

There were many methods employed to settle legal disputes during the early Middle Ages. Trial by jury was not one of them. One way to settle a legal dispute or determine guilt in a criminal case was the Trial by Ordeal. The first excerpt is a description of how trial by ordeal works. The second is an account of its application in the Arian debate given by Gregory of Tours.

### Ordeal of Hot Iron

After the accusation has been lawfully made, and three days have been passed in fasting and prayer, the priest, clad in his sacred vestments with the exception of his outside garment, shall take with a tongs the iron placed before the altar; and, singing the hymn of three youths, namely, "Bless him all his works," he shall bear it to the fire, and shall say this prayer over the place where fire is to carry out the judgment: "Bless, O Lord God, this place, that there may be for us in it sanctity, chastity, virtue and victory, and sanctimony, humility, goodness, gentleness and plenitude of law, and obedience to God the Father and the Son and the Holy Ghost." —After this, the iron shall be placed in the fire and shall be sprinkled with holy water; and while it is heating, he shall celebrate mass. But when the priest shall have taken the Eucharist, he shall adjure the man who is to be tried . . . and shall cause him to take the communion. — Then the priest shall sprinkle holy water above the iron and shall say: "The blessing of God the Father, the Son, and the Holy Ghost descend upon this iron for the discerning of the right judgment of God." And straightway the accused shall carry the iron to a distance of nine feet. Finally his hand shall be covered under seal for three days, and if festering blood be found in the track of the iron, he shall be judged guilty. But if, however, he shall go forth uninjured, praise shall be rendered to God.

"Ordeal of Hot Iron" is from Ernest F. Henderson, ed., *Select Historical Documents of the Middle Ages* (London: George Bell and Sons, 1896), pp. 314–315.

## *Germanic Customary Law: The Ordeal*



In Germanic customary law, the ordeal came to be a means by which accused persons might clear themselves. Although the ordeal took different forms, all involved a physical trial of some sort, such as holding a red-hot iron. It was believed God would protect the innocent and allow them to come through the ordeal unharmed. The sixth-century account by Gregory of Tours describes an ordeal by hot water.

### ■ *Gregory of Tours, An Ordeal of Hot Water (c. 580)*

An Arian priest disputing with a deacon of our religion made venomous assertions against the Son of God and the Holy Ghost, as is the habit of that sect [the Arians]. But when the deacon had discoursed a long time concerning the reasonableness of our faith and the heretic, blinded by the fog of unbelief, continued to reject the truth, . . . the former said: "Why weary ourselves with long discussions? Let acts approve the truth; let a kettle be heated over the fire and someone's ring be thrown into the boiling water. Let him who shall take it from the heated liquid be approved as a follower of the truth, and afterward let the other party be converted to the knowledge of the truth. And do you also understand, O heretic, that this our party will fulfill the conditions with the aid of the Holy Ghost; you shall confess that there is no discordance, no dissimilarity in the Holy Trinity [belief that God, Jesus (son of God), and Holy Spirit (Ghost) are three manifestations of the same unique Deity]." The heretic consented to the proposition and they separated after appointing the next morning for the trial. But the fervor of faith in which the deacon had first made this suggestion began to cool through the instigation of the

enemy. Rising with the dawn he bathed his arm in oil and smeared it with ointment. But nevertheless he made the round of the sacred places and called in prayer on the Lord. . . . About the third hour they met in the market place. The people came together to see the show. A fire was lighted, the kettle was placed upon it, and when it grew very hot the ring was thrown into the boiling water. The deacon invited the heretic to take it out of the water first. But he promptly refused, saying, "You who did propose this trial are the one to take it out." The deacon all of a tremble bared his arm. And when the heretic saw it besmeared with ointment he cried out: "With magic arts you have thought to protect yourself, that you have made use of these salves, but what you have done will not avail." While they were thus quarrelling there came up a deacon from Ravenna named Iacintus and inquired what the trouble was about. When he learned the truth he drew his arm out from under his robe at once and plunged his right hand into the kettle. Now the ring that had been thrown in was a little thing and very light so that it was thrown about by the water as chaff would be blown about by the wind; and searching for it a long time he found it after about an hour. Meanwhile the flame beneath the kettle blazed up mightily so that the greater heat might make it difficult for the ring to be followed by the hand; but the deacon extracted it at length and suffered no harm, protesting rather that at the bottom the kettle was cold while at the top it was just pleasantly warm. When the heretic beheld this he was greatly confused and audaciously thrust his hand into the kettle saying, "My faith will aid me." As soon as his hand had been thrust in all the flesh was boiled off the bones clear up to the elbow. And so the dispute ended.