Criminal Behaviour by Pilgrims in the Middle Ages and Early Modern Period

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The concept of 'pilgrimage' and 'pilgrim' in the works of medieval and early modern authors

In order to understand clearly the forms of criminal behaviour by pilgrims in the medieval and the early modern periods it is first necessary to present the standpoints of the medieval authors, especially theologians, who associated the terms 'pilgrimage' and 'pilgrim' entirely or at least partially with positive moral and ethic connotations, or interpreted them purely within theological categories. Thus, for example, the term *peregrinatio* was considered in great detail in the works of some Christian theologians as early as the fourth and fifth centuries, at a time when the praxis of pilgrimage to Christian holy places had not yet attained the momentum that it had in the later medieval period. Gregory the Great (540-604) thus emphasised that Christians are only passing pilgrims on earth (*viator ac peregrinus*).[1] Saint Augustine in his *The City of God* (*De civitate Dei*) wrote extensively about the problem, meaning, and context of the term *peregrinatio* in everyday Christian life. Speaking in general, Augustine argued that the term *peregrina* defines the city of God on earth, while its inhabitants are consequently *peregrini*. The main goal of Christian living in this material world, in which the believer is only a temporarily settled stranger or drifter, was, according to Augustine, *peregrinari ad Dominum*.[2] Still, Augustine believed that, while on earth, every *peregrinus Christianus* must abide by the worldly laws common to the *civitas terrena* in which he lived. Augustine's view was accepted by numerous later Christian theologians. Such standpoints affected the dual understandings of pilgrimage in the late antique, medieval, Renaissance, and even modern Christian world. From the early Christian period up to today, Christian pilgrimage has been considered to be a lifestyle following Christian morals and the principles that were, for instance, called *vita evangelica et apostolica* or *vita perfecta* in the hagiographic literature. In this respect the theological definition of pilgrimage was considered as travel with the goal of

[1] Martin A. Claussen, "Peregrinatio and Peregrini in Augustin's City of God," *Traditio. Studies in Ancient and Medieval History, Thought and Religion* 46 (1991): 33.

[2] *Ibidem.*

realising the ideal Christian life, and the pilgrim was, therefore, only a temporary *viator* through earthly life.[3] These terms basically defined believers' everyday aspirations to approach, as closely as possible, the model lives that Christ, the apostles, and the Christian martyrs had led. In the late Middle Ages, humanism, an especially popular lifestyle, was known as *imitatio Christi*, basically the attempt of an individual to mimie the example of Christ as much as possible. Amongst many others, the famous humanist writer from Split, Marko Marulić, wrote about *imitatio Christi* in his work *De institutione bene vivendi*.[4] This desire of individuals to come close to the models through a life that was supposed to be entirely embroidered with Christian moral and values and was meant to be practiced during one's entire life was called 'inner pilgrimage'.[5] It was expressed, for instance, through practicing the Acts of Mercy or solidarity towards people found at the margins of society (for example, the poor, prostitutes, widows, strangers, minorities), by eremitism and asceticism and, from the beginning of the thirteenth century, by regular weekly confessions and other practical expressions of Christian morals.[6] It is interesting to point out that contemporary sources indicated the fact that 'inner pilgrimages' were performed equally by members of all orders of society; thus, it is no wonder that *communio sanctorum* was open to people coming from the nobility, from urban spaces, and even marginal social groups.

In the early and high Middle Ages, an introspective religiosity was predominant and supported by Benedictine and Cistercian monks; thus, pilgrimages to holy places were neither as popular nor practiced as they were in the period from the late Middle Ages onwards. Although the Benedictines always hosted and offered lodgings to pilgrims travelling to holy places, it seems that they themselves were not diligent promoters of pilgrimage practice. The reason for this was their closure towards society and wish for solitude. That is why it is no wonder that they preferred the idea of *peregrinatio in stabilitate* to the *stabilitas in peregrinatione*, meaning they superimposed inner spiritual travel towards God over physical travelling through time and space to pilgrimage destinations.

Besides the spiritual pilgrimage that some Christian theologians tried to impose based on prescribed moral and ethical criteria according to which every Christian should behave, simultaneously there was also the 'exterior pilgrimage'

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[3] Bronislaw Geremek, "The Marginal Man," in *Medieval Callings*, ed. Jacques Le Goff (Chicago: University of Chicago Press, 1990), 348.

[4] Marko Marulić, *Institucija* (Institution), vol. 1-3, ed. Branimir Glavičić (Split: Književni krug Split, 1986-1987).

[5] Edith and Victor Turner, *Image and Pilgrimage in Christian Culture: Anthropological Perspectives* (Oxford: Oxford University Press, 1978), 7.

[6] See Giles Constable, "Twelfth-Century Spirituality and the Late Middle Ages," in *idem, Religious Life and Thought (11th-12th centuries)* (London: Variorum Reprints, 1979), 45; Henry Daniel-Rops, *Cathedral and Crusade. Studies of Medieval Church 1050-1350* (London: Dutton, 1957), 47-53.

or the pilgrimage that individuals or groups of believers made by going to a Christian holy place. With regard to the more forceful expression of religiosity through saints' cults and the growing number of pilgrims they attracted, in certain vernacular languages, not only in Latin, a relatively well elaborated terminology developed for denoting Christian pilgrims. Thus, Dante Alighieri divided pilgrims according to their destinations and called those who travelled to Rome *romei*, those who travelled to Santiago de Compostela *pelegrini*, and those who travelled to the most prominent of all the *loca sacra*, Jerusalem, *palmieri*. Carolus du Fresne du Cange, in his renowned *Glossarium mediae et infimae latinitatis*, called all those who were not from a diocese but only travelled through it *peregrini*.[7] He called a pilgrim to Jerusalem *palmarius* or *palmatus*,[8] and one who went to Rome *Romeius*, *Romerius* or *Romipeta*.[9] In German, a pilgrimage to Rome was called *Romfart*[10] and that to Aachen *Achfart*,[11] a pilgrimage to Mariazell was called *Zellfart* and that to Santiago de Compostela *Jakobsfart*. In Croatia, the Latin terminology was used, thus terms such as *peregrinatio*, *passagium* or *viagium* appear in the sources.[12]

While the 'inner pilgrimage' was intended to lead to an imitation of saints as a means of achieving the perfect Christian life, pilgrimages *ad sanctos*, to places that guarded relics of certain saints, were motivated by a different reasoning. The vast majority of contemporary sources that mention pilgrimage unequivocally state that personal devotion was a crucial factor in reaching the decision to venture to one of the pilgrimage centres. Nevertheless, sometimes a pilgrimage itself did not emerge and express itself in such idealised and moral forms. Physical or mental illness, exhaustion due to long and dangerous travel, lack of money for the trip, hunger and other misfortunes that accompanied pilgrims sometimes alienated them from the initial intention of travelling with devotion to some pilgrimage site and transformed them into people inclined towards minor or more serious forms of criminal behaviour. Besides, the intention of some pilgrims was not sincere from the very beginning; they did not seek the spiritual and religious satisfaction of their needs at all, let alone visiting

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[7] Carolus du Fresne du Cange, *Glossarium mediae et infimae latinitatis*, vol. 6 (Paris: Leopold Favre, 1938), 269-71.

[8] *Ibidem*, 121.

[9] *Ibidem*, vol. 7, 211.

[10] For example, in the testaments of the Hungarian town of Sopron one finds a great number of references to pilgrimage to Rome; as, e.g., the last will of a certain Hans Neuhoffer, who left his confessor 16 Hungarian florins *zw ainer romfart*; see: Jenő Házi, *Sopron szabad király város története* [History of the free royal town of Sopron], vol. II/I (Sopron: Székely, Szabó és Társa Könyvnyomdája, 1930), 249-51.

[11] *Ibidem*, 225: Lienhard Sneyder, a citizen of Sopron, left 10 guilders *für ain romfart vnd l achfart*.

[12] On the terminology used for medieval pilgrimages, see more in Zoran Ladić, "Prilog proučavanju hodočašća iz Zadra u drugoj polovici 14. stoljeća" [A contribution to the research into pilgrimages from Zadar in the second half of the fourteenth century], *Croatica Christiana Periodica* 32 (1999): 17-31.

centres which treasured saints' relics, but used their travel to abandon their residences temporarily or permanently in order to gain material profit in any way possible: by prostitution, trade in false relics, sometimes even by robbery and murder. That is why it is no wonder that during the medieval and the early modern period a series of erudite individuals, primarily theologians, thought that pilgrimage was theologically unjustified and an unnecessary practice to express religiosity; they were suspicious of pilgrims and pilgrimage.

Writers *contra peregrinationem*

Early on, Saint Jerome pointed out that: "it is praiseworthy not to visit Jerusalem but to live well for Jerusalem."[13] Even Saint Augustine, in his *Against Faustus* (*Contra Faustum*), emphasised that God is omnipresent and that He is not defined or limited by a certain location or place.[14] In the twelfth century, Honorius of Autun was against making pilgrimages since he considered that it was more pious to give money to the poor, meaning *ad pias causas*, than to spend it on travelling to some pilgrimage centre. The only pilgrimage that Honorius approved of was that done for penance in the case that a believer had committed a serious sin; he considered every other pilgrimage to be an unnecessary desire of "vagabonds" to travel.[15] The bishop of Zagreb, Augustin Kažotić (1260/1265-1323) warned of various misdeeds committed by pilgrims at kermises (church fairs), where individuals drank and fought.[16] In a letter, Amulo, the bishop of Lyon, condemned the behaviour of some pilgrims, such as, for example, the fact that relics from pilgrimages were taken by members of the lower classes, which made him doubt their authenticity. He reproached the acts of superstitious pilgrims, especially married women and girls, but also older women who occasionally fell to ground in a trance or shook erratically, thus proving the presence of a supernatural force.[17] Stephen of Bourbon expressed similar views in his 1262 work *On Superstition* (*De supersticione*).[18] The most famous critique of the cult of saints and pilgrimage was that by Abbot Gilbert of Nogent in his *On Saints and their Relics* (*De sanctis et eorum pigneribus*).[19]

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[13] *Non Hierosolymus fuisse, sed Hierosolymis bene vixisse laudandum est.* Cf. Giles Constable, "Opposition to Pilgrimage," *Studia Gratiana* 19 (1976): 126.

[14] *Ibidem.*

[15] Jacques Le Goff, *Medieval Civilization, 400-1500* (Oxford and New York: Blackwell Publishing, 1988), 135.

[16] Franjo Šanjek, *Crkva i kršćanstvo u Hrvata: srednji vijek* [Church and Christianity amongst the Croats: the Middle Ages] (Zagreb: Kršćanska sadašnjost, 1993), 358-59.

[17] See http://urban.hunter.cuny.edu/~thead/amulo.htm (last accessed: December 28, 2012), *sub voce* "A Letter of Bishop Amulo of Lyon".

[18] See Stephen of Bourbon (d. 1262), *De supersticione*, http://www.fordham.edu/halsall/source/guinefort.html (last accessed: December 28, 2012), *sub voce* "On St. Guinefort."

[19] See Guibert of Nogent, http://urban.hunter.cuny.edu/~thead/guibert.htm (last accessed: December 28, 2012), *sub voce* "On the Saints and their Relics."

By mid-fifteenth century, Ivan Česmički (Janus Pannonius, 1434-1472), a student in Ferrara and Padua, eminent Croatian humanist and member of the intellectual elite at the court of Mathias Corvinus, wrote the following verses in an epigram in which he ridiculed the pilgrimage to Rome in the jubilee year of 1450: "All rush to Rome, all of the world flow into Town, / with all of those people not a free place remains. / Will this credulity be of use to them? I do not know, / but I know that the Pope will benefit enough."[20]

One of the most influential humanists from the end of the fifteenth and the beginning of the sixteenth century, Erasmus of Rotterdam, in his *Manual for a Christian Knight*, also criticised making pilgrimages: "Is it truly such a big deal if you physically visit Jerusalem while in yourself there is Sodom, Egypt and Babylon?" and "You believe that all your sins and offences will be washed away ... by going on one small pilgrimage?"[21]

Criminal behaviour of crusaders

From the very beginning of the emergence of the Crusades,[22] meaning from the end of the eleventh century, it was necessary to reconcile theologically two basic terms related to the participants, *miles* and *peregrinus*, to justify the use of *gladius materialis* in the context of *peregrinatio*.[23] In Latin documents, the crusaders were almost regularly called *peregrini*, with *cruce signati* sometimes added. Their pilgrimage status as well as some elements that were usually connected to ordinary pilgrims, such as the pardoning of sins, were confirmed by several popes starting with Urban II, who had called for an armed pilgrimage *contra infideles* at the Council of Clermont at the end of the eleventh century. The crusaders were declared to be *milites Christi*, but their participation in the crusades was considered pilgrimage.

To view the crusaders as pilgrims and to offer them partial or complete pardon of their sins was necessary, keeping in mind their violence towards the infidels as well as against Christians. An illustrative example of the violent, even bloodthirsty, behaviour of the crusaders is that from Damietta, a Muslim town in

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[20] See Ivan Česmički (*Janus Pannonius*), Pjesme i epigrami [Poems and epigrams], in *Hrvatski latinisti*, ed. Nikola Šop, vol. 2 (Zagreb: JAZU, 1951), 319.

[21] Erasmus of Rotterdam, *The Manual for a Christian Knight* (*Enchiridion militis Christiani*), 1501. See http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle= 191 (last accessed : December 28, 2012), *sub voce*: "*Enchiridion militis Christiani*, chapter 13."

[22] On the Crusades as a special form of pilgrimage see Zoran Ladić, "Odjek pada tvrđave Accon 1291. u Hrvatskoj" [The echo of the 1291 fall of the fortress of Accon in Croatia], *Zbornik Odsjeka za povijesne znanosti Zavoda za povijesne i društvene znanosti HAZU u Zagrebu* 16 (1998): 433-56.

[23] More on the definition and medieval arguments on the crusade as pilgrimage see ibidem, 444-48.

Egypt. Its cruel conquest in November 1219 ended, according to contemporary witnesses, with the massacre of 30,000 Muslim citizens.[24]

Sometimes the Crusades entirely lost their pious orientation, defined by the religious enthusiasm to free Palestine and other countries in the Mediterranean from the infidels. This is shown in the examples when they were not used as a war against the infidels or the members of another Christian confession, but against a Catholic country or city. Zadar is an example, where the crusader army committed a serious crime in the name of certain political interests in 1202: the Christian town, devoted to the pope, was attacked and sacked.[25] The authors of chronicles state that Pope Innocent III himself condemned the conquest of Zadar. Tomas the Archdeacon reported that Zadar was conquered because its citizens were "tainted" with heresy (that of the Bosnian *krstjani*). However, the reasons which led Tomas to write about this should be seen in the broader framework of his views on the relations between Zadar and Split and by viewing him as a member of the Church hierarchy.

Criminal behaviour of groups and individuals

Superstition – a source of pilgrims' violence

Sometimes the violent and criminal behaviour of pilgrims was caused by the Church hierarchy's misunderstanding of peculiar forms of beliefs of the common people. By seeing a certain aspect of so-called common piety as an expression of superstition, the Church often came into both verbal and physical confrontation with lay believers. This was particularly emphasised in extreme cases when people, having based their belief in miracles on identifying God's intervention, insisted on creating a cult around some animal. The dog was especially popular, which derived from viewing this domestic animal as a faithful companion to men as well as to several saints (Saint Dominic, Saint Rock, Saint Eustace).

That is why, for example, the pilgrimage of believers to the tomb of a dog in the bishopric in Lyon in the first half of the thirteenth century was a cause for the conflict between illiterate common people and the learned, literate, urban lay and ecclesiastical intellectual elite. The legend related to this event states that, during the absence of Master Villars and his wife from the fort of Neuville, a large serpent attacked their young child, who slept in a cradle.[26] Guinefort, the

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[24] See Penny J. Cole, *The Preaching of the Crusades to the Holy Land, 1095-1270* (Cambridge, MA: Medieval Academy of America, 1991), 143-44.

[25] On the political activities that led the crusaders and Venetians to conquer Zadar, see Nada Klaić and Ivo Petricioli, *Zadar u srednjem vijeku do 1409* [Zadar in the Middle Ages up to 1409] (Zadar: Filozofski fakultet, 1976), 175.

[26] A detailed description of the events related to the development of the cult of the dog and the confrontation of the ecclesiastical elite with the local peasantry is presented by Stephen of Bourbon in his *De superstitione*; see http://www.fordham.edu/halsall/source/guinefort. html

master's huge greyhound, attacked the snake and defended the child. The fight between the two animals was fierce and the dog's body was covered in blood. When the master and his wife returned, they were convinced that the greyhound had attacked the child and thus they had him killed. Only when they found the dead snake did they figure out their mistake. As a sign of gratitude the master buried the dog and planted a tree over his grave. News about this event soon spread among the local peasantry. Convinced of divine intervention which had led the dog to save his master's baby, peasants began to visit the greyhound's grave, attributing martyrdom to him and calling him Saint Guinefort. Not long afterwards different miraculous healings, especially of small children, started to happen around the burial site. When the local bishop came to the place where the dog was buried, he first had to listen to the numerous witness accounts of peasants about Saint Guinefort's *post mortem* miraculous healings. Then he gave a sermon against the veneration of the cult and ordered the exhumation of the dog. This caused great discontent and led to a confrontation of the peasantry with the bishop's armed escort, which resulted in many injured people. Although in this case it was first the problem of misunderstandings between 'peasant culture' and the 'culture of the elite', this example shows the fact that the sources of pilgrims' criminality can be found in truly unusual reasons.

Robbers

While in the early and high Middle Ages the majority of pilgrims were members of the social elite who were accompanied by strong military escorts, from the later Middle Ages onwards a growing number of pilgrims from the lower strata travelled without armed entourages and were thus frequent targets for robbers. It is interesting that international gangs of robbers were often organised by former pilgrims. There was a well-known gang of Poles, Hungarians, and Italians which operated for several years in North Italy, especially around Venice and Florence, until they were caught and decapitated.[27]

However, not even high secular and ecclesiastical dignitaries were spared by gangs of robbers or false pilgrims. For example, in 861, the Benedictine monk Meinrad was murdered while on the famous pilgrimage to Einsiedeln in today's Switzerland. He was killed while attempting to prevent the theft of relics and pilgrims' gifts by a false pilgrim gang that operated in the Zurich area.[28]

(last accessed: December 28, 2012), *sub voce* "On St. Guinefort." See also Jean-Claude Schmitt, *The Holy Greyhound. Guinefort, Healer of Children since the Thirteenth Century* (Cambridge: Cambridge University Press, 1983).

[27] Geremek, "The Marginal Man," 360-61.

[28] See http://www.heiligenlexikon.de/BiographienM/Meinrad_von_Einsiedeln.htm (last accessed: December 28, 2012), *sub voce* "Meinrad (Meginrad) von Einsiedeln (von der Reichenau)".

Some of such robbers were especially trained for certain areas of work. They usually mingled with pilgrims around centres that had churches holding saints' relics and reliquaries, which brought high prices on the market and were often the targets of criminal action. Bronislaw Geremek mentions such a robber named Marcinko.[29] One night, with the help of peasant accomplices from the surroundings of Wrocław, he broke into four village churches and stole money, treasures, and some relics, but was discovered in the last church and apprehended by the local villagers "with the miraculous help of saints."[30] He was sentenced to death and burned at the stake in 1454.

Soldiers under the guise of more or less legal war actions also stole relics. In Croatian narrative and hagiographic sources, such cases are mentioned several times. One of the best known is the theft of the relics of Trogir's city patron, Saint John Orsini. During the second destruction of Trogir by the Venetians in 1171, the bishop's right hand with an expensive ring on it was ripped from the saint's body and taken to Venice. According to the thirteenth-century legend, the hand was "miraculously returned" to Trogir on the eve of his feast day, November 14[31] (see the saint's hand reliquary in fig. 1).

Under the guise of pilgrimage many robbers travelled to distant countries and organised themselves in gangs along with members of the local underworld. Florentine criminal dossiers mention a Pole who came to Italy as a pilgrim and joined local robbers there, including other Poles and Hungarians.[32] The gang operated in the area of Florence, Venice, Siena, and Rome; they robbed clergymen, innkeepers, and pilgrims, even peasants. The Pole was finally apprehended in Florence, where he was charged and hanged.

Dealers in false relics

The trade in saints' relics (body parts, bones, blood, tears, personal belongings such as, for example, clothes, footwear, capes, rings, etc.), which were believed to possess supernatural powers of healing or serve as a medium towards God, was a gainful and widespread activity, especially from the late Middle Ages onwards, when a growing number of customers appeared amongst both magnates and pilgrims of more modest material status.[33] An incentive to the trade of relics was also the fact that the Church and urban centres, which possessed large numbers of relics of extraordinary value, often became powerful

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[29] Geremek, "The Marginal Man," 360.

[30] *Ibidem: Miraculose sanctis cooperatibus detentus et captus fuit non potens sacras res deportare.*

[31] Milan Ivanišević, "Život svetog Ivana Trogirskog" [The Life of Saint John of Trogir], in *Legende i kronike*, ed. Vedran Gligo *et al.* (Split: Čakavski sabor, 1977), 82.

[32] Geremek, "The Marginal Man," 361.

[33] See Ronald C. Finucane, *Miracles and Pilgrims. Popular Believes in Medieval England* (New York: Palgrave Macmillan, 1995).

economic centres exactly because of possessing such relics.[34] These reliquaries held the body parts of saints and saintly patrons, that is, the main protectors and spokesman of certain communes before God.

Fig. 1: Gothic hand reliquaries of Saint John of Trogir. The left hand was made by the goldsmith Master Emerik Cregnich of Zadar in 1399, and the right hand by an unknown Venetian goldsmith in the period between 1270 and 1280. Reliquaries of smaller dimensions were often the targets of relic thieves, organised by former pilgrims, not only because of the contents of the reliquaries but also for the gold and precious stone ornaments.

A widespread market for relics, especially in the large centres such as Rome, Jerusalem, and Santiago de Compostela, influenced the emergence of false, unauthentic, relics, which were sold by local dupers or professional dealers. Since this business was lucrative, it is no surprise that occasionally several heads of Saint John or litres of Christ's blood appeared on the European market.[35]

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[34] See Esther Cohen, "Roads and Pilgrimage: A Study in Economic Interaction," *Studi Medievali* 21 (1980): 321-41.

[35] On the traffic of false relics see Patrick J. Geary, Furta Sacra: *Thefts of Relics in the Central Middle Ages* (Princeton: Princeton University Press, 1978).

The sale of false relics was noted in the sources already in the early Middle Ages, which soon led to developing ways to identify false relics. One such example is mentioned by Bishop Amulo of Lyon Amulo in the mid-ninth century.[36] In a letter addressed to Bishop Teobold, he warns him to be cautious in buying relics, since Teobald had evidently bought relics from two men claiming to be monks who said that they had acquired some relics during their pilgrimage to Rome: bones of saints whom they could not name. Amulo warns against purchasing relics of which neither the provenience nor the saint's name are known. Likewise, he emphasised that it was important to investigate the evidence for the origin of the relics, especially when they were bought from people of dubious status and lower social origins. Several centuries later, also keeping in mind the dangers of selling false relics, Saint Dominic supported the decrees of the constitutions of the Paris bishop's synod of 1212 and the Rouen synod of 1213, according to which laymen and priests of suspicious background and "questionable class" were not allowed to display saints' relics to believers since they were often not authentic and caused confusion.[37] From this, one can conclude that simultaneously with the theologians' works in which they openly criticised the practice of pilgrimages as an expression of superstition and ignorance, certain members of the ecclesiastical hierarchy openly stated their views against ungrounded beliefs in the authenticity of some relics or the justification for the veneration of certain saints.

Prostitution

One of the basic characteristics of prostitution in the Middle Ages was the limitation of this profession mostly to larger urban areas where the persons who were engaged in the business could stay partially anonymous or go unnoticed in the crowds of residents or visitors.[38] However, precisely these areas were often more important than the pilgrimage sites, since economic and population growth of many medieval cities depended on their transformation into relevant centres on regional or international pilgrim routes. But the prostitutes were not only found in seamy city quarters on busy roads. Occasionally they were encountered in inns, by mills, and in almshouses located on the widespread network of pilgrim routes. Due to the nature of their work it was especially important for prostitutes to know the calendar of feasts of local as well as regional and international saints and also those of the patrons of parishes, cities, and states. There is no doubt that they knew rather well that in times of the celebration of some patron at a certain place, especially during the jubilee years in Rome, a

[36] The description which follows is based on http://urban.hunter.cuny.edu/ ~thead/amulo.htm (last accessed: December 28, 2012) *sub voce* "A letter of Bishop Amulo of Lyon".

[37] See http://www.domcentral.org/trad/domwork/domwork16.htm (last access: December 28, 2012) *sub voce* "The Plight of Preaching in the Twelfth Century, by Reginald Ladner, O. P."

[38] On medieval prostitution see, for example: Geremek, "The Marginal Man," 364-66.

great number of pilgrims would gather, locals as well as foreigners.[39] With the fact that Jubilee years were especially supported by the Roman ecclesiastical hierarchy,[40] there is no doubt that even members of the secular social layers profited from them, even those on the margins of society, for example, the prostitutes whose work and financial profit increased in those years. Of course, the owners of brothels in larger cities such as Rome, Venice or Bologna also saw financial gain. Regardless of the religious or pious motives for making a pilgrimage, pilgrims often used the services of prostitutes.

Fights and confrontations amongst pilgrims

In the pilgrim centres, especially those of primary significance such as Rome, Santiago de Compostela, and Jerusalem, a crowd of people gathered, many of whom were physically or mentally ill, exhausted from long travel, hungry, or inclined towards aggression towards others. Besides the 'true' pilgrims, there were conmen, thieves, and other criminals hiding in the crowds. Thus, it is no wonder that during these large religious gatherings there were confrontations between certain groups of pilgrims based on mutual misunderstanding and cultural differences, even an affiliation to a particular nation (an example is mentioned of a fight in which *Hungari, Teutonici, Italici, Angli* and others participated). Conflicts even arose between members of the same ethnic group, often from personal animosity between individuals. One interesting case of this type is described in the *Book of Miracles of Saint Vitus* (*Liber miraculorum sancti Viti*) from Brdovec, whose parish priests carefully noted every event that occurred at this locally important pilgrimage centre of Saint Vitus and Saint Barbara in the period between 1677 and 1779.[41] There, the case of two young men from Cesarsko is mentioned "who were mortal enemies" and every time they saw each other in the same place a fight to the death

[39] The first Jubilee year of 1300 was announced by Pope Boniface VIII and afterwards it was announced every fifty, and then thirty-three, and finally twenty-five years. According to some estimations from the South German provinces alone during the jubilee years 10,000 believers made pilgrimages to Rome. On the influence of announcing Jubilee years on the increase of the number of pilgrims to Rome in general, see Ludwig Schmugge, "Deutsche Pilger in Italien," in *Kommunikation und Mobilität im Mittelalter. Begegnungen zwischen dem Süden und der Mitte Europas (11.-14. Jahrhundert)*, ed. Siegfried de Rachewiltz and Josef Riedmann (Sigmaringen: Thorbecke, 1995), 104-09. See also idem, "Kollektive und individuelle Motivstrukturen im mittelalterlichen Pilgerwesen," in *Migration in der Feudalgesellschaft*, ed. Gerhard Jaritz and Albert Müller (Frankfurt and New York: Campus, 1988), 266-67, 272-73, 275-76.

[40] Although the Church considered prostitution morally wrong, even some theological authorities, for example Saint Augustine, were against the prohibition of prostitution since such a ban would have caused chaos in society and ever- increasing lust and desire among believers. See Schmugge, "Kollektive und individuelle Motivstrukturen," 266-67, 272-73, 275-76.

[41] A microfilm of the source can be found in: Hrvatski državni arhiv [Croatian State Archive], roll M-23, I. 34/23.

commenced.[42] The fight was usually started by only one of them. However, as the parish priest described further, it had happened that on one occasion they met in a dell. When the "righteous" young man saw the "wrong" one, he was frightened that he would be killed and commended himself to Saint Barbara. A miracle occurred and the bad man, as if blind, passed by the good one. Not long after, the bad man was finally punished since someone shot him with a fire arm. As a sign of gratitude, the good man brought a votive gift to Saint Barbara.

Vagabonds and adventurers

Especially in the early Middle Ages when mobility was rather a privilege for a narrow circle of people, that is, the ecclesiastical and secular elite,[43] and travelling motivated on pilgrimage was only beginning, travellers from other social groups were often considered to be vagabonds and adventurers. Both the theological and lay authorities held the view that any mobility of the members of the lower social classes represented a potential danger to the general stability of society. This was especially emphasised in Charlemagne's legislative regulations, where a general deep suspicion towards such groups or individuals can be felt. Even pilgrims were placed in these categories, as the decrees of a Frankish Church assembly held in 789 testify.[44] One of the postulates of this assembly was that it would be better for a person who had committed some sort of crime to be held in one place and to serve his penance by working, serving, and doing penance there then to travel around from one pilgrimage centre to another. Due to the appearance of numerous vagabonds and adventurers, considered to be a negative result of making pilgrimages, the Church also insisted in later centuries on a firm pilgrimage organisation, even using the term *stabilitas in peregrinetione*. However, despite the constant tendency, especially of the ecclesiastical hierarchy, to place pilgrims under the tight surveillance of the ecclesiastical powers, a vast increase in the number of pilgrims by the end of the Middle Ages resulted in precisely the opposite effect, that is, an increase of social instability that was partly due to the contradictory policies of the Church itself, such as declaring Jubilee years and handing out certificates of pilgrim status. One cause of such instability were the vagabonds and adventurers, who stood out from the groups of pious believers and served as examples of criminal behaviour.

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[42] *Ibidem*, fol. 3'.

[43] See Zoran Ladić, "Ponukani pobožnošću i znatiželjom. O kasnosrednjevjekovnim rapskim hodočasnicima" (Motivated by piety and curiosity. On the late medieval pilgrimages from Rab), *Kolo* 4 (2006): 262-71.

[44] See http://www.newadvent.org/cathen/03349c.htm (last accessed: December 28, 2012), *sub voce* "Carolingian Schools".

Conclusion

During the Middle Ages and the Early Modern period, two separate views of *peregrinatio* and *peregrinus* existed simultaneously. Certain theological writers defined the term 'pilgrimage' as only a temporary residence of believers on earth while on their way towards the ultimate goal – meeting God. Benedictine monks held a high regard for such a type of pilgrimage practice, which might also be called an 'inner' or 'introspective' pilgrimage filled with moral, pious, and ethical contemplation. The main characteristic of this *peregrinatio in stabilitate* was to avoid the excessive veneration of saints and to avoid mobility of believers from every class – with the goal of approaching God through meditation and contemplation within the monastery walls and maintaining social stability. These theological authorities also found the justification for their standpoint *contra peregrinationem* in superstition, the unjustified creation of cults, the veneration of unascertained saints, the immoral behaviour of some pilgrims, and different forms of criminal behaviour like robbery, prostitution, fighting, and drunkenness. Still, most of the medieval and early modern sources, especially those of lay provenance (testaments, travelogues, etc.), clearly show the popularity of pilgrimages.

However, criminality was an omnipresent occurrence amongst pilgrims, and in places of large gatherings of people there was always the possibility that conflicts or fights might arise. In addition, hiding behind a mask of pilgrimage there were often people who belonged to local or 'international' gangs. Any form of adventurism or vagrancy was also considered criminal behaviour and a potential threat to the stability of the social order. Certain professions, such as the trafficking of false relics or prostitution were likewise seen as such. However, while on the one hand the Church condemned such deviant behaviour by pilgrims and at certain synods tried to limit the number of pilgrimages, on the other hand the same Church, especially after the proclamation of the first Jubilee year in 1300, actually gave the strongest push: not only to pilgrimages towards international centres (such as Santiago de Compostela, Rome, Jerusalem, Assisi, Saint Catherine's on Mount Sinai), but also towards those with a more local or regional importance (Aachen, Canterbury, Mariazell, Bari, etc.). As the reason for the Church taking such a standpoint one must mainly see the financial gain. Practically, and especially from the beginning of the fourteenth century, pilgrimages – travel of pious people as well as of those with criminal intent – speeded up the process of mobility among the European population, of men and women equally.

(Translated by Kosana Jovanović)

AT THE EDGE OF THE LAW

MEDIUM AEVUM QUOTIDIANUM

SONDERBAND XXVIII

At the Edge of the Law:

Socially Unacceptable and Illegal Behaviour in the Middle Ages and the Early Modern Period

Edited by

Suzana Miljan

and

Gerhard Jaritz

Krems 2012

MIT UNTERSTÜTZUNG

DER ABTEILUNG KULTUR UND WISSENSCHAFT DES AMTES DER

NIEDERÖSTERREICHISCHEN LANDESREGIERUNG

KULTUR
NIEDERÖSTERREICH

Copy editor: Judith Rasson

Cover illustration:
Iustitia: St Michael and the Virgin Mary
Pembroke College, Cambridge
(Photo: Mirko Sardelić)

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– ISBN 978-3-901094-30-X

Herausgeber: Medium Aevum Quotidianum. Gesellschaft zur Erforschung der materiellen Kultur des Mittelalters, Körnermarkt 13, 3500 Krems, Österreich. Für den Inhalt verantwortlich zeichnen die Autoren, ohne deren ausdrückliche Zustimmung jeglicher Nachdruck, auch in Auszügen, nicht gestattet ist.
Druck: KOPITU Ges. m. b. H., Wiedner Hauptstraße 8-10, 1050 Wien.

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Preface

This publication contains selected papers from a conference held in Zagreb (Centre for Croatian Studies, University of Zagreb) in 2009, dealing with the medieval and early modern period, and translated into English for this purpose.* The main goal was to gather papers on a topic that has not been researched enough amongst Croatian historians, that is, the socially unacceptable and illegal behaviour of individuals who were "walking at the edge of the law." The general idea was also to present various research questions at the intersection of social and legal history, from the problem of feuding in medieval society to the various types of delinquency by pilgrims. The emphasis was put on the Croatian territory in the Middle Ages (from Slavonia to Istria and Dalmatia) and set in a broader (East) Central European context. The articles follow a chronological sequence, starting from the High Middle Ages, with a particular focus on the late medieval and early modern period.

The first paper is by Damir Karbić, who deals with the use of violence as a means of obtaining justice and re-establishing order, which was one of the peculiarities of the medieval legal system when compared with Roman law. After presenting different cases of feuds in Croatian sources, he discusses, how medieval communal legislation treated feuds as a separate legal institute, using the example of the city statutes of Split.

Marija Karbić concentrates on the ways in which women from the medieval urban settlements of the Sava and Drava *interamnium* came into conflict with the law by various criminal actions, from insults or brawls to abortion and murder. She connects those problems with the economic situation of these women, basing the analysis mainly on theft and prostitution cases. The women were sometimes punished severely, but sometimes pardoned or punished minimally.

The problem of gambling along the eastern Adriatic coast is the research subject of Sabine Florence Fabijanec. She analyses the urban statutory regulations stretching from the thirteenth to the sixteenth century. She deals with the adoption of legal provisions against gambling and shows the diversity of approach to gambling from city to city.

Gerhard Jaritz analyses the interdependence between late medieval material culture, human behaviour, religious discourse, and legal culture using the example of actions connected with *superbia* that played a role in public

* The Croation version of the conference proceedings is published as Suzana Miljan (ed.), *Na rubu zakona: društveno i pravno neprihvatljiva ponašanja kroz povijest*, Biblioteka *Dies historiae*, vol. 3 (Zagreb: Hrvatski studiji, 2009).

urban arguments. The secular authorities emphasized moral, national, and religious components, highlighting the necessity of averting God's wrath.

The perception of the behaviour of pilgrims is the topic of Zoran Ladić's contribution. He shows, in contrast to the idealized vision of pilgrimages and pilgrims, that pilgrimages made by average medieval or early modern believers were also considered superstition and that the pilgrims often engaged in fights, robberies, prostitution, and other forms of delinquent behaviour.

Paul Freedman offers an article on late medieval and early modern public acts of torture and execution, which were carefully choreographed events whose solemnity and meticulous preparation made the infliction of mutilation and death horrifyingly impressive. He also concentrates on the various *topoi* of peasant rebellion as described by literate contemporaries, such as rape, murder, cannibalism, the roasting of victims, and so on.

Lovorka Čoralić deals with Croats accused in the records of the Venetian Inquisition. Four types of accusation can be recognized: conversion to Islam, Protestantism, the use of magic, and conduct considered improper for clergymen (priests and other members of religious orders).

The last article is by Slaven Bertoša, dealing with poor social conditions in Istria in the early modern period that led to hunger, poverty, depopulation, and general insecurity, which in turn provoked dangerous behaviour, robbery, and murder. Capital crimes were under the jurisdiction of the *Potestà* and Captain of Koper or, respectively, the Captain of Rašpor with his seat in Buzet. The village communities were also starting to organize themselves by introducing patrols, although in a modest way.

The collection of articles tries to popularise the topics for one plain purpose, that is, to erase the border between history and legal studies, since until now one cannot actually speak of "interdisciplinarity," but only of looking at many research problems from various reference points. Hopefully, this volume will be useful not only for historians dealing with this poorly researched topic of (Croatian) historiography, but also for a wider public generally interested in the functioning of the legal and social system in the past.

Finally, my special gratitude goes to Judith Rasson for copy editing the volume and to Gerhard Jaritz for offering the opportunity to publish it as a special issue of *Medium Aevum Quotidianum*, thus promoting this research on an international level.

Suzana Miljan