The Judicial Punishment of Decalvatio in Visigothic Spain: A Proposed Solution based on Isidore of Seville and the Lex Visigothorum

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Abstract

The Visigothic judicial punishment known as decalvation has been widely studied for more than a century, yet there exists no general agreement concerning its exact nature. Scholars concur that decalvation involved a shameful mutilation of the head and hair, but there is disagreement about whether the punishment involved scalping or merely shaving one’s head. Some well-known texts seem to suggest scalping, but several little-known passages from Isidore of Seville and the Lex Visigothorum clearly indicate that enduring decalvation did not preclude one’s hair from growing back, and that decalvation could be inflicted on a malefactor more than once. Additionally, a thirteenth century Castilian translation of the Lex Visigothorum renders decalvation as ráyanle la cabeza, shaving the head. These and other medieval texts support my contention that in the Visigothic kingdom decalvation normally involved shaving the head, or perhaps shearing the hair very closely, but that it did not normally involve scalping.

Keywords: Visigothic, Isidore, Jews, Decalvation, Law

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The earliest of the Medieval Spains\(^1\) was Visigothic Spain,\(^2\) which flourished for almost three centuries, until the realm was destroyed by a wave of Muslim invasions in the period 711-722.\(^3\) The Visigothic realm, which at its territorial peak in the sixth century stretched from Ceuta in north Africa to Arles in France, was irretrievably lost, although some of the Spanish realms that emerged as centers of resistance to Muslim rule, such as Asturias, asserted continuities between themselves and the Visigothic kingdom.\(^4\) The Muslim destruction of Visigothic Spain was so complete that little has survived from the Visigothic era that would allow historians to reconstruct a detailed narrative account of the realm: a few chronicles, king lists, a history of the reign of King Wamba, a few financial records, but not much else that pertains to the history of the kingdom. Moreover, the Visigothic cities are so overlain with Muslim and later medieval structures that the archaeology of Visigothic Spain has only begun with the last century, although tremendous advances have been made within the past forty years.\(^5\) What has survived from the

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3) For an introduction to the Muslim invasions and occupation, as well as the destruction of most of the surviving Visigothic nobility, see Roger Collins, *The Arab Conquest of Spain*, 716-797 (London: Blackwell, 1989).


5) Recent studies of interest include Jerri Lynn D. Dodds, *Architecture and Ideology in Early Medieval Spain* (University Park: Pennsylvania State University Press, 1984), see especially chapter 1, “Visigoths and Romans and Some Problems Concerning Their Architecture. For modern excavations and assessments of the Visigothic city of Recopolis, see Lauro Olmo Enciso, “The Royal Foundation of