

Trial by Ordeal

Have the accused students draw a slip of paper out of a hat. Two of the slips have an X drawn on them, while one slip is blank. Tell the students who draw the slips with Xs that they have been found guilty. The student with the blank slip is innocent. Write the verdict for each of the accused on the board. Tell students that trial by ordeal was common in the Middle Ages. Accused persons underwent dangerous tests, even torture, because people believed that the innocent would not be hurt or that their wounds would heal miraculously. Ask students if they can think of examples of trial by ordeal in colonial America. Students might suggest the Salem witch trials.

Trial by Oath

Have each of the accused students swear to his or her innocence before a council of "nobles." Then have each of the accused students choose two supporters to testify under oath about the student's good character. Before the witnesses testify, tell them that if the nobles find one of the accused parties guilty, they will punish any witness who supported that person. Have the nobles vote and render their verdict for the accused. Write that verdict on the board. Explain that in a trial by oath people accused of a crime only had to swear, or take an oath, that they were innocent-unless others swore against them. To lie under oath would be to risk being ostracized by the community.

Trial by Combat

Try the case again, this time by combat. Explain that in Europe during the Middle Ages, disputing parties could settle their disagreement by combat. They could either fight their own battles or choose a champion to fight for them. Have a student who represents "the local lord of the classroom" choose one champion for the class, and the three accused students choose another champion to compete on their behalf in a boundary tug contest. Draw two lines on the floor with chalk, about five feet apart. Between the lines have the two contestants face each other, with right toes touching and left feet firmly planted to the back for balance. Have the contestants grasp a towel and try to pull their opponent across one of the lines. Record the verdict on the board.

Trial by Jury

Americans are granted the right to trial by jury by the Sixth Amendment (criminal trials) and Seventh Amendment (civil trials) to the United States Constitution. In a jury trial, lawyers for the prosecution and defense present evidence to a jury of citizens who collectively determine the guilt or innocence of the accused. Juries have the responsibility to decide the facts pertaining to the who, what, when, where, why, and how of a case. They must listen to the judge's description of the law and apply the law to the facts. If a jury is presented with conflicting facts, it is their responsibility to decide which is more convincing, based on the credibility of the witnesses.