

6 Out of the village. Short-distance exile and local communities in Iberia (c. 700–1200)

6.1 Exile as enforced mobility in modern research

Mobility can be analysed from many perspectives. One promising method is looking at push factors, namely the reasons why people moved from one place to another.¹ Among these factors was enforced mobility, owing to reasons of political persecution, enmity, or banishment. Involuntary exile was considered a damnation or condemnation (*exilium: damnationem*)² because it broke with social and material relations by isolating specific individuals or groups. When speaking of exile – be it outside the house, manor, village, city, or the home kingdom – sources rarely specify the distance or duration of travel imposed on an individual separated from home, since the main purpose of this act was to make people invisible by severing ties with their family, friends and social networks, thereby ensuring a state of loneliness. Thus, exile was a form of enforced mobility generally implemented as a social punishment for committing a crime, mostly homicide or high treason (or both). There exists little information about relevant cases in sources related to early medieval local societies in Iberia. Those few valuable sources remaining include charters and other documents related to activities executed inside local societies and by individuals or families in the north-western part of the peninsula. In opposition to chronicles and laws, which have already been studied by focussing on upper-class elites, the intention of the present investigation is to examine the exiles of middle- and lower-class people and what this experience meant for them.

Late antique and early medieval exile and forced mobility have been investigated more recently in the framework of singular publications and research projects. The increased interest in this topic may be related to modern day questions revolving

¹ I would like to thank the members and organisers of the *Frühmittelalterliche Mobilität – Interdisziplinäre Zugänge-WIN-Konferenz* at the Heidelberger Akademie der Wissenschaften, 28–30 September 2022, for inviting me and for their helpful comments, questions, and reviews – especially Laury Sarti and Helene von Trott zu Solz for improving this contribution. Any remaining errors, of course, are my own. Any translations from original text are also my own, except those with relevant references added. This contribution is part of my postdoctoral project research named *E-motion. Dynamics of Exile and Forced Displacements (Galicia, Iberia, and Europe 8th–13th centuries)*.

² “Exile: damnation”, gloss in the manuscript from the Silos monastery in Castile, Add. 30851, British Library, Book of Hymns, fol. 113^v. Published in *Vivancos Gómez, Glosas y notas* (1996), 127.

around mobility, emigration, local and national citizenship legality, and political persecution. Among the most studied social groups affected by such exiles were late Roman churchmen in the Mediterranean. Exile or banishment has become particularly important as a research topic in the context of migration studies. From a medievalist perspective, exile was willingly connected with theological concepts, e.g. exile related to Adam and Eve, or excommunication as a meaningful expulsion from the Christian community or the parish.³ More recently, projects and publications on exile in late Antiquity and the early Middle Ages have focused on the clergy and the legal assessment of banishment, including works by Harold Mawdsley, Céline Martin, and, in particular Julia Hillner.⁴ Focussing on Hispania or Iberia, more recent studies were particularly interested in analysing the legal implementation of exile, its geopolitical dimensions, and Iberia's interconnection with other Mediterranean areas like Byzantium.⁵

6.2 Religious and secular approach within the small-world exiles

Ancient stories may begin with tragic banishment. The tenth century Asturian *Chronica Adefonsi* (Chronicle of Alfonso III, Rotense version) connects the Asturian kings to the historic Visigoth royal aristocracy.⁶ It claims that the last Visigoth king, Rodrigo (died 711), experienced exile because his father had been expelled from the city of

³ It is not a *démodé* legal measure: "By allowing states to deport their own citizens or, if present overseas, to prevent their return, denationalization, like banishment, enables states effectively to disown their members", *Gibney*, Banishment (2020), 277. Migratory mobility and consecutive refugee crises have shown the deep importance of the problem today, as in the past: *Borgolte*, Migrationen im Mittelalter (2014). *Ertl*, Erzwungene Exile (2017).

⁴ *Mawdsley*, Exile in the Post-Roman (2018). *Martin*, L'évêque (2011), 45–55. *Hillner*, Confined Exiles (2013), 385–434. *Hillner/Ulrich/Engberg*, Clerical Exile (2016). Projects of research, database, and mapping in blog.clericalexile.org/people/dirk-rohmann (accessed: 25.08.2024). Projects of research: *Migration and Mobility in Late Antiquity and the Early Middle Ages* project at the Eberhard Karls Universität Tübingen. *Rapp*, Introduction (2023), 357–359.

⁵ *Wood*, Borders, Centres and Peripheries (2015), 1–17. *Frez*, Fugitivos (2001), 113–124. *Martin*, Erwig and Capital Penalties (2020), 133–158. *Martin*, In confinio externis (1998), 267–280. *Vallejo Girvés*, Comparison of Roman and Visigothic (2023), 97–122. *Vallejo Girvés*, Exilio bizantino (2004), 117–154. *Vallejo Girvés*, Exilios de católicos y arrianos (2003), 35–47. *Schlieben*, In exilio (2013), 189–203. *Frederick*, Penalty of Banishment (1979), 87–107. *Napran/Houts*, Exile in the Middle Ages (2004). *Jordan*, From England (2015). *Jones*, Outlawry (2011).

⁶ *Teodefredo oculos euellere precepit. Qui a regia urbe expulsus Corduba adiit habitandus, ibique sortitus est ex magno genere huxorem nomine Ricilone, et ex eis natus est filius iam ditus Rudericus. Qui Rudericus iam supra fatus creuit et ad etatem perfectam uenit.* *Chronica Adefonsi* 6. Ed. *Gil*, 396.

Córdoba. However, kings did not only use exile against “great men”. In the same royal context, the two main works of Beatus of Liebana (died 798) – one of the most important writers of his epoch – not only attest to contemporary ideas related to religion and the Book of the Apocalypse, but also to political views related to the north Iberian kingdom in the harsh context of the eighth century. In the framework of the Adoptionist controversy that characterised eighth century western Europe – in a way comparable to the impact of Iconoclasm in the East – Beatus and his partner, the Bishop Etherius of Osma, argued strongly against the Archbishop of Toledo, Elipandus (died 805, then in Muslim territory). In his work against the “heretical” Archbishop of Toledo, Beatus and Etherius stated: “But we are, on reason of our Faith which we defend, ready not only to be exiled but even more, to be executed”.⁷ This is a strong statement confirming the idea that death and exile were considered similar fates (whether physically or literally). Like Isidore of Seville (died 636) centuries before him, Beatus connected his concepts, terms and ideas with the comparison of political and penal resources of power. He was additionally influenced by the ancient perspective of martyrs, like John the Evangelist, who was banished into exile on an island where he wrote the *Commentary on the Apocalypse* – a key work on which Beatus based his *Tractatus*.

Around two centuries after Beatus’s polemic, the exile remained a relevant topic in ecclesiastical discourses and homiletics, especially within monastic communities. Monks conceived their monastic life as an “exile” from the world. A manuscript from the Royal Palace of Escorial Library (Codex a. I. 13), known as *Codex of Leodegundia* – using the name of a high-class woman who promoted it – contains a copy from a text written by Gregory the Great (died 604), with some modifications on crime, sin, exile, guilt, and pardon:

Having killed his friend by striking him, it is necessary for him to flee to three cities so that he may live under the protection of one of them, because, if someone turned to repentance and is hidden in the unity of the sacrament under the hope of faith and charity, he is not held liable for the committed homicide.⁸

⁷ *Sed nos pro hac fide, quam uindicamus, non solum exiliari, sed etiam mori parati sumus*, Beatus Liebanensis, Etherius Oxomensis 1.14. Ed. Löfstedt. *Explorant pastoris absentiam, et ideo pastores ecclesiarum uel occidere uel in exilium mittere contendunt, quia praesentibus pastoribus oues Christi deformare non possunt*, Beatus Liebanensis, Etherius Oxomensis 2.21. Ed. Löfstedt, also in Beatus Liebanensis. *Tractatus de Apocalipsin*, 6.4.21. Ed. Gryson, 695.

⁸ *Set his que amicum suum percutiens occidit, ad tres necesse est ut urbes confugiat ut sub una earum uiuat quia, si quis ad penitentiam conuersus in unitate sacramenti sub spe fide et caritate absconditur, reus perpetrati omicidii non tenetur*. English translation by L. Sarti. The inspiration for the text comes from Pope Gregory the Great and his work *Pastoralis* (Pastoral of Care), known in Hispania since Visigothic times. See also another version in English in Pick, *Dialogue in the Monastery* (2019), 50–51, Latin text in n. 42. Originally in Latin from Codex of Leodegundia Madrid, Real Biblioteca del Monasterio de El Escorial, Ms. a.I.13, fol. 109v.

Exile is understood here as a penance leading to redemption, in part because exile was conceived as being a sufficiently harsh standalone punishment, equal to redeeming one's crime through charity and faith. Although the extraordinary concept of exile as a form of penance is used here as a metaphor, it became very real when it was legally applied.

Following the collapse of the Visigoths, the former legal apparatus was readapted, especially the *Liber Iudicum*. It was the most important code of law in the early Middle Ages in Iberia, written during the rule of the Visigoth Kingdom. However, the legal heritage of the *Liber Iudicum* was modified and completed after the eighth century with new regional and local rules established in the north-western Iberian dominions from the tenth to twelfth centuries. The codification was based on the ancient legal tradition put into practice in its new context. Exile was addressed in the *Liber's* first addenda by referring to the ecclesiological context of exile. This allows for comparison by modern researchers between early versions of the *Liber* and the later implementation of exile as a punishment in the post-conquest Christian kingdoms of the North. For example, perpetual exile was added in two different manuscripts of the *Liber Iudicum* and modified for the case of criminals being accused of murder: *homicida tamen secundum superiorem ordinem perennis exilii poenam indubitanter excipiat* ("a murderer should suffer the penalty of exile forever, following the former order").⁹ These modifications belong to French copies of the *Liber* and attest to the aim of modifying precedent rules related to homicide. In the last modification of the original law (*Liber Iudicum* 6.5.12, by King Recceswinth), which took place during the Visigoth rule, King Ervig (died 687) defined scalping, flogging, or penal enslavement as potential penalties for homicide, whereas the French copies returned to the regulation previously established by King Reccesvint (died 672). This regulation used exile against murderers, something that would become common at a later stage.

The earliest citation of the *Liber* section about exile dates to the eleventh century. However, its purpose did not focus on sanctions, but more on economics, i.e. sales and purchases, landed property, serfs, and dependencies. One of the few exceptions is a document dated to 1019 about an aristocrat rebellion – headed by a woman named Gotina Fernandez and her son – against King Alfonso V of León (died 1028). In this document, the legal reference quotes the consequences of rebellion and the different punishments considered by the *Liber Iudicum*:

⁹ *Liber Iudicum* 6.5.12 in Paris, Bibliothèque nationale de France, Latin 4618, fol. 245^r. Ed. Zeumer, 275. About these modifications see, García López, *Estudios críticos* (1997), 41–47 and *Liber Iudicum* 6.5.18. Ed. Zeumer, 276 and 283.

1019, Otero de las Dueñas, doc. 124	<i>Liber Iudicum</i> 2.1.8
<i>sic inuentus fuisset, aut effusione oculorum, aut dekalbatum tamen, aut exilio perditurus dignitate, set serbus pincipe factus et sum perpetua serbitutis catena in picipis potestate re(. . .)tus eterna tenebitur, exilio relicacionem obnosius</i>	<i>effosionem perferat oculorum, secundum quod in lege hac hucusque fuerat constitutum, decalvatus tamen C flagella suscipiat et sub artiori vel perpetuo erit religandus exilio,</i>
“If they were found, they could be blinded, or scalped (the head) also, or sent into exile or enslaved into royal service and with perpetual chain of slavery under the prince’s authority (. . .) eternally, harmed by the relegation into exile”	“Following what was constituted in the law, they should be blinded, and also with the head scalped they should suffer one hundred lashes and be relegated with a very harmful or perpetual exile”

The document quotes almost word for word the law of the *Liber Iudicum* to reinforce the later version from King Ervig. However, in the document of 1019 the penalties are exclusive: blinding or lashing, exile or enslavement, and so on, given the use of the Latin word *aut*. In contrast, the punishments in the original legal quotation are not exclusive, allowing a combination of penal humiliations against the rebel as reinforced by the use of “also” (*tamen*). Thus, the initial regulation placed on penal exile is modified *ad libitum* to adapt it to a later social context, involving harsher consequences.¹⁰

Of course, penal exile was not the only form of exile. Exile could also be used for practical purposes, such as the protection of one’s goods and landed property. Early references appear in the framework of managing monastic, lay and royal infrastructure, wherein it was important to maintain and increase the capacity of dependants inside the relevant territory. A particularly early testimony is preserved in the late-twelfth century chartulary from Celanova monastery, which appears to go back to an original tenth-century parchment. This document confirms that if a monk or nun tried to avoid the work that had been entrusted to him or her, this was punished with expulsion from the monastic community. The exile here is not related to any ecclesiological connotation (e.g. implying excommunication) but is restricted to physical expulsion from the monastic house and its lands as a penalty for lack of compliance to the monastic rule. This formula is addressed to the monks: *qui in ipso monasterio in agone Christi non perseuerarint uel contradictor fuerit expellatur de loci ipsius* (“in this monastery with the struggle for Christ it will be expelled from these places those who do not persevere or contradict”).¹¹ The document was sanctioned in the year 952 by the bishop Rudensindus of Celanova (907–977), a high-ranking aristocrat of the kingdom and promoter of the monastery cited above. Although a direct quote is missing, it is likely that

¹⁰ Document of 1019 Fernández Flórez/Herrero de la Fuente, *Colección documental* (1999), doc. 124. See also Barrett, *Text and Textuality* (2023), 312, he stresses that “the first half of the text is corrupt”.

¹¹ Sáez Sánchez/Sáez Sánchez, *Colección diplomática* (2006), 70–73, doc. 95.

the regulation was inspired by the *Liber Iudicum* since Ilduara, the mother of Rudesindus, provided the monastery with copies from her personal library.¹²

New regulations on exile were implemented in different areas of northwestern Iberia during the twelfth century, and executed in urban centres like Lugo, Astorga, Santiago, as well as monasteries like the one in Sahagún. Among these new regulations were the *fueros*, a regional or local compilation of customs intended to regulate violence, taxes, punishments, and hierarchy. In the central Iberian plateau – and more specifically Amayuelas, near Palencia – a written description (dated 1159) detailed how to publicly perform a person's departure from home. If anyone was coerced (*necessitate*) into leaving his or her home, its door was closed and besmeared with tar or clay to symbolise that its inhabitants had vacated.¹³ This public ritual underlines the significance attributed to the notion of being *out-* or *in-side* in an urban context (*alfoz*), showing that different rules could apply.

In the Galician area, these *fueros* were not new. The most important character in the kingdom, the archbishop of Santiago de Compostela, Diego Gelmírez (died 1136), had struggled to achieve a power balance between the archbishopric's governance and the increasing aspirations of bourgeoisie and royal authority, who desired greater control of the city (see figure 6.1). In 1135, during a riot in the city, an attempt was made on the archbishop's life. After defeating the rebels, the royal justice sentenced the perpetrators to death, but this final sentence was then softened to exile and forfeiture – an adjustment perceived as a gesture of ecclesiastical “mercy” against royal wrath.¹⁴ In the next decade, the bishop of Lugo faced similar problems and the traitors were punished with exile, too. More interestingly in this case of riots against the archbishop, enforced mobility was used after the trial to remove the perpetrators from the city and to re-establish control over church local government.

Exile was also understood as a way of safeguarding, in that it could be used to escape local hostility or the enmity of specific authorities. Surviving evidence reports two cases, one from Galicia and another from Toledo, where local enmity ended with the possibly voluntary exile of those threatened. In 1163, a man of the Church departed from his home in Galicia towards Jerusalem, in an effort to escape bad rumours circulating about him in his home village. Although strictly speaking a pilgrimage, the evidence leaves no doubt that the man's prime intention was to remove himself from possible dangers. The second case dates to 1190, when a man named Muño Mocho built himself a private church. According to the evidence, he sold his

¹² Pallares Méndez, Ilduara (2004), 116.

¹³ Year 1152: *Et si aliquis homo uel femina in alia terra pro necessitate morare uoluerit claudat suam portam et lotet eam cum luto et non pectet suam hereditatem nec faciat forum*, Herrero Jiménez, Documentos (2004), 61–63.

¹⁴ Year 1159: *et penam sui corporis tamquam proditor sustineat et a Ciuitate expellatur*, Sánchez Monge/Vidán Torreira, Tumbo viejo (2011), doc. 32. Also, Historia Compostellana 1.17 and 3.46.49 Ed. Falque Rey, 53–54. See the main research of this archbishop in Portela Silva, Diego Gelmírez (2016).

properties only two years later because his enemies did not allow him to use the church for praying and sharing common places in the village.¹⁵

These considerations indicate that exile, banishment, and outlawing were closely intertwined, as will be further illustrated in the following case studies. With the establishment of new regulations initiated from 1204 onwards, King Alfonso IX (died 1230) decreed that all traitors, robbers and rapists were to be banished not solely from the city, but from the entire Kingdom of Galicia.¹⁶ This decree represented not so much a novel law as a reaffirmation of existing ones. It also shed light on the delineation of what constituted the boundaries of the community, particularly within the Kingdom of Galicia. However, scant evidence remains regarding perceptions of space and distance (between centre–periphery, for example).

In 1215, a man publicly professed ignorance of the conflict between the Bishop of León and the Abbot of the Sahagún monastery. After the inquisitors asked how his ignorance was possible, he explained as follows: *non quia de montanis est et remotus* (“I am not from here, but from the mountains, and it is far away”). Similarly, in northern Galicia, a monk from Monfero monastery recorded the following in a document detailing the death of a donor: *Iste pauper obiit in terra aliena, id est in civitate Lucensi* (“this poor man died in foreign land, in the city of Lugo”). The distance between Monfero monastery and the city of Lugo is approximately 80 kilometres. These examples provide valuable insight into perceptions of distance and what constituted “foreign” territory within the kingdoms of Galicia and León. They also give a fuller picture of the notion of centrality versus periphery and what counted as “in” or outside the kingdom to locals. Additionally, these two references convey an idea of strangeness that is valuable in understanding the role played by physical distance in characterising exiles, which will be discussed in the next part of this study.¹⁷

¹⁵ Also, *et si propter inimicicias aut paupertatem ibi morari non potuerit, Caverio Domínguez*. Colección documental (2001), doc. 35. In Galicia, 1163: *propter malas linguas hominum ibi iam stare nolo (. . .) ipse frater Garsia propter maledictas pauorum hominum linguas in ipsa ecclesia stare non uult*. Pérez Rodríguez, Documentos do tombo (2004), doc. 759 and 760. In Toledo: *propter inimicicias inimicorum tuorum que te impediunt ad comunem ecclesiam uenire (. . .) Munio Mocho uolens inimicias inimicorum meorum euitare que ad comunem ecclesiam me impediunt uenire*, years 1190–1192, Grassotti, “Inimicitia” y señoríos (1981), 213–219.

¹⁶ Year 1194: *Si qui non possunt eiciantur de regno tanquam regni inimici*, Vaquero Díaz/Pérez Rodríguez, Colección documental (2010), doc. 59. Year 1204: *Et dominus rex terram ei auferat et eum a regno eiciat*, Sánchez Monge/Vidán Torreira, Tumbo viejo (2011), doc. 56.

¹⁷ Year 1215, Fernández Catón, Colección documental (1991), 266, doc. 1849. Year 1211, López Sangil, Monasterio cisterciense (2020), doc. 185.

6.3 Homicide, treason, pardon and banishment

Numerous diplomatic sources offer glimpses into the obscure social history surrounding individuals accused of various crimes (primarily murder, high treason, female adultery, violation of clerical celibacy, theft and unspecified offenses) who fled from judicial authorities or punishment. They sought refuge beyond their villages or outside the kingdom. This section is a preliminary investigation into these social exiles, aiming to address a specific question: Were the legal sanctions implemented as intended? The following will delve into micro-regional and local analyses to elucidate how theoretical and theological concepts of exile influenced social conduct during this era. Details about the experiences of those in exile – like the individuals themselves – often elude our scrutiny. The available evidence typically offers only cursory accounts of an individual's departure and destination, leaving their experiences outside the country – often in adverse conditions – largely unexplored. In his work on the economic ties of early medieval Europe, Michael McCormick provides a glimpse into the lives of some privileged individuals, particularly prelates and courtiers, who faced exile.¹⁸ However, numerous questions remain regarding the experiences of non-privileged individuals who were exiled or forced to flee due to criminal proceedings. What led to their exile, and what were the conditions like? Who wielded the authority to impose such penalty? Although available studies primarily focus on the exile of privileged individuals for political reasons, there still exists documentation regarding other exiles.¹⁹ Below is a selection of documents from this period containing pertinent information:

What were the most prevalent crimes penalised with exile? Murder and high treason, sometimes in combination, emerge as the primary offenses. Exile could forestall local vendettas between communities by effectively segregating adversaries, rival families within the rural landscape and people charged with crimes, especially murder. They largely adhere to the foundational principles passed down from Antiquity, notably from the ancient *Liber Iudicum*. Among a total of fourteen instances, seven pertain to murder, four to high treason (three of which involve the perpetration of murder as well), one to nuns' sexual misconduct, one to simony and fraud, and three to arson or unspecified crimes (presumably subject to judicial trial) (see table 6.1 and figure 6.1).²⁰ The rationale

¹⁸ McCormick, *Origins* (2001), 254–261.

¹⁹ For example, the exile of count Gonzalo Peláez after his rebellion against the king. He was exiled from Asturias to Portugal (*terra aliena*), likely the city of Coimbra (distance approximately 530 km) until his death. Only his body returned to Asturias, see *Calleja Puerta*, *Destierro del conde* (2000), 17–35. On exiles from the aristocracy in the Christian kingdoms of Iberia, see also *Tafford*, *Conflicts and the Use of Exile* (2024), 83–101.

²⁰ The total collection of documents spanning the tenth and thirteenth centuries are published in: referring to 943: *Múñez Fernández*, *Colección diplomática* (1976), doc. 84; referring to 954: *Sáez Sánchez*, *Colección documental* (1990), doc. 278; referring to 996: *Sáez Sánchez/Sáez Sánchez*, *Colección diplomática* (2006), doc. 266; referring to 1027: *Fernández Flórez/Herrero de la Fuente*, *Colección documental* (1999),

Table 6.1: References to exiles from evidence spanning the tenth–twelfth century, Northwest Iberia.

Reference	Reason of Exile	Sentence
943, Sahagún, 84	Homicide, High Treason	<i>Pro qua eiecti et exiliati sunt a patria</i>
954, León, 278	Sexual Misconduct	<i>quod non occiderunt exterminauerunt</i>
996, Celanova, 266	High Treason	<i>ieecimus eum de terra ipsa (. . .) de hanc terram heradicatum est</i>
1027, Dueñas, 180	–	<i>eramus nos exidos de nostras kasas et de ipsa nostra uilla</i>
1052, Braga, 184	Homicide	<i>exiliarunt illum maiorinos de rege</i>
1088, Lugo, 18, 19, 134	High Treason-Homicide	<i>a me eiecti ex omni Regno ipsius Prouintie</i>
1088, S. Vicente, 104	Homicide	<i>propter calumniam peccatis meis advenit mici omicidium, et venit in ipsa terra</i>
1100, Sahagún, 1045	High Treason	<i>a patria exilio propter superbiam suam religati</i>
1109–1126, Monfero	Homicide, High Treason	<i>Suerius Vermudi et Froila Vermudi ociderunt unum maiordomum a regina dona Urraca et iactavit eus de suo regno et abstulit eos quantas hereditates habent</i>
1111, Coimbra	–	<i>Non introducā Munium Barrosum vel Ebraldum Colimbriam</i>
1133–1144, Arouca, 65, 66, 75, 83, 133	Homicide	<i>de terra sua eiectus fuit eius miseria condolens (. . .) uero filius meus ad exitum suum</i>
1167–1169, Salamanca, 39	Homicide	<i>secundum terre consuetudinem, quam in longo exilio</i>
1169, Rioja, 237–238	Simony-Fraud	<i>de tota terra expellant (. . .) a finibus nostris eliminari precipimus</i>
1183, Bujedo, 40 and 40b	–	<i>rex navarrensis expulsit domnus Furtadus de terra sua</i>

behind selecting exile as the penalty for these varied offenses, and why it was perceived as a just judicial measure, is challenging to elucidate. Exile likely served as a highly effective non-capital punishment, signifying social demise rather than physical execution. A considerable portion of cases involve crimes of blood, such as murder. Contemporary chronicles also illustrate how royal justice utilised exile in murder cases, even extending

doc.180; referring to 1052: *Costa. Liber fidei* (1965), doc. 184; referring to 1088: *Sánchez Monge/Vidán Torreira*, *Tumbo viejo* (2011), doc. 18, 19, 134; referring to 1088: *Floriano Llorente*, *Colección Diplomática* (1968), doc.104; referring to 1100: *Mínguez Fernández*, *Colección diplomática* (1976), doc. 1045; referring to 1109–1126: *López Sangil*, *Un problema resuelto*, 209; referring to 1111: *Pinto de Azevedo*, *Documentos medievais* (1958), doc. 25; referring to 1133–1144: *Coelho*, *Mosteiro de Arouca* (1998), docs. 65, 66, 75, 83, 133; referring to 1167–1169: *Martín*, *Documentos* (1977), doc. 39; referring to 1169: *Rodríguez de Lama*, *Colección diplomática* (1979), docs. 237–238; referring to 1183: *Ruiz de Loizaga*, *Libro becerro* (2000), docs. 40–40b.

to bishops.²¹ For instance, the mentioned chronicle of Alfonso III recounts how King Sancho Garcés I (died 925) of Pamplona (present-day Navarra in northern Spain) expelled all criminals (referred as *biotenatis*) from his domains, among his final decrees. The term *biotenatis* is of Greek origin and translates to “twice dead men”, underscoring what being exiled must have meant for the criminals.²²

Approximately half of the cases involved murders, a trend notable not only in north-western Iberia but also resonating strongly in eastern Iberia and documented instances from Catalonia. Drawing from an anthology of judicial records spanning early medieval Catalonia up to the twelfth century, Josep Maria Salrach and Corneli Peter Rodenbusch have curated and published four documents in which exile is consistently associated with homicide, although not all sentences were ultimately carried out. In one instance, a pair of murderers faced exile as punishment, but – remarkably – they opted for enslavement instead. The preference for enslavement over exile underscores the deep-rooted ties of local communities to their land, evident from the fact that perpetrators were disinclined to relocate abroad to atone for their crimes. In this context, the documentation from Northwest Iberia aligns with broader patterns evident across early medieval Iberian and Catalan records, despite the limited scope of this sample.²³

In the central and western regions of Northwest Iberia, two significant instances of homicide and treason resulted in exile to different locations in the years 943 and 1088. In 943, King Ramirus II [951] awarded a meadow to Vermudo Nuñez (in Valdávila, Cea, in the north of León) because the previous owner, a man named Dom Patre, was involved in a murder and other crimes with six relatives, including children and nephews. The penalty not only entailed the forfeiture of the property but also the exile of all involved in the crime.²⁴ This confiscation aimed to dismantle the material and economic foundation of those found guilty. The murderers were banished, likely because the victim served the king, and their relatives had no inheritance.

Over a century later, in 1088, another case of murder and treason in Lugo led to the same royal response. Treason manifested through murder, primarily targeting bailiffs, royal executors, and tax collectors. The collective outrage was directed at them as they symbolised the king’s distant authority. Information from Lugo is more extensive than

21 In 925 King Froilán II exiled Bishop Frunimium of León because the prelate was accused of killing his own brother (*in exilium misit*), *Chronica Naierensis* 27. *Historia Silensis* 25.4. Ed. Estévez Sola.

22 *Dehinc, expulsus omnibus biotenatis* (“Then, [the king] exiled all the criminals”), *Chronica Albeldensis*, 20.1. Ed. Gil, 484 and *Miranda García*, *Sacralización de la guerra* (2011), 227.

23 Documents from Catalonia were selected from de *Salrach i Marés/Montagut i Estragués*, *Justícia i resolució* (2018), 968-doc. 80, 990-doc. 115, 1069-doc. 384, 1091-doc. 490. See also the analysis in *Rodenbusch*, *Wheel of Justice* (2021), 405–413. The case of enslavement as a form of exile is contained in the document from the year 990.

24 *Fecerunt omicidium et multa egerunt mala pessima pro qua eiecti et exiliati sunt a patria*, 943, *Mínguez Fernández*, *Colección diplomática* (1976), doc. 84. On this case and similarities with the documentary record, see *Davies*, *Windows on Justice* (2016), 182–183. Also, *Carvajal Castro*, *Bajo la máscara* (2017), 268–276.



Figure 6.1: Map of Northwest Iberia and locations mentioned in this chapter regarding exile as punishment.

the previous case in 943. Count Rodrigo, along with his mother and many other rebels, killed Ordonio, the city's first soldier and landlord (*primitus militem suum et maiorinum terre*), and many other Church servants (*ex familia ipsius Sancte Marie quam plurimi interfecti*). As in the earlier case, Rodrigo Ovequiz and his mother Geloira were exiled from the city and the kingdom. They were sent to the Muslim kingdom of Saragossa, nearly 700 kilometres away, similar to El Cid and his exile in Saragossa during Alfonso VI's reign (1040–1109). Unfortunately for them, the remaining traitors in the city met grim fates (*morte pessima perierunt*), and survivors lost their properties, bestowed as a substantial royal donation to the Cathedral of Lugo (see Figure 6.1).²⁵ No further details were provided about their conditions of exile. King García of Galicia, brother of King Al-

²⁵ *Morte pessima* is a common trope used in chronicles and documents to explain the hard and violent consequences of justice or revenge, sometimes as a miracle: *Et ideo mihi auxiliante ipse comes et sequaces eius, conuincti et abducti in confessione expulsi in cesaraugustana urbe a me misi sunt (. . .) Satellites et Rebelli ipsi capti et in fugam uersi et a Me eiecti ex omni Regno ipsius Prouintie (. . .) Satellites et Rebelli ipsi capti et in fugam uersi et a Me eiecti ex omni Regno ipsius Prouintie, et ceteri, qui*

fonso VI, was exiled a few decades earlier during the civil wars against his brother Sancho of Castile.²⁶ Later, in a document from 1100, also during Alfonso VI's reign, mention was made of a previous royal trial against Count Monio Fernández due to the aristocrat's arrogant demeanour. The reference to legal justification by the customs of the land (*consuetudinem patrie*) indicates a connection with the (unspoken) legal tradition of late Antiquity.²⁷ Here, *consuetudinem patriae* refers to local, ancient, and unwritten traditions that were socially accepted, and tradition (*consuetudinem*) superseded law (*lex*) since it was more effective and embraced by the populace. A decade later, Queen Urraca (died in 1126), Alfonso's daughter and heir to his kingdom, exiled two noblemen because they had killed one of her officers in Galicia (*regina dona Urraca et iactavit eus de suo regno*).²⁸ Numerous documents refer to exile as a "special political measure", and among the fourteen references, ten are linked to kingship, ranging from royal justice to land ownership.

However, public execution of the punishment was not always tied to high politics or treason. The judiciary also acted against murderers in four cases in 1052, 1088, 1109–1126, 1133, and 1167–1176. Documents from 1052 and 1088 provide exemplary cases of how the judiciary prosecuted murderers and operated publicly. A notable case is that of Vilifonsus, banished from his land in 1052 by various royal executors of justice for committing murder. There is no mention of the murderer's fate, but the banishment must have been brief because one of his relatives, Countess Ilduara, intervened. The distance between Vilifonsus's property and Ilduara's was about twenty kilometers, between Gualtar (Braga, Portugal) and where Vilifonsus pleaded for mercy (Guimarães, Portugal, see Figure 6.1). It is an extremely vague temporal chronology. The context and references to the various stages of the trial are scant. Countess Ilduara, a prominent figure in the northern region of Portugal, had a maternal relationship with Vilifonsus (*sua radice et de sua matre*) and the public act of forgiving the murderer, who pleaded for mercy from the countess, converted the exile into an economic penalty, entailing forfeiture of half the land he had inherited in Gualtar (now within the Portuguese town of Braga). The property was transferred to Countess Ilduara in exchange for 500 *solidos*, a considerable amount of money at the time.

In some way, it was a privilege that allowed Vilifonsus to return safely to his home. The first trial took place near the village of Gualtar and the second trial of Vilifonsus occurred in the monastery of Guimarães. A large assembly met with Countess Ilduara, royal executors, and the Abbot Pedro Alvites, among many other high-class local people (*bene natorum*). They likely convened due to a royal privilege granted by King Fernando I three years prior. This legal document was pivotal as it granted the

remanserant ibidem, falsitate consui morte pessima perierunt, referring to 1088. Sánchez Monge/Vidán Torreira, Tumbo viejo (2011), doc. 18–19 and 134.

²⁶ *Erexit se rex Sanctius adversus fratrem suum Garciam et cepit eum misitque in exilium et accepit regnum ipsius*, referring to 1109, Costa. Liber fidei (1965), doc. 20.

²⁷ Year 1100, Mínguez Fernández, Colección diplomática (1976), doc. 1045.

²⁸ The event happened between 1109 and 1126, López Sangil, Un problema resuelto (1997), 209.

monastery the authority to persecute all murderers, rapists, and outlaws within the monastic dominions. In fact, this privilege of 1049 was also confirmed by Gomice Egicatz, royal executor or bailiff, and Countess Ilduara, i.e. the same individuals who participated in the murder trial of 1052 against Vilifonsus (and the same jury that judged independence from royal justice). According to the document, the bailiff named Gomice was responsible for the exile of the murderer, but the authority that made the final agreement was Pelagio Midiz, another royal executor in the area (*maiorino*). The transition from royal to local policy in the case of murder was executed, benefitting Vilifonsus who had committed a murder valued at 500 *solidos*, suggesting that the victim was of high rank.²⁹

The document from Portugal in 1052 is useful as it explains the rationale and steps behind both royal and local justice procedures, as well as the spatial particulars. Nevertheless, the document does not elucidate where and for how long Vilifonsus stayed outside the parish community. This is evidently problematic information to ascertain from documents, as it does not pertain to official and practical matters linked to the dominions. More than three decades after Vilifonsus's crime, Petro Vermudiz committed a murder in the northern region of Asturias. His first-person testimony is quite valuable because the document was written when he was exiled from his community. In the text, he explained why and where he was rescued. Petro hailed from the land of Maliayo (now the town of Villaviciosa) and had to flee because of his crime. It is probable that he was exiled, but it is not certain whether he was an exile or an outlaw because the document does not explain if he left his land because of a trial or to avoid a conflict. Petro came to the monastery of San Vicente in Oviedo, and the monks sent him to serve in Lugo de Llanera, his birthplace, about 40 kilometres from the original place in Maliayo, where he lived before (see Figure 6.1). The reason for the exile seems to be a return to his native land and birthplace. The purpose of the exile could have been to find a safe place to hide from his enemies or be protected by close relatives, but this is merely one hypothesis. The new sanctuary was also a place of work where, under the authority of the monks, he could atone for his murder. In the agreement, the sanctions reveal how – in the case of violence or contradiction against the monks due to his sins (*si propter peccata mea scandalizatum fuerit*) – they could expel him, and he should pay a large fine to the monks (*et me inde expulsaveritis*).³⁰ Thus, the exile could be “reactivated” in the future in the event of any new crime or sin being perpetrated.

²⁹ Royal privilege granted to the monastery of Guimarães in 1049, *Marques/Amaral*, Livro de Mumadona (2007), doc. 47. Gomice and Countess Ilduara appeared together in the act of donation of Abbot Pedro Alvites, who also participated in the assembly of Vilifonso in 1058, *Marques/Amaral*, Livro de Mumadona (2007), doc. 2. The main document reads: *contigit ipsi Vilifonso homicidium et exiliarunt illum maiorinos de rege domno Fredenando et de Cornizo Egicaz (. . .) fuerunt proinde in Vimaranes*, referring to 1052, Costa. Liber fidei (1965), doc. 184. 500 *solidos* was a normal free-man penalty for murder. In comparison, see Davies, Sale (2002), 149–174. Also, Davies, *Notions of Wealth* (2020), 158.

³⁰ Referring to 1088, *Floriano Llorente*, Colección Diplomática (1968), doc. 104.

An additional case stems from a Portuguese document dated 1133. It underscores the severe repercussions of exile on familial ties, shedding light on the challenges of preserving family legacy amid a member's fall from grace. Contrasting the monastery of Arouca's record, this account diverges not only in its narrative of enduring tribulations but also in the proliferation of documents. Five refer to the involved parties. Here, the perspective shifts from the exiled individual to his mother, offering insights into her endeavours following her son's trial and subsequent expulsion. The individual in question, Monio Rodriguez, son of Toda Venegas, faced condemnation for the murder of Petrum Salidum, resulting in his immediate disgrace and expulsion from his estate. The document poignantly captures Monio's exile experience as a profound state of suffering (*de terra sua eiectus fuit eius miseria condolens*). Mirroring actions taken almost a century prior by Vilifonsus, the convicted Monio sought reconciliation, striking a pact with his mother to relinquish a significant portion of his assets in atonement for his transgressions. Toda, a prominent landowner and benefactor of the monastery of Arouca, enlisted the aid of local elites, including Petro Monionis, Egea Moniz, and his sister Tarasia, in facilitating her son's redemption. Despite Monio's exile, Toda assumed the role of her son's *fideiussor* and guarantor, spearheading negotiations for his eventual return. During the following years, the properties once owned by her son underwent various transactions, predominantly benefitting the monastery of Arouca, akin to the practices observed in Guimarães in 1052. In 1134, a year following these events, Toda made further contributions to the monastery, seeking solace for her own soul and those of her children (*pro remedio anime mee et filii mei*). By 1144, more than a decade later, she reflected on her son's trial and her role as his guarantor, citing the origins of certain properties tied to his exile (*nam ego fideiussor . . . recepit me pro fideiussore*) in her last will. However, the envisioned reconciliation was without success, and her son's aspirations could not be realised. Unlike prior instances, Monio's exile endured, leaving the underlying cause of this failed pact somewhat ambiguous. Toda and Monio hailed from the high-ranking Venegas family, prominent in the vicinity of Arouca, which boasted extensive land holdings. Notably, Monio's past prominence as a ruler is highlighted in a document from 1117, wherein he is referenced as *dominante in Arauca* ("ruling in Arouca") alongside Egas Moniz, with a preceding donation made in collaboration with his mother.³¹ The underlying factors contributing to the failure of Monio's repatriation are multifaceted, encompassing elements such as resentment, threats to his safety, and the community's collective responsibility for maintaining order amidst instances of violence.³²

³¹ Silva, Cartulário (2001), docs. 96 and 121, referring to 1116–1117.

³² Toda underlined the responsibility of being a guarantor as she also became the owner of a large part of the inheritance at the same time: *ipse vero filius meus ad exitum suum deliberavit omnem hereditatem suam in manu mea et posuit me monasterio fideiussorem*, Coelho. Mosteiro de Arouca (1998), doc. 65 (referring to 1133), doc. 66 (referring to 1134), doc. 75 (referring to 1140); also in the same collec-

In the twelfth century, new authorities such as the papacy emerged, altering the royal capacity to implement exiles within parish communities. Contrary to recent suggestions by some scholars, however, exile persisted well into the eleventh century,³³ incorporated into pilgrimage and penance (the main disparity lay in the temporal duration of the latter as a means of atoning for one's sins). The benefits for ecclesiastical authorities were twofold: temporary separation allowed for mitigation of conflicts between victims and murderers within communities; additionally, exile enabled increased ecclesiastical control over armed crimes and their expiation or redemption, thereby supplanting local justice systems (which were hardly concurrent). In preceding examples, owing to legal heritage from the Visigoths and the sway of local authority, murders were perceived as largely domestic matter. However, by the twelfth century, papal authority in Iberia had become entwined in local issues, including claims of violence enacted against churchmen in small villages or towns.

In the village of Candavera (now Candeleda, located in the province of Ávila at the centre of the peninsula), a group of individuals mutilated and murdered the parish priest (see Figure 6.1). Neighbours reacted vehemently upon discovering the priest's apparent engagement with a woman who was purportedly his relative. The priest was subjected to castration and his eyes were gouged out before ultimately being murdered, his body left at an entrance to his house. Subsequently, the Bishop of Ávila was informed of these atrocities and took action to seize the possessions of the murderers and excommunicate them. However, upon seeking forgiveness from the Pope, who was initially misinformed of the events, the murderers were granted absolution. Yet, the papal authority reversed its decision upon learning of new and gruesome details. Thus, this document constitutes the Roman response to the Bishop of Salamanca, instructing him to conduct a thirty-day judicial inquiry into the events in Candavera.

The significance of the latter part of the document lies in the emphasis on the penalties, publicly displayed and explained to instil fear. According to the customary laws of the land (*secundum terre consuetudinem*, once again following precedent cases), they were to be divested of their properties and expelled. Exile – akin to those previous cases involving Beatus of Liebana or Isidore – was deemed one of the severest punishments.³⁴ It appears that no civil authority undertook a trial or process be-

tion: *nam ego fui fideiussor (. . .) recepit me pro fideiussore* doc. 83 (referring to 1144), doc. 133 (referring to 1157–1167). On the Venegas family see Mattoso, *Abbaye de Pendorada* (1962).

33 Rodenbusch, *Wheel of Justice* (2021), 413.

34 *Caput eius infra duo hostia posuerunt, et aliis extra hostia oculos eruentibus, et aliis interius genitalia amputantibus, eundem presbyterum nequiter occiderunt (. . .) in possessionibus secundum terre consuetudinem, quam in longo exilio* (“They put his head under two doors and others outside the doors gouged out his eyes, and others cut his genitals, therefore they killed the priest [. . .] and in their possessions following the tradition in the land as a long exile”), referring to 1167–1176. Martín, *Documentos* (1977), doc. 39. See also the comments of Peter Linehan and his late-twelfth century study on Hispanic clergy in *Linehan, Spain, 1157–1300* (2008), 23 and 39.

cause the victim, being a churchman, was executed due to his publicly perceived lecherous and incestuous behaviour. The murderers likely fled from Ávila to Salamanca to seek refuge and evade the authority of the Bishop of Salamanca, as the inquisition also fell under his jurisdiction. The measure of exile could be attributed to homicide due to the intense hostility and lingering effects of anger within local communities. The solution of distance mitigated the issue by averting direct social contact and potential cycles of internal violence. While banishment for sexual motives was rare, its repercussions were intertwined with monitoring the celibacy of consecrated women; for instance, in the tenth century, a group of nuns in León were exiled for committing sexual misconduct, facing either death or banishment (*quod non occiderunt exterminauerunt*).³⁵ The disparity in the present case lies in the papal decree of exile against the murderers, motivated by the preservation of sexual purity in the conduct of churchmen within the local community.

6.4 Conclusion

Exile did not always entail extensive journeys, often spanning merely 40 to 100 kilometres, i.e. approximately two days of travel), or travel from one bishopric to another within the confines of relatively small territories. Notably, Iberia's unique landscape featured internal borders demarcating Muslim and Christian domains, facilitating the expulsion from villages, parishes, regions and realms, as well as fostering alliances with neighbouring domains. A significant finding derived from documentary evidence is that justice could be administered without necessitating exile beyond the kingdom. Indeed, on some occasions, both commoners and high-ranking church officials were exiled a mere 20 to 30 kilometres from their original homelands. Since late Antiquity, exile emerged as a pertinent form of enforced mobility, persisting not only as a legal recourse but also as a practical application of the law in cases of murder, high treason and sexual misconduct. During the transition from the eleventh to twelfth centuries, the burgeoning authority of the Pope in Iberia introduced a new jurisdiction for exiling offenders, expanding ecclesiastical control beyond the purview of royal and local courts. By the twelfth century, the growing practice of penance among laypersons regularly involved exile – often equated with pilgrimage or local banishment – thereby altering the traditional concept of exile as a perpetual punishment. Exile served as a means of gauging the societal ramifications of justice within local communities, shedding light on people's perceptions of space and distance during the Early and High Middle Ages in Iberia.

³⁵ Sáez Sánchez, Colección documental (1990), doc. 278 (referring to 954).

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