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Exile in the Post-Roman Successor States, 439 – c.650

Harold Eric Mawdsley

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Department of History
Faculty of Arts and Humanities
University of Sheffield

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Abstract

This thesis constitutes the first sustained attempt to examine the penalty of exile in the post-Roman west during the fifth, sixth, and early seventh centuries. Exile had long been a punishment under Roman Law and was frequently imposed in the various polities that replaced the Western Roman Empire. Previous scholarship that has discussed the topic of exile has generally taken a biographical approach, focussing on the impact of the penalty upon specific individuals' lives, careers, and literary outputs. By contrast, this thesis keeps the subject of exile at the heart of the analysis and looks more closely at the broader legal, political, and social realities of the punishment.

One of the central questions that this thesis addresses is why post-Roman kings banished their subjects, arguing that exile's flexibility and, in particular, its capacity to remove individuals from the political sphere without bloodshed gave the penalty considerable utility. In addition, this thesis looks at the legal aspects of exile, reconstructing the ways in which legislators discussed the penalty in their laws and judges imposed it 'on the ground'. In doing so, this thesis establishes that there was a high degree of consistency between the theory and practice of exile, whilst at the same time demonstrating that the penalty was often pragmatically adjusted to suit contemporary circumstances. This thesis also examines the lives of the banished to determine the extent to which their experiences corresponded with what the authorities wanted them to suffer. It contends that, although exile proved effective as a judicial punishment and political tool, the penalty was rather less useful as an instrument of religious coercion. Ultimately, by establishing the whys and wherefores of exile through a systematic analysis of the legal and literary evidence, this thesis demonstrates the significance of the penalty to the legal, political, and religious histories of the post-Roman successor states.

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Abbreviations

Brev. = *Breviarium Alarici*

Cass., *Var.* = Cassiodorus, *Variae*

CCSL = Corpus Christianorum Series Latina

Chron. Fred. = *Chronicarum quae dicuntur Fredegarii libri quatuor*

CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum

CTh = *Codex Theodosianus*

Dig. = *Digesta*

Edict. Theod. = *Edictum Theodorici Regis*

Ep. Wisi. = *Epistolae Wisigothicae*

Fulg., *Ep.* = Fulgentius, *Epistulae*

Greg. Tur., *Hist.* = Gregorius Turonensis, *Libri historiarum X*

Greg. Tur., *Glor. Mart.* = Gregorius Turonensis, *Liber in Gloria martyrum*

Handley = Handley, M., *Dying on foreign shores: travel and mobility in the late antique West*, Journal of Roman Archaeology Supplementary Series 86 (Portsmouth RI, 2011)

IFHA = *Revue de l'Institut Français d'Histoire en Allemagne*

Ioa. Mal., *Chron.* = Ioannes Malalas, *Chronographia*

Ioh. Bicl., *Chron.* = Iohannes Biclarensis, *Chronicon*

Iord., *Get.* = Iordanes, *Getica*

Isid., *Hist.* = Isidorus Hispalensis, *Historia*

Just., *Nov.* = Justinianus, *Novellae*

Lat. Reg. Vand. et Alan. (Aug.) = *Laterculus Regum Vandalorum et Alanorum (Augiensis)*

Lex Vis. = *Lex Visigothorum*

LHF = *Liber Historiae Francorum*

Lib. Pont. = *Liber Pontificalis*

LRB = *Leges Romana Burgundionum*

Marc. com., *Chron.* = Marcellinus comes, *Chronicon*

MGH = Monumenta Germaniae Historica

- Auct. Ant. = Auctores antiquissimi
- Capit. = Capitularia regum Francorum
- Epp. = Epistolae (in Quart)
- Gesta pont. Rom. = Gesta pontificum Romanorum
- LL = Leges
- LL nat. Germ. = Leges nationum Germanicarum
- SS rer. Lang. = Scriptores rerum Langobardicarum et Italicarum
- SS rer. Merov. = Scriptores rerum Merovingicarum

N. Just. = Novellae Justiniani

Paul. Sent. = Pauli Sententiarum

PCBE = Prosopographie chrétienne du Bas-Empire

PL = Patrologia latina

PLRE = Prosopography of the Later Roman Empire

PLS = Pactus Legis Salicae

Proc., De Bell. = Procopius, De Bellis

Prosp., Chron. = Prosper Tiro, Chronicon

SC = Sources Chrétiennes

Sid. Apoll., Ep. = Sidonius Apollinaris, Epistulae

Sise., Vita Des. = Sisebutus, Vita Desiderii episcopi Viennensis

Theod. Ep. = Theodoret, Epistulae

Theod. II, Nov. = Theodosianus II, Novellae

Val. III, Nov. = Valentinianus III, Novellae

Vic. Tun., Chron. = Victoris Tonnennensis, Chronicon

Vic. Vit., HP = Victor Vitensis, Historia persecutionis Africanae provinciae sub Geiserico et Hunrico regibus Wandalorum

Vita Apoll. = Vita Apollinaris episcopi Valentinensis

Vitae Caes. = Vitae Caesarii episcopi Arelatensis libri duo

Vita Fulg. = Vita Fulgentii

VPE = Vitas Patrum Emeritensium

Introduction

Sometime in 585/6, a rather heated exchange was said to have occurred between Bishop Praetextatus of Rouen and the recently-widowed Queen Fredegund. Their mutual hatred had begun in the previous decade, when Praetextatus had been convicted of conspiring against Fredegund's husband, King Chilperic I (r. 561-584).¹ For that crime, Praetextatus had been deposed from his see and exiled to an island near the city of Coutances, probably Jersey. Seven years later, Praetextatus, who had whiled away the days composing prayers of dubious quality,² took advantage of the chaos that followed in the wake of Chilperic's assassination to escape his island confines.³ After securing his formal restoration to his bishopric from Chilperic's brother Guntram (r. 561-592), Praetextatus returned to Rouen and resumed his episcopal duties. In an ironic twist, his *bête noire* Fredegund had also been sent to the *civitas* of Rouen by Guntram to languish in the political wilderness after her husband's death.⁴ Doubtless resenting this reversal of fortunes, Fredegund threatened the bishop that someday he would have to return to his place of exile. Praetextatus was unmoved and retorted:

‘In exile and out of exile I have always been a bishop, but you will not always enjoy royal power. With God's help I myself have come back from exile and have returned to my diocese; but when you give up your role as queen you will be plunged into the abyss’.⁵

¹ Gregorius Turonensis, *Libri historiarum X* 5.18, MGH SS rer. Merov 1.1, pp.216-23.

² *Ibid.* 8.20, p.387.

³ *Ibid.* 7.16, pp.337-8.

⁴ *Ibid.* 7.19, pp.338-9.

⁵ *Ibid.* 8.31, p.397: *Ego semper et in exilio et extra exilium episcopus fui, sum et ero; nam tu non semper regalem potentiam perfrueres [sic]. Nos ab exilio provehimur, tribuente Deo, in regnum; tu vero ab hoc regno demergeris in abyssum.* Translation by Lewis Thorpe, *Gregory of Tours: The History of the Franks* (London, 1974), p.462.

Praetextatus' words cut deep and Fredegund went away plotting her revenge. The moment came on the morning of 24 February 586, when Praetextatus was knifed by an assassin while performing the holy offices in his church.⁶ Carried into his cell by his followers, he was visited on his deathbed by Fredegund who expressed her horror that such a crime had been committed. Praetextatus, however, saw through her insincerity and accused her of organising the whole affair, before proclaiming that she would face divine retribution after his passing. With this prophecy ringing in her ears, Fredegund left the bishop, who finally succumbed to his wounds.

These dramatic events were reported by Bishop Gregory of Tours in his monumental *Ten Books of Histories*. Taken in isolation and at face value, the episode would seem to demonstrate that exile was a thoroughly ineffectual sanction. Not only was Praetextatus able to escape from banishment without facing any reprisals, but he also claimed that the penalty had failed to diminish his status – in his own words, or rather those that Gregory gives him, he remained a bishop 'in and out of exile'. Little wonder, then, that Fredegund eventually resorted to the assassin's blade, which by comparison seems a far more certain method of dealing with one's enemies. And yet, the penalty of exile was imposed the length and breadth of the post-Roman west against hundreds if not thousands of individuals, and perhaps most of all against bishops like Praetextatus.⁷

In this thesis, I will explore the reasons why kings in the fifth, sixth, and early seventh centuries banished so many of their subjects. I will look at the legal aspects of the penalty, reconstructing the ways in which legislators discussed exile in their laws and judges imposed it in practice. In addition, I will examine the lives of those who were subjected to the penalty to determine the extent to which their experiences corresponded with what the authorities

⁶ Greg. Tur., *Hist.* 8.31, p.398.

⁷ See below, section 2.3.

wanted them to suffer. In short, I will establish the whys and wherefores of exile through a systematic analysis of the legal and literary evidence. In doing so, I will demonstrate that, from the perspective of the authorities, exile was a far more useful and effective punishment than we might otherwise surmise from focusing upon single cases such as that of Praetextatus.

Definitions and Boundaries

Exile is a slippery term. In its most basic sense, it refers to someone who has been compelled to leave their homeland. Consequently, the phrase ‘going into exile’ can feasibly refer to any form of forced movement, whether intentionally inflicted by the state or that which was the product of more incidental factors, such as displacement caused by natural disasters, warfare, or regime change.⁸ Indeed, in the contemporary world the term ‘exile’ is most frequently used to describe persons who have fled from their own country in the face of political or religious persecution.

In the late antique and early medieval periods, exile, or to give its Latin referent, *ex(s)ilium*, was a similarly broad concept. As Isidore of Seville rather unhelpfully puts it in his *Etymologiae*, an etymological encyclopaedia written sometime in the early seventh century, ‘Exile (*exilium*) is so-called as if it were “outside the country” (*extra solum*), for someone who is outside the country is called an “exile” (*exul*)’.⁹ In other words, for Isidore, it was the state of being in another land, rather than the circumstances that had caused it, that ultimately made one an ‘exile’.

⁸ See, for example, the definitions of exile provided by the online Oxford English Dictionary: <http://www.oed.com/view/Entry/66231?rskey=y8GjbO&result=1#eid> (last accessed 27/11/2018).

⁹ Isidorus Hispalensis, *Etymologiae* 5.xxvii.28, W.M. Lindsay, *Isidori Hispalensis episcopi Etymologiarum sive Originvm libri XX Vol. 1* (Oxford, 1911): *exilium dictum quasi extra solum. Nam exul dicitur qui extra solum est.* On the *Etymologiae*, see Stephen A. Barney *et al.*, *The Etymologies of Isidore of Seville* (Cambridge, 2006), pp.3-28.

In this thesis, however, I will adopt a narrower definition of the phenomenon and concentrate solely upon forms of exile that were directly imposed by the authorities, especially those which were intended to serve as punishments. Accordingly, refugees fleeing invasion or warfare generally fall beyond the scope of my project unless there are specific reasons for thinking they had been singled out for forcible ejection by invading powers, as was the case for a number of aristocrats and clerics in North Africa following the Vandal conquest of the 430s.¹⁰ Similarly, fugitives who fled to neighbouring states to escape justice and ascetics who went into self-imposed exile (or *peregrinatio*) in order to bring themselves closer to God are excluded, even though both groups might be described as *exules* by contemporary authors.¹¹

On the other hand, I have decided to include some persons within my study who might more readily be described as prisoners rather than as exiles. It must be pointed out, however, that even in the modern world the boundary between exile and imprisonment has been, and continues to be, somewhat blurred. Consider, for instance, the millions of individuals in the Soviet Union who were sent to gulags in Siberia; clearly, they were subjected to a form of internal exile, in the sense that they were forcibly transported to remote regions within their country, but once there they were also held in custody in prison camps. It is equally difficult to differentiate neatly between exile and imprisonment during the ancient and early medieval periods, as offenders were likewise banished to specific locations, including places such as fortresses, palaces, and other residences or institutions that restricted their movements much as modern prisons.¹² Indeed, in the Roman world the penalty of exile performed some of the same functions as custodial imprisonment performs today; it too was

¹⁰ See below, section 3.2.

¹¹ On *peregrinatio*, see T. M. Charles-Edwards, 'The social background to Irish *peregrinatio*', in Jonathan M. Wooding (ed.), *The Otherworld Voyage in Early Irish Literature: An Anthology of Criticism* (Dublin, 2000), pp.94-108.

¹² See below, section 2.4.

enacted to neutralise the danger posed by offenders as well as to punish them (and to serve as a deterrent to other would-be criminals) by removing them from their social networks, disrupting their usual routines and patterns of behaviour, and denying them some of the physical comforts to which they were accustomed.¹³ Of course, it could be said that sentences of exile, unlike terms of modern imprisonment, were not predicated on notions of rehabilitative justice. Nor, when they involved a custodial element, did they place offenders in an institution that was specifically designed to discipline their ‘souls’ through a regimented programme of activities, as described by Michel Foucault in his seminal work on the development of the modern prison.¹⁴ However, as Julia Hillner has recently pointed out, even these supposed differences between exile and modern imprisonment may have become less marked over the course of the late antique period with the emergence and proliferation of the practice of banishing offenders to monasteries.¹⁵ From both a practical and conceptual point of view it is therefore difficult to draw a hard and fast line between exile and imprisonment, especially in late antiquity. In consequence, I will adopt a definition of punitive exile that includes all instances in which offenders were sent from or to specific locations, regardless of whether or not they were also subjected to further spatial restrictions.

As for the chronological and geographical constraints of my study, I will be focussing upon the various kingdoms that replaced the Western Roman Empire over the course of the fifth century.¹⁶ More specifically, I have chosen 439 as a starting date, as that year marked

¹³ On the ‘penology’ of exile in the Roman world, see E. Rocovich, ‘Exile in Roman Life and Thought from Augustus to Constantine’, Unpublished PhD Thesis (2004), University of North Carolina at Chapel Hill, pp.168-78; Frank Stini, *Plenum exiliis mare. Untersuchungen zum Exil in der römischen Kaiserzeit* (Stuttgart, 2011), *passim*; and Daniel Washburn, *Banishment in the later Roman Empire, 284-476 CE* (New York, 2013), esp. pp.35-40.

¹⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison* translated from the French by Alan Sheridan (London, 1991).

¹⁵ Julia Hillner, *Prison, Punishment and Penance in Late Antiquity* (New York, 2015).

¹⁶ For historical surveys of the collapse of the Western Roman Empire and the establishment of the post-Roman successor states during the fifth and sixth centuries, see Guy Halsall, *Barbarian migrations and the Roman West, 376-568* (Cambridge, 2007) and Peter J. Heather, *The Fall of the Roman Empire: A New History of Rome and the Barbarians* (Oxford, 2007).

the Vandal conquest of Carthage and with it the creation of the first sovereign kingdom on Roman soil.¹⁷ By the turn of the sixth century, Vandal Africa had been joined by a multitude of other independent polities, of which the most significant were Merovingian Gaul, Ostrogothic Italy, Visigothic Gaul and later Spain, and Burgundian Gaul. It should be acknowledged that not all of these kingdoms survived to the end of my period of study: Vandal Africa and Ostrogothic Italy were (re)conquered by the Eastern or Byzantine Empire in the second quarter of the sixth century, whilst in the same period Burgundian Gaul was annexed by the Franks. In addition, a new kingdom emerged in the post-Roman west in 568: Lombard Italy. Instead of using loaded adjectives such as ‘barbarian’ or ‘Germanic’ to describe them, I will refer to such polities collectively as the post-Roman kingdoms or successor states and to the entire region as the post-Roman west. I will cover exile both within and without these kingdoms, even if the exiles concerned ended up in areas that otherwise lie outside of my geographical boundaries, such as individuals who moved from the west to the eastern Mediterranean. On the other hand, I will not be including any exiles who arrived in the west from the east, nor will I discuss the application of exile in Byzantine Italy or North Africa, which has received treatment elsewhere.¹⁸ Lastly, I will not be covering exile in the British-Irish Isles, given the dearth of contemporary sources that were written there during my period of study and the somewhat different nature of post-Roman developments in that region.¹⁹

¹⁷ After crossing over to Africa in 429, the Vandals had eventually been settled as federates in the province of Numidia through a treaty with the Western Empire in 435. However, the polity established in 439 represented something else entirely: an independent kingdom, whose sovereignty was eventually recognised by the Western Empire in another treaty, signed in 442. See Andrew H. Merrills and Richard Miles, *The Vandals* (Oxford, 2010), pp.60-6.

¹⁸ Exile in the Byzantine Empire has been discussed by Hillner, *Prison*, pp.194-241; Margarita Vallejo Girvés, ‘Desterrados en Constantinopla (ss. V-VIII): Insularidades y ámbitos monásticos’ in Encarnación Motos Guirao (ed.), *Constantinopla, 550 años de su caída. Constantinopla bizantina* (Granada, 2006), pp.185-96; and *idem*, ‘Obispos exiliados y confinados en monasterios en época protobizantina’, *Antigüedad y cristianismo* 21 (2004), pp.511-24.

¹⁹ The evidence of exile in the British-Irish Isles is somewhat complicated by the Irish phenomenon of *peregrinatio*; see Charles-Edwards, ‘Background’, pp.94-108.

It is less easy to pin down a suitable end date. In an ideal world, I would have continued my analysis down to Charlemagne's conquest of Lombard Italy in 774, as this marked the destruction of the last kingdom to feature in this study (Visigothic Spain having been conquered by the Arabs in 711, and Merovingian Gaul having been transformed into the Carolingian kingdom in 751). However, that would have compelled me to discuss some three hundred years of history and made my thesis prohibitively long in the process. Instead, I have decided to draw my analysis to a close in the middle years of the seventh century, with the publication of the *Visigothic Code* in 654 representing a convenient chronological terminus.²⁰ This span of time allows me to draw upon a sufficiently wide range of sources to arrive at meaningful conclusions. Nevertheless, where I believe that evidence of a slightly later date is germane to the discussion, I will not shy away from incorporating it within my analysis. In doing so, I will be able to give some indication of how the application of exile continued to develop beyond the mid-seventh century as the imperial legacy on the west became progressively weaker.

Finally, a brief word on terminology. In general, I employ 'exile' and 'banishment' interchangeably to cover all forms of punitive forced movement described by contemporary authors. Other terms have been used more selectively. For example, I refer to 'relegation' and 'deportation' only when I am discussing or translating sources that use their Latin equivalents, *relegatio* and *deportatio*. Similarly, I have employed 'expulsion' to describe cases where offenders were ejected from a city or region but not sent to a specific location, a concept which in Latin was typically expressed through the verbs *pello* or *expello* in their passive forms.

²⁰ On the form of the *Visigothic Code*, the dates of its initial publication and subsequent reissues, and the various debates surrounding the work, see Roger Collins, *Visigothic Spain 409-711* (Oxford, 2004), pp.232-6.

The State of Play

The phenomenon of exile in the post-Roman west has received some treatment in secondary literature, but not as much as one might expect given its prevalence during the period. In particular, and in marked contrast to how exile has been approached by scholars working on the Roman evidence, there has been a dearth of legal and institutional studies.²¹ The emerging practice of monastic confinement, through which clerics and lay persons were banished to monasteries both as a form of punishment and to remove them from the political sphere, is one exception, having received attention from scholars such as Julia Hillner, Guy Geltner, and Mayke de Jong.²² However, monastic confinement was only one of several forms of banishment that were regularly prescribed and imposed by early medieval kings, and so at present our understanding of how exile functioned under the law and in society is incomplete. Little wonder, then, that the cases of exile that have featured in secondary literature often appear to take place in a legal vacuum, with little discussion of how an individual's banishment conformed to or departed from legislative precepts.

The latter point reminds us that the majority of early medieval historians who have commented upon exile have approached the topic from a biographical perspective, insofar as they have been interested primarily in the impact of the punishment upon specific individuals, typically bishops. Although these historians have usually made some attempt to survey the political background that led to the application of the penalty, their focus has mainly been on

²¹ See, for example, Washburn, *Banishment*; Stini, *Exil*; Fred K. Drogula. 'Controlling Travel: Deportation, Islands, and the Regulation of Senatorial Mobility in the Augustan Principate', *Classical Quarterly* 61.1 (2011), pp.230-66; Sarah T. Cohen, 'Augustus, Julia and the development of exile *ad insulam*', *Classical Quarterly* 58.1 (2008), pp.206-17; Gordan P. Kelly, *A History of Exile in the Roman Republic* (Cambridge, 2006); Rocovich, 'Exile'; S. Bingham, 'Life on an island. A brief study of places of exile in the first century AD' in C. Deroux (ed.), *Studies in Latin Literature and Roman History, Vol. XII* (Brussels, 2003), pp.376-400; M. Braginton, 'Exile under the Roman Emperors', *The Classical Journal* 39.7 (1944), pp.391-407.

²² Hillner, *Prison*, esp. pp.281-341; *idem*, 'Gregory the Great's "prisons": Monastic confinement in early Byzantine Italy', *Journal of Early Christian Studies* 19 (2011), pp.433-71; *idem*, 'Monastic Imprisonment in Justinian's Novels', *Journal of Early Christian Studies* 15.2 (2007), pp.205-37; Guy Geltner, 'Detrusio, Penal Cloistering in the Middle Ages', *Revue Bénédictine* 118 (2008), pp.89-108; Mayke de Jong, 'Monastic prisoners or opting out? Political coercion and honour in the Frankish Kingdoms', Mayke de Jong (*et al.*), *Topographies of Power in the Early Middle Ages* (Leiden, 2001), pp.291-328.

situating their subject's time in banishment in the wider context of their life, career, and literary output. A good example of this approach is Daniel Van Slyke's book on Quodvultdeus of Carthage, which examines how the bishop's experience of being expelled from his homeland by the invading Vandals in 439 influenced his theological outlook.²³ Less extensive treatments of the impact of exile upon specific individuals can also be found in general biographies of famous bishops, such as Jill Harries' study of Sidonius Apollinaris of Clermont, who was briefly exiled by the Visigoths in around 475, and William E. Klingshirn's monograph on Caesarius of Arles, likewise banished by the Visigoths in 505/6.²⁴ Such works have revealed much about the particular circumstances behind single cases of exile and also of the interactions and activities that individuals experienced and performed whilst in banishment. However, they provide little insight into the broader pattern of exile and no indication of the extent to which the experiences of such 'celebrity' exiles should be considered typical of the period.

One aspect of exile that has received rather a lot of attention from both ancient and medieval historians is its role in written discourse. In the field of Latin literature, for instance, scholars have been particularly concerned with the concept of an 'exilic mode': how an author's experiences of exile shaped their writings.²⁵ Much discussion has centred on Ovid, who some have seen as responsible for creating an entire literary genre of exile poetry following his banishment to Tomis on the Black Sea in AD 18.²⁶ Ovid, however, was far

²³ D. Van Slyke, *Quodvultdeus of Carthage: The Apocalyptic Theology of a Roman African in Exile* (Strathfield, 2003).

²⁴ Jill Harries, *Sidonius Apollinaris and the fall of Rome, AD 407-485* (Oxford, 1994), pp.238-42; William E. Klingshirn, *Caesarius of Arles: The Making of a Christian Community in Late Antique Gaul* (New York, NY, 1994), pp.93-7.

²⁵ For a discussion of the concept of an 'exilic mode', its use by classical scholars, and its shortcomings as an analytical category, see Jan F. Gaertner, 'The Discourse of Displacement in Greco-Roman Antiquity', in Jan F. Gaertner (ed.), *Writing Exile: The Discourse of Displacement in Greco-Roman Antiquity and Beyond* (Leiden, 2007), pp.1-7.

²⁶ See, for example, G. D. Williams, *Banished Voices: Readings in Ovid's Exile Poetry* (Cambridge, 1994) and R. J. Dickinson, 'The *Tristia*: Poetry in exile', in J. W. Binns (ed.), *Ovid* (London, 1973), pp.154-90.

from the only Latin writer who suffered banishment, and in a wide-ranging study covering the period from Cicero to Boethius, Jo-Marie Claassen has shown how exiled Roman authors incorporated similar themes such as political impotence, physical isolation, closeness to death, and the fear of losing their mother tongue into their works.²⁷ At the same time, her study has demonstrated how different authors modulated their authorial voices to counterbalance the powerlessness brought about by their banishment. Tim Whitmarsh has explored another strategy adopted by writers, specifically those of the Second Sophistic period, through which they rebranded exile from a punishment that inflicted social death to one that brought ‘philosophical success’ through introspection and self-discovery.²⁸

This interest in positive representations of exile by literary authors can also be seen in the work of historians of late antiquity, who have examined how the church fathers sought to depict the punishment. Particularly influential in the Middle Ages was the concept of exile as a form of pilgrimage (*peregrinatio*) that brought one closer to God by severing one’s connections to one’s native place. Although perhaps reaching back to that earlier belief that banishment could provoke a profound change of perspective, scholars such as Manuela Brito-Martins have shown that the elision of exile and *peregrinatio* was ultimately based upon a Christian notion that all humans on earth are exiles due to their physical and metaphysical separation from God.²⁹ Another positive portrayal of exile by patristic authors was the idea of banishment as a form of martyrdom.³⁰ This literary topos was a by-product of the Christianisation of the Roman Empire and, in particular, the desire of emperors from

²⁷ Jo-Marie Claassen, *Displaced persons: The literature of exile from Cicero to Boethius* (Madison, WI, 1999).

²⁸ Tim Whitmarsh, “‘Greece is the world’”: Exile and identity in the Second Sophistic’, in Simon Goldhill (ed.), *Being Greek under Rome: Cultural identity, the Second Sophistic and the development of empire* (Cambridge, 2001), pp.269-305, quote on p.271.

²⁹ Manuela Brito-Martins, ‘The Concept of *peregrinatio* in Saint Augustine and its Influences’, in Laura Napran and Elisabeth Van Houts (eds), *Exile in the Middle Ages* (Turnhout, 2004), pp.83-94. For further discussion on this topic, see Gerhart B. Ladner, ‘Homo Viator: Mediaeval Ideas on Alienation and Order’, *Speculum* 42.2 (1967), pp.233-59.

³⁰ Hillner, *Prison*, pp.253-5; Washburn, *Banishment*, pp.129-31.

Constantine I onwards to establish religious unity. As will be explored in greater detail below, banishment became the routine legal sanction for dissident Christians over the course of the fourth century. Naturally, those Christians who suffered exile believed that they, much like the martyrs of the earlier pagan persecutions, were being punished by an unjust state for their defence of the true faith. The rhetoric of martyrdom and persecution thus provided exiles, as well as sympathetic authors, with an ideal way of framing their punishment, and this approach persisted in the post-Roman west, as has been demonstrated by historians such as Danuta Shanzer in reference to the work of Victor of Vita.³¹

A broader conclusion that emerges from this scholarship on exilic discourse is that prevailing literary themes influenced not only how authors described exile, but also how exiles themselves experienced their punishment. As Jan Felix Gaertner puts it in his introduction to his edited volume, *Writing Exile: The Discourse of Displacement in Greco-Roman Antiquity and Beyond*:

‘The experience of the (real or metaphorical) exile of writers and fictitious or historical characters is interpreted and presented within an inherited, but continuously modified framework of concepts of displacement and wandering, which depends heavily on educational and intellectual traditions’.³²

Whilst this is undoubtedly true, it is equally clear, not least from the development of the notion of exile as a form of martyrdom, that real-world trends in the application of the penalty were also instrumental in establishing that ‘framework of concepts’. The analysis of

³¹ Danuta R. Shanzer, ‘Intentions and Audiences: History, Hagiography, Martyrdom, and Confession in Victor of Vita’s *Historia Persecutionis*’, in Andrew H. Merrills, *Vandals, Romans and Berbers: New Perspectives on Late Antique North Africa* (Cambridge, 2004), pp.271-90.

³² Gaertner, ‘Discourse’, p.20.

exilic discourse should therefore follow, or at least proceed hand-in-hand with due consideration of the legal, political, and social realities of the punishment.

As alluded to already, however, empirical studies of exile in the post-Roman west are few and far between, and those that do exist tend to concentrate on the application of the penalty in one particular region: Vandal North Africa.³³ Such a narrow focus is largely attributable to the fact that contemporary authors connected cases of exile in the Vandal kingdom with the persecution of the ‘Catholic’, or more accurately, Nicene church.³⁴ Like many of their fellow-rulers in the post-Roman west, the Vandals adhered to a form of Christianity erroneously referred to as ‘Arianism’ by contemporary Nicene authors (and many modern historians), but better described as Homoian, which was ultimately based upon the creedal statement that was formulated at the twin Councils of Rimini and Seleucia of 359.³⁵ Unlike other Homoian monarchs of the period, Vandal kings were said to have had a militant commitment to their confession and attempted to impose it forcibly upon their subjects. As a result, the religious policies of Vandal kings have attracted sustained attention from historians seeking to explain their exceptional zeal. Several articles, book chapters, and PhD theses have duly addressed, either directly or in passing, the politics of exile in Vandal Africa and, in particular, its role in the attempted suppression of Nicene Christianity.³⁶

³³ A rare example of a study on exile outside the context of Vandal Africa is Françoise Prévot and Valérie Gauge, ‘Évêques Gaulois à l’épreuve de l’exil aux Ve et Vie Siècles’, in P. Blaudeau (ed.), *Exil et Relégation les Tribulations du Sage et du Saint Durant L’Antiquité Romaine et Chrétienne (Ier – Vie s. ap. J.-C.)* (Paris, 2005), pp.309-48

³⁴ On the problematic nature of the term ‘Catholic’, see Robin Whelan, *Being Christian in Vandal Africa: The Politics of Orthodoxy in the Post-Imperial West* (Oakland, CA, 2018), pp.10-1.

³⁵ On the religious faith of the rulers of the post-Roman kingdoms, see Hanns C. Brennecke, ‘Introduction: Framing the Historical and Theological Problems’ in G. Berndt and R. Steinacher (eds), *Arianism: Roman Heresy and Barbarian Creed* (Farnham, 2014), pp.1-20; *idem*, ‘Deconstruction of the So-called Germanic Arianism’, in Berndt and Steinacher (eds), *Arianism*, pp.117-130; U. Heil, ‘The Homoians’ in Berndt and Steinacher (eds), *Arianism*, pp.85-116. On the Councils of Rimini and Seleucia, see R. P. C. Hanson, *In Search of the Christian Doctrine of God. The Arian Controversy 318-381* (Edinburgh, 1987), pp.348-86; Hanns C. Brennecke, *Studien zur Geschichte der Homöer: Der Osten bis zum Ende der homöischen Reichskirche*, Beiträge zur historischen Theologie 73 (Tübingen, 1988), pp.5-86; Daniel H. Williams, *Ambrose of Milan and the end of the Nicene-Arian conflicts* (Oxford, 1995), pp.11-37.

³⁶ See, for example, Whelan, *Christian*, pp.143-64; Jonathan Conant, *Staying Roman: Conquest and Identity in Africa and the Mediterranean, 439-700* (Cambridge, 2012), pp.161-70; Éric Fournier, ‘Victor of Vita and the

Ironically, this means that the penalty of exile has been studied most comprehensively in the region where, as we shall see, the motivations behind the punishment would appear to be rather unusual by the standards of the time.

Aims and Approach

Having surveyed the relevant literature, it is clear that there is much to say about exile in the post-Roman west – and far more than could possibly be addressed within the confines of a single PhD thesis. With that being the case, I have identified three main aims for my study that will tackle what I believe are the most significant gaps and shortcomings of the current scholarship. Perhaps most importantly, it will attempt to provide the first systematic study of the penalty of exile throughout the post-Roman successor states, focussing, in particular, on its legal, institutional, and political aspects. In doing this, I will incorporate sources, such as secular and ecclesiastical legislation, that have hitherto been underutilised in the study of exile in the post-Roman west. Following on from this, my second aim is to examine the penalty of exile from the perspective of the authorities who were responsible for implementing the punishment rather than of those who suffered its effects. The experiences of offenders and the impact of exile upon their careers and literary output are, of course, important topics, but, as alluded to above, they have already attracted considerable attention from historians. What is lacking, however, is a thorough analysis of how and why legislators and judges prescribed and imposed the punishment. By offering such a study, my thesis will help establish a more rounded view of the penalty and its significance in early medieval society and politics. At the same time, it will provide a general framework that will allow specific cases of exile to be discussed with greater analytical rigour than has previously been the case, thereby opening up new avenues of research for future scholars. My third main aim

Vandal “Persecution”: Interpreting Exile in Late Antiquity’, Unpublished PhD Thesis, University of California (Santa Barbara, 2008), pp.212-63; Merrills and Miles, *Vandals*, pp.177-203; and Christian Courtois, *Les Vandales et l’Afrique* (Paris, 1955), pp.275-310.

is to evaluate the use of exile in Vandal Africa by comparison with other kingdoms. Put simply, did rulers elsewhere in the post-Roman west similarly impose exile for sectarian ends? If not, why not, and in what other contexts did they employ the punishment? By answering these and other questions, my thesis will go some way in redressing the balance of scholarship, which has previously focused almost entirely on the plentiful and yet potentially atypical evidence of exile in the Vandal kingdom.

In order to achieve these aims, I conducted a thorough, line-by-line search for references to exile in all of the primary sources that I was aware of that fell within (or described events within) the chronological and geographical parameters set out above. This evidence was then incorporated into two databases, condensed versions of which can be found in separate appendices at the end of the thesis. The first appendix, which contains 135 entries, includes references to what might be termed the prescriptive evidence of exile, that is the provisions contained in legal documents such as royal edicts, law codes, and church council acts, which prescribe the penalty of exile in general terms for any persons convicted of a stipulated offence. The second appendix, with 258 separate entries, contains references to the descriptive material; in other words, the actual cases in which a specific individual, or group of individuals, was said to have been exiled or condemned to exile. These cases appear most frequently in narrative sources such as histories, hagiographies, and chronicles. However, they are also reported more incidentally in other texts, such as letters and occasionally legal documents that describe the trial, conviction, and sentencing of particular individuals. Whilst I cannot definitively claim that either database is exhaustive (there is always the potential that one can have overlooked a particularly obscure or allusive reference), I do believe that they are sufficiently large to provide a representative picture of the evidence of exile in the post-Roman west.

Detailed considerations of the sources can be found at the beginning of each chapter of the thesis, where I will address particular issues posed by the evidence in relation to the specific topics under discussion. However, I should at the outset point out two broader limitations of my data-set, as well as the steps that I will be taking to mitigate them. First and foremost, the surviving material is very unevenly distributed between kingdoms in both its quantity and quality. Merovingian Gaul lies at one end of the spectrum since it is relatively well served by both legal and literary sources. The situation is somewhat different in Vandal Africa, where we know much about the application of exile from histories, hagiographies, and chronicles yet virtually nothing of the prescription of the penalty, as no law code has survived from the kingdom. The exact opposite is true of Visigothic Spain, which is poorly evidenced by descriptive sources – particularly in the seventh century – but for which a great deal of legislative material, both secular and ecclesiastical, remains extant. Finally, there are more ephemeral polities such as the Italian kingdom of Odoacer where little can be said of either the prescription or application of exile given the dearth of all forms of documentation. Such geographical variations in the nature of the evidence precludes direct and sustained comparison between kingdoms. At the same time, there is also the danger of making broad claims on the basis of evidence from one, well-documented polity. In order to avoid such generalisations, I will make sure, whenever possible, to draw upon a range of sources from across the post-Roman west to substantiate particular points. At the same time, I will also weave a comparative perspective into my analysis, indicating over the course of the discussion how and why the application and prescription of exile may have differed between kingdoms.

Another shortcoming of the sources is that they describe the experiences of certain types of exiles much more fulsomely than those of others. Contemporary authors were generally uninterested in cases involving offenders from below the level of the secular and

ecclesiastical elite to which they and their audiences belonged. Although the systematic approach adopted in this thesis has allowed me to piece together enough information to draw meaningful conclusions about the impact of exile upon the lower-social orders, such evidence doubtless represents the tip of a much more significant iceberg that regrettably remains lost to us. By contrast, the experiences of clerical exiles, and above all of bishops, are often described in great detail. In part, this was because the authors of our sources were typically clerics themselves and as such were especially attentive to the application of the penalty upon their colleagues. At the same time, the development and proliferation of the genre of hagiography means that we have several narratives that cover in considerable depth (if not always reliably) the experiences of bishops who were banished at some point during their careers.³⁷ Accordingly, cases of exile involving clerics and especially bishops will feature prominently within the analysis. Nevertheless, my data-set is sufficiently large to allow me to cover the experiences of lay offenders as well. Indeed, this wide-ranging approach will ensure that my thesis adopts a substantially different perspective to previous studies on exile, which, as mentioned already, have tended to focus upon the treatment of certain ‘celebrity’ bishops.

Establishing the Pattern: Exile in the Roman Empire

The lack of existing legal and institutional studies of exile in the post-Roman west means that I have largely had to build my analytical framework from the ground up. Nevertheless, there is some scholarship that I have been able to draw upon in structuring my study: the considerable body of work that has been done on exile in the Roman world. Over the last few decades, there has been a paradigm shift in our perception of the late antique

³⁷ On the genre of hagiography, see P. Cox, *Biography in Late Antiquity. A Quest for the Holy Man* (Berkeley, CA, 1983); Alison Elliott, *Roads to Paradise. Reading the Lives of the Early Saints* (Hanover, NH, 1987); Thomas Heffernan, *Sacred Biography. Saints and Their Biographers in the Middle Ages* (Oxford, 1988); and Felice Lifshitz, ‘Beyond Positivism and Genre: ‘Hagiographical’ Texts as Historical Narrative’ *Viator* 25 (1994), pp.95-113.

period, from a time in which Roman society was violently swept away by the so-called ‘Germanic’ invaders, to one that saw more gradual transformation, as post-Roman rulers adopted and adapted imperial systems of government.³⁸ As a consequence of this, many if not most historians of the early medieval period now recognise the importance of looking back to the Roman Empire in order to establish a baseline from which to compare and contrast post-Roman developments. In the context of exile, this approach has been fruitfully adopted by scholars such as Éric Fournier and Robin Whelan, who have shown how imperial precedent was central to the application of the penalty in Vandal Africa.³⁹ Taking inspiration from those scholars, I will now briefly survey the penalty of exile in the Roman Empire, focusing in particular on its legal characteristics as well as changes in how emperors employed the penalty in the late imperial period. This overview will lay the necessary foundations for the discussion of the post-Roman evidence, and especially for chapters one and two, where I will examine the penalty of exile in theory and in practice.

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By the middle years of the Roman Empire, any offender, regardless of their rank, occupation, or gender, might be punished by exile for virtually any kind of offence. This was the result of the introduction of *cognitio extra ordinem* procedure over the course of the first century AD.⁴⁰ *Cognitio* procedure was far more flexible than the jury court system it eventually replaced, providing judges with complete control over criminal trials, including

³⁸ On this paradigm shift, see J. Liebeschuetz, ‘Late antiquity and the concept of decline’, *Nottingham Medieval Studies* 45 (2001), pp.1-11; A. Cameron, ‘The “Long” Late Antiquity: A Late Twentieth Century Model?’, in T. Wiseman (ed.), *Classics in Progress. Essays on Ancient Greece and Rome* (Oxford, 2002), pp.165-91; C. Ando, ‘Decline, Fall and Transformation’, *Journal of Late Antiquity* 1 (2008), pp.31-60; Edward James, ‘The Rise and Function of the Concept “Late Antiquity”’, *Journal of Late Antiquity* 1 (2008), pp.20-30; and W. Mayer, ‘Approaching Late Antiquity’, in P. Rousseau (ed.), *A Companion to Late Antiquity* (Oxford, 2009), pp.1-14.

³⁹ Fournier, ‘Victor’; Whelan, *Christian*.

⁴⁰ On *cognitio extra ordinem* procedure, see Richard A. Bauman, *Crime and Punishment in Ancient Rome* (London, 1996), pp.50-2 and Jill Harries, *Law and Empire in Late Antiquity* (Cambridge, 1999), pp.28-33.

discretionary powers over sentencing.⁴¹ This meant that punishments were no longer restricted to the penalties defined by mostly Republican-era jury court statutes.

Crucially, however, there were different forms of exile, which broadly speaking were incorporated into a dual-penalty system whereby punishments varied according to the social status of the offender.⁴² For members of the elite, which included senators, equestrians, veterans, and the provincial aristocracy – often referred to collectively as *honestiores* – sentences of exile were expressed through the penalties of *relegatio* and *deportatio* (also occasionally referred to as *aquae et ignis interdictio*).⁴³ The difference between these two penalties was essentially one of severity.⁴⁴ More specifically, *deportatio* was a capital sentence, as, unlike *relegatio*, it permanently deprived an offender of their citizenship and rank.⁴⁵ The other conditions of *deportatio* were also invariably harsh, with offenders stripped of their property, and permanently confined to a specific location, typically an island.⁴⁶ By contrast, *relegatio* left room for greater discretion, with the precise terms of the sentence decided on a case-by-case basis. It could be temporary or permanent, and offenders could be free to choose their new domicile or assigned to a specific place.⁴⁷ The property of a

⁴¹ The precise date when the jury courts fell into abeyance is unknown, but there is no evidence for trial by jury after around the turn of the first century AD; see Peter D. Garnsey, ‘Legal Privilege in the Roman Empire’, in M. Finley (ed.), *Studies in Ancient Society* (London, 1974), p.151.

⁴² On the development of the dual-penalty system, see Peter D. Garnsey, *Social Status and Legal Privilege in the Roman Empire* (Oxford, 1970), pp.103-78; *idem*, ‘Why penalties become harsher: the Roman case, late Republic to fourth century Empire’, *Natural Law Forum* 13 (1968), p.141-62, although see also the important study by Rolf Rilinger, *Humiliores: Honestiores. Zu einer sozialen Dichotomie im Strafrecht der römischen Kaiserzeit* (Munich, 1988) who notes that the variation of the punishment of *honestiores* and *humiliores* pointed out by Garnsey was not the only division, as other differentiations were also made by jurists and legislators, such as between free offenders and slaves.

⁴³ On who exactly constituted as a *honestior*, see Bauman, *Crime*, pp.129-32.

⁴⁴ Braginton, ‘Exile’, p.392-3; Garnsey, *Status*, pp.111-22; Rocovich, ‘Exile’, pp.30-46; O. F. Robinson, *Penal Practice and Penal Policy in Ancient Rome* (London, 2007), pp.81-2.

⁴⁵ *Digesta* 48.1.2; 48.22.14.1 (citizenship); 50.13.5.2-3 (rank), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.1* (Berlin, 1872), p.790; 820; 855.

⁴⁶ *Ibid.* 48.22.6 (location); 48.22.7.2 (permanence); 48.23.3 (property), p.819-20; 820; 821.

⁴⁷ *Ibid.* 48.22.5; 7.2; 14, p.819; 820.

relegatus was not usually confiscated, although this too was at the discretion of the presiding judge.⁴⁸

For non-elite offenders, often referred to as *humiliores* or *viliores* in the legal sources, sentences of exile usually took the form of banishment as forced labour.⁴⁹ Again, such sentences were expressed through two specific penalties distinguished from one another on the basis of severity: condemnation to public works (*opus publicum*) or to the mines (*ad metalla*). The latter was a more severe, capital punishment that reduced the convict to slavery and resulted in them being transported hundreds, if not thousands, of miles across the Empire to work in imperially-owned facilities.⁵⁰ Sentences were also permanent, unless the offender was released through a specific or general imperial *indulgentia*, and often lethal due to the deplorable conditions in which they were required to work.⁵¹ By contrast, the penalty of *opus publicum* was usually temporary, and did not affect free status.⁵² It is difficult to determine the exact nature of the obligations imposed under this sentence, although it probably involved labour on municipal utilities, such as clearing sewers, building roads, or working in public baths.⁵³

One final form of exile that was imposed in the early centuries of imperial rule was expulsion through the magisterial exercise of *coercitio*. The power of *coercitio* is a coinage of

⁴⁸ *Ibid.* 48.20.8.3; 22.4, p.818; 819.

⁴⁹ On who exactly constituted as a *humilior*, see Bauman, *Crime*, pp.133-6.

⁵⁰ *Dig.* 48.19.8.4; 50.13.5.3, p.814; 855. For comment on condemnation *ad metalla*; see Hillner, *Prison*, pp.199-211; Fergus Millar, 'Condemnation to hard labour in the Roman Empire from the Julio-Claudians to Constantine', *Papers of the British School in Rome* 52 (1984), pp.137-143; M. Gustafson, 'Condemnation to the Mines in the Later Roman Empire', *The Harvard Theological Review* 87.4 (1984), pp.421-33; Garnsey, *Status*, pp.131-136; and J. Davies, 'Condemnation to the Mines: A Neglected Chapter in the History of the Persecutions', *University of Birmingham Historical Journal* 6 (1958), pp.99-107.

⁵¹ See *Pauli Sententiae*, 4.8.22, Emil Seckel and Bernhard Gustav Adolf Kuebler (eds), *Iurisprudentiae anteiustinianae reliquias Vol.II* (Leipzig, 1911), p.104; *Codex Justinianus* 9.49.4; 51.2; 4, Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.2* (Berlin, 1892), p.393; 394.

⁵² *Dig.* 47.21.2; 50.13.5.2-3, p.789; 855; *Pauli Sent.* 5.18.1, p.143. For comment on *opus publicum*; see Hillner, *Prison*, pp.201-2; Millar, 'Condemnation', pp.132-7; Garnsey, *Status*, pp.131-6.

⁵³ Such forms of labour are attested in Pliny's correspondence with Trajan; see *Epistulae*, 10.32, Betty Radice (trans.), *Pliny: Letters and Panegyrics Vol.2* (Cambridge, MA, 1969), pp.204-6.

modern scholarship and refers to the various measures a magistrate could impose to enforce obedience without resorting to legal proceedings.⁵⁴ It was held by all magistrates, although its scope varied according to the importance and responsibilities of the office. The power of *coercitio* could be expressed by whatever means a magistrate deemed appropriate, with the exception of the summary execution or scourging of Roman citizens.⁵⁵ In the Republican period, common measures included arrest and imprisonment, the imposition of fines (up to a predetermined maximum), and the seizure of securities.⁵⁶ Though less frequently adopted by magistrates, and rarely applied against citizens, expulsion from a city or province was also an option.⁵⁷ The literary sources attest to several mass expulsions from the city of Rome or the Italian peninsula in the early imperial period. The victims were specific ethnic, religious, or professional groups, including Germans and Gauls, Jews, astrologers, magicians, philosophers, actors, and male prostitutes.⁵⁸ Ancient authors did not disclose the legal basis of such expulsions, but since they involved hundreds, if not thousands of individuals, *coercitio* was probably employed. They seem to have been motivated by actual or imagined threats to public order, often coinciding with wider political or social crises.

In the later empire, at least as far as we can tell from the surviving legal evidence – almost entirely imperial constitutions, which are necessarily less programmatic in their discussions of exile than the juristic commentaries of the second and third centuries – these forms of exile all continued to exist in an essentially unaltered state.⁵⁹ They also appear to have been imposed against the same categories of offenders, with emperors continuing to

⁵⁴ W. Nippel, 'Policing Rome', *Journal of Roman Studies* 74 (1984), p.22.

⁵⁵ F. Drogula, *Commanders and command in the Roman Republic and Early Empire* (Chapel Hill, NC, 2015), pp.99-100.

⁵⁶ W. Nippel, *Public Order in Ancient Rome* (Cambridge, 1995), p.5.

⁵⁷ One of the earliest documented cases of a Roman citizen being expelled, presumably through *coercitio*, was the equestrian exiled from Rome in 58 BCE by the consul Gabinius; see Nippel, *Order*, p.5.

⁵⁸ See Rocovich, 'Exile', pp.97-109; D. Noy, *Foreigners at Rome: Citizens and Strangers* (London, 2000); J. Balsdon, *Romans and Aliens* (London, 1979), pp.106-8.

⁵⁹ Washburn, *Banishment*, pp.23-32; Hillner, *Prison*, pp.195-211.

adhere to the principles of the dual-penalty system. Admittedly, this was not always the case, as certain laws prescribe *deportatio* or *relegatio* for persons fairly low down the social hierarchy.⁶⁰ Indeed, in rare cases, we even see slaves being prescribed one of the ‘elite’ forms of exile, demonstrating, in the words of Daniel Washburn, that there was no ‘glass-floor’ limiting the imposition of *relegatio* or *deportatio* to the higher orders in the fourth and fifth centuries.⁶¹ In all likelihood, this was also true of the early empire, but such deviations from routine practice are obscured to us as far fewer imperial constitutions have survived from the era before the reign of Constantine I (r. 306-337).

Another characteristic feature of late imperial constitutions is their tendency to employ rather imprecise legal terminology, which, in the context of exile, can be seen most clearly in their prescription of the penalty of *exilium*. It is difficult to determine the exact conditions of this sentence, as the term was not used consistently by jurists or legislators. Historians have noted that two, or possibly three, versions are preserved in the *Digest*, a compendium of juristic writings on Roman law compiled by order of the Emperor Justinian (r. 527-565).⁶² The first can be labelled the maximal definition, whereby *exilium* was treated as a synonym for sentences of *deportatio*. The jurist Paulus (fl. 2nd-3rd cent. AD) provides the clearest expression of this definition, stating that capital punishments include:

‘death or *exilium* – that is *aquae et ignis interdictio* [the alternate name for *deportatio*] – as, by these penalties, civic life is removed. For the others are not strictly speaking called *exilia* but rather *relegationes*’.⁶³

⁶⁰ Washburn, *Banishment*, pp.108-12.

⁶¹ See, for example, *Codex Theodosianus* 9.17.1 (AD 340), Theodor Mommsen and Paul Martin Meyer (eds), *Codex Theodosianus Vol. I* (Berlin, 1905), p.463; Washburn, *Banishment*, p.111.

⁶² Garnsey, *Status*, p.115; Washburn, *Banishment*, pp.20-2.

⁶³ *Dig.* 48.1.2, p.790: *capitalia sunt, ex quibus poena mors aut exilium est, hoc est aquae et ignis interdictio: per has enim poenas eximitur caput de civitate. nam cetera non exilia, sed relegationes proprie dicuntur.*

Paulus clearly understood *exilium* as a capital penalty, which, like *interdictio/deportatio*, was contrasted against the milder sentence of *relegatio*.⁶⁴ Other jurists, however, adhered to a more inclusive definition, in which *exilium* was used as an umbrella term to cover sentences of both *relegatio* and *deportatio*. This can perhaps be seen in Ulpian's (fl. AD 211-222) discussion of the impact of *deportatio* on the validity of donations made *mortis causa*. He describes the condition of deportation as '*exilium* of such a kind'; phrasing which, although somewhat vague, suggests that *exilium* was perceived as a generic category that included, but was not limited to, sentences of *deportatio*.⁶⁵ The third version, and the least well attested, is the minimal definition, where *exilium* was treated as a milder sanction, akin to *relegatio*. Marcian (fl. 3rd cent. AD) seems to follow such an understanding of the term in his discussion of the geographical dimensions of exile, when he states that *exilium* could mean an interdiction from a single location, an interdiction from several places, or being bound to an island – in his words, equivalent to '*relegatio* to an island'.⁶⁶

The situation appears to become more straightforward in the later empire, as imperial legislation, when elaborating on the meaning of sentences of *exilium*, provides conclusive evidence only for an inclusive definition.⁶⁷ We see this most clearly in five laws that variously prescribe 'the exile of deportation' (*exilium deportationis*), 'the exile of perpetual deportation' (*exilium perpetuae deportationis*), and the 'exile of perpetual relegation' (*exilium perpetuae relegationis*).⁶⁸ Such terminology suggests that the drafters of these laws conceived of different levels of *exilium*, distinguished from one another according to the form

⁶⁴ Gaius and the Pauli Sententiae seem to have shared this understanding, with *exilium* contrasted to *relegatio*; see *Dig.* 23.3.73.1, 47.10.43, 48.19.38.3; 10, p.305; 785; 817.

⁶⁵ *Ibid.* 24.1.13.1, p.313: *tali exilio*.

⁶⁶ *Ibid.* 48.22.5, p.819: *Exilium triplex est: aut certorum locorum interdictio, aut lata fuga, ut omnium locorum interdicatur praeter certum locum, aut insulae vinculum, id est relegatio in insulam*.

⁶⁷ On this point, I disagree with Washburn, *Banishment*, p.28 who argues that the minimal definition became more common the course of the fourth and fifth centuries.

⁶⁸ *CTh* 9.26.1 (AD 397), p.479: 'the exile of deportation'; *CTh* 10.24.2 (AD 381); 16.2.40 (AD 412), p.568; 849: 'the exile of perpetual deportation'; *CTh* 16.5.58 (AD 415), p.876: 'perpetual exile under the penalty of deportation'; *CTh* 7.18.8 (AD 383?), p.346: 'the exile of perpetual relegation'.

and duration of the sentence. This is supported by a law of Theodosius II (r. 408-450), issued in 414, which released convicts who were languishing in prison after being sentenced to ‘different sorts of *exilium*’.⁶⁹ A final snippet of evidence is provided by a law of Honorius (r. 393-423), which targeted the heretic Jovinianus and his supporters. While Jovinianus himself was to be sent to the island of Boa, Honorius declared that his supporters ‘shall be scattered by the separation of exile, and shall be deported, in perpetuity, to solitary islands situated at a great distance from one another’.⁷⁰ As before, this indicates that the imperial court envisaged *exilium* as a generic term, which could be qualified as required by specifying its precise form, in this case *deportatio*.

The Christianisation of the Empire over the course of the fourth century resulted in more substantive changes in the application of the penalty. Perhaps the most far reaching was the development of exile as the routine legal sanction for disobedient or delinquent bishops. To be sure, bishops had occasionally been exiled under the pre-Christian emperors, but it was only after Constantine’s conversion that they became practically immune to other, more severe forms of punishment.⁷¹ This was partly due to an elevation in their status. Bishops had long been accepted as leaders by their own congregations but under Constantine, their spiritual and civic authority also acquired imperial recognition.⁷² The office of the bishop thus came to confer elite rank, with its holders considered members of the *honestiores* alongside the provincial and senatorial aristocracies. This conferred upon them the traditional exemption from bodily punishments, although admittedly many prelates would have already

⁶⁹ *CTh* 9.40.22 (AD 414), p.506: *diversis exilium*.

⁷⁰ *Ibid.* 16.5.53 (AD 398?), p.873: *exilii ipsius discretione solvatur, solitariis et longo spatio inter se positus insulis in perpetuum deportari*.

⁷¹ Bishop Dionysius of Alexandria, for example, was exiled under the terms of Emperor Valerian’s (r. 253-260) first edict of persecution; see Jörg Ulrich, ‘Dionysius of Alexandria in Exile: Evidence from his letter to Germanus (Eus., *H.E.* 7.11)’, in Julia Hillner *et al.* (eds), *Clerical Exile in Late Antiquity* (Frankfurt, 2016), pp.115-28.

⁷² C. Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley, CA, 2005), pp.236-73; *Idem*, ‘The Elite Status of Bishops in Late Antiquity in Ecclesiastical, Spiritual and Social Contexts’, *Arethusa* 33.3 (2000), pp.379-99.

possessed this privilege, since they were typically drawn from the curial classes. At the same time, the penalty of exile also adhered to Christian expectations of punishment, as expulsion from the community was the harshest measure imposed by the early church, whereas corporal punishment was strictly prohibited.⁷³ Lastly, and perhaps most importantly, it seems that Christian emperors were wary of inflicting the death penalty on bishops lest they were cast as persecutors.⁷⁴ This was reinforced towards the end of the fourth century, when the western usurper Magnus Maximus (r. 383-388) executed Bishop Priscillian of Ávila for sorcery in 386 or 387; the first bishop known to have been formally executed since the cessation of the Great Persecution in 313.⁷⁵ Maximus' actions attracted the opprobrium of several important ecclesiastical figures, such as Ambrose of Milan, Martin of Tours, and Siricius of Rome. Much of their criticism was directed towards those bishops who had supported Maximus' verdict, particularly Felix of Trier, and resulted in the so-called 'Felician schism' within the Gallic church. The fallout from the Priscillian affair would serve as a negative precedent for later rulers, reconfirming their preference for exile when dealing with troublesome prelates.

There were two different contexts in which bishops faced the possibility of exile. First, bishops who refused to subscribe to a doctrinal consensus agreed upon at church councils could expect to be exiled by the secular authorities. This pattern was seemingly established by Constantine in 325 at the Council of Nicaea, which was convened to resolve a theological dispute over the nature of the Trinity.⁷⁶ At the end of the Council's proceedings, a number of bishops – seventeen or twenty-two – still rejected the proposed compromise, the

⁷³ Fournier, 'Victor', pp.47-8; Hillner, *Prison*, pp.69-72.

⁷⁴ Éric Fournier, 'Exiled Bishops in the Christian Empire: Victims of Imperial Violence?', in H. Drake (ed.), *Violence in Late Antiquity: Perceptions and Practices* (Aldershot, 2006), pp.159-60.

⁷⁵ For the Priscillian affair, see V. Burrus, *The Making of a Heretic: Gender, Authority and the Priscillianist Controversy* (Berkeley, CA, 1995), pp.79-101; A. Birley, 'Magnus Maximus and the Persecution of Heresy', *Bulletin of the John Rylands Library of Manchester* 66.1 (1983), pp.13-43; and H. Chadwick, *Priscillian of Avila: The Occult and the Charismatic in the Early Church* (Oxford, 1976), pp.1-56, 111-48.

⁷⁶ On the Council of Nicaea and the Arian controversy, see T. Barnes, *Constantine and Eusebius* (London, 1981), pp.208-23.

'*homoousios*' formula. Constantine threatened this group with exile and forced all of them into acquiescence, with the exception of two Libyan bishops, Secundus of Ptolemais and Theonas of Marmarica, who were banished along with Arius, the fomenter of the controversy, and a number of other priests.⁷⁷ This set a precedent for subsequent synods, with emperors following Constantine's example and sending dissenting bishops into banishment.⁷⁸ Indeed, by the mid-fifth century exile was so firmly established as the routine legal sanction for the losing parties in doctrinal disputes that at the Council of Chalcedon in 451 opponents of Dioscorus of Alexandria anticipated and encouraged its application, chanting, amongst other things, 'Dioscorus into exile!'.⁷⁹

The second context in which bishops might be banished was if they were convicted of serious crimes by secular courts. This may have been controversial, as some ecclesiastical authorities argued that clerics, no matter the charges, should be tried by *audientia episcopalis* (episcopal hearings), where their punishment would have been limited (at least officially) to the ecclesiastical penalties of deposition from office and excommunication.⁸⁰ Emperors, however, repeatedly stated that the jurisdiction of *audientia episcopalis* did not extend beyond civil disputes and 'ecclesiastical matters' (*causae ecclesiasticae*), such that criminal

⁷⁷ Philostorgius, *Historia Ecclesiastica*, 1.9-9a, J. Bidez (ed.) and Edouard Des (trans.), *Philostorgius : Histoire ecclésiastique*, SC 564 (Paris, 2013), pp.179-83. The exile of these two Libyan bishops may have been a consequence of their attempts to assert the independence of Pentapolis from the bishop of Alexandria; see H. Chadwick, 'Faith and Order at the Council of Nicaea: A Note on the Background of the Sixth Canon', *The Harvard Theological Review* 53.3 (1960), pp.171-95.

⁷⁸ Washburn, *Banishment*, pp.48-52; Fournier, 'Persecution', pp.31-74; *Idem*, 'Victims', pp.157-66; V. Escribano, 'Disidencia doctrinal y marginación geográfica en el s. IV d.C. Los exilios de Eunomio de Cízico', *Atheneum* 94 (2006), pp.232-4; M. Escribano Paño, 'El exilio del herético en el s. IV d. C. Fundamentos jurídicos e ideológicos', in F. Marco Simón (ed.), *Vivir en tierra extraña: emigración e integración cultural en el mundo antiguo* (Barcelona, 2004), pp.255-57; M. Vallejo Girvés, 'In insulam deportatio en el siglo IV d. C. Aproximación a su comprensión a través de causas, personas y lugares', *Polis: Revista de ideas y formas políticas de la Antigüedad Clásica* 3 (1991), pp.157-8.

⁷⁹ Richard Price and Michael Gaddis (trans.), *The Acts of the Council of Chalcedon Vol.2, The Second Session* 40; 43 (Liverpool, 2007), p.28.

⁸⁰ On *audientia episcopalis*, see John C. Lamoreaux, 'Episcopal Courts in Late Antiquity', *Journal of early Christian studies* 3 (1995), pp.143-67. For ecclesiastical authorities arguing that clerics should only be tried by ecclesiastical courts, see Hillner, *Prison*, p.65.

cases, regardless of the status of the defendant, were always to be heard by secular judges.⁸¹ As outlined above, the elite status of the bishop would have ensured that exile was the likely outcome of cases involving serious charges. We see this in one of the few late Roman laws that specifically targeted bishops, issued by Honorius in 405, which stated that prelates who had been deposed by a council but had subsequently attempted to regain their see through disturbing the peace were not permitted to live within a hundred-mile radius of the city.⁸² This was in line with Roman penal tradition, as elite offenders who instigated tumults or sedition had long been punished by exile, usually through deportation.⁸³ The execution of Priscillian notwithstanding, it seems that bishops were also exiled for crimes that would have otherwise typically carried the death penalty, even for secular elites. One example is the case of Calandion of Antioch, who was banished to the Egyptian Oasis by Emperor Zeno (r. 474-491) in 485 for supporting the revolt of the usurper Illus.⁸⁴ The fact that Zeno favoured exile even though Calandion had committed treason – the most serious crime imaginable – suggests that bishops held a uniquely privileged position in the eyes of the authorities.

Another characteristic feature of the application of exile in the later empire was its use by emperors to punish heresy. As Laurette Barnard has pointed out, the criminalisation of religious dissidence itself constituted a novel development of late Roman law.⁸⁵ In the early empire, religious minorities had not been formally prosecuted for their beliefs *per se* – if they faced criminal charges it was because their actions or practices had been subsumed under

⁸¹ Caroline Humfress, *Orthodoxy and the Courts in Late Antiquity* (Oxford, 2007), p.162.

⁸² *CTh* 16.2.35 (AD 405), pp.846-7.

⁸³ Instigating a tumult or a sedition fell under the *Lex Iuliae de vi publica*, and was punished by interdiction from fire and water; see *Dig.* 48.6.3.2, p.300. However, by the beginning of the fourth century, sedition may have been punished according to the social status of the offender, by either the aggravated death penalty or deportation; see *Paul. Sent.* 5.22.1, p.146.

⁸⁴ Evagrius, *Historia Ecclesiastica*, 3.16, Laurent Angliviel de La Beaumelle and Guy Sabbah (trans.), *Histoire ecclésiastique, vol. 1: Livres I-III / Evagre le Scolastique*, SC 542, (Paris, 2011), pp.427-9; Theophanes, *Chronographia*, AM 5982, C. Mango *et al.* (trans.), *The chronicle of Theophanes Confessor: Byzantine and Near Eastern history, AD 284-813* (Oxford, 1997), p.206.

⁸⁵ L. Barnard, 'The criminalisation of heresy in the later Roman empire: A socio-political device?', *The Journal of Legal History* 16.2 (1995), pp.121-46.

some other recognised crime, such as sorcery, violence, or, in the case of persecuted Christians, treason for failing to sacrifice to the emperor and the Roman gods. This only changed following the *Edict of Thessalonica* (also known as the *Cunctos populus*) of 380, which made Nicene Christianity the officially-sanctioned religion of the Roman Empire.⁸⁶ Theodosius I (r. 379-395) and his successors subsequently issued dozens of laws that targeted sectarian Christian groups. Such anti-heresy legislation frequently prescribed the penalty of exile; indeed, there are as many as 27 surviving constitutions, issued between the reign of Theodosius I and the collapse of the Western Empire, which impose some form of banishment for crimes connected to heresy.⁸⁷ Scholars have debated the reasons for this; some have seen the treatment of heretics as a continuation of the policies of the early empire, when certain religious or quasi-religious groups were expelled from Rome or the Italian peninsula in the face of real or imagined threats to public order.⁸⁸ A few of the initial measures taken against heretics do seem to reflect this older pattern, as specific groups received limited expulsion orders in the wake of sectarian violence. One such case can be seen in a law of Theodosius I, issued in 381, that proclaimed that heretics were to be expelled from the cities of the east following an outbreak of violence between Homoian and Nicene Christians in Constantinople earlier that year.⁸⁹

However, there were also some significant differences in the motivations behind the exiling of religious groups in the early and later empire. Most importantly, unlike their pagan

⁸⁶ *CTh* 16.1.2, p.833. On Theodosius I's support of Nicene Christianity, see Henry Chadwick, 'Orthodoxy and heresy from the death of Constantine to the eve of the first council of Ephesus', in Averil Cameron and Peter Garnsey (eds), *The Cambridge Ancient History Vol. 13: The Late Empire, AD 337–425* (Cambridge, 1997), pp.578-82.

⁸⁷ *CTh* 16.5.6 (AD 381); 13 (AD 384); 18 (AD 389); 19 (AD 389); 21 (AD 392); 29 (395); 30 (AD 402); 31 (AD 396); 32 (AD 396); 34 (AD 398); 40 (AD 407); 45 (AD 408); 52 (AD 415); 53 (AD 398); 54 (AD 414); 57 (AD 415); 58 (AD 415); 62 (AD 425); 64 (AD 425); 65 (AD 428); 16.6.4 (AD 405); 6 (AD 413); 16.10.24 (AD 423), pp.856-7; 860; 861-2; 862; 862-3; 864-5; 865; 865; 865; 866; 867-8; 870; 872-3; 873; 873-4; 875; 875-6; 877; 878; 878-9; 881-2; 883; 904-5; Val. III, *Nov.* 18 (AD 445), pp.103-5; *CJ* 1.5.8 (AD 455); 1.7.6 (AD 455); 2.6.8 (AD 468), p.52; 60-1; 98.

⁸⁸ See, for example, Peter Garnsey and Caroline Humfress, *The Evolution of the Late Antique World* (Cambridge, 2001), p.144.

⁸⁹ *CTh* 16.5.6 (AD 381), pp.856-7.

predecessors, Christian emperors were hoping to change the beliefs of their subjects.⁹⁰ In other words, they employed the penalty of exile as a tool of religious coercion to induce heretics into adopting the orthodox creed, as we see in a law of Valentinian III (r. 425-455), in which the emperor threatened to exile all those Gallic bishops who refused to renounce the Pelagian heresy within 30 days.⁹¹ For those heretics who remained obstinate, the authorities put further pressure on them to convert through the selection of particular places of banishment, although it should be stressed that once an individual was in exile, a profession of orthodoxy did not automatically secure a pardon.⁹² In particular, emperors chose cities with bishops who shared their creedal position in the hope that dissident Christians would change their views under suitable influence.⁹³ Another motivation for the application of exile – and one that was expressed more explicitly in anti-heresy legislation – was social hygiene, as heretics were seen as pollutants who had to be removed to protect the wider community from their contagious views.⁹⁴ This ensured that places of banishment were typically located on the periphery of the Empire, in regions such as the Thebaid in southernmost Egypt, which were considered to be located far away from population centres.⁹⁵ By the time of the collapse of the Western Empire, a new penology had thus emerged in which heretics and their sympathisers were routinely subjected to exile in order to promote and protect adherence to the form of Christianity favoured by imperial authorities.

Finally, it should be pointed out that fifth- and sixth-century emperors also began experimenting with two new forms of exile, both of which were associated with ecclesiastical institutions: forced clerical ordination and monastic confinement. The former was never

⁹⁰ Washburn, *Banishment*, pp.46-52; Barnard, 'Criminalisation', pp.136-41.

⁹¹ *Constitutiones Sirmondianae* 6, Theodor Mommsen and Paul Martin Meyer (eds), *Codex Theodosianus Vol. I* (Berlin, 1905), pp.911-2.

⁹² Hillner, *Prison*, pp.217-21.

⁹³ *Ibid.*, pp.217-8.

⁹⁴ Washburn, *Banishment*, pp.53-64.

⁹⁵ Hillner, *Prison*, pp.212-7.

established as a statutory penalty in imperial legislation, so we know of its existence exclusively through the testimony of literary sources. The earliest documented example took place in 421, when the court chamberlain Antiochus was made a priest of the church of Constantinople on the orders of Theodosius II.⁹⁶ Use of this practice proliferated in both halves of the Empire over the course of the fifth century, when it was employed primarily against deposed emperors, failed usurpers, and other senior officials suspected of conspiracy.⁹⁷ Julia Hillner argues that the development of compulsory ordination was partly an unforeseen by-product of the legalisation of church asylum.⁹⁸ In this context, Hillner speculates that ecclesiastical authorities interceded on behalf of those individuals who had sought asylum and negotiated with emperors to commute the punishment to clerical ordination. Emperors were willing to acquiesce to the demands of ecclesiastical authorities, as clerical ordination could be represented as an act of imperial *clementia* – a quality which rulers were keen to exhibit.⁹⁹ At the same time, it was an effective way of reducing the influence of lay rivals, as the sanction automatically resulted in the confiscation of property and was permanent, with ordained individuals formally prohibited from returning to secular office.¹⁰⁰

Unlike forced ordination, monastic confinement was eventually established as a penalty under Roman Law, specifically by Emperor Justinian who prescribed it in a number

⁹⁶ Joannes Malalas, *Chronographia* 361, E. Jeffreys et al. (trans.), *The chronicle of John Malalas* (Melbourne, 1986), p.197.

⁹⁷ For deposed emperors, see Avitus (PLRE 2, Avitus 5, p.198), and Glycerius (PLRE 2, Glycerius, p.514). For failed usurpers, see Longinus (PLRE 2, Longinus, p.690) and Marcian (PLRE 2, Marcianus 17, p.718). For other officials suspected of conspiracy, see John the Cappadocian (PLRE 3B, Ioannes 11, p.634).

⁹⁸ Hillner, *Prison*, pp.236-7. Whilst the date of the legalisation of church asylum is unknown, the earliest law to present church asylum as an established fact was issued in 431; see *CTh* 9.45.4 (AD 431), pp.520-4.

⁹⁹ On the importance of *clementia* to late Roman emperors, see Hartmut Leppin, 'Coping with the tyrant's faction: civil-war amnesties and Christian discourses in the fourth century AD', in Johannes Wienand (ed.), *Contested monarchy: integrating the Roman Empire in the fourth century AD* (Oxford, 2015), pp.198-214 and Giacomo Raspanti, '*Clementissimus imperator*: power, religion, and philosophy in Ambrose's *De obitu Theodosii* and Seneca's *De clementia*', in Andrew Jason Cain and Noel Emmanuel Lenski (eds), *The power of religion in late antiquity* (Aldershot, 2009), pp.45-56.

¹⁰⁰ Hillner, *Prison*, pp.237-9.

of his *Novels* – the laws issued after the publication of his so-called *Corpus of Civil Law* in 529. Justinian’s adoption of the practice should be understood both as a consequence of his wider ambitions to align ecclesiastical and civil judicial procedures, and also the new direction of his rule after 541, when the emperor became increasingly preoccupied with the ordering of Christian society and the safeguarding of his subjects’ salvation.¹⁰¹ In total, there are eleven documented provisions that imposed monastic confinement as a penalty.¹⁰² Almost certainly taking inspiration from the contemporary practices of eastern bishops, seven of these provisions were concerned with acts of misconduct committed by clerics.¹⁰³ They mostly prescribed sentences of temporary monastic confinement and targeted a rather diverse set of infractions, including gambling or the viewing of public spectacles, the giving of false testimony, or attempts by deposed bishops to return to their dioceses.¹⁰⁴ The remaining four laws are more significant, as they made laypersons liable to monastic confinement for the first time. In 542, Justinian prescribed permanent confinement in a monastery, with loss of property, for women who committed unilateral divorce (divorce without valid reason), a penalty which he later extended to men convicted of the same offence, and to couples who mutually divorced.¹⁰⁵ After 556, adulteresses were also to be confined to a monastery for a minimum of two years, after which time their husbands could choose to take them back.¹⁰⁶ The nature of these crimes perhaps explains the novel application of monastic confinement.

¹⁰¹ For the blurring of sacred and civil jurisdiction under Justinian, see C. Humfress, ‘Law and Legal Practice in the Age of Justinian’, in M. Maas (ed.), *The Cambridge Companion to the Age of Justinian* (Cambridge, 2005), p.179. For the new direction of Justinian’s rule in the latter part of his reign, see H. Leppin, *Justinian. Das Christliche Experiment* (Stuttgart, 2011), pp.251-315.

¹⁰² A twelfth provision prescribes confinement in a monastery not as a penalty but as a form of detention in place of confinement in a public prison for women awaiting trial; see *Novellae Justiniani* 134.9 (AD 556), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.3* (Berlin, 1892-5), pp.683-4.

¹⁰³ On the development of monastic confinement, see Hillner, *Prison*, pp.283-93.

¹⁰⁴ *N.Just.* 123.10 (AD 546), pp.602-3 (gambling and viewing public spectacles); 123.11 (AD 546), pp.603-4 (expelled bishops who returned to their dioceses); 123.20 (AD 546), p.609 (giving false testimony).

¹⁰⁵ *N.Just.* 117.13 (AD 542), pp.562-4 (unilateral divorce by women); 127.4 (AD 548), p.635 (unilateral divorce by men); 134.11 (AD 556), pp.686-7 (mutual divorce).

¹⁰⁶ *N.Just.* 134.10 (AD 556), pp.685-6. The stipulation of two years may have been designed to allow for a pregnancy and the baby’s weaning; see Hillner, *Prison*, p.325.

Both adultery and unilateral divorce had long been punished by exile, and so Justinian may have envisaged monastic confinement as a development of that penal tradition.¹⁰⁷ Equally important, however, was the fact that Christian authorities regarded both crimes as sinful. For Justinian, therefore, banishment to a monastery was apposite, and, indeed, necessary, as it provided offenders the opportunity to atone for their crimes through penance.¹⁰⁸

Structure and Argument

Having sketched this essential Roman background, the main body of my analysis can now concentrate on the post-Roman successor states. It will be divided into four chapters, each focussing upon a distinct aspect of the penalty of exile. Chapters one and two should be seen as companion pieces, the former discussing exile in legal theory and the latter, exile in legal practice. As mentioned already, historians of the early medieval period have generally ignored the penalty's wider legal context and heritage and so these chapters will each cover substantially new ground, whilst also establishing an overarching framework within which future scholars can assess individual cases of exile in a more meaningful way. Chapter one is particularly important in this regard because, by analysing the prescription of exile in secular and ecclesiastical legislation, it will exploit sources that have been underutilised or neglected entirely by previous scholarship. Its main aim will be to determine the extent to which the penalty changed in the two centuries after the collapse of the Western Empire. To that end, it will demonstrate that there was a significant degree of continuity in the crimes punished by exile, the forms of the penalty, and the treatment of different social groups. Nevertheless, we will also see that there were some noteworthy developments in the prescription of exile, as the law came to reflect the wider social, political, and economic transformations that engulfed the west in the fifth, sixth, and early seventh centuries. Perhaps the most significant

¹⁰⁷ Hillner, 'Imprisonment', pp.211-25.

¹⁰⁸ *Ibid.*, pp.225-34.

difference was the establishment and proliferation of the penalty of monastic confinement in ecclesiastical legislation, which was prescribed by western bishops several decades before Emperor Justinian formally codified the punishment in his laws.

Next, chapter two will look to compare the prescription of exile with the application of the punishment 'on the ground' by examining the descriptive evidence of exile. Although historians have often commented upon specific cases of exile, they have yet to approach this considerable body of material systematically. They have also tended to ignore the legal and institutional aspects of the imposition of the penalty in favour of analysing its cultural significance or its impact upon specific individuals' lives and careers. Chapter two will therefore fill this scholarly lacuna, ultimately demonstrating that there was a high degree of consistency between legal practice and legal theory, whilst, at the same time, noting the ways in which the penalty of exile was employed flexibly by rulers and adjusted to suit contemporary circumstances. In short, we will see that the application of exile was determined not only by the precepts of the law, but also by wider political exigencies and cultural expectations, such as the demand on rulers to act with clemency and, in particular, to spare certain groups from execution.

The conclusions reached in chapter two will lead to a more sustained discussion of the politics of exile in chapter three. In comparison with the legal aspects of exile, this topic has received more interest from previous generations of historians but their studies have usually been limited in scope to single kingdoms or regions. As mentioned earlier, the politics of exile in Vandal Africa have attracted the most attention, as scholars have demonstrated that the penalty was central to Vandal kings' attempts to eradicate the Nicene church. As a result of this work, a general consensus has emerged that the use of exile for sectarian ends was peculiar to Vandal Africa, but this claim has yet to be proven through a cross-regional study of all the available evidence. Chapter three will provide such a study, demonstrating

unequivocally – and contrary to the polemical accounts of our Nicene sources – that outside Vandal Africa, rulers did not employ the penalty of exile to enforce adherence to the Homoian confession. Instead, kings of all creeds imposed the penalty to consolidate their power, especially when their authority was weak or not yet secure, such as in regions they had recently conquered or following their accession to the throne.

Finally, chapter four will address the experience of exile, a topic which historians have previously discussed in relation to the impact of the penalty upon the careers and literary output of certain ‘celebrity’ bishops. However, I will adopt a substantially different perspective, again approaching the evidence more systematically to establish the general factors that influenced the lives and treatment of offenders whilst they were in banishment. I will argue that the experience of exile was primarily influenced by the interplay between three factors: the conditions of the sentence, the motivations behind the application of the penalty, and the status of the offender concerned. At the same time, I will also explore the efficacy of the punishment by determining the extent to which the experience of exile conformed in practice to the various legal distinctions and political exigencies outlined in chapters one, two, and three. Ultimately, I will conclude that imposition of exile was broadly effective from the perspective of the authorities, since the vast majority of offenders remained at their places of banishment for the duration of their sentences, and suffered a reduction in their power, influence, and connectedness. The key exception to this was when exile was imposed for sectarian purposes, as demonstrated by the case of Vandal Africa, where, far from establishing religious orthodoxy, the banishment of Nicene Christians may merely have stiffened their resistance, whilst increasing their prestige both within Africa and further afield.

Chapter 1 - The Penalty of Exile in Theory

Whilst a considerable amount of scholarship has been devoted to establishing the legal features of the penalty of exile during the Roman Empire, the same cannot be said of the post-Roman west. Indeed, to my knowledge, no single study has yet focussed systematically upon the prescription of exile in legislation issued after the collapse of the Western Roman Empire. Consequently, when discussing the phenomenon of exile, early medieval historians have generally failed to show an appreciation of the penalty's wider legal context and heritage. This is problematic, as the authorities responsible for imposing the penalty would doubtless have had some awareness (however limited or imprecise) of legal precedent. If one wishes to understand fully the decisions taken by judges and, in particular, the ways and degree to which their application of exile was sanctioned by the law, one must first establish how legislators treated the penalty on an abstract level. This is the central aim of the present chapter, which will determine the main features and trends in the prescription of exile in post-Roman secular and ecclesiastical legislation.

Underpinning my analysis is a database of 135 provisions, collated below in Appendix 1, that prescribe the penalty of exile, in one of its various forms, between 484 – the date of the earliest, surviving post-Roman law to prescribe exile – and 654, when King Recceswinth of the Visigoths (r. 649–672) published his monumental collection of law, the so-called *Visigothic Code*.¹ Whilst the publication of the *Visigothic Code* provides a convenient stopping point for this database, I will also occasionally refer to rulings that were issued later on in the seventh century to support my analysis further. Broadly speaking, the

¹ On the form of the *Visigothic Code*, the dates of its initial publication and subsequent reissues, and the various debates surrounding the work, see Roger Collins, *Visigothic Spain 409-711* (Oxford, 2004), pp.232-6.

legal evidence employed in this chapter can be divided into two categories: secular and ecclesiastical. The former consists of royal decrees as well as legal collections that codified existing customs and/or compiled older rulings, whether excerpted in their original form or in an abbreviated state.² The second category refers specifically to the canons that were issued at church councils. These rulings were formulated by the council's participants – mainly bishops but also other clerics, monks, and even members of the laity – who debated the topical issues and agreed upon the appropriate response.³ In theory, these canons had universal applicability, but the political fragmentation of the post-Roman west ensured that over the course of the period different kingdoms developed their own distinctive bodies of conciliar legislation.

Although the provisions contained in the database certainly provide an adequate basis on which to examine the prescription of exile, the vagaries of source preservation mean that the penalty is much better documented in some kingdoms than others. This is demonstrated quite clearly, for example, by the contrasting situations of Visigothic Spain, for which we possess a great deal of secular and ecclesiastical legislation, and Vandal Africa, where the only extant laws are a handful of edicts that were transmitted verbatim in literary sources. As a result, there is a danger of obscuring regional differences by making broad claims based upon the evidence of one particularly well-documented kingdom. In an attempt to mitigate this problem, I will therefore endeavour to draw upon a range of evidence when illustrating particular points, whilst also providing some indication of how and why the prescription of exile may have differed between kingdoms.

² Patrick C. Wormald, '*Lex scripta and verbum regis: Legislation and Germanic Kingship from Euric to Cnut*', in P. Sawyer and I. Wood (eds), *Early Medieval Kingship* (Leeds, 1977), pp.107-16.

³ On early medieval church councils and their documentation, see Gregory I. Halfond, *The Archaeology of Frankish Church Councils AD 511-768* (Leiden, 2010), pp.1-56.

In the post-Roman west, as in the Roman Empire before it, lawmakers were often reactive rather than proactive in the sense that they issued legislation in response to specific cases that had been brought to their attention.⁴ Why then, one may legitimately ask, does this chapter focus on prescriptive material without attempting to incorporate the more descriptive evidence on exile contained in literary sources? My reasons are twofold. For one thing, the laws themselves were often written or edited in a way that obscures the circumstances behind their promulgation. In many cases, therefore, we have little choice but to treat such laws on their own terms as abstract creations. Secondly, once the ways in which the penalty of exile was prescribed by legislators have been established, I will be better able to compare theory with practice in the following chapter when I turn to the application of exile on the ground. In short, the present discussion is intended to establish a framework within which the real-world instances of exile that follow can be assessed in more meaningful and rigorous fashion throughout the rest of the thesis.

This chapter is split into three sections, focussing on the crimes punished by exile, the forms of exile, and the victims of exile respectively. Given that such topics were briefly covered in the introduction in the context of the Roman evidence, this structure will allow me to determine the extent to which the prescription of exile in the post-Roman west resembled that of earlier centuries. With regard to secular law, it will be argued that there was a great deal of continuity with the imperial past, as post-Roman legislators modelled their enactments on earlier material, or simply adhered to time-honoured principles of law. However, this is not to say that they reproduced Roman legislation verbatim; as we will see, they frequently updated, reworked, and overlooked laws that they did not deem relevant or appropriate. This led to a series of changes in the prescription of exile, of which the most

⁴ On the formulation of law in the post-Roman west, see T. M. Charles-Edwards, 'Law in the Western Kingdoms between the Fifth and the Seventh Century', in Averil M. Cameron *et al.* (eds), *Cambridge Ancient History Vol. 14* (Cambridge, 2000), pp.263-71.

noteworthy were the decriminalisation of heresy and the gradual abandonment of the classical Roman penalties of *relegatio*, *deportatio*, and exile as forced labour. At the same time, we will see that a separate and distinct pattern in the prescription of exile emerged in ecclesiastical law, following the establishment of the penalty of monastic confinement at the beginning of the sixth century. It will be argued that this provided bishops with a flexible tool to protect the more distinguished clerical orders from harsher punishment, to consolidate episcopal power, and, perhaps most importantly, to discipline and reform their delinquent subordinates. Ultimately, it is in the development and proliferation of monastic confinement where we see the greatest innovation in the prescription of exile during the period.

1.1 The Crimes Punished by Exile

At first glance, there appears to be little rhyme or reason to the prescription of exile in legislation. A bewildering variety of offences carry the penalty as a statutory punishment, ranging from mild misdemeanours, such as the cutting down of fruit-bearing trees, to much more serious crimes, such as acts of sedition.⁵ This variety is itself instructive as it suggests that legislators did not associate the penalty of exile with specific types of offences. Instead, virtually any crime, no matter how minor or severe, could be punished by exile if the authorities deemed it appropriate, something which will become more evident in the following chapter when we look at the real-world application of exile. Nevertheless, there was another, crucial factor at work in the use of the penalty that must also be taken into account – the influence of Roman Law. Indeed, it will be argued that throughout the period the crimes that carried exile as a statutory penalty were largely determined by Roman precedent as legislators drew directly or indirectly upon earlier material. However, this is not to say that they were mere copyists, as they were still mindful of the need to make their provisions relevant to a contemporary audience. As we shall see, this ensured that the crimes

⁵ For a full list of the crimes that carry the penalty of exile in secular legislation, see below, Appendix 1.1.

punished by exile did not remain completely ossified, as legislators updated and reworked the substance of earlier laws in line with more recent developments. Further evidence of change also emerges in the context of crimes that ceased to carry the penalty of exile. Without a doubt, the most noteworthy example of this is heresy, which, as we saw in the introduction, had routinely been punished by exile in the fourth and early fifth centuries, but was effectively decriminalised in much of the post-Roman west.

The Influence of Roman Law

There was a great deal of continuity before and after the collapse of the Western Empire in the crimes that, in theory at least, were punished by exile. Nowhere is this more apparent than in the so-called *Breviary of Alaric* (also known as the *Lex Romana Visigothorum*) – a compilation of Roman Law issued in 506 by King Alaric II (r. 484-507) in which extracts of earlier texts were reproduced in their original state alongside commentaries, or *interpretationes*, that clarified and elaborated upon the material for the benefit of a contemporary audience.⁶ Within the *Breviary*, there are 65 separate provisions that prescribe exile in excerpts taken from the *Sentences of Paul* and assorted late imperial constitutions.⁷ Occasionally, the accompanying *interpretatio* alters the meaning of the original text to such an extent that the provision effectively prohibits a different crime. A particularly clear example of this can be seen in an excerpt taken from the *Sentences of Paul* (a compilation of commentaries on Roman Law attributed to the Severan-era jurist Iulius Paulus, but was, in fact, put together in around 300, some 60 or 70 years after Paulus' death)⁸ that prescribes exile for offenders who steal from temples, which the compilers of the *Breviary* changed in

⁶ John Matthews, 'Interpreting the *interpretationes* of the *Breviarium*', in Ralph W. Mathisen (ed.), *Law, Society and Authority in Late Antiquity* (Oxford, 2001), pp.11-32.

⁷ See below, Appendix 1.1.

⁸ Richard A. Bauman, *Crime and Punishment in Ancient Rome* (London, 1996), p.121.

their *interpretatio* to refer instead to churches.⁹ In the majority of cases, however, the essence of the original text was retained by the compilers, meaning that there are a substantial number of crimes that were punished by exile in the later Roman Empire that carried the same penalty under Alaric and his Visigothic successors.

Whilst such continuity was inevitable in the *Breviary of Alaric*, given that its authors were substantially repackaging earlier material, it can be shown that other law codes were also influenced by Roman Law when prescribing exile for particular crimes. Somewhat unsurprisingly given its title, this certainly applies in the case of the so-called *Lex Romana Burgundionum* (henceforth: *LRB*), an enigmatic text that has been connected with the Burgundian kingdom on the basis of its structural similarities with another Burgundian legal collection, the *Book of Constitutions*.¹⁰ The modern editors of the *LRB* have demonstrated that the content of its 47 titles was largely derived from Roman legal material.¹¹ This determined that almost all the crimes that carried the penalty of exile in the *LRB* had Roman precedents. In fact, six of the seven provisions that prescribe exile in the document appear to be condensed versions of earlier Roman texts (see Table 1.1). The authors of the *LRB* almost certainly had these texts to hand, not least because in one provision, which prescribed exile for kidnappers, they referred their readers to their Roman source – a passage in the *Sentences of Paul* – for further details.¹² It is interesting to note, however, that in this case their definition of the crime differed slightly from what was written in the original text. Whilst the *Sentences of Paul* stated that it was illegal to conceal, sell, bind, or purchase a free Roman

⁹ *Breviarium Alarici, Pauli Sententiarum* 5.21.1, Gustav F. Haenel (ed.), *Lex Romana Visigothorum* (Leipzig, 1849), p.434.

¹⁰ On the purposes and content of the *Lex Romana Burgundionum* and its connections with the Burgundian kingdom, see Patrick Amory, 'The Meaning and Purpose of Ethnic Terminology in the Burgundian Laws', *Early Medieval Europe* 2.1 (1993), p.12 and Hermann Nehlsen, 'Lex Romana Burgundionum', in Adalbert Erler and Ekkehard Kaufmann (eds), *Handwörterbuch zur deutschen Rechtsgeschichte* Vol. 2 (1978), cols 1,928-31.

¹¹ *Leges Romana Burgundionum*, MGH LL nat. Germ. 2.1, pp.168-70.

¹² *LRB* 20, p.143: *Si quis ingenuum natum ligaverit, vindiderit, honestiores persone damnantur exilio, viliores vero metallis deputantur; exceptis his, qui captivitatis iugo tenentur obnoxii, secundum speciem Pauli sententiarum libro V. sub titulo: [Ad legem Fabiam].*

citizen, the *LRB* merely referred to ‘free-born persons’.¹³ This simplification of language might have been intended by the authors to make the provision more applicable to the Burgundian kingdom, where not every free person was necessarily a Roman citizen (if, indeed, the concept of citizenship continued to exist at all).¹⁴ In this way, the crimes that were punished by exile in the *LRB* demonstrate a degree of change as well as continuity with Roman Law.

Table 1:1 The Crimes Punished by Exile in the Provisions of the *LRB* and their Probable Roman Sources

Provisions in the <i>LRB</i> that prescribe the penalty of exile	Crime	Probable Roman Source
8.3	Slaves who commit violence on the orders of their masters	<i>CTh</i> 9.10.4
9.2	Parents who make an agreement with the abductor of their daughter	<i>CTh</i> 9.24.1
11.3	Calumny	Not known
18.3	Arson on account of enmity	<i>Paul. Sent.</i> 5.20.2
18.5	Cutting down fruit bearing trees	<i>Paul. Sent.</i> 5.20.6
20	Kidnapping and selling of free persons	<i>Paul. Sent.</i> 5.30b
32.1	Forgery	<i>CTh</i> 9.19.2

A similar mix of continuity and change can also be detected in the *Edict of Theodoric*. Although there has been considerable debate over the provenance of this work, the weight of scholarly opinion holds that it was issued in Ostrogothic Italy by King Theodoric (r. 493-526), possibly in conjunction with his *decennalia* celebrations in 500.¹⁵ Along with a

¹³ *Pauli Sententiarum* 5.30b, Emil Seckel and Bernhard Kuebler (eds), *Iurisprudentiae anteiustinianae reliquias Vol.II* (Leipzig, 1911), pp.157-8.

¹⁴ On the concept citizenship in the post-Roman west, see the discussion of *relegatio*, *deportatio* and *exilium* in section 1.2.

¹⁵ A number of other candidates for the authorship of the *Edict* have been proposed by scholars. For Theodoric II of the Visigoths; see G. Vismara, ‘*Edictum Theoderici*’, *Ius Romanum Medii Aevi*, part 1, 2 b aa 1 (Milan, 1967); *Idem*, *Cuadernos del Instituto Jurídico Español, Rome* 5 (1956), pp.49-51; *Idem*, ‘Romani e Goti di

prologue and epilogue, it contains 154 numbered clauses, each of which was framed by a heading that summarised its subject matter. Again, scholars have shown that much of the content of these clauses was ultimately derived from Roman Law.¹⁶ With respect to the ten clauses that prescribe exile, nine were based on the content of earlier texts, specifically the *Sentences of Paul* and the laws contained in the *Theodosian Code* (see Table 1.2).¹⁷ This meant that the crimes that were punished by exile in the *Edict* had for the most part carried the same penalty in the later Roman Empire. However, it is important to emphasise that the drafters of the *Edict* were not mere copyists, as they were willing to deviate from the language and, sometimes, also the substance of their source material. A good example of this can be seen in the provision that is derived from a passage in the *Sentences of Paul* which originally recommended exile for ‘persons who make use of the insignia of higher rank or pretend to be in the military for the purposes of terrifying or intimidating someone’.¹⁸ In the *Edict*, the stipulated crime was different, with the penalty instead prescribed against anyone who ‘assembles an armed force on his own behalf... or assumes authority which he does not have’.¹⁹ This alteration probably reflects the fact that the professional soldiery envisaged in the passage of the *Sentences of Paul* were becoming increasingly ‘privatised’ in the post-

fronte al diritto nel regno ostrogoto’ *Settimane di studio del Centro Italiano di studi sull’alto medioevo* 3 [= *1 Goti in occidente: problemi*] (Spoleto, 1956), pp.407-67. For Odoacer, see P. Rasi, ‘Ancora sulla paternità del così detto *Edictum Theodorici*’, *Archivio giuridico* 145 (1953), pp.105-62. The weight of scholarly opinion, however, gravitates toward Theodoric of the Ostrogoths; see S. Lafferty, *Law and Society in the Age of Theoderic the Great: A Study of the Edictum Theoderici* (Cambridge, 2013), pp.23-45; *Idem*, ‘Law and society in Ostrogothic Italy: Evidence from the *Edictum Theoderici*’, *Journal of Late Antiquity* 3.2 (2010), pp.339-45; C. I. Schott, ‘Der Stand der Leges-Forschung’, *Frühmittelalterliche Studien* 13 (1979), pp.29-55; H. Nehlsen, *Sklavenrecht zwischen Antike und Mittelalter: Germanisches und römisches Recht in den germanischen Rechtsaufzeichnungen* (Göttingen, 1972), pp.120-3; B. Paradisi, ‘Critica e mito dell’editto teodericano’, *Bollettino dell’Istituto di diritto romano* 68 (1965), pp.1-47.

¹⁶ The Roman sources identified by Friedrich Bluhme, which he included in an appendix to his edition of the *Edict of Theodoric*, have remained standard; see MGH LL 5, p.176.

¹⁷ Given the similarities in subject matter, organisation, language and syntax, the drafters of the *Edict* almost certainly had copies of these texts to hand, see Lafferty, *Law*, p.61.

¹⁸ *Paul. Sent.* 5.25.12, p.154: *Qui insignibus altioris ordinis militiamque confingunt, quo quem terreant vel concutiant, humiliores capite puniuntur, honestiores deportantur.*

¹⁹ *Edict. Theod.* 89, p.162: *Si quis sibi, ut aliquem terreant, militiam confi[n]xerit, vel adsumpserit quam non habet potestatem, viliores fustibus caesi perpetuae relegationis mala sustineant, honestiores exilii patiantur incommoda.*

Roman west, as landholders were given the responsibility of raising troops from their dependents and tenants.²⁰ The content of this provision thus neatly demonstrates how the drafters of the *Edict* were compelled to revise and update their source material to create a law code that was appropriate for an early sixth-century context.

Table 1.2: The Crimes Punished by Exile in the Provisions of the *Edict of Theodoric* and their Probable Roman Sources

Provisions in the <i>Edict of Theodoric</i> that prescribe the penalty of exile	Crime	Probable Roman Source
18	Parents, or guardians, who fail to prosecute, or make an agreement with abductors	<i>CTh</i> 9.24.1
42	Witnesses who deliver conflicting or false testimony	<i>Paul. Sent.</i> 5.15.5
75	Preventing a dead man's burial	<i>Paul. Sent.</i> 5.26.3
83	Kidnapping and selling a freeman, or knowingly purchasing one	<i>Paul. Sent.</i> 5.30b
89	Those who assemble an armed force or claim authority they do not have	<i>Paul. Sent.</i> 5.25.12
95	Creditors who knowingly receive free children as pledges from their parents	<i>Paul. Sent.</i> 5.1.1
97	Arson	<i>Paul. Sent.</i> 5.20.2
108	Knowledge of magical arts	<i>Paul. Sent.</i> 5.23.18
111	Burying corpses within Rome	<i>CTh</i> 9.17.6
155. <i>Epilogus</i>	Judges who allow the edict to be violated	N/A

In collections that were not so closely modelled upon imperial legislation, exile appears much less frequently if at all. For example, the penalty – as Roman legal authorities would have understood it – is not prescribed in the *Pactus Legis Salicae* (henceforth: *PLS*), the original 65-title codification of Frankish law often assigned in scholarship to the reign of

²⁰ See Guy Halsall, *Warfare and Society in the Barbarian West* (London, 2003), pp.40-70.

King Clovis (r. 481-511) but possibly composed before his accession.²¹ Even so, the *PLS* does recommend a form of spatial exclusion to be inflicted upon tomb robbers in a provision that deserves to be quoted in full:

‘And in the old law: If anyone exhumes and plunders a corpse already buried (known in the malberg as *muther*), and it can be proven that he did this, let him become a *wargus* until that day when he comes to an agreement with the relatives of the deceased, so that they must ask that he be allowed [again] to go among men. And whoever gave food or shelter to him, before the [accused] compensated the relatives, whether his closest relatives or [even] his own wife, let him be held liable for 600 denarii, which makes fifteen solidi. But let the criminal who is proven to have committed this [deed] or to have exhumed [the corpse] (known in the malberg as *tornechale*) be held liable for 8000 denarii, which makes 200 solidi’.²²

Whilst the meaning of this provision is relatively clear – tomb robbers are to be excluded from their communities until they pay compensation to the relatives of the deceased – its origins have provoked much debate. Until relatively recently, it was assumed by scholars that the ‘old law’ (*antiqua lex*) cited at the beginning of the provision indicated that it was Germanic in origin.²³ Consequently, they argued on the basis of much later Norse sources that the exclusion of tomb robbers from society, as designated by the vernacular term *wargus*,

²¹ On the date of the composition of the *Pactus Legis Salicae*, see Ian N. Wood, *The Merovingian Kingdoms* (Abingdon, 1994), pp.108-13; Karl Ubl, ‘L’origine contestée de la loi salique. Une mise au point’, *IFHA* 1 (2009), pp.208-34; and Étienne Renard, ‘Le *Pactus Legis Salicae*, règlement militaire romain ou code de lois compilé sous Clovis ?’, *Bibliothèque de l’École des chartes* 167.2 (2009), pp.321-52.

²² *Pactus Legis Salicae* 55.4, MGH LL Nat. Germ. 4.1, pp.206-7: *Et antiqua lege: Si quis corpus iam sepultum effodierit et expoliauierit et ei fuerit probatum, mallobergo muther hoc est, uuargus sit usque in diem illa(m), quam ille cum parentibus ipsius defuncti conueniat, [ut] et ipsi pro eo rogare debeant, ut ei inter homines liceat accedere. Et qui ei, antequam [cum] parentibus conponat, aut panem [dederit] aut hospitalem dederit, [seu parentes] seu uxor sua proxima, DC denarios qui faciunt solidos xv culpabilis iudicetur. Tamen auctor sceleris, qui [hoc] admisisse probatur [aut effodisse], mallobergo tornechale sunt, VIIIM denarios qui faciunt solidos cc culpabilis iudicetur.* Translation by Rivers, *Laws*, p.102.

²³ On the treatment of this provision by previous generations of historians, see Miriam Czock, ‘Der Grabräuber als Exilant. Eine neue Interpretation von Lex Salica 55.4 zum Grabfrevel’, in Linda-Marie Günther (ed.), *Inszenierungen des Todes: Hinrichtung, Martyrium, Schändung* (Bochum, 2006), p.73.

was based upon a common-Germanic legal concept of outlawry.²⁴ This widely-accepted claim was, however, challenged by Hermann Nehlsen, who rightly argued that it was methodologically unsound to use later sources to establish the meaning and origins of the Salic provision.²⁵ Instead, he postulated that Frankish legislators might have been drawing upon ecclesiastical regulations concerning burial, which, in turn, led him to conclude that the form of exclusion imposed by the provision was actually modelled upon the sanction of excommunication. However, Nehlsen's interpretation has itself been subject to criticism, not least because ecclesiastical authorities very rarely discussed the crime of tomb robbery in their legislation before the ninth century.²⁶

Rather than necessarily being based upon so-called 'Germanic' custom or ecclesiastical legislation, it is possible that the roots of this provision instead lay at least in part in Roman Law. Several, surviving Roman legal sources discuss the crime of tomb robbery, the latest of which is a *Novel* of Valentinian III (r. 425-455), issued in 447, that imposed various penalties for offenders who violated tombs: clerics were to be punished by deportation, deposition from office, and the confiscation of their property; *splendidiores* and persons of high rank by *infamia* and the confiscation of half of their wealth; and slaves, *coloni*, and poor freemen by the death penalty.²⁷ Prior to the promulgation of that law, the *Theodosian Code* had summarised a number of other imperial constitutions under the heading

²⁴ On the meaning of the term *wargus*, see Fred C. Robinson, 'Germanic **uargaz* (OE *wearh*) and the Finnish Evidence', in J. Walmsley (ed.), *Inside Old English: Essays in Honour of Bruce Mitchell* (Oxford, 2006), pp.242-7. On outlawry in the Middle Ages, see Elisabeth Van Houts, 'The Vocabulary of Exile and Outlawry in the North Sea Area around the First Millennium', in Laura Napran and Elisabeth Van Houts (eds), *Exile in the Middle Ages* (Turnhout, 2004), pp.13-28.

²⁵ Hermann Nehlsen, 'Der Grabfrevel in den germanischen Rechtsaufzeichnungen. Zugleich ein Beitrag zur Diskussion um Todesstrafe und Friedlosigkeit bei den Germanen', in Herbert Jankuhn *et al.* (eds), *Zum Grabfrevel in vor- und frühgeschichtlicher Zeit: Untersuchungen zu Grabraub und "haugbrot" in Mittel- und Nordeuropa; Bericht über ein Kolloquium der Kommission für die Altertumskunde Mittel- und Nordeuropas vom 14. bis. 16. Februar 1977* (Göttingen, 1978), pp.107-68.

²⁶ Czock, 'Grabräuber', pp.76-7.

²⁷ Valentinianus III, *Novellae* 23 (AD 447), Theodor Mommsen and Paul M. Meyer (eds), *Codex Theodosianus Vol. II* (Berlin, 1905), pp.114-7.

De sepulchri violati [sic], which prescribed either fines or exile for offenders.²⁸ And even earlier still, the author of the *Sentences of Paul* had considered the crime of tomb violation, and, like Valentinian III, recommended different penalties according to offenders' rank – specifically, deportation to an island for members of the elite, and condemnation to the mines or execution for the lower orders.²⁹ Evidently, therefore, there are clear precedents in Roman Law for the Salic provision, not only in its treatment of tomb robbery as a crime, but also in its more specific use of spatial exclusion and fines to punish offenders.³⁰ Indeed, Frankish legislators may well have been aware of these sources in either their original state or (depending on the date of the *PLS*'s publication) the copies that were contained in the *Breviary of Alaric*, which we know circulated quite widely in Merovingian Gaul.³¹ To be sure, the Salic provision contains a number of oddities – its delegation of legal power to private individuals, and the use of spatial exclusion as a form of coercion to secure compensatory payments are not features found in Roman sources and may reflect the separate legal traditions of the remote, rural communities that generally seem to be at the focus of the *PLS*. In other words, the Salic provision might provide insight into how the penalty of exile was employed on the ground in places where central authority was weak or non-existent. Ultimately, whilst the origins of this provision remain unresolved, there are at least grounds for thinking that by prohibiting corpse violation, and in particular, by prescribing a form of spatial exclusion for offenders it may have been influenced, however indirectly, by Roman Law.

²⁸ *Codex Theodosianus* 9.17, Theodor Mommsen and Paul M. Meyer (eds), *Codex Theodosianus Vol. I* (Berlin, 1905), pp.464-6.

²⁹ *Paul. Sent.* 1.21.4-5; 5.19a, p.34; 144.

³⁰ Czock, 'Grabräuber', pp.73-7 has likewise argued that the origins of Salic provision lay in Roman Law, although she does not address its more unusual features, which cannot have been derived from imperial legislation.

³¹ On the preservation of the sources of Roman Law and specifically the *Theodosian Code* in Merovingian Gaul, see Ian N. Wood, 'The code in Merovingian Gaul', in Jill D. Harries and Ian N. Wood (eds), *The Theodosian Code. Studies in the Late Imperial Law of Late Antiquity* (London, 1993), pp.161-77.

As well as continuing to target offences that had already been punished by exile during the Roman period, legislators also prescribed the penalty in a way that built upon the rulings of their imperial forebears. This can be seen, for instance, in the *Edict of Athalaric* – originally issued in 533/4 by King Athalaric of the Ostrogoths (r. 526-534) but known through its inclusion in the *Variae* of Cassiodorus – in a clause that dealt with the illicit seizure of property (*pervasio*).³² The clause reconfirmed ‘a law of the divine Valentinian’, presumably the *Novel* of Valentinian III, issued in 440, which had ordered that those found guilty of this offence were to be fined the value of the estate seized.³³ However, the *Edict* added the stipulation that free men unable to pay the fine were to be punished with exile.³⁴ In this way, Athalaric built upon Valentinian’s legislation by recognising that a statutory fine would not always serve as a sufficient penalty. A very similar example of a legislator expanding upon the scope of earlier material can be seen in the *Edict of Theodoric* in a provision that forbade the burying of corpses within the city of Rome.³⁵ As is typical for the *Edict*, two penalties are prescribed: persons with wealth were to be fined a fourth part of their patrimony, whilst penniless offenders were to be beaten with clubs and driven from the city.³⁶ Friedrich Bluhme, who edited the MGH edition of the *Edict* and provided references to analogous Roman sources, noted that this provision drew upon a law of Valentinian II (r. 375-392).³⁷ However, the latter, as preserved in the *Theodosian Code*, prescribes only a monetary fine. It could be that expulsion was stipulated in a later, now lost, Roman source, which the authors of the *Edict* had drawn upon. But it is equally likely that this was a new penalty clause created for the *Edict*, either in response to a specific case or else as a

³² Cassiodorus, *Variae* 9.18.1, MGH Auct. Ant. 12, pp.282-3.

³³ Val. III, *Nov.* 8.1 (AD 440), p.88.

³⁴ Cass., *Var.* 9.18.1, p.283: *si quis ingenuorum ad satisfaciendum legi superius definitae idoneus non habetur, deportationis protinus subiaceat ultioni, quia plus debuit cogitare iura publica, qui se noverat alibi non posse sustinere vindictam.*

³⁵ *Edict. Theod.* 111, p.164.

³⁶ *Ibid.* 111, p.164: *Qui intra urbem Romam cadavera sepelierit, quartam partem patrimonii sui fisco sociare cogatur: si nihil habuerit, caesus fustibus civitate pellatur.*

³⁷ *CTh* 9.17.6 (AD 381), p.465.

consequence of a more systematic approach to the offence on the part of its authors, who wished to ensure that their provision was able to cover all eventualities.

Towards the end of the sixth century, Merovingian kings were also prescribing the penalty in a way that built upon the Roman legal heritage, as can be seen in the evolving treatment of the crime of abduction (*raptus*) in royal legislation. In the *PLS*, abduction was (almost) invariably punished by a fine, gradated according to the circumstances of the case and the status of the victim concerned.³⁸ This was a rather lenient sentence, certainly in comparison to the treatment of the crime in the later Roman Empire where, following a ruling issued by Constantine (r. 306-337) in 320, it had been punished by execution.³⁹ In 595, Frankish law was brought more in line with Roman Law, as King Childebert II (r. 575-595) decreed that abductors (*raptores*) as well as their victims (if they had consented) could be killed with impunity.⁴⁰ The decree also stated, however, that the sentence was to be commuted to exile if the offenders had sought refuge in a church. This stipulation probably reflects the involvement of bishops in the legislative process, given that the Frankish episcopate had tenaciously defended the right of asylum throughout the sixth century.⁴¹ It could be said, therefore, that Childebert's provision on abduction essentially updated Constantine's law better to fit the more Christianised environment of Merovingian Gaul, where church asylum had become an accepted part of the legal landscape.

Outmoded Offences

That post-Roman legislators were drawing or building upon earlier material when prescribing exile for specific crimes should not surprise us – after all, scholars are now much

³⁸ *PLS* 13, pp.59-63.

³⁹ *CTh* 9.24.1 (AD 320); 2 (AD 349) pp.476-7; 477.

⁴⁰ *Decretio Childeberti* 2.2, MGH LL Nat. Germ. 4.1, p.268.

⁴¹ See R. Meens, 'The Sanctity of the Basilica of St Martin: Gregory of Tours and the Practice of Sanctuary in the Merovingian Period', in R. Corradini *et al.* (eds), *Texts and Identities in the Early Middle Ages* (Vienna, 2006), pp.277-88.

more aware of the influence of Roman Law upon the legislation issued by early medieval kings.⁴² It is interesting, therefore, to examine those offences that no longer carried the penalty in the post-Roman west, as this shows the extent to which the priorities of rulers had changed since the collapse of the Western Empire. The *Breviary of Alaric* is particularly useful in this respect, as we can identify the specific pieces of Roman legislation that were passed over by its compilers, presumably because they did not consider them to be relevant. To give one example, they omitted a passage of the *Sentences of Paul* that had recommended exile for persons who stole from state-owned mines, perhaps because such institutions no longer existed in the Visigothic kingdom.⁴³ For similar reasons, they ignored much of the legislation that had imposed exile upon incompetent or corrupt members of the imperial administration, such as a ruling of Valentinian II that prescribed relegation for negligent supervisors of the now defunct public post.⁴⁴ Such omissions remind us that the *Breviary*, despite its derivative nature, was not merely a symbolic collection of outmoded enactments as has sometimes been suggested by historians; rather, it was intended, at least in part, for contemporary use.⁴⁵

Without a doubt, the most glaring omissions from post-Roman legislation were provisions that prescribed exile for the crime of heresy. As we saw earlier, banishment had been established as the routine legal sanction for religious dissidence in the later Roman Empire. Indeed, there are some 27 surviving constitutions, issued between the reign of Theodosius I (r. 379-395) – the first emperor to require his subjects by law to adhere to a specific creed – and the collapse of the Western Empire, which impose the penalty of exile

⁴² See, for example, P. S. Barnwell, 'Emperors, Jurists and Kings: Law and Custom in the Late Roman and Early Medieval West', *Past & Present* 168 (2000), pp.6-29 and Stefan Esders, *Römische Rechts tradition und merowingisches Königtum. Zum Rechtscharakter politischer Herrschaft in Burgund im 6. und 7. Jahrhundert* (Göttingen, 1997), pp.461-8.

⁴³ *Paul. Sent.* 5.21a.1, p.146. On whether state-owned mines continued to exist in the post-Roman west, see section 1.2 below.

⁴⁴ *CTh* 8.5.35 (AD 378), pp.384-5.

⁴⁵ See, for example, Wormald, 'Legislation', p.133.

for crimes connected to heresy.⁴⁶ Despite having access to them, however, post-Roman legislators generally chose to overlook these laws.⁴⁷ Again, the *Breviary of Alaric* demonstrates this particularly clearly, as we can see that its compilers consciously omitted all of the anti-heresy legislation that they found in book sixteen of the *Theodosian Code*.⁴⁸ It is a similar story in the other law codes of the period. For example, neither the *LRB* nor the *Edict of Theodoric* contain any provisions that prescribe exile against heretics, even though, as discussed already, both of these collections drew heavily on late Roman legal sources. The reasons for this are not immediately clear. It could be argued that legislators deemed such laws unsuitable, as they were drafted at a time when rulers equated orthodox Christianity with commitment to the Nicene Creed. This definition of orthodoxy would have been problematic in much of the post-Roman west, as kings, with the exception of those of Merovingian Gaul, generally subscribed to the so-called Homoian confession.⁴⁹ Still, this is not a totally adequate explanation, given that legislators could have updated Roman material to reflect their own creedal positions. The fact that they chose to ignore such laws altogether leads us to the striking conclusion that they generally did not consider heresy a crime, and thus were much more permissive of their subjects' beliefs than were their imperial predecessors.

⁴⁶ *CTh* 16.5.6 (AD 381); 13 (AD 384); 18 (AD 389); 19 (AD 389); 21 (AD 392); 29 (395); 30 (AD 402); 31 (AD 396); 32 (AD 396); 34 (AD 398); 40 (AD 407); 45 (AD 408); 52 (AD 415); 53 (AD 398); 54 (AD 414); 57 (AD 415); 58 (AD 415); 62 (AD 425); 64 (AD 425); 65 (AD 428); 16.6.4 (AD 405); 6 (AD 413); 16.10.24 (AD 423), pp.856-7; 860; 861-2; 862; 862-3; 864-5; 865; 865; 865; 866; 867-8; 870; 872-3; 873; 873-4; 875; 875-6; 877; 878; 878-9; 881-2; 883; 904-5; Val. III, *Nov.* 18 (AD 445), pp.103-5; *Codex Justinianus* 1.5.8 (AD 455); 1.7.6 (AD 455); 2.6.8 (AD 468), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.2* (Berlin, 1892), p.52; 60-1; 98.

⁴⁷ It should be noted that slightly after our period of study, the Visigothic kings Recceswinth (r. 649–72) and Ervig (r. 680-7) prescribed the penalty of exile for heretics, perhaps taking inspiration from their late Roman predecessors or perhaps the contemporary emperors of Constantinople: see *Lex Visigothorum* 12.2.2; 12.3.1, MGH LL Nat. Germ. 1, pp.412-3; 429-32.

⁴⁸ In fact, the only Roman law excerpted in the *Breviary of Alaric* that targets a specific named sect is a *Novel* of Valentinian that declares that Manichaeans are to be expelled from the cities; see the discussion of expulsion in section 1.2 below.

⁴⁹ See the introduction.

However, it must be acknowledged that there was one region where religious orthodoxy was defined in secular legislation: Vandal North Africa. We know from the literary sources that, in stark contrast to their counterparts elsewhere in the post-Roman west, several Vandal kings vigorously promoted Homoian Christianity whilst penalising other sects, especially the Nicene confession to which the bulk of their subjects subscribed.⁵⁰ It is difficult to assess the legal basis for such initiatives as no law code has survived from the kingdom. Nevertheless, we are given a rare glimpse into the legal position of Nicene Christianity there in a copy of an edict transmitted in Victor of Vita's *History of the Vandal Persecution*, a polemical account of the first fifty years of Vandal rule in Africa.⁵¹ This edict was issued by King Huneric (r. 477-484) in the aftermath of the Council of Carthage of February 484, which he had convened to debate the issue of orthodoxy.⁵² In the edict, Huneric declared that adherence to Nicene Christianity, which he derogatorily refers to as the Homoousian faith, was to be considered illegal, and that all the inhabitants of the kingdom were to convert to the 'true religion which we venerate and practice' by June 1 of that year.⁵³ In other words, Huneric's edict established (or reconfirmed) the Homoian confession as the orthodox creed of the Vandal kingdom, whilst criminalising all other forms of Christianity.⁵⁴

As a consequence of their peculiar enthusiasm for promoting the Homoian confession, Vandal kings were the only rulers in the post-Roman west who consistently employed the penalty of exile to punish those Christians whom they considered heretical. Again, this is

⁵⁰ This will be discussed in greater detail below, especially in chapter three.

⁵¹ Victor Vitensis, *Historia persecutionis Africanae provinciae sub Geiserico et Hunrico regibus Wandalorum* 3.3-14, MGH Auct. Ant. 3.1, pp.40-3. On Victor of Vita and his *History*, see Serge Lancel, *Histoire de la persécution vandale en Afrique / Victor de Vita* (Paris, 2002), pp.3-63.

⁵² On the Council of Carthage of February 484, see below section 3.3.

⁵³ Vic. Vit., *HP* 3.12, pp.42-3: ...*Omnēs ergo supra dictae fidei homousion erroribus implicatos, quae cuncto praedamnata est concilio tantorum numero sacerdotum, universis rebus praedictis et contractibus praecipimus abstineri, quod nihil sibi noverint esse permissum, sed universos similis poena maneat et astringat, si ad veram religionem, quam veneramur et colimus, intra diem Kalendarum Iuniarum anni octavi regni nostri conversi non fuerint.*

⁵⁴ It is possible that Huneric's father and predecessor, King Geiseric, had issued similar legislation prohibiting Nicene Christianity in Vandal Africa; see Robin Whelan, *Being Christian in Vandal Africa: The Politics of Orthodoxy in the Post-Imperial West* (Oakland, CA, 2018), pp.98-9.

demonstrated mainly by the literary evidence, as we shall see in the following chapters when we look at the scores of cases of exile involving Nicene Christians that occurred in Vandal Africa. However, the penalty also appears in the aforementioned edict of Huneric, in the context of a summation of various anti-heresy measures that had putatively been prescribed by late Roman emperors. Firstly, the edict stated that clerics had been expelled from all cities and places and prohibited from engaging in baptisms, religious debates, and ordinations under a penalty of ten pounds of gold, or, in the case of repeat offenders, exile under suitable guard.⁵⁵ Secondly, judges' officials had been liable to a fine of 30 pounds of silver on five occasions, after which they had incurred the penalty of exile along with a beating with rods.⁵⁶ Finally, private individuals had been fined according to their rank, but if they had persisted 'in their wickedness' they too had faced exile along with the confiscation of all their property.⁵⁷ The fact that such penalties had been prescribed by late Roman emperors is confirmed by the *Theodosian Code*, which includes several possible sources of inspiration for the Vandal legislation, including at least three constitutions that were issued against the Donatists in the early fifth century.⁵⁸

Significantly, Huneric went on to stipulate in his edict that these same measures were to be imposed in the Vandal kingdom upon 'homoousians' who refused to adopt the Homoian confession.⁵⁹ In effect, therefore, the edict made continued adherence to Nicene Christianity punishable by exile for virtually all categories of person. This was somewhat ironic given that Huneric was reworking legislation that had originally been enacted by emperors who

⁵⁵ Vic. Vit., *HP* 3.8, p.41.

⁵⁶ *Ibid.* 3.9, pp.41-2.

⁵⁷ *Ibid.* 3.10, p.42.

⁵⁸ *CTh.* 16.5.45 (AD 408); 52 (AD 412); 54 (AD 414), p.870; 872-3; 873-4. For comment, see É, Fournier, 'Victor of Vita and the Vandal "Persecution": Interpreting Exile in Late Antiquity', Unpublished PhD Thesis, University of California (Santa Barbara, 2008), p.75, n.3.

⁵⁹ Vic. Vit., *HP* 3.12, pp.42-3.

subscribed to the very beliefs that he was now attempting to expunge. Indeed, Huneric acknowledged this fact within his edict, declaring in the preamble that:

‘... it is necessary and very just with regard to these [Nicene Christians] to refer to what is demonstrated in the content of the very laws which the emperors of various periods of time, although seduced into error along with them, succeeded to be promulgated at that time’.⁶⁰

Huneric thus consciously situated his edict within the continuum of anti-heresy legislation that had been issued by rulers since the reign of Theodosius I onwards, whilst, at the same time, adopting an alternative definition of orthodoxy. In this way, the edict provides a particularly vivid demonstration of how the crimes punished by exile could simultaneously reflect both continuity and change.

*

In summary, we have seen that there was a great deal of continuity in the crimes punished by exile before and after the collapse of the Western Empire. This was generally because post-Roman legislators built upon or drew directly upon earlier material, as demonstrated quite clearly by the provisions contained in the *Breviary of Alaric*, the *LRB*, and the *Edict of Theodoric*. It could be argued, therefore, that the precise crimes that were punished by exile mattered little; of much greater importance to rulers was the fact that the penalty was identifiably Roman and thus, by prescribing it in their laws, they could give their legislation the gloss of *Romanitas* and, in turn, present themselves as the rightful inheritors of the imperial legacy. At the same time, however, we also detected significant changes over the course of the period, at least in terms of how particular crimes were framed. It was

⁶⁰ *Ibid.* 3.7; p.41: *Adeo in his est necessarium ac iustissimum retorquere, quod ipsarum legum continentia demonstratur, quas inductis secum in errorem imperatoribus temporum diversorum tunc contigit promulgari.*

demonstrated that such changes were generally the result of legislators updating, clarifying, or reworking older material to make it relevant to a contemporary audience. This is a significant finding as it suggests that, despite the ideological motivations behind their legislation, kings were still concerned with ensuring that their provisions could actually be applied in practice. Of all the changes detected in secular law, by far the most noteworthy was the apparent decriminalisation of heresy across much of the post-Roman west. This would seem to indicate that kings, in contrast to their imperial predecessors, were no longer as concerned with ensuring religious orthodoxy. Of course, the key exception to this was in Vandal Africa, where King Huneric issued an edict compelling his subjects to convert to Homoian Christianity under the threat of fines and exile.

1.2 The Forms of Exile

Turning to the forms of exile, it may be remembered that there were various penalties under Roman Law that imposed forced movement upon offenders. We will see that this changed somewhat after the collapse of the Western Empire as several forms of exile became outmoded. This included, for example, the penalties of *relegatio* and *deportatio*, references to which were almost always qualified or omitted by post-Roman legislators when they drew on earlier material. It will be argued that the abandonment of *relegatio* and *deportatio* was a result of the changed legal environment of the post-Roman west and specifically the loss of prestige attached to Roman citizenship. Another casualty of the collapse of the Western Empire was exile as forced labour, with legislators no longer prescribing condemnation to public works nor to the mines, or at least not beyond the very early sixth century. In all likelihood, this reflects broader economic developments, which ensured that early medieval judges could not exploit the types of institutions that had previously been used to house convicts. On the other side of the coin, we will see that the establishment of monastic confinement in ecclesiastical law was a result of bishops being better placed than their

predecessors to capitalise on the punitive potential of monastic space. The prescription of monastic confinement was itself a novel development of the post-Roman west, since in the past canons had only ever prescribed the penalties of excommunication, or, for clerical offenders, deposition from office. It will be demonstrated that over the course of the period it came most frequently to be prescribed for serious crimes, especially acts of sexual misconduct. This allowed bishops to protect their subordinates from the harsher penalties imposed by civil judges, whilst providing them with a means to deal with scandalous cases out of the public eye. Finally, we will see that in Visigothic Spain the prescription of monastic confinement was occasionally influenced by the concerns of kings, as bishops imposed the penalty upon persons convicted of treason. This suggests a degree of collaboration between the monarchy and episcopacy in judicial matters, something which is also reflected in royal legislation issued towards the end of our period.

relegatio, deportatio, and exilium

We saw in the introduction that during the early imperial period two penalties emerged that imposed terms of forced movement upon offenders: *relegatio* and *deportatio*. These penalties were distinguished from one another by their severity, as the conditions of *deportatio* were invariably harsh whilst *relegatio* left room for greater discretion, with the precise terms of the sentence decided on a case-by-case basis. However, it was also noted that late Roman emperors preferred to prescribe the more generic penalty of *exilium* in their laws, which, unlike *relegatio* and *deportatio*, did not carry any implications with regard to the duration of the sentence, place of exile, or impact upon the offender's status and property. This trend continued after the collapse of the Western Empire, as can be seen in Table 1.3, which displays the number of times sentences of *exilium*, *deportatio*, or *relegatio* were prescribed in extant secular legislation. Whilst *exilium* was the penalty stipulated on 37 occasions, *deportatio* was prescribed five times and *relegatio* only twice. In addition, there

were another eight provisions in which legislators prescribed sentences of *exilium* in combination with *relegatio/relegare* or *deportatio/deportare*. Evidently, therefore, an awareness of *deportatio* and *relegatio* persisted in the post-Roman west. However, the dwindling references to the two terms suggests that those who drafted laws during the period saw little need to specify whether a sentence of exile was, technically speaking, a ‘deportation’ or ‘relegation’.

Table 1.3: The Frequency of *deportatio*, *relegatio*, and *exilium* in post-Roman Secular Legislation, 484-654

Term(s) used by post-Roman legislators	<i>Deportatio</i>	<i>Relegatio</i>	<i>Exilium</i>	<i>Exilium + deportare/deportatio</i>	<i>Exilium + relegare/relegatio</i>
Frequency in secular legislation	5	2	37	3	5

The post-Roman irrelevance of *relegatio* and *deportatio* can be seen with even greater clarity if we examine the editorial changes made by authors who drew heavily upon Roman source material. For example, it can be shown that the creators of the *LRB*, when working from earlier texts, either omitted references to *deportatio* and *relegatio* altogether or qualified those sentences with the addition of *exilium*, suggesting that neither continued to be perceived as a specific penalty in its own right (see Table 1.4). The drafters of the *Edict of Theodoric* also appear to have considered *relegatio* and *deportatio* somewhat antiquated terms; although on one occasion they prescribed them without further qualification, they, like their Burgundian counterparts, generally substituted references to *relegatio* and *deportatio* for *exilium* (see Table 1.5). Last but not least, similar alterations can also be detected in the *Breviary of Alaric* in the interpretations that accompanied the excerpted Roman texts.⁶¹ Indeed, the compilers of the *Breviary* seem to have viewed *exilium*, *deportatio*, and *relegatio*

⁶¹ See, for example, the *interpretationes* of *Brev. Codex Theodosianus* 1.5.1; 2.1.6; 2.1.9; 4.20.2; 5.5.2; 9.5.1; 9.19.1, p.20; 32; 34; 130; 144; 180; 192.

as interchangeable concepts since, when commenting on a law of Honorius (r. 393-423) that had prescribed deportation for persons who obtained forbidden marriages, they described the sentence as ‘the relegation of exile’ (*exsilii relegatio*).⁶² Taken together, the evidence from these three collections thus suggests that, although sentences of *relegatio* and *deportatio* were occasionally prescribed during the period, the two terms were seen by lawmakers as increasingly outmoded synonyms for *exilium*.

⁶² *Brev. CTh* 3.10.1, p.88. For similar examples of this, see the *interpretationes* of *Brev. CTh* 3.16.1; 2, p.94.

Table 1.4: The Forms of Exile Prescribed by Provisions of the *LRB* and their Probable Roman Sources

Provisions in the <i>LRB</i> that prescribe a form of banishment	Punishment(s)	Probable Roman Source	Punishment(s) in Roman Source
8.3	Condemnation to the mines	<i>CTh</i> 9.10.4	Condemnation to the mines
9.2	Exile	<i>CTh</i> 9.24.1	Deportation
11.3	Deported into exile	N/A	N/A
18.3	<i>Honestiores</i> : Exile <i>Viliores</i> : Deported to the mines	<i>Paul. Sent.</i> 5.20.2	<i>Honestiores</i> : relegation to an island <i>Humiliores</i> : condemnation to the mines or public works
18.5	Free persons: incur infamy and fined the costs of the damages <i>Viliores</i> : relegated into temporary exile Slaves: punished 'with suitable torment' and their master fined the cost of the damages	<i>Paul. Sent.</i> 5.20.6	<i>Honestiores</i> : either compelled to restore the property; expelled from the curia, or relegated The majority of offenders: temporarily condemned to public works
20	<i>Honestiores</i> : exile <i>Viliores</i> : condemnation to the mines	<i>Paul. Sent.</i> 5.30b	<i>Honestiores</i> : perpetual relegation, and confiscation of half their property <i>Humiliores</i> : condemnation to the mines or crucifixion
32.1	Deported into exile	<i>CTh</i> 9.19.2	Capital punishment, or deportation

Table 1.5: The Forms of Exile Prescribed by Provisions of the *Edict of Theodoric* and their Probable Roman Sources

Provisions in the <i>Edict of Theodoric</i> that prescribe a form of banishment	Punishment(s)	Probable Roman Source	Punishment(s) in roman source
18	Exile	<i>CTh</i> 9.24.1	Deportation
42	Exile	<i>Paul. Sent.</i> 5.15.5	Either exile, relegation to an island, or dismissed from the curia
75	<i>Honestiores</i> : exile for 5 years, and confiscation of a third of their property <i>Humiliores</i> : perpetual exile, and beaten with clubs	<i>Paul. Sent.</i> 5.26.3	<i>Honestiores</i> : relegation to an island, and confiscation of a third of their property <i>Humiliores</i> : condemnation to the mines
83	<i>Honestiores</i> : exile for 5 years, and confiscation of a third of their property <i>Humiliores</i> : perpetual exile, and beaten with clubs	<i>Paul. Sent.</i> 5.30b	<i>Honestiores</i> : perpetual relegation, and confiscation of half their property <i>Humiliores</i> : condemnation to the mines or crucifixion
89	<i>Honestiores</i> : exile <i>Viliores</i> : perpetual relegation, and beaten with clubs	<i>Paul. Sent.</i> 5.25.12	<i>Honestiores</i> : deportation <i>Humiliores</i> : capital punishment
95	Exile	<i>Paul. Sent.</i> 5.1.1	Deportation
97	<i>Servi, coloni, ancillae, originarii</i> : burned to death Free persons: fined for the damages caused by the fire, or if unable to afford this, the relegation of perpetual exile, and beaten with clubs	<i>Paul. Sent.</i> 5.20.2	<i>Honestiores</i> : relegation to an island <i>Humiliores</i> : condemnation to the mines, or labour on public works
108	<i>Honesti</i> : perpetual exile, and confiscation of property <i>Humiliores</i> : capital punishment, and confiscation of property	<i>Paul. Sent.</i> 5.23.18	Deportation to an island, and confiscation of property <i>Humiliores</i> : capital punishment
111	Fined a fourth of their property If they have nothing: driven from the city, and beaten with clubs	<i>CTh</i> 9.17.6	Fined a third of their property

155. <i>Epilogus</i>	Deportation, and confiscation of property	N/A	N/A
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Why were *deportatio* and *relegatio* no longer regarded as meaningful penalties in the post-Roman west? The simplest explanation is that legislators no longer understood the range of implicit qualifications that had distinguished the penalties from one another during the Roman period. On a more abstract level, it could also be argued that, in the changed legal environment of the successor kingdoms the effects of the two penalties had become less clear-cut. As we saw in the introduction, *deportatio* and *relegatio* were essentially defined by their differing impact upon legal status – the former, as a capital sentence, removed citizenship, whilst the latter did not. This distinction mattered greatly in the Roman period, even after the extension of the citizenship to all free inhabitants of the Empire under Emperor Caracalla (r. 198-217), as the removal of civic status prevented an individual from accessing Roman Law.⁶³ However, this was less significant after the collapse of the Western Empire, where the standing of Roman Law would have been complicated by the new legislation issued by kings. Furthermore, the possession of Roman citizenship itself was no longer universal nor so highly prized, given that many of the legal collections of the period recognised the category of the free ‘barbarian’ (whether Frank, Burgundian, or Goth), sometimes affording them greater legal protections than those persons defined as Romans.⁶⁴ Once the loss of civic status had become somewhat inconsequential in the post-Roman west, it would have been superfluously subtle, if not rather meaningless, to continue describing a sentence as either a ‘relegation’ or a ‘deportation’.

⁶³ Ralph W. Mathisen, ‘*Peregrini, Barbari, and Civis Romani: Concepts of Citizenship and the Legal Identity of Barbarians in the Later Roman Empire*’, *The American Historical Review* 111.4 (2006), pp.1011-40; Peter D. Garnsey, ‘Roman Citizenship and Roman Law in the Late Empire’, in Simon Swain and Mark J. Edwards (eds), *Approaching Late Antiquity: The Transformation from Early to Late Empire* (Oxford, 2004), p.138.

⁶⁴ See P. Wormald, ‘The *Leges Barbarorum*: Law and Ethnicity in the post-Roman West’, in H-W Goetz, J. Jarnut, and W. Pohl (eds), *Regna and Gentes: The Relationship between Late Antique and Early Medieval Peoples and Kingdoms in the Transformation of the Roman World* (Leiden, 2003), pp.32-3.

Admittedly, this did not stop Isidore of Seville treating *relegatio* and *deportatio* as separate concepts in his *Etymologiae*, written as late as the first quarter of the seventh century.⁶⁵ Indeed, Isidore even attempted to offer a definition, claiming that exiles were referred to as *relegati* or *deportati* according to whether or not they retained their property.⁶⁶ However, this definition was probably based on his (flawed) understanding of Roman legal tradition – the jurists make it clear that *relegati* could be deprived of some or all their property – rather than one rooted in current practices.⁶⁷ In fact, one of the few seventh-century Visigothic laws to prescribe *relegatio*, a ruling of Ervig (r. 680-7) that targeted negligent commanders, combined the sentence with the confiscation of property, demonstrating that Isidore’s definition was devoid of even a contemporary legal basis.⁶⁸

In place of the antiquated penalties of *relegatio* and *deportatio*, post-Roman legislators, as we have seen, generally prescribed sentences of *exilium* in their laws. In the late Roman period, those who drafted imperial constitutions appear to have regarded *exilium* as a generic term that simply indicated that an offender was to be sent into banishment.⁶⁹ Although no legislator explicitly defined *exilium* during the period, it can be argued that the penalty was understood along similar lines in the post-Roman west. Above all, this is suggested by the fact that the laws which prescribe *exilium* frequently qualified the penalty through additional clauses that spelled out further aspects of the sentence. To give an example, legislators sometimes stipulated how long sentences should last, as we see in eighteen provisions in which they stated that *exilium* was to be permanent or temporary.⁷⁰ We can thus infer from such stipulations that the penalty of *exilium* carried no implicit

⁶⁵ On the *Etymologiae*, see Stephen A. Barney *et al.*, *The Etymologies of Isidore of Seville* (Cambridge, 2006), pp.3-28.

⁶⁶ Isidorus Hispalensis, *Etymologiae* 5.xxvii.28-30, W.M. Lindsay (ed.), *Isidori Hispalensis episcopi Etymologiarum sive Originvm libri XX Vol. I* (Oxford, 1911).

⁶⁷ *Digesta* 48.22.4 (Marcianus), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.1* (Berlin, 1872), p.819.

⁶⁸ *Lex Vis.* 9.2.9, pp.374-9.

⁶⁹ See the introduction.

⁷⁰ For references, see below, Appendix 1.

qualifications regarding the duration of the sentence. The same can also be said regarding the impact of the penalty upon the offender's property or legal standing. If a legislator wished to incorporate these aspects in the sentence, they were obliged to state it explicitly in their laws, as implied by the twenty-five instances in which they declared that *exilium* was to be combined with the loss of property, rights, or status.⁷¹ All things considered, therefore, the treatment of *exilium* by post-Roman legislators suggests that it remained a generic term for banishment, which, without qualification, left other aspects of the punishment unresolved. This in turn ensured that the penalty was enormously flexible, as lawmakers could heighten or lessen the severity of the punishment through additional clauses, or, by leaving the effects of the penalty open-ended, simply delegate such decisions to their judges. It was this flexibility that perhaps explains why the penalty remained popular with the authorities, as unlike most other punishments, exile had the potential to express either severity or leniency depending on how the sentence was qualified.

Exile as Forced Labour

We saw in the introduction that another form of exile also emerged during the early imperial period: banishment as forced labour, either through condemnation to public works (*opus publicum*) or to the mines (*ad metalla*). It would seem that both of these sentences became outmoded in the post-Roman west. This is certainly evident in the case of *opus publicum*, as it was not prescribed in any surviving legislation from our period. Furthermore, it can be shown that the authors of works that drew heavily on Roman texts intentionally omitted references to *opus publicum*. In the *LRB*, for example, two provisions that were otherwise closely modelled on passages in the *Sentences of Paul* did not prescribe *opus publicum*, despite that sentence being one of the punishments stipulated by their source

⁷¹ For references, see below, Appendix 1.

material (see Table 1.4).⁷² As was argued earlier in the case of *relegatio* and *deportatio*, such omissions would suggest that the authors of the *LRB* no longer regarded *opus publicum* as a meaningful penalty. This opinion appears to have been shared by the compilers of the *Breviary of Alaric*, since in their interpretation of another passage of the *Sentence of Paul*, which recommended either condemnation to the mines or to public works for freedmen who married their patrons or their daughters, they likewise passed over the reference to *opus publicum*.⁷³ The weight of evidence thus suggests that condemnation to public works was no longer being prescribed after the collapse of the Western Empire. Of course, it is entirely possible that in practice sentences of exile were still being combined with forced labour on a more *ad hoc* basis, and in chapter four, we will examine evidence from literary sources that implies just that. All the same, it is clear from the legal collections of the period that *opus publicum* was not regarded as a distinct penalty in its own right, which, like the dwindling references to *relegatio* and *deportatio*, suggests a degree of simplification in the legal language of exile.

The status of *ad metalla*, exile to the mines, in the post-Roman west is more difficult to determine. To be sure, this sentence was not typically prescribed in legislation, even when such laws drew directly on Roman sources that had originally imposed the penalty. This can be seen in the *Edict of Theodoric* in a provision that prohibited the prevention of someone's burial, a common tactic used by creditors to collect the debts of the deceased from their heirs.⁷⁴ This provision was drawn from a passage in the *Sentences of Paul* that recommended condemnation to the mines for lower-status offenders.⁷⁵ In the *Edict*, however, that penalty was substituted for perpetual *exilium* and a beating with clubs (see Table 1.5). Given that the

⁷² The two provisions are *LRB* 18.3; 5, p.142.

⁷³ *Brev. Paul. Sent.* 2.20.6, p.368.

⁷⁴ *Edict. Theod.* 75, p.160. For comment, see Lafferty, *Law*, p.272, n.113.

⁷⁵ *Paul. Sent.* 5.26.3, p.155.

authors of the *Edict* often updated their source material to reflect contemporary developments, as discussed above, the most likely explanation for the change of penalty is that condemnation to the mines was no longer being applied in the kingdom in which the *Edict* was issued.

Even so, not every post-Roman legal collection omitted references to condemnation to the mines; the penalty is prescribed three times in the *LRB* and is also referred to on four occasions in the interpretations contained in the *Breviary of Alaric*.⁷⁶ This does not necessarily mean that the penalty was still being applied in the Visigothic and Burgundian kingdoms. Although the authors of the *LRB* and *Breviary* sometimes omitted or qualified antiquated terms, as we have seen already with their treatment of *deportatio*, *relegatio* and *opus publicum*, they were far from systematic in their updating of older material.⁷⁷ More to the point, there are good reasons for thinking that, by the time of the publication of those texts at the beginning of the sixth century, sentences of *ad metalla* would have been difficult if not impossible to implement. Almost certainly, the gradual collapse of the Western Empire led to the disappearance of large, state-owned mining operations, as the complex, managed economy of the empire disintegrated into a series of highly variable, local arrangements. Support for this may be found in the *Breviary* itself, given that it omitted all the laws contained in the *Theodosian Code* that regulated the administration of public mines.⁷⁸ The little available archaeological data for late antique mining meanwhile suggests that any continuing production was small-scale and spasmodic, and thus unsuited to the accommodation of convict labourers.⁷⁹ All things considered, therefore, it can be argued that

⁷⁶ *LRB* 8.3; 18.3; 20, p.131, 142, 143. *Brev. CTh* 1.5.1; 2.14.1; 9.7.3; *Paul. Sent.* 2.20.6, p.20; 50; 182; 368.

⁷⁷ See, for example, the comments of Matthews, 'Interpreting', p.26 on the *Breviary* and Amory, 'Meaning', p.13 on the *LRB*.

⁷⁸ *CTh* 10.19, pp.557-61.

⁷⁹ J. C. Edmondson, 'Mining in the Later Roman Empire and Beyond: Continuity or Disruption', *Journal of Roman Studies* 79 (1989), pp.99-102.

sentences of *ad metalla* became outmoded in the post-Roman west, certainly after the publication of the *Breviary* and the *LRB*, and perhaps considerably earlier.

Expulsion

We can be more certain that terms of expulsion, whereby offenders were prohibited from residing in a specific area but otherwise retained their freedom of movement, continued to be imposed after the collapse of the Western Empire. During the Roman period, this sanction had typically been employed by magistrates on an *ad hoc* basis to maintain law and order.⁸⁰ This may also have been the case in the post-Roman west, not least because terms of expulsion are rarely prescribed in surviving legislation. As far as we can tell from the available evidence, lawmakers seem to have considered expulsion a particularly appropriate form of punishment for lower-status individuals. The aforementioned provision of the *Edict of Theodoric* that dealt with the issue of burying corpses within the city of Rome decreed, for example, that persons found guilty of this offence were to be deprived a fourth of their wealth but, if found to be penniless, were to be expelled from the city after having been beaten with clubs.⁸¹ Given the connection between property and status, this provision thus effectively limited the application of expulsion to offenders at the lower end of the social hierarchy. The same can also be said of a Visigothic law, perhaps issued by King Leovigild (r. 568-586), that targeted prostitutes.⁸² It prescribed two penalties for women caught in the act of solicitation: slaves were to receive 300 lashes, before being shorn of their hair, and returned to their masters, whilst free-born women were to receive the same number of lashes, before being expelled from their localities, under the threat of more severe punishments if they returned or

⁸⁰ See the introduction.

⁸¹ *Edict. Theod.* 111, p.164: *Qui intra urbem Romam cadavera sepelierit, quartam partem patrimonii sui fisco sociare cogatur: si nihil habuerit, caesibus fustibus civitate pellatur.*

⁸² *Lex. Vis.* 3.4.17, p.157. This provision was described by the compilers of the *Visigothic Code* as an ‘ancient’ law, which probably means it was issued or reissued by Leovigild as part of his now lost *Codex Revisus*; see Collins, *Spain*, p.234.

continued plying their trade. It is worth pointing out that this provision represented something of a novelty, as prostitution, whilst seen as disreputable, had not been considered a crime under Roman Law.⁸³ Although it is unclear why the drafter of the law decided to take such an unusually hard-line approach to prostitutes, this ruling suggests, again, that the generic penalty of expulsion was typically reserved for non-elite offenders, whom the authorities deemed unworthy of the effort and expense required to transport and maintain them in a specific place of exile.

At the same time, post-Roman legislators also viewed expulsion as an appropriate form of punishment for religious dissidence. In the introduction, we saw that late Roman emperors often prescribed terms of expulsion against heretics, declaring in their laws that they wished to remove their ‘polluting’ influence from places where they could ‘contaminate’ the wider population. Such laws were referenced by the Vandal king Huneric, who noted in his aforementioned edict that under his imperial predecessors non-Nicene churchmen had ‘not been given the liberty to stay in any places at all but were to be expelled from all cities and places’.⁸⁴ As previously highlighted, Huneric went on to stipulate that this penalty, along with the other anti-heresy measures listed within the edict, were henceforth to be applied to Nicene Christians. Thus, in Vandal Africa, at least, it can be said that rulers continued to prescribe terms of expulsion for those persons whom they defined as heretics.

The situation was somewhat different elsewhere in the post-Roman west, where kings were generally more accommodating of their subjects’ beliefs. Nevertheless, even in religiously permissive kingdoms there were still some forms of religious dissidence that were punished by expulsion, as is demonstrated by the *Breviary of Alaric*. Amongst the material

⁸³ See, for example, Thomas A. J. McGinn, *Prostitution, Sexuality, and the Law in Ancient Rome* (Oxford, 1998), pp.14-20.

⁸⁴ Vic. Vit., *HP* 3.8, p.41: *nec commorari ad quaecumque loca talibus licentia patuisset, sed extorres omnibus urbibus redderentur et locis*.

excerpted in this document was a *Novel* of Valentinian III, issued in 445, which declared that Manicheans were to be expelled from all cities and were to lose their testamentary rights.⁸⁵ In the later Roman Empire, Manichaeism had been treated as the most dangerous of all heresies.⁸⁶ It seems that Visigothic legislators continued to regard Manicheans as uniquely reprehensible, as Valentinian's *Novel* is the only provision contained in the *Breviary* that targets a named sect. In any case, the excerpting of this particular law suggests that expulsion was still considered the most appropriate method of dealing with religious dissidents. This is further supported by another provision contained within the *Breviary*: a passage excerpted from the *Sentences of Paul* that discusses the issue of false prophets (*vaticinatores*) 'who pretend they are filled with divinity'.⁸⁷ The author of the *Sentences of Paul* recommends that the authorities expel such charlatans from the cities 'lest by human credulity the public mores are corrupted in hope of something, or, at any rate, the popular feelings are disturbed because of them'.⁸⁸ Such a concern for public discipline thus demonstrates that the expulsion of religious dissidents was ultimately derived from the more general use of the sanction in the maintenance of law and order – something which remained the case in the post-Roman west, as we shall see in the following chapter.⁸⁹ In the context of the *Breviary*, however, the excerpting of this passage demonstrates, again, that Visigothic lawmakers regarded expulsion as a suitable form of punishment for religious dissidence, even though they were no longer targeting the full range of heretical practices that had been criminalised in the later Roman Empire.

⁸⁵ *Brev. Valentinianus Novellae* 2, p.276.

⁸⁶ Samuel N. C. Lieu, *Manichaeism in the later Roman Empire and medieval China: A Historical Survey* (Manchester, 1985), pp.111-4; *idem*, 'Christianity and Manichaeism', in Augustine Casiday and Frederick W. Norris (eds), *Cambridge History of Christianity: Constantine to c.600 Vol. 1* (Cambridge, 2007), pp.286-3.

⁸⁷ *Brev. Paul. Sent.* 5.23.1, p.434: *vaticinatores, qui se deo plenos adsimulant.*

⁸⁸ *Ibid.* 5.23.1, p.434: *...ne humana credulitate publici mores ad spem alicuius rei corrumpentur, vel certe ex eo populares animi turbarentur.*

⁸⁹ For the connection between expulsion and the maintenance of law and order during the Roman period, see some of the examples discussed by E. Rocovich, 'Exile in Roman Life and Thought from Augustus to Constantine', Unpublished PhD Thesis (2004), University of North Carolina at Chapel Hill, pp.97-110.

Monastic Confinement

In the first half of the sixth century, a new form of exile began to be prescribed by legislators: monastic confinement. We saw earlier that this penalty first emerged in Roman Law during the reign of Emperor Justinian (r. 527-565), who prescribed it in his *Novels* – the laws issued after the publication of his so-called *Corpus of Civil Law* in 529 – for clerics as well as laymen. However, prior to the promulgation of these laws, monastic confinement had already been prescribed in the post-Roman west in several canons issued at church councils. This represents a significant development of the period since in the past, conciliar legislation had generally only prescribed the customary ecclesiastical penalties of excommunication, or, for clerics, deposition from office.⁹⁰ The fact that bishops were now prescribing monastic confinement in their canons thus hints at how their judicial role had increased in scope in the decades immediately following the collapse of the Western Empire.

However, although such canons formalised the use of the penalty, the link between monasteries and punitive confinement was probably forged long before the formation of the post-Roman successor states.⁹¹ From relatively early on, areas may have been set apart within monasteries where delinquent monks could be held in isolation from the rest of the community.⁹² This seems to have encouraged bishops to begin utilising monastic space for the disciplining of their own clergy, especially after the Council of Chalcedon of 451, which (in theory at least) established the legal subordination of monasteries to the episcopate.⁹³ In

⁹⁰ On ecclesiastical penalties in the fourth and fifth centuries, see Patrick Saint-Roch, *La pénitence: dans les conciles et les lettres des Papes, des origines à la mort de Grégoire le Grand* (Vatican City, 1991), pp.96-100.

⁹¹ On the development of monastic confinement, see Julia Hillner, *Prison, Punishment and Penance in Late Antiquity* (Cambridge, 2015), pp.283-93.

⁹² Guy Geltner, 'Detrusio, Penal Cloistering in the Middle Ages', *Revue Bénédictine* 118 (2008), p.100.

⁹³ Council of Chalcedon (451), c.4; 8; 24, Eduard Schwartz (ed.), *Acta conciliorum oecumenicorum 2.2.2* (Berlin, 1936), p.34; 35; 39. On the regulation of monasteries at Chalcedon, see C. A. Frazee, 'Late Roman and Byzantine Legislation on the Monastic Life from the Fourth to the Eighth Centuries', *Church History* 51 (1982), pp.263-279. On the (limited) impact of these canons in the west, see B. Rosenwein, *Negotiating Space. Power, Restraint and Privileges of Immunity in Early Medieval Europe* (Ithaca, NY, 1999), p.36; Marilyn Dunn, *The Emergence of Monasticism: from the Desert Fathers to the early Middle Ages* (Oxford, 2000), pp.96-7.

all likelihood, therefore, the sanction of monastic confinement was already being employed by some of the bishops who assembled at the Visigothic Council of Agde of 506 – the first synod formally to prescribe the penalty.⁹⁴ Indeed, it may be no coincidence that the synod was presided over by Caesarius of Arles, a bishop who could have been well aware of the punitive potential of monasteries having spent his formative years at the community at Lérins, which from its establishment in the early fifth century had been one of mainsprings of coenobitic monasticism in the western provinces.⁹⁵ Significantly, one of the earliest monastic rules from Gaul, the *Rule of the Four Fathers*, which may have been produced by or for the community of Lérins, stipulated that clerics were not to reside in the monastery unless they had come there ‘to be healed [from their sin] by the medicine of humility’.⁹⁶ This would seem to suggest that the penalty of monastic confinement was already being routinely employed against churchmen in the region, and that Caesarius himself may have observed it in action during his monastic training.⁹⁷ In any case, Caesarius certainly went on to show himself to be an eager exponent of confining delinquent clerics in monasteries, as we shall see in the following chapter when we discuss his handling of the case of his recalcitrant colleague, Bishop Contumeliosus of Riez, in 535. The incorporation of monastic confinement in ecclesiastical law may thus have been driven by bishops with ascetic backgrounds or connections, such as Caesarius of Arles, who were already familiar with the sanction, and indeed made active use of it.

After the precedent had been established in conciliar legislation, monastic confinement was eagerly taken up by subsequent Gallic and Iberian synods as a penalty that

⁹⁴ Agde (AD 506) c.50, C. Munier (ed.), *Concilia Galliae, 314–506*, CCSL 148 (Turnhout, 1963), p.225.

⁹⁵ Dunn, *Monasticism*, pp.82-3. On Caesarius’ relationship with Lérins, see William E. Klingshirn, *Caesarius of Arles: The making of a Christian Community in Late Antique Gaul* (Cambridge, 1994), pp.23-32.

⁹⁶ *Rule of the Four Fathers* 4.14, Adalbert de Vogüé (ed. and trans.), *Les Règles des Saints Pères*, SC 297 (Paris, 1982), p.202: *Nulli permittatur clerico in monasterio habitare, nisi ei tantum quem lapsus peccati ad humilitatem deduxit et est vulneratus, et in monasterio humilitatis medicina sanetur*. On the rule and its possible connections with Lérins, see Dunn, *Monasticism*, pp.85-90.

⁹⁷ See Hillner, *Prison*, pp.291-2.

carried several advantages.⁹⁸ First and foremost, by making monastic confinement a statutory penalty in ecclesiastical law, bishops could potentially prevent clerics from facing charges in civil courts. At the Council of Agde, for example, the assembled prelates chose to prescribe the penalty for clerics who committed capital crimes, forged documents, or gave false testimonies – all public crimes that could and, under Roman Law, should have been dealt with by a secular judge.⁹⁹ This, of course, prompts the additional question of why bishops would wish to prevent their colleagues and subordinates from being dragged before the civil courts in the first place. As Julia Hillner has shown, this can be partly explained by differences between Christian expectations of punishment and those traditionally held by secular authority.¹⁰⁰ More specifically, bishops perceived monastic confinement to be a more salutary punishment than the penalties prescribed by secular law, as it offered a greater possibility of correcting offenders' behaviour. Monasteries, after all, were intrinsically linked with notions of penance in the minds of contemporaries, and such institutions would thus have been seen as the ideal locations for delinquent clerics to atone for their sins. Indeed, this penitential aspect of monastic confinement was often made explicit in ecclesiastical legislation, as demonstrated by the numerous canons that stipulated that the performance of penance was to be a condition of the offender's sentence.¹⁰¹ It could therefore be said that

⁹⁸ For the full range of canons that prescribe monastic confinement, see below, Appendix 1.2.

⁹⁹ Agde (AD 506) c.50, p.225. Although late Roman emperors had granted bishops the authority to hear cases relating to ecclesiastical matters, in theory they were not permitted to try offenders accused of public crimes: see *CTh* 1.27.2 (AD 408); 16.2.23 (AD 376); 11.1 (AD 399); Val. III, *Nov.* 35 (AD 452), p.63; 842; 905; 142-8. However, contradictory legislation was also issued during the period; for example, a law of Constantius II (*CTh* 16.2.12 (AD 355), p.838) prohibited bishops from being accused in the secular courts and declared that they were instead to be tried by an *audientia episcoporum*. And Marcian stated (*CJ* 1.3.25 (AD 456), p.21) that clerics in Constantinople could be tried by the bishop in civil and criminal cases if the plaintiff consented, otherwise the case was to be heard by the praetorian prefect. Finally, Emperor Justinian permitted bishops to try criminal cases provided that they worked with civil judges at the point of sentencing; see Hillner, *Prison*, p.283 and Caroline Humfress, 'Law and Legal Practice in the Age of Justinian', in M. Maas (ed.), *The Cambridge Companion to the Age of Justinian* (Cambridge, 2005), p.179

¹⁰⁰ Hillner, *Prison*, esp. pp.293-306.

¹⁰¹ See, for example, Auxerre (AD 561-605) c.23, C. de Clercq (ed.), *Conciliae Galliae 511-695*, CCSL 148A (Turnhout, 1963), p.268; Narbonne (AD 589) c.5, José Vives Gatell (ed. and trans.), *Concilios visigóticos e hispano-romanos* (Barcelona, 1963), p.147; Toledo IV (AD 633) c.29; 45, Vives, *Concilios*, p.203; 207; Toledo VI (AD 638) c.12, Vives, *Concilios*, p.241; Toledo VII (AD 646) c.3, Vives, *Concilios*, pp.253-4; Toledo VIII (AD 653) c.3; 5; 6; 7, Vives, *Concilios*, pp.277-8; 278-9; 279-80; 280-1.

when prescribing monastic confinement, bishops were chiefly motivated by a desire to reform and correct their subordinates' behaviour with a view to ensuring the possibility of their salvation. In this respect, the development of monastic confinement should be seen as highly significant in the history of penology, since it demonstrates a degree of engagement with the idea of rehabilitative justice through spatial restriction almost a millennium and half before the development of the modern prison.¹⁰²

At the same time, however, ulterior motives were doubtless also behind the prescription of monastic confinement. For one thing, bishops may have been attempting to cement their increased judicial role in the post-Roman west.¹⁰³ Meanwhile, the formalisation of the penalty enhanced their personal authority as it gave them the necessary powers to discipline their subordinates internally. Dealing with delinquent clerics in this way also had the advantage of keeping ecclesiastical scandals out of the public eye. This concern might explain why the penalty was frequently prescribed for clerics guilty of sexual misconduct. At the Third Council of Orléans of 538, for instance, the assembled prelates stated that 'honoured clerics' (*honorati clerici*) who had committed adultery were to be permanently confined to monasteries.¹⁰⁴ In Visigothic Spain, similar rulings were issued at the Eighth Council of Toledo of 653, as bishops prescribed monastic confinement for clerics who had intercourse with their wives or other women, sub-deacons who fornicated with women, and, lastly, clerics who married after their ordinations.¹⁰⁵ Given that some of these rulings covered crimes recognised by secular law, specifically adultery and *stuprum* (fornication with an unmarried woman of reputable standing), the prescription of monastic confinement here was probably again intended to prevent clerical offenders from being dragged before civil courts

¹⁰² This is one of the central arguments of Hillner, *Prison*.

¹⁰³ This is suggested by Hillner, *Prison*, p.291.

¹⁰⁴ Orléans III (AD 538) c.8, CCSL 148A, p.117.

¹⁰⁵ Toledo VIII (AD 653) c.5; 6, 7, pp.278-9; 279-80; 280-1.

and subjected to more demeaning, painful, and visible punishments.¹⁰⁶ But even for those transgressions that were not public crimes, such as clerical marriage or intercourse with a spouse, confining the offender in a monastery was more discreet than the alternative ecclesiastical sanctions of deposition from office or excommunication.¹⁰⁷ It is thus easy to see why monastic confinement was so popular with bishops, not to mention offenders, as it provided them with a means to deflect shame from the church and its representatives.

Bishops would also have been aware that monastic confinement had another significant advantage: unlike public penance, it did not preclude clerics from returning to office.¹⁰⁸ Arguably, this ensured that monastic confinement was eventually seen by bishops as an ideal way of punishing minor misdemeanours, as it allowed them to discipline subordinate clerics without necessarily preventing them from resuming their duties at some later date. Whilst this was initially controversial, by the end of the sixth century bishops were regularly prescribing temporary stints in monasteries for both delinquent clerics and ascetics.¹⁰⁹ In Merovingian Gaul, for example, this can be seen in a canon of the Council of Auxerre (561/605) that imposed a three-month long period of confinement in another monastery for abbots who had permitted women to enter their monasteries.¹¹⁰ Similarly, two canons issued at the First Council of Macon of 581/583 imposed ‘confinement for 30 days’ (*triginta dierum conclusio*) upon clerics who wore lay clothing or were armed with weapons, and higher clergy who accused other clerics before a secular judge.¹¹¹ Admittedly, these

¹⁰⁶ For a specific example of a bishop employing monastic confinement against an offender guilty of *stuprum*, see Julia Hillner, ‘Gregory the Great’s “Prisons”’: Monastic Confinement in Early Byzantine Italy’, *Journal of Early Christian Studies* 19.3 (2011), pp.456-62. On the treatment of adultery and *stuprum* under Roman Law, see O. F. Robinson, *The Criminal Law of Ancient Rome* (London, 1995), pp58-67.

¹⁰⁷ Hillner, *Prison*, pp.294-5

¹⁰⁸ On the impact of public penance, see Mayke De Jong, ‘What was public about public penance? *Paenitentia publica* and justice in the Carolingian world’, in *La giustizia nell’alto medioevo, secoli IX-XI* (Spoleto, 1997), p.870.

¹⁰⁹ For a controversial case of temporary monastic confinement, see the discussion of that of Contumeliosus of Riez below in section 2.2

¹¹⁰ Auxerre (AD 561-605) c.26, p.268.

¹¹¹ Mâcon I (AD 581/583) c.5; 8, CCSL 148A, p.224; 224-5.

canons do not specify the venues for such terms of imprisonment, but presumably bishops were able to use whatever space they had available including monasteries. Temporary stints of monastic confinement are also prescribed in seventh-century Visigothic Spain, specifically for clerics who desert their own church for another and for priests and higher clergy who do not inform another bishop that their bishop has died, or is about to die.¹¹² Incidentally, none of these canons suggest that offenders were forced to take monastic vows as part of their punishment, as these were, in theory, a life-long commitment.¹¹³ Regardless of how such sentences were implemented, however, the prescription of short-term periods of monastic confinement suggests that bishops came to see monasteries as a sort of ecclesiastical ‘time-out space’, where delinquent clerics could be disciplined and purged of their sins before being reintegrated back into their communities.¹¹⁴

Whilst the prescription of monastic confinement evidently served the interests of bishops, it might, on occasion, also have reflected the concerns of kings. This can be seen most clearly in the canons issued in Visigothic Spain that imposed the penalty for acts of treason or rebellion. To be sure, such legislation was only issued after the Third Council of Toledo of 589, when King Reccared I (r. 586-601) formally abandoned the Homoian confession (which up to that point had been the favoured creed of Visigothic monarchs) in favour of Nicene Christianity.¹¹⁵ Indeed, later that very year, bishops at the Council of Narbonne prescribed confinement in a monastery for clerics who had taken part in

¹¹² Seville II (AD 619) c.3, Vives, *Concilios*, pp.164-5; Toledo VII (AD 646) c.3, pp.253-4;

¹¹³ Geltner, ‘*Detrusio*’, p.96.

¹¹⁴ This analogy was inspired by Mayke de Jong, ‘Monastic prisoners or opting out? Political coercion and honour in the Frankish Kingdoms’, M. de Jong *et al.* (eds), *Topographies of Power in the Early Middle Ages* (Leiden, 2001), pp.291-328, who in the context of the use of the penalty by kings in Merovingian and Carolingian Gaul describes monastic space as a political ‘time-out zone’ (quote on p.294). De Jong’s arguments are addressed in greater detail below in section 2.2.

¹¹⁵ On the Third Council of Toledo and Reccared’s conversion, see Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633* (Ann Arbor, MI, 2000), pp.59-88 and Roger Collins, ‘King Leovigild and the Conversion of the Visigoths’, in Roger Collins (ed.), *Law, Culture, and Regionalism in Early Medieval Spain* (Aldershot, 1992) Part II, pp.1-12.

conspiracies.¹¹⁶ This ruling was doubtless prompted by the rebellion that had broken out in Narbonne in the wake of Reccared's conversion and may have been intended to punish the Homoian clerics, most notably Bishop Athaloc of Narbonne, who had sided against the king.¹¹⁷ Although issued in this specific context, the Narbonnais canon proved influential in the seventh century, as can be seen at the Fourth Council of Toledo of 633, where bishops issued a ruling prescribing the same penalty for clerics who took up arms in rebellions.¹¹⁸ Like their predecessors at the Council of Narbonne, these bishops may have been targeting particular individuals, as this Toledan council was similarly convened after a period of instability that had seen two revolts in as many years.¹¹⁹ Visigothic politics remained febrile in the later 630s, as demonstrated by the acts of Fifth and Sixth Councils of Toledo of 636 and 638, where bishops, at the request of the reigning king Chintila (r. 636-639), issued a whole litany of canons relating to the security of the monarch's position and that of his relatives.¹²⁰ At the latter synod, they again dealt with the crime of treason, declaring that traitors who had taken refuge with foreign 'enemies' and given them military aid would be excommunicated and imprisoned (*excommunicatus et retrusus*) if they ever returned to Visigothic Spain.¹²¹ Although they do not specify the place of imprisonment, these bishops probably had monasteries in mind, as they stipulated that offenders would also be subject to the obligations of penance – a key component of monastic confinement, as noted already. It has been suggested, therefore, that this canon was issued under the direction of Chintila, so that he could exploit monastic space when dealing with nobles who had recently revolted

¹¹⁶ Narbonne (AD 589) c.5, p.147.

¹¹⁷ Stocking, *Bishops*, pp.96-7.

¹¹⁸ Toledo IV (AD 633) c.45, p.207.

¹¹⁹ See E. A. Thompson, *The Goths in Spain* (Oxford, 1969), pp.170-80.

¹²⁰ Toledo V (AD 636) c.2; 3; 4; 5; 7, Vives, *Concilios*, pp.227-8; 228; 228; 229; 230; Toledo VI (AD 638) c.16; 17; 18, pp.243-4; 244-5; 245-6.

¹²¹ Toledo VI (AD 638) c.12, p.241: *Pravarum audatia mentium saepe aut malitia cogitationum aut causa culparum refugium appetit hostium: unde quisquis patratior causarum extiterit talium, virtutes enitens defendere adversariorum, et patriae vel genti suae detrimenta intulerit rerum, in potestate principis ac gentis reductus, excommunicatus et retrusus longinquioris poenitentiae legibus subdatur.*

against his regime.¹²² In this way, the canon hints at how the crimes punished by exile in ecclesiastical law may well have derived from close collaboration between kings and their bishops.

Significantly, Visigothic monarchs later began prescribing monastic confinement in their own laws, thereby becoming the only rulers of the post-Roman west who are known to have adopted the punishment in royal legislation. Again, such laws demonstrate collaboration between the monarchy and episcopate in judicial matters, as they typically imposed the penalty for acts deleterious to the church or that bishops wished to see suppressed. For example, a law of Chindaswinth (r. 642-653) – excerpted in the so-called *Visigothic Code*, the collection of laws first published by Recceswinth in 654 – prescribed perpetual confinement in a monastery under penance for ‘apostates’, persons who had left religious orders to resume secular life.¹²³ Bishops had almost certainly been involved in the drafting of this law, since it dealt with an issue that featured prominently in contemporary conciliar legislation.¹²⁴ In fact, less than two months after Chindaswinth’s death on 30 September 653, bishops at the Eighth Council of Toledo essentially reiterated the provision against apostates, prescribing exactly the same penalty that had been stipulated by the king.¹²⁵ The legislation of Chindaswinth’s son and successor, Recceswinth, was likewise shaped by contemporary ecclesiastical concerns, as demonstrated by his ruling that dealt with the issue of priests, deacons, or sub-deacons who had fornicated or married after their ordination.¹²⁶ In the ruling, Recceswinth explicitly referred to conciliar legislation, stating that such offenders were to be ‘delivered to the power of their bishop, and condemned according to the sacred canons under

¹²² Thompson, *Goths*, pp.183-4.

¹²³ *Lex Vis.* 3.5.3, pp.161-3.

¹²⁴ Gregoria Cavero Domínguez, ‘Penal cloistering in Spain in the sixth and seventh centuries’, *Journal of Medieval Iberian Studies* 9.1 (2017), pp.8-9.

¹²⁵ Toledo VIII (AD 653) c.7, pp.280-1.

¹²⁶ *Lex Vis.* 3.4.18, p.158.

lamentable penance’, thereby sanctioning the application of monastic confinement that, as mentioned above, had been prescribed for such transgressions at the Eighth Council of Toledo of 653.¹²⁷ Through its blurring of secular and ecclesiastical justice, this ruling is thus indicative of the general trend in the prescription of monastic confinement in seventh-century Visigothic Spain, whereby kings and bishops employed the penalty to their mutual benefit. More generally, the incorporation of monastic confinement in royal legislation also supports the view that the governmental institutions of Visigothic Spain were particularly theocratic by the standards of the post-Roman west.¹²⁸

Even so, it is worth pointing out that when prescribing monastic confinement, Visigothic kings were perhaps influenced not only by the canons of the church, but also by the legislation of the contemporary Eastern Empire. Arguably, the best example of this can be seen in a ruling of Chindaswinth that declares that men and women who commit incest, whether through marriage or any kind of sexual relationship, with relatives to the sixth degree (i.e. relatives as distant as second cousins) are to be placed in monasteries and made to perform perpetual penance.¹²⁹ Whilst this ruling was undoubtedly shaped by the teachings of the church, insofar as it adopted a very wide definition of incest (Roman Law had, traditionally, only prohibited relationships to the third degree), its prescription of monastic confinement for such offenders was not derived from ecclesiastical law.¹³⁰ Instead, its drafters may have been influenced by the legislation of Emperor Justinian. In a *Novel* of 535,

¹²⁷ *Ibid.* 3.4.18, p.158: *redacto autem illo in sui pontificis potestatem, sub penitentiae lamenta iuxta sacros canones deputetur*. Toledo VIII (AD 653) c.5; 6, pp.278-9; 279-80.

¹²⁸ On cooperation between Visigothic kings and their bishops in matters of the law more generally, see Sam Koon and Jamie Wood, ‘Unity from disunity: Law, Rhetoric and Power in the Visigothic Kingdom’, *European Review of History* 16.6 (2009), pp.793-808.

¹²⁹ *Lex Vis.* 3.5.1, p.159. For the method of calculating degrees of relationships that was employed by this law, see Mayke de Jong, ‘An Unresolved Riddle: Early Medieval Incest Legislation’, in Ian N. Wood (ed.), *Franks and Alamanni in the Merovingian Period. An Ethnographic Perspective* (Woodbridge, 1998), pp.107-8 and P. D King, *Law and Society in the Visigothic Kingdom* (Cambridge, 1972), p.233.

¹³⁰ On the treatment of incest under Roman Law, see Robinson, *Law*, pp.54-7. Possible ecclesiastical influences for Chindaswinth’s law include a canon of the Council of Épaone of 517 (c.30, CCSL 148A, pp.31-2), which had similarly prohibited relationships to the sixth-degree.

Justinian had specifically prescribed *exilium* with loss of property for (elite) individuals who married incestuously.¹³¹ Later on in his reign, however, Justinian began substituting the penalty of exile for monastic confinement in laws concerning other crimes relating to sex and marriage, namely adultery and divorce.¹³² It could be tentatively suggested, therefore, that Chindaswinth's ruling was based upon Justinian's legislation – which may have been transmitted to Visigothic Spain via the Byzantine exclave in the southeast of the peninsula – in the sense that it too prescribed a form of banishment for incestuous couples, while, like Justinian's later *Novels*, substituting the penalty of *exilium* with one of monastic confinement. Ultimately, therefore, the adoption of the penalty in royal legislation perhaps represents another example of Visigothic kings borrowing institutions and ideas from their Byzantine contemporaries.¹³³

1.3 The Victims of Exile

In this final section, we will examine the types of individuals who were punished by exile in secular and ecclesiastical legislation. With regard to the former, it will be shown that post-Roman legislators were willing to impose sentences of exile upon all classes of offender. Indeed, the abandonment of the penalties of *deportatio*, *relegatio*, and exile as forced labour ensured that in the post-Roman west, unlike the Roman Empire, offenders generally received the same basic sentence of exile regardless of their social status. Even so, it will be argued that legislators continued to vary their punishment of elites and non-elites, typically by altering the duration of their sentences and/or by combining their banishment with different

¹³¹ Justinianus, *Novellae* 12.1 (AD 535), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.3* (Berlin, 1892-5), pp.95-6.

¹³² Just., *Nov.* 117.13 (AD 542); 127.4 (AD 546); 134.11 (AD 556); 134.12 (AD 556), pp.562-4; p.635; pp.686-7; pp.687-8. On Justinian's use of monastic confinement, see Hillner, *Prison*, pp.314-41; *idem*, 'Monastic Imprisonment in Justinian's Novels', *Journal of Early Christian Studies* 15.2 (2007), pp.205-37.

¹³³ On Byzantine influences on Visigothic government, see J. N. Hillgarth, 'Coins and Chronicles: Propaganda in sixth-century Spain and the Byzantine Background', *Historia. Zeitschrift für Alte Geschichte* 15 (1966), pp.483-508; Judith Herrin, *The Formation of Christendom* (Princeton, NJ, 1987), pp.224-39; and K. F. Stroheker, 'Das spanische Westgotenreich und Byzanz', *Bonner Jahrbücher* 163 (1963), pp.252-74.

supplementary penalties. This ensured that the sentences of exile prescribed for lower-status offenders were more painful and humiliating than those suffered by their social superiors. By contrast, ecclesiastical legislation initially limited the prescription of exile in the form of monastic confinement to the higher clerical orders. This changed somewhat over the course of the period, as bishops began prescribing temporary stints in monasteries for clerics and ascetics convicted of relatively minor misdemeanours. Nevertheless, even towards the end of the seventh century, we will see that ecclesiastical legislation tended to treat more honourable clerics and, above all, bishops with especial leniency.

Secular Legislation

Until relatively recently, it was often taken for granted that post-Roman kings issued legal collections that applied to specific ethnic groups rather than to all those persons who lived within their territories.¹³⁴ This was based on the fact that historians identified two different types of legal collections that were issued by kings during the period: compilations of Roman law, such as the *Breviary of Alaric* and the *LRB*, and law codes, such as the *Visigothic Code of Euric* and the *Burgundian Book of Constitutions*, with provisions that were thought to be unlike anything documented in the Roman Empire.¹³⁵ As such, the latter works were deemed to represent codifications of ‘barbarian’ custom that set punishments and regulated disputes for the non-Roman inhabitants of a kingdom. At the same time, it was thought that cases involving the native, Roman population continued to be settled solely on the basis of Roman Law, and so kings sponsored the creation of compilations that provided their Roman subjects with an authoritative body of legal material. Given that the penalty of exile frequently appears in such compilations, as we have seen already, but is conspicuous by its absence in some ‘barbarian’ law codes, there might be grounds for thinking that the

¹³⁴ For this traditional view, see Charles-Edwards, ‘Law’, esp. p.282.

¹³⁵ See Barnwell, ‘Jurists’, p.7.

victims of exile were generally Romans and that ‘barbarian’ offenders instead received alternative punishments that were determined by their own, separate legal customs and traditions.

This argument can be quickly dismissed. For one thing, many historians now reject the idea that the so-called ‘barbarian’ law codes applied only to particular peoples.¹³⁶ Instead, they have convincingly demonstrated that works such as the *Code of Euric* and *Book of Constitutions* were, as a whole, territorial in scope, even if certain of their provisions concerned ‘barbarians’ only.¹³⁷ Although they do not deny that ethnicity could play a role in punishment, their conclusions thus undermine the notion that offenders necessarily received different penalties drawn from two different legal traditions according to whether they were Roman or ‘barbarian’. In other words, the fact that exile was a Roman punishment and is found in compilations of Roman Law does not mean that it was imposed exclusively upon Roman offenders during the period. This is further supported by the contents of legal collections that are indisputably territorial in scope, such as the *Edict of Theodoric* and the *Visigothic Code*, as they make no distinctions on the basis of ethnicity when prescribing the penalty of exile.¹³⁸ Finally, and perhaps most importantly, the literary sources demonstrate that kings frequently banished individuals who were defined as non-Roman, whether Vandal, Frank, or Goth.¹³⁹ Overall, then, there is no definitive evidence for, and quite a lot against, the

¹³⁶ For example, see Roger Collins, ‘Law and Ethnic Identity in the Western Kingdoms in the Fifth and Sixth Centuries’, in Alfred P. Smyth (ed.), *Medieval Europeans: Studies in Ethnic Identity and National Perspectives in Medieval Europe* (Basingstoke, 1998), pp.1-18 and Barnwell, ‘Jurists’, pp.6-29.

¹³⁷ On the *Code of Euric*, see J. Harries, ‘Not the Theodosian Code: Euric’s law and late fifth-century Gaul’, in R. Mathisen and D. Shanzer (eds), *Society and culture in late antique Gaul: revisiting the sources* (Aldershot, 2001), pp.39-51. On the *Book of Constitutions*, see Peter J. Heather, ‘Roman Law in the Post-Roman West: A Case Study in the Burgundian Kingdom’, in Iole Fargnoli and Stefan R. Rebenich (eds), *Das Vermächtnis der Römer. Römisches Recht und Europa* (Bern, 2012), pp.198-205.

¹³⁸ On the jurisdiction of the *Edict of Theodoric*, see Lafferty, *Law*, pp.46-7. On the *Visigothic Code*, see Collins, *Spain*, p.226.

¹³⁹ For examples, see the cases of exile included in Appendix 2.

idea that only persons who were considered Romans were regularly sentenced to exile in the post-Roman west.

The legal sources instead give the impression that considerations of status and rank were of far greater importance to the prescription of the penalty. This would seem to reflect continuity with the Roman Empire, where, as we saw in the introduction, the various forms of exile were incorporated into a dual penalty system, whereby elite and non-elite offenders received different sentences for the same crimes. More specifically, whilst members of the elite could expect the penalties of *relegatio* or *deportatio*, their social inferiors were generally subjected to exile as forced labour, either through condemnation to public works or to the mines.

Vestiges of this dual-penalty system can occasionally be detected in legal collections issued after the collapse of the Western Empire. The *Breviary of Alaric* is a case in point; as we have seen already, the authors of this work excerpted Roman texts in their original form, and thus it contained many provisions where emperors and jurists had varied punishment in line with the offender's social status. The authors of the *Breviary* themselves sometimes reiterated such stipulations in the *interpretationes* that accompanied each provision. One example of this can be seen in their treatment of a law of Emperor Constantine, which dealt with the issue of persons who appealed to a praetorian prefect against the ruling of their governor.¹⁴⁰ If the appeal was found to be unwarranted, Constantine had declared that wealthy appellants were to be relegated to an island for two years and have half of their property confiscated, whilst, if they were peasants or indigents, they were to be condemned to the mines, again for a period of two years. In their *interpretatio* of this law, the compilers of the *Breviary* retained its substance whilst omitting the references to specific officials in

¹⁴⁰ *Brev. CTh* 1.5.1, p.20.

favour of the generic term of 'judge', presumably to make the provision more relevant to an early sixth-century audience. They also prescribed very similar (but not identical) penalties for those litigants whose appeals were quashed, stipulating that:

'if he is a person of dignity and property, he shall be condemned to go into exile (*in exilium deputetur*) for two years, and the fisc shall acquire one half of his property.

But if he is a lowly person and very poor, he shall be condemned to the mines for two years'.¹⁴¹

The compilers of the *Breviary* thus adhered to the principles of the dual-penalty system, prescribing *exilium* for elite offenders and condemnation to the mines for their social inferiors.

Whether or not the *Breviary of Alaric* gives an accurate reflection of the real-world application of exile in Visigothic Gaul is difficult to say. It has already been suggested that condemnation to the mines may have become increasingly archaic in the post-Roman west. In addition, we have seen that other forms of exile such as *deportatio*, *relegatio* and condemnation to public works appear to have become outmoded over the course of the period. Ultimately, this would have ensured that the dual-penalty system, as envisaged by Roman authorities, fell into abeyance in the post-Roman west, as judges could no longer impose the full range of punishments that had been available to their imperial predecessors. However, this did not mean that legislators began treating all offenders equally. On the contrary, they continued to vary sentences of exile according to social status, as demonstrated by the *Edict of Theodoric* in those instances where it categorises offenders as *honestiores* or *humiliores*. During the Roman period, *honestiores* were a privileged group of individuals,

¹⁴¹ *Ibid.* 1.5.1, p.20: *si digna idoneaque persona est, biennio in exilium deputetur, et medietatem facultatum suarum fiscus acquirat. Si vero indigna et pauperior persona est, in metallum biennio deputetur.*

comprising senators, equestrians, veterans, and the provincial aristocracy, whose rank or office elevated them above the rest of the population, the *humiliores*.¹⁴² Although it is less clear who exactly would have been regarded as a *honestior* or *humilior* in the post-Roman kingdoms, it is evident from the *Edict* that the distinction remained one of social status.¹⁴³

Significantly, the drafters of the *Edict of Theodoric* continued to treat the two groups differently, even though they almost always prescribed the same form of exile, as can be seen particularly clearly in separate provisions that dealt with the crimes of preventing a burial and kidnapping.¹⁴⁴ Both provisions appear to have been derived from passages in the *Sentences of Paul*, whose author had recommended relegation and the partial confiscation of property for *honestiores* guilty of these offences, and condemnation to the mines and even crucifixion for *humiliores*.¹⁴⁵ The drafters of *Edict* departed from such stipulations, prescribing instead the same basic penalty of *exilium* against both categories of offenders (see Table 1.5).

Nonetheless, they continued to vary the punishment of *humiliores* and *honestiores* through additional clauses that spelled out further aspects of their sentences. This was done in two ways; first, by varying the duration of banishment, with *honestiores* exiled for five years only, whilst *humiliores* were permanently exiled; and second, through the imposition of different supplementary penalties – so for *honestiores*, exile was combined with the loss of a third of their property, whilst *humiliores* received a beating with ‘clubs’ (*fustes*).

Consequently, although the drafters of the *Edict* were no longer prescribing different forms of banishment, their provisions still adhered to the principles that had underpinned the dual-penalty system of the Roman Empire; namely, that *humiliores* should generally be treated

¹⁴² See the introduction.

¹⁴³ Lafferty, *Law*, pp.139-40.

¹⁴⁴ *Edict. Theod.* 75; 83, p.160; 161.

¹⁴⁵ *Paul. Sent.* 5.26.3; 30b, p.155; 157-8.

more severely than their social superiors for the same crimes, and that their banishment should be accompanied by a degree of physical punishment.

It should be pointed out that high-status offenders occasionally received sentences of exile as an alternative to the types of punishment inflicted upon the lower orders for the same offences. This had also been the case during the Roman Empire, since legislators had frequently prescribed *deportatio* for elite offenders instead of execution.¹⁴⁶ The drafters of the *Edict of Theodoric* appear to have been aware of this legal convention, as in one of their provisions that prohibited knowledge of ‘evil arts’ (*malae artes*) they prescribed perpetual *exilium* with the confiscation of property for *honesti* and ‘capital punishment’ for *humiliores*.¹⁴⁷ Of course, during the Roman period, capital punishment for lower-status offenders included not only execution but also condemnation to the mines, as that penalty inflicted a ‘civil’ death through the loss of their citizenship.¹⁴⁸ In the context of the *Edict*, however, given that they were no longer prescribing condemnation to the mines, the drafters presumably understood ‘capital punishment’ as being synonymous with execution. Effectively, therefore, this provision imposed the penalty of exile preferentially upon high status offenders, whilst consigning their social inferiors to death for the same crime. Another example where legislators reserved banishment for members of the elite can be seen slightly after our period of study in a ruling issued by the Visigothic king, Ervig. This ruling, excerpted in Ervig’s recension of the *Visigothic Code* issued in 681, set punishments for persons who failed to respond to the king’s summons for military service.¹⁴⁹ It stipulated that persons of high rank, such as dukes, counts and *gardingi* (personal military retainers of the

¹⁴⁶ See the introduction.

¹⁴⁷ *Edict. Theod.* 108, p.164: *malarum artium conscii, id est malefici, nudati rebus omnibus, quas habere possunt, honesti perpetuo damnantur exilio, humiliores capite puniendi sunt.*

¹⁴⁸ On the Roman definition of capital punishment, see O. F. Robinson, *Penal Practice and Penal Policy in Ancient Rome* (Abingdon, 2007), p.185. For a juristic commentary on the impact of condemnation to the mines, see *Digesta* 50.13.5.3 (Callistratus), p.855.

¹⁴⁹ *Lex Vis.* 9.2.9, pp.374-9. On this law, see King, *Law*, pp.76-7.

king), were to suffer the ‘relegation of exile’ and the confiscation of all their property, whilst those of inferior rank, namely ‘commanders of a thousand men, recruiting officers, and all conscripts’, were to receive two hundred lashes, before being scalped (*turpiter decalvatione fedati*) and compelled to pay a pound of gold to the king, or, if they could not afford such a fine, made into slaves of the fisc.¹⁵⁰ Although neither category of offender got off lightly, those responsible for drafting this law evidently believed that different measures should be imposed upon elites and non-elites, and in particular that members of the former group should be spared from corporal punishment and disfigurement. It can therefore be suggested that in the post-Roman west, as in the Roman Empire before it, an offender’s honour and dignity might ensure that they received sentences of exile instead of the more humiliating and painful punishments inflicted upon the lower orders.

At the same time, however, it was also possible for non-elite offenders to receive banishment as an alternative to other punishments. This is implied by the aforementioned provision in the *Edict of Athalaric* that stipulates that offenders convicted of the unlawful seizure of property, who could not afford to pay a fine amounting to the value of the occupied estate, were instead to be deported.¹⁵¹ Similarly, another provision in the *Edict* prescribes a sentence of *exilium* for property-less men found guilty of adultery.¹⁵² In both cases, the prescription of exile against impoverished offenders would have ensured that the penalty was mainly employed against the lower orders. Other laws were more explicit in reserving banishment for members of the non-elite. One such example is an edict issued by the

¹⁵⁰ *Ibid.* 9.2.9, pp.375-6: *si maioris loci persona fuerit, id est dux, comes seu etiam gadingus, a bonis propriis ex toto privatus exilii relegatione iussu regio mancipetur... Inferiores sane vilioresque persone, thiufadi scilicet oranisque exereitus compulsos vel hi, qui compelluntur...non solum ducentorum flagellorum ietibus verberati, sed et turpiter decalvatione fedati, et singulas insuper libras auri cogantur exolvere, quas principalis potestas cui largiri decreverit, sui maneat in cunctanter arbitrii. Quod si non habuerit, unde hanc compositionem exolvat, tunc regie potestati sit licitum huiusmodi transgressorem perpetue servituti subicere, ut quod de eo suisque rebus ordinare decreverit, habeat sine dubio potestatem.*

¹⁵¹ Cass., *Var.* 9.18.1, pp.282-3.

¹⁵² *Ibid.* 9.18.4, pp.283-4.

Visigothic king Reccared that confirmed the validity of the decisions taken at the Third Council of Toledo of 589.¹⁵³ In the ruling, Reccared prescribed punishments for those who failed to observe the council's pronouncements, declaring that *honestiores* were to be fined half of their property, whilst 'inferior persons' were to be exiled as well as having their property confiscated.¹⁵⁴ These differing sentences were presumably prescribed on the basis that, whilst *honestiores* always had enough to lose for a fine to serve as a sufficiently severe punishment, members of the lower orders required a deterrent that was not based solely upon the possession of property. Banishment was also imposed upon humble offenders in place of penalties that removed an individual's social standing. This can be seen in a provision of the *LRB* that prescribes three different punishments for persons convicted of the cutting down of fruit-bearing trees.¹⁵⁵ Free persons were to be labelled infamous – which under Roman Law, and presumably in the post-Roman west also, denoted a loss of legal and social standing – and fined the cost of the damages; *viliores* were to be 'relegated into temporary exile'; and, finally, slaves were to be punished 'with suitable torment', after their master had paid compensation for the damages.¹⁵⁶ The author of the *LRB* thus prescribed exile against an intermediate category of offenders who were somehow distinguishable from both slaves and free persons. The most plausible explanation is that these *viliores* were free offenders of humble status who, unlike their social superiors, could not afford to pay fines and were unaffected by the imposition of *infamia*. Taken together, therefore, such evidence shows that legislators occasionally prescribed the penalty of exile against non-elite offenders as an

¹⁵³ Toledo III (AD 589) *Edictum regis in confirmatione concilii*, Vives, *Concilios*, pp.133-5.

¹⁵⁴ *Ibid.*, p.135: *si vero laicus fuerit et honestioris loci persona est, medietatem facultatum suarum amittat fiset viribus profutura; si vero inferioris loci persona est, amissione rerum suarum multatus in exilio deputetur.*

¹⁵⁵ *LRB* 18.5, p.142.

¹⁵⁶ *Ibid.* 18.5, p.142: *Quod si fructiferas arbores nocturnis aut diurnis oris quolibet tempore ingenuus abscidisse probatur, infamis effectus damnum estimatione iudicis sarcire cogatur. Quod si vilior persona fuerit, ad tempus in exilium relegatur: in servo, restituta re a domino, digno supplicio vindicetur.* On the penalty of *infamia*, see J. A. Crook, *Law and life of Rome* (London, 1967), pp.83-5 and Sarah Bond, 'Altering Infamy: Status, Violence, and Civic Exclusion in Late Antiquity', *Classical Antiquity* 33.1 (2014), pp. 1-30.

alternative to punishments that diminished wealth or social standing – qualities which, by definition, these offenders already lacked.

Ecclesiastical Legislation

Initially, the prescription of exile in ecclesiastical legislation was reserved for higher clergy who had committed grave sins. The precedent for this was set by the aforementioned canon of the Council of Agde of 506, which stipulated that bishops, priests, or deacons who had committed a capital crime, falsified documents, or given false testimony were to be deposed from their offices and confined in monasteries for the rest of their lives.¹⁵⁷ Almost certainly, this canon inspired the very similar ruling that was issued by bishops who attended the Burgundian Council of Épaone of 517.¹⁵⁸ They declared that priests or deacons convicted of capital offences were likewise to suffer deposition and monastic confinement. Finally, at the Third Council of Orléans of 538, as we have seen already, Merovingian bishops issued a canon that stipulated that ‘honoured clerics’ (*honorati clerici*) who committed adultery were to be deposed and permanently confined in a monastery.¹⁵⁹ These three canons thus demonstrate that across early sixth-century Gaul the prescription of monastic confinement was reserved for clerics at the top of the ecclesiastical hierarchy, namely bishops, priests, and deacons. Although it is not explicitly stated in such rulings, lower clerics presumably would still have been liable to the traditional ecclesiastical penalty for grave sins: excommunication and deposition.¹⁶⁰ Unlike their superiors, moreover, they would have remained liable to the penalties that were prescribed for such crimes by secular law, up to and including execution. Of course, it is possible that, in practice, bishops were more willing to impose monastic confinement upon lower clerics. Nevertheless, as far as these early sixth-century canons were

¹⁵⁷ Agde (AD 506) c.50, p.225.

¹⁵⁸ Épaone (AD 517) c.22, pp.28-30.

¹⁵⁹ Orléans III (AD 538) c.8, p.117.

¹⁶⁰ For the lower clerical orders, see Georg Scheibelreiter, ‘Church Structure and Organisation’, in Paul Fouracre (ed.), *The New Cambridge Medieval History Vol. 1* (Cambridge, 2005), pp.689-90.

concerned, monastic confinement was a privilege reserved for members of the clerical elite, again demonstrating the importance of social status in determining punishment during the period.

We have already seen that the situation changed towards the end of the sixth century, as councils began prescribing temporary stints in monasteries for clerics and ascetics convicted of comparatively minor misdemeanours. Arguably, such enactments were intended, at least in part, to enhance episcopal power. This can first be seen at the aforementioned Council of Auxerre, where it was decreed that abbots who failed to punish or report on disobedient monks, or permitted women to enter their monasteries would be confined in a monastery other than their own and be forced to carry out penance.¹⁶¹ Although these rulings were surely motivated by a genuine concern for upholding monastic standards, they should probably also be seen as a manifestation of the Gallic episcopate's wider attempts to consolidate its authority over abbots and their institutions.¹⁶² This desire on the part of bishops to strengthen their position at the top of the ecclesiastical hierarchy similarly explains a raft of legislation in Visigothic Spain which prescribed monastic confinement for various acts of clerical negligence. At the Second Council of Seville of 619, for instance, the assembled prelates declared that clerics who attempted to abandon their own church for another would be deposed from office and assigned to monasteries, before eventually being restored to their bishops.¹⁶³ This ruling effectively tied clerics to their dioceses whilst also providing bishops with a means to punish their errant subordinates.¹⁶⁴ Later canons clamped down similarly on clerics who sought to escape episcopal oversight, as we see in a ruling of the Seventh Council of Toledo of 646 that stipulated that clerics who do not inform another

¹⁶¹ Auxerre (AD 561-605) c.23; 26, p.268.

¹⁶² Dunn, *Monasticism*, pp.96-8.

¹⁶³ Seville II (AD 619) c.3, pp.164-5.

¹⁶⁴ For background on the Second Council of Seville, Stocking, *Bishops*, pp.128-32.

bishop that their own bishop has died or is about to die are to be assigned to monasteries for one year and are required to do penance.¹⁶⁵ Again, the prelates who issued this canon were attempting to strengthen their authority on the ground – in this case, by ensuring that subordinate clerics were not left unsupervised, and, perhaps more importantly, that one of their colleagues would be on hand to oversee the ordination of a new bishop. The development of monastic confinement thus provided bishops with a new method of control over clergy and monks, which came to be expressed by conciliar legislation that prescribed the penalty for minor acts of clerical misconduct and disobedience.

However, even though they prescribed monastic confinement for a broader range of offences and offenders than did their predecessors, seventh-century bishops still tended to treat the higher clerical orders with especial leniency. A canon issued at the Sixteenth Council of Toledo of 693 that targeted the crime of sodomy stipulated, for example, that convicted bishops, priests, and deacons were to be deposed from office and perpetually exiled, whilst all other offenders were to suffer the more severe sentence of excommunication, 100 lashes, scalping (*turpiter declavati*), and perpetual exile.¹⁶⁶ Similarly to the varied punishment of *honestiores* and *humiliores* in secular legislation, this canon thus combined sentences of exile with different supplementary penalties, depending upon the status of the offenders. Again, the result was that more honourable individuals were spared from the painful and humiliating punishments inflicted upon their social inferiors. Other rulings of the seventh-century Visigothic church were particularly concerned with the punishment of bishops. The acts of the Eleventh Council of Toledo of 675, for example, include four canons that prescribe the penalty of exile for crimes committed specifically by prelates – namely, adultery with the relatives of a magnate, the homicide of senior officials or

¹⁶⁵ Toledo VII (AD 646) c.3, pp.253-4.

¹⁶⁶ Toledo XVI (AD 693) c.3, Vives, *Concilios*, pp.500-1.

members of the nobility, simony, and, finally, the passing of sentences of death or mutilation.¹⁶⁷ Such an eclectic mix of offences hints at the wide range of ecclesiastical, judicial, and political activities – and misdemeanours – that were being undertaken by Visigothic bishops in the seventh century.¹⁶⁸ Their importance is further highlighted by another canon, issued at the Thirteenth Council of Toledo of 683, which sought to limit the arbitrary treatment of senior officials. This canon stipulated that bishops and palatine officials who faced accusations could not be driven from office, imprisoned, interrogated, tortured, whipped, suffer the confiscation of property, or be subjected to any other kind of treatment that would make them wrongfully confess their guilt.¹⁶⁹ The canon also established procedures for the trial itself, stating that such officials were to be judged in public by a meeting of their peers at a pre-arranged date, which could not be postponed in order to coerce the defendant into making a false confession. Taken together, such rulings demonstrate that bishops, as a result of their privileged position in the Visigothic kingdom, were spared from many of the crueller aspects of the legal system before, during, and after their trials. Ultimately, this would suggest that they, more so than the rest of the clergy, could have expected exile in place of less salutary forms of punishment.

Conclusion

This chapter has delineated the main features of trends in the prescription of exile in post-Roman secular and ecclesiastical law. In doing so, it has argued that continuity as well as change can be detected in the years after the collapse of the Western Empire. With regard to the former, we have seen that the crimes punished by exile reveal some of the clearest correspondences with Roman Law. In many cases, this was because post-Roman legislators

¹⁶⁷ Toledo XI (AD 675) c.5; 6; 9, Vives, *Concilios*, pp.358-60; 360; 362.

¹⁶⁸ See A. Barbero and M. I. Loring, 'The Catholic Visigothic kingdom', in Paul Fouracre (ed.), *The New Cambridge Medieval History Vol. 1* (Cambridge, 2005), pp.353-6 and Koon and Wood, 'Law', pp.793-804.

¹⁶⁹ Toledo XIII (AD 683) c.2, Vives, *Concilios*, pp.416-9.

drew directly upon earlier material, as was demonstrated, for example, in the context of the *Breviary of Alaric*, the *LRB*, and the *Edict of Theodoric*. We might conclude, therefore, that the precise crimes punished by exile mattered little; of far greater importance to early medieval kings was the fact that the penalty was identifiably Roman and so by prescribing it in their laws they could give their legislation the gloss of *Romanitas*. Although there is doubtless some truth in that, it only tells part of the story. If we look more closely at the laws, it is clear that exile was serving a practical purpose and was not merely acting as a vehicle for early medieval rulers' claims on the imperial legacy. In particular, the flexibility that had characterised the penalty of exile from its inception in the early imperial period persisted after the collapse of the post-Roman west. The importance of this cannot be over-emphasised as it allowed rulers to express either severity or leniency, thus setting the penalty of exile apart from most other punishments.

Further continuities were seen in the treatment of high- and lower-status offenders. To be sure, the dual-penalty system of the Roman Empire, whereby different forms of exile were prescribed on the basis of an offender's rank, fell into abeyance over the course of the period. Nevertheless, post-Roman legislators continued to vary the punishment of elites and non-elites by varying the duration of their sentences and/or by combining their banishment with different supplementary penalties. Overall, this ensured that the sentences of exile prescribed for lower-status offenders remained more painful and humiliating than those incurred by their social superiors. In a period where ethnicity has often been regarded as the key determining factor in punishment, my analysis has demonstrated instead that considerations of an individual's honour and dignity remained central to their treatment before the law.

At the same time, there were also some substantial changes in the prescription of exile after the collapse of the Western Empire. These are most apparent when legislators drew on earlier material but updated its content to make their provisions more relevant to

contemporary circumstances. In particular, we saw in the *LRB*, the *Edict of Theodoric*, and the *interpretationes* of the *Breviary of Alaric* how legislators might alter the definition of particular crimes so that their provisions better reflected the political, social, and economic developments that had occurred in the intervening years. They also qualified or omitted references to those penalties that they no longer regarded as appropriate or meaningful. On the basis of such changes, it was thus argued that *deportatio*, *relegatio* and condemnation to the mines and to public works gradually became outmoded in the post-Roman west as legislators instead favoured the more generic penalty of *exilium*. Ultimately, the fact that they were willing to make such adjustments demonstrates that post-Roman legislators were more careful than has sometimes been assumed in making their laws applicable on the ground.¹⁷⁰

Another noteworthy development of the period was the establishment and proliferation of a new form of exile: monastic confinement. It was argued that bishops saw monastic confinement as a particularly salutary punishment, as it compelled offenders to engage in penance and atone for their sins. This form of exile should thus be seen as highly significant in the history of penology, since it demonstrates a degree of engagement and experimentation with the idea of rehabilitative justice through spatial restriction almost a millennium and half before the development of the modern prison. Of course, this is not to say that there were not also ulterior motives behind the prescription of monastic confinement. As we have seen, the penalty provided bishops with a flexible tool with which they could protect their subordinates from harsher punishments, deal with scandalous cases outside the secular courts, and ultimately enhance episcopal power.

Arguably, the most significant change of the period was that legislators did not prescribe the penalty of exile against heretics. This would seem to indicate that post-Roman

¹⁷⁰ On the historiographical trend to downplay the practical importance of post-Roman legislation, see Collins, 'Law', pp.1-2.

kings, in stark contrast to their imperial predecessors, were not as concerned with ensuring religious orthodoxy. Of course, the key exception to this was Vandal Africa, where we saw that King Huneric attempted to compel his subjects to convert to Homoian Christianity under the threat of punishment. Almost certainly, Huneric's edict of February 484 was not the only piece of legislation issued in Vandal Africa that defined, protected, and promoted the Homoian confession. However, as no law code survives from the kingdom, the exceptional nature of the religious policies adopted by Vandal kings, including their use of exile to punish Nicene Christians, emerges more clearly from the literary sources and it is to this body of evidence that we now turn.

Chapter 2 - The Penalty of Exile in Practice

In the preceding chapter, we examined the evolution of the penalty of exile in secular and ecclesiastical law in the post-Roman west from 439 to around 650. Focussing on the same geographical area and period of study, the current chapter will look more closely at the application of the penalty against specific offenders. Its aims are twofold. First, it will endeavour to continue to outline aspects of continuity and change in the punitive use of exile after the collapse of the Western Roman Empire. As demonstrated already, such a diachronic approach has the potential to reveal much about the workings of exile, and all the more so because historians of the early medieval period have typically ignored the penalty's rich legal heritage. Secondly, this chapter will attempt to determine the extent to which the norms enshrined in legislation were enacted 'on the ground'. In this way, it will give a sense of the dynamic relationship that existed between the theory and practice of the law during the period, a perspective that was largely absent from the preceding chapter. Perhaps more importantly, however, by examining cases of exile in light of the prescriptive evidence we may establish those instances where rulers departed from existing legislative pronouncements, which in turn provides valuable insights into how the imposition of exile was influenced not only by the precepts of the law but also by wider political concerns and cultural expectations.

Underpinning my analysis is a database of 258 cases of exile, collated below in Appendix 2, which occurred between 439 and 650. These cases are recorded in a range of different sources, including legal pronouncements and church council records, where judges can be seen imposing the penalty upon specific offenders, as well as in literary sources such as histories, chronicles, hagiographies, and letters. Cumulatively, I will refer to this diverse body of material as descriptive evidence in order to distinguish it from the prescriptive

material that was the focus of the previous chapter. It must be stressed that each descriptive source presents its own unique challenges for the historian, as accounts of exile were influenced in very specific ways by the purpose of the work, the conventions of its genre, and the experiences and prejudices of its author. The implications of such factors in interpreting particular episodes will therefore be addressed as necessary in what follows.

In addition, there are a few broader limitations affecting our sources that should be borne in mind from the outset. First and foremost is the issue of reliability: how far can we trust these accounts in general, and the details of exile cases that they provide in particular? To my mind, very few, if any, instances of exile will simply have been invented. Given that many of the documented cases involved elite offenders and matters of high politics, they were presumably already well known to contemporaries. In this respect, it is difficult to see how authors could have got away with outright fabrication, at least when they were recalling events close to their own time. Instead, a more common strategy was to exaggerate certain aspects of a case in order to advance a particular point or agenda. This issue will be addressed more fully in chapters three and four, which will discuss exile as a political strategy, and the experience of exile respectively. There we will see more clearly how authors were not impartial observers and that their sympathy (or animus) towards a particular offender often influenced the way in which they wrote about exile.

Another general limitation affecting our sources is that the level of detail contained in such works varies tremendously. Accounts of exile reported in chronicles, for example, tend to be rather terse, with authors simply recording that an individual was banished with no additional context. Conversely, the banishment of a cleric who was later regarded as a saint could retrospectively become the centrepiece of an entire hagiography. Even then, however, authors were not necessarily interested in the precise legal details of exile, such as the type of sentence or the nature of the offence that had been committed. Indeed, if they were

sympathetic to the individual in question, they might consciously obscure such aspects in order to safeguard the exile's reputation. This can make it difficult to determine the extent to which legal norms were reflected in practice. As a consequence, this chapter will adopt both a macro- and micro-level approach, employing the database of exile cases to establish broad trends in the application of the penalty, before focusing upon better-documented episodes to address questions of detail.

With regard to the structure of the chapter, I will approach the evidence thematically, returning to several topics that have already been discussed in relation to the prescriptive evidence, specifically the crimes punished by exile, the forms of exile, and the victims of exile. In addition, I will also consider the places to which exiles were sent – an aspect which hardly features in the legal sources but was nevertheless of fundamental importance when rulers imposed the penalty. This structure will allow me to determine the main factors influencing the application of exile across the post-Roman west, whilst providing me with a framework to compare the prescriptive and descriptive evidence. However, there is the danger that such a thematic approach could obscure regional variations. This is exacerbated somewhat by the uneven nature of the source record. We are much better informed of the use of the exile in some kingdoms compared to others. To make one comparison, there are 106 cases of exile known to have occurred in Vandal Africa between 439 and 534, whilst only seven are documented in Burgundian Gaul over a similar period of time. Obviously, the evidence from one, well-documented kingdom may not necessarily be representative of the entire post-Roman west. In an attempt to circumvent this pitfall, I will also weave a comparative perspective into the analysis by providing some insight into how and why the application of exile may have differed between kingdoms. This subject will then be developed further in following chapters, bringing into sharper relief the regional distinctions that are anticipated in the present discussion.

Over the course of the chapter, it will be shown that the defining feature of the penalty of exile was its flexibility. Whilst this was something that we detected in the prescriptive evidence, it is even more apparent in the application of the penalty on the ground. For one thing, the open-ended nature of exile gave judges considerable latitude over sentencing, allowing them to vary the severity and terms of the punishment according to the circumstances of the case. Such variation in sentencing might follow the stipulations of the prescriptive material, as we shall see in the different supplementary punishments imposed by judges upon members of the elite and their social inferiors. Nevertheless, it will also be demonstrated that judges altered aspects of the penalty in ways that were not discussed by legislators. Perhaps the clearest example of this can be seen with regard to the places of exile, which were often selected on the basis of wider political concerns and penal strategies.

This chapter will also contend that exile served a vital role in the post-Roman west, insofar as it allowed judges to punish offenders without resorting to bloodshed. The penalty was thus frequently employed as an alternative to execution when the authorities wished (or felt compelled) to treat an offender with especial leniency. Such acts of clemency were sometimes the result of contingent factors, such as an offender taking asylum in a church. At the same time, however, we will see that there were certain groups who might expect to be exiled rather than executed as a result of their privileged status: bishops, in particular, and, to a lesser extent, royalty. Such cases ultimately hint at how exile might have been employed by rulers to remove their rivals from the political sphere, a topic that will be pursued at greater length in the following chapter.

2.1 The Crimes Punished by Exile

In this section, I will examine the crimes that were punished by exile on the ground. It will be shown that the theory and practice of the law were broadly consistent, with the penalty of exile imposed for a variety of offences from the moderate to the severe. More specific

correspondences between the prescriptive and descriptive evidence will be found in the ecclesiastical sphere, as several cases will be identified in which clerics were exiled on the basis of earlier canonical legislation. At the same time, we will see that the penalty was frequently employed by rulers as an alternative to execution. These acts of clemency could be the result of wider political considerations or the particular circumstances surrounding a case, such as when offenders sought asylum in churches.

Correlation between Theory and Practice?

It is difficult to determine the extent to which there was correlation between the crimes punished by exile in theory and in practice. For one thing, as discussed earlier, the authors of literary works often ignored the legal aspects of exile in their accounts, either because they were uninterested in such details or because they had reasons to obscure them. Accordingly, they frequently neglected to mention the charges on which individuals had been condemned, or else used unspecific terminology that provides only general insight into the nature of the crime. One example that can stand for many is the case of Severus, a Merovingian aristocrat who, Gregory of Tours states, was exiled after his sons harshly denounced him to the king in 577.¹ Although implying that the charges were serious, little can be gleaned as to the precise nature of Severus' transgression from Gregory's allusive language. At the same time, it should be stressed that many instances of exile reported in the narrative sources were in fact political in nature, with rulers banishing those who threatened their position. Whilst the application of the penalty in such cases was sometimes based upon specific legal charges, kings were certainly not averse to using their royal prerogative to send their subjects into exile, regardless of whether or not they were convicted of an offence. As will be discussed in greater detail below, this 'extra-judicial' use of exile can be seen most clearly in the banishment of dowager queens and unmarried princesses, who were targeted by

¹ Gregorius Turonensis, *Libri historiarum X* 5.25, MGH SS rer. Merov 1.1, p.232.

kings not as criminals but because access to these women needed to be controlled and limited.²

These limitations aside, we can still say something about the crimes punished by exile in practice and their relationship to those that carried the penalty in legislation. Table 2.1 illustrates the frequency with which certain crimes were punished by exile among the cases contained in Appendix 2. Although many of the offences that carried the penalty in the legal texts are not recorded, the selection of crimes depicted in this table is nevertheless fairly diverse. In this regard, it could be said that the theory and practice of the law were in agreement, as both suggest that virtually any crime could be punished by exile if the authorities deemed it appropriate. On the other hand, the crimes reported in the descriptive sources are definitely skewed towards those that are more serious in nature. In particular, we see judges exiling offenders for acts of treason, with attempted regicide and betraying or rebelling against the state the second and third most frequently attested crimes respectively. This is obviously because such cases were more likely to attract the attention of our sources, given their shocking nature, their wider political implications, and the fact that conspirators and rebels were typically drawn from the ranks of the higher nobility or the king's own relatives. However, despite their frequency in the sources, it must be remembered that cases of treason were presumably comparatively rare, and far outnumbered by those in which offenders were exiled for more minor or mundane offences. In other words, the significance of Table 2.1 resides less in the precise figures connected with each crime and more in the fact that it demonstrates that judges, like legislators, employed the penalty to punish a wide variety of crimes.

² See below, section 2.3.

Table 2.1: The crimes punished by exile in the cases contained in Appendix 2

Crimes Punished by Exile	Number of Cases
Adherence to Nicene Christianity	16
Attempted regicide	15
Betraying or rebelling against the state	14
Writing or speaking dismissively about the king	12
Refusal to convert to Homoian Christianity	11
Homicide/attempted homicide	8
Refusing or disobeying a royal decree	8
Adherence to Manichaeism	3
Adultery	3
Theft	3
Pretending to be a holy man	2
Rape	2
Unspecified 'capital' crime	2
Sorcery	2
Adherence to Judaism	1
Assault	1
Fraternising with Jews	1
Forgery	1
Incest	1
Robbery	1

It is important to note that descriptive sources frequently claim that offenders were exiled either for their adherence to Nicene Christianity or for their refusal to convert to the Homoian confession. At first glance, this would seem to contradict the conclusions of the previous chapter, where it was argued that the legislation issued by post-Roman kings suggests that they were more permissive of their subjects' beliefs than were their imperial predecessors. However, when we look more closely at the cases of exile that were supposedly motivated by matters of faith, the apparent discrepancy between the prescriptive and

descriptive evidence becomes much less acute. For one thing, it is important to recognise that the authors who provide the accounts of particular cases of exile were invariably writing from a Nicene perspective. As will be argued in greater detail in chapter three, this ensured that under Homoian regimes the application of exile against Nicene Christians was often misrepresented as an act of religious persecution. Almost certainly, therefore, the number of cases in which offenders were supposedly exiled for their adherence to Nicene Christianity or for their refusal to convert to the Homoian confession is exaggerated. At the same time, it should also be pointed out a significant proportion of those cases took place in Vandal Africa. It has already been suggested, on the basis of an edict issued by King Huneric (r. 477-484), that the rulers of this kingdom were exceptional in the post-Roman west for defining orthodoxy in their legislation and for prescribing penalties including exile against those who refused to adopt such beliefs. The fact that many offenders were said to have been banished for matters of faith in Vandal Africa is thus entirely in line with its distinctive legal history.³

Arguably, the closest correspondences between the prescriptive and descriptive evidence can be found in the ecclesiastical sphere. This is largely due to the fact that the records associated with church councils occasionally preserve rulings against clerics who were tried, convicted, and sentenced in course of such meetings.⁴ Since these rulings usually stipulate the nature of the offence, we can identify existing conciliar legislation that may have underpinned the judgement and sentence. In Merovingian Gaul, for instance, we hear of the case of Bishop Saffracus of Paris, who was found guilty of an unspecified capital offence at the Council of Paris of 552 and sent to a monastery.⁵ This sentence was presumably determined by the canons of the Councils of Agde and Epaone, which had prescribed

³ For a more detailed analysis of the use of exile as a tool of religious coercion in Vandal Africa, see below, section 3.3

⁴ See Gregory I. Halfond, *Archaeology of Frankish Church Councils, AD 511-768* (Leiden, 2009), pp.10-12.

⁵ Paris II (AD 552), C. de Clercq (ed.), *Conciliae Galliae 511-695*, CCSL 148A (Turnhout, 1963), pp.167-8.

monastic confinement for any cleric who committed a capital crime.⁶ Another example can be seen in the records of the Tenth Council of Toledo of 656, where the assembled bishops issued a decree condemning Potamius of Braga to perpetual confinement in a monastery for fornicating with a woman.⁷ Like Saffracus, Potamius was probably punished on the basis of an earlier canon: that of the Eighth Council of Toledo of 653, which prescribed monastic confinement for any cleric who engaged in sexual intercourse.⁸ Finally, it is worth mentioning the case of Bishop Sisebertus of Toledo, who at the Sixteenth Council of Toledo of 693 was convicted of attempted regicide.⁹ For this crime, the assembled prelates decided that Sisebertus would be deposed from office, excommunicated, deprived of his possessions, and ‘bound in a prison (*ergastulum*) of perpetual exile’, perhaps indicative of confinement in a monastery.¹⁰ This sentence may have been underpinned by a much earlier Visigothic ruling, issued at the Council of Narbonne of 589, which had prescribed confinement in a monastery for one year for clerics convicted of conspiracy.¹¹ If that were the case, however, the assembled bishops evidently considered the penalty stipulated in the Narbonnais canon to be too lenient, because, after dealing with Sisebertus’ case, they issued another canon declaring that his sentence was henceforth to become the statutory penalty for any cleric convicted of treason.¹² In this respect, the punishment of Sisebertus provides a particularly good demonstration of the dynamic relationship between the theory and practice of the law, whereby the exiling of a particular offender could be informed by and, in turn, lead to the amendment of the prescription of the penalty in legislation.

⁶ Agde (AD 506) c.50, C. Munier (ed.), *Concilia Galliae, 314–506*, CCSL 148 (Turnhout, 1963), p.225; Epaone (AD 517) c.22, CCSL 148A, pp.28-30.

⁷ Toledo X (AD 656) *decretum pro Potamio episcopo in eodem concilio*, José Vives Gatell (ed. and trans.), *Concilios visigóticos e hispano-romanos* (Barcelona, 1963), pp.319-22.

⁸ Toledo VIII (AD 653) c.5, Vives, *Concilios*, pp.278-9.

⁹ Toledo XVI (AD 693) *Decretum iudicii ab universis editum*, Vives, *Concilios*, pp.513-5.

¹⁰ *Ibid.* c.9, pp.507-9. On Sisebertus’ sentence, see Gregoria Caveró Domínguez, ‘Penal cloistering in Spain in the Sixth and Seventh Centuries’, *Journal of Medieval Iberian Studies* 9.1 (2017), p.10.

¹¹ Narbonne (AD 589) c.5, Vives, *Concilios*, p.147.

¹² Toledo XVI (AD 693), pp.513-5.

Exile as an Alternative to Execution

In spite of these rough correspondences between the theory and practice of the law, what emerges more clearly from the cases of exile reported in descriptive sources is how the penalty was employed flexibly by rulers as an alternative to execution. Such can be seen in Gregory of Tours' *History* in the treatment of Mummolus, a 'prefect' who served at the court of the Merovingian king Chilperic I (r. 561-584).¹³ In 584, the death of Chilperic's son, Theuderic, had prompted Chilperic's wife, Queen Fredegund, to conduct a witch-hunt in Paris.¹⁴ The investigation focused upon a group of housewives, who confessed under torture that they were witches and had murdered Theuderic to save the life of Mummolus. After Fredegund informed Chilperic of the accusations against his prefect, he immediately had Mummolus arrested and submitted to torture. Mummolus denied all charges but the incredible forbearance that he then exhibited under torture merely convinced the king and queen of his guilt. Accordingly, he was subjected to another round of torments before finally, 'at the very moment the sword was about to cut off his head', Queen Fredegund instead decided to banish him to his native city of Bordeaux.¹⁵ Gregory does not explain why Fredegund spared Mummolus' life, and his account (in line with her treatment elsewhere in his *History*) merely gives the impression that the queen was a particularly wicked and capricious ruler.¹⁶ However, such a decision would certainly not have been taken lightly. Mummolus, after all, stood charged of killing a member of the royal family, one of the most serious crimes imaginable. Whilst it is impossible to determine the specific factors that may have led to the sparing of Mummolus' life, it can be assumed that the punishment of this

¹³ On Mummolus' office, see PLRE 3.2, Mummolus 3, p.901.

¹⁴ Greg. Tur., *Hist.* 6.35, p.305.

¹⁵ *Ibid.* 6.35, p.306: *Cumque in hoc causa ageretur, ut ad dicendam cervicem eius gladius inminerit, regina vitam obtenuit.*

¹⁶ On Gregory's negative treatment of Fredegund in his *History*, see E. T. Dailey, *Queens, Consorts, Concubines: Gregory of Tours and Women of the Merovingian Elite* (Leiden, 2015), pp.118-40; 152-9 and Pauline Stafford, *Queens, Concubines and Dowagers: The King's Wife in the Early Middle Ages* (London, 1983), pp.12-3

high-ranking courtier would have been influenced by wider considerations, not least the opinions of the rest of Chilperic's aristocracy, who might have been opposed to the execution of one of their number upon rather flimsy grounds. This case thus hints at how acts of clemency might be a calculated decision on the part of rulers, something that will become more apparent in the following chapter when we focus upon the politics of exile.

Beyond such wider considerations, the particular circumstances of a case might also have encouraged judges to treat offenders with especial leniency. An example of this can perhaps be seen in the case of the sons of a Frankish magnate named Waddo, who was killed when he attempted to seize control of an estate near Poitiers in 589.¹⁷ After their disgraced father's property was confiscated, seemingly as punishment for this crime, Waddo's destitute sons turned to a life of brigandage, murdering travellers in the region around Poitiers and stealing their goods.¹⁸ Eventually, they were brought before King Childebert II (r. 575-595), who condemned the elder brother to execution by decapitation and the younger to exile.¹⁹ Such sentences were much harsher than those found in the *Pactus Legis Salicae* which, as is typical of the document, prescribes fines for robbery and homicide.²⁰ Childebert, however, took a more hard-line approach to punishment in his surviving legislation, decreeing in 595 that murderers were to be subject to the death penalty, and could not redeem themselves by paying the wergild.²¹ Whilst this may account for the execution of Waddo's elder son, the question remains as to why Childebert permitted the younger to retain his life. It is possible that the relative ages of the two offenders played some role in his decision, with the king judging that the younger brother had been led astray by his elder sibling. If this were indeed

¹⁷ Greg. Tur., *Hist.* 9.35, pp.455-7.

¹⁸ Although Gregory initially states that one of Waddo's sons went to Childebert and obtained possession of his father's estates (*Hist.* 9.35, p.457), the king later seems to have changed his mind, and given the property instead to his cousin Clotild (*Hist.* 10.20, p.513).

¹⁹ *Ibid.* 10.21, p.514.

²⁰ Waddo's sons could have potentially been convicted of ambush or robbery, or homicide performed by an armed band: *Pactus Legis Salicae* 14; 42, MGH LL nat. Germ. 4.1, pp.64-9; 162-5.

²¹ *Decretio Childeberti* 2.3, MGH LL nat. Germ. 4.1, p.268.

the case, Childebert's decision would demonstrate that an offender's youth could encourage judges to impose the more merciful sentence of exile in place of execution.

Offenders who sought asylum in churches were also treated with especial leniency. The mitigating effects of asylum on punishment was something that we encountered in the previous chapter, specifically in the context of a Frankish law that prescribed exile rather than execution for abductors (*raptores*) who had sought refuge in churches. However, asylum had offered a route into exile long before that law was issued at the end of the sixth century, as demonstrated by the case of Jovinus in Ostrogothic Italy. Sometime between 507 and 511, Jovinus, a decurion in the province of Lucania-and-Bruttium, murdered a colleague and sought refuge in a church.²² The governor of the province, unsure of how to proceed with the case, apparently submitted a report to his superior, the praetorian prefect Faustus, who in turn forwarded it to King Theodoric (r. 483-526). In his subsequent ruling, preserved in the *Variae* of Cassiodorus, Theodoric declared that capital punishment was to be remitted out of reverence for Jovinus' place of refuge, but he should instead be banished in perpetuity to the Vulcanian Islands (the modern Aeolian Islands) off the coast of Sicily.²³ The ruling provides clear evidence that around a century before the principle was acknowledged in prescriptive legislation, post-Roman rulers were already imposing sentences of exile as an act of clemency upon offenders who had taken sanctuary in churches. This was applied not only in the case of convicted criminals but also of persons who were targeted for political reasons, as is demonstrated by an incident that took place in Vandal Africa in the early 480s. After fearing that his position on the throne was under threat, King Huneric began liquidating the leading nobles of his deceased father's regime, including a certain Heldica who had formerly

²² Cassiodorus, *Variae* 3.47, MGH Auct. Ant. 12, p.102.

²³ *Ibid.* 3.47, p.102: *Iovinum curialem...Vulcanae insulae perpetua relegatione damnamus, ut et sacro templo reverentiam habuisse videamur nec vindictam criminis evadat in totum, qui innocenti non credidit esse parcendum.*

served as the ‘superintendent’ of the kingdom.²⁴ Heldica’s brother, Gamuth, was also threatened with death, but, according to Victor of Vita, he avoided this fate as ‘he had taken refuge in one of their [i.e. the Homoians’] churches’.²⁵ Instead, Huneric had him confined in a cesspit before banishing him to some vineyards where he was forced to dig ditches for the planting of vines.²⁶ Although Victor of Vita strongly criticised the king for this deplorable punishment, the fact remains that Huneric ultimately spared the noble’s life. The early acceptance by rulers of the right of asylum thus demonstrates how the application of exile was influenced not only by the precepts of the law but also by evolving cultural expectations.

2.2 The Forms of Exile

Turning to the forms of exile, the cases reported in the descriptive sources confirm many of the conclusions that were established on the basis of the legal evidence in the previous chapter. Again, it will be argued that the penalty of exile remained a flexible sanction, with judges, like legislators, continuing to vary sentences through altering the duration of the punishment and by combining it with a range of other sanctions. This allowed them to aggravate or moderate the severity of exile according to the particular circumstances of a case, such as the magnitude of the offence or the culpability of the offender. Further correspondences between the theory and practice of the law will be detected in the application of expulsion, which was used to quell disorder, particularly that created by religious dissidence. At the same time, however, we will see that the practical application of exile did not always follow the stipulations of the legal sources. This is most apparent in the case of monastic confinement which, despite the absence of extant royal legislation

²⁴ Victor Vitensis, *Historia persecutionis Africanae provinciae sub Geiserico et Hunrico regibus Wandalorum* 2.15, p.16. On the purge conducted by Huneric in the early 480s, see A. H. Merrills, ‘The Secret of my Succession: Dynasty and Crisis in Vandal North Africa’, *Early Medieval Europe* 18.2 (2010), pp.143-8 and also below section 3.1.

²⁵ Vic. Vit., *HP* 2.15, p.16: *quia ad ecclesiam eorum confugerat*.

²⁶ *Ibid.* 2.15-16, p.16.

prescribing the sanction, was frequently imposed by kings to remove their opponents from the political sphere. To the same end, rulers also employed the penalty of forced clerical ordination – a form of exile that had emerged in the last decades of the Western Empire, but one which is never known to have been formally prescribed in either secular or ecclesiastical law.

Exilium

As we saw in the previous chapter, the traditional Roman penalties of *relegatio*, *deportatio*, and condemnation to the mines or to public works appear to have become gradually outmoded after the collapse of the Western Empire. In their place, the more generic penalty of *exilium* was established as the standard term in legislation for sentences of exile. However, despite this narrowing of the available legal forms of exile, the penalty did not lose its inherent flexibility. In confirmation of what we have already seen in the context of the prescriptive evidence, the cases of exile reported in descriptive sources demonstrate that rulers varied sentences through altering the duration of exile and by combining the penalty with a variety of other punishments, such as the confiscation of property, fines, deposition from office, corporal punishment, and even bodily mutilation and facial disfigurement.²⁷ In both theory and practice, therefore, sentences of exile ranged from the moderate to the severe depending upon how exactly they were qualified by legislators and judges.

It will be argued in greater detail below that the precise terms of such sentences were determined, above all else, by the status of the offender concerned. At the same time, however, judges would also take account of the nature of the crime committed as well as the degree of the offender's culpability. This can be seen quite clearly in the case of two

²⁷ For some examples of the supplementary punishments combined with exile, see Vic. Vit., *HP* 2.23, p.18 (confiscation of property); Greg. Tur., *Hist.* 5.18, p.223 (deposition from office); Vic. Vit., *HP* 3.34, p.49-50 (corporal punishment); Iohannes Biclarensis, *Chronicon* a.588.1, MGH Auct. Ant. 11, p.218 (bodily mutilation); and Greg. Tur., *Hist.* 9.38, p.459 (facial disfigurement).

offenders whose respective sentences stand at opposite ends of the punitive spectrum. We have already encountered one of these offenders, the Visigothic bishop Sisebertus of Toledo, who was convicted of attempted regicide at the Sixteenth Council of Toledo of 693. Without a doubt, the magnitude of Sisebertus' crime was the main factor behind his remarkably severe sentence: perpetual exile along with excommunication from the church and the total confiscation of his property.²⁸ It is interesting to note that the assembled bishops also specified that Sisebertus' banishment was to take place in a 'prison' (*ergastulum*), hinting at how the selection of a particular place of exile might also contribute to the intensification of punishment.²⁹ At the other extreme was the sentence imposed upon a certain Adeodatus by King Theodoric of the Ostrogoths sometime between 507-12. This had been prompted by a petition sent by Adeodatus, who had alleged that Venantius, the governor of Lucania-and-Bruttium, had coerced him into confessing to the abduction (*raptus*) of a certain woman named Valeriana and denied him access to legal counsel.³⁰ Although Venantius had subsequently disputed those allegations, Theodoric nevertheless seems to have doubted the fairness of Adeodatus' conviction, since he sentenced him to exile for just six months without the loss of property or legal standing: an extraordinarily lenient punishment, especially in light of the fact that the *Edict of Theodoric* (probably issued by the same king) prescribed execution for abduction.³¹ Taken together, the differing sentences imposed upon Sisebertus and Adeodatus thus demonstrate that judges took advantage of the open-ended nature of *exilium* to adjust the severity of the punishment according to the particular circumstances of a case.

²⁸ Toledo XVI (AD 693) c.9; *Decretum iudicii ab universis editum*, pp.507-9; 513-5.

²⁹ This aspect is discussed in greater detail below in section 2.4.

³⁰ Cass., *Var.* 3.46, pp.101-2.

³¹ *Edictum Theodorici regis* 17, MGH LL 5, p.154. On the authorship of the *Edict of Theodoric*, see above section 1.1.

Expulsion

The descriptive sources suggest that the penalty of expulsion – that is, exile from, rather than to, a specific location – was imposed more frequently than might otherwise be anticipated from the legal evidence alone. This is possibly because expulsion remained something of an *ad hoc* sanction rather than a criminal sentence. As we saw in the introduction, during the Roman period expulsion had often been imposed outside formal legal proceedings through the magisterial use of *coercitio*. It seems likely that after the collapse of the Western Empire secular officials retained such powers, as can perhaps be seen in the exiling of Bishop Valerian of Abensa in Vandal Africa. According to Victor of Vita, he was expelled from his city when he refused to hand over the sacred objects and books of his church to the Vandal authorities.³² Rather than being convicted and sentenced following a trial, Victor implies that Valerian was summarily ejected from Abensa by an official named Proculus, who had been tasked with carrying out the confiscations. Expulsion thus continued to form part of a repertoire of *ad hoc* measures employed by officials to enforce obedience and quell disorder.

Another aspect of expulsion that was carried over from the Roman period was its use against religious dissidents, something which we detected in the prescriptive evidence. Thus the compilers of the *Breviary of Alaric* excerpted a passage from the *Sentences of Paul* that recommended that ‘false prophets (*vaticinatores*) who pretend they are filled with divinity’ should be expelled from the cities ‘lest by human credulity the public mores are corrupted in hope of something, or, at any rate, the popular feelings are disturbed because of them’.³³

³² Vic. Vit., *HP* 1.40, p.10. On this incident, see Éric Fournier, ‘Victor of Vita and the Vandal “Persecution”’: interpreting exile in late-antiquity’, Unpublished PhD Thesis, University of California (Santa Barbara, 2008), pp.247-8.

³³ *Breviarium Alarici, Pauli Sententiarum* 5.23.1, Gustav Friedrich Haenel, *Lex Romana Visigothorum* (Leipzig, 1849, p.434: *vaticinatores, qui se deo plenos adsimulant...ne humana credulitate publici mores ad spem alicuius rei corrumpentur, vel certe ex eo populares animi turbarentur*.

Interestingly, Gregory of Tours discusses two cases of expulsion – both occurring in Merovingian Gaul during the 580s – that are reminiscent of this provision, suggesting that its stipulations may have influenced the actions of the authorities concerned. The first incident involved an unnamed man who travelled around the north of Gaul carrying a cross and claiming that he was in the possession of holy relics. In 580, he arrived in Paris at the time of the Ascension festivities and managed to gather around him a motley group of peasants with whom he visited the local holy sites, imitating the public Rogation processions being led by the bishop of the city, Ragnemod.³⁴ After learning of this unusual visitor, Ragnemod sent him a message asking him to deposit his holy relics in the church and to leave the city at the end of the festivities. When the stranger reacted angrily to this request, Ragnemod had him arrested, whereupon it was discovered that his ‘relics’ were in fact a collection of animal bones and plant roots. Ragnemod duly confiscated the man’s cross and ejected him from the boundaries of his *civitas* (although he later returned and caused more trouble). Seven years later, a very similar fate befell another charlatan by the name of Desiderius, who appeared in Tours and pretended that he was able to work miracles.³⁵ Gregory claims that Desiderius succeeded in deceiving many of the ‘country folk’ who flocked to him to receive cures for their various afflictions, despite the fact that his avowed powers of healing did little to improve the condition of his patients. Eventually, after several individuals had reportedly died under his care, the authorities took action against him, with Gregory noting that ‘once the bogusness of his behaviour was comprehended by my people, he was expelled from the city boundaries’.³⁶ In both cases, therefore, the treatment of these charlatans closely resembled the approach that the author of the *Sentences of Paul* had recommended to be taken against fraudulent *vaticinatores*. Furthermore, the Frankish authorities, like that author,

³⁴ Greg. Tur., *Hist.* 9.6, p.419.

³⁵ *Ibid.* 9.6, p.417.

³⁶ *Ibid.* 9.6, pp.417-8: *Sed detecta dolositas eius et a nostris depraehensa, eiectus est extra urbis terminum.*

appear to have been chiefly concerned with maintaining local law and order, since they ejected the charlatans after they became popular with the masses. Whilst we cannot be sure that they were basing their actions directly upon the stipulations of the *Sentences of Paul* (although that is possible, given that the *Breviary of Alaric* circulated widely in Merovingian Gaul), the Frankish authorities, in expelling these charlatans, may therefore be said to have adopted the traditional Roman response towards religious troublemakers.³⁷

Monastic Confinement

In the previous chapter, it was demonstrated that the prescription of monastic confinement was almost exclusively reserved for ecclesiastical legislation, where over the course of the period it was established as the statutory penalty for a range of different offences. We have already seen such legislation informing the punishment of several clerics, such as Saffracus of Paris and Potamius of Braga, whose convictions and sentences are reported in acts associated with church councils. As far as those cases are concerned, it could thus be said that the application of monastic confinement closely followed the prescription of the penalty in the canons. However, this was not true in every instance, as is demonstrated by the case of Bishop Contumeliosus of Riez who was convicted of fornication (apparently with his wife given the canons that are cited against him) and alienating church property at a synod convened in Marseilles in 533.³⁸ For these crimes, the assembled prelates sentenced Contumeliosus to restore the stolen property from his own possessions and to enter a monastery so that he could perform penance.³⁹ However, the prelates disagreed over whether Contumeliosus should be permanently confined in the monastery – the position taken by the

³⁷ On the circulation of the *Breviary of Alaric* in Merovingian Gaul, see Ian N. Wood, 'The code in Merovingian Gaul', in Jill D. Harries and Ian N. Wood (eds), *The Theodosian Code. Studies in the Late Imperial Law of Late Antiquity* (London, 1993), pp.161-77.

³⁸ For a discussion of this case, see Julia Hillner, *Prison, Punishment and Penance in Late Antiquity* (Cambridge, 2015), pp.301-2 and William E. Klingshirn, *Caesarius of Arles: The Making of a Christian Community in Late Antique Gaul* (Cambridge, 1994), pp.247-50.

³⁹ Marseilles (AD 533), *Constitutio in Massiliensi urbe habita*, CCSL 148A, p.85.

presiding bishop, Caesarius of Arles, whom we encountered in the previous chapter – or whether he might eventually be restored to his office after having atoned for his sins. As a result, Caesarius wrote to Bishop John II of Rome to ask him to settle the case. In his reply, John supported Caesarius' hard-line position, citing a range of ancient canons that prohibited clerics from returning to office after penance, and ordered Caesarius to appoint a visiting bishop to take over the administration of the church of Riez until new elections could be held.⁴⁰ Caesarius duly circulated a letter to his suffragan bishops that outlined John's response and the canons he had cited, and also appended a number of more recent enactments of the Gallic church to the list, including the ruling of the Council of Epaone of 517 that had prescribed perpetual monastic confinement for clerics who had committed capital crimes.⁴¹ Presumably, Caesarius had already cited these Gallic canons at the time of Contumeliosus' trial to support his position, but such precedents had not been enough to persuade his suffragan bishops to impose a perpetual sentence.⁴² This episode thus hints at how the imposition of monastic confinement could be rather more contentious than the prescriptive sources would have us believe, particularly in the case of a bishop such as Contumeliosus who evidently commanded the support of many of his colleagues.

Another aspect of monastic confinement that emerges more clearly from the descriptive sources was that kings were often responsible for imposing it upon clerics. To be sure, the involvement of rulers in the imposition of the penalty was inferred in the previous chapter in the context of those canons that prescribed monastic confinement for acts of treason. However, in practice it would seem that clerics who were punished for more mundane offences were also sometimes convicted with the connivance of their kings. Bishop

⁴⁰ Marseilles (AD 533), *Epistolae Iohannis II papae*, CCSL 148A, pp.86-89.

⁴¹ *Ibid.*, pp.89-95.

⁴² In fact, precedents also existed for the more moderate position; see Carl F. Arnold, *Caesarius von Arelate und die gallische Kirche seiner Zeit* (Leipzig, 1894), pp.374-8.

Desiderius of Vienne, for example, was banished to a monastery on the (unlocated) island of *Livisium* after being found guilty at the Council of Chalon of 602/3 of sexual misconduct through the machinations of King Theuderic II (r. 595–613) and his grandmother, Brunhild.⁴³ They reportedly conspired with Bishop Aridius of Lyon to secure his conviction at the synod through the use of forged documents and false witnesses, including a certain noble lady named Justa who claimed that the bishop had raped her.⁴⁴ By handling Desiderius' case in this way, Theuderic and Brunhild may have been attempting to insulate themselves from criticism, since it was the assembled bishops who were ostensibly responsible for the condemnation of their colleague.

Nevertheless, kings did not always feel the need to go to such lengths when punishing their enemies within the church. In Visigothic Spain, for example, the Homoian king Leovigild (r. 568-586) was said to have exiled Masona, the Nicene bishop of Mérida, to a monastery in 582 for refusing to hand over the tunic of St Eulalia – a sentence which, given the sectarian divide, was presumably prescribed by the king himself rather than by a council of Masona's peers.⁴⁵ This was also true of the punishment imposed upon the brother bishops, Sagittarius of Gap and Salonius of Embrun, who according to Gregory of Tours had engaged in all manner of offences. They were first deposed by their Gallic colleagues at the Council of Lyon of 566/7 but reinstated to their sees upon the orders of Bishop John III of Rome, before eventually being summoned to court by King Guntram (r. 561-592) to answer for their crimes.⁴⁶irate at his treatment by the king, Sagittarius began claiming that Guntram's sons would not inherit the throne due to the lowly status of their mother, Austrechild. When

⁴³ Sisebutus, *Vita Desiderii I* 4, MGH SS rer. Merov. 3, p.631; *Vita Desiderii II* 3, MGH SS rer. Merov. 3, p.639; Fredegar, *Chronicon* 4.24, MGH SS rer. Merov. 2, p.130.

⁴⁴ On the motivations of the various parties involved in Desiderius' exile, see Yaniv Fox, 'The bishop and the monk: Desiderius of Vienne and the Columbanian movement', *Early Medieval Europe* 20.2 (2012), pp.187-94.

⁴⁵ *Vitas Patrum Emeritensium* 5.6, A. Maya Sánchez, *Vitas sanctorum patrum emeritensium*, CCSL 116 (Turnhout, 1992), pp.62-71. For the significance of this conflict, see R. Collins, 'Mérida and Toledo, 550-85', in E. James (ed.), *Visigothic Spain: New Approaches* (Oxford, 1980), pp.189-219 and below section 3.3.

⁴⁶ Greg. Tur., *Hist.* 5.20, pp.227-8.

Guntram learned of this, he flew into a rage and decreed that the brothers were to be shut up in monasteries far removed from each other so that they could repent for their sins.⁴⁷ Taken together, such cases demonstrate that, despite the absence of royal legislation prescribing the sanction, in practice the imposition of monastic confinement upon clerics often took place with the tacit approval, or even upon the direct orders of the king.

Given their willingness to impose the sanction upon their enemies within the church, it is perhaps not surprising that rulers eventually began banishing their secular opponents to monasteries. Mayke de Jong has argued that such individuals were at least partly complicit in their own sentences.⁴⁸ In her view, the perception of monasteries as sacred institutions that were protected from outside interference provided a king's opponents with a space where they could lie low in relative safety. At the same time, she argues that monastic confinement did not necessarily, or even routinely, mark the end of an individual's political career, as they were often pardoned by rulers and permitted to return to secular life. Whilst this can be supported in the later context of the Carolingian Empire, from where De Jong draws much of her evidence, the same cannot be said of the sixth and seventh centuries. During this period, lay individuals who were confined in monasteries are generally either said to have died in exile or else disappear from the source record after their incarceration, suggesting that they did not return to the political sphere.⁴⁹ This might imply that such individuals, unlike their clerical counterparts, were compelled to take monastic vows (in theory, a life-long commitment) after they were placed in monasteries.⁵⁰ Some support for this can be found in the language used by John of Biclaro in his *Chronicle* to describe the fate of King Eboric of the Sueves (r. 583-584). After being deposed by a coup led by Audeca in 584, Eboric was

⁴⁷ *Ibid.* 5.20, p.228: *ipsoque in monasteriis a se longiori accensu dimotos, in quibus paenitentiam agerent.*

⁴⁸ Mayke de Jong, 'Monastic prisoners or opting out? Political coercion and honour in the Frankish Kingdoms', Mayke de Jong *et al.* (eds), *Topographies of Power in the Early Middle Ages* (Leiden, 2001), pp.291-328.

⁴⁹ Such cases include Theudechild, Eboric, and Tulga. See Appendix 2 for references.

⁵⁰ On whether or not clerics were made to take monastic vows, see above section 1.2.

‘made into a monk of a monastery’, which would seem to indicate that he had become a full member of the community.⁵¹ But whatever the status of such offenders, the lack of documented cases of temporary monastic confinement suggests that kings were not in the habit of recalling their lay opponents, and that, in our period at least, the sanction was far more absolute than de Jong suggests.

Admittedly, there were a small number of lay individuals who did eventually return from monastic exile, but their experiences do not suggest that monastic confinement was an especially flexible or desirable sanction as far as offenders were concerned. One possible case involved the enemies of the Visigothic king, Chintila (r. 636-639), who appear to have been punished on the basis of the canon of the Sixth Council of Toledo of 638, discussed in the previous chapter, which prescribed imprisonment, almost certainly in monasteries, for traitors who supported foreign powers.⁵² We know of them from a letter written in around 652 by Fructuosus, then the bishop of Dumio and later the metropolitan of Braga, imploring King Recceswinth (r. 649-672) to release those who had been imprisoned since Chintila’s reign.⁵³ However, Fructuosus’ appeals appear to have fallen upon deaf ears, as thirty years later we again hear of persons who had been disgraced in the time of Chintila. They were finally pardoned by bishops at the Thirteenth Council of Toledo of 683 and presumably released from custody.⁵⁴ Given the length of time they had spent incarcerated, their treatment can hardly be cited as evidence for the supposed flexibility of monastic confinement. There were

⁵¹ Ioh. Bicl., *Chron.* a.584.2, p.216: *Eboricum regno privat et monasterii monachum facit*. It should be pointed, however, that Gregory of Tours, when describing this same incident, states that Eboric was instead ordained as a deacon and then as a priest: see *Hist.* 6.43, pp.43-4.

⁵² Toledo VI (AD 638) c.12, Vives, *Concilios*, p.241.

⁵³ *Epistolae Wisigoticae* 19, MGH Epp. 3, pp.688-9. The editor of the MGH text, Wilhelm Gundlach, assumes that the phrase *de tempore domni Scindani* refers to King Sisenand, but Karl Zeumer (*Geschichte der westgotischen Gesetzgebung. II*, *Neues Archiv der Gesellschaft für ältere deutsche Geschichtskunde* vol. 24 (Berlin, 1899), p.66, n.1 shows that Chintila is, in fact, meant. On the letter, see E. A. Thompson, *The Goths in Spain* (Oxford, 1969), p.183; 200.

⁵⁴ Toledo XIII (AD 683) c.1, Vives, *Concilios*, p.415: *qui ex tempore divae memoriae Chintilani regis simili hucusque infamationis nota respersi sunt*.

other offenders who took their fate into their own hands and left – or rather escaped – from monasteries when the opportunity arose. This can be seen slightly after our period of study in the case of Ebroin, the mayor of the Neustrian palace, who was overthrown by a faction of Burgundian nobles in 673, along with his king Theuderic III (r. 673 and 675-691), and confined in the monastery of Luxeuil.⁵⁵ Two years later, Ebroin took advantage of the chaos that followed the murder of Childeric II (r. 662-675), who had been invited to rule Burgundy and Neustria in Theuderic's stead, to escape from the monastery and regain his former position.⁵⁶ Even then, however, leaving Luxeuil was a calculated risk since, if he had been defeated in the ensuing political struggle, he would almost certainly have been executed, the fate suffered by many of his vanquished opponents. The complicity of offenders in their own monastic confinement is thus overstated by De Jong. In reality, they were presented with the same dilemma confronted by every exile: remain in banishment or escape and risk the possibility of death.

Forced Clerical Ordination

One form of exile that was imposed throughout the period but seemingly never prescribed in either secular or ecclesiastical law was forced clerical ordination. It was noted in the introduction that this sanction emerged during the late Roman period, possibly as an unforeseen by-product of the legalisation of church asylum in the first half of the fifth century, which provided a formal basis for clerics to intercede on behalf of individuals who had sought refuge in their churches. Reading between the lines, a similar sequence of events can also be detected in some of the cases reported in the post-Roman west. One example is that of Merovech, the rebellious son of King Chilperic I, who married Brunhild, his aunt by

⁵⁵ *Fredegarii continuationes* 2, MGH SS rer. Merov. 2, pp.168-70; *Liber Historiae Francorum* 45, MGH SS rer. Merov. 2, p.317; *Passio Leudegarii* I 6, MGH SS rer. Merov. 5, p.288.

⁵⁶ For a discussion of the events of 673-5 and an analysis of the evidence, see Paul J. Fouracre, 'Merovingian History and Merovingian Hagiography', *Past and Present* 127 (1990), pp.3-38.

marriage, in a bid to secure his claim to the throne in 576. After being captured by his father, he was tonsured and ordained as a priest and sent to the monastery of St Calais in Maine, ostensibly to receive instruction in his new role but perhaps also so that his behaviour could be subject to greater scrutiny and control.⁵⁷ It should be noted that prior to his arrest Merovech had taken asylum in Rouen in the church of St Martin-on-the-walls.⁵⁸ His punishment may therefore have been a result of negotiations between Chilperic and ecclesiastical authorities. Bishop Praetextatus of Rouen would have been the logical choice to intercede on behalf of the prince and could have overseen his admittance into clerical orders, but he himself had made enemies of Chilperic for administering Merovech and Brunhild's marriage.⁵⁹ Whilst we cannot explore the full ramifications of this complex case here, it is easy to imagine how compulsory ordination might have been viewed as an acceptable outcome by all parties concerned, since it preserved Merovech's life but removed him from the political sphere (although the prince ultimately had second thoughts on his way to the monastery, as discussed below).⁶⁰

The most common victims of compulsory ordination in our period were deposed kings. Arguably, Merovech himself falls within this category since his aspiration in marrying Brunhild may well have been to succeed to the kingdom of Austrasia, which had been ruled by Brunhild's first husband Sigibert (r. 561-575) until his recent assassination.⁶¹ We also see rulers imposing the penalty on foreign kings whom they had defeated in battle. Leovigild of the Visigoths, for instance, forcibly ordained the Suevic ruler, Audeca (r. 584-585), and

⁵⁷ Greg. Tur., *Hist.* 5.14, p.207.

⁵⁸ *Ibid.* 5.2, pp.195-6.

⁵⁹ *Ibid.* 5.18, pp.216-7. For comment, see H. Reimitz, 'After Rome, before Francia: religion, ethnicity, and identity politics in Gregory of Tours' *Ten Books of Histories*', in K. M. Cooper and C. Leyser (eds), *Making early medieval societies: conflict and belonging in the Latin West, 300 – 1200* (Cambridge, 2016), pp.61-3.

⁶⁰ On Frankish bishops' views on punishment in general and their handling of cases of asylum in particular, see Edward James, 'Beati pacifici: Bishops and the law in sixth-century Gaul', in John. Bossy (ed.), *Disputes and settlements: Law and human relations in the west* (Cambridge, 1983), pp.25-46, esp. 36-40.

⁶¹ For discussion of Merovech's possible motivations, see Ian Wood, *The Merovingian Kingdoms, 450-751* (Abingdon, 1994), p.90; 128.

exiled him to the city of Beja after his annexation of the kingdom of Galicia in 585.⁶² This punishment allowed kings to neutralise their deposed rivals in a way that could be represented as an act of *clementia*. Indeed, forced ordination was particularly suited to such a role as it fulfilled expectations of Christian mercy, whilst permanently disbarring the individual, at least in theory, from returning to lay office.⁶³ Of course in practice the success of forced ordination, like all forms of exile, depended upon the continuing acquiescence of the offender. This is indicated by the case of Chararic, a Frankish king who, along with his unnamed son, was deposed by Clovis (r. 481-511) towards the end of his reign for failing to support him in an earlier conflict. According to Gregory of Tours, Clovis, in an uncharacteristic display of clemency, decided to spare their lives by having Chararic ordained as a priest and his son as a deacon.⁶⁴ However, Chararic and his son bitterly resented their new professions, hinting at how forced ordination as subordinate clerics would have been a profound humiliation for former members of royalty. They duly threatened to let their hair grow again – in other words, to regain their royal potential – only for Clovis to learn of their discontent and have them swiftly executed.⁶⁵ Although in this case the sanction failed to have the desired outcome, the fact that post-Roman kings were experimenting with compulsory ordination during the period demonstrates that they were eager to find new ways of disposing of their rivals without resorting to bloodshed.

2.3 The Victims of Exile

Although the descriptive sources give the misleading impression that exile was imposed almost exclusively on members of the upper echelons of society, there are enough hints in

⁶² Ioh. Bicl., *Chron.* a.585.5, p.217.

⁶³ See Hillner, *Prison*, pp.237-9 and K. Sprigade, *Die Einweisung ins Kloster und in den geistlichen Stand als politische Massnahme im frühen Mittelalter* (Heidelberg, 1962), pp.44-5.

⁶⁴ Greg. Tur., *Hist.* 2.41, pp.91-2.

⁶⁵ On long hair as a signifier of royal status in the Merovingian kingdom, see Averil Cameron, 'How did the Merovingian Kings wear their hair?', *Revue belge de Philologie et d'Histoire* 43.4 (1965), pp.1203-1216 and Erik Goosmann, 'The long-haired kings of the Franks: "like so many Samsons?"', *Early Medieval Europe* 20.3 (2012), pp.233-259.

such works to suggest that lower-status offenders were also routinely subjected to banishment throughout the period. This is not to say, however, that social status did not influence the application of the penalty. In line with what we have already seen in the context of the prescriptive evidence, it will be argued that judges treated elites and non-elites quite differently. At the same time, we will also see that there were certain groups who, as a result of their privileged status, might expect to be exiled in lieu of execution. This included members of royalty and, in particular, bishops, who were almost always spared the death penalty in the post-Roman west, no matter the seriousness of their crimes nor the depth of hatred they had incurred from their monarchs.

The Impact of Social Status

What little evidence we possess regarding the imposition of exile upon lower-status offenders suggests that it was a more painful and visible affair than that typically experienced by their social superiors. For one thing, non-elites appear to have been routinely subjected to public beatings prior to their banishment. A good example of this can be seen in Vandal Africa during King Huneric's persecution of the Nicene church in 484. After closing the churches of Carthage, Huneric had the bishop of the city, Eugenius, quietly packed off into exile in Turris Tamalleni in southern Byzacena.⁶⁶ Eugenius' subordinate clergy, some 500 individuals according to Victor of Vita, were also banished but not before they were taken to the forum and flogged, thus turning their punishment into something of a public spectacle.⁶⁷ The differing treatment of Eugenius and his clerics was probably a result of their respective positions in the social hierarchy, given that, as discussed in the previous chapter, secular legislation often prescribed exile with a flogging for *humiliores* but never for *honestiores*. The descriptive sources also speak of more severe forms of bodily punishment being imposed

⁶⁶ Vic. Vit., *HP* 3.34; 43, p.49; 51.

⁶⁷ *Ibid.* 3.34, p.49.

upon lower-status exiles. Such was the fate of the royal nurse Septimima and her lover Droctulf, who were convicted of conspiring against King Childebert II of Austrasia and his mother Brunhild in 589. Before their banishment, they both suffered the agony of mutilation with Septimima having her face disfigured by red-hot irons and Droctulf having his ears cut off.⁶⁸ Significantly, two high-ranking court officials, named Sunnegisil and Gallomagnus, who were also exiled (in their case, temporarily) for their role in this conspiracy did not receive such drastic and visible punishments but were instead deprived of property bestowed on them by Childebert.⁶⁹ The case demonstrates again in stark terms how the application of exile could be determined by matters of rank and status.

However, this is not to say that the sentences incurred by members of the elite were necessarily more lenient. We have already seen in the context of the prescriptive evidence that legislators frequently combined exile with financial penalties in the case of high-status offenders. This was evidently also true in practice as demonstrated by the 27 cases reported in the descriptive sources where we hear of exiled magnates being deprived of some or all of their property.⁷⁰ Arguably, such confiscations would have been seen by those affected as a far greater punishment than the floggings imposed upon their social inferiors. Certainly, the impact of the loss of property lasted longer and, unlike corporal punishment, directly affected the experience of exile itself, since it would have prevented offenders from using their wealth to reduce the hardships of their punishment. The authorities were clearly mindful of this, since in some cases they specifically denied elite exiles some of the luxuries to which they were accustomed. For example, in the aforementioned case of Bishops Sagittarius and Salonius, confined to separate monasteries in the 570s, King Guntram specified that the

⁶⁸ Greg. Tur., *Hist.* 9.38, p.459.

⁶⁹ *Ibid.* 9.38, p.459. Sunnegisil was soon in trouble again, however, since he was tortured for information on another plot against Childebert, that of the *dux* Rauching: Greg. Tur., *Hist.* 10.19, p.510.

⁷⁰ See Appendix 2.

brothers would be deprived of all of their possessions, horses, and servants, and were each permitted to take only a single cleric with them into exile, presumably to act as their servant.⁷¹ Similarly, in Vandal Africa, Victor of Vita tells us that in his purge of the early 480s King Huneric banished his nephew Godagis together with his wife ‘without a slave or handmaid to help them’.⁷² For such individuals, the experience of proceeding to their place of exile and living there without a substantial entourage would doubtless have been profoundly humiliating and burdensome.⁷³ It may be said, therefore, that whilst the application of the punishment upon elite offenders was usually less violent and visible than that suffered by their social inferiors, their experience of exile could be no less unpleasant and degrading, particularly if the authorities combined their sentences with the loss of property or other privileges.

Bishops

Although the penalty of exile could be imposed upon anyone regardless of their status or office, there were certain groups who stood a greater chance of being banished – bishops being the most obvious case in point, as demonstrated by the 116 such individuals included in Appendix 2.1. Beyond reflecting the general interest of our sources in episcopal banishment, such a high number of cases may be explained by the fact that bishops were generally spared from the death penalty and so exile was often employed against them as a substitute for execution. This privilege was not something that was enshrined in law but rather was a consequence of two factors working in tandem. First, bishops were typically tried by church

⁷¹ Greg. Tur., *Hist.* 5.20, p.228: *His auditis, rex commotus valde, tam equos quam pueros vel quaecumque habere poterant abstulit; ipsosque in monasteriis a se longiori accensu dimotos, in quibus paenitentiam agerent, includi praecepit, non amplius quam singulos eis clericos relinquens.*

⁷² Vic. Vit., *HP* 2.14, p.16: *Gentunis maiorem filium, nomine Godagis, cum uxore absque solacio servuli aut ancillae crudeli exilio delegavit.* On the circumstances of their exile and its connection with the purge of the early 480s, see below, section 3.1.

⁷³ On bishops’ often substantial entourages and their function as a symbol of elite status, see Jamie Kreiner, ‘About the Bishop: The Episcopal Entourage and the Economy of Government in Post-Roman Gaul’, *Speculum* 86.2 (2011), pp.340-60.

councils. In such cases, execution was out of the question as synods could only impose penalties that were recognised by ecclesiastical law.⁷⁴ Accordingly, bishops condemned at church councils – even for the most serious crimes – would, at most, be deposed from office, excommunicated, and/or confined in monasteries.⁷⁵ Secondly, bishops, as a result of their sacral functions and important position within the church, were endowed with a very particular kind of high status.⁷⁶ Even for secular rulers, therefore, sentencing a bishop to execution was considered beyond the pale. Indeed, this had already been the case in the late Roman period, as Christian emperors from Constantine (r. 306-337) onwards had exiled transgressive bishops regardless of the offences they had committed.⁷⁷ The one exception, as we saw earlier, was Priscillian of Ávila, who was executed for sorcery (*maleficium*) by Magnus Maximus (r. 383-388). However, the intense criticism that Maximus subsequently received for his treatment of Priscillian ensured that this case ultimately reaffirmed the general pattern by serving as a negative example for later rulers. By the time of the collapse of the Western Empire, bishops had effectively been immune from execution for well over a century.

The tendency exhibited by their imperial forebears to exile rather than execute delinquent or troublesome prelates set a fundamental precedent for post-Roman kings and one to which they largely adhered throughout the period, even though their reasons for imposing the punishment became somewhat more diverse. In the late Roman Empire, the main factor behind the exiling of bishops was the issue of orthodoxy, with prelates targeted for refusing to adopt the current imperially-backed form of Christianity.⁷⁸ As will be

⁷⁴ On the punishments handed out by ecclesiastical courts in late antiquity, see Hillner, *Prison*, pp.66-76.

⁷⁵ See, for example, the sentence imposed upon Sisebertus of Toledo discussed above in section 2.2.

⁷⁶ On the privileged status of bishops in late antiquity, see Claudia Rapp, 'The Elite Status of Bishops in Late Antiquity in Ecclesiastical, Spiritual and Social Contexts', *Arethusa* 33.3 (2000), pp.379-99.

⁷⁷ See Éric Fournier, 'Exiled bishops in the Christian empire: victims of imperial violence?', in H. Drake (ed.), *Violence in late antiquity* (Hampshire, 2006), pp.157-66.

⁷⁸ Daniel A. Washburn, *Banishment in the Later Roman Empire, 284-476 CE* (Abingdon, 2013), pp.41-64.

demonstrated at greater length in the following chapter, this was less common in the post-Roman west. In fact, only in Vandal Africa did kings consistently and, at least for a few months in 484, systematically banish bishops who adhered to a different confession. Elsewhere, it would seem that bishops were targeted by rulers on the basis of *Realpolitik*. This was certainly the case in Merovingian Gaul where the episcopate quickly acquired a significant role in the administration of the kingdom following the conversion of King Clovis to Nicene Christianity at some point during his reign.⁷⁹ As Frankish bishops grew in social prominence and took on a greater role at court, they became increasingly vulnerable to the vicissitudes of high politics.⁸⁰ But whilst other magnates were often executed after becoming embroiled in conspiracies or incurring the disfavour of their kings, Frankish bishops were generally exiled, as is exemplified by the treatment of Egidius of Reims. In 590, it came to light that Egidius had been involved in a plot, foiled three years earlier, in which the *dux* Rauching, together with two other magnates, Ursio and Berthefred, had attempted to murder King Childebert II.⁸¹ Accordingly, Egidius was arrested and tried before his peers at a specially convened synod in Metz. Although he initially protested his innocence, he broke down when confronted with irrefutable evidence of his guilt and confessed to treason.⁸² However, despite the severity of his crimes and the fates of his three co-conspirators, who were all killed for their involvement in the affair, Egidius was merely deposed from office and sentenced to exile in Strasbourg.⁸³ His case would thus seem to demonstrate that, no matter how serious their crimes, Frankish bishops could expect to be sentenced to exile rather than execution.

⁷⁹ For discussion of the circumstances and date of Clovis' conversion, see Ian N. Wood, 'Gregory of Tours and Clovis', *Revue belge de Philologie et d'Histoire* 63.2 (1985), pp.249-272.

⁸⁰ On bishops' social and political importance in Francia, see Edward James, *The Franks* (Oxford, 1988), pp.183-4 and, for the post-Roman west as a whole, see J. H. W. G. Liebeschuetz, *The Decline and Fall of the Roman City* (Oxford, 2001), pp.155-67.

⁸¹ For the plot of Rauching, see Greg. Tur., *Hist.* 9.9; 12, pp.421-4; 426-7 and Wood, *Kingdoms*, pp.97-8.

⁸² Greg. Tur., *Hist.* 10.19, pp.510-2.

⁸³ *Ibid.* 10.19, p.513.

This conclusion supplements the work of Paul Fouracre, who argues along similar lines that the extra-judicial killing of bishops was unusually common in Merovingian Gaul as a result of their political significance and the difficulty in removing them from power by legal means.⁸⁴ In short, bishops' immunity from execution ensured that Merovingian rulers were compelled to resort to subterfuge to eliminate troublesome prelates in circumstances when the imposition of exile was deemed insufficient.⁸⁵ In fact, in the period down to 650 there is only one Frankish bishop who appears to have been openly condemned to death by his ruler: the aforementioned Desiderius of Vienne who, following his recall from exile on the island of *Livisium*, was eventually stoned to death in 607 on the orders of Theuderic II at the instigation of his grandmother, Brunhild.⁸⁶ Significantly, this incident achieved such notoriety that it became something of an international *cause célèbre*; the Visigothic king Sisebut (r. 612-621) composed a *Vita* of Desiderius in which he heavily criticised the actions of Brunhild and Theuderic and claimed that their deaths six years later constituted divine retribution.⁸⁷ Whilst this *Vita* clearly had a political agenda, the fact that Sisebut was able to make so much out of the incident demonstrates that even by the violent standards of Merovingian power politics the unconcealed murder of Desiderius was deemed reprehensible.⁸⁸ Ultimately, therefore, given the lack of formal executions, the secretive nature of the killings that did occur, and the disapproval generated by the exceptional treatment of Desiderius, it cannot be said that the killing of bishops was an acceptable part of the political process in Frankish Gaul. Instead, it was a measure of last resort and one that

⁸⁴ Paul J. Fouracre, 'Why were so many bishops killed in Merovingian Francia?', in Natalie M. Fryde and Dirk Reitz (eds), *Bischofsmord in Mittelalter* (Göttingen, 2003), pp.13-35.

⁸⁵ A good example is Praetextatus of Rouen; see Greg. Tur., *Hist.* 8.31, pp.397-8.

⁸⁶ Sise., *Vita Des.* 16-18, pp.635-6; Fred., *Chron.* 4.32, p.133; Jonas, *Vita Columbani* 1.27, MGH SS rer. Merov. 4, p.103.

⁸⁷ Sise., *Vita Des. I* 16-21, pp.635-7.

⁸⁸ On the political motivations behind the work, see Jacques Fontaine, 'King Sisebut's *Vita Desiderii* and the political function of Visigothic hagiography', in Edwards James (ed.), *Visigothic Spain: New Approaches* (Oxford, 1980), pp.93-129 and, for a different interpretation, Yitzhak Hen, 'A Visigothic king in search of an identity - *Sisebutus Gothorum gloriosissimus princeps*', in Richard Corradini et al. (eds), *Ego trouble: authors and their identities in the early Middle Ages* (Vienna, 2010), pp.96-7.

Merovingian kings (and queens) generally avoided by sending their troublesome prelates into exile.

Royalty

The descriptive sources give the impression that members of royalty were also especially likely to be exiled, with 40 such persons said to have received some form of the punishment over the course of our period.⁸⁹ Of course, this partly reflects the fact that their deeds (and particularly their downfalls) had a greater chance of being reported in the sources than those of less exalted offenders. Nevertheless, members of royalty, like bishops, also appear to have been somewhat protected from the death penalty as a result of their privileged status. To be clear, this protection was more contingent than in the case of bishops. If it was too risky to spare a deposed predecessor or a rebellious relative, kings had no qualms in ordering their execution. Nevertheless, it seems that there was a degree of consensus that such individuals should ideally be spared, at least judging by the criticism that was sometimes levelled at those who failed to adhere to this principle. For their part, rulers did not need much convincing, since sparing the life of a deposed rival was an act of clemency *par excellence* that underscored the legitimacy of their rule.⁹⁰ In this context, exile provided rulers (in theory if not always in practice) with a perfect solution, allowing them to remove such individuals from the political sphere without the need for bloodshed.

Finally, it is worth pointing out that female royals were banished more frequently than their male counterparts. Whilst some of these women were punished on the basis of specific

⁸⁹ See Appendix 2.1. To this list of exiled royals, we could also add the anonymous children of Hilderic and of Swinthila; see Appendix 2.2.

⁹⁰ On the importance of clemency to the ideology and realities of rule in late antiquity, see Hartmut Leppin, 'Coping with the tyrant's faction: civil-war amnesties and Christian discourses in the fourth century AD', in Johannes Wienand (ed.), *Contested monarchy: integrating the Roman Empire in the fourth century AD* (Oxford, 2015), pp.198-214 and Giacomo Raspanti, 'Clementissimus imperator: power, religion, and philosophy in Ambrose's *De obitu Theodosii* and Seneca's *De clementia*', in Andrew J. Cain and Noel E. Lenski (eds), *The power of religion in late antiquity* (Aldershot, 2009), pp.45-56.

charges, most appear to have been targeted as a result of the threat that they posed to the reigning monarch.⁹¹ This was particularly true of dowager queens and unmarried princesses, as their status could be exploited by a king's rivals to secure a claim to the throne through marriage. Indeed, dowager queens often actively pursued such remarriages to avoid facing a very real reduction in their income, status, and political agency.⁹² This can be seen in the case of Brunhild who, despite being exiled to Rouen by Chilperic upon the death of her husband Sigibert, nevertheless managed to wed Merovech, precipitating his downfall as discussed earlier.⁹³ Consequently, kings attempted to limit the dynastic threat posed by widowed queens and superfluous royal daughters by exiling them to places where they could be closely controlled. For example, King Guntram exiled Theudechild to a nunnery in Arles soon after the death of her husband Charibert (r. 561-567).⁹⁴ This turned out to be a particularly secure place of confinement as Theudechild was later prevented from escaping the convent by a vigilant abbess, who had her imprisoned in a cell, where 'she remained until the end of her life, having been worn down by extraordinary suffering'.⁹⁵ In the seventh century, Visigothic kings also exiled dowager queens to convents, judging by Ervig's (r. 680-687) attempts to ensure that his wife Liuvigotona would be spared from such a fate after his passing. At the Thirteenth Council of Toledo of 683, Ervig ordered his bishops to issue a canon that forbade the imposing of the habit upon his wife.⁹⁶ However, unfortunately for Liuvigotona things did not turn out as Ervig had planned: the provision was rescinded only four years after his death, when at the command of the new king Egica (r. 687-701/3) bishops promptly issued another

⁹¹ An example of a royal woman who was exiled on the basis of specific charges (in her case, attempted regicide) was Queen Gundeberga of the Lombards; see Fred., *Chron.* 4.51, pp.145-6.

⁹² On the impact of widowhood on Frankish queens, see Dailey, *Queens*, pp.16-45.

⁹³ Greg. Tur., *Hist.* 5.1, pp.194-5. For Brunhild's motivations, see Janet L. Nelson, 'Queens as Jezebels: Brunhild and Balthild in Merovingian History', in Janet L. Nelson (ed.), *Politics and ritual in early medieval Europe* (London, 1986), pp.10-12 and Bruno Dumézil, *La reine Brunehaut* (Paris, 2008), pp.182-7.

⁹⁴ *Ibid.* 4.26, p.159.

⁹⁵ *Ibid.* 4.26, p.159: *in qua usque ad exitum vitae praesentis, non mediocribus adtrita passionibus perduravit.*

⁹⁶ Toledo XIII (AD 683) c.4, pp.419-21.

canon stipulating that dowager queens were always to be placed in convents.⁹⁷ In this way, we see how the Christianisation of society provided rulers with new methods of dealing with superfluous members of royalty while perhaps also increasing the pressure on them to spare such individuals.

2.4 The Places of Exile

In this final section, we will consider the places to which offenders were exiled over the course of the period. This aspect of the sentence was not discussed by legislators, and so unlike in previous sections we will not be able to compare legal theory and practice. Judges must have decided the places of exile on a case-by-case basis, but this does not mean that the decision was a mere afterthought. On the contrary, a number of scholars working on the Roman evidence have demonstrated that the choice of location might be influenced by several competing factors such as practical considerations, wider penal strategies, and *Realpolitik*.⁹⁸ The same was also true in the post-Roman period as suggested by Table 2.2, which indicates the types of places to which people were exiled in the cases contained in Appendix 2. Admittedly, this table provides only a partial glimpse into the spatial aspects of the penalty, as the quality and quantity of the geographical information recorded in the sources varies greatly.⁹⁹ Even so, it demonstrates that post-Roman rulers banished their subjects to a range of different locations, suggesting some measure of strategic thinking on their part. Developing its categories, I will adopt a thematic approach to the places of exile to establish the main factors influencing the choice of location, whilst also determining the

⁹⁷ Zaragoza III (AD 691) c.5, Vives, *Concilios*, pp.479-81.

⁹⁸ For discussions on the methodology of using places of exile to determine the intentions of state authorities, see F. Stini, «*Plenum exiliis mare*». *Untersuchungen zum Exil in der römischen Kaiserzeit* (Stuttgart, 2011), p.19, and Hillner, *Prison*, pp.211-2. For a good example of this approach in action, see Frank Drogula, 'Controlling Travel: Deportation, Islands and the Regulation of Senatorial Mobility in the Augustan Principate', *Classical Quarterly* 61.1 (2011), pp.230-66, on the development of *deportatio ad insulam* in the early imperial period.

⁹⁹ On the challenges of drawing geographical information from cases of exile reported in descriptive sources, see H. Mawdsley, 'Mapping clerical exile in the Vandal Kingdom, 435-484', in J. Engberg, J. Hillner and J. Ulrich (eds), *Clerical Exile in Late Antiquity* (Frankfurt, 2016), pp.67-94.

extent to which there was continuity in the places selected by Roman and post-Roman judges. We will see that, as in the imperial period, the places of exile could form an intrinsic part of the punishment, since offenders might be banished to locations that were intended to aggravate their suffering. At the same time, however, it will be argued that rulers were also deeply concerned with matters of security, selecting sites where (in theory at least) an offender's movements or activities could be closely constrained.

Table 2.2: Types of locations chosen as places of exile and the number of cases, 439-650

Types of Locations Chosen as Places of Exile	Number of Cases
Islands	38
Cities	24
Unspecified places of imprisonment	20
Monasteries	10
Fortresses	7
Farms/fields	6
Regions or provinces	6
Deserts	4
Palaces	3
Mines	3
Basilicas	2
Cesspits	1

Cities

Cities were frequently used to host exiles throughout the period. Indeed, they could be described as the 'standard' place of exile, in the sense that judges appear to have chosen cities as a matter of course unless they had particular reasons to send offenders elsewhere. Their advantages as places of exile were chiefly practical. First and foremost, the authorities would have been able to exploit existing urban infrastructures to ensure that offenders, particularly

those whose property had been confiscated, were adequately housed and maintained in banishment. They could also have employed local officials, such as bishops or counts, to monitor offenders, sparing the authorities the need and expense of providing additional guards. Even so, cities do not appear to have been especially secure places of exile, as demonstrated by the case of Apollinaris, the son of Bishop Sidonius of Clermont, who fled from Gaul to Italy with the *dux* Victorius in around 479.¹⁰⁰ In his *Glory of the Martyrs*, Gregory of Tours reports that the two men were arrested for unspecified reasons shortly after their arrival. Victorius was executed while Apollinaris was banished to Milan, where he was detained ‘without restriction by an open custody’ and so was free to roam about the city as he wished.¹⁰¹ Presumably, the authorities had warned him that he would face more severe punishment if he attempted to leave. Such threats proved empty, however, as after praying at the tomb of St Victor – a local martyr who was famous for releasing prisoners – Apollinaris made good his escape back to Gaul. As should be apparent from the foregoing summary, Gregory’s account of this episode is more hagiographic than historical and intended primarily to demonstrate the power of Victor of Milan. Nevertheless, his claim that Apollinaris was essentially unsupervised in the city is plausible, if only because a similarly lax treatment of exiles was not unheard of during the Roman period.¹⁰²

Islands

Although islands were more secure than cities, they still provided offenders with a ready means of escape through access to ships. Instead, as Frank Stini has convincingly argued in the context of the Roman evidence, islands were chosen primarily to inflict a greater sense of alienation upon offenders by emphasising the distance to their home

¹⁰⁰ On this episode, see Ralph W. Mathisen, *Roman Aristocrats in Barbarian Gaul: Strategies for Survival in an Age of Transition* (Austin, TX, 1993), pp.64-5.

¹⁰¹ Gregorius Turonensis, *Liber in Gloria martyrum* 44, MGH SS rer. Merov. 1.2, p.68: *sub libera enim custodia absolutus adtendebatur*.

¹⁰² See M. Braginton, ‘Exile under the Roman Emperors’, *The Classical Journal* 39.7 (1944), pp.394-6.

communities and by denying them the enjoyments of urban life (such as they were in the post-Roman west).¹⁰³ This might explain why offenders were frequently exiled to islands that were in sight of the mainland, as was the fate of the aforementioned Bishop Praetextatus of Rouen. After marrying Merovech to Brunhild, and possibly interceding on their behalf when they sought asylum in one of his churches, Praetextatus fell under the suspicion of King Chilperic. These suspicions would only have intensified after Merovech absconded *en route* to confinement in the monastery of St Calais.¹⁰⁴ Consequently, Chilperic had the bishop arrested and tried on charges of treason by a council convened in Paris in 577. After no small amount of skulduggery on Chilperic's part, Praetextatus was convicted, deposed from his see, and exiled to an island near the city of Cosedia (modern Coutances) most likely Jersey.¹⁰⁵ It is entirely possible that Chilperic chose this particular island to increase Praetextatus' suffering, since on clear days the bishop would have been able to see the Gallic coastline as a reminder of the community he had left behind. Post-Roman rulers, again like their imperial forebears, also aggravated island banishment by selecting isles that were deemed to be particularly unpleasant or even dangerous.¹⁰⁶ This can be seen in the case of Jovinus, who was exiled to the Aeolian Islands in the Tyrrhenian Sea just north of Sicily after murdering a colleague and seeking asylum in a church.¹⁰⁷ In his ruling, King Theoderic made clear that he had chosen this archipelago for its disagreeable conditions, and more specifically its active volcanoes, which would ensure that Jovinus would live in the midst of 'deadly fire' – a foretaste, perhaps, of the divine punishment he faced in the next life.¹⁰⁸

¹⁰³ Stini, *Exil*, pp.171-188.

¹⁰⁴ Greg. Tur., *Hist.* 5.14, pp.207-8.

¹⁰⁵ *Ibid.* 5.18, p.223.

¹⁰⁶ For Roman parallels, see Braginton, 'Exile', p.400.

¹⁰⁷ On this case, see above, section 2.1

¹⁰⁸ Cass., *Var.* 3.47, p.102: *in exitiabili victurus incendio.*

Frontier Locations

In contrast to the late Roman period, we rarely hear of offenders being exiled to frontier locations. This might reflect differences in ‘imagined geographies’ with the rulers of the post-Roman kingdoms, unlike their imperial forbears, no longer envisaging space in terms of a developed core and a backwards periphery to which they might banish their undesirables.¹⁰⁹ At the same time, the fact that most rulers were no longer concerned with punishing heretics also limited the utility of frontier banishment. As discussed in the introduction, frontier banishment had emerged during the fourth century after exile became the routine legal sanction for religious dissidence. From Constantine onwards, emperors frequently exiled those who failed to subscribe to the prevailing creed to remote locations at the margins of the empire. However, we have seen in the previous chapter that heresy was effectively decriminalised in most areas of the post-Roman west. With this the main context in which frontier banishment had been employed during the late Roman period no longer prevailed after the collapse of the Western Empire.

As usual, however, an exception to this is provided by Vandal Africa, where it is no coincidence that we see rulers consistently exiling offenders to peripheral locations.¹¹⁰ Huneric, in particular, is known to have banished hundreds, perhaps thousands, of Nicene Christians to the African desert interior as well as to Mediterranean islands such as Corsica and Sicily.¹¹¹ By removing such individuals from the heart of his kingdom, Huneric was, in his mind, ridding his realm of the polluting influence of heresy. In addition, Huneric may have hoped that the experience of frontier banishment would increase the rate of apostasy amongst those who were exiled. Such can be inferred, for example, from the case of Dagila,

¹⁰⁹ On the use of frontier banishment during the late Roman period and the ideologies that informed it, see Hillner, *Prison*, pp.212-7.

¹¹⁰ For a more detailed discussion of the geography of exile in the Vandal kingdom, see Mawdsley, ‘Exile’, pp.67-94.

¹¹¹ See, for example, Vic. Vit., *HP* 2.23; 26; 3.20; 42, p.18; 19; 45; 51.

the wife of one of the king's butlers (*uxor cuiusdam cellaritae regis*). According to Victor of Vita, she had openly professed her commitment to Nicene Christianity on many occasions during the reign of Huneric's father, Geiseric (r. 428-477).¹¹² This would have made her a suitable target for persecution after Huneric issued the edict of 25 February 484 that required all of his subjects to adopt the Homoian confession.¹¹³ After being beaten with whips and cudgels she was banished to 'an arid and impenetrable place of exile, where no-one would be able to come and bring her comfort'.¹¹⁴ Such a remote location may have been chosen by the authorities in the expectation that it would finally break Dagila's resistance. If this was the case, however, they were to be solely disappointed; Victor notes with approval that when they later gave her the opportunity to move to a less harsh part of the desert, 'where she would enjoy the support of companions', she refused 'believing that great joy was already hers'.¹¹⁵ Whilst we may doubt elements of Victor's account, particularly Dagila's supposed satisfaction with her fate, the fact that Huneric had exiled her to a remote place within the African desert is at least plausible. Ultimately, therefore, it would seem that, like his imperial forebears and perhaps in direct imitation of their actions, Huneric employed frontier banishment against Nicene Christians as a tool of religious coercion.

External Exile

Rather than exiling them to the frontiers, post-Roman rulers were more likely to expel individuals from their kingdoms altogether. Such cases of external exile were almost unheard of during the Roman period. Although emperors had very occasionally issued legislation prescribing expulsion from Roman soil, there is no evidence of such laws ever being

¹¹² *Ibid.* 3.33, p.48.

¹¹³ See above, section 1.1.

¹¹⁴ Vic. Vit., *HP* 3.33, p.48: *exilio arido et invio relegatur, ubi nullus hominum forte consolationis gratia veniendi haberet accessum.*

¹¹⁵ *Ibid.* 3.33, p.49: *Cui postea oblatum esse dicitur, ut in mitiori heremo translata frueretur, si vellet, solacio sociorum. lila vero ingentem sibi adesse credens gaudium, ubi nullum humanum esse consolantis affectum, ne fieret supplicavit.*

implemented in practice.¹¹⁶ External exile perhaps became more viable following the fragmentation of the Western Empire into regional kingdoms, as it became easier to transport offenders across political boundaries. The sanction may have been attractive to rulers since it allowed them to exile offenders without taking on the burden of their maintenance. As a corollary of this, however, external banishment was less secure than other forms of exile, since in most cases the only thing preventing an offender from returning to the kingdom was the prospect of more severe punishment if caught. Another drawback of external banishment was that it allowed the exile to forge connections with neighbouring, and potentially hostile, polities. Over the course of the fifth and early sixth centuries, for example, a steady stream of exiles from Vandal Africa were received in Constantinople.¹¹⁷ This came to have serious repercussions for the Vandal kingdom, since dispossessed African landowners were said to have had a hand in convincing Justinian (r. 527-565) to reconquer the region for the empire.¹¹⁸ In fact, in a law issued shortly after Gelimer's (r. 530-534) defeat, Justinian justified his invasion by citing another group who had suffered at the hands of the Vandal authorities – the so-called confessors of Tipasa, who had undergone the removal of their tongues and right hands for publicly celebrating the Nicene liturgy in 484, and had afterwards fled to Constantinople where they had taken up residence in the imperial palace.¹¹⁹

Given the potential risks, it is perhaps not surprising that kings were seemingly reluctant to impose external exile upon their secular opponents. Instead, almost all of the

¹¹⁶ *Codex Justinianus* 1.7.6 (AD 455); 6.23.29 (AD 531), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.2* (Berlin, 1892), pp.60-1; 256-7; *Novellae Justiniani* 146.2 (AD 533), Theodor Mommsen *et al.* (eds), *Corpus iuris civilis Vol.3* (Berlin, 1892-5), pp.716-7. Hillner, *Prison* (Cambridge, 2015), p.216, n.111 has identified two cases of external exile in the late Roman period, but both seem to have been a result of the offenders escaping across the frontier rather than being expelled from the empire.

¹¹⁷ See J. Conant, *Staying Roman: Conquest and Identity in Africa and the Mediterranean, 439-700* (Cambridge, rpt 2015), pp.76-83.

¹¹⁸ Zacharias Scholasticus, *Chronicon* 9.17, F. J. Hamilton and E. W. Brooks (trans.), *The Syriac Chronicle Known as that of Zachariah of Mitylene* (London, 1899), p.262.

¹¹⁹ *CJ* 1.27.1.4 (AD 534), p.77. For the confessors of Tipasa, see: Vic. Vit., *HP* 3.30, p.48; Procopius, *De Bellis* 3.8.4, H. B. Dewing (trans.), *History of the Wars* (London, 1916), p.74; Marcellinus *comes*, *Chronicon* a.484.2, MGH AA 11, p.93.

cases of external exile reported in the sources involved clerics and holy men, whom rulers may have considered less of a threat if left to their own devices in neighbouring territories.¹²⁰ Perhaps the most famous example is that of the Irish monk Columbanus. Arriving on the continent in 585, he was initially welcomed in Merovingian Gaul by King Guntram, who gave him permission to establish a monastery in the *castrum* of Luxovium. Some twenty years later, however, Columbanus became embroiled in a dispute with members of the Frankish royal family, when he criticised Theuderic II of Burgundy for his philandering and refused to bless the children born to his concubines. This culminated in Columbanus being ejected from his monastery by Theuderic's soldiers, and escorted to the city of Nantes, where he was placed on a ship that would take him back to Ireland.¹²¹ However, a storm prevented the ship from leaving the harbour, and so Columbanus instead made his way north to the kingdom of Clothar II (r. 584-629), who received him warmly.¹²²

Monasteries

Given that monastic confinement was a new development of the period, the selection of institutions to host offenders would have involved a considerable amount of experimentation on the part of the authorities. When monastic confinement was imposed by bishops upon their disobedient or delinquent subordinates, practical considerations would have been the key determinant. Although this is difficult to demonstrate conclusively, given that the location of many such institutions cannot be identified, bishops probably selected monasteries that were within their sphere of jurisdiction: the diocese or, in the case of metropolitans, the ecclesiastical province. Evidence from sixth-century Byzantine Italy suggests that bishops would have favoured monasteries with which they had an existing

¹²⁰ Examples include *Anonymus* 10 [Gallic cleric], Columbanus, Eugenius [second exile], Foillan, Proculus, Quodvultdeus 1, Sunna, Theodorus 1, Carthaginian clergy, and Irish monks; for references, see Appendix 2.

¹²¹ Jonas, *Vita Colum.* 1.20-23, pp.90-8.

¹²² *Ibid.* 1.24, pp.98-9.

relationship, such as institutions they had patronised or those in which they had served prior to their ordinations.¹²³ Such connections would have helped persuade the abbot to receive the offender, who could have been an unwelcome burden for the monastery. Last but not least, bishops presumably chose monasteries that they hoped would adequately implement the penalty. However, they were not always successful in this regard, as is demonstrated by the case of a Tourangeau priest named Riculf. In 580, he was sent to an unnamed monastery by Bishop Gregory when he was found to have conspired against him with the *comes* Leudast.¹²⁴ Although he was held under close surveillance, Riculf nevertheless managed to abscond from the monastery with assistance from Bishop Felix of Nantes, another one of Gregory's enemies. Despite the best efforts of bishops to choose suitable institutions, the effectiveness of monastic confinement could ultimately be subject to factors beyond their control.

Given that they typically imposed monastic confinement upon their political opponents, rulers were understandably even more concerned with matters of security than bishops, selecting institutions that they hoped would limit access to the offender and prevent their escape. After the death of Sigibert III (r. 633-656), for instance, Grimoald, the mayor of the Austrasian palace, seized power and arranged for Sigibert's son Dagobert to be confined in a monastery in Ireland, possibly exploiting the connections of the Irish monk Ultan.¹²⁵ This allowed Grimoald to place the young prince firmly out of reach of those who might want to use the prince to front an attempt to overturn his regime, although ultimately Dagobert was recalled from exile two decades later following the assassination of Childeric II in 675.¹²⁶

¹²³ See Julia Hillner, 'Gregory the Great's "Prisons": Monastic Confinement in Early Byzantine Italy', *Journal of Early Christian Studies* 19.3 (2011), pp.433-71, esp. 463-8.

¹²⁴ Greg. Tur., *Hist.* 5.49, p.262.

¹²⁵ *LHF* 43, pp.315-6. J. M. Picard, 'Church and Politics in the Seventh Century: The Irish Exile of King Dagobert II', in J. M. Picard (ed.), *Ireland and Northern France, 600-850* (Dublin, 1991), pp.45-6 suggests the involvement of Ultan. For further comment, see Paul J. Fouracre, 'Forgetting and remembering Dagobert II: The English connection', in Paul J. Fouracre and David Ganz (eds), *Frankland: the Franks and the world of the early middle ages; essays in honour of Dame Jinty Nelson* (Manchester, 2008), pp.70-89.

¹²⁶ He may have been recalled by Pippin II, who – after the death of Childeric II – needed an 'authentic' Merovingian monarch through which to rule in Austrasia: see Picard, 'Dagobert', pp.46-50.

Like bishops, post-Roman rulers may also have exploited their personal links with particular monasteries. Again, this is difficult to prove conclusively, but it might explain King Chilperic's decision to send his son Merovech to St Calais – a monastery that may have been founded by Childebert I (r. 511-558) and thus had connections with the Merovingian dynasty.¹²⁷ Although Mayke de Jong has argued that the immunities that Frankish kings eventually bestowed on their monasteries limited their ability to use them as royal prisons, such protections were not yet common in the sixth century, and so by exiling offenders to royal foundations kings would have had greater control over the conditions of the punishment.¹²⁸ This can be seen in King Guntram's handling of those incorrigible bishops Sagittarius and Salonius. In 577, Guntram recalled them from monastic exile after his son became ill and some of his advisors suggested that this might be because the bishops were innocent.¹²⁹ The brothers soon relapsed into their old ways, however, and so Guntram arranged for their case to be reconsidered by a synod held in Chalon-sur-Saône in 579. Initially, the council was willing to let Sagittarius and Salonius off the hook, agreeing that the time that they had already spent in penance was enough to purge them of their sins. But as a result, further charges of treason and *lèse-majesté* were levelled at them, presumably with Guntram's connivance. This was enough to secure their conviction and condemnation to a second period of exile in St Marcellus in Chalon-sur-Saône.¹³⁰ St Marcellus was probably chosen to accommodate the bishops because it was Guntram's personal foundation. This allowed the king to put in place additional security measures and specifically a guard who was charged with keeping watch over the offenders (although he was clearly not up to the

¹²⁷ Greg. Tur., *Hist.* 5.14, p.207. For St Calais' possible connections with the Merovingian dynasty, see Friedrich Prinz, *Frühes Mönchtum in Frankenreich: Kultur und Gesellschaft in Gallien, den Rheinlanden und Bayern am Beispiel der monastischen Entwicklung 4. bis 8. Jahrhundert* (Munich, 1988), p.155 and Wood, *Kingdoms*, p.184.

¹²⁸ de Jong, 'prisoners', pp.291-328, esp. 303-7. For parallels in the eastern empire, see Hillner, *Prison*, pp.333-41.

¹²⁹ Greg. Tur., *Hist.* 5.20, p.228.

¹³⁰ *Ibid.* 5.27, p.233.

job, as sometime later the bishops managed to escape).¹³¹ All things considered, it can be said that rulers chose institutions that they believed were best placed to monitor and detain offenders, even though the effectiveness of monasteries in fulfilling this purpose was decidedly mixed.

Custodial Banishment

Besides monasteries, post-Roman rulers also confined offenders in other types of locations that were perhaps more suited to this role, such as fortresses, palaces, and even, for one particularly unfortunate exile, a cesspit (see Table 2.2).¹³² Such locations were sometimes chosen to aggravate the suffering of offenders. This can be inferred from the case of Munderic, the bishop-elect of Langres, who was accused of bringing gifts and provisions to the armies of Sigibert whilst they were campaigning against his own king, Guntram.¹³³ To punish this act of treason, Guntram confined Munderic in a ‘narrow, roofless tower’ (*in turre quadam arta atque detecta*) on the banks of the Rhône. Although we are not explicitly told why Guntram selected this bleak location, the most plausible explanation is that he hoped to intensify Munderic’s feelings of isolation and alienation by depriving him of human contact and physical comfort.

At the same time, post-Roman rulers, like their imperial forebears, also employed custodial banishment against offenders who posed a security risk.¹³⁴ Members of royalty, in particular, were often exiled to fortresses or palaces. To give but one example, the Lombard queen Gundoberga was confined in the stronghold of *Laumellum* by her husband Ariaold (r. 626-636) after she was convicted of attempted regicide or possibly adultery in 626.¹³⁵ She

¹³¹ For Guntram founding St Marcel, see Fred., *Chron.* 4.1, p.124.

¹³² For the unfortunate offender exiled to a cesspit, see Vic. Vit., *HP* 2.15-16, p.16.

¹³³ Greg. Tur., *Hist.* 5.5, pp.201.

¹³⁴ For Roman parallels, see Braginton, ‘Exile’, p.395.

¹³⁵ Fred., *Chron.* 4.51, pp.145-6. Paulus Diaconus, *Historia Langobardorum* 4.47, MGH SS rer. Lang. 1, p.136 claims that Gundoberga was convicted of adultery rather than treason.

remained there for three years until she was cleared of the charges, but after her husband's death she was exiled again, this time to Pavia, where she was imprisoned in a single chamber of the palace.¹³⁶ Custodial banishment in such locations carried a number of advantages for the authorities. For one thing, fortresses and palaces – by their very nature – were designed to be secure, limiting the possibility of the exile's escape. In addition, the soldiers who were already garrisoned there could be employed to keep the exile under surveillance and to limit their contact with the outside world. In more extreme cases, these soldiers could also be tasked with subjecting the exile to abuse or even execution. Such was the fate of the Vandal king Hilderic (r. 523-530), who was deposed by his cousin Gelimer in 530 and confined along with his two nephews Euagees and Hoamer in the royal residence at Carthage.¹³⁷ After Emperor Justinian – a keen ally of Hilderic – sent envoys to Africa to protest against their treatment, Gelimer responded by ordering the guards to blind Hoamer, thus rendering him unfit for the throne, and by placing the prisoners in even closer confinement.¹³⁸ Eventually, when Belisarius' expeditionary force approached Carthage in 533, Gelimer had both Hilderic and Euagees murdered (Hoamer by this point was already dead) to prevent them from falling into his enemies' hands.¹³⁹ Cases such as this hint at how the selection of particular places of banishment could be as much a political decision as a penal one, as will become more apparent in the following chapter when we turn to the politics of exile.

Conclusion

A close analysis of the imposition of exile produces a clear pattern. There was a high degree of consistency between practice and legal theory, and therefore a significant degree of

¹³⁶ Fred. *Chron.* 4.70, p.156.

¹³⁷ Proc., *De Bell.* 3.9.8-26, pp.84-90; Victoris Tonnennensis, *Chronicon* a.531, MGH Auct. Ant. 11, p.198; Joannes Malalas, *Chronographia* 459, E. Jeffreys *et al* (trans.), *The chronicle of John Malalas* (Melbourne, 1986), 18.57, p.269. On the reasons for Gelimer's coup, see Merrills, 'Secret', pp.148-52.

¹³⁸ On blinding in the early medieval period, see Geneviève Bühner-Thierry, "'Just Anger', or 'Vengeful Anger'?" The Punishment of Blinding in the Early Medieval West', in Barbara H. Rosenwein (ed.), *Anger's Past: The Social Uses of an Emotion in the Middle Ages* (Ithaca, NY, 1998), pp.77-8.

¹³⁹ Proc., *De Bell.* 3.17.11-13, p.152; Vic. Tun., *Chron.* a.534.1, p.198.

continuity with the Roman period, from where much of the legal theory was drawn. This consistency was seen, for example, in the kinds of sentences imposed upon offenders, with judges varying the terms of exile in similar ways to legislators. Further correspondences were shown in the impact of social status upon sentencing, as judges, like legislators, inflicted different supplementary penalties upon elites and non-elites. As a consequence, it was argued that the imposition of exile was typically a more painful and humiliating affair for the lower-orders, again demonstrating the importance of status and rank in the operation of criminal justice during the period. Admittedly, we often struggled to discern the precise crimes that were punished by exile in practice, partly because of the descriptive sources' general lack of interest in the legal aspects of exile, and partly because of their focus on cases that were political in nature, which did not necessarily result from a formal trial and conviction. Nonetheless, the variety of offences that were recorded demonstrates that the theory and practice of the law were broadly in agreement, insofar as both suggest that virtually any crime could be punished by exile if the authorities deemed it appropriate. More specific correspondences were detected in the ecclesiastical sphere, as we identified several cases in which clerics were exiled on the basis of earlier canons. In this context, we also noted the dynamic relationship that existed between the theory and practice of the law, whereby the exiling of a particular offender might be informed by and, in turn, subsequently lead to the modification of the penalty in legislation.

However, there was also a significant degree of variation between theory and practice, as the penalty was pragmatically adjusted to suit contemporary circumstances. In other words, the inherent flexibility of exile that emerged in the previous chapter is more apparent 'on the ground', where sentences were determined not only by the precepts of the law but also by wider concerns and cultural expectations. A major element in this, and one that should come as no surprise, is *Realpolitik*, with exile being used to suit the political ends of

rulers. Most notably, kings frequently employed the penalty against their opponents and rivals, regardless of whether or not they had been found legally guilty of an offence. They also exploited new ecclesiastical forms of exile, namely monastic confinement and compulsory ordination, despite the fact that neither penalty was regularly prescribed in royal legislation of the period. *Realpolitik* likewise influenced the selection of particular places of exile, with kings often favouring locations such as fortresses, palaces, and royal ecclesiastical foundations that were deemed especially secure. Ultimately, this capacity of exile to function as both a judicial punishment and political tool goes some way to explaining why the penalty remained popular with rulers over the course of our period.

Another significant element in the pragmatic variation of the penalty is perhaps more surprising. This is exile, in its old and new forms, being used to avoid bloodletting. We see this quite clearly in the state's dealings with bishops, who possessed *de facto* immunity from the death penalty, and thus were typically banished in lieu of execution when they were convicted of serious acts of wrongdoing. Since bishops first acquired this privilege under Constantine I, it is another important aspect of continuity with the late Roman world. Even so, the motivations behind the banishment of prelates appear to have become somewhat more diverse in the post-Roman west, as we will see with greater clarity in the following chapter. More speculatively, there may also have been a cultural shift, perhaps brought about by the Christianisation of society, which encouraged early medieval rulers to spare their lay opponents from execution more readily than their Roman counterparts. Certainly, considerable numbers of deposed kings, superfluous members of royalty, defeated pretenders, and high-ranking members of the nobility were all sentenced to exile in the post-Roman west, despite the potential dangers to rulers in granting them their lives. Such cases of exile usually took place at specific moments of political crisis; it is to this topic that we now turn.

Chapter 3 – The Politics of Exile

In the previous chapter, I touched upon the idea that kings did not merely banish their subjects to satisfy the demands of the law. Instead, they, much like their Roman predecessors, also imposed the penalty upon those who threatened their authority, regardless of whether or not they had actually committed a crime. Here, I will seek to identify the particular contexts in which exile was employed to such ends during the period of study. The analysis will again be underpinned by the database collated below in Appendix 2. As such, the discussion will provide a uniquely broad perspective of the motivations behind the punishment, or what we might call the ‘politics of exile’. Previous scholarship that has focussed upon or partially addressed this issue falls into two categories. The most systematic studies have been carried out in the context of Vandal Africa, where an interest in the religious policies of kings has encouraged scholars to look at the application of exile in general terms.¹ Discussions of exile elsewhere in the post-Roman west have typically been more biographical in focus, concentrating upon the factors that led to the banishment of particular individuals.²

Although they have contributed much to our understanding of the phenomenon, their geographical and contextual restrictions mean that neither of these approaches has provided a complete picture of the politics of exile. In short, we are left wondering as to the extent to

¹ See, for example, Robin Whelan, *Being Christian in Vandal Africa: The Politics of Orthodoxy in the Post-Imperial West* (Oakland, CA, 2018), pp.143-64; Éric Fournier, ‘Victor of Vita and the Vandal “Persecution”’: Interpreting Exile in Late Antiquity’, Unpublished PhD Thesis, University of California (Santa Barbara, 2008), pp.212-63; and Jonathan Conant, *Staying Roman: Conquest and Identity in Africa and the Mediterranean, 439-700* (Cambridge, 2012), pp.161-70.

² This approach can be seen in Françoise Prévot and Valérie Gauge, ‘Évêques Gaulois à l’épreuve de l’exil aux Ve et Vie Siècles’, in P. Blaudeau (ed.), *Exil et relégation : les tribulations du sage et du saint durant l’antiquité romaine et chrétienne (Ier – Vie s. ap. J.-C.)* (Paris, 2005), pp.324-37. More typically, discussions of the motivations behind particular cases of exile can be found in the context of general biographies focusing upon individuals (usually bishops) who were banished at some point during their careers; see, for example, Jill D. Harries, *Sidonius Apollinaris and the Fall of Rome, AD 407-485* (Oxford, 1994), pp.238-4.

which the Vandal or biographical evidence can be seen as representative of broader patterns. This is all the more true, because previous work has tended to focus upon the experiences of clerics and, above all, of bishops. To some degree, this is understandable: cases involving bishops form the bulk of the surviving evidence and are generally discussed in much greater detail by the sources than those featuring laymen. However, although bishops were much more likely to be exiled than other groups as a result of their de facto immunity from the death penalty, we will see that they were ultimately banished for many of the same reasons as secular magnates. It is only by examining cases of exile ‘in the round’ does this become apparent.

We must again be aware of the prejudices of contemporary authors; perhaps the most significant issue is that almost all of our surviving evidence was written from a Nicene perspective. By contrast, with the exception of King Clovis I (r. 481-511) and his Merovingian successors, the rulers of the post-Roman west initially subscribed to Homoian Christianity.³ This difference in religious confession ensured that Nicene authors treated such rulers with suspicion if not open hostility. For that reason, as we shall see, they presented any action undertaken against their church, including the exiling of its representatives, as arising from a ruler’s desire to promote his own ‘heretical’ creed. Indeed, in Visigothic Gaul and Spain, and above all in Vandal Africa, Nicene authors perceived the exiling of clerics as a symptom – perhaps the most serious symptom, given the apparent reluctance of rulers to create martyrs – of religious persecution.

Until relatively recently scholars often reproduced the claims of such works as established fact.⁴ This was partly due to an under-appreciation of the rhetorical strategies

³ See the introduction.

⁴ A good overview of the historiography on the persecution of the Nicene church in Vandal Africa can be found in Fournier, ‘Victor’, pp.212-20. See, in particular, F. Chatillon, ‘L’Afrique oubliée de Christian Courtois et les *ignotae regiones* de la *Vita Fulgentii*,” *Revue du moyen âge latin* 11 (1955), pp.371-88; H. I. Marrou, ‘La valeur

employed in these texts, but also because such scholars, particularly those working within a Catholic milieu, often sympathised with the religious perspective of their sources. However, since the linguistic turn, there has been greater willingness to question the reliability of Nicene reporting of Homoian regimes. This has been driven by scholarship on late Roman ‘heresy’, as historians have been able to demonstrate that many of the polemical claims made by Nicene authors in the post-Roman west were similar if not identical to those employed by disputants in earlier Christian controversies.⁵ This included the very concept of persecution, which, as Éric Fournier has shown, developed over the course of late antiquity into ‘a rhetorical tool of empowerment for dispossessed and disempowered Christian groups’ through which they could ‘attack the legitimacy of the dominant Christian faction’.⁶

The impact of this scholarship has been to alter our understanding of the so-called ‘Arian’ persecutions in Gaul, Spain, and Africa. For one thing, scholars are more finely attuned to continuities between the religious policies established by late Roman emperors and those adopted by post-Roman kings. As we saw in the Introduction, the penalty of exile had emerged as the routine legal sanction for religious dissidence during the reign of Constantine I (r. 306-337), so when Homoian kings exiled their own religious dissidents – those subscribing to the Nicene confession – they were often following long-established procedures. At the same time, we are now more aware that our Nicene sources employ rhetorical techniques to inflate the evidence of religious persecution.⁷ This includes framing

historique de Victor de Vita’, *Les Cahiers de Tunisie* 15 (1967) pp.205–8; and, more recently, Serge Lancel, *Histoire de la persécution vandale en Afrique / Victor de Vita* (Paris, 2002), p.30; 40-1, who defended the reliability of the Nicene sources in Africa, namely Victor of Vita, against the arguments of Christian Courtois, *Les Vandales et l’Afrique* (Paris, 1955); *idem*, *Victor de Vita et son oeuvre: Etude critique* (Algiers, 1954). In the context of Visigothic Gaul, Michel Rouche, *L’Aquitaine, des Wisigoths aux Arabes, 418-781: naissance d’une région* (Paris, 1979), pp.40-1 follows the Nicene sources in regarding King Euric as a persecuting monarch. Finally, an overview of the historiography on King Leovigild’s alleged persecution in Visigothic Spain can be found in J. N. Garvin (ed.), *Vitas Sanctorum Patrum Emeretensium* (Washington D. C., 1946), pp.447-8.

⁵ See, for example, Whelan, *Christian*, pp.55-84.

⁶ Fournier, ‘Victor’, pp.8-10.

⁷ See, for example, Danuta Shanzer, ‘Intentions and Audiences: History, Hagiography, Martyrdom, and Confession in Victor of Vita’s *Historia Persecutionis*’, in A. Merrills (ed.), *Vandals, Romans and Berbers. New Perspectives in Late Antique North Africa* (Burlington, 2004), pp.271-90.

the punishment of Nicene clerics in sectarian terms, even though in many cases such individuals had been targeted for reasons beyond mere religious hostility.

In this chapter, I will attempt to examine the application of exile in light of such scholarship. My broad contention will be that throughout the period cases of exile were motivated more by considerations of *Realpolitik* than by narrow sectarianism. In particular, we will see that rulers employed the punishment to eliminate threats posed by opponents, who, for whatever reason, were not subjected to the death penalty. The application of exile thus played a crucial role in the consolidation of royal authority when it was weak or insecure, such as in newly conquered regions or following a ruler's elevation to the throne. This is not to say, however, that religion was insignificant. On the contrary, it will be shown that the confessional divide often caused Homoian kings to doubt the loyalties of their Nicene subjects, thus indicating how politics and religion were entwined during the period. Nevertheless, the fact remains that such kings did not generally employ the penalty as part of a concerted agenda to eradicate the Nicene church. Possible exceptions to this will be addressed in the second part of the discussion, when I will look more closely at the alleged role played by exile in attempts to establish religious unity in Visigothic Spain and Vandal Africa. With regard to the former, it will be argued that certain Nicene authors greatly exaggerated the level of persecution, including the use of exile, under King Leovigild (r. 568-586), when he promoted a modified version of the Homoian confession in the early 580s. Furthermore, in those few cases of exile that were associated with his reign, we will see that there are significant if not insurmountable problems in perceiving them as being motivated purely by religious hostility. This situation contrasts with Vandal Africa, where kings such as Geiseric (r. 439-477) and Thrasamund (r. 496-523) did actively employ exile to enforce other sectarian measures. More exceptional still was King Huneric (r. 477-484) who, whilst attempting to establish religious unity across his kingdom, ultimately imposed exile on a

scale without parallel in the late Roman or early post-Roman periods. The politics of exile were thus substantially different in Vandal Africa, as kings employed the penalty as a tool of religious coercion to enforce adherence to the Homoian confession.

3.1 Accession to the Throne

In the monarchies of the post-Roman west, the succession of a new ruler was a moment of acute political crisis. In this section, it will be argued that the application of exile often played a vital role in the transfer of royal power. This was especially true in the case of usurpation. At the same time, however, dynastic successors also frequently employed exile against real or imagined threats to their authority in the early years after their accession. Particularly at risk were superfluous members of the royal family and politically suspect bishops – potential threats that, unlike secular magnates, kings could not so easily neutralise by other means. As we shall see, exile thus provided an ideal means of removing such individuals from the political sphere without the need for bloodshed.

The Use of Exile by Usurpers

In striving to establish their regimes, usurpers would impose the penalty of exile to neutralise sources of opposition and to pressurise others into supporting their rebellions. They did not usually use it on lay magnates, since those could be coerced into joining the rebellion on pain of death. Bishops, however, were virtually immune from execution, as we saw in the previous chapter, and so their intransigence left usurpers little choice but to send them into exile. Such was the fate of Bishop Magnulf of Toulouse after the Merovingian pretender Gundovald was declared king in 584.⁸ After rallying his congregation against the pretender, Magnulf sought to prevent Gundovald from entering his city.⁹ Such resistance proved short-

⁸ On Gundovald's revolt, see Walter Goffart, 'Byzantine policy in the West under Tiberius II and Maurice: The pretenders Hermenegild and Gundovald (579-585)', *Traditio* 13 (1957), pp.73-118; Bernard Bachrach, *The Anatomy of a Little War: A Diplomatic and Military History of the Gundovald Affair (568-586)* (Oxford, 1994).

⁹ Gregorius Turonensis, *Libri historiarum* X 7.27, MGH SS rer. Merov. 1.1, p.345.

lived, as the citizens of Toulouse quickly capitulated when they saw the size of the approaching army. Having been admitted into the city, Gundovald dined with Magnulf, presumably in a bid to secure his allegiance, but the bishop was said to have openly doubted the pretender's origins. In response, Magnulf was beaten by Gundovald's followers, deprived of his possessions, and exiled in order to remove his potentially disruptive leadership from the city.¹⁰ A similar case, occurring almost a century later just across the border in Visigothic Narbonne, further demonstrates the importance which usurpers set upon expelling hostile prelates. In 672, soon after the accession of King Wamba (r. 672-80), the *comes* of Nîmes, a certain Hildericus, initiated a rebellion. After receiving the support of at least two ecclesiastics – Gumildus, the bishop of Maguelone, and an abbot named Ranimirus –, Hildericus tried to convince a third, Aregius of Nîmes, to support his cause.¹¹ When Aregius refused however, Hildericus arranged for the obstinate bishop to be transported across the frontier into Francia and imprisoned, suggesting that his revolt may have had the backing of the Franks.¹² He also had Aregius formally deposed from the see and replaced with one of his supporters – the aforementioned Ranimirus, who was ordained in uncanonical fashion by two 'foreign' bishops, again almost certainly Franks.¹³ Such episodes thus reveal the increased importance of bishops in the post-Roman west as figures of political as well as spiritual authority, which ensured that usurpers needed their support just as much as that of secular magnates if their coup was to have a favourable outcome.

Successful usurpers usually consolidated their authority by neutralising the leading members of the previous regime, specifically the deposed monarch and his immediate family.

¹⁰ *Ibid.* 7.27, p.346. For comment, see Bachrach, *Anatomy*, pp.111-3.

¹¹ Iulianus Toletanus, *Historia Wambae regis* 6, J.N. Hillgarth *et al.* (eds), *Sancti Iuliani Toletanae Sedis Episcopi Opera Pars I*, CCSL 115 (Turnhout, 1976), pp.221-2.

¹² See Roger Collins, *Visigothic Spain, 409-711* (Oxford, 2004), p.93 who suggests that Hilderic may have agreed to turn control of Visigothic Septimania over to the Franks.

¹³ Toledo IV (AD 633) c.19, José Vives Gatell, *Concilios visigóticos e hispano-romanos* (Barcelona, 1963), pp.198-200 had required that at least three bishops of the same province should be present for the consecration of a new prelate.

Given the danger posed by such individuals' continued existence, usurpers generally preferred the more permanent solution of execution. Nevertheless, there are a substantial number of cases in which deposed kings or their relatives underwent some form of banishment, typically compulsory ordination or monastic confinement.¹⁴ This allowed a usurper to avoid bloodshed, and, through such an act of *clementia*, to somewhat mitigate the opprobrium generated by his unlawful seizure of power. More darkly, of course, the possibility remained of subsequently murdering such individuals in secret. We have already seen the case of King Hilderic of the Vandals (r. 523-530) who, after being deposed and imprisoned in Carthage by his cousin Gelimer (r. 530-533), was murdered in 533 to prevent him from falling into the hands of Belisarius' expeditionary force.¹⁵ The following year Queen Amalasantha of the Ostrogoths would suffer similar treatment on the orders of her cousin, Theodahad (r. 534-536). Although Amalasantha had proclaimed him king, while probably intending to retain real power, Theodahad was said to have sided with her opponents in the nobility and banished her to an island in the Tuscan lake of Bolsena. Here she was murdered in April 535.¹⁶ The fate of Amalasantha hints, again, at how the application of exile could be little more than a means to an end, allowing rulers to isolate their rivals and ultimately eliminate them behind closed doors.

Successful usurpers might also employ the penalty of exile against the deposed monarch's senior officials and supporters, particularly those who in normal circumstances

¹⁴ Examples include Chararic and his son [*Anonymus* 7]; Eboric; Swinthila, his wife [*Anonyma* 10], and children; Theudebert 2; and Tulga. For references, see Appendix 2.

¹⁵ See above, section 2.4.

¹⁶ Procopius, *De Bellis* 5.4.13-5; 26-7, H. B. Dewing (trans.), *History of the Wars* (London, 1919), p.36; 40; Marcellinus Comes, *Chronicon* a.534 *additamentum*, MGH Auct. Ant. 11, p.104. For a critical reading of Procopius' narrative, see Kate Cooper, 'The Heroine and the Historian: Procopius of Caesarea on the Troubled Reign of Queen Amalasantha', in Jonathan J. Arnold *et al.* (eds), *A companion to Ostrogothic Italy*, pp.296-315. On Amalasantha's relationship with Theodahad, see Cristina La Rocca, 'Consorts regni: A Problem of Gender? The Consortium between Amalasantha and Theodahad in 534', in Janet L. Nelson *et al.* (eds), *Gender and Historiography: Studies in the earlier middle ages in honour of Pauline Stafford* (London, 2012), pp.127-44.

were exempt from execution, such as bishops, or those whose threat to the usurper was not so great as to warrant death. Even so, the pressure on usurpers to construct stable regimes would have tended to limit the excessive use of exile against the aristocracy. In fact, it is only in Visigothic Spain where we hear of large-scale purges of the nobility, through exile and execution, following successful coups. This may be attributable, at least in part, to the absence of dynastic continuity in that kingdom following the death of Amalaric (r. 511-531) – the last member of the Balt dynasty. From that point onwards, possession of the Visigothic throne became a source of competition among the most powerful noble families, in contrast to other post-Roman kingdoms such as Frankish Gaul where the Merovingians contrived successfully to monopolise the royal office throughout the period.¹⁷ Such competition increased the frequency of usurpation, with no dynasty managing to hold on to the throne for more than three generations.¹⁸ Indeed, rebellion was so prevalent in Spain that the *Chronicle* of Fredegar, following similar remarks by Gregory of Tours, even characterises the killing of unpopular kings as the ‘Gothic disease’ (*morbus Gotorum*).¹⁹ Admittedly, this slur is not borne out by the evidence of royal chronologies, given that Merovingian monarchs were seemingly just as likely to meet untimely deaths as their Visigothic counterparts.²⁰ Nevertheless, the fact remains that Merovingian kings were typically killed or assassinated through the actions or machinations of their own relatives, whereas for the rulers of Visigothic Spain the threat came mainly from their magnates.

¹⁷ On the importance of dynastic legitimacy in Merovingian Gaul, see Stefan Esders, ‘Gallic Politics in the Sixth Century’, in Alexander Callander Murray (ed.), *A companion to Gregory of Tours* (Leiden, 2016), pp.447-9.

¹⁸ Luis A. García Moreno, ‘Prosopography, Nomenclature, and Royal Succession in the Visigothic Kingdom of Toledo’, *Journal of Late Antiquity* 1.1 (2008), pp.143-6, although see also pp.147-56, where he speculates, on the basis of the onomastic data, that rival lineages may have been interconnected to a greater degree than has previously been assumed.

¹⁹ *Chronicon Fredegarii* 4.82, MGH SS rer. Merov. 2, p.163; Greg. Tur., *Hist.* 3.30, p.126.

²⁰ Roger Collins, ‘Gregory of Tours and Spain’, in Alexander C. Murray (ed.), *A Companion to Gregory of Tours* (Leiden, 2016), p.500.

Given the frequency of rebellion, Visigothic kings appear to have been justifiably wary of their aristocracy, as manifested in the raft of royal and ecclesiastical legislation that attempted to curb treason.²¹ Another consequence was that successful usurpers would attempt to secure their position on the throne through the execution or banishment of large sections of the nobility. The lack of literary evidence from Visigothic Spain, particularly during the seventh century, means that these purges are not always as fully described as one might wish. Nevertheless, we get a hint of one such episode in the surviving letters of a Visigothic magnate named Bulgar. Having perhaps held office under King Reccared I's (r. 586-601) son and short-lived successor, Liuva II (r. 601-603), Bulgar may have been a victim of the coup that elevated Witteric (r. 603-610), under whose rule he was stripped of his property and sent into exile.²² Evidently, Bulgar was not the only one to suffer such a fate, as in his letter to Witteric's successor Gundemar (r. 610-612), a former governor of Narbonensis, he complimented the new king on the kindly manner in which he dealt with those who had been 'banished and afflicted' within his province.²³ A similar pattern occurs following the deposition of Tulga (r. 639-642) who, like Liuva II, had succeeded his father whilst still an adolescent, only to find it difficult to assert his authority. According to the *Chronicle* of Fredegar, the leader of the revolt, an elderly general named Chindaswinth (r. 642-653), conducted a massive purge of the nobility upon his elevation to the throne, executing 200 leading Goths along with 500 men of 'middling standing' (*mediogrebus*).²⁴ However, Chindaswinth condemned still more – perhaps the relatives of those executed, or, in any case, those nobles who were deemed less of a threat – to exile, before handing over their property,

²¹ See P. D. King, *Law and Society in the Visigothic Kingdom* (Cambridge, 1972), pp.40-4; 128-9.

²² PLRE 3.1, Bulgar, pp.251-2. Bulgar's exile is known from his two letters that he wrote to bishops thanking them for the support and assistance they had given him whilst in exile: *Epistolae Wisigothicae* 14-15, MGH Epp. 3, pp.681-4.

²³ *Ep. Wisi.* 16, pp.684-5: *exterminatos et afflictos*.

²⁴ *Chron. Fred.* 4.82, p.163: *Fertur, de primatis Gotorum hoc vicio reprimendo ducentis fuisse interfectis; de mediogrebus quingentis interfecere iussit*.

and depressingly their wives and daughters to his own supporters. Although the precise figures provided by Fredegar are questionable, it seems entirely plausible that the establishment of Chindaswinth's regime resulted in major political upheaval.²⁵ The penalty of exile was clearly central to this process, providing Chindaswinth with a non-lethal means of dealing with aristocratic opposition. Equally important was the fact that their banishment permitted Chindaswinth to confiscate their property, which he then redistributed to his own supporters, further cementing their bonds of allegiance. This function of the penalty ensured that it was a highly useful tool for all early medieval rulers engaged in regime-building, as we will see with greater clarity below when we turn to the relationship between exile and conquest.

Exile and Dynastic Succession

Whilst the issue was perhaps less pressing for them than it was for usurpers, kings who came to the throne through dynastic succession also needed to consolidate their authority in the early years of their reign. With regard to the secular aristocracy, this could be achieved without the application of exile by simply dismissing officials whose loyalty was suspect. More problematic, however, were those who did not owe their position directly to the king, such as other members of the royal family. They were particularly dangerous opponents as their royal status could potentially be exploited by discontented elements within the kingdom – either through marriage, in the case of royal women, or, in the case of the king's male relatives, by promoting them as plausible candidates for the throne. Consequently, they were often the first to be targeted if a new king felt his position was under threat, as seen, for example, in the context of a purge conducted by the Vandal ruler Huneric shortly after he inherited the throne in 477. Before his death, Huneric's father, Geiseric, had decreed that the throne should pass to the eldest male member of the Hasding family, according to the

²⁵ Collins, *Spain*, p.82.

principle of agnatic seniority.²⁶ This created friction between Huneric and his two younger brothers, Theodoric and Genton, since they and their children were ahead of Huneric's own son, Hilderic, in the notional order of succession. At some point in the early 480s, Huneric claimed that the house of Theodoric was conspiring to place the latter's unnamed son on the throne.²⁷ This gave the king a pretext to execute Theodoric's wife and son – the alleged ringleaders of the conspiracy – and to exile Theodoric, his surviving children, and Godagis, the eldest son of Genton.²⁸ Huneric's vicious pruning of his family tree provides a stark demonstration of how the penalty of exile, in conjunction with summary execution, could be employed by new rulers to tighten their grip upon the throne.

Another group who could claim to draw their authority from a source independent of the king were the bishops. Unlike the secular aristocracy, those were not so easily dismissed from office, nor, as has been stressed several times already, could they be subjected to the death penalty without provoking widespread disapproval. Having taken possession of a particular city, whether through conquest (as shall be demonstrated below in the case of Vandal Africa and Visigothic Gaul) or through legitimate succession, rulers were thus left with little alternative but to banish its incumbent bishop if he were deemed unreliable. This was particularly common in Merovingian Gaul, where the regular division of the kingdom into several *Teilreiche*, compounded by civil war, ensured that city-territories frequently changed hands. One bishop whose loyalty became suspect as a result was Theodore of Marseilles, who was repeatedly imprisoned and threatened with exile by King Guntram (r. 561-592), although never formally banished.²⁹ Guntram's antipathy towards Theodore was,

²⁶ Proc. *De Bell.* 3.7.29, p.72; Victor Vitensis, *Historia persecutionis Africanae provinciae sub Geiserico et Hunrico regibus Wandalorum* 2.13, MGH Auct. Ant. 3.1, p.16. For comment, see Dietrich Claude, 'Problem der vandalischen Herrschaftsnachfolge', *Deutsches Archiv für Erforschung des Mittelalters* 30.2 (1974), pp.329-55.

²⁷ For comment on this episode, see Andrew H. Merrills, 'The Secret of my Succession: Dynasty and Crisis in Vandal North Africa', *Early Medieval Europe* 18.2 (2010), pp.143-8.

²⁸ Vic. Vit., *HP* 2.12-14, pp.15-6.

²⁹ Greg. Tur., *Hist.* 6.11; 24; 8.5, pp.280-2; 291-2; 374.

in part, a result of a peculiar arrangement by which control of Marseilles was temporarily shared between himself and his nephew, Childebert II (r. 575-595).³⁰ This strained relations between the two rulers, and as Theodore had been ordained under Childebert's father Sigibert I (r. 561–575), Guntram was quick to suspect the bishop of conspiring against his interests, particularly after Theodore had admitted the usurper Gundovald into the city in 582.³¹

A similar set of circumstances may have lain behind the banishment of Ferreolus of Uzès in 555 under Childebert I (r. 511-558).³² Whilst the *Life of Ferreolus*, written during the Carolingian period but drawing on earlier traditions, claims that the bishop was exiled for fraternising with the Jewish population of Uzès, Valérie Gauge has argued that political factors provide a more plausible explanation.³³ Admittedly, Gauge's treatment of some of the details in the *Life of Ferreolus* can at times appear rather arbitrary. For example, she is perhaps too quick to reject the religious motive, since the bishop's contact with the Jewish population – something which Gallic church councils had repeatedly prohibited – may at the very least have provided a convenient pretext for his removal.³⁴ Nevertheless, she makes a compelling case that Ferreolus, like Theodore of Marseilles, fell into political difficulties primarily because of the strategic importance of his see. Uzès was the only city-territory held by Childebert west of the Rhône and was located at the frontiers with Visigothic Septimania, and the Aquitanian territories of Childebert's co-ruler, and sometime rival, Chlothar I (r. 511-561). What is more, she contends that Ferreolus had been ordained in 553 under a different

³⁰ *Ibid.* 6.11, p.280. On this arrangement, see S. T. Loseby, 'Marseille and the Pirene Thesis, I: Gregory of Tours, the Merovingian kings and "un grand port"', R. Hodges and W. M. Bowden (eds), *The Sixth Century: Production, Distribution and Demand*, p.226.

³¹ Greg. Tur., *Hist.* 6.24, pp.291-2. For comment, see Goffart, 'Policy', pp.103-4.

³² *Vita Ferreoli* 3-5, Françoise Prévot and Valérie Gauge, 'Évêques Gaulois à l'épreuve de l'exil aux Ve et Vie Siècles', P. Blauddau (ed.), *Exil et relégation : Les tribulations du sage et du saint durant l'antiquité romaine et chrétienne (Ier – Vie s. ap. J.-C.)* (Paris, 2005), pp.339-41.

³³ Prévot and Gauge, 'Évêques', pp.324-37.

³⁴ For the relevant canons on the issue, see Vannes (AD 461-91) c.12, C. Munier (ed.), *Concilia Galliae, 314–506*, CCSL 148 (Turnhout, 1963), p.154; Agde (AD 506) c.40, CCSL 148, p.210; Epaone (AD 517) c.15, C. de Clercq, *Concilia Galliae 511-695*, CCSL 148A, pp.27-8; and Orléans III (AD 538) c.14, CCSL 148A, p.120.

Frankish king, Theudebald (r. 548-555), who had inherited Uzès from his father Theudebert I (r. 533-548). Thus, having seized Uzès after Theudebald's death in 555, Childebert was perhaps looking to consolidate his control of the city by removing a recently-ordained bishop whose loyalty could not be assured.

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In summary, rulers who had recently ascended to the throne or had inherited new territories frequently employed the penalty of exile to consolidate their authority. As well as neutralising opposition (whether real or imaginary), the application of exile also facilitated the confiscation of property, a lucrative by-product of the penalty that enabled rulers to further diminish the power of their rivals while rewarding their own supporters in turn. Cases of banishment were particularly common after successful usurpations, when the victor was immediately confronted with the issue of how best to deal with the leaders of the previous regime and their supporters. Whilst execution appears to have been the default option, exile nevertheless offered an alternative solution that allowed rulers to remove their opponents from the political sphere without the need for bloodshed. This perhaps became increasingly important over the course of the period, since the Christianisation of society may have intensified the demand on rulers to spare their rivals. At the very least, it broadened the categories of persons who could not be executed without incurring significant opprobrium, with bishops emerging again as the most obvious case in point. Similar patterns can also be detected during instances of conquest, a topic to which we now turn.

3.2 Conquest and the Consolidation of Royal Authority

Across the post-Roman west, we frequently see kings imposing the penalty of exile after instances of conquest. This allowed them to eliminate sources of resistance and thus consolidate their control over their newly-acquired territories. Exile was, of course, not the

only way to achieve this; another option for rulers was simply to liquidate aristocratic opposition. However, an immoderate use of the death penalty could scupper a ruler's attempts to build political consensus, which represented the best way of holding on to territory in the long term. As a consequence, exile was often seen as a better solution than execution, since it allowed a victorious conqueror to remove potential dissidents without alienating the magnate community at large.

For reasons of brevity, I will focus on the application of exile in two specific regions during distinct time-periods: North Africa in the 430s and 440s following the Vandal conquest; and Visigothic Gaul during the reigns of Euric (r. 466-484) and Alaric II (r. 484-507). At first sight, the connection between exile and conquest is less immediately apparent here than elsewhere in the post-Roman west. This is largely because for events in Vandal Africa and Visigothic Gaul our Nicene sources claim that the application of exile was motivated primarily by their respective rulers' militant commitment to Homoian Christianity. Indeed, some of our best sources for these episodes, such as Victor of Vita and Gregory of Tours, go as far as to suggest that cases of exile formed part of a wider persecution of the Nicene church, a claim often uncritically repeated in modern scholarship until relatively recently. However, as touched upon already, there is now a greater awareness of the tendency of Nicene authors to exaggerate the importance of sectarian issues by obscuring the political factors behind exile. Drawing on this work and emphasising the political side of the penalty, it will be argued that Vandal and Visigothic kings, in fact, employed exile after periods of conquest primarily to facilitate the confiscation of property and to eliminate or at least transpose potential sources of resistance, particularly within the Nicene episcopate.

Expulsion from Vandal Africa in the 430s and 440s

After periods of conquest, kings were obliged to reward their followers with a share of the booty. Most of the barbarian groups who were established within the Western Empire

over the course of the fifth century were settled through formal arrangements with the imperial authorities, which somewhat softened the blow for Roman landowners.³⁵ However, there was one region where this did not initially hold true: Vandal North Africa. Although King Geiseric, the first ruler of the Vandal kingdom, was eventually reconciled with the Western Empire, his seizure of Africa Proconsularis in 439 was predicated on military conquest. This meant that Geiseric was not obliged to respect existing patterns of Roman landholding, or at least not prior to his treaty with Valentinian III (r. 425-455) in 442, which seems to have to put in place similar kinds of arrangements as those that governed the earlier and later settlements of the Visigoths, Burgundians, and Ostrogoths in Gaul and Italy. The years between the conquest of Carthage of 439 and the treaty of 442 consequently saw the Vandals continue to expropriate property from some of the native inhabitants of their newly-conquered territories. It will be argued that a by-product of this process was the expulsion of Romano-African senators as well as Nicene clerics from Vandal-controlled Africa. Besides facilitating the seizure of their property, we will see that the expulsion of such individuals also helped Geiseric establish political security in his nascent kingdom.

³⁵ In recent decades, there has been intense debate over the precise mechanisms of the settlement of barbarian groups within the Western Empire. The traditional view – that groups were settled through a system of military billeting (*hospitalitas*) by which each barbarian soldier was awarded one-third of a Roman property – was definitively undermined by Walter Goffart, who argued instead that barbarian groups took possession of the tax revenues within the provinces in which they were settled, and these resources were divided between the king and his followers; see Walter Goffart, *Barbarians and Romans, A.D. 418-584: The Techniques of Accommodation* (Princeton, NJ, 1980), and *Idem*, *Barbarian Tides: The Migration Age and the Later Roman Empire* (Philadelphia, PA, 2006), pp.119-86; *Idem*, ‘The Technique of Barbarian Settlement in the Fifth Century: A Personal, Streamlined Account with Ten Additional Comments’, *Journal of Late Antiquity* 3.1 (2010), pp.65-98; and *Idem*, ‘Administrative Methods of Barbarian Settlement in the Fifth Century: The Definitive Account’, in S. Diefenbach and G. M. Müller (eds), *Gallien in Spätantike und Frühmittelalter: Kulturgeschichte einer Region* (Berlin, 2013), pp.45-58 for some clarifications of his earlier views. Although Goffart’s fiscal model had many detractors (see, for example, Samuel J. B. Barnish, ‘Taxation, Land, and Barbarian Settlement in the Western Empire’, *Papers of the British School at Rome* 54 (1986) pp.170-95), they focussed mainly on disputing single points of evidence, without providing an alternative solution as to why barbarian settlement did not result in the wholesale confiscations of Roman land. This challenge was taken up by Guy Halsall (*Barbarian Migrations and the Roman West, 376-568* (Cambridge, 2007), pp.422-47, and, with some clarifications, in ‘The Technique of Barbarian Settlement in the Fifth Century: A Reply to Walter Goffart’, *Journal of Late Antiquity* 3.1 (2010), pp. 99-112) who, while subscribing to many of Goffart’s contentions, proposed that barbarian groups may have been settled in different ways according to the contingent circumstances of the time.

We must first consider the nature of the Vandal settlement in Africa as this provides the backdrop to Geiseric's application of exile in the 430s and 440s. Until relatively recently, the establishment of the Vandal kingdom was thought to have been a violent and disruptive process. After first settling in the province of Numidia in 435, Geiseric subsequently broke the terms of his treaty with the Western Roman Empire and invaded Africa Proconsularis, taking its capital Carthage in 439. It was believed that Geiseric followed up his victory by seizing Roman property on a grand scale, some of which he kept for himself, whilst redistributing the rest amongst his Vandal followers.³⁶ However, this traditional view has been brought into question by Jean Durliat and Andreas Schwarcz, who suggest a more orderly settlement in which Geiseric and the Vandals took control not of the proprietary ownership of land but rather of the tax revenues that Roman landowners had formally paid to the imperial authorities.³⁷ This 'fiscal' interpretation of settlement resembles that which Walter Goffart had already contended took place in Gaul and Italy with the settlement of the Goths and Burgundians.³⁸ Initially, Goffart himself had largely ignored the Vandal evidence, but he has now addressed it at length, arguing that the key to explaining the Vandal settlement is a passage in Victor of Vita's, *History of the Vandal Persecution*:

'[Geiseric] also made an arrangement concerning the individual provinces: Byzacena, Abaritana and Gaetulia, and part of Numidia he kept for himself; Zeugitana and the

³⁶ For this traditional view of the Vandal settlement, see Ludwig Schmidt, *Geschichte der Wandalen* (Dresden 1901), p.73 and Courtois, *Vandales*, pp.278-83.

³⁷ Jean Durliat, 'Les grands propriétaires africains et l'état byzantin', *Cahiers de Tunisie* 29 (1981), pp.517-31; *Idem*, 'Le salaire de la paix sociale dans les royaumes barbares', in Herwig Wolfram and Andreas Schwarcz (eds), *Anerkennung und Integration. Zu den wirtschaftlichen Grundlagen der Völkerwanderungszeit 400-600*, *Veröffentlichungen der Kommission für Frühmittelalterforschung* 11 (Vienna, 1988), pp.21-72; Andreas Schwarcz, 'The settlement of the Vandals in North Africa', in Andrew H. Merrills (ed.), *Vandals, Romans and Berbers. New Perspectives in Late Antique North Africa* (Aldershot, 2004), pp.49-58.

³⁸ Goffart, *Accommodation*.

proconsular province he divided up as ‘an allotted portion for his people’ (I Chron 16:18)’.³⁹

On the basis of this passage, Goffart argues that the settlement of the Vandals was organised in the same way as that of the Visigoths, Burgundians, and Ostrogoths – i.e. on a fiscal basis, with individual Vandals receiving an inheritable allotment of the tax revenue, the so-called *sortes Vandalarum*, in return for military service.⁴⁰

Regardless of whether Goffart’s interpretation of this passage is correct – and other historians have expressed doubt⁴¹ – he neglects to mention that the creation of the *sortes Vandalarum* can only have taken place in or after 442, when Geiseric and Valentinian concluded their aforementioned peace-treaty.⁴² Thus, even if there were a ‘fiscal settlement’ along the lines suggested by Goffart and others, this still leaves a gap of several years after the conquest of Carthage in 439, during which Geiseric was not bound by any formal arrangements with the Western Empire and was free to expropriate property by force from the Roman inhabitants. With this in mind, there can be little doubt that the Vandal settlement, initially at least, was a violent and disruptive process.

The evidence suggests that one by-product of that process was the expulsion of distinguished Romano-African landowners, many of whom relocated to the Eastern Mediterranean, Italy, or those parts of North Africa that remained in imperial hands. To be

³⁹ See, in particular, Goffart, ‘Technique’, pp.78-87 and *idem.*, ‘Le début (et la fin) des *sortes Vandalarum*’ in P. Porena and Y. Rivière (eds), *Expropriations et confiscations dans les royaumes barbares. Une approche régionale* (Rome, 2012), pp.115-28.

Vic. Vit., *HP* 1.13, p.4: *Disponens quoque singulas quasque provincias, sibi Byzacenam, Abaritanam atque Getuliam et partem Numidiae reservavit, exercitui vero Zeugitanam vel proconsularem funiculo hereditatis divisit.* Translation by J. Moorhead, *Victor of Vita: History of the Vandal Persecution* (Liverpool, 1992), p.7.

⁴⁰ See, in particular, Goffart, ‘Technique’, pp.78-87 and *idem.*, ‘Le début (et la fin) des *sortes Vandalarum*’ in P. Porena and Y. Rivière (eds), *Expropriations et confiscations dans les royaumes barbares. Une approche régionale* (Rome, 2012), pp.115-28.

⁴¹ E.g. Y. Modéran, ‘Confiscations, expropriations et redistributions foncières dans l’Afrique vandale’, in P. Porena and Y. Rivière (eds), *Expropriations et confiscations dans les royaumes barbares. Une approche régionale* (Rome, 2012), pp.129-56.

⁴² *Ibid.*, p.137.

clear, some of this movement was an incidental consequence of the Vandal invasion, as Romano-Africans fled from Geiseric's advancing army.⁴³ Other groups, however, seem to have been the victims of a more formal process, in which they were singled out by Geiseric for expulsion from his nascent kingdom. In his *History*, for example, Victor of Vita mentions that Geiseric specifically targeted the senators and *honorati* (retired imperial bureaucrats) of Carthage, 'cruelly exiling them in the first place and subsequently driving them to lands beyond the sea'.⁴⁴ Such expulsions appear to have followed the seizure of their possessions, since in an earlier passage Victor relates that Geiseric had published a decree which compelled those captured during the siege of Carthage 'to bring forth whatever gold, silver, gems and items of costly clothing they had'.⁴⁵ Further evidence is provided by a sixth-century hagiographical narrative, the *Life of Fulgentius*, which records that 'when King Geiseric entered the famous Carthage as a conqueror, he compelled very many, indeed, all the senators to sail to Italy after he confiscated their possessions'.⁴⁶ Such expropriations included not only the senators' liquid wealth but also landed property, as the author mentions that one of the victims – Fulgentius' own grandfather, Gordianus – had his house seized, which was later repossessed by Homoian clergy and converted into a church.⁴⁷ Similarly, a law of Valentinian III issued in 451, which resettled *honorati* from Vandal Africa in Mauretania, also stated that expulsion had been preceded by the loss of property:

⁴³ See Vic. Vit., *HP* 1.14, p.4.

⁴⁴ *Ibid.* 1.15, p.5: *Senatorum atque honoratorum multitudinem primo exilio crudeli contrivit, postea transmarina in parte proiecit*. On senators and *honorati* in the later Roman Empire, see A. H. M. Jones, *The Later Roman Empire, 284-602: A Social, Economic, and Administrative Survey Vol. 1* (Baltimore, MD, 1964), pp.525-5,

⁴⁵ *Ibid.* 1.12, p.4: *ut unusquisque auri, argenti, gemmarum vestimen torumque pretiosorum quodcumque haberet offerret*.

⁴⁶ *Vita Fulgentii* 1, P. Lapeyre (trans.), *Vie de Saint Fulgence de Ruspe* (Paris, 1929), p.11: *dum rex Gensericus memoratam Carthaginem victor invadens, senatores plurimos, immo cunctos, amissis omnibus bonis, ad Italiam navigare compelleret*. On this source, see Robert B. Eno (ed. and trans.), *Fulgentius: Selected Works* (Washington, D.C., 1997), pp.3-4.

⁴⁷ *Vita Fulg.* 1, p.11.

‘I [Valentinian] decree that in the provinces of Sitifis and Caesarea, the landed estates of emphyteutic right and of the divine [imperial] household... shall be taken away from the aforesaid persons... and shall be leased to the dignitaries of the Proconsular Province and of Byzacena, whose patrimonies have been taken by the barbarians and who are known to have also been expelled from their own abodes.’⁴⁸

Whilst Valentinian’s law does not make it clear exactly when such expulsions had taken place, it seems very likely, for the reasons set out earlier, that the bulk of them had occurred between 439 and 442. Taken together, the legal and literary evidence therefore suggests that immediately after the conquest of Carthage, Geiseric exiled a number of important landowners to facilitate the confiscation of their property. This act had the added benefit of removing a particularly powerful socio-political group who doubtless would have resented their loss of influence under the new regime and might otherwise have formed a focus of resistance to Geiseric’s rule.

During the same period, Geiseric also removed a considerable number of Nicene clerics from their sees. Many of these clerics were expelled from Vandal-controlled Africa altogether and eventually arrived in imperial territory in Italy or the eastern Mediterranean.⁴⁹ For our Nicene sources, such expulsions were to be explained by Geiseric’s commitment to the Homoian confession. After the first settlement of the Vandals in the province of Numidia in 435, for example, Prosper of Aquitaine records that many bishops, including Possidius of Calama, Novatus of Sitifis, and Severianus of Cera, were ‘driven from their cities’

⁴⁸ Valentinianus III, *Novellae* 34.3 (AD 451), T. Mommsen and P. Meyer (eds), *Codex Theodosianus Vol. II* (Berlin, 1905), p.141: *Et in Sitifensi et in Caesariensi provincia [Mauretania et Numidia] praedia iuris emphyteutici et domus divinae, quae ab accolis post Wandalicam vastationem fuerant competita et a diversis hodie possidentur, auferri ab iisdem censeo et sub eo pensitationis modo, quo nunc tenentur, subsignatione cessante honoratis proconsularis provinciae ac Byzacena potius conlocari, quos a barbaris sublatis patrimoniis etiam de sedibus propriis constat expulsos.*

⁴⁹ For further discussion of their movements, see H. Mawdsley, ‘Mapping clerical exile in the Vandal Kingdom, 435-484’, in Julia Hillner *et al.* (eds), *Clerical Exile in Late Antiquity* (Frankfurt, 2016), pp.74-84

(*civitatibus pelleret*) on the orders of Geiseric.⁵⁰ Prosper had no doubts that Geiseric was motivated by religious hostility, remarking that the king ‘wanted to use the Arian impiety to undo the Catholic faith within the regions where he resided’.⁵¹ A more notorious incident occurred after the Vandal seizure of Carthage in 439, when Bishop Quodvultudeus and his subordinate clergy were, like the leading aristocrats of the city, singled out for expulsion, placed on ships, and ejected from Africa. Our sources likewise explain this by reference to the Vandal king’s hatred of Nicene Christianity: the chronicler Hydatius remarked that Geiseric had been ‘carried away by impiety’ (*elatus inpie* [sic]), whilst for Victor of Vita it marked the beginning of the Vandal persecution.⁵²

Although Geiseric’s commitment to Homoian Christianity may have been a contributing factor, it can be argued that the king was primarily influenced by more worldly motives, and above all a desire to seize ecclesiastical property. This is hinted at by Prosper of Aquitaine when he reveals that the Numidian bishops who were driven from their cities in 437 were also ‘deprived of the right of their churches’ (*eos privatos iure basilicarum suarum*).⁵³ Whilst Prosper does not say so explicitly, Geiseric may have handed possession of these churches over to his Homoian clergy. We know that such an arrangement occurred after the conquest of Carthage in 439 when, according to Victor of Vita, Geiseric handed several of the churches of expelled Nicene clergy, including the cathedral of St Restituta, over to his own ecclesiastics, helping to establish a Homoian presence within his new capital.⁵⁴ Such confiscations doubtless also included the church’s landed estates.⁵⁵ These were extensive –

⁵⁰ Prosper Tiro, *Chronicon* 1327 (a.437), MGH Auct. Ant. 9, p.475.

⁵¹ *Ibid.* 1327 (a.437), p.475: *intra habitationis suae limites volens catholicam fidem Arriana impietate subvertere*.

⁵² Hydatius, *Chronicon* a.439, MGH Auct. Ant. 11, p.23; Vic. Vit., *HP* 1.15, p.5.

⁵³ Prosp., *Chron.* 1327 (a. 437), p.475.

⁵⁴ Vic. Vit., *HP* 1.15-6, p.5.

⁵⁵ This is suggested by Peter J. Heather, ‘Christianity and the Vandals in the Reign of Geiseric’, in John F. Drinkwater and Benet Salway (eds), *Wolf Liebeschuetz Reflected: Essays Presented by Colleagues, Friends, and Pupils* (London, 2007), p.139.

the Carthaginian church alone is said to have been able to support 500 clerics by the time of the Vandal occupation – and would have provided Geiseric with large tracts of land in Africa Proconsularis.⁵⁶

As in the case of the native aristocracy, Geiseric was also targeting the Nicene clergy in order to remove a powerful and potentially subversive element of Romano-African society from his nascent kingdom. This would explain, for example, the expulsion of Bishop Quodvultdeus from Carthage soon after the conquest in 439.⁵⁷ Had he been permitted to remain in his see, Quodvultdeus, as the leader of the Nicene church in Africa, would surely have been a vociferous critic of Geiseric's Homoian regime. Indeed, even prior to his expulsion, Quodvultdeus may have authored a sermon, previously attributed to St Augustine, in which he warned his congregation of the barbarians' 'Arian disease' (*ariana pestis*).⁵⁸ Quodvultdeus' fate, however, did not deter some of his more outspoken colleagues from vilifying Geiseric, since at some point between 445 and 454 the king exiled another seven bishops for giving inflammatory sermons that compared him to notorious figures of the Old Testament, namely Pharaoh, Nebuchadnezzar, and Holofernes.⁵⁹ According to Victor of Vita, these charges were fabricated to undermine the Nicene church. Nevertheless, a number of anonymous sermons written under Vandal rule show that contemporary bishops were making such negative comparisons.⁶⁰ Evidently, Geiseric's commitment to Homoian Christianity

⁵⁶ For the size of the Carthaginian church, see Vic. Vit., *HP* 3.34, p.49.

⁵⁷ *Ibid.* 1.15, p.5.

⁵⁸ Quodvultdeus, *De tempore barbarico* (I) 10 [VIII], Richard George Kalkman (ed. and trans.), 'Two sermons: *De Tempore Barbarico* attributed to St. Quodvultdeus, bishop of Carthage - a study of text and attribution with translation and commentary', Unpublished PhD thesis, Catholic University of America (Washington, D.C., 1963), p.93. For discussion on whether or not Quodvultdeus authored this sermon, see *Ibid.*, pp.33-48.

⁵⁹ Vic. Vit., *HP* 1.23, pp.6-7. They were Crescens 1, Cresconius, Eustratius, Felix 1, Habetdeum 1, Urbanus, and Vicis; see Appendix 2.

⁶⁰ These sermons were once mistakenly attributed to Fulgentius of Ruspe: see [Pseudo]-Fulgentius, *Sermones*, *PL* 65 (Paris, 1847), cols. 855-954, esp. *Sermo* 8, col. 868 (for the comparison of the king to Nebuchadnezzar) and *Sermones* 13-15 and 78, cols. 874-5, 877-8, and 950 (for the comparison to Pharaoh). On the African origins of these anonymous sermons, see Leslie Dossey, 'Christians and Romans: Aspiration, Assimilation, and Conflict in the North African Countryside', unpublished PhD dissertation, Harvard University (Cambridge MA, 1998), pp.366-78.

caused some Nicene churchmen to take a stand against his rule, demonstrating how religious difference might foster political disloyalty. Even so, the vast majority of Nicene bishops appear to have accepted the new political realities, or at least avoided making public criticisms, and so were permitted to remain in their sees and to continue to perform their duties in relative peace. Thus, it could be said that whilst Geiseric employed the penalty of exile to address a symptom of the sectarian divide – the sporadic resistance to his Homoian regime of Nicene churchmen – there is little or no evidence of him banishing his subjects solely for matters of faith in the immediate years after his conquest of Carthage.

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In summary, Geiseric's use of exile in 430s and 440s suggests at the very least a blurring of religious and secular motives. Although the Nicene sources claim the king was looking to hamstring their church in order to promote his own 'heretical' confession, his similar treatment of secular aristocrats and clerics suggests that the king was equally, if not more preoccupied with the consolidation of his political authority. Having conquered a wealthy yet fractious region of the Roman Empire, Geiseric's most immediate concerns were to reward his Vandal followers, whilst eliminating the threat posed by elements of the previous regime. The application of exile allowed Geiseric to achieve both of these goals without resorting to extensive bloodshed, which would have created martyrs for the Nicene cause and delayed or, after 442, suspended reconciliation with the Western Empire. Diplomatic relations between Geiseric and the Western Empire would eventually deteriorate following the assassination of Emperor Valentinian in 455. As we shall see below, this development appears to have encouraged Geiseric to adopt a much more hard-line religious policy in the final two decades of his reign.

The Exiling of Bishops in Visigothic Gaul

Two successive Visigothic kings, Euric and Alaric II, who like Geiseric subscribed to Homoian Christianity, appear to have been similarly suspicious of the Nicene episcopate since they too banished several bishops as they expanded and consolidated their territories in Gaul. As in Vandal Africa, Nicene authors typically saw such incidents as having arisen from religious hostility. However, it will be argued that Euric and Alaric exiled these bishops either because they had actively resisted Visigothic rule or because they were deemed to represent a potential risk to the kingdom's security. Such fears were sometimes exacerbated by ecclesiastical geography since the jurisdictions of some of the exiled bishops spanned across political boundaries. On occasion, the suspicions of the court also seem to have been exploited by disaffected elements of the local population who accused their bishops of treason to secure their removal from their sees.

The first sustained application of exile by a Visigothic king occurred in the 470s when Euric removed at least four Gallic bishops from their sees.⁶¹ When describing such instances, our sources suggest that Euric was motivated primarily by a hatred of Nicene Christianity. This can be seen, for example, in a letter of Sidonius Apollinaris addressed to his colleague Basilius of Aix in late 474.⁶² Although he was writing at a time when Euric was expanding his kingdom across Gaul, Sidonius claimed that he was more concerned by the threat that the king posed to his religion. This assertion was supported by a summary of the abuses that Euric had already committed against the Gallic church, which included a ban on the ordination of new bishops and the banishment of two prelates, Crocus and Simplicius.⁶³ Over

⁶¹ Another bishop who was perhaps exiled by Euric is Marcellus of Die. However, his case is only known from a hagiographical narrative dated to the first quarter of the ninth century and seemingly modelled, at least in part, upon an earlier text, the *Life of Vivian of Saintes*; see François Dolbeau, 'La vie en prose de saint Marcel évêque de Die. Histoire du texte et édition critique', *Francia* 11 (1983) pp.97-130. Given the case's questionable historicity, I have chosen not to include it within my analysis.

⁶² Sidonius Apollinaris, *Epistulae* 7.6, W. B. Anderson (ed. & trans.), *Sidonius: Poems and Letters Vol. 2* (London, 1965), pp.312-22.

⁶³ *Ibid.* 7.6.9, pp.320-2.

a century later, Gregory of Tours cited this letter as evidence for Euric's 'terrible persecution' (*gravem...persecutionem*) of Nicene Christians:

'Here and there [Euric] cut away those who would not subscribe to his heretical opinions; he imprisoned the priests, and the bishops he either sent into exile, or executed by the sword. He ordered the doorways of the churches to be blocked with briars so that the very difficulty of finding one's way in might encourage men to forget their Christian faith. It was mainly Novempopulana and the towns of the two Aquitaines, which suffered from this violent attack. A letter of the noble Sidonius, addressed to Bishop Basilius for this reason, still exists today, which so describes this'.⁶⁴

Gregory thus expanded upon the claims of Sidonius, treating exile as but one of series of measures enacted by Euric to coerce the Nicene Christians of southern Gaul into adopting the Homoian confession.

However, both Sidonius and Gregory were influenced by very particular agendas, which caused them to misrepresent Euric's application of exile. Ian Wood has shown that Gregory deliberately fashioned a narrative of 'Arian persecution' in order to portray the subsequent Frankish invasion of Visigothic Gaul in 507 as a Nicene crusade.⁶⁵ Sidonius' letter amply suited his purposes, and so, divorcing it from its context, he used it as evidence for the general impiety of Visigothic policy. In doing so, he wilfully exaggerated both the scope and severity of Euric's actions, as can be seen quite clearly in his generalisation that

⁶⁴ Greg. Tur., *Hist.* 2.25, pp.70-1: [sic] *truncabat passim perversitate suae non consentientis, clericus carceribus subegebat, sacerdotis vero alius dabat exilio, alius gladio trucidabat. Nam et ipsus sacrorum templorum aditus spinis iusserat obserari, scilicet ut raritas ingrediendi oblivionem faceret fidei. Maxime tunc Novimpopulanae geminaeque Germaniae [= Aquitaniae; see n.1] urbes ab hac tempestate depopulatae sunt. Extat hodieque et pro ac causa ad Basilium episcopum nobilis Sidonii ipsius epistola, quae haec ita loquitur.* Trans. with some modifications by Lewis Thorpe, *Gregory of Tours: The History of the Franks* (London, 1974), pp.138-9.

⁶⁵ I. N. Wood, 'Gregory of Tours and Clovis', *Revue belge de philologie et d'histoire* 63.2 (1985), pp.249-72.

‘bishops... were driven into exile or executed’: Sidonius made no mention of any deaths and named only two prelates who had been banished.

On the face of it, Sidonius’ contemporary letter seems to provide a more reliable indication of Euric’s policies but it too must be interpreted with caution. Sidonius was writing to influence the negotiations that were scheduled to take place in late 474 or early 475 between Euric and the Western Emperor, Julius Nepos (r. 474-475), who was to be represented by four bishops including the addressee of the letter, Basilius of Aix. More specifically, Sidonius, who had been resisting Euric’s expansion into the Auvergne since 471, wanted to prevent his see of Clermont from being ceded to the Visigothic king.⁶⁶ Accordingly, it suited Sidonius to overstate the threat that Euric posed to the Gallic church in the hope that it would persuade Basilius and the other bishops to reject any compromise that involved surrendering the Auvergne. In this context, Sidonius’ reference to the banishment of Crocus and Simplicius had a clear rhetorical purpose, which leads us to question whether these cases were primarily caused by religious hostility.

Instead, it seems more likely that Euric’s application of exile was politically motivated and linked, in particular, to the gradual expansion of the Visigothic kingdom in the 470s.⁶⁷ Throughout his reign, Euric appears to have doubted the loyalties of his Nicene bishops. This manifested itself initially in a ban on new ordinations, which according to Sidonius’ letter had by 474 left no less than nine cities, mostly located in the provinces of Novempopulana and Aquitania II – the heartlands of Visigothic Gaul – without bishops.⁶⁸ Such a policy of freezing appointments allowed Euric to erode steadily the episcopate

⁶⁶ See Harries, *Sidonius*, pp.222-38.

⁶⁷ Similar points have been made in relation to Euric’s general treatment of the Nicene church: see Herwig Wolfram, *History of the Goths: Translated by Thomas J. Dunlap* (Berkeley, CA, 1988), pp.199-200, and Ralph W. Mathisen, *Roman Aristocrats in Barbarian Gaul* (Austin, TX, 1993), pp.32-4.

⁶⁸ Sid. Apoll., *Ep.* 7.6.7, p.318. The cities were Bordeaux, Périgueux, Rodez, Limoges, Javols, Eauze, Bazas, Saint-Bertrand-de-Comminges, and Auch.

without creating martyrs for the Nicene cause. However, as the Visigothic kingdom expanded northwards and eastwards, Euric could not afford to be so patient.⁶⁹ In newly-conquered frontier regions, where his authority was yet to be consolidated and which were also being coveted by the Burgundians, Euric removed hostile prelates immediately through the application of exile. Perhaps the best example of this is Sidonius himself, as he was banished for two years to the stronghold of Liviana near Carcassonne after control of the Auvergne was ceded (despite his best efforts) by Julius Nepos to the Visigoths in 475.⁷⁰ From Euric's perspective, this punishment accomplished two goals: first, it made an example of a bishop who had very publicly sought to resist his military expansion; and second, it helped cement his control in central Gaul by removing the unreliable Sidonius from the strategically important city of Clermont. Soon afterwards, Euric subjected another highly influential Nicene bishop, Faustus of Riez, to similar treatment when he expelled him from his see.⁷¹ Unlike Sidonius, Faustus had not claimed that Euric's religion was an obstacle to political accommodation, as he encouraged his fellow citizens to accept domination by the Visigoths after they seized the majority of Provence in 476.⁷² However, Faustus is known to have written an anti-Homoian treatise entitled *De ratione fidei*, in which he warned his flock against heresy and demonstrated the consubstantiality of the Trinity.⁷³ Consequently, Euric may have exiled Faustus to demonstrate to local clerics that such attacks on his creed would

⁶⁹ Although see Christine Delaplace, 'The so-called "conquest of the Auvergne" (469-75) in the history of the Visigothic kingdom', in David Brakke *et al.* (eds), *Shifting Cultural Frontiers in Late Antiquity* (Farnham, 2012), pp.271-81 who argues that Euric was not following a policy of expansion but was instead acting on behalf of the Western Empire to contain the threat posed by the Burgundians. However, unlike Delaplace, I do not see those two objectives as being necessarily mutually exclusive.

⁷⁰ Sid. Apoll., *Ep.* 7.16; 8.3; 9.3, p.386; 404-12; 508-16. For comment on Sidonius' exile, see Harries, *Sidonius*, pp.238-42.

⁷¹ Faustus Reiensis, *Epistulae* 2; 3; 4; 5; 16, MGH Auct. Ant. 8, pp.266-8; 269; 270; 270-1; 282-4. For comment on these letters see, Ralph W. Mathisen (trans. and ed.), *Ruricius of Limoges and friends: A Collection of Letters from Visigothic Gaul* (Liverpool, 1999), pp.92-104; 245.

⁷² See Prévot and Gauge, 'Évêques', p.312.

⁷³ Faustus Reiensis, *De ratione fidei*, August Engelbrecht (ed.), *Fausti Reiensis praeter sermones pseudo-Eusebianos opera: accedunt Ruricii Epistulae*, CSEL 21 (Prague, 1891), pp.453-9. For comment, see PCBE 4, Faustus 1, pp.742-3.

not be tolerated. If that were the case, his treatment of Faustus would thus suggest that Euric perceived a potential link between anti-Homoian sentiment and political disloyalty.

Of the two other bishops exiled by Euric, less can be said of the specific factors behind their punishment. Crocus, in particular, is an unknown quantity, since he cannot be tied to any particular see.⁷⁴ It has been suggested, however, that he may have held office in southern Gaul, and so it is possible that his exile, like that of Faustus, was intended to consolidate Visigothic control in that region.⁷⁵ Simplicius is better-known, however, since he has plausibly been identified with the prelate of that name who was ordained bishop of Bourges by Sidonius in 470/71, at a time when the city had not yet fallen into the hands of the Visigoths.⁷⁶ Little is known of Simplicius' life prior to his ordination, but he may have had an axe to grind against the Visigoths since, according to Sidonius, he had known 'barbarian prisons' as a layman.⁷⁷ If so, this could have made him a significant obstacle to Euric's ambitions in central Gaul since, as bishop of Bourges, he was also the metropolitan of Aquitania I – a province of crucial strategic importance as it lay between the Visigothic and Burgundian territories.⁷⁸ It might be argued that, before and during his episcopate, Simplicius had attempted to resist Euric's military advances (perhaps by siding or leaning towards accommodation with the Burgundians), and hence, like Sidonius, was punished by exile after the capture of his city.

⁷⁴ Crocus has sometimes been linked to the see of Nîmes, but without any real justification: PCBE 4, Crocus, p.533.

⁷⁵ Prévot and Gauge, 'Évêques', p.311.

⁷⁶ PCBE 4, Simplicius 7, pp.1816-7. The possibility remains, however, that there were two separate Simplicii: see Prévot and Gauge, 'Évêques', pp.310-1.

⁷⁷ Sid. Apoll., *Ep.* 7.9.20, pp.350-2: *postremo iste est ille carissimi, cui in tenebris ergastularibus constituto multipliciter obserata barbarici carceris divinitus claustra patuerunt.*

⁷⁸ Wolfram, *Goths*, p.199.

Euric was succeeded by his son, Alaric II, in 484, who once again permitted the ordination of new bishops.⁷⁹ Nevertheless, he continued to view the Nicene episcopate with suspicion, particularly those prelates who resided on the frontiers of his kingdom. This can be seen by the cases of Volusianus and Verus, successive bishops of Tours who were banished to Toulouse in the late 490s. According to Gregory of Tours, both were exiled after being accused of treason:

‘In his [Volusianus’] day, Clovis was already reigning in some of the other towns of Gaul. As a result, the bishop was suspected by the Goths of wishing to subject them to Frankish rule. He was exiled to the town of Toulouse and there he died...Verus was consecrated as the eighth bishop. He, too, was suspected by the Goths of being committed to the same cause as Volusianus, and he was sent into exile, where he died.’⁸⁰

In this context, it may be significant that the bishop of Tours was the metropolitan of Lugdunensis III, areas of which were probably under Frankish control by the 490s.⁸¹ This would have obliged the bishop of Tours to be in regular contact with suffragans north of the Loire, which may have become increasingly problematic for a Visigothic subject as tensions mounted between Alaric and Clovis. Indeed, as Luce Pietri has suggested, the dates of Volusianus’ and Verus’ exiles may correspond with the first two raids of Clovis on Aquitaine, sometime between 494-496 and 498 respectively.⁸² Even if there is little evidence that either bishop held pro-Frankish sympathies – in fact, this may be doubted in the case of

⁷⁹ This can be seen by the list of attendees at the Council of Agde of 506, which shows that Bordeaux, Périgueux, Rodez, and Bazas – four of the sees that Sidonius states were vacant in 474 – had subsequently obtained a bishop; see Agde (AD 506), pp.213-4.

⁸⁰ Greg. Tur., *Hist.* 10.31, p.531: *Huius tempore iam Chlodovechus regnabat in aliquibus urbibus in Galliis. Et ob hanc causam hic pontifex suspectus habitus Gothis, quod se Francorum dicionibus subdere vellit, apud urbem Tholosam exilio condemnatus, in eo obiit... Virus ordinatur episcopus. Et ipse pro memoratae causae zelo suspectus habitus Gothis, in exilio deductus vitam finivit.*

⁸¹ Wolfram, *Goths*, pp.201-2.

⁸² Luce Pietri, *La ville de Tours de IVe au VIe siècle : naissance d'une cité chrétienne* (Rome, 1983), pp.161-6.

Volusianus, as a letter written by Ruricius of Limoges describes the bishop as being ‘stupefied by fear’ of a foreign enemy, presumably the Franks – one may nevertheless appreciate why the Visigothic court may have doubted their loyalties.⁸³

This pattern was seemingly repeated when Alaric exiled a third prelate, Caesarius of Arles, in late 504 or early 505. Caesarius was another metropolitan bishop whose provinces lay largely under the control of a foreign power – in his case, the Burgundian kingdom. This seriously impinged on Caesarius’ authority, as eleven of the episcopal sees under his notional jurisdiction north of the river Durance were being administered by Arles’ longstanding rival, the metropolitan of Vienne, now a key centre of the Burgundian kingdom.⁸⁴ Accordingly, Caesarius’ communication with those Burgundian bishops may have aroused the suspicions of the Visigothic court. Indeed, the *Life of Caesarius* claims that such fears were stoked by disaffected elements of Caesarius’ own congregation, specifically one of his notaries named Licinianus, who accused his bishop of attempting ‘with all his might to bring the territory and city of Arles under Burgundian rule’.⁸⁵ William Klingshirn suggests that Licinianus may have been part of a faction in Arles that resented Caesarius’ elevation to the episcopate over other local candidates, and the austere lifestyle that he had imposed upon his clergy.⁸⁶ Their aim, therefore, was presumably to have Caesarius deposed from the see on political pretexts and replaced with a more agreeable bishop. After a brief period of detention in Bordeaux, Caesarius was released in early 506, apparently so that he could preside over the Council of Agde that Alaric had scheduled for September of that year.⁸⁷ The reasons behind Caesarius’

⁸³ Ruricius, *Epistulae* 2.64, MGH Auct. Ant. 8, p.350: *nam quod scribis te metu hostium hebetem factum, timere hostem non debet extraneum qui consuevit sustinere domesticum.*

⁸⁴ William E. Klingshirn, *Caesarius of Arles: The Making of a Christian Community in Late Antique Gaul* (Cambridge, 1994), p.93.

⁸⁵ *Vita Caesarii* 1.21, MGH SS rer. Merov. 3, p.465: *Veneno enim saevissimae accusationis armatus, suggestit per auricularios Alarico regi, quod beatissimus in Caesarius... totis viribus affectaret territorium et civitatem Arelatensem Burgundionum ditonibus subiugare.*

⁸⁶ Klingshirn, *Caesarius*, p.94.

⁸⁷ *Vita Caes.* 1.24, p.466. Klingshirn, *Caesarius*, pp.95-6.

brief exile remain enigmatic, but such a volte-face on Alaric's part suggests it is hardly likely to have derived from fundamental confessional differences. By recalling the bishop, Alaric probably hoped to improve his standing with his Gallo-Roman subjects and especially the Nicene episcopate in the gathering threat of war with the Franks, as will be argued in the following chapter.

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To conclude, despite Sidonius' and Gregory of Tours' claims to the contrary there is little reason to suppose that the banishment of bishops during the expansion and consolidation of Visigothic Gaul was part of a sustained policy of religious persecution against the Nicene church. Tellingly, neither Euric nor Alaric appear to have been concerned with coercing their subjects into adopting the Homoian confession. Whilst certain prelates were (temporarily) removed from their sees and new ordinations (temporarily) prohibited, it does not seem that Nicene services were actually forbidden nor church property confiscated. Moreover, Euric's and Alaric's policies during their reigns otherwise show every sign of consensus-building with Gallic magnates, which would have been compromised if they had taken a more hard-line approach to matters of religion.⁸⁸ Instead, they targeted specific bishops who had actively resisted their rule, were accused of treason or, at the very least, were deemed unreliable. Arguably, therefore, their actions against the Nicene episcopate were largely the product of the febrile political context and, in particular, the division of Gaul between several competing powers. Of course, this suggests that Euric and Alaric perceived a potential link between political disloyalty and religious difference. Such thinking may have

⁸⁸ On accommodation between Visigothic kings and Gallic magnates, see Peter J. Heather, *The Goths* (Oxford, 1996), pp.193-8 and Michael Kulikowski, 'Sundered Aristocracies, New Kingdoms, and the End of the Western Empire', in Steffen Diefenbach and Gernot M. Müller (eds), *Gallien in Spätantike und Frühmittelalter: Kulturgeschichte einer Region* (Berlin, 2013), pp.79-90.

encouraged rulers elsewhere in the post-Roman west to pursue religious unity more actively during their reigns, a topic to which we now turn.

3.3 The Pursuit of Religious Unity

In the introduction, it was noted that during the late Roman period emperors frequently employed the penalty of exile to punish religious dissidence. However, the rulers of most of the post-Roman successor states seem to have adopted a relatively permissive attitude towards religious belief, largely ignoring the issue of orthodoxy in their laws. As was discussed in chapter one, this can be seen most clearly in compilations of Roman Law such as the Visigothic *Breviary of Alaric*, the Burgundian *Lex Romana Burgundionum* and the (probably) Ostrogothic *Edict of Theodoric*, which omitted virtually all of the anti-heresy legislation contained in the *Theodosian Code*. Such tolerance may have been pragmatic since, as mentioned above, the rulers of the western successor-states generally subscribed to Homoian Christianity and wanted to avoid alienating their mostly Nicene subjects. In addition, historians have suggested that Homoian Christianity may have acted as a ‘strategy of distinction’ by which barbarian groups were able to preserve their non-Roman identity. For this reason, far from promoting unity, their rulers were in fact concerned with maintaining religious boundaries.⁸⁹ But whatever the precise reason for the lack of concern with the issue of orthodoxy in royal legislation, it represented a significant departure from the promulgations of late Roman emperors.

Nevertheless, this picture of religious tolerance is somewhat undermined by the narrative sources. We have already seen that in Visigothic Gaul under Euric and Alaric and in

⁸⁹ Hanns C. Brennecke, ‘Christianisierung und Identität: Das Beispiel der germanischen Völker’, in Hanns C. Brennecke *et al.* (eds), *Ecclesia est in re publica: Studien zur Kirchen- und Theologiegeschichte im Kontext des Imperium Romanum* (Berlin, 2007), pp.145-56. On the concept of ‘strategies of distinction’ more generally, see Walter Pohl and Helmut Reimitz (eds), *Strategies of distinction: the construction of ethnic communities, 300-800* (Leiden, 1998).

Vandal Africa in the immediate years after Geiseric's conquest, the sources give a misleading impression that those kings imposed the penalty of exile to enforce conformity to the Homoian confession. However, some kings were undeniably concerned with establishing religious unity. In Vandal Africa, Geiseric himself seems to have adopted a more openly sectarian agenda in the latter decades of his reign following the assassination of Valentinian III in 455 and the deterioration of relations between his kingdom and the Western Empire. This hard-line religious policy was said to have been continued by some of his successors, most notably his son, Huneric (r. 477-484). Around a century later in Visigothic Spain, another Homoian ruler, Leovigild (r. 568-586), was likewise said to have actively pursued religious unity in his kingdom. In both regions, our sources interpret the exiling of Nicene Christians, especially clerics, as one of the main methods through which rulers attempted to promote their 'heretical' confession. Let us look at each kingdom in turn to examine the extent to which such claims can be upheld.

Sectarian Exile in Visigothic Spain?

Although for much of the sixth century the Visigothic kings of Spain subscribed to Homoian Christianity, they seem neither to have actively persecuted Nicene Christians nor attempted to impose their own faith until the reign of Leovigild and, more specifically, the early 580s, when that king began promoting a substantially modified version of the Homoian confession. According to some of our sources, Leovigild initiated a series of 'persecuting' measures against the Nicene church which included the banishment of clerics. However, we will see that such sources greatly exaggerated the scale of Leovigild's so-called persecution, partly because he was highly successful in winning converts through compromise and concession. Nicene authors may thus have misrepresented some of the cases of exile associated with Leovigild's reign, ignoring or downplaying their political contexts in order to construct a narrative of religious persecution. A similar agenda can be detected in the sources

for the religious policies of Leovigild's successor, Reccared I (r. 586-601). As we shall see, Reccared was also concerned with establishing religious unity in the Iberian peninsula, but, unlike his father, he favoured Nicene Christianity. In the months and years following his adoption of the Nicene faith, Reccared banished a considerable number of his subjects who had reportedly attempted to remove him from the throne and re-impose the Homoian confession. It will be argued, that while such revolts may have had a sectarian edge, they were primarily political in nature insofar as they were led and supported by those who feared that the king's conversion would signal a reduction in their power and authority. In short, Reccared's opponents were banished not as Homoian agitators but as political traitors.

It is worth briefly considering why for much of the sixth century Visigothic kings appear to have made little attempt to resolve the issue of religious fragmentation in their realm, as this has some bearing on why Leovigild thought unity was achievable and indeed desirable by the 580s. One possible answer to this question is that after Alaric's defeat at the battle of Vouillé in 507, Visigothic kings generally found it difficult to assert their authority.⁹⁰ This was especially true after the death of Amalaric in 531, since from that point onwards, as noted earlier, the throne became a source of competition between the Gothic nobility. Indeed, the three kings that succeeded Amalaric – Theudis (r. 531-548), Theudisclus (r. 548-549), and Agila (r. 549-554) – were all murdered by their own supporters. Such crises at the centre ensured that large areas of the Iberian peninsula slipped from royal control, either through external conquest, as occurred in the 550s when a Byzantine expedition captured territory along the south-eastern coast, or as a result of local magnates throwing off central authority. In this context of military and political instability, enforcing religious unity would have been a secondary concern. In fact, the limited evidence at our disposal suggests that, far from attempting to impose their own confession, Visigothic kings tolerated the

⁹⁰ See Collins, *Spain*, pp.38-50.

existence of the Nicene church.⁹¹ The records of the second council of Toledo of 527, for instance, demonstrate that it was convened with Amalaric's approval, with the assembled bishops thanking the king and praying that he might continue to grant them freedom throughout his reign.⁹² Similarly, in his *History of the Goths*, Isidore of Seville praises King Theudis for permitting Nicene bishops to meet in a council at Toledo (otherwise unattested) where they were free to discuss matters relating to the discipline of the church.⁹³ Such concessions may have been intended to retain the sympathies of a Nicene episcopate that, given the general weakness of royal authority on a local level, Visigothic kings could scarcely afford to alienate. In any case, it is clear from the previously consensual religious policies of Visigothic kings that there was no long-established basis for the tensions of the 580s and 590s.

The accession of Leovigild as the sole ruler of the Visigothic kingdom in 572 represented a significant turning point in the fortunes of the monarchy. Although some of the groundwork may already have been laid by his poorly-documented predecessor Athanagild (r. 554-567), there is little doubt that Leovigild was largely responsible for the reassertion of royal authority over much of the peninsula by the end of his reign.⁹⁴ This was mainly due to a series of successful military campaigns in the 570s, first against the Byzantines in the south-east, and then against the various independent regimes that had sprung up across the peninsula. While pursuing these campaigns, Leovigild appears to have maintained the status quo on religious matters and adopted a broadly tolerant attitude towards the Nicene church.⁹⁵

⁹¹ On the treatment of the Nicene church under such rulers, see E. A. Thompson, *The Goths in Spain* (Oxford, 1969), pp.29-37.

⁹² Toledo II (AD 527) c.5, Vives, *Concilios*, p.45.

⁹³ Isidorus Hispalensis, *Historia* 41, MGH Auct. Ant. 11, pp.283-4.

⁹⁴ On the reign of Leovigild, see Collins, *Spain*, pp.50-63.

⁹⁵ For Leovigild's interactions with the Nicene church in the early years of his reign, see Thompson, *Goths*, pp.82-3 who concludes that Leovigild's 'anti-Catholic measures coincided with the war against Hermenegild [in 579], or, at any rate, cannot be shown to have antedated it'. Admittedly, this would seem to be contradicted by the exiling of John of Biclar in 576/7, which according to Isidore of Seville was motivated by the king's 'Arian'

In 580, however, we can discern a fundamental shift in Leovigild's religious policy, as he began promoting a united church. This was partly a by-product of the military successes of the 570s, which had created a political environment in which Leovigild had more scope to impose orthodoxy than his predecessors. But it should also be understood as an extension of his attempts to achieve political unity, insofar as he may have seen the religious fragmentation of the realm, not to mention the existence of two rival ecclesiastical structures, as one of the remaining obstacles to the consolidation of royal power.⁹⁶

We must determine the general nature of Leovigild's religious policies as this influences how we interpret his application of exile in the 580s. What is immediately clear is that his desire for political unity seems to have encouraged a flexible approach to doctrinal issues. In 580, for instance, he convened an assembly of Homoian bishops in Toledo, where they declared that the imposition of hands by one of their priests and the receiving of communion was enough to formalise conversion.⁹⁷ In this way, Leovigild and his bishops removed the requirement of re-baptism that had formerly been imposed upon converts but was viewed with intense suspicion by Nicene Christians. This appears to have coincided with a second, more profound, concession, whereby the nature of the theological position supported by the king was formally modified. According to Gregory of Tours, in 582 Duke Ansovald, who had served as King Chilperic I's (r. 561-584) envoy to Spain, informed him that Leovigild had recently (perhaps also at the Homoian synod of 580) accepted the full godhead of Christ and now only denied the equality of the Holy Spirit.⁹⁸ In doing so,

hostility. However, there are issues with Isidore's chronology and interpretation of this episode, as will be discussed in greater detail below.

⁹⁶ Roger Collins, 'King Leovigild and the Conversion of the Visigoths', in Roger Collins (ed.), *Law, Culture, and Regionalism in Early Medieval Spain* (Aldershot, 1992) Part II, pp.1-12; M. Koch, 'Arianism and ethnic identity in sixth-century Visigothic Spain', in R. Steinacher and G. Berndt (eds), *Arianism: Roman Heresy and Barbarian Creed* (Farnham, 2014), pp.262-3.

⁹⁷ Iohannes Biclaensis, *Chronicon* a.580.2, MGH Auct. Ant. 11, p.216.

⁹⁸ Greg. Tur., *Hist.* 6.18, pp.287-8. For comment, see Collins, 'Gregory', pp.509-10 who links this theological reform to the Homoian synod of 580.

Leovigild had rejected one of the key tenets of the Homoian confession, as formulated at the twin councils of Rimini and Seleucia of 359. Instead, he was adopting a doctrinal position more akin to that known in the fourth century as Macedonianism, after Bishop Macedonius I of Constantinople.⁹⁹ As with the removal of the need for re-baptism, therefore, Leovigild may have been hoping that the modification of his religious views, in a way which repudiated the subordination of Christ to God the Father – perhaps *the* defining feature of ‘Arianism’ in the minds of Nicene Christians – would encourage conversion to his united, neo-Homoian church.

Leovigild seems to have made further attempts to downplay the distinctions between his own confession and that of his Nicene subjects in the years before his death in 586. In his aforementioned exchange with Duke Ansovald, for example, Gregory of Tours also revealed that the king had begun worshipping ‘in the churches of our religion’.¹⁰⁰ Although for Gregory this represented a ‘new trick’ (*novum ingenium*) to destroy the true faith, Leovigild may no longer have recognised the distinction between Homoian and Nicene churches, believing that they were now all united under his modified confession. Significantly, Leovigild’s inclusive manner of worship seems to have influenced the behaviour of at least one of his subjects, as suggested by another of the conversations that Gregory of Tours reports in his *Histories*. On Easter Sunday 584, a Visigothic ambassador named Oppila arrived in Tours on his way to the court of King Chilperic.¹⁰¹ After Gregory enquired about his religion, Oppila replied that ‘he believed what Catholics believe’ and so was willing to attend mass with the bishop.¹⁰² However, he subsequently refused to exchange the kiss of

⁹⁹ Heather, *Goths*, p.280.

¹⁰⁰ Greg. Tur., *Hist.* 6.18, p.287: *in ecclesiis reigionis nostrae*.

¹⁰¹ For comment on this episode and the reasons for its inclusion in Gregory’s *History*, see Edward James, ‘Gregory of Tours and “Arianism”’, in Andrew Cain (ed.), *The power of religion in late antiquity: selected papers from the Seventh Biennial Shifting Frontiers in Late Antiquity Conference* (Farnham, 2009), pp.336-7.

¹⁰² Greg. Tur., *Hist.* 6.40, p.310: *Respondit ipse, se hoc credere quod catholici credunt*.

peace with the rest of the congregation and would not receive communion. When questioned further by Gregory, Oppila nevertheless asserted that ‘I believe that the Father, the Son, and the Holy Ghost are of one power’,¹⁰³ but that he had refused communion because Gregory had performed the incorrect doxology by saying, ‘Glory be to the Father and the Son and the Holy Spirit’.¹⁰⁴ This had been a point of contention between Nicene and Homoian Christians as far back as the fourth century, as the latter preferred the more traditional doxology, ‘Glory be to the Father through the Son in the Holy Spirit’.¹⁰⁵ Although differences in liturgy evidently continued to distinguish the Visigothic and Frankish churches, Oppila’s interactions with Gregory nevertheless suggest that the theological divide had somewhat narrowed. Not only was Oppila, like his king, willing to attend mass in a Nicene church, but he also seemingly professed an essentially Nicene understanding of the Trinity. If Oppila’s views were representative of Leovigild’s – as might reasonably be assumed, given that the latter had chosen him to act as his envoy –, his declaration of faith would imply that the ‘orthodox’ creed in Spain had become ever more closely aligned with the views of Nicene Christians in the two years since Duke Ansovald had returned to Gaul in 582. This perhaps means that we should take seriously the rumours reported by both Gregory of Tours and Gregory the Great that Leovigild had been thinking of converting, or had actually converted to Nicene Christianity, in the latter stages of his reign.¹⁰⁶ In any case, a close analysis of Leovigild’s religious reforms demonstrate that he was no Homoian zealot, but was in fact willing to offer certain concessions to his Nicene subjects in order to establish religious unity.

¹⁰³ *Ibid.* 6.40, pp.310-11: ‘*Credo Patrem et Filium et Spiritum sanctum unius esse virtutes*’.

¹⁰⁴ *Ibid.* 6.40, p.311: ‘*Quia*’, inquit, *gloriam non recte responditis; nam iuxta Paulum apostolum nos dicimus: “Gloria Deo Patri per Filium”; vos autem dicitis: “Gloria Patri et Filio et Spiritu sancto”*.

¹⁰⁵ See U. Heil, ‘The Homoians’ in G. Berndt and R. Steinacher (eds), *Arianism: Roman Heresy and Barbarian Creed* (Farnham, 2014), pp.107-8. Significantly, the traditional Homoian doxology was subsequently anathematised in Visigothic Spain at the Third Council of Toledo of 589 when the kingdom formally adopted Nicene Christianity; see Toledo III (AD 589), Anathema no.16, Vives, *Concilios*, p.119.

¹⁰⁶ Greg. Tur., *Hist.* 8.46, pp.411-2; Gregorius Magnus, *Dialogi* 3.31, Adalbert de Vogüé and Paul Antin (eds and trans.), *Grégoire le Grand: Dialogues Vol. 2*, SC 260, (Paris, 1979), p.388.

Leovigild's religious reforms clearly obtained some success, as even Nicene sources, which were generally loath to acknowledge apostasy, admit that significant numbers of their co-religionists adopted the king's confession. This is implied by Gregory of Tours, for example, in his exchange with Ansovald, as he asked the duke 'whether there was still any zeal for the Christian faith among the few Catholics who still remained in that country'.¹⁰⁷ The contemporary chronicler, John of Biclar, is more explicit, stating that after the council of 580 many Nicene Christians 'inclined toward the Arian doctrine out of self-interest rather than change of heart'.¹⁰⁸ Similarly, Isidore of Seville wrote in his *History of the Goths* that Leovigild had been successful in encouraging apostasy 'without persecution' (*sine persecutione*), enticing Nicene Christians to convert with gifts of gold and property.¹⁰⁹ This included not only laymen, but even – to Isidore's disgust – members of the clergy, such as Bishop Vincent of Zaragoza.

Although these successes would surely have reduced the need for Leovigild to enact coercive measures, Nicene sources were eager to give the impression that his pursuit of religious unity was marked by persecution including the imposition of exile. This is expressed most clearly by Isidore of Seville in his *History*:

'Filled with the madness of Arian perfidy, Leovigild ultimately launched a persecution against the Catholics, sent bishops into exile, and took away many of the revenues and privileges of the churches. By means of these terrible acts, he forced many into the Arian disease.'¹¹⁰

¹⁰⁷ Greg. Tur., *Hist.* 6.18, p.287: *Quibus visus, ego sollicitus eram, qualiter in ipsis christianis, qui pauci in eo loco remanserant, fides Christi ferveret.*

¹⁰⁸ Ioh. Biclar., *Chron.* a.580.2, p.216: *per hanc ergo seductionem plurimi nostrorum cupiditate potius quam impulsione in Arrianum dogma declinant.*

¹⁰⁹ Isid., *Hist.* 50, p.288.

¹¹⁰ *Ibid.* 50, pp.287-8: *Denique Arrianae perfidiae furore repletus in catholicos persecutione commota plurimos episcoporum exilio relegavit, ecclesiarum redditus et privilegia tulit, multos quoque terroribus in Arrianam*

Similar claims, and more besides, are made by Gregory of Tours in his *History*, who asserts that under Leovigild the ‘Christians in Spain suffered persecution’, and that many of them were driven into banishment, deprived of their possessions, weakened by hunger, thrown into prison, beaten with sticks, or even tortured to death.¹¹¹ This rhetoric of persecution hints at how Nicene authors, particularly clerics such as Gregory and Isidore, were conditioned to perceive the difference between their own faith and ‘Arianism’ in fundamental and absolute terms. They could not appreciate (or perhaps they could not bring themselves to admit) that Leovigild’s successes were built upon his willingness to compromise and more specifically on his elimination of those aspects of the Homoian confession that were considered most disagreeable by Nicene Christians. In their eyes, Leovigild could only have induced apostasy by deception, bribery, or force.

However, the colourful claims of Nicene authors do not stand up to scrutiny. For one thing, it is important to note their generic quality. Isidore of Seville, for example, does not provide a single specific example of a bishop who was sent into exile. This is all the more striking, given that later in the same passage he mentions the apostate, Bishop Vincent of Zaragoza.¹¹² As for Gregory of Tours, the only individuals whom he cites in his *Histories* as having suffered for their faith are the Frankish princess Ingund and her husband Hermenegild, the eldest son of Leovigild, whom she is said to have persuaded to adopt Nicene Christianity.¹¹³ According to Gregory, this was the main factor in Hermenegild’s revolt against his father in 579, which ended with the former’s defeat and exile in 584, before he was murdered – presumably on Leovigild’s orders – the following year.¹¹⁴ A similar

pestilentiam inpulit. Trans. by K. B. Wolf, *Conquerors and Chronicles of Early Medieval Spain* (Liverpool, 1999), p.101

¹¹¹ Greg. Tur., *Hist.* 5.38, p.243: *Magna eo anno in Hispaniis christianis persecutio fuit, multique exiliis dati facultatibus privati, fame decocti, carcere mancipati, verberibus adfecti ac diversis suppliciis trucidati sunt.*

¹¹² Isid., *Hist.* 50, pp.288.

¹¹³ Greg. Tur., *Hist.* 5.38, pp.244-5.

¹¹⁴ *Ibid.* 5.38; 8.28, pp.244-5; 390-1. For the dates of the revolt, its suppression, and Hermenegild’s death, see Ioh. Bicl., *Chron.* a.579.3; a.584.3; a.585.3, p.215; 217. For comment, see Collins, ‘Gregory’, pp.500-8.

narrative was also developed by Gregory the Great, who portrayed Hermenegild as a Nicene martyr who had rebelled against the tyranny of his ‘Arian’ father.¹¹⁵ Roger Collins has downplayed the religious character of Hermenegild’s revolt and has persuasively argued that it was precipitated by dynastic politics.¹¹⁶ Although Hermenegild does appear to have exploited his Nicene faith in a bid to win support, specifically from the Byzantines, his exile and subsequent murder should thus be regarded as punishment for his political disloyalty rather than as an un-precipitated act of religious persecution.¹¹⁷

Apart from the dubious case of Hermenegild, we can identify three other individuals who are said to have been banished by Leovigild on sectarian grounds – a far cry from the hundreds if not thousands of Nicene Christians who, as we shall see shortly, were exiled in Vandal Africa. It is, moreover, far from certain that even these three cases can be used as unambiguous evidence for Leovigild’s so-called persecution. In his *Glory of the Martyrs*, Gregory of Tours recalls the case of an unnamed Nicene cleric, seemingly of Gallic origin, who was captured in Spain.¹¹⁸ According to Gregory, an ‘Arian’ king, also unnamed but generally assumed to be Leovigild by historians, attempted to bribe the cleric into recanting the equality of the Trinity by offering him wealth and renown amongst his people.¹¹⁹ When he refused, the king ordered that the cleric was to be stretched on the rack, believing that he could be broken by torture. When this too failed, the king was forced to expel him from the

¹¹⁵ Greg. Mag. *Dialogi* 3.31, pp.384-90.

¹¹⁶ Collins, ‘Leovigild’, pp.9-12 modified slightly in *idem*, *Spain*, pp.56-8.

¹¹⁷ Thompson, *Goths*, pp.68-9 provides two pieces of evidence which suggest that Hermenegild attempted to exploit his newly-adopted Nicene faith for political purposes. First, he had an inscription carved on a doorway of a building in Alcala de Guadaira which mentions his war with Leovigild and speaks of his father’s ‘persecution’. Second, he issued coins bearing the legend REGI A DEO VITA, which seems to have been the first time a Visigothic monarch had used this medium to express a connection with the divine. Whilst Thompson argues that the prince was looking to win the support of the Hispano-Roman population of the Visigothic Kingdom, it is perhaps more likely that Hermenegild exploited his faith as a way to improve his ties with the Byzantine exclave in the south of the peninsula, since Gregory of Tours mentions that the pretender concluded an alliance with the Byzantine commanders in Spain soon after his revolt: see *Hist.* 5.38, pp.244-5.

¹¹⁸ Gregorius Turonensis, *Liber in Gloria martyrum* 81, MGH SS rer. Merov. 1.2, p.93.

¹¹⁹ See, for instance, Thompson, *Goths*, p.82.

boundaries of Spain, whereupon he ‘joyfully departed, and returned to Gaul’.¹²⁰ Ultimately, however, the historicity of this case must be open to debate, given its absence of any context, its thoroughly generic qualities in developing the theme of Nicene Christians triumphing over heretics that Gregory had been advancing in the immediately preceding chapters, and Gregory’s own airy admission that he had it at second-hand.¹²¹

The second case concerns the chronicler, John of Biclar, whose exile is reported by Isidore of Seville in his work *On Illustrious Men*. According to Isidore, King Leovigild ordered John, who had spent seven years in Constantinople learning Greek and Latin, to convert to his ‘wicked heresy’ when he returned to Spain.¹²² John, however, ‘resisted this entirely, and for ten years, having been thrust into exile, and relegated to Barcelona, endured many attacks and persecutions by the Arians’. This would seem to provide fairly unequivocal evidence that John was banished on sectarian grounds for his refusal to adopt the king’s confession. But the duration of his exile as given by Isidore raises certain doubts. As we have seen, Leovigild appears to have been broadly tolerant of Nicene Christianity throughout the 570s, and only began promoting his modified confession in around 580 when he convened the assembly of Homoian bishops. This latter date would provide a plausible context for John’s exile were it not for the fact that Leovigild died only six years later, whereupon he was succeeded by his son Reccared I, who converted to Nicene Christianity soon after his accession. In other words, the ten years that John supposedly spent in exile on account of his faith would require him to have been banished by 577/8 at the latest (assuming that the newly converted Reccared promptly recalled him), at a time when Leovigild was not yet concerned

¹²⁰ Greg. Tur., *Glor. Mart.* 81, p.93: *laetus discedens, in Galliis est regressus.*

¹²¹ *Ibid.* 78-80, pp.90-3.

¹²² Isidorus Hispalensis, *De viris illustribus* 31, Carmen Codoñer Merino, *El 'De viris illustribus' de Isidoro de Sevilla: Estudio y edición crítica* (Salamanca, 1964), pp.151-2: *Hunc supradictum rex, cum ad nefandae haeresis credulitatem compelleret, et hic omnino resisteret, exilio trusus, Barcinona relegatus, per decem annos multas insidias et persecutiones ab arrianis perpeusus est.*

with unifying the church. Admittedly, Isidore, writing several decades after the event, could simply have been misinformed as to the length of John's exile.¹²³ Nevertheless, it is surely significant that John's banishment occurred soon after he arrived back from Constantinople and possibly in conjunction with the revolt of Hermenegild.¹²⁴ Given the growing hostility between the Visigothic and Byzantine courts during Leovigild's reign, which ultimately resulted in Constantinople throwing its support behind Hermenegild's rebellion, John's extended stay in the eastern capital may have brought him under the suspicion of the king.¹²⁵ Of course, John's faith could have exacerbated such suspicions, particularly if Hermenegild did indeed convert in the early stages of his revolt. Even so, the chronology provided by Isidore suggests that John was exiled, first and foremost, for his dubious political loyalties rather than for his stubborn commitment to Nicene Christianity.

Similar issues surround the third case of exile, that of Bishop Masona of Mérida who was banished to an unnamed monastery by Leovigild in 582. The author of the *Lives of the Fathers of Mérida* strives to give the impression that Masona was exiled as part of Leovigild's so-called 'persecution', noting how the king had initially attempted to convert the bishop to 'Arianism' with bribery and threats.¹²⁶ When this failed, Leovigild began patronising the Homoian community of Mérida and appointed as their bishop a man named Sunna, who clashed with Masona when he tried to appropriate the city's Nicene churches.¹²⁷ Eventually, Leovigild had Masona brought to Toledo and requested that the bishop hand over

¹²³ This is the explanation favoured by Thompson, *Goths*, p.83.

¹²⁴ Camen Cardelle de Hartmann, *Victoris Tynnvnensis Chronicon cum reliquiis ex Consularibus Caesaravgvstans et Iohannis Biclarensis Chronicon* (Turnhout, 2001), pp.125-6 dates John's exile to 577/8 and connects it with the revolt of Hermenegild. However, other historians place the outbreak of Hermenegild's revolt in 579; see, for example, Collins, *Spain*, p.56

¹²⁵ On Byzantine involvement in the revolt of Hermenegild, see Goffart, 'Policy', pp.87-91.

¹²⁶ *Vitas Patrum Emeritensium* 5.4, A. Maya Sánchez, *Vitas sanctorum patrum emeritensium*, CCSL 116 (Turnhout, 1992), pp.54-6.

¹²⁷ *Ibid.* 5.5, pp.56-62.

an important relic: the tunic of St Eulalia.¹²⁸ Of course, Masona had no option but to refuse, finally giving Leovigild a pretext to send him into exile.

However, this apparently straightforward narrative of persecution is again complicated by details that suggest that Leovigild's conflict with Masona was about something more than mere religious hostility. For one thing, it would seem that Leovigild made little attempt to suppress the wider Nicene community of Mérida after exiling their bishop. On the contrary, he actually seems to have preserved their rights, permitting another bishop Nepopis – a 'false priest' according to the author of the *Lives of the Fathers of Mérida* but a Nicene Christian nonetheless – to take over the administration of the city during Masona's absence.¹²⁹ Sometime earlier, Leovigild had also upheld the Nicene Christians' claim to the basilica of St Eulalia when Sunna had attempted to seize the building.¹³⁰ Clearly, these were not the actions of a persecuting monarch. Roger Collins has suggested that the events described in the *Lives of the Fathers of Mérida* are better understood in the context of Leovigild's wider agenda of securing royal power at the local level.¹³¹ This may have brought the king into conflict with Masona, since the bishop would doubtless have resisted any attempt to curb his autonomy. Indeed, the bishops of Mérida seem to have enjoyed unprecedented authority during the sixth century, as a consequence of the growing affluence of their see and its spiritual importance as the centre of the cult of St Eulalia. Leovigild's request that Masona hand over the tunic of St Eulalia might thus be seen as a political litmus test; if the bishop had acquiesced, it would have signalled to the king that he acknowledged the primacy of royal authority. When Masona refused, Leovigild replaced him with Nepopis,

¹²⁸ *Ibid.* 5.6, pp.62-70.

¹²⁹ *Ibid.* 5.6, p.70.

¹³⁰ *Ibid.* 5.5, pp.60-2.

¹³¹ Roger Collins, 'Mérida and Toledo: 550-585', in E. James (ed.), *Visigothic Spain: New Approaches* (Oxford, 1970), pp.189-219.

a bishop who, judging by the character assassination he received from the author of the *Lives of the Fathers of Mérida*, was more amenable to royal demands.

We know from other sources, meanwhile, that Masona was exiled shortly after Leovigild captured Mérida from his rebellious son Hermenegild in 582.¹³² E.A. Thompson has speculated that Hermenegild may have suppressed the Homoian community during his occupation of the city by confiscating their churches and expelling their bishop.¹³³ If this was the case, Leovigild would probably have suspected Masona of having cooperated with the usurper, which would have exposed the bishop to accusations of treason when the city returned to royal control. Throughout the period, as we have seen already, bishops were often exiled as a result of their local adversaries capitalising on the suspicions of their kings, and in this case the author of the *Lives of the Fathers of Mérida* states that the bishop's principal opponent, his Homoian counterpart Sunna, 'secretly' accused him of 'many crimes' to Leovigild.¹³⁴ No further detail is provided as to the nature of these crimes, but this was perhaps an intentional omission, since the banishment of Masona for treason would have fatally undermined the author's narrative of religious persecution. All things considered, therefore, substantial if not insurmountable problems exist in perceiving Masona's exile as being motivated by mere sectarianism. Of course, the religious difference may have played some role in the bishop's downfall, insofar as his adherence to the Nicene confession stoked the king's fears that he was unreliable. However, it would seem that it was political factors, specifically Masona's opposition to royal authority and perhaps, more speculatively, his support for the rebel Hermenegild, that ultimately caused the king to remove him from his see.

¹³² Greg. Tur., *Hist.* 6.18, p.287.

¹³³ Thompson, *Goths*, pp.79-80.

¹³⁴ *VPE*, 5.6, p.63.

After the death of Leovigild in 586, the Visigothic throne passed to his sole surviving son, Reccared. With the religious question still unresolved, Reccared convened a council shortly after his accession and ordered his Homoian and Nicene bishops to determine once and for all who held the correct doctrine. In the ensuing debate, the Nicene party was victorious (according to Gregory of Tours, the clinching factor was the absence of healing miracles attributed to ‘Arians’) and the king converted to the Nicene confession, convincing his Homoian bishops to do the same.¹³⁵ This decision was formalised two years later at the Third Council of Toledo of 589, when Nicene Christianity became the official religion of the Visigothic Kingdom. There, eight Homoian bishops anathematized their former views and in return were permitted to retain their offices, sometimes as co-bishops alongside Nicene counterparts, and in other cases as the sole occupier of their sees, which presumably had no existing Nicene incumbent – perhaps indicating that Leovigild had ruled that each city required only one prelate following his religious reforms.¹³⁶

Reccared’s conversion should thus be seen as the last step in the process of religious unification that had been started by his father. This view has been argued most cogently by Roger Collins, who contends that Leovigild’s promotion of a united church, and in particular his narrowing of theological differences in the early 580s, eased the transition to Nicene Christianity under Reccared.¹³⁷ The king’s conversion to the Nicene confession does nevertheless seem to have created dissatisfaction amongst some of his subjects as he faced no less than four separate revolts between 587 and 590.¹³⁸ Given that these revolts led to the banishment of many of their participants, it is important to establish their character. Three

¹³⁵ Greg. Tur., *Hist.* 9.15, pp.429-30; Ioh. Bicl., *Chron.* a.587.5, p.218.

¹³⁶ Toledo III (AD 589), pp.122-3.

¹³⁷ This is one of the main contentions of Collins, ‘Leovigild’, pp.1-12.

¹³⁸ Heather, *Goths*, pp.282-3.

were led by Homoian metropolitans and supported by members of the Gothic nobility.¹³⁹ Predictably, our Nicene sources imply that such incidents were an ‘Arian’ reaction to Reccared’s change of faith, and treat their suppression and the subsequent banishment of the conspirators as a necessary step in the creation of a ‘Catholic’ kingdom. However, there are problems with this interpretation, not least because we know that Nicene Christians participated in at least one of the revolts. In 587, the chronicler John of Biclar records that an ‘Arian’ party led by Sunna, the aforementioned bishop of Mérida, and a Gothic noble named Segga attempted to seize the throne, an episode also reported by the author of the *Lives of the Fathers of Mérida* from a more localized perspective.¹⁴⁰ Without mentioning Segga, the latter source states that Sunna and several ‘Arian’ counts conspired to murder Bishop Masona, and Claudius, the duke of Lusitania.¹⁴¹ Significantly, however, the author also states that Sunna was supported by a large number of Nicene Christians, suggesting that the conspiracy may have, in fact, been caused by factionalism within Mérida that transcended confessional boundaries, or perhaps represented an attempt by local magnates to regain Mérida’s quasi-independence as soon as Leovigild was dead.¹⁴²

The involvement of Nicene Christians in Sunna’s revolt thus raises the possibility that Homoian conspirators were not solely, or even primarily, motivated by a fervent devotion to their faith. The Gothic counts, for example, were perhaps more concerned about a reduction in their influence, as Reccared began patronising those who had been marginalised under his father. We know from the *Chronicle* of John of Biclar that shortly after his conversion in 587 Reccared ‘generously restored the property that had been seized by his predecessors and

¹³⁹ The three metropolitans were Sunna of Mérida, Athalocus of Narbonne, and Uldida, probably of Toledo: see Collins, ‘Leovigild’, p.4.

¹⁴⁰ Ioh. Biclar., *Chron.*, a.588.1, p.218.

¹⁴¹ *VPE* 5.10-11, pp.81-92.

¹⁴² *Ibid.* 5.10, p.81.

incorporated into the fisc'.¹⁴³ In all likelihood, this was property that had been confiscated by Leovigild from local elites who had resisted his military advances and possibly also from the Nicene church. The Gothic counts would have been the chief beneficiaries of such expropriations, since they exercised control over the property of the fisc in their districts, so that its restoration would have threatened to undermine their control over local patronage networks.¹⁴⁴ As for the Homoian metropolitans, they too may have been driven to revolt by the fear of losing out in Reccared's new regime. For one thing, it is doubtful that they could have been incorporated into the Nicene episcopate as seamlessly as their subordinate colleagues.¹⁴⁵ Whilst certain Nicene bishops were evidently persuaded to share their sees with their former Homoian counterparts at the Third Council of Toledo, they surely would have been much less willing to acknowledge the primacy of former Homoian metropolitans. In order for the latter group to be accommodated into the Nicene episcopate, therefore, they would have been required not only to anathematise their views but also to give up their positions of provincial-wide authority. Evidently, for three of them, this was too much to ask.

Contrary to the claims of Nicene sources, the revolts that beset Reccared in the late 580s are therefore unlikely to have been motivated solely, or perhaps, even primarily, by militant 'Arianism'. At least one of them involved Nicene Christians in significant numbers, whilst the Homoian conspirators themselves may have resented the change in religious orthodoxy less than its repercussions for their authority and power. In any case, it is clear that those who were exiled for their involvement in such revolts were punished by Reccared for their political disloyalty rather than their continuing commitment to Homoian Christianity. This reminds us that claims of persecution were subjective. Had any Homoian writings

¹⁴³ Ioh. Bicl., *Chron.* a.587.7, p.218: *Reccaredus rex aliena a praecessoribus direpta et fisco sociata placabiliter restituit.*

¹⁴⁴ Collins, 'Leovigild', pp.3-4.

¹⁴⁵ *Ibid.*, p.4.

survived from the period, we would surely have a very different perspective on the king's actions (not to mention those of his father). Almost certainly, this hypothetical source would have downplayed the political context, and treated their exiled co-conspirators as defenders of the true faith, much as the author of the *Lives of the Fathers of Mérida* apparently sought to do in the case of Masona.

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In summary, there is little evidence that Visigothic kings routinely exiled their subjects on sectarian grounds – by which I mean that their punishment was motivated solely by religious hostility and ultimately intended to promote the royally-backed creed. For much of the sixth century, kings tolerated the existence of two rival confessions, possibly because they were too preoccupied with the political and military crises that beset their kingdom to make any attempt to impose religious unity. The reign of Leovigild, however, marked a significant turning point in the fortunes of the Visigothic monarchy, as he successfully (re-)imposed royal authority over much of the peninsula. By 580, the religious fragmentation of the realm perhaps represented one of the final obstacles to the consolidation of his power. Nevertheless, Leovigild's desire for unity was expressed through a flexible handling of doctrinal issues, as he sought to win converts primarily through concession and compromise, and specifically by eliminating those aspects of the Homoian confession that Nicene Christians found most objectionable. It seems that this approach was broadly successful, since even Nicene sources admit that there was a high rate of apostasy during Leovigild's reign. These same sources, however, tend to interpret such apostasy as the by-product of persecution, and accuse Leovigild, amongst other things, of exiling large numbers of Nicene Christians. We have seen that such claims do not stand up to scrutiny. Indeed, only four individuals can be identified who were said to have been exiled on account of their faith. What is more, it is far from clear that any of these cases were motivated purely by

sectarianism, even though Nicene sources invariably tended to ignore or downplay their political contexts. A similar agenda can be detected in the sources reporting on Leovigild's successor, Reccared I, although they adopt a slightly different perspective. After converting to Nicene Christianity – the last step in the process of religious unification that had been started by his father – Reccared was beset by several revolts. Although our sources imply that such incidents represented an 'Arian' reaction to the king's conversion, it has been argued the conspirators were provoked primarily by a fear of losing out in Reccared's new regime and were therefore exiled first and foremost as political traitors rather than Homoian agitators.

Exile and the Persecution of the Nicene Church in Vandal Africa

Of all the post-Roman successor states, Vandal North Africa is by far the most associated with religious persecution and sectarian exile. This is largely attributable to Victor of Vita's *History of the Vandal Persecution* – our main source for the first half century of Vandal rule following their arrival in Africa in 429 and conquest of Carthage a decade later. As suggested by the title of his work, Victor, writing in the 480s, was implacably opposed to the Vandal regime, believing that it had instigated nothing less than a persecution of the Nicene church. This perspective shaped his *History*, the narrative of which focusses on the various abuses committed by the first two rulers of the Vandal kingdom in Africa, Geiseric and Huneric. As Victor admitted, however, Vandal kings, like Roman emperors from Constantine onwards, were reluctant to create martyrs.¹⁴⁶ Instead, they preferred to banish recalcitrant Nicene Christians, exiling hundreds if not thousands over the course of the fifth century. The application of exile in Africa therefore assumed a special significance for Victor

¹⁴⁶ See, for example, Vic. Vit., *HP* 1.44, p.11: when the Homoian priest Jucundus managed to restrain Theodoric, son of Geiseric, from executing a Nicene courtier named Armogas by stating that 'if you kill him with the sword, the Romans will begin to preach that he is a martyr' (*si gladio peremeris, incipient eum Romani martyrem praedicare*). For comment, see Shanzer, 'Intentions', pp.281-6, who identifies only four cases of martyrdom in Vandal Africa.

and other Nicene authors, since for them it represented the most obvious manifestation of the Vandal persecution.

Recently, however, scholars have begun to question whether the history of the Vandal kingdom should be seen primarily in terms of religious conflict. For one thing, its rulers were not uniformly hostile to Nicene Christianity. Gunthamund (r. 484-96) and Hilderic (r. 523–30), for example, each reversed sectarian measures implemented by their predecessors, reopening Nicene churches and recalling clerics from exile.¹⁴⁷ Similarly, scholars have begun to reassess the scale and duration of the so-called Vandal persecution. They have shown that even ‘persecuting’ kings – namely, Geiseric, Huneric, and Thrasamund – were far from consistent in their dealings with the Nicene church, in some periods tacitly tolerating or even openly permitting its existence,¹⁴⁸ and that the geographical scope of persecution likewise fluctuated, as kings sometimes limited their sectarian policies to specific regions or provinces, and only occasionally implemented them on a kingdom-wide scale.¹⁴⁹

We will see that the application of exile by Vandal kings conforms to this inconsistent pattern of persecution, in that it was imposed in specific bursts and on a varying geographical scale. Furthermore, it will be argued that the role of exile within the so-called Vandal persecution can perhaps be overstated. Geiseric and Thrasamund, for example, generally preferred to adopt other sectarian measures, such as prohibiting new ordinations, banning Nicene Christians from serving in the royal administration, and seizing church property. In this context, exile was primarily employed to enforce these other measures in the face of resistance from the Nicene establishment. The use of exile by Huneric, however, was

¹⁴⁷ Gunthamund: *Laterculus Regum Vandalorum et Alanorum (Augiensis)* 8-9, MGH Auct. Ant. 13, p.459; Victoris Tonnennensis, *Chronicon* a.479.2, MGH Auct. Ant. 11, pp.189-90. Hilderic: *Vic. Tonn.*, *Chron.* a.523.2, p.197; *Vita Fulg.* 25, pp.119-21.

¹⁴⁸ Conant, *Roman*, pp.159-86; Andrew H. Merrills and Richard Miles, *The Vandals* (Oxford, 2010), pp.177-203; Fournier, ‘Victor’, pp.212-63; Heather, ‘Geiseric’, pp.137-46.

¹⁴⁹ Mawdsley, ‘Exile’, pp.67-94; Y. Modéran, ‘Une guerre de religion: les deux Églises d’Afrique à l’époque vandale’, *Antiquité tardive* 11 (2003) pp.21-44

somewhat different in nature, particularly in the months between the Council of Carthage of February 484 and his death in December later that year. During this period, it will be argued that Huneric, influenced by late Roman precedents, adopted a policy whereby the application of exile formed a central part of his attempts to achieve religious conformity throughout his kingdom. This resulted in Huneric employing the penalty of exile on a scale without parallel either before or after the collapse of the Western Empire.

As we saw earlier, the first cases of exile associated with the Vandal Kingdom took place in the 430s and early 440s in the immediate aftermath of King Geiseric's conquest of the province of Numidia in 435 and subsequently of Africa Proconsularis in 439. Although the Nicene sources typically framed such episodes as being motivated by 'Arian' hostility, it was argued above that they should primarily be seen as arising from the exigencies of the Vandal settlement, and above all from Geiseric's desire to establish economic and political security in his nascent kingdom.

Sectarianism became a more significant factor in Geiseric's treatment of the Nicene church in the last two decades of his reign, after the death of Emperor Valentinian III in 455. This event marked the end of a period of *détente* between the Vandal kingdom and Western Empire that stretched back to the peace agreement concluded between them in 442.¹⁵⁰ In that treaty, Valentinian had recognised the sovereignty of the Vandal kingdom and betrothed his daughter Eudocia to Geiseric's eldest son, Huneric, while for his part, the Vandal king agreed to ship grain to Rome and perhaps also to relax his treatment of the Nicene church. In 454, Geiseric went so far as to allow the ordination of a new bishop, Deogratias, to the see of Carthage, perhaps to ensure that the union between Huneric and Eudocia went ahead as

¹⁵⁰ Prosper, *Chron.* 1347 (a.442), p.479. For comment on the terms of the treaty, see Merrills and Miles, *Vandals*, pp.61-66.

planned, now that the princess, born around 439, was of marriageable age.¹⁵¹ Unfortunately for Geiseric, however, his machinations came to naught when Valentinian was suddenly murdered, and the new emperor, Petronius Maximus (r. 455), sought legitimation by forcing Eudocia to marry his own son instead.

With his diplomatic strategy in tatters, Geiseric abandoned his conciliatory approach towards his Nicene subjects and enacted a series of sectarian measures, such as a prohibition on the ordination of new bishops and the seizure of sacred books and objects used in the divine service.¹⁵² However, such measures were not applied throughout his domains, but merely in the province of Africa Proconsularis. Given that this was the main area of Vandal settlement, it could be argued that Geiseric was attempting to create a ‘Vandal Pale’ where Homoian Christianity would be promoted and the Nicene confession suppressed. In other words, rather than attempting to establish religious orthodoxy, Geiseric might be thought to have been concerned with reaffirming or creating a connection between Vandal identity and Homoian Christianity. However, Geiseric also endeavoured to coerce his Romano-African officials into adopting the royally-backed creed, since he decreed on at least one occasion that only Homoian Christians could serve at court.¹⁵³ This reflects a degree of continuity with the late Roman Empire, where anti-heresy legislation had often been targeted at imperial officials. As Robin Whelan points out, such laws were predicated on a belief that religious deviance and political disloyalty were intimately linked, a notion that Geiseric and his successors evidently took to heart.¹⁵⁴ In short, therefore, it could be said that Geiseric focussed mainly upon enforcing adherence to the Homoian confession amongst his secular

¹⁵¹ Heather, ‘Geiseric’, p.141.

¹⁵² Prohibition of new bishops: Vic. Vit., *HP* 1.29, p.8. Seizure of sacred books and objects: Vic. Vit., *HP* 1.39, p.10.

¹⁵³ *Ibid.* 1.43, p.11.

¹⁵⁴ Whelan, *Christian*, p.179.

elite, whether Vandal or Romano-African, whilst apparently displaying little interest in establishing religious unity more generally throughout his kingdom.

A more focussed insistence on Homoian orthodoxy helps explain Geiseric's relatively sparing use of exile, as the penalty was imposed only upon specific individuals who resisted his decrees. The exception to this was in Carthage, where after the death of Deogratias in 457 the churches of the city were closed and the 'priests and junior clergy' (*presbyteri et ministri*) banished for a second time.¹⁵⁵ This incident was probably related to the importance of Carthage as the Vandal capital, as Geiseric was more patient elsewhere in Africa Proconsularis, allowing the Nicene hierarchy to dwindle away gradually as clerics died and were not replaced. Indeed, outside Carthage, we hear of only one cleric who was exiled between 455 and Geiseric's death in 477, Valerian of Abensa, who was expelled from his see when he refused to hand over the sacred objects and books of his church to the Vandal authorities.¹⁵⁶ Around the same time, a Vandal courtier named Armogas, who served Geiseric's son Theodoric, was exiled to the countryside in Byzacena after he refused to convert from Nicene Christianity.¹⁵⁷ This was apparently not the first instance in which the king had employed such methods, as in 437 he had exiled and later executed four Spanish advisors, who, according to Prosper of Aquitaine, had likewise been punished for their refusal to adopt the Homoian confession.¹⁵⁸ Taken together, such cases demonstrate that Geiseric favoured the selective use of exile, in which specific individuals were punished on an *ad hoc* basis, presumably in the hope that their fate would serve as an example to others of what they could expect if they too attempted to resist his demands.

¹⁵⁵ Vic. Vit., *HP* 1.51, p.13.

¹⁵⁶ *Ibid.* 1.40, p.10.

¹⁵⁷ *Ibid.* 1.43-46, p.11. For comment on this episode, see Whelan, Christian, p.202.

¹⁵⁸ Prosp., *Chron.* 1329 (a.437), pp.475-6. Prosper's claim would appear to be substantiated by a letter of Bishop Antoninus Honoratus of Constantina (*Epistola consolatoria ad Arcadium*, *PL* 50 (Paris, 1846), cols 567-70) addressed to one of the condemned Spaniards.

In the early sixth century, King Thrasamund similarly used exile to punish those who resisted his other sectarian measures but on a significantly larger scale. In 507/8, for example, he is said to have banished dozens of Nicene bishops to the island of Sardinia, to which they remained confined until his death in 523. The sources provide two conflicting reports of this incident, making it somewhat difficult to determine the king's motivations. The less satisfactory account is tersely provided by the *Chronicle* of Victor of Tunnuna, which seems to suggest that the application of exile took place against a backdrop of widespread religious persecution. Victor writes that Thrasamund 'filled with Arian insanity, pursued the Catholics, closed the Catholic churches and sent 120 bishops from the whole African church into exile in Sardinia'.¹⁵⁹ The problems with this account are twofold. First, the figure of 120 bishops is too low to represent the entire episcopal body of Africa. Given that we know that there were around 460 Nicene bishops residing in the Vandal Kingdom at the start of 484, it would mean that the episcopate had since shrunk by almost 75% in less than two decades.¹⁶⁰ Whilst the Nicene church had in that period faced severe repression under Huneric, as we shall see shortly, this would nevertheless represent an astonishing rate of depletion, particularly since in 494 Huneric's nephew and successor Gunthamund had recalled those bishops who had been exiled by his uncle.¹⁶¹ Secondly, Victor's assertion that Thrasamund closed the Nicene churches is not substantiated by any other source. This would appear to undermine the reliability of the claim, as such a drastic measure would surely have been condemned in the

¹⁵⁹ Vic. Tun., *Chron.* a.497.4, p.193: *Arriana insania plenus catholicos insectatur, catholicorum ecclesias claudit et Sardiniam exilio omni Africana ecclesia CXX episcopos mittit.*

¹⁶⁰ The size of Catholic episcopate in 484 is recorded by the *Notitia provinciarum et civitatum Africae*, Serge Lancel (ed. and trans.), *Histoire de la persécution vandale en Afrique. Suivie de La passion des sept martyrs. Registre de provinces et des cités d'Afrique* (Paris, 2002), pp.252-72 – a list of Catholic bishops residing in the Vandal Kingdom, ordered by province, which was drawn up in preparation for the Council of Carthage of 484. It records the names of 461 bishops along with their sees. A slightly different total of 466 is provided by the recapitulatory table that was added to the document at some point before the end of 487. For comment on the document, see Y. Modéran, 'La *Notitia provinciarum et civitatum Africae* et l'histoire du royaume vandale', *Antiquité tardive* 14 (2006), pp.165-85.

¹⁶¹ *Lat. Reg. Vand. (Aug.)* 8-9, p.459.

writings of other contemporary Nicene authors, and most obviously those of Fulgentius of Ruspe, who was himself exiled to Sardinia.¹⁶²

An alternative account of Thrasamund's measure is provided by the *Life of Fulgentius*, which states that the application of the penalty was precipitated by Nicene bishops in the province of Byzacena ignoring a royal decree that prohibited the ordination of new prelates. The author also seems to imply that Thrasamund only punished bishops who resided in that province, stating that, after Victor, the primate of Byzacena, had been arrested and taken to Carthage, 'over 60 bishops', including those whom Victor had recently ordained such as Fulgentius of Ruspe, were rounded up and banished to Sardinia.¹⁶³ Of those bishops, we know the names of seventeen, either through the testimony of the *Life* itself or through other sources such as the letters of Fulgentius.¹⁶⁴ Prosopographical analysis of those individuals would seem to support a connection with Byzacena, since seven can plausibly be associated with sees in that province, whereas only one has been linked to a see elsewhere in Africa, and even that connection is by no means certain.¹⁶⁵ Furthermore, the figures for the total number of bishops banished by Thrasamund provided by the *Life of Fulgentius* and the aforementioned *Chronicle* of Victor fall into a range (more than 60 and less than or equal to 120) that is broadly compatible with the size of the episcopate in Byzacena under Vandal rule, a province which is known to have had 115 sees at the time of the Council of Carthage in 484.¹⁶⁶ In other words, the reported incidence of exile would seem to support the sequence

¹⁶² *Vita Fulg.* 17, pp.87-9.

¹⁶³ *Ibid.* 13; 17, pp.67-71; 87-9. For comment, see Uta Heil, 'From Hippolytus to Fulgentius: Sardinia as a place of Exile in the first six centuries', in Julia Hillner *et al.* (eds), *Clerical Exile in Late Antiquity* (Frankfurt, 2016), pp.181-3.

¹⁶⁴ The seventeen bishops are Albanus, Boethos, Datianus, Felix 6, Fontius, Fortunatus, Fulgentius, Horontius, Ianuarius 1, Ianuarius 2, Illustris, Quodvultdeus 3, Scolasticus, Victor 2, Victor 3, Victorianus, Vindicianus; see Appendix 2.1.

¹⁶⁵ See PCBE 1, Boethos, p.146; Datianus 4, pp.266-267; Fortunatus 15, p.499; Fulgentius 1, pp.507-13; Quodvultdeus 23, p.955; Victor 88-9, p.1182-3; Victorianus 12, p.1192; Vindicianus 1, p.1217.

¹⁶⁶ According to the *Notitia provinciarum et civitatum Africae*, pp.259-64 there were 109 bishops in Byzacena in 484, and an additional six sees that were vacant.

of events offered by the *Life of Fulgentius*, whereby Thrasamund would have restricted the application of the penalty to the single province in which Nicene bishops had been deliberately flouting the law.

Whilst the application of exile under Geiseric and Thrasamund was therefore geographically limited in scope, the penalty was employed much more broadly by King Huneric. After succeeding his father Geiseric in 477, Huneric initially adopted a relatively tolerant attitude towards the Nicene church. For example, he acceded to the request of the eastern Emperor Zeno (r. 474-491) to appoint a new Nicene bishop at Carthage in 480/1.¹⁶⁷ Nevertheless, Huneric strove to maintain the connection between the Vandal court and Homoian Christianity that had been promoted by his father over the preceding half-century. In particular, he targeted Nicene Christians who served in the royal household – a group who, as we have seen, had also suffered harassment under Geiseric. According to Victor of Vita, this policy was enacted by Huneric after he discovered that some of his Nicene courtiers had been going to their churches dressed ‘in barbarian clothes’ (*in habitu barbaro*), thus transgressing the coterminous religious and ethnic boundary that, in theory if not in practice, was supposed to separate Homoian Vandals from Nicene Romans.¹⁶⁸ In response, the king stationed torturers at the entrances of Nicene churches and commanded them to scalp anyone ‘who looked like one of their race’ going there.¹⁶⁹ He also reissued his father’s decree prohibiting Nicene Christians from serving at court and imposed a number of penalties, including exile, upon officials who refused to apostatise. At first, such officials were deprived of their rations and their pay, but later they were made to toil in the fields around Utica,

¹⁶⁷ Vic. Vit., *HP* 2.2, pp.13-4. The newly ordained bishop was Eugenius (PCBE 1, Eugenius 2, pp.362-65).

¹⁶⁸ *Ibid.* 2.8, p.15. On this much-discussed episode, see Whelan, *Christian*, pp.181-3; Merrills and Miles, *Vandals*, pp.102-4; and Philip Von Rummel, *Habitus barbarus: Kleidung und Repräsentation spätantiker Eliten im 4. und 5. Jahrhundert*, Ergänzungsbände zum Reallexikon der Germanischen Altertumskunde 55, (Berlin, 2007), pp.183–91.

¹⁶⁹ Vic. Vit., *HP* 2.9, p.15: *qui videntes feminam vel masculum in specie suae gentis ambulantes, ilico palis minoribus dentatis iectis in capite crinibusque in eisdem colligatis, ac vehe mentius stringentes, simul cum capillis omnem pelliculam capitis auferebant.*

before, finally, their property was confiscated, and they were relegated to the islands of Sicily and Sardinia.¹⁷⁰ The sources thus give the impression that Huneric's purge of his Nicene officials was more systematic and sustained than that of his father.

This pattern was repeated when Huneric turned his attention to the Nicene clergy. Prior to his death in December 484, Huneric is said to have banished an astonishing number of clerics: almost 6000 according to our sources – a figure that is certainly plausible given that more than 460 bishoprics are known to have existed in Vandal Africa. The earliest incident occurred sometime before 20 May 483 when 4966 clerics were assembled at the towns of Sicca Veneria and Lares in Africa Proconsularis and handed over to Moorish guards who transported them into the desert interior, perhaps near the cities of Thubunae, Macri, and Nippis in south-east Numidia.¹⁷¹ The sources recording this incident provide no context for Huneric's actions beyond stating that it was part of the king's wider attempts to persecute the Nicene church. However, it may have been linked to Huneric's dealings with the Eastern Empire, and specifically to Zeno's request that he appoint a new Nicene bishop to the see of Carthage in 480/1. According to Victor of Vita, Huneric had originally acquiesced to this demand on the condition that Zeno permit Homoian bishops in the Eastern Empire to practise their religion in peace.¹⁷² However, Huneric declared that if Zeno failed to honour that condition he would send the Nicene bishops of Africa, together with their subordinate clergy, into the custody of the Moors. Given that this is exactly what happened to the 4966 clerics, it may be inferred that their exile was precipitated by Zeno's religious policies in the east. The specific trigger may have been Zeno's publishing of the so-called *Henotikon* (or *Formula of Union*) in 482, which affirmed the Nicene Creed as the common, final, and united expression

¹⁷⁰ *Ibid.* 2.10; 23, p.15; 18.

¹⁷¹ Vic. Vit., *HP* 2.26-37, pp.19-21 and Vic. Tun., *Chron.* a.479.1, p.189, with minor variations of detail.

¹⁷² Vic. Vit., *HP* 2.4, p.25.

of faith.¹⁷³ Whilst this declaration was intended primarily to resolve the divisions created by the Council of Chalcedon of 451, by its very nature it implied that other groups including Homoian Christians would no longer be tolerated in the Eastern Empire. As such, it broke the terms of the earlier arrangement that Zeno had supposedly made with Huneric.

Huneric's concern for Homoian Christians in the Eastern Empire also demonstrates that he thought of himself in somewhat grander terms than as a mere king of the Vandals. In truth, Huneric had a plausible claim to the, now vacant, Western Empire through his marriage to Valentinian III's daughter Eudocia, who had been brought back to Africa after the sack of Rome in 455. More than other contemporary barbarian kings, Huneric may thus have ruled with imperial pretensions, which may go some way to explaining his treatment of the Nicene church in the latter months of his reign. On 20 May 483, for example, Huneric issued an edict, transmitted in Victor of Vita's *History*, which ordered all the Nicene bishops of his kingdom to attend a synod scheduled for 1 February 484 in Carthage, where they would debate with Homoian bishops over the 'principles of faith' (*ratio fidei*).¹⁷⁴ It would seem that Huneric envisaged this synod as equivalent to the series of 'ecumenical' councils that had been convened by Roman emperors in the fourth and fifth centuries to formulate orthodoxy. It is possible that the banishment of the 4966 clerics was part of Huneric's preparations for this event, being designed to intimidate the Nicene episcopate and to soften some of them up prior to the council.¹⁷⁵ Such an agenda can certainly be detected towards the end of 483 in Huneric's exiling of another two bishops, Secundianus and Praesidius, and the abusing of several others. Recalling the event in his *History*, Victor of Vita describes how:

¹⁷³ The text of the *Henotikon* can be found in Evagrius, *Historia ecclesiastica* 3.14, Laurent Angliviel de La Beaumelle and Guy Sabbah (trans.), *Histoire ecclésiastique, vol. 1: Livres I-III / Evagre le Scolastique*, SC 542, (Paris, 2011), pp.416-24. For comment, see Frederick W. Norris, 'Greek Christianities', in Augustine Casiday and Frederick W. Norris (eds), *The Cambridge History of Christianity* (Cambridge, 2007), pp.96-9.

¹⁷⁴ Vic. Vit., *HP* 2.38-9, pp.21-2.

¹⁷⁵ This is discussed in further detail below in section 4.3.

‘Acting frequently on pretexts, [Huneric] troubled those bishops whom he had heard were learned with various hardships. Already he had sent into exile Secundianus of Mimiana, having subjected him to 150 blows with clubs, as well as Praesidius of Sufetula, a very clear-sighted man. Then he had the venerable Mansuetus, Germanus, Fuscus and many others set upon with cudgels.’¹⁷⁶

The emphasis that Victor places on the character of these bishops – ‘learned’ (*eruditi*), ‘very clear-sighted’ (*satis acutus*), and ‘venerable’ (*venerabiles*) – perhaps suggests that the king was attempting to forestall any potential opposition by removing or otherwise threatening more distinguished, intransigent, or theologically expert prelates whose voices might carry the most weight at the synod.

Nevertheless, the Council of Carthage of 484 still proved to be a bitterly contested affair at which both sides accused the other of obstructing the debate.¹⁷⁷ Even while the council was ongoing, Victor of Vita claims that Huneric took advantage of the confusion to close all the Nicene churches and confiscate its properties, which he subsequently handed over to his own bishops. He then brought the council’s proceedings to a close by issuing another edict that condemned the ‘Homoousian faith’, and declared that all the inhabitants of his kingdom were to convert to the ‘true religion’ (*vera religio*), namely the Homoian creed which he favoured, by 1 June 484.¹⁷⁸ As we saw in chapter one, Huneric threatened those who refused to convert with a series of penalties – loss of testamentary rights, monetary fines, and ultimately exile – which were directly inspired by the anti-heresy legislation issued by

¹⁷⁶ *Ibid.*, 2.45, p.23: *agens argumentationibus crebris, ut quoscumque episcoporum audierat eruditos, variis insectationibus agitaret. Iam ad exilium Vibianensem secundi Donatianum [sic] impositis centum quinquaginta fustibus miserat episcopum, nec non et Sufetulensem Praesidium, virum satis acutum. Tunc et venerabiles Mansuetum, Germanum, Fuscum et multos alios fustigavit.* Trans. by Moorhead, *Victor*, p.40.

¹⁷⁷ *Ibid.*, 2.52-55; 3.1-2, p.25; 40 provides the Nicene account of the Council of Carthage. Fournier, ‘Victor’, pp.254-8 provides a critical reading of Victor of Vita’s account, using Huneric’s edicts to reconstruct a Homoian perspective.

¹⁷⁸ *Vic. Vit.*, *HP* 3.3-14, pp.40-3.

late Roman emperors, particularly that of Honorius (r. 393-423) against the Donatists. In this way, Huneric appears to have been consciously imitating the actions of his imperial forebears, who had similarly ratified the position of the ‘victorious’ party at church councils through legal pronouncements.

Huneric also followed the example of late Roman emperors by banishing all those bishops who refused to adopt the ‘orthodox’ position arrived at by the synod. This can be seen with unusual clarity in the *Notitia provinciarum et civitatum Africae*, a list of Nicene bishops, ordered by province that was originally drawn up by the Nicene party in preparation for the Council of Carthage of 484, but to which a number of annotations and a recapitulatory table were later added to the document (before the end of 487) that clarified the fates of the bishops concerned.¹⁷⁹ These additions, and in particular the recapitulatory table, provide a unique insight into how Huneric dealt with the Nicene episcopate in the months after the council. According to the table, 88 bishops had ‘perished’ (*perierunt*), which, as Yves Modéran has convincingly argued, refers to the spiritual rather than physical death they had suffered through their acts of apostasy.¹⁸⁰ In other words, almost a fifth of the Nicene episcopate adopted the Homoian confession at or shortly after the council and were therefore presumably permitted to remain in office by Huneric. As for the 378 bishops who ‘endured’ (*permanserunt*) in their faith, 348 were sent into exile – 302 within Africa and 46 in Corsica¹⁸¹ – presumably accompanied by dozens, if not hundreds, of lesser clergy, as was certainly the case with Eugenius of Carthage, who was reportedly followed into exile by around 500 clerics of the Carthaginian church.¹⁸² Given the numbers involved, these bishops,

¹⁷⁹ On the date and nature of these additions, see Modéran, ‘*Notitia*’, pp.171-2.

¹⁸⁰ *Notitia*, p.272. Modéran, ‘*Notitia*’, pp.172-9.

¹⁸¹ *Notitia*, p.272

¹⁸² A figure of a similar magnitude is provided by Marc, *Com., Chronicon* a.484.2, pp.92-3, who records that 334 bishops had been banished or put to flight. The geographical details are supported by Victor of Vita (*HP* 3.20, p.45), who likewise mentions that bishops were exiled to Corsica and within Africa after the council. For the exiling of the Carthaginian clergy, see Vic. Vit, *HP* 3.34, p.49.

and their subordinate clergy, must have been drawn from across the entirety of the Vandal kingdom, which represents a significant point of distinction between the religious policies adopted by Huneric and those of Geiseric and Thrasamund, which, as we have seen, were generally limited to single provinces.

Huneric's policies were not only unusual in the context of the Vandal kingdom. Although in principle his use of exile after the Council of Carthage conformed to the pattern established at late Roman synods, it was nevertheless exceptional in its scale and demonstrates the extent to which the religious situation had changed by the end of the fifth century. When attempting to establish orthodoxy in the fourth century, Roman emperors rarely had to exile more than a handful of obstinate bishops. After the Council of Nicaea in 325, for example, only two bishops were exiled by Constantine for refusing to adopt the synod's conclusions – the rest, through a combination of threats and persuasion, had fallen into line.¹⁸³ At this stage, such consensus was perhaps attainable, as creedal positions were neither as fully formed, nor as bitterly contested as they would become under Constantine's successors. The key turning-point, however, came with the reigns of Theodosius I and his son Honorius, during which Nicene Christianity was definitively established as the orthodox religion of the Western Empire. All other forms of Christianity were gradually subsumed into the category of heresy and punished accordingly. By the time of the emergence of the post-Roman successor states, Nicene Christianity was thus more firmly entrenched than it had been in the fourth century and more starkly defined by its adherents in opposition to other 'heretical' groups. Nowhere was this more the case than in North Africa, where the long-running Donatist schism had given Nicene clerics a very particular sense of their own religious identity and a determination to defend it. The Vandals had therefore entered an already highly-charged religious environment, and this turbulent context goes some way to

¹⁸³ See the introduction.

explaining the intensity of their conflict with the Nicene hierarchy.¹⁸⁴ This regional tradition of religious conflict also helps to explain why Huneric's attempts to establish Homoian Christianity as the orthodox religion of the Vandal kingdom were so vigorously opposed by the Nicene episcopate. This can be seen quite clearly in the fact that Huneric succeeded in converting only 88 out of 466 Nicene bishops at the Council of Carthage, which left him little choice but to impose exile on a scale without parallel either before or after the collapse of the Western Empire.

Conclusion

This chapter has demonstrated that throughout the period the utility of exile was derived mainly from its capacity to remove individuals from the political sphere without the need for bloodshed. In short, the punishment allowed rulers to deal decisively with political or religious opposition, whilst at the same time avoiding the opprobrium that could be generated by an immoderate use of the death penalty. Cases of exile were particularly common when rulers were looking to consolidate their authority, such as in newly-conquered regions or after ascending to the throne, whether through usurpation or dynastic succession. In such contexts, rulers would generally liquidate their most dangerous rivals, before packing lesser threats off into exile as an act of clemency, which nevertheless restricted their political agency and facilitated the confiscation of their property. In this way, the application of exile had a central role in the acquisition and preservation of power in late antique and early medieval polities.

Building upon the conclusions of the previous chapter, we have also seen that bishops were particularly prone to being sent into banishment because by virtue of their office they were effectively immune from the death penalty. In one sense, this represents continuity with

¹⁸⁴ On the influence of the Donatist controversy on the religious conflicts of Vandal Africa, see Robin Whelan, 'African Controversy: The Inheritance of the Donatist Schism in Vandal Africa', *The Journal of Ecclesiastical History* 16.3 (2014), pp.504-521.

the late Roman period, since emperors had almost always exiled rather than executed recalcitrant prelates, even those convicted of capital offences. On the other hand, the exiling of bishops also changed significantly after the collapse of the Western Empire, as in general it was no longer motivated solely or even primarily by sectarian concerns. Instead, kings typically banished bishops for the same basic reason as they did other magnates: to eliminate those who posed a threat, whether real or imagined, to their authority. But bishops were more likely to be exiled than lay aristocrats on this account, since compared to the latter group it was much more difficult or at least contentious for kings to condemn them to execution. Ultimately, therefore, the frequency with which bishops were exiled during the period demonstrates their growing significance as figures of political as well as spiritual authority.

It should nevertheless be acknowledged that, in some kingdoms at least, the exiling of bishops on political grounds also carried a religious dimension. As we saw, for example, in Vandal Africa in the 430s and 440s and in Visigothic Gaul during the reigns of Euric and Alaric, the confessional divide separating Homoian kings from their Nicene bishops sometimes fostered a strained, if not downright hostile, relationship. Not only did it encourage bishops to denounce and even openly resist Homoian regimes but it also fuelled a climate of suspicion in which kings were quick to suspect the Nicene episcopate of working against their interests. When this uneasy situation led to the banishment of Nicene bishops, our surviving sources – almost all of them Nicene clerics – typically framed such instances as part of a wider pattern of persecution through which kings hoped to impose their ‘heretical’ creed. However, we have seen in the preceding discussion that such claims rarely stand up to scrutiny. As a result, it could be contended that post-Roman kings, by contrast to late Roman emperors, do not seem to have been particularly interested in establishing orthodoxy, as was already noted in chapter one in the context of the legal evidence.

On the other hand, there were two particular periods in which post-Roman rulers went to great lengths to establish a united church – Visigothic Spain in the 580s, and Vandal Africa in the months between February and December 484. In the latter case, it was argued that King Huneric employed the penalty of exile systematically across his kingdom in an attempt to achieve religious conformity. Indeed, Huneric seems to have consciously modelled his actions on late Roman precedent, first by convening a synod to debate the principles of the faith, and subsequently by confirming the Homoian confession in law as the orthodox creed of the Vandal kingdom. As had been the case from the time of Constantine onwards, all those bishops who refused to convert were sent into exile. Significantly, however, Huneric was faced with hundreds of dissenters – 348 according to the recapitulatory table appended to the *Notitia Provinciarum et Civitatum Africae*. This demonstrates the extent to which Nicene Christianity had become entrenched in the west prior to the arrival of the so-called barbarians. In short, attempts by Homoian kings such as Huneric to persuade their bishops by force required a much more systematic and sustained application of exile than had been the case for their imperial forebears. This development might in turn help to explain the different tactics adopted in Visigothic Spain by Leovigild in the early 580s. Rather than attempting to coerce his subjects with the imposition of exile and other penalties, we saw that Leovigild primarily encouraged conversion to his united church through concession and compromise. Although we do not know how Visigothic Spain compared with Vandal Africa, where Huneric succeeded in converting only a fifth of the Nicene episcopate, Leovigild's policies clearly achieved some success, as all our sources acknowledged the existence of apostasy. Inevitably, these same sources accused Leovigild of persecution. However, given that such claims cannot be substantiated by the evidence, this merely underlines the subjective nature of our Nicene sources.

Chapter 4 - The Experience of Exile

Having hitherto looked at the penalty of exile primarily from the perspective of the state, I will now consider more closely the experiences of those who endured the punishment during the period. My central aim will be to determine the extent to which the experience of exile conformed in practice to the various legal distinctions and political exigencies that marked the application of the penalty and were outlined in chapters one, two, and three. Or, to put it another way, how far did the experiences of offenders correspond to what the authorities wanted them to suffer? To that end, this chapter will adopt a different perspective from previous studies that have focussed upon or partially addressed the issue of exilic experiences. As alluded to already, such work has been largely biographical in nature, focussing, in particular, upon the experiences of certain ‘celebrity’ bishops.¹ Even then, however, scholars have rarely been interested in the phenomenon of exile *per se*, but rather in situating the experiences of banishment by the bishop in question within the wider context of his life and career. By contrast, this chapter will keep the topic of exile at the heart of the analysis and move beyond a narrow focus on single cases to determine the general factors that framed the experiences of offenders.

As in chapters two and three, the analysis will be underpinned by the database of 258 cases involving individuals – lay, clerical, and religious – who were exiled in the western successor states between 439 and 650. Such a ‘big data’ approach will help to mitigate some of the limitations of our evidence. One particular issue, and perhaps the most serious, is that we are much better informed about the experiences of exiled bishops than those of other categories of offenders. This is mainly due to the fact that many exiled bishops were regarded

¹ See the introduction.

as saints after their death, so the time that they had spent in banishment received detailed, though not necessarily reliable, treatment in their hagiographies. In addition, the surviving correspondence of several banished bishops provides not only a uniquely personal insight into the conditions of their punishment, but also allows us to build up a much fuller picture of their interactions whilst in exile. It is inevitable, therefore, that the experiences of exiled bishops will feature prominently in this chapter. Nevertheless, given the size and comprehensiveness of my database, enough evidence can be pieced together to say something about the experiences of other kinds of offenders, even those of relatively humble status. What is more, although the bulk of my analysis will be qualitative in nature, my conclusions will be supported by quantitative data derived from the database, which will allow me to place the better-documented experiences of exiled bishops within a broader interpretative framework.

I will again structure the discussion thematically, with sections focussing on the journey into exile, the experiences of offenders whilst in exile, and the end of exile respectively. This makes sense in chronological terms, given that each section examines a specific stage in the 'life-cycle' of an exile. More importantly, however, the analysis contained within each section will serve to demonstrate the broader contention that the experience of exile varied considerably on a case-by-case basis. In particular, we will see that it was primarily influenced by the interplay between three factors: the conditions of the sentence, the motivations behind the application of the penalty, and the status of the offender concerned. I will also argue that the application of exile was broadly effective from the perspective of the authorities, since the vast majority of offenders remained at their places of banishment for the duration of their sentences and suffered a reduction in their power, influence, and connectedness. The key exception to this was when exile was imposed along sectarian lines, a point that will be discussed primarily in relation to Nicene Christians within

Vandal Africa. As we shall see, members of this group were treated more severely than offenders elsewhere in the post-Roman west, as Vandal kings attempted to promote their own brand of Christianity. However, far from establishing religious orthodoxy, the application of exile may in this case have stiffened the resistance of those Nicene Christians who suffered the penalty, whilst increasing their prestige within Africa and further afield.

4.1 The Journey into Exile

After their sentence had been passed, the first stage in the 'life-cycle' of an exile was the journey from their home community to their new place of residence. Although this aspect of their experiences is often overlooked both by contemporary writers and modern historians, it is worth considering the evidence for such journeys to investigate how and why offenders might have been treated differently even before they arrived in banishment. In this context, it will be argued that, whilst the majority were permitted to make their own travel arrangements, more problematic offenders were subject to closer supervision. Next, I will consider the ways in which the journey into exile was occasionally turned by the humiliating treatment of offenders into an extension of the punishment itself. This was especially common in cases involving deposed royals or defeated pretenders, since it was important from a practical as well as an ideological perspective to exhibit their fallen status to the wider populace.

Implementing the Sentence

For the authorities, the most immediate concern when implementing the penalty of exile was to ensure that the offender reached their designated location. However, the amount of attention and resources that they devoted to this task depended largely upon the nature of the case in question. We might guess that most offenders were given the opportunity to make their own arrangements for going into exile. During the Roman period it seems to have been standard procedure for offenders to be given a period of time to set their affairs in order, after

which they were expected to take themselves off into exile under threat of more severe punishment if they were found to have tarried.² The adoption of similar procedures in the post-Roman west seems likely, but this is hard to prove given the limitations of the sources. Nevertheless, indirect evidence can be found in an episode that led ultimately to the downfall of the Roman senator and philosopher Boethius in late 523 or early 524.³ In his *Consolation of Philosophy*, Boethius recalls how two individuals named Opilio and Gaudentius were convicted of ‘innumerable and multiple frauds’ (*ob innumeras multiplicesque fraudes*) and sentenced to exile by King Theodoric (r. 493-526).⁴ Unwilling to obey they sought refuge in one of Ravenna’s churches, causing Theodoric to threaten to brand them on their foreheads if they failed to leave the city by a certain date. It was at this point that they lodged counter accusations against Boethius in order to spare themselves from punishment, apparently with some success since we know that Opilio went on to have an illustrious career under Theodoric’s successors.⁵ The fact that both offenders were able to seek asylum in the first place, however, suggests that they were not immediately escorted from the city after receiving their sentence. Instead, Theodoric, much like his Roman predecessors, seems to have given Opilio and Gaudentius the opportunity to leave Ravenna of their own accord.

The authorities evidently did not deem such a lax procedure to be appropriate in every case as there are twelve instances (5% of all known cases) in which we are told explicitly that an offender was conducted into exile under custody.⁶ Interestingly, the majority of such cases

² M. Braginton, ‘Exile under the Roman Emperors’, *The Classical Journal* 39.7 (1944), p.394.

³ On the downfall of Boethius, see Noel H. Kaylor jr., ‘Introduction: The Times, Life, and Work of Boethius’, in Noel H. Kaylor jr. and Dario Brancato (eds), *A companion to Boethius in the Middle Ages* (Leiden, 2012), pp.36-45 and John Moorhead, ‘The last years of Theodoric’, *Historia. Zeitschrift für Alte Geschichte* 32 (1983), pp.106-20.

⁴ Boethius, *De consolatione philosophiae* 1.4, trans. S. J. Tester (2nd edn, London, 1973), p.150.

⁵ For Opilio’s subsequent career, see PLRE 2, Opilio 4, p.808.

⁶ These twelve cases involved the following individuals, entries for which, along with the relevant primary source references, can be found in Appendix 2: Caesaria, Columbanus, Desiderius 2, Eugenius [first exile], Felix 2, Firminus, Fulgentius [first exile], Masona, Marcellus, Merovech 1, Muritta, Praetextatus, Salutaris, 4966 Nicene clerics, ≥500 Nicene clerics of the church of Carthage, 12 choristers of the church of Carthage, and >60/120 Nicene Bishops.

involved clerics. This does not necessarily mean, however, that they were any more likely to be escorted into exile than their lay counterparts. Rather, it is probably a reflection of the biases of the sources, and specifically the fact, as touched upon above, that they were generally critical of the application of exile against clerics. This meant that authors were therefore keen to highlight the custody of exiled clerics as this gave them the opportunity to cast further doubt on the legitimacy of the authorities' actions. We are given some sense of this in the *Lives of the Fathers of Mérida* in the context of the banishment of Bishop Masona in 582 after he had supposedly refused to convert to Homoian Christianity and rejected King Leovigild's (r. 568-586) demands for the tunic of St Eulalia.⁷ The author tells us that 'Masona...came to the place assigned to him along with the men who were to punish him and had been sent by the king to place him in exile in a monastery'.⁸ By mentioning that Masona was conducted into exile by guards, the author impresses upon his audience the heavy-handed nature of Leovigild's actions and his lack of respect for the representatives of the Nicene church.

Whilst references to guards clearly had some rhetorical significance, such escorts doubtless were employed by the authorities on occasion. In particular, it can be argued that they functioned as a precautionary measure to ensure that problematic offenders actually went into exile. This included those whom the authorities considered a flight-risk, as was the case with St Columbanus. After incurring the ire of King Theuderic II (r. 595-613) and Brunhild when he criticised the former's philandering and refused to bless the children born to his concubines, Columbanus was exiled from his monastery of Luxeuil to the city of

⁷ On the exiling of Masona, see above, section 3.3.

⁸ *Vitas Patrum Emeritensium* 5.6, A. Maya Sánchez (ed.), *Vitas sanctorum patrum emeritensium*, CCSL 116 (Turnhout, 1992), p.70: *Igitur sanctus Dei antestis Masona tribus tantundem secum suis conmitantibus pueris ad locum destinatum peruenit; cum quibus eum mox homines punituri, qui a rege misi fuerant, exilio in monasterio religarunt*. Translation by A. T. Fear, *The Lives of the Visigothic Fathers* (Liverpool, 1997), p.86.

Besançon sometime in 608/609.⁹ However, once he saw that he was not being held under surveillance, Columbanus escaped and returned to his monastery.¹⁰ In response, Theuderic, doubtless enraged by the holy man's audacity and aware that more strenuous measures were required, ordered a squad of soldiers to arrest Columbanus and escort him across Gaul to the city of Nantes, where he was to be placed on a ship and expelled from the kingdom altogether.¹¹

Whilst Columbanus had provoked such measures by his initial flight from Besançon, other offenders were probably put under guard as a matter of course. As we have seen in chapters two and three, the imposition of exile often had a political dimension, with rulers using the penalty to neutralise real or imagined threats to their authority. Rulers would have been especially keen to ensure that these 'political prisoners' actually reached their places of exile, given the potential danger they posed if they managed to escape. In support of this, we can point to the treatment of Praetextatus of Rouen who was accused by King Chilperic I (r. 561-584) of conspiring against him after he married the latter's son Merovech to Brunhild in 576. Convicted by a council of his colleagues in Paris the following year, Praetextatus was deposed from his see and sentenced to exile. On route to his place of banishment, probably the island of Jersey, Praetextatus was held in custody (*in custodia positus est*).¹² This precaution was well-judged, as Praetextatus attempted to escape only to be caught by his guards and cruelly beaten. Clearly then, if an offender was considered too subversive to be left to their own devices, the journey into exile could necessitate close supervision by the authorities and their agents as they strove to ensure that the penalty was imposed successfully.

⁹ Jonas, *Vitae Columbani abbatis discipulorumque eius* 1.19, MGH SS rer. Merov. 4, pp.87-9.

¹⁰ *Ibid.* 1.20, p.90.

¹¹ *Ibid.* 1.20, p.91.

¹² Gregorius Turonensis, *Libri historiarum X* 5.18, MGH SS rer. Merov. 1.1, p.223.

It is not surprising, therefore, that offenders were rarely able to abscond *en route* into exile. Indeed, it would seem that the only reliable means by which they could avoid punishment was to seek asylum in a church. To be clear, even this strategy was seldom adopted, perhaps because many might have considered themselves lucky to have been exiled in the first place – after all, the penalty was often imposed as an alternative to execution – and thus were unwilling to test the patience of the authorities any further. Still, the institution of asylum evidently helped a few intended exiles escape their punishment. We have already encountered the case of Opilio and Gaudentius in Ostrogothic Italy, who by seeking sanctuary in a church in Ravenna seemingly bought themselves sufficient time to escape justice. A more striking example of the benefits that could be derived from asylum is reported by the author of the *Lives of the Fathers of Mérida* in the context of a failed plot to murder Bishop Masona of Mérida in 587. As discussed in the previous chapter, those involved in the plot – Masona’s Homoian counterpart Sunna and a number of Visigothic nobles – were condemned to exile by King Reccared I (r. 586-601). However, the author goes on to inform us that a conspirator named Vagrila subsequently managed to escape from custody and obtain sanctuary in the basilica of St Eulalia.¹³ Amazed at his effrontery, the king declared that Vagrila, along with his wife and children, was to be made a servant of that church, where ‘putting aside his honour and pride’ he would ‘carry out in all humility every servile task which the lowest slave is wont to perform’.¹⁴ At this point, Vagrila may well have been wishing that he had just accepted his original punishment, but fortunately for him Masona was feeling merciful and promptly released him and his family from their servitude on condition that he convert to Nicene Christianity.¹⁵ Although this episode was clearly included by the hagiographer to demonstrate Masona’s willingness to ‘turn the other cheek’, it

¹³ *VPE* 5.11, p.90.

¹⁴ *Ibid.* 5.11, pp.90-1: *omne servitium, quod infimus consuevit peragere mancipius, coram eo depositio cuturno vel fastu cum omni humilitate exhibeat*. Translation by Fear, *Lives*, p.98.

¹⁵ *Ibid.* 5.11, p.91-2.

nevertheless suggests that asylum could offer an offender a route out of exile, albeit one that, for whatever reason, was rarely taken in practice.

Spectacle and Humiliation

In the case of some offenders, rulers were not only concerned with ensuring that they reached their places of banishment but also wished to transform the passage into exile into an intrinsic part of the punishment. This was typically achieved through implementing the penalty in a way that would impress onlookers, thereby enhancing the deterrent aspect of the punishment while also intensifying the offender's sense of shame. Although primarily employed to limit the possibility of escape, as discussed above, the provision of an escort could serve such a purpose. The sight of an offender being led away into exile in the company of the king's soldiers would have been a clear indication of their disgrace, which could be made even more explicit by physically restraining the offender in some way. For instance, after the failure of the plot against Bishop Masona of Mérida in 587, King Reccared ordered that those involved were to be taken into exile loaded with iron chains, an effective way of signalling their criminality.¹⁶ But more than that, the use of fetters – something typically associated with the punishment of slaves – would have brought into question the very social standing of these elite conspirators.¹⁷ To similar ends, the authorities might also select modes of transport that were designed to humiliate offenders. A rather bizarre example of this is said to have occurred in Merovingian Gaul in 563, when a priest named Heraclius was elevated to the bishopric of Saintes without royal approval. According to Gregory of Tours, Heraclius subsequently visited Charibert I's (r. 561-567) court in a retrospective attempt to secure his blessing, but the king was enraged by his insolence and condemned him

¹⁶ *Ibid.* 5.11, p.88: *exilio multis vinculis ferreis constricti ligarentur.*

¹⁷ On the use of chains to punish slaves: see Julia Hillner, *Prison, Punishment and Penance in Late Antiquity* (Cambridge, 2015), pp.164-8 and Kyle Harper, *Slavery in the late Roman World, AD 275-425: An Economic, Social, and Institutional Study* (Cambridge, 2011), p.231.

to be taken into exile in a ‘cart filled with thorns’ (*plastro spinis oppleto*).¹⁸ Whilst Gregory’s terse description of this vehicle provokes more questions than answers – were, for example, the thorns purely decorative or were they intended to inflict pain upon the offender?¹⁹ – it was doubtless intended to demean Heraclius as he was conducted into exile. More generally, the episode demonstrates again that rulers devoted a lot of attention to ensuring that exile achieved its punitive aims.

The desire on the part of the authorities to make the journey into exile a public and humiliating experience appears to have been particularly strong when they were dealing with deposed members of royalty and/or defeated pretenders. We are frequently told, for example, that such individuals were shorn of their hair or stripped of their finery at the moment of their sentencing.²⁰ In this way, the victim’s loss of power (and prospective change of status, if they were to be confined in a monastery or forcibly ordained in clerical orders) was made manifest as they were led away into banishment. Again, this could be made even more explicit through the selection of demeaning modes of transport. Such can be seen in the context of King Huneric’s (r. 477-484) purge of the Hasding royal family in the early 480s, as he is reported to have driven ‘far away in affliction’ the children of his brother Theodoric ‘seated on asses’.²¹ In antiquity, the ass was considered a ‘lower-status’ animal associated with menial labour and agricultural work, sharply distinguished in appearance and temperament from the more ‘noble’ horse.²² The sight of Theodoric’s children seated on such humble beasts of

¹⁸ Greg. Tur., *Hist.* 4.26, p.158.

¹⁹ Perhaps Charibert’s treatment of Heraclius was inspired by Judges 8:16, in which Gideon was said to have used ‘thorns and briers of the wilderness’ to discipline the elders of Sukkoth who had earlier refused to provide his army with supplies.

²⁰ See, for example, the cases of Audeca, Chararic and his son [*anonymus* 7], Gundovald, Hermenegild, Merovech 1, Theoderic, Theudebert 2, and Tulga in Appendix 2.

²¹ Victor Vitensis, *Historia persecutionis Africanae provinciae sub Geiserico et Hunrico regibus Wandalorum* 2.14, MGH Auct. Ant. 3.1, p.16: *inpositas asinis longius affligendo proiecit*. On the purge, see the discussion in section 3.1.

²² See Mark Griffith, ‘Horsepower and Donkeywork: Equids and the Ancient Greek Imagination’, *Classical Philology*, Vol. 101, No. 3 (2006), pp.224-9.

burden would therefore have acted as a clear indication of their fallen status, signalling to any onlookers that this truncated branch of the Hasding family would play no further part in the administration of the kingdom.

We know that in Visigothic Spain the abuse heaped upon defeated pretenders as they were conducted into exile even acquired ritualistic qualities, perhaps because, for the reasons outlined in the previous chapter, acts of rebellion proved particularly common in that kingdom. The earliest hint of this can be seen in 587 when, shortly after his succession, King Reccared crushed the revolt of a noble named Segga. According to the *Chronicle* of John of Biclar, Reccared spared Segga from execution, instead cutting off his hands and banishing him to the region of Galicia.²³ Aside from inflicting a huge deal of pain, this punishment would have acted as a permanent and shameful declaration of Segga's guilt, physically and symbolically rendering him unfit for the throne that he had attempted to usurp. Indeed, it seems likely that Segga's mutilation was also incorporated into some form of public spectacle, perhaps based upon the so-called 'parades of infamy' of the later Roman Empire, when defeated usurpers, alive or dead, were subjected to various public abuses, including amputation of the hands.²⁴ Although this can only be assumed in the case of Segga, such a procedure certainly occurred three years later when another unsuccessful usurper by the name of Argimund was said to have been shaved (or scalped), had his right hand amputated, and paraded on an ass through the city of Toledo 'as an example to all'.²⁵ Slightly after our period of study, a similar fate befell the *dux* Paul, following the suppression of his revolt by King

²³ Iohannes Biclaensis, *Chronicon* a.588.1, MGH Auct. Ant. 11, p.218.

²⁴ For a run-down and analysis of such 'parades of infamy' in the later Roman Empire, see Michael McCormick, *Eternal Victory: Triumphal Rulership in Late Antiquity, Byzantium and the Early Medieval West* (Cambridge, 1987 [1990]), pp.35-64. McCormick also sees the parallels in Visigothic victory celebrations, stating that 'the debt to imperial practice is patent' (p.303).

²⁵ Ioh. Bicl., *Chron.* a.590.3, pp.219-20. There has been some debate over whether Visigothic usurpers were shaved or scalped, as the Latin *declavatus* could potentially refer to either practice. See the discussion in Floyd S. Lear, 'The Public Law of the Visigothic Code' in Floyd S. Lear, *Treason in Roman and Germanic Law: Collected Papers* (Austin, TX, 1965), pp.159-61.

Wamba (r. 672-680) in 673. He and his supporters were brought back to Toledo, where before being banished they were shorn of their beards and hair, dressed in filthy garments, and driven through the streets, this time on camels – another element borrowed from late Roman and Byzantine ‘parades of infamy’.²⁶ Such episodes thus demonstrate how Visigothic kings transformed the journey into exile into an act of exemplary justice, which helped them shore up their image as invincible rulers following attempts at rebellion.

4.2 The Experiences of Offenders in Exile

Having arrived at their places of exile, offenders were confronted with the day-to-day realities of their punishment. However, their experiences varied considerably – some may have barely registered the impact of exile; others lived miserable existences in which they were deprived of contact with their friends and families, forced to perform onerous duties, or regularly subjected to physical violence. In this section, I will attempt to discern some of the reasons for this divergence. On the most basic level, it will be argued that the differences between forms of exile were significant, as offenders found more restrictive sentences correspondingly more unpleasant. Beyond that, we will see that social status could play a role, with elite offenders able to exploit their wealth, personal networks, and social prestige to mitigate the hardships of banishment. Despite this, it will become apparent that from the authorities’ point of view the application of exile was broadly effective, limiting offenders’ social horizons and successfully removing them from the political sphere. The key exception to this was when exile was imposed along sectarian lines, a point that will be discussed in

²⁶ Iulianus Toletanus, *Historia Wambae regis* 30, J. N. Hillgarth (ed.), *Sancti Iuliani Toletanae sedis episcopi opera Pars I*, CCSL 115 (Turnhout, 1976), p.244. For discussion of the treatment of Paul, see Joaquín Martínez Pizarro, *The Story of Wamba: Julian of Toledo’s Historia Wambae regis translated with an introduction and notes* (Washington, D.C., 2005), pp.52-5. On the use of camels in late Roman and Byzantine ‘parades of infamy’, see McCormick, *Victory*, p.50; 314. Interestingly, the use of such mounts as a form of humiliation was also known in Frankish Gaul, as Queen Brunhild was reportedly led to her execution upon a camel; see *Chronicon Fredegarii* 4.42, MGH SS rer. Merov. 2, p.142 and Sisebutus, *Vita Desiderii episcopi Viennensis* 21, MGH SS rer. Merov. 3, p.637.

greater detail in the following section when we explore the experiences of Nicene Christians in Vandal Africa.

The Impact of the Form of Exile

In chapters one and two, it was demonstrated that the authorities had several forms of exile at their disposal, which varied according to the level and nature of restrictions that they sought to place upon offenders. Naturally, the form of exile shaped the experiences of offenders, determining what they could do, whom they could see, and ultimately their overall quality of life. At one end of the spectrum was expulsion which, unlike all other forms of exile, preserved the offender's freedom of movement outside the city or region from which they had been banished. This allowed offenders to choose their new place of residence and enhance their chances of carving out meaningful existences in exile, as shown by the experiences of the Romano-African senators and *honorati* expelled from Vandal-controlled Africa in 439. As we saw in the previous chapter, some relocated to areas that were still controlled by the Western Roman Empire, specifically Italy and the imperially-held African provinces of Numidia and Mauretania. This proved to be a wise choice, as in 443 Emperor Valentinian III (r. 425-455) addressed a ruling to Albinus, the Praetorian Prefect of Italy, which granted these exiles the exceptional right to act as advocates in any court, apart from those of the Praetorian Prefect or Urban Prefect.²⁷ Such a concession would have provided them with a means to earn a steady income, since, as members of the elite, many if not most would have been trained in forensic rhetoric.²⁸ More was to follow. In 451, Valentinian issued another ruling in which he sought to compensate African *honorati* and landowners 'who had been despoiled by the devastation of the enemy'.²⁹ The beneficiaries were to

²⁷ Valentinianus III, *Novellae* 2.3 (AD 443), Theodor Mommsen and Paul Martin Meyer (eds), *Codex Theodosianus Vol. II* (Berlin, 1905), pp.78-9

²⁸ On late Roman advocacy and the importance of rhetorical training, see Caroline Humfress, *Orthodoxy and the Courts in Late Antiquity* (Oxford, 2007), pp.93-132.

²⁹ Val. III, *Nov.* 34 (AD 451), pp.140-1.

include not only the inhabitants of Numidia and Mauretania, but also those of the Proconsular province and Byzacena, who, according to the ruling, had been deprived of their patrimonies by the barbarians and driven from their homes.³⁰ These dispossessed persons were either to be assigned imperial estates or granted emphyteutic leases (land leased on the condition that it was kept under cultivation).³¹ Whilst it is unlikely that such donations fully compensated them for their lost properties, it would have at least allowed these exiled aristocrats to maintain some semblance of their former lifestyles.

For those who were banished to specific locations – the vast majority of offenders – the key factor that seems to have determined their experiences was whether or not they were also held in some form of custody. The sources are almost unanimous in representing custodial banishment as a deeply unpleasant fate for those concerned. For one thing, it brought the risk of abuse at the hands of guards, as implied, for example, by the testimony of Bulgar, a Visigothic noble who for unknown reasons was stripped of his property and banished by King Witteric (r. 603-610).³² In a letter written after his return, Bulgar himself recalls how he was consigned to ‘many prisons’ where he was ‘numbed through frequent torture’ and troubled with ‘thirst and hunger’.³³ Of course, given that Bulgar was writing to thank a certain Bishop Agapius and his colleague Sergius of Narbonne for the assistance that they had provided him during his exile, it is quite possible that he exaggerated the level of his hardships to flatter his correspondents. Nevertheless, the letter still demonstrates that custodial banishment was associated with deprivation in the minds of contemporaries, which

³⁰ See the discussion of expulsion from Vandal Africa in section 3.2.

³¹ Val. III, *Nov.* 34.3, p.141. On emphyteutic leases, see A. H. M. Jones, *The later Roman Empire, 284-602: A Social, Economic, and Administrative Survey Vol. 1* (Baltimore, MD, 1964), pp.417-20.

³² For his career, see PLRE 3.1, Bulgar, pp.251-2.

³³ *Epistolae Wisigoticae* 14, MGH Epp. 3, pp.682-3: *En timentibus se qualia Dominus dona rependit et illum, qui me seviendo multis torpescere cruciatibus fecit, crudelissime transire ab aevo constituit: plurima in me noxia nisus est intulisse, a rebus exulem reddidit, carceribus multis, fame et siti vexavit, poenam poenis inflixit atque vesanis in me consiliis ita sepius exilivit, ut, nisi Dominus ad iuvisset me, perdere me suae voluntatis atrocitate contendit.*

must have had some basis in reality, even if the actual conditions faced by offenders such as Bulgar were not quite as terrible as they claimed.³⁴

Beyond physical discomfort, custodial banishment also ensured that an offender's activities were closely circumscribed. These restrictions were keenly felt by Bishop Sidonius of Clermont when he was banished to the fortress of Liviana near Carcassonne by King Euric of the Visigoths (r. 466-484) in 475/6.³⁵ In a letter written to his friend Leo after his release, Sidonius complains about his time at Liviana, mentioning how by day he had been forced to undertake various unspecified tasks,³⁶ whilst at night he had been kept awake by the din created by two Gothic women outside his quarters, whom he memorably describes as 'the most quarrelsome, drunken, vomiting creatures the world will ever see'.³⁷ It was of some relief to Sidonius, therefore, when the aforementioned Leo, doubtless by virtue of his position at the court of Euric, managed to secure the bishop's transfer to Bordeaux.³⁸ Although still technically an exile, it seems that he found the city a much cushier billet than Liviana. Freed from the burdens placed upon him by his guards, he was able to return to his literary pursuits, transcribing a copy of Nicomachus Flavianus' version of Philostratus' *Life of Apollonius of Tyana*.³⁹ In addition, he appears to have resumed his correspondence: whereas none of the letters contained in his nine-volume epistolary collection can be definitively dated to his time at Liviana, at least three were written in Bordeaux – hardly a vast number, but suggestive,

³⁴ For the negative connotations of custodial banishment in late antiquity, see Hillner, *Prison*, pp.244-9.

³⁵ On this case, see above section 3.2.

³⁶ It has been suggested that these obligations might refer to Sidonius' alleged involvement in the drafting of the *Code of Euric*, see PCBE 4, Sidonius 1, p.1788.

³⁷ Sidonius Apollinaris, *Epistulae* 8.3.1-2, W. B. Anderson (ed. & trans.), *Sidonius: Poems and Letters Vol. 2* (London, 1965), p.406: *nam fragor ilico, quem movebant vicinantes impluvio cubiculi mei duae quaequam Getides anus, quibus nil umquam litigiosius bibacius vomacius erit.*

³⁸ For comment, see Jill Harries, *Sidonius Apollinaris and the Fall of Rome, AD 407-485* (Oxford, 1994), pp.238-9. On Leo's career, see PLRE 2, Leo 5, pp.662-3.

³⁹ Sid. Apoll., *Ep.* 8.3.1, pp.404-6.

nonetheless, that communicating with his friends became easier once he was released from custody.⁴⁰

There was, however, one form of custodial banishment that appears to have been rather less uncomfortable for offenders: monastic confinement. We have already seen that legislators generally treated this form of exile as a privilege and the evidence suggests that the conditions of monastic confinement were fairly relaxed. Whilst I have already suggested that the situation may have been different for deposed royals, clerical offenders were apparently not made full members of the monastic community, and so were presumably exempt from the daily round of duties imposed upon the monks.⁴¹ This separate status seems to have afforded other advantages. Bishops Sagittarius and Salonius, for instance, who were confined in different monasteries by King Guntram for a whole litany of offences in 579, were each assigned a cleric to act as their personal servant whilst they were in exile.⁴² Bishop Masona of Mérida was even better looked after. Banished to a monastery by King Leovigild when he refused to hand over the tunic of St Eulalia, he was permitted to take no less than three of his servants with him – something that was generally forbidden to monks by early medieval monastic rules.⁴³ At the same time, it can be shown that some abbots and abbesses were hardly capable as serving as jailers. To be sure, their ability to perform this role would have varied according to the personality of the individual in question. For example, we have already encountered the case of the dowager queen Theudechild who was prevented by her

⁴⁰ The three letters written by Sidonius from Bordeaux are: *Ep.* 8.3; 8.9; 9.3, pp.404-12; 440-50; 508-16.

⁴¹ See Mayke de Jong, 'Monastic prisoners or opting out? Political coercion and honour in the Frankish Kingdoms', Mayke de Jong *et. al.* (eds), *Topographies of Power in the Early Middle Ages* (Leiden, 2001), pp.318-23 and Guy Geltner, 'Detrusio, Penal Cloistering in the Middle Ages', *Revue Bénédictine* 118 (2008), p.96.

⁴² Greg, Tur., *Hist.* 5.20, p.228: *equos quam pueros vel quaecumque habere poterant abstulit; ipsosque in monasteriis a se longiori accensu dimotos, in quibus paenitentiam agerent, includi praecepit, non amplius quam singulos eis clericos relinquens; iudices locorum terribiliter commonens, ut ipsos cum armatis custodire debeant, ne cui ad eos visitandos ullus pateat aditus.*

⁴³ For example, Fructuosus of Braga's, *Rule for the Monastery of Compludo* (c. 24, Claude W. Barlow (ed. and trans.), *Iberian fathers: Volume 2 : Braulio of Saragossa: Fructuosus of Braga* (Washington, D. C., 1969), p.175) states that only the older members of the community may have personal servants 'because of their weakness and the advent of old age'.

vigilant abbess from escaping the convent to which she had been confined on the orders of King Guntram.⁴⁴ However, this abbess may have been something of an exception; certainly, other monastic administrators were far less punctilious in overseeing terms of confinement.⁴⁵ At the Council of Narbonne of 589, the assembled prelates were even forced to issue a canon prohibiting abbots from supplying offenders who had been banished to their monasteries, ‘whether they be a cleric or a respectable man of the city’, with ‘various dishes’ (*ferculis diversis*), perhaps because such delicacies contravened the terms of the associated penance.⁴⁶ Given the high status of those who were typically exiled to monasteries, it is perhaps not surprising that abbots were sometimes overawed or bribed by their charges. The canon thus hints at how social distinctions could continue to influence punishment long after the point of sentencing, a topic to which we now turn.

The Impact of Social Status

Although the form of exile was clearly important, it can be argued that an offender’s social status was equally significant in determining their experiences. In fact, in some cases it is impossible to treat the impact of these two variables separately, since rank could govern the conditions in which offenders were detained. A good example of this is how lower-status exiles were sometimes made to perform onerous duties, despite the fact that, as we saw in chapter one, legislators no longer prescribed the traditional penalty of condemnation to public works (*opus publicum*). Returning to the case of the royal nurse Septimima – who, as it may be recalled, was convicted of conspiring against King Childebert II in 589 – it is interesting to note that during her banishment to Marlenheim she was put to work in a mill where she was made to grind corn to feed the women who worked in the palace’s weaving room.⁴⁷ There

⁴⁴ Greg. Tur., *Hist.* 4.26, p.159.

⁴⁵ See, for example, the case of Riculf discussed above in section 2.4.

⁴⁶ Narbonne (AD 589) c.6, José Vives Gatell, *Concilios visigóticos e hispano-romanos* (Barcelona, 1963), pp.147-8.

⁴⁷ Greg. Tur., *Hist.* 9.38, p.459.

was precedent for this kind of work in Roman times, since we know that fourth-century emperors had occasionally sent offenders to toil in the *pistrina* of Rome, which suggests that Childebert may have modelled Septimima's punishment upon imperial practices.⁴⁸ In any case, such back-breaking labour would have been virtually guaranteed to make Septimima's exile a miserable ordeal. The same could also be said of offenders who were exiled to agricultural estates, such as Droctulf, a servant of Childebert's household who was condemned to labour on a vineyard for his part in Septimima's conspiracy.⁴⁹ Exile to agricultural estates is not something that is recorded prior to the collapse of the Western Empire.⁵⁰ The practice may perhaps be interpreted as a consequence of the disappearance or reduction in the availability of alternatives such as the state-owned *metalla*, to which convict labourers had previously been consigned during the Roman period. Whilst agricultural labour was perhaps neither as onerous, nor as potentially lethal as the work performed in mines, it was doubtless unpleasant for those not used to it. Indeed, Droctulf found the conditions of his exile so unbearable that after only a few days he attempted to escape but was soon caught by the king's bailiff, flogged, and sent back to his vineyard. Similar work may have been routinely imposed upon lower-status exiles in Vandal Africa. In a series of passages intended to foreshadow Huneric's cruel conduct towards the African church, Victor of Vita recalled the treatment of a Vandal noble named Gamuth. Targeted by the king during a purge of the Vandal establishment in the early 480s, Gamuth was sent into exile where he was made to dig ditches in the company of 'a certain goatherd and a country fellow'.⁵¹ These two men appear to be convicts, since Huneric ordered that they, along with Gamuth, were to be given only a

⁴⁸ *Codex Theodosianus* 9.40.3; 5; 6; 14.3.22; 17.6, Theodor Mommsen and Paul Martin Meyer (eds.), *Codex Theodosianus Vol. I* (Berlin, 1905), pp.501; 502; 778; 794. For comment, see Hillner, *Prison*, pp.170-1; 204-6.

⁴⁹ Greg. Tur., *Hist.* 9.38, p.459.

⁵⁰ Fergus Millar, 'Condemnation to hard labour in the Roman Empire from the Julio-Claudians to Constantine', *Papers of the British School in Rome* 52 (1984), p.143.

⁵¹ Vic. Vit., *HP* 2.16, p.16: *Postea cum caprario quodam et rustico ad faciendas scrobes vineis profuturas condemnavit: quos etiam duodecies per annum, id est per singulos menses, flagellis crudelibus dissipabat, vix modico aquae cibarioque pane concessio. Hoc per quinque vel amplius perpessi sunt annos.* For comment on the background to this case, see section 3.1.

small amount of bread and water for sustenance, as well as a monthly flogging. Judging by his matter-of-fact account, Victor does not appear to have found the imposition of forced labour unusual *per se*. Instead, Victor was drawn to this episode as an illustration of Huneric's capriciousness, insofar as the king had subjected one of his nobles to a punishment more typically reserved for commoners.⁵² Such cases probably represent only the tip of a substantial iceberg, given the general lack of interest in non-elite victims of exile shown by our sources. Limited though they are, they give some sense of how for lower-status offenders banishment could be a gruelling experience marked by physical toil, intermittent beatings, and a poor diet.

By contrast, the physical effects of exile upon members of the elite were less severe. For one thing, they may have brought their wealth and servants with them to reduce the hardships of banishment, unless their property had been confiscated as part of their sentence. Even then, however, it is doubtful that they were left completely destitute. As in the Roman period, there may have been legal mechanisms that provided offenders with a proportion of their confiscated wealth to maintain them whilst in exile.⁵³ On top of that, high-status offenders occasionally received generous gifts from the authorities. We have already seen an unsanctioned case of this in the canon of the Council of Narbonne of 589, which railed against abbots for providing delicacies to their respectable monastic prisoners. This was small beer, however, compared with some of the gifts that were formally bestowed on exiles by rulers. A particularly generous example is the annual stipend of 6000 solidi reportedly given by Odoacer (r. 476-493) to the former Western Emperor, Romulus Augustulus (r. 475-476),

⁵² Andrew H. Merrills, 'Totum subuertere uoluerunt: 'social martyrdom' in the *Historia persecutionis* of Victor of Vita', *The Cambridge Classical Journal* 2 (2011), p.110.

⁵³ See Hillner, *Prison*, p.196 and Braginton, *Exile*, pp.397-8.

whom he had banished to the castle of Lucullus near Naples.⁵⁴ Clearly, this was a conscious display of *clementia* on Odoacer's part, perhaps intended to allay any concerns felt by the Italian aristocracy about the nature of his rule following his violent seizure of power. This annual stipend also would have kept Romulus in Odoacer's pocket, ensuring that the former emperor behaved himself in his retirement. To that end, it seems to have been successful, as Romulus is not reported as having made any attempts to reclaim his throne. Indeed, he may still have been living a life of secluded luxury after the Ostrogothic conquest of Italy in 493, as there is a letter addressed to a certain Romulus, preserved in Cassiodorus' *Variae*, in which King Theodoric confirms the gifts given to him and his mother by the Patrician Liberius, suggesting that Theodoric perhaps continued to pay the stipend established by his predecessor.⁵⁵ In any case, Romulus' fate is a striking demonstration that for some high-profile offenders the circumstances of their exile were very comfortable indeed.

Another factor that mitigated the impact of the penalty upon elite offenders was the support they received whilst in exile. To a large degree, this would have been derived from their friends and relatives: in other words, their pre-existing social networks. As we shall see, such contacts could be vital in eventually securing the offender's recall from exile. They doubtless also provided less well-documented and more mundane forms of assistance, furnishing exiles with accommodation, commodities, or even just letters of encouragement to alleviate their suffering. At the same time, elite offenders might also receive support from strangers whom they encountered in exile. We see this in the personal testimony of the aforementioned Visigothic noble Bulgar who, following his recall, wrote to Bishops Agapius and Sergius thanking them for the comfort and assistance they had provided him during his

⁵⁴ Anonymous Valesianus, *Pars Posterior* 8.38, MGH Auct. Ant. 9, p.310. For the detail of the location of Romulus' banishment in the 'castle of Lucullus', see Marcellinus *Comes*, *Chronicon* a.476.2, MGH Auct. Ant. 11, p.91.

⁵⁵ Cassiodorus, *Variae* 3.35, MGH Auct. Ant. 12, p.97. For comment, see John Moorhead, *Theodoric in Italy* (Oxford, 1992), pp.209-10.

exile.⁵⁶ This support was probably not attributable solely to Bulgar's status – after all, bishops were deemed to be responsible for the care of all disadvantaged groups within their dioceses, a criterion which exiles, whatever their background, certainly met.⁵⁷ At the very least, however, it can be shown that social standing influenced the kinds of assistance that bishops provided to exiles. Consider, for example, the cases of Celestiacus and Maximianus, two Romano-African aristocrats who travelled to the eastern Mediterranean following their expulsion from Africa by the Vandals. We know from the chance survival of the letter collection of Bishop Theodoret of Cyrrhus that they both passed through his see in modern-day northern Syria in the early 440s. Besides presumably attending to their more immediate concerns, the bare minimum that any traveller could expect, Theodoret supplied the exiles with several letters of introduction.⁵⁸ Celestiacus received no fewer than eight, which were addressed to various local notables, including four bishops and two counts, who were asked to provide him with appropriate hospitality and to introduce him in turn to other prominent individuals and office-holders. One gets the impression that Theodoret had provided these letters not only because he was struck by Celestiacus' plight but also, and perhaps more importantly, because Celestiacus was a man of elevated social status, who before his exile had been a member of the Carthaginian *curia*.⁵⁹ Although we do not know whether Celestiacus was able to turn these introductions to his advantage, his case demonstrates that bishops sometimes went above and beyond their normal duties to help mitigate the impact of exile upon fellow members of the elite.

⁵⁶ *Ep. Wisi.* 14; 15, pp.682-3; 683-4.

⁵⁷ For the late antique bishop's image as a champion of the downtrodden, see Peter Brown, *Power and Persuasion in Late Antiquity: Towards a Christian Empire* (Madison, WI, 1992), pp.89-103. Amongst other groups, bishops were deemed responsible for the care of both foreigners and prisoners in their cities, see Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley, CA, 2005), pp.225-8. These two groups, in theory, would have included exiles, see Hillner, *Prison*, pp.257-8.

⁵⁸ For Maximianus, see Theodoret, *Epistulae* XXIII, Yvan Azéma (ed. and trans.), *Théodoret de Cyr: Correspondance Vol. 1*, SC 40 (Paris, 1955), p.94. For Celestiacus, see Theod. *Ep.* 29; 30; 31; 32; 33; 34; 35; 36, Yvan Azéma (ed. and trans.), *Théodoret de Cyr: Correspondance Vol. 2*, SC 98 (Paris, 1964), pp.86-100.

⁵⁹ For his background, see PLRE 2, Celestiacus, pp.278-9.

Clearly, therefore, some elite offenders were able to exploit their wealth, personal connections, and social prestige to improve the circumstances of their banishment. This does not mean, however, that exile was an ineffective form of punishment. As has been alluded to in previous chapters, the main rationales behind the penalty, regardless of the precise reasons for its application, were to isolate offenders from wider society and to disrupt their usual patterns of behaviour. Previous discussions of the effectiveness of exile on those counts have usually taken place within the analysis of single cases involving well-known bishops.⁶⁰ Whilst this biographical approach can tell us much about the experiences of specific individuals, it cannot determine the general impact of exile on offenders. More problematically, the focus on ‘celebrity’ bishops, whose lives are fulsomely but not necessarily reliably described by the sources, can also give the impression that exile was less efficacious than it actually was. We must therefore take a more broad-brush approach, focussing first on the less well-documented experiences of lay offenders, even though this means our conclusions will remain somewhat speculative.

Turning to the 110 cases of lay exile included within the database, what is immediately striking is that there are 40 (or 36%) for which we have no evidence whatsoever for an offender’s interactions in exile. In other words, the imposition of the penalty appears to have led to their complete and permanent isolation from the rest of society. Of course, this cannot have truly reflected their experiences. Even banishment to the remotest locations required some mediation with the outside world. Still, it gives us reason to accept that many lay exiles lived closed-off existences or, at the very least, did not engage in the kinds of political and religious activities that tend to show up in the sources. This is supported by an analysis of the 70 cases where our sources do provide some detail on the interactions of lay offenders. As shown by table 4.1, the types of relationships reportedly experienced by these

⁶⁰ See the introduction.

exiles were rather limited in quality. First and foremost, the majority of their interactions were with persons directly connected with their sentences, specifically the officials in whose custody they had been placed or, most commonly, those persons who had joined them in exile, such as their relatives and servants. Secondly, lay exiles were almost always the passive partners in the interaction, having things done to them or for them by others, which suggests that they had little control over their relationships. Thirdly, in those rare instances when offenders were visibly more active, they were not necessarily forging new connections or even maintaining their existing social networks with their friends and relatives back home. For example, of the four known relationships that consist of exiles writing letters or sending messages, three merely involved the offender communicating with the king in a bid to secure their release, underscoring again that their interactions appear to be focussed upon those connected with their punishment.⁶¹ Of course, it must be emphasised that such broad patterns are shaped by the specific biases of contemporary authors and the general vagaries of source preservation – for example, we are much more likely to hear of interactions between exiles and kings than the more quotidian relationships that offenders doubtless established in banishment. It should also be stressed that an offender’s interactions and activities depended to a large degree upon contingent circumstances such as their social status or their place of exile, as previously discussed. Nevertheless, the general trends discernible in the evidence give us no reason to doubt that exile was broadly effective in narrowing offenders’ social horizons and limiting their activities, which helps to explain why post-Roman rulers continued to employ the punishment throughout the period.

⁶¹ The three offenders who wrote letters to their respective kings were Adeodatus, Crispianus, and Dracontius. For references, see below Appendix 2.

Table 4.1: Types and frequencies of relationships experienced by lay exiles in the post-Roman west (439-650)

Type of Relationship with the Exile	Number of Instances	% of Total
Joined them in exile	78	44.3%
Gave support to the exile	33	18.7%
Exile was placed in their custody	21	11.9%
Recalled the exile	12	6.8%
Killed the exile	8	4.5%
Visited the exile	6	3.4%
Abused the exile	5	2.8%
Received letters or messages from the exile	4	2.2%
Was converted by the exile	4	2.2%
Wrote to the exile	3	1.7%
Married the exile	2	1.1%

The Experiences of Bishops

Bishops deserve specific attention, as their experiences in exile are often described in more fulsome detail than those of other types of offenders, for reasons that were outlined in the introduction. As in the case of secular magnates, their elevated social position helped bishops avoid some of the hardships of banishment. They too were well looked after in exile, as the sources frequently tell us that they were joined by servants or subordinate clerics who presumably saw to their daily needs.⁶² They were also able to call upon other kinds of assistance, as indicated by the experiences of Bishop Faustus of Riez, who was expelled from his see by King Euric of the Visigoths in 477.⁶³ For part of his exile, Faustus resided with his friend and frequent correspondent Ruricius of Limoges, thus demonstrating how bishops could utilise their personal contacts to improve the circumstances of their exile.⁶⁴ Of course,

⁶² Examples of bishops in Appendix 2 who were joined in exile by servants or subordinate clerics include Faustus 2, Masona, Nicetius 1, Quodvultdeus 1, Sagittarius [first exile], and Salonus [first exile]. On episcopal entourages more generally, see Jamie Kreiner, 'About the Bishop: The Episcopal Entourage and the Economy of Government in Post-Roman Gaul', *Speculum* 86.2 (2011), pp.321-60.

⁶³ For comment, see above section 3.2.

⁶⁴ Faustus, *Epistulae* 5, MGH Auct. Ant. 8, pp.270-1.

this was not always possible, particularly if they were banished to a place where they had few or, indeed, no prior connections. Even in those instances, however, their status as bishops could ensure that they were treated favourably by those whom they encountered. This can be seen in the cases of Cyprianus and Florentius, two African bishops who travelled to the eastern Mediterranean in the late 430s or early 440s after they were expelled from their sees by the Vandals.⁶⁵ Their experiences in exile closely parallel those of the aforementioned African aristocrats, Celestiacus and Maximianus, in that they too resided for a time in Cyrrhus and received assistance from Bishop Theodoret.⁶⁶ Florentius is a particularly interesting case; when he sought to travel to Constantinople, Theodoret supplied him with a letter of introduction addressed to Eusebius, bishop of Ancyra, whose city he would be passing through on his way to the capital.⁶⁷ Although we cannot say for certain how (or even if) Florentius was received by Eusebius, Theodoret clearly expected his colleague to show similar kindness to the exile and to help him with the next leg of his journey. In any case, it would appear that Florentius reached Constantinople and found favour with the imperial court, since Theodoret would later appeal to him for help in return when he himself was deposed from his see following the Council of Ephesus of 449.⁶⁸

At first glance, the sources seem to suggest that bishops were unusually active and well-connected in exile. Certainly, this is the impression given by their hagiographers. We read of exiled prelates performing miracles, founding monasteries, converting pagans and heretics, and providing support – both material and spiritual – to those whom they encountered.⁶⁹ As a consequence, these bishops are often said to have become figures of

⁶⁵ For their careers, see PCBE 1, Cyprianus 3-4, pp.257-8 and Florentius 8, p.475.

⁶⁶ Theod. *Ep.* XXII, pp.92-4; *Ep.* 52; 53, pp.128-30.

⁶⁷ *Ibid.* XXII, pp.92-4

⁶⁸ Theod. *Ep.* 117, Yvan Azéma (ed. and trans.), *Théodoret de Cyr: Correspondance Vol. 3*, SC 111 (Paris, 1965), pp.72-4. For comment, see PCBE 1, Florentius 8, p.475.

⁶⁹ For examples of exiled bishops performing miracles: see *Vita Apollinaris episcopi Valentiniensis* 4-5, MGH SS rer. Merov. 3, pp.198-9; *Vitae Caesarii episcopi Arelatensis libri duo* 1.22, MGH SS rer. Merov. 3, p.465. Founding monasteries: *Vita Fulgentii* 3, P. Lapeyre (ed. and trans.), *Vie de Saint Fulgence de Ruspe* (Paris,

repute, to the extent that fellow Christians would send them letters or even travel to their places of banishment to seek their advice and assistance. To provide but one example, the *Life and Martyrdom of St Desiderius*, written by the Visigothic King Sisebut (r.612-621), recalls how its subject became famous after he was banished to an unnamed monastery in 602/3.⁷⁰ Desiderius' first accomplishment in exile was the miraculous curing of a mute beggar who had come to the monastery to obtain alms.⁷¹ After reports of this deed were brought 'to the attention of the multitudes', Desiderius was beset by a whole host of sickly visitors, including some blind men and three lepers whom he also healed of their afflictions.⁷² As Sisebut tells it, the imposition of exile, far from isolating him from society, actually had the effect of increasing Desiderius' renown.

Nevertheless, the question remains of the extent to which such narratives provide an accurate depiction of the experiences of bishops. Put simply, were they really so active and well-connected in exile or was this merely a hagiographical topos? There are good reasons for choosing the latter. The main purpose of a hagiography was to demonstrate the sanctity of the bishop at every stage of their life – from cradle to grave. Authors could not, therefore, easily depict bishops as being idle in exile. Rather, the nature of the genre encouraged them to represent exile as a time of opportunity, when saints proved their holiness in the face of their suffering. This is particularly evident in the aforementioned *Life and Martyrdom of St Desiderius*, where, indeed, Sisebut confirms as much to his audience: '[Desiderius'] exile was the highest good fortune; these insults made his sanctity all the more obvious, and his degradation brought him that happiness which lasts for eternity'.⁷³ It seems very likely that

1929), p.21. Converting pagans: *Vita Lupi episcopi Senonici* 11-12, MGH SS rer. Merov. 4, p.182. Converting heretics: *Vit. Fulg.* 20, p.101. Providing material or spiritual support: *VPE* 5.7, pp.71-3; *Vit. Fulg.* 19, pp.95-7.

⁷⁰ For comment, see above section 2.2.

⁷¹ Sise., *Vita Des.* 5, pp. 631-2.

⁷² *Ibid.* 6-7, p.632.

⁷³ *Ibid.* 4, p.631: *cuius abiectio fuit summa felicitas, contumelia praespiciua sanctitas, degradatio aeterna felicitas*. Translation by A. T. Fear, *Lives*, p.4.

this need to give a positive slant to their heroes' experiences caused Sisebut and other hagiographers to exaggerate or even fabricate the exploits of exiled bishops.

When we look more broadly at the evidence of the activities and interactions of banished bishops, their experiences do not appear substantially different to those of other social categories of offender. This is best shown with reference to Merovingian Gaul, given the number of documented cases of exile involving bishops that occurred there (admittedly, Vandal Africa had many more, but the experiences of bishops were somewhat exceptional in that region for reasons that will be discussed in detail below). Of the twenty-two exiled bishops who are documented in Merovingian Gaul during our period of study, there are eight (or 36%) for whom we have no evidence whatsoever for their interactions.⁷⁴ This is exactly the same proportion as that detected earlier in the context of lay offenders, giving us reason to think that bishops may have lived similarly restricted existences whilst in exile. There are further parallels in the types of relationships that banished prelates did experience, as shown in table 4.2. Again, the majority of their interactions were limited to persons connected with their punishment, such as their companions in exile, the officials into whose custody they had been placed, or the authorities who had decided to recall them. To be sure, exiled Merovingian bishops were visited more often in exile than lay offenders. They also appear less passive, since just over 16% of their interactions were to do with them converting or giving support to others – something that is not documented for lay offenders. Crucially, however, these statistics are skewed by three hagiographical narratives: the aforementioned *Life and Martyrdom of St Desiderius*, the *Life of Bishop Lupus of Sens*, and the *Life of Ferreolus of Uzès*. In other words, it is only within hagiographies that we find exiled bishops behaving differently from their lay counterparts. The evidence from Merovingian Gaul thus

⁷⁴ They are Bertram, Desideratus, Egidius, Eunius, Heraclius, Palladius, Saffrac, and Sidoc. For references, see Appendix 2 below.

reinforces the idea that hagiographies give a misleading impression of bishops as being unusually active and well-connected in exile. In reality, the imposition of the penalty appears to have produced the same narrowing of their social horizons and restriction of their behaviour that was suggested earlier for lay offenders.

Table 4.2: Types and frequencies of relationships experienced by exiled bishops in Merovingian Gaul (500-650)

Type of Relationship with the Exile	Number of Instances	% of Total
Joined them in exile	8	21.6%
Recalled the exile	8	21.6%
Visited the exile	5	13.5%
Exile was placed in their custody	4	10.8%
Gave support to the exile	4	10.8%
Received support from the exile	3	8.1%
Was converted by the exile	3	8.1%
Wrote to the exile	1	2.7%
Received letters/messages from the exile	1	2.7%

This conclusion should not surprise us. We saw in chapter two that Merovingian bishops who were sentenced to exile had usually been convicted of a specific offence by a council of their peers and formally deposed from their sees. Little wonder, then, that these bishops, having been labelled as criminals and deprived of their institutional authority, were isolated during their punishment. Elsewhere in the post-Roman west, however, the situation was complicated by the confessional divide that separated Homoian rulers from the Nicene episcopate. In such contexts, a bishop who was exiled, or at least perceived to have been exiled, on sectarian grounds could find that his standing in the eyes of his co-religionists was unaffected or even enhanced by his punishment. We are given some hint of this in Visigothic Spain in the case of a certain Martianus who was banished to Toledo ‘on account of the

Catholic faith' sometime in the early sixth century.⁷⁵ The fact that he was considered a victim of unjust persecution, rather than legitimate punishment, probably explains why his fellow bishops permitted him to attend the synod convened in Toledo in 527 and subscribe to its acts.⁷⁶ Through his participation in this council, Martianus would have remained cognizant of the issues affecting the Iberian church and would also have been brought into contact with some of his colleagues (there were seven other bishops in attendance), perhaps for the first time. His experiences demonstrate that bishops who were perceived to have suffered for their faith could remain active and connected in exile in a way that proved difficult, if not impossible, for other kinds of offenders. This can be seen most clearly in Vandal Africa, to which we now need again to turn.

4.3 The Experiences of Nicene Christians in Vandal Africa

In chapter three, we established that Vandal Africa was unique in the post-Roman west as it was the only kingdom where Homoian rulers repeatedly and, in the case of King Huneric, systematically employed exile to undermine the Nicene church. The treatment and experiences of exiled Nicene Christians in Vandal Africa were likewise exceptional. First, we will see how Vandal kings attempted to induce apostasy by imposing harsh conditions of banishment. Huneric, in particular, inflicted public humiliation, social degradation, and physical suffering upon persons normally exempt from such treatment – perhaps to pressure them into recanting their views but certainly to demonstrate to other Nicene Christians what they could expect if they remained obstinate in their faith. Next, we will consider the experiences and interactions of exiled Nicene bishops. In this context, it will be argued that the application of exile was only partially successful in limiting the influence of Nicene churchmen. Indeed, we will see that the careers of some African prelates flourished despite,

⁷⁵ Toledo II (AD 527), Vives, *Concilios*, p.46: *Ob causam fidei catholicae in Toletana urbe exilio deputatus.*

⁷⁶ *Ibid.* pp.42-56. For comment on his case, see E. A. Thompson, *The Goths in Spain* (Oxford, 1969), p.34.

or even because, of their banishment. Their experiences thus demonstrate more clearly something that we saw hints of in the previous section: that in contexts of religious persecution the imposition of exile against bishops, far from isolating them, could actually help to expand their social networks.

The Treatment of Nicene Christians

The desire on the part of (some) Vandal kings to establish religious conformity influenced their application of exile in several ways. In chapter two, we explored its impact upon the selection of specific places of banishment, noting, for example, how kings frequently exiled Nicene clerics to remote or peripheral locations in order to coerce them into adopting Homoian Christianity and to limit their influence over the lay population. Building upon that analysis, it can be argued that the treatment of Nicene Christians before and after they reached their places of exile was equally significant, as kings looked to induce apostasy by subjecting them to public humiliation and physical suffering.

Admittedly, the evidence for this is drawn almost exclusively from Victor of Vita's *History of the Vandal Persecution* and must be approached with some caution as it certainly suited Victor's agenda to overstate the deplorable conditions of banishment. This is largely because Victor composed his *History* at the height of Huneric's attack upon the Nicene church in 483/4, when the threat of Nicene Christians adopting the Homoian confession was very real.⁷⁷ He therefore populated his text with individuals who had suffered for the 'true' faith to remind his audience that the correct response when faced with coercion was no compromise, regardless of the personal cost. As Danuta Shanzer points out, however, Victor was hamstrung by the lack of bonafide martyrs in Vandal Africa.⁷⁸ Victor was thus forced to

⁷⁷ For the date and context of Victor's work, see Serge Lancel, *Histoire de la persécution vandale en Afrique / Victor de Vita* (Paris, 2002), pp.3-63.

⁷⁸ Danuta R. Shanzer, 'Intentions and Audiences: History, Hagiography, Martyrdom, and Confession in Victor of Vita's *Historia Persecutionis*', in A. Merrills (ed.), *Vandals, Romans and Berbers. New Perspectives in Late Antique North Africa* (Burlington, 2004), pp.271-90, esp. 281-6.

make the most of limited material, employing various rhetorical strategies to give the impression that the so-called Vandal persecution was more severe than it actually was. In his thesis, Éric Fournier provides a comprehensive analysis of those strategies, demonstrating how Victor inflates his evidence, misrepresents events, and uses techniques such as hyperbole to exaggerate the suffering of Nicene Christians.⁷⁹ Andrew Merrills has further shown that social degradation is a pervasive theme of Victor's accounts of the treatment of Nicene Christians, and indeed of other persecuted groups in Vandal Africa.⁸⁰ Through this, Victor sought to convince his audience that the Vandals were not only hostile to Nicene Christianity but also failed to show respect for the usual distinctions of status, age, and gender. By presenting the Vandals as a socially disruptive force, Merrills argues, Victor was ultimately hoping to discourage political as well as religious accommodation between the Romano-African aristocracy and their barbarian rulers.

Clearly, then, we must be careful about accepting the claims made by Victor of Vita, particularly when he is reporting the treatment of his co-religionists. Nevertheless, to my mind at least, there are good reasons for thinking that some Nicene Christians really did experience public humiliation and physical suffering whilst they were in exile. For one thing, many of the instances of abuse that Victor describes were high-profile and occurred contemporaneously with his time of writing. They would have been fresh in the minds of his intended audience, limiting his ability to misrepresent or fabricate the details of the events concerned. In addition, the forms of abuse reportedly inflicted upon Nicene Christians, such as the stripping of their clothes, the imposition of forced labour, and public beatings, are known to be paralleled in cases of exile elsewhere in the post-Roman west. In short, the punitive acts described by Victor are entirely plausible; what was unusual, as pointed out by

⁷⁹ Éric Fournier, 'Victor of Vita and the Vandal "Persecution": Interpreting Exile in Late Antiquity', Unpublished PhD Thesis, University of California (Santa Barbara, 2008), pp.164-211.

⁸⁰ Merrills, 'martyrdom', pp.102-16.

Andrew Merrills, was their consistent deployment against elite individuals. However, this too can be reconciled with what we know about the nature of sectarian exile in Vandal Africa. As discussed in the previous chapter, rulers attempted to establish orthodoxy by pressuring the most prominent, heterodox individuals of the kingdom: bishops and secular officials. The idea was that their conversion would produce a ‘trickle-down’ effect, as their colleagues, subordinates, and dependants were encouraged to follow suit.⁸¹ Arguably, the exiling of recalcitrant bishops and officials was also intended to achieve this aim, with kings hoping that the spectacle of their punishment would induce apostasy in others. This, in turn, helps explain why such exiles might be subjected to public humiliation: kings looked to enhance the impact of their exemplary justice through the abuse of persons who were normally spared such treatment by virtue of their high status.

One of the most notorious examples of how kings sought to encourage apostasy by imposing harsh conditions of exile can be seen in the treatment of the 4,966 African clerics banished sometime in the early 480s probably in 482 or in the first few months of 483.⁸² These clerics were first assembled in Sicca Veneria and Lares, two cities located in Africa Proconsularis.⁸³ There they were delivered into the custody of Moorish guards who escorted them to their place of exile, a desert region perhaps near the cities of Thubunae, Macri, and Nippis in what is now northern Algeria, some 250 to 300 miles away on foot from their starting-point.⁸⁴ Victor of Vita’s chilling account of the clerics’ gruelling journey covers eleven successive chapters in his *History*, in which he repeatedly refers to the abuse inflicted

⁸¹ The expectation that aristocrats in Vandal Africa would police the religion of their dependants and tenants is noted by Robin Whelan, *Being Christian in Vandal Africa: The Politics of Orthodoxy in the Post-Imperial West* (Oakland, CA, 2018), p.179.

⁸² On this incident, see above section 3.3.

⁸³ Vic. Vit., *HP* 2.28, p.19.

⁸⁴ Victor of Vita (*HP* 2.26, p.19) simply states that they were banished to the desert (*ad exilium heremi destinavit*). Victor of Tunnuna who appears to describe this same incident in his *Chronicle* (a.489.1, MGH Auct. Ant. 11, p.189) specifies that the group were exiled to ‘Thubanae, Macri and Nippis, and other parts of the desert’ (*Tubunis, Macri et Nippis aliisque heremi partibus*). For further discussion of the geographical aspects of this episode, see Christian Courtois, *Victor de Vita et son oeuvre: Etude critique* (Algiers, 1954), p.38f.

upon them by their guards.⁸⁵ Scholars have noted the rhetorical qualities of these passages; Éric Fournier, for example, has argued that Victor employs the technique of *ekphrasis* – detailed and dramatic description, usually of objects, but also of persons or experiences – to exaggerate the suffering of the banished clerics.⁸⁶ This can be seen particularly clearly in Victor’s aside on the ‘cramped and exceedingly loathsome places’ in which the clerics were accommodated *en route*:

‘...there was no room for people to step aside to answer the call of nature, and so they excreted and urinated when they had to, just where they were, so that the filth and horror of it were worse than any kind of punishment’.⁸⁷

Although for the modern reader such vivid language cannot help but arouse feelings of pity for the exiled clerics, this was not Victor’s primary aim. Rather, he included this incident within his *History* to celebrate the clerics’ resistance to the Vandal authorities and ultimately to encourage his audience to follow their example.

Whilst Victor doubtless exaggerates or distorts certain aspects of his account for polemical effect, it may be argued that the suffering endured by these clerics was, for the most part, real. Transporting such a large group into exile – perhaps not quite as many as the 4966 stated by Victor, but in view of the size of the African church a number in the hundreds or low thousands is certainly feasible – would have posed something of a logistical nightmare. Post-Roman kings found it difficult even to maintain armies of this size, so the clerics must have received meagre rations. Indeed, Victor notes with dismay that the exiles

⁸⁵ Vic. Vit., *HP* 2.27-37, pp.19-21.

⁸⁶ Fournier, ‘Victor’, pp.177-8.

⁸⁷ Vic. Vit., *HP* 2.31-2, p.20: *In qua constipatione secedendi ad naturale officium nulla ratio sinebat loci, sed stercora et urinam urgente necessitate ibidem faciebant, ut ille tunc foetor et horror universa poenarum genera superaret.* Translation by J. Moorhead, *Victor of Vita: History of the Vandal Persecution* (Liverpool, 1992), p.35.

were fed barley ‘as if they were beasts of burden’.⁸⁸ Likewise, given such numbers, it is easy to imagine that lodgings on the journey would have been squalid and unsanitary. The journey itself would also have become increasingly onerous as the clerics moved away from the milder climate of the Mediterranean coastline through the mountainous, semi-arid interior and on eventually into the pre-desert. We may take seriously Victor’s claim that many died over the course of the exodus, something which he blamed directly on their guards when they began dragging those who were too exhausted to walk any further.⁸⁹ As Danuta Shanzer points out, this is one of several instances in his *History* where Victor seems intentionally to blur the lines between confessorhood and martyrdom in order to exaggerate the severity of the Vandal persecution.⁹⁰ Although this forces us to question the culpability of the guards, the notion that there had been a large number of fatalities amongst the clerics is hardly inconceivable given the length of the journey, the harshness of the terrain, and the advanced age of some of the party.

It is no exaggeration, therefore, to say that the journey endured by the 4,966 clerics was perhaps the worst experienced by any condemned exile during the period. More open to debate are the reasons for this. Put simply, were the terrible conditions a mostly incidental consequence of transporting such a large group of individuals over a long distance through harsh terrain, or were they purposefully inflicted by the authorities? Despite Victor’s prejudice, there are some indications that King Huneric intentionally subjected these clerics to appalling treatment in order to persuade them and their Nicene colleagues to apostatise. Firstly, it should be noted that a careful reading of Victor’s account shows that the punishment of the clerics proceeded in stages, becoming progressively worse as they

⁸⁸ Vic. Vit., *HP* 2.37, p.21: *in quibus collocati hordeum ad vescendum ut iumenta accipiunt*. On the size of armies during the period, see Guy Halsall, *Warfare and Society in the Barbarian West* (London, 2003), pp.119-33.

⁸⁹ Vic. Vit., *HP* 2.36, p.21.

⁹⁰ Shanzer, ‘Intentions’, p.283.

continued to resist the authorities' demands. After their initial assembly, they were given at least one opportunity to recant their beliefs, when they were approached by two counts who encouraged them to act in accordance with the king's will.⁹¹ However, the clerics responded by shouting: 'We are Christians, we are Catholics, we confess the Trinity, one God inviolable', and so were shut up in places of custody.⁹² After some time had elapsed – which Victor obscures by jumping ahead in his narrative to their subsequent journey – the order was given to conduct them into exile, suggesting that this was a final gambit by the authorities, who hoped that the harsh conditions of their journey and exile would be enough to break the clerics' resistance. Perhaps more significantly, Victor associated this mass-exile with Huneric's preparations for the Council of Carthage of February 484, as he placed his lengthy description of their exile immediately before his quoting of the edict in which the king set the date of the synod and ordered the Nicene bishops to attend.⁹³ The fate of these clerics may therefore have been intended to act as a warning to the rest of the Nicene episcopate of what they could expect if they opposed the king at the scheduled council. This, in turn, would explain why the clerics needed to suffer during their journey into exile, when reports of their travails could still come to the ears of some of their colleagues, rather than after they arrived in the remoteness of the desert.

Compared with the miseries of the 4,966 clerics, Victor's descriptions of the treatment of other exiled Nicene Christians are much more concise. Nevertheless, the details that he does supply reinforce the notion that the authorities sought to induce apostasy by subjecting exiles to physical suffering and public humiliation. Most obviously, this included the imposition of forced labour upon Nicene bishops and court officials – two groups who in Roman times, at least, would have been exempt from such treatment by virtue of their high

⁹¹ Vic. Vit., *HP* 2.28, p.19.

⁹² *Ibid.* 2.28, p.19: *Christiani sumus, catholici sumus, trinitatem unum deum inviolabilem confitemur.*

⁹³ *Ibid.* 2.38-9, pp.21-2. For discussion on the Council of Carthage of 484, see above section 3.3.

status. This is first said to have occurred under King Geiseric (r. 439-477), after he had ordered (perhaps for the second time) that only Homoian Christians could serve in the royal administration.⁹⁴ As mentioned in the previous chapter, a certain Armogas, who served Geiseric's son Theodoric, fell foul of this decree and was tortured, condemned to dig ditches for vines in the province of Byzacena, and, finally, forced to become a cowherd not far from Carthage.⁹⁵ One gets the impression that such measures were intended not only to punish the offender but also to bring about his apostasy. This is suggested, in particular, by Victor's claim that Armogas' ultimate fate of serving as a cowherd was a step up in severity (*quasi ad maiorem obprobrium*) from merely digging ditches. In other words, the Vandal authorities sought to pressure Armogas into recanting his views by gradually increasing his disgrace. This same pattern would be repeated, on a much larger scale, in the punishments imposed by Geiseric's successor, Huneric, upon his own Nicene courtiers in the early 480s. At first, such officials were deprived of their rations and their pay, then made to toil in the fields around Utica, before, finally, their property was confiscated and they were relegated to the islands of Sicily and Sardinia – again suggesting that the conditions of exile became more severe the longer the courtiers clung on to their beliefs.⁹⁶

We are told that Huneric also imposed similar measures upon the Nicene bishops who rejected the Homoian confession at the Council of Carthage of 484. As we saw in the previous chapter, 302 bishops were banished within Africa, while another 46 were sent to Corsica. Victor of Vita provides further details regarding the conditions of their exile. Those who remained in Africa were reduced to the status of *coloni* and assigned fields to cultivate whereas those exiled to Corsica were forced to cut timber for the king's fleet.⁹⁷ Later in his

⁹⁴ Vic. Vit., *HP* 1.43, p.11. For Geiseric's earlier attacks on Catholic officials, see above section 3.3.

⁹⁵ Vic. Vit., *HP* 1.43-4, p.11.

⁹⁶ *Ibid.* 2.10; 23, p.15; 18.

⁹⁷ Vic. Vit., *HP* 3.20, p.45.

History, Victor again connects exile to forced labour, mentioning Christians who were scattered ‘in the filthy sites of the *metalla*’.⁹⁸ Although it is impossible to be sure whether Victor was also referring to bishops here, we know from the *Notitia provinciarum et civitatum Africae* that at least one prelate, Dominus of Moxor, was exiled to a mine or quarry, where he was perhaps joined by two of his colleagues, Melior of Fussala and Quodvultdeus of Caeliana.⁹⁹

It seems clear, therefore, that Huneric attempted to ensure that all of the 348 bishops banished after the showdown at Carthage were compelled to carry out some form of manual labour whilst they were in exile. What were the motivations for this? The sending of bishops to mines or shipyards plainly fits with Huneric’s broader agenda, detected in chapters two and three, of limiting contact between exiled Nicene clerics and the lay population. Almost certainly, such places would have had troops on hand to supervise the bishops and control their activities. To speculate further, we might imagine that the bishops were held in some form of detention to prevent their escape. Given that these mines and shipyards were probably royal possessions mostly worked by slaves, such structures were perhaps already in place.¹⁰⁰ However, a policy of segregation cannot explain the exiling of 302 bishops to separate farms within Africa, since it would have been difficult to control their interactions with the wider population. Indeed, this is something that Huneric himself seems to have

⁹⁸ *Ibid.* 3.68, p.57: *in locis squalidis metallorum*.

⁹⁹ Dominus: *Notitia provinciarum et civitatum Africae*, Numidia 76, Serge Lancel (ed. and trans.), *Histoire de la persécution vandale en Afrique. Suivie de la passion des sept martyrs. Registre de provinces et des cités d’Afrique* (Paris, 2002), p.257. In a penal context, *metallum* can refer to hard labour in either a mine or a quarry, on which see M. Gustafson, ‘Condemnation to the Mines in the Later Roman Empire’, *The Harvard Theological Review* 87.4 (1994), p.422. Melior (*Notitia*, Numid. 21; p.255) and Quodvultdeus (*Notitia*, Numid. 49; p.256) are both listed with the annotation *nam* in the *Notitia*, which, according to its most recent editor, could signify *nunc ad metalla*. It is interesting to note that Melior, Quodvultdeus and Dominus were all from the province of Numidia. This province had seen many Christians condemned to the *metalla* in the Roman period, and its quarries were still producing marble as late as the early seventh century. See Gustafson, ‘Mines’, pp.430-1, although he seems to be unaware of the evidence in the *Notitia*.

¹⁰⁰ For the use of slave labour in mines and quarries, see Millar, ‘Condemnation’, p.140. Hillner, *Prison*, pp.243-4 suggests that convicts condemned to the mines were probably housed in workmen’s barracks during the Roman period. We might imagine that similar arrangements were in place in Vandal Africa.

understood as he told the bishops at the point of their sentencing that: ‘you are not to sing the psalms or pray or hold in your hands a book to read from; you are not to baptise or ordain, nor are you to dare to reconcile anyone’.¹⁰¹ Evidently, the king was worried that the bishops – once left without adequate supervision – would continue to perform their episcopal functions whenever they were not toiling in the fields.

Whilst Huneric recognised the potential danger of leaving hundreds of Nicene bishops to their own devices on African farms, he must have believed that their punishment would ultimately further his central goal of establishing religious uniformity. For the bishops themselves, the experience of being reduced to the status of *coloni* – one of the lowest ranks in the social hierarchy, only just above slaves – and being forced to carry out agricultural labour would have been a profound dishonour, and a physically exhausting one at that.¹⁰² Arguably, Huneric inflicted forced labour upon these bishops in part because he hoped that it would finally break their resistance and compel them to adopt the Homoian confession. Even so, the king may well have appreciated that the Nicene episcopate, which had vociferously opposed the Hasding regime from the very beginning of its conquest of Africa, was, in the end, unlikely to be won over. It seems probable, therefore, that by punishing these bishops Huneric was primarily looking to encourage the conversion of the laity. The sight of their prelates being reduced to such dire straits would have been a stark warning to Nicene observers of the fate that awaited those who remained obstinate. This would explain why Huneric chose to keep many of the bishops within Africa: he wanted their demeaning treatment to take place firmly in the public eye. The same was also true with regard to the aforementioned Nicene courtiers. This is something that Victor explicitly comments upon in

¹⁰¹ Vic. Vit., *HP* 3.20, p.45: *ita tamen ut non psallatis neque oretis aut ad legendum codicem in manibus gestetis: non baptizetis neque ordinetis aut aliquem reconciliare praesumatis.*

¹⁰² On the status of *coloni* in late Roman society, see Jones, A. H. M. Jones, *The later Roman Empire, 284-602: A Social, Economic, and Administrative Survey Vol. 2* (Baltimore, MD, 1964), pp.795-803.

the case of Armogas, noting that the authorities transferred him from Byzacena to Carthage ‘where he would be seen by everyone’.¹⁰³ The imposition of forced labour was thus as much about the spectacle of punishment as about the disciplining offenders for their recalcitrance. It was an act of exemplary justice intended to induce apostasy in others, and above all among aristocrats who would have been especially alarmed by the degradation of fellow members of the elite.

If that was its aim, the application of exile may have had some success. It is difficult to gauge the prevalence of apostasy in Vandal Africa, not least because Victor of Vita consistently plays down the phenomenon within his *History*.¹⁰⁴ Nevertheless, he was clearly anxious about his co-religionists adopting Homoian Christianity, given that, as discussed earlier, one of the main agendas behind his work was to reaffirm confessional boundaries and strengthen Nicene resistance. The fact that Huneric’s policies had been gaining ground around the time when Victor was writing may be confirmed by a letter addressed by Bishop Felix of Rome to his fellow prelates in 488, which contained the acts of a church council that had been convened in Rome the previous year.¹⁰⁵ The principal topic of discussion for its participants, who included four African bishops (perhaps refugees from Huneric’s persecution), had been the issue of Nicene Christians in Africa who had lapsed from their faith.¹⁰⁶ The letter goes on to record the various conditions that had been established by the synod for the readmission into communion of apostate clerics, monks, nuns, and members of the laity.¹⁰⁷ It thus provides incontrovertible proof that Huneric’s persecution of the Nicene church a few years earlier had resulted in significant numbers of converts to Homoian

¹⁰³ Vic. Vit., *HP* 1.44, p.11: *ubi ab omnibus videretur*.

¹⁰⁴ For Victor playing down the role of apostasy in his work, see Shanzer, ‘Intentions’, pp.286-9.

¹⁰⁵ Felix II (III), *Epistulae* 13, Andreas Thiel (ed.), *Epistolae Romanorum Pontificum genuinae et quae ad eos scriptae sunt a S. Hilario usque ad Pelagium II Vol. I* (Braunsberg, 1868), pp.259-66.

¹⁰⁶ The four African bishops were named Victor, Donatus, Rusticus and Pardulius, see Felix II (III), *Ep.* 13, p.260.

¹⁰⁷ For discussion of the letter, see Jonathan P. Conant, *Staying Roman: conquest and identity in Africa and the Mediterranean, 439-700* (Cambridge, 2012), p.172.

Christianity, some of whom were now apparently seeking forgiveness following the suspension of anti-Nicene measures under Huneric's successor, Gunthamund (r. 484-496).¹⁰⁸

We can in fact be more precise regarding the extent of apostasy amongst the Nicene episcopate. As discussed in the previous chapter, Yves Modéran has convincingly argued that the number of Nicene bishops who apostatised at the Council of Carthage of 484 can be tracked by the recapitulatory table that was appended onto the *Notitia provinciarum et civitatum Africae* sometime before the end of 487.¹⁰⁹ If we accept his conclusions, we learn from this table that 88 bishops were 'spiritually' dead – some 20% of the Nicene episcopate.¹¹⁰ This is not an insignificant proportion and would certainly explain why Bishop Felix might have become concerned about the state of the church in Africa. Although we are given no insight into the reasons why these bishops converted, it is possible that some wished to avoid the fate of the large group of their colleagues, who, as argued above, had been banished to the desert by Huneric to put pressure on the Nicene episcopate in preparation for the synod. Despite this, however, Huneric's attempts to suppress episcopal opposition through the threat of exile can only be considered, at best, a qualified success. The vast majority of Nicene bishops remained steadfast in their faith at the Council of Carthage, resulting in the banishment of the 348 prelates within Africa and to Corsica.¹¹¹ Nor did this drastic measure solve all of Huneric's problems, as some of these bishops would continue to frustrate his pursuit of religious conformity through their activities and interactions in exile.

¹⁰⁸ For the relaxation of anti-Nicene measures under King Gunthamund, see below, section 4.4.

¹⁰⁹ Yves Modéran, 'La *Notitia provinciarum et civitatum Africae* et l'histoire du royaume vandale', *Antiquité tardive* 14 (2006), pp.165-82.

¹¹⁰ *Notitia*, p.272.

¹¹¹ *Ibid.* p.272.

The Activities and Interactions of Exiled Nicene Bishops

It must be acknowledged that our sources frequently fail to provide any details of the experiences of exiled Nicene bishops in Vandal Africa. Indeed, of the 78 named bishops who are known to have been banished by Vandal kings, only in the case of seven individuals can we say something about what they did or whom they met.¹¹² Such a dearth of evidence would seem to suggest that for many bishops the application of exile was successful in isolating them from wider society. Certainly, this is the picture that emerges in the years following the death of King Thrasamund (r. 496-523) after which the new king Hilderic (r. 523-530) immediately rescinded the anti-Nicene measures that had been enacted by his predecessor, reopened their churches, and recalled the dozens of prelates who had been living in exile in Sardinia since 508/9.¹¹³ After they had arrived back in Africa, these bishops would doubtless have recognised that their church had seen better days. Whilst Homoian Christianity had flourished in their absence, attracting new converts and establishing itself as a genuine rival on both a pastoral and intellectual level, the years of repression had, in the words of Andrew Merrills and Richard Miles, ‘inflicted considerable damage on [the Nicene church’s] infrastructure, authority, and internal cohesion’.¹¹⁴ This can be seen, for example, in the context of a synod that took place in the city of Iunci in 523, which was almost certainly attended by some of the same prelates who had just been recalled to Byzacena from Sardinian exile.¹¹⁵ Amongst the topics for deliberation was a dispute between their primate, Liberatus, and an abbot of a local monastery, Peter. Although the assembled bishops ultimately ruled in favour of the former and confirmed their jurisdiction over monks in their dioceses, the fact

¹¹² The eight bishops are Eugenius, Habetdeum 2, Faustus 1, Felix 2, Fulgentius, Quodvultdeus 1, and Valerian. For references, see Appendix 2 below.

¹¹³ Victoris Tonnennensis, *Chronicon* a.523.2, MGH Auct. Ant. 11, p.197; *Vita Fulg.* 25, pp.119-21.

¹¹⁴ Andrew H. Merrills and Richard Miles, *The Vandals* (Oxford, 2010), pp.196-203, quote on p.201.

¹¹⁵ Although the acts of the council do not survive, letters describing the synod and the dispute between Liberatus and Peter are included in the acts of the Council of Carthage of 525; see C. Munier (ed.), *Concilia Africae* a.345-a.525, CCSL 149 (Turnhout, 1974), pp.276-81.

that this dispute had arisen in the first-place hints at the difficulties faced by the returning prelates in reasserting their authority. The council thus provides a salutary reminder of how the imposition of exile could have impacted negatively upon the influence of bishops within the Vandal kingdom.

On the other hand, it is also indisputable that for some prelates the penalty of exile actually had the opposite effect on their spiritual authority, increasing their standing in the eyes of their co-religionists, both within Africa and further afield. This was, in part, due to the activities of the bishops themselves, as they continued to defend Nicene Christianity vigorously in spite of their punishment. Bishop Eugenius of Carthage is perhaps one such example – an addition to Gennadius of Marseilles' continuation of Jerome's *On Illustrious Men* implies that, after his exile in 484, Eugenius had composed a work detailing his 'debates' with the 'prelates of the Arians', which he then forwarded to King Huneric for his perusal 'via the mayor of his palace'.¹¹⁶ Even more strident in his defence of Nicene Christianity was Bishop Habetdeum of Tamalluma, another victim of the persecution of 484.¹¹⁷ After escaping the clutches of the Homoian bishop Antonius, who had been charged with supervising his punishment, Habetdeum proceeded to Carthage where he presented a polemical tract (*libellus*) to Huneric in which he criticised the king, in no uncertain terms, for his attack on the Nicene church and, in particular, the imposition of exile upon his colleagues.¹¹⁸ Nor was this the only meeting between a banished bishop and a Vandal king. Some three decades later, Thrasamund recalled Fulgentius of Ruspe from Sardinia to Carthage to debate orthodoxy with him.¹¹⁹ It seems Fulgentius had been chosen for this task,

¹¹⁶ Gennadius Massiliensis, *De viris illustribus* 94, Carl Albrecht Bernoulli (ed.), *Hieronymus und Gennadius: de viris illustribus* (Leipzig, 1895), pp.93-4: *Iam uero asportandum pro fidelis linguae remuneratione in exilium epistulas uelut c[o]mmonitoria fide et unius sacri et conseruandi baptismatis ouibus suis quasi pastor sollicitus dereliqui[t]. Alter[c]ationes quoque quas cum Ar[.]ianorum prae[u]libus per internuntios habuit conscripsit et religendas per maiorem domus eius transmisit.*

¹¹⁷ Vic. Vit., *HP* 3.45, p.51.

¹¹⁸ *Ibid.* 3.53, pp.53-4.

¹¹⁹ *Vita Fulg.* 20, pp.99-101.

despite his very junior status, because he had established himself as the spokesperson of the 60 or so bishops living in exile on Sardinia.¹²⁰

The activities of these African bishops were highly unusual by the standards of the time. Elsewhere in the post-Roman west, as we have seen, exiles generally kept their heads down, or, at most, wrote obsequious letters to their rulers in an attempt to secure their own recall. By contrast, these bishops in Africa chose to defend publicly the very beliefs that had led to their banishment. Such a disregard for the law – Nicene Christianity was, after all, officially prohibited in the Vandal Kingdom from 25 February 484 – demonstrates that they were unconcerned with the threat of further punishment, perhaps because they were aware that the authorities were reluctant to create martyrs, which gave them more room to manoeuvre than most exiles.¹²¹ This can be seen in the case of Habetdeum who, despite escaping from banishment and presenting Huneric with his subversive polemic, suffered no reprisals.¹²² In addition, their interactions with the authorities demonstrate that such bishops remained influential figures. Eugenius' writings would hardly have been received by Huneric's major-domo, nor Habetdeum admitted into Huneric's court, nor Fulgentius recalled by Thrasamund to debate doctrine, if this had not been the case. The sectarian nature of their exile was crucial in this respect, as it ensured that they retained the support of their co-religionists, who would have constituted a considerable proportion, if not the majority, of the population of Africa. Even in banishment, therefore, Nicene bishops preserved much of their authority, which explains why Vandal kings felt compelled to communicate, meet, and debate with them after their punishment – they were simply too important to ignore.¹²³ This signals a

¹²⁰ *Ibid.* 17-8, pp.83-9. Whelan, *Orthodoxy*, p.160 suggests that Fulgentius' bureaucratic background and social connections may also explain why he was selected by Thrasamund to represent his exiled colleagues.

¹²¹ For the reluctance of the Vandals' in creating martyrs see, for example, *Vic. Vit.*, HP 1.44, p.11. For comment, see Shanzer, 'Intentions', pp.281-6, who identifies only four cases of martyrdom in Vandal Africa.

¹²² *Vic. Vit.*, HP 3.54, p.54.

¹²³ This point is convincingly argued by Whelan, *Orthodoxy*, pp.143-64.

fundamental difference between the impact of exile upon African prelates and their counterparts in kingdoms such as Merovingian Gaul, where, as discussed above, banishment was far more effective in limiting their political agency.

The sectarian nature of their punishment coupled with their freedom and willingness to defend Nicene Christianity ensured that some exiled bishops came to be revered by their co-religionists as confessors of the faith. This is something that emerges quite clearly from the pages of Victor of Vita's *History*, as at several points he notes how Nicene Christians visited exiled bishops in order to receive their blessing. Victor himself, for example, effusively reports how privileged he was to pay his respects to Bishop Valerian of Abensa, who at the time was camping beside a public road having been expelled from his see during the reign of King Geiseric for refusing to hand over the sacred objects and books of his church.¹²⁴ The 500 subordinate clerics banished from Carthage by King Huneric after the synod of February 484 similarly attracted the attention of their co-religionists.¹²⁵ Indeed, they were so popular that the Homoian bishops charged with supervising their punishment were forced to send guards to prevent them from receiving food from their fellow Nicenes as they journeyed into exile.¹²⁶ After they had arrived at their place of banishment, these clerics were also reportedly joined by two Nicene Vandals and their mother, who had given away all their wealth so that they could experience the same hardships as the exiles.¹²⁷ Equally famous, if not more so, were the aforementioned 4,966 clerics banished by King Huneric in the early 480s. When describing their hellish march into the desert, Victor repeatedly refers to people who were moved by their plight: for example, an unnamed woman who begged them to bless her and her grandson; Bishop Cyprian of Unizibir, who 'spent all that he had on his needy

¹²⁴ Vic. Vit., *HP* 1.40, p.10.

¹²⁵ *Ibid.* 3.34, p.49. On the circumstances of their exile, see above, section 3.3.

¹²⁶ Vic. Vit., *HP* 3.38, p.50.

¹²⁷ *Ibid.* 3.38, p.50.

brothers'; and a 'throng of the faithful too large to count', who bewailed the fact that no one would be able to perform the sacraments in their absence.¹²⁸ Victor consistently gives the impression that the victims of exile became 'celebrities' through their willingness to suffer for their faith. Consequently, far from reducing exiles' influence on wider society, as was the intention of the authorities, the penalty had the opposite effect, stimulating connections between exiled clerics and their co-religionists who were eager to venerate and assist them, or even to emulate their example.

Of course, it would be unwise to accept Victor's testimony at face value. As alluded to earlier, his *History* clearly has a didactic quality, since it was intended to instruct his fellow Nicene Christians on how to act in the face of religious oppression. It is possible, therefore, that his descriptions of exiled clerics being honoured and supported by their co-religionists were an attempt by Victor to engender such behaviour in his audience – a picture of how things (from his perspective) ought to be, rather than as they really were.

Whilst Victor doubtless idealises his material, other evidence nevertheless supports the general impression he gives that exiled clerics, especially bishops, attracted fame and authority. In 496, for example, no less a figure than Gelasius, the bishop of Rome, penned a letter in which he wrote in approving terms of the stubborn resistance that had been shown by the African church and specifically by Bishop Eugenius of Carthage in the face of King Huenric's persecution.¹²⁹ These remarks were almost certainly influenced by Victor's *History*, which had been published around a decade earlier.¹³⁰ However, Gelasius may have also heard stories about the suffering of Nicene Christians from travellers or refugees from

¹²⁸ *Ibid.* 2.30; 33; 34; pp.19-21.

¹²⁹ Gelasius, *Collectio Avellana* 95.63 = *Epistola ad Dardanos*, O. Gunther (ed.), *Epistulae imperatorum pontificum aliorum inde ab a. CCCLXVII usque ad a. DLIII datae Avellana quae dicitur collection Vol. 1*, CSEL 35 (Vienna, 1895), p.391.

¹³⁰ For the suggestion that Gelasius' letter may have been influenced by Victor of Vita's work, see Merrills and Miles, *Vandals*, p.187.

the Vandal kingdom, or even though his personal connections to Africa, if we accept the *Liber Pontificalis*' assertion that he was 'African by birth' (*natione afer*).¹³¹ More specific evidence for Italian cognisance of African suffering emerges during the pontificate of Gelasius' successor-but-one, Symmachus (498-514) who, according to his entry in the *Liber Pontificalis*, provided annual donations of money and garments – drawn from the considerable wealth of the see of Rome – to the bishops exiled by King Thrasamund.¹³² The recipients included the 60 or so prelates banished to Sardinia in 508/9, of whose plight Symmachus, like Gelasius, may have learned through his personal connections to the island.¹³³ His association with these bishops indicates how clerics were sometimes able to expand their social networks, forming contacts with co-religionists (even rather distant ones) who admired their willingness to suffer for their faith. Without doubt, the best example of this is Bishop Fulgentius of Ruspe who, as we saw, acted as the spokesperson of the African bishops exiled to Sardinia when he was recalled to Carthage to debate orthodoxy with King Thrasamund. Although his arguments failed to persuade the king, Fulgentius' defence of Nicene Christianity seems to have raised his profile significantly, since the surviving correspondence from his second period of exile on Sardinia shows him maintaining a wide social network with specific links to the city of Rome.¹³⁴ Many of these letters were written by Fulgentius in response to questions relating to doctrine or correct Christian practice.¹³⁵ This suggests that Fulgentius had come to be seen by Nicene Christians, both within his

¹³¹ *Liber Pontificalis* 51.1, MGH Gesta pont. Rom. 1, p.116. Gelasius does state that he was 'born a Roman' in a letter to Emperor Anastasius I; however, Conant, *Roman*, p.83, n.65 argues that Gelasius probably meant that he was born in imperial territory before it came under Vandal control.

¹³² *Lib. Pont.* 53.11, p.125: *Hic omni anno per Africam vel Sardiniam ad episcopos, qui exilio erant retrusi, paecunias et vestes ministrabat.*

¹³³ For Symmachus' native connections to Sardinia, see *Ibid.* 53.1, p.120: *natione Sardinus.*

¹³⁴ Uta Heil, 'From Hippolytus to Fulgentius: Sardinia as a place of Exile in the first six centuries', in Julia Hillner *et al.* (eds), *Clerical Exile in Late Antiquity* (Frankfurt, 2016), pp.190-2; S. Stevens, 'The circle of Bishop Fulgentius', *Traditio* 38 (1982), pp.327-41.

¹³⁵ See, for example, Fulgentius, *Ad Monimum libri tres*, J. Fraipont (ed.), CCSL 91 (Turnhout, 1968), pp.1-64; *De remissione peccatorum*, J. Fraipont (ed.), CCSL 91a (Turnhout, 1968), pp.649-707; *Epistulae* 1; 3; 7; 8; 10, CCSL 91, pp.189-97; 212-29; 244-54; 257-73; 312-56; *Ep.* 17, CCSL 91A, pp.563-615.

native Africa as well as in Italy, as something of a leading authority on religious matters. Given that he would have been relatively unknown prior to his exile – at least outside Africa – Fulgentius offers a striking example of how a reputation could be made despite or, arguably in his case, because of the imposition of exile.

*

In summary, the experiences of sectarian exiles were somewhat unusual in Vandal Africa. Nicene bishops, courtiers, and other secular officials were routinely subjected to public humiliation and physical suffering whilst they were in exile. Such treatment, usually reserved for lower-status offenders, was intended to bring about apostasy, perhaps amongst those who suffered the penalty but certainly amongst the population at large. The application of exile, together with other anti-Nicene measures, was at least partly successful in this regard, as we know that there were significant numbers of converts to Homoian Christianity, particularly in the early 480s when the persecution of the Nicene church reached its height under King Huneric. Had Huneric's reign lasted longer – he died on 23 December 484, ten months after issuing his infamous anti-Nicene edict – it is plausible that the number of apostates would have continued to grow. On the other hand, we may doubt whether any king could have eradicated the Nicene church in Africa, not least because of the stubborn resistance of its bishops. This can be seen most clearly at the Council of Carthage of February 484, when around 80% of the Nicene episcopate refused to subscribe to the Homoian confession, despite the immediate threat of punishment. Even after being sentenced to exile, Nicene bishops continued vigorously to defend their faith, writing theological tracts and polemics and debating with leading Homoians. Such activities suggest that these bishops remained influential in exile – a clear point of distinction between them and their colleagues who suffered banishment in other regions of the post-Roman west. Indeed, this influence may have resulted directly from the application of the penalty, as exiled bishops came to be

revered by their co-religionists as confessors of the faith. Ultimately, this could ensure that they became better known in exile than before, as best illustrated by the career of Fulgentius of Ruspe. All things considered, therefore, the experiences of offenders in the Vandal kingdom suggest that the effectiveness of exile as a tool of religious coercion was decidedly mixed.

4.4 The End of Exile

To round off this chapter, I will now consider the final stage in the ‘life-cycle’ of an exile: the end of their punishment. I will first address the duration of sentences and argue that most were temporary. Following this, I will then look more closely at the various ways through which offenders might recover their freedom. Although they could be released from exile after serving their sentences in full or having them quashed by courts of appeal, most ‘returnees’ were formally pardoned by their king. It will be shown that such acts of clemency were usually driven by diplomatic or political considerations, demonstrating that kings could further their ambitions as much through the recalling of offenders as through sentencing them to exile. Finally, I will consider the possibility of escape, contending that most offenders were put off from attempting this by the potential repercussions if they were caught, whilst identifying the strategies adopted by those few who escaped and successfully evaded capture.

Temporary or Permanent?

The database reveals that temporary exile was more common than permanent. There are 92 cases for which we know how the punishment came to an end, and only in 33 of them did offenders die in exile. On the basis of those figures, an offender therefore had around a 65% chance of regaining their freedom – not bad odds. Admittedly, this ignores the 138 cases for which we have no evidence of the exile’s ultimate fate. It is probable that in some of these cases exile was, in fact, permanent, with the deaths of offenders going unrecorded by contemporary authors through ignorance or lack of interest. Equally, however, it can be

argued that many ‘temporary’ cases are probably also undocumented, especially in Vandal Africa where our knowledge of the duration of exile is extremely poor, as demonstrated by table 4.3. This data-gap is largely the product of one particular source, the *Notitia Provinciarum et Civitatum Africae*, which provides us with the names of 46 bishops who were banished under Huneric but fails to tell us anything about what subsequently happened to them.¹³⁶ We know from another text, however, that in 494 Huneric’s successor Gunthamund recalled all the Nicene bishops who were still living in banishment.¹³⁷ Whilst it is conceivable that some of the 46 bishops named in the *Notitia* may have perished in the intervening years, the majority would have benefitted from Gunthamund’s decree. In other words, a high proportion of the unrecorded cases in Vandal Africa should probably be considered temporary. The evidence from this kingdom thus suggests that, as elsewhere in the post-Roman west, most exiles eventually recovered their liberty.

Table 4.3: Number of cases of exile that were temporary or permanent arranged by kingdom (439-650)

Kingdom	Duration Unknown	Permanent	Temporary
Vandal Kingdom	81 cases	15 cases	9 cases
Merovingian Kingdom	23 cases	9 cases	34 cases
Visigothic Kingdom	21 cases	4 cases	10 cases
Ostrogothic Kingdom	8 cases	2 cases	1 case
Burgundian Kingdom	2 cases	3 cases	2 cases
Lombard Kingdom	1 case	0 cases	2 cases
Kingdom of Odoacer	1 case	0 cases	1 case
Suevic Kingdom	1 case	0 cases	0 cases
Total	138 cases	33 cases	59 cases

¹³⁶ Although the recapitulatory table appended onto the end of the *Notitia* claims that, in total, Huneric banished 348 bishops, the annotations in the main body of the text designate only 46 of these by name, perhaps because those who updated the document lacked precise information regarding the fates of all 461 listed bishops. See Lancel, *Histoire*, pp.231-6.

¹³⁷ *Laterculus Regum Vandalorum et Alanorum (Augiensis)* 9, MGH Auct. Ant. 13, p.459.

Fixed-term sentences

There were several ways through which an exile might regain their freedom. Given that fixed-term sentences of exile were frequently prescribed in legislation, we may assume that some offenders were permitted to return home after serving their punishments in full. Admittedly, it is difficult to identify such offenders, as the literary sources rarely tell us how long specific sentences of exile were supposed to last. Nevertheless, the content of a ruling by King Theodoric of the Ostrogoths, originally issued sometime between 507-12 and preserved in the *Variae* of Cassiodorus, allows us to say something about what might have occurred at the end of fixed-term sentences as well as the potential difficulties faced by the offenders concerned.¹³⁸ This ruling had been prompted by a petition sent by a certain Adeodatus, who had alleged that Venantius, the governor of Lucania-and-Bruttium, had coerced him into confessing to the abduction (*raptus*) of Valeriana and denied him access to legal counsel. Although Venantius had subsequently disputed those allegations, Theodoric nevertheless seems to have doubted the fairness of Adeodatus' conviction, as he sentenced him to exile for just six months – a remarkably lenient punishment, as discussed in chapter two. After this period of time had elapsed, Theodoric stipulated that:

‘...you are to be restored to your native district and all your property, and you are to have all your original legal rights; for I decree that you, whom I mean to detain in temporary exile, are not to groan with the brand of disgrace’.¹³⁹

The fact that Theodoric specifically laid down that Adeodatus' possessions were to be restored to him and that he should regain his former legal standing suggests that even the end of exile could be difficult for offenders. The stigma of their punishment may have continued

¹³⁸ Cass., *Var.* 3.46, pp.101-2.

¹³⁹ *Ibid.* 3.46, p.102: *sed hoc exacto tempore patriae rebusque omnibus reformatus, ius tibi sit liberum omne quod primitus, quia nulla te ingemiscere probri adustione censemus, quem temporali volumus exilio detineri.* Translation by S. J. B. Barnish, *Cassiodorus: Variae* (Liverpool, 1992), p.67.

to shape their lives long after their return from banishment. Even before that could occur, moreover, they were dependent upon the officials charged with supervising their punishment actually adhering to the judge's instructions. The likelihood that such officials could not always be trusted is again implied by Theodoric's ruling, as he goes on to threaten anyone who would dare to prevent Adeodatus' homecoming or the restoration of his property with a fine of three pounds of gold.¹⁴⁰ Thus, on the completion of their sentences offenders might be forced to confront corruption on the part of officials and the prejudice of those who still considered them criminals.

The Recalling of Offenders

Offenders might also be recalled from banishment after having their punishment revoked by the authorities. Indeed, this was the most common way for exile to come to an end in the cases recorded within the database, suggesting that the authorities were generally successful in ensuring that offenders were kept under their control. Recall was sometimes a result of an appeal that had established innocence. We see the beginnings of such a process in another ruling of King Theodoric that addressed a certain Crispianus who had been convicted of homicide and condemned to exile.¹⁴¹ It would appear that the latter had appealed to the king against his punishment on the grounds that the victim had committed adultery with his wife. Theodoric agreed to look into the matter and stated that the punishment would be rescinded provided Crispianus' claims were upheld by due legal process. Although we do not know if Crispianus was ultimately released, his case serves to illustrate how an enterprising offender might attempt to bring about their recall by appealing directly to the king. But it was not only kings who heard such appeals; bishops assembled at church councils also had the authority to re-examine cases and rescind sentences of exile if justified. In Merovingian Gaul,

¹⁴⁰ Cass., *Var.* 3.46, p.102.

¹⁴¹ *Ibid.* 1.37, p.35.

for instance, the prelates who attended the Council of Orléans of 549 recalled Bishop Marcus of Orléans from exile after they determined that the original charges against him had been fabricated by ‘wicked men’.¹⁴² A similar incident took place at the Council of Seville of 619 when Fragitanus, a priest of the church of Cordoba, was acquitted of unspecified charges that had resulted in his deposition and banishment.¹⁴³ Of course, a synod’s power of recall was more limited than that of a king, with its competence restricted to cases involving clerics and potentially members of the laity who had committed offences recognised by ecclesiastical law.¹⁴⁴ Nonetheless, for those offenders who did fall under their jurisdiction, synods could provide a stage on which to have their convictions re-examined and potentially overturned.

However, it was much more common for offenders to be recalled from exile through *ad hoc* acts of royal clemency rather than through their formal exoneration by any court of appeal. The pardoning of offenders is frequently represented in the sources as being driven by the king’s conscience or fear of divine retribution. In one of his letters, for instance, the aforementioned Bulgar asserts that his *bête noire* King Witteric recalled him from exile after being terrified by a divine vision.¹⁴⁵ Similar claims are made by the authors of hagiographies, in which it is something of a topos for kings to be divinely prompted to release unjustly exiled saints. A good example of this can be seen in the *Life of Apollinaris of Valence* when its episcopal protagonist was banished by King Sigismund of the Burgundians (r. 516-524) for excommunicating the royal treasurer Stephen.¹⁴⁶ In a deft twist, it fell to Apollinaris to

¹⁴² Gregorius Turonensis, *Vitae Patrum* 6.5, MGH SS rer. Merov. 1.2, p.233.

¹⁴³ Seville II (619), c.6, pp.166-7. On this council, see Rachel L. Stocking, *Bishops, Councils, and Consensus in the Visigothic Kingdom, 589-633* (Ann Arbor, MI, 2000), pp.129-32.

¹⁴⁴ On church councils’ jurisdiction, see Gregory I. Halfond, *The Archaeology of Frankish Church Councils, 511-768* (Leiden, 2010), pp.10-12.

¹⁴⁵ *Ep. Wisi.* 14, pp.683.

¹⁴⁶ *Vita Apoll.* 2-3, pp.198. On this episode, see Ian Wood, ‘Incest, Law and the Bible in sixth-century Gaul’, *Early Medieval Europe* 7.3 (1998), pp.299-300 but also the different reading of the evidence by Angela Zielinski Kinney, ‘An Appeal Against Editorial Condemnation: A Reevaluation of the *Vita Apollinaris Valentinensis*’, in Victoria Zimmerl-Panagl, *Edition und Erforschung lateinischer patristischer Texte: 150 Jahre CSEL; Festschrift für Kurt Smolak zum 70. Geburtstag* (Berlin, 2014), pp.164-7. It should also be noted that the *Vita Apollinaris Valentinensis* was dismissed as a Carolingian forgery by its MGH editor Bruno Krusch but has been rehabilitated as an authentic sixth-century text by Kinney.

heal the king after God had afflicted the monarch with a fever in order to punish him for his iniquity.¹⁴⁷ Upon his recovery, a repentant Sigismund promptly released the bishop from exile and asked for his forgiveness.¹⁴⁸ It would be unwise to dismiss totally the veracity of such episodes. After all, this was a period in which people held intense religious convictions and it would not be surprising if kings sometimes pardoned offenders in the hope of placating a wrathful God. On the other hand, we must acknowledge that sympathetic authors had good reason to attribute acts of clemency to the uneasy conscience of rulers as it helped them to represent exiles as blameless victims of the royal whim rather than targets of legitimate punishment.

We can be more certain that political considerations frequently played a major role in the decision to recall offenders from exile. Diplomatic pressure could force rulers to act, as is demonstrated by the case of the Lombard queen Gundeberga, who was banished to a single chamber of the palace in Pavia by her second husband Rothari (r. 636-652) soon after he succeeded to the throne.¹⁴⁹ Gundeberga, as granddaughter of Garibald I, had links to the Duchy of Bavaria – a frontier region of Merovingian Gaul ruled by dukes under Frankish hegemony.¹⁵⁰ Upon learning of her incarceration, an envoy named Aubedo, who had been sent to Lombard Italy by the Merovingian king Clovis II (r. 639-657/8), accused Rothari of maltreating a kinswoman of the Franks.¹⁵¹ Reluctant to incur the enmity of his powerful neighbour, Rothari released his queen and ordered that all her property should be restored. This demonstrates how the recalling of offenders could be prompted by *Realpolitik* and more specifically the fear of invasion by a foreign power. However, whereas Rothari was merely

¹⁴⁷ *Vita Apoll.* 5, p.199.

¹⁴⁸ *Ibid.* 6, p.199. For a very similar episode, see *Vita Marcelli* 5, François Dolbeau (ed.), ‘La vie en prose de saint Marcel évêque de Die. Histoire du texte et édition critique’, *Francia* 11 (1983), pp.119-21 in which the eponymous bishop was reputedly released from exile by King Euric after healing his son.

¹⁴⁹ *Chronicon Fredegarii* 4.70, MGH SS rer. Merov. 2, p.156.

¹⁵⁰ For her familial connections, see PLRE 3.1, Gundoberga, p.565.

¹⁵¹ *Chron. Fred.* 4.71, p.156.

attempting to undo the damage caused by his short-sighted actions, other kings were able to use their power of recall more positively in pursuit of specific diplomatic goals. King Geiseric of the Vandals was particularly adept at this strategy. In 474, he exploited the condition of his exiled Nicene clergy during his talks with Severus, an ambassador sent to Africa by the Eastern Emperor Zeno (r.474-491).¹⁵² After promising Severus that he would restore the banished clerics to their churches, Geiseric and his regime achieved recognition from Constantinople, and with this, the promise of a ‘perpetual peace’ (which lasted some sixty years until Belisarius’ invasion of 533/4).¹⁵³ In the hands of a shrewd king such as Geiseric, the power of recall held enormous political potential.

Nor was this tactic limited to the realm of international diplomacy, as rulers also pardoned offenders to maintain their authority within their own kingdoms. We see this particularly clearly in cases of exile involving members of the aristocracy. Such individuals often had powerful patrons whose influence could persuade kings to revoke their punishment. As we have seen, Bishop Sidonius of Clermont was released from the fortress of Liviana through the intervention of his friend Leo, a minister of King Euric. A similar example may perhaps be seen in Vandal Africa in the treatment of Dracontius, a distinguished aristocrat who was imprisoned in the early 490s by King Gunthamund for writing in praise of another ‘lord’, often assumed to be a foreign ruler but perhaps someone closer to home, namely Gunthamund’s predecessor, Huneric.¹⁵⁴ After his own pleas for clemency failed, Dracontius

¹⁵² Malchus, *Fragment 3*, R. C. Blockley (ed. and trans.), *The Fragmentary Classicising Historians of the Later Roman Empire* (Liverpool, 1981), p.126; Procopius, *De Bellis* 3.7.26, H. B. Dewing (trans.), *History of the Wars* (London, 1916), pp.70-2. For discussion of the significance of this diplomatic mission: see Merrills and Miles, *Vandals*, p.123 and Conant, *Roman*, p.32. The date is disputed. Although the mission is usually thought to have occurred in 474, G. Berndt, *Konflikt und Anpassung: Studien zu Migration und Ethnogenese der Vandalen* (Husum, 2007), pp.200-1 argues that it in fact occurred two years later.

¹⁵³ Vic. Vit., *HP* 1.51, p.13.

¹⁵⁴ Dracontius, *Satisfactio ad Gunthamundum regem Wandalorum* 93-4, Claude Moussy (ed. and trans.), *Dracontius: Oeuvres Vol. 2* (Paris, 1988), p.181: *culpa mihi fuerat dominos reticere modestos ignotumque mihi scriber ceu dominum*. On Dracontius’ and his imprisonment, see Whelan, *Christian*, pp.206-7. For the suggestion that the ‘lord’ was, in fact, Huneric, see Andrew H. Merrills, ‘The perils of panegyric: the lost poem of Dracontius and its consequences’, in Andrew H. Merrills (ed.), *Vandals, Romans and Berbers: New Perspectives on Late Antique North Africa* (Aldershot, 2004), pp.145-62.

was released through the intercession of two brothers named Victorianus and Rufinianus.¹⁵⁵ Although nothing is known about their background, Victorianus and Rufinianus were evidently important enough to have the ear of the king, making it probable that, like Sidonius' saviour Leo, they held high positions at court.

These episodes remind us that the exiling of offenders, particularly those of high status, did not take place in a vacuum as kings had to consider the advantages and disadvantages of the punishment not only at the moment of sentencing but also in the years that followed. Given the constant ebb and flow of royal power, it might become politically prudent for a king to recall an offender from banishment prematurely. Certainly, rulers could employ their pardon to secure the loyalty of their subjects, and most obviously that of the exile concerned. We can see this in the case of Bishop Caesarius of Arles, who was banished to Bordeaux in 505 by the Visigothic king, Alaric II (r. 484-507) after he fell under suspicion of attempting to turn control of his see over to the Burgundians.¹⁵⁶ Despite the serious nature of these charges, Caesarius was recalled from exile early the following year.¹⁵⁷ It has been argued by William E. Klingshirn that the sudden reversal of Caesarius' fortunes was a result of the internal politics of the Visigothic kingdom, as Alaric sought to improve his standing with his Gallo-Roman subjects and especially the Nicene episcopate in a climate of rising tensions with the Franks.¹⁵⁸ At the centre of this "hearts and minds" campaign was Alaric's decision to sponsor a kingdom-wide synod in Agde in September 506. It is likely that Alaric saw the support of Caesarius – bishop of the most important see in southern Gaul – as crucial to winning over his colleagues and so he released him ahead of the synod in exchange for his allegiance. Alaric's treatment of the bishop thus hints at how kings could further their

¹⁵⁵ Dracontius, *Romulea* 6.40, MGH Auct. Ant. 14, p.149. For comment, see Claude Moussy, *Dracontius: Oeuvres Vol. 1* (Paris, 1985), pp.29-31.

¹⁵⁶ See above, section 3.2.

¹⁵⁷ *Vita Caes.* 1.24, p.466.

¹⁵⁸ William E. Klingshirn, *Caesarius of Arles: The Making of a Christian Community in Late Antique Gaul* (Cambridge, 1994), pp.94-6.

political ambitions as much through the recalling of offenders from exile as through their application of the penalty in the first instance.

Given the political capital that could be derived from recalling offenders from exile, it is perhaps not surprising that kings across the post-Roman west frequently took the chance to revoke sentences that had been imposed by their predecessors. As discussed in chapter three, the authority of rulers was typically weakest immediately after their accession. The pardoning of those oppressed by previous regimes offered new rulers a convenient way to build up a base of support and emphasise a break with the past. The clearest examples of this can be seen in Vandal Africa, where we have already noted how King Hilderic, upon ascending to the throne in 523, immediately recalled all the Nicene bishops who had been banished to Sardinia by his predecessor, Thrasamund. It was a similar story after the death of another Vandal king, the arch-persecutor Huneric. According to the so-called *Laterculus regum Vandalorum et Alanorum* – a terse chronicle of Vandal history which focuses upon the relationships between Vandal monarchs and the Nicene church – his successor Gunthamund recalled Bishop Eugenius of Carthage from exile in 487.¹⁵⁹ This tentative but significant first step in the relaxation of the Vandal regime's anti-Nicene stance was followed seven years later by a far more comprehensive decree in which Gunthamund ordered that all Nicene churches in Africa were to be re-opened and the thousands of Nicene clerics who had been exiled by Huneric restored to their sees.¹⁶⁰ Although such decisions could also have been motivated by more personal concerns, both Gunthamund and Hilderic doubtless appreciated the political advantages of recalling Nicene clerics from banishment. On the one hand, it potentially allowed these kings to secure the loyalty of a group, which had retained much of

¹⁵⁹ *Lat. Reg. Vand. et Alan. (Aug.)* 8, p.459. On this document, see Roland Steinacher, 'The So-called "Laterculus regum Vandalorum et Alanorum": A Sixth-century African addition to Prosper Tiro's Chronicle?', in Andrew H. Merrills (ed.), *Vandals, Romans and Berbers. New Perspectives on Late Antique North Africa* (Cambridge, 2004), pp.163-180.

¹⁶⁰ *Lat. Reg. Vand. et Alan. (Aug.)* 9, p.459.

its authority and prestige, even through the years of persecution. On the other, it enabled them to reduce their reliance upon Homoian churchmen, whose heightened influence at court – a by-product of the religious policies of their predecessors – they may have resented or feared. In part, therefore, the fluctuating attitude exhibited by Vandal kings towards the Nicene church was probably a consequence of these monarchs looking to consolidate their position at the centre of government. More broadly, their recalling of Nicene clerics underscores again that the value of exile as a political tool resided mainly in its flexibility, since, unlike execution, it could be reversed by kings at opportune moments.

Escaping from Exile

Of course, not every offender was content to wait obediently in exile until they had served their sentence or were recalled by the authorities. Some took matters into their own hands and absconded. To be more precise, there are at least eight cases in which offenders appear to have successfully escaped from exile.¹⁶¹ This is a small number – less than 4% of the total number of cases – which can perhaps be explained by the treatment of those fugitives who were caught. We have already seen, for instance, how in Merovingian Gaul a certain Droctulf was flogged by the king's bailiff and sent back to his exile amid the royal vineyards after he tried to mount an escape. Even so, Droctulf may have got off comparatively lightly. Looking back to the Roman period, we know from the commentaries of the jurists that Emperor Hadrian (r. 117-138) had established a system of upgraded penalties for offenders who attempted to escape from exile.¹⁶² According to this schema, those who had been exiled temporarily were banished permanently; those relegated permanently were sent to an island; those relegated to an island were deported; and those

¹⁶¹ The cases are Apollinaris 1, Contumeliosus, Gundovald, Munderic, Praetextatus, Riculf, Sagittarius [second exile], and Salonius [second exile]. For references, see Appendix 2 below.

¹⁶² See *Digesta* 48.19.4; 48.19.28.13, Paul Kreuger *et al* (eds), *Corpus Iuris Civilis Vol.1* (Berlin, 1889), p.813; 816.

deported to an island were executed. Whilst we may doubt that post-Roman officials adhered to, or were even aware of, the specific details of Hadrian's law, they do appear to have subscribed to the notion that those who escaped from exile should have their sentences increased. One example of this can be seen in the treatment of Theudechild who, as discussed in chapter two, was severely beaten and imprisoned in a cell for the rest of her life, after she tried to break out of the convent to which she had been confined by King Guntram.¹⁶³ There was also the very real possibility that those who escaped from exile would be killed in the process of their recapture. This may have been the fate of Hermenegild, the Visigothic prince and pretender to the throne whom we encountered in the previous chapter. According to John of Biclar, he was banished to Valencia in 584 after his revolt was crushed by his father, King Leovigild.¹⁶⁴ The following year, however, he was said to have been murdered in the city of Tarragona, around 175 miles north of Valencia.¹⁶⁵ One explanation for this series of events is that Hermenegild had absconded from his place of banishment, perhaps with the intention of crossing the border into Merovingian Gaul, but was subsequently apprehended and killed *en route*.¹⁶⁶ In any case, since the weight of evidence suggests that captured fugitives could expect to be punished – at the very least with a beating, if not rather more severely – it is perhaps little wonder that most offenders preferred to wait for their banishment to come to an officially-sanctioned end, which is further testament to the general effectiveness of the punishment.

Those few offenders who succeeded in escaping from banishment typically adopted one of two different strategies to avoid capture. Some put themselves beyond the jurisdiction

¹⁶³ Greg. Tur., *Hist.* 4.26, p.159.

¹⁶⁴ Ioh. Biclar., *Chron.* a.584.3, p.217.

¹⁶⁵ *Ibid.* a.585.3, p.217. Alternative accounts of Hermenegild's death are provided by Greg. Tur. *Hist.* 8.28, pp.390-1 and Gregorius Magnus, *Dialogi* 3.31.4, Adalbert de Vogüé and Paul Antin (trans.), *Grégoire le Grand: Dialogues Vol. 2*, SC 260, (Paris, 1979), p.388, both of whom claim that he was killed upon the orders of Leovigild.

¹⁶⁶ This is suggested by Roger Collins, *Visigothic Spain, 409-711* (Oxford, 2004), pp.59-60.

of the authorities by fleeing to a neighbouring district or kingdom. To give but one example, Munderic, the bishop-elect of Langres, who had been banished by King Guntram for bringing gifts and provisions to the armies of Sigibert (r. 561-575), fled to the territory of the latter ruler after failing to get his punishment revoked.¹⁶⁷ This proved to be a wise choice as Sigibert honoured him by having him ordained as the bishop of the newly-created see of Alais, in an area of southern Gaul recently conquered from the Visigoths. In general, however, there were clear downsides to abandoning one's kingdom, not least the fact that it forced fugitives to abandon their families, friends and property. Other offenders, therefore, preferred a different strategy, whereby they timed their escape to coincide with the accession of a new king. In principle, this was based on the sound reasoning that rulers were liable to pardon those who had been punished by their predecessors. Shrewd offenders would thus preempt such acts of clemency by fleeing to their native districts and petitioning rulers to authorise their restoration retroactively. The return of Bishop Praetextatus to his see of Rouen is a case in point. After being sentenced to exile for treason by King Chilperic in 577, Praetextatus took advantage of the death of that king seven years later to leave his place of banishment, probably the island of Jersey, and return to his city.¹⁶⁸ Rightly realising that his legally-ambiguous status made him vulnerable to his enemies, Praetextatus subsequently travelled to Paris to beg King Guntram to hear his case. The latter initially resolved to convene a synod but was persuaded by Bishop Ragnemod of Paris to restore Praetextatus to his see without further delay. The pardoning of Praetextatus thus demonstrates that flight from exile did not necessarily bring offenders into conflict with the authorities, provided that they picked their moment of escape carefully.¹⁶⁹

¹⁶⁷ Greg. Tur., *Hist.* 5.5, p.201.

¹⁶⁸ *Ibid.* 7.16, pp.337-8.

¹⁶⁹ Although in Praetextatus' case his pardon to his see did not save him from assassination, perhaps on the orders of Fredegund as described in the introduction.

Conclusion

This chapter has demonstrated two main points. First, it has shown that the experience of exile was contingent upon the interplay of several factors. At the most basic level, we have seen that the conditions of the sentence were significant. Offenders were especially keen to avoid terms of custodial banishment because of the intense scrutiny and supervision that came with it. The exception was monastic confinement, which offenders generally appear to have found tolerable despite having their movements sharply curtailed. This was partly because they were not made full members of the monastic community and were thus exempt from the duties and restrictions placed upon the brethren. Equally significant was the fact that many of those confined in monasteries were members of the elite who were seemingly treated with a degree of respect, or even reverence by the abbots charged with supervising their punishment. But the mitigating effects of high rank were not limited to cases of monastic confinement. We have seen that throughout the post-Roman west social status could have a huge impact upon the treatment and experiences of offenders whilst they were in exile. For those at the lower end of the social spectrum the little evidence that we possess suggests that exile was a gruelling ordeal, marked by deplorable living conditions, physical toil, and abuse at the hands of guards. By contrast, high status offenders were often able to exploit their wealth and personal connections to improve the circumstances of their banishment to the extent that some may hardly have registered the physical effects of their sentences at all. This suggests that social distinctions could continue to influence punishment long after the point of sentencing, demonstrating again the importance of rank and status to the operation of criminal justice during the period. However, I have also argued that kings occasionally had reason to make the experience of exile rather less pleasant for members of the elite. We saw, for example, how deposed royals and defeated pretenders were subjected to public humiliation as they were conducted into exile so that rulers could convey their fallen status to

as wide an audience as possible, reminding their subjects that those who threatened the monarchy would be dealt with harshly. Exile was also used as a form of exemplary justice in Vandal Africa, where the demeaning treatment of Nicene bishops and courtiers was intended to induce the conversion of the wider population to Homoian Christianity. Arguably, the most important factor in the experience of exile was therefore the motivation behind the punishment, as this could override any of the advantages or privileges an offender might normally have possessed by virtue of their rank or office.

The second, perhaps more important, lesson of this chapter is that from the perspective of the authorities the application of exile was broadly effective. Rulers devoted a substantial amount of attention and resources to the task of ensuring that offenders, particularly those whom they considered dangerous, were conducted to their places of banishment without incident and remained there for the duration of their sentences. Although naturally there were a few cases in which offenders managed to abscond, escape was on the whole rare, demonstrating that the provisions put in place by the authorities generally worked. This finding provides an important corrective to scholarship that would depict post-Roman government as chronically inefficient, as it shows that kings could see that punishment was properly enforced when the political will existed. Kings were also broadly successful in ensuring that exiles suffered a loss of power, influence, and connectedness. This is demonstrated by the number of persons who faded into complete obscurity after their banishment, and by the limited activities engaged in by those who do receive some attention from the sources. In most cases, therefore, exile achieved its principal aim of narrowing the political and social horizons of offenders, which explains why the punishment remained popular with kings throughout the period.

It is somewhat ironic, then, that the application of exile was apparently least successful in the Vandal kingdom. As demonstrated in the previous chapter, Vandal rulers

imposed the penalty on a scale unmatched either before or after the collapse of the Western Empire in an attempt to establish religious unity. However, we have seen that despite winning some converts to the Homoian confession, particularly at the height of Huneric's repression in 483/4, the application of exile failed to eradicate Nicene Christianity. This was largely due to the stubborn resistance exhibited by Nicene bishops who, even from exile, continued to defend their faith. These bishops remained influential in banishment – a clear point of distinction between them and their episcopal colleagues who suffered exile elsewhere in the post-Roman west. Indeed, such influence was frequently a by-product of exile, as banished bishops came to be revered by their co-religionists as confessors of the faith. Ultimately, this appears to have enabled some exiled bishops to maintain or even expand their social networks, as we saw most notably in the case of Fulgentius of Ruspe. In the final analysis, therefore, it can be said that, whilst it proved effective as a judicial punishment and political tool, the penalty of exile was rather less useful as an instrument of religious coercion.

Epilogue

Over the course of this thesis, I have demonstrated the penalty of exile's broader significance in the context of three main strands: law, politics, and religion. With regard to the law, I have shown that exile remained, above all, a flexible sanction. This aspect emerged in the discussion of the prescriptive evidence in chapter one but became even more apparent in later chapters when our focus turned to the application of the penalty on the ground. More specifically, we saw that in the post-Roman west, as in the Roman Empire before it, the penalty of exile could be imposed for virtually any crime and against any category of offender. The terms of the punishment were similarly open-ended, with judges varying its duration and combining it with other penalties as they saw fit. In addition, the selection of places of exile provided the authorities with yet another opportunity to tailor the punishment to the particular circumstances of the case. Taken together, all of this flexibility ensured that exile performed a vital role in the criminal law of the period. Although it was in essence a 'middling' punishment, insofar as its consequences were obviously not as dire or permanent as the death penalty but longer lasting than milder sanctions such as fines or corporal punishment, exile, depending on how it was qualified by judges, could be employed to express either severity or leniency. This flexibility goes some way to explaining why the penalty remained so popular with the authorities and was imposed in so many different contexts throughout the period.

Another important finding of this study in the context of the law is that social status was of fundamental importance to the application and experience of exile. We have seen, for example, that legislators continued to prescribe different penalties for elites and non-elites, often employing the same legal terminology to categorise offenders as their Roman

predecessors. Such variation in sentencing was also detected on the ground, with lower-status exiles generally receiving more painful and humiliating treatment than their social superiors. In a period where ethnicity has often been regarded as the key determining factor in punishment, my analysis of exile has instead demonstrated that considerations of an offender's honour and dignity remained central to the operation of criminal justice. As part of this, we have also seen that sentences of exile continued to reflect penal concepts of retribution and deterrence, which had underpinned punishment throughout the Roman period. In both respects, the efficacy of exile resided mainly in its capacity to cause offenders emotional and, in some cases, physical distress through restricting their movements, isolating them from their social networks, and disrupting their usual routines and patterns of behaviour. However, we have also seen that, on occasion, the role of exile as a form of retribution and especially of deterrence was enhanced through the demeaning treatment of offenders before, during, and after they arrived in banishment. This was noted, in particular, in the exiling of deposed royals, defeated pretenders, and high-ranking members of the Nicene establishment in Vandal Africa. Such cases thus demonstrate how the usual deference afforded to rank and status could be subverted by the authorities when they wished to turn punishment into an act of exemplary justice. The role of public humiliation in criminal justice during the late antique and early medieval periods would merit further investigation.

Despite its high degree of continuity with that of the Roman Empire, my study has also shown that the legal pattern of exile developed in some significant ways over the course of the fifth, sixth, and early seventh centuries. Much like other legal institutions of the period, legislators adapted the punishment in accordance with the wider political, social, and economic transformations of the time. A notable example of this was the gradual abandonment of certain forms of exile, such as condemnation *ad metalla*, due to the disappearance of state-owned mines and quarries, and *relegatio* and *deportatio*, possibly as a

result of the decline in the prestige attached to Roman citizenship. Change was also detected in the crimes punished by exile, since, as we saw in chapter one, legislators frequently reworked, updated, or omitted the substance of earlier laws to make them more relevant to a contemporary audience. In other words, although many of the provisions prescribing exile had Roman antecedents, they were given a distinctly post-Roman gloss. Consequently, my study reinforces the recent historiographical trend to emphasise the practical significance of written law in the post-Roman west, in contrast to the older body of work that tended to dismiss such material as rough imitations, which were issued by kings primarily for their symbolic worth as expressions of *Romanitas*.¹

The impact of Christianity on law-making caused the most substantive developments in the legal pattern of exile. To give but one example, the institution of church asylum provided offenders with a new route into banishment, since post-Roman rulers of all creeds seem to have acknowledged its mitigating effect on punishment from the very beginning of the period. Even more important was the development and proliferation of novel forms of exile linked to ecclesiastical institutions, namely monastic confinement and forced clerical ordination, both of which would continue to be imposed long after the period studied here. Although these two penalties first emerged in the late Roman Empire, it was only after the collapse of imperial authority that they were routinely imposed in the former western provinces. In the case of monastic confinement, it is clear that the formalisation of the practice was driven to a large extent by bishops, who began prescribing it in their canons several decades before the penalty appears in the legislation of Emperor Justinian. We have seen that the sanction of monastic confinement gave bishops a new means with which to

¹ On the historiographical trend to downplay the practical importance of post-Roman legislation, see Roger Collins, 'Law and Ethnic Identity in the Western Kingdoms in the Fifth and Sixth Centuries', in Alfred P. Smyth (ed.), *Medieval Europeans: Studies in Ethnic Identity and National Perspectives in Medieval Europe* (Basingstoke, 1998), p.1.

discipline their subordinates whilst also protecting them from the harsher penalties of secular law. At the same time, monastic confinement was intimately linked with notions of reform, as it placed the offender in an institution where they would be expected to reflect upon and atone for their sins. As Julia Hillner has pointed out, this form of exile should be seen as highly significant in the history of penology, since it demonstrates a degree of engagement and experimentation with the idea of rehabilitative justice through spatial restriction almost a millennium and half before the development of the modern prison.²

With regard to the political strand of this study, I have argued that exile was an essential tool for post-Roman rulers. Although historians have previously noted how single instances of exile helped certain kings achieve specific aims, my thesis – through its systematic approach – has demonstrated the importance of the penalty in early medieval politics more generally, and in particular its use in the consolidation of royal authority at moments of crisis. As was stressed at several points throughout the discussion, the utility of exile in such contexts lay, above all, in its capacity to remove persons from the political sphere without the need for bloodshed. Arguably, exile had always performed this function. Emperors of the first and second centuries, just as their late antique equivalents and post-Roman successors, had been required to balance the practical need to eliminate threats to their power against wider cultural expectations that a legitimate ruler should, whenever possible, act with clemency.³ However, the Christianisation of society may have intensified the demand on rulers to spare their political opponents. At the very least, it broadened the categories of persons who could not be executed without incurring significant opprobrium. Bishops are a case in point: as early as the reign of Constantine I, a pattern had emerged in which disobedient or delinquent prelates were almost invariably subjected to exile, regardless

² Julia Hillner, *Prison, Punishment and Penance in Late Antiquity* (Cambridge, 2015).

³ E. Rocovich, 'Exile in Roman Life and Thought from Augustus to Constantine', Unpublished PhD Thesis (2004), University of North Carolina at Chapel Hill, pp.169-70.

of the severity of their crimes. We have seen that the rulers of the post-Roman west continued to adhere to this pattern, even as bishops grew substantially in prominence and were increasingly drawn into the realm of high politics. Indeed, I have argued that it was bishops' secular rather than sacred significance, coupled with their *de facto* immunity from the death penalty, that resulted in so many of them being banished over the course of the period. In this way, my study of exile acts as a barometer of the broader changes that were transforming the structures of power in society in the centuries after the collapse of the Western Empire.

More speculatively, the Christianisation of society may have encouraged early medieval rulers to spare their lay opponents from execution more readily than did their Roman counterparts. Certainly, considerable numbers of deposed kings, superfluous members of royalty, defeated pretenders, and high-ranking members of the nobility were all sentenced to exile in the post-Roman west, despite the potential dangers to rulers in granting such individuals their lives. In this regard, it was suggested that kings began exploiting the penalties of monastic confinement and forced clerical ordination in the hope that ecclesiastical forms of exile would limit offenders' opportunities to return to the secular sphere. To that end, rulers also occasionally combined exile with forms of bodily mutilation such as blinding, disfigurement, and the amputation of limbs. Such practices appear to have become more common throughout the Mediterranean world after the end of my period of study, suggesting that the pressure on rulers to find alternatives to the death penalty only increased in following centuries.⁴ With that in mind, my thesis has shown that a thorough analysis of capital punishment during the late antique and early medieval periods – its legal

⁴ See Geneviève Bührer-Thierry, “‘Just Anger’, or ‘Vengeful Anger’? The Punishment of Blinding in the Early Medieval West”, in Barbara H. Rosenwein (ed.), *Anger's Past: The Social Uses of an Emotion in the Middle Ages* (Ithaca, NY, 1998), pp.75-91; Meinrad Schaab, ‘Die Blendung als politische Massnahme im abendländischen Früh-und Hochmittelalter’, Unpublished PhD Thesis, University of Heidelberg (Heidelberg, 1955); and Jonathan A. Stumpf, ‘On the mutilation and blinding of Byzantine emperors from the reign of Heraclius I until the fall of Constantinople’, *Journal of Ancient History and Archaeology* 4.3 (2017), pp.46-54.

characteristics, its role in politics, and cultural perceptions of its imposition – would potentially yield new insights into the late and post-Roman world.

Finally, the analysis in the religious strand of my thesis supplements and refines existing scholarship on the extent to which post-Roman rulers were concerned with establishing orthodoxy. It has long been argued – either directly or implicitly – that the pattern of exile was unique in Vandal Africa, because only there was it employed by kings as a tool of religious coercion to enforce commitment to the Homoian confession. However, whilst previous studies made such arguments primarily on the basis of the Vandal evidence, I have demonstrated the exceptional nature of the pattern of exile in Vandal Africa through direct and sustained comparison with other kingdoms. In chapter one, for example, we saw that post-Roman lawmakers ignored the vast body of anti-heresy legislation issued in the late fourth and early fifth centuries, which prescribed the penalty of exile against members of dissident Christian sects and their sympathisers. The key exception to this was the edict issued by King Huneric of the Vandals in 484, in which he threatened all those who refused to adopt the Homoian creed, as defined by the councils of Rimini and Seleucia of 359, with a series of penalties, including exile, that were drawn directly from late imperial constitutions. Of course, Huneric was chiefly concerned with eradicating the very same beliefs (i.e. the Nicene confession) that those constitutions had been issued to protect and promote. Nevertheless, despite this reversal in the definition of orthodoxy, it is clear from his edict that Huneric was modelling his religious policy on those of his imperial forebears, something that other kings of the period simply did not do.

In chapters two, three, and four, we also saw how the descriptive evidence further supports the notion that the pattern of exile in Vandal Africa was unusual by the standards of the time. Although elsewhere in the post-Roman west Nicene sources typically perceived the exiling of their coreligionists by Homoian rulers as acts of persecution that were intended to

undermine their church, a close analysis of the evidence does not substantiate such claims. Certainly, differences in creed could cause friction between bishops and their kings, as was demonstrated in the context of Visigothic Gaul. However, the crucial fact remains that Kings Euric and Alaric did not employ the penalty of exile as part of a wider bid to enforce conformity to the Homoian confession but were instead concerned with consolidating their authority by removing unreliable prelates from cities that had only recently come under Visigothic domination. The situation was slightly different in Spain under King Leovigild – another monarch who was labelled as a persecutor by Nicene sources – since he clearly made some attempt to establish a unified church. However, he sought to win converts primarily through persuasion rather than coercion to the extent that he was willing to modify several important tenets of the Homoian confession. In consequence, it is far from clear that those few cases of exile which can be connected with his reign were motivated solely or even primarily by sectarianism, particularly when we remember that such cases were occurring at a time of significant political turmoil brought about by the rebellion of Leovigild’s elder son, Hermenegild. Taken together, the wealth of evidence brought to bear by my cross-regional study demonstrates that only in Vandal Africa did kings repeatedly and, during the reign of Huneric, systematically employ the penalty of exile to coerce their subjects into adopting their favoured confession. This is one of the most significant findings of my thesis, as it suggests that the pursuit of orthodoxy, which had been an obsession for late Roman emperors, was largely abandoned in the post-Roman west.

Naturally, this prompts the question of why Vandal kings chose to enforce orthodoxy, or perhaps better, why their contemporaries decided against it, since it was they, rather than the Vandals, who deviated from established practice.⁵ To my mind, no mono-causal

⁵ This is pointed out by Robin Whelan, *Being Christian in Vandal Africa: The Politics of Orthodoxy in the Post-Imperial West* (Oakland, CA, 2018), p.244.

explanation will completely suffice. One could point to the general, structural factors that reduced the likelihood of kings pursuing such a divisive religious policy. After all, the post-Roman successor states were rather ramshackle and unstable regimes, as demonstrated by the speed with which several collapsed in the face of military invasion over the course of the period. Accordingly, Homoian kings may have been reluctant (and perhaps powerless, as in Visigothic Spain for much of the sixth century) to enforce their own creed lest they risked alienating the majority of their subjects. Clearly, any enforcement of Homoian Christianity was bound to have prompted determined resistance from the Nicene episcopate, as was the case in Vandal Africa. Nevertheless, there were also reasons why the Homoian nobility in the Visigothic, Ostrogothic, Burgundian, and Lombard Kingdoms may have wanted to maintain a religiously plural state, since their confession acted as a strategy of distinction through which they could distinguish themselves from the Nicene Roman majority and thus preserve their privileged position in the social hierarchy. In short, it seems that it was considerations of *Realpolitik* rather than a commitment to religious tolerance that caused the majority of post-Roman kings to play down the issue of orthodoxy.

The different path taken by Vandal rulers has, understandably, generated a range of possible explanations. Some scholars resort to what could be described as historical psychoanalysis, seeing in Geiseric's policies, for example, the 'zeal of the newly converted'⁶ (he was rumoured to have subscribed to Nicene Christianity before his crossing to Africa) or depicting Huneric's persecution as the work of an 'old, embittered, and quite possibly sick' man.⁷ There may be something in these explanations, but ultimately they remain little more than speculation given our inability to assess the mind-set of individuals separated from us by a millennium and half of history, and for whom we possess almost no direct evidence of their

⁶ J. Conant, *Staying Roman: Conquest and Identity in Africa and the Mediterranean, 439-700* (Cambridge, rpt 2015), p.185.

⁷ *Ibid.*, p.178.

personal motivations at any point during their reigns. It seems to me that a more meaningful approach to the problem is to identify the distinctive features of the Vandal kingdom that may have encouraged its rulers to adopt a different religious policy to their Gothic, Burgundian, and Frankish contemporaries. Most obvious is the fact that, prior to the Vandal invasion, North Africa had witnessed the bitterly-contested Donatist controversy. Whilst the Donatists themselves almost immediately disappear from the source record following the Vandal conquest of Carthage in 439, the legacy of the controversy may have given Nicene clerics a very particular sense of their own religious identity. As such, whilst many of their counterparts elsewhere in the post-Roman west appear to have quickly acquiesced to their new Homoian overlords, the Nicene establishment in Africa was predisposed to take a much more critical stance against the ‘heretical’ Vandal regime. In other words, it was this recent history of turbulent religious conflict in North Africa that lay the foundations for the later struggles between the Nicene church and Vandal monarchs.

Of course, it must be pointed out that Nicene opposition was also provoked by the actions of kings, not least Geiseric’s decision to confiscate large amounts of ecclesiastical property in the immediate years after his conquest – another development that may have set Vandal Africa apart from other kingdoms. Although Geiseric’s initial attacks on the Nicene church are best seen as a consequence of the Vandal settlement, he adopted a more overtly sectarian agenda in the latter decades of his reign, which was eventually and considerably expanded by his son Huneric in the early 480s. Not coincidentally, Huneric attempted to portray himself as the premier ruler in the west, even appearing to consider himself on a par with the emperor of Constantinople.⁸ Indeed, it could be argued that Huneric, more so than any other king of the fifth century, ruled with imperial pretensions, which were perhaps

⁸ For example, Huneric appears to have adopted imperial titulature during his reign; see Andrew H. Merrills, ‘The perils of panegyric: the lost poem of Dracontius and its consequences’, in Andrew H. Merrills (ed.), *Vandals, Romans and Berbers: New Perspectives on Late Antique North Africa* (Aldershot, 2004), p.157.

enflamed by his plausible claim to the Western Empire through his marriage to Eudocia, the daughter of Valentinian III. His pursuit of religious unity was thus another expression – perhaps the main expression – of those imperial pretensions.⁹ One might say, therefore, that in late antiquity the enforcement of orthodoxy was a concern of emperors or would-be emperors, but not of kings.

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I began this thesis with a vignette taken from Gregory of Tours' *History* in which Bishop Praetextatus of Rouen, himself a former exile, dismissed the efficacy of the punishment during a heated encounter with Queen Brunhild. As I emphasised at the outset, the analysis of single cases such as that of Praetextatus, which has hitherto been the most common way in which exile has been approached by historians of the early medieval period, can indeed suggest that the penalty proved somewhat unreliable from the perspective of the authorities. However, as I shown over the course of this study, the penalty appears far more effective when we take a step back and examine cases of exile 'in the round', and not just those that received the most attention from contemporary authors. The very fact that rulers exiled so many of their subjects clearly suggests that the penalty was serving a vital function. Furthermore, the number of cases in which we possess no evidence regarding the subsequent fates of offenders hints that the penalty was broadly successful in isolating them from their social networks, limiting their activities and interactions, and ultimately reducing their power and importance. Bishops, at least outside Vandal Africa, do not appear to be exceptional in this regard, even though the (mis)fortunes of certain individuals receive more detailed, though not necessarily more reliable, discussion in the sources. Of course, the diversity of

⁹ For similar remarks, see Conant, *Roman*, pp.44-6; Andrew H. Merrills and Richard Miles, *The Vandals* (Oxford, 2010), pp.71-2; and Éric Fournier, 'Victor of Vita and the Vandal "Persecution": Interpreting Exile in Late Antiquity', Unpublished PhD Thesis, University of California (Santa Barbara, 2008), pp.264-9.

exile experiences should still be emphasised, and I have shown that the place of exile, the type of sentence, and the social status of the offender all had a considerable impact upon the conditions of the punishment. By pointing out the significance of these factors, I hope to have opened up new avenues of research for scholars who wish to assess the impact of exile upon a specific individual's life, career, and literary output. At the same time, I have also stressed the importance of the motivations behind the punishment in determining the effectiveness of exile. In particular, I have argued that exile generally performed well as both judicial punishment and political tool. However, as the case of Vandal Africa shows, the penalty appears to have been far less effective in eradicating beliefs or creating a religiously unified state, a lesson that many subsequent regimes have failed and still fail to grasp.

Appendix 1: The Penalty of Exile in Prescriptive Legislation, 484-654

Appendix 1.1: Provisions in secular legislation between 484 and 654 that prescribe a form of exile arranged chronologically

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Edict of Huneric</i>	Vic. Vit., <i>HP</i> 3.8, MGH Auct. Ant. 3.1, p.41	25 February 484	Vandal	Clerics who subscribe to Nicene Christianity	Expulsion (<i>extorres</i>) from all cities and places
<i>Edict of Huneric</i>	Vic. Vit., <i>HP</i> 3.8, MGH Auct. Ant. 3.1, p.41	25 February 484	Vandal	Nicene clerics who engage in religious debates or perform baptisms or ordinations	First-time offenders: fine of 10 pounds of gold Repeat offenders: exile under suitable guard
<i>Edict of Huneric</i>	Vic. Vit., <i>HP</i> 3.9, MGH Auct. Ant. 3.1, pp.41-2	25 February 484	Vandal	Officials of the judges who subscribe to Nicene Christianity	Fine of 30 pounds of silver on five occasions and subsequently exile and a beating with rods
<i>Edict of Huneric</i>	Vic. Vit., <i>HP</i> 3.10, MGH Auct. Ant. 3.1, p.42	25 February 484	Vandal	Individuals who subscribe to Nicene Christianity	<i>illustres</i> : fine of 50 pounds of gold <i>spectabiles</i> : fine of 40 pounds of gold

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
					senators: fine of 30 pounds of gold
					leading men: fine of 20 pounds of gold
					priests: fine of 30 pounds of gold
					decurions: fine of 5 pounds of gold
					merchants: fine of 5 pounds of gold
					common people: fine of 5 pounds of gold
					circumcelliones: fine of 10 pounds of silver
					For all repeat offenders: exile and confiscation of all their property
<i>Edict of Theodoric</i>	18, MGH LL 5, p.154	c.500?	Ostrogothic?	Parents, or guardians, who fail to prosecute, or make an agreement with abductors	Exile
<i>Edict of Theodoric</i>	42, MGH LL 5, p.156	c.500?	Ostrogothic?	Witnesses who deliver	Exile

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				conflicting or false testimony	
<i>Edict of Theodoric</i>	75, MGH LL 5, p.160	c.500?	Ostrogothic?	Preventing a dead man's burial	<i>Honestiores</i> : exile for 5 years and confiscation of a third of their property <i>Humiliores</i> : perpetual exile and beaten with clubs
<i>Edict of Theodoric</i>	83, MGH LL 5, p.161	c.500?	Ostrogothic?	Kidnapping and selling a freeman, or knowingly purchasing one	<i>Honestiores</i> : exile for 5 years and confiscation of a third of their property <i>Humiliores</i> : perpetual exile and beaten with clubs
<i>Edict of Theodoric</i>	89, MGH LL 5, p.162	c.500?	Ostrogothic?	Those who assemble an armed force or claim authority they do not have	<i>Honestiores</i> : exile <i>Viliores</i> : perpetual relegation and beaten with clubs
<i>Edict of Theodoric</i>	95, MGH LL 5, p.162	c.500?	Ostrogothic?	Creditors who knowingly receive free	Exile

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				children as pledges from their parents	
<i>Edict of Theodoric</i>	97, MGH LL 5, p.163	c.500?	Ostrogothic?	Arson	<i>Servi, coloni, ancillae, originarii:</i> burned to death Free persons: fined for the damages caused by the fire, or if unable to afford this: the relegation of perpetual exile (<i>perpetui exilii relegatione</i>) and beaten with clubs
<i>Edict of Theodoric</i>	108, MGH LL 5, p.164	c.500?	Ostrogothic?	Knowledge of magical arts	<i>Honesti:</i> perpetual exile and confiscation of property <i>Humiliores:</i> capital punishment and confiscation of property
<i>Edict of Theodoric</i>	111, MGH LL 5, p.164	c.500?	Ostrogothic?	Burying corpses within Rome	Fined a fourth of their property If they have nothing: expulsion

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
					(<i>pellatur</i>) from the city and beaten with clubs
<i>Edict of Theodoric</i>	155 <i>Epilogus</i> , MGH LL 5, p.168	c.500?	Ostrogothic?	Judges who allow the edict to be violated	Deportation and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 1.5.1, Haenel, 1849, p.20	506	Visigothic	Interpretation: When appeals are quashed by other judges	Propertied and dignified individuals: Exile for two years and confiscation of half their property Poor and low status individuals: Condemnation to the mines for two years
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 2.1.6, Haenel, 1849, p.32	506	Visigothic	Interpretation: Persons who assent in the judge ignoring legitimate suits	Interpretation: Exile
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 2.1.9, Haenel, 1849, p.34	506	Visigothic	Interpretation: Persons who transfer cases to those who	Interpretation: Exile and a fine of 10 pounds of gold for his advocate

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				command soldiers	
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 2.14.1, Haenel, 1849, p.50	506	Visigothic	Interpretation: Persons who fraudulently employ the names of powerful persons in litigation	Interpretation: Condemnation to the mines and beaten
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 3.5.4, (Haenel, 1849, p.78	506	Visigothic	Roman text: Fathers who marry their daughters to another man within two years of her betrothal to a soldier	Roman text: Relegation to an island
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 3.10.1, Haenel, 1849, p.88	506	Visigothic	Interpretation: Persons who obtain, or seek to obtain forbidden marriages	Interpretation: The relegation of exile (<i>exsilio relegatione</i>), confiscation of property, and any children from the marriage declared illegitimate

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 3.11.1, Haenel, 1849, p.88	506	Visigothic	Interpretation: Persons with administrative power who marry women against their will	Interpretation: Governors forbidden from entering their province for two years, fined 10 pounds of gold, and stripped of high rank
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 3.16.1, Haenel, 1849, p.94	506	Visigothic	Interpretation: Divorcing a husband without valid reason	Interpretation: The relegation of exile (<i>exsilii relegatione</i>) and the loss of dowry and betrothal gifts
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 3.16.2, Haenel, 1849, p.94	506	Visigothic	Interpretation: Divorcing a husband without valid reason	Interpretation: Relegated into exile (<i>exsilio relegata</i>), the loss of dowry and betrothal gifts, and the loss of right to re-marry or to return to her own
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 4.20.2, Haenel, 1849, p.130	506	Visigothic	Interpretation: Tutors or curators who seize or abet the seizure of	Interpretation: Perpetual exile and confiscation of property

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				property of their pupils or trustees	
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 5.5.2, Haenel, 1849, p.144	506	Visigothic	Interpretation: Persons who retain citizens contrary to the right of <i>postliminium</i>	Interpretation: Exile And if a landholder: confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.5.1, Haenel, 1849, p.180	506	Visigothic	Interpretation: Tutors who violate the chastity of their female charges	Interpretation: Exile and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.7.2, Haenel, 1849, p.182	506	Visigothic	Roman text: Occupation by violence	Roman text: Deportation to an island and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.7.3, Haenel, 1849, p.182	506	Visigothic	Interpretation: Slaves who commit violence on the orders of their master	Interpretation: Condemnation to the mines

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.19.1, Haenel, 1849, p.192	506	Visigothic	Interpretation: Parents who make agreements with abductors	Interpretation: Exile
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.26.2, Haenel, 1849, p.198	506	Visigothic	Interpretation: Accusers who fail to prosecute a case within a year of the accusation	Interpretation: Persons not affected by loss of reputation: exile Persons of higher status: fined a fourth part of his goods and incurs infamy
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.29.2, Haenel, 1849, p.202	506	Visigothic	Roman text: Calumny	Roman text: Deportation and incurs infamy
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 9.29.3, Haenel, 1849, p.202	506	Visigothic	Interpretation: Calumny	Interpretation: Exile and incurs infamy
<i>Breviary of Alaric</i>	<i>Brev. CTh</i> 16.1.4, Haenel, 1849, p.246	506	Visigothic	Roman text: Dismissed bishops who cause public disturbances or who seek to	Roman text: Conducted (<i>agat</i>) to a place a hundred miles away from their see

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				return to the priesthood	
<i>Breviary of Alaric</i>	<i>Brev. Theod. II Nov. 3</i> , Haenel, 1849, pp.256-8	506	Visigothic	Roman text: Pagans who are apprehended whilst carrying out sacrifices	Roman text: Exile
<i>Breviary of Alaric</i>	<i>Brev. Val. Nov. 2</i> , Haenel, 1849, p.276	506	Visigothic	Roman text: Manicheans	Roman text: Expulsion from the cities (<i>urbium habitatione privandos</i>) and the loss of testamentary rights
<i>Breviary of Alaric</i>	<i>Brev. Val. Nov. 3</i> , Haenel, 1849, p.276	506	Visigothic	Roman text: Secretaries (<i>memorialis</i>) who prepare illicit rescripts	Roman text: Relegation for 5 years and dismissal from position
<i>Breviary of Alaric</i>	<i>Brev. Val. Nov. 5</i> , Haenel, 1849, p.280	506	Visigothic	Roman text: Clerics who violate tombs	Roman text: Perpetual deportation, proscription, and dismissal from the clergy

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 2.20.6,</i> Haenel, 1849, p.368	506	Visigothic	Interpretation: Freedmen who try to marry their patrons or the daughter of their patrons	Interpretation: Condemnation to the mines
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 4.7.1,</i> Haenel, 1849, p.404	506	Visigothic	Roman text: Forgery of wills	Roman text: Deportation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 4.7.2,</i> Haenel, 1849, p.404	506	Visigothic	Interpretation: Persons who have withdrawn, unsealed, or expunged a will or have consented in this or have ordered it to happen	Interpretation: Deportation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.1.1,</i> Haenel, 1849, p.412	506	Visigothic	Roman text: Creditors who knowingly receive free children as pledges from their parents	Roman text: Deportation

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.3.5,</i> Haenel, 1849, p.416	506	Visigothic	Roman text: Thieves and plunderers of the baths	Roman text: Condemnation to the mines, or to public works
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.4.8,</i> Haenel, 1849, p.416	506	Visigothic	Roman text: Injury through violence or theft	Roman text: Exile, or condemnation to the mines or to public works
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.4.11,</i> Haenel, 1849, p.416	506	Visigothic	Roman text: Calumny	Roman text: Either: Relegation of exile (<i>exilii...relegatione</i>) to an island, or loss of rank
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.4.14,</i> Haenel, 1849, p.418	506	Visigothic	Roman text: <i>Stuprum</i>	Roman text: If completed: capital punishment If only attempted: deportation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.4.15,</i> Haenel, 1849, p.418	506	Visigothic	Roman text: Composition of slanderous songs or poems	Roman text: Deportation to an island

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.4.16,</i> Haenel, 1849, p.418	506	Visigothic	Roman text: Vendors (<i>auctores</i>) who display libellous pamphlets	Roman text: Relegation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.4.20,</i> Haenel, 1849, p.418	506	Visigothic	Roman text: Slaves who commit serious injury or insult	Roman text: Condemnation to the mines
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.17.5,</i> Haenel, 1849, p.430	506	Visigothic	Roman text: Witnesses who deliver conflicting or false testimony	Roman text: Either: Exile, relegation to an island or dismissed from the curia
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.20.1,</i> Haenel, 1849, p.432	506	Visigothic	Roman text: Cattle thieves (<i>abactores</i>)	Roman text: According to their rank: Fined, condemnation to the public works for a year, or returned to their master in chains
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.21.1,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Minor theft in temples during daytime	Roman text: <i>Honestiores</i> : deportation

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				Interpretation: That, which was said concerning a temple, is to be understood as concerning a church	<i>Humiliores</i> : condemnation to the mines
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.22.1</i> , Haenel, 1849, p.434	506	Visigothic	Roman text: Cutting down fruit bearing trees at night	Roman text: <i>Honestiores</i> : Either compelled to restore the property, expelled from the curia, or relegated The majority of offenders: temporarily condemned to public works
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.23.1</i> , Haenel, 1849, p.434	506	Visigothic	Roman text: Prophets (<i>vaticinatores</i>)	Roman text: Expulsion from the cities And if they return to the cities, either: Thrown in public prison, deported to an island, or relegated

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.23.2,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Persons who introduce new or unknown religions	Roman text: <i>Honestiores</i> : deportation <i>Humiliores</i> : capital punishment
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.23.4,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Persons who divine the fate of the masters of slaves	Roman text: Either: relegation to an island, or condemnation to the mines
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.24.1,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Leaders of sedition	Roman text: According to the quality of their rank: crucifixion; thrown to the beasts; or deportation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.24.2,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Persons who dig up boundary stones or trees	Roman text: Slaves acting on their free will: condemnation to the mines <i>Humiliores</i> : public works <i>Honestiores</i> : confiscation of a third of goods and relegation or exile

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.24.3,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Roman citizens who permit their slaves to be circumcised	Roman text: Perpetual relegation to an island and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.24.4,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: Jews who circumcise non-Jewish slaves	Roman text: Deportation, or capital punishment
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.1,</i> Haenel, 1849, p.434	506	Visigothic	Roman text: <i>Lex Cornelia</i> on homicide, attempted homicide, and the abettors of homicide	Roman text: <i>Honestiores:</i> capital punishment including deportation <i>Humiliores:</i> crucifixion, or thrown to the beasts
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.5,</i> Haenel, 1849, p.436	506	Visigothic	Roman text: Judges who receive money or property	Roman text: Deportation to an island and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.6,</i>	506	Visigothic	Roman text: Pruners (<i>putatores</i>) who	Roman text: Condemnation to the mines

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
	Haenel, 1849, p.436			commit manslaughter	
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.7,</i> Haenel, 1849, p.436	506	Visigothic	Roman text: Persons who castrate someone or order them to be castrated	Roman text: Slaves or free persons: capital punishment <i>Honestiores:</i> deportation to an island and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.8,</i> Haenel, 1849, p.436	506	Visigothic	Roman text: Persons who give a love potion or a potion for abortion	Roman text: <i>Humiliores:</i> condemnation to the mines <i>Honestiores:</i> relegation to an island and confiscation of part of their property
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.12,</i> Haenel, 1849, p.436	506	Visigothic	Roman text: Possession of books pertaining to the magical arts	Roman text: Deportation to an island and confiscation of property <i>Humiliores:</i> capital punishment

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.25.13,</i> Haenel, 1849, p.436	506	Visigothic	Roman text: Persons who commit manslaughter through giving lethal medicine	Roman text: <i>Honestiores</i> : relegation to an island <i>Humiliores</i> : capital punishment
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.1,</i> Haenel, 1849, p.436	506	Visigothic	Roman source: <i>Lex Cornelia</i> on forgery	Roman text: <i>Honestiores</i> : at least deportation to an island <i>Humiliores</i> : condemnation to the mines, or crucifixion Slaves: capital punishment
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.2,</i> Haenel, 1849, p.436	506	Visigothic	Roman text: Calumny or bribing a judge	Roman text: <i>Humiliores</i> : capital punishment <i>Honestiores</i> : deportation to an island and confiscation of property
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.3,</i>	506	Visigothic	Interpretation: Judges who ignore laws	Interpretation: Deportation to an island

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
	Haenel, 1849, p.436			presented to him in court, or are unwilling to hear special cases of law	
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.6,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: Opening the will of a living person	Roman text: <i>Humiliores:</i> condemnation to the mines <i>Honestiores:</i> deportation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.7,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: Persons who give documents of a lawsuit to an opposing party	Roman text: <i>Humiliores:</i> condemnation to the mines <i>Honestiores:</i> perpetual relegation and confiscation of half their property
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.8,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: Persons who make use of forged documents	Roman text: <i>Humiliores:</i> condemnation to the mines <i>Honestiores:</i> deportation

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.9,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: Persons who give up documents deposited with them	Roman text: According to their condition: condemnation to the mines or relegation to an island
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.11,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: Roman source: Persons who fraudulently make use of the insignia or a higher rank, or pretend to belong to the army	Roman text: <i>Humiliores</i> : capital punishment <i>Honestiores</i> : deportation
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.27.12,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: Persons who sell the judgements of a magistrate or fraudulently act under his name	Roman text: According to the severity of the crime: relegation or capital punishment
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.28.1,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: <i>Lex Iulia</i> on public violence	Roman text: <i>Humiliores</i> : capital punishment <i>Honestiores</i> : deportation to an island

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.28.3,</i> Haenel, 1849, p.438	506	Visigothic	Roman text: <i>Lex Iulia</i> on private violence	Roman text: <i>Honestiores:</i> relegation to an island and confiscation of a third of their property <i>Humiliores:</i> condemned to the mines
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 30.1,</i> Haenel, 1849, p.438-40	506	Visigothic	Interpretation: Petty judges (<i>Iudices pedanei</i>) who receive bribes	Interpretation: Either: Removed from the governor or curia; exile; or temporary relegation
<i>Breviary of Alaric</i>	<i>Brev. Paul. Sent. 5.32.1,</i> Haenel, 1849, p.440	506	Visigothic	Roman text: Persons who seek magisterial office, or the office of priests and assemble a crowd for applause	Roman text: Deportation to an island
<i>Pactus Legis Salicae</i>	55.4, MGH LL Nat. Germ. 4.1, pp.206-7	Before 511	Merovingian	Despoliation of corpses	Expulsion until compensation paid

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
					to the relatives of the deceased
<i>Lex Romana Burgundionum</i>	8.3, MGH LL Nat. Germ. 2.1, p.131	516-24?	Burgundian	Slaves who commit violence on the orders of their masters	Condemnation to the mines
<i>Lex Romana Burgundionum</i>	9.2, MGH LL Nat. Germ. 2.1, p.132	516-24?	Burgundian	Parents who make an agreement with the abductor of their daughter	Exile
<i>Lex Romana Burgundionum</i>	11.3, MGH LL Nat. Germ. 2.1, p.136	516-24?	Burgundian	Calumny	Deported into exile (<i>in exilio deportandus</i>)
<i>Lex Romana Burgundionum</i>	18.3, MGH LL Nat. Germ. 2.1, p.142	516-24?	Burgundian	Arson on account of enmity	<i>Honestiores</i> : exile <i>Viliores</i> : condemned to the mines
<i>Lex Romana Burgundionum</i>	18.5, MGH LL Nat. Germ. 2.1, p.142	516-24?	Burgundian	Cutting down fruit bearing trees	Free persons: incurs infamy and fined cost of damages <i>Viliores</i> : relegated into temporary exile

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
					<i>(ad tempus in exilium relegatur)</i> Slaves: punishment and master fined
<i>Lex Romana Burgundionum</i>	20, MGH LL Nat. Germ. 2.1, p.143	516-24?	Burgundian	Kidnapping and selling of free persons	<i>Honestiores</i> : exile <i>Viliores</i> : condemned to the mines
<i>Lex Romana Burgundionum</i>	32.1, MGH LL Nat. Germ. 2.1, p.151	516-24?	Burgundian	Forgery	Deported into exile (<i>deportari in exilio</i>)
<i>Edict of Athalaric</i>	Cass., Var. 9.18.1, MGH Auct. Ant. 12, pp.282-3	533-4	Ostrogothic	Unlawful seizure of property	Fined the value of the estate If unable to pay: deportation
<i>Edict of Athalaric</i>	Cass., Var 9.18.4, MGH Auct. Ant. 12, pp.283-4	533-4	Ostrogothic	Men who commit adultery	If unmarried and property-less: exile
<i>Visigothic Code (Old Law)</i>	3.4.17, MGH LL Nat. Germ. 1, p.157	568-86?	Visigothic	Prostitutes of free status	Permanent expulsion from the city and 300 lashes

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Visigothic Code (Old Law)</i>	4.4.1, MGH LL Nat. Germ. 1, pp.193-4	568-86?	Visigothic	Freeborn parents who fail to compensate those who have taken care of abandoned children	Perpetual exile
<i>Visigothic Code (Ruling of Reccared I)</i>	3.5.2, MGH LL Nat. Germ. 1, pp.159-61	586–601	Visigothic	Marriage to near relatives, women in monasteries, or infamous women Women who consented to above marriages	Perpetual exile and confiscation of property
<i>Edict of Reccared I</i>	<i>Edictum regis in confirmationem concilii</i> , Vives, 1963, p.135	589	Visigothic	Lay persons who fail to observe the Third Council of Toledo's pronouncements	<i>Honestiores</i> : confiscation of half their property <i>Inferior persons</i> : exile and confiscation of property
<i>Decree of Childebert II</i>	2.2, MGH LL Nat. Germ. 4.1, p.268	595	Merovingian	Abductors (<i>raptores</i>) who seek refuge in churches	Exile

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
				Women who consented in their abduction and sought refuge in a church	
<i>Edict of Clothar II</i>	18, MGH Leges Capit. 1, p.23	614	Merovingian	Abductors (<i>raptores</i>) of consecrated virgins or widows who are married in churches	Deported into exile (<i>in exilio deportentur</i>) and property shared amongst relatives
				Consecrated virgins or widows who are married in churches after consenting to their abduction	
<i>Ripuarian Law</i>	72.2, MGH LL Nat. Germ. 3.2, p.124	c.633	Merovingian	Parricide or incest	Exile and confiscation of property
<i>Visigothic Code (Ruling of Chindaswinth)</i>	3.5.1, MGH LL Nat. Germ. 1, p.159	643/4	Visigothic	Incest	Perpetual confinement in a monastery and confiscation of property

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Visigothic Code (Ruling of Chindaswinth)</i>	3.5.3, MGH LL Nat. Germ. 1, pp.161-3	643/4	Visigothic	Apostates	Perpetual confinement in a monastery and severe penance
<i>Visigothic Code (Ruling of Chindaswinth)</i>	3.5.4, MGH LL Nat. Germ. 1, p.163	643/4	Visigothic	Pederasty	Both parties (unless it was forced) placed in confinement by the bishop, castrated, and confiscation of property
<i>Visigothic Code (Ruling of Chindaswinth)</i>	3.5.5, MGH LL Nat. Germ. 1, pp.163-4	643/4	Visigothic	Sexual relations with the concubine of a father, brother, or son	Perpetual exile with penance and confiscation of property
<i>Visigothic Code (Ruling of Chindaswinth)</i>	3.6.2, MGH LL Nat. Germ. 1, pp.167-9	643/4	Visigothic	Divorced men who remarry	Perpetual exile and confiscation of property, or reduced to the status of a slave, or 200 lashes and scalped (<i>turpiter decalvatione</i>)

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>Visigothic Code (Ruling of Chindaswinth)</i>	6.2.1, MGH LL Nat. Germ. 1, p.257	643/4	Visigothic	Slaves who are implicated in the crime of plotting the death of another through consultation with diviners (<i>ariolos</i>), augurs (<i>aruspices</i>) or prophets (<i>vaticinatores</i>)	Transported to parts across the sea, after being sold and tortured in various ways
<i>Visigothic Code (Ruling of Chindaswinth)</i>	6.2.4, MGH LL Nat. Germ. 1, p.259	643/4	Visigothic	<i>Maleficium</i> for a second time	Placed in confinement
<i>Visigothic Code (Ruling of Chindaswinth)</i>	6.5.12, MGH LL Nat. Germ. 1, pp.274-8	643/4	Visigothic	Persons who kill their own slaves Persons who kill the slaves of others	Perpetual exile with penance, deprived the right to testify in court, and confiscation of property Perpetual exile and a fine of two slaves to the owner of the deceased slave
<i>Visigothic Code (Ruling of Chindaswinth)</i>	3.4.18, MGH LL Nat. Germ. 1, p.158	654	Visigothic	Priests, deacons or subdeacons who commit	The same penalty as that prescribed in the canons

Law or legal collection	Provision and/or reference	Date	Kingdom	Offence and/or Offenders	Sentence
<i>of Recceswinth)</i>				adultery or fornication	(perpetual confinement in a monastery and required to do penance)
<i>Visigothic Code (Ruling of Recceswinth)</i>	3.6.3, MGH LL Nat. Germ. 1, p.170	654	Visigothic	Betrothed person who marries someone else	The same penalty as preceding law (Perpetual exile and confiscation of property, or reduced to the status of a slave, or 200 lashes and scalped)
<i>Visigothic Code (Ruling of Recceswinth)</i>	6.5.13, MGH LL Nat. Germ. 1, pp.278-9	654	Visigothic	Mutilation of slaves	Temporary exile for 3 years with penance
<i>Visigothic Code (Ruling of Recceswinth)</i>	12.2.2, MGH LL Nat. Germ. 1, pp.412-3	654	Visigothic	Heretics	Perpetual exile unless they rescind their heretical beliefs, loss of rank, dignity and position, and confiscation of property

Appendix 1.2: Provisions in ecclesiastical legislation that prescribe a form of exile between 506 and 653 arranged chronologically

Council	Canon and reference	Date	Kingdom	Offence	Sentence
Agde	c.50, CCSL 148, p.225	506	Visigothic	Bishops, priests or deacons who have committed a capital crime, falsified documents, or given false testimony	Deposed from their office and permanent confinement in a monastery
Épaone	c.22, CCSL 148A, pp.29-30	517	Burgundian	Deacons or priests who have committed a capital crime	Deposed from their office and confinement in a monastery
Orléans III	c.8, CCSL 148A, p.117	538	Merovingian	Higher clerics (<i>honoratorum clericorum</i>) who have committed adultery	Deposed from their office while remaining in communion and permanent confinement in a monastery
Orléans IV	c.29, CCSL 148A, p.139	541	Merovingian	Women who commit adultery with clerics	Expulsion (<i>repellantur</i>) from the cities
Auxerre	c.23, CCSL 148A, p.268	561-605	Merovingian	Abbots who do not report or punish monks who have committed adultery, theft, or who have	Confinement in another monastery and required to do penance

Council	Canon and reference	Date	Kingdom	Offence	Sentence
				retained private funds	
Auxerre	c.26, CCSL 148A, p.268	561-605	Merovingian	Abbots who permit women to enter their monasteries	Confinement in another monastery for three months and receives only bread and water
Mâcon I	c.5, CCSL 148A, p.224	581/583	Merovingian	Clerics who wear lay clothing or are armed with weapons	Confinement for 30 days
Mâcon I	c.8, CCSL 148A, pp.224-5	581/583	Merovingian	Clerics who accuse other clerics before a secular judge	Junior (<i>iunior</i>) clergy: 39 strokes More honourable (<i>honoratior</i>) clergy: confinement for 30 days
Mâcon II	c.16, CCSL 148A, p.246	585	Merovingian	Widows of lesser clergy who remarry	Permanent confinement in a monastery
Narbonne	c.5, Vives, 1963, pp.147	589	Visigothic	Clerics who take part in conspiracies	Confinement in a monastery for 1 year and required to do penance

Council	Canon and reference	Date	Kingdom	Offence	Sentence
Narbonne	c.11, Vives, 1963, pp.148-9	589	Visigothic	Deacons or priests who refuse to learn to read and write	Sent to a monastery
Seville II	c.3, Vives, 1963, pp.164-5	619	Visigothic	Clerics who desert their own church for a different church	Deposed from his office and temporary confinement in a monastery
Toledo IV	c.24, Vives, 1963, pp.201-2	633	Visigothic	Persons opposed to the canon concerning the training of adolescent clerics	Assigned (<i>deputentur</i>) to a monastery
Toledo IV	c.29, Vives, 1963, p.203	633	Visigothic	Clerics who consult magicians (<i>magos</i>), soothsayers (<i>aruspices</i>), seers (<i>ariolos</i>), augurs (<i>augures</i>), fortune tellers (<i>sortilegos</i>), or persons professing occult arts (<i>eos, qui profitentur artem aliquam</i>)	Deposed from their office, confinement in a monastery, and required to do perpetual penance
Toledo IV	c.45, Vives, 1963, p.207	633	Visigothic	Clerics who took up arms during a rebellion	Confinement in a monastery and required to do penance

Council	Canon and reference	Date	Kingdom	Offence	Sentence
Toledo IV	c.52, Vives, 1963, p.209	633	Visigothic	Monks who leave their monastery	Assigned in their former monastery and required to do penance
Toledo IV	c.53, Vives, 1963, p.209	633	Visigothic	Wandering religious persons	Assigned (<i>deputati</i>) to the clergy or to monasteries
Toledo IV	c.60, Vives, 1963, p.212	633	Visigothic	Children of Jews	Separated from their parents and assigned (<i>deputatos</i>) to monasteries or Christians
Toledo VI	c.6, Vives, 1963, p.238	638	Visigothic	Nuns who leave their monastery	Restored to their monastery
Toledo VI	c.7, Vives, 1963, pp.238-9	638	Visigothic	Penitents who return to their former life	Restored to their monastery and required to do penance
Toledo VI	c.12, Vives, 1963, p.241	638	Visigothic	Desertion to the enemy	Excommunication, confinement, and subject to the obligations of a long penance
Toledo VII	c.3, Vives, 1963, pp.253-4	646	Visigothic	Priests and higher clergy (<i>presbyteres... sive</i>	Assigned to a monastery for 1 year

Council	Canon and reference	Date	Kingdom	Offence	Sentence
				<i>ceteri clerici quibus maior honoris locus</i>) who do not inform another bishop that their bishop has died, or is about to die	and required to do penance
Toledo VII	c.5, Vives, 1963, pp.255-6	646	Visigothic	Uneducated hermits and wandering holy men	Assigned to a monastery
Toledo VIII	c.3, Vives, 1963, pp.277-8	653	Visigothic	Persons who give gifts in return for clerical office	Confinement in a monastery and required to do perpetual penance
Toledo VIII	c.5, Vives, 1963, pp.278-9	653	Visigothic	Clerics who have intercourse with their wives or other women and refuse to separate	Perpetual confinement in a monastery and required to do penance
Toledo VIII	c.6, Vives, 1963, pp.279-80	653	Visigothic	Subdeacons who have intercourse with women	Perpetual confinement in a monastery and required to do penance
Toledo VIII	c.7, Vives, 1963, pp.280-1	653	Visigothic	Clerics who attempt to return to secular life or marriage	Perpetual confinement in a monastery and required to do penance

Appendix 2: Cases of exile, 439-650

Appendix 2.1: Individuals who were exiled or condemned to exile between 439 and 650

arranged alphabetically

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Adeodatus	--	Cass., <i>Var.</i> 3.46, MGH Auct. Ant. 12, pp.101-2	507-12	Ostrogothic	Unknown
Aemilianus	Bishop of Culusi	<i>Notitia, Procons.</i> 33, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Agapitus	Senator	<i>Lib. Pont.</i> 55, MGH Gesta pont. Rom 1, pp.136-7	526	Ostrogothic	Ravenna (Ravenna, IT)
Albanus	Bishop	Fulg., <i>Ep.</i> 16, CCSL 91A, p.551	508/509	Vandal	Sardinia
Alchima	--	Greg. Tur., <i>Hist.</i> 3.12, MGH SS rer. Merov. 1.1, p.108	525 - 527	Merovingian	Unknown
Amalafrida	Royalty	Proc. <i>De Bell.</i> 3.9.4, Dewing,	523	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		1916, p.84			
		Vic. Tun. <i>Chron.</i> a.523.1, MGH Auct. Ant. 11, pp.196-7			
Amalasantha	Royalty	Proc., <i>De Bell.</i> 5.4.13-15, Dewing, 1919, p.36	534	Ostrogothic	Fortress on an island in Lake Bolsena in Etruria (province of Viterbo, IT)
		Marc. <i>com.</i> , <i>Chron. Addit.</i> A.534, MGH Auct. Ant. 11, p.104			
		Iord., <i>Get.</i> 306, MGH Auct. Ant. 5.1, p.136			
Amandus	Bishop of Tongeren-Maastricht	<i>Vita Amand.</i> 17, MGH SS rer. Merov. 5, p.440	630	Merovingian	Gascony
		Hucbald, <i>Vita Rictrud.</i> I.6-7, AS, May 12, p.82			

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
<i>Anonyma 1</i>	Unknown	Handley 425 = AE 1967, 00651 = AE 2007, +00127	400 - 600	Vandal?	Unknown - inscription found in Cartenna (Ténès, DZ)
<i>Anonyma 2</i> [Daughter of King Theoderic I of the Visigoths]	Royalty	Jordanes, <i>Get.</i> 184, MGH Auct. Ant. 5.1, p.106	428 - 442	Vandal	Visigothic Kingdom
<i>Anonyma 3</i> [wife of Godagis]	Royalty	Vic. Vit., <i>HP</i> 2.12-14, MGH Auct. Ant. 3.1, pp.15-6	480/481 - 20 May 483	Vandal	Unknown
<i>Anonyma 4</i> [first daughter of Theoderic]	Royalty	Vic. Vit., <i>HP</i> 2.12-14, MGH Auct. Ant. 3.1, pp.15-6	480/1 - 484	Vandal	Unknown
<i>Anonyma 5</i> [second daughter of Theoderic]	Royalty	Vic. Vit., <i>HP</i> 2.12-14, MGH Auct. Ant. 3.1, pp.15-6	480/1 - 484	Vandal	Unknown
<i>Anonyma 6</i> [wife of Liberatus 3]	Unknown	Vic. Vit., <i>HP</i> 3.50-51, MGH Auct. Ant. 3.1, p.53	25 Feb 484 - 22 Dec 484	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
<i>Anonyma 7</i> [wife of Hilderic]	Royalty	Ioan. Mal., <i>Chron.</i> 459, Jeffreys et al, 1986, 18.57, p.269	530	Vandal	Carthago (Tunis, TN)?
<i>Anonyma 8</i> [wife of Leudast]	--	Greg. Tur., <i>Hist.</i> 5.49, MGH SS rer. Merov. 1.1, p.261	580	Merovingian	near Turnacum (Tournai, BE)
<i>Anonyma 9</i> [wife of Guntram Boso]	--	Greg. Tur., <i>Hist.</i> 9.10, MGH SS rer. Merov. 1.1, p.426	587	Merovingian	Unknown
<i>Anonyma 10</i> [wife of Swinthila]	Royalty	Toledo IV (633) c.75, Vives, 1963 p.221	633	Visigothic	Unknown
<i>Anonyma 11</i> [wife of Geila]	Royalty	Toledo IV (633) c.75, Vives, 1963 p.221	633	Visigothic	Unknown
<i>Anonymus 1</i> [brother of Martinianus, Saturianus, & <i>Anonymus 2</i>]	Slave	Vic. Vit., <i>HP</i> 1.35-38, MGH Auct. Ant. 3.1, pp.9-10	455 - 477	Vandal	Kingdom of Capsa (unlocated)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
<i>Anonymus 2</i> [brother of Martinianus, Saturianus, & <i>Anonymus 1</i>]	Slave	Vic. Vit., <i>HP</i> 1.35-38, MGH Auct. Ant. 3.1, pp.9-10	455 - 477	Vandal	Kingdom of Capsa (unlocated)
<i>Anonymus 3</i> [Nicene court official]	Court official	Vic. Vit., <i>HP</i> 2.10-11, MGH Auct. Ant. 3.1, p.15	480/481 - 20 May 483	Vandal	Fields around Utica (Henchir-bou-Chateur, TN)
<i>Anonymus 4</i> [son of Theoderic]	Royalty	Vic. Vit., <i>HP</i> 2.12-14, MGH Auct. Ant. 3.1, pp.15-6	480/1 - 484	Vandal	Unknown
<i>Anonymus 5</i>	Bishop	Handley 421 = CIL 08, 09286 (p.1975) = ILCV 01102 = AE 2006, 01813 = AE 2007, +00127	Before 495	Vandal	Unknown - inscription found in Mouzaïaville (near Tipasa, Mauretania Caesariensis)
<i>Anonymus 6</i> [man convicted of striking his brother)	--	Cass., <i>Var.</i> 1.18, MGH Auct. Ant. 12, p.24	507-12	Ostrogothic	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
<i>Anonymus 7</i> [son of Chararic]	Royalty	Greg. Tur., <i>Hist.</i> 2.41, MGH SS rer. Merov. 1.1, pp.91-2	c.508	Merovingian	Unknown
<i>Anonymus 8</i>	Deacon of Tours	Greg. Tur., <i>Hist.</i> 5.14, MGH SS rer. Merov. 1.1 p.208	576	Merovingian	Unknown
<i>Anonymus 9</i> [false prophet]	--	Greg. Tur., <i>Hist.</i> 9.6, MGH SS rer. Merov. 1.1, p.419	580	Merovingian	Unknown
<i>Anonymus 10</i> [Gallic cleric]	Cleric	Greg. Tur., <i>In Glor. Martyr.</i> 81, MGH SS rer. Merov. 1.2, p.93	c.582	Visigothic	Merovingian kingdom
<i>Anonymus 11</i> [son of Waddo]	--	Greg. Tur., <i>Hist.</i> 10.21, MGH SS rer. Merov, 1.1, p.514	590	Merovingian	Unknown
Apollinaris 1	--	Greg. Tur., <i>In Glor. Mart.</i> 44, MGH SS rer. Merov. 1.2, p.68	c.479	Kingdom of Odoacer	Mediolanum (Milan, IT)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Apollinaris 2	Bishop of Valence	<i>Vita Apoll.</i> 3-6, MGH SS rer. Merov. 3, pp.198-9	518-23	Burgundian	Sardinia, town in the <i>civitas</i> of Lugudunum (Lyon, FR) Lugudunum (Lyon, FR)?
Arcadius	Bishop of Maxula	<i>Notitia, Procons.</i> 30, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Armogas	Court official	<i>Vic. Vit., HP</i> 1.43-46, MGH Auct. Ant. 3.1, p.11	455 - 477	Vandal	Byzacena Near Carthago (Tunis, TN)
Audeca	Royalty	<i>Ioh. Bicl., Chron.</i> a.585.5, MGH Auct. Ant. 11, p.217 <i>Isid., Hist. Sueb.</i> 92, MGH Auct. Ant. 11, p.303	585	Visigothic	Col. Pacensis (Beja, PT)
Augentius	Bishop of Uzippari	<i>Notitia, Procons.</i> 46, Lancel, 2002, p.254	Before 1 Feb 484?	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Aurelius	Bishop of Clipea	<i>Notitia, Procons.</i> 38, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Baddo	Envoy of Fredegund	Greg. Tur., <i>Hist.</i> 8.44; 9.13, MGH SS rer. Merov. 1.1, pp.410-11; 428	587	Merovingian	Lutetia/Parisius (Paris, FR) Cabilonnum (Chalon-sur-Saône, FR)
Benenatus	Bishop of Thimida	<i>Notitia, Procons.</i> 40, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Bertram	Bishop of Le Mans	Bertram, <i>Testa.</i> 25, Weidemann, 1986, pp.21-2	600	Merovingian	Unknown
Boethos	Bishop	Fulg., <i>Ep.</i> 16; 17, CCSL 91A, p.551; 563	508/509	Vandal	Sardinia
Bonifatius	Bishop of Vol	<i>Notitia, Procons.</i> 28, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Brunhild [first exile]	Royalty	Greg. Tur., <i>Hist.</i> 5.1-2, MGH SS rer. Merov. 1.1, pp.194-5 Fred., <i>Chron.</i> 3.72, MGH SS rer. Merov. 2, p.112 <i>Lib. Hist. Franc.</i> 33, MGH SS rer. Merov. 2, p.297	575	Merovingian	Rotomagus (Rouen, FR)
Brunhild [second exile]	Royalty	Fred., <i>Chron.</i> 4.19, MGH SS rer. Merov. 2, p.128	599	Merovingian	near Artiaca (Arcis-sur-Aube, FR) civitas Aurelianorum (Orléans, FR)
Bulgar	--	<i>Ep. Wis.</i> 14;15, MGH Epp. 3, pp.682-3; 683-4	603-610	Visigothic	Unknown
Caesaria	--	Greg. Tur., <i>Hist.</i> 4.13, MGH SS rer. Merov. 1.1, pp.144-5	555	Merovingian	Not implemented - escaped

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Caesarius	Bishop of Arles	<i>Vita Caes.</i> 1.21-24, MGH SS rer. Merov. 3, p.465-6	505	Visigothic	Burdigala (Bordeaux, FR)
Carissimus	Bishop of Gisipa	<i>Notitia, Procons.</i> 24, Lancel, 2002, p.253	Before 1 Feb 484?	Vandal	Unknown
Cassosus	Bishop of Ausana	<i>Notitia, Procons.</i> 47, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Africa?
Celestiacus	Member of the Carthaginian <i>curia</i>	Theod. <i>Ep.</i> 29; 30; 31; 32; 33; 34; 35; 36, SC 98, pp.86-100	439 - 443	Vandal	Cyrrus (Nebi Ouri, SY)
Chararic	Royalty	Greg. Tur., <i>Hist.</i> 2.41, MGH SS rer. Merov. 1.1, pp.91-2	c.508	Merovingian	Unknown
Chlodosind	Royalty	Greg. Tur., <i>Hist.</i> 5.1, MGH SS rer. Merov. 1.1, p.194	575	Merovingian	Latinon/civitas Meldorum (Meaux, FR)
Chrodoberga	Royalty	Greg. Tur., <i>Hist.</i> 4.20, MGH SS	558	Merovingian	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		rer. Merov. 1.1, p.152			
Chrodoswintha	Royalty	Greg. Tur., <i>Hist.</i> 4.20, MGH SS rer. Merov. 1.1, p.152	558	Merovingian	Unknown
Chroma	Royalty	Greg. Tur., <i>Hist.</i> 2.28, MGH SS rer. Merov. 1.1, p.73 <i>Lib. Hist. Franc.</i> 11, MGH SS rer. Merov. 2, p.254	493	Burgundian	Monastery (location unknown)
Clementinus	Bishop of Neapolis	<i>Notitia, Procons.</i> 35, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Clotild	Royalty	Greg. Tur., <i>Hist.</i> 2.28, MGH SS rer. Merov. 1.1, p.73 <i>Lib. Hist. Franc.</i> 11, MGH SS rer. Merov. 2, p.254	493	Burgundian	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		Fred., <i>Chron.</i> III.17, MGH SS rer. Merov. 2, p.99			
Columbanus [first exile]	Abbot of Luxeuil	Ionas Bob., <i>Vita Colum.</i> 1.19, MGH SS rer. Merov. 4, p.87	608/609	Merovingian	Vesontio (Besançon, FR)
Columbanus [second exile]	Abbot of Luxeuil	Ionas Bob., <i>Vita Colum.</i> 1.19-23, MGH SS rer. Merov. 4, pp.87- 98	608/609	Merovingian	Civitas Namnetum (Nantes, FR)
		Fred., <i>Chron.</i> 4.36, MGH SS rer. Merov. 2, pp.134-8			
Contumeliosus	Bishop of Riez	Conc. Massil. An. 533, <i>Constitutio</i> , CCSL 148A, pp.85-6	533	Ostrogothic	Monastery of Caseni (unlocated)
		Iohannes II, <i>Ep.</i> , CCSL 148A, pp.86-7			

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		Caesarius, <i>Cartola</i> , CCSL 148A, pp.90-5			
Coronius	Bishop of Megalapolis	<i>Notitia, Procons.</i> 39, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Crescens 1	Bishop of Aquitana	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown
Crescens 2	Bishop of Cicisa	<i>Notitia, Procons.</i> 27, Lancel, 2002, p.253	Before 1 Feb 484?	Vandal	Unknown
Cresconius	Bishop of Oea	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown
Crispianus	--	Cass., <i>Var.</i> 1.37, MGH Auct. Ant. 12, p.35	507-11	Ostrogothic	Unknown
Crocus	Bishop	Sid. Apoll., <i>Ep.</i> 7.6.9, MGH Auct. Ant. 8, p.110	470 - 475	Visigothic	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Cyprianus 1	Bishop of Thuburbo Maius?	Theod., <i>Ep.</i> 52; 53, SC 98, pp.128-30	435 - 443/4	Vandal	Ancyra (Ankara, TR) Cyrrus (Nebi Ouri, SY) Edessa (Şanlıurfa, TR)? Constantia (Viransehir, TR)?
Cyprianus 2	Bishop of Unizibira	Vic. Vit., <i>HP</i> 2.33, MGH Auct. Ant. 3.1, p.20	After 480/481 - 20 May 483	Vandal	Unknown
Cyprianus 3	Bishop of Cellae	<i>Notitia, Procons.</i> 45, Lancel, 2002, p.254	Before 1 Feb 484?	Vandal	Unknown
Dagila	Wife of one of the king's butlers (<i>cellaritae</i>)	Vic. Vit., <i>HP</i> 3.33, MGH Auct. Ant. 3.1, pp.48-9	25 Feb 484 - 22 Dec 484	Vandal	Desert (location unknown)
Dalmatius	Bishop of Thinisa	<i>Notitia, Procons.</i> 32, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Datianus	Bishop	Fulg., <i>Ep.</i> 16; 17, CCSL 91A, p.551; 563	508/509	Vandal	Sardinia
Desideratus	Bishop of Verdun	Greg. Tur., <i>Hist.</i> 3.34, MGH SS rer. Merov. 1.1, p.129	511 - 533/534	Merovingian	Unknown
Desiderius 1	--	Greg. Tur., <i>Hist.</i> 9.6, MGH SS rer. Merov. 1.1, p.417-8	587	Merovingian	Unknown
Desiderius 2	Bishop of Vienne	Fred., <i>Chron.</i> 4.24; 32, MGH SS rer. Merov. 2, p.130; 133 Sise., <i>Vita Des. I</i> 4-7; 10, MGH SS rer. Merov. 3, pp.631-2; 633 Ionas Bob., <i>Vita. Col.</i> I.27, MGH SS rer. Merov. 4, p.103	602/3	Merovingian	Monastery on an island - Livisium? (unlocated)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Deumhabet	Bishop of Thela	<i>Notitia, Procons.</i> 14, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Deuterius	Bishop of Simmina	<i>Notitia, Procons.</i> 37, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Domninus	Bishop of Moxor	<i>Notitia, Numid.</i> 76, Lancel, 2002, p.257	25 Feb 484 - 22 Dec 484	Vandal	Mines (location unknown)
Donatianus	Priest	Handley 372 = ILAlg-01, 02759 = ILCV 01601a = AE 1916, 00082 = AE 2007, +00127	446/540	Vandal?	Unknown - inscription found in Maduros (Mdaourouch, DZ)
Dracontius	Advocate	Dracont., <i>Satisfactio</i> , Moussy, 1988, pp.176-191 Dracont., <i>Laudes Dei</i> 3, 651-2, Moussy, 1988, p.48	491 - 496	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Droctulf	--	Greg. Tur., <i>Hist.</i> 9.38, MGH SS rer. Merov. 1.1, p.459	589	Merovingian	Vineyards (location unknown)
Eboric	Royalty	Greg. Tur., <i>Hist.</i> 6.43, MGH SS rer. Merov. 1.1, pp.43-4 Ioh. Bicl., <i>Chron.</i> a.584.2, MGH AA 11, p.216 Isid., <i>Hist. Sueb.</i> 92, MGH Auct. Ant. 11, p.303	584	Suevic	Unknown
Egidius	Bishop of Rheims	Greg. Tur., <i>Hist.</i> 10.19, MGH SS rer. Merov. 1.1, p.513	590	Merovingian	Stratoburgo (Strasbourg, FR)
Ennodius	<i>comes</i> of Poitiers	Greg. Tur., <i>Hist.</i> 5.24, MGH SS rer. Merov. 1.1, p.230	577	Merovingian	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Epiphanius	Bishop of Fréjus?	Greg. Tur., <i>Hist.</i> 6.24, MGH SS rer. Merov. 1.1, p.292	582	Merovingian	Cenabum/civitas Aurelianorum (Orléans, FR)?
Ermenberga	Royalty	Fred., <i>Chron.</i> 4.30, MGH SS rer. Merov. 2, p.132	607	Merovingian	Visigothic kingdom
Euagees	Royalty	Proc., <i>De Bell.</i> 3.9.8-26; 3.17.11-13, Dewing, 1916, pp.84-90; 152	530	Vandal	Carthago (Tunis, TN)
Eugenius [first exile]	Bishop of Carthage	Vic. Vit., <i>HP</i> 3.34; 42-44, MGH Auct. Ant. 3.1, p.49; 51 <i>Notitia, Procons.</i> 1, Lancel, 2002, p.252 Gennad., <i>De vir.</i> III. 94. Bernoulli, 1895, pp.93-4 Vic. Tun., <i>Chron.</i> a.479.1-2, MGH Auct. Ant. 11,	25 Feb 484 - 22 Dec 484	Vandal	Turrus Tamalleni (Telmene, TN)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		pp.189-90			
		<i>Lat. Reg. Van., Aug. 5; 8, MGH Auct. Ant. 13, p.458; 459</i>			
		Greg. Tur., <i>Hist.</i> 2.3, MGH SS rer. Merov. 1.1, p.44			
Eugenius [second exile]	Bishop of Carthage	Greg. Tur., <i>Hist.</i> 2.3, MGH SS rer. Merov. 1.1, p.44	496 - 505	Vandal	Albiga (Albi, FR)
		Greg. Tur., <i>Lib. Glor. Mart. 57, MGH SS rer. Merov. 1.2, p.77</i>			
Eunius	Bishop of Vannes	Greg. Tur., <i>Hist.</i> 5.26; 29; 40, MGH SS rer. Merov. 1.1, p.233; 234; 247-8	578	Merovingian	Unknown Andecavis (Angers, FR)
Eustratius	Bishop of Sufes	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Exitiosus	Bishop of Ugres	<i>Notitia, Procons.</i> 26, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Faustus 1	Bishop of Praesidium Diolele	<i>Vita Fulg.</i> 3-4, Lapeyre, 1929, pp.21-7	25 Feb 484 - 22 Dec 484	Vandal	near Praesidium Diolele (Si Aioun, TN)
Faustus 2	Bishop of Riez	Faustus, <i>Ep.</i> 2; 3; 4; 5; 16, MGH Auct. Ant. 8, pp.266-8; 269; 270; 270-1; 282-4	c.477	Visigothic	Lemovecas (Limoges, FR)
Felix 1	Bishop of Hadrumetum	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown
Felix 2	Bishop of Abbir maius	Vic. Vit., <i>HP</i> 2.26-27, MGH Auct. Ant. 3.1, p.19 <i>Notitia, Procons.</i> 2, Lancel, 2002, p.252	480/481 - 20 May 483	Vandal	Desert (location unknown)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Felix 3	Bishop of Biha Bilita	<i>Notitia, Procons.</i> 4, Lancel, 2002, p.252	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Felix 4	Bishop of Carpi	<i>Notitia, Procons.</i> 29, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Felix 5	Bishop of Curubis	<i>Notitia, Procons.</i> 36, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Felix 6	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Ferreolus	Bishop of Uzès	<i>Vita Ferr.</i> 3-5, Prévot and Gauge, 2008, pp.339-41	555	Merovingian	Lutetia/Parisius (Paris, FR)
Firminus	comes of Clermont	Greg. Tur., <i>Hist.</i> 4.13, MGH SS rer. Merov. 1.1, pp.144-5	555	Merovingian	Not implemented - escaped
Florentinus	Bishop of Utica	<i>Notitia, Procons.</i> 22, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Florentius	Bishop of Semina	<i>Notitia, Procons.</i> 42, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Foillan	--	<i>Additamentum Nivialense de Fuilano</i> , MGH SS rer. Merov. 4, p.450	650	Merovingian	Kingdom of Austrasia
Fontius	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Fortunatianus	Bishop of Aradi	<i>Notitia, Procons.</i> 13, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Fortunatus	Bishop of Puppūt?	Fulg., <i>Ep.</i> 16; 17, CCSL 91A, p.551; 563	508/509	Vandal	Sardinia
Fragitanus	Priest of Corduba	Seville II (619) c.6, Vives, 1963, pp.166-7	Before 619	Visigothic	Unknown
Fulgentius [first exile]	Bishop of Ruspe	<i>Vita Fulg.</i> 17-20, Lapeyre, 1929, pp.87-101	508/9	Vandal	Sardinia

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Fulgentius [second exile]	Bishop of Ruspe	<i>Vita Fulg.</i> 21-25, Lapeyre, 1929, pp.103-21	518/519	Vandal	Sardinia
Galomagus	<i>referendarius</i>	Greg. Tur., <i>Hist.</i> 9.38, MGH SS rer. Merov. 1.1, p.459	589	Merovingian	Unknown
Gamuth	Vandal noble	Vic. Vit., <i>HP</i> 2.15-16, MGH Auct. Ant. 3.1, p.16	480/481 - 20 May 483	Vandal	Cesspit (location unknown) Fields in Vandal Africa
Gaudentius	Senator	Boeth., <i>Phil.</i> <i>Cons.</i> 1.4, Tester, 1973, p.150	524	Ostrogothic	Not implemented
Geila	Royalty	Toledo IV (633) c.75, Vives, 1963 p.221	633	Visigothic	Unknown
Godagis	Royalty	Vic. Vit., <i>HP</i> 2.12-14, MGH Auct. Ant. 3.1, pp.15-6	480/481 - 20 May 483	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Gordianus	Senator	<i>Vita Fulg.</i> 1, Lapeyre, 1929, p.11	439	Vandal	Italy
Guldrimir	Visigothic envoy	<i>Ep. Wisi.</i> 13, MGH Epp. 3, p.680	610/12	Merovingian	Irupina (unlocated)
Gulosus	Bishop of Beneventum	<i>Notitia, Procons.</i> 9, Lancel, 2002, p.252	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Gundeberga [first exile]	Royalty	Fred., <i>Chron.</i> 4.51, MGH SS rer. Merov. 2, pp.145-6 Paul., <i>Hist.</i> 4.47, MGH SS rer. Lang. 1, p.136	628/629	Lombard	Fortress of Laumellum (Lomello, IT)
Gundeberga [second exile]	Royalty	Fred., <i>Chron.</i> 4.70-71, MGH SS rer. Merov. 2, pp.156-7	636	Lombard	Palace at Ticinum (Pavia, IT)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Gundovald	Royalty?	Greg. Tur., <i>Hist.</i> 6.24, MGH SS rer, Merov. 1.1, p.291	561 - 575	Merovingian	Col. Claudia Ara Agrippinensium (Cologne, DE)
Habetdeum 1	Bishop of Theudalis	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown
Habetdeum 2	Bishop of Tamalluma	Vic. Vit., <i>HP</i> 3.45-46; 53-54, MGH Auct. Ant. 3.1, pp.51-2; 53-4	25 Feb 484 - 22 Dec 484	Vandal	Unknown
Heraclius	Bishop of Saintes	Greg. Tur., <i>Hist.</i> 4.26, MGH SS rer. Merov. 1.1, p.158	563	Merovingian	Unknown
Hermenegild	Royalty	Greg. Tur., <i>Hist.</i> 5.38; 6.40; 43, MGH SS rer. Merov. 1.1, p.245; 310; 316 Ioh. Bicl., <i>Chron.</i> a.584.3, MGH Auct. Ant. 11, p.217	584	Visigothic	Valentia (Valencia, ES) Col. Tarraco (Tarragona, ES)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		Greg., <i>Dial.</i> 3.31, SC 260, pp.384-90			
Hilderic	Royalty	Proc., <i>De Bell.</i> 3.9.8-26; 3.17.11-13, Dewing, 1916, pp.84-90; 152 Vic. Tun., <i>Chron.</i> a.531, MGH Auct. Ant. 11, p.198 Ioh. Mal., <i>Chron.</i> 459, Jeffreys <i>et al</i> , 1986, 18.57, p.269	530	Vandal	Carthago (Tunis, TN)
Hirundinus	Bishop of Missua	<i>Notitia, Procons.</i> 17, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Hoamer	Royalty	Proc., <i>De Bell.</i> 3.9.8-26; 3.17.12, Dewing, 1916, pp.84-90; 152	530	Vandal	Carthago (Tunis, TN)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Horontius	Bishop	Fulg., <i>Ep.</i> 16; 17, CCSL 91A, p.551; 563	508/509	Vandal	Sardinia
Ianuarius 1	Bishop	<i>Vita Fulg.</i> 19, Lapeyre, 1929, p.95 Fulg., <i>Ep.</i> 16; 17, CCSL 91A, p.551; 563	508/509	Vandal	Sardinia
Ianuarius 2	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Illustris	Bishop	<i>Vita Fulg.</i> 19, Lapeyre, 1929, p.95	508/509	Vandal	Sardinia
Ingund	Royalty	Greg. Tur., <i>Hist.</i> 5.1, MGH SS rer. Merov. 1.1, p.194	575	Merovingian	Latinon/civitas Meldorum (Meaux, FR)
Inportunus	Senator	<i>Lib. Pont.</i> 55, MGH Gesta pont. Rom 1, pp.136-7	526	Ostrogothic	Ravenna (Ravenna, IT)
Iohannes	Bishop of Rome	<i>Lib. Pont.</i> 55, MGH Gesta pont.	526	Ostrogothic	Ravenna (Ravenna, IT)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		Rom 1, pp.136-7			
		Greg. Tur., <i>Glor. Mart.</i> 39, MGH SS rer. Merov. 1.2, p.63			
Iohannes Biclarensis	--	Isid., <i>De Vir. Illustr.</i> 31, Merino, 1964, pp.151-2	c.578	Visigothic	Col. Barcino (Barcelona, ES)
Iona	Bishop of Labda	<i>Notitia, Procons.</i> 18, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Iovinus	Curial	Cass., <i>Var.</i> 3.47, MGH Auct. Ant. 12, pp.102-3	507-11	Ostrogothic	Aeolian (Lipari) Islands
Liberatus 1	Priest	Handley 370 = ILAlg-01, 02760 = ILCV 01601b = AE 1916, 00083 = AE 2007, +00127	400 - 600	Vandal?	Unknown - inscription found in Maduros (Mdaourouch, DZ)
Liberatus 2	Bishop of Mulli	<i>Notitia, Procons.</i> 15, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Liberatus 3	<i>medicus</i>	Vic. Vit., <i>HP</i> 3.50-51, MGH Auct. Ant. 3.1, p.53	25 Feb 484 - 22 Dec 484	Vandal	Unknown
Lupus	Bishop of Sens	<i>Vita Lup.</i> 11-17, MGH SS rer. Merov. 4, pp.182- 4	614	Merovingian	Andegasina (unlocated) in the region of Vinemagus (Vimeu, FR)
Magnulf	Bishop of Toulouse	Greg. Tur., <i>Hist.</i> 7.27; 32, MGH SS rer. Merov. 1.1, p.346; 353	585	Merovingian	Unknown
Marcellus	Bishop of Die	<i>Vita Marc.</i> 4-5, Dolbeau, 1983, pp.117-21	476	Visigothic	Col. Arelate (Arles, FR) Conсорanni (Couserans, FR)
Marcus	Bishop of Orleans	Greg. Tur., <i>VP</i> 6.5, MGH SS rer. Merov. 1.2, p.233	541 - 549	Merovingian	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Marianus	Bishop of Hippo Diarrhytus	<i>Notitia, Procons.</i> 5, Lancel, 2002, p.252	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Martianus	Bishop	Tol. II (527), Vives, 1963, p.46	Before 527	Visigothic	Toletum (Toledo, ES)
Martinianus	Slave	Vic. Vit., <i>HP</i> 1.35-38, MGH Auct. Ant. 3.1, pp.9-10	455 - 477	Vandal	Kingdom of Capsa (unlocated)
Masona	Bishop of Merida	<i>VPE</i> 5.6-8, CCSL 116, pp.62-78	582	Visigothic	Monastery (location unknown)
Maxima	Slave	Vic. Vit., <i>HP</i> 1.35, MGH Auct. Ant. 3.1, p.9	455 - 477	Vandal	Kingdom of Capsa (unlocated)
Maximianus	Senator?	Theod., <i>Ep.</i> XXIII, SC 40, p.94	439 - 443	Vandal	Col. Aelia Capitolina (Jerusalem, IL) Cyrrus (Nebi Ouri, SY) Aerius' school (unlocated)?

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Maximinus	Bishop of Naraggara	<i>Notitia, Procons.</i> 48, Lancel, 2002, p.254	25 Feb 484 - 22 Dec 484	Vandal	Africa?
Melior	Bishop of Fussala	<i>Notitia, Numid.</i> 21, Lancel, 2002, p.255	25 Feb 484 - 22 Dec 484	Vandal	Mines (location unknown)?
Merovech 1	Royalty	Greg. Tur., <i>Hist.</i> 5.2-3; 14, MGH SS rer. Merov. 1.1, pp.195-6; 207-8 <i>Lib. Hist. Franc.</i> 33, MGH SS rer. Merov. 2, pp.298-9	576	Merovingian	Monastery of Anille, Cenomani (Le Mans, FR) Not implemented – escaped
Merovech 2	Royalty	Fred., <i>Chron.</i> 4.42, MGH SS rer. Merov. 2, pp.141-2	613	Merovingian	Somewhere in Neustria
Mummolus	<i>Praefectus (?Palatii)</i>	Greg. Tur., <i>Hist.</i> 6.35, MGH SS rer. Merov. 1.1, p.306	584	Merovingian	Burdigala (Bordeaux, FR)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Munderic	Bishop elect of Langres	Greg. Tur., <i>Hist.</i> 5.5, MGH SS rer. Merov. 1.1, p.201	568	Merovingian	A narrow tower on the banks of the Rhone (location unknown) Col. Lugdunum (Lyon, FR)
Muritta	Deacon of Carthage	Vic. Vit., <i>HP</i> 3.34-37, MGH Auct. Ant. 3.1, pp.49-50	25 Feb 484 - 22 Dec 484	Vandal	Unknown
Nicetius 1	Bishop of Trier	Greg. Tur., <i>VP</i> 17.3, MGH SS rer. Merov. 1.2, p.280	555-561	Merovingian	Unknown
Nicetius 2	--	Greg. Tur., <i>Hist.</i> 5.14, MGH SS rer. Merov. 1.1 p.208	576	Merovingian	Unknown
Opilio	Senator	Boeth., <i>Phil.</i> <i>Cons.</i> 1.4, Tester, 1973, p.150	524	Ostrogothic	Not implemented

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Palladius	Bishop of Eauze	Fred., <i>Chron.</i> 4.54, MGH SS rer. Merov. 2, p.148	626	Merovingian	Unknown
Pascasius 1	Bishop of Gunela	<i>Notitia, Procons.</i> 6, Lancel, 2002, p.252	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Pascasius 2	Bishop of Migirpa	<i>Notitia, Procons.</i> 23, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Pascentius	Bishop of Cataquas	<i>Notitia, Numid.</i> 68, Lancel, 2002, p.257	25 Feb 484 - 22 Dec 484	Vandal	Corsica?
Pastinatus	Bishop of Pupput	<i>Notitia, Procons.</i> 10, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Paulus	Bishop of Sinnar	<i>Notitia, Procons.</i> 3, Lancel, 2002, p.252	Before 1 Feb 484?	Vandal	Unknown
Peregrinus	Bishop of Assuras	<i>Notitia, Procons.</i> 19, Lancel, 2002, p.253	Before 1 Feb 484?	Vandal	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Placidina	--	Greg. Tur., <i>Hist.</i> 3.12, MGH SS rer. Merov. 1.1, p.108	525 - 527	Merovingian	Unknown
Praesidius	Bishop of Sufetula	Vic. Vit., <i>HP</i> 2.45, MGH Auct. Ant. 3.1, p.23 <i>Notitia, Byzac.</i> 20, Lancel, 2002, p.260	483 - 1 Feb 484	Vandal	Unknown
Praetextatus	Bishop of Rouen	Greg. Tur., <i>Hist.</i> 5.18; 7.16, MGH SS rer. Merov. 1.1, p.223; 337-8	577	Merovingian	An island (Jersey?) near the city of Cosedia/Constantia (Coutances, FR)
Proculus	Bishop	Greg. Tur., <i>Hist.</i> 10.31, MGH SS rer. Merov. 1.1, p.532	Before 519	Burgundian	Civitas Turonorum (Tours, FR)
Quodvultdeus 1	Bishop of Carthage	Vic. Vit., <i>HP</i> 1.15, MGH Auct. Ant. 3.1, p.5	439	Vandal	Parthenope/Neapolis (Naples, IT)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		Hydatius, <i>Chron.</i> a.439, MGH Auct. Ant. 11, p.23			
Quodvultdeus 2	Bishop of Caeliana	<i>Notitia, Numid.</i> 49, Lancel, 2002, p.256	25 Feb 484 - 22 Dec 484	Vandal	Mines (location unknown)?
Quodvultdeus 3	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Reparatus	Bishop of Uthumae	<i>Notitia, Procons.</i> 10, Lancel, 2002, p.253	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Restitutus	Bishop of Segermes	<i>Notitia, Byzac.</i> 99, Lancel, 2002, p.263	Before 1 Feb 484?	Vandal	Unknown
Riculf	Priest of Tours	Greg. Tur., <i>Hist.</i> 5.49, MGH SS rer. Merov. 1.1, p.262	580	Merovingian	Monastery (location unknown)
Rigunth	Royalty	Greg. Tur., <i>Hist.</i> 7.32, MGH SS rer. Merov. 1.1, p.353	584	Merovingian	Near Tolosa (Toulouse, FR)?

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Romulus Augustulus	Western Roman Emperor	<i>Anon. Val.</i> 8.38, MGH Auct. Ant. 9, p.310 <i>Marc. com.</i> , <i>Chron.</i> a.476.2, MGH Auct. Ant. 11, p.91 <i>Iord., Get.</i> 242, MGH 5.1, p.120	476	Kingdom of Odoacer	Castle of Lucullus (Castel dell'Ovo), Neapolis (Napoli, IT)
Sacconius	Bishop of Uzalis	<i>Notitia, Procons.</i> 7, Lancel, 2002, p.252	25 Feb 484 - 22 Dec 484	Vandal	Corsica
Saffracus	Bishop of Paris	<i>Conc. Paris an.552</i> , CCSL 148A, p.167 <i>Greg. Tur., Hist.</i> 4.36, MGH SS rer. Merov. 1.1, p.168	552	Merovingian	Monastery (location unknown)
Sagittarius [First exile]	Bishop of Gap	<i>Greg. Tur., Hist.</i> 5.20, MGH SS rer. Merov. 1.1, p.228	573 - 577	Merovingian	Monastery (location unknown)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Sagittarius [Second exile]	Bishop of Gap	Greg. Tur., <i>Hist.</i> 5.27, MGH SS rer. Merov. 1.1, p.233	579	Merovingian	Basilica of Saint Marcel in Cabilonnum (Chalon-sur-Saône, FR)
Salonius [First exile]	Bishop of Embrun	Greg. Tur., <i>Hist.</i> 5.20, MGH SS rer. Merov. 1.1, p.228	573 - 577	Merovingian	Monastery (location unknown)
Salonius [Second exile]	Bishop of Embrun	Greg. Tur., <i>Hist.</i> 5.27, MGH SS rer. Merov. 1.1, p.233	579	Merovingian	Basilica of Saint Marcel in Cabilonnum (Chalon-sur-Saône, FR)
Salutaris	Archdeacon of Carthage	Vic. Vit., <i>HP</i> 3.35, MGH Auct. Ant. 3.1, p.49	25 Feb 484 - 22 Dec 484	Vandal	Unknown
Saturianus	Slave	Vic. Vit., <i>HP</i> 1.35-38, MGH Auct. Ant. 3.1, pp.9-10	455 - 477	Vandal	Kingdom of Capsa (unlocated)
Scolasticus	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Secundianus	Bishop of Vibiana	Vic. Vit., <i>HP</i> 2.45, MGH Auct. Ant. 3.1, p.23 <i>Notitia, Byzac.</i> 72, Lancel, 2002, p.262	483 - 1 Feb 484	Vandal	Unknown
Segga	Gothic noble	Ioh. Bicl., <i>Chron.</i> a.588.1, MGH Auct. Ant. 11, p.218	587	Visigothic	Galicia
Septimima	Nurse of the royal children	Greg. Tur., <i>Hist.</i> 9.38, MGH SS rer. Merov. 1.1, p.459	589	Merovingian	Villa of Marlenheim
Severus	--	Greg. Tur., <i>Hist.</i> 5.25, MGH SS rer. Merov. 1.1, p.232	578	Merovingian	Unknown
Sidoc	Bishop of Eauze	Fred., <i>Chron.</i> 4.54, MGH SS rer. Merov. 2, p.148	626	Merovingian	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Sidonius Apollinaris	Bishop of Clermont	Sid. Apoll., <i>Ep.</i> 4.10; 8.3; 8.9; 9.3 MGH Auct. Ant. 8, pp.61-2; 127-8; 135-7; 151-2	475/476	Visigothic	Fortress of Liviana (Douzens, FR) Burdigala (Bordeaux, FR)
Simplicius	Bishop of Bourges?	Sid. Apoll., <i>Ep.</i> 7.6.9, MGH Auct. Ant. 8, p.110	470 - 475	Visigothic	Unknown
Sunna	Homoian bishop of Merida	Ioh. Bicl., <i>Chron.</i> a.588.1, MGH Auct. Ant. 11, p.218 <i>VPE</i> 5.10-11, CCSL 116, pp.81- 92	587	Visigothic	Mauretania
Sunnegisil	<i>comes stabuli</i>	Greg. Tur., <i>Hist.</i> 9.38, MGH SS rer. Merov. 1.1, p.459	589	Merovingian	Unknown
Swinthila	Royalty	Toledo IV (633) c.75, Vives, 1963 p.221	633	Visigothic	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Tatila	Visigothic envoy	<i>Ep. Wisig.</i> 13, MGH Epp. 3, p.680	610/12	Merovingian	Irupina (unlocated)
Theoderic	Royalty	Vic. Vit., <i>HP</i> 2.12-14, MGH Auct. Ant. 3.1, pp.15-6	480/481 - 20 May 483	Vandal	Unknown
Theodorus 1	Bishop	Greg. Tur., <i>Hist.</i> 10.31, MGH SS rer. Merov. 1.1, p.532	Before 519	Burgundian	Civitas Turonorum (Tours, FR)
Theodorus 2	Senator	<i>Lib. Pont.</i> 55, MGH Gesta pont. Rom 1, pp.136-7	526	Ostrogothic	Ravenna (Ravenna, IT)
Theodorus 3	Bishop of Marseilles	Greg. Tur., <i>Hist.</i> 6.24, MGH SS rer. Merov. 1.1, p.292	582	Merovingian	Cenabum/civitas Aurelianorum (Orléans, FR)?
Theudebert 1	Royalty	Greg. Tur., <i>Hist.</i> 4.23, MGH SS rer. Merov. 1.1, pp.155-6	562	Merovingian	Villa of Ponthion (unlocated)

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
		<i>Lib Hist. Franc.</i> 30, MGH SS rer. Merov. 2, p.290			
Theudebert 2	Royalty	Fred., <i>Chron.</i> 4.38; 42, MGH SS rer. Merov. 2, pp.139-40; 141-2	612	Merovingian	Not implemented – killed
		Ionas Bob., <i>Vita Colum.</i> I.28, MGH SS rer. Merov. 4, p.105			
Theudechild	Royalty	Greg. Tur., <i>Hist.</i> 4.26, MGH SS rer. Merov. 1.1, p.159	567	Merovingian	Nunnery, Col. Arelate (Arles, FR)
Tulga	Royalty	Fred., <i>Chron.</i> 4.82, MGH SS rer. Merov. 2, p.163	642	Visigothic	Unknown
Uldida	Homoian bishop of Toledo?	Ioh. Bicl., <i>Chron.</i> a.589.1, MGH Auct. Ant. 11, p.218	588	Visigothic	Unknown

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Ultrogotha	Royalty	Greg. Tur., <i>Hist.</i> 4.20, MGH SS rer. Merov. 1.1, p.152	558	Merovingian	Unknown
Urbanus	Bishop of Girba	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown
Vagrila	Gothic noble	<i>VPE</i> 5.10-11, CCSL 116, pp.81-92	587	Visigothic	Not implemented – escaped
Valerian	Bishop of Abensa	Vic. Vit., <i>HP</i> 1.40, MGH Auct. Ant. 3.1, p.10	455 - 477	Vandal	Public road (location unknown)
Verus	Bishop of Tours	Greg. Tur., <i>Hist.</i> 10.31, MGH SS rer. Merov. 1.1, p.531	498	Visigothic	Tolosa (Toulouse, FR)
Vicis	Bishop of Sabratha	Vic. Vit., <i>HP</i> 1.23, MGH Auct. Ant. 3.1, p.6	445 - 454	Vandal	Unknown
Victor 1	Bishop of Gauuari, Nara, or Vita	<i>Vita Fulg.</i> 13; 17, Lapeyre, 1929, pp.67-71; 87-9	508/509?	Vandal	Sardinia

Name	Office or Rank	Reference(s) for exile case	Starting date of exile	Kingdom	Place(s) to which offender exiled or went
Victor 2	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Victor 3	Bishop	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Victorianus	Bishop of Quaestoriana?	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Vincentius	Bishop of Ziqua	<i>Notitia, Procons.</i> 41, Lancel, 2002, p.254	Before 1 Feb 484?	Vandal	Unknown
Vindemius	Bishop of Althiburos	<i>Notitia, Procons.</i> 44, Lancel, 2002, p.254	Before 1 Feb 484?	Vandal	Unknown
Vindicianus	Bishop of Marazanae?	Fulg., <i>Ep.</i> 17, CCSL 91A, p.563	508/509	Vandal	Sardinia
Volusianus	Bishop of Tours	Greg. Tur., <i>Hist.</i> 2.26; 10.31, MGH SS rer. Merov. 1.1, p.71; 531	495/496	Visigothic	Spain or Tolosa (Toulouse, FR)

Appendix 2.2: Groups who were exiled or condemned to exile between 439 and 650 arranged chronologically

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
Nicene clergy of Carthage	Vic. Vit., <i>HP</i> 1.15, MGH Auct. Ant. 3.1, p.5 Hydatius, <i>Chron.</i> a.439, MGH Auct. Ant. 11, p.23	439	Vandal	Neapolis (Naples, IT)
Senators and <i>honorati</i> of Carthage and the provinces of Proconsularis and Byzacena	Vic. Vit., <i>HP</i> 1.15, MGH Auct. Ant. 3.1, p.5 <i>Vita Fulg.</i> 1, Lapeyre, 1929, p.11 Val. III, <i>Nov.</i> 34.3, Mommsen and Meyer, 1905, p.141	439-451	Vandal	Parts beyond the sea Italy Provinces of Mauretania Sitifis and Caesarea
Nicene Clergy	Vic. Vit., <i>HP</i> 1.16, MGH Auct. Ant. 3.1, p.5	439	Vandal	Unknown
Nicene Priests and junior clergy of Carthage	Vic. Vit., <i>HP</i> 1.51, MGH Auct. Ant. 3.1, p.13	457/8	Vandal	Unknown
Gallic bishops and priests	Greg. Tur., <i>Hist.</i> 2.25, MGH SS rer. Merov. 1.1, p.70	466 - 484	Visigothic	Unknown

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
Inhabitants of Die	<i>Vita Marc.</i> 4.1, Dolbeau, 1983, p.117	476	Visigothic	Unknown
Nicene court officials	Vic. Vit., <i>HP</i> 2.10-11, MGH Auct. Ant. 3.1, p.15	480/481 - 20 May 483	Vandal	Fields around Utica (Henchir-bou-Chateur, TN)
Nicene court and public officials	Vic. Vit., <i>HP</i> 2.23, MGH Auct. Ant. 3.1, p.18	480/481 - 20 May 483	Vandal	Sicily and Sardinia
4966 Nicene clerics/c.4000 Nicene bishops, clerics of all ranks, monks and laity	Vic. Vit., <i>HP</i> 2.26-37, MGH Auct. Ant. 3.1, pp.19-21 Vic. Tun., Chron. a.479.1-2, MGH Auct. Ant. 11, pp.189-90	480/481 - 20 May 483	Vandal	Sicca Veneria (El Kef, TN) Lares (unlocated) desert (location unknown) Thubunae (Tobna, DZ) Macri (Henchir Remada, DZ) Nippis (unlocated) other parts of the desert (location unknown)
302 Nicene bishops	<i>Notitia</i> , Lancel, 2002, p.272	25 Feb 484 - 22 Dec 484	Vandal	Farms in Africa

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
	Vic. Vit., <i>HP</i> 3.20, MGH Auct. Ant. 3.1, p.45			
	Vic. Tun., <i>Chron.</i> a.466, MGH Auct. Ant. 11, p.187			
	<i>Lat. Reg. Van., Aug. 5,</i> MGH Auct. Ant. 13, p.458			
	<i>Marc. com., Chron.</i> a.484.2, MGH Auct. Ant. 11, pp.92-3			
	<i>Vita Fulg.</i> 3, Lapeyre, 1929, p.21			
46 Nicene bishops	<i>Notitia</i> , Lancel, 2002, p.272	25 Feb 484 - 22 Dec 484	Vandal	Corsica
	Vic. Vit., <i>HP</i> 3.20, MGH Auct. Ant. 3.1, p.45			
	Vic. Tun., <i>Chron.</i> a.466, MGH Auct. Ant. 11, p.187			
	<i>Lat. Reg. Van., Aug. 5,</i> MGH Auct. Ant. 13,			

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
	p.458			
	Marc. <i>com.</i> , <i>Chron.</i> a.484.2, MGH Auct. Ant. 11, pp.92-3			
	<i>Vita Fulg.</i> 3, Lapeyre, 1929, p.21			
≥500 Nicene clerics of the church of Carthage	Vic. Vit., <i>HP</i> 3.34-39, MGH Auct. Ant. 3.1, pp.49-50	25 Feb 484 - 22 Dec 484	Vandal	Unknown
12 choristers of the church of Carthage	Vic. Vit., <i>HP</i> 3.39, MGH Auct. Ant. 3.1, p.50	25 Feb 484 - 22 Dec 484	Vandal	Unknown
Children of Liberatus 3	Vic. Vit., <i>HP</i> 3.50-51, MGH Auct. Ant. 3.1, p.53	25 Feb 484 - 22 Dec 484	Vandal	Unknown
Manicheans	<i>Lib. Pont.</i> 51, MGH Gesta pont. Rom 1, p.116	492-6	Ostrogothic	Unknown
Franks	Greg. Tur., <i>Hist.</i> 2.33, MGH SS rer. Merov. 1.1, p.81	500	Burgundian	Tolosa (Toulouse, FR)
Manicheans	<i>Lib. Pont.</i> 53, MGH Gesta pont. Rom 1, p.122	c.506-514	Ostrogothic	Unknown

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
>60/120 Nicene Bishops	<i>Vita Fulg.</i> 13; 17; 18, Lapeyre, 1929, pp.67-71; 87-9; 91-3 <i>Vic. Tun., Chron.</i> a.497.4, MGH Auct. Ant. 11, p.193 <i>Lib. Pont.</i> 53, MGH Gesta pont. Rom. 1, p.125	508/9	Vandal	Sardinia
Manicheans	<i>Lib. Pont.</i> 54, MGH Gesta pont. Rom 1, p.130	514-23	Ostrogothic	Unknown
Burgundian bishops	<i>Vita Apoll.</i> 2-3, MGH SS rer. Merov. 3, p.198	518-23	Burgundian	Sardinia, town in the <i>civitas</i> of Lugudunum (Lyon, FR)
Children of Hilderic	<i>Vic. Tun., Chron.</i> a.531, MGH Auct. Ant. 11, p.198 <i>Ioh. Mal., Chron.</i> 459, Jeffreys <i>et al.</i> , 1986, 18.57, p.269	530	Vandal	Carthago (Tunis, TN)
Jews of Uzès	<i>Vita Ferr.</i> 5, Prévot and Gauge, 2008, pp.340-1	558	Merovingian	Unknown

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
Prominent Romans	Paul., <i>Hist.</i> 2.31, MGH SS rer. Lang. 1, p.90	c.572	Lombard	Unknown
Nicene bishops	Isid., <i>Hist. Goth.</i> 50, MGH Auct. Ant. 11, pp.287-8	c.582	Visigothic	Unknown
Nicene Christians	Greg. Tur., <i>Hist.</i> 5.38, MGH SS rer. Merov. 1.1, p.243	c.582	Visigothic	Unknown
Visigothic nobles	Isid., <i>Hist. Goth.</i> 51, MGH Auct. Ant. 11, p.288	c.582	Visigothic	Unknown
Envoys of Fredegund	Greg. Tur., <i>Hist.</i> 8.44, MGH SS rer. Merov. 1.1, p.410	587	Merovingian	Unknown
Sons of Guntram Boso	Greg. Tur., <i>Hist.</i> 9.10; 23, MGH SS rer. Merov. 1.1, p.426; 443	587	Merovingian	Verodunum (Verdun, FR)
Homoian counts	<i>VPE</i> 5.10-11, CCSL 116, pp.81-92	587	Visigothic	Unknown
Citizens of Cahors	<i>Vita Des.</i> 8, MGH SS rer. Merov. 4, p.568	630	Merovingian	Unknown
Children of Swinthila	Toledo IV (633) c.75, Vives, 1963 p.221	633	Visigothic	Unknown

Group	Reference(s) for exile case	Date of exile	Kingdom	Place(s) to which offender exiled or went
Opponents of Chintila	<i>Ep. Wis.</i> 19, MGH Epp. 3, pp.688-9	636-9	Visigothic	Unknown
Visigothic nobles	Fred., <i>Chron.</i> 4.82, MGH SS rer. Merov. 2, p.163	c.642	Visigothic	Unknown
Irish monks	<i>Additamentum Nivialense de Fuilano</i> , MGH SS rer. Merov. 4, p.450	650	Merovingian	Kingdom of Austrasia

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