4. Temporal and spatial distinctions as markers of identity

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The sanctity of the basilica of St Martin.
Gregory of Tours and the practice of sanctuary
in the Merovingian period[1]

Gregory of Tours' Historiae have long been regarded as a proto-national history of France and the Franks. Gregory's work recounts the story of Clovis's rise to power as well as of his conversion to christianity and as such it laid the foundation for the development of the myth of the 'birth' of the catholic nation that is France, a myth that has recently been revived and analysed.[2] In the last twenty years, however, Gregory's work has been the subject of more refined study, allowing us to reach a better understanding of Gregory's way of thinking, the social and cultural context in which his works came into being, the genesis and rhetoric of the Historiae, as well as some aspects of the uses to which these were put.[3] Walter Goffart and Martin Heinzelmann have convincingly argued that Gregory did not write a 'History of the Franks', but that his ten books of history are of a much more general design, showing the importance of the moral order in the historical scheme of things, a moral order that had to be guaranteed by the cooperation of kings and bishops.[4] Although Gregory ends his work with a warning to keep the Historiae intact and not to change or abridge it, this warning did not prevent such things from happening. An early redactor, probably writing before the year 700, drastically shortened Gregory's work, omitting parts of books 1 to 6, and all of the following books. Because the redactor left out a lot of material pertaining to ecclesiastical matters, Goffart and Heinzelmann have regarded this six-book version of Gregory, which seems to have been more influential than the complete version in ten books, as a *Historia Francorum*: a history of the Franks conceived in a context of 'fränkische Volks- und Herrschergeschichtsschreibung'.[5] Recently, how-

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[2] Clovis: Histoire et mémoire. Actes du colloque international d'histoire de Reims, ed. Michel Rouche (Paris 1997).

[3] For these new approaches to Gregory, see Giselle de Nie, Views from a Many-Windowed Tower. Studies of Imagination in the Works of Gregory of Tours (Amsterdam 1987); Walter Goffart, From *Historiae* to *Historia Francorum* and back again: Aspects of the textual history of Gregory of Tours, in: Religion, Culture, and Society in the Early Middle Ages. Studies in Honor of Richard E. Sullivan, ed. Thomas F.X. Noble/John J. Contreni (Kalamazoo 1987) 55–76; id., The Narrators of Barbarian History (A.D. 550–800). Jordanes, Gregory of Tours, Bede and Paul the Deacon (Princeton 1988) 112–234; Ian N. Wood, Gregory of Tours (Bangor 1994); Adriaan Breukelaar, Historiography and Episcopal Authority in Sixth-Century Gaul: The Histories of Gregory of Tours Interpreted in their Historical Context (Forschungen zur Kirchen- und Dogmengeschichte 57, Göttingen 1994); Martin Heinzelmann, Gregor von Tours (538–594) "Zehn Bücher Geschichte". Historiographie und Gesellschaftskonzept im 6. Jahrhundert (Darmstadt 1994); and the two volumes of essays: Grégoire de Tours et l'espace gaulois. Actes du congrès international, Tours, 3–5 Novembre 1994, ed. Nancy Gauthier/Henri Galinié (Tours 1997); The World of Gregory of Tours, ed. Kathleen Mitchell/Ian N. Wood (Cultures, Beliefs and Traditions 8, Leiden/Boston/Köln 2002).

[4] Heinzelmann, Gregor von Tours 175: "Für ihn [Gregory] stand die moralische Ordnung einer Gesellschaft im Vordergrund, die er in erster Linie durch das rechte Funktionieren der von Gott eingesetzten Institutionen König und Episkopat gewährleistet sah."

[5] Heinzelmann, Gregor von Tours 172; Goffart, From *Historiae* to *Historia Francorum* 65: "A 'history of the Franks' had not been Gregory's goal, but that is what his seventh-century public wished to read."

ever, Helmut Reimitz has questioned this assumption, arguing that the redactor was mainly dissoci-
ating the text from the personal history of Gregory and his relatives.[6] Yet, Reimitz maintains,
Gregory's Historiae continued to be used to construct identities "for centuries after Gregory's death",
when being appropriated in later historical compendia.[7]

In this article I will have a detailed look at two chapters of Gregory's Historiae, in which the
bishop of Tours plays an important part. They deal with a topic over which kings and bishops could
easily get into conflict: the right of sanctuary in churches. Recently Mayke de Jong has discussed
the role of monasteries as places of internal exile for the powerful. Their exemption from royal
power turned them into "sacred islands", to which the powerful, if need be, could retreat from the
political arena without losing face. She regards the seventh century, which saw the development of
Columbanian monasticism, as a turning point in the history of Frankish monasticism.[8] In the case
discussed here, a confrontation taking place at the end of the sixth century, the basilica of St Martin
in Tours plays a similar role as a place of temporary retreat. This conflict between King Guntram
and the treasurer Eberulf centered around the right of asylum, which, according to De Jong, is still
"an understudied topic" in Merovingian history.[9] This article is in the first place an attempt to reach
a better understanding of the practice of sanctuary in Merovingian Gaul. In the course of the dis-
cussion it will become evident that the episode discussed is of crucial importance for our appreciation
of the text of the Historiae as well as of the identity of Gregory of Tours.

MEROVINGIAN SANCTUARY

According to Robert Markus, during the early fifth century "every church was a direct gateway
to heaven; no longer as it had been from the beginning, only a building to house the worshipping
community, it became a shrine housing the holy relic."[10] The combination of the cult of martyrs with
public worship taking place in churches, such as Ambrose had effected in an exemplary way in Milan
with the bodies of the martyrs Protasius and Gervasius, had led to a growing sense of the sacred
nature of the place of christian worship. The holiness of the church building centered on the altar,
the spot beneath which relics were being kept. In the basilica of St Martin in Tours the power of the
altar was emphasized by an inscription in the arch over the altar, saying "How awesome is this place!
Truly, it is the temple of God and the gateway to heaven."[11]

This sanctity of the church building apparently attracted people looking for protection from the
saints, not only against disease and illness, but also against the persecuting power of the late antique

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[6] Helmut Reimitz, Social networks and identities in Frankish historiography. New aspects of the textual history of
     Gregory of Tours' *Historiae*, in: The Construction of Communities in the Early Middle Ages: Texts, Resources and
     Artifacts, ed. Richard Corradini/Maximilian Diesenberger/Helmut Reimitz (The Transformation of the Roman World
     12, Leiden/Boston/Köln 2003) 229–268, at 255: "It thus seems to have been Gregory's "individuality", his positioning
     of himself as author and character within the social, political and spiritual network centred on his family, that the
     redactors of the six-book version sought to remove from the *Historiae*."
[7] Reimitz, Social networks and identities 268.
[8] Mayke de Jong, Monastic prisoners or opting out? Political coercion and honour in the Frankish kingdoms, in: Topog-
     raphies of Power in the Early Middle Ages, ed. Mayke de Jong/Frans Theuws/Carine van Rhijn (The Transformation
     of the Roman World 6, Leiden/Boston/Köln 2001) 291–328. For the importance of Columbanian monasticism in this
     respect, see Albrecht Diem, Das monastische Experiment. Die Rolle der Keuschheit bei der Entstehung des westlichen
     Klosterwesens (Vita Regularis 24, Münster 2005); id., Was bedeutet Regula Columbani?, in: Integration und Herrschaft.
     Ethnische Identitäten und soziale Organisation im Frühmittelalter, ed. Maximilian Diesenberger/Walter Pohl (For-
     schungen zur Geschichte des Mittelalters 3, Wien 2002) 63–89.
[9] De Jong, Monastic prisoners 302. The dissertation by Daniela Fruscione, Das Asyl bei den germanischen Stämmen im
     frühen Mittelalter (Konflikt, Verbrechen und Sanktion in der Gesellschaft Alteuropas, Fallstudien 6, Köln/Weimar/Wien
     2003), has meanwhile partly filled this gap. This book which reviews legal and historical texts concerning the right of
     sanctuary, discusses the contribution of Gregory of Tours on 62–76 but takes a different approach from the one pre-
     sented here.
[10] Robert A. Markus, The End of Ancient Christianity (Cambridge 1990) 149–150.
[11] Raymond van Dam, Saints and their Miracles in Late Antique Gaul (Princeton 1993) 314; cf. William Klingshirn,
     Caesarius of Arles. The Making of a Christian Community in Late Antique Gaul (Cambridge 1994) 153.

state. In the beginning late Roman emperors contested the practice of people fleeing into churches to find protection at the altar. Such a practice seems to have been related not only to the sacrality of the church building, but also to the right of intercession on the part of the bishops and priests.[12] In 419 the emperor Honorius and his augustus Theodosius issued a constitution in which they recognized the right of sanctuary in churches. In this context they referred to the sanctity of church (*ecclesiastice venerationis sanctitas*) and labelled a breach of this right as "sacrilege". To give the fugitive the opportunity to see the light of day, the place of refuge was extended to fifty steps from the doors of the church.[13] Some ten years later the emperors Theodosius and Valentinianus extended the right of sanctuary to all the buildings belonging to a church *usque ad extremas fores ecclesiae*. The cells, buildings, baths, fields and porticoes belonging to the church should all offer the same protection as the church building itself. Another motive for extending the place of protection was brought forward in this text: that of the sanctity of the building. One should not allow asylum seekers to eat and sleep in a church when even clerics refrained from doing so for religious reasons.[14]

Both Roman constitutions just cited were incorporated into the Theodosian Code which circulated in Merovingian Gaul.[15] That people in Gaul not only knew texts about sanctuary but also had experience with the practice is clear from some early references. Avitus of Vienne mentions a case of a slave who sought refuge in a church, while bishop Ruricius of Limoges mentions a similar case.[16] These cases, however, refer to the Burgundian and Visigothic kingdoms, respectively. In Frankish Gaul, the council of Orléans of 511 put the question of sanctuary at the top of its agenda. The opening canon promulgated by the bishops assembled in this first general council presided over by the recently converted Clovis, declared that murderers, adulterers and thieves who had taken refuge in a church were to be safe in the courtyard of the church as well as in the house of the priest or the bishop (*domus ecclesiae uel domus episcopi*). The council therefore adopted the position of the Theodosian code by extending the right of sanctuary well beyond the interior of the church building itself. The stress on perpetrators of serious crimes having the right of sanctuary, contrasts with Justinian legislation which excluded such criminals.[17] The bishops in Orléans referred to earlier Roman legislation, probably the Theodosian Code or the Lex Romana Visigothorum, and to ecclesiastical canons (*ecclesiastici canones*), possibly canon 5 of the council of Orange (441).[18] In the next two canons they dealt with the case of a man fleeing into a church with the woman he had abducted and with slaves seeking safety in a church. The council of Orléans had been convoked by Clovis, who had probably set the agenda. The fact that Frankish kings had a special interest in this matter is also shown by the few capitularies issued by Merovingians kings, in which they corroborated the decisions taken in Orléans. Chlothar I (511–561) and Childebert II (575–596) confirmed the right of sanctuary in their

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[12] See Pierre Timbal Duclaux de Martin, Le droit d'asile (Paris 1939); Peter Brown, Power and Persuasion in Late Antiquity. Towards a Christian Empire (Madison-Wisconsin 1992) 146–147; Karl Blaine Shoemaker's forthcoming study of the history of sanctuary, particularly chapter 2.

[13] Constitutio Sirmondi XIII, cited in Anne Ducloux, Ad Ecclesiam Confugere. Naissance du Droit d'Asile dans les Églises, IVe-milieu du Ve s. (Paris 1994) 284.

[14] Codex Theodosianus 9, 45, 4, cited in Ducloux, Ad Ecclesiam Confugere 284–285.

[15] Ian N. Wood, The Code in Merovingian Gaul, in: The Theodosian Code. Studies in the Imperial Law of Late Antiquity, ed. Jill Harries/Ian N. Wood (London 1993) 161–177.

[16] Avitus, Epistola 44 (ed. Rudolf Peiper, MGH AA 6, 2, Berlin 1883) 73; (transl. Avitus of Vienne. Letters and selected prose, ed. Danuta Shanzer/Ian N. Wood [Translated Texts for Historians 38, Liverpool 2002] 216–219); Ruricius, Epistola 2, 20 (ed. Roland Demeulenaere, Ruricii Lemovicensis epistularum libri duo, CC SL 64, Turnhout 1985) 305–394, at 360f. (transl. Ruricius of Limoges and friends. A collection of letters from Visigothic Gaul, ed. Ralph W. Mathisen [Liverpool 1999]).

[17] Council of Orléans (511), 1–3 (ed. Carlo De Clercq, Concilia Galliae A. 511-A. 695, CC SL 148A, Turnhout 1963) 4–6, cf. Timbal, Le droit d'asile 118f.

[18] See Harald Siems, Zur Entwicklung des Kirchenasyls zwischen Spätantike und Mittelalter, in: Libertas. Grundrechtliche und rechtsstaatliche Gewährungen in Antike und Gegenwart. Symposion aus Anlaß des 80. Geburtstages von Franz Wieacker, ed. Malte Diesselhorst/Okko Behrends (Ebelsbach 1991) 139–186, at 169.

capitularies.[19] Later councils regularly dealt with the question of sanctuary, so we can conclude that the institution was thoroughly embedded in Merovingian society.

Such an interpretation is corroborated by the work of Gregory of Tours, who frequently mentions cases of people fleeing into a church.[20] Our other important narrative source from this period, Fredegar, however, only occasionally mentions such cases.[21] Just like the conciliar legislation, Gregory avoids the use of the word "asylum" because of its pagan overtones, and uses the neutral "fleeing into a church" (*ad ecclesiam confugere*), an expression which Anne Ducloux chose as a title for her recent book on the right of sanctuary in the 4th and 5th centuries.[22] Although other sources occasionally speak of the practice of sanctuary, Gregory's work offers us the most detailed descriptions of how this late antique legacy was understood in Merovingian France.[23] For this reason I will now concentrate upon the Historiae of Gregory. The question why the bishop of Tours chose to put so much emphasis on the issue of church sanctuary, will be dealt with in more detail when discussing the role one episode played in the relation between Gregory and King Guntram.

GREGORY AND SANCTUARY

Most of the stories related by Gregory deal with political affairs. Most of the people who had to flee into a church were in some way or another involved in a quarrel with a king or queen. Gregory tells us only once about a case which is prominently addressed in conciliar legislation, that of slaves seeking refuge in a church.[24] A slave couple had fallen in love and wanted to marry. Their master, the brutal duke Rauching, went to the priest of the church where they had gone into hiding and demanded their return. He promised not to punish them for what they had done; a condition required in such a case in conciliar legislation.[25] The priest, however, went further than canon law decreed. He asked Rauching to respect the marriage as it had apparently been concluded in the meantime. Confused, Rauching deliberated for a while and then solemnly swore upon the altar that he would never separate the two slaves. Rauching kept his word: on arriving at his estate he ordered a hole to be dug in the ground in which he buried the two lovers alive. The priest having heard about this, rushed in, reprimanded Rauching and had the buried slaves dug out. For the female slave, however, he had come too late, since she was already suffocated.[26]

Most episodes related by Gregory concerning the right of sanctuary, however, deal with high politics. I will concentrate on one such illuminating case, which Gregory describes in great detail, that of the royal treasurer Eberulf seeking refuge in Tours itself in 584. The two chapters relating this case (VII, 22 and 29) are among the longest chapters in Gregory's Historiae.[27] Gregory played a prominent part in this story and the matter must have caused great concern to the bishop of Tours, since he not only had to defend the treasurer against the royal anger, but the asylum seeker also

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[19] Edict of Chlothar and Childebert 14–15 (ed. Alfred Boretius, MGH Capitularia regum Francorum 1, Hannover 1883) 6–7; see Ingrid Woll, Untersuchungen zu Überlieferung und Eigenart der merowingischen Kapitularien (Freiburger Beiträge zur mittelalterlichen Geschichte 6, Frankfurt am Main/Berlin 1994) 13–17, 36–9 and 50–73.

[20] Timbal, Droit d'asile 125–127.

[21] Fredegar, Chronicon III, 80; IV, 54; IV, 78 (ed. Andreas Kusternig, Quellen zur Geschichte des 7. und 8. Jahrhunderts. Ausgewählte Quellen zur deutschen Geschichte des Mittelalters 4a, Darmstadt 1982) 146, 216, 252.

[22] Anne Ducloux, Ad Ecclesiam Confugere.

[23] See Edward James, "Beati pacifici": Bishops and the law in sixth-century Gaul, in: Disputes and Settlements. Law and Human Relations in the West, ed. John Bossy (Cambridge 1983) 25–46, at 37: "Gregory constitutes the first and best glimpse of how the late Roman institution of sanctuary worked in practice." For the importance of Gregory's work in this respect, see also Luce Pietri, Grégoire de Tours et la justice dans le royaume des Francs, in: La Giustizia nell'alto Medioevo (Secoli V–VIII) (Settimane di studio del centro Italiano di studi sull'alto medioevo 42, Spoleto 1995) 476–477: "C'est dire que son témoignage livre de précieuses indications sur les instances judiciaires dans la Gaule franque de la deuxième moitié du VIe siècle."

[24] Council of Orléans (511), 3 and Orléans (549), 22, ed. De Clercq 5–6 and 156.

[25] As e.g. in Orléans (511), 2 or Orléans (549), 22, ed. De Clercq 5–6 and 156; see Timbal, Le droit d'asile 99–103.

[26] Gregory of Tours, Historiae V, 3 (ed. Bruno Krusch/Wilhelm Levison, MGH SS rer. Merov. 1, 1, Hannover 1951) 193–194.

[27] Heinzelmann, Gregor von Tours 55, note 39.

caused great unrest in the basilica by his behaviour. Most problematic of all, however, was the fact that, in the end, Gregory was unable to protect Eberulf, whence it came to great bloodshed in the church of St Martin.

THE CASE OF EBERULF

Eberulf had been treasurer of king Chilperic. After the king had been murdered in the year 584, queen Fredegunde, who, as Fredegar suggests, may have been responsible for the murder, apparently made a move towards the treasurer.[28] When he declined this offer of queenly friendship, her hostility led her to accuse Eberulf before king Guntram, the brother of the deceased king, and his magnates, of the murder of Chilperic and of stealing from the royal treasury. "To put an end to the enduring tradition of killing kings", Guntram decided to establish an example by putting Eberulf to death and he swore before the magnates of his realm to kill not only Eberulf himself, but to wipe out his whole family into the ninth generation. Eberulf, however, who had already retreated to the Tours region, upon hearing about this royal threat, sought refuge in the church of St Martin in Tours.[29]

One of the reasons why Eberulf chose to seek refuge in St Martin probably was that the powerful bishop of Tours, Gregory, was personally related to him by ties of spiritual kinship, since he was the godfather of his son.[30] Despite this close relationship, Gregory does not paint a flattering portrait of the treasurer. Not only had he in former times disregarded property belonging to the church of Tours, but even while he was staying in the basilica of St Martin he did not pay proper respect to the patron saint of the place. Gregory recounts many misdeeds committed by the refugee. Even in such dire circumstances, when the church was besieged by men from Blois and Orléans to prevent Eberulf from escaping, he behaved in an arrogant manner and was often drunk and violent. He did not refrain from using violence against priests or disputing in church, right in front of the grave of St Martin. He also invited women and servants (*puellae cum reliquis pueris eius*) into the church at night and led them to the grave of St Martin to look at the frescoes on the walls and the ornaments of the grave, which, Gregory adds, was a serious desecration of religious feelings (*valde facinorosum relegiosis*). Although it has recently been stressed that Gregory did not object to women gaining access to relic shrines, we should not forget that it was less than twenty years after a council convening in Tours itself, in the basilica of St Martin and presided over by Gregory's predecessor Eufronius, had forbidden the laity to come near the altar.[31] Although Gregory tells some of these stories with loving detail, the misdeed which appears to us to be Eberulf's most serious crime, killing people in the atrium of the church itself, is not elaborated upon. It suggests, however, that Eberulf did not lay down his weapons upon entering the basilica, as the canons dealing with sanctuary stipulate.

That Eberulf held on to his weapons while sheltering in the basilica is also suggested by another episode related by Gregory. Gregory tells us of a dream he had in which he was celebrating Mass when suddenly king Guntram entered the church shouting: "Throw this enemy of our family out of the Church. Cast away this murderer from God's sacred altar!" Gregory then advised Eberulf to hold on to the cloth covering the eucharistic gifts on the altar, which he did only feebly (*laxa manu et non viriliter*). Gregory stood firmly between the refugee and the king and told him not to breach the right of sanctuary because the power of the saint would in such a case endanger more than just his earthly life. When the king did not relent, Eberulf let go the altar cloth and came to stand behind

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[28] For Fredegar's accusation, see Fredegar IV, 42, ed. Kusternig 200; see Ian N. Wood, The Merovingian Kingdoms, 450–751 (London/New York 1994) 127; for Brunhild's move towards Eberulf, see Gregory, Historiae VII, 21, ed. Krusch/Levison 302: *rogatus enim fuerat ab ea, ut post mortem regis cum ipsa resederet.*

[29] Gregory, Historiae VII, 21, ed. Krusch/Levison 302.

[30] For the importance of the ties of spiritual kinship, see Joseph H. Lynch, Godparents and Kinship in Early Medieval Europe (Princeton 1986); Bernhard Jussen, Patenschaft und Adoption im frühen Mittelalter. Künstliche Verwandtschaft als soziale Praxis (Veröffentlichungen des Max-Planck-Instituts für Geschichte 98, Göttingen 1991).

[31] Julia Smith, Women at the tomb: access to relic shrines in the early middle ages, in: The World of Gregory of Tours, ed. Kathleen Mitchell/Ian N. Wood (Cultures, Beliefs and Traditions 8, Leiden/Boston/Köln 2002) 163–180, at 166; Council of Tours (567), 4, ed. De Clercq 178.

him. Gregory got angry and Eberulf went back to the altar and held on to the altar covering only to loosen his grip again. At this point, while Gregory was firmly resisting the anger of the king and Eberulf only loosely held on to the protection of the altar cloth, Gregory woke up in great terror, not knowing what this dream might signify. Eberulf, upon hearing Gregory relate this dream, replied that it truthfully reflected his intentions. If Guntram ordered him to be ejected from the basilica, he was determined to hold on to the altar cloth with one hand, but with the other to draw his sword. He intended to kill Gregory first and then as many clerics as came within reach to take his revenge on the clergy of "this saint". Eberulf's reaction, which stupefied Gregory, implies that he was able to draw his sword while remaining in the church of Tours.[32]

Despite Gregory's description of Eberulf as a villain who did not pay proper respect to St Martin and his clerics, he does not stress the fact that the treasurer walked around in church fully armed. Eberulf was, moreover, accompanied by a number of armed followers, who later had to come into action. For king Guntram had sent a certain Claudius to Tours to try and get Eberulf out of the church of St Martin and to kill him or put him in chains, but – as Gregory stresses right at the beginning – he should do so without violating the rights of the church. This Claudius went to queen Fredegunde, one of Gregory's bad characters, in the hope of gaining a bigger reward after having accomplished his mission. The queen then, according to Gregory, promised such a reward not only if he managed to get the treasurer out of the church and kill him or put him in chains, but also if he succeeded in slaying him in the atrium of the church (*in ipso eum atrio trucedaret*). In this context it should be noted that in Tours the atrium lay not in front of the church's facade, but behind the eastern apse where St Martin's body was buried.[33]

Claudius came to Tours with three hundred men, not only to secure the city so that Eberulf could not flee, but also to put pressure on the bishop. He did refrain, however, from using brutal force and instead managed to win the confidence of the refugee. During a banquet that the two men attended in the church, Eberulf sent some of his servants away to fetch some good wine from Gaza or Latium and at this moment Claudius and his men struck and attacked the refugee in the atrium of the church with their swords.[34] After a fierce struggle in which Eberulf managed to strike Claudius with his dagger in the armpit, the refugee was hit on the head with a sword and, with his brains smashed out, he fell dead. Claudius then, struck with terror (*timore perterritus*), looked for shelter in the abbot's cell, where he was found by Eberulf's men. When they were unable to enter the cell, they broke the windows and threw their spears at the already halfdead Claudius and killed him off. The rage of Eberulf's men did not stop there, but, supported by the local population, they went after Claudius's men and killed many of them. Among the local men who joined Eberulf's followers in avenging the murder of their leader Gregory explicitly mentions the *matricularii*, the poor assisted by the charity of the church. Perhaps with too much emphasis Gregory tells us that during this day he was not in town but happened to be some 30 miles away.

The bloodshed is represented by Gregory as the vengeance of God coming down upon those who had dared to defile the holy atrium with human blood. King Guntram apparently was enraged when he heard about the bloodshed, but calmed down after having heard the full facts of the case. He divided all the possessions of Eberulf among his followers, which left his widow in dire circumstances in the church of Tours. "The bodies of Claudius and the others were taken by their relatives and buried in their own region", so Gregory concludes the story.

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[32] Gregory, Historiae VII, 22, ed. Krusch/Levison 404; on this episode, see De Nie, Views from a Many-Windowed Tower 268–272.

[33] Werner Jacobsen, Saints' tombs in Frankish church architecture, in: Speculum 72 (1997) 1107–1143, at 1109.

[34] For the economic importance of wine from Gaza, see Michael McCormick, Origins of the European Economy. Communications and Commerce, A.D. 300–900 (Cambridge 2001) 35f., refering to Eberulf's purchase of Gaza wine in note 41.

THE PRACTICE OF SANCTUARY

The story about Eberulf's refuge in the church of St Martin allows us to draw some general conclusions about the practice of sanctuary in Gaul at the close of the sixth century. Although we must acknowledge that Gregory probably coloured his account of the affair to incriminate both Claudius and Eberulf, his account had on the other hand to reflect contemporary practice to retain its credibility. First of all we can conclude that the right of sanctuary, although violated in this specific case, was generally respected. If it was not, then there would be no use in withdrawing into a church in times of danger. Yet Gregory provides plenty of cases in which people did. It seems, moreover, that asylum played a crucial part in the settlement of disputes in Gregory's time, a point already stressed by Edward James.[35] The clergy played an important role as well, as they provided arbitration between two contending parties, as is, for example, shown by Gregory's dream where he literally puts himself between Eberulf and the king. This is also manifest in other cases, for example the case of the priest interceding with duke Rauching on behalf of the slave couple who had sought refuge in his church.

Yet the fact that the right of sanctuary was generally respected, does not mean that it was unchallenged. Several kinds of pressure were wielded to get the wrongdoer out of the sanctuary. Gregory relates that when Eberulf had taken refuge in Tours, men from Blois and Orléans guarded the church. In another case Gregory shows how pressure could be put on a bishop and his church. When Guntram Boso had taken refuge in the church of St Martin, king Chilperic sent a certain Roccolen to try and catch the culprit and this Roccolen threatened to lay waste the whole vicinity of Tours (*omnia suburbana*), if the refugee was not delivered to him. Roccolen was accompanied by men from Nantes who, according to Gregory, indeed pillaged the neigbourhood of Tours for some time.[36] King Chram even went so far as actually to starve a refugee in Tours, by guarding him so strictly that he was unable to fetch water.[37] This does not seem to have been the case with Eberulf, however, who wined and dined exquisitely in the basilica of St Martin. He even sent out some of his servants to fetch some first class wine. In Eberulf's case Gregory mentions that the men from Orléans and Blois also looted the town, in this way probably putting pressure on the bishop and the local population.[38] It is remarkable that it is always men from another town who are called upon to put pressure on a bishop. Claudius brought as many as 300 men, who were summoned by the count of Châteaudun, to guard the gates of the town of Tours. It is unclear whether they actually guarded the church itself, the fortified area around St Martin's church, or the gates of the town as Roccolen seems to have done.

Sometimes one tried to pull a trick on the refugee to get him out of the church. This is apparently what Fredegunde advised Claudius: he would obtain a reward if he got Eberulf out of the church and killed him, or when he tricked him out of the church and put him in chains.[39] This was apparently such a widespread phenomenon that the bishops assembled in Orléans in 541 felt the need to legislate not only against the use of force in getting someone out of sanctuary, but also against using trickery.[40]

How long such a siege of town or church could last is not certain. Gregory relates that the men of Orléans and Blois left after two weeks. Probably Claudius arrived shortly thereafter, to keep the pressure on. Although in the Eberulf case, as elsewhere in Gregory's work, there are no clear indications of the time frame of a sanctuary case, we should reckon at least with a situation lasting for several weeks. We have seen how disturbing the presence of a refugee in a church could be. Not only

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[35] James, "Beati pacifici" 36–40.

[36] Gregory, Historiae V, 4, ed. Krusch/Levison 195–196.

[37] Gregory, Historiae IV, 18, ed. Krusch/Levison 150f.; according to Anne Ducloux, La violation du droit d'asile par "dol" en Gaule, au VIᵉ siècle, in: L'Antiquité tardive 1 (1993) 207–219, at 213f., it was not the church that was guarded closely, but the refugee himself inside the church, which seems a bit far-fetched.

[38] Gregory, Historiae VII, 21, ed. Krusch/Levison 302f.

[39] Gregory, Historiae VII, 29, ed. Krusch/Levison 308: *ut aut extractum a basilica Eberulfum occideret aut circumventum dolis catenis vinceret*; see also Ducloux, La violation 216f.

[40] Council of Orléans (541), 21, ed. De Clercq 137; cf. Ducloux, La violation and Siems, Entwicklung 172.

was the priest, bishop and the whole town community put under heavy outside pressure, the inner life in a church could also be seriously upset by the behaviour of a refugee. Gregory will surely have exaggerated Eberulf's disrespectful behaviour in the church of St Martin, but asylum seekers slept in churches, ate in churches, drank in churches and possibly even had sex in churches. The slave couple mentioned at the beginning apparently had married while in church, an act which possibly entailed more than just exchanging consent. When the Saxon Childeric had sought refuge in the basilica of St Martin without his wife, King Guntram ordered her not to visit him in Tours.[41] One of the closing sentences of Gregory's story about Eberulf might suggest that the treasurer had been accompanied by his wife, since Gregory writes that in the end his wife had been left utterly destitute in the basilica.[42] We have also seen that there are many indications that Eberulf and his men walked around fully armed in the basilica of St Martin, something which had been specifically prohibited in conciliar legislation.

The local population must also have been affected by the fact that someone took refuge in their church. We have seen how troops from surrounding cities looted the countryside when guarding the town. When Eberulf had finally been murdered by Claudius' men, Eberulf's men in their revenge were assisted by the local population, among whom Gregory highlights the *matricularii* and other *pauperes*. Apparently these wanted to avenge the injury done to their church.[43] Two hundred years later in another conflict over a cleric seeking sanctuary in Tours, the local population again played a crucial role, at least if we can trust Alcuin reporting this event.[44]

One of the reasons for extending the right of sanctuary from the church building itself to the atrium and other ecclesiastical buildings, was, as we have seen, to protect the church from profane defilement. We know that Eberulf did not sleep in the church itself. Apparently he stayed in the *salutatorium* of the church, a reception room which gave direct access to the church.[45] When a priest, after having discovered that Eberulf let in other people at night, closed the direct entrance to the church, Eberulf got extremely angry. He reproached Gregory over the fact that his access to the fringes of the saint's tomb had been cut off. In fact there are several indications to suggest that although ecclesiastical legislation had extended the right of sanctuary to the adjacent buildings, it was nevertheless safer to be near the altar itself. This is exemplified, for example, in the dream recounted by Gregory, where he advises Eberulf to hang on to the altar cloth lying over the eucharist at the moment when Guntram had suddenly turned up in church. There is also the suggestion made by Fredegunde to Claudius that if he did not succeed in getting Eberulf out of the church, he might as well kill him in the atrium of the church.[46] This seems to indicate that it was in fact much safer to remain in the church itself and that the continuing ecclesiastical legislation securing the right of sanctuary in the atrium was needed to press a point.[47]

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[41] Gregory, Historiae VIII, 18, ed. Krusch/Levison 337.

[42] Gregory, Historiae VII, 29, ed. Krusch/Levison 310: *Qui uxorem eius valde expoliatam in sanctam basilicam reliquerunt.*

[43] Gregory, Historiae VII, 29, ed. Krusch/Levison 310.

[44] For this conflict, see Alcuin, Epistolae 245–249 (ed. Ernst Dümmler, MGH EE 4, Berlin 1895) 393–404. For a discussion of this case, see Eleanor Shipley Duckett, Alcuin, Friend of Charlemagne. His World and his Work (New York 1951) 289–294; Liutpold Wallach, Alcuin and Charlemagne: Studies in Carolingian History and Literature (Ithaca/New York 1959) 99–140; Fruscione, Asyl 102–104; Hélène Noizet, Alcuin contre Théodulphe: Un conflit producteur des normes, in: Annales de Bretagne et des Pays de l'Ouest, Anjou, Maine, Poitou, Touraine 111 (2004) 113–129; Rob Meens, Sanctuary, penance and dispute settlement under Charlemagne. The conflict between Alcuin and Theodulf of Orléans over a sinful cleric, in: Speculum 82 (2007, forthcoming).

[45] Gregory, Historiae VII, 22, ed. Krusch/Levison 303: *Habebat enim pro timore regis in ipsum salutaturium beatae basilicae mansionem.* See Luce Pietri, La ville de Tours du Ve au VIe siècle. Naissance d'une cité chrétienne (Rome 1983) 390.

[46] Gregory, Historiae VII, 22, ed. Krusch/Levison 308.

[47] Timbal, Le droit d'asile 135, who uses exactly the episodes of the Eberulf affair to make his point.

GREGORY AND GUNTRAM

As indicated above, Gregory of Tours is unique among early medieval historians in that he devotes so much attention to the practice of sanctuary. If we compare his text, for example, with that of his near contemporary Fredegar, the difference is enormous. Fredegar mentions a few cases in which people sought refuge in churches, but never describes in precise detail what might have happened. The attention Gregory devotes to this matter may be the result of his position in Tours, which was one of the main sanctuaries in Gaul and apparently a favourite for people trying to escape royal anger. It probably also derives from Gregory's personal experiences with this practice, of which the Eberulf case was probably the most dramatic. More fundamental for our understanding of the 'Histories', however, is the fact that the Eberulf case seems to have been a crucial phase in the relationship between Gregory and king Guntram.[48]

In July 585 Gregory met with king Guntram in Orléans and held – if we can believe his own account – a position of special favour.[49] The king dined at Gregory's place and in his turn invited him to dine at the royal table. Gregory does not tell us whether the Eberulf affair was discussed, but it must have been since Gregory managed to settle the conflict between the king and Garachar, count of Bordeaux, and Bladast, who had both sought refuge in St Martin as well. Both had been implicated in the Gundovald rebellion.[50] Although the Eberulf case is not dated exactly by Gregory, it must have occurred not long after the murder of Chilperic in 584. The fact that Gregory treats the Eberulf affair in book VII and mentions the fact that he settled the conflict between the king and Garachar and Bladast in book VIII strongly suggests that the Eberulf case was the earlier one. It is hard to believe that Gregory and Guntram did not somehow discuss the outcome of the Eberulf affair, when discussing the case of two political opponents seeking refuge in the same place with the same bishop in charge. The more so, since the murder of Chilperic was also the subject of a discussion in Orléans between Gregory and Guntram when they treated the involvement of bishop Theodore of Marseilles in this affair.

The good relationship between Gregory and the king, so prominent in Gregory's description of Guntram's sojourn in Orléans, was perhaps, in one way or another, the result of the Eberulf affair. After all, the king had gotten rid of a political enemy who had sought the protection of the powerful St Martin. Gregory relates that, although in the process the royal servant Claudius had been killed and blood had been spilled in the church of St Martin, he had been able to explain to the king the circumstances leading up to the horrible act. Possibly then, Gregory's detailed account of the affair in his *Historiae* can be seen as a reflection of his explanation of the affair to the king.[51]

Exactly what might have happened between Gregory and Guntram is impossible to reconstruct on the basis of Gregory's evidence. It might be that things occurred generally as Gregory explains them and that it was at Orléans, or prior to Orléans, that Gregory clarified what had happened in Tours with the help of the account, as we now more or less have it in the *Historiae*. It might also be, however, that Gregory had been instrumental for the king in the killing of Eberulf and that it was this that brought him royal favour in Orléans. Royal anger might have been prompted by the bloodshed in which Claudius and many of his men had been killed. In that case Gregory's account would have served to explain those killings. Either way, however, I think the Eberulf case was an important part of the *rapprochement* between Guntram and Gregory, which had an important impact on the final composition of the Historiae.[52]

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[48] For this far from simple relation, see Wood, Gregory of Tours 47f.; Guy Halsall, Nero and Herod? The death of Chilperic and Gregory's writing of history, in: The World of Gregory of Tours, ed. Kathleen Mitchell/Ian N. Wood (Cultures, Beliefs and Traditions 8, Leiden/Boston/Köln 2002) 337–350, and the literature cited there.

[49] Heinzelmann, Gregor von Tours 58.

[50] Gregory, Historiae VIII, 6, ed. Krusch/Levison 329; for the Gundovald rebellion, see Wood, The Merovingian Kingdoms 93–98.

[51] I agree with the view that the Historiae were the product of a longer process of writing, as advanced by Breukelaar, Historiography and episcopal authority; Halsall, Nero and Herod?

[52] For the importance of this episode, see Heinzelmann, Gregor von Tours 55, who notes that these chapters are extremely long in the context of the whole work. See also Ian N. Wood, The secret histories of Gregory of Tours, in:

In October of that same year the council of Mâcon felt the need to stress the right of sanctuary in churches, since "pseudo-christians" had recently captured people seeking refuge in a church. The bishops meeting in Orléans explicitly referred to powerful people using force in a church, which would fit the Eberulf case. The council met under the authority of king Guntram, who confirmed their decisions in a royal edict. It seems likely, therefore, that their discussion of asylum was somehow related to the affair in Tours.[53] This could imply that in the eyes of the bishops assembled in Mâcon, Gregory and the king had not handled Eberulf's case with the reverence due to the church. It also explains Gregory's absence at this council presided over by the bishop of Lyons, Priscus. Gregory's account in the Historiae might therefore also have served to defend his position among his fellow bishops.

THE BASILICA OF ST MARTIN

A last point concerns the particular place where all this happened. Is it purely by chance that it is from Tours that we have the most vivid descriptions of the functioning of the right of sanctuary in the early Middle Ages? I think not. As the altar was more sacred than the atrium, so the basilica of St Martin was safer than any other church. Gregory of Tours relates another case in which king Chilperic has the basilica of St Martin guarded, when he hears that the prince Merovech wants to seek refuge in a church.[54] According to Martin Heinzelmann Tours as the most important sanctuary in the Frankish kingdom, must in the eyes of the ruler have been a focus for political opposition.[55] This seems to be true and accounts in part for the sensitivity of Gregory regarding this particular matter. He is the only early medieval historian that I know of who devotes so much attention to the right of sanctuary. This may in part be the result of his personal experience. It has been noted, for example, that 'the defence of asylum is Gregory's first public action of episcopal duty mentioned in the Histories.'[56] As I have tried to argue, the Eberulf case, which must have been an affair of great importance anyway, may also have been a turning point in Gregory's relations with king Guntram. The whole affair was a matter for great royal concern, since Guntram not only wished to catch the murderer of his kinsman Chilperic, but also wanted to set an example for kingslayers. The assassination of Chilperic may also have been related to the Gundovald affair, in which Tours and its bishop seem to have been implicated.[57] The Eberulf affair seems to have been of such importance that the council of Mâcon also devoted attention to it. The impact of this affair on a local and a national level, was probably a result of the fact that we are dealing with Tours and the grave of bishop Martin. We know of several cases of people seeking refuge in a church in Gaul in the sixth century, but this affair in particular shows in vivid detail how much the sacred space of the church of St Martin mattered in the kingdom of the Franks.

CONCLUSION

Martin Heinzelmann and Philippe Buc have stressed the importance of the theme of the relationship between bishops and kings in Gregory's historical work.[58] The question of sanctuary may be said to epitomize this theme, which is symbolized by the scene from Gregory's dream in which king

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Revue Belge de Philologie et d'Histoire 71 (1993) 253–270, who, as will be clear, strongly influenced my approach, although reaching somewhat different conclusions.

[53] Council of Mâcon 8, ed. De Clercq 242f.; Stefan Esders, Rechtsdenken und Traditionsbewußtsein in der gallischen Kirche zwischen Spätantike und Frühmittelalter. Zur Anwendbarkeit soziologischer Rechtsbegriffe am Beispiel des kirchlichen Asylrechts im 6. Jahrhundert, in: Francia 20 (1993) 97–125, at 113, note 89, also regards the decision at Mâcon as a reaction on the Eberulf case.

[54] Gregory, Historiae V, 18, ed. Krusch/Levison 223.

[55] Heinzelmann, Gregor von Tours 43.

[56] Breukelaar, Historiography and episcopal authority 118, regarding the case of Roccolen.

[57] Wood, Secret histories.

[58] Heinzelmann, Gregor von Tours; Philippe Buc, The Dangers of Ritual. Between Early Medieval Texts and Social Scientific Theory (Princeton/Oxford 2001) 88–122.

and bishop stand breast against breast. The importance of the topic of sanctuary in Gregory's work is related to Gregory's involvement in the Eberulf affair and to the dangerous confrontation with king Guntram this entailed. It is also related to the importance of the basilica of St Martin in the Merovingian kingdom, for which the bishop of Tours as Martin's successor was responsible. If we regard Gregory's description of this gory affair as being of crucial importance not only for his relationship with king Guntram, but also for the way Gregory wanted to present himself in his work, then we can understand why this crucial episode from the Historiae did not make it into the six-book version which proved to be so influential in the late seventh and eighth century, since, as Reimitz has argued, this version moved away from Gregory's personal history.[59] Whether there is any connection between the lack of interest in this part of Gregory's history and the growing importance of monasteries in this later period as places where the powerful could "opt out", is an intriguing question which deserves further study. The next time that the basilica of St Martin was to be the centre of a well known conflict over the right of sanctuary would be more than two hundred years later, when the suburban basilica had been turned into a monastic church!

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[59] See above p. 278.