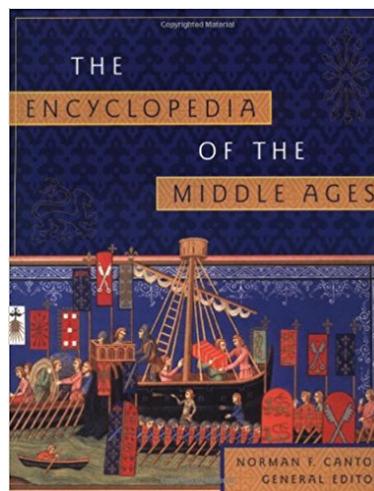


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TRIAL BY ORDEAL

The medieval practice of trial by ordeal had as its basis the Christian belief that God protected the good and punished the wicked. Yet the ordeals themselves were hardly better than TORTURE, and the outcome of such a trial was often the result more of luck than of guilt or innocence.

Beginnings. Ordeals have existed in various cultures at different times, but the medieval ordeals stemmed from Germanic law. The Germans believed that the victims of crime (or, in the case of murder, their families) should be compensated. Accused criminals could do this by paying a *wergild* (literally, “man money”) to make up for the lost or injured victim. If the accused refused to accept responsibility, or claimed innocence, another means was needed.

Wealthy or prominent citizens could choose trial by oath, or compurgation, in which they swore their innocence and produced “oath-helpers” who attested to the oath’s truthfulness. For others, the common method was trial by ordeal.

The ordeal was seen as a means of allowing divine intervention in a case. It was believed that innocent individuals would not suffer ill effects from the ordeals; guilty ones, however, would be marked as such by their adverse reactions.

Types of Ordeals. Ordeals were supposed to be neither punishment nor TORTURE, although in reality they included many elements of both. Those who failed an ordeal were usually executed; frequently, those who did not fail nevertheless often died as a result.

In the “Judgment of the Glowing Iron,” the accused was forced to carry a red-hot piece of iron or stone a specified distance. His hands would then be bandaged. If after three days the burn caused by the hot iron was infected, he was guilty. The “Test of Boiling Water” required the accused to take a stone out of a pot of scalding water. As with the hot iron, the accused’s hands would be examined after three days. In the “Ordeal of the Bier,” reserved for murder cases, the accused would stand near the victim’s body. It was believed that the victim’s blood would flow if the murderer was near.

One of the most commonly used ordeals was the “Test of the Cold Water.” The accused would be tied up and then thrown into a body of water. If he was guilty, he would float—the common belief being that water, as a divine element, would not accept an impure individual. If he was innocent, he would sink to the bottom—which may have exonerated him but did little for his chances of escaping death by drowning.

The “Trial by Combat” ordeal required accused and accuser to fight. The innocent party would emerge the winner. If the loser was still alive, he would also be charged with making a false claim. Individuals could hire “champions” to battle for them—which obviously put wealthy or powerful individuals at an advantage (they could hire the strongest man in the village to serve as replacements). Mindful of this, ruling monarchs placed strict limitations on how and when trial by combat could be employed.

Role of the Church. Proponents of trial by ordeal defended the painful and often fatal tests on the grounds that those who were defendants were usually already reputed criminals. The Church thus reluctantly accepted ordeals as a method of proof and a means of thinning the criminal population.

The Church, uneasy about claims that ordeals offered a divine judgement, tried at first to modify the process. It gave defendants an opportunity to confess to a crime before having to undergo an ordeal. It also allowed those convicted by ordeal to be punished by amputation rather than execution.

Eventually the Church withdrew its support for trial by ordeal. The Fourth LATERAN COUNCIL, which convened early in the thirteenth century, decreed in 1215 that priests would henceforth be forbidden from taking part in ordeals.

As legal systems changed throughout Europe, reforms eliminated trial by ordeal until it all but disappeared by the beginning of the fourteenth century. Ironically, trial by combat was not technically abolished in ENGLAND—where common law and trial by jury had first flourished—until 1819. (See PRISONS AND PUNISHMENT.)

A 15th-century depiction (by Bouts) of an offer made by the widow of a murdered man to undergo trial by ordeal.

