument, see Kristóf, “Towards a Historical Anthropology.”
- 21 A man confessed his diabolic crime in the city of Eger (situated in Northern Hungary) in 1773 with the following words: “In accordance with his *contractus*, he has signed [the pact] with his own blood.” Sugár 1987, p. 213 (italics are mine: *I. K.*).
- 22 A 60-year-old man accused of witchcraft in the city of Szeged (situated in Southern Hungary) told his judges in 1728 that “he has given his handwriting and his *alba* to the Devil.” Reizner 1900, p. 396 (italics are mine: *I. K.*).
- 23 One of the best examples comes from the chief judge of the city of Szeged who was accused of witchcraft in 1728. In his confession, he gave a description of the meeting of the witches that seems to mirror a quite ordinary meeting of the town council. The Devil’s pact seems to be imagined here as a register of the council members themselves, by means of which the leader of the meeting checks the participants: “The *list* was kept by Pluto [the Devil] and when they came together, he enumerated all the witches one by one and asked why this or that witch was not present and where he or she was to be found. And he [the judge] was in charge of giving him an account of each and everyone.” Reizner 1900, p. 407 (italics are mine: *I. K.*).
- 24 This belief seems to be most characteristic of those Szeged witchcraft trials which were conducted in 1728. Many of the accused men and women confessed to having obtained a small piece of paper (a “*cédula*” that is, a written slip) from the Devil during the ceremony of their oath taking. However, the confessions diverge on the issue of what happened later to the slip. According to the testimony of a 56 year-old-man, he concluded his contract “by means of both letters and words and

the *slip he was given is now to be found with the captain* [of the witches].” Reizner 1900, p. 417. In contrast, a 65-year-old woman told in the same trial in 1728 that “she took her oath in writing, obtained a receipt, too, *which receipt is to be found in the cupboard*.” *Ibidem*, pp. 389–90. And, a third accused, a 60-year-old man thought that “that *writing*, if it has not been already taken away by those wicked, *must be at home, in the pot*.” *Ibidem*, pp. 413–14 (italics are mine: I. K.).

- 25 For Mauss’s brilliant analysis of the worldwide practice of gift-giving in which he interprets the custom as a multifunctional, multireferential social institution that is, a *total social phenomenon*, see Mauss 1967. Citation is from *Ibidem*, p. 76.