**Changes in the medieval English justice system: Part 1**

The jury is an important part of criminal justice system in England, but its origins are difficult to determine. A type of ‘jury’ can be traced back to the ninth century, when twelve men from the local community were required to investigate crimes committed in the community. However, these men did not hear arguments for or against the accused. There were no lawyers. Instead, the jury members had to investigate the crimes themselves.

Often, guilt or innocence was determined by the accused going through an ‘ordeal’. There were many types of trial by ordeal, but the three most common were trial by combat, trial by water and trial by fire.

In a trial by combat, both the accused and the accuser would fight each other in single combat. Whoever won would be declared to be in the right. This type of trial was mostly used in disputes between wealthy people, often over who owned land. Sometimes, a ‘champion’ might be used to fight the battle. That is, a wealthy person might employ a knight to fight on his behalf.

In trial by fire, the accused was required to walk three paces holding a red-hot metal bar. When the ordeal finished, the wound was wrapped and then inspected by a priest three days later. If the wound was infected, the person was declared guilty; if it was healing, the accused was declared innocent.

In trial by water, the accused person’s fingers were tied to their ankles and they were thrown in a river. If they sank they were innocent, but if they floated they were guilty. Luckily, the rope they were tied by was held by the sheriff so, if they sank, they could be dragged back to the surface before they drowned.

Punishments for guilty people were severe and included heavy fines, being held in stocks or being tortured.

When King Henry II came to the throne in 1154, every area in England had its own laws and legal system. This meant that, depending on where people lived, they could face different punishments for the same crime.

In 1166, Henry decided to introduce one legal system for all of England. One of the changes Henry introduced was to make juries compulsory across England. Each local jury was composed of either six or twelve men. It was supervised by the local sheriff and a travelling justice (judge).

The jury heard very little evidence and instead based their decisions on what they knew of the person who had been accused.

King Henry also abolished the use of trial by fire and reduced the use of trial by combat. However, he made it compulsory that anyone accused of murder or theft would have to undergo both a trial by jury and trial by water. In any other case, people could choose whether to have a jury trial or a trial by ordeal. Many people chose trial by ordeal as they did not trust their fellow villagers to be unbiased.

In 1215, the Catholic Church withdrew its support of the use of trial by ordeal. This meant that juries were now used for all crimes. Because so many people refused to have a trial by jury, the judges introduced a special law in 1275 that decreed that those who refused to go before a jury would be laid on a stone and crushed by weights until they changed their mind.

While people were slow to embrace the new legal reforms that King Henry had introduced and the Catholic Church had approved, the basis for our legal system in the West had been started.

**Focus question: *What continuities and changes occurred in crime and punishment in Medieval England?***

**Suggested learning activities**

**Examine key changes in the criminal justice system in Medieval England**

* Use the text on sheet*Changes in the medieval English justice system: Part 1* to model how to locate and sequence information from a source on a time line, for example,

Changes introduced in this time?

Henry made juries compulsory across England. He also abolished trial by fire and reduced trial by combat. However, anyone accused of murder or theft would have to undergo trial by water and trial by jury.

What happened if you did not go before a jury?

You will have to be crushed by a stone until they change their mind

. What did the Catholic Church no longer support in 1215?

Trial by ordeal

Type of Trials used before 1166?

Trial by **combat, fire and water**

1275

1215

1166

800s

**Distinguish fact from opinion using evidence from a source**

* Write fact or opinion next to each statement.

Questions:

*1. King Henry II reformed the legal system in England. fact*

*2. Punishments in medieval times were effective deterrents against crime. opinion*

*3. One of the King Henry’s changes was to make jury trials compulsory. fact*

*4. When King Henry came to the throne, every area in England had its own laws. fact*

*5. People in the Middle Ages thought they had a fair justice system. opinion*

*6. Trial by fire was the most painful of all the trials by ordeal. opinion*

*7. King Henry II was a great king. opinion*

*8. Trial by ordeal was a type of trial in the medieval period. fact*

*9. Trial by jury was fairer than trial by ordeal. opinion*

*10. Being crushed by stones was the torture used for refusing to go before a jury. fact*

*11. Many historians claim that medieval punishments were unfair and harsh. opinion*

*12. The Catholic Church withdrew its support for trial by ordeal in 1215. fact*

*13. In a trial by ordeal, if the wound was infected, the person was declared guilty. fact*