

# The mystery at Chùrchuro: conspiracy or incompetence in twelfth-century Sicily?

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(PLATES I–IV)

## Introduction

Immediately after his successful conquest of Muslim Sicily (1060–92), Roger de Hauteville set about dividing the spoils amongst the small band of Norman, French and Italian knights who were his closest followers.<sup>1</sup> This distribution of the land of Sicily and its inhabitants was in part based upon the fiscal documents of the Muslim administration, which were salvaged and adapted to post-conquest circumstances by a small cadre of Greek bureaucrats imported from Calabria.<sup>2</sup> The documents were of two types: lists of tax-payers, known in Arabic as *jarā'id* (sg. *jarida*; Greek *plateia*; Latin *platea*); and descriptions of estate boundaries, known as *ḥudūd* (sg. *ḥadd*; Greek *periorismos*; Latin *divisa*). These were the foundations of the Arabic administration of Norman Sicily.

For some 20 years after the conquest, the Norman rulers issued Arabic documents to their feudatories and officials. These included *jarā'id* of the subject population, who are generally referred to as 'villeins' (Arabic, *rijāl al-jarā'id*; Greek, *anthrōpoi* or *bellanoi*; Latin, *villani* or *servi*) for, in the topsy-turvy world of Norman Sicily, the Muslim population was reduced to the status of *dhimmīs* and required to pay the *jizya*. Typically, the preamble and conclusion of these *jarā'id* was composed in Greek, while the names of the villeins were listed in Arabic. Boundary descriptions were also compiled and, when appropriate, issued to feudal landholders; in western Sicily, where the vast majority of the population continued to be Arab throughout the twelfth century, these were composed in Arabic. Bilingual, Arabic-Greek, writs were also issued to local officials who, at this early date, tended to be drawn from the Arabic- and Greek-speaking communities. Little more than a generation after the conquest, the Norman administration suspended the issue of Arabic documents, although there is reason to believe that it continued to use Arabic for internal records relating to the administration of the de Hauteville demesne in western Sicily, which was maintained as a sort of Muslim reservation.

<sup>1</sup> The authors wish to express their gratitude to Padre Giuseppe Randazzo, Assessore ai Beni Culturali della Curia Arcivescovile di Palermo, for kindly enabling them to examine the Arabic documents under his care; and to Dottore Francesco Vergara, Direttore della Sezione per i Beni Archivistici del Centro Regionale per la Progettazione e il Restauro, for procuring us photographs of the Arabic documents in the Archivio Storico Diocesano. Dottoressa D. Rufino, Direttrice dell'Archivio Storico Diocesano di Palermo, and Dottore Ferdinando Maurici both gave fundamental advice and assistance. The authors are particularly grateful to Nadia Jamil who made indispensable comments upon several drafts of this article. A.M. wishes to thank Ferdinando Maurici for his generous hospitality in 1997 and 98. J.J. is especially grateful to Ariane Sallier de la Tour for her warm hospitality in March 1998, and to Filiberto and Domitilla Sallier de la Tour for their unfailing, open-handed generosity; the final corrections to this article were made by the swimming-pool in their delightful garden at Masseria Pernice, on the site of Rahl Ibn Sahl.

<sup>2</sup> For a detailed account of the history of the Norman *diwān* summarized in these first three paragraphs, see Johns (forthcoming).

On Christmas Day 1130, Roger II had himself crowned king of Sicily, and George of Antioch, his chief minister, set about creating an Arabic administration befitting his master's new status. The royal *dīwān* (Arabic, *dīwān al-ma'mūr*, Latin, *duana regia*) was rebuilt upon the foundations of the pre-conquest Muslim administration of Sicily, but incorporated many elements of bureaucratic practice and structure imported from Fatimid Egypt, with which Norman Sicily, and George of Antioch in particular, had especially close contacts. The royal *dīwān* began once again to issue Arabic and bilingual documents, and constituted the most important branch of the fiscal administration of the island from 1130 until the fall of the dynasty in 1194. We possess details of 44 Arabic and bilingual documents issued by the Norman *dīwān*, of which 32 survive as originals, and six as transumpt into Greek or Latin. This corpus constitutes the largest group of documents to be issued by an Arabic administration, albeit a Christian one, before the thirteenth century, and the very fact of its survival gives it a unique importance in the history of Arabic diplomatics and fiscal administration.

The subject of this article is an administrative mystery, which some have thought the result of deliberate fraud. It is of interest not just as a complex, if admittedly rather tame, medieval whodunit, but especially for what it reveals about the Arabic administration of Norman Sicily, and how its Arabic products were regarded and used by Greek and Latin recipients. By way of postscript, it also touches upon the interesting question of the knowledge and study of Arabic in Sicily from the fourteenth century to the present.

The chief suspect of the alleged fraud is the *dīwān al-tahqīq al-ma'mūr*, an office created in c.1145 with the principal responsibility of compiling and preserving the *dafātir al-hudūd*, the registers of the boundaries of all lands upon which the feudal and fiscal administration of the island was largely dependent. This was also the office charged with the supervision of all grants of land out of the royal demesne.<sup>3</sup> It was in this capacity that, in 1149 and 1154, it issued two Arabic copies of a donation of lands and villeins to the monks of San Nicolò di Chùrchuro (hereafter, respectively, C1149 and C1154):<sup>4</sup> both are reproduced, edited and translated below (Plates I–IV; Appendices 1 and 2).<sup>5</sup>

San Nicolò, which stands accused of being the accessory to, or even the instigator of the alleged fraud, was a Greek monastery founded in 1141 by Theodore of Antioch.<sup>6</sup> It lay about 4 km. south-west of Palermo, above and to the east of where the road to Altofonte (once Parco) crosses the Fiume Oreto (fig. 1), at modern Casuzze.<sup>7</sup> The name Chùrchuro appears variously as *Χούχουρη*, Cùrchuro, Gùrguro and Chùrkaru. The Arabic name is vocalized as [*al-H.rhūr*] in C1154, l.3, and may derive from the Arabic noun *harhar* or *hurhūr*, an onomatopoeia for the gurgle of running water.<sup>8</sup> At some point between 1205, when S. Nicolò last appears as an independent Greek monas-

<sup>3</sup> For the *dīwān al-tahqīq al-ma'mūr*, see: Amari (1878: 431); Amari (1933–39: III, 327–8, n. 2); Garufi (1901: 229, 236–8); Caspar (1904: 314–17); Chalandon (1907: II, 647–53); Mayer (1909: II, 384–8); Genuardi (1910: 161); Caravale (1964: 206–9); Mazzarese Fardella (1966: 29); Noth (1983: 217–18); Johns (1983: I, 69–87); Takayama (1985: passim, esp. 137–8); Takayama (1993: passim, esp. 81–5); Johns (forthcoming: passim, esp. chs iv and vi, pt II).

<sup>4</sup> Rocco (1971–72).

<sup>5</sup> For reasons that are never discussed, C1154 is omitted from Enzensberger (1996).

<sup>6</sup> Cusa (1868 82: 22 23). Gregorio (1790: 211, n. 3) is mistaken in saying that it was a Cistercian foundation; it was only in 1267 that S. Nicolò was granted by the Archbishop of Palermo to the Cistercian house of Fossanova, see Scaduto (1947: 151–2).

<sup>7</sup> Grid reference: Istituto Geografico Militare, Carta d'Italia I: 125,000, Sheet (all the preceding will hereafter be abbreviated to 'IGM') 249 II S.O. (Monreale) 532160. Rocco (1971–72: 37 8). See also Bresc (1972: 90 and fig. 1).

<sup>8</sup> Rocco (1971–72: 33–6), citing Freytag (1830–37: II, 388). See also: Caracausi (1990: 624); Caracausi (1993: I, 780).

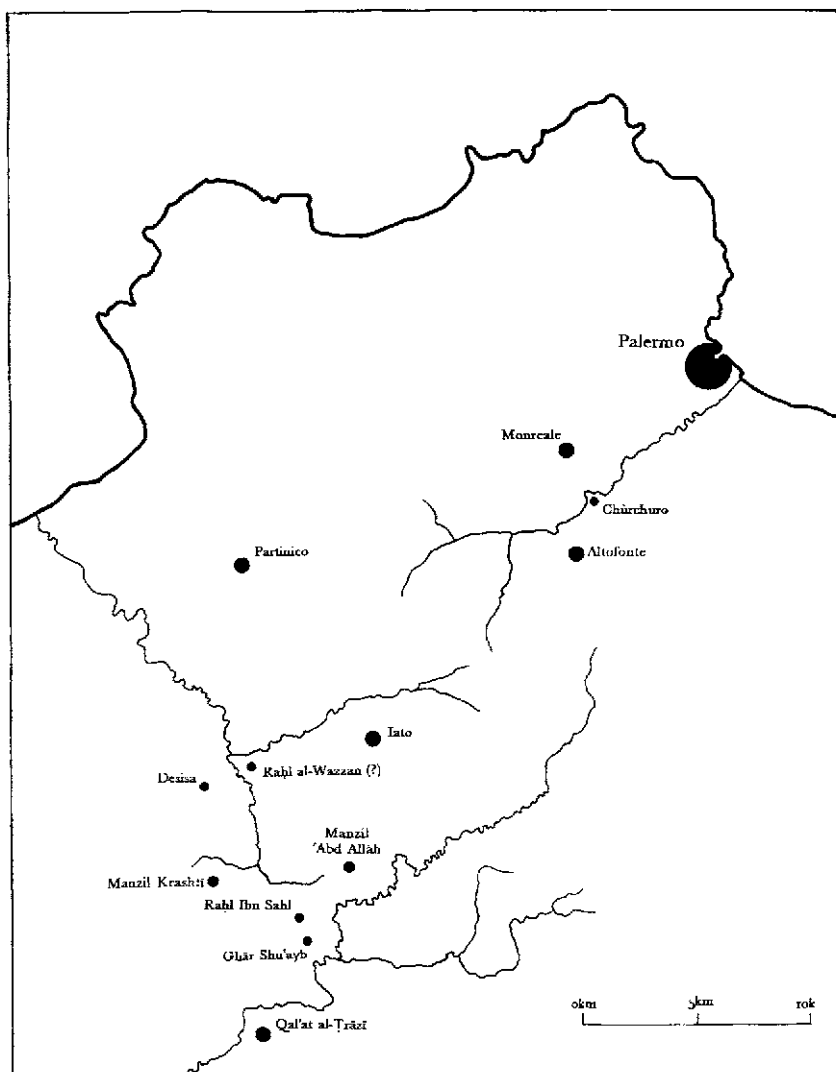


FIG. 1.

tery,<sup>9</sup> and 1267, when it was granted by the Archbishop of Palermo to the Cistercian house of Fossanuova,<sup>10</sup> the monastery was dissolved, and the church and its property passed into the hands of Palermo cathedral. Thus, its charters, including the two documents of interest to us, came to be preserved in the tabulary of the cathedral.

In April 1149, the newly created *dīwān al-tahqīq al-ma'mūr* received the order to grant to the monks of Chùrchuro, out of the lands under its control, a piece of arable land and five households of villeins. In December of the same year, the *dīwān* issued the monks with a copy of the donation, which named the estate from which the lands were granted as Raḥl al-Wazzān and described

<sup>9</sup> Pirri (1733: I, col. 129); Huillard-Bréholles (1852-61: I, pt. I, 114-15).

<sup>10</sup> The donation of 14 June 1267 was confirmed by Pope Nicholas IV on 26 September 1291: Langlois (1886: no. 3468, 542-3); Mortillaro (1843: no. 67, p. 236); ed. Mongitore (1734: 117).

[illegible]

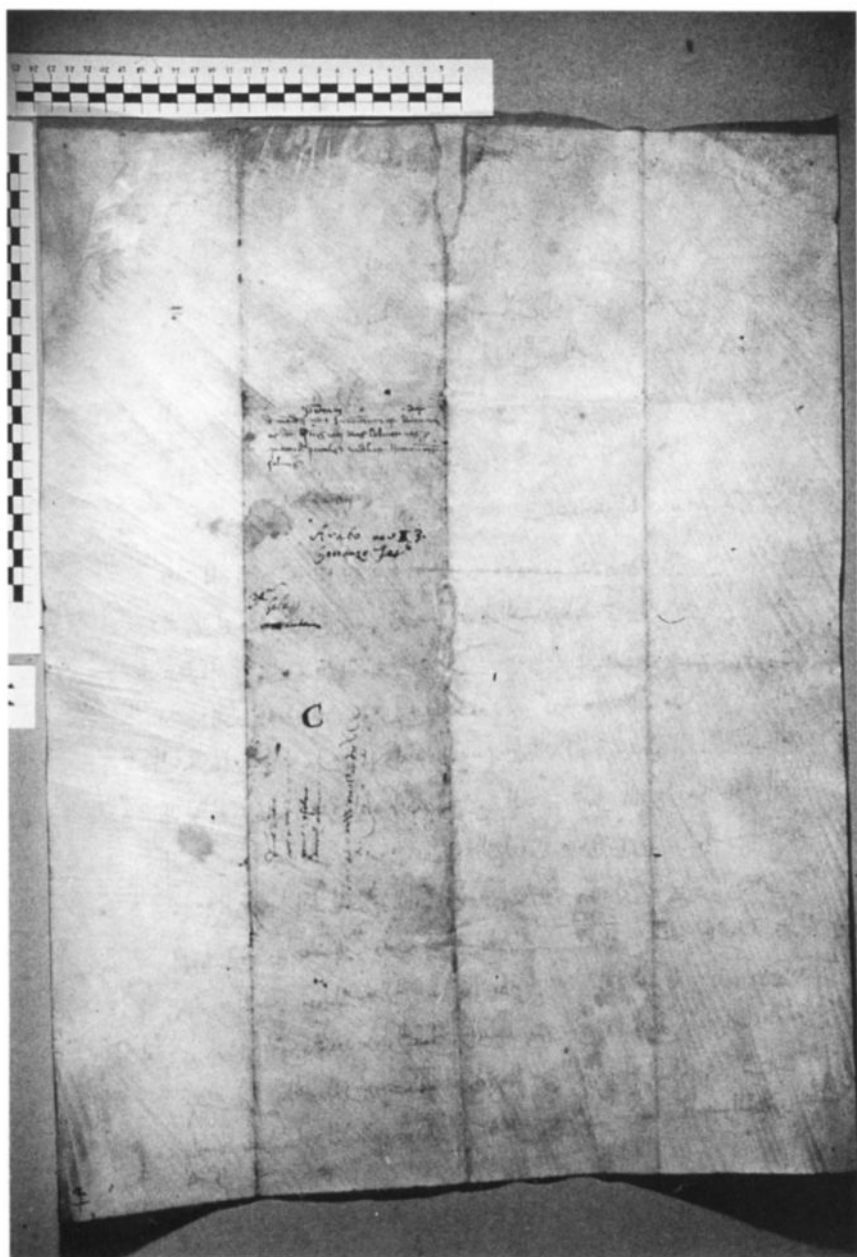


PLATE II: C1149 verso

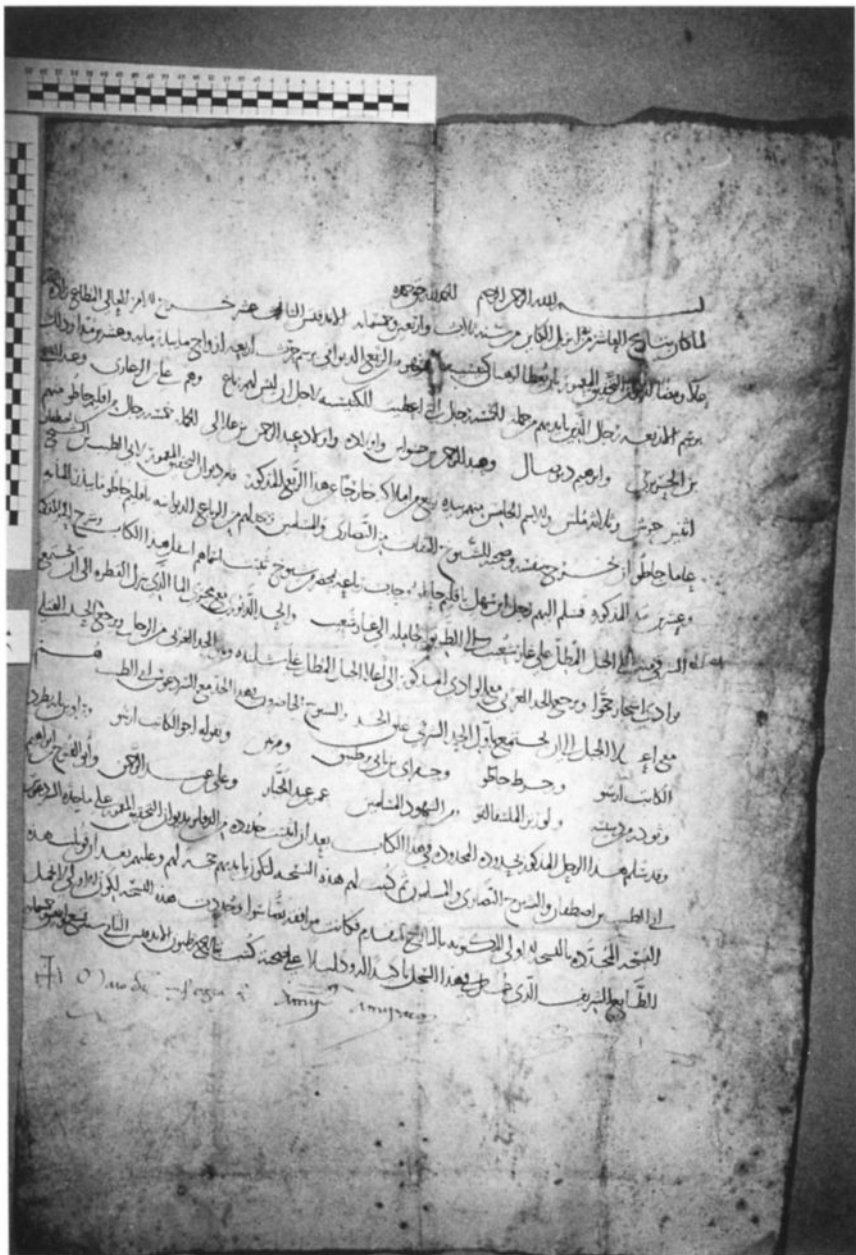


PLATE III: C1154 recto

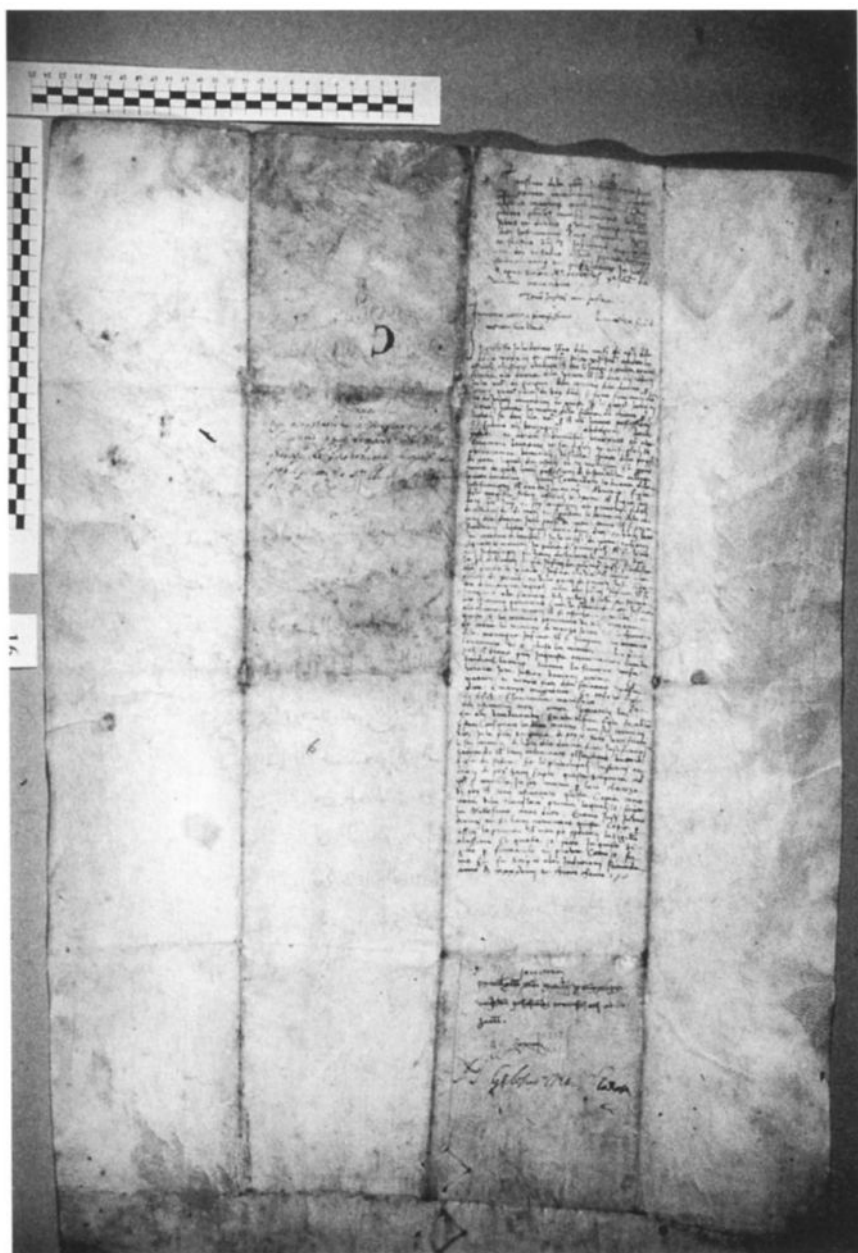


PLATE IV: C1154 verso

its boundaries. The monks subsequently protested that the copy did not bear the royal seal and, in March 1154,<sup>11</sup> the *diwān* duly issued what the text insists was a verbatim copy of the earlier document, furnished not only with the royal seal, but also with the autograph signature of the chancellor Maio of Bari.

In this lies the mystery, for C1154 granted the same five villeins and the same area of land, but at an estate named Raḥl Ibn Sahl (not Raḥl al-Wazzān) which had completely different boundaries. The locations of the two estates can be approximately identified; they did not adjoin, and lay 5–6 km. from each other (fig. 1).<sup>12</sup> What purport to be two identical copies of the same original donation are nothing of the kind, but involve two completely different estates.

The late Albrecht Noth, who investigated this mystery first in German in 1978, and then in Italian in 1983, concluded that there had been a conspiracy in the *diwān*, and that C1154 was a forgery, made either with the collusion of Maio, or in an attempt to disgrace him by implicating him in the fraud.<sup>13</sup> By reopening the case, we hope to clear the names of both Maio and the Arab elders of the *diwān* who supervised the grant, and thereby to offer a more convincing and more revealing explanation.

*The documents: diplomatic structure and contents*

The diplomatic structure of the two documents is practically identical. Each opens with the *basmala* by way of *invocatio* (1.1).<sup>14</sup> As is common in Sicilian documents, there is no other introductory material, nor any *expositio*, and we move briskly into the initial dating formula which opens the *dispositio* (1.2).<sup>15</sup> Both copies give the same date—10 April A.H. 543, 12th indiction—that on which the donation was ordered (*actum*).

The opening formula of the *dispositio* (C1149, l. 3; C1154, ll. 2–3) is unusually terse and lacks any explicit reference to the royal source of the order. Compare, for example, the formula in C1149—*kharaja 'l-amru 'l-'ālī 'l-muṭā'u zāda-hu 'llāhu 'alā'an wa-madā'an*, 'there went forth the high, to-be-obeyed order, may God increase it in elevation and efficacy'—with that of Arabic renewals issued just five years earlier in 1145—*kharaja 'l-amru 'l-'ālī 'l-muṭā'u 'l-malikīyu 'l-mu'azzamīyu 'l-qiddīsīyu 'l-rujārīyu zāda-hu 'llāhu 'alā'an wa-madā'an*, 'there went forth the high, to-be-obeyed, royal, sublime, holy, Rogerian order, may God increase it in elevation and efficacy'; it is not that such styles deflated over time for, under William II, the *dispositiones* of Arabic

<sup>11</sup> For the date, see n. 30 below.

<sup>12</sup> Raḥl Ibn Sahl is probably to be identified with the large medieval settlement located by the Monreale Survey at the modern Masseria Pernice: Site MS.8; IGM 258 IV S.E. (Camporeale) 377963. Raḥl al-Wazzān is more difficult to identify with precision; it seems to have lain between the valleys now known as the Fiume Iato and the Vallone Desisa—their confluence lies at IGM 258 IV NE (San Cipirello) 348037—the Monreale Survey located several small twelfth-century sites nearby, but no substantial settlement. Although not adjoining, the two estates were thus separated by only 5–6 km. and by the neighbouring estates of Manzil Krashti and Manzil 'Abd Allāh. Manzil Krashti probably lay at modern Azzolino Nuovo: Site MS.98: 258 IV S.E. (Camporeale) 338971. Manzil 'Abd Allāh probably lay on Monte Raitano—IGM 258 IV N.E. (San Cipirello) 400985—where the Monreale Survey has located a series of twelfth-century sites (Sites MS.60, 63, 7, 71, 111, 12, 114, 167, 8). See forthcoming publication of the Monreale Survey and meanwhile: Di Giovanni (1892: 449); D'Angelo (1973: 337); Bercher *et al.* (1979: 545); Lima (1991); Nania (1995); Maurici (1998).

<sup>13</sup> Noth (1983: 198): 'a forgery perpetrated within the "Diwān" itself, with Maio's involvement or as a trick to harm him'. The sad news of Albrecht Noth's untimely death arrived while this article was in the press. J.J. wishes to acknowledge the many kindnesses and considerable intellectual generosity shown to him by Albrecht Noth, and deeply regrets not being able to discuss this article with him, the fruit of a conversation held in March 1979.

<sup>14</sup> For the *basmala* as invocation, see Stern (1964: 107–8). Noth (1983: 197) is mistaken in his assumption that the opening *basmala* is an *'alāma*.

<sup>15</sup> Wansbrough (1984: 15).



documents grew still more elaborate than those of his grandfather.<sup>16</sup> This brevity is at first puzzling, and we shall return to it below.

The *dīwān al-tahqīq al-ma'mūr* was ordered to grant from the *dīwānī* lands to the monks of the church of Chūrchuro four plough-lands which might be sown with 120 *mudds* or measures of grain, equivalent to some 268 hectares or 108 acres (C1149, II.3 4; C1154 I.3).<sup>17</sup> The next clause deals with the five named households of Muslim villeins granted with the land (C1149, II.4–7; C1154, II.4 6).<sup>18</sup> Of the five, four were granted because they had no land, but the fifth had his own lands elsewhere. Three of the five were *muls*, literally 'smooth men', and two *hursh*, literally 'rough men'. These are Arabic terms for two of the categories of villeins encountered in Norman Sicily; they may be a literal translation of the Latin *glabri* and *rustici*. The precise status and terms of service of villeins, especially Muslim villeins, in Norman Sicily is an obscure and complicated subject, but it would seem that, at least in theory, the *hursh* were adscripted to a specific piece of land and owed hereditary service *intuitu personae*, upon their own persons. The *muls* were newcomers or immigrants, who had recently commended themselves (or, perhaps, had been commended) into service; theoretically, they owed non-hereditary service *respectu tenimenti* upon the lands that they held of their new lords. Such nice distinctions, ultimately derived from Roman Law, grew blurred in the case of Muslim villeins who all owed, as it were upon their souls, the *jizya* or penal religious tax to their lord. In practice, whatever the legal status of Muslim villeins, their condition varied greatly from place to place and from time to time, and the law tended to apply only when and where royal authority was strong enough to enforce it.<sup>19</sup>

As to the villeins granted to Chūrchuro, the first three named are presumably all *muls*; the remainder, the two *hursh*, are granted with their offspring and must therefore have owed heritable service *intuitu personae*. But here the theoretical distinction between the two groups begins to break down. The *muls*, by definition, should have held land, but are here described as landless. The *hursh*, again by definition, should have been adscripted to the land that they held from the monks of Chūrchuro, but one of them—'Abd al-Raḥmān Ibn 'Allālī—had property elsewhere. All that we can say is that such anomalies and contradictions are far from uncommon in the study of the Muslim villeins of Sicily.

Next, apparently within the main body of the *dispositio*, comes a record of the inquest held to determine the boundaries of the land granted (C1149, I.7–10; C1154, II.6 8). The *dīwān* ordered the bailiff ('*āmīl* or *sardaghūs*—i.e. *strategus* = στρατηγός) of Iato, Abū 'l-Tayyib ibn Shaykh Iṣṭafān, to hold the inquest in person and on the ground.<sup>20</sup> The jurors are described as *al-shuyūkh*

<sup>16</sup> Johns (1986).

<sup>17</sup> The Arabic *zawja*, meaning a 'pair' [of oxen], corresponds to the Greek ζευγάριον (occasionally just βόδιον, 'ox') and to the Latin *parricium*, and was equivalent to 30 *mudds*, μόδια, or *salme*, where 1 *mudd* corresponds to approximately 2.23 hectares. The *mudd* was also a measure of capacity, theoretically corresponding to the amount of grain needed to seed one *mudd* of land. Its standard equivalent was approximately 275 litres.

<sup>18</sup> For a discussion of their names, see nn. 133–5 below.

<sup>19</sup> Johns (forthcoming: ch. v, pt. 5). For all its faults, the best introduction to villeinage in Sicily remains Peri (1965), now reprinted in Peri (1993: 5–121).

<sup>20</sup> Amari (1933–39: III, 321, n. 1) identified him with Eugenius τοῦ Καλοῦ, on the grounds, first, that his Greek patronymic is a literal translation of the Arabic Abū 'l-Tayyib; and, second, that he appears in a bilingual record of a boundary inquest held in August 1175, known only through a Latin translation of 1286, as *Eugenius of Calos, qui in lingua arabica vocabatur Buttayb*: Palermo, Archivio di Stato, Tabulary of San Salvatore di Cefalù, no. 60, poorly edited by Spata (1862: 451–6). Eugenius τοῦ Καλοῦ/Abū 'l-Tayyib rose to become one of the leading officers of the administration under William II: Johns (forthcoming: iv, section 4); and, with care, Takayama (1993: 137–9). On the identification and misidentification of the various figures named Eugenius or Abū 'l-Tayyib, see the helpful caveats of Ménager (1960: 222–4).

*al-thiqāt*—‘trustworthy elders’,<sup>21</sup> the Arabic equivalent of the ubiquitous *boni homines*—and were drawn from both Christians and Muslims, in the proportion of 8 to 3.<sup>22</sup>

This is followed by a clause which states that Abū ‘l-Tayyib, in the presence of the jurors, handed over to the monks the lands demarcated (C1149, ll.9–10; C1154, l.8). Next, comes the description of the boundaries: of lands granted from Rahl al-Wazzān in C1149 (ll.10–13); and of the whole estate of Rahl Ibn Sahl in C1154 (ll.9–11).<sup>23</sup> In the earlier document, at the end of the description of the lands granted from Rahl al-Wazzān, it is repeated that the area of the lands demarcated is such as may be sown with 120 *mudds* (l.13); this clause does not appear in C1154. Finally, on the subject of the boundary inquest, the names of the jurors on the boundary inquest are listed; first, the eight Christians, and then the three Muslims (C149, ll.14–16; C1154, ll.12–13).

At this point, with all matters related to the boundary inquest concluded, the two documents part company, and are best considered separately. In C1149, the *dispositio* ends by repeating that the lands demarcated were handed over to the monks, after their newly-determined boundaries had been recorded in the *daftar al-hudūd* in the *diwān al-tahqīq al-ma‘mūr* (ll.16–17). What appears to be a *corroboratio* follows, in which it is explained that the document is a copy (*nuskha*) made for the monks. Two of the elders of the *diwān al-ma‘mūr*, the *qā’id* Barūn<sup>24</sup> and the scribe ‘Uthmān,<sup>25</sup> have added their *‘alāma* (*sic*, in the singular), in confirmation of the copy and as proof of its authenticity.<sup>26</sup> This leads to the eschatology, consisting of the *datum*, December A.H. 544, 13th indiction (A.D. 1149) and the standard *hasbala* by way of *apprecatio*.<sup>27</sup> At the foot of the text, in different hands, come two notes. On the left is the standard registration mark of the *diwān al-tahqīq al-ma‘mūr*, *ṣaḥīḥ bi’l-ta’rīkh*, ‘Correct on the date’.<sup>28</sup> On the right is a complicated cypher which is presumably the *‘alāma* of the two officials; very tentatively, we suggest that it may read *raḥima ‘llāhu ‘alā ‘abday-hi*, ‘May God have mercy on his two servants’.<sup>29</sup>

<sup>21</sup> Davies and Fouracre (1986: 269–70 and index, s.v.).

<sup>22</sup> For a discussion of their names, see nn. 139–43 below.

<sup>23</sup> For a discussion of the boundaries, see n. 12 above and nn. 136–8 and 193–8 below.

<sup>24</sup> Barūn is one of the most interesting of the palace Saracens. A Berber of the Ṣaḡghiyān clan of the tribe of Sadwīkīsh in the Kutāma confederation, he was seized from his native Jarba as a child, perhaps in 1135; he was apparently castrated and raised in the Norman palace: Ibn Khaldūn (1988: 515). Barūn’s first public appearance is in C1149. In a trilingual inscription of A.D. 1152–53, he features with both his slave-name *al-fatā Barūn*—presumably, with heavy irony, from the Latin *baronus*: Caracausi (1993: 1, 118)—and his Christian name, *Petrus servus*: Amari (1875: plate S, figs. 1–2); Amari (1971: 63–6). Under William I, he rose to be admiral of the fleet and *magister camerarius palatii*: Romuald of Salerno (1935: 242); ‘Hugo Falcandus’ (1897: 26, 27). Peter was manumitted by William I on his deathbed, and became one of the triumvirate of *familiares curie* appointed to advise the Queen Regent: ‘Hugo Falcandus’ (1897: 88, 90, 97, 100). In the same year he defected to the Almohads and, under the name Aḥmad al-Ṣiqillī became admiral of the fleet (*qā’id al-uṣṭūl*) to Abū Ya‘qūb Yūsuf ibn ‘Abd al-Mu‘min: Ibn Khaldūn (1988: 515). He is most definitely not to be identified with the Englishman Magister Thomas Brown, *pace* Haskins (1911: 441). See also: Johns (1983: 1, 108–13).

<sup>25</sup> This seems to be ‘Uthmān’s only attested appearance.

<sup>26</sup> It is tempting to regard Barūn as the *datarius* and ‘Uthmān as the scribe of this copy: see Brühl (1983: 36) for the roles of *datarius* and scribe in the Latin chancery.

<sup>27</sup> Stern (1964: 121–2).

<sup>28</sup> Johns (forthcoming: ch. iii, section 5); Stern (1964: 138–9, n. 3).

<sup>29</sup> One would expect a *ḥamdala* for an *‘alāma*. The only clearly legible word is *‘alā* which might suggest such well-attested *‘alāmas* as *al-ḥamdu li-‘llāhi ‘alā na‘mā’i-hi* or ... *nā‘amī-hi*, ‘Thanks be to God for his bounty’ or ‘... bounties’: Stern (1964: 131–3), but neither can be read here. Similar cyphers are used as *‘alāmat* by Arab officials of the *diwān* on four other Sicilian documents: S. Maria della Grotta, no. 2, ed. Cusa (1868–82: no. 101, 622–6); Medinaceli, no. 1118 (S.2004), with the registration mark *bi-‘smi ‘llāhi ṣaḥīḥ*; Medinaceli no. 1120 (S.2002) verso; and Cappella Palatina, no. 11, ed. Garofalo (1835: no. X, 24–5) and Buscemi (1839: 16). Arab officials also append their autograph *‘alāmat*, but not in the form of cyphers, to Cappella Palatina, no. 19, ed. Garofalo (1835: no. XVI, 37–8) and Cusa (1868–82: 83–5).

The bottom edge of the sheet of parchment upon which the document is written comes immediately below these notes, and there is no trace of a seal.

Turning to C1154, the *corroboratio* is worth citing in full:

Then there was written for them this copy (*nuskha*) to be in their hands a proof to them and for them, after this renewed copy had been compared with the first copy written on the aforesaid date, and it was a matching duplicate text (*ba'da an qūbilat hādhihi 'l-nushkatu 'l-mujaddadatu bi'l-nuskhati 'l-ūlā 'l-maktūbatī bi'l-ta'rikhi 'l-mutaqaddimi fa-kānat muwāfiqatan naṣṣan sawā'an*). And this copy was renewed because the first did not bear the noble seal (*al-tābi' al-sharīf*) which was used in this document (*fī hādihā 'l-sijill*) in confirmation of it and as a proof of its authenticity.

There follows an abbreviated eschatology consisting only of the *datum*: March, A.H. 549, second indiction (A.D. 1154); the reading of the month has proved difficult.<sup>30</sup> We shall return below to the significance of this date, so soon after the death of Roger II on 26 February 1154.

At the foot of the text comes the autograph signature of the Chancellor Maio of Bari ✠ *Maio d[ei] & regia g[rati]a amir[atus] amirator[um] s[ubscrip]s[i]*. The authenticity of the signature is not in doubt, for it also appears on a Greek donation of July 1155.<sup>31</sup> Below the signature is the plica, pierced by the four holes that once carried the seal, and which still bear the stains from the red silk tie.<sup>32</sup>

#### *The case for the prosecution*

Noth opened the case for the prosecution by stating that there are four possible explanations for the mystery; that both documents are genuine, that both are forgeries, that the first is false and the second genuine, or that the first is

<sup>30</sup> Gregorio (1790: 213) came close to the correct reading with *مرطيون*, *r.t.yūn* and rightly commented that the word was not Arabic. See also Caruso (1834: 11, 15). Masbani also read *مرطيون*, but gave no translation. Cusa supplied an *alif*, and misread the *rā'* + *fatha* over the initial *mīm* as a *zāy* and the *tā'* + *sukūn* over the *rā'* as a *zā'*, and thereby read *ازطيون* (?), which he believed to be 'June': Cusa (1868–82: 36, 1.7). Nallino (following Amari's suggestion that Cusa's reading, in another document, of the month *اسطريون* = June Cusa (1868 82: 37) should be emended) proposed *اسطريوس* = September: Amari (1933–39: III, 251, n. 1). Noth (1983: 196), following Cusa, read *Azūyūn* (?), but noted that it had not yet been possible for him to corroborate this unusual name of the month. In fact, Noth unknowingly held the key to the correct reading, for he had already inspected two unpublished bilingual documents in the Archivio Ducal de Medinaceli, in which exactly the same word appears. Medinaceli, no. 1120 (Seviglia 2002) and no. 1117 (Seviglia 2003) are both dated *bi-ta'rikhi shahri martiyūna min sanati khamsin wa-thalathīna wa-khamsini'atin bi'l-indiqṭasi 'l-rābi'*, 'in the month of March in the year 535, of the 4th indiction' (A.D. 1141). (We are extremely grateful to Dott. Aldo Sparti for providing us with prints of the microfilms of the Arabic documents from Seville.) Maria Eugenia Gálvez transcribed the month in both Medinaceli documents as *برطيس*, but wisely did not venture a translation. Gálvez (1985: 225); Gálvez (1995: 170–1). Rocco, apparently misled by Cusa, misread the month in both as *Yizziyyūn*: Messina (1994: nos. 30 1, pp. 160 1). However, the comparison of the three MSS leaves no doubt as to the reading *مرطيون*, *M.r.t.yūn*, a close transliteration of the Greek *Μάρτιος*, 'March': Caracausi (1990: 365). The reading *brutuyūn* or *brutuyūn* > *πρωτομηνίης*, 'first June', proposed by Caracausi (1986: 16), cf. Caracausi (1990: 485), is ingenious, but fails on the careful comparison of the three MSS; note that the supposed Greek originals are not attested in Sicily, but only in the Italo-Greek dialect of Bova in Calabria. A bilingual Greek-Arabic decree issued in *martios/martiyūn* 1109 clinches the matter: Palermo, Archivio di Stato, Tab. di S. Filippo di Fragalà, no. 9, ed. La Mantia (1908).

<sup>31</sup> Enzensberger (1996: no. 9, pp. 26–8).

<sup>32</sup> In the bottom right-hand corner of the sheet, across the plica, are two holes. One possibility is that these are all that remain of the usual four holes pierced to carry a seal, the other two having been cut away when the right edge of the sheet was trimmed. There is no stain from a tie around these holes; perhaps the sheet had been reused. The arrangement of the two holes, however, does not seem to accord well with this explanation, and it is doubtful that they ever belonged to a set of four. Moreover, it is the left edge that has been closely trimmed; the right margin is sufficiently wide for the holes to have been cut away. Perhaps they were used to attach a second seal; if so, it cannot have been royal.

genuine and the second false. Of these, the last seemed to him most likely, and he found confirmation in the *jarīdat al-hudūd* issued by the *diwān al-tahqīq al-ma'mūr* to the abbey of Santa Maria di Monreale in May 1182. Here, last amongst the estates in the district of Iato, appears Raḥl al-Wazzān, which had been granted by royal command to the monks of San Nicolò de Chùrchuro. The boundaries recorded in C1149 and in the *jarīda* of 1182 are clearly those of the same piece of land; although, as we shall see, the language of the two boundary descriptions is far from identical.<sup>33</sup> It is indisputable, therefore, that the monks of Chùrchuro were granted, by royal order, 120 *salme* of land out of Raḥl al-Wazzān, just as C1149 says; 'There can therefore be no doubt,' Noth concluded, 'as to the authenticity of the first document.'<sup>34</sup>

As to the second, Noth concluded that it is a forgery. Again he found confirmation in the Monreale *jarīda* of 1182, where the boundaries of Raḥl Ibn Sahl are listed, in words almost identical to those used in the *ḥadd* of C1154, but without mentioning that the estate had ever been held by the monks of Chùrchuro.<sup>35</sup> That Chùrchuro did not hold Raḥl Ibn Sahl in 1182, Noth argued, demonstrates that C1154 is a forgery. He discussed the possibility that it may have been made by the monks themselves, and concluded that this is unlikely to have been the case for two reasons. First, because whoever compiled C1154 clearly had access to the *daḥīr al-hudūd* of the royal *diwān*. And, second, because the reasons given in C1154 for its production are unnecessarily complicated; the interests of a forger in Chùrchuro would have been better served by simply keeping to the format of C1149 and merely substituting the boundary description of Raḥl Ibn Sahl. For these reasons, Noth concluded that C1154 is a forgery conceived inside the *diwān* itself, either with the collusion of Maio, or in an attempt to harm him by implicating him in the fraud.

#### *Cui bono? The case for the defence*

If C1154 is a forgery, then who benefited from it? Not the monks of Chùrchuro; for it is clear from the *jarīda* of 1182 that they never took possession of Raḥl Ibn Sahl. On the contrary, the estate remained safely within the royal demesne until it was granted to Monreale. Indeed, on the evidence available, no one appears to have benefited from the alleged crime, which raises the question whether a crime was ever committed; one explanation for there being no beneficiary is that there was no crime. We have seen that Noth's carefully constructed case is founded upon his contention that there are four possible explanations for the mystery, but these do not exhaust the possibilities, and it is our contention that a fifth explanation, which Noth never considered, best resolves the mystery at Chùrchuro; not conspiracy, but incompetence.

#### *Diplomatic status*

The first question to be resolved is the diplomatic status of the two documents from Chùrchuro for, although both purport to be royal donations, neither bears the royal signature, nor the royal title in the *dispositio*. Moreover, each is described as a copy (*nuskha*), presumably of an original which was held by the *diwān*. In C1149 *nuskha* is precisely that—a copy—for it bore neither the king's signature nor the royal seal. The monks apparently doubted that, without these regular proofs of authenticity, the copy could ever have demonstrated their legal claim to their lands; the *'alāma* of the two Arab elders of the *diwān* was clearly felt to be insufficient. Small wonder, as is to be inferred from C1154 (ll.16–17), that the monks asked the *diwān* to issue them with a second copy,

<sup>33</sup> For further discussion see pp. 238–9 and Appendix 3.

<sup>34</sup> Noth (1983: 197).

<sup>35</sup> See Appendix 3.

furnished with 'the noble seal'. Although the seal itself no longer survives, there are clear traces that it once hung from the plica by a red silken thread, and Maio's autograph signature is sufficient to demonstrate that the seal must have been genuine. Nor can there be any doubt that this was the *royal* seal, because precisely the same Arabic phrase—*al-ṭabī' al-sharīf*—is used of the royal seal on indisputably royal documents.<sup>36</sup>

Other Arabic documents survive from Norman Sicily with a diplomatic status comparable to that of the Chûrchuro documents: a pair of Arabic writs issued in May 1152 to the Greek monastery of San Giorgio di Triocola near Caltabellotta. In March 1141, King Roger had confirmed various donations of land made by his father in 1097–98 to San Giorgio. His confirmation survives in three versions, all of the same date, preserved in the tabulary of the Greek archimandrite of San Salvatore di Messina, now in the Archivio Ducal de Medinaceli in Toledo.<sup>37</sup> Subsequently, a dispute arose between the monks of San Giorgio and Herbert (?),<sup>38</sup> lord of Calamonaci, over the boundary between their lands. In or about May 1152,<sup>39</sup> the *āmil* of Sciacca held an inquest with a jury of local worthies to settle the dispute, and the verdict was recorded in Arabic in the form of a writ issued by the *diwān* to the *āmil*. The writ survives in two versions, written on the versos of two of the confirmations of 1141: Medinaceli no. 1117v. and Medinaceli no. 1120v. The *dispositio* of no. 1120v. employs exactly the same abbreviated formula as do both the documents issued to the monks of Chûrchuro—*kharaja 'l-amru 'l-ālī 'l-muṭā'u zāda-hu 'llāhu 'alā'an wa-maḍā'an*, 'there went forth the high, to-be-obeyed order, may God increase it in elevation and efficacy'; that of no. 1117v. uses a still more abbreviated version, without the augural formula—*kharaja 'l-amru 'l-ālī 'l-muṭā'u*.<sup>40</sup> What is more, the Arabic writ on the verso of no. 1120v. bears the Latin signature: ✠ *Maio domini Regis Cancell[a]ri[us] s[ubscrip]s[it]*.<sup>41</sup> The text of no. 1117v. concludes with a *corroboratio* that recalls C1154; like it, it claims to be an exact copy of an official *diwānī* record. The relevant clause reads: *wa-hādhi 'l-mubayyadatu nuskhatu 'l-sijilli 'l-aṣṭiyi 'l-diwānīyi wa-hādhi mīthālu-hu khāṣṣa-hu*, 'and this transcript is the copy of the original *diwānī* record, and this is a reproduction of the essence of it'.<sup>42</sup>

The unusual diplomatic status of the Chûrchuro documents is thus also encountered in the Arabic writs of May 1152 issued to San Giorgio di Triocola. In both cases, we encounter the *diwān*, under the direction of Maio, granting lands from the royal demesne and defining the boundaries of royal lands; but in neither is it stated explicitly that the king had ordered this to be done. It looks very much as if, in both cases, the *diwān* had itself initiated and authorized its operations without explicit royal authority but with Maio acting as *datarius*. None the less, there is no reason to doubt that the *diwān* was acting, and was perceived to be acting, on the king's behalf: the 1152 writs both appear on the back of royal confirmations that bear Roger's autograph signature; C1154 bore the royal seal; and in 1182 the monks of Chûrchuro were known to have held *Rahl al-Wazzān regio p[re]cepto*, 'by royal command'.

<sup>36</sup> For example, the Monreale *jarīda* of 1183: Cusa (1868–82: 246, 1.12).

<sup>37</sup> Medinaceli, no. 1104 (S796), recto; Medinaceli, no. 1117 (S2003), recto; Medinaceli, no. 1120 (S2002), recto.

<sup>38</sup> Arabic هو برت or هوبرت.

<sup>39</sup> The date is problematic. The year is given at the end of the text as A.H. 547; at the beginning, the month is given as May and the indiction appears to be '14', written in numerals. May A.H. 547 (= A.D. 1152), however, fell in indiction 15.

<sup>40</sup> Medinaceli, no. 1120 (S2002), verso, l.1; cf. Medinaceli, no. 1117 (S2003), verso, l.1: *kharaja 'l-amru 'l-ālī 'l-muṭā'u*—a still more abbreviated version, without the augural formula.

<sup>41</sup> Brühl (1983: 39, n. 136) remarks that the signature is 'difficilmente autografa'—cf. Noth (1983: 200, n. 83)—but the rounded 'M' with its curling tail is distinctively Maio's.

<sup>42</sup> Medinaceli, no. 1117 (S2003), verso, ll.7–8. There is no equivalent *corroboratio* in no. 1120.

What can explain this burst of apparently independent activity by the *diwān*? It is our contention that it belongs to a particular historical moment which saw the decline and death of King Roger, the unsteady succession of William I, and the rise of Maio of Bari. Maio first appears as royal archivist (*scrinarius*) in 1144, in which capacity he issued royal charters in the absence of the chancellor. In 1149, he was appointed vice-chancellor, an office created specially for him.<sup>43</sup> As both 'Hugo Falcandus' and Romuald report, and as his signature to Medinaceli no. 1120v. demonstrates, it was Roger who made Maio royal chancellor in or before 1152, on the eve of his final illness.<sup>44</sup> Both Arabic and Latin sources report that the last years of Roger's life were dogged by illness and premature senility, and it is tempting to link Maio's rapid ascent with the king's decline.<sup>45</sup> Maio benefited still further from the uncertainty surrounding the succession of William I; within a month of Roger's death on 26 February 1154, and even before his coronation on 4 April, William had elevated Maio to be emir of emirs, the highest administrative office of the kingdom, which had remained vacant since the death of George of Antioch in 1151. The first occasion on which Maio appears with this title is as signatory to C1154.

The case is circumstantial but compelling that, from the illness of Roger II in 1152, the Arabic administration, under the leadership of the able and intensely ambitious Maio, took direct responsibility for tasks which had previously always required express royal authority.<sup>46</sup> If such an explanation plausibly accounts for the irregular diplomatic status of the Chūrchuro documents, it does not, of course, explain why two documents, one of which purports to be an exact copy of the other, grant two completely different estates.

### *Reconstruction*

The Norman *diwān*, like contemporary Islamic chanceries and like all medieval European chanceries for which information survives, kept file copies of the documents that it issued. Each of the Chūrchuro documents describes itself as a copy (*nuskha*). C1149 was copied for the monks as a record of the original donation (l.18), which was held on file in the *diwān al-tahqīq al-ma'mūr*. C1154 purports to have been copied, and then compared with C1149 to make sure that it was an exact copy (ll.15–16). There can be no doubt that this is *not* what happened: C1154 is not 'a matching duplicate text' (*muwāfiqatan naṣṣan sawā'an*) of C1149. None the less, it is worth stressing that the first eight lines and the last seven are more or less identical; this gives us three important clues.

First, at a quick glance, the texts of the two documents could seem to be identical; indeed, as we shall see below, almost everybody who inspected them between the sixteenth and the nineteenth century assumed that one *was* the exact copy of the other.

Second, the two documents were in part (but only in part) copied from a common source; this is confirmed by a comparison of their language. That there was a degree of genuine orthographic freedom is shown not as much by the variations between the two texts, as by the inconsistencies within each. For example, in both C1149 and C1154, we find both ابراهيم (*Ibrāhīm*) and إبراهيم (*Ibrahīm*); both يانی (*Yānā*) and يانة (*Yāna*). Thus, it comes as

<sup>43</sup> Ménager (1960: 55); Brühl (1987: no. 78, 224–8); Brühl (1983: 39).

<sup>44</sup> 'Hugo Falcandus' (1897: 8); Romuald of Salerno (1935: 235).

<sup>45</sup> 'Hugo Falcandus' (1897: 7) reports that 'not long after' William was consecrated and crowned as co-ruler on Easter Day 1151, Roger sank into 'premature senility'. Ibn al-Athīr reports that, after the execution of Philip of Mahdiyya in December 1153, God granted but little respite to Roger, who died of a blockage of the throat (*al-khawānīq*); Ibn al-Athīr (1867–74: xi, 124).

<sup>46</sup> This situation seems to have prevailed even after Maio's death until the appointment of Stephen du Perche as chancellor in November 1166: see Johns (forthcoming: ch. iv, section 4).

no surprise to discover other minor variations in orthography, including alternative treatments of *alif*, *alif maqṣūra*, *hamza*, and *yā'*, none of which lies outside twelfth-century Sicilian orthographic convention. But while both texts exhibit such minor stylistic variations, they share other features in common which indicate a common source. These include probable colloquialisms outside any rule of grammar: *al-arba'a rijāl* for *al-rijāl al-arb'a* (C1149, l.4; C1154, l.4); *al-khamṣa rijāl* for *al-rijāl al-khamṣa* (C1149, l.4; C1154, l.4); and *ithnayn ḥarish* (or *hursh*) for *ḥarishān ithnān* (C1149, l.6; C1154, l.6). Such irregularities in both documents can only indicate a common source.

Third, the officials of the royal *diwān* did not do what they said they had done, nor what they were supposed to have done. This is scarcely surprising; incompetence (like corruption) has been recognized as the corollary of bureaucracy since the earliest administrative handbooks were written in Han China or Mauryan India. Closer to Norman Sicily, in contemporary Fatimid Egypt, Ibn al-Ṣayrafī, who wrote a chancery manual under the vizier al-Afdal Kutayfāt in 1130–31, lists error (*khalāl*), omission (*muhmal*) and negligence (*sahw*) amongst the varieties of incompetence against which the superintendent (*al-mutawallī*) of the *diwān* had always to guard.<sup>47</sup> Ibn al-Ṣayrafī repeatedly claims that letter-for-letter (*ḥarfān bi-ḥarfīn*) copies were made of all documents issued by the *diwān*, and kept on file for future reference.<sup>48</sup> However, Geoffrey Khan has shown that such ideal administrative procedures were not always followed in practice.<sup>49</sup> The chancery copy dated 1133 studied by Khan was not an exact copy of the original decree (*manshūr*); on the contrary, it omitted the *intitulatio*, *basmala*, *ḥamdala*, *taṣliya*, *ḥasbala* and even the *arenga*. In this case, a document which was supposed to have been a letter-for-letter copy of an original decree, in fact omitted significant parts of the original, and preserved only the essence of the original *expositio*.

The file copies preserved in the Norman *diwān* also seem to have been summaries of the originals, not exact copies. The *corroboratio* of Medinaceli no. 1117v. at one and the same time claims to be an exact copy of an official *diwānī* record, and admits that it reproduces only the essence of it (*wa-hādhi 'l-mubayyadatu nuskhatu 'l-sijilli 'l-aṣliyi 'l-diwāniyi wa-hādhi mithālu-hu khāṣṣa-hu*). Moreover, it is clear that the *dafātīr al-ḥudūd* maintained in the *diwān al-tahqīq al-ma'mūr* contained only the boundary descriptions, and possibly the boundary inquests, but not the full texts of the donations and writs in which the boundaries were recorded for landholders.<sup>50</sup>

It now begins to be apparent how C1154 might have been issued. When the monks of Chūrchuro realized that C1149 contained neither the royal seal nor signature, fearing that it would be insufficient to establish their claims to Raḥl al-Wazzān and its villeins, they petitioned the *diwān* for a new copy to be furnished with the royal seal. This new copy was made from records preserved in the *diwān*, which, as we have seen, would not have reproduced exactly the full text of the original. The use of formulaic language, perhaps even of a formula, can be seen in opening lines of both documents (C1149, ll.1–3; C1154, ll.1–3) and, after the *ḥudūd*, in their closing lines (C1149, ll.16–20; C1154, ll.14–17). Indeed, because the *ḥudūd* had already been recorded in the

<sup>47</sup> Ibn al-Ṣayrafī (1905: 109).

<sup>48</sup> Ibn al-Ṣayrafī (1905: 133, 142).

<sup>49</sup> Khan (1986).

<sup>50</sup> C1149, l.17, refers to the register—in the singular—of the boundaries (*daftar al-ḥudūd*) in the *diwān al-tahqīq*. Given that this is the first recorded appearance of the *diwān al-tahqīq*, this may mean that there was a single register in the *diwān*. C1154, l.14, however, speaks of the registers (*dafātīr*)—in the plural—perhaps reflecting the growth of the *diwān* over time. After 1149, the registers (*dafātīr*) always appear in the plural.

*dafātir al-ḥudūd*, there would have been no need for the file copy to have duplicated the full boundary-description.

It was thus from a variety of sources, and not from a single document, that the scribe compiled C1154; thereby, opportunities for error proliferated. When he came to extract the *ḥudūd* of Raḥl al-Wazzān from the *dafātir*, he copied those of Raḥl Ibn Sahl, which actually belonged to the royal demesne. According to the text, C1154 was then compared against C1149. This is the weakest point of our argument, for if the two documents were really compared word-for-word, then the transcription of the boundaries of Raḥl Ibn Sahl must have been deliberate, and there must have been a conspiracy to defraud the *diwān*. But again we ask, who is supposed to have benefited from the alleged fraud? If no one profited from the supposed conspiracy, then incompetence is the more likely explanation of the mystery, and the two copies were either never compared, or compared hastily and incompetently so that only the obvious resemblances in the first eight and the last seven lines were noted. In any case, the copy was signed by Maio, furnished with the royal seal, and dispatched to Chûrchuro.

The mystery reduces to this: why did the scribe copy the *ḥudūd* of Raḥl Ibn Sahl instead of those of Raḥl al-Wazzān? There are two possibilities; either he made an honest mistake, or he was part of a conspiracy to defraud the royal demesne. Given that no one benefited from the supposed conspiracy, the scribe would seem to have been guilty of nothing worse than incompetence. Two other considerations support this conclusion. First, as Noth pointed out, a forger would surely have adhered as closely as possible to the letter of C1149, substituting merely the name and *ḥudūd* of Raḥl Ibn Sahl for those of Raḥl al-Wazzān, and would not have risked drawing attention to his crime by the complicated explanatory clauses added to C1154.<sup>51</sup> Second, given that the monks of Chûrchuro had been granted Raḥl al-Wazzān legitimately, is it really likely that they would have risked losing it by forging a document that instead purported to establish their claim to Raḥl Ibn Sahl, to which they had no legal claim?

How the scribe could have committed so potentially serious an error cannot now be discovered, but it is our suspicion that he may have erred in extracting the *ḥudūd* from the *dafātir* into the new copy. It may be, for example, that the boundaries of the two estates had been determined at the same time by the same jury under the supervision of Abū 'l-Ṭayyib; the two estates lay in the district of Iato, of which Abū 'l-Ṭayyib was strategot, and within easy reach of Desisa, Iato, and Partinico, from all of which came jurors (see fig. 1).<sup>52</sup> If so, and if the details of the boundary inquests had been filed in the *dafātir* along with the *ḥudūd* themselves, and if the records of the two inquests had been entered consecutively in the *dafātir*, then it is easy to imagine how a careless scribe could have transcribed the record for Raḥl Ibn Sahl, instead of that for Raḥl al-Wazzān, into C1154.

However the mistake came to be made, there is no evidence that the monks of Chûrchuro either drew attention to the error, or subsequently laid claim to Raḥl Ibn Sahl. Perhaps they never read their new document; perhaps they had insufficient Arabic to do so; or perhaps they merely compared the first eight and the last seven lines of the two documents, saw that they were identical, and then skipped to the foot of the Arabic where, beneath the clearly legible

<sup>51</sup> Noth (1983: 197).

<sup>52</sup> See n. 12 above.



Latin signature of the emir of emirs, Maio of Bari, there hung the coveted royal seal.

*Postscript: after 1154*

In the 1170s, the whole of the district of Iato was granted to the newly founded monastery of Santa Maria di Monreale, including Raḥl al-Wazzān and Raḥl Ibn Sahl. Their *hudūd* were transcribed, and translated into Latin, in the great *jarīdat al-hudūd* issued to Monreale in May 1182 (see Appendix 3). As we have already seen, the boundaries of Raḥl Ibn Sahl appear in the *jarīda* without any comment, as do the boundaries of all the other estates granted to Monreale directly from the royal demesne. The entry for Raḥl al-Wazzān, however, begins 'The boundary of the land which is in the hand of the monks of the church of Chūrchuro' and concludes 'And it is as much of the lands of al-Wazzān as may be sown with 120 *mudds*' (ll.97–98: *ḥaddu 'l-rab'i 'l-ladhī bi-yadi ruhbāni kanīsiyati (sic) 'l-hurhuri ... wa-huwa min ribā'i 'l-wazzāni yubdharu mi'atan wa-'ishrīna mudd*). The Latin translation of the Arabic tells essentially the same tale: 'The boundaries of the arable lands which were given, by royal order, to the monastery of San Nicolò de Chūrchuro, and they are four ploughlands, to wit for sowing with 120 *salme*, and they are in the district of Iato ... And it is from the lands of Casale Huzen [i.e. Raḥl al-Wazzān] (ll.139–41: *Diuisse t[er]rar[um] laboratoriar[um] que date s[un]t regio p[re]cepto monast[er]ij s[an]c[t]i Nicolai de churchuro & sunt ad quattuor paricella scilicet ad seminata[m] centum uiginti salmar[um], & sunt in tenim[en]to Iati. ... Et est de terris casalis huzen*). In 1182, as Albrecht Noth remarked, so far as the *diwān* was concerned, Raḥl al-Wazzān was held by the monks of Chūrchuro, but Raḥl Ibn Sahl was not and had remained within the royal demesne until it was granted to Monreale.<sup>53</sup>

What is not clear from the 1182 *jarīda* is exactly how Raḥl al-Wazzān could at one and the same time be granted to Santa Maria di Monreale and remain 'in the hand[s] of the monks of Chūrchuro'; presumably, the monks now held the estate not of the king, but of the abbot of Santa Maria, who was also the archbishop of Monreale. The inclusion of the *hudūd* of Raḥl al-Wazzān at the very end of the boundaries of the *iqṭīm* of Iato, and the unique form of the Arabic and Latin rubrics which introduce the boundary description, seem to draw attention to the anomalous status of Raḥl al-Wazzān.

This was further complicated in the thirteenth century, when the Greek monastery of Chūrchuro was dissolved, and San Nicolò and its lands passed to the archbishop of Palermo.<sup>54</sup> The two archbishops were soon at loggerheads, apparently over Raḥl al-Wazzān. A Latin note on the recto of C1149 (Appendix 1, note 1) records that, on 22 October 1344, the document was submitted as evidence by the archbishop of Palermo in a case against the archbishop of Monreale, heard before the judge (?) Gandolfo de Ponte Coronò<sup>55</sup> and the notary Bartholomeo de Citella.<sup>56</sup> Two other notes on the verso of C1149 may be connected with the case: note 3 gives an exceedingly bald summary of the

<sup>53</sup> Noth (1983: 197).

<sup>54</sup> Mortillaro (1843: no. 67, 117); cf. Rocco (1971–72: no. 7, 32).

<sup>55</sup> The Pontecorono were a Lombard family from Corleone who figure largely in records concerning Palermo: Mirazita (1989). Gandolf Pontecorono, a notary from Corleone, appears as the vendor of a consignment of cheese in 1328: Pasciuta (1995: 312). He may or may not be identical with the *miles* and praetor of Palermo in 1350–51: Archivio del Comune di Palermo, Atti del Senato, cassetta 17, c.19. For the Corte Pretoriana, see Pasciuta (1998). Other Pontecorono appear frequently in the *Acta Curie*. We are most grateful to Dottressa Beatrice Pasciuta, Università di Palermo, for generously providing us with the references in this and the following note.

<sup>56</sup> Bartholomeo was a leading member of a family of Palermitan notaries; see: Burgarella (1981: 9–11); Burgarella (1979: 438–40); Gulotta (1982: xxx–xxxi); Pasciuta (1995: 163–9).

Arabic; note 10 lists four names, perhaps of witnesses.<sup>57</sup> Similarly, note 6 on the verso of C1154, which simply identifies it as an Arabic document granting lands at Iato to San Nicolò, may have been added at the same time. That C1149 was lodged as evidence may, perhaps, indicate that it was recognized to be the true record of the donation to Chùrchuro. In any case, Monreale was apparently the victor because Giovan Luigi Lello's map of the lands of Monreale, published in 1597, shows that the abbey was still in possession of the estate in which Rahl al-Wazzān must once have lain, now called Fegho Giambasso.<sup>58</sup> Unfortunately, Bārtholomeo's notarial registers have not survived for this year, and we know nothing further of this dispute.

After 1344, the two Arabic documents sat in the archives of the cathedral, apparently unread, until 30 November 1506 when, at the request of Giovanni Paternò, archbishop of Palermo, a Sicilian translation of C1154 was made by Xamet Mindinini, ambassador of the Ḥafṣid sultan of Tunis to the Republic of Genoa, who was detained in Sicily from 1505–1507/8.<sup>59</sup> Mindinini's translation, given below in Appendix 4, is fairly accurate—it may well have been made not by the ambassador himself but by his dragoman—and archbishop Giovanni would have learnt from it that his church had a claim to 120 *salme* of land in the territory of Iato. It is extremely unlikely, however, that he would have been able to locate *lu terreno di Benseel*; we do not know when the place name Rahl Ibn Sahl disappeared, but already by the end of the sixteenth century the estate was known by its modern name of Pernice.<sup>60</sup>

In 1732, don Alonzo Fernandez, treasurer of Palermo cathedral, sent all of the Arabic documents under his care to Rome where, in August of the same year, through the agency of the Carmelite friar Gaetano di Santa Rosalia, they were passed to Gabrielle Masbani, a Maronite priest from Damascus, who transcribed them into Karshūnī, or Arabic written in Syriac characters, and translated them into Italian.<sup>61</sup> Although Masbani's transcription is reasonably accurate, his translation is far inferior to that of Mindinini, and the poor archivist of the Cathedral, already puzzled by the whereabouts of *lu terreno di Benseel*, was now informed that this was in fact the name of one of the villeins, *il figliolo di Sahal*.

The next generation of Palermitan scholars bred Francesco Tardia (1732–78), *pervenuto, non so come, ad avere una tintura di arabico*.<sup>62</sup> This smattering of Arabic led him to transcribe and to attempt translations of numerous Arabic inscriptions and documents, including C1154, complete with Masbani's Karshūnī transcription and the translations of Mindinini and

<sup>57</sup> Domenicus de Leone (?); the notary Andreas de Trapani, cf. Pasciuta (1995: 352); Petrus de Confalono, cf. D'Angelo (1989); Constancius de Vecchiis (?).

<sup>58</sup> Lello (1967).

<sup>59</sup> In the preamble to his translation, Mindinini is described as 'the Arab Xamet Mindinini, ambassador of the Moors', but this is a far from accurate account of his presence in Palermo. He appears in Genoese records as *Cid Amed Ermendentini* or *Clemendini* [i.e. *al-sayyid* Ahmad ibn al-Danini?], 'lo magnifico ambaxiatore de Re de Tunexe' [i.e. Abū 'Abd Allāh Muḥammad V al-Mutawakkil]. In November 1505, the Genoese ship returning him to Tunis was seized and impounded by the Sicilian fleet on suspicion of carrying military supplies to Tunis. Mindinini and his companions were imprisoned, and allegedly maltreated; his dragoman, presumably a renegade Christian, was impressed as a galley slave. They were eventually freed, probably in the second half of 1507. See Marengo (1901: 115–16, 222–32, 241).

<sup>60</sup> Lello's map shows the estate of 'Pernise' as no longer belonging to Monreale.

<sup>61</sup> Mortillaro (1834: 101; Mortillaro (1843: 158). Masbani's original MS is conserved in the Archivio Capitolare as *Index Privilegium 15, Codice Schiavo, fascicolo II* (ff.1–24). Masbani was presumably a member of the Maronite College in the Vatican. He would have been the contemporary of the great Maronite orientalist and historian Giuseppe Assemani. See Raphael (1950: 123–36); Masbani himself is not mentioned. With the kind permission of the Archivio Storico Diocesano, Jeremy Johns hopes shortly to publish a study of Masbani and his MS.

<sup>62</sup> Amari (1933–39: I, 6).

Masbani. Tardia did not make his own translation of C1154, and his transcription sought to reproduce exactly the calligraphy of the original, perhaps because he could not fully comprehend it.<sup>63</sup> Nonetheless, he carefully noted in the margin the variants from C1149, but left no record of what he thought their significance to be.<sup>64</sup>

Rosario Gregorio (1753–1809), who had taught himself Arabic in order to unmask the notorious forger Giuseppe Vella, was the first to publish many of the Arabic documents of Norman Sicily, including C1154 with a Latin translation.<sup>65</sup> Gregorio was fully aware of what he called ‘another example of this document’ (i.e. C1149), and he noted that the two differed in the boundary description and final dating formulae; curiously, he offers no explanation for what, given his familiarity with Vella’s forgeries, he should have recognized to be a highly suspicious irregularity.

In 1833, Carmelo Martorana drew upon Gregorio’s edition of C1154 to support his claim that the Norman *ḏīwān* had been inherited from the Muslim rulers of the island. He argued that the original donation to Chūrchuro had been made by Count Roger I, and that C1149 and C1154 were copies, made respectively by his son and grandson, of that much earlier original. This argument is without foundation, and merely serves to emphasize how poor was Martorana’s command of Arabic; unsurprisingly, he does not show himself to have been aware of the anomalies between the two documents.<sup>66</sup>

None of the Arabic documents in the tabulary of the Cathedral had been included in the catalogue published by Antonino Mongitore in 1734,<sup>67</sup> to which, in 1838, Giuseppe Caruso added a short ‘Appendix’.<sup>68</sup> In it, he gave brief descriptions of six Arabic documents in the tabulary, and edited C1149 for the first time; he also published a new and improved edition of C1154 (with Mindinini’s translation), and translated both documents into Italian. For all its imperfections, this was the most intelligent study to date of any Arabic document from Sicily; even Amari grudgingly admitted it to be *non tanto male*.<sup>69</sup> Caruso gives the following account of how the two documents came to be issued: ‘i monaci avendo perduto il suggello che dichiarava autentica la carta di concessione, o avendo trascurato di farvelo apporre, conoscendo che mal si provvedeva così alle cose loro; domandarono et ottennero dopo sei anni dal re Guglielmo un altro privilegio (che è il presente) munito del bollo del principe.’ The original document, he continues, was ‘scritto nello stesso anno [?], e ... accenna i nuovi confini del fondo di cui si è trattato nel precedente’. Caruso gets himself into a terrible mess by describing C1154 first, so that it is the *precedente* to C1149, but through the confusion it is clear that he somehow managed to persuade himself, against all the evidence, that the two documents described different boundaries of the same estate.

Vincenzo Mortillaro immediately published a vicious and almost completely unjustified attack upon Caruso’s article.<sup>70</sup> He insisted that 10 April 1149 was not the date of the original donation of Raḥl al-Wazzān, but rather of ‘an earlier copy not furnished with the royal seal that had been made of the original’. He went on to assert that C1149 was ‘from the first word to the last, utterly the same as and identical to’ C1154, ‘displaying nothing but minor

<sup>63</sup> Palermo, Biblioteca Comunale, MS Qq.E.161, ff.165–82.

<sup>64</sup> Tardia’s MSS will be discussed as part of the study of Masbani; see n. 61 above.

<sup>65</sup> Gregorio (1790: 211–13).

<sup>66</sup> Martorana (1832–33: II, 142–4 and 252–4, n. 258).

<sup>67</sup> Mongitore (1734).

<sup>68</sup> Caruso (1834).

<sup>69</sup> Amari (1933–39: I, 14).

<sup>70</sup> Mortillaro (1834).

terminological variations and a few semi-different words where reference is made to different boundaries.<sup>71</sup> Mortillaro returned to the attack again in 1842, when he published his own catalogue of the tabulary of the Cathedral.<sup>72</sup> Now, Mortillaro admitted that 10 April 1149 was indeed the date of the original donation, but argued that both documents were copies of that lost original.<sup>73</sup> Neither in 1834, nor in 1842, did Mortillaro offer any explanation for the different boundaries described by the two documents.

In 1842, Noël Des Vergers was dispatched by the French Ministre de l'Instruction Publique to discover all that could be found in the archives and libraries of the Kingdom of Naples concerning the presence of the Normans in the Two Sicilies. He copied all of the Arabic documents existing in Palermo and Monreale, except those in the Cathedral which were copied by Professor Francesco Castagna and sent after him to Paris. Des Vergers was primarily interested in the traces of Norman feudalism to be found in the Arabic documents; he commented, unhelpfully, upon the terms *muls* and *hursh* in the two Chùrchuro documents, and quoted and translated C1149 ll.7–9 as evidence of 'l'esprit d'égalité que Roger cherchait à maintenir entre ses sujets, à quelque religion qu'ils appartenissent (*sic*).'<sup>74</sup> He made no comment, however, upon the mystery under investigation.<sup>74</sup>

The great Michele Amari had copies of the two Chùrchuro documents from Salvatore Cusa, and commented upon some of the administrative terms that they contain, but showed no further interest in them; if he was aware of the mystery, he made no attempt to solve it.<sup>75</sup> The same blinkered approach can be seen in Cusa's edition of the two documents. The texts that he publishes are accurate enough, with a few minor slips indicated in the notes to our own edition of the documents in Appendices 1 and 2. In his summary of C1154, he notes merely: 'Copy of document No. 89 [=C1149], which is renewed because it was not furnished with the *'alāma* of Maio, emir of emirs. It differs, however, in the name of the estate (which, instead of Uazàn is called Ibn Sahl) and in the boundaries of the land granted.'<sup>76</sup> Finally, the atrocious Italian translation of C1149 made by Gaetano Trovato from Cusa's text completely ignores the existence of C1154.<sup>77</sup>

The two Arabic documents from Chùrchuro were not unique in attracting attention during the eighteenth and nineteenth centuries; although the fact that they had been translated, first by Mindinini and then by Masbani, made them very much more accessible to Palermitan *eruditi*, whose command of Arabic, as has been seen, was rarely authoritative. As Michele Amari argued in his introduction to *La Storia dei Musulmani di Sicilia*, the controversy and scandal caused by the forgeries of Giuseppe Vella was the spark that rekindled interest in the Arabic remains of Sicily. The most historically sensitive of the modern accounts of the *caso Vella* is the novel *Il Consiglio d'Egitto* by the late Leonardo Sciascia. It opens with a scene that recalls the unhappy sojourn in Palermo of the Hafsīd ambassador Xamet Mindinini in 1506. In Sciascia's novel, Vella acts as cicerone to the Moroccan ambassador to the Bourbon court of Naples, shipwrecked in Sicily on his return voyage. In Sciascia's novel, as in 1506, it is only the Arab ambassador who can read the Arabic manuscript in the

<sup>71</sup> Mortillaro (1834: 105).

<sup>72</sup> Mortillaro (1843: 180–1, 183). Mortillaro was probably seeking revenge for Caruso's (1838) excoriating but wholly justified review of his *Rudimenti di lingua arabica*.

<sup>73</sup> Mortillaro (1843: no. 14, 180–1 and no. 16, 183).

<sup>74</sup> Des Vergers (1845: 313, 317 and n. 1, 337–9).

<sup>75</sup> Amari (1933–39: iii, 246, n. 1, 251, n. 1, 293, n. 1, 315, n. 3).

<sup>76</sup> Cusa (1868–82: 720).

<sup>77</sup> Trovato (1949: 19–20).

ecclesiastical library; only he recognizes it as a *sīra* of the Prophet, and he exclaims over it in pious enthusiasm. This allows Vella, acting as interpreter between his patron, Monsignor Airoidi, the cardinal of Palermo, and the Moroccan ambassador, to explain that the ambassador has discovered the manuscript to be a hitherto unknown collection of letters between the rulers of Sicily and the Fatimids of Egypt, *Il Consiglio di Sicilia*, which becomes Vella's first exercise in the forger's art. Although it was Vella's imposture that was ultimately responsible for bringing the two Arabic documents from Chùrchuro into the public arena, no one seems to have realized that they, too, contained a mystery, one which Albrecht Noth was to explain as a forgery.

### *Conclusions*

Our main conclusion, that the mystery at Chùrchuro was the product of incompetence and not conspiracy, is important less for itself than for what it tells us about the Norman *diwān*. As we have already seen, the two Chùrchuro documents belong to a series dated 1149-66 which reveal the *diwān* issuing documents without the explicit authority of the sovereign as acknowledged in the *dispositio* and in the royal signature and seal. On the one hand, this corresponds to the height of power exercised by Maio of Bari and, after his death in 1161, by the leading Arab eunuchs and elders of the *diwān*, Martin and Peter (= Barūn). On the other, it coincides with the decline and final illness of King Roger and with the reign of William I; a long period during which the sovereign did not take a close interest in the administrative functions of the *diwān*. The monks of Chùrchuro seem to have been uneasy about the *diwān*'s independence and had no faith in the Arabic copy issued to them by Barūn and 'Uthmān; what they wanted was the royal seal. When, in 1154, they finally received a copy bearing not just the seal but also the signature of Maio of Bari, they seem to have been content. So great was their faith in the external features which were supposed to guarantee the authenticity and efficacy of a document, that they seem to have taken for granted that its contents were correct; even though the new copy named and listed the boundaries of the wrong estate. This attitude prevailed from 1154 until the recent past; for everyone who inspected the two documents, with the possible exception of those involved in the law suit of 1344, seems to have assumed that C1154, with Maio's signature and the royal seal, must have been the more authoritative. It would be unwise to conclude that it was generally the fate of the Arabic documents of the *diwān* to be ignored by their Greek- or Latin-speaking recipients, but, in this particular case, the monks of Chùrchuro were clearly more influenced by external features than by the Arabic text.

### APPENDIX 1: *Chùrchuro 1149*

*Original:* Palermo, Archivio Storico Diocesano della Curia Arcivescovile, Pergamena no. 14. (For copies and translations, see main text.)

*Editions:* Caruso (1834: 16-21); Cusa (1868-82: no. 89, 28-30, 718-19).

*Registers:* Behring (1887: 10, no. 111); Caspar (1904: 571, no. 218).

*Dimensions:* top 454 mm; right 610 mm; left 579 mm; base 460 mm.

## Transcription

- (1) بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ حَقَّ خِدْمِهِ
- (2) لَمَّا كَانَ بِتَارِيخِ الْعَاشِرِ مِنْ شَهْرِ أَيْرِيلِ الْكَائِنْ<sup>78</sup> فِي سَنَةِ<sup>79</sup> ثَلَاثٍ وَأَرْبَعِينَ وَخَمْسِمِائَةٍ<sup>80</sup> بِالْأَنْدَقْسِ<sup>81</sup> الثَّانِي عَشَرَ
- (3) خَرَجَ الْأَمْرُ الْعَالِي الْمَطَاعَ زَادَهُ اللَّهُ عِلْماً وَمُضْاً<sup>82</sup> لِدِيَوَانَ التَّحْقِيقِ الْمَعْمُورِ بِأَنْ يُعْطَى<sup>83</sup> نَرْهَبَانَ كَنِيسَةَ الْهَرَهْرِ مِنَ الرَّبْعِ
- (4) الدِّيَوَانِي بِرَسْمِ حَرْثٍ أَرْبَعَةَ أَزْوَاجٍ مَا يَبْذُرُ مِائَةً<sup>84</sup> وَعِشْرِينَ مَدّاً وَذَلِكَ بِرَسْمِ الْأَرْبَعَةِ رِجَالٍ<sup>85</sup> الَّذِينَ بَايَدِيهِمْ مِنْ جُمْلَةِ الْخَمْسَةِ رِجَالٍ<sup>86</sup>
- (5) الَّتِي أُعْطِيَتْ لِلْكَنِيسَةِ<sup>87</sup> لِأَجْلِ أَنْ لَيْسَ لَهُمْ رِبَاعٌ وَهُمْ عَلِيٌّ بْنُ الزَّغَارِي وَعَبْدُ الْغَنِيِّ<sup>88</sup> بْنِ الْحَرِيرِيِّ وَأَبْرَاهِيمَ<sup>89</sup> دِيَوْصَالَ
- (6) وَعَبْدُ الرَّحْمَنِ بْنِ حَشْوِاشٍ<sup>90</sup> وَأَوْلَادُهُ وَأَوْلَادُ عَبْدِ الرَّحْمَنِ بْنِ غُلَائِي<sup>91</sup> الْجُمْلَةُ خَمْسَةُ رِجَالٍ مِنْ أَقْلِيمِ جَاظُو مِنْهُمْ<sup>92</sup> اثْنَيْنِ حَرْشٍ<sup>93</sup> وَالثَّلَاثَةَ<sup>94</sup> مَلَسَ
- (7) وَالْأَسْمَ الْخَامِسَ مِنْهُمْ بِيَدِهِ رِبْعَ أَمْلَاكِهِ خَارِجاً عَنْ هَذَا الرَّبْعِ الْمَذْكُورِ وَأَمَرَ<sup>95</sup> دِيَوَانَ التَّحْقِيقِ الْمَعْمُورِ لِأَبِي الطَّيِّبِ ابْنِ

<sup>78</sup> sic, for الكائِنْ It is rare in the Arabic documents from Norman Sicily to find *hamza* written, even incorrectly; it was usually dropped or resolved into a long vowel; such instances are signalled in the notes, except where *hamza* has been dropped from *alif al-qat'* and medial *alif-hamza*.

<sup>79</sup> C1154, 1.2 من سنة

<sup>80</sup> sic, for خمسمائة

<sup>81</sup> The ب is repeated in C1149, 1.19 and omitted in C1154, 11.2 and 17.

<sup>82</sup> sic, for علا ومُضْاً C1154, 1.3 علا ومُضْاً The scribe of C1149 is particularly enthusiastic in his use of diacritical pointing until he reaches here; generally, he uses more vocalization than the scribe of C1154.

<sup>83</sup> sic, for يُعْطَى C1154, 1.3 يُعْطَى Note that *alif maqṣūra* (written with or without points) is often used interchangeably with *alif*, and may be confused with *alif mamdūra*: all such orthographic irregularities are signalled in the notes.

<sup>84</sup> sic, for مائة

<sup>85</sup> sic, as C1154, 1.4, for الرجال الأربعة The scribe has coined what is, in effect, a compound noun. For other examples, see: C1149, 1.4, *al-arba'a rijāl* and *al-khamsa rijāl*; C1149, 1.9, *al-mi'a wa-ʿishrīna muddan*; C1154, 1.4, *al-arba'a rijāl* and *al-khamsa rijāl*; C1154, 11.7 8, *al-mi'a wa-ʿishrīna mudd*. The usage may well reflect dialectal influence.

<sup>86</sup> sic, for الرجال الخمسة See n. 85 above.

<sup>87</sup> sic, for كنيسة a dialect form, probably pronounced as *k.nīsyā*. See also C1154, 11.3 and 4.

<sup>88</sup> sic, for الغني as C1154, 1.4.

<sup>89</sup> إبراهيم in C1149, 1.16 and C1154, 11.5 and 13.

<sup>90</sup> C1154, 1.5 حشوواش

<sup>91</sup> C1154, 1.5 علالي

<sup>92</sup> Cusa: فهم

<sup>93</sup> sic, for حرشان اثنان as C1154, 1.6; reflecting dialectal treatment of case and number.

<sup>94</sup> C1154, 1.6 omits the article.

<sup>95</sup> It is unclear whether the conjunction is و or في The scribe has retraced the loop which appears to join the letter to the initial *alif*, but the character is without a point. C1154, 1.6 فامر

(8) الشيخ اصطفى<sup>96</sup> عامل جاطو ان يخرج بنفسه<sup>97</sup> وصحبة شيوخ ثقات<sup>98</sup> من النصاري<sup>99</sup> والمسلمين<sup>100</sup> ويحد لهم من الرباع الديوانية باقليم

(9) جاطو ما يبذر المائة<sup>101</sup> وعشرين مئة<sup>102</sup> المذكورة فمئ<sup>103</sup> اليهم من رباع رحل الوزان باقليم جاطو بمحضر شيوخ<sup>104</sup> ثبتت اسماءهم<sup>105</sup> اسفل

(10) هذا الكتاب<sup>106</sup> ما هذه حنّوذه وهو ان يبتدي<sup>107</sup> الحد من راس الكذبة ينزل مع الحرا<sup>108</sup> متمادياً الي<sup>109</sup> دار البقر القديمة

(11) المعروفة بوادي القلّو<sup>110</sup> ينزل مع الوادي المذكور الي ان يلتقي<sup>111</sup> مع وادي<sup>112</sup> الوزان ثم يطلع الي تحت الحرب المعروفة

(12) بالوزان القديم طالعا الي مفرق الطرق ثم يطلع الي ان ينتهي الي الحرا<sup>113</sup> الثاني الذي بالقرب من المضيق ثم الي الصلب الثاني

(13) الشرقي منه وقد غلق الحد يبذر هذا الربع الحدود مائة<sup>114</sup> وعشرين مئة<sup>115</sup> والشيوخ الحاضرون في هذا

(14) الحد مع السردعوس<sup>116</sup> ابي الطيب المذكور<sup>117</sup> هم الكتاب ارسو ورجرط جاطو وجافراي بن يانة<sup>118</sup> برطنيق ومرتين ونقونة

<sup>96</sup> The ف is pointed in the Maghribi fashion, below the line.

<sup>97</sup> The ف is pointed in the Maghribi fashion, below the line.

<sup>98</sup> C1154, 1.7 وصحبة للشيوخ الثقات

<sup>99</sup> sic, for النصاري C1154, 1.7

<sup>100</sup> Cusa: المسلمين

<sup>101</sup> sic, for المائة

<sup>102</sup> sic, C1154, 11.7-8 المائة وعشرين مئة presumably reflecting dialectal influence.

<sup>103</sup> The ف is pointed in the Maghribi fashion, below the line.

<sup>104</sup> C1154, 1.8 محضر من شيوخ

<sup>105</sup> sic, for اسماءهم C1154, 1.8

<sup>106</sup> The text of C1154 diverges significantly from this point onward. Note also that the boundary description in 11.10-13 is significantly different from the boundary of the same estate in the 1182 *jarida*: see Appendix 3.

<sup>107</sup> sic, for يبتدي

<sup>108</sup> sic, for الحرا

<sup>109</sup> sic, for الي إلى Note that الي and الي are used almost interchangeably in the Sicilian documents.

<sup>110</sup> The ف is pointed in the Maghribi fashion, below the line.

<sup>111</sup> sic, for يلتقي

<sup>112</sup> sic, for وادي

<sup>113</sup> sic, for الحرا الي

<sup>114</sup> sic, for مائة

<sup>115</sup> sic, written with a single *fatha* not *tanwīn*.

<sup>116</sup> C1154, 1.14: السردعوس A loan word from Greek *στρατηγός*, cf. Latin *strategus*.

<sup>117</sup> C1154, 1.11 omits.

<sup>118</sup> C1154, 1.12 جفراي بن يانی

- (15) اخو الكاتب ارسو وراوين يانة نظرد وتوذر<sup>119</sup> من دسياسة ولورنز ملسقالقو  
ومن الشهود المسلمين عمر بن عبد الجبار وعلى<sup>120</sup> بن عبد الرحمن  
(16) وابو الفتوح بن ابراهيم<sup>121</sup> وقد سلمت هذه الرباع المذكورة المحدودة بطن هذا الكتاب  
نرهبان كنيسة الهرهر المتقدم ذكرهم بعد ان اثبتت  
(17) حدودها المذكورة في دفتر<sup>122</sup> الحدود بديوان التحقيق المعمور على ما حده السردعوس<sup>123</sup> ابو  
الطيب بن اصطفن والشيوخ النصارى والمسلمين<sup>124</sup> المذكورون  
(18) ثم كتبت لهم هذه النسخة لتكون بايدهم حجة لهم وعليهم واوقع فيها شيوخ<sup>125</sup> الديوان  
المعمور القايد<sup>126</sup> برون والكاتب عثمان حفظهما الله  
(19) علامتهما تأكيداً لها ودليلاً على صحتها وذلك بتاريخ شهر دجره<sup>127</sup> من سنة<sup>128</sup> اربع  
واربعين وخمسماية<sup>129</sup> بالاندقتس الثالث عشر وحسينا الله<sup>130</sup> ونعم الوكيل  
(20) رحم الله على عبديه<sup>131</sup> صحيح بالتاريخ<sup>132</sup>

### Translation

- (1) In the name of God, the Merciful, the Compassionate. Praise be to God, proper praise that befits Him.
- (2) When it was the date of the 10th of the month of April, being in the year 543, in the 12th indiction,
- (3) there issued the high, to-be-obeyed order, may God increase it in elevation and efficacy, to the *dīwān al-tahqīq al-ma'mūr* that it should give to the monks of the church of al-Hurhur [Chûrchuro] from the *dīwānī* lands,
- (4) through the grant of 4 plough-lands, that which may be sown with 120 *mudds* and that, together with the grant of the 4 men who are in their [the monks'] hands out of a total of the 5 men
- (5) which was given to the church because they have no lands. And they are 'Alī b. al-Zaghārī,<sup>133</sup> 'Abd al-Ghanīy b. al-Ḥarīrī, Ibrāhīm D.y.w.ṣāl,<sup>134</sup>

<sup>119</sup> Cusa ثودر C1154, l.13. ثودر.

<sup>120</sup> sic, for علي as C1154, l.13.

<sup>121</sup> sic, for ابراهيم as C1154, l.13. See n. 89 above.

<sup>122</sup> C1154, l.14: الدفاتر

<sup>123</sup> See note 116 above.

<sup>124</sup> sic, for المسلمون probably a dialectal use of case.

<sup>125</sup> sic, for the dual شيخا reflecting dialectal treatment of number.

<sup>126</sup> sic, for القايد

<sup>127</sup> Cusa: دجر

<sup>128</sup> C1154, l.17 omits من

<sup>129</sup> sic, for خمسمائة

<sup>130</sup> Written الله Cusa: حسب الله

<sup>131</sup> A very tentative reading: see above p. 231 and n. 29. Possibly written in same hand, with same ink and nib. Cusa omits.

<sup>132</sup> Written in different hand with thinner nib and darker brown ink. Cusa omits.

<sup>133</sup> al-Zaghārī: not otherwise attested in Sicily; unlikely to be cognate with Sicilian *zàgara*, 'orange-flower', from Arabic *zahr*; possibly from *τζαγγάρης*, 'cobbler': Caracausi (1993: II, 1726–7); Caracausi (1990: 565–6).

<sup>134</sup> D.y.w.ṣāl: not otherwise attested in Sicily; not obviously from Arabic, Berber or Greek; perhaps from Latin, either toponymic i.e. *de W.ṣāl*, or—conceivably—theophoric, cf. *Diolosà*, from *Dio lo sa*, referring to uncertain paternity, *Diotisalvi*, from *Dio ti salvi*, etc. Caracausi (1993: I, 537–8).



- (6) 'Abd al-Rahmān H.sh.wāsh<sup>135</sup> and his children, and the children of 'Abd al-Rahmān b. 'Allālī. The total is 5 men from the district of Iato, amongst whom are 2 *hursh* and the [other] 3 are *muls*.
- (7) The fifth name amongst them holds a piece of land, amongst his possessions, which is outside the aforementioned land [granted]. And the *ḏīwān al-tahqīq al-ma'mūr* ordered Abū 'l-Ṭayyib son of
- (8) Shaykh Stephen, the administrator of Iato, to go out in person, in the company of trustworthy elders from amongst the Christians and the Muslims, and to define for them [i.e. the monks] from the *ḏīwānī* lands in the district of
- (9) Iato that which may be sown with the aforementioned 120 *mudds*. And he handed over to them, from the lands of Raḥl al-Wazzān,<sup>136</sup> in the district of Iato, in the presence of shaykhs whose names are listed in the lower part
- (10) of this document, that of which these are its boundaries. That being; the boundary begins from the top of the hill; it goes down with the stream, keeping to it until the old cow-house
- (11) known as Wādī 'l-Falūw,<sup>137</sup> it goes down with the aforesaid wādī until it meets with the Wādī 'l-Wazzān;<sup>138</sup> then it goes up to beneath the ruins known as
- (12) al-Wazzān al-Qadīm [Old al-Wazzān], going up to the cross-roads; then it goes up until eventually it reaches the other stream which is near the pass; from there to the other crest
- (13) to the east of it, thus closing the boundary. This defined land may be sown with 120 *mudds*. And the elders present at this
- (14) definition with the aforesaid strategot Abū 'l-Ṭayyib, they are<sup>139</sup> the scribe Urso,<sup>140</sup> Richard of Iato, Geoffrey son of John of Partinico, Martin, Nicholas
- (15) the brother of the scribe Urso, Ray son of John N.z.r.d.,<sup>141</sup> Theodore from Desisa,<sup>142</sup> and Laurence Maliscalco.<sup>143</sup> And amongst the Muslim witnesses are 'Umar b. 'Abd al-Jabbār, 'Alī b. 'Abd al-Rahmān,
- (16) and Abū 'l-Futūḥ b. Ibrāhīm. And these aforesaid lands, defined above in this document, were handed over to the above-mentioned monks of the church of al-Hurhur, after there had been recorded

<sup>135</sup> *H.sh.wāsh*, C1154, l.5 *H.sh.wās*: not otherwise attested in Sicily.

<sup>136</sup> Probably in modern Contrada Giambasco, Comune di S. Giuseppe Iato, east of the confluence of the Vallone Desisa and Fiume Iato (n. 12 above and n. 138 below).

<sup>137</sup> Modern Vallone Desisa.

<sup>138</sup> Modern Fiume Iato. The confluence lies at grid reference: I.G.M. 258 IV N.E. (San Cipirello) 348037.

<sup>139</sup> The literal transliteration of these Christian names is as follows: *humu 'l-kātibu ursū wa-rījarz jālū wa-jāfrāy 'bnu yāna bartīnīq wa-martīn wa-nīqūla akhū 'l-kātibi ursū wa-raw 'bnu yāna n.z.r.d wa-tawdhīr mīn dasīsa wa-lawranz malīsqālqū*.

<sup>140</sup> That the scribe Urso heads the list of witnesses may suggest that he recorded the proceedings of the inquest. If so, his Latin name might suggest that the original record was in Latin. See the commentary to Appendix 3.

<sup>141</sup> *N.z.r.d.*, C1154, *N.ī.r.d.*: not otherwise attested in Sicily; cf. *Nzarda* from Latin *saldum* = swamp; also modern surname *Nizzardo*, supposedly toponymic from *Nizza* = Nice: Caracausi (1993: II, 1113, 1122).

<sup>142</sup> A village on the west side of the Vallone Desisa. The toponym is preserved also in Contrada Desisa, and Masseria Desisa di Lorenzo: I.G.M. 258 IV NE (San Cipirello) 337022. The site has not yet been identified on the ground. See n. 12 above.

<sup>143</sup> *Maliscalco*: deformation of *Maniscalco*, an extremely common Sicilian surname: Caracausi (1993: II, 943–4). Note that in C1154, l. 13, the name is given the article: *al-Malīsqālqū*.

- (17) its aforesaid boundaries in the register of boundaries in the *diwān al-tahqīq al-ma'mūr* according to that which the strategot Abū 'l-Tayyib son of Stephen and the aforementioned Christian and Muslim elders defined.
- (18) Then there was written for them this copy to be in their hands a proof to them and for them. And the elders of the *diwān al-ma'mūr*, the *qā'id* Barūn and the scribe 'Uthmān, may God protect the two of them, set down
- (19) the 'alāma of them both in confirmation of it and as a proof of its authenticity. That, on the date of the month of December in the year 544 in the 13th indiction. God is sufficient for us. How excellent a representative is He.
- (20) Correct on the date. May God have mercy upon his two servants.

*Later notes, etc.*

*Recto*

Note 1. Latin note in fourteenth-century hand, written upside-down with respect to the Arabic; brown ink.

- (a) *present[atun] in iudicio arbitrari d[o]m[i]ni Gandolphi de po[n]te corono & not[arij] Bart[holomeji] de citella arbitro[rum]*
- (b) *ecclesia[rum] a d[o]m[i]nis archiep[iscopis] panor[mitano] & mont[e]regal[ensi] ex p[ar]te ecc[lesiæ] panor[mitane] xxii octobr[is] XIII*
- (c) *ind[ictionis] an[n]o d[o]m[in]i m<sup>o</sup> ccc<sup>o</sup> xliiij<sup>144</sup>*

*Verso*

The sheet has been folded in four lengthwise giving four columns. Columns 1 and 4 were folded inwards, and then the sheet was folded again, leaving the verso of Columns 2 and 3 exposed for notes, etc. All of the notes on the verso are in Column 2, except notes 2 and 12 which are in Column 1. The notes are numbered according to their position on the sheet, from top to bottom, and from left to right.

Note 2: Archivist's mark, twentieth-century, pencil:

14

Note 3: Fourteenth-century notarial hand, brown ink

*Gurguro*<sup>145</sup>

*de mandat[o] regio inu[n]ctum est duaneri[i]  
ut de[n]t de t[er]ris iati t[er]ras laborativas p[ro]  
quactuo[r] pareolis videlicet de centu[m] vigi[n]t[i]  
salmis*

Note 4: Archivist's mark, eighteenth(?) - century, brown ink

24.

Note 5: Greek numeral, twelfth(?) - century hand, brown ink

Ας

Note 6: Archivist's mark, eighteenth(?) - century hand, black ink

*Arabo nu[m]ero III<sup>146</sup> 3  
Costanzo Fas[o]le (?)*

<sup>144</sup> Cusa omits note.

<sup>145</sup> Above the line.

<sup>146</sup> The numeral III is struck out and replaced with I.

Note 7: Archivist's note, eighteenth(?) -century hand, brown ink

*X[ristoforus?] Gelos[us]*

Note 8: Archivist's note, eighteenth(?) -century hand, brown ink

*Canfonic]o Catherina*

Note 9: Archivist's mark, eighteenth(?) -century hand, brown ink (N.B. the same mark as C1154, note 1)

*C*

Note 10: difficult fourteenth-century notarial hand, brown ink, written vertically from bottom to top

*Dfome]nicus de Leone (?)*

*Not[arius] Andreas de Trapani*

*Petrus de Confalono*

*Constancius de Vechiis (?)*

Note 11: Greek, twelfth-century hand, brown ink, written vertically from top to bottom.

τό χαρτ[ίον] των υελλαν[ων] κ[α]ί του χορίου

Note 12: Archivist's mark, nineteenth(?) -century, brown ink

2

+

## APPENDIX 2: *Chùrchuro 1154*

*Original:* Palermo, Archivio Storico Diocesano della Curia Arcivescovile, Pergamena no. 16. (For copies and translations, see main text.)

*Editions:* Caruso (1834: 7–15); Cusa (1868–82: no. 93, 34–36, 720).

*Dimensions:* top 539 mm; right 761 mm; left 749 mm; base 511 mm.

### *Transcription*

(1) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ الْحَمْدُ لِلّٰهِ حَقَّ حَمْدِهِ

(2) لما كان بتاريخ العاشر من شهر<sup>147</sup> ابريل الكائين<sup>148</sup> من سنة<sup>149</sup> ثلاث واربعين وخمسمائة<sup>150</sup>

الاندقتس<sup>151</sup> الثاني عشر خرج الامر العالي المطاع زاده الله

<sup>147</sup> شهر written above the line.

<sup>148</sup> sic, for الكائين

<sup>149</sup> في سنة 1.2 C1149,

<sup>150</sup> sic, for خمسمائة

<sup>151</sup> C1149, 1.2 بالاندقتس See n. 81 above.

- (3) علاء ومضاً<sup>152</sup> لديوان التحقيق المعمور بان يُعطى<sup>153</sup> لرهبان كنيسة<sup>154</sup> [الهـ] سرهر<sup>155</sup>  
 من الرُّبُع الديواني برسم حرث اربعة ازواج ما يبذر ما<sup>156</sup> وعشرين مُدًا وذلك  
 (4) برسم الاربعة رجال<sup>157</sup> الَّذِينَ بايديهم من جملة الخمسة رجال التّي اعطيت للكنيسة<sup>158</sup> لاجل  
 ان ليس لهم رِباع وهم علي بن الرغاري وعبد الغني  
 (5) بن الحريري وابراهيم<sup>159</sup> ديوصال وعبد الرحمن بن حشواش<sup>160</sup> واولاده واولاد  
 عبد الرحمن بن علالي<sup>161</sup> اجملة خمسة رجال من اقليم جاطو منهم  
 (6) اثنين حرش<sup>162</sup> وثلاثة<sup>163</sup> ملس والاسم الخامس منهم بيده ربع من املاكه خارجاً عن هذا  
 الرُّبُع المذكور فامر ديوان التحقيق المعمور لابي الطيب ابن الشيخ اصطفان<sup>164</sup>  
 (7) عامل جاطو ان يخرج بنفسه وصحبة للشيوخ ثقات<sup>165</sup> من النصارى<sup>166</sup> والمسلمين ويحد لهم  
 من الرِباع الديوانية باقليم جاطو ما يبذر المائة<sup>167</sup>  
 (8) وعشرين مُد<sup>168</sup> المذكورة فسلم اليهم رحل ابن سهل باقليم جاطو وحدت رِباعه بمحضر  
 من شيوخ<sup>169</sup> ثبّتت اسماءهم<sup>170</sup> اسفل هذا الكتاب<sup>171</sup> وشرح الحد المذكور  
 (9) الشرقي منه علي<sup>172</sup> الجبل المُطلّ علي<sup>173</sup> غار شعيب الي الطُّريق الحامِلة الي غار شعيب

<sup>152</sup> علاء ومضاً C1149, 1.3 علاء ومضاً *sic*, for

<sup>153</sup> C1149, 1.3 يُعطى both for يُعطى See n. 83 above.

<sup>154</sup> See n. 87 above.

<sup>155</sup> The first three characters are obscured by a hole in the MS.

<sup>156</sup> *sic*, for مائة

<sup>157</sup> *sic*, for الرجال الاربعة See n. 85 above.

<sup>158</sup> See n. 87 above.

<sup>159</sup> *sic*, for ابراهيم as C1149, 1.5. See n. 89 above.

<sup>160</sup> C1149, 1.6 حشواش

<sup>161</sup> C1149, 1.6 علالي

<sup>162</sup> *sic*, for حرشان اثنان C1149, 1.6 اثنين حرش

<sup>163</sup> C1149, 1.6 الثلاثة ملس

<sup>164</sup> written above the line. اصطفان

<sup>165</sup> C1149, 1.8 وصحبة شيوخ ثقات

<sup>166</sup> C1149, 1.8 النصارى

<sup>167</sup> *sic*, for المائة

<sup>168</sup> *sic*, for المائة وعشرين مُدًا C1149, 1.9 الأمداد المائة والعشرين See n. 85 above.

<sup>169</sup> C1149, 1.9 بمحضر شيوخ

<sup>170</sup> *sic*, for اسماءهم C1149, 1.9 اسماءهم

<sup>171</sup> The text diverges significantly from that of C1149 from this point onward. The boundary description in ll.9-11 is identical to that of Raḥl Ibn Saḥl in the 1182 *jarida*: see Appendix 3 below.

<sup>172</sup> *sic*, for علي

<sup>173</sup> *sic*, for علي

- والحدّ الدُّبُوري مع مجري الماء<sup>174</sup> الَّذِي ينزل القنطرة الى ان يجتمع
- (10) بوادي الاشجار جَجْوًا ويرجع الحد الغربي مع الوادي المذكور الي أعلا<sup>175</sup> الجبل المطل على شلندة وهو الحد الغربي من الرحل ويرجع الحد القبلي
- (11) مع اعلا<sup>176</sup> الجبل الي ان يجتمع بأول الحد الشرقي غلق الحد والشيوخ الحاضرون في هذا الحدة مع السردغوس<sup>177</sup> ابي الطيب<sup>178</sup> هم
- (12) الكاتب ارسو ورجرط جاطو وجفراي بن ياني<sup>179</sup> برطنيق ومرتين ونقونة اخو الكاتب ارسو وراو بن يانة نظرد<sup>180</sup>
- (13) وثودر من ديسية ولورنو المسقالقو ومن الشهود المسلمين عمر بن عبد الجبار وعلي<sup>181</sup> بن عبد الرحمن وأبو الفتوح بن ابراهيم<sup>182</sup>
- (14) وقد سلم هذا الرحل المذكور بحدوده المحدودة في هذا الكتاب بعد ان اثبتت حدوده من الدفاتر<sup>183</sup> بديوان التحقيق المعمور علي<sup>184</sup> ما حده السردغوس<sup>185</sup>
- (15) ابي<sup>186</sup> الطيب بن اصطفان والشيوخ النصاري والمسلمون ثم كُتبت لهم هذه النسخة لتكون بايديهم حجة لهم وعليهم بعد ان قُوبلت هذه
- (16) النسخة المجددة بالنسخة الاولى المكتوبة بالتاريخ المتقدم فكانت موافقة نصًا سوا<sup>187</sup> و<sup>188</sup> جددت هذه النسخة لكون الاولى<sup>189</sup> لا تحمل
- (17) الطابع الشريف الذي غُمل في هذا السجل تاكيداً له ودليلاً علي صحته كُتبت بتاريخ شرطيون<sup>190</sup> الاندقتس الثاني سنة تسع واربعين وخمسمائة<sup>191</sup>

<sup>174</sup> sic, for الماء مجري

<sup>175</sup> sic, for أعلى

<sup>176</sup> sic, for أعلى

<sup>177</sup> C1149, ll.14 and 17 السردغوس See n. 116 above.

<sup>178</sup> C1149, l.14 adds المذكور

<sup>179</sup> C1149, l.14 يانة جافراي بن

<sup>180</sup> نظرد Cusa

<sup>181</sup> C1149, l.15 علي

<sup>182</sup> C1149, l.16 ابراهيم See note 89 above.

<sup>183</sup> C1149, l.17 دفتر

<sup>184</sup> sic, for علي

<sup>185</sup> C1149, ll.14 and 17 السردغوس See notes 116 and 177 above.

<sup>186</sup> sic, for ابو

<sup>187</sup> sic, for سواء

<sup>188</sup> Cusa omits و

<sup>189</sup> sic, for الاولى

<sup>190</sup> ازطيون Cusa

<sup>191</sup> sic, for خمسمائة

(18) \* *Maio d[ei] & regia g[rati]a amir[at]us amirator[um] s[ubscrip]s[i]*

*Translation*

- (1) In the name of God, the Merciful, the Compassionate. Praise be to God, proper praise that befits Him.
- (2) When it was the date of the 10th of the month of April, being in the year 543, in the 12th indiction, there issued the high, to-be-obeyed order, may God increase it
- (3) in elevation and efficacy, to the *ḏīwān al-tahqīq al-ma'mūr* that it should give to the monks of the church of Hurhur [Chûrchuro] from the *ḏīwānī* lands, through a grant of four plough-lands, that which may be sown with 120 *mudds* and that,
- (4) together with a grant of the four men who are in their [the monks'] hands out of a total of the five men which was given to the church because they have no lands. And they are<sup>192</sup> 'Alī b. al-Zaghārī, 'Abd al-Ghanīy
- (5) b. al-Ḥarīrī, Ibrāhīm D.y.w.sāl, 'Abd al-Raḥmān Ḥ.sh.wās and his children, and the children of 'Abd al-Raḥmān b. 'Allālī. The total is five men from the district of Iato, amongst whom are
- (6) two *hursh* and three *muls*. The fifth name amongst them holds a piece of land, amongst his possessions, which is outside the aforementioned land [granted]. And the *ḏīwān al-tahqīq al-ma'mūr* ordered Abū 'l-Tayyib son of Shaykh Stephen,
- (7) the administrator of Iato, to go out in person, in the company of trustworthy elders from amongst the Christians and the Muslims, and to define for them [i.e. the monks] from the *ḏīwānī* lands in the district of Iato that which may be sown with the aforementioned hundred
- (8) and twenty *mudds*. He handed over to them Raḥl Ibn Sahl,<sup>193</sup> in the district of Iato, and defined its lands with an assembly of shaykhs whose names are listed in the lower part of this document. And the description of the aforesaid boundary is:
- (9) the eastern [boundary] of it starts on the mountain<sup>194</sup> overlooking Ghār Shu'ayb,<sup>195</sup> [and goes] to the road leading to Ghār Shu'ayb; and the northern boundary goes with the stream of water down the aqueduct<sup>196</sup> until it meets
- (10) with Wādī Ashjār Jujūw;<sup>197</sup> and the western boundary turns back with the aforesaid wadi to the top of the mountain overlooking Shalanda;<sup>198</sup>

<sup>192</sup> For these names, see nn. 133–5 above.

<sup>193</sup> On the site of modern Masseria Pernice: see n. 12 above.

<sup>194</sup> Modern Cozzo Pernice, I.G.M. 258 IV S.E. (Camporeale) 382961.

<sup>195</sup> Lit. 'the Cave of Shu'ayb', Arabic name of prophet Jethro. On the site of modern Masseria Perciata, I.G.M. 258 IV S.E. (Camporeale) 379955, where there is a large rock-cut chamber, probably a prehistoric tomb (sites MS.24). The Monreale Survey has located twelfth-century sites in the vicinity: Sites MS.4–5 and 26.

<sup>196</sup> Arabic *al-qantara*, but, in this case, the translation 'bridge', Latin *pons*, seems unlikely.

<sup>197</sup> Modern Vallone di Pernice. Cf. Cusa (1868–82: 223, penultimate line) — اشجار ججو = p.191 *lapides (sic! < اشجار) iuuu*. Mindinini translates *fomara dij arborj di junsu* and Gregorio *valles arborum spinosarum (juncorum)*, both from Latin *juncus* (= Greek γιουγκος) = rush, reed, etc. This is not recognized in the Latin version of 1182, which merely transliterates *esiar agiu*. The deformation of *-nc/-γκ-* into *jūn* finds confirmation in Sicilian *iūnciu*, *iungetto*, etc.: Caracausi (1993: pp.), 1, 814. Alternatively, Freytag (1830–37: 1, p.320) gives ججو or ججو, 'word for calling camels'; this seems unlikely here, but see the many similar animal-calls, such as *ciū ciū*, the Sicilian call for hens, etc. in Vārvaro (1981: 239–42). Finally, it is tempting to identify with the Common Jujube (*Zizyphus jujuba*; Arabic *'unnāb*), usually derived from ancient Greek ζίζυρον, via Latin *zizyphus*, Italian *\*zizzo*, and Tuscan *\*giuggo*, to Italian diminutive *giuggiolo* = jujube. This seems far-fetched, and a more direct route from Greek, via Sicilian Arabic *jūjūw*, to Italian is attractive, but ultimately unconvincing.

<sup>198</sup> Toponym from Greek σαλάνδρα, 'stream': cf. Caracausi (1990: 510), citing Cusa (1868–82: 527). The mountain is modern Cozzo Agnelleria: I.G.M. 258 IV S.E. (Camporeale) 368961.

- and it is the western boundary of the estate; and the southern boundary goes back
- (11) with the top of the mountain until it meets with the beginning of the eastern boundary [which is] the end of the boundary. And the elders present at this definition with the strategot Abū 'l-Ṭayyib, they are<sup>199</sup>
  - (12) the scribe Urso, Richard of Iato, Geoffrey son of John of Partinico, Martin, Nicholas the brother of the scribe Urso, Ray son of John N.t.r.d,
  - (13) Theodore from Desisa, and Laurence the Maliscalco. Amongst the Muslim witnesses are 'Umar b. 'Abd al-Jabbār, 'Alī b. 'Abd al-Raḥmān, Abū 'l-Futūḥ b. Ibrāhīm.
  - (14) And this aforesaid estate, with its boundaries defined in this document, was handed over after its boundaries had been recorded from the registers of the *dīwān al-tahqīq al-ma'mūr* according to that which the strategot
  - (15) Abū 'l-Ṭayyib son of Stephen and the aforementioned Christian and Muslim elders defined. Then there was written for them this copy to be in their hands a proof to them and for them, after this renewed copy had been compared
  - (16) with the first copy written on the aforesaid date, and it was a matching duplicate text. And this copy was renewed because the first did not bear
  - (17) the noble seal which was used in this document in confirmation of it and as a proof of its authenticity. It was written on the date of March of the 2nd indiction in the year 549.
  - (18) ✱ I, Maio, by the grace of God and the king, emir of emirs, have signed.

*Later notes, etc.*

*Verso*

The sheet has been folded in four lengthwise giving four columns. Columns 1 and 4 were folded inwards, and then the sheet was folded again, leaving the verso of Columns 2 and 3 exposed for notes, etc. The notes are numbered according to their position on the sheet, from top to bottom.

*Column 2*

Note 1: Archivist's mark, written upside-down; eighteenth(?)-century hand; brown ink (the same mark as C1149, note 9)

C

Note 2: Archivist's note; eighteenth(?)-century hand, brown ink

*549/Sarracenicum/Cum translatione in vulgare [f]acta/de anno 1506 tempore D[omi]ni Archie-/piscopi de Paternione de quibusdam/concessis s[anc]to Nicolo de Gurgu-/ro*

Note 3: Archivist's note; twentieth-century, pencil

16

*Column 3*

Note 4: Sicilian translation made in 1506 by Xamet Mindinini, Moorish ambassador to Palermo; sixteenth-century hand, brown ink (see Appendix 3 below)

Note 5: Archivist's mark; eighteenth(?)-century hand, brown ink

.9.

<sup>199</sup> For these names see nn. 139–43 above.

Note 6: fourteenth-century hand, brown ink

*Privil[e]giu[m] Saracenicu[m]*<sup>200</sup> *S[an]c[t]i Nicol[ai] d[e] Gurguro/de*  
*q[ui]b[u]sda[m] possessio[n]ib[us] concessis eis abud [sic]/Jatu[m].*

Note 7: Archivist's notes (?); eighteenth(?) - century hand; brown ink

*Ls lxxiiij(?)*  
*X[ristoforus?]Gelosus Mag[ister?]*  
*La Rosa*

APPENDIX 3: *The boundaries of Rahl Ibn Sahl and Rahl al-Wazzān according to the Monreale register of A.D. 1182*

*Rahl al-Wazzān*

- (140) *Diuise t[er]rar[um] laboratoriar[um] que date s[un]t regio p[re]cepto monast[er]io s[an]c[t]i Nicolai de churchuro & sunt ad quattuor pariccla scilicet ad seminatura[m] centum*
- (141) *uiginti salmar[um], & sunt in tenim[en]to Iati. Incipit diuisa a capite mo[n]ti[c]u[li]. Sic[ut] fundit[ur] aqua descendens p[er] cursum cursum, & uadit ad mandra[m] uaccar[um] ueterem, que cognoscit[ur] eo[dem] in flumine felu. Descendit cu[m] flumine p[re]dicto quousq[ue] iungunt[ur] cu[m] flumi-*
- (142) *ne huzun. Ascendit usq[ue] du[m] p[er]uenit sub[us] diruta hedificia huzun ueteris. Ascendit ad eu[m] locu[m] ubi furcant[ur] uie. Ascendit ad ductu[m] s[e]c[un]d[u]m, usq[ue] ad mudica[m], & in[de] ad crista[m] s[e]c[un]dam ex orientali parte, & claudit[ur] diuisa. Et est de terris casalis huzen:*

C1149

1182 jarīda

(313) حد الربع الذي بيد رهبان

كنيسة الهرهر •

وهو ان يبتدي الحد من راس الكدية ينزل مع

اول الحد راس الكدية مصب الماء نازل المجري

انجرا متصاديا الي دار البقر القديمة المعروفة بوادي

المجري الي دار البقر القديمة المعروفة بواد

الفلو ينزل مع الوادي المذكور الي ان يلتقي مع

(314) الفلو نازل مع الوادي المذكور الي ان

وادي الوزان ثم يطلع الي تحت الحزب المعروفة

يلتقي مع وادي الوزان طالع الي تحت الحزب

<sup>200</sup> *Saracenicu[m]* added above the line.



C1149

1182 jarīda

- المعروفة بالوزان القديمة طالع الى مفرق الطرق  
 بالوزان القديم طالعاً الى مفرق الطرق ثم يطلع  
 طالع الى المجرى الثاني الى المضيق الى الصلب  
 الى ان ينتهي اليه المجرا الثاني الذي بالقرب من  
 الثاني الشرقي منه غلق الحد وهو من رباح  
 الموزان يبذر مائة وعشرين مذ ٥٥٥  
 غلق الحد ببذر هذا الربع المحدود مائة وعشرين  
 مذ

Rahl Ibn Sahl

- (121) *Diuisa Rahalbensehel. Ex orientali pa[r-]*  
 (122) *te incipit a monte qui est super] Garsuayb, & uadit ad uia[m] que ducit*  
*ad Garsuayb, & diuisa ex septemt[ri]jionali parte uadit cu[m] cursu aque*  
*que descendit ad ponte[m], quousq[ue] iungit[ur] cu[m] flumine, quod*  
*uocat[ur] esiar agiu. Uertitur diuisa ad occidente[m] cu[m] flum[i-]*  
 (123) *ne p[re]dicto usq[ue] ad su[m]mitate[m] montis qui est super] Selendem,*  
*& hic est diuisa occidental[is]. Uertit[ur] ad austru[m] cu[m] su[m]mitate*  
*montis, usq[ue] du[m] p[er]uenit cu[m] principio diuise oriental[is], &*  
*clauditur.*

C1154

1182 jarīda

(301) حد رحل ابن سهل •

- الشرقي منه على الجبل المطل على غار شعيب  
 الشرقي منه على الجبل المطل على غار شعيب  
 الى الطريق الحاملة الى غار (302) شعيب والحد  
 الى الطريق الحاملة الى غار شعيب والحد  
 الدبوري مع مجري الماء الذي ينزل القنطرة الى ان  
 الدبوري مع مجري الماء الذي ينزل القنطرة الى ان  
 يجتمع بواد اشجار ججوا ويرجع الحد الغربي مع  
 يجتمع بواد اشجار ججوا ويرجع الحد الغربي مع  
 الوادي المذكور الى اعلى الجبل المطل على  
 الوادي المذكور الى اعلى الجبل المطل على  
 شلندة وهو الحد الغربي من الرحل ويرجع الحد  
 شلندة وهو الحد الغربي من الرحل ويرجع الحد  
 القبلي مع اعلى الجبل الى ان يجتمع باول الحد  
 القبلي مع اعلى الجبل الى ان يجتمع باول الحد  
 الشرقي غلق الحد  
 الشرقي غلق الحد

### Commentary

Three points are immediately apparent from the study of the boundary descriptions transcribed above. First, the Latin version of the two boundaries in the 1182 register (hereafter M1182) is a close translation of the Arabic. Second, the two Arabic *ḥudūd* of Raḥl Ibn Sahl are almost identical and were ultimately derived from the same source, presumably the *daftār* of the *diwān al-taḥqīq al-ma'mūr*. Third, a comparison of the Arabic *ḥudūd* of Raḥl al-Wazzān reveals significant variations between the two.

In addition to minor orthographic variations, there are more substantial divergences in vocabulary and style. The following deserve particular notice:

C1149, 1.10: *wa-huwa an yabtadi'a 'l-ḥaddu min ra'si* vs M1182, 1.313 *awwalu 'l-ḥaddi ra'su*;

C1149, 1.10: *ma'a 'l-majrā mutamādiyan* vs M1182, 1.313 *al-majrā 'l-majrā*;

C1149, 1.12: *ilā an yantahiya ilā 'l-majrā 'l-thānī*; M1182 gives no equivalent for *an yantahiya ilā*;

C1149, 1.12: *alladhī bi'l-qurbi min* has no equivalent in M1182;

C1149 prefers the imperfect indicative for verbs of motion; M1182 the active participle: respectively *yanzilu* vs *nāzilun*, *yaṭla'u* vs *ṭālī'un*;

C1149 uses the conjunction *thumma* where M1182 does not.

At the same time, C1149 and M1182 describe precisely the same boundaries for Raḥl al-Wazzān, in essentially the same language; although the text of C1149 is fuller, it contains no substantive information missing from M1182. Both boundary descriptions must ultimately derive from the same source. Thus, the principal difference is one of style; C1149 is more fluent and literary, M1182 more demotic and stilted.

The Arabic conclusion to the Monreale *jarīda* of 1182 states that the boundary descriptions were copied 'from the *daftār* of the *diwān al-taḥqīq al-ma'mūr*'. Whenever *ḥudūd* in the Monreale *jarīda* can be compared with boundary descriptions of the same estate in earlier documents, as in the cases of Qarūbnish, Raḥl Ibn Sahl and Ḥajar al-Zanātī, there is much less divergence than in the case of Raḥl al-Wazzān. This suggests that M1182 adhered very closely to the *ḥudūd* filed in the *diwān*.

If so, the scribe who composed C1149 may have embellished and polished the *ḥudūd* specially for this document. It is implied in C1149 that the boundaries of Raḥl al-Wazzān were copied into the *daftār* of the *diwān* from the record of the boundary inquest held by Abū 'l-Ṭayyib; that record may have been the original of the more fluent and literary text reproduced in C1149, in which case a slightly terser and more colloquial version must have been made for entry into the register of the *diwān*. Alternatively, the proceedings of the inquest may have been originally recorded in Latin, and the boundary then translated twice into Arabic, once for the *daftār* and, again, in a slightly fuller version for C1149. In support of this suggestion, we note that 8 out of the 11 witnesses at the inquest were Christians; and that first amongst them was Urso the scribe, who may have kept the record of the proceedings.

### APPENDIX 4: *Xamet Mindinini's Sicilian translation of Chùrchuro 1154*

+<sup>1</sup>/ *Translato dilu pr[ese]n[t]i jnstrumento fatto*<sup>2</sup>/ *p[er] xamet mindinini arabi amba*-<sup>3</sup>/ *xatoris mauror[um] applicantis ad istas*<sup>4</sup>/ *partes pr[ese]n[t]ib[us] multis mauris malte[n]-*<sup>5</sup>/ *sibus et arabis p[ro] vera jnterpretatio[n]e*<sup>6</sup>/ *detti jnstrumentj facto tempore R[everendissi]mj*<sup>7</sup>/ *et jllustris D[omi]nj D. Johamjs de patern*-<sup>8</sup>/ *ione dey et sedis apo[stoli]ce gratia Arch[i]ep[iscop]j*<sup>9</sup>/ *panormitanj*

et presidentis jn hoc<sup>10</sup>/ Regno Sicilie M<sup>o</sup> ccccc<sup>o</sup> vj<sup>o</sup> x jnd[ictionis] die<sup>11</sup>/ ultimo novembris.<sup>12</sup>/

Teno[r] jnstru[menti] ut jnfra.<sup>13</sup>/

In nomo de deu piatusissimo. Laudi a deu secu[n]do<sup>14</sup>/ merita sua laudi.<sup>15</sup>/ Perch[i] fu jn lu decimo jo[r]no dilu misi di ap[ri]l j dilu<sup>16</sup>/ a[n]no xxxxiij et ccccc<sup>o</sup> di la xij<sup>o</sup> jnd[ictionis] atratto lu<sup>17</sup>/ officiali altissimo obeduto chi deo li lungi exalta et obe-<sup>18</sup>/ dientia ala doana dila verita chi sia dato alj abbat<sup>19</sup>/ jn la ecc[lesi]a de gurgur: dilu terreno dila doana p[er]<sup>20</sup>/ ararj quat[tr]o para de boy du[n]dj si po[n]no seminarj che[n]-<sup>21</sup>/ to et ventj mundin et quisto p[er] li quat[tr]o homin<sup>22</sup>/ liqualj hanno jn mano dila summa de chenco p[ersun]i<sup>23</sup>/ liqualj fu datj ala ecc[lesi]a p[er] chi no[n] hanno possessionj<sup>24</sup>/ Et sunno alj benzagarj: abdalganj: bene-<sup>25</sup>/ gididi: et abram dumusal benaxues et abi-<sup>26</sup>/ daramem: benexues et soy figlolj et ali figlolj de<sup>27</sup>/ abidaramen: bennalelj. In summa chenco dilu pajsi<sup>28</sup>/ di xatu: liquali dui asperj: et trj mollizinj Et q[ui]nto<sup>29</sup>/ nome di questj havj possessionj de so specialita ultra<sup>30</sup>/ lo dicto donatuo: havj comandato la duana dila<sup>31</sup>/ justificationj chi deo la manteg[n]a: Abutaip: figlu<sup>32</sup>/ dilu magistro stefanj officialj de xatu: chi digia an-<sup>33</sup>/ darj ip[su] jmp[ersun]a et soy compagnj ali prinncip[al]i fidelj<sup>34</sup>/ di cristianj et di mori et signano li terminj dilu ter-<sup>35</sup>/ reno dila doana jn lu pajsi di xatu: tanto chi si poza<sup>36</sup>/ seminarj chento vintj mundini dittj: et havj dato<sup>37</sup>/ lu terreno di benseel: jn lo pajsi di xatu: et havj<sup>38</sup>/ signato li terminj jn p[re]se[n]tia di prinncipalj chi su li no-<sup>39</sup>/ mj infrascriptj: et havj declarato li terminj dittj: la p[ar]tj di livantj di ip[su] jnfijn la mo[n]tag[n]a laq[u]alj si afacha<sup>40</sup>/ ala grutta di xuaib. jnfina ala via chi mina ala<sup>41</sup>/ grutta di xaaib: et dila partj di pune[n]tj jn lu co[n]du-<sup>42</sup>/ tto dila acqua laquali cala alu pontj jnfina chi si<sup>43</sup>/ jungino ala flomara dilj arborj di junsu et torna<sup>44</sup>/ alo termino ponentino cum la flomara ditte jnfina<sup>45</sup>/ ala chima dilu muntj chi si affacha a xinilide: et<sup>46</sup>/ quisto (e) lu termino ponentino di talj terrenu.<sup>47</sup>/ et torna lu termino di menzo jorno cu[m] la chima<sup>48</sup>/dila montagna jnfina chi si jungino alu termino<sup>49</sup>/ levantino et (e) chuso lu termino: Li p[ri]nn[chi]-<sup>50</sup>/ palj chi erano p[re]se[n]tj jn quista terminationj cum lu<sup>51</sup>/ surd-icus: buttayp: sunno lu scrivano ursu.<sup>52</sup>/ herarat: jatu: juffray: beniarj artinico Et<sup>53</sup>/ martin: et ninola fratj dilu scrivano ursu<sup>54</sup>/ ditto Erranyn: maynaturi: Et todaro figlo<sup>55</sup>/ de disise: E laurentiu maniscalco Et<sup>56</sup>/ deli testimonj morj omor benatelgibar.<sup>57</sup>/ Et alj benedaramen: Et alu elfitu: figlo de abra[m]<sup>58</sup>/ E stato consegnato lu ditto terreno cum soy terminj<sup>59</sup>/ dittj: jn la p[re]se[n]tj scriptura di poy (e) stato verificato<sup>60</sup>/ li soy terminj de librij dela doana dila justifiatio[n]j<sup>61</sup>/ secundo chi havj terminato elseridicus: buttaib.<sup>62</sup>/ figlu di stefan: Et li prinncipalj cristianj et<sup>63</sup>/ morj di poy savj scripto quista scriptura ad<sup>64</sup>/ ipsi p[er] tenirla jn soy manu p[er] loro clariza<sup>65</sup>/ di poy chi savj afruntato quista copia reno-<sup>66</sup>/ vata delu translatu primu laqualj (e) scripta<sup>67</sup>/ lu Millesimo ante dicto: Erano justj jn uno<sup>68</sup>/ tinurj et si havj renovato quista copia p[er]<sup>69</sup>/ essirj la prima chi non po sportarj lu sigillo<sup>70</sup>/ altissimo Et quale (e) fatto jn quisto si-<sup>71</sup>/ gillo p[er] firmarilo et provata como (e) fir-<sup>72</sup>/ mo Et fu scripto ala jnditionj secunda<sup>73</sup>/ anno dj xxxviiiij, et chenco chento: j-<sup>74</sup>/

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