Arguments have been made linking witchcraft beliefs with the social instability that characterized the early modern period in Europe, especially in the Holy Roman Empire.\(^1\) Witchcraft is strongly associated with political disorder,\(^2\) and within the context of an ever-present threat of uprisings and social disarray the notion of the witch is of the ‘quintessential rebel’,\(^3\) who threatens the patriarchal order of civilization.

This article is concerned with the notion, rather than the social reality, of witchcraft in the early modern period.\(^4\) Like notions of marriage and gender norms, the idea of the witch was developed and perpetuated on one level by the educated classes, and on another, and differently, by the general population.\(^5\) Lohenstein, who as well as being an accomplished writer and a successful politician was a university-trained lawyer with ten years of legal practice, was familiar with the contemporary legal discourse of witchcraft.\(^6\) His knowledge is likely to have extended beyond that offered by the basic legal textbooks of the time — such as Josse Damhouder’s

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3. Levack, p. 65.
4. The distinction is an important one, and is pointed up particularly well by Clark, pp. 108-132 et passim.
6. He had also read up thoroughly on Roman accounts of witchcraft, as the notes to the Zoroaster scene in Act V of his Agrippina (1665) reveal. See below.
Praxis rerum criminalium, the more specialist Malleus maleficarum or Disquisitionum magicarum libri VI of Martin Delrio; or indeed the Practica nova imperialis Saxonica rerum criminalium of his own law teacher at Leipzig, Benedikt Carpzov (a manual for magistrates that also, in its section on witchcraft, drew on the lore collected in the Malleus as well as on Delrio’s work) — to the sophistic debates relating to witchcraft that featured in academic dissertations at Leipzig and other universities into the late seventeenth century.

But Lohenstein’s exposure to the notion of witchcraft may well have been actual as well as theoretical. Witch trials in the German-speaking states were conducted not by local communities, but by the law faculty of the nearest university. In Silesia, which did not have its own university, expert legal advice was sought from the city council in Breslau, whose Syndikus or chief legal adviser, from 1670, was Lohenstein.

In the context of the witch hunts, Silesia — bordering Poland to the East, and with internal borders with Brandenburg to the North, and Saxony and Bohemia to the West and South — bridged a chronological and geographical gap. Where the western European hunts

7 First published Antwerp 1554.
9 First published Leiden 1599/1600.
10 First published Wittenberg 1635.
11 Clark, p. 574.
12 Behringer maintains: “alle Juristen, die politisch im Land eine Rolle spielten, kannten die Folterverhöre der Hexenprozesse aus eigener Mitwirkung. ... Alle deutschen Regierungen und alle Universitäten waren zwischen 1560 und 1660 unaufhörlich mit der Hexenproblematik beschäftigt”. Wolfgang Behringer (ed.): Hexen und Hexenprozesse. Second edition. Munich 1993, p. 271. It would be most interesting if documentation on this aspect of Lohenstein’s career as a jurist could be found.
13 Brauner, p. 20.