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Traveling for Atonement: Civilly imposed Pilgrimages in Medieval Flanders

Introduction

In 1263, Countess Margaret of Flanders ordered Thierry le Meide and Clais Mons to go on pilgrimage overseas.¹ Thierry was the brother of Margaret le Meide, whose murder of her husband, Michel le Torhout, had sparked serious riots in Ypres, one of the major textile-producing towns in medieval Flanders. Madame le Meide had been tried, convicted and executed *sur le fosse*, that is buried alive.² Nevertheless, the countess determined that the conflict would best achieve lasting resolution if several of Margaret's kin, including her brother Thierry, engaged in an act of spiritual atonement. Since they were in no way held responsible for Margaret le Meide's act,³ the pilgrimage imposed upon them can hardly be considered punishment for the crime.

Almost a century later, in 1349, Alise Samers of Ghent went on pilgrimage to Notre Dame at Lille as part of the process of reconciliation arising out of a conflict begun when Alise had hurled *quade worde* – angry words – at the mother of Jacob Sketelboeter.⁴ Such a case may provide somewhat more grounds for construing the sentence as punishment or penance for a crime committed specifically by the party on whom the pilgrimage was imposed. It was indeed commonly believed that hostile words (cursing and the like) could result in physical injury.⁵ Even here, however, it is evident that the civil authorities had in view not only their own formal responsibility for punishing a particular criminal act, but also (and perhaps even more importantly) the community need to achieve resolution of the civil discord unleashed by that act.

It was not uncommon for religious authorities throughout medieval Europe to send those guilty of religious offenses on pilgrimage to atone for their sins.⁶ In some parts of Europe, secular authorities, too, ordered miscreants to leave their homes and journey to holy places. Why did they do this? A practical explanation might be that the removal of the offender from the community reduced the risk of further violence; both banishment and imposed expiatory pilgrimage seem to have served this purpose. Jonathan Sumption, in fact, asserts that judicial pilgrimage was “little more than the traditional penalty of banishment renamed.”⁷ Mary Mansfield, in her *Humiliation of Sinners: Public Penance in Thirteenth-Century France*, also treats the imposition of expiatory pilgrimage by civil authorities as primarily a form of public punishment through humiliation; she calls it “the communal form of a punishment.”⁸ But claims such as these merely raise the question: if imposed expiatory pilgrimage was “almost interchangeable” with exile⁹, why did secular authorities use it? Why not simply banish the miscreant?

A number of scholars, in examining the phenomenon of imposed expiatory pilgrimage, have addressed this question in passing. A majority of such studies focus on the region of northwestern Europe, specifically northern France and the Low Countries, for it was here that the practice appears to have been the most common. Etienne van Cauwenbergh contends that imposed expiatory pilgrimage was used more as a reconciliatory device than as a penalty.¹⁰ The condemnation of the non-culpable Thierry le Meide and Clais Mons is evidence for this contention. Jan van Herwaarden extends van Cauwenbergh's argument, claiming that the process of imposed expiatory pilgrimage involved three essential elements: a cooling-off period, association with a holy place at which the penitent would request help for himself, the victim and the community, and finally the possibility of putting the pains suffered during the process to holy use, as in an indulgence.¹¹

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Reconciliation, the association with holy places, and the request for help for both perpetrator and community all point to imposed expiatory pilgrimage as a device intended to foster a rapprochement that would obviate vendettas. Pilgrimage was initially associated with the emulation of Christ's life as a wanderer and with the intercessory powers of relics.¹² Imposed expiatory pilgrimage represented an extension of religious tradition into the civil realm and retained these essentially positive associations. R.C van Caenegem makes it clear that under the influence of Christianity, expiation of guilt in the religious sense became an essential part of the process of reconciliation.¹³ It is illogical to assume, therefore, that the imposition of pilgrimage by secular officials would have diminished its connection with the sacred to the point where only its painful attributes defined it. In other words, contrary to what Sumption and Mansfield claim, it was probably not interchangeable with exile because it did not function primarily as a form of punishment, which exile most certainly did. The above-mentioned example of Margaret le Meide's relatives is a case in point. What would have been the point of punishing the admittedly innocent kin of the perpetrator?

I argue in this essay that expiatory pilgrimage, particularly in urbanized medieval Flanders, where it had become routine, was not fundamentally a punitive instrument. Instead, under its ostensibly religious patina, it functioned primarily as a peculiarly civic remedy in which the penitent was reconciled not only to God, but also to the civil authorities, and via them, to the community. The corresponding rehabilitation was not only spiritual but also (and crucially) social, facilitating reintegration into the life of the urban community. Civic authorities knew, in fact, that good Christians made good citizens, and one goal of community authorities was indeed to produce good citizens. Imposed expiatory pilgrimage, among other things, fostered a Christian piety that could lead to good and responsible behavior.

At the heart of this argument is the relationship between the maintenance of order through negotiation and arbitration as expressed in a settlement, known as a *zoen*. The basic elements of expiatory pilgrimage emerge from this event. It was the offense more than any other condition, such as age, sex or class, which determined the conditions under which a pilgrimage was to take place. A pilgrimage entailed very real hardship, but it was also inconvenient. It was perhaps this latter characteristic that gave rise to the practice of monetary commutation. Convenience merged with economic efficiency: a single financial payment, accomplished in an instant, was far more convenient than the comparatively long duration of an uncertain journey, possibly replete with physical discomforts and psychological uncertainties. A perhaps unintended consequence was the almost inevitable association of the monetary commutation with the concept of financial penalty. Under these conditions, it was a logical step to associate expiatory pilgrimage not with rehabilitation (in both its personal and communal senses) but rather with punishment.

Unfortunately, we find virtually no contemporary discussions of the use of imposed expiatory pilgrimages by secular authorities. Neither theologians nor legal philosophers from the thirteenth or fourteenth centuries took sufficient note of the practice to comment on it. Very few aldermanic ordinances, moreover, were dedicated to its regulation. Where extant ordinances do refer to imposed pilgrimages, they generally focus on fixing the amount a pilgrim might pay to commute his journey; accordingly they tell us more about imposed expiatory pilgrimage in the period of its decline than in the period in which it developed and flourished. There is thus little evidence that civic authorities thought it necessary to regulate an essentially religious practice, but their use of it as a remedy suggests that they were not unwilling to exploit it for what they saw as the good of the community.

Over time in its application to civil society, then, expiatory pilgrimage evolved a set of fundamentally positive elements. These included the rehabilitation of offenders, the offering of restitution to victims, and the reconciliation of conflicting parties with one another. Such goals, however, do not reflect mere disembodied ideals. Rather, as van Herwaarden documents, they grew out of the struggle of a nascent bourgeois society to adapt and to apply ancestral traditions to the resolution of one of its most pressing contemporary problems: that of maintaining the peace in a volatile urban environment while resisting the intervention of coercive princely authority. As the goals of rehabilitation, expiation and reconciliation became overshadowed by essentially punitive ones – in part as a consequence of the inroads made by developing princely administrative bureaucracies¹⁴ -- the expiatory and reconciliatory functions of imposed pilgrimage were gradually eclipsed. Under these circumstances, imposed expiatory pilgrimage easily became interchangeable with temporary exile.

The Zoen

There were chiefly two methods by which conflicts were resolved in most of the Flemish communes. One was to appeal to an external authority, such as the count or even the French king's *Parlement* for adjudication. Despite the aversion of the communes from this expedient, it always remained a possibility – especially when communal violence threatened to escalate out of control, as illustrated by the abovementioned case of the feud between the Torhout and the le Meides in Ypres. If the conflict was beyond their capacity and they were on fairly good terms with the regional prince (as they were in the thirteenth century), communities might call in (in this case) the countess for resolution. Generally, however, communal authorities preferred to manage disputes in such a way as to preclude any need for calling on outside authority.

They thus favored a second method of conflict resolution: that of arbitrating a settlement among conflicting parties. This very ancient practice was itself rooted in the fundamental tradition of pursuing the feud. Early Germanic custom had provided for an avoidance of continual bloodletting through privately arranged arbitrations among the kindreds involved.¹⁵ Such arbitration required the “appeasing” or pacification of families aggrieved by the outrages perpetrated against them by offending parties. By the thirteenth century, private arbitrators had been supplemented in many Flemish communes not only by urban associations such as guilds, but also by *paysierders* [French: *paiseurs*], a group of municipal officials responsible for negotiating peace between feuding families or other groups. *Paysierders*, like other arbitrators, typically strove to resolve a conflict by arriving at a settlement – a *zoen* – that would be acceptable to all parties concerned.

David Nicholas claims that a *zoen* was merely “a blood price, not innocent victims’ compensation.”¹⁶ Mansfield defines the *zoen* as “atonement,”¹⁷ thus placing it squarely within the same paradigm whereby she construes expiatory pilgrimage as a form of punishment. These definitions are problematic, for they ignore the fact that the *zoen* was essentially a process which involved the reconciliation of conflicting parties.¹⁸ (The modern Dutch word *verzoening*, in fact, means ‘reconciliation.’) Van Herwaarden defines the *zoen* within a broad context comprised of *compositio* (the preliminary action of bringing together the conflicting parties) and *pax* (the peaceful resolution that was its intended result).¹⁹ In other words, the *zoen* should be understood as a process designed to re-establish the sense of moral justice necessary to continue social relationships between members of feuding parties in particular and residents and citizens of a community in general. By the mid-thirteenth century at the latest, the term *verzoening* was imbued with a rich texture of secular and religious connotations, all centered on

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the concept of reconciliation.²⁰ In such a context, it is hardly surprising that imposed expiatory pilgrimage – a device intended in the first place to effect a sinner’s reconciliation with God – should come to be recruited as a standard option in civil settlements negotiated in order to achieve reconciliation of citizens and their kindreds with one another.²¹

The *zoen* comprised obligations undertaken by members of both parties. Its motive force was to resolve a dispute by establishing conditions that all parties to a conflict might live with. As in early Germanic custom, enforcing these conditions rested essentially, if not formally, with the groups making the agreement; these groups could be comprised of members of whatever parties (family or guild, for example) were at loggerheads. Corporate honor and internal group dynamics might motivate other members to exert sufficient pressure on the condemned to obtain compliance with the obligations to which the whole had agreed. The miscreants’ own sense of responsibility to the group, meanwhile, might be relied upon to enforce their compliance with these expectations, even if their own sense of personal guilt were not in itself sufficient motivation.

Anything that breached public order offended against the moral order as well. The restoration of public order and peace thus also entailed the repairing of moral damage. Since most offenses had this consequence, they might be understood as reparable, at least in part, by pilgrimage; pilgrimage thus became a fitting response to all sorts of offenses against the public order. By the mid-thirteenth century, when *verzoening* became formalized as a routine expedient for conflict resolution, the imposing of pilgrimages on malefactors by secular authorities began to spread throughout the county.²² The word *zoen* and its various forms are found sprinkled throughout a variety of records: the city of Ghent, for example, kept all records of processes involving *verzoening*, binding them together into *Zoendinboeken*.²³ The ubiquity of these terms bespeaks a culture intent upon resolving conflicts for the purposes of maintaining peace, as opposed to maintaining peace by imposing law and order. The former implies the intrinsic responsibility of being a citizen, the latter the extrinsic responsibility of being invested with authority – within the medieval context, usually that of a prince or princely representative. The former is tied to what van Herwaarden calls the theoretical equality of citizens and finds its most characteristic expression in arbitration.²⁴ The latter is linked to the notion of a single authority and is characteristically expressed in the meting out of punishment.

The content of a *zoen* might include agreements to pay fines (usually to the victimized kin), to go into exile, to make an expiatory pilgrimage, or to carry out some combination of these. As in the case of monetary penalties, the chief beneficiaries of expiatory pilgrimage were understood to be the victim and his kin or guild. Unlike fines and exile, however, expiatory pilgrimage was an obligation that was understood as entailing benefits not only for the victims and their kin, but also for the perpetrator and the community at large. Whatever risks, deprivations, or pains – whether bodily or economic – it might also entail were incidental. The characteristic use of imposed expiatory pilgrimage as part of the terms of a *zoen* serves as a reminder that its fundamental goal was to contribute toward and mark the achievement of a *verzoening* – a reconciliation.

Basic Elements of Imposed Pilgrimage

Pilgrimages thus constituted one of the many negotiable elements in the resolution of conflicts and could atone for all kinds of offenses. Van Cauwenbergh has classified offenses expiable by pilgrimage into the following three types: religious offenses, offenses against public peace, and those committed against persons and property.²⁵

While many offenses with predominantly religious associations might be repaired within the privacy of the confessional, such private expiation might not cover the social consequences such a deed wrought. Angry words, blasphemy, sorcery, and heresy are all cases in point,²⁶ and it was not uncommon for secular authorities to handle them; when violence occurred as a result of cursing and slander, both parties were sent on pilgrimage.²⁷ Kateline, wife of Daneel, as well as the aforementioned Alise Samers, were both sent on pilgrimages, respectively to Notre Dame of Hulst and Notre Dame in Lille; in each case the misdeed involved angry words.²⁸

People whose behavior had disrupted the maintenance of order were also often sent on pilgrimage to atone for their offenses. Such offenses included attacks on the prerogatives of count or commune,²⁹ disruption of the peace,³⁰ interference with officials in the performance of their duties,³¹ fraud, both economic and political,³² vagabondage,³³ and, perhaps most serious of all, offenses committed by officials themselves charged with the maintenance of order.³⁴ Offenders found guilty of violating personal space, be it corporeal or domestic, also made amends by going on pilgrimage. Pilgrimage helped to redeem and thus to mitigate the social consequences of murder, rape, and torts of all kinds. These all clearly disrupted the moral order by disrupting the peace.

Pilgrimages were meted out not only for a number of offenses, but also to a variety of offenders. According to van Herwaarden, the number of imposed expiatory pilgrimages in a given year in Ghent could rise to about 130.³⁵ The sex and class of the offender had little bearing on the decision to send someone on pilgrimage; both women and men were required to journey to various holy places, whether they belonged to the merchant or artisan classes. The only sectors of the population who were rarely sent on pilgrimage were the very old and the very young.

Age, sex, and class were likewise secondary to the nature of the offense as determinants in the choice of destination, the most important of the variables that constituted a particular pilgrimage. As a rule, the distance a pilgrim would necessarily travel to reach his destination was in rough proportion to the gravity of the offense. Persons guilty of homicide or of causing riots were most likely to be sent on long and correspondingly dangerous journeys to Constantinople, to the Holy Land, to Rome or Santiago de Compostela.³⁶ Those guilty of less serious offenses, such as theft or disturbing the peace, might find themselves journeying to Notre Dame at Rocamadour in France, or to the Three Kings in Cologne.³⁷ Those guilty of minor infractions, such as angry words, might only be sent to local shrines. Kateline, wife of Daneel from Courtrai, for example, was sent to Our Lady of Hulst for saying nasty things to Lijsbetten Coelins and to Jacob Coelins, her son. Jacob must have responded, for he, in his turn, was sent on pilgrimage to St. Steven at Berseel.³⁸ It is worth noting, however, that Flemish communes such as Ghent, Oudenaarde, and Aalst sent pilgrims to a greater and more diverse number of sites than did Brabantine or Liégeois communes. They also sent them to more exotic places, including Prague, Danzig, Riga, Cyprus, Mt. Sinai, and Damascus.³⁹

Another, rather more crassly self-interested reason for the diversity of pilgrimage destinations and routes might well be suspected. Whereas most pilgrims did not turn their journeys of atonement into commercial ventures, rich merchants who by the terms of the condemnation could not get out of making their journeys in person might be inclined to stop at certain commercially significant cities to transact business. In 1476 a merchant from Ypres was expressly forbidden to transact business during his enforced pilgrimage to Santiago de Compostela.⁴⁰

Curiously, the particular saint to whose shrine pilgrims were sent does not appear to have been of great significance. The sites of most pilgrimages were churches, the majority of them dedicated to the Virgin Mary, although there was no special connection between Mary and absolution. Van Herwaarden's research has shown, in effect, that pilgrims were ordered to make a journey to some holy place to ask God for absolution; the purpose

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was clearly more significant than the place.⁴¹ What those condemned to go on pilgrimage all had in common was the need to seek absolution from God, and this they could in principle obtain anywhere.⁴² Most people who went on pilgrimage voluntarily, however, did so because they were motivated to seek out a particular saint for a particular reason. It was the fact of the offense that differentiated civilly imposed expiatory pilgrimages from voluntary ones, and it was the particular offense that differentiated imposed expiatory pilgrimages from one another.

As the primary determinant of the conditions of an imposed expiatory pilgrimage, the offense defined the variables that gave a particular pilgrimage its shape and form. Besides destination, these variables included duration of absence, time of departure, commutability and conditions of re-entry into the community. Other factors included whether the pilgrim was to travel alone or in the company of others, what the pilgrim would bear and wear, what formalities would surround departure, how long would be the stay at the site, and what proofs of completion, if any, were to be brought back home. A further important variable involved the conditions under which the pilgrimage was to be carried out. Offenders were often given no choice regarding route or manner of conveyance; depending on the offense and the distance involved, some pilgrims were commanded to undergo the public humiliation of traveling barefoot. Some were even ordered to subsist only on bread and water.⁴³ These latter conditions were usually imposed only on pilgrims whose destination was but a short distance away. As noted above, even the length of time that a pilgrim's journey should take could be pre-determined. Some pilgrims had to obtain verification in the form of a certificate signed by an appropriate official, witnessing that they had lived at their holy destination for a fixed term, which might amount to as much as three years.⁴⁴ Others were commanded not to return at all unless they had obtained permission from the injured party, or from the communal or comital authority who had pronounced the sentence in the first place.⁴⁵

Sometimes an offender condemned to go on pilgrimage could arrange not to go. If the terms of the condemnation did not stipulate that the offender had to make the journey himself, he could, if wealthy enough, pay a monetary redemption or provide a substitute pilgrim. The injured parties determined whether they would accept a monetary atonement; the amount depended on the nature of the offense and the distance the pilgrim would have to travel.

Although throughout the thirteenth and fourteenth centuries imposed expiatory pilgrimage never became the principal social and legal device for maintaining order – banishment remained the most frequent remedy – it nonetheless remained a practical and philosophically appropriate tool in the arsenal of conflict resolution.

Punishment or Rehabilitation?

Pilgrimage did entail hardship and risk. For one thing, it meant emotional pain, for the pilgrim had to leave hearth, home and kin for an uncertain journey. The wages and other income lost in the course of an imposed expiatory pilgrimage were economic costs that could be ruinous. Finally, given the dangers that regularly attended travel in medieval Europe, it was clearly understood that pilgrimage might on occasion prove fatal; a number of Genoese, for example, felt uneasy enough to make their wills just before setting out on a pilgrimage.⁴⁶

The element of hardship inevitably associated with imposed expiatory pilgrimage does give occasion for considering whether the practice was, after all, motivated by punitive considerations. The rationale behind punishment is essentially aversive; it assumes that the experience or the anticipation of pain will mark an action as

one that is to be avoided. Aversion is presumed to develop even though the event and the punishment might well have little in common other than the fact that one eventuates in the other. The motive force behind punishment, be it financial or corporal, is not the bringing about of a change of character. Bad actions would not in the future be avoided by the erstwhile perpetrator because he recognized their intrinsic immorality, but rather because he remembered that their consequences had been painful. A corrected misdoer eschews misdeeds because they are wrong, while a punished offender avoids further transgression because he fears the consequences.

The infliction of economic penalties or bodily pain for purposes of moral and social correction was, to be sure, not unknown in the region. Economic penalties included fines and the confiscation of property.⁴⁷ Physical punishments for misdeeds included mutilation and, of course, execution – usually hanging for men, and being buried alive for women.⁴⁸ On the whole, however, Flemings showed a marked aversion to what R. C. van Caenegem calls “bloody punishments.”⁴⁹ Perusal of a variety of records, from accounts to lists of decisions by arbitrators, quickly reveals a clear municipal preference for exiling miscreants, some for only a number of days, some for years and some forever.⁵⁰ Refusal to go into exile was punishable by heavy fines, the infliction of bodily pain or, depending on the severity of the offense, even execution.⁵¹ If the situation in Ghent is any indication, most of the cases that resulted in the meting out of bodily pain were ones that had gone through a formal legal process before the aldermen, who had handed down a decision. Such cases were nonetheless a minority in Ghent. According to a rather broad scholarly consensus, only roughly ten percent of offenses were resolved by a formal process; the rest were resolved by arbitration.⁵²

Among the functions of imposed expiatory pilgrimage was thus that of avoiding corporal punishment. One might even be tempted to argue that the pains attendant on imposed expiatory pilgrimage were viewed as the lesser of two evils – yet that would be to misunderstand the relationship between the two. The suffering inherent in pilgrimage was assumed to be of two types. First, the miscreant would suffer the physical problems attendant with travelling a certain distance as well as the psychological pain of leaving hearth and home. Secondly, these would remind the miscreant of the pains, dishonor, and embarrassment his malefaction had caused not only himself but also his kin, and of the possible damage that might redound on them because of it. The time spent on the road might well be spent pondering these misfortunes. Once at the shrine, it was hoped that he would be seriously ashamed and thus be truly shriven. He could ask not only for forgiveness, but also offer up his sufferings for the good of those he had wronged as well as for the restoration of the honor of his family. He could thus return home, having expiated his sin and cleansed his soul.

Banishment, on the other hand, was not expected to benefit the exile himself in any way, nor were the trials and tribulations he suffered while in exile expected to provide anybody – even himself – any benefits. In fact, exile represented a rejection of the miscreant, and by denying him a legitimate destination intentionally placed him in danger. Other communities were hostile to exiles, for obvious reasons; they were not about to welcome known troublemakers. Imposed expiatory pilgrimage, in a very real way, distanced a person from the conditions that had given rise to the initial offense, without placing him in the socially precarious position of an exile. By providing him with a sacred destination, imposed expiatory pilgrimage legitimated the miscreant’s presence in other communities, while enabling him to maintain and repair his relationship with his original one. While exile merely implied undesirability, the implication of imposed expiatory pilgrimage was that the miscreant was capable of redemption and rehabilitation.

There were, to be sure, outcries against pilgrimages in general throughout the period.⁵³ Despite the above-mentioned differences between the pilgrim’s situation and exile, some claimed that pilgrims faced challenges

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as dangerous to their souls as to their bodies, and that many succumbed to one or the other, if not both. Yet the terms of this argument are themselves curiously revealing; in particular, the rhetorical appeal to concerns for the pilgrims' spiritual welfare clearly indicates that the latter indeed constituted at least part of the ostensible rationale for the practice.

Some pilgrims received letters of safe conduct. This gesture shows that city authorities probably wanted the pilgrims to reach their destination and did not merely wish to get rid of them.⁵⁴ Although these letters were customarily extended to all citizens traveling long distances, there is no evidence that the custom was necessarily extended to those forced to go on pilgrimage. The safe conducts that pilgrims received often requested the communities through which they would have to travel to let them do so unmolested. Sometimes they also included requests for the provision of the necessities required to complete the journey.⁵⁵ The motive for giving pilgrims a safe conduct, under these circumstances, seems to have been to enable them to reach their destination. It is difficult to imagine similar requests on the part of communes for the protection or even support of an exile.

What might motivate a commune to undertake such efforts to protect those upon whom expiatory pilgrimage had been imposed? One can imagine practical exigencies; the *paysierders*, having little immediate recourse but to negotiate a settlement to which all parties could agree, may have felt compelled to resort to such an expedient as a way of mollifying the kin group in question and thus obtaining their compliance. Nevertheless, such terms do not make sense in the absence of a fundamental background assumption that the pilgrimage was intended to achieve positive effects.

What, then, were the hoped-for effects? It might not be too much to claim that the ideal goal was that of a righting of the wrong done. Such correction, however, would be insufficient unless it was effected within the context of the integral relationship among the individual, the social groups to which he or she belonged (*e.g.*, kin and guild) and the community at large - in other words, the three elements injured by the misdeed. While the injured party and the community needed to be compensated, the misdoer needed to be rehabilitated so that all three might be reconciled; rehabilitation entailed expiation and encouraged reconciliation. Ideally, compensation through atonement might bring about rehabilitation and reconciliation.

Imposed expiatory pilgrimage was certainly as good a compensatory device as any other. The essence of imposed expiatory pilgrimage consists in the productive yet complicated function of enabling moral damage to be repaired so that moral order might be restored.⁵⁶ If sin indeed represented "an illicit assertion of one's selfhood and one's autonomy,"⁵⁷ then imposed expiatory pilgrimage could serve as a very efficacious remedy; it repaired not only the damage to the soul, but also in a very real way, damage to the fabric of social relations, which resulted from the transgression of personal boundaries that sin represented.

Religious rehabilitation as achieved by imposed expiatory pilgrimage may well, in effect, have represented an attempt through expiation and atonement to alter the damaging nature of a past occurrence (the misdeed) through changing, by virtue of the moral substance of pilgrimage, the relationship of the deed to its consequences.⁵⁸ Moral regeneration, in principle wrought by the whole pilgrimage experience, might achieve its catharsis at the holy shrine, and the initially negative nature of the transgression would thus be transformed into something positive. Moreover, because the destination was holy, the pilgrim could offer the pains and risks of the journey up to God for the benefit of the injured party as a form of compensation. Pilgrimage also provided an opportunity for miscreants to ask, in obvious and public fashion, for personal and general forgiveness. A sense of guilt and repentance might even make the pilgrim receptive to the power of good implicit in the holy place or good deed.

In sum, imposed expiatory pilgrimage, in a very physical way, could represent a metaphorical journey from moral damage to moral good, where an initially bad act became the point of departure for reunion with God, ideally attended by an improvement in subsequent behavior.⁵⁹ The correction of a malefactor presupposed the possibility of an event – such as expiatory pilgrimage – which might produce a change in character, such that the malefactor would become less prone to misdeeds and more prone to good deeds, and thus a better member of the civil society. While we do not want to go so far as to claim that our erring citizen became a better person than he was before he transgressed, this might always be hoped for, regardless of whether the pilgrimage was voluntarily embarked upon or not.

Along with the practical expedient of removing a proven social irritant, the prospect of such long-term positive results made imposed expiatory pilgrimage an attractive remedy to those involved in arranging a *zoen*. All remedies were focused on achieving the basic goal of maintaining communal peace and harmony. Under such circumstances, it is logical that whatever punitive functions may have inhered in imposed expiatory pilgrimage were secondary to those positive motivations. This is certainly true in the cases of Alise Samers and Margaret le Meide, which both illustrate the subsumption of punishment under atonement and reconciliation. The involvement of Margaret's (guiltless) kin in an act of positive atonement served to offset the negative dynamic of murder and execution. And if curses be understood to have the potential to effect the harm that they invoke, then a pilgrimage, associated as it is with prayers and blessings, may indeed be the most efficacious means of counteracting the evil process set in motion by the curse. In the context of the *verzoening* process, expiatory pilgrimage clearly contained the potential for a righting of wrongs and a reconciliation of feuding parties which the expedient of imposed exile simply could not offer.⁶⁰

Decline of imposed expiatory pilgrimage

By the late fifteenth century, the practice of civilly imposed expiatory pilgrimage had fallen into disuse in the Low Countries. There were two related factors behind this decline. First, imposed expiatory pilgrimage had come to be reinterpreted as essentially punitive, and second, power relationships had altered in such a way that conflict resolution ceased to be a primary means of settling disputes. The first development must in fact be understood within the context of the second.

The preceding sections have attempted to show a) how the frequent use of imposed expiatory pilgrimage in the *verzoening* process is explained, in part, by the integral and coherent ways in which, as a "means," it was capable of contributing toward the creative "ends" (reparation, rehabilitation and reconciliation) which the *zoen* strove to embody, and b) how such a process was peculiarly adapted to the conditions existing in the Low Countries. The coherence of fit was nonetheless strained and even cracked at certain points. The steadily increasing practice of commuting pilgrimage by monetary payment has already been mentioned. While a fine paid to the victims might still function as reparation, routine commutation of imposed expiatory pilgrimages into monetary payments would inexorably tend to convert the former's complex but essentially positive rationale into a single and essentially aversive one. For many burghers, a monetary penalty, however onerous, would inevitably prove to be a practical and attractive alternative to the risk and inconvenience of an imposed journey. The more frequently citizens availed themselves of this expedient, moreover, the more apt they were to reinterpret the pilgrimage option itself as nothing more than a penalty and a disagreeably cumbersome one at that.

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There was also a second, rather more intrinsic crack in the coherence of imposed expiatory pilgrimage as an active, positive and creative element in the *verzoening* process, and this had to do with the lack of any strong conceptual link between misdeed and holy destination. In the absence of any such connection, it was perhaps inevitable that the risks and hardships of the journey itself would come to be perceived as primary motives for its imposition, rather than as mere concomitants of the process of traveling to a shrine to seek atonement. The implicit correlations between length of journey and seriousness of the original offense, together with the notion of a calculus by which these might routinely be commuted into monetary indemnities of varying sizes, laid the groundwork for a potentially drastic reinterpretation, as a result of which imposed expiatory pilgrimage might come to be perceived as barely distinguishable from temporary exile.

Such reinterpretation was in no sense inevitable, however. It is quite conceivable that the essential coherence of fit between imposed expiatory pilgrimage and the *verzoening* process might have held tight, despite these tensions, had it not been for certain fundamental shifts in the system whereby order was maintained. By the late fourteenth century, law in many parts of the Low Countries had begun to differentiate between criminal and civil justice, perhaps, to some extent, as a response to the increasing social instability of the age.⁶¹ The transformation of imposed expiatory pilgrimage into a punishment reflected, in part, the creation of notions of “crime” and “criminal,” which was itself a corollary to the differentiation of spheres of justice. An associated victim of the emerging concept of criminality was the tradition of conflict resolution itself, which became increasingly displaced by the new emphasis on the maintenance of law and order by princely courts.⁶²

As long as the making of peace involved conflict resolution, issues of guilt, however significant, remained secondary to the achievement of a decision acceptable to all parties concerned. It is particularly important here not to confuse acknowledging one’s guilt or the guilt of one’s kin with the *proof* of guilt. Judgment, particularly by an outsider such as the prince or princely institutions, isolated the misdoer by focusing more exclusively on the deed. This, in turn, required considerable refinement in the use of evidence in order to prove that the misdoer was guilty of the misdeed. While acknowledgement of guilt in the context of the *verzoening* process was meant to lead to reconciliation, proof of guilt within the context of the judicial process was meant to lead to punishment.

The situation in Flanders is particularly instructive. Already in the mid-thirteenth century, to be sure, the Flemish countess had interfered in a number of instances when it became clear that the cities were unable to control their riotous citizens; the case of riots associated with the Torhout/le Meide feud in Ypres mentioned at the beginning of this essay is a notable example.⁶³ Nevertheless, thirteenth-century Flemish counts could only intercede on an *ad hoc* basis. Despite the existence of comital bailiffs, institutions of comital justice had not yet developed the capacity to override in any meaningful or lasting way established city customs or the officials responsible for overseeing their implementation.

By the mid-fourteenth century, the situation had changed. The count had developed first a financial and then a judicial apparatus, particularly the *Audientie*.⁶⁴ By the fifteenth century, the Burgundian dukes had developed an administrative apparatus that sought to govern the whole county, even including the great cities of Ypres, Ghent and Bruges.⁶⁵ As long as the right to feud remained in the legal consciousness of townspeople, to be sure, conflict resolution continued to be necessary. But the extent to which the general populace – the citizenry – remained involved in the settling of disputes was probably inversely proportional to the amount of responsibility for preserving the peace that was handed over to (or taken by) some outside authority.⁶⁶ Where this outside authority happened to be the count, internal conflict resolution took a back seat to maintaining the *count’s* peace, and judgment accordingly replaced arbitration. It is no accident that imposed expiatory pilgrimage first

began to disappear in Flanders, a region marked, from the late fourteenth century onward, by a strengthening of princely authority.⁶⁷ Judgment and its correlative, the capacity to punish, reaffirmed the authority of the prince to impose his will – it was, after all, *his* peace. Imposed expiatory pilgrimage's expiatory nature – its rehabilitative, reparative, and compensatory element – accordingly became overshadowed. The hardships associated with imposed expiatory pilgrimage hardened into punishment visited on a particular person, not to compensate his victims, their kin, his own kin and his fellow citizens for disturbing their mutual peace, but to pay for breaking the count's peace. Whereas fines and other monetary penalties associated with a *zoen* had previously been paid to the injured parties and to city officials, they now went into the count's treasury. By the middle of the fourteenth century, judicial fines had become so numerous that a new account had to be established expressly to keep track of them.⁶⁸

One does not negotiate with a criminal, one punishes him. The focus of punishment, apart from satisfaction of the very real and powerful impulse to vengeance, is on the individual. And as punishment's focus on the individual increasingly isolated him from kin and guild,⁶⁹ responsibility for him devolved onto outside authority. Authority was manifested, affirmed and authorized in the capacity to maintain law and order, in large part, through the capacity to inflict specifically corporal punishment. Punishment seeks not to re-knit the community, effect reconciliation of feuding groups, nor to rehabilitate the perpetrator but merely rather to remove the benefit of transgression.

Van Herwaarden argues that expiatory pilgrimage fell victim to the intervention of the centralizing prince, which upset the internal equality of citizens that was characteristic of urban society within the Low Countries.⁷⁰ This is certainly true; what van Herwaarden misses is that that prince was not interested in conflict resolution, but rather in the authority manifested by the use of punishment. Compensation is not central to punishment, and the triumph of the punitive paradigm effectively spelled the end of the use of imposed expiatory pilgrimage as a legal corrective. It was in the end its use as a punitive instrument that indeed made it redundant with exile, and led to its demise.⁷¹

NOTES

1 Archives départementales du Nord. Série B 1561, n. 120 f. 37v-38 #1364 (hereafter Nord); R.C. van Caenegem, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XVIe eeuw* (Brussels, 1956), 292 and note 2; 340-341.

2 Nord, B 1561 n. 249 f. 73 #1477.

3 *...nemi pour cou ke nous lencoupons de riens de le mort celui Michel, mais pour bien de pais* (Nord, B 1565, n. 120, f. 37v-38 #1365; van Caenegem, *Strafrecht*, 292 and note 2; 341). This is very strong wording. It not only shows that they were in no way formally charged as accomplices, it also basically exculpates them.

4 Stadarchief te Gent, series 330, *Zoendinboeken*, #1, a° 1349, f. 39v.

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5 Keith Thomas, *Religion and the Decline of Magic* (New York, 1971), 502; David Nicholas, “Crime and Punishment in Fourteenth-Century Ghent,” *Revue belge de philologie et d’histoire* 48 n. 4 (1970), 1160-1161.

6 The literature on this subject is much too large to reproduce here. For a general overview see Mary C. Mansfield, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France*. Ithaca: Cornell University Press, 1995; Diana Webb, *Pilgrims and Pilgrimage in the Medieval West*. London and New York: I.B. Taurus, 1999, particularly pages 51-63; and Jonathan Sumption, *The Age of Pilgrimage: the Medieval Journey to God*. Mahwah, N.J.: HiddenSpring, 2003.

7 Sumption, *Pilgrimage*, 105.

8 Mansfield, *The Humiliation of Sinners*, 285-286. She further argues that expiatory pilgrimage was not an innovation of the Flemish or of others in the Low Countries, but rather merely “the communal form of punishment favored by bishops and kings elsewhere north of the Loire” and that it reflected nothing more than “the survival of traditional public penance as it had been practiced in northern France.” (*Ibid.*, 286.) In the absence of authority figures such as king and bishop, she argued, aldermen and arbitrators assumed their authority in such matters, thus adapting the essentially French model to their needs.

This argument only works if expiatory pilgrimage was thought of and used fundamentally as a punitive instrument. And maybe in France it was, as Mansfield argues. But such a contention diminishes the Flemish practice to mere copying, which may, in fact, have been her point. As van Herwaarden argues, however, expiatory pilgrimage was inextricable from the civil authorities, a sign of local communal strength (Van Herwaarden, 12-13), and not, as Mansfield argues, a sign of the absence of royal authority (Mansfield, *The Humiliation of Sinners*, 282-286).

9 Sumption, *Pilgrimage*, 105

10 Etienne van Cauwenbergh, *Les pèlerinages expiatoires et judiciaires dans le droit communal de la Belgique au moyen âge* (Leuven: Bureaux de recueil, 1922), 27.

11 Jan van Herwaarden, *Opgelegde Bedevaarten. Een studie over de praktijk van opleggen van bedevaarten (met name in de stedelijke rechtspraak in de Nederlanden gedurende de late middeleeuwen (ca. 1300 – ca 1550))* (Amsterdam, 1978), 14.

12 Norman Housely, “Pilgrimage, Western European” in J.R. Strayer, *Dictionary of the Middle Ages* (New York: Scribners, 1987), 654-655.

13 Van Caenegem, *Strafrecht*, 291.

14 See Ellen Kittell, *From Ad Hoc to Routine* (Philadelphia: University of Pennsylvania Press, 1991), 170-172.

15 J. Goebel remarks that "...the earliest phase was a mere private arbitration arranged between the kindred groups..." and that "even in developed Frankish procedure private arbitration exists side by side with regular judicial proceedings and back of both is the latent threat of feud" (*Felony and Misdemeanor. A Study in the History of Criminal Law* (Philadelphia: University of Pennsylvania Press, 1976), 21).

16 David Nicholas, *The Domestic Life of a Medieval City* (Lincoln, Nebraska: University of Nebraska Press, 1985), 199-201. He continues, "[i]t compensated the males of the clan for the loss of one of themselves, not the nuclear family, for the loss of a breadwinner." (*Ibid.*, 200). In the first place, as Marianne Danneel has abundantly demonstrated, Ghent was not essentially comprised of clans (Marianne Danneel, *Weduwen en wezen in het laat-middeleeuwse Gent* (Leuven, 1955), 391-398. In the second, almost no city in the region was as patriarchal as this statement suggests. See Martha Howell, *Women, Production, and Patriarchy in Late Medieval Cities*. Chicago, 1986 and particularly E. Kittell, "Guardianship Over Women in Medieval Flanders: A Reconsideration," *Journal of Social History* 31 n. 4 (Summer, 1998), 897-930.

17 Mansfield, *Humiliation of Sinners*, 284.

18 It is understandable, however, that Nicholas should have reached this conclusion, given that he appears to have consulted neither van Cauwenbergh, van Herwaarden nor van Caenegem.

19 "...de zoen als geheel met *compositio et pax*" (Van Herwaarden, *Opgelegde Bedevaarten*, 19). Note also the sense of "putting together" implied in *compositio*. *Pax* in this context is not to be confused with *vrede*, in the sense of "truce" or "temporary cessation of hostilities," which must be the first step in the process of *verzoening*. The etymological sense of *zoen* is reflected in its Old Friesian cognate *sonne*, which means "kiss," as in "kiss of peace" (P.A.F. van Veen with Noeline van der Sijs, *Etymologisch woordenboek* (Utrecht and Antwerp: Van Dael, 1993), 838).

20 Van Caenegem, *Strafrecht*, 290-292.

21 Note the Gospel precedent in Matthew's version of the Sermon on the Mount, on sacrifices: "if your brother has anything against you, leave your offering at the altar and go; first *be reconciled* with your brother and then return and offer your sacrifice." (Matthew, 5:23-24, <http://bible.cc/matthew/5-23;5-24>).

22 Van Cauwenbergh, *Les pèlerinages expiatoires*, 72ff; van Herwaarden, *Opgelegde Bedevaarten*, 8ff.

23 These can be found at the city archives in Ghent (Stadsarchief te Gent, Ser. 330). The *Zoendingboeken* were usually bound at the end of volumes of other proceedings of the aldermen.

24 Van Herwaarden, *Opgelegde Bedevaarten*, 12-13.

25 Van Cauwenbergh, *Les pèlerinages expiatoires*, 34-38, 38-64, 64-84.

26 *Ibid.*, 34.

27 Nicholas, "Crime and Punishment," 1160-1161.

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- 28 *Zoendinboek*, 330 #1 a. 1349 f. 39v; a. 1355 f. 47v. Women were not the only ones sent on pilgrimage to make amends for vile language and insults. On at least twenty-four occasions between 1331 and 1394, men from Ypres were ordered to go on pilgrimage for using “horrible words” or “ugly remarks”: ...*pour les mesprisures et les horribles mos...* (Prosper de Pelsmeker, ed., *Coutumes des pays et comté de Flandre. Quartier d’Ypres. Registres aux sentences des échevins d’Ypres*. Brussels, 1911, 301 #779); ...*et dis moult vilaines et horribles paroles sour eaux*. (*Ibid.*, 317 #863. See also 245-6 #375; 258 #409; 308 #820; 313 #839; 337 #966; and 338 #968.) See also Nicholas, *Domestic Life*, 20.
- 29 Van Cauwenbergh, *Les pèlerinages expiatoires* , 39-42.
- 30 *Ibid.*, 42.
- 31 *Ibid.*, 46-50..
- 32 *Ibid.*, 53-59..
- 33 *Ibid.*, 135.
- 34 *Ibid.*, 43-46.
- 35 Van Herwaarden, *Opgelegde Bedevaarten*, 84.
- 36 *Ibid.*, 135. Rome and Santiago de Compostela were two of the four major pilgrimage sites; the other two were St. Thomas of Canterbury and the Three Kings at Cologne (Denise Péricard-Méa, *Les pèlerinages au Moyen âge* (Paris: Éditions Jean-Paul Gusserot, 2002), 50. Given the proximity of the latter to Flanders, they were not usually destinations for more serious infractions. For pilgrimages to Santiago from the Low Countries, see Dirk Aerts, “Santiago Pilgrim Routes in Belgium – Results and Observations” in *The Santiago de Compostela Pilgrim Routes*, Council of Europe. Architectural Heritage. Reports and Studies, No. 16. 29 September -1 October 1988, 71-76. For a map of these routes see André Georges, *Le pèlerinage à Compostela*. Académie royale de Belgique. Classe des Beaux Arts. Mémoires (Brussels, 1971) 13, end paper.
- 37 For Rocamadour, see Étienne Delaruelle, “La spiritualité du pèlerinage de Rocamadour au moyen âge” in *La piété populaire au moyen âge* ed. E. Delaruelle (Torino: Bottega d’Erasmus, 1975), 529-45. Van Cauwenbergh found, for example, 117 cases where people were sent to the Three Kings at Cologne (van Cauwenbergh, *Les pèlerinages expiatoires* , 143).
- 38 *Zoendinboek*, a. 1349, 39.
- 39 Van Cauwenbergh, *Les pèlerinages expiatoires* , 146.
- 40 Emile vanden Bussche, “Les pèlerinages dans notre droit pénal” *Bulletin de la commission royale d’histoire* 14 (1887), 47; van Cauwenbergh, *Les pèlerinages expiatoires* , 161.
- 41 Van Herwaarden, *Opgelegde Bedevaarten*, 26.

42 The choice of destination was subject to fads. In addition, the choice of a destination was often based more on practical than religious reasoning. While a perpetrator of one particular variety of serious offense might customarily be sent to Rome, another who had committed a somewhat less grievous offense might be sent to Milan. Milan was often chosen, not because of its holy shrines, but simply because it was halfway between Flanders and Rome (*ibid.*, 414-415).

43 Van Cauwenbergh, *Les pèlerinages expiatoires*, 161.

44 For example, ...*de traire à St. Andrieu en Escoche et de y demourer un an....Et de ce, au chief du terme, il et cascun d'eaux doivent raporter bonnes lettres qu'il aient estet en le manière susdit* (Pelsmaeker, 261 #432); ...*et d'ent raporter bonnes lettres...* (*Ibid.*, 281 #597).

45 Van Cauwenbergh, *Les pèlerinages expiatoires*, 165.

46 Steven Epstein, *Wills and Wealth in Medieval Genoa, 1150-1250* (Cambridge, MA: Harvard University Press, 1984), 46.

47 See the numerous entries in Pelsmaeker, as well as those in J. Vuylsteke, *Gentsche stads-en baljuwsrekeningen 1290-1335*, Ghent: Drukkerij F. Meyer-Van Loo, 1900. For a survey of such punishments, see the section entitled "Vermogensstraffen" in van Caenegem, *Strafrecht*, 202-227.

48 For these punishments and others such as beheading, burning at the stake, and drowning, see *ibid.*, 157-168 and 190-202.

49 *Ibid.*, 200; Nicholas, "Crime and Punishment," 327.

50 On 5 August 1367, Marie de Scotès was exiled from Ypres for forty days for scorning the official who had questioned the weight of goods that she was selling (Pelsmaeker, 288 #656; Ellen E. Kittell, "Flemish Female Misdeeds" in *Female Power in the Middle Ages*, Karen Glente and Lise Winther-Jensen, eds., (Copenhagen; C.A. Reitzel, 1989), 117). On 16 October, 1311, Lisse Bruns was exiled from Ypres for seven years for theft (G. des Marez and E. de Sagher, *Comptes de la ville d'Ypres de 1267 à 1329* (Brussels: Librairie Kiessling et Cie, P. Imbreghts, successeur, 1909), 1:336; Kittell, "Misdeeds," 115). On 12 November 1319, Griele de Rivelt was permanently banned from Ypres for murder (Pelsmaeker, 264 #469; Kittell, "Misdeeds," 115).

51 Jehan Veys was to go on pilgrimage to Vendôme under pain of 2 lb. gros if he did not (Pelsmaeker, 301-302 #779). Jaque de Oudkerke was sent to St. Andrews in Scotland within the month, only returning with letters attesting to his time there. If he did not, he was to be banished from the county; if he returned to the county within the term of his exile, he was to be executed. (*Ibid.*, 313 #839).

52 Van Caenegem, *Strafrecht*, 320-323; Nicholas, "Crime and Punishment," 314 and note 4.

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53 Franciscan Berthold of Regensburg argued in the thirteenth century that one could more efficiently seek salvation at home than on pilgrimage (Webb, *Pilgrims and Pilgrimage*, 239). In the fourteenth, William Langland (*Piers Plowman*) criticized and the Lollards attacked the practice (*Ibid.*, 240-241). See also Giles Constable, "Opposition to Pilgrimage in the Middle Ages," in *Studia Gratiana*, 19 (1976), 125-146 and Sumption, *Pilgrimage*, 273-274, 290 and 301-302. Perhaps the most well-known critic was Erasmus, whose "Pilgrimage for Religion's Sake" remains a classic.

54 Van Cauwenbergh, *Les pèlerinages expiatoires*, 159.

55 *Ibid.*

56 *Ibid.*, 137.

57 Thomas Heller and David E. Wellbery, "Introduction" in *Reconstructing Individualism. Autonomy, Individuality, and the Self in Western Thought*, Thomas C. Heller, Morton Sosna, and David E. Wellbery, eds. (Stanford: Stanford University Press, 1986), 3.

58 George Sher, *Desert. Studies in moral, political, and legal philosophy*. (Princeton, N.J: Princeton University Press, 1987), 178.

59 "In so doing, the future act or event would change the past occurrence by altering its significant relational properties." (Sher, *Desert*, 178.) St. Augustine, for example, had to journey through misery before achieving religious resolution. Pilgrimage is thus a journey of the soul from bad to good, where the initial bad act is actually the point of departure for reunion with God.

60 Van Herwaarden, *Opgelegde bedevaart*, 31.

61 Ellen E. Kittell, "Reconciliation or Punishment? Women, Community, and Malefaction in the Medieval County of Flanders" in Ellen E. Kittell and Mary A. Suydam, eds., *The Texture of Society. Medieval Women in the Southern Low Countries*. (New York: Palgrave/McMillan, 2004), 3-30.

62 Kittell, "Reconciliation," 12.

63 Nord, B 1561 n. 249 f. 73 #1477.

64 For the development of financial apparatus, see E. Kittell, *From Ad Hoc to Routine*. For a discussion of both the *Audientie* and the *Raad van Vlaanderen* (Council of Flanders) and their effect on expiatory pilgrimages, see van Herwaarden, *Opgelegde Bedevaarten*, 357-376.

65 The latter two of which continued to rebel. For Burgundian government, see Marc Boone, *Gent en de Bourgondische hertogen ca. 1384-ca. 1453: Een sociaal-politieke studie van een staatsvormingsproces*. Brussels: AWLSK, 1990.

66 Van Herwaarden, *Opgelegde bedevaarten*, 421-422.

67 Kittell, *From Ad Hoc to Routine*, 170-172; 186-187 and particularly Boone, *Gent en de Bourgondische hertogen ca. 1384-ca. 1453*.

68 Account of the Sovereign Bailiff. Account of the Receiver of Flanders, Gossuin le Wilde, knight, from 1369 to 1370. (Brussels, Algemene Rijksarchief. Rekenkamer. Rolrekeningen, #838.)

69 Such groups were thus absolved of their responsibility to retaliate.

70 Van Herwaarden, *Opgelegde bedevaarten*, 598.

71 Curiously, the practice has not completely died out. Adrian Bell, in "New Departures," discusses the contemporary Belgian practice of "sending young offenders on pilgrimage as an alternative to detention." (*New Statesman and Society* 382 (5 January 1990, 28).