

Between the Sacred and Profane: The Trial by Hot Iron Ceremony Based on the “*Regestrum Varadinense*”

Măria MAKÓ LUPESCU

“O God, the just judge, we humbly pray you to deign to bless and sanctify this fiery iron, which is used in the just examination of doubtful issues. If this man is innocent of the charge from which he seeks to clear himself, he will take this fiery iron in his hand and appear unharmed; if he is guilty, let your power declare that truth in him...”¹

With these words medieval priests initiated one common form of trial by ordeal. The medieval ordeal is a subject of great intrinsic interest and fascination. It is one of the most dramatically alien practices of medieval society and, such as, it requires explanation. To offer a plausible meaning of the ordeal is not an “easy” question because just as anthropologists seek to understand the inner rationale of strange and apparently incomprehensible practices and beliefs among people of other cultures, thus the medievalists are confronted with the issue of a custom which has no familiar counterpart in the modern West, in the modern world. For some scholars, the ordeal is a hurdle and a challenge.² For others, ordeal represents a case of the disengagement of the sacred from the profane: “For if ever there was an area where the sacred penetrated into the chinks of the profane and vice versa, it was in the ordeal.”³ In around 1225, for instance, in the Cathedral from Oradea it was possible, in the same saintly “house of God”, both to be baptized as a Christian and, as a litigant, to undergo the ordeal of carrying the hot iron to discover the truth about issues in a purely secular law suit. The ritual would be converted from its sacramental to its judicial function with the minimum of contradiction. “In all these confusion” writes Southern “there is something barbaric.”⁴ The withering of the ordeal in the course of the twelfth-thirteenth centuries has, therefore, been viewed in terms of the clearing up of a “barbaric confusion.” For a third group of scholars,

¹ János Karácsonyi, and Samu Borovszky, eds., *Regestrum Varadinense examinum ferri candentis ordine chronologico digestum, descripta effigie editionis A. 1550 illustratum. Az időrendbe szedett váradi tüzesvaspróba-lajstrom az 1550-iki kiadás hű másával együtt* (Budapest, 1903), 146. This book represents the best critical edition of the Oradean register. In the first part of the book the writers republished the facsimile of *Ritus explorandae veritatis*, the first edition of the Oradean register from 1550. The second part of the book is a very useful research tool for those who wanted to deal with this subject. The authors offered an *archontologia* of the most important dignitaries from the period related by the records. In fact it is a list of kings, archbishops, bishops, chancellors, voivodes, etc. for each year when ordeals had been organized. In this part of the book was also included the critical edition of the Oradean register. The authors had to use the printed edition from Cluj 1550, because at the beginning of the 20th century the original manuscript was already lost. The critical edition contains the records from Oradea structured year by year. This was an important contribution of these two scholars, because until their time the records of the Oradean register were used without dates. Their conclusions concerning the date-problem and the methods used for the establishing the years of the records, were included in another, bilingual (Latin-Hungarian) chapter.

² Robert Bartlett, *Trial by Fire and Water. The Medieval Judicial Order* (Oxford, 1990), 1.

³ Peter Brown, “Society and the Supernatural: A Medieval Change,” *Daedalus* 104.2 (1975): 135.

⁴ Richard William Southern, *Saint Anselm and his Biographer* (Cambridge, 1963), 265.

ordeal represents an important category of medieval mentalities.⁵ Others, mostly legal historians have challenged the idea of a major shift in attitudes toward intention by denying that the early medieval codes reflected the values of this society. In their view, "the reliance on physical circumstances for assessing degrees of culpability resulted from the difficulty of weighing the internal workings of the mind."⁶ They also add that "ancient law could not discuss the question of intent because it had not the machinery wherewith to accomplish the inquiry."⁷ Admittedly, the early Middle Ages lacked sophisticated means of judicial proof, but ordeals and other "judgments of God" were eminently suitable for determining questions of intention. A believer in ordeals could conceivably argue that in such cases recourse to divine judgment was preferable to the use of human reason, since God could know intention and men could not. There is, moreover, little sign that people then had serious doubts about the oaths and ordeals they used. Some ethnographers have found that contemporary societies that use ordeals place great confidence in the results, and medieval courts sometimes rejected rational proofs that were available in the favor of ordeals.⁸

Recent scholarship has seized the challenge and a series of historians have attempted to examine the ordeal as a key for understanding social processes and social changes in the medieval period. Even its disappearance is explained by a major social change.⁹ Clearly, the explanation of the abandonment of the ordeal is as problematic, and holds as much promise, as the characterization of the practice itself. Obviously, the two enterprises are related: no satisfactory answer can be given of the demise of a practice unless it is clear what the practice is.

Throughout history, the ordeal has been approached almost every time from a judicial point of view. I have to add that this was a totally normal method, because the ordeal indeed served as a judicial process, as a kind of proof. While being alien to twenty century minds, this proof was quite acceptable for those who lived during the twelfth-thirteenth centuries. The ordeal has many definitions,¹⁰ and every type of trial by ordeal has its own definition.¹¹ Ordeals of fire and water have

⁵ Charles M. Radding, "Evolution of Medieval Mentalities: A Cognitive-Structural Approach," *The American Historical Review* 83(1978): 580-81.

⁶ Hermann Nottarp, *Gottesurteilstudien* (Munich, 1956), 233.

⁷ M[ichael] Bateson, *Borough Customs*, vol. 2 (London, 1906), xl.

⁸ Several Carolingian capitularies strictly limited the use of witnesses, and Louis the Pious provided for recourse to judicial duel if contradictory testimony were produced. François L. Ganshof, "La preuve dans le droit franc," *La Preuve* 17(1965): 85-87.

⁹ Brown, "Society and the Supernatural," 143.

¹⁰ According to Bunyitay, ordeals were samples of medieval people's lives, reflecting their mentality and character. They believed in God as in the most just judge who will not abandon the innocent. Thus, ordeals were appeals from an earthly fallible judge to the heavenly infallible one. Vincze Bunyitay, *A váradi püspökség története alapításától a jelenkorig* (The history of Oradean Bishopric from its foundation to the present time), vol. I (Oradea, 1883), 69. For Solymosi, ordeal was the enforcement of the heavenly decisions in those disputable cases where human knowledge could not pass judgement. László Solymosi, "Guden magánoklevele másodlagos pecsétjének eredete" (The origin of the secondary seal of Guden private-charter), *Veszprémi Történelmi Tár* 1(1989): 103.

¹¹ Bunyitay established nine types of ordeal: the trial by oath, by fire, by water, by battle, the trial of the holy mouthful, of the casting lots, of the cross, of the holy host, and of the bier. There were also different types of ordeal in the sense of different modes of trial, hot iron and walking on hot

been employed by people in many different parts of the world and throughout history. They appear in the laws of Hammurabi and in the judicial practice of modern Kenya; men have undergone the ordeal from Iceland to Polynesia, and from Japan to Africa. They have been "in fashion" even before Christianity in the Jewish, Greek, and Roman world.¹² Thus, students of trial by ordeal can usefully compare and contrast the form, function, and workings of the ordeal in different times and places.

In the history of the ordeals of fire and water, where the ordeal by hot iron practiced at Oradea can be included, Bartlett outlined two major phases: the period before AD 800 called protohistorical because of the scarcity of the evidence, and the period from 800 onwards, when there is a true "explosion of evidence."¹³ The protohistorical period lasts about three hundred years, from the time of the earliest reference to trial by ordeal, around AD 500. During this period the only form of unilateral ordeal mentioned in these early Frankish records and law codes is the ordeal of the cauldron, that is, the ordeal of hot water.¹⁴ For the sixth, seventh, and most of the eighth century there are no references to any other kind of ordeal.¹⁵ Another point that emerges from this evidence is that there is a strong belief that the custom was of Frankish origin. References to the ordeal outside the Frankish world begin in the seventh century. The earliest of these occur in Irish law,¹⁶ but it is very interesting that the Burgundian, Alamannic, and Bavarian laws contain no mention of such practices. Starting from this Bartlett concluded that the trials of fire and water were not of pan-Germanic origin. So, they must have originated among either one or several individual Germanic peoples.¹⁷ In this protohistorical period there were two traditions of trial by cauldron in Christian Europe, an isolated Irish one¹⁸ and an influential Frankish one.¹⁹ For the future history of the ordeal in Europe, it was this Frankish custom that was to be of importance. Trial by cauldron was, then, an ancient Frankish custom, appearing in the earliest legal records as a device employed in cases of theft, false witness, and contempt of court, used both against free men and slaves.²⁰ As Frankish power and influence spread, so this form of proof was exported into neighboring regions, such as in Hungary.²¹ The protohistorical period ends in the reign of Charlemagne and henceforth began a period where there was a real Carolingian efflorescence of trial by fire and water.

ploughshares, or the trial by hot water and cold water. Bunyitay, *A váradi püspökség*, vol. I, 70-72.

¹² Ibid., 70.

¹³ Bartlett, *Trial by Fire and Water*, 4.

¹⁴ The procedure involved usually a stone or a ring which had to be plucked from a bubbling cauldron.

¹⁵ Bartlett, *Trial by Fire and Water*, 4.

¹⁶ William Stokes, "The Irish Ordeals," in *Irische Texte*, eds. William Stokes, and Edgar Windisch (Leipzig: 1967), 183-201.

¹⁷ Bartlett, *Trial by Fire and Water*, 4-5. Solymosi arrived at the same conclusion adding that Germanic people used them even before their Christianization. Solymosi, "Guden magánoklevele," 103.

¹⁸ Stokes, "The Irish Ordeals," 202-29.

¹⁹ Bartlett, *Trial by Fire and Water*, 6.

²⁰ Ibid., 9.

²¹ Solymosi, "Guden magánoklevele," 103.

In the second period of the ordeals, which started in the reign of Charlemagne, three related developments took place: there was a multiplication of different types of ordeal, a dissemination of the practice into new areas, and a novel governmental emphasis on the ordeal.²² The variety of ordeals that emerged around the year 800 is striking. Laws, rituals, accounts in chronicles and charters, comments of ecclesiastics mention the ordeal of the cross,²³ the ordeal of walking on hot ploughshares,²⁴ the ordeal of cold water,²⁵ or the trial by battle.²⁶ Trial by hot iron, the last of the important trials of fire and water was used as evidence during the Carolingian period also.²⁷ Thus, by the mid-ninth century all the ordeals of fire and water had come into vigorous life and their credibility was backed by royal command.

The evidence allows one to see not only the different types of ordeal in the sense of the different modes of trial, hot water, cold water, and the rest, but also how they were applied, against whom they were directed, and in what circumstances men had recourse to them. Thus, there were different types of ordeal in the sense of different situations, which generated ordeals. We have knowledge about some political ordeals from the ninth century. The point of these ordeals was that they shifted the interplay of political manoeuvres on to a new plane. The ordeal could thus be a political gambit, volunteered by those on the defensive or by the weaker party.²⁸ Ordeals were also important in the history of the Gregorian

²² Bartlett, *Trial by Fire and Water*, 9.

²³ It was a bilateral ordeal in which the two contendents stood with their arms outstretched in the shape of a cross until one flagged. Kabos Kandra, *A váradi regestrum* (The register of Oradea) (Budapest, 1898), 19.

²⁴ In this ordeal the accused walked on six, nine or seventeen pieces of hot ploughshares put one after the other. This trial had a long and continuous history as a form of proof, especially for suspected marital infidelity. Gyula Vajda, *A Váradi Regestrum* (The register of Oradea) (Budapest, 1880), 10. Bunyitay, *A váradi püspökség*, vol. I, 70.

²⁵ This type of trial was probably an innovation of Charlemagne's reign. It is ironically characteristic of the sources for early medieval history that the earliest certain evidence for the existence of trial by cold water should be in the form of an edict condemning it. In this trial the accused's hand and feet were bound and he/she was thrown into a lake or river. If the body had drowned, the person was innocent, otherwise he was found guilty. This type of ordeal was used especially for suspected witchcraft, because it was thought that witches lost their natural weight. Ibid., 70-71 cp. Kandra, *A váradi regestrum*, 9.

²⁶ In ecclesiastical cases it was envisaged as a normal alternative to trial by battle. The trial by battle was a practice akin to the other ordeals and, as the relationship of kindred implies, it exhibited both a family resemblance and unique features. As an ordeal in the most fundamental sense of the word, it was supposed to reveal the judgment of God. On the other hand, its distinctive mode – a fight between individuals – meant that it was in a class of its own. Frigyes Pesty, *A perdöntő bajvívások története Magyarországon* (The history of the trial by battle in Hungary) (Pest, 1867), 25-31; Kandra, *A váradi regestrum*, 15-16; Bunyitay, *A váradi püspökség*, vol. I, 71.

²⁷ It was a fire ordeal in which the accused had to carry three or nine paces a piece of hot iron weighing from one to three pounds (1 pound=453 grams). As the ordeal of cold water, it was prescribed for a wide range of offences, including murder, fire-raising, witchcraft, and forgery, as well as simple theft. Kandra, *A váradi regestrum*, 10-11, 26; Bunyitay, *A váradi püspökség*, vol. I, 70; Solymosi, "Guden magánoklevele," 103.

²⁸ Kings could also find this ordeal a useful tool in the pursuit of their ends, and the subjection of rivals to the ordeal might be simply another aspect of the exercise of royal domination.

Reform.²⁹ We have examples of the use of the ordeal in a matter of great political importance as well. This was strongly connected to another major category in which ordeals were applied, namely questions of sexual purity (accusations of incest and sodomy).³⁰ Just as men of this time judged that doubts about sexual purity could best be settled by the searing pain of the ordeal iron, so too they felt that this was the right way to determine the orthodoxy of religious beliefs.³¹

Some of these ordeals were entered into voluntarily, and some were not strictly judicial, but in the twelfth century we see the rise of the regular judicial use of the ordeal in one particular trial of heresy, where the individuals were particularly firm in their beliefs. The ordeal was a natural proof to apply in such cases and the increase in heresy at this time made its use more common.³² Thus, when the orthodoxy of belief was at stake, when charges of heresy or witchcraft were raised, the ordeal was a favoured form of proof over many centuries.

One of the most important ways in which the ordeal spread in the eleventh, twelfth, and thirteenth centuries was in association with the spread of Christianity.³³ This can partly be guessed and partly demonstrated. The picture in Eastern Europe is a little different, because in Poland the first evidence for trial by ordeal is later (thirteenth century). In Hungary, on the other hand, the ordeals of fire were employed by the later eleventh century for charges of theft and false witness.³⁴ The continued expansion of Latin Christendom in the twelfth and thirteenth centuries also involved the spread of the ordeal. In the twelfth century the newly subjugated pagan Slavs experienced this change. The Crusaders brought

²⁹ The reformers used the ordeal against simoniacs, and ordeals were employed by both sides in the Investiture Conflict to justify their position.

³⁰ It was not only women who went to the ordeal on sexual charges. Men, too, might find themselves faced with the hot iron when accused of crimes of this type. Ordeals "resolved" not only cases of adultery, but also, very frequently, the related issue of disputed paternity. It was not only royal inheritance whose fate was determined by the ordeal.

³¹ For example, Gregory of Tours describes a trial that was intended to decide between Arian and catholic doctrine. Gregory of Tours, *The History of the Franks*, trans. Lewis Thorpe (London, 1974), 302-303.

³² For example, a certain man, Robert, who was convicted of the heresy of the Cathars, was burned at Arras in 1172 after being convicted by the ordeal of hot iron. In 1167 certain heretics who were called *Deonarii* or Publicans, were arrested at Vézelay. Two of them were conducted to the judgment by ordeal of water. One of them was acquitted by the water, the other was declared guilty and was sentenced by all to the fire. In 1183 in the town of Ypres, twelve men considered heretics (some called them Manichaens, others Catafrigans, others Arians or Patarines) were submitted to the ordeal of the hot iron, but all were delivered safely. Walter L. Wakefield, and Austin P. Evans, *Heresies of the High Middle Ages* (New York, 1991), 39, 248-49, 257.

³³ Bartlett, *Trial by Fire and Water*, 42-45.

³⁴ The eleventh century Hungarian decrees and councilar decisions prescribed the utilization of those types of ordeal which required the seal-usage. From all of them in Hungarian judicial practice the trial by hot iron was the one which benefited of an widespread utilization. Imre Hajnik, *A magyar bírósági szervezet és perjog az Árpád- és a vegyesházi királyok alatt* (The Hungarian judicial organization and rules of procedure during the Middle Ages) (Budapest, 1899), 257; Ferencz Eckhart, "Hiteles helyeink eredete és jelentősége" (The origin and importance of the Hungarian *loca credibilia*), *Századok* 47(1913): 649; Bernát Kumorovitz, *A magyar pecséthasználat története a középkorban* (The history of the Hungarian seal-usage in the Middle Ages) (Budapest, 1993), 295; Bunyitay, *A váradi püspökség*, vol.1, 72 cp. Solymosi, "Guden magánoklevele," 103.

the practice with them to the eastern Mediterranean. At the end of the crusading period, the crusading orders carried the trial by ordeal into the lands of the eastern Baltic.³⁵ Thus, trial by ordeal spread into Scandinavia, Eastern Europe, and the Islamic world as part of the process of conversion and crusade, which so greatly enlarged Latin Christendom between the eleventh century and the thirteenth.³⁶

Although the fact that ordeal was a favoured form of proof over many centuries, it did not always benefit from the support of the Church. By 1215, the Lateran Council forbade clerics to pronounce the liturgical blessing on which the whole structure of the ordeal was held to depend. The ordeal, they said, was an ancient custom, vulgar, lower class, tolerated in earlier times merely as a concession by the church to the “hard hearts” of the Germanic “barbarians”.³⁷ In spite of this, in Hungary, similarly to other countries, ordeals were practiced in later periods too. The latest mentioned ordeal (a trial by hot iron) in Hungary was held in 1234 in Oradea Cathedral.³⁸

“Ordeals had depended on an easy passage between the sacred and the profane,” writes Brown.³⁹ This sentence has a lot of truth in it, if we are thinking of the process of the ordeal itself. A case begun among laymen in a trial in a lawcourt might find itself transferred to the solemn *mise en scène* of a great church. The upshot of dramatic and often desperately cruel action – the effect of a hot iron on the hand that could hold it for three or nine paces – if this was surrounded by solemn prayers of blessing by the priest, it would be held as the final decision of God on the rights and wrongs of the case. The ordeal in this way, was a “controlled miracle” brought to bear on the day-to-day needs of the community:⁴⁰ small issues such as debts, money, and the ownership of cattle jostled side by side with accusations of witchcraft, poisoning, murder, and assault in the register of ordeals performed in the early thirteenth century in the town of Oradea.⁴¹ This study, however, concentrates upon the reconstruction of trial by hot iron practiced in medieval Oradea based on the evidence provided by the Oradean register.

The register of Oradea, similar in nature to the medieval charters, is one of the most outstanding sources for the Hungarian language-,⁴² cultural-,⁴³ and judicial

³⁵ Bartlett, *Trial by Fire and Water*, 45-46.

³⁶ *Ibid.*, 47.

³⁷ Petrus Browe, *De ordaliis*, vol. 2: *Ordo et rubricae. Acta et facta. Sententiae theologorum et canonistarum* (Rome, 1933), no. 99, p. 77; no. 104, pp. 79-80.

³⁸ See, for this, the two women's case, namely Mizla and Vtalou, accused of hiding away Paul's maid: "... Briccius, episcopus Vacienis, ... Mizlam et Paridem misit Varadinum ad examen ferri candentis, ubi illa [scilicet Mizla], portato ferro pro se et pro domina Vtalou, combusta est." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 381, p. 304. I want to notice that the rule, which I shall use for the quotation of the records, will be the following: no. for the number of the regesta, p. for the number of the page, both referring to Karácsonyi and Borovszky's critical edition of the register of Oradea. If only a number follows the title, I will be referring to the page number.

³⁹ Brown, "Society and the Supernatural," 134.

⁴⁰ *Ibid.*, 135-36.

⁴¹ According to Bunyitay, from 389 cases reported, 119 are robberies and offences of personal property, 105 are defalcation, theft, and fraud, 34 are connected to the personal freedom and social status, 32 are murders and mutilations, 11 are poisonings and witchcraft, 5 are abductions of young girls, and 1 is adultery. Bunyitay, *A váradi püspökség*, vol. I, 78.

⁴² It has to be admitted that linguists are the scholars who have most exploited this incomparable

history.⁴⁴ Taking into consideration the content of the register, those 389 cases recorded over the period 1208 to 1235, one can establish three important sections of it. The first is a record containing the judicial cases (trades, testamentary dispositions, changes, acknowledgments, etc.) made in front of the Oradean chapter as a *locus credibilis*.⁴⁵ The second and major part of the register is the record of the ordeals administered there.⁴⁶ The third one is the appendix of the register, which

source of the Hungarian written literature. Many linguistic studies have demonstrated with a careful analysis the Hungarian origin of many words from the register, and some grammatical traits of the early Hungarian language. The major part of the cases referred to the environs of Oradea, but sometimes cases from distant places were noted in the record. See some linguistic works dealing with the Oradean register: Ilona Fábián, *A Várad Regestrum helynevei* (The place-names of the Oradean register) (Szeged, 1997); Lajos Marjalaki Kiss, "A Várad Regestrum néhány kétes helynevének megfejtése" (The explanation of a few dubious place-names from the Oradean register), *Magyar Nyelv* 21(1925): 47-49; János Melich, "Ritus explorandae veritatis," *Magyar Nyelvőr* 33(1904): 132-33, 315-17, 322-26; Sándor Mikešy, "Várad Regestrom-beli helyek meghatározásai" (The identification of places from the Oradean register), *Magyar Nyelv* 44(1948): 64-65.

⁴³ Besides the linguists, the register of Oradea has been considered an interesting source for the cultural historians as well. Their work was concentrated upon resolving a controversial problem: the G. H. monogram which appeared at the end of the first publication of the register from 1550. The deciphering of these initials concerning the name of the typographer initiated a lengthy debate among scholars. After a dispute lasting between seven and eight decades, there now seems to be a solution for this problem: grammatical, linguistic, and typographical arguments have proved that the typographer of the *Ritus explorandae veritatis* was George Hoffgreff, and not Gáspár Heltai. Pál Gulyás, *A könyvnyomtatás Magyarországon a XV. és XVI. században* (The printing of books in Hungary during the fifteenth and sixteenth centuries) (Budapest, 1931); János Herepei, "Hozzájárulás a Heltai-Hoffgreff-nyomda tulajdonosainak kérdéséhez" (Contribution concerning the owners of the Heltai-Hoffgreff typography), *Magyar Könyvszemle* 79(1963): 268; Zsigmond Jakó, "Újabb adatok a kolozsvári Heltai-nyomda kezdeteihez" (New information concerning the beginning of the Heltai-typography from Cluj), *Magyar Könyvszemle* 77(1961): 60-65; Idem, "Újabb adatok Hoffgreff György kolozsvári nyomdász életéhez" (New information concerning the life of George Hoffgreff, typographer in Cluj) *Magyar Könyvszemle* 81(1965): 159-63.

⁴⁴ The legal historians' contributions were also significant. Imre Hajnik and Ferenc Eckhardt threw light on the joining of the ecclesiastical and lay court, and the institution of the so-called *pristaldus* in the early medieval Hungarian judicial trial. Tivadar Botka succeeded in doing a very good analysis based on the Oradean records on the development of Hungarian counties. Hajnik, *A magyar bírósági szervezet*, 249-58; Eckhart, "Hiteles helyeink eredete," 640-55; Tivadar Botka, "A vármegyék első alakulásáról és őskori szervezetéről" (About the emergence and ancient organization of the counties), *Századok* 6(1872): 75-80.

⁴⁵ I counted 35 such cases. For instance, in 1229 a testamentary disposition was inscribed in the register: "Cum ignoraret homo finem dierum suorum, Mauritius sacerdos se et omnia sua, Waradiensis ecclesiae protectioni, dum adhuc viveret, commisit..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 360, p. 292.

⁴⁶ We have to notice that in Oradea Cathedral two types of ordeal were practiced: the trial by hot iron and by oath. I counted 345 cases related to the trial by hot iron and 19 cases to the trial by oath. The first case of trial by hot iron was registered in 1212 and the latest in 1234. Ibid., no. 3, pp. 156-66; no. 381, p. 304. The trial by oath implied that an oath took on a saint's relics, tomb or altar, and denoted that God punished a false juror. Bunyitay, *A várad püspökség*, vol.1, 70; Sándor Bálint, *Ünnepi kalendárium. A Mária-ünnepek és jelesebb napok a hazai és közép-európai hagyományvilágból* (Festive calendar. Marian-feasts and the more noted days from home and Central European tradition), vol. 2 (Szeged, 1998), 518-19. The first case of trial by oath was registered in 1213 and the latest in 1235. Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 19, pp. 161-62; no. 387, p. 306. Usually, the trial by oath had taken place in Oradea Cathedral at saint Ladislas' tomb: "Martinus igitur

preserved the text of the ordeal-ceremony.⁴⁷ In those 345 cases related to the trial by hot iron, 353 are the number of individuals who bore the iron.⁴⁸ This higher number of the individuals bearing the iron than those of the cases related to this type of ordeal, can be explained by the fact that sometimes several individuals bore the iron on the same charge,⁴⁹ sometimes other persons bore the iron, not the accused,⁵⁰ sometimes a person bore the iron in his and/or the name of a community,⁵¹ and sometimes the ordeal was ordered but did not take place.⁵² The

comes, frater Seud, praecepto regis eos discutiens, posuit super iuramentum Lule, qui super sepulchrum sancti Regis Ladislai coram pristaldo regis, nomine Toma, filio Tup, de villa Mata, et coram capitulo Varadiensi iurans, iustificatus est." Ibid., no. 229, p. 239 cp. Zsigmond Jakó, ed., *Codex diplomaticus Transsylvaniae. Diplomata, epistolae et alia instrumenta litteraria res Transylvanas illustrantia 1023-1300. Erdélyi okmánytár. Oklevelek, levelek és más írásos emlékek Erdély történetéhez*, vol.1 (Budapest, 1997), no. 104, p. 150. Other times, it took place in front of saint Ladislav's altar: "Intelleximus igitur, ut sacramento duorum cognatorum eius dictum Beniamin defenderit, iuraverunt, inquam, Chuma et Azarias super altare sancti Ladislai Waradini et Beniamin liberatus est". Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 362, p. 293.

⁴⁷ Ibid., pp.146-52.

⁴⁸ The more common denomination for this act was "*portato ferro, iustificatus est*" if the accused was innocent, and "*portato ferro, combustus est*" if he/she was guilty. Keeping in mind the result of the bandaged hand, the number of individuals who bore the iron can be distributed in the following way: 222 persons were declared innocent, 101 were found guilty, at 7 persons the seals on the bandaged hands were damaged, in 4 cases the litigants came to agreement after the carrying of hot iron, 7 cases are related to the refusal to come out to the church, 8 cases are related to the refuges in the church, in 3 cases the individuals disappeared after having carried the hot iron, and in 1 case the result was not communicated.

⁴⁹ I counted 45 cases in which more than one person was involved in carrying the hot iron. See, for instance the case of some tenants from 1219: "Praedicti latrones [ioubagiones Martini, scilicet: Nemek, Miklous, Eguch, Bibies, Rubuzo et Tekam de villa Sarang], portato ferro, mundati sunt." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 185, p. 220; or the case of some castle-men from 1221: "Varadini Paul, Zalduba, Sune, Stephanus, Buchuk, Tomas, Rasum, Banlus et Merk, portato ferro, iustificati sunt; Michael vero, Buda et Milus combusti sunt." Ibid., no. 292, p. 263.

⁵⁰ I counted 32 such cases. See, for example Scegen's case from 1219, who bore the iron instead of his daughter: "... ubi praenominatus Scegen, portato ferro pro filia sua, combustus est." Ibid., no. 197, p. 225. Scorcomer, in 1221, bore the iron for his patron: "... ad examen ferri candentis Waradinum, ubi homo praedicti Scorcomer, portato ferro pro domino suo, combustus est." Ibid., no. 322, p. 275. Fileka's case from 1219 is interesting because the state of his health did not allow him to go Oradea to trial, so, his brother carried the hot iron for him: "Cum Fileka propter infirmitatem in locum [Oradea] venire non posset, Simon frater eius pro illo, portato ferro, mundatus est." Ibid., no. 205, p. 228. Le Goff supposed that this possibility to carry the hot iron for another person was meant to compensate the weaknesses of these individuals, mostly women or sick persons. Jacques Le Goff, *Civilizația occidentului medieval* (The Civilisation of Medieval Occident), trans. Maria Holban (Bucharest, 1970), 428.

⁵¹ I counted 21 such cases. See, for instance the *buctiniferis* case from 1219: "Quos magister Dionysius praecepto regis discutiens, misit ad examen ferri candentis, per pristaldum nomine Beke de provincia Puchia Waradinum, ubi unus pro omnibus buctiniferis, portato ferro, combustus est." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 198, pp. 225-26. In 1219, Egud and Benedict bore the iron for themselves and the other accuseds: "Pro his omnibus Egud et Benedictus pro se ipsis et aliis [ioubagiones Martini comitis de villa Vamus, scilicet: Botyka, Zobotha, Karasun, Torka, Zekus, Ioacyn, Tukay, Iroslou, Iacobum, et item ioubagiones monasterii de Taplucia, pertinentis ad genus Miscoucy, de eadem villa, quorum nomina sunt haec, Nunige, Zobozló, Borathe, Henuc, Lusutha, Zamacziomut, Buchi, Tomas], portato ferro, iustificati sunt..." Ibid., no. 209, p. 229.

reasons why the trial was not held were different: sometimes litigants reached an agreement in front of the Oradean chapter,⁵³ sometimes the litigants did not arrive at Oradea,⁵⁴ sometimes the accused made judicial confession,⁵⁵ and in one case the trial was postponed.⁵⁶ Although the register extends from 1208 to 1235, it has information only for fourteen of the years in that period –and is not complete even for those years. If we make a calculation: 345 ordeals over 14 years average roughly 24 a year. These judicial cases involved 30 counties, 600 localities,⁵⁷ and 2500 person-names.⁵⁸ From this point of view the famous register of Oradea is a regular quarry of information for linguists.

A possible reconstruction of the trial-ceremony

The register of Oradea became famous as the only Hungarian source which kept the text of the ordeal-ceremony as an appendix of *Ritus explorandae veritatis*, published by the Oradean bishop George Martinuzzi, called Frater George in Kolozsvár (now Cluj, Romania) in 1550.⁵⁹ In the reconstruction process of the

⁵² See, for example the case from 1219: “... ad iudicium ferri candentis, Waradinum essent in septima Domine in tua misericordia per pristaldum, nomine Chepanum de villa Ladan, directi, non venerunt et prænominatus iudex rescripsit de eis, quod scriberentur pro condemnatis.” Ibid., no. 217, pp. 233-34.

⁵³ I counted 61 such cases. In many cases they agreed in the form of a payment not only to the winner, but also that one of the parties would pay the judge and the bailiff. For instance, Thomas and Mavog in 1219 agreed: “Ubi [Oradea] praedicti Tomas et Mavog convenerunt dare adversariis suis Euresdino, et fratri eius Bede unam marcā et iidem pristaldo satisfacere. Iudicis vero partem Eureus et Beda dare convenerunt.” Ibid., no. 231, p. 240. Another significant case is that of the Oradean provost (*prepositus*), called Gotfrid: “Qui venientes Varadinum taliter convenerunt, quod villani de Berente darent praedicto praeposito quattuor marcas et pristaldo dimidiam, iudici vero praepositus satisfaceret.” Ibid., no. 290, p. 262.

⁵⁴ I counted 29 such cases. For instance, in 1220 only one of the involved parties arrived at Oradea: “Quos Olodarus, curialis comes de Zemlun, discutiens per pristaldum, nomine Cosmam de villa Velchea, ad iudicium ferri candentis transmisit Varadinum, ubi prænominatus Chepanus cum praefato pristaldo et homine suo, ferrum portaturo, in septimana, qua festum sancti Galli est celebratum, fuit Varadini. Aduersarii autem eius, scilicet Ipsa et Petrus et convillani eorum non comparuerunt.” Ibid., no. 276, pp. 256-57.

⁵⁵ I counted 26 such cases. See, for instance Gecsa's case from 1220: “... ad examen ferri candentis misit Varadinum, ubi cum praefatus Saden ferrum esset portare paratus, prænominatus Zauida renunciauit causae suae, dicens, quod falsa opinione ductus bouem illum pro suo boue cepisse.” Ibid., no. 238, pp. 242-43 cp. Jakó, *Codex diplomaticus*, no. 108, p. 152. Other such cases are related under the following numbers: Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 233, pp. 240-41; no. 285, p. 260; no. 287, p. 261.

⁵⁶ In a theft case from 1215, the date of the trial by hot iron was postponed: “Ioubagiones Petri, filii Pou ... cum missi essent pro latrocinio a Heym, iudice eorum, Varadinum ad iudicium ferri candentis per pristaldum, nomine Catonem, dato termino in septimana: *Dominus fortitudo* non venerunt; sed Petrus, dominus illorum, tulit literas ex parte Heym iudicis eorum, in quibus iubebatur pristaldo, quod differet causam illam ad festum Sancti Regis, ad regem.” Ibid., no. 133, p. 200.

⁵⁷ It is interesting to notice that litigants came to Oradea for the ordeal of hot iron even from places which also had this right of keeping ordeal, for example: Arad, Eger, and Bratislava. Ibid., no. 358, p. 291; no. 357, p. 290; no. 327, p. 276-77 cp. Bunyitay, *A váradi püspökség*, vol. I, 74.

⁵⁸ Vajda, *A Váradi Regestrum*, 24-26.

⁵⁹ The register of Oradea in the mid-sixteenth century was already in a bad condition, the binding had

ordeal of hot iron as it was practiced at Oradea three phases can be delimited: the first one which I named the part before the “cathedral-scene”, the second one named the “cathedral-scene”, and the third one, the part after the “cathedral-scene”. The appendix of the register has only preserved the “cathedral-scene”. Thus, the reconstruction process of the other two parts was based on the records of the Oradean register.

I. Before the “cathedral-scene”

The first part of the ordeal-process includes all steps made by the litigants until they came to the Oradean chapter to carry the hot iron. Although the register preserved many judicial cases, the Hungarian legal system of that time was established in such ways that people were not encouraged to litigate. For instance, at a time when ready cash was a rarity, a small fortune was established through law costs: for the trial by hot water they had to pay to the church one *penza* and for the trial by hot iron two *penza*.⁶⁰ In this way, the litigants were encouraged to make a deal or to confess. Another opportunity to traverse the trial was offered by the work of so called “arbitrators” (*probi viri*). Their duty was to mediate between the litigants in such a way that a judicial process should be avoided.⁶¹ One supposes that the high number of reconciliations preserved in the Oradean register could be owned to them.⁶² When reconciliation between the litigant parties was not possible, a judicial process was started.

1. Based on a report made by the accuser, the designated or chosen judge ordered the litigants to appear in front of him. In the major part of the cases, the two parties involved in the process served the summons on the charge. Thus, in the presence of the litigants' parties the judicial process began. Sometimes, the accused did not appear in front of the judge. If the accused did not appear to the process after seven summons, the judge could order that his name should be shouted out in the market-places of the county in order to come either in front of the judge or at

disintegrated, and the pages were out of order. Frater George, bishop of Oradea, recognizing the importance of the manuscript, published it in that “bad” order. The original manuscript has been lost and, at the present time, the published work itself can be considered a rarity, because only seven examples have survived. Georgius Martinuzzi, ed., *Ritus Explorandae Veritatis, Quo Hungarica Natio in dirimendis controversiis ante annos trecentos et quadraginta usa est, et eius testimonia plurima in Sacratio summi templi Varadien. reperta* (Cluj, 1550).

⁶⁰ Saint Ladislav first code of law stated that “presbiter de ferro duas pensas et de aqua unam pensam accipiat.” Levente Závodszy, *A Szent István, Szent László és Kálmán korabeli törvények és zsinati határozatok forrásai* (The sources of the laws and counciliar decrees from the age of saint Stephen, saint Ladislav, and Coloman) (Budapest, 1904), 162 cp. Bunyitay, *A váradi püspökség*, vol. 1, 73. The *penza* was a counting money. At the beginning thirty, then forty denars were counted on one *penza*. Gyula Kristó, Pál Engel, and Ferenc Makk, eds., *Korai magyar történeti lexikon (9-14. század)* (Lexicon for early Hungarian history, 9-14th centuries) (Budapest, 1994), 541-42.

⁶¹ Botka, “A vármegyék első alakulásáról,” 74, 80.

⁶² Bunyitay, *A váradi püspökség*, vol. 1, 73-74. In a case of trial by oath from 1222 the reconciliation was made by “friends”: “Qui omnes, cum ad sepulchrum sancti Ladislai regis iuraturi accessissent, saepe iamdicti actores non ausi sunt eos adiurare, scilicet: adversarios suos pro iustis dimittendo pacem eorum interventu amicorum impetrarunt...” Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 340, p. 282.

the Oradean chapter for the trial by hot iron.⁶³ If he failed to appear, the judge could order him to be convicted on the charge of which he was accused.⁶⁴

2. After their summons, the litigants appeared in front of the legal representative, who was either a local or a royal one. A wide range of lay judges interrogated the litigants: bans,⁶⁵ voivodes,⁶⁶ vice-voivodes,⁶⁷ palatines,⁶⁸ vice-palatines,⁶⁹ royal judge,⁷⁰ vice-royal judge,⁷¹ *bilochus*,⁷² *curialis comes reginae*,⁷³ *curialis comes regis*,⁷⁴ *curialis comes regiae aulae*,⁷⁵ *curialis comes*

⁶³ See, for instance Varou's case from 1216: "... Varou, filius Korochi de villa Iraz, citatus a convillano suo nomine Hyued et item a Iacobo, Alberto, Teodoro, Forcost, Pentek, Guntu, Kemedu, Uruz, Chicouquod de villa Sari pro furto septies, ante praefatos iudices et ante praedecessores Ioannis comitis non venisset; proclamatus etiam per fora et provinciam, ut veniret ad iudicium." Ibid., no. 159, pp. 209-10.

⁶⁴ In John and Mischa's case from 1215 the judge reported the absence of the accused to the palatine who gave the order for their proclamation in the market-places: "Ioannes et Mischa, filii Buchiku, et Tupa filius Pauli citauerunt filios Hylary, scilicet: Isou, et nepotem eius, scilicet Isaac, ante Simonem, bilotum de Bikes, pro furto. Qui, cum ad septem terminos non venissent, praedictus iudex [Simonem, bilotum de Bikes] nunciauit Palatino comiti. Ille autem iussit eos proclamari per fora comprouincialia sub ea interminatione, quod si non venirent, vel ad iudicium biloti, vel ad iudicium ferri candentis Varadinum, pro furibus publicis et conuictis haberentur." Ibid., no. 116, p. 195.

⁶⁵ I counted 5 such cases. For instance: "Abbas de S. Henrico et patronus ecclesiae impetiit filios Stephani, scilicet: Michud, Aladarum et Bazlou pro centum marcis violenter ablatis, iudice Benedicto Bano..." Ibid., no. 241, p. 244.

⁶⁶ I counted 3 such cases. For example: "... Neuca Vajuoda direxisset ad iudicium ferri candentis Laurentium de villa Belud contra Capitulum Albensis ecclesiae Transilvaniae..." Ibid., no. 207, p. 229 cp. Jakó, *Codex diplomaticus*, no. 98, pp. 148-49.

⁶⁷ I counted 1 such case: "Becea de Foktheuu impetiisset quendam nomine Heymu de dampno quadraginta et duarum marcarum, facto per violentiam, Bocha, vicarius Pauli woyvodae discutiens eos..." Karácsnyi, and Borovszky, *Regestrum Varadinense*, no. 311, p. 270.

⁶⁸ I counted 30 such cases. For example: "Quos Nicolaus comes Palatinus discutiens, per pristaldum regis, Temam de villa sui nominis et per pristaldum suum, Moulam nomine, misit ad iudicium ferri candentis Varadinum..." Ibid., no. 213, p. 231-32.

⁶⁹ I counted 8 such cases. For instance: "Bot, filius Laurentii de villa Horvath, impetiit quendam de villa Usa, nomine Sirund, pro verberatione matris suae ad mortem, quod scilicet misisset verberantes, et de damno suarum rerum iuxta aestimationem quinquaginta marcarum, iudice Petus, vicario Nicolai Palatini comitis..." Ibid., no. 249, p. 247.

⁷⁰ I counted 1 such case: "... quos [Paulus de villa Numchuny] Laurentius, iudex curiae et comes Nitriensis discutiens, misit per pristaldum, nomine Petrum de villa Kér ad examen ferri candentis Varadinum..." Ibid., no. 339, pp. 281-82.

⁷¹ I counted 3 such cases. For example: "Quibus idem constanter asserentibus, Gyvla comes, frater Ratolt, vicarius iudex regis iudicavit, quod homo duorum adductorum ferrum portaret Varadini..." Ibid., no. 194, p. 224.

⁷² I counted 25 such cases. For instance: "Hertueg de villa Hertueg impetiit Gregorium de eadem villa, dicens, quod fratrem suum interfecisset, iudice Joachin, biloto..." Ibid., no. 147, p. 205.

⁷³ I counted 2 such cases. For example: "... Gyula, curialis comes reginae, discutiens, per pristaldum Servusdei de villa Tesa ad examen ferri candentis direxit Varadinum..." Ibid., no. 312, p. 270.

⁷⁴ I counted 1 such case: "Adamus de villa Nata impetiit Begedum et fratrem eius Scemedum, ioubagiones Benedicti de villa Modin de occisione sui generi per latrocinium, iudice Gyula, curiali comite regis..." Ibid., no. 200, p. 226.

⁷⁵ I counted 1 such case: "Michal de villa Sunad, impetiit homines ecclesiae Vaciensis, scilicet: Fiachiam, Bolosit de villa Pispuki pro furto, iudice Gyula, curiali comite regiae aulae..." Ibid., no. 192, p. 223.

preconum regis,⁷⁶ *curialis comes tavarnicorum*,⁷⁷ *curialis comes* (as function),⁷⁸ *curialis comes* (as title),⁷⁹ *comes* (as function),⁸⁰ *comes* (as title),⁸¹ *comes venatorum bubalinorum*,⁸² *master* (as title),⁸³ *hospite reginae*,⁸⁴ district magistrates,⁸⁵ and just simple judges, without their function or title.⁸⁶ Sometimes, in the position of the judge a woman can be found⁸⁷ or the patron of a monastery.⁸⁸ Sometimes, the litigants appeared in front of ecclesiastical judges: bishops,⁸⁹ archdeacons,⁹⁰ vice-archdeacons,⁹¹ abbots,⁹² *aeconomus*,⁹³ and provosts.⁹⁴ The

⁷⁶ I counted 1 such case: "Tumpaica curialis comes preconum regis ... misit illos [Medeum, Forcasium et Ludugerum, de villa Boctu]... ad iudicium ferri candentis Waradinum..." Ibid., no. 2, p. 156.

⁷⁷ I counted 1 such case: "Forcos de villa Tavarnuc impetiit convillanum suum, Suka, pro furto, iudice Iseph tavarnicorum curiali comite..." Ibid., no. 130, p. 200.

⁷⁸ I counted 71 such cases. For instance: "Quos Forcasius, curialis comes de Bichor discutiens, per pristaldum suum, Hegud de villa Bichor, misit ad examen ferri candentis Varadinum..." Ibid., no. 265, p. 252.

⁷⁹ I counted 20 such cases. For example: "Ambrosius, curialis comes ecclesiae Vacienensis, impetiit Sunadum de villa Sunad..., iudice Gyula, curiali comite..." Ibid., no. 190, p. 222.

⁸⁰ I counted 66 such cases. For instance: "Uxor Scilac, nomine Cincea, impetiit Paulum, servientem Uhudu, curialis Micae comitis, de occisione mariti sui, iudice Mica comite de Bichor..." Ibid., no. 278, p. 257.

⁸¹ I counted 54 such cases. For example: "Rychya de villa Fehekton impetiit dominum Forkos de villa Kemesa pro furto, iudice Bank comite..." Ibid., no. 334, p. 280.

⁸² I counted 2 such cases. For instance: "Opoy de villa Gourou, viso quodam gladio apud Andream, venatorem bubali de villa sancti Martini, impetiit eum de furto, iudice Paulo, comite venatorum bubalinorum..." Ibid., no. 44, p. 170.

⁸³ I counted 3 such cases. For instance: "Petrus de villa Gyon impetiit convillanum suum, dominum Segym, de occisione cognati sui per violentiam, iudicibus Barraba comite, magistro Fila..." Ibid., no. 152, p. 207.

⁸⁴ I counted 1 such case: "Reynold de villa Sucta impeciit Ioannem et Achyamanum, Vilalium et Ornoltum de villa Buncii, de occisione sui filii, iudicibus Martino, curiali comite de Novo Castro et Gipoito, Teutonico hospite reginae..." Ibid., no. 218, p. 234.

⁸⁵ I counted 3 such cases. For instance: "Ereus de villa Kamaras impetiit convillanos suos ... de una marca et fertone, iudice Chepa villico eorum..." Ibid., no. 65, p. 177.

⁸⁶ I counted 65 such cases. For instance: "Nogud, ioubagio monasterii Debrev, portato ferro, pro facto contra ioubagiones Agrienses, scilicet Ved et Vacy, iudice Bank..." Ibid., no. 208, p. 229.

⁸⁷ Eufemia *domina* appears as judge twice in the register. See, for instance: "Roda de praedio Beken impetiit convillanum suum, Vrcund de una marca et dimidia, iudice domina Eufemia..." Ibid., no. 75, p. 181.

⁸⁸ I counted 1 such case: "Villani de Ponkata impetiere convillanos eorum, ... dicentes, quod eorum peccatis exigentibus duarum marcarum dampna pertulissent, iudice abbate de eadem villa, et Andrea patrono eiusdem..." Ibid., no. 211, p. 230.

⁸⁹ I counted 11 such cases. For instance: "Pangratus, filius Petae, de villa Cupa traxit in causam quosdam convillanos suos ... coram Alexandro, Waradiensi episcopo, discretissimo et vero iudice..." Ibid., no. 359, pp. 291-92.

⁹⁰ I counted 8 such cases. For example: "Stephanus de villa Terepes impetiit convillanam suam, nomine Deduhum, et filiam, scilicet: Penam et filium suum, Pousam de maleficio, iudicibus Abel, archidiacono de Herdeud, et Job comite assessore..." Ibid., no. 124, p. 198.

⁹¹ I counted 7 such cases. For instance: "Vetea impetiit Solomonem, Kekam, Potur et Isoum de occisione filii sui Eccey, iudice Albeo, vicearchidiacono..." Ibid., no. 67, p. 178.

⁹² I counted 6 such cases. For example: "Butha de Beruchyon impetiit dominum Cochi de villa Degust pro decem marcis, iudice Teku, abbate de Beruchyo..." Ibid., no. 43, p. 170.

⁹³ I counted 3 such cases. For instance: "Egyud et Smaragdus comites miserunt contubernarium suum,

Oradean register kept a great number of cases when not only one, but also two,⁹⁵ three,⁹⁶ four,⁹⁷ five,⁹⁸ or even eight judges examined the cases.⁹⁹

3. In front of the judge the litigants present their point of view concerning the case. Usually, the accuser presented the charge, namely the content of the accusation, followed by the accused's answer. In most of the cases, the accused did not consider himself guilty.¹⁰⁰ To prove the truth of their statement the litigants could produce witnesses.¹⁰¹ Sometimes the interrogation of the litigants and of the witnesses was conducted in the presence of an ecclesiastical person.¹⁰² Sometimes,

Andream a Zomlun, impetierunt Laurentium de villa Latinorum Waradinensium pro occisione servorum eorum, iudice Joachin, Aeconomus..." Ibid., no. 137, p. 202.

⁹⁴ I counted 1 such case: "Bandu de villa Gyan, portato Varadini ferro ... iustificatus est contra Guta, Boyciud et dominum Kekeu, iudice Ragnaldo, praeposito Varadiensium..." Ibid., no. 142, p. 204.

⁹⁵ I counted 41 such cases. For instance: "Honod impetiit servum Karoli, nomine Petrum, de villa Hot pro furto, iudice Nuethlen curiali comite de Bichor et Marco biloto..." Ibid., no. 16, p. 160.

⁹⁶ I counted 7 such cases. For instance: "Domina Macya ... impetiit Petrum et fratrem eius Shyrinchym, ioubagiones Miske comitis de villa Gneztet, et ioubagiones Transyluani episcopi Vilelmi ... de occisione servientis sui et pro rebus suis quadraginta marcas valentibus violenter ablatis, iudicibus Shekedz, curiali comite Myske et Herbort, curiali comite iam dicti episcopi, et Simone socero supradictis comitis..." Ibid., no. 184, p. 220 cp. Jakó, *Codex diplomaticus*, no. 95, p. 148.

⁹⁷ I counted 4 such cases. For instance: "Hanc causam [terram castri nomine Scilos cum prato et virgulto cum medietate paludis, nomine Fas, violenter occupasset] Tiburtius, Gyula, Alexander et Helias comites vice regia discutientes..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 310, pp. 269-70.

⁹⁸ I counted 2 such cases. For example: "Somzou, Sama, Chegur de villa Gyagya impetierunt quosdam de villa Orobag, ... pro damno decem marcarum, arbitris Georgio, Jano, Ambrosio, Guthmar, Joachin..." Ibid., no. 105, p. 191.

⁹⁹ I counted 1 such case: "Perman de villa Ip impetiit Stephanum et Egidium, ... arbitris abbate de Libinii et Ders filio Derseo et Pogu villico et Dezuan et Buncu, et Luzen de villa Nog, Bolu et Joachim, villico de Ipu et aliis multis..." Ibid., no. 60, p. 176 cp. Jakó, *Codex diplomaticus*, no. 60, pp. 139-40.

¹⁰⁰ See, for instance Margaret's abduction case from 1213: "Georgius de villa Buht, coadiuvante eum Simone sacerdote de villa Sancti Martini impetiit Micoum de villa Catar de violento raptu filiae suae Margarethae, et hoc ipsum illa astruxit; Micou vero dixit illam uxorem suam legitime ductam esse, et habere nuntium mediatorem, nomine Desc." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 23, p. 163.

¹⁰¹ In 1220, Olduruh, the accused presented to the judge his witnesses. It is interesting to notice that one of the witnesses proclaimed himself as Oduruh's relative and bore the iron for him: "Eel filius Scema de villa Eel, ... impetiit quendam de villa Custa nomine Olduruh, dicens ipsum servum suum esse. Ille autem dixit, se non esse suum servum, sed tavornicorum regis et duxit convillanos suos, cum ioubagionibus tavornicorum, Viviano, Gregorio et Ombud, qui eum dixerunt suum esse contribulem. Quorum unus, nomine Daba, specialius dixit eundem Olduruh suum esse cognatum et, portato pro illo ferro Varadini iustificatus est..." Ibid., no. 271, p. 254; Paul's case from 1234 is interesting because his witness is the same person who denounced him concerning the criminal case: "Quod, cum illae [Mizla et Vtalou] negassent, memoratus Paulus induxit quendam, nomine Paridem, qui ei de facto illarum suggererat." Ibid., no. 381, p. 304.

¹⁰² See, a girl-abduction case from 1219: "Andreas autem respondit, quod non violenter, sed legitime filiam illius nepoti suo in uxorem adduxisset, et similiter hoc perhibuit testimonium ei Lucas sacerdos de villa maioris Geken. Ambrosius itaque, curialis comes magistri Ladislai, praesente archidiacono Paulo, discutiens, misit utramque partem ... Varadinum..." Ibid., no. 197, p. 225.

the records of the register stated that the interrogation of the litigants was made on the king's order,¹⁰³ on the Oradean bishop's order,¹⁰⁴ or on the judge's master.¹⁰⁵

4. In some cases, after the interrogation of the parties and the witnesses, the judge or the litigants could assess the damage.¹⁰⁶

5. When the judge could not establish the accused's guilt or innocence following the "normal" legal procedure, either the accused or both litigant parties were sent to Oradea to get justice by the trial of hot iron.¹⁰⁷ Unfortunately, the short records of the Oradean register did not preserve information concerning the reason for which they were sent to Oradea. Only in a few cases the motives for which the litigants were sent by the judge to Oradea were explicitly mentioned. In one of the cases the judge was not satisfied with the witnesses' testimonies,¹⁰⁸ and in one the litigants had to go to Oradea because they could not present enough proof to the local judge.¹⁰⁹

6. The parties to the case were sent to Oradea at a fixed date for the trial by hot iron escorted by one or more bailiffs (*pristaldus*).¹¹⁰ It seems that among the duties of the bailiff were not only the escortation, but also establishing the trial-date.¹¹¹ As an official the bailiff was at the same time a delegate of the authorities

¹⁰³ I counted 27 such cases. It is quite interesting to see how royal persons had been involved in the trial by hot iron. I give as example only the case from 1220 connected to a disputable piece of land: "Quos Demetrius Magister, praecepto regis discutiens, per pristaldum suum, Martinum de villa Edelen, direxit ad examen ferri candentis Varadinum..." Ibid., no. 268, p. 253.

¹⁰⁴ I counted 1 such case: "... Joachin iudex ex praecepto Simonis, Waradiensis episcopi posuit eos [Domina Paulia, uxor Petrus et fratre suo, Custodia sacerdote] ad iudicium ferri candentis." Ibid., no. 30, p. 165.

¹⁰⁵ There were 5 such cases. For instance: "Quos Petur, curialis comes Dionysii, regiae Maiestatis camerarii, ex praecepto domini sui discutiens, misit Varadinum ad iudicium ferri candentis..." Ibid., no. 167, p. 214.

¹⁰⁶ "Quorum causam [reginae hospites de provincia Noui Castri ... impetierunt villicos suos, ... de falsa villicatione] Ocyus Banus, ex praecepto et auctoritate regis discutiens, computando centum et decem marcas argenti in damno, et misit eos Varadinum ad examen ferri candentis..." Ibid., no. 259, pp. 249-50.

¹⁰⁷ Bálint, *Ünnepi kalendárium*, vol. 2, 519 cp. Kandra, *A váradi regestrum*, 25.

¹⁰⁸ "Sed Mica, comes Bichoriensis, testibus productis non contentus, misit utramque partem Varadinum, ad examen ferri candentis..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 234, p. 241.

¹⁰⁹ "Sed cum neutra pars sufficiens testimonium posset adducere, nominati iudices per pristaldum, nomine Albertum, ad examen ferri candentis miserunt Varadinum..." Ibid., no. 343, p. 284.

¹¹⁰ For the fixed time when the litigants had to be present at Oradea, see: "Noverunt universi, quod Antonius de villa Zupur, cum esset citatus Waradinum ad candentis ferri iudicium, dato termino in septimana Dominus fortitudo, ... Antonius non venit, Heme vero, et Gyoma, adversarii eius, et pristaldus venerunt." Ibid., no. 135, pp. 201-202 cp. Jakó, *Codex diplomaticus*, no. 75, pp. 143-44. In the majority of the cases it was stated that the parties were escorted to the trial by one or more bailiffs: "Qui [Vos de villa Torsa] cum negaret, Vos impetiit alium convillanum suum, Sumptam nomine, de fideiussione, qui cum et ipse negaret, Vingizlou comes de Zothmar, per Pristaldum nomine Chentu, misit Waradinum..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 91, p. 185. For this unique Hungarian "judicial-man", see Eckhart, "Hiteles helyeink eredete," 640-55.

¹¹¹ Kandra supposed that the Oradean chapter was previously announced by the bailiff's letter about the forthcoming case. Kandra, *A váradi regestrum*, 25 cp. "Andreas itaque venit Varadinum in octavis omnium Sanctorum, in termino scilicet, quem pristaldus dixit..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 44, p. 170.

and public witness. In the majority of the cases, bailiffs were charged with one case, but sometimes they appeared in the register either as the judges' permanent employees or as those of the litigants.¹¹² It could happen that the accused did not recognize the judge-seat's right to deliver justice. The invoked reason was that the judge and the bailiff "was not of them".¹¹³

In some cases, these steps of the legal procedure were not explicitly stated. The more common denomination for them was "sit in judgment".¹¹⁴

7. The parties of the case had to come to Oradea because the ordeals of hot iron and water were supposed to take place only in the episcopal sees of the kingdom, in bigger provostships and at Bratislava and Nitra.¹¹⁵ Oradea chapter was one of them.¹¹⁶ Furthermore, the Oradean chapter was the burial place of saint Ladislav and became an important centre of pilgrimage.

The medieval legends and chronicles about Ladislav highlighted the protective characteristics of the king: Saint Ladislav helped the innocents and the pursued. Thus, he should not permit the conviction of an innocent who bore the iron either.¹¹⁷

It happened that only one of the parties arrived at Oradea. It seems that there was a waiting period for the presentation for the trial. If the missing party did not come during this time, it was declared guilty.¹¹⁸

¹¹² For the judge's "own" bailiff, see: "Matthias comes impetiit Benedictum de villa Chehy pro furtivo equo...Quos Forcasius, curialis comes de Bichor discutiens, per pristaldum suum, Hegud de villa Bichor, misit ad examen ferri candentis Varadinum..." Ibid., no. 265, p. 252; for the accuser's "own" bailiff, see: "...Ipolitus quidem cum praenominato pristaldo suo, Gugus, Varadini fuit, paratus candens ferrum portare." Ibid., no. 221, p. 235; for the accused's "own" bailiff, see: "Ex quibus tres homines Shak, scilicet: Voda, Queren, et Andreas de villa Scerep fuerunt Varadini cum pristaldo eorum, nomine Toma." Ibid., no. 226, p. 238.

¹¹³ "...qui [Somu de villa Gyou et servi sui] veniens in sexta feria eiusdem septimane, dixit, non stare se iudicio praefati iudicis in causa ista, eo quod alius esset iudex et pristaldus eorum." Ibid., no. 136, p. 202 cp. Jakó, *Codex diplomaticus*, no. 76, p. 144.

¹¹⁴ See, for instance the thieves' case from 1220: "Conprouinciales de Bichor vociferati sunt contra fures coram Mica comite Bichoriensi, iudice a rege Andrea delegato, qui, misso pristaldo suo, nomine Zacheo de villa Nadudor, ... et citatis furibus, facto iudicio, misit eos Varadinum..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 235, pp. 241-42.

¹¹⁵ A decree of the Hungarian king Coloman Beauclerc from around 1100 explicitly stated in which places ordeals of water and fire can be held: "Judicium ferri et aque in aliqua ecclesia fieri interdiximus, nisi in sede episcopali et maioribus preposituris, necnon Posonii et Nitrie." Závodszy, *A Szent István, Szent László*, 186. Bunyitay presumed that these places were chosen as trial-places because their status as *loca credibilia* allowed them to keep records. Probably, in all enumerated places were written registers, but unfortunately, only the Oradean was preserved. The connection between the ordeal-registers and the records of *loca credibilia* was highlighted also by Karácsonyi, and Borovszky, *Regestrum Varadinense*, 135.

¹¹⁶ The importance of the Oradean register can be seen in the fact that it is the only source which informs us about other ecclesiastical institutions from Hungary, which had the right to hold this kind of ordeal. I only enumerate these places: the cathedral-chapters from Esztergom, Várad, Kalocsa, Eger, and the three "monastic-chapters" from Székesfehérvár, Óbuda, Arad. Ibid., no. 357, p. 290; no. 358, p. 291 cp. Rudolph Rauscher, "O Regestru Varadinském" (About the Oradean register), *Časopis Učené Společnosti Šafárikovy* 3(1929): 307-26.

¹¹⁷ Bunyitay, *A váradi püspökség*, vol. 1, 74.

¹¹⁸ According to Kandra, an eight days waiting period was established. Kandra, *A váradi regestrum*, 25; "Praefatus itaque episcopus [Jacobi Vacienensis], ipso videlicet Gugus pristaldo constituto, misisset

8. Before the pronounced ecclesiastical ceremony, the accused had to undergo a solemn three-day fast as the custom asked.¹¹⁹ According to Bunyitay, during this time the accused's right hand was bandaged and sealed to prevent the use of magical drugs in order to prepare the hand for the trial.¹²⁰ After these three days, the ordeal of trial by hot iron that was supposed to make justice for one of the litigants started.

II. "The cathedral-scene"

Starting from this point, the proposed reconstruction of the trial by hot iron practiced at Oradea will follow the steps of the ecclesiastical ceremony described in the above mentioned appendix of the Oradean register. According to this appendix, the ecclesiastical ceremony of the ordeal took place in Oradea Cathedral and was overseen by the bishop.

1. The ecclesiastical ceremony began with two prayers during which the bishop blessed the new piece of iron, which served for the ordeal. The names of God, Jesus and Holy Spirit were invoked, but specially the justice-power of God to make justice with this blessed iron.¹²¹

2. The bishop aspersed the iron with holy water. Again the Holy Trinity is invoked in order to bring on this piece of iron the judgment of God's justice.¹²²

3. The bishop blessed in the name of God the fireplace asking that this place should be the one where the right judgment should be manifest. God should transmit his right judgment by Christ.¹²³

4. The bishop blessed the fire. The Holy Trinity is invoked.¹²⁴

utramque partem Varadinum ad examen ferri candentis, dato termino in octava S. regis Stephani, et Ipolitus quidem cum praenominato pristaldo suo, Gugus, Varadini fuit, paratus candens ferrum portare. Adversarii autem eius in eadem septimana non comparuerunt." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 221, p. 235 cp. "... Martinus in septimana, *Respice Domine* non comparuit et praedicti iudices, habuere eum pro condemnato." Ibid., no. 293, p. 264.

¹¹⁹ "Qui [Scentus] cum, transacto triduano jejunio, sicut mos est, ad portandum candens ferrum accessisset..." Ibid., no. 275, p. 256.

¹²⁰ Bunyitay, *A váradi püspökség*, vol. 1, 76. This act was also suggested by two records of the Oradean register: "Qui fures [homines ecclesiae Vaciensis, scilicet: Fiachiam, Bolosit de villa Pispuki] Varadini cum levato ferro ad solutionem cogerentur..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 192, p. 223; "Anno Dominicæ Incarnationis Millesimo ducentesimo decimo septimo, in septimana *Factus est* ioubagio Beli venit Varadinum, ... et sigillata manu expectavit usque diem Veneris adversarios suos ..." Ibid., no. 169, p. 215 cp. Bálint, *Ünnepi kalendárium*, vol. 2, 519; Kandra, *A váradi regestrum*, 25-26. Although the records of the Oradean register did not explicitly state which one of the hands should be used for the trial, it seems that the right one served as a tool of proof. See, the picture on the title-page of Bartlett's book.

¹²¹ "Benedic domine Pater, omnipotens eterne Deus, per inuocationem sanctissimi nominis tui et per adventum Unigeniti filii tui, Domini nostri Iesu Christi atque per donum Spiritus sancti, ad manifestandum verum iudicium tuum, hoc genus metalli, vt si sanctificatum et consecratum, vt omni demonum falsitate procul remota, fidelibus tuis veritas veri iudicii tui manifesta fiat..." Karácsonyi, and Borovszky, *Regestrum Varadinense*, 146.

¹²² "Benedictio Dei Patris, et Filii, et Spiritus sancti, descendat super hoc ferrum ad discernendum iudicium dei." Ibid., 147.

¹²³ "Benedic Domine per inuocationem sancti nominis tui, hunc locum, ad manifestandum verum iudicium, vt omni demonum falsitate procul remota, fidelibus tuis, veritas iudicii tui manifesta fiat, per Christum dominum nostrum." Ibid., 147.

5. After this, a special mass called the mass of the trial by hot iron (*Missa iudicii candentis ferri*) began. This mass had the following parts: *Introitus*, *Oratio*, *Lectio Esaie Prophete*, *Graduale*, *Evangelium secundum Marcum*, *Offertorium*, and *Secreta*. The question, which inevitably can be raised, is why these parts from the Bible appear? The passage from Isaiah and the Gospel according to Mark give the answer. In the first passage the prophet predicts that his people will be liberated from the Assyrian captivity and will come home. This situation can be compared with that of the accused. He/she also had to be liberated from some charges, and this liberation – as in the prophet's story – could happen only in a miraculous way, in the case of the accused by the trial of hot iron.¹²⁵ In the second passage Mark presents Jesus as a miracle-worker: Jesus, as the Son of God could cure incurable people, and forget people's sin. The parallelism here is much more evident: he/she also needs a miraculous cure for his/her hand.

6. An important part of the mass was the Holy Communion, at which both parties involved in the judicial case had to participate.¹²⁶ The real meaning of this communion was the belief that a guilty person could not receive the Holy Body of Christ without bringing down God's wrath on himself. We can say that, in some way, this was another opportunity for the guilty person to confess his guilt. The Holy Communion was followed by a "post Communionem"-prayer. An interesting story of a record linked to the communion tells us that the accused had taken out from his mouth the host, thus profaning the communion. Of course, he was found guilty, but at least his hand remained unhurt.¹²⁷

During the mass, the iron was put on the fire to warm up.

7. After this special mass the bishop, with other members of the clergy, bringing a cross and holy water, went to the place where the trial was to take place, which was the exo-narthex of the cathedral or the churchyard.¹²⁸ All this time the priests and the flock had sung the seven penitents Psalms and had said the All Saints litany.¹²⁹ The choosing of seven penitential Psalms had a very clearly definite goal: they were cut out for arousing people's desire for penance guilt. Thus, the accused was also encouraged to make penance. The All Saints litany in fact is a series of prayers addressed to the most important saints. Choosing prayers from this litany, the participants at the trial in fact asked a saint's help for a good result of the ordeal.

8. At the trial-place the bishop blessed the hot iron and asked God's help for the ordeal by three prayers.¹³⁰

¹²⁴ "Domine sancte Pater, omnipotens aeternae Deus, benedic hunc ignem, quem in nomini filii tui, domini nostri Jesu Christi, et Spiritus sancti benedicimus et sanctificamus." Ibid., 147.

¹²⁵ Solymosi, "Guden magánoklevele," 104-105.

¹²⁶ "Tunc communicet sacerdos criminatum seu accusatum his verbis: Corpus domini nostri Jesu Christi sit tibi hodie ad comprobationem veri iudicii." Karácsonyi, and Borovszky, *Regestrum Varadinense*, 148. cp. Bálint, *Ünnepi kalendárium*, vol. 2, 519; Kandra, *A váradi regestrum*, 28.

¹²⁷ "Buhus autem cum ferrum portare deberet, posuit Corpus Domini de ore in manum, et reus est ob hoc iudicatus." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 3, pp. 156-57.

¹²⁸ Bunyitay, *A váradi püspökség*, vol. 1, 76.

¹²⁹ Karácsonyi, and Borovszky, *Regestrum Varadinense*, 149 cp. Kandra, *A váradi regestrum*, 29; Bálint, *Ünnepi kalendárium*, vol. 2, 519.

¹³⁰ Their meaning was the same, only their length was different. Ibid., 520; Karácsonyi, and

9. The bishop aspersed the hot iron with holy water invoking the name of the Holy Trinity in order to show its justice.¹³¹

10. A prayer followed the aspersion in which God was invoked to declare his judgment through the healed or not healed hand.¹³²

11. The prayer-moment was followed by a verbal act when a priest had interrogated the accused about his/her guilt.¹³³ During this question-answer dialog between the ecclesiastical representative and the accused, the latter had to swear again that he was innocent.

12. Finally, the accused picked up the hot iron, walked three or nine paces, and put the iron down. When he picked up the hot iron the accused had to swear that he did not “prepare” in any kind his hand for the trial.¹³⁴ His hand was bandaged and sealed. A three-day waiting period before the hand was unbound followed this act. It seems that the judge indicated the person who had to bear the iron when the number of the accused was more than one.¹³⁵

13. The *solutio manus* act represents in fact the inspection of the accused’s hand made in the hall of the church.¹³⁶ If at the inspection made by the canons of the Oradean chapter¹³⁷, the hand was clean – that is, healing without suppuration or discoloration – he was innocent or vindicated; if the wound was unclean, he was guilty. The moment of the sealing of the bandaged hand was very important because – as in the cases of the charters – a broken seal could annul the results of the ordeal. The register of Oradea numbered only four such cases: when the canons inspected the accuseds’ hands (*solutio manus*) they stated the seals had been unsealed earlier, and had been replaced with a false one to cover their intervention.¹³⁸ In all these cases the accused was found guilty.

Borovszky, *Regestrum Varadinense*, 149-50.

¹³¹ “Benedictio Dei, Patris, et Filii, et Spiritus sancti, descendat super hoc ferrum ad manifestandum verum iudicium...” Ibid., 150 cp. Kandra, *A váradi regestrum*, 29-30; Bálint, *Ünnepi kalendárium*, vol. 2, 520.

¹³² Two prayers, a short one and a long one, were enumerated for this act. Karácsonyi, and Borovszky, *Regestrum Varadinense*, 150-51.

¹³³ It is important to notice that this was the moment when the bishop allowed the priest to take over the ceremony. Ibid., 151.

¹³⁴ This is the last moment described in the appendix. So, in the following I continue the reconstruction procedure of the judicial process of the trial by hot iron based on the evidence provided by the records of the Oradean register cp. Bálint, *Ünnepi kalendárium*, vol. 2, 520; Kandra, *A váradi regestrum*, 30.

¹³⁵ “Quibus [Tum, Pousam, Forkos, Manciam, Forcos et Moynolt de villa Tord, item, Sixtus et Hunda de villa Tauornuk] a comite Gyula per pristaldum, nomine Cristophorum, ad iudicium ferri candentis Varadinum destinatis, praenominatus Moynolth, secundum sententiam iudicis portato ferro, combustus est.” Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 272, pp. 254-55.

¹³⁶ Solymosi, “Guden magánoklevele,” 103, 105.

¹³⁷ “Hegun itaque cum, portato Varadini ferro, solvi deberet, canonici manum eius non inspexerunt, quia sigillum non sanum invenerunt.” Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 50, p. 172.

¹³⁸ In three cases the seal was damaged, in one case the seal was a false one. See, for instance, John’s case from 1214: “Joannes, portato ferro, incombustam habuit manum, sed sigillum fractum.” Ibid., no. 85, p. 183. Finally, see those three men’s cases from 1221, who replaced the chapter seal with a false one: “Praedicti fures [homines Athile, scilicet: Georgium, Visam, Vysint et Milum], cum in die Dominico, portato ferro, solvi deberent, unus eorum nomine Georgius combustus est, manus vero

Connected with this moment of the unbinding of the hand was an interesting case of two persons who did not allow the canons to unbind their hands.¹³⁹ Other cases related either to the refuges in the church¹⁴⁰ or the refusal to come out to the church¹⁴¹ not allowing in this way that their hand be inspected. Sometimes it is stated that the reason why they sought refuge in the church was that their hand was unhealed. It could also happen that after carrying the hot iron the person either did not wait for the unbinding-moment and ran away¹⁴² or the accuser renounced the charges.¹⁴³

The above-mentioned act, *solutio manus*, was the final act of the trial by hot iron. The canons inspected the accuseds' hands and made public the judgment.

III. After the "cathedral scene"

The result of the hand-inspection made by the canons of Oradea chapter was communicated to a lay judge who pronounced the sentence.

1. If the accused was found innocent by the trial, the ordeal-ceremony was closed with a thanksgiving, as the rules of the trial prescribed: *laus Deo referatur*, or *Deo gratuletur*.¹⁴⁴ It was also possible that the accuser was condemned for false charges.¹⁴⁵

trium, scilicet, Visam, Virsint et Mil, fracto sigillo Capituli, falso sigillo fuerant sigillatae. Qui pro iniustis habiti sunt." Ibid., no. 280, p. 258 cp. Solymosi, "Guden magánoklevele", 103.

¹³⁹ See, for instance the Szolnok castle-men case from 1213: "Georgius itaque pro se et cognatis suis praenominatis, portato ferro Waradini, cum solvi deberet, non est permissus absolvi a Bulsu et Bucicud, quorum uterque vice et in persona adversariorum suorum se stare dicentes, resignaverunt, praedictos Felicianum, Thomam et Georgium esse omnino liberos, ut illi de se asserebant." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 52, p. 173 cp. Jakó, *Codex diplomaticus*, no. 58, p. 139.

¹⁴⁰ See, for example Vitalis' case from 1220: "... Vitalis, portato ferro, confugit ad ecclesiam, dicens se esse combustum." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 257, p. 249; Michael's case from 1220 is very similar: "Praedicti fures [ioubagiones Sebastiani de Pou, scilicet, Michaellem et Kepam, filios Nicolai], portato ferro, combusti sunt. Sed Michael confugit ad ecclesiam." Ibid., no. 269, pp. 253-54.

¹⁴¹ "Baghia vero de villa Gurbey, ioubagio Germani, combustus est et de ecclesia non exiuit ad solutionem." Ibid., no. 286, p. 260; Manta and John's case from 1221 is the same: "Ex illis Manta et Joannes, portato ferro, ad solutionem non exiverunt de ecclesia..." Ibid., no. 296, p. 265.

¹⁴² See, for instance Budev's case from 1220: "Praedictus Budev, portato ferro, antequam solveretur, aufugit." Ibid., no. 270, p. 254; Mocyod's case from 1221 is very similar: "Praedictus Jacob in dato termino non venit in locum. Mocyod vero, portato ferro, ante solutionem manus fugit." Ibid., no. 298, p. 266.

¹⁴³ See, for instance Peter and Unoka's case from 1219: "Vnuca de villa Zamtou impetiit consuillanum suum, scilicet Paulum, de furto ... Paulus, portato ferro, dum die Dominica (*Da pacem*) manum suam soluendam porrigeret, supradictus Vnuca renunciauit iudicio ferri candentis, dicens, se falsa opinione inductum supra nominatum Paulum de furto impetiisse." Ibid., no. 233, pp. 240-41.

¹⁴⁴ Solymosi, "Guden magánoklevele", 103-104.

¹⁴⁵ See, for instance Hagya and Henguch's case from 1235: "...Hagya, civis Culusiensis, impetiisset nomine Henguch de villa Hem, pro furto, et Henguch iudicio ferri fuisset iustificatus, praenominatus Hagya remansit in iudicio sex marcarum, et eo non habente, unde sex marcas persolveret, iudex huius causae, nomine Nuetlen, curialis comes, per manum pristaldi sui nomine Luca de villa Lomb, posuit eum et uxorem eius et unicum filium eiusdem, nomine Abbeus, pro sex marcis apud avum suum, nomine Valderum, hospitem de Bichor." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 388, pp. 306-307 cp. Jakó, *Codex diplomaticus*, no. 182, p. 182.

2. If the accused was found guilty by the trial, the bailiff led him to the lay judge who made the judgment according to this result.¹⁴⁶ The register preserved a few cases when the sentence was described: hanging,¹⁴⁷ mutilation¹⁴⁸ or selling of the guilty parties and/or his relatives as well as confiscation of his property.¹⁴⁹

3. The execution of the sentence usually was made at the original place where the process was started in the presence of the bailiff, the same person who escorted the litigants to Oradea for trial.¹⁵⁰

4. At the end of the process a record was drawn up usually for the accusers in which the events were noted.¹⁵¹

¹⁴⁶ It is important to notice that only the ordeal-ceremony was conducted by ecclesiastical persons. The sentence was pronounced by a lay judge. Thus, the way in which the ecclesiastical persons were involved in the ordeal ceremony was very similar in nature with that of the inquisition. There also the representatives of the church took part at the judicial process, but the accused was condemned by a lay judge.

¹⁴⁷ See, for instance the case of those six persons accused of stealing from 1219: "Jordan de villa Keze et Keiguez de villa Shol, impetierunt Ugudut, Obudut, Scecam, et Scemhegit, seruos Thomae et Andreae, et Dudorc et Bencium, libertinos eorundem, de furto, iudiciibus Elia comite de Békes et biloto Zeuen, pristaldo de Machya de villa Meh. Praenominatorum furum quator, scilicet: Ugud, Buncii, Obud et Sceca, portato ferro, combusti sunt et suspensi. Dodor veniens prae nimia infirmitate ferrum portare nonpotuit. Scemhegi in eadem septimana scilicet *Exurge Domine* non comparuit." Karácsnyi, and Borovszky, *Regestrum Varadinense*, no. 182, p. 219.

¹⁴⁸ See, for instance Szegő's case who was implicated in the abduction of Farkas's daughter: "Anno Domini Millesimo Ducentesimo decimo sexto, in septimana *Omnis Terra* Farcasius, filius Gyama, veniens ... ad iudicium ferri candentis contra Martinum de villa Zobolsu, raptorem scilicet filiae suae, et contra coadiutores illius stetit per totam septimanam illam, sed nullus de adversariis suis comparuit praeter quendam, nomine Scegium, qui se nobis et postea iudici coadiutorem praefati Martini fuisse confessus, exoculatus est." Ibid., no. 162, p. 211-12.

¹⁴⁹ See, for instance the already mentioned case of Vitalis who had refugeed in the church after he bore the iron: "Praedictus itaque Urman vendidit Vitalem, cum uxore sua et filiabus suis et cum ancilla et filio ancillae suae et cum omni possessione sua Laurentio, filio Martini." Ibid., no. 257, p. 249. It is interesting that the bailiff, called Urman was the person who transacted the sale of the mentioned people. In Posa's case from 1219 beside him, his relatives also were condemned because they took Posa's part in the conflict: "Cuius rei exitu ita consummato, pristaldus idem dixit, quod fratres furis combusti, qui fratris eorum partem tenebant, a venditione tam ipsi, quam omnis eorum possessio per sententiam iudicis in ipso casu fratris sui jam exceperant." Ibid., no. 193, p. 223.

¹⁵⁰ In Masa's case from 1213 the execution of the sentence, a sealing transaction, was held in the presence of the bailiff and another witness: "Cum Masa de villa Sorou iudicio candentis ferri convictus esset Varadini de furto et in Bichor, ut Pristaldus asseruit, confugisset ad ecclesiam, adversarii eius, Kaled et Beta, et pristaldus ipsius Honos, praesente Cesario centurione, venderunt praefatum Masam et uxorem eius Foelicitatem et filios ipsius, Thomam, Tanals et Gyonon, et filias scilicet: Magnet et Ilega, pro decem marcis Absoloni, filio Hurt, qui persolvit illas decem marcas praesentibus nobis canonicis Varadiensibus, scilicet: Valeriano cantore, Michaelae custode, Gerardo decano, Petro, Sidrac et aliis, et idem scientibus Cesaario centurione et aliis ioubagionibus castri Bichoriensis." Ibid., no. 54, p. 174.

¹⁵¹ In those few cases in which this moment was described the ordeal did not take place although it was ordered. See, for instance the theft case from 1219: "... Voda, Queren, et Andreas de villa Scerep fuerunt Varadini ... Quorum Voda combustus est. Queren mundatus est. Andree vero infirmitate praepeditus ferrum portare illa vice non posuit, sed, recepta sanitate, ab eodem iudice per eundem pristaldum ad portandum candens ferrum destinatus, Varadinum non venit et adversarii eius, dato suffragio, recesserunt." Ibid., no. 226, p. 238; The case of property damaging from 1221 is similar: "Alii autem quatuor de adversariis non comparuerunt. Quos nominatus iudex, ut pristaldus dixit, condemnavit et pro condemnatis scribi praecipit." Ibid., no. 291, p. 262-63.

5. After the execution of the sentence, the judge took the obligation to inform the Oradea chapter about it. In the majority of the cases, the bailiff had made a *vive vocis* notice in front of the Oradea chapter.¹⁵² There were a few cases when the judge had sent a written announcement concerning the process to the Oradean chapter who had the obligation to take the cases down on record.¹⁵³ In this way the Oradean register was born.

The complexity of the evidence for this ordeal does not permit any simple explanation. Yet it is, I think, legitimate to look more closely into the ceremony itself in order to decide, modestly, what continued to satisfy those people about this ordeal and what needs led them to maintain the ceremony as a satisfactory solution to some difficulties.

What kind of conclusions can be reached after the presentation of the trial by hot iron practiced at Oradea? First, there was an incredible faith in the "supernatural": people really thought that God chose this way to make justice. And they strongly believed that the heavenly - until that time - unattainable power would come down to this earthly community to decide people's destiny. These were moments of wild hope. The register of Oradea records three hundred and fifty cases between 1208 and 1235 with a lapidary faith concerning the literal truth of the ceremony: "portato ferro, combusti sunt; portato ferro pro terra ista iustificatus est."¹⁵⁴ With Brown's words: "We may know what everybody wants and has always wanted - the crowning mercy of truth in human affairs."¹⁵⁵ In this way the trial by hot iron was understood by people as a mediator between heaven and earth, making the first more "tangible" with the trial.

The trial by hot iron was also mercifully slow. To call it a controlled miracle and to dismiss it as a temptation of God was to import into the ceremony, into the judicial process, a brisk expectation of the miracle. For God is revealing the truth, not any specific fact. He was judging the status of a person or of a group, whether their claims were "pure" and "just."¹⁵⁶ He was not deciding whether a piece of land belonged to a certain claimant, but the status in the community of the groups that had been brought into conflict.

The most marked feature of this ordeal is the slow and solemn processes by which human conflict is taken out of its immediate context. The representative of this conflict - the man who undertakes the trial by hot iron, who can be either accuser or accused - is publicly shorn of all contact with the normal world.¹⁵⁷ Once he was shaved, dressed in a shirt, and subjected himself to fasting for three days, his whole rhythm of life became that of a priest, not of a layman. He is solemnly

¹⁵² Vajda, *A Várad Regestrum*, 22.

¹⁵³ See, for instance, the already mentioned abduction case from 1216: "Iudex igitur condemnavit illos [Martinum de villa Zobolsu et coadiutores illius], nam per eundem pristaldum suum [Gyula] et Farcasium tales nobis [capitulo Varadinensis] remisit literas." Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 162, pp. 211-12 cp. Vajda, *A Várad Regestrum*, 23.

¹⁵⁴ Karácsonyi, and Borovszky, *Regestrum Varadinense*, no. 62, p. 176; no. 182, p. 219.

¹⁵⁵ Brown, "Society and the Supernatural," 136.

¹⁵⁶ See, Karácsonyi, and Borovszky, *Regestrum Varadinense*, 151, when the priest put the final question to the participant of the ordeal: "Frater, es iustus ab hoc crimine de quo accusaris? Iustus sum. Mundus? Mundus sum."

¹⁵⁷ Brown, "Society and the Supernatural," 138.

blessed with holy water and transformed by long prayers of benediction into somebody more than a “natural human being”; he is no longer part of a human lawsuit. He entered – through the trial by hot iron - in “God’s sphere”, where the ordeal itself got another explanation. It is not a judgment *by* God; it is the judgment *of* God.

Seen from the outside, the trial by hot iron was a *spectaculum* to which everyone flocked.¹⁵⁸ The ritual itself, but also the trial-ceremony was reassuring and peace-creating. It also had the role of a demonstrative ceremony. It attempted by dramatic gestures to make a lasting impression on the public memory of the community who witnessed the trial. The trial by hot iron may also be seen from outside as a single united whole, but each piece of this whole is so joined as to allow free movement. If we are thinking of the participants at Oradea, one hundred and twenty had time to climb down.¹⁵⁹ Others withdrew at different stages along the ritual. Those three days between the moment of holding the hot iron and the opening of the sealed bandage were too much for twelve subjects of the Oradean register: *sentiens se combustum confugit ad ecclesiam*.

As I mentioned above, the sealing-moment was one of the most important steps of the ceremony of the trial by hot iron. The hand that has to hold the hot iron was solemnly sealed and would be reopened again before witness's three days later. If the wound heals “normally”, the result is clear: God has spoken in the most elemental way, “by an assertion of the integrity of a man’s rights symbolized by the surviving integrity of his physical body in contact with extreme heat.”¹⁶⁰ In other words, the efficacy of the ordeal remains a function of the strength of feeling in the group.

Certain conclusions might follow from this examination of the trial by hot iron and its ceremony. We have found in this particular form of the “mixing” of sacred and profane an elegant solution to some problems of the community who “created” it and used it. When the type of community survives intact, the ordeal survives with it. The growth of rationalism and clerical condemnation of the ordeal is irrelevant to this process. In Oradea, ordeals continue long after 1215.

In this way the role of the supernatural in the “Oradean community” could be seen as part of a style of life. A representative of such a style of life could argue also that recourse to divine judgment was preferable to the use of human reason, since God could know intention and men could not. In other way the “judgment of God” became dependent on belief and on the notion of this “supernatural” authority. From this point of view the trial by hot iron could even be seen as a way in which God was perceived.

¹⁵⁸ Bartlett, *Trial by Fire and water*, 21-22.

¹⁵⁹ Kandra, *A váradi regestrum*, 46-48.

¹⁶⁰ Brown, “Society and the Supernatural,” 139.