Divine Intervention and Medieval Trials:

An Analysis on how ideals from the Early Middle Ages Influenced the Inquisition

Daniel Stambler

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At the end of the ninth century, in a time of disarray for the Roman Church, a cadaver stood trial at the Basilica of St. John Lateran. The clergy watched as Pope Stephen VI screamed at the nine-month decaying corpse of his predecessor, Formosus. Unable to provide proper defense, the body of Formosus was proclaimed guilty of breaking an oath.[[1]](#footnote-1) This episode in history, known as the Cadaver Synod, portrayed a deeply rooted mysticism and commitment to faith in the medieval Church and society. From this trial through the inquisition, the notion that God would not harm an innocent man was a key theme in religious medieval judiciary proceedings.[[2]](#footnote-2) The belief of divine intervention made it so that the dead can be put on trial and that people could be tortured to extract a confession. Because God would not allow for an innocent person to be harmed, the accused were assumed to be guilty before proven innocent. This belief gave rise to the idea that God would perform a miracle during a trial to reveal the suspect’s innocence.

Historians have offered many differing opinions on the rationale behind medieval trials that have led up to the establishment of the Holy Inquisition at the Fourth Lateran Council. H.L Ho, in his paper “The Legitimacy of Medieval Proof” argues that medieval trials and their use of ordeals as evidence were conducted out of a sense of fairness using the tools of religion.[[3]](#footnote-3) Hermann Nottarp, who is mentioned by Morton Bloomfield in “Beowulf, Byrhtnoth, and the Judgment of God: Trial by Combat in Anglo-Saxon England,” adds to this argument by saying that medieval ordeals were completely derived from Germanic practices, and not from Christianity. He continues by saying that the Christian Roman Empire did not have judicial ordeals.[[4]](#footnote-4) However, Bloomfield does cite the importance of God being a judge in Anglo Saxon England to counter Nottarp’s argument. The problem with these arguments is that they dismiss the Church’s central connection to judicial ordeals during the Dark Ages. As Bloomfield mentions, people cited their belief in God to justify the widespread adoption of these Germanic trials. Otherwise, these trials would have been abandoned when the Germans converted to Christianity.[[5]](#footnote-5) Most relevant to this historiography, is Donald Nielsen’s perspective in “Rationalization in Medieval Europe: The Inquisition and Sociocultural Change” that the ideals of the inquisition were the result of the development of logic and its application to scripture during the 11th and 12th centuries.[[6]](#footnote-6) Richard Kickhefer agrees in “The Specific Rationality of Medieval Magic” that the medieval belief was backed by reason.[[7]](#footnote-7) However it is important to understand that the judicial practices from the early Middle Ages are just as important as the tools of logic during the high Middle Ages in the establishment of the inquisition. In this paper, I will make a comparative argument that this belief of divine intervention from the early Middle Ages did underscore the development of the inquisition, and led to the seemingly rational conclusion that the accused was guilty until proven innocent

Trials through most of the Middle Ages involved an ordeal. The idea that God is the ultimate judge developed in courts early on. For these trials, the accused would undergo an ordeal in hopes of attracting God’s attention who would then pass judgement on an individual. The medieval belief was that if someone was on trial, then they must have done something wrong. Otherwise it would make no sense for pain to be inflicted on an innocent person.[[8]](#footnote-8) The accused would undergo an ordeal which included either, walking on coals, carrying a burning object, or being thrown in the water. For the trial by fire, the accused’s wounds had to heal within three days, and the accused had to sink in the trial by water to be presumed innocent. As Ho states, early medieval society believed that during the trials, God would intervene on behalf of the innocent by either allowing their burns to heal early, or by letting the person sink. Conversely, if one was guilty, God would intervene so that the accused would float or not heal quickly.[[9]](#footnote-9) As the society was deeply religious, these outcomes of the trials became definitive proof of God’s ruling. Therefore, the trial system depended on the belief that God would perform a miracle to change the assumption that the accused was guilty. These types of ordeals extended into trials by combat where the accuser fought the accused or a substitute for the accused. These duels were also meant to draw in God’s attention so that he may intervene on behalf of the person who is on the right side of justice. Ho states that trial by fire and water were endorsed by the Church, but trial by combat was not because there was a conflict with Christian doctrine.[[10]](#footnote-10)

In some proceedings, called compurgations, the accused needed to present enough people who would swear an oath assuring the accused’s innocence. Ho states that these oaths were taken very seriously because they were treated as evidence.[[11]](#footnote-11) In this case, God was believed to intervene to make those swearing an oath stumble or fail to lie under oath. Moreover, Ho argues that the socio-political implications of that time for taking an oath were serious and those who broke oath would be harshly punished.[[12]](#footnote-12)

Crucial to understanding society during the Dark Ages is understanding the conflation of the natural and supernatural that was embedded in ninth and tenth century Western European thought. Southernexplains that this belief that the physical world was mixed with the spiritual world left Northern European Society very primitive. The fundamental belief at that time was that God was ever present in their society of Christendom and that people should be looking to the next world instead of trying to improve their current world. This idea changed after the turn of the millennium when society began to see nature as separate from the supernatural and began to work on fixing their own world.[[13]](#footnote-13)

By nature, for early medieval trials to work, the accused had to be presumed guilty and only divine interventions would be able to reveal one’s innocence. As Southern claims, these trials were very ritualistic and mystical in nature. And when they were developed, the natural and supernatural world were not considered separate from one another.[[14]](#footnote-14) Thus, aspects of these trials were presumed to have a connection to the divine. The Church’s endorsement and entanglement in the notion of God as a judge confirms the connections between the trials and scriptures. According to Church father Augustine, the earth was corrupt and full of sin. Augustine in his work, Confessions, writes that all men are sinners and that all men should seek salvation from sin. Furthermore, Augustine questions, “who has any right to speak against it, if just punishment follow the sinner?” [[15]](#footnote-15) Augustine’s views are consistent and influential on the conduct of medieval trials. Because given the assumption that all men are sinners, the accused in these mystical trials would be presumed guilty until God intervenes on their behalf. According to Kieckhefer’s logic, because medieval society did believe in these scriptures, their view of divine intervention would be the rational conclusion for what will determine the outcome in judicial ordeals.[[16]](#footnote-16) Therefore, Augustine’s writings and the arguments presented by Southern show that the belief in doctrine and not in fairness is what produced the idea of guilty before proven innocence.

In addition, it is important to show that the Church was responsible for the underlying principles behind early medieval trials.Pope Formosus’ trial shows that Church leaders believed in divine intervention to prove the innocence of the accused. Pope Stephen VI was a supporter of the ruling Spoleto family who Formosus opposed during his papacy. When Stephen came to power he ordered Formosus’ nine month decaying corpse to be dressed in papal vesture and put on trial. The charges were that Formosus broke his oath which he was forced to take at Troyes to never return to Rome nor seek a position within the Church, and that as a Bishop, Formosus left his bishopric illegally.[[17]](#footnote-17) As described in the Annales Laubacensium, the deceased Pope was unable to provide his own defense and was thus convicted. The cadaver’s fingers were cut off, the vestigial garments ripped off, and the bloodied body tossed into the river.[[18]](#footnote-18)

From, the early days of Christianity, the Church made a very important claim to power of being able to mediate relations with the dead. This also created a medieval belief in ghosts.[[19]](#footnote-19) This notion can help explain why the Church would think to try a dead Pope but does not explain why they placed emphasis on the physical body of Formosus when the punishment was inflicted on Formosus’ decaying corpse and not his spirit. It is interesting how the clergy conflated the physical flesh with the supernatural this way in consistence with Southern’s and Ho’s argument. According to Kieckhefer, medieval rituals that do not make sense to western audiences were rational because the people conducting these rituals believed the doctrine to be true. In cutting of the cadaver’s fingers, Pope Stephen believed that he was inflicting physical harm on Formosus’ spirit because he thought that he was using the clerical connection to interact with the dead. Yet, why was the former Pope found guilty? Contemporary documents state that he could not provide proper defense.[[20]](#footnote-20) Furthermore, if the Churchmen were all acting on rational belief, why would there be a major synod trying a decaying corpse of a former Pope? The documents only say that there was no adequate defense to not convict Formosus with no mention of the prosecution’s case, showing that the burden of proof was on the defense.[[21]](#footnote-21) However, given the strong belief in divine intervention and the upper clergies’ belief in their influence on the dead, the corpse was convicted because had Formosus been innocent, God would have shown a sign to prove his innocence. Contemporary sources note a storm on the Tiber River where the body was cast. Auxilius, a contemporary, cited this storm as an act of God to argue for Formosus to be exhumed and taken back to the Church, which is what happened several years later.[[22]](#footnote-22) This shows that during the Cadaver Synod, God needed to show a sign to the clergy that Formosus was innocent. Therefore, this belief in divine intervention was tied to the Church throughout the Middle Ages.

One notable exception to the types of trials the Church did support was the trial by combat. However, in literature the trial by combat is shown to be justified by faith. The Song of Roland illustrates an idealized trial by combat scenario. In this novel, Ganelon, the man accused of conspiring against Roland, picks a champion to fight for him in a trial by combat. This book shows Ganelon’s champion being defeated and describes the victory as a divine intervention, showing the key role of God in deciding who is righteous.[[23]](#footnote-23) Furthermore, in order to respond to Nottarp Germanic origins argument, and to show that trial by combat was adopted by Christian society, Bloomfield states that in Beowulf these same allusions to scriptures appeared in the combat ordeal scene.[[24]](#footnote-24)

The underlying principles behind the early medieval trials were a direct influence on the ideals of the inquisition. As mentioned earlier, Nielsen argues that tools of logic and the creation of the new legal system as well as the new mendicant orders made possible for the Church to “re-Christianize” Europe and asserts its dominance in combating Heresy. Nielsen also argues that the inquisition was not a judicial improvement but a product of the Church using logic to reassert its existing values.[[25]](#footnote-25) Henry Kelly disagrees in “Inquisition and the Prosecution of Heresy: Misconceptions and Abuses.” Kelly states that the inquisition was a much-needed improvement on the existing trials and judicial system. Going one step further, Kelly states that the negative aspects from the inquisitions stemmed from overzealous judges and not the Roman Church.[[26]](#footnote-26) Using the primary sources from the early inquisition, I will show that, unlike what Kelly argues, the problems with the inquisitions originated with the leadership of the Church. Furthermore, I will show that the ideal that one was presumed guilty until proven innocent from the early medieval trials influenced the development of the Inquisition.

The theme of divine intervention in justifying the conduct of the trials became a prominent staple in the Church expanding its influence during the 11th and 12th century. Using its ability to be a bridge between this world and the afterlife as leverage over lay society, the Church increased its reach and influence throughout the High Middle Ages. In the middle of the 11th century, the Church began to institute several reforms such as attempting to enforce rules against corrupt bishops. Taking the advantage of the new religious zeal, Pope Urban II at the council of Claremont declared the first crusade towards the holy land. And future Popes during the 12th century increased their ties to increasingly powerful French monarchs. By the time, Lothario de Segni was elected to the papacy, and took on the name Innocent III, the Church was far stronger than during the times of Formosus. Innocent effectively channeled the growing discontent towards material wealth and rise of the mendicant orders to root out heresies and preach the doctrine of the Church to the urban poor. Then, during the Fourth Lateran Council, Innocent banned the creation of new religious orders in Canon 13 and declared that Heresy must be rooted out by all religious and secular authorities in order to destroy the rising Cather movement. The clergy feared that if Heresy was not rooted out, it would spread throughout society.[[27]](#footnote-27) The Fourth Lateran Council was the beginning of the inquisition and was further developed when Pope Gregory IX ordered the Dominicans to prosecute Heresy. Inquisitorial procedures required that the inquisitors extract confessions from supposed heretics. However, many people accused of being heretics denied any wrong doing. To circumvent this problem, the Church’s agents created a system of interrogation and utilized torture as a method of extracting a confession from accused heretics.[[28]](#footnote-28)

In examining the Fourth Lateran Council decrees, one will notice that the inquisition assumed guilt before innocence and based its proposals for trying suspects on divine intervention. Canon 3, on Heresy written in 1215 reports the fear that all Heresy is “bound to each other by their tails” and thus is excommunicated.[[29]](#footnote-29) The Canon also address how these heretics will be punished. However, most importantly, the decree discusses how the suspect will be treated.

“But those who are only suspected, due consideration being given to the nature of the suspicion and the character of the person, unless they prove their innocence by a proper defense, let them be anathematized and avoided by all 1-intil they have made suitable satisfaction.” [[30]](#footnote-30)

As Kelly mentions, this statement does push for due process. However, the decree states that the accused should be “anathematized” thus placing the burden of proof on the presumed heretic to prove his innocence. In addition, according to Ho, Canon 18 of the Fourth Lateran council is evidence that the clergy were involved in medieval ordeals, because it took a decree to end clerical endorsement of the judicial ordeal. The Fourth Lateran council’s, Cannon 18 states that “neither shall anyone in judicial tests or ordeals by hot or cold water or hot iron bestow any blessing; the earlier prohibitions regarding dueling remain in force.”[[31]](#footnote-31) The contrast between the new decree and reiteration of dueling show that the clergy were involved in judicial ordeals before this council. Canon 18 would solidify Kelly’s argument that the Church was seeking due process since it did cut its involvement from these trials. However, Canon 3 did not specify how a suspect would have proven his innocence. This deliberate vagueness, as well as the presumption that the suspected heretics are guilty allowed what Kelly calls over zealous judges to torture the accused. Furthermore, the Church did not ban torture as a medieval procedure, like it did judicial ordeals, in this decree. Thus, the Fourth Lateran Council and the inquisition were not disconnected from the judicial ideals of the early medieval times**.** The Paper Bulls by Gregory of the 1230s further expand on the idea that heretics must be eliminated. These papers gave the Dominican inquisitors freedom to develop a system of extracting a confession by any means necessary.[[32]](#footnote-32)Therefore, the notion of assumed guilt and the idea of divine intervention to show the inquisitors that the presumed heretic is guilty was a major influence on the inquisition.

In addition, taking an oath was crucial to the establishment of the inquisition much like it was in the early medieval period. Canon 3 states that to eliminate all Heresies, “Secular authorities…ought publicly to take an oath that they will strive in good faith and to the best of their ability to exterminate in the territories subject to their jurisdiction all heretics pointed out by the Church.”[[33]](#footnote-33) This statement as Nielsen says, shows how the Church attempted to strengthen its control of lay society, by compelling secular rulers to swear in participating what will become the inquisition. The power of the oath is noted in this statement as this canon explains that authorities who refuse to take this oath will be “excommunicated” and punished.[[34]](#footnote-34) The mention of the oath as central to the Church’s operation to compel lay society to prosecute heretics shows that the underlying principles of God as a judge from the early Middle Ages were still an influence on how justice was administered.

In the early 14th century, Bernard of Gui published a manual for inquisitors to extract confessions on accused heretics. Bernard explains in his manual the flaws of the heretical Christian’s beliefs. Bernard of Gui uses the appeal to God’s authority to argue that the Church of God is right and that the heretics are wrong. Gui references the “gospel of God in judicial process” to persecute heretics and thus implies that God through the Church finds the accused heretics to be guilty.[[35]](#footnote-35) This statement shows that the notion of God as a judge is still relevant to the inquisition. Though, this idea is not as prevalent and is carried out through the Church. Bernard also presented a dialogue where he described how an inquisitor can extract a confession from an accused heretic. In the dialogue, the main assumption which Bernard makes when asking the accused to swear that he never committed a heresy is that the heretic is unable to lie under oath.[[36]](#footnote-36) These beliefs are like the ones underlying the compurgations or oaths of the early Middle Ages. According to Kieckhefer, in Medieval times, if people believed something to be true a rationalization can be made for a lot of practices that do not seem rational by today’s standard. By Kieckhefer’s logic, Bernard of Gui’s argument that the heretic will confess eventually because he cannot properly swear that he is innocent is based on the belief in the sanctity of the oath before God. Therefore, for these trials to work, the inquisitors must believe that God will intervene to ensure that the heretic stumbles when taking the oath that he did not sin.

While it appears the inquisition as decreed at the Fourth Lateran council was a major step towards creating a just due process, the inquisition still contained many inspirations for the early Middle Ages. The most important of which were the sanctity of the oath and divine intervention. Both were major driving principles of early medieval trials. Unlike what Notarppargues, the Church was a large participant in the medieval ordeals. While the fourth Lateran Council disavowed trial by water and fire, it still promoted the idea that one who is accused must prove his innocence.[[37]](#footnote-37) This was influenced from the belief of divine intervention in the early medieval ordeals. Therefore, from the concept of divine intervention during Pope Formosus’ trial to the inquisition, the Church was driven by these beliefs to conclude that the accused is assumed to be guilty these religious trials.

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