

ADOLF KÄGI, Prof. D<sup>r</sup>. *Alter und Herkunft des germanischen Gottesurtheils* (in *Festschrift zur Philologenversammlung, Zürich 1887*, 4<sup>o</sup>, pp. 40—60).

This is a very laborious and valuable essay which surpasses by far everything that has been hitherto written on the subject of

Indo-European ordeals. Professor KÄGI, well-known for his former investigations in the field of Indian Antiquities, has printed copious extracts from Indian lawbooks, both published and unpublished ones, by the side of analogous extracts from ancient Teutonic codes, such as the laws of the Anglosaxons, Franconians, Frisians, etc., marking those rules by spaced letters in which the Indian books coincide with the Teutonic ones. This is an excellent method by following which Professor KÄGI has fully succeeded in establishing the close agreement existing between the customs of ancient India and Germany with regard to the performance of the principal ordeals. The coincidences extend to the smallest detail, such as the space of nine feet which the defendant has to traverse while carrying the hot iron, both according to Indian and German laws; the standard by which those feet are measured, viz. the feet of the defendant; the sealing up of the man's hand and opening it again after three days in order to ascertain whether there are any sores on it; the restriction of the ordeal by chewing to cases of larceny; the injunction that a man performing an ordeal should do so facing the east, etc. Resemblances such as these surpass by far the superficial analogy observable between some of the Indo-European ordeals on one hand, and the ordeals of divers savage tribes in Africa and Australia on the other hand. A review of the ordeals current among other Indo-European nations, such as the Persians, Greeks, Romans, several Slavonic tribes, the Welsh and others, tends to corroborate the theory that the administration of ordeals belongs to the common heirloom of Indo-European nations.

Want of space has prevented the author from discussing in detail the ordeals by water, drawing lots, etc. In the case of these ordeals also the coincidence between the respective usages of India and Germany is striking enough, as may be seen from ZEUMER's recently published valuable collection of *Ordines Judiciorum Dei* (in the *Monumenta Germaniae*, 1886). Thus e. g. the drinking of consecrated water in the Teutonic ordeal by water is curiously analogous to the ordeal by sacred libation of the Sanskrit lawbooks.

While adverting to the mutual relations between oaths and ordeals, Professor KĀGI *en passant* has cast a doubt on the correctness of my rendering of the Sanskrit term śapatha in a text of Nārada (I, 239), his opinion being that it denotes an oath, and not an ordeal. The former no doubt is the usual meaning of śapatha, and Nārada himself has used it frequently to denote an oath, as e. g. in the passage (Nārada I, 247), *tadā divyaiḥ parīksheta śapathaiś ca prithagvidhaiḥ*, where the juxtaposition of śapatha and divya 'an ordeal' shows that the former term must be used to design an oath. For analogous texts, see Nārada I, 243, 244, 249, 250, etc. In the text above referred to (I, 239), the sequel shows that it must be a general term used to design both oaths and ordeals, but particularly the latter. The same meaning must be assigned to it in a previous text, I, 236 (= Minor Nārada I, 5, 99) and, perhaps, in I, 243 (Minor Nārada I, 5, 108). This has been recognised in the new Petersburg Dictionary. It may be added that the Code of Manu also contains one passage (VIII, 115 = Minor Nārada, loc. cit. 103) in which śapatha apparently denotes an ordeal, though it has been constantly rendered by 'an oath' ('on the strength of his oath' BÜHLER; 'in respect to their oath' BURNELL). The ordeals by water and fire being referred to in this text, it seems to follow that the term śapatha must relate to them; and this view is confirmed by the Commentary of Nandana, who interprets śapathe by agniharaṇādike. Further instances of śapatha 'an ordeal' may be collected from the lawbook of Kātyāyana and Bṛihaspati.

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