

## Lecture 8: From Trial by Ordeal (*kukadachi*) to Boiling Water Pledges (*yukishō*)

### I. Trials by Ordeal in the Classical Period

#### Textbook Explanations

An example of a standard Japanese history textbook used in high schools, is Ishii Susumu's work titled *A Detailed History of Japan B* (Yamakawa publishing, 2015). In it, Ishii explains that in the *kofun* period, "For trials, they had magical customs that relied on ordeals to express the divine will. They would make people submerge their hands in boiling water and judge their guilt or innocence based on whether they were burned." Furthermore, in a certain dictionary of Japanese history, Aoki Kazuo defined trials by ordeal by saying: "Originally [seen as] an expression of kind of divine will. After the parties to a suit swore to the gods that their testimony was accurate, both would be forced to retrieve a small stone from a pot of boiling water. The person whose hand was not burned was judged to be in the right, the person whose hand was burned was judged to be false." There are some small differences between these two explanations in terms of the necessity of the small stone and the ritual of pledging to the gods. Where do these differences come from? From what textual basis did they derive their explanations? We will begin by considering this question.

#### **The *Nihon shoki*, etc.**

There are three examples of trials by boiling water ordeals in the *Nihon shoki*.

1. In the fourth month of the ninth year of Ōjin Tennō's reign, Takeshiuchi no Sukune was slanderously accused by his younger brother, Umashiuchi no Sukune, of attempting to usurp the throne. He proclaimed his innocence, and because the tennō was unable to decide who was telling the truth, he consulted the gods of heaven and earth and decided to use a trial by ordeal. Both were made to perform the trial by boiling water on the bank of the Shiki River and Takeshiuchi no Sukune won.

2. The entry for the ninth month of the fourth year of Ingyō Tennō's reign records that in order to correct the disorder in the system of names and titles, Ingyō Tennō ordered: "The people of the various lineage groups shall cleanse their hair and bodies, and all shall submit to a trial by ordeal." It goes on to say:

#### **Source 1**

"The caldrons of the ordeal by boiling water were therefore placed on the "Evil Door of Words" spur of the Amagashi Hill. Everybody was told to go thither, saying: "He who

tells the truth will be uninjured; he who is false will assuredly suffer harm." Hereupon every one put on straps of tree-fibre, and coming to the caldrons, plunged their hands in the boiling water, when those who were true remained naturally uninjured, and all those who were false were harmed. Therefore those who had falsified (their titles) were afraid, and slipping away beforehand, did not come forward. From this time forward the Houses and surnames were spontaneously ordered, and there was no longer any one who falsified them."

- Translation from Aston, *Nihongi*, Volume I, p. 316-317

Furthermore, the interlinear note in the text on 'trial by ordeal' states: "This is called Kuka-tachi. Sometimes mud was put into a caldron and made to boil up. Then the arms were bared, and the boiling mud stirred with them. Sometimes an axe was heated red-hot and placed on the palm of the hand" (Aston, p. 317).

Incidentally, the *Kojiki* version of these events merely touches on these events, saying: "Now heaven's sovereign, concerned about the divergences and errors that had crept into the clan names and titles, placed jars of boiling water at Sweet White Oak before the spirit Word of Many Mishaps in order to carry out a divination by ordeal, thereby establishing the clan names and titles for the many heads of officialdom" (translation from Gustav Heldt, *Kojiki: An Account of Ancient Matters*, p. 150-151).

3. In the entry for the ninth month of the twenty-fourth year of Emperor Keitai's reign records that there were disputes over the affiliation of children born to a parent of Japanese origin and a parent of Imna (a polity on the Korean Peninsula) origin, and because they were difficult to resolve, Kena no Omi used trials by ordeal saying: "Those who are in the right will not be scalded; those who are false will certainly be scalded." The text goes on to state: "Owing to this many persons have been scalded to death by plunging into the hot water" (Aston, Vol II, p. 22).

4. Other than these examples, there is an entry in the Book of Sui on the customs of Yamato (Japan), that states:

## Source 2

...Need to find this to fill in...

### Amakashinimasu Shrine

Incidentally, it is said that the caldrons used in the trial by ordeal during Ingyō Tennō's reign were stored on that site until the Kōnin era of Saga Tennō's reign (see *Shaku Nihongi* quotations from the *Kōnin shiki*. The site is now in Asukamura, Takaichi district, Nara Prefecture). Later, that land came to belong to Amakashinimasu Shrine. As a result, Amakashinimasu Shrine is

considered an archaeological site for trials by ordeal and every April a cauldron is placed in front of a particular stone monument and a boiling water ordeal is conducted.

### Methods for Carrying out Trials by Ordeal

So, as we have seen in the texts of the *Nihon shoki*, *Kojiki* and *Book of Sui*, trials by ordeal were called *kukatachi*, and that they were a pledge to the gods. Furthermore, in terms of the methods of carrying out these ordeals, we know: 1) They were observed by the people, and took place after swearing to the gods that, “He who tells the truth will be uninjured; he who is false will assuredly suffer harm;” 2) A hand was put into a pot of boiling water -- either there was a small stone in the pot or there was mud -- and whether the person’s hand was burnt or not was investigated.

To conduct a trial (*ukehi*) one had to have contact with the gods, so purification was likely necessary. In the *Nihon shoki* Ingyō Tennō ninth year entry, it states that they wore “straps of tree-fibre.” The tree-fibre was made by stripping off pieces of mulberry bark, steaming the fibres, soaking them in water, and then using the separated fibers as threads to weave a cloth. Even now at the Ise Grand Shrine, everyone from the Head Priest down attaches cotton bands to their caps

when serving during rituals, and there can be no doubt that this is a form of the earlier “straps of tree-fibre.” Also, in both *Nihon shoki* and the *Book of Sui* we see references to [divine] trials by hot iron and poisonous snake. Thus, Rikō Mitsuo argued: “The word *kukatachi* was a general word that referred to a range of ordeals. The compilers of the *Nihon shoki* attached the characters “盟神探湯” (literally, ‘divine pledge tested by boiling water’) to this practice because the trial by boiling water ordeal was a representative trial by ordeal conducted by the lineage groups of the Yamato area. If there were other lineage groups in outer regions that conducted trials by poisonous snake, there were also those that used poisoned water, and without doubt they did not see a kind of unification between them.”

Thus a ritual to make a pledge to the gods was indispensable to the trial by ordeal, and not every ordeal involved retrieving a small stone from boiling water. In this sense, it is difficult to say that both of the explanations of this phenomenon that we saw in the opening of the lecture are correct.

### The Effectiveness of Trials by Ordeal

While it may be difficult to imagine from the sensibility of a modern person, for the people of the classical age who feared and believed in the gods, there was not even a particle of doubt that pledging to the gods would inevitably give rise to an effect. That said, it was likely difficult to escape from ‘losses’ (such as burns) when plunging a hand into boiling water or touching hot irons. However, assuming that in their purifications they had washed their hands and mouths, if

they used their still-wet hand to quickly plunge into the boiling water or touch the hot iron, it is possible that they did not get burned. The unexpectedness of that result might then have enhanced the sense of divine intervention.

Alternately, as it said in the Inyō Tennō fourth year passage, because “those who were true remained naturally uninjured, and all those who were false were harmed,” and “those who had falsified (their titles) were afraid, and slipping away beforehand, did not come forward.” Thus we can imagine that those who were lying might flee an ordeal, and that the ordeal was either a type of trial, or going even further, a way of avoiding having to conduct a trial by intimidating the litigants and to correct an inclination to bring too many lawsuits.

### **The Generality of Trials by Ordeal**

Japanese legal history generally splits “ancient times” from “classical times” at or around the Taika Reforms (~645 CE), and sees trials by ordeal as having been conducted in the earlier period, while in the later period, ordeals disappeared, the *ritsuryō* codes described in the *Book of Sui* arrived, and there was a shift towards a logical trial system. Above all,

As for the question of whether or not trials by divine will like the ordeals in the *Nihon shoki* and *Kojiki* were really so ordinary and used so frequently in the ancient period, we know from the relics that the era of these texts, when the first polity took shape, was a time of considerable human accomplishment. Thus it may be better to think that they used such trials by ordeal only the case of extremely difficult disputes between lineage groups, and that in other cases a more logical customary law trial would be conducted. If we look at this way, we can explain how the logical *ritsuryō* system might have been implemented so smoothly.

## **II. Ritsuryō Trials**

### **III. Medieval (?) Boiling Water Pledges**

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## **Reference**

[Encyclopedia of Shinto](#)

6. Belief and Practice, Divination and Supplication

### **Kugatachi**

The Japanese characters are also read kugatachi. This ritual is a type of trial by divine will used to judge the legitimacy or veracity of a person's claim. After the person about whom there are suspicions is forced to swear an oath to the kami, their hand is plunged in boiling water and they are made to grope around. A guilty person will suffer severe burns, while a righteous one will not be burnt. The etymology of the word is not clear, but one theory

suggests it is Korean in origin. As an archaic Japanese method for interpreting the divine will, kukatachi belongs to the category of divination by pledge (ukehi) whereby a person first performs some act of proof to the deities, after which the legitimacy of the claim is determined by the outcome of that act. Kukatachi is also written as 誓湯 or 探湯. The entry in The Chronicles of Japan (*Nihon shoki*, see *Kojiki* and *Nihon shoki*) for the 4th month of the 9th year of Emperor Ōjin's reign describes how Takeshiuchi no Sukune was nearly killed due to a slanderous accusation by his younger brother, Umashiuchi no Sukune. Takeshiuchi no Sukune proclaimed his undivided loyalty and the emperor, unable to judge his loyalty, made him perform a trial by water on the banks of the Shiki River. The entry for the 9th month of the 4th year of Empress Ingyō's reign is annotated as follows: "明神探湯 is read 区訶陀智 (i.e., kukatachi written phonetically). Mud is poured into a cauldron and boiled up. People then bare their arms and grope around in the boiling mud." The entry itself tells of how the ceremony was conducted as a way to settle the disorder that had emerged due to people laying claim to higher pedigrees and surnames not rightfully theirs. It relates that a large cauldron called a kukabe was placed on Amakashi Hill at Kotomakado Cape. clan representatives first purified themselves by cleansing their hair and bodies (mokuyoku saikai) and then put on yūdasuki (a hemp cord worn when performing rituals to keep the sleeves out of the way) before performing the water ordeal. Honest men were said to have had no problem while the dishonest suffered burns and quickly withdrew, so the good and bad could be immediately distinguished. The entry for the 9th month of the 24th year of Emperor Keitai's reign notes that the water ordeal was used when decisions could not be reached on suits between the people of Imna (in Japanese, Mimana) on the Korean Peninsula and Japanese. In later ages, kukatachi came to refer to the water boiled for purifying one's body and worshipping before a shrine's altar. An example of this can be found in Episode 21 of a miscellaneous essay (zuihitsu) by Ueda Akinari (1734-1809) titled "Records of the bold and timid" (Tandai shōshin roku): "Though on three occasions he entreated the deity to improve the situation, performed kukatachi as an offering, and performed kagura dance, the deity did not heed his prayers." \*Yudate and yukishō petitions also trace their origins to this practice. — Nakajima Hiroko

## Yudate

In this ritual, water is boiled in a large pot placed before the altar, then a "female shaman" (miko) or other religious functionary soaks bamboo grass (sasa) leaves in the boiling water and sprinkles it on his or her body or on the other people present. In ancient times, the ritual was also called "divining hot water" (toiyu) and considered a type of divination (bokusen), in which steam was raised before the altar to induce a miko or other medium to fall into a state of spirit possession (kamigakari) from which the medium would communicate a divine message (takusen). This ritual is thought to have been linked to the archaic practices of divine arbitration called kukatachi and yukishō, both methods of interpreting the divine will on the basis of water boiled before a deity's altar. In later ages, the boiling water itself was believed to possess the power of purification and exorcism, and the ritual was combined with dance and transformed into a performing art. A description of the yudate ritual performed before the Awataguchi Shinmei deity in an entry from the 29th day, 9th month, 3rd year of Hōtoku (1451) within the Diary of Nakahara Yasutomi (Yasutomi ki) and other sources reveal that ceremonies by miko which combined yudate and dance were performed with increasing frequency in the medieval period and gradually turned into performances for spectators. Moreover, there are many cases of yudate being combined with kagura dance. For the Shimotsuki kagura exemplified by the flower festival (hanamatsuri) held in Kitashidara-gun, Aichi Prefecture, and the Tōyama festival held in Shimoina-gun, Nagano Prefecture, for example, a parasol-shaped "celestial canopy" (tengai) is suspended at the ceremonial site as the "object to which the deity temporarily descends" (yorishiro). A pot is set beneath the tengai and the yudate occupies an important role within the ceremony. — Iwai Hiroshi