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Muriel's Mill

Muslims under Latin Law in the Court of Roger II of Sicily, Palermo, 1123 A.D.

Abstract: The authors use the first critical edition of the Greek record of a case involving the usurpation of a mill by Lady Muriel of Petterana, daughter of Count Roger I of Sicily, from the Muslim family that had held it before the Norman conquest of the island, and that was tried in the court of her half-brother Count Roger II, to investigate the process and surrounding circumstances. They argue that the record, issued more than thirty years after the conquest but seven years before the creation of the kingdom of Sicily, reveals that the young Roger II and his ministers were already concerned to demonstrate that he ruled not by force alone but rather by law, as judge and lawgiver to what the royal assizes promulgated more than seventeen years later were to call "the different peoples subject to his rule", Greeks, Latins and Muslims.

Keywords: Norman Conquest of Sicily; Roger II, Count of Sicily; Muslims in Norman Sicily; Christian-Muslim Relations; Settlement of Disputes; Roman Law; Islamic Law; Intercommunal Law.

1. *The formal record (δικαίωμα) and the case (CR)*

Our subject is the formal record (δικαίωμα) of a case heard in the court of Roger II of Sicily (r. 1105-1154) in January 1123. Abū Muḍar ibn al-Biththirānī¹ and his cousins accused Lady Muriel of Petterana of having usurped their family's mill. Muriel was the daughter of Count Roger I de Hauteville (r. 1060–1101) and half-sister to Count Roger II in whose court she was arraigned. The case is principally of interest for what it tells us of the operation of intercommunal justice, seven years before the foundation of the kingdom of Sicily and

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** Abbreviations of Archives and Libraries:

ASP, Cefalù = Archivio di Stato di Palermo, Tabulario della Mensa Arcivescovile di Cefalù

ASP, MA = Archivio di Stato di Palermo, Miscellanea Archivistica

ASD Patti, Fondazione I = Patti, Archivio Storico Diocesano, Capitolo della Cattedrale, Fondazione I

ASD Patti, PV = Patti, Archivio Storico Diocesano, Capitolo della Cattedrale, Pretensioni Varie

ASD Patti, Carpettazza = Patti, Archivio Storico Diocesano, Capitolo della Cattedrale, Carpettazza

BCRS, Monreale = Palermo, Biblioteca Centrale della Regione Siciliana, Tabulario di Monreale

ADM = Toledo, Archivo Ducal de Medinaceli, Fondo «Messina»

ASDC, arabo-greche = Catania, Archivio Storico Diocesano, Capitolo della Cattedrale, Pergamene arabo-greche

Palatina = Palermo, Archivio della Cappella Palatina

BCL, Grotta = Termini Imerese, Biblioteca Comunale Liciniana, Pergamene «S. Maria della Grotta»

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¹ Ibn al-Biththirānī: literally, "the son of the man from Petterana".

seventeen before the promulgation of the royal Assizes. The plaintiffs were Muslim, the defendant Norman, and the court that of the Norman ruler; the witnesses were Greek Christians and Muslims, and their testimony given in Greek and Arabic; the judges were Greek Christians, one from Calabria, the other from western Sicily; the evidence included an Arabic deed of sale read to the court by the Muslim *qāḍī* of Sicily; and the formal record of the case was composed in Greek in the Norman chancery in Palermo. The following investigation of the case further illustrates the complexities of the administration of intercommunal justice in Norman Sicily.

We begin with the translation of the Greek text, the first critical edition of which is given in the Appendix.

In the month of January, in the first indiction, when I, Count Roger, was residing in my / city of Palermo, *Boumadarēs* the son of *Peththerranēs* (*Abū Muḍar ibn al-Biththirānī*) and his cousins came before me / accusing Lady Muriel of the *Paththeranoi*² of having taken the / mill that once belonged to their parents (*goneis*), which is situated on the River Sulla / between Librici and Ciminna. When I was informed by them of this, I summoned / the party of the aforesaid Muriel, and she immediately sent John the priest and *Abdel-/kērim* (*ʿAbd al-Karīm*) with the *kaitēs Alēs* (*al-qāʿid* ʿAlī). They answered with one voice, that / the late Lord Gosbert [Muriel’s husband] had built the aforesaid mill and was lord of it and possessed it before / he received Ciminna from the palace of your sacred majesty, and that he himself / built and held it before the rebellion of the barons. Furthermore, they also showed us the deed of sale, written in Arabic, / according to which *Boudiker epen Seotēn* (*Abū al-Dhikr ibn Sawdān*), and his cousin, the men of the aforesaid Lady Muriel, bought this mill-station / from *Epen Nasach* (*Ibn Nāsih*) of Palermo. And, as was necessary, the *qāḍī* / of Palermo read out the deed in my court. Through all this, we have found that the party of the Lady Muriel justly holds / this mill. Moreover, the elders of the *Kiminnoi*³, the neighbours, / testified with one voice, saying that the aforesaid *Boumadarēs* and his cousins unjustly / claim this mill, and that they unjustly came into possession of it. Wherefore, my court / — the Lord Christodoulos, *protonobilissimos* and *amīr* and the judge Nicholas of Reggio — has decided, in the presence of John / *Zēkrē*, *Chamettas* (*Ḥammād?*), the *qāḍī* of Palermo, the *kaitēs Boddau* (*al-qāʿid* *Abū al-Ḍawʿ*) and many others, that / the party of the Lady Muriel justly and rightfully possessed this mill, and that the party of the aforesaid / *Boumadarēs* and the others should desist because they are claiming without reason. Therefore, the present written legal judgement (*dikaiōma*), / having been confirmed and sealed with the regular lead seal, was given to the party of the Lady Muriel of the *Paththeranoi* / as evidence of their right, in the aforesaid month and indiction, and in the year 6631 †††
† Roger, count of Calabria and Sicily, helper of the Christians

² The δικάσιωμα is written on the flesh side of well preserved, good quality, thin and translucent, parchment. Its size is generous, with wide margins on the top and sides; only the plica that once carried Roger’s seal preserves the irregular shape of an unsquared edge

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² *Paththeranoi*: literally, “the *Petterani*”, the inhabitants of *Petterana*.

³ *Kiminnoi*: literally, “the *Ciminnesi*”, the inhabitants of *Ciminna*.

of the skin (Fig. 1)⁴. The iron gall ink, originally dark brown in colour, has faded making the text now challenging to read⁵. The Greek was written in an elegant chancery script by a well-trained scribe, except only the official Greek subscription of Count Roger that was penned, not by Roger himself, but most probably by one of the scribes of his chief-minister, the emir Christodoulos (fl. 1101-1126)⁶. Roger's lead seal, now missing, was once attached by a silk cord, originally crimson but now much faded, threaded through four holes pierced in the centre of the plica. The *verso* was originally left blank (Fig. 2). All the external features of this document demonstrate the great care invested in its production; it is a prestige artefact intended to convey the authority and power claimed by the Norman ruler⁷.

The text opens with the sign of the cross by way of *invocatio*, and then proceeds directly to the concise *narratio*, opening with the month and indictional year when the plaintiffs appeared before Roger. Next, comes a summary of the proceedings, followed by the names of the principal members of the court and a summary of their judgement, briskly concluding with the usual end matter — *corroboratio, datatio, subscriptio* and seal.

The Greek text refers to itself as a δικάσιωμα (l. 20), the technical term for a written legal judgement, or for a written record of a proof or right⁸. Norman rulers in Italy inherited the use of such written judgements from their predecessors on the mainland. The opening formula of the *narratio* is almost identical to that used thirty years earlier by Roger I in Calabria, in the first surviving example of the type issued by a Norman ruler, demonstrating that our document followed a well-established tradition⁹. Among their Greek and Latin charters, the formal records of disputes settled in the presence of the Norman rulers constitute a large group that has not yet been the subject of comprehensive and systematic collection, analysis and discussion¹⁰. Although this is the only record to survive of a dispute between two lay parties, one of which was Muslim, its external and internal features are consistent with the rest of the corpus. What makes this document unique is its survival.

⁴ The left margin only was created by folding the parchment; there is no indication that the text lines were ruled. Parchment maximum height 48.8cm x maximum width 38.5cm, left margin < 3.5cm, right < 5.0cm, top 7.5cm; plica height 3.5cm-0.2cm.

⁵ In 1865, the document was framed and exhibited on the walls of the Scuola di Paleografia in the Grande Archivio di Palermo: G. SILVESTRI, *Sul Grande Archivio di Palermo e sui lavori in esso eseguiti dal 1865 al 1874*, Palermo 1875, p. 67. This exposure to daylight presumably caused the ink text so badly to fade.

⁶ V. VON FALKENHAUSEN, *Testo e contesto: un κατόνομα inedito della contessa Adelasia per il monastero di Bagnara (settembre 1111)*, in *Ingenita curiositas. Studi sull'Italia medievale per Giovanni Vitolo*, edited by B. FIGLUOLO, R. DI MEGLIO and A. AMBROSIO, III, Battipaglia 2018, pp.1273-1290, esp. 1282-1283 and tav. III.

⁷ H. ENZENSBERGER, *Il documento regio come strumento di potere, in Potere, società e popolo nell'età dei due Guglielmi. Atti delle quarte giornate normanno-sveve (Bari-Gioia del Colle, ottobre 1979)*, Bari 1981, pp. 103-138 (Università degli Studi di Bari, Centro di studi normanno-svevi. Atti. 4).

⁸ *Thesaurus Linguae Graecae*® Digital Library, ed. M. C. PANTELIA, <http://www.tlg.uci.edu>: accessed 30 August, 2022; G. CARACAUSI, *Lessico Greco della Sicilia e dell'Italia meridionale (secoli X-XVI)*, Palermo 1990, p. 164 (Centro di Studi filologici e linguistici siciliani. Lessici Siciliani, 6). See also A. GUILLOU, *Les Actes grecs de Santa Maria di Messina. Enquête sur les populations grecques d'Italie du Sud et de Sicile (XI^e-XIV^e siècles)*, Palermo 1966, pp. 67-77, doc. no. 6, line 36 (Istituto Siciliano di Studi Bizantini e Neellenici, Testi 8); L. PERRIA, *Una pergamena greca dell'anno 1146 per la Chiesa di Santa Maria dell'Ammiraglio*, in *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 61 (1981), pp. 1-24; and C. ROGNONI, *Legal language and practice in twelfth- and thirteenth-century Messina: the evidence from Greek private documents*, in *Multilingual and multigraphic documents and manuscripts of East and West*, ed. G. MANDALÀ and I. PÉREZ MARTIN, Piscataway 2018, pp. 55-75: esp. 56 and 72.

⁹ J. BECKER, *Documenti latini e greci del Conte Ruggero I di Calabria e Sicilia*, Roma 2013, pp. 136-137, doc. no. 30.

¹⁰ C. BRÜHL, *Diplomi e Cancellaria di Ruggero II*, Palermo 1983, pp. 10-11, gives an incomplete list of the Latin *placita* of Roger II, however, the earliest surviving example issued by a Norman ruler is the Greek judgement issued by Roger I at Stilo in January 1093: BECKER, *Documenti latini e greci* cit., pp. 136-7, doc. no. 30

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How the copy of the *δικαίωμα* issued to Muriel came to be in the *Tabulario della Mensa arcivescovile di Cefalù* remains unexplained. The mill lay in the diocese of Palermo; there is no record that Cefalù held the mill, nor any of the fiefs of Petterana, Ciminna and Caccamo, and no trace of them can be found in the several late medieval cartularies of Cefalù¹¹. And yet, the post-medieval notes written on the *verso* (Fig. 2) match similar notes made on the back of other documents in the same tabulary¹².

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In common with other written legal judgements, both Greek and Latin, from Norman Italy, the *δικαίωμα* reports only the accusation brought by the plaintiffs and does not rehearse any evidence that they may have submitted in support of their case, so that it is now impossible to reconstruct precisely why Roger's court found in favour of the Lady Muriel. Nonetheless, a series of questions inevitably arise. How and when did Abū Muḍar and his cousins hold the mill? When and why did Muriel take it from them? Why is the record at such pains to stress that Gosbert de Lucy had built, and been lord of, the mill before he was granted the fief of Ciminna, and before "the rebellion of the barons"? What does it mean that the mill (μύλον) is said to have been built and held by the late Gosbert and by his widow Muriel, and to have been claimed by the plaintiffs, while the "mill-station" (μυλοστάσιον) is said to have been purchased by Muriel's vassals from Ibn Nāsiḥ of Palermo? How and when did the latter come to own the "mill-station" that he sold to Abū al-Dhikr and his cousin? The case demands further investigation, beginning with the scene of the alleged crime.

1. The topographic context (JJ)

Muriel's mill lay "on the River Sulla between Librici and Ciminna" (lines 4-5). Roger II's court geographer, al-Idrīsī (c. 1100-65) traces the *Wādī* or *Nahr al-Sulla*, now the Fiume San Leonardo, northwards from its source near Prizzi to where it flows into the Tyrrhenian Sea, west of Termini Imerese (Fig. 3)¹³. The relevant stretch of the river begins at its confluence with the Torrente Azziriolo, north-northeast of modern Vicari¹⁴, from where al-Idrīsī follows

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¹¹ See C. MIRTO (ed.), *Rollus Rubeus. Privilegia Ecclesie cephaluditane, a diversis regibus et imperatoribus concessa, recollecta et in hoc volumine scripta*, Palermo 1972 (: Società Siciliana per la Storia Patria. Documenti per servire alla Storia di Sicilia, I, 29). We have also searched the unpublished cartularies of the church of Cefalù held in the Archivio di Stato di Palermo (ASP), MA, perg. no. II, ff. 3-5. The church of San Michele at Petterana was granted, apparently by Muriel, to the bishopric of Patti, not Cefalù: ASD Patti, Fondazione I, perg. no. 149/187; ed. C. A. GARUFI, *Per la storia dei secoli XI e XII. Miscellanea diplomatica. III. La contea di Paternò e i de Luci*, in *Archivio storico per la Sicilia orientale* 10 (1913), pp. 176-177; A. SIDOTI and R. MAGISTRI, *La Diocesi di Patti. II: Il Vescovato di Lipari-Patti nella monarchia normanna*, Messina 2007 (Diocesi di Patti. Documenti e ricerche di storia religiosa, 9), pp. 236-7.

¹² In 1851, Bishop Giovanni Maria Visconte Proto (ep. 1844-1854) separated the thirteen Arabic, Greek and bilingual documents in the tabulary from the Latin charters, and assigned to each a number prefixed by the letter Z, in this case Z: n° 6: C. VALENZIANO, *Documentazione dall'Archivio Capitolare di Cefalù in Materiali per la conoscenza storica e il restauro di una Cattedrale: catalogo della mostra "Documenti e testimonianze figurative della Basilica Ruggeriana di Cefalù (Duomo di Cefalù, Luglio-Settembre 1982)*, Palermo 1982, pp. 69-71 ("deposited 1857"); see also SILVESTRI, *Sul Grande Archivio di Palermo* cit., 73 ("deposited 1859").

¹³ M. AL-IDRĪSĪ, *Opus geographicum, sive Liber ad eorum delectationem qui terras peragrare student [Kitāb Nuzhat al-mushtaq]*, ed. A. BOMBACI, U. RIZZITANO, R. RUBINACCI and L. VECCIA VAGLIERI, Leiden 1970-1976), pp. 592, 606: «a large river with a great abundance of water, in which the fish known as *al-rayy* may be caught in the spring». For *al-rayy*, *Salmo cettii*, see M. AMARI, *Storia dei Musulmani*, 2nd revised edition by C. A. NALLINO, I-III, Catania 1933-1939, III, p. 812, n. 1; M. KOTTELAT - J. FREYHOFF, *Handbook of European Freshwater Fishes*, Cornell 2007, pp. 408-418, esp. 412-15, and J. SCHÖFFMANN - S. SUŠNIK - A. SNOJ, *Phylogenetic origin of Salmo trutta L 1758 from Sicily, based on mitochondrial and nuclear DNA analyses*, in *Hydrobiologia* 575 (2007), pp. 51-55.

¹⁴ The confluence is at DD 37.844, 3.563 (latitude and longitude are here and hereafter expressed as decimal degrees — DD — rounded to three decimal places).

the river past *Biththirāna*¹⁵. Both Muriel's title, and the surname (Arabic *nisba*) al-Biththirānī, used by Abū Muḍar's father, derive from this placename¹⁶. *Biththirāna* survives as the ruins of the Castello di Petterana near the summit of Pizzo Pipitone¹⁷. The descendants of Gosbert and Muriel held Petterana until the mid-1190s¹⁸. Thereafter, the strategic position of the castle, dominating a secondary route running between the Monti Sicani and the Madonie and connecting the interior with the north coast, ensured the importance of the castle and fief of Petterana throughout the thirteenth and fourteenth centuries¹⁹.

From *Biththirāna*, al-Idrīsī traces the course of the Sulla north to *al-Abrijā*²⁰. The conventions of transliteration from Arabic into Roman script obscure the identification of the Arabic placename *al-Abrijā* with Greek and Latin *Librici*, *Librizzi*, *Livricci*, *Livrizzi*, etc. Local pronunciation of the Arabic placename would have entailed the reduction of the definite article *al-* to *l-*, and the raising of the open vowels, according to the phenomenon known as *imāla*, from "a" to "e" or "i", and from "ā" to "ē" or "ī", thereby resulting in what would have

¹⁵ Arabic *Biththirāna*, Greek **Peththerrāna* (**Πεθθερράνα*), Latin *Petterana* and variants: the etymological derivation is uncertain, but cannot be from an Arabic root. See G. CARACASI, *Dizionario onomastico della Sicilia. Repertorio storico-etimologico di nomi di famiglia e di luogo*, Palermo 1993 (Centro di Studi filologici e linguistici siciliani. Lessici Siciliani, 8), II, p. 1207a-b, s.v. Peterrana, and CARACASI, *Lessico Greco* cit., p. 434b (s.v. Πανθαράνα).

¹⁶ The Greek masculine surname *Peththerrānēs* (*Πεθθερράνης*) derives from the placename **Peththerrāna* (**Πεθθερράνα*), and here translates the Arabic *nisba* form, *al-Biththirānī*, from the Arabic placename *al-Biththirāna*. In lines 3 and 21, Muriel's Greek title, ἡ κυρία Μωρέλλα Πεθθερράνων, literally "the Lady Muriel of the *Peththeranoi*", uses the genitive plural of *Peththerrānēs* (see CARACASI, *Lessico greco* cit., p. 446b, s.v. Πεθθερράνης). Compare the reference to the elders of Ciminna as ἡ γερουσία Κιμίνων, "the elders of the *Kiminnōi*" in line 14.

¹⁷ Pizzo Pipitone (DD 37.864, 13.632). F. D'ANGELO, *Petterana*, in *Sicilia Archaeologica* 14 (1971), pp. 49-52; D. LAURO, *Sambuchi (IGM 259 IV SE)*, Firenze 2009 (Forma Italiae, s. I, 45), pp. 171-175 (site 135), pp. 207-15.

¹⁸ Bartholomew, eldest son of Gosbert and Muriel, was still a minor in the autumn of 1119 – see B. TROMBY, *Storia critico-cronologica diplomatica del Patriarca San Brunone e del suo ordine cartusiano*, I-X, Napoli 1773-1779), III, p. clxviii – and apparently died without heir. His brother, Phillip, was the father of Anfusus *de Luce* or *de Petterana*, who first appears in November 1170 (ed. GARUFI, *La contea di Paternò* cit., pp. 175-176 (Appendice, doc. no. I). In 1171, Anfusus, together with his brother William, wife Aluysa and son Walter, confirmed the donation made to the church of Lipari-Patti by his grandmother, presumably Muriel, of the church of San Michele at Petterana, including villeins, vineyards, lands, woodland and all other possessions; amongst the witnesses are Gisilbertus, castellan of Petterana, and three of Anfusus's knights: ASD Patti, Fondazione I, perg. no. 149/187; ed. GARUFI, *La contea di Paternò* cit., pp. 176-177 (Appendice, doc. no. I); SIDOTI and MAGISTRI, *La Diocesi di Patti* cit., pp. 236-237, doc. no. 22). Anfusus was royal justiciar in August 1176 (ASD Patti, Fondazione I, perg. no. 194/156; ed. GARUFI, *La contea di Paternò* cit., p. 178; and L. T. WHITE JR, *Latin Monasticism in Norman Sicily*, Cambridge Massachusetts 1938 (The Medieval Academy of America, Publication no. 31. Monograph no. 13), p. 274. He last appears as Anfusus *de Peterrano* in May 1194 (ASD Patti, PV, perg. no. 69; ed. *ibid.*, 288). The barony may have extended from the San Leonardo to the Imera: see (but with care) the map on p. 19 of C. COTTONE, *I de Luci e la signoria di Petterana (XII sec.) nel territorio di Termini*, in *Schede Medievali* 28-29 (1995), pp. 7-19. It was certainly wealthy: in November 1170, Anfusus *de Petterana* agreed to contribute to a canonical prebend of Palermo cathedral a fixed annual payment of 1150 *tumoli* of wheat, 100 *tumoli* of barley, 110 gold *tari*, 20 head of sheep, goat or pig, and as much as he could afford in any given year of wine, beans, chickpeas, cheese, wool, butter and other cattle (GARUFI, *La contea di Paternò* cit., pp. 175-176).

¹⁹ A. MARRONE, *Repertorio della feudalità siciliana (1282-1390)*, Palermo 2006 (Quaderni. Mediterranea. Ricerche storiche, 1), pp. 131, 135, 139, 141, 519, 548.

²⁰ For Caccamo (DD 37.931,13.663), see LAURO, *Sambuchi* cit., p. 109, no. 44 and bibliography there cited.

sounded something like *librijī*²¹. The site of *al-Abrijā* has been identified with the substantial ruins at Cozzo Casale and Cozzo Balatelli²².

The δικάτωμα places the disputed mill “between Librici and Ciminna”. The Norman *casale* of Ciminna occupied the same site as the modern town of Ciminna, seven kilometres west of the probable site of Librici, and three kilometres from the river²³. Were the text to be interpreted literally, the mill would have lain on the river between Librici and Ciminna, immediately south of modern Diga Rosmarina²⁴. The text implies that the mill lay within the fief of Petterana, on the right bank of the Sulla, because it is said to have been already in Gosbert’s possession before he was invested with Ciminna (ll. 8–9) on the left bank of the river.

Muriel’s mill would have been an penstock drop-tower watermill (Figs. 4-6)²⁵, the commonest type of mill found in Sicily from late antiquity until the nineteenth century²⁶. The two-storey mill-house, the massive drop-tower, the aqueduct or aqueducts bringing water from upstream and the dams or sluices that supplied them, were all substantial masonry structures. The construction of a mill of this type, although much less costly than a watermill with a vertical wheel, or a windmill, nonetheless required considerable initial investment of labour

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²¹ The etymological origin of the placename is obscure (CARACAUSI, *Dizionario onomastico* cit., I, pp. 857b-858a, s.v. Librizzi). *Al-abrijā* has the form of a regular Arabic plural from singular *barīj*, a proper noun carried only by R. P. A. DOZY, *Supplément aux dictionnaires arabes*, I-II, Leiden 1881 (reprinted Beirut 1991), I, p. 65, with the meaning “quartier de fruit”, but perhaps rather to be linked to the idea of a fortified tower (*burj*). F. CORRIENTE, *A Dictionary of Andalusī Arabic*, Leiden 1997 (Handbuch der Orientalistik. Erste Abteilung, Der Nahe und Mittlere Osten, 29), p. 43, carries the diminutive *burayj* as “tower”, which would not conventionally give the plural *abriḡā*. For *imāla* in the Sicilian and wider Maghribī context, see C. LA ROSA, *L’arabo di Sicilia nel contesto magrebino: nuove prospettive di ricerca*, Roma 2019 (Publicazioni dell’Istituto per l’Oriente C.A. Nallino, 114), pp. 74-77. Comparable transformations may be found in the Monreale *jarīdat al-rijāl* (population register) of 1183: BCRS, Monreale, perg. no. 45, l. 126, *al-Andalusīn* > λιנדουλήν (*lindulūhīn*); name 143.2, *al-a mā*, “the blind” > λάμε (*lāme*); name 147.1, *al-afram*, “gap-tooth” > λιφραμ (*lifram*).

²² For Cozzo Casale (DD 37.890, 13.641) and Cozzo Balatelli (DD 37.884, 13.646), see LAURO, *Sambuchi* cit., pp. 148-155, 207-215, no. 104-106.

²³ Ciminna (DD 37.897, 13.560) and Monte Rotondo (DD 37.892, 13.571): A. MASI, *Ciminna. Notizie storiche e archeologiche*, Palermo 2017, pp. 51-64. (For a long discussion of Muriel’s mill and the Greek δικάτωμα of 1123, with which we have preferred not to engage point by point, see *ibidem*, pp. 38-50.) For Ciminna, see also LAURO, *Sambuchi* cit., pp. 27, 43, 55, 180-181 (no. 148, Pizzo di Ciminna, seventh to third century BC).

²⁴ The southern limit of Diga Rosamarina varies seasonally, but may be roughly defined as the point where the river passes between the feet of Cozzo Salito and Cozzo Celso at DD 37.908, 13.610, some 200 metres upstream of the modern road bridge.

²⁵ Also known as the *arabah*-penstock mill from the Hebrew word for “tube” or “chimney”. S. AVITSUR, *On the history of the exploitation of water power in Eretz-Israel*, in *Israel Exploration Journal* 10/1 (1960), pp. 37-45. See also: M. BARCELÓ, *The missing water-mill: a question of technological diffusion in the high Middle Ages*, in *The making of feudal agricultures*, ed. M. BARCELÓ and F. SIGAUT, Leiden and Boston 2004, pp. 255-314; A. WILSON, *Water-power in North Africa and the development of the horizontal water-wheel*, in *Journal of Roman Archaeology* 8 (1995), pp. 499-510; and the fascinating data for the operation of penstock drop-tower mills in nineteenth-century Basilicata collected and discussed by M. C. Grano online <https://cnr-it.academia.edu/MariaCarmelaGrano>.

²⁶ S. TRAMONTANA, *Mulini ad acqua nella Sicilia normanna*, in *Cultura e società nell’Italia medievale: studi per Paolo Brezzi*, I-II, Roma 1988, II, pp. 811-824 (reprinted in S. TRAMONTANA, *Le parole, le immagini, la storia: studi e ricerche sul Medioevo*, ed. C. M. RUGOLO, I-II, Messina 2012 (Centro interdipartimentale di Studi umanistici. Percorsi medievali, 3), pp. 75-90; H. BRESO – P. DI SALVO, *Mulini ad acqua in Sicilia: i mulini, i paratori, le cartiere e le altre applicazioni*, Palermo 2001 (Talismani, 5); A. VERSACI -A. CORDACI - L. R. FAUZIA, *Recovery and conservation of old water mills in Central Sicily*, in *Procedia. Social and behavioral Sciences* 225 (2016), pp. 15-26; *I mulini ad acqua nell’ennese: l’acqua: miti, riti e feste. Mostra documentaria (Enna, 3-11 maggio 2003)*, Palermo 2003 (Regione Siciliana, Soprintendenza per i Beni culturali ed ambientali); G. CULMONE-A. FERRARELLA, *Le vie dell’acqua. I mulini ad acqua nel territorio del Golfo di Castellamare*, Cinisi 2015.

and resources, in addition to variable but occasionally significant annual maintenance of structures damaged by seasonal floods²⁷.

2. The *protagonists* (CR)

As to the protagonists, we begin with the plaintiffs, Abū Muḍar ibn al-Biththirānī and his cousins, who claimed that the Lady Muriel had usurped the mill once owned by their “parents” or “ancestors” (γονεῖς: line 4). There is good reason to be confident that Abū Muḍar was a Muslim; his name Abū Muḍar, literally meaning “the father of Muḍar”, is a *kunya* or teknonym, which probably indicates that he claimed descent from Muḍar, one of the largest and most powerful tribal confederations of pre- and early Islamic North Arabia²⁸. The plaintiff considered himself to be a member of the local Arab elite.

The defendant, Muriel, was the daughter of Count Roger I, probably by his second wife, Eremburga of Mortain, whom he wed sometime before 1080, and who died in 1089²⁹. Muriel cannot have been born more than a year or two before 1080. She seems to have married Gosbert de Lucy before June 1095³⁰, and was already a widow when she appears accompanied by their eldest son, Bartholomew, in the autumn of 1119³¹. In January 1123, Muriel is likely to have been in her early to mid-forties.

Muriel’s late husband, Gosbert de Lucy, came from a Norman family that had deep roots in both the Anglo-Norman kingdom and southern Italy³². Gosbert was an almost constant

²⁷ Traces of substantial structures consistent with a large, post-medieval mill are clearly visible on Google Earth Pro (version 7.3.4.8573 [2022]. Accessed 27 May 2022) at DD 37.884,13.615, at the point where the Vallone Criti flows into the Fiume San Leonardo, roughly midway between the two sites, 3km from Cozzo Casale (med. Librici), 4km from Ciminna, and 3km from Pizzo Pipitone (medieval Petterana).

²⁸ H. KINDERMANN, *Rabī'a and Muḍar*, in *Encyclopaedia of Islam, second edition*, I-XII, Leiden 1954-2004, VIII, pp. 352-354. For such “metaphorical” *kunyas*, see A. SCHIMMEL, *Islamic names*, Edinburgh 1997, pp. 6-8.

²⁹ G. MALATERRA, *De rebus gestis Rogerii Calabriae et Siciliae comitis et Roberti Guiscardi ducis fratris eius*, ed. E. PONTIERI, I-III, Bologna 1927-1928, II, p. 93: «Anno igitur incarnati Salvatoris MLXXXIX comes Rogerius, uxore Eremburga, filia Guilelmi, comitis Mortonensis, defuncta, aliam duxit: Adelaydem nomine...»; see also *ibidem*, p. 93, n. 1. The date of Roger’s marriage to Eremburga is unknown, but may predate the marriage of Matilda, the daughter “of his first wife”, Judith of Evreux, to Robert, court of Toulouse, in 1080: *ibidem*, p. 70: «Matildem, filiam suam, quam de prima uxore». In the secondary literature, Judith’s death is conventionally dated to 1076, and Eremburga’s marriage to 1077, but we are aware of no corroborating primary source. The scant evidence for the large family of Roger I is conveniently summarised by H. HOUBEN, *Mezzogiorno normanno-svevo: monasteri e castelli, ebrei e musulmani*, Napoli 1996, pp. 106-113.

³⁰ BECKER, *Documenti latini e greci cit.*, pp. 202-204, no. 51, dated 22 June 1095: «+ Ego Gosbertus gener comitis subscribere me feci». The authenticity of this document is suspect and, because the original is lost, cannot now be further investigated.

³¹ TROMBY, *Storia critica-cronologica diplomatica cit.*, III.clxviii, Appendix 1, document XXII: «Muriel, filia comitis Rogerii, uxor Guisberti de Luccii et Bartolomeus, filius meus, cum ceteris filiis et filiabus ... meis ... pro remedio, et salute Rogerii comitis patris mei, et Guisberti de Lucci domini mei et Malgerii et Rogerii comitis fratrum meorum, necnon et pro anima mea, filiorum meorum, et omnium parentum meorum vivorum et mortuorum». With so many younger siblings, Bartholomew cannot have been born much after 1095.

³² The family hailed from Lucé (commune Juvigny-Val-d’Andaine, near Domfront, department Orne) where the remains of the motte can still be seen (DD 48.549, -0.595), and not from Lucy in the Pays de Bray. The rise of the family in England and Normandy is largely attributable to Henry I (r. 1100-35). Richard de Lucy (c. 1110-79), was one of the chief supporters of both Stephen (r. 1135-54) and Henry II (r. 1154-89), and the latter’s justiciar. Richard’s brother, Walter de Lucy, was abbot of Battle Abbey from 1139 to his death in 1171. Their father’s name is unknown, but Gosbert may conceivably have been his younger brother. Richard’s son, Godfrey, was bishop of Winchester from 1189 until his death in 1204, and also a royal justice and an eminent lawyer, who has even been proposed as the author of *Glanvill*. Bishop Godfrey’s son by Agatha, one of the wet-nurses employed by Eleanor of Aquitaine, was Master Geoffrey de Lucy, chancellor of the University of Oxford. See: E. M. AMT, *Richard de Lucy, Henry II’s Justiciar*, in *Medieval Prosopography*, 9/1 (1988), pp. 61-87; *id.*, *Lucy, Richard de (d. 1179), soldier and administrator*, in *Oxford Dictionary of National Biography from the earliest times to the year 2000*, I-LX, Oxford, 2004, XXXIV, pp. 701-703; E. VENABLES and R. V. TURNER, *Lucy, Godfrey de (d. 1204), bishop*

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companion of Roger I from 1081 onwards and, after his death, continued to support the regent Adelaide and the young Roger II. Gosbert's last known appearance was in 1111-1112, when he granted land at Messina to a certain Moulēs τοῦ Παλατίου³³. He probably married Muriel before 22 June 1095, when he may have witnessed a donation of Roger I as “the son-in-law of the count”³⁴. No record survives of the grant of the fief of Petterana to Gosbert, but it is most unlikely to have been made before the division of the spoils of conquest at Mazara in 1093, when Roger first began to issue “registers of the inhabitants (πλατεῖαι) of my land and of my barons”³⁵. It follows that Gosbert is likely to have been granted Petterana between 1093 and 1105, possibly on the occasion of his marriage to Muriel.

According to the δικάϊωμα, the witnesses for the defence testified that Gosbert had built and owned the mill “before he received Ciminna” from Roger II and “before the rebellion of the barons” (lines 10-11). Both events remain obscure and their significance to this case is not explained. “The rebellion of the barons” presumably alludes to the poorly attested baronial revolt that broke out on the death of Roger I against the regent Adelaide and the infant count Simon (d. 1105), and was swiftly suppressed by Adelaide³⁶. Gosbert does not appear in the documentary record between Roger I's death in 1101 and January 1110, but he must have remained loyal to the regent Adelaide and her sons, because it was after the accession of the infant Roger II that he was granted the fief of Ciminna, on the far side of the river from

of Winchester, in *Oxford Dictionary of National Biography*, cit., XXXIV, pp. 698-700; R. V. TURNER, *Who was the author of Glanvill?*, in *Law and history review* 8 (1990), pp. 97-127; M. G. CHENEY, *Master Geoffrey de Lucy, an early chancellor of the University of Oxford*, in *English Historical Review*, 82/325 (1965), pp. 750-763.

³³ L.-R. MÉNAGER, *Pesanteur et étiologie de la colonisation normande d'Italie*, in *Roberto il Guiscardo e il suo tempo: relazioni e comunicazioni nelle prime giornate normanno-sveve (Bari, maggio 1973)*, Roma 1975 (Fonti e studi del *Corpus membranarum italicarum*, 11) reprinted in ID., *Hommes et institutions de l'Italie normande*, IV, London 1981, pp. 189-214, 260-390, esp. pp. 322-326. Gosbert's grant of 6620AM, unknown to Ménager, is renewed in a Greek sigillion of November 1144 (6653AM, Ind. VIII) of Roger II to the notary Nikolaos Patrikios from ADM, perg. no.1323 (S682), ll. 15-16, now published in C. ROGNONI, V. VON FALKENHAUSEN, R. STRACUZZI, *Il Monastero di S. Salvatore di Bordonaro. Storia e Documenti (secoli XII-XVI)*, Palermo 2024 (Istituto Siciliano di Studi Bizantini e Neoellenici “Bruno Lavagnini”. Testi 16), pp. xv.

³⁴ BECKER, *Documenti latini e greci* cit., p. 204.

³⁵ ASDC, arabo-greche, perg. no. 1, ll. 86-87: ...πλατεῖαι τῆς ἐμῆς χώρας· καὶ τῶν ἐμῶν τερρερίων ἐγράφησαν εἰς τὸ Μαζάρην τοῦ ἔτους τῆς α' ἰνδικτιῶνος (trans. *plateiai* of my land, and of my barons, were written at Mazara in the year 6601 of Indiction I) [January-August 1093], ed. omitting the Arabic text in BECKER, *Documenti latini e greci* cit., pp. 200-201; the Arabic is included, but with many errors, in the edition of S. CUSA, *I Diplomi greci ed arabi di Sicilia pubblicati nel testo originale ed illustrati*, Palermo 1868 [sic! corr. 1874]-1882; pp. 541-549. For this first division of the spoils, see J. JOHNS, *Arabic administration in Norman Sicily: the Royal Dīwān*, Cambridge 2002, pp. 42-62.

³⁶ Roger died 22 June 1101. The rebellion and its suppression by Adelaide are mentioned in a Greek denunciation addressed to King Roger, datable before December 1142: ASD Patti, Carpettazza, perg. no. 20, ll. 51-55; poorly edited by CUSA, *Diplomi greci ed arabi* cit., pp. 532-535, 705-706 (no. 41), and by M. FASOLO, *Alla Ricerca di Focero*, Roma 2008, pp. 34-36. See also P. COLLURA, *Appendice al regesto dei diplomi di Re Ruggero compilato da Erich Caspar*, in *VIII Centenario della Morte di Ruggero II. Atti del convegno internazionale di studi ruggeriani (Palermo, 21-25 aprile 1954)*, Palermo 1955, II, pp. 545-626, esp. 612-14 and, in the same volume, E. PONTIERI, *La madre di Re Ruggero: Adelaide del Vasto, contessa di Sicilia, regina di Gerusalemme (?-1118)*, II, pp. 327-432, esp. 363-4 and 368-9; H. HOUBEN, *Adelaide 'del Vasto' nella storia del regno di Sicilia*, in *Itinerari di Ricerca storica* 4 (1991), pp. 9-40, esp. 23-24; V. VON FALKENHAUSEN, *Zur Regentschaft der Grafen Adelasia del Vasto in Kalabrien und Sizilien (1101-1112)*, in *AETOΣ. Studies in honour of Cyril Mango presented to him on April 14, 1998*, ed. I. ŠEVČENKO and I. HUTTER Stuttgart and Leipzig 1998, pp. 87-115, esp. 88; JOHNS, *Arabic Administration* cit., pp. 64-65; and (but with care) FASOLO, *Alla ricerca di Focero* cit., pp. 9-11. The revolt of the Apulian barons against Simon is referred to by L. MURATORI (ed.) *Anonymi historia sicula a Normannis ad Petrum Aragonensem*, in *Rerum Italicarum Scriptores* ser. I, VII, Milan 1725, col. 777, and E. PONTIERI (ed.), *Annali Siculi*, in *Rerum Italicarum Scriptores*, ser. II, 5/1, Bologna 1927-1928, p. 115 (Appendix); C. D. STANTON, *Anonymous Vaticanus: another source for the Normans in the South*, in *The Haskins Society Journal* 24 (2012), pp. 79-94, esp. p. 93.

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Petterana (Fig. 3)³⁷. The manner in which the text insists that Gosbert received Ciminna “from the palace of your sacred majesty” seems to play down the role of Roger II, who became ruler in his own right only in 1112³⁸, so that the grant is likely to have been made by Adelaide and the infant Roger, early in her regency.

Thus, it was after 1093, before the revolt against Simon in 1101-1105, that Gosbert first came into possession of the mill. The Greek text says that Gosbert “built” the mill, using the verb ποίεω, literally “to make” or “to create” (ll. 8 and 10), a choice of words that implies that Gosbert built the mill *ex novo*. But such mills were prone to damage from seasonal floods, so that, had the mill been abandoned for one or more winters before Gosbert obtained it, he may well have been obliged to carry out substantial repairs, or even extensively to rebuild the mill, in order to bring it back into operation.

Gosbert died between February 1110 and the autumn of 1119³⁹. His widow, Muriel, did not appear herself in court in January 1123 but was represented by three individuals, to whom the text refers collectively as “the party” (τὸ μέρος) of the Lady Muriel (ll. 7 and 15): John the Priest, who may have been of either the Greek or the Latin rite, represented the Christian community, while ‘Abd al-Karīm, literally “the Servant of the Most Generous [God]”, a theophoric name derived from the Qur’ān⁴⁰, and the *qā’id* ‘Alī, whose title suggests that he was some sort of communal leader, both represented the local Muslim community. Their testimony suggests that they possessed detailed knowledge of local history and topography, and implies that they actually resided at or near Petterana. The normal practice in judicial inquiries into local disputes, such as inquests held to determine the disputed boundaries of an estate, was to summon witnesses drawn from all the confessional communities resident in the locality, Greek Christians, Latin Christians and Muslims⁴¹.

Muriel’s party not only testified unanimously and in person that Gosbert had owned and built the mill before he was granted the fief of Ciminna, and before “the rebellion of the barons”, but also submitted to the court a “deed of sale, written in Arabic, in which Abū al-Dhikr ibn Sawdān, together with his cousin, both men of the aforesaid Muriel, had purchased the mill-station from Ibn Nāsih of Palermo. And, as was necessary, the *qāḍī* of Palermo read out the deed in [Roger’s] court” (lines 10-12), thereby attesting to the validity of the deed.

The δικαίωμα refers to Abū al-Dhikr and his cousin as “the men (οἱ ἄνθρωποι) of the aforesaid Lady Muriel” (line 13). In Latin, the “men” of a feudal lord would usually have been called *villani* but this does not mean that they were necessarily serfs owing labour service on their lord’s demesne. In Arabic, they would have been known as *ahl* or *rijāl al-jarā’id*, “people” or “men of the registers”, households of Muslims notionally listed in a register as resident at Petterana and thereby belonging to its feudal lord. One of the peculiarities of the administrative system introduced by Roger I in the early 1090s for the division of the spoils of conquest amongst his followers is that, having granted a baron or a churchman a given piece of land, instead of describing its boundaries, Roger typically issued to him a register (Arabic *jarīda*; Greek πλατεία) listing the names of the heads of the households resident on that land, who were granted with their moveable and immovable possessions⁴². Such lordship over the inhabitants of a fief is reflected in Muriel’s title “lady of the *Paththeranoi*”, meaning of “the

³⁷ Gosbert’s heirs do not seem to have inherited Ciminna, which, upon his death, apparently reverted to the Hauteville demesne.

³⁸ Roger II was born 22 December 1095; he succeeded as Count of Calabria and Sicily on the death of his elder brother, Simon, on 28 September 1105, under the regency of his mother, Adelaide. Roger attained his majority at the age of sixteen, and became sole ruler in 1112.

³⁹ MENAGER, *Pesanteur et étimologie* cit., p. 326 (n. 19-20).

⁴⁰ Qur’ān 27.40; 82.6. The name ‘Abd al-Karīm may conceivably be used by a Christian but, elsewhere in Norman Sicily, is always borne by a Muslim.

⁴¹ See, for example, the discussion of boundary inquests in JOHNS, *Arabic Administration* cit., pp. 170-186.

⁴² For a wider discussion, see Johns, *Arabic Administration* cit., pp. 39-62, 144-151, 172-186.

(inhabitants) of Petterana” (lines 3 and 21). As Muriel’s “men”, they would presumably have owed her each year a fixed share of the harvest of the land that they held of her, and a *jizya* or confessional tax to be paid to her in coin on account of their Muslim faith. They may also have owed her labour service, but this is almost never mentioned by the sources⁴³. Some Muslim “men of the registers” appear to have held lands so extensive that they must have employed labourers to farm them, and were sufficiently wealthy to seek permission from their lord to live elsewhere than on the land upon which they were registered⁴⁴. It is thus no surprise to find that a household of Muriel’s “men” could raise sufficient capital to purchase a mill. The text gives every reason to think that Abū al-Dhikr and his cousin were alive in January 1123. It follows that they must have acquired the mill no more than a generation earlier, that is well after the Norman conquest, when they were “men” or vassals of Gosbert or Muriel.

This sequence of events is supported by what we know of the vendor from whom they acquired the mill, “the son of *Nasach* of Palermo” (line 12). His father’s name, *Νασάχ*, is identical to that of *Χασέν υἱός*, in Arabic *Ḥasan ibn* (“son of”) *Nāsiḥ*, who sold to George of Antioch (1081-1151) the *funduq* or “commercial hotel” that he gave to S. Maria dell’Ammiraglio in May 1143⁴⁵. These are the only known occurrences in Sicily of the name *Νασάχ*⁴⁶. It follows that the vendor in these two sales was either a single individual, or one of two brothers, sons of a father called *Nāsiḥ*. In either case, both sales must have occurred within a single generation, one before January 1123, the other before May 1143. Finally, because the deed that recorded the sale of the mill-station to Abū al-Dhikr and his cousin was drawn up in Arabic and according to Islamic law, Ibn *Nāsiḥ* was certainly a Muslim.

3. The court (JJ)

Having now investigated the mill, the plaintiffs, the defendant and her late husband, and the witnesses for the defence, we now turn to the members of the court in which the case was heard.

Count Roger was in his twenty-seventh year and having, the previous summer, extracted a series of highly advantageous concessions from his nominal overlord, William,

⁴³ For villeinage in Norman Sicily, see the following and further bibliography cited therein: G. PETRALIA, *La ‘signoria’ nella Sicilia normanna e sveva: verso nuovi scenari*, in *La signoria rurale in Italia nel medioevo: Atti del II convegno di studi*, Pisa, 6-7 novembre 1998, ed. C. VIOLANTE and M. L. CECCARELLI LEMUT, Pisa 2006, pp. 217-254; A. NEF, *Conquêtes et reconquêtes médiévales: la Sicile normande est-elle une terre de réduction en servitude généralisée?*, in *Mélanges de l’École française de Rome: Moyen Âge* 112/2 (2000), pp. 579-607; JOHNS, *Arabic Administration* cit., pp. 31-62, 144-51; A. DE SIMONE, *Ancora sui ‘villani’ di Sicilia: alcune osservazioni lessicali*, in *Mélanges de l’École française de Rome: Moyen Âge*, 116 (2004), pp. 471-500; A. NEF, *Conquérir et gouverner la Sicile islamique aux XI^e et XII^e siècles*, Roma 2011 (Collection de l’École française de Rome, 346), pp. 429-583; C. ROGNONI, *Disposer des hommes dans la Sicile du XIII^e siècle: deux documents grecs inédits*, in *Nēa Póμῆ* 9 (2012) [Χρόνος συνήγορος: *Mélanges André Guillou*, 2], pp. 33-152; S. CAROCCI, *Signorie di mezzogiorno. Società rurali, poteri aristocratici e monarchia (XII-XIII secolo)*, Roma 2014, p. 594 (index s.v. Sicilia).

⁴⁴ See, for example, the family of Muslim *ahl al-jarā’id* discussed in J. JOHNS, *Sulla condizione dei Musulmani di Corleone sotto il dominio normanno nel XII secolo, Bizantino-Sicula IV. Atti del I Congresso internazionale di archeologia della Sicilia bizantina (Corleone, 28 luglio - 2 agosto 1998)*, ed. R. M. CARRA BONACASA, Palermo 2002 (Istituto Siciliano di Studi Bizantini e Neoellenici. Quaderni, 15), pp. 275-94; and ID., *The boys from Mezzoiuso: Muslim jizya-payers in Christian Sicily*, in *Islamic reflections Arabic Musings: studies in honour of professor Alan Jones*, ed. R. G. HOYLAND and P. F. KENNEDY, Cambridge 2004), pp. 243-256.

⁴⁵ Palatina, perg. no. 8, l.11: *καὶ τὸν ἕτερον φούνδακα ὃν ἠγόρασα παρὰ Χάσενῃ υἱοῦ Νάσαχ ἔσω εἰς τὸ κάστρον*, “and the other *funduq* that I purchased from *Chasenē* son of *Nāsach* (*Ḥasan ibn Nāsiḥ*) which is in the castle”. (A new critical edition and translation of this document is being prepared by the DocuMult team: in the interim, see the imperfect edition by CUSA, *Diplomi greci ed arabi* cit., pp. 68-70, 713-714).

⁴⁶ Of the four possible Arabic originals — *Nāsiḥ*, *Nāsikh*, *Nāsiḥ* and *Nāsiḥ* — all extremely rare throughout the Arab world, only the first is a serious possibility.

duke of Apulia (r. 1111-27)⁴⁷, was passing the winter in Palermo. After the Almoravid raid against the Calabrian coast and the destruction of Nicotera in the summer of 1122, a raid which Roger blamed upon the defensive alliance that the late Zirid emir 'Alī ibn Yaḥyá (r. 1116-21) had sought to forge with the Almoravids⁴⁸, he was now preparing a punitive expedition against the Zirid capital, al-Mahdīya, to be launched in the following summer⁴⁹. The commander of that disastrous attack, “the Lord Christodoulos, *protonobilissimos* and *amīr*”, is first of the two named members of Roger’s court. Christodoulos had been Roger’s chief-minister since 1107, and his presence here is best explained by his omniscience and omnipresence in Roger’s court in Palermo, rather than by any legal expertise⁵⁰.

Such legal experience was provided by “the judge Nicholas of Reggio”, whose name is listed after Christodoulos. Nicholas may (or may not) be identified with “the lord Nicholas of Reggio”, whose daughter, Flandina, was to become the goddaughter of Roger II’s sister, Maximilla, in 1131. If so, the relationship between Roger and Nicholas was, or was to become, unusually close⁵¹.

Next, come four named members of the public in whose presence the case was heard. The first two were Arabic-speaking Greek Christians: Ἰωάννης Ζηκρός, who is not otherwise attested⁵², and Χαμμέττας, whose name is clearly derived from the Arabic trilateral root *HMD*,

⁴⁷ *Romualdi Salernitani Chronicon*, ed. C. A. GARUFI, in *Rerum italicarum scriptores*, ser. II, 7/1, Bologna 1914-1935, p. 212. FALCO OF BENEVENTO, *Chronicon Beneventanum: città e feudi nell'Italia dei Normanni*, ed. E. D'ANGELO, Tavarnuzze 1998, pp. 66-71 (1122.1.2-122.1.23).

⁴⁸ 'IZZ AL-DIN ABŪ 'L-ḤASAN 'ALĪ IBN MUHAMMAD AL-JAZARĪ, IBN AL-ATHĪR, *al-Kāmil fī 'l-ta' rīkh*, ed. C. J. TORNBORG, I-XIII, Leiden 1851-1876 (reprinted Beirut 1979-1982), X, p. 530 [trans. D. S. RICHARDS, *The Chronicle of Ibn al-Athīr for the Crusading Period from al-Kāmil fī 'l-ta' rīkh. Part 1: The Years 491-541/1097-1146: The coming of the Franks and the Muslim response*, London - New York 2006, pp. 186-187. H. R. IDRIS, *La Berbérie orientale sous les Zirīdes, X^e-XII^e siècles*, I-II, Paris 1962 (Faculté des lettres et sciences humaines d'Alger. Publications de l'Institut d'Études orientales, 22), I, pp. 323-4, 334.

⁴⁹ *Ibid.*, pp. 334-342.

⁵⁰ For Christodoulos, who was responsible for Roger’s official signature at the foot of this document (V. VON FALKENHAUSEN, *Testo e contesto* cit., pp. 1282-1286 and plates I-III, see: L. R. MENAGER, *Amiratus - Ἀμυράς L'émirat et les origines de l'Amirauté (XI^e-XIII^e siècles)*, Paris 1960 (Bibliothèque générale de l'École pratique des Hautes Études, 6 section), pp. 28-44; V. VON FALKENHAUSEN, *Cristodulo*, in *Dizionario Biografico degli Italiani* 31 (1985), pp. 49-51; JOHNS, *Arabic Administration* cit., pp. 66-67, 69-74, 81, 83-86. The most recent study of Christodoulos (in F. CARBONARO, *The Norman Admiralty. History of an Office between two Worlds*, Berlin 2021, pp. 28-41) is regrettably unreliable.

⁵¹ V. VON FALKENHAUSEN, Maximilla regina, soror Rogerius rex in *Italia et Germania. Liber Amicorum Arnold Esch*, ed. H. KELLER, W. PARAVICINI and W. SCHIEDER, Tübingen 2001 pp. 361-377, esp. 371, 375-376.

⁵² *Ἰωάννης Ζεκρός* may well bear the family name associated on philological grounds, but without corroborative evidence, with the Berber clan latinised as *Zagrensens* in the *Tabula Banasitana* (W. SESTON and M. EUZENNAT, *Un dossier de la chancellerie romaine: La Tabula Banasitana. Étude de diplomatique*, in *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres*, 115/3 (1971), pp. 468-490), which would place the group’s earliest known origins at Banasa (*Colonia Iulia Valentia*) in Morocco, 110 km north-northeast of Rabat (DD 34.602, -6.115: see M. EUZENNAT, *Banasa (Sidi Ali bou Djenoun) Morocco in The Princeton Encyclopedia of classical sites*, ed. R. STILWELL, W.L. MACDONALD and M. HOLLAND MCALISTER, Princeton 2017, pp. 140-141). The family name *Zikrī / Zekrī* is also particularly common in Algeria (and the diaspora), where it is associated with the town and commune of the same name in Tizi Ūzū province in the Algerian Kabylie (DD 36.782, 4.589). In Sicily, *Z.k.rī* is also attested as a given name, possibly contracted from *Zakarīyā* (Greek Ζαχαρίας), e.g. in a Greek document recording the settlement of a dispute over inheritance amongst the heirs of the late notary Symeon, son of lord 'Abd al-'Azīz son of Zēkrēs (τοῦ ἀπογομένου νοταρίου Συμεῶν υἱοῦ κύρ Ἀβδελαζήζ τοῦ Ζηκρή), including his nephew George, who signs his Arabic superscription *ḥādā ṣalībī anā Ġurg' ibn Quṣanḥīn ibn 'Abd al-'Azīz ibn Z.k.rī* (trans. This is my cross, I, George son of Constantine son 'Abd al-'Azīz, 'Servant of the Mighty [God]', son of Z.k.rī): October 1198, BCL, Grotta, perg. no. A22, r. ll. 2 and 8; see V. VON FALKENHAUSEN, *I documenti greci di s. Maria della Grotta rinvenuti a Termini Imerese*, in *Byzantino-Sicula VI. La Sicilia e Bisanzio nei secoli XI e XII. Atti delle X Giornate di studi della Associazione italiana di studi bizantini (Palermo, 27-28 Maggio 2011)*, ed. R. LAVAGNINI and C. ROGNONI, Palermo 2014 (Istituto Siciliano di Studi bizantini e Neellenici. Quaderni, 18), pp. 215-242, esp. 238 (n. 6). The document is unpublished and we are extremely grateful to Vera von Falkenhausen who, together with Horst Enzensberger and Giuseppe Mandalà, is

and may have been Ḥammād, Ḥamad, Ḥamīd or Ḥamāda, names too common to permit secure identification. Vera von Falkenhausen plausibly suggests that he may be identical with the Christian Arab *Chamettas*, who appears as one of the witnesses to a Greek and Arabic deed of sale dated October, Indiction V, equivalent to 1126 (or 1141), in which Peter *Markēsēs* sells four households of Muslim villeins to Theodore of Antioch for his foundation of San Nicola di Chürchuro. Greek Μαρκήσης apparently derives from the title “marquess”, and may indicate a connection with Adelaide’s family, the Aleramici, who were marquesses of Savona and western Liguria. If so, then *Chamettas*, like Nicholas of Reggio, may also have had an unusually close, personal connection to Roger’s family⁵³.

Next comes “the *qādī* of Palermo”, who is listed only by the name of his office but is without doubt *al-shaykh al-faqīh al-qādī* Abū al-Qāsim ‘Abd al-Rahmān ibn Rajā’ Allāh al-Lakhmī, the first of the Banū Rajā’ to be appointed as “*qādī* for Sicily” by Roger II, perhaps as early as 1112, who held office until *circa* 1140⁵⁴. In this case, the *qādī* served as an expert witness called to interpret and give his opinion to the court upon the Arabic deed of sale submitted as evidence for the defence: “as was necessary” (), he read out the deed to the court” (line 12) and, thereby, confirmed its authenticity and validity.

Last named amongst those in whose presence this case was heard is ὁ καίτεξ Βοδδάου, that is *al-qā’id* Abū al-Ḍaw’ Sirāj ibn Aḥmad ibn Rajā’ Allāh. Abū al-Ḍaw’, too, belonged to the Banū Rajā’, and was the *qādī*’s nephew. He is reported to have served at this time as *kātib al-inshā’* or “chancery secretary” to Count Roger II. In 1126, when George of Antioch toppled the emir Christodoulos from power, Roger offered to appoint Abū al-Ḍaw’ in the latter’s place but he refused promotion, leaving the way clear for George⁵⁵. Abū al-Ḍaw’’s office of *kātib al-inshā’* may in part explain his presence in Roger’s judicial court for, in Fātimid Egypt, the chancery secretary presided over the *dīwān al-inshā’*, the office responsible for processing complaints of injustice or *mazālim* petitions⁵⁶. Although Abū al-Ḍaw’ may have been present

preparing the definitive edition of the acts of Santa Maria della Grotta, for making her transcription of this document available to the DocuMult Project. H. BRESCH, *La proprietà fonciere dei Musulmani nella Sicilia del XII secolo: tre documenti inediti*, in *Del nuovo sulla Sicilia musulmana* (Roma, 3 maggio 1993), ed. B. SCARICIA AMORETTI, Roma 1995 (Fondazione Leone Caetani, Giornata di Studio, 26), pp. 69-97, esp. 87-88, n. 53, refers to «les familles de haut fonctionnaires, les Zekri, les Cali, les Tavily, les Ammirato, dont la longue présence dans les avenues du pouvoir souligne l’origine palatiale de la noblesse», and cites H. BRESCH, *De l’État de minorité à l’État de résistance: le cas de la Sicile normande*, in *État et colonisation au Moyen-Âge et à la Renaissance*, ed. M. BALARD, Lyon 1989, pp. 331-346, esp. 336, where he in turn cites *Iōannēs Zēkrēs* in this *dikaïōma* (misdated 1122), and *Nikolaos Zēkrēs* son of [Nicholas] the Lombard, late husband (?) of the vendor, Sitt al-Kull, daughter of *al-qā’id* Sa’ūd, in a Greek deed of sale dated October 6673, Indiction XIII [1164] (original now lost: ed. CUSA, *Diplomi greci ed arabi* cit., pp. 118-119).

⁵³ V. VON FALKENHAUSEN, *Documenti greci nell’Archivio storico diocesano di Palermo* in *Storia & arte nella scrittura. L’Archivio storico diocesano di Palermo a 10 anni dalla riapertura al pubblico (1997-2007). Atti del convegno internazionale di studi*, ed. G. TRAVAGLIATO, Santa Flavia 2008), pp. 427-453, esp. 433-434 (no. IV).

⁵⁴ J. JOHNS and N. JAMIL, *The way of the qādī: the Banū Raḡā’ qādīs on Norman Sicily*, forthcoming, preprint version 2023 available online https://www.academia.edu/96027692/The_Way_of_the_Qādī_The_Banū_Raḡā’_Qādīs_of_Norman_Sicily_and_their_Successors

⁵⁵ JOHNS, *Arabic Administration* cit., pp. 81, 83, 86, 88-90, 215, 252, 253, 274, 289, 295, 326-328, drawing upon the “biography” of George of Antioch, first noticed by A. DE SIMONE, *Il mezzogiorno normanno-svevo visto dall’Islam africano*, in *Il mezzogiorno normanno-svevo visto dall’Europa e dal mondo mediterraneo. Atti delle tredicesime giornate normanno-sveve (Bari 21-24 ottobre 1997)*, ed. G. MUSCA, Bari 1999, pp. 261-293, esp. 276-285) in Aḥmad ibn ‘Alī al-Maqrīzī, *Kitāb al-Muqaffā al-kabīr*, ed. M. AL-YA’LAWI, I-VIII, Beirut 1991, III, pp. 18-20.

⁵⁶ JOHNS, *Arabic Administration* cit., p. 295, citing ABŪ ‘ABBĀS AHMAD AL-QALQASHANDI, *Ṣubḥ al-a’shā fi shīnā’ at al-inshā’*, I-XIV, Cairo 1913-1922, VI, pp. 202-210. For *mazālim* in general, see M. TILLIER, *The Mazālim in Historiography*, in *The Oxford Handbook of Islamic Law*, ed. A. M. EMON, and R. AHMED, Oxford 2018, pp. 357-380 and the bibliography there cited. For the Fātimid *mazālim*, see: S. M. STERN, *Fātimid decrees: original documents from the Fātimid chancery*, London 1962, pp. 186-209; Y. LEV, *The ruler’s justice: the Mazālim*

in that official capacity, he is best known as the poet of a moving on the death of one of Roger's sons⁵⁷, so that his relationship to Roger and his family appears to have been closer than merely professional.

Finally, the record adds that, in addition to those listed by name, the case was heard in the presence of "many others" (line 18), unnamed and unnumbered.

4. *What the δικάϊωμα does not record* (CR)

The δικάϊωμα does not relate the process of the case in any detail. The plaintiffs, Abū Muḍar and his cousins, came before Roger II to accuse Lady Muriel of having usurped the mill that their ancestors had once held. Roger summoned "the party" of the Lady Muriel, and she sent her three "men", who attended the court in person, gave their testimony, and submitted the Arabic deed of sale recording the purchase of the mill from Ibn Nāsiḥ by two of Muriel's "men". That deed was read out by the *qāḍī* to the court. At this point, according to the δικάϊωμα, the court found in Muriel's favour, and only as an afterthought does it add that the elders of Ciminna living near to the mill had unanimously testified that the plaintiffs claimed it unjustly and had unjustly come into possession of it (line 16).

The δικάϊωμα does not say precisely when Abū Muḍar and his cousins held the mill and merely implies that they must have done so in the recent past: Muriel had taken the mill that had previously belonged to their parents (ll. 3-4), implying that she had done so after the death of Gosbert, which seems to have occurred between 1110 and 1119. Although the elders of Ciminna testified that the plaintiffs had no legal claim to the mill, the latter insisted that it had once belonged to their γονεῖς, a word that usually means "parents" (i.e. mother and father) in Greek documents from Norman Sicily but may also mean "ancestors". Indeed, the shape of the plaintiffs' kin-group, consisting of Abū Maḍar and "his cousins" (οἱ τοῦτου ἐξάδελφοι), each presumably the son of a paternal uncle (in Arabic *ibn al-'amm*), probably indicates that the mill once belonged to their paternal grandfather and was inherited by his male grandchildren. The plaintiffs were claiming that the mill had been held by their family for at least two generations, possibly for as much as sixty years, since before *circa* 1063, before the Norman conquest. However, the δικάϊωμα also accepts both the testimony of Muriel's party that the mill had been built and held by Gosbert before 1101-1105, and the evidence of the Arabic deed of sale that the "mill-station" had been purchased by Muriel's "men", Abū al-Dhikr and his cousin, from Ibn Nāsiḥ of Palermo. At first sight, these are contradictory statements. How might they be reconciled?

After the Norman conquest, the lands of Petterana, like all of Sicily, notionally became the property of Count Roger I. At some time in or after 1093, possibly on the occasion of Gosbert's marriage to Muriel before June 1095, Roger granted the fief of Petterana to Gosbert. According to the testimony of Muriel's party, it was before the rebellion of the barons in 1101-1105 that Gosbert built the mill that Abū Muḍar and his cousins claimed to have inherited from their paternal grandfather, or possibly rebuilt or repaired it. The patronymic (Arabic *nasab*) Ibn al-Biththirānī, literally "the son of the man from *Biththirāna*", borne by Abū Muḍar, indicates that he and his father claimed a particular connection with Petterana. Perhaps they had been important local landholders, and perhaps even have held the castle and village of Petterana, and its mill, before the Norman conquest. The δικάϊωμα says nothing of the status of Abū Muḍar and his cousins, but clearly neither did they consider themselves, nor were they considered, to be Muriel's "men": the text is at pains to identify Abū al-Dhikr and his cousin as her ἄνθρωποι, it does not suggest that Abū Muḍar and his cousins were her men, which

institution", in *id.*, *The administration of justice in Medieval Egypt: from the 7th to the 12th century*, Edinburgh 2020), pp. 202-228.

⁵⁷ JOHNS, *Arabic Administration* cit., pp. 88-89.

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would presumably have effectively disqualified their claim to the mill. Abū Muḍar and his cousins, however, undoubtedly did hold the mill because even their unsupportive neighbours from Ciminna testified that they had done so, albeit unjustly. Indeed, they must have been holding the mill in order for Muriel to have taken it from them. While the precise nature of their tenure of the mill is not explained in the official record, two things seem to be clear: first, they claimed to have inherited it from their ancestors; and, second, they occupied the mill that that Gosbert was said to have built and held some twenty years earlier, until his widow Muriel took it from them.

Once again, the *δικαίωμα* does not report the precise circumstances in which Muriel took the mill from Abū Muḍar and his cousins, but it does report that Muriel's party showed the court "an Arabic deed of sale according to which Abū al-Dhikr ibn Sawdān, and his cousin, the men of the aforesaid Lady Muriel, bought this mill-station (τὸ τοιοῦτον μυλοστάσιον) from Ibn Nāsiḥ of Palermo" (lines 11-12).

We take this to mean that Muriel removed the usufruct of the mill from Abū Muḍar and his cousins and sold it to Ibn Nāsiḥ of Palermo, who then resold it to Muriel's vassals, Abū al-Dhikr and his cousin. Throughout the Greek record, the mill is called simply τὸν μύλον (lines 4, 16 and 19), except only in the passage just cited referring to the Arabic deed of sale where Abū al-Dhikr and his cousin acquire not the μύλον but the μυλοστάσιον. Μυλοστάσιον is a compound word formed of μύλο- "mill" and the suffix -στάσιον, "station", from ἰστήμι, "to make to stand", "to set up", and denotes the building or structure of a mill and its contents. A thorough search of both the dictionaries and the Greek primary sources from South Italy does not produce a clear, neat and regular distinction between *mylon* and *mylostasion*, the two terms can be, and often are, used interchangeably. In this particular case, the text does appear to distinguish between τὸν μύλον, the mill together with the land upon which it stood that was held by Gosbert and then by Muriel and was claimed by the plaintiffs, and τὸ μυλοστάσιον, literally the structure, but here more probably the usufruct, of the mill, which had been purchased by Abū al-Dhikr and his cousin from Ibn Nāsiḥ of Palermo, while Muriel, the dowager baroness of Petterana, held in fee from Count Roger the land upon which it stood.

The *δικαίωμα* does not reveal how Ibn Nāsiḥ of Palermo came to own the μυλοστάσιον of Muriel's mill, but there can be little doubt that Gosbert or more probably Muriel had transferred it to him for reasons unknown, perhaps after Gosbert's death and in order to clear her own or her late husband's debts. We have already seen that Ibn Nāsiḥ is almost certainly identical to the Ḥasan ibn Nāsiḥ from whom George of Antioch bought the *funduq* in Palermo that he subsequently gave to Santa Maria dell'Ammiraglio in May 1143. The date at which George acquired this *funduq* is unknown, but is likely to have been after 1126 when he was appointed chief minister by Roger II. On this evidence, Ibn Nāsiḥ appears to have been a wealthy Muslim entrepreneur with a special interest in commercial property, who moved in circles close to the court of Roger II during the 1120s. To him, Muriel transferred the μυλοστάσιον of her mill of the Sulla; from him, Muriel's "men", Abū al-Dhikr and his cousin, subsequently purchased the same μυλοστάσιον.

Conclusion (JJ)

Just as the sale of the μυλοστάσιον by Ibn Nāsiḥ to Abū al-Dhikr was conducted according to Islamic law, so too would the μυλοστάσιον have been transferred from Muriel to Ibn Nāsiḥ. At this early date, in Palermo and the surrounding region, property transactions (except, of course, for donations to churches and monasteries) are extremely rare; all those that survive were drawn up in Arabic according to Islamic law⁵⁸. No record of the transfer of the

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⁵⁸ J. JOHNS and N. JAMIL, *Arabic deeds of sale from Norman Sicily*, forthcoming.

μυλοστάσιον to Ibn Nāsih has survived, and so we can only speculate as to the nature of that transaction on the basis of contemporary *shurūt*-manuals, or Arabic formularies for written contracts, from Ifrīqiya and al-Andalus. A deed of sale of a mill in fee simple did not differ greatly from that of a domestic dwelling, except only that the operating parts of the mill tended to be listed separately and in detail, but the transfer of the μυλοστάσιον first to Ibn Nāsih and then to Abū al-Dhikr was clearly more complex than a simple sale. The *shurūt*-manuals give far more examples of contracts wherein the miller (*al-‘āmil*, literally “the agent” or “the worker”) engaged to operate, or to construct and then operate, a mill standing on property owned by a landowner (*ṣāhib al-arḍ*)⁵⁹. Such a contract was classed not as “a deed of purchase” (*wathīqat ibtiyā’*) but rather as a form of lease (*ijāra* or *kirā’*) wherein the miller contracted to use the mill for an fixed period of time, in return for an agreed rent or share of the operating profits. Such a transaction may well have been involved in this particular case, with Ibn Nāsih somehow acting as agent between Muriel and Abū al-Dhikr. It is not difficult to imagine that a Greek scribe might have summed up such a complicated Arabic contract, prepared according to Islamic law with which he was unfamiliar, as “a deed of sale, written in Arabic” (line 10)

Having been expelled from the mill on the Sulla, Abū Muḍar and his cousins may have proceeded immediately to Count Roger’s court to accuse the Lady Muriel of having usurped their family’s mill, but we find it difficult to imagine that an ordinary Muslim subject would have possessed the influence, knowledge and absolute confidence in the justice of his claim necessary to initiate a process in the court of the Norman ruler. No other dispute settled in the presence of a De Hauteville ruler is known to have been brought by a Muslim subject.

We suspect that the plaintiffs took a more circuitous route to arrive in Roger’s court. Given that Abū Muḍar and his cousins had been supplanted in their family’s mill on the Sulla by Abū al-Dhikr and his cousin, fellow Muslims, we would expect them to have first brought their complaint to be judged as an intracommunal case under Islamic law before the Muslim *qāḍī*. Had the plaintiffs lost their case in the *qāḍī*’s court, they might have chosen, or have been advised, to appeal directly to the ruler. More plausibly, perhaps, presented with a case against the vassals of Count Roger’s sister, the *qāḍī* might have found it prudent to wash his hands of the matter by promoting it to Roger’s court, all the more so had he judged the plaintiffs to have a winning case under Islamic law. The *qāḍīs* of Norman Sicily collaborated with the Christian authorities in order to best protect the interests of the whole Muslim community, and might not have wished to antagonise the de Hauteville ruler by finding against his sister’s vassals, and thus against Muriel herself. If Abū Muḍar and his cousins had in this way initiated proceedings before the *qāḍī* only to end up involuntarily in the court of the Norman ruler, that would explain how and why they came to arraign the Lady Muriel in her brother Roger’s own court — a case that they must have realised would be hopeless.

The very existence of this written legal judgement (δικαίωμα) of a case heard in Roger’s court suggests that its issue must have been calculated to reflect positively upon the count and his regime. Had Roger chosen simply to ignore the plaintiffs’ claim and forcibly to award full possession of the mill to Muriel, Abū Muḍar and his cousins could have done nothing to stop him from doing so. But, thirty years after the completion of the military conquest of Sicily, Roger preferred to be seen to rule through legal process rather than by the exercise of might alone. Not only did he formally clear his half-sister of having illegally usurped the mill on the Sulla, but also he demonstrated that he and his judges and ministers were ready and willing to address the claims brought by Muslim plaintiffs according to due process of law. “Comment les hommes étaient-ils jugés? Pour un système social, point de meilleure pierre de touche que

⁵⁹ See, for example, Aḥmad b. Muḡhīth al-Tulayṭulī, *al-Muḡni’ fī ‘ilm al-shurūt*, ed. F. J. AGUIRRE SÁDABA (Madrid 1994), pp. 137-138 (Section 3, no. 7, *wathīqat ibtiyā’ raḡan*, “Instrument for the purchase of a mill”) and pp. 219-220 (Section 3, subsection on instruments of *ijāra*, no. 68, *wathīqat fī bunyān raḡan*, “Instrument for the construction of a mill”).

celle-là”⁶⁰: if we apply Marc Bloch’s criterion to the case of Muriel’s mill, we may well suspect that Roger had his thumb firmly on the scales of justice in favour of his half-sister, but that was not the point. What mattered here was that Muslim plaintiffs had brought their case to Roger’s court and had been seen and heard to do so in public and in the presence of the Muslim *qāḍī* of Palermo, the *qā’id* Abū al-Ḍaw’ “and many others”, Greek, Latin and Muslim (line 18). Justice may not have been done, but it had been seen to be done, at least from the ruler’s perspective. The historian Ibn al-Athīr (1160–1233) relays the following vignette, carefully composed in King Roger’s court or by a source highly sympathetic to his rule, to the effect that he founded a court of complaints (*dīwān al-maẓālim*) to which those [Muslims] who had been unjustly treated brought their grievances, and [Roger] would give them justice even against his own son. He treated the Muslims with respect, took them as his companions, and kept the Franks off them, so that they loved him”⁶¹.

The case of Muriel’s mill suggests that Roger II and his ministers were already engaged in the careful manipulation of his image as judge and lawgiver to “the variety of different peoples subject to his rule” seven years before his coronation and seventeen before the promulgation of the royal assizes⁶².

⁶⁰ M. BLOCH, *La société féodale*, I-II, Paris 1939 (2nd. rev. ed. 1968), bisp. 495.

⁶¹ IBN AL-ATHĪR, *al-Kāmil*, X: 133: *wa-ju’ila la-hu dīwānu l-maẓālimi yurfa’u ilay-hi shakwā l-maẓlūmīna fa-yunṣifu-hum wa-law min waladi-hi wa-akrama l-muslimīna wa-qarraba-hum wa-mana’ a’an-humu l-faranja fa-aḥabbūhu*. This vignette is likely to have been collected by Zīrid prince Ibn Shaddād, who visited Palermo shortly after Roger’s death in 1156/7, carried to Syria, and there passed on to Ibn al-Athīr: see JOHNS, *Arabic Administration* cit., p. 85, p. 86, p. 87-88, p. 217, p. 284.

⁶² The reference is to the following well-known passage from the introduction to the so-called Assizes of Ariano: «because of the variety of different peoples subject to our rule, the usages, customs and laws which have existed among them up to now are not abrogated unless what is observed in them is clearly in contradiction to our edicts here»: O. ZECCHINO (ed.), *Le Assise di Ariano*, Cava dei Tirreni 1984, p. 27.

Appendix

Archivio di Stato di Palermo, Mensa Arcivescovile di Cefalù, pergamena no. 1.

1 January, Indiction I, 6631AM [1123AD] (Fig. 1)

Authentic original δικάσιμα or formal written judgement.

Dimensions: 488mm x 385 mm.

Edited: CUSA, *I diplomati greci ed arabi*, cit., p. 471 (= C); G. SPATA, *Diplomi greci siciliani inediti*, in *Miscellanea di storia italiana* 12 (1871), pp. 163-468, esp. 409-411, seconda serie, doc. I (= S); only the most substantial of the many but generally insignificant variant readings are noted in the apparatus.

Register: E. CASPAR, *Roger II (1101-1154) und die Gründung der normannisch-sicilischen Monarchie*, Innsbruck 1904, now reprinted and translated as *Ruggero II e la fondazione della monarchia normanna di Sicilia* with introduction by O. ZECCHINO and references to recent bibliography added to the register, Roma-Bari 1999), register no. 52.

Notes on verso (Fig. 2):

Concessio molendini yssallais(?)^a (fourteenth century?). *Instrumentum grece scriptum* (nineteenth century?). *Z no. 6* (mid-nineteenth century). *1123* (late nineteenth or early twentieth century). *nº. 1* (nineteenth century?). *Dal n. 1. al nº. 6. / caratteri Greci.* (nineteenth century?). *No. 5* (twentieth century). 62 (twentieth century). Stamp: ARCHIVIO DI STATO / PALERMO / Tab. Della chiesa / di Cefalù / Perg.^a n. 1

† Κατὰ τὸν Ἰαννου(άριον) μῆνα^b τῆς α̅ ἰνδ(ικ)τ(ῶνος) ἐμοῦ Ῥωκ(ε)ρ(ίου) κόμιτο(ς) τὰς διατριβὰς ποιουμ(έν)ου μου ἐν τῇ ἡμετ(έ)ρ(α) ἰ² πόλει Πανόρμου εἴκε πρὸς μ(ε) ἐκεῖσε Βουμάδαρ(ης) ὁ υἱ(ὸς) Πεθθεράνου (καὶ) οἱ τούτου ἐξά-ἰ³ δελφοὶ (καὶ) ἐνίγων κατὰ τῆς κυρ(ᾶς) Μωριέλλας Παθθεράν(ων)· ὡσὶτι ἀφείλατο αὐτ(ῶν) τὸν ἰ⁴ μύλον ὃν καὶ ἐπροεῖχον^c οἱ τοῦτ(ων) γονεῖς, τὸν ὄντα (καὶ) διακείμενον εἰς τὸν ποταμὸν Σούλλ(ας) ἰ⁵ τὸν ἀναμεταξὺ Λίβρυκες (καὶ) Κιμύνν(ων)· τοῦτο δὲ παρ' αὐτ(ῶν) κἀγὼ ἐνοτισ(θεῖς) ἐπροσεκά-ἰ⁶ λεσα τὸ μέρος(ς) τῆς ρηθῆσ(ης) Μωριέλλ(ας) (καὶ) αὐθης ἐπαπέστειλεν ἡμῖν τὸν τε πρεσ(βύ)τ(ε)ρ(ον) Ἰω(άννην)· (καὶ) Ἀβδελ-ἰ⁷ κηρίμ σὺν τοῦ Ἄλη κάιτου· οἵτινες ἀπεκρίθησαν μία φωνὴ λέγοντες ὅτι τὸν εἰρημένο(ν) ἰ⁸ μύλ(ον) ὁ τελευτήσ(ας) κῦρ^d Γιοσπέρτο(ς)^e τοῦτον πεποίηκ(ε) καὶ ἐγκυρίευσεν^f (καὶ) ἐδέσποσεν αὐτ(ὸν) πρὶν ἰ⁹ παρὰ τῆς σῆς τοῦ ἀγίου αὐθ(έν)τ(ου) ἡμ(ῶν) αὐλῆς ἀναλαβότος αὐτοῦ τὰ Κίμινα (καὶ) αὐτὸς τοῦτον πρὶν ἰ¹⁰ τοῦ μούρτου τῶν τερρερί(ων) ἰ^g πεποίηκ(ε) (καὶ) κεκράτικ(ε)· ὅθεν καὶ χάρ(την) ἀγορᾶς ἐπέδειξαν ἡμῖν σαρακινιστ(ῆ) γεγρα- ἰ¹¹ μμέν(ον) ὅτι τὸ τοιοῦτον μυλοστάσιον ἀγόρακ(ε) αὐτό(ς)^h ὁ τε Βουδίκερ ἔπεν Σεοτὲν (καὶ) ὁ τούτου ἐξά-ἰ¹² δελφος οἱ τῆς προγραφῆσ(ης) κυρ(ᾶς) Μωριέλλ(ας) ἄν(θρωπ)οι παρὰ τοῦ ἔπεν Νάσαχ Πανόρμ(ου), ὅθεν δεῖ (καὶ) ὁ ἀλκάδιο(ς)ⁱ ἰ¹³

^a S yssaliatus.

^b S μίνα.

^c S ἐπροεῖχον.

^d C κῦρις; S κῦρης.

^e S γῖοπέρτος.

^f S ἐκυρίευσεν.

^g τοῦ μούρτου τῶν τερρερίων: both Cusa (p. 704) and Spata (following C. DU FRESNE DU CANGE, *Glossarium ad Scriptores mediae et infimae Graecitatis*, I-II, Lyons 1688, I, p. 963, mistranslate this phrase as *della strage dei Feudatari/Terreri*, “the massacre” or “slaughter of the barons”. In fact, the word μούρτος / μούρτον, derived from Latin *tumultus* (see also μούλτος / μούλτον), is used frequently in Byzantine texts from the eighth century onwards to mean “mutiny” or “rebellion”: V. ZERVAN, *Die Lehnwörter im Wortschatz der spätbyzantinischen historiographischen Literatur*, Berlin 2019 (Byzantisches Archiv, 36), pp. 118-119; see also CARACAUSI, *Lessico greco* cit., 395b, 393b, and E. TRAPP - C. CUPANE - E. SCHIFFER-A. RHOBY *et al.*, *Lexikon zur byzantinischen Gräzität besonders des 9.-12. Jahrhunderts*, Wien 2001-2017, p. 1047.

^h C αὐτό.

ⁱ S ὁ ἀλκάδιο.

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Πανόρμου ἐν τῇ ἡμετέρα κόρτ(η) ἀναγνοὺς τὸν χάρτ(η)^j. εὐρωμεν διὰ τοῦτ(ο) ὅτι δικαί(ως) κυριεύει τοῦ I¹⁴ τοιοῦτου μύλ(ου) τὸ μέρος(ς) τῆς κυρ(ᾶς) Μωριέλλ(ας). μᾶλλον δὲ, (καὶ) ἡ γερουσία Κιμίν(ων), οἱ τοῦτ(ω) πλησιάζοντες, I¹⁵ ἐμαρτύρισαν μία φωνῆ λέγοντ(ες) ὅτι ἀδίκ(ως) οἱ ῥηθέντ(ες) ὁ τε Βουμάδαρ(ης) (καὶ) οἱ αὐτοῦ ἐξάδε(λφοι) τὸν I¹⁶ τοιοῦτον μύλον ἐπιζητοῦν· (καὶ) εἰς αὐτ(ὸν) οὔτε ἐν δίκ(η) κέκτηνται. Ἐνθεν τοι (καὶ) κέκρικεν I¹⁷ ἡ ἐμὴ αὐλή, ὁ τε κύρ^k Χριστόδουλ(ος) ὁ (πρω)τ(ο)νω(βε)λίσιμ(ος)^l (καὶ) ἀμηρ(ᾶς)^m (καὶ) Νικόλ(ας) ὁ τοῦ Ῥηγίου (καὶ) κριτ(ῆς) παρώντ(ων) τοῦ τε Ἰω(άννου) I¹⁸ Ζήκρι (καὶ) Χαμμέττα, (καὶ) τοῦ ἀλκαδί(ου) Πανόρμ(ου), (καὶ) τοῦ κάιτου Βοδδάου, (καὶ) ἐτέρ(ων) πλήστ(ων), ἵνα ἔχει τὸν τοιοῦτ(ον) I¹⁹ μύλον τὸ μέρος(ς) τῆς κυρ(ᾶς) Μωριέλλ(ας), ὡς ἀξι(ως) (καὶ) δικαί(ως) αὐτὸν δεσπόσασ(εν)ⁿ· τὸ δὲ μέρος(ς) τῶν προλεχθέντ(ων) I²⁰ Βουμάδαρ(η) (καὶ) λοιπ(ῶν) ἀπεπαύσαντο ὡς παράλλο(ς) ζητούμ(ε)ν(ον). Ἐπὶ τοῦτο γάρ (καὶ) τὸ παρὸν δικαίωμ(α) I²¹ κηρωθέν (καὶ) σφραγισθέν τῇ συνήθ(ει) μου διὰ μολίβδ(ου) βούλλ(η), ἐπεδώθ(η) τῶ μέρη τῆς κυρ(ᾶς) Μωριέλλ(ας) Παθθεράνων I²² εἰς δικαίωσιν^o αὐτ(ῶν)· μην(ί)^p (καὶ) ἰν(δικτιῶν) τοῖς προγεγραμμ(ένους) ἐν τῶ *χγλᾶ* ἔτει· †††

I²³ † Ρωκ(έριος) κόμης Καλαβρί(ας) καὶ Σικελί(ας) καὶ βοηθ(ός) τῶν χριστ(ι)ανῶν

^j S χάρτον.

^k C κύρις; S κύρης.

^l S πρωτονωβίλισμος.

^m S ἀμηρ.

ⁿ C and S δεσπόσασα.

^o S δικαίως.

^p C μηνή.

Captions for Figures

Fig. 1. The *dikaiōma*: ASP, Cefalù, perg. no. 1, recto. © Archivio di Stato di Palermo.

Fig. 2. The *dikaiōma*: ASP, Cefalù, perg. no. 1, verso. © Archivio di Stato di Palermo.

Fig. 3. Map of the River Sulla (mod. Fiume San Leonardo).

Fig. 4. Structure of a penstock drop-tower mill (after Avitsur, *History of the Exploitation of Water Power*, fig. 1).

Fig. 5. Section through penstock drop-tower mill (after Avitsur, *History of the Exploitation of Water Power*, fig. 2).

Fig. 6. The Mulino di Calatrasi on the Belice Destro, near Roccamena, medieval to early 20th century (photo. 1981, before recent restoration). Key: (A) Aqueduct bringing water from upstream; (B) Penstock drop-tower; (C) Position of the wheel-chamber housing a horizontal waterwheel driven by a jet of water directed through a narrow nozzle under pressure from the column of water in the drop tower; (D) Position of the stone-chamber containing the millstones, the stationary bedstone and the runner stone rotated by the shaft rising from the horizontal waterwheel in the chamber directly below; (E) Outlet for water from the wheel-chamber; (F) Doorway to the mill-house.