

# Medieval Justice: Methods of Conflict Resolution & Jury Systems



During medieval times, justice was a very different concept from what we know today. There were no forensic scientists to analyze fingerprints and DNA. When you were arrested you were not told your Miranda Rights, which say that you can stay quiet if you want, but if you don't, anything you say will be used against you in court. Also, they say you can have a lawyer with you when talking to the police, and if you cannot afford a lawyer, one will be given to you

for free. That is a fairly new thing. About 800 years ago, however, everything was very different, and compared to today, trials were very unfair.

At the time, kings thought that people would not commit crimes if they were afraid of the consequences, so even small crimes had very serious punishments. In America today, this is protected by the Eighth Amendment of the Constitution, which says that you do not have to pay a large fine for a small crime, and there is no "cruel or unusual punishment." None of this existed 800 years ago though.

There were many types of trials that were used to determine guilt during medieval times:

**Trial by Ordeal:** A trial by ordeal was common in the Middle Ages. Accused persons underwent dangerous tests, even torture, because people believed that the innocent would not be hurt or that their wounds would heal miraculously. Even though these trials could be manipulated to prove a verdict, it was believed that they revealed the truth more often than not. Trial by ordeal was forbidden by Pope Innocent III in 1215, but it remained prevalent around Europe, and continued to be used often enough that it even came over to



colonial America, where they were most famously used in the Salem Witch Trials in 1692.

**Ordeal by Fire** – the accused had to hold a red hot iron bar in their hand and take three steps. His or her hand was then wrapped in a bandage and left alone for three days. After three days, if the burn was better you were innocent, but if it was not, you were guilty.

**Ordeal by Water** – the accused was tied up and thrown into water (probably a nearby pond or lake). If you floated, you were guilty, but if you sank (and drowned), then you were innocent.

**Trial by Oath:** In a trial by oath, people accused of a crime only had to swear, or take an oath, that they were innocent and find people to agree with them. If others swore against you, or it was determined you lied under oath, you risked being banished from the community, and those who swore you were innocent would lose their property and be banished as well.

**Trial by Combat:** If a nobleman was involved in a dispute, this trial option available to him because of his rank and social status. The average person could not exercise this option during his trial. Disputing parties could settle their disagreement by combat. They could either fight their own battles or choose a champion (a knight) to fight for them.



**Trial by Jury:** Trial by jury handled all crimes but the most serious ones and happened a few times a year where all villagers had to show up or pay a fine. A steward was in charge of the court, and then there were 12 men on a jury. These men were chosen by the other villagers. Almost like today, the jury had to collect evidence against the accused, decide if he or she was guilty or not and then decide on the punishment.

When King Henry II came to the throne, he did not think trial by ordeal was very fair. He eliminated trial by ordeal in England, and during his reign he established the basic principles of justice and law around the world, including the United States. Some principles written during Henry II's reign included presenting evidence to a grand jury to decide whether a case should be tried, judges were sent to different towns to make sure court cases were fair and the laws in place were working, and protection of property rights ensured landowners could regain lands that had been illegally seized. Primogeniture, an inheritance law which stipulated that male descendants would inherit property and wealth in preference over female descendants, was also established during this time. Under Henry II, the English Common Law system worked to protect the rights of free men, the use of legal precedent to influence future court cases, and establish a centralized administration of justice.