The Warfare Ideology of Ordeal: Another Form of Just war Thinking?
Theory and Practice from the Early Middle Ages

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Abstract

Studying military thinking and military history of the Middle Ages one can observe many forms of warfare ideologies. Three of these ideologies are the holy war ideology, the ideology of ordeal (or *iudicium Dei*), and the traditional just war theory. Every such ideology has the common character of a stronger or weaker link to concepts of Christian God, religion, or church. Beyond this common character these ideologies also vary from each other characteristically. The holy war ideology includes first of all the concept of God, the traditional just war theory applies the concept of justice, and the ideology of ordeal relies both on the concept of God and of justice . This paper purposes to present the ideology of ordeal as a form of just war thinking, and to describe its features through historical examples, in themselves, and in contrast to other ideologies.

Key words: ordeal, just war theory, Isidore of Seville

1. Introduction

It is hardly debatable that every theory attributing an outstanding role to a concept of justice in justifying wars is a form of just war thinking, regardless of the fact whether the theory applies another sort of concepts in the justification as well, or not. In the history of warfare and military thinking before the second half of the 20th century justice-related justifications had typically references to other sorts of concepts as well. So, one cannot meet a purely moral concept of justice in the field of warfare justification before the second world war, because justice-related historical warfare justifications were connected to religious, legal, or scientific concepts. Studying one or another portion of this long period of history one can discover interesting forms of just war thinking. One portion, only slightly studied by now, is the Early Middle Ages, when a special form of just war thinking can be observed, which is the ideology of ordeal.

In the following first I outline the basic medieval ideologies of warfare, then I turn to the historical evidence of ideology of ordeal, and I abstract the basic elements of this ideology from them to reconstruct it as a normative theoretical framework for warfare; finally, I compare the ideology of ordeal with other forms of warfare ideologies.

2. Basic medieval ideologies of warfare

One can meet at least three basic forms of medieval warfare ideologies in the books and articles related to the Middle Ages. These are holy war ideology, traditional just war theory, and regular war theory.

a. Holy war ideology

Christopher Tyerman, writing on the history of crusade made a crucial distinction between a holy war and a just war: 'While holy war depended on God's will, constituted a religious act, was directed by clergy, or divinely sanctioned lay rulers, and offered a spiritual reward, just war formed a legal category justified by secular necessity, conduct and aim, attracting temporal benefits' (Tyerman 2007, 35). Similarly, James Turner Johnson claimed a holy war originally was a war fought by God's command in ancient Israel. Beyond this sense, however, Johnson observed some other views of holy war, like it was fought on God's behalf or by God Himself,

fought for or defend religion or to propagate right religion, and finally fought by the 'holy" participants (Johnson 2005, 37-39). Abridging these definitions into what I take to be the most important element I define holy war as a war commanded or intended by God before the war.

The holy war ideology is almost as old as written human civilization. It already appeared in the Sumerian written sources in the Middle East. There was a three-generation-long armed conflict between the two city-states of Lagash and Umma in the middle of the third millennium BC. At the beginning of this conflict, Lagash conquered some territories of Umma, and then the king of Lagash (Ur-Nanse) described the war without giving any justification to it in a royal inscription. In the second phase, Umma seized back the territories, but in the third one Lagash conquered them again. What was new in the third phase is the new king's (E-anatum's) royal inscription in which he justified his war by referring to his God's (Ningirsu's) order (Sazanov 2016, 25-26).

Order, command, and intention of the gods are dependent only on gods' own prospective plans. This means holy war ideology can justify war before the fight, when the intention is figured, and the command is issued. Contrary to this, the ideology of ordeal justifies the war only after the fight. This difference is the consequence of the natures of the two ideologies, because while holy war ideology is wholly (or mostly) religious in character, a concept of justice has a significant role in the ideology of ordeal.

One Christian form of holy war ideology is Saint Augustine' idea that in holy war Christians – by the divine charity (good intention) in them – punishing their enemies strive to help them redeeming their enemies' soul. As Augustine tells in his letter to Marcellinus speaking on precepts of God like 'Recompense to no man evil for evil': 'These precepts concerning patience ought to be always retained in the habitual discipline of the heart, and the benevolence which prevents the recompensing of evil with evil must be always fully cherished in the disposition. At the same time, many things must be done in correcting with a certain benevolent severity, even against their own wishes, men whose welfare rather than their wishes it is our duty to consult' (Saint Augustine 1886, 485). In this passage correction is a form of justice (punishment of sin), but it is a means of attaining the welfare of the sinner, that is the peace (redemption) of their soul, which is the intention of God, and which has to be intended by Christian officers. Hence, the most important element in the Augustinian form of holy war ideology is God's intention to redeem human souls. The justice and punishment are only the means of this intention.

In holy war ideologies, one can meet claims like God's command to go to war for liberating territories, spreading civilization, punishing a people etc. These claims are religious in nature, because the concept of God's command has a logical priority over the moral content of the command. Further, these claims have a greater role than the moral content because the purpose of most works by Augustine, like the *The City of God*, is of religious character, to show how redemption is possible, and not of moral nature. A moral content is only a moral dressing of the religious content (cf. Weithman 2001, 235-237, 242).

b. Traditional just war theory

According to Tyerman, 'just war formed a legal category justified by secular necessity, conduct and aim, attracting temporal benefits'. In my opinion, this definition could be sound if we examined the early modern and modern forms of the theory. However, in the Middle Ages the theory was linked to some religious content beyond legal matters. The root of the theory (or the just war tradition) goes back to Saint Augustine, perhaps even into the older past; but it became apparent in its systematic form only in the 11-12th centuries, in the works of Anselm of Lucca and Gratian; then it obtained its medieval canonical form in the thinking of Saint Thomas Aquinas in the 13th century (cf. Erdmann 1977, 244; Johnson 1981, 121-123). In its medieval

development, the theory lost from its religious character, however, it did not become a purely secular idea.

Even in the ideas of Aquinas the theory had religious implications. Aquinas defined just war by the three – at first sight – secular terms, that is legitimate authority (princes who do not have a superior), just cause (committed fault which deserves attack) and right intention (advancement of good) (Saint Thomas Aquinas 2013, 177). However, he dealt with some more or less secondary religious matters in the text in question (Walters 1973, 585-586), and what is more important he placed this text into the broader context of Christian peace, particularly into the context of the sins against the Christian peace. Christian peace, as the result of divine charity in us, has four kinds, the purely religious form (the perfect peace of the blessed in the heaven), and the imperfect peace, which is the result of the harmonizing effect of charity in a single person, and among the persons. This later form of charity-laden peace has again two forms, when charity is expressed by natural friendship among persons in a single polity, and when it is expressed by natural friendship among independent polities. War is a sin contrary to this latest form of imperfect peace. Just war in turn is the way how this form of peace can be maintained (Reichberg 2018, 17-24, 38). Hence, the purpose of just war is maintaining a result of charity, maintaining the peace among polities. One implication of this consequence is that traditional just war theory applies not only the concept of justice, but a religious concept – the Christian charity-laden temporal peace – as well, and the religious concept has logical priority over the concept of justice. In the theory, however, the moral concept of justice has more importance than the religious content. This can be seen from the applied secular concept of natural friendship, which Aquinas took from Aristotle, and used to mediating the Christian concept of peace in analyzing the peace among polities (Reichberg 2018, 22-27).

c. Regular war theory

Regular war theory, taking it on a simple way, is the secular and legally based form of the ideology of ordeal in the 16-19th centuries. According to regular war theory war is a regulated form of legal contest between states, which is settled by the war itself (Reichberg 2008, 200).

One of the famous early representatives of the theory is Alberico Gentili, who demanded 'the war on both sides must be public and official and there must be sovereigns on both sides to direct the war. … The sovereign has no earthly judge, for one over whom another holds a superior position is not a sovereign…. Therefore it … [is] inevitable that the decision between sovereigns should be made by arms' (Gentili 1933, 15). One of the researchers of the theory, Gregory M. Reichberg, holds that the first representative of the theory was Raphaël Fulgosius (1367-1427) (Reichberg 2008, 201).

3. Warfare Ideology of Ordeal

After describing the basic medieval warfare ideologies, I now turn to the ideology of ordeal, to its examples, theory, practice and theoretical elements, which constitute a fourth category of the justification of warfare in the Middle Ages.

a. Some examples of the ideology from the Early Middle Ages

There are several examples of the ideology of ordeal mediated mainly by historians (Evans 2016, 2-3) in the Early Middle Ages. There is an example in the *History of the Church* of Rufinus of Aquileia (who was from Italy) from the 4-5th century. Rufinus is narrating the events of the battle of the Frigidus (394) in which the Roman emperor Theodosius the Great fought against the pagan usurper Eugenius. Rufinus reports when the emperor saw his forces retreating,

he prayed to God: '"Almighty God … you know that it was in the name of Christ your Son that I undertook this war in order to exact what I consider just retribution. If this is not so, then punish me, but if I have come here in a just cause and in confidence in you, then stretch out your right hand to those who are yours …"' (Rufinus s Aquileia 2016, 481).

We become aware of another example from Nithard's *Histories* (who was from the 9th century Frankish Kingdom, present day France) where Nithard deals with the details of the civil war between the three sons of Louis the Pious. In the exceedingly bloody battle of Fontenoy (841) Charles the Bald and Louis the German defeated Lothar I of Italy. According to the *Histories,* after the battle the victorious kings asked the bishops what they would have to do. The bishops came together to hold a council, which found that 'Louis and Charles had fought for justice and equity alone, as God's judgement had made clear. For this reason, every one of them, he who commanded as well as he who obeyed, was to consider himself in this conflict an instrument of God, free from responsibility. But whoever knew that he had either counseled or committed anything on this campaign from wrath or hatred or vainglory or any passion, was to confess secretly his secret sin and be judged according to the measure of his guilt. To honor and praise God's display of justice, a three-day fast was arranged and celebrated gladly and solemnly. This was for the remission of the sins of their deceased brothers (for they knew they were not faultless and had committed many sins, willingly and unwillingly), so that with God's help they might be freed from them; and finally, so that the Lord, Who up to that moment had been their succor and protector in a just cause, would forever remain SO' (Nithard 2000, 156).

Again, the German chronicle from the 11th century, the *Annales Altahenses Maiores* reports a conflict between the Holy Roman Emperor Henry III and the Hungarian King Samuel Aba in 1044, which leaded to the battle of Ménfő. According to the *Annales,* Aba was a usurper and oath-breaker, but Aba's most serious sin surely was that he had not shown proper respect to the German emperor as the King of Kings (who received his authority from God directly). To settle the conflict, the emperor came to Hungary where he met with Aba. On the meeting 'they were not able or did not want to make peace and agreed that they would fight by arms in three days, by which judgement of God would display' (*Annales Altahenses Maiores* 1891, 85). The two armies finally clashed in the battle of Ménfő on the third day, which was won by the emperor.

Finally, an example of this ideology obtains in the *Chronicle of the Deeds of the Hungarians from the Fourteenth-Century Illuminated Codex* (which was written in Hungary between the 11-14th centuries, the part below supposedly was written at the end of the 12th century), where the *Codex* narrates the 11th century civil war between the enthroned Hungarian King Solomon and his opposition, duke Ladislas and his brother duke Géza. After the battle of Kemej (1074), where Solomon unjustly defeated Géza (because some of the retainers of Géza betrayed the duke and went over to the King), Ladislas encouraged his brother that 'he should not weep but rather implore the mercy of almighty God, that He might the victor subject to the vanquished, as is the way of wars' (*Illuminated Codex* 2018, 219). In my opinion, the last clause of the text refers to the part of 'imploring the mercy of almighty God', and states that the regular way of warfighting is to ask God for help.

These examples show the place and logic of God's judgement in case of victory (Géza and Ladislas won the next decisive battle at Mogyoród against Solomon). Therefore, in my opinion, one more example is necessary to observe the opposite situations, when the side of the historian was defeated. This is the everlasting moral explanation of Christian peoples for their lost wars, the theme of 'scourge of God'. In the 7th century Isidore of Seville (he was from Spain) picked up the theme in his *History of the Kings of Goths* while he presented the events of the 5th century. According to Isidore, the Huns 'are used to discipline the faithful, just like the people of the Persian nation. … For they are the scourge of God's fury, and as often as his indignation goes forth against the faithful, the latter are scourged by them in order that, corrected by their blows, they may restrain themselves from worldly desires and from sin…' (Isidore of Seville 1966,

15). We should well understand this example, as a moral explanation given after the defeat. The situation certainly was that Christians joined the battle with the Huns and after the defeat they gave the following explanation (or a like): the defeat expresses God's judgement that their way of life had not suited well to the demands of Christianity, and the Huns were used by God as an instrument (scourge) to perform His judgement, to punish and correct them.

The presented examples stretch in time from the late antiquity to the end of the Early Middle Ages, and in space from Western Europe to Eastern Europe, and in my opinion, they are sufficient to outline the ideology of ordeal before we see its theoretical elements in details. Justification of war in the Early Middle Ages contained in the following demands. Because of a *supposedly* committed sin, the enemy had to be avenged and corrected. The *supposedly* committed sin gave a *supposedly* just cause. However, whether the sin was committed or not, and so the cause was just or not, depended on God's judgement. This judgement became obvious by the end of the battle, that is, whether the outcome of the battle was a victory or a defeat. Victory made clear that God had judged the cause as just and the victory was the reward; while defeat showed the cause as unjust, and it was the punishment. God's judgement was not only a contingent part of this way of thinking, so it was not only the marker of the just or unjust character of the cause. It was the essential part which made causes just or unjust and turned one side of the conflict into an instrument of the materialization of His judgement. For this reason, a just war in this sense is just exactly because God – as the almighty governor of the universe – judged it as so.

b. The theory of the ideology of ordeal: Isidore of Seville and Saint Stephen I

In the previous chapter I showed historical examples of the ideology of ordeal taken from many parts of Europe. Now I turn to a Western, and also an Eastern European example of the theory of the ideology taken from the works of Isidore of Seville and the Hungarian king Saint Stephen I.

Authors did not write extensive theoretical works in the Early Middle Ages. They used their writings for political or theological purposes instead. One outstanding representative of these authors is Isidore of Seville (560-636), who wrote books on historical matters (*History of the Kings of the Goths, Vandals, and Suevis*) for political and theological purposes (*Sententiae*), and he produced a sort of encyclopedia of his age, including a great part of the knowledge of Antiquity (*The Etymologies*). Though Isidore did not create the complete theory of the ideology of ordeal, he dealt with the elements of this ideology in all his works. I will consider his definition of just war first, and then the related elements of his political ideology and theology.

Isidore defines just war in his *The Etymologies*, where he says that 'A just war is that which is waged in accordance with a formal declaration and is waged for the sake of recovering property seized or of driving off the enemy' (Isidore of Seville 2006, 359). After this sentence, the text continues with the definition of unjust war, both based on Cicero's ideas from *Republic*. In the 12th century, Gratian's *Decretum* saved us Isidore's definition, which is almost the same as found in *The Etymologies*: 'That war is just which is waged by an edict in order to regain what has been stolen or to repel the attack of enemies'. The continuation, however, is very different: 'A judge is called such because he pronounces justice to people, or because he adjudicates justly. To adjudicate justly is to judge justly. For he is no judge who has no justice within himself' (Gratian 2013, 113). We can find this second part of the Gratian-definition in *The Etymologies* as well, some pages after the definition of just war. In this part of the work, Isidore speaks on the legal procedure of lawsuits and he emphasizes that 'A lawsuit consists either of argumentation or of evidence. Argumentation never arrives at a proof by means of witnesses or written documents, but it discovers (*invenire*) the truth by investigation alone. Hence it is called argumentation (*argumentum*), that is, a "clear discovery" (*argumentum*

inventum). Evidence (*probatio*), however, involves witnesses and the authority of documents' (Isidore of Seville 2006, 365). After this Isidore mentions that six persons are necessary to a lawsuit, one of them is the judge.

To see the complete picture, we should delineate Isidore's political and theological theory in the *Sententiae* which gives central role for judges, and among them to God as the supreme judge. According to Isidore, Christ is the eternal king and priest at the same time, and his material body is his earthly empire, the Church. The Church includes not only the institutions of the Church but the Christian society and all the Christian people as well. This kingdom of Christ is not supposed to be a unified earthly empire, but it contains the patchwork of several kingdoms, the Christian-German kingdoms. These kingdoms are the cells of the Church and ruled by earthly and human kings. A human king, who is a Christian priest and the chief of the German people, should reflect to Christ in his virtues, so he has to be just along the rules of Christianity and German common law, and he is supposed to be pious and merciful to his people, and to restrict the strictness of the law. Behaving virtuously the king sets a good example to his people, because of which the king is God's gift to the people of the king. His principal responsibility is to care about his own Christian people, and Christians beyond the border of his rule as well. For this reason, the king is permitted to defend his people by just war and to extend his rule and Christianity (Isidore of Seville 2006, 117-118, 199-200, 359-360; Ullmann 1970, 17-38; Canning 1996, 16-28; Crouch 1994, 14-16; King 2007, 141-143).

Kings can be judged only by God. This is slightly contrary to men in general, who are judged by human judges if they have the necessary evidence, anyway a human judge should leave judgement to God. If a king becomes an unjust, impious, and merciless tyrant, then his people is not permitted to rebel against him, because the judgement is on God's side. God punishes the king and his people as well, if they follow the king in his sin, or if the source of the sin is the people (Isidore of Seville 2018, 200, 203; Loschiavo 2019, 389).

God's judgement has two types: it punishes or rewards in this life only, or in this life and in the future – one may say at the end of history – as well. For some life, an earthly punishment or reward is enough (to change that life or to mark that life is just and pious), so these deeds are judged in the life of the sinner or the pious only. Other deeds, however, are so extreme that they need to be punished or rewarded in this life and in afterlife as well (Isidore of Seville 2018, 202). Both forms of judgement of God, however, include a God's judgement in this life, which means that God's judging activity in this sense is part of earthly history.

We can take an example to see the role of the earthly judgement of God from Isidore's *History of the Kings of the Goths* which reads under the year 587: 'Agila was appointed king and reigned for five years. He waged wars against the city of Cordova, and since in contempt of the Catholic religion he did harm to the most blessed martyr Acisclus and profaned and defiled the sacred place of his sepulcher …. he earned a fitting punishment through the agency of the saints. For he was smitten by vengeance for present war and lost there his son, …, and lost the whole treasure with his renowned riches' (Isidore of Seville 1966, 21-22). We should well understand this narrative: first king Agila made the affirmative judgement to go to war against Cordova, however, this judgement is not reported in the text *epressis verbis*; then God made His own condemning judgement on Agila's war against Catholic religion and Saint Aciscus, and punished Agila accordingly. The implication of the two judgements is that Agila's one was false because it was overridden by God's one. The final judgement on the moral character of the deeds (whether it is just or unjust) is on God's side.

Isidore wrote his works in a particular spiritual and intellectual environment. Visigothic society was converted to Arian Christianity in the 4th century, but later they were converted again in the second half of the 6th century, now to Catholic Christianity, and at the same time Arianism was condemned as heresy. Isidore wrote his works waging a spiritual and intellectual war against Arian heresy.

The first Hungarian king, Saint Stephen I (*Szent (I.) István*, reigned 1000-1038) created the Catholic Christian Hungarian kingdom in very similar circumstances. Besides ruling the kingdom and supporting the conversion of the pagan Hungarians, Stephen fought against Bogumil heretics, who held Jesus Christ was begotten by God the Father and so had wholly godly nature. Stephen wrote a political work, the *Admonitions*, to his son on the virtues of good ruler and conditions of good reigning, partly with the purpose to fight against Bogumil heresy.

In this work, the king described the world as created and ruled by God's will. God presented kingdoms to men, promoting their utility and dignity, which God ordered to be ruled by earthly and human king relying on God's teachings and suggestions of the noble secular advisors. If the king is disobedient and fails to follow these instructions then God will reveal his justice and the king will be punished, as God punished king of Israel (David) for their sins. However, if the king respects these teachings and suggestions, that is he honors Christian belief as a shield, then he will defeat his 'visible and invisible enemies' and will be glorified in the earthly world and in Heavens as well. The core part of the Christian teaching was the Christian doctrine of Trinity with the content of Jesus Christ was born from the human Saint Mary (Szent István 2014, 18-24). This doctrine hence emphasized the partly human nature of Jesus Christ and directed against the teachings of Bogumils.

c. The practice of the ideology of ordeal

The uncovered basic point of the ideology of ordeal is that the final judgement on the just or unjust character of human deeds belongs to God. God performs His judgement by judging justly, which contains observing all the relevant facts and returning the just verdict. These divine abilities, of course, are not available for people. However, men may know the character of the deeds that have great value in God's eye from the Bible and historical works, so they can positively influence God's judgement. Influence, however, is not determination, so people can do anything for attaining a better judgement of God, but they cannot be certain about result.

One form of influencing God's judgement is conversion of the king. Eusebius of Caesarea and Gregory of Tours report that Roman emperor Constantine (ruled at the beginning of the 4th century) and Frankish king Clovis (ruled at the beginning of the 6th century) had had difficulties in the war against their enemies (the Roman fellow-emperor, and the Alemanni respectively) before their conversion, however, right after the conversion (in the case of Constantine using the Chi Rho symbol in the battle) they won their battles (Eusebius 1904, 490; Gregory of Tours 1974, II.30).

Another form of influence was practicing and proving pious lifestyle of the army which was secured by rites performed before and after the battle. These rites included cleaning the soul from sins and asking God for help before battle, and confessing the sins necessarily committed in the battle and thanking God for the help after the battle. Hence, the rites purposed to individual preparation for partaking in fighting, and for reconciliation with God, and to cultivate the relationship with God after the battle (Bachrach 2003: 32-45). According to the Hungarian *Illuminated Codex*, king Saint Ladislas I 'was always a man of exceeding piety, was moved to compassion when he saw so many thousands fallen, even though those who were killed had been his enemies; *his heart was moved* and lacerating his cheeks and tearing his hair, he *wept* over them bitter tears, like a mother at the grave of her sons' (*Illuminated Codex* 2018, 227).

Finally, the third form of influencing God in drawing His judgement was holding religious ceremonies in peacetime and in wartime as well, in the latter case by those who stayed at home. Peacetime ceremonies included taking part in common and public praying ceremony held for the souls of soldiers killed in previous battles. Wartime home-rites contained saying masses and singing psalms for the king, for the army, and for the reduction of suffering in the kingdom, and

also, fasting, alms-giving and partaking in procession (Bachrach 2003, 33-38; Maier 1997, 634).

d. Summary of the basic elements of the ideology

After the presentation of the historical form of the ideology of ordeal, a summary of its four cardinal elements is in due course. The most important element of the ideology is a special understanding of justice: God adjudicates over the deeds of humans with the help His nature and special abilities. This form of justice is called (pure) procedural justice, which 'obtains when there is no independent criterion for the right result: instead, there is a correct or fair procedure such that the outcome is likewise correct or fair, whatever it is, provided that the procedure has been properly followed' (Rawls 1999, 75). The correct procedure is in the case of the ideology is God's judging process.

God's judgement is not entirely unpredictable for people, so they are able to influence that by just and pious, or even unjust and impious lifestyle. However, influence is not equal with determination, so one cannot be certain that their influence will be successful, because God's judgement concerns all the connecting deeds of the past, present, and future as well (Gerics 1980, 118), most of which are knowable only for Him. Even the most pious man cannot have hundred percent certainty in principle (however, according to Isidore, the just men understand that they are only tested in adversities (Isidore of Seville 2018, 210)).

The second important concept of this justice-related justification of war involved a retrospective character of justice (Evans 2016: 2). Whether a deed in general, and starting a war in particular, is just or unjust turns out only by the end of the war, because that end is the judgement of God. If the end is victory, then the war is judged as a just war by God, but if it is defeat then it should be understood as an unjust war and a punishment imposed by God. One cannot say in advance whether a war will be just or unjust because God's judgement can be observed only after the war.

Another basic element of the ideology of ordeal is the partiality of the ideology, however, with an objective twist. This character is reflected in the God-required form of lifestyle and perhaps in the biblical concept of 'chosen people', which referred to Christian-German people in the Early Middle Ages (cf. Garrison 2004, 114-123; Evans 2016, 6-7). The required way of life should be in accordance with Christian rules. Respecting these rules may result in God's help to his people and their king, which leads them to victory against every enemy. This shows the partial character of the ideology. However, if the king and people fail to follow the rules of Christianity then God will certainly punish them and give the victory to the enemy. This is an objective twist of the partial content of the ideology because it shows that God has rules only for a special group of persons, a Christian-German people, however, these rules are objective rules. There are different consequences of respecting and disrespecting the rules, an enemy, however, can only assist God's judgement as an instrument. For this reason, partiality of ideology of ordeal should be understood as a particularly addressed set of requirements and not as practicing unrestricted preference.

Finally, the fourth essential concept of the ideology is God's peace. In the Early Middle Ages, peace was the technicality dependent on victory in the field (Isidore of Seville 2006, 360; Wallace-Hadrill 1975, 160-162). In the sense of the ideology, the victory is the result of God's judgement and personal help. Hence, the peace coming into being is a peace in the material world maintained by God.

4. Assessment of the warfare ideology of ordeal as separate theory of warfare justification

By now I have described the alternative warfare ideologies of the Middle Ages, and I have claimed there were examples, theory and practice of the ideology of ordeal, with the help which I outlined the theoretical elements of it. Now I will examine whether the ideology of ordeal can be a separate theory of warfare justification. The examination will have two steps, assessing the formal, and the content-related features of the ideology.

On whether ideology of ordeal is a formally separate theory of warfare justification I claimed above ordeal is a form of justice because it is the result of performing the just abilities of God. The concept of God's judgement has a twofold origin in the Early Middle Ages, the Old Testament and the German customs, as both had some justice-related implication. The content of the Old Testament idea of God's judgement (Deuteronomy 1:17) links to ruling, maintaining customs, and above all religious-legal discriminating between conflicting parties. The judge and particularly the supreme Judge discriminating between the pious and impious, the just and unjust, tells the justice, and facilitates it. He punishes the unjust ones and confirms the just ones' claim (Morris 1960, 9-18). The German concept of God's judgement also had justice-related implication because it had an important role in individual duel which itself was connected to asking divination before the battle, and more importantly to requesting God's judgement in a lawsuit (Udwin 1999, 34-45; The Burgundian Code 1992, 76). We should conclude that God's judgement had essential justice-related property in both traditions, which had the function to express and do justice independently of the religious properties.

Now turn to the traditional just war theory. I described it as applies not only the concept of justice, but a religious concept as well, which has logical priority over the concept of justice, however, the moral concept of justice has more importance than the religious content. For this reason, the ideology of ordeal and just war theory are similar in their compound religious and moral nature, however, they differ because in just war theory the moral content has more important role than the religious concept, but in the ideology of ordeal both are essential.

These two forms of warfare justification also differ in the applied form of justice. While the ideology of ordeal is based on procedural justice, just war theory implies the form of substantive justice, which is defined by the principle of 'it is just to give to anyone what he deserves' (cf. MacIntyre 2007, 251). From the perspective of procedural justice, that deed is just which will be judged by God as just, but from the perspective of substantive justice that deed which is deserved to commit or suffered. This difference has a further implication, namely that while just war theory can justify wars before the war, prospectively, ideology of ordeal can do that only afterwards, in retrospection.

Finally, regular war theory is constituted by the demand war is a regulated form of legal contest between states, which is settled by the war itself. In my opinion, Fulgosius (taken by Reichberg as the first representative of regular war theory) represents a transition from the ideology of ordeal to regular war theory. Fulgosius really claimed that 'Let war be the judge', which is the principal claim of the regular war theory. However, Fulgosius' theory perhaps slightly deviates from regular war theory because he claimed after the previous sentence that 'For victory in war comes about as it were by the judgement of God, because God is the righteous and just judge of all' as well (Fulgosius 2013, 229).

The position of Fulgosius suggests that there are similarities and differences between the two ideologies. The common point is that according to both justifications a war can be justified without having a just cause before the war because it is the war itself that can make the just decision. Hence, both justifications appeal to procedural justice. However, while in regular war theory war itself is the just procedure, in the ideology of ordeal war reflects to God's judgement and so the latter is the just procedure. This is a cardinal difference, and it implies that while the ideology of ordeal is a form of just war thinking, regular war theory is not.

Another difference between the two justifications is that regular war theory demands that soldiers should have similar moral status on both sides, because both conflicting states have or do not have a just cause (Reichberg 2008, 200). The ideology of ordeal does not at all hold such claim. According to that ideology, the members of one of the conflicting parties are unjust and impious, or just and pious, and this is one reason for God to make decision.

5. Summary

To sum up my view, I wish to outline the history of the discussed medieval warfare ideologies. I claimed the ideology of ordeal was a broadly applied thought in the Early Middle Ages, which suited the mindset of men living in that age. The basic element of this mindset was to observe the world as created and ruled directly or indirectly and permanently by God's will. This element, in itself, however, was a precondition of holy war ideology only. Given the additional conceptual element of 'chosen people', one arrives to the ideology of ordeal. This Biblical element was important for peoples who were in hostile environment, like the barely converted Visigoths and Hungarians. By the High Middle Ages (13th century) this mindset had changed, the Church councils had condemned ordeals in general, and Saint Thomas Aquinas claimed that the basic rules of men could be deduced not from God's permanent will but from the laws of human nature (which were created by God). For this reason, from the 13th century on, God's direct (earthly) judgement became less important, and the judgement of human reason, first of all in the princes who did not have a superior, won increasing respect. The priority of Christian doctrines, however, remained, but the weight of them was getting less and less. The most important role of them was that it could yield a point of reference for a unified pattern of judgement that facilitated just causes of war. The just cause of war had a significant role only in the traditional just war theory, but before and after it the just procedure was more important. This became obvious for the Early Modern Period from when regular war theory filled the part of the justification of warfare.

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