

THE POWER OF LAW CODES, LEGAL TRADITION, AND ADMINISTRATIVE
INSTITUTIONS AND THE RISE OF THE KINGDOM OF SICILY FROM NORMAN
TO ARAGONESE RULE

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ABSTRACT

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The Kingdom of Sicily, founded in 1130 by Roger II de Hauteville, is an example of a medieval European kingdom with an advanced understanding of law, judicial processes, and administrative offices that developed from its creation by the Norman kings to its incorporation into the Crown of Aragon. A state rarely focused on in medieval European studies, its advanced understanding of law is reflected through the law codes of Roger II, the Holy Roman Emperor Frederick II, and the Aragonese kings James II, Frederick III, and Peter II of Sicily. These kings knew that in order to effectively grow the power of their kingdom, the kingdom needed to establish laws that were fair and observed all of its subjects as equal, whether they were a nobleman or a peasant, Christian or Muslim, also while maintaining their status in society. In addition, the establishment of councils that administered the law, managed the land, and assisted the king in his duties were also set up and would prove to be crucial to the management of the kingdom. Through the close reading of Arabic and Christian primary sources, the purpose of this study seeks to accomplish three things. First, to recognize that the Kingdom of Sicily had a diverse population and was not strictly Latin, or Catholic, and practiced religious toleration to a degree. Second, it seeks to increase awareness in academic and non-academic audiences

the Kingdom of Sicily as a vibrant and diverse area of medieval Europe outside the traditional areas of France, England, Germany, and Spain. Finally, the study seeks to consider legal texts as cultural phenomena and as a record of both court and legal culture in a diverse kingdom experimenting with tolerance as the rest of Europe is increasingly becoming more intolerant. This study is significant because the legal history reveals how the Kingdom of Sicily was not static, that it was adaptive and experimented with new laws and administrations to consider non-Christian subjects of the kingdom as equals to the Christian subjects, according to the law, allowing the early monarchs to create a powerful kingdom in the Mediterranean.

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INTRODUCTION

Italy and Sicily during the Middle Ages witnessed the creation of many kingdoms, sometimes their conquests, or eventual dissolutions. The Byzantine Theme of Sicily from the seventh century to the tenth century, the Emirate of Sicily from the early ninth to late eleventh centuries, and the Lombard princes who ruled over the south in the early ninth century, each contributed to southern Italy's rich multiethnic history, its diverse language, architecture, and to a certain extent its customs and traditions. The culmination of these diverse languages, architecture, and customs is seen in the creation of the Kingdom of Sicily, which utilized this diversity as a tool for state building. The Kingdom of Sicily formulated its own law codes and legal traditions partially inspired by these principles of diversity and tolerance and these proved to be a great source of strength from the Norman to Aragonese rule from 1130 to 1409.

The Kingdom of Sicily was founded by King Roger II of Sicily in 1130 AD after he assumed landed titles from other Norman barons upon their deaths and united the Norman lords in Italy. Although it took a protracted amount of time for the Normans to create a kingdom in Italy, it would rise to become one of the most dominant kingdoms in the Mediterranean. This thesis argues that Sicily's success was due to its law codes, legal traditions, administrative institutions, and equal treatment of its multicultural subjects, who were Greek, Latin, Arab, and Norman. In respecting the local Muslim and Jewish cultures, the kingdom was able to avoid destabilization, being subject to rebellion, or the imposition of foreign forces such as the pope, the Holy Roman Empire, and the Byzantine Empire. It was in the best interests of the kings of Sicily to both maintain order over their subjects and

also expand the wealth and power of the kingdom, and it did so through the establishment of innovative laws and legal practices via the ruling monarch and his administrative officials, including members of the royal court.

The laws instituted in the kingdom from its founder the Norman King Roger II, to the reign of the Angevin King Charles I up to the rebellion of the Sicilian Vespers and the passing of the kingdom onto the Crown of Aragon will form the basis of this thesis. The objective of the thesis is threefold. First, to recognize that the Kingdom of Sicily is a special case in that the kingdom had a diverse population and was not strictly Latin, or Catholic. The kingdom practiced religious toleration, and even included Arabic as an official court language, something unexpected for a predominantly Christian kingdom, especially since the Second Crusade occurred during King Roger II's reign. The second objective is to increase awareness in academic and non-academic audiences the Kingdom of Sicily as a vibrant and diverse area of medieval Europe outside the traditional areas of France, England, Germany, and Spain. Third, to think about legal texts as a cultural phenomena and as a record of both court and legal culture in a diverse kingdom experimenting with tolerance as the rest of Europe is increasingly becoming more intolerant.

The methodology of this thesis includes the close reading of primary documents from the digital Vatican library written at the time of Roger II and his reign, along with Chronicles written close to the period being examined. The sources used in this thesis will cover both secular and canonical law, those especially written in *The Liber Augustalis*, which is a collection of laws created by Holy Roman Emperor Frederick II, who ruled over the Kingdom of Sicily as well. I will also use translated material that builds upon the legal

traditions of the Kingdom of Sicily from the Norman de Hauteville dynasty to the rule of the Aragonese House of Barcelona. Secondary sources analyzing the operation of the Kingdom of Sicily under the Angevin dynasty include the works of David Abulafia and Steven Runciman. I will also use more recent publications such as research published by Graham A. Loud and Joanna Drell to incorporate the developments of this subject in history to the present day. Since the Kingdom of Sicily was also accepting of its Muslim population, it will be beneficial to use primary sources written from the perspectives of Muslim chroniclers to establish another perspective in this study outside that of medieval European views.

The structure of this study will be broken up into three parts: the formation and rise of the Kingdom of Sicily, the Kingdom of Sicily at its peak, and the Kingdom of Sicily as an insular kingdom ruled by the Crown of Aragon. The formation and rise of the Kingdom of Sicily will briefly cover the reign of Roger II as count of Sicily and then his coronation as King of Sicily in 1130 to the brief reign of William III in 1194. The second part will focus on the Kingdom at its height under the Hohenstaufen Dynasty from 1194 to 1266, especially under the rule of Holy Roman Emperor Frederick II and his promulgation of the law codes into the Constitutions of Melfi or *The Liber Augustalis*. The final part will focus on the Kingdom of Sicily under Angevin King Charles I of Sicily from 1266 to 1282 and its turnover to the Crown of Aragon from 1282 to 1337. Though the kingdom of Sicily under Aragonese rule spans from 1282 to 1409, this study focuses on key rulers up until 1337 when more power is given to the Sicilian parliament, while also briefly talking about later kings of the House of Barcelona ruling the Kingdom of Sicily.

The Kingdom of Sicily is not an anomaly in the record of Medieval European history, but it is one of the few cases that shows how a centralized state challenged the papacy and papal laws and elevated the status of the monarchy to the extent that it equated disobeying the king to sacrilege. This sort of power would allow the kings to control their subjects in all aspects, whether they be the Muslim Arabic or the Jewish populations. Through the highly codified legal framework supportive of the monarchy, the Kingdom of Sicily was able to become the great power that it was in the Mediterranean.

CHAPTER 1

THE FORMATION AND RISE OF THE KINGDOM OF SICILY

A Kingdom is Forged

When the lands of southern Italy and Sicily were conquered by the Normans in their initial migration to the Italian peninsula, two Norman lords stood above the rest. These were Duke Robert Guiscard of Apulia and Count Roger of Sicily, his brother, but it was through their conquest, along with their relatives, that southern Italy and Sicily came to be ruled by the Normans. This is what allowed Roger II to rule over the whole of southern Italy and Sicily. Duke William of Apulia, Robert Guiscard's grandson, failed to pass on his title to anyone, leaving the Duchy of Apulia in disarray and allowing others to take positions of power for themselves in places like Salerno, Troia, Melfi, and Venosa to name a few. This begins Count Roger II's conquest for the titles he claimed, and the eventual consolidation of the Mezzogiorno, or southern half of the peninsula. Salerno submitted to Roger after he had conceded the fortified citadel to the people for protection. Afterwards, Roger requested homage from Count Rainulf, his brother-in-law. This proved to be difficult, however, for Rainulf wanted something from Roger, and after a long argument, Roger transferred Count Roger of Ariano's homage to Count Rainulf, and Rainulf submitted, along with the Amalfitans who followed him. Tensions rise once Pope Honorius II sought to prevent Roger II from receiving his birthright and so the pope established an alliance and threatened to excommunicate anyone who joined sides with Roger. This begins Roger's fight with Pope Honorius II for the duchy of Apulia.¹

¹ G. A. Loud, "Abbot Alexander of Telesse, The History of Most Serene Roger, first King of Sicily," in *Roger II and the Making of the Kingdom of Sicily* (Manchester and New York: Manchester University Press, 2012), 64-70.

Roger first takes Torre Umfredo, quickly followed by Taranto, Otranto, Brindisi, Castro, Oria, and a few other cities which Alexander of Telese forgets.² After the period of fighting went on and the papal army, which contained some of the Norman lords in Italy, began to suffer from a lack of supplies, the pope secretly sent to Roger the message that he would grant the duchy to him. Not far from Benevento, where the pope was staying, Roger deployed his army on Monte S. Felice and the pope went out to meet him and declare his homage to Roger. Roger continued his campaign to put the rebellious lords under his rule, along with the cities that had betrayed him, like Salerno.³

Roger was able to claim the lands that belonged to him by hereditary right. Roger II was coronated at a Christmas mass in 1130 by anti-Pope Anacletus II, formally establishing Roger as King of Sicily.

The Legendary King Roger II [r. 1130-54] and the Assizes of Ariano

Having briefly established the rise of Roger II prior to his coronation as “King of Sicily,” one of his first important actions as the king was the creation of a set of laws to begin the process of creating a centralized kingdom and prevent it from destabilizing internally. Known as the Assizes of Ariano, these law codes range from a variety of subjects, whether it be concerning the power of the king, violations against the king and his subjects, the administering and preservation of justice, peace, and equality in the kingdom to specifics about land, court hearings, and even adultery. The assizes will be used by future kings, such as Roger II’s son, but will even be preserved or adapted by his

² Loud, “Abbot Alexander of Telese, The History of Most Serene Roger, first King of Sicily,” 70.

³ Loud, “Abbot Alexander of Telese, The History of Most Serene Roger, first King of Sicily,” 70-76.

grandson Holy Roman Emperor Frederick II in *The Liber Augustalis*, thus it sets the stage for centralization in the day-to-day legal and societal functions of the kingdom, and in turn is an important foundational component to this study. One can find the assizes in the Biblioteca Apostolica Vaticana, or in the digital Vatican library, categorized as MS Vat. Lat 8782. There is another copy at the abbey of Montecassino, which shares its history with the Norman Kingdom of Sicily. Not all of the laws are original, in fact, many came from Justinian's *Corpus Juris Civilis*, but nonetheless can still be taken as a reflection of King Roger II's feelings towards his non-Latin and non-Frankish subjects.

The Assizes of Ariano begins by establishing the power of the king along with the new law in relation to the preexisting laws in southern Italy and Sicily and the influence of the princes, counts, barons, and other lords in regard to their subjects. The entire legal code is important, and it is hard not to include most of the assizes in this analysis. In addition, when reading these laws, one may have questions with regards to how a Muslim or Jewish subject is treated under the law in tandem with a Catholic, or Christian subject. The very first assize states:

“In order that the laws newly promulgated by our majesty, mitigating through piety excessive harshness and thus encouraging benevolent rule, and elucidating what is obscure, should be fully observed by all. Because of the variety of different people subject to our rule, the usages, customs, and laws which have existed among them up to now are not abrogated unless what is observed in them is clearly in contradiction to our edicts here.”⁴

This law is generally applicable to all of the subjects in the kingdom, but already the influence of tolerance or the toleration of other customs is visible here in that King Roger II knew he could not strictly rule as a Frankish-Latin king. Regardless, Catholicism will

⁴ G.A. Loud, “The Laws of King Roger II (ca. 1140s),” in *Medieval Italy: Texts in Translation*, ed. Katherine L. Jansen, Joanna Drell, and Frances Andrews (Pennsylvania: University of Pennsylvania Press, 2009), 175.

take precedence over the other religions practiced in the kingdom. Still, the Catholic Church in Sicily was not necessarily supreme in and of itself, as the second assize might convey. The second assize establishes the custody and security of the holy churches in the realm to the king, who commends his faithful subjects to protect its properties and possessions. In addition, anyone who violates the church, and in essence this decree, is also violating the king, and will face his full wrath. From custody of the Church in Sicily, Roger then focuses on his vassals and their relation to the people and the land. In Assize III, Roger advises all of his vassals, whether it be princes, counts, barons, archbishops, bishops, or abbots, to treat all of their subjects with decency and mercy, especially in times of tax collection. Although these vassals have been granted lands by the king, these same lands within the regalia cannot be sold, either partially or wholly, to avoid the diminishment or abolishment of the regalian right on these lands.⁵ Assizes VI and VII reflect the individuals and their relationship with the church. The former grants protection to those who flee into a church, preventing whoever is chasing them from dragging them out unless they are a serf fleeing their lord, in which case rightful punishment can then be enacted. Anyone who violates this law may be subject to capital punishment or the repossession of all their property. The latter assize protects the privileges of the Church in the kingdom, that anyone who should violate the privilege of a church shall pay the appropriate compensation, or if they cannot pay, are subject to the judgement of the King or his officials.⁶ It is interesting how the violator is subject to the king's providence. This shows the scale of centralization

⁵ Loud, "The Laws of King Roger II (ca. 1140s)," 175-176.

⁶ Loud, "The Laws of King Roger II (ca. 1140s)," 175.

that began to develop in the Kingdom of Sicily under Roger II, but it brings forth an important question. How are the non-Catholic subjects of the realm treated in such a case?

Though King Roger II had established the equality of his subjects in terms of their faith, and in instituting his protection over the Church in the kingdom, he still made sure that agents of the Church were not allowed to do as it pleased. As it is seen in Assize X, bishops were prevented from ordaining serfs against their will. He also prohibited ordination in exchange for gifts or rewards. Only in emergencies, for example the death of a priest, could a bishop then substitute their position with a serf, but the village held the right to refuse to hand over the serf. Should the bishop continue to pursue someone to fill the vacant position, the church involved in the matter would then have to submit a petition to the lord.

The Church may be subservient to the king, but it still reigns supreme over the other faiths in the land. Assize XII is directed specifically towards Jews and Muslims, and the sentiment given off towards the Jewish and Muslim communities implies their status in Siculo-Norman Society at this time. The assize states that “No Jew or Pagan shall dare either to buy or sell Christian servants, or to possess them by any title [whatsoever], or to hold them as a pledge. If he should presume to do this all his property will be confiscated to the fisc, and he shall become the servant of the court. If he should by some wicked trick or persuasion have the servant circumcised or make him deny his faith, then he shall be punished by capital penalty.”⁷ Oddly enough, assize XIII concerns apostatizing from the Catholic faith, that those found to apostatize are stripped of their goods, lose their

⁷ Loud, “The Laws of King Roger II (ca. 1140s),” 175-178.

protection by the laws of the realm, and forfeit their right of inheritance and other legitimate rights. So, it was wrong for non-Christian subjects to convert Christian subjects, a crime punishable by death, but when individual Christians convert on their own free will it is less severe in that they keep their lives but forfeit protection under the law and their inheritance.

Perhaps one of the most important assizes in the Assizes of Ariano is Assize XVII which is titled “About those who commit Sacrilege.” The assize states:

“There should be no dispute about the judgement, plans, decrees, or deeds of the king, for to dispute his judgements, decrees, deeds, and plans, or whether he whom he has chosen or appointed is worthy, is comparable to sacrilege. Many laws have punished sacrilege most severely, but the penalty must be moderated by the decision of the one who is judging, unless perhaps the temples of God have been openly and violently despoiled, or gifts and sacred vessels have been stolen at night, for in that case the crime is capital.”⁸

Though the title and the meaning make it difficult to discern if one is committing sacrilege or something like sacrilege, this idea is not entirely unheard of. As a matter of fact, the religious authority of the kings of Sicily originates in the right known as *Monarchia Sicula*, which before this law, but now in concurrence with it, established that the religious authority was, by right, the king’s, and it preserved this right for his heirs and future kings of Sicily. This allowed the king to maintain his dominance in ecclesiastical affairs in the Church in Sicily, but it can also be viewed as a point of contention with the power of the pope in Italy and is why the two powers were often at odds with one another.

Right next to the crime of sacrilege in the Assizes of Ariano is the crime of treason. The act of treason in this case is very generalized. Any act of treason, whether it be done by one person or a group, who have taken an oath to plot or plan against the king, or even members of his court, will be “struck down by the sword” and have their properties

⁸ Loud, “The Laws of King Roger II (ca. 1140s),” 178.

confiscated. Acts of treason include attacking the king's reputation after his death, killing magistrates, deserting the army, betraying allies, spying, corrupting, publishing the king's counsels, and giving shelter to the enemy in times of war.⁹ By somewhat pairing these laws together and promulgating them sequentially creates, and solidifies, the notion of the power of the king both in religious and temporal affairs. One might even see this as a way of the king psychologically asserting his authority over his subjects as both high priest and sovereign.

What is interesting about the Assizes of Ariano is that it explicitly provides laws concerning the protection of women, especially, notable women, nuns, virgins, and daughters. The first law in the Assizes of Ariano that concerns women explicitly is Assize XXVIII, titled "About Adulteresses." This assize is lengthy and almost seems to take a neutral stance on the individual when it comes to judging the said adulteress. The neutral stance, rather, takes into consideration multiple factors that may have influenced the accused adulteress from committing the crime of adultery. For example, the assize states that:

"Moved by the piety to which we owe our whole being, we decree by the present general law that whenever a charge of adultery or fornication is put before those who, through our foresight and enactment, control our laws, they should pay no attention to status, but should clear-sightedly note the conditions and ages, and investigate the state of mind [of the parties] to establish whether [it was] of set purpose or from advice received or because of the perils of youth that they have rushed into the act. Or whether they are fallen women; [to establish] whether the womens' financial means are weak or strong, and whether they have been motivated by willfulness or a particularly unhappy marriage; in order that, once all these factors have been investigated, proven, and clarified, either a more lenient or a more severe sentence may be passed on the crimes committed, not on the basis of severity of the law but on that of the balance of fairness. For, if we proceed in this way, justice will ally perfectly with divine justice; nor will we be departing from that divine verdict, 'with what measure ye mete, it shall be measured to you once again' [Matthew 7:1]..."¹⁰

⁹ Loud, "The Laws of King Roger II (ca. 1140s)," 179.

¹⁰ Loud, "The Laws of King Roger II (ca. 1140s)," 182.

Though it may not be fair to say that women were treated equally as men were treated, this assize sets an important standard in the fair treatment of the king's subjects whether it be male or female. The law takes more into consideration the conditions that led to the crime, not so much the agent carrying it out, hence it claims to eliminate any bias. Though this law is quite lengthy, later in the assize it is taken into consideration the woman's station in life, or more accurately, their profession. For example, the subject of prostitution was also brought up in the assizes, basically giving prostitutes immunity from the judicial punishments for adultery and fornication, at the cost of degrading their worth and status in society. Interestingly enough, when it comes to multiple parties being accused of adultery, as expressed in Assize XXIX, the adulterer and adulteress cannot be charged together. Rather they should be charged separately and the outcomes of the case should be awaited, because if the adulterer can clear himself, then the woman is set free and does not have to present a case, but if the adulterer is found guilty, then the woman in turn can be accused.¹¹ Equality is preserved, and justice administered by the law persists, and more importantly the power of the king and the state is maintained, since the law further concludes that in such an instance where both parties are accused, divorce must be permitted while violence and detention should be avoided especially after the punishment has been served. This goes against the customs of maintaining one's personal or familial honor because violence towards either party is prohibited once the punishment has been served.

¹¹ Loud, "The Laws of King Roger II (ca. 1140s)," 182.

A law that may strike those that read the Assizes of Ariano as odd is Assize XXXIV.

This law focuses on the prohibition of forcefully cutting someone's beard. In Assize XXXIV titled "About Injuries Inflicted on Private Persons," the law goes on to state that:

"What is fully in agreement with law and reason is indeed welcome to all, and what is not agreeable to all on grounds of equity is manifestly displeasing. For it is not to be wondered at if, when something which God has most carefully and properly placed in a man is negligently and contemptuously held in no account by wrong judgement, the wise man and love of honesty is rightly indignant. For is it any more absurd that a stricken mare be compensated when its tail is cut off, and when a most respectable man be deprived of his beard? Therefore, on the suggestion and plea of the subject people of our kingdom, and realizing the defects of its laws, we pronounce this law and edict, that if any ordinary person be deliberately and intentionally deprived of his beard, then those convicted of having done this shall have the following penalty imposed, namely a fine of six golden *solidi*. If, however, this was done in a fight, without being planned beforehand, then they shall be three *solidi*."¹²

This is important for a few reasons, mainly revolving around the representation of the beard at this time. The beard was a symbol of status and masculinity, but it was also custom for certain Jewish sects and Muslims to maintain, not shave, beards. Shaving the beard was seen as going against tradition and was important for the Jews and Muslims, especially when the Torah and hadiths of the prophet prohibit shaving one's hair. For example, the Book of Leviticus states, "Do not clip your hair at the temples, nor spoil the edges of your beard."¹³ It can also be extended to Muslims in southern Italy and Sicily because of the hadiths that exist which tell Muslim's, in this case Muslim men, how they ought to live. For example, in a hadith by Sahih Bukhari in Book 77 Hadith 110, narrated by Ibn 'Umar, it states "Allah's Messenger (ﷺ) said, 'Cut the moustaches short and leave the beard (as it is).'"¹⁴ This assize can then be seen to tolerate the Jewish and Muslim practices in the kingdom of Sicily in that it protects this part of the population, albeit to a small degree, and

¹² Loud, "The Laws of King Roger II (ca. 1140s)," 184.

¹³ Lev. 19:27 <https://bible.usccb.org/bible/leviticus/19>. The Book of Leviticus makes up a major part of Jewish law.

¹⁴ Sahih Bukhari, bk. 77, hadith 110 <https://quranx.com/hadith/Bukhari/In-Book/Book-77/Hadith-110/>.

also shows the interest of the king in maintaining peace within his realm. One may even consider this law to secure one's right to observe their religious practice, which may deviate from the practice of Christian customs in the kingdom.

The aforementioned laws from the Assizes of Ariano, promulgated by King Roger II of Sicily, can be taken as the first serious attempts to establish a centralized state in southern Italy and Sicily since the time of the first Norman pilgrims that made their way into the Mezzogiorno. This act would also set the foundation for future law codes to come, as will be seen in Roger II's grandson's own promulgation of law codes, The Liber Augustalis, promulgated by Emperor Frederick II of the Holy Roman Empire. The Assizes of Ariano, when it comes to legal etiquette, provide a more professional treatment of the subjects of his kingdom. Aside from the legal tradition established by Roger II, we also see his own personal treatment of his multi-cultural subjects to a certain extent.

King Roger II's treatment of his non-Latin, non-Frankish subjects was influenced greatly by his father, Count Roger I of Sicily.¹⁵ From his father, Roger II adopted an appreciation for the foreign cultures and religions of his realm, an appreciation that would only grow with time. This appreciation is evident in Ibn al-Athir's *The Complete Treatment of History*, one of his most famous works. In Joshua Birk's translation of two entries from

¹⁵ Taking into consideration that Count Roger I was a Catholic noble, as Count of Sicily he was known to use Muslims in his army, which is especially seen in their deployment when he besieged Amalfi, as stated in the Chronicles of Bari. In LP 1096, the chronicle mentions how Roger I, along with 20,000 Muslims, on top of his own contingent of soldiers and the counts of Apulia, besieged Amalfi. If we are to take the chronicler literally, to command that many foreign soldiers, whose religion and religious brethren are under attack during the First Crusade, is impressive, but also sheds some light on Roger I's appreciation and use of the Muslims of Sicily as skilled warriors. (Tehmina Goskar and Patricia Skinner, "Composite Chronicles from Bari, (ca. 1000–1117)," in *Medieval Italy: Texts in Translation*, ed. by Katherine L. Jansen, Joanna Drell, and Frances Andrews (Pennsylvania: University of Pennsylvania Press, 2009), 499, <http://www.jstor.org/stable/j.ctt3fhhzb>.)

the book, we see an interesting two-sided aspect to Roger II's treatment of his Muslim subjects within his court. In an entry from Ibn al-Athir dating from July 4th, 1144, to June 23rd, 1145, Ibn al-Athir talks about Roger II and his treatment of Muslims, in this case a Muslim who lived in Sicily, but for who there is no name. According to Ibn al-Athir, Roger II honored and venerated this Muslim. Roger sought this man's advice before his own priests and monks, and as a result of this a rumor was started that Roger II was actually a Muslim himself. In an entry from March 29th, 1153, to March 17th, 1154, however, we see a different treatment of a Muslim subject in King Roger II's court. Philip of Mahdiya commanded Roger's fleet and sailed to Bone, which is a coastal city in North Africa, and captured the city with the help of the local Arabs. He had taken the people of Bone as prisoners and seized everything in the city, except for a few "learned and pious men" who had fled the city with their families as well as their possessions. Philip returned to Mahdiya and then to Sicily where Roger eventually ordered for Philip's arrest because of the kindness Philip expressed towards the Muslims. In addition, rumors spread that because Philip did not fast with the king, and some people attested Philip to be Muslim, he was sentenced to be burned to death.¹⁶

From this we notice a couple of things. At first it seems from this that Roger II held the power to arbitrarily pick and choose who he wanted to kill and when. One must ask, perhaps there was a legitimate reason why Roger II chose to punish Philip. If we look back to Assize XVIII, Philip's actions can be seen as an act of treason. Hence, Roger II is

¹⁶ Joshua Birk, "Ibn al-Athir on Sicilian Muslims Under Christian Rule: The Complete Treatment of History (Mid-Twelfth Century)," in *Medieval Italy: Texts in Translation*, ed. Katherine L. Jansen, Joanna Drell, and Frances Andrews (Pennsylvania: Pennsylvania University Press, 2009), 122-123, <http://www.jstor.org/stable/j.ctt3fhzb.41>.

justified in calling for judicial action to be taken based on violation of the law and not on religion. It would make sense that this is the case because, the unnamed Muslim whose counsel Roger II respected and considered, is part of the court and is subject to King Roger II, while the people of Bone are considered enemies up until the city is captured and integrated into Roger's domain. What if Philip was returning the favor to the Arabs who helped him in capturing Bone and let them simply flee? Still, the treatment of Muslims, at least in these two cases and viewed in tandem with the laws of the time, can be seen as perfectly fine and follows the fair treatment of the multi-cultural subjects of the kingdom.

Perhaps one of the most important pieces of historical text to which we can validate events that occur at this time is in Hugo Falcandus' *The History of the Tyrants of Sicily*. Unfortunately, the true identity of the author is a mystery for "Hugo Falcandus" is a pseudonym used by the author. Although this book is a history of Roger's son William I and his son William II, Hugo begins with the reign of Roger II where he then glorifies him and turns him into the legendary king that the future kings of Sicily will revere. Hugo explains how Roger II was naturally gifted, often sought the counsel of his court in important matters and was highly invested in the wellbeing of his kingdom. Roger II expanded his kingdom through the use of his wisdom and not so much his power, and came to conquer Gabes, Sfax, Africa, and Tripoli on the Barbary Coast. Equally important was his efforts in learning the customs of the peoples of his territories, as well as other kings, and adopt these customs and make good of their use in administrating the kingdom. When Roger II dies and the kingdom falls into the hands of his son William I, because he went against the intentions of his father and his plans for the kingdom, the realm enters into an uneasy state. His biggest mistake would be when he makes one of the members of his court,

Maio of Bari, chancellor. According to Hugo, Maio was too negligent in his duties, did not care for preserving the peace in the realm, and is called by Hugo a “beast.” With the amount of power and influence he held in the kingdom, Maio could have single handedly overthrown the stability of the realm due to his deceit, malpractice, and disrespect shown towards the nobles of the realm. With Archbishop Hugh of Palermo, Maio was able to manipulate King William I early in his reign and silence the noblemen of the realm who threatened his plan to seize the throne for himself,¹⁷ thus begins the reign of the tyrants.

William I “The Bad” [r. 1154-66]

According to Graham A. Loud and Thomas Wiedmann, their translation of Hugo Falcandus’ chronicle of the history of the Kingdom of Sicily during the reigns of William I “The Bad” and William II “The Good” is the principal source of the kingdom’s history from Roger’s death to the Spring of 1169. It is important therefore to incorporate this chronicle into the paper as part of the historiography covering the Kingdom of Sicily. The authors of this translation state, however, that “The factual framework employed by our author may be perfectly true, and many of the details which he provides are confirmed by other sources, but the interpretation which he placed on upon them is such that the *history* must be treated with more than usual critical attention.”¹⁸ In addition to this, the author’s own classical learning plays a role in distorting the history in that at this time they would have viewed many rulers of Sicily as tyrants. In order to overlook this bias, the authors of the translation provided Archbishop Romuald II of Salerno’s chronicle to obtain this clarification.

¹⁷ Ugo Falcando, *The History of the Tyrants of Sicily* by “Hugo Falcandus,” 1154-69 / *Translated and Annotated by Graham A. Loud and Thomas Wiedemann*, trans. Graham A. Loud and Thomas Wiedemann, (Manchester; New York: Manchester University Press, 1998), 56-62.

¹⁸ Falcando, *Tyrants of Sicily*, 1.

It is also important to incorporate Graham A. Loud and Thomas Wiedemann's translation of Hugo Falcandus' book into this paper so as to show, when it came to the administration of the kingdom, how its growth was hindered by subjects like Maio of Bari, but also how his actions reflect the creation of future law codes. As mentioned previously, Maio of Bari was deceitful, disrespectful, and in many cases ruthless, as the chancellor and *ammiratus ammiratorum*, or "admiral of admirals," of the kingdom. Early in William I's reign, Maio begins to imprison the nobles of the realm unjustly with the help of the king, convincing him that these nobles are conspiring against him. War breaks out between the Byzantine Empire and the Kingdom of Sicily, however, forcing Maio to shift his attention to the fighting going on in the Italian peninsula. William I also takes part in the fighting, but one of his most notable actions comes after the Siege of Brindisi by the Greeks and their eventual defeat, where he heads to Bari to address the rebellious citizens. The population had destroyed the royal citadel as an expression of their opposition to the king. William confers his judgement then and there to the people, and states, according to Hugo, "My judgement against you will be just: since you refused to spare my house, I will certainly not spare your houses; but I will allow you to leave freely with your property."¹⁹ What is interesting about this is that though the people had expressed their opposition to the king at a time when the region was being invaded by Byzantine forces, rather than consider it as treason, King William I takes more than a just approach, one would even consider it to be a merciful one.

Once the war ends, the realm continues to destabilize with the arrest of more nobles by Maio. He even begins to arrest the sons of the other nobles, apprehend their wives and used

¹⁹ Falcando, *The History of the Tyrants of Sicily* by "Hugo Falcandus," 1154-69 / Translated and Annotated by Graham A. Loud and Thomas Wiedemann, 73-74.

them for his own gain. Beginning with the sons of Duke Roger, Hugo states that Maio had arrested Duke Roger's sons, Tancred and William in the palace compound. As the prisons filled up with noblemen, Maio still could not rest with having partially completing his conspiracy. He gouged out the eyes of these noblemen, beat them, and even put them in snake pits. He took their wives and daughters away from their homes and separated them, forcing some to serve his own lust while he had others sell themselves indiscriminately under the pressure of poverty. He still was not satisfied, for there were a few noblemen he had wanted to imprison such as Count Everard of Squillace.²⁰ Though Count Everard's loyalty was unquestionable, Maio did everything he could, spying on the count, so as to fabricate a reason for his arrest. When Count Everard had gone hunting with some of his followers, Maio fabricated the lie that because he had left the court without the king's permission, with a group of knights no less, this was the beginning of an act of rebellion. King William I summoned Count Everard to his court where he imprisoned him and was then blinded and had his tongue cut out by Maio.²¹ The unjustified arrest, imprisonment, and torture of the nobles is partially why William I was given the nickname "The Bad," but it was also during his reign that he loses the lands acquired by his father in north Africa. But this was not entirely his fault, for it was Maio who was the "admiral of admirals" that was also supposed to keep his attention on these regions as well. For the reason that he was power-hungry, his only focus was control of the throne and we see this after he has either killed, imprisoned, or exiled most of the nobles of the realm. Maio then seeks the support of the people as the next part of his plan. Maio, the same person who had issued and carried out many of the tyrannical acts enacted to the king's subjects, tried to play himself off as the rational

²⁰ Falcando, *Tyrants of Sicily*, 76.

²¹ Falcando, *Tyrants of Sicily*, 76.

hero, by questioning the sanity of the king. He was openly making remarks on how mad William I was, he made fun of him in public, and whenever the king had gave an order for something tyrannical and barbarous on Maio's advice, Maio would give instructions that it should not be done because if he had listened to every order the tyrant had madly issued, then innocent people would be put in danger.²² The irony in his claims to ensuring the safety of the people of the kingdom is significant for two things: one, because it shows how his power and influence at this low point in the kingdom rivaled that of the king's, and two, there is an important emphasis on "the people" as a body in the kingdom that will come to play a significant role in the kingdom towards the end of the Angevin rule over Sicily and the beginning of the Aragonese Crown's rule.

Through the use of Hugo Falcandus' account concerning the reign of William I, his detail on the administration of William I and the deeds of Maio of Bari provides an alternate perspective on power in the kingdom and how it inhibited centralization. If Roger II is to be seen as a role model for other kings to emulate, William I is everything a king should not be. Although Hugo Falcandus makes it seem that William I was manipulated by Maio of Bari, in the accompanying text that Loud and Wiedemann present, Ramuald of Salerno's chronicon portrays a slightly different account of the period in question. He acknowledges Maio's power and sway in the Sicilian court, which caused the noblemen to fear him and the king, but Ramuald gives more agency to King William than Hugo does. William I gave Maio orders to besiege Benevento with a large army, but the defenders repelled the enemy long enough for other barons to join in the Benevento defense. The drawn-out siege caused the besieging army to slowly

²² Falcando, *Tyrants of Sicily*, 78

disperse, some barons abandoned the king “regretfully and unwillingly” because they feared they would be arrested by Maio, who hated many of the barons.²³

Eventually a coalition of counts formed to oppose Maio. With the help of Matthew Bonellus, who was close with Maio, Matthew carried out the assassination plot formulated by the coalition against Maio, throwing the kingdom into chaos. The noblemen who were imprisoned by Maio found their chance to escape during an unsuspected rebellion and King William I was captured, and the noblemen previously imprisoned by him had their status restored. Towards the end of his reign, William I named his eldest son William II his heir and established a council of *familiars*, or servants to the royal household, to help in the early years of his reign as king, along with the help of his mother, Queen Margaret. It is during the regency of William II and going into his rule that we see councils, administrative institutions, and culture develop in a way that affects the centralization of the Kingdom of Sicily.

William II “The Good” [r. 1166-89] and New Administrative Institutions

Though it may have seemed that the stability of the realm had been restored and the kingdom could continue its growth, it would only be hindered again, this time as a result of William II being too young to rule as an independent monarch. William II ascended to the throne at the age of twelve, providing new challenges for the royal family to maintain its power and keep the nobles of the realm in check. Hugo Falcandus mentions the rise of the nobility in the royal court with the creation of the *familiars*. This position can be viewed as an inner council of the king with its advisors carrying out specific duties. For example, Queen Margaret, as the

²³ Falcando, *Tyrants of Sicily*, 222.

regent for her son William II “The Good,” had expanded this council, employing Qa’id Peter²⁴ the eunuch, a Muslim convert to Christianity. Peter was the master chamberlain of the royal palace but was eventually elevated to head minister by Queen Margaret. Peter would not hold this position for long, however, when the other nobles began to plot against him, and so he fled to Tunis. Queen Margaret appointed Richard of Molise to the position of *familiaris curie*, which attempted to fill this vacancy in the council left by Peter. This position gave Richard more power over the *familiares* in the council. Soon after, two other officials were added to the council, these were Qa’id Richard, master chamberlain of the royal palace, and Qa’id Martin, who was head of the *duana de secretis*. This administrative council grew to hold ten members, but it was marked by constant resistance by local magnates and Sicilian natives. The council continued to govern until King William II’s brother and tutor, Walter, who after being consecrated as archbishop of Palermo, put an end to the council and the political struggles it generated. A new council called the *familiares regis*, which similarly acted as the king’s council, only accepted clerics and royal officials, while keeping out the nobility.²⁵ It is interesting to see the use of Muslim converts to Christianity in the council over time. After Qa’id Peter’s appointment to head minister and his eventual retreat to Tunis, a few ideas come to mind as to the treatment or trust of Muslims in the council. One is that Qa’id Peter was a Muslim convert to Christianity, but if we consider the unfortunate fate of Philip of Mahdiya, the prominent admiral in the service of Roger II who was also a Muslim convert to Christianity and executed on charges of apostasy, there may be a connection to the plot against Peter, in which he was not trusted enough to hold

²⁴ The title “Qa’id” was a title employed by the Norman kings of Sicily for the Muslim or Muslim converts to Christianity who held a high office in the *curie*.

²⁵ Hiroshi Takayama, *The Administration of the Norman Kingdom of Sicily* (Leiden: E.J. Brill, 1993), 115-122.

the highest position in this council. It could also be confirmed through his retreat to Tunis after he was forced to flee from the kingdom that his true loyalty was to Islam. Or, this could simply be a case of prejudice expressed by other Christian nobles who sought power for themselves and did not want to see a Muslim convert at the head of the council. Still, we see the employment of Muslim converts in the council after Peter fled from the kingdom, as in the case of Qa'id Richard and Qa'id Martin. Though what may have represented an informal council, going into King William II's reign, the *familiaris regis* became to be known as a formally recognized royal inner council in which the administrative power of the kingdom came to be concentrated.²⁶ Other important administrative institutions that are necessary in observing the increasing centralization of the kingdom are the *Diwan al-tahqiq al-ma'mur*, the *duana de secretis*, and the *duana baronum*.

The *Diwan al-tahqiq al-ma'mur* means "office of verification." Through studying the documents of the royal court in Sicily during the time of the Norman kings, Hiroshi Takayama is able to give us a sense of what these offices may have done for the kingdom, who they employed, and therefore providing an understanding of their importance to the centralization of the kingdom in two ways. One of the first documents that Takayama analyzes is a royal order which granted royal land to a church sufficient enough for the cultivation by four yoke of oxen and the sowing of 120 mudda of wheat. It also ordered the 'amil of Iato, Abu al-Tayyib, to fix the extent of such land in the royal demesne of Iato with the help of Christian and Muslim shuyukh, shuyukh being the plural for shaikh. The land chosen by Abu al-Tayyib was granted to the monks and was recorded in the *daftar al-hudud*, or land registers, of the *diwan al-tahqiq*

²⁶ Takayama, *The Administration of the Norman Kingdom of Sicily*, 123.

al-ma'mur. From the examination of this document, Takayama concludes that this administration was concerned with land administration in the kingdom. There is another document from 1171 which shows the other functions of this administrative body. Shaikh Geoffrey, as the *sahib diwan al-tahqiq al-ma'mur*, was ordered to inspect the lands in the amir's house along with the village of Sha'rani, which was granted by Sayyid George to Saint Mary's Church in Palermo. With the help of the locals, Shaikh Geoffrey also established the boundaries of the land in the document based off of the details given to him, placed his seal on the document, and brought it to Shaikh philosopher John, or ash-Shaikh Filsuf Yani. We see, as expressed by Takayama, that the officials of the *Diwan al-tahqiq al-ma'mur* were responsible for inspecting, transferring lands, fixing boundaries, and preparing and sealing documents recording these details. Through Takayama, we see that the administrative functions of the *Diwan al-tahqiq al-ma'mur* was to: inspect transferred lands whether they be royal lands or fiefs and fixing their boundaries, preparing documents which recorded the boundaries of transferred lands, preserved *dafatir*, or ledgers and other tax documents, and insured *jara'id*. Takayama notes that from this, the office was concerned exclusively on land administration, specifically focused on the land registers of former Muslim rulers so as to keep and revise these documents. It is also possible that this office expanded its duties in time.²⁷ Note also the use of Christians, whether they were Muslim converts or not, were employed by these officials to update records. Also note the use of Muslim converts to Christianity who took positions in the office of the *Diwan al-tahqiq al-ma'mur*. Though their knowledge of the land would certainly help establish the boundaries of the Muslim rulers in Sicily, their inclusion in the Norman administration shows some sort of willingness to accept Muslims in the growing kingdom, or else, why would the Norman rulers

²⁷ Takayama, *The Administration of the Norman Kingdom of Sicily*, 82-83.

not have just used other Norman barons to carry out this job? It seems that it was to establish a sense of trust between the people and the state, especially since the lands observed in the records were Sicily, which was where the Muslim population was heavily concentrated in the kingdom.

In the case of the *Duana de Secretis*, its functions vary. From an Arabic document issued in 1175, the *Duana de Secretis* was also referred to as the *Diwan al-tahqiq al-ma'mur*, and therefore was responsible for the functions previously mentioned. From a Latin source of 1168, a writ from William II written in 1173, an 1172 writ of transfer by *secretaries* Geoffrey, and another document in 1183, the functions of the office expand. These include fixing and transferring land boundaries, the grant of royal lands, supervision of the royal lands, issuing, confirming, and renewing writs of transfer, and the preservation of *dafatir*.²⁸ Over time we see such offices grow along with the hold of the king on the realm, especially of his knowledge of his Muslim subjects of Sicily.

Finally, the *Duana Baronum* played an equally important role in the administration of the kingdom. This office, as the regency of King William II is over and he assumes control, is responsible for a handful of functions, which includes:

“(1) granting of royal lands and royal properties; (2) communication and promulgation of royal ordinances; (3) permission for sale of lands; (4) lending of monies; (5) buying of houses and paying of the sums owing; (6) holding of court and solving of various troubles by trial; (7) control of officials; (8) receipt of indictments.”²⁹

It would seem that the *Duana Baronum* was focused more on the subjects and officials and not so much the administration of land, despite being able to grant it. With these administrative

²⁸ Takayama, *The Administration of the Norman Kingdom of Sicily*, 134-135.

²⁹ Takayama, *The Administration of the Norman Kingdom of Sicily*, 152.

offices, the power of the king grew along with his grasp on the realm, including his subjects.³⁰ Though peace in the realm was uncertain when it came to William II's ascension to the throne, the amnesty his mother, Queen Margaret, had granted to the nobles who were wronged by William I, but more so Maio of Bari, significantly cooled things down, allowing for the growth of the realm and its new administrations. The kingdom at this time continued to grow in more ways that did not solely involve laws or the administration, and we see this through Ibn-Jubayr's chronicles on his pilgrimage to the holy cities in Arabia.

Ibn Jubayr is a Muslim from al-Andalus, what is now modern-day Spain, who had written a chronicle on his pilgrimage to the holy cities, which gives modern historians a different view of the medieval world, that being from a medieval Muslim's perspective. His chronicles are important due to the fact that he visits the kingdom of Sicily during the reign of King William II and reports on his visits to the cities on the island of Sicily along with the Muslim villages scattered about the island. Ibn-Jubayr's account presents two different livelihoods a Muslim man or woman can experience in the kingdom at the time, that being either one could live relatively peacefully in a village or under the fear of persecution in the city. What is especially interesting about this study is how Ibn Jubayr presents his arrival to the island of Sicily.

Ibn Jubayr arrives at Sicily on the month of Ramadan 580 AH, more specifically the 6th of December 1184. Rather than smoothly sailing into the port of Messina, his boat was taken away by a gust of wind and the ship's keel and rudders had run aground. Though he, along with the ship's pilgrims and crew, were ready to accept their fate, they lasted until dawn where they

³⁰ Hiroshi Takayama's book *The Administration of the Norman Kingdom of Sicily* is crucial for students studying Medieval Italian administrative practices. For more on these administrations one can find more detailed explanations of these offices and their importance as translated from the documents examined in the book.

saw they were only about a half a mile offshore from Messina, and their cries had brought small boats to their shipwreck. Interestingly enough, King William II accompanied the rescue boats to assess the situation himself. Ibn Jubayr writes that he was told one of the strangest things about King William, and that was that when the king heard the Muslims could not pay for their landing since the captains of the rescue boats were asking for a high price for the rescue of the pilgrims, King William II, after enquiring and hearing the story of the Muslim pilgrims, gave them one hundred ruba'i for their troubles, which paid for Ibn Jubayr's rescue. After this episode, Ibn Jubayr makes a note on the city of Messina, primarily noting the fact that it was bustling with trade. Merchant infidels, ships from all over the world, and its various companies of travelers due to the cheap prices of the city's market made it a cheerless place because there were no Muslims and the city teemed with Christians who choked its inhabitants. The city was full of smells, filth, and unpleasant strangers who lacked courtesy.³¹ Thankfully this experience does not heavily influence his opinion on the island of Sicily and its inhabitants, for he notes the good and the bad of his travels on the island, for example, his travel to Palermo. He recalls Palermo as the "finest" town in Sicily, and it was also the seat of the king. Known to Muslims as "al-Madinah," the Muslim citizens possessed mosques and markets in the suburbs of the city, while other Muslims lived in the other farms, villages, and towns of the island, like in Syracuse. But one of his most important chronicle entries of the time gives in great detail the perception of the king, how his kingdom is fairing, and the status of Muslims in Palermo. He states:

"Their King, William, is admirable for his just conduct, and the use he makes of the industry of the Muslims, and for choosing eunuch pages who all, or nearly all, concealing their faith, yet hold firm to the Muslim divine law. He has much confidence in Muslims, relying on them for his affairs, and

³¹ Ibn Jubayr Muḥammad ibn Aḥmad, and Ronald J. C. Broadhurst, *The Travels of Ibn Jubayr: Being the Chronicle of a Mediaeval Spanish Moor Concerning His Journey to the Egypt of Saladin, the Holy Cities of Arabia, Baghdad the City of the Caliphs, the Latin Kingdom of Jerusalem, and the Norman Kingdom of Sicily*, trans. Ronald J. C. Broadhurst (London: J. Cape, 1952), 337-339.

the most important matters, even the supervisor of his kitchen being a Muslim; and he keeps a band of black Muslim slaves commanded by a leader chosen from amongst them. His ministers and chamberlains he appoints from his pages, of whom he has a great number and who are his public officials and are described as his courtiers. In them shines the splendour of his realm for the magnificent clothing and fiery horses they display and there is none of them but has his retinue, his servants, and his followers. This king possesses splendid palaces and elegant gardens, particularly in the capital of his kingdom, al-Madinah. In Messina he has a palace, white like a dove, which overlooks the shore. He has about him a great number of youths and handmaidens, and no Christian King is more given up to the delights of the realm, or more comfort and luxury-loving. William is engrossed in the pleasures of his land, the arrangement of its laws, the laying down of procedure, the allocation of the functions of his chief officials, the enlargement of the splendour of the realm, and the display of his pomp, in a manner that resembles the Muslim Kings. His kingdom is very large. He pays much attention to his (Muslim) physicians and astrologers, and also takes great care of them. He will even, when told that a physician or astrologer is passing through his land, order his detainment, and then provide him with means of living so that he will forget his native land. May God in His favour preserve the Muslims from this seduction. The King's age is about thirty years. May God protect the Muslims from his hostility and the extension of his power."³²

This entry sums up the state of the realm during King William II's reign, which also seems to corroborate previous observations from other Christian chroniclers and modern scholars the power of his administration, the power of the king over these administrations, and the use of Muslims within them. Ibn Jubayr does not stop his analysis of the king and his realm, rather he takes his recordings a step further in analyzing the cultural setting of the city, the diffusion of different customs and its effect on the people, but also the limitations placed on the Muslim community. Ibn Jubayr continues to tell of King William II's interest of Muslim customs and the Arabic language based off of rumors from within King William II's court. For example, one of King William II's personal servants told Ibn Jubayr that his *'alama*, or his sign or seal, was "Praise be to God. It is proper to praise him," while his father's was "Praise be to God in thanks for His beneficence."³³ When one thinks of it, perhaps that because the Norman nobles of the realm were not significantly superior to their Muslim neighbors, that some Muslim's could hold higher court positions than the Christians perceived they could, can be seen as a constant cause

³² Ibn Jubayr, *The Travels of Ibn Jubayr*, 340-341.

³³ Ibn Jubayr, *The Travels of Ibn Jubayr*, 341.

of dissent from the Norman lords during the reign of the Norman kings. Yet, it seems that their use in the administration of the kingdom was practical and may have even been a necessity.

What is strange in Ibn Jubayr's entries when it comes to religions is that Islam is either fully accepted or the Muslims of the cities have to practice their religion in secret so as to avoid persecution. That while the Muslim handmaidens had converted the Frankish Christian women who came to the palace,³⁴ that Christian women had taken up the fashion of Muslim women, along with the Arabic they spoke and the veils they wore,³⁵ and the greetings and courtesy given to him in his travels by other Christians,³⁶ Muslims still had to make sure they did not publicly profess the faith. For example, when Ibn Jubayr met with a man named 'Abd al-Masih, one of the most distinguished pages to the king, before they could talk any further about 'Abd al-Masih's closest secrets, like his faith, he had to dismiss most of his servants from his audience-room for his own protection. 'Abd al-Masih then flooded Ibn Jubayr with questions on the holy cities of Syria and asked him if he could give him some token from Mecca and Medina. Ibn Jubayr then tells in his entry what was told to him by 'Abd al-Masih, stating "'You can boldly display your faith in Islam,' he said,' and are successful in your enterprises and thrive, by God's will, in your commerce. But we must conceal our faith, and, fearful of our lives, must adhere to the worship of God and the discharge of our religious duties in secret. We are bound in the possession of an infidel who has placed on our necks the noose of bondage."³⁷ Such a revelation is startling, yet if this was the case, why was it that other rumors and reports of his travel show other flourishing Muslim communities on the island. For example, the Muslim community of

³⁴ Ibn Jubayr, *The Travels of Ibn Jubayr*, 341.

³⁵ Ibn Jubayr, *The Travels of Ibn Jubayr*, 349-150.

³⁶ Ibn Jubayr, *The Travels of Ibn Jubayr*, 345.

³⁷ Ibn Jubayr, *The Travels of Ibn Jubayr*, 342.

Qasr Sa'd or Solanto Castle, who were pious Muslims that professed their faith in what Ibn Jubayr described as one of the most beautiful mosques in the world. It should also be noted that the town held numerous tombs of ascetic and pious Muslims, which means, at least to a certain degree, that this community had been flourishing for some time. In addition to the other rumors, it was told to Ibn Jubayr that when a horrible earthquake had shaken the island, the "polytheist" king cautiously went around his palace and heard nothing but cries to God and the prophet Muhammad from his women and pages. When they saw him, they were confused, but King William II said to them "Let each invoke the God he worships, and those that have faith shall be comforted."³⁸

The ambivalent feelings shown towards the Muslim community in Sicily may best describe the sort of tolerance they experienced throughout the island. They may have been able to profess the faith, but it was either in secret, as in the case of the metropolitan areas, or it could be done without fear of persecution, as in the case of Solanto Castle. Although the entries from Ibn Jubayr do not explicitly examine the laws or the growth and centralization of the kingdom, it is through the experiences of his Muslim brethren that we see them play important, sometimes crucial roles, in the administration of the kingdom, further establishing what medieval tolerance looked like.

An Illegitimate King and the Hohenstaufen Conquest of Sicily

William II failed to leave an heir to his throne, and upon his death the throne is given to Tancred of Lecce, an illegitimate son of Roger III, Duke of Apulia. Due to the fact that Tancred was an illegitimate king, Holy Roman Emperor Henry VI who was married to Constance,

³⁸ Ibn Jubayr, *The Travels of Ibn Jubayr*, 341.

daughter of King Roger II, contested his claim to the throne through this marriage, and went to war with Tancred.

At first the German armies were unsuccessful due to suffering from the widespread of disease and illness, and so the initial conquests of Henry VI failed. He was successful in his second attempt, finishing his conquest at Palermo in Sicily. Tancred had died, which left his son, William III next in line for the Sicilian throne. Though Henry VI had spared him at first, he eventually imprisoned William III and killed him, officially ending the de Hauteville succession of the Sicilian Throne. Though the Staufen succession was now secured in Sicily, Henry VI died, leaving the young Frederick II set to ascend to the throne after the regency of his mother, Constance. Still, the realm would continue to experience political struggle upon his mother's death, and when he is given a new guardian. Frederick II would have to reassert his power in Italy and Germany once he came of age.

CHAPTER 2

THE KINGDOM OF SICILY AT ITS HEIGHT

Frederick II: From Child King to Emperor

Two periods of Frederick II's life held a significant influence over his reign that would bring the Kingdom of Sicily to its height through the promulgation of its new law codes. These periods are the minority of Frederick II, where a regent rules in his stead in the Kingdom of Sicily, and his contest of the imperial throne in the Holy Roman Empire.

Frederick II was born on December 26, 1194, in the town of Iesi in March Ancona. When he was only three years old, his father Henry VI died, leaving the young Frederick the Kingdom of Sicily by inheritance and the heir presumptive to the Kingdom of Germany. His claims would be contested by Otto IV of Brunswick of house Welf, however, who was supported by the German princes opposed to Hohenstaufen rule, while Philip of Swabia, the youngest brother of Henry VI, fought to preserve Hohenstaufen rule over the imperial throne. Constance, Frederick II's mother and daughter to Roger II, appointed Pope Innocent III to be the guardian of her son on the condition that Frederick would become a vassal of the pope. Frederick would be a key factor in the game of politics that surrounded the subjugation of Sicily to the pope, and the future of Hohenstaufen rule in Germany. When Frederick II came of age to rule, he refused to renounce his claims to the imperial throne, and as he left the Italian peninsula for Germany he confirmed with the pope the suzerainty of the Church over Sicily, he gave the Church its Sicilian possessions, and renounced his control over ecclesiastical appointments. Eventually, Frederick was able to defeat Otto IV militarily and gain the support of the German princes and claim the imperial throne. Frederick II spent most of his days in the Kingdom of Sicily, perfecting his vision

of a centralized state founded upon law and order.³⁹ There is no doubt that because Frederick II was exposed to politics at an early age, and for most of his childhood, it left a significant impact on his methods of administering both an empire and a kingdom.

After maintaining his title as King of Sicily, being elected King of the Romans, and suppressing Otto IV of Brunswick along with his support to the imperial throne, Frederick II finally became King of Sicily and Emperor of the Romans. This caused Pope Gregory IX to be wary of the imperial presence of Frederick II in Italy and based on the fact that the papacy had helped Frederick in his rise to power, Pope Gregory secured Frederick II's oath to go on a crusade. Frederick had vowed to embark on a crusade in the Summer of 1227, but when his army had become stricken by disease, with Frederick II himself becoming seriously ill, he decided not to sail for the holy land. Because he had failed to fulfill his oath, Frederick II was excommunicated by Pope Gregory IX. Regardless of his excommunication, Frederick went on a crusade the following year and managed to capture Jerusalem. Despite his crusading success, Frederick II was still excommunicate, and Gregory IX created a papal army, in coordination with a few other lords like John of Brienne, and waged war with the Kingdom of Sicily, beginning the conflict that would come to be known as the War of the Keys.⁴⁰ His forces included John of Brienne, John de Colonna, Pelagius of Albano and the papal chaplain Pandulf. After successfully defeating Frederick's vassals in Ancona, Spoleto, and Campagna, the papal army advanced further

³⁹ Walther Köhler, "Emperor Frederick II., The Hohenstaufe," in *The American Journal of Theology* 7, no. 2 (1903): 225–233, <http://www.jstor.org/stable/3153729>.

⁴⁰ Brett Edward Whalen, "A Contested Vow," in *The Two Powers: The Papacy, the Empire, and the Struggle for Sovereignty in the Thirteenth Century* (Pennsylvania; University of Pennsylvania Press, 2019), 17-20, <http://www.jstor.org/stable/j.ctv16t6gh0>.

into Italy. At first the pope had made significant gains, however, when his army's supplies began to deplete, he sought out the patronage of the rulers of Europe. He also began calling for a crusading tax to help fund the war, which shows how powerful and influential Pope Gregory IX was at wielding both the spiritual sword and material sword of the church. Though many accepted the fact that the pope was within his rights to wield the spiritual sword, his material gains and ambitions became a concern.⁴¹

Once Frederick II returned from his crusade, he quickly pushed back the papal army in a series of military victories, forcing the pope to consider a peace treaty. After a long period of deliberation concerning the conditions of the treaty, the Treaty of San Germano was signed on the 23rd of July, 1230. Through this peace, Frederick II agreed to restore the Church's lands he had seized during the war, along with Templar and Hospitaller lands he had seized during his crusade, giving prelates access to their sees in the kingdom, he exempted the clergy from the jurisdiction of civil courts as well as forfeiting all taxes on clerical properties, and finally agreed to preserve the peace and swore not to take revenge on the papal vassals who remained loyal to the pope.⁴²

The Laws of Frederick II [r. 1197-1250]: King of Sicily and Emperor of the Holy Roman Empire

When Frederick II reclaimed his right to rule over Sicily, he promulgated The Liber Augustalis, also known as the Constitutions of Melfi. Though Frederick II had preserved the laws of previous kings, such as Roger II, Frederick II also reframes and issues his own

⁴¹ Whalen, "A Contested Vow," 36-38.

⁴² Whalen, "A Contested Vow," 42-43.

laws for the realm as well. It is these laws that demonstrate the growth of the kingdom's centralization to the point where the Kingdom of Sicily begins to bear the resemblance, arguably, of a modern state itself. Furthermore, the constitution adds on to the protection of its subjects, yet we also see some interesting developments take place concerning the Muslim and Jewish communities in the kingdom, such as the Muslim colony of Lucera that was established.

One of the objectives that Frederick II seeks to accomplish through the promulgation of the law codes, as James M. Powell tells us, is that the constitution seeks to reinforce hierarchical concepts of authority and address the obstacles preventing the acceptance of such concepts. The key to this is observing the position of the nobility, the Church, and the towns in the law code. One instance in which Powell provides us is through Title XLVII of Book I in which the king, when addressing the power of the nobles, "...reserves their judgements to their peers," which it preserved the privileged status of the military class, while also subordinating them to the king.⁴³

Of the law codes which show an advancement in the legal traditions of the kingdom are those which concern defenses imposed in a court. Rather than simply acknowledge that each man in the kingdom has a right to protect themselves, Title XVI of Book I promulgated by Emperor Fredick II elaborates further by stating within the title that "Yet, because it often happens that the power of an attacker is so great and even if the victim is allowed to defend himself he cannot actually do so, by the authority of the present law we

⁴³ Frederick II, *The Liber Augustalis or Constitutions of Melfi Promulgated by the Emperor Frederick II for the Kingdom of Sicily in 1231*, translated James M. Powell (Syracuse: Syracuse University Press, 1971), xxix.

grant every man permission to defend himself against his attacker by the invocation of our name.”⁴⁴ Given the recent history of the kingdom, especially Maio of Bari’s attempt to take the Sicilian throne and undermine the nobility, whether it be powerful or lesser nobles, this law seems to touch upon that subject, but holds not-so-explicit connotations of an established hierarchy and the power of the king. As a matter of fact, it seems to acknowledge that nobles, who through their prestige, are able to forcibly assert themselves on the common man of the kingdom. As a result, Emperor Frederick allows the common man to call on the name of the king to establish a defense and keep the nobles in check when it comes to judicial court hearings. What is even more astonishing when one reads these law codes is that protection of Jews and Muslims is explicitly proclaimed by Frederick II, including them as well in defenses proclaimed by Sicilian subjects. In a law code which perhaps may be meant especially for the Jews and the Muslims of the Kingdom, Title XVIII called “About defenses which have been imposed and disregarded and the penalty for those disregarding them,” states:

“If, in contempt of the invocation of our name, anyone will be proved in the future to have committed violence against the property or injury against the persons of those by whom or on behalf of whom a prohibition has been brought after any kind or form of defense has been imposed by public or private persons, and if he did this with weapons, he should be punished by the confiscation of a third of all his goods, without any amount added, even if the defense is imposed simply from our side... We also grant the right of imposing defenses to Jews and Saracens, and to our other officials on their behalf in the prescribed cases. We do not desire them to be harassed in their innocence because they are Jews or Saracens.”⁴⁵

Through this law, Frederick II effectively extends his protection over the Jews and Muslims of the Kingdom of Sicily. Not only does it extend his protection to these communities, but it can also be seen as part of his mission to centralize the kingdom even further. Where

⁴⁴ Frederick II, *The Liber Augustalis*, 18-19.

⁴⁵ Frederick II, *The Liber Augustalis*, 21-22.

Jews and Muslims might not have been protected under the laws of the Kingdom of Sicily initially and implemented religious and traditional or customary laws in their lives, this added, and more potent, set of laws takes primacy over these preexisting ones because Jews and Muslims are being incorporated into the kingdom in this way. Though they might have been Jews and Muslims and obeyed the laws issued by their respective religious centers, when Frederick II brings them under his aegis, they must obey Sicilian law before they obey the laws issued by important religious figureheads overseas, where they do not represent as physical a presence as Frederick II did in Italy.

Equally important to the laws themselves are the judges who preserve justice in the kingdom. Title LXIII of Book I titled “How judges should be appointed; and when, and from what cases the thirtieth can be sought,” issued by Frederick II, essentially stresses how important it is for the imperial majesty to relieve his subjects of the burdens and oppression they face. Through this law the king abolished the laws of the previous invaders and the methods in which they observed and examined previous cases. The new judges should hear cases according to “our constitutions and the laws and approved customs” while also handing down “sentences from the depths of a pure conscience, *gratis* and without pay, abstaining from the filth of favors and gifts...”⁴⁶ This could be considered the final verdict for which laws are observed by the king, his administration, and therefore the subjects of the kingdom. Though that means whatever laws and approved customs of the king are to be observed, it is not to say that customs observed by the multi-cultural groups are not included in those approved customs. Still, this is to further show how the Kingdom

⁴⁶ Frederick II, *The Liber Augustalis*, 53.

of Sicily is centralizing itself through the promulgation of new law codes, while also maintaining a tolerant stance towards the varying communities of the kingdom.

Another one of Frederick II's objectives was, of course, the preservation of peace and justice in the Kingdom, which required the centralization of the monarchy, for reasons mentioned in the laws individually. We begin with Title VIII titled "About the respect for peace and how general peace should be preserved in the kingdom," which establishes that peace, which cannot exist without justice and which justice cannot exist, should be observed throughout the kingdom. This means that vengeance cannot be carried out by the authority of the individual, nor should an individual attempt to incite war in the kingdom. All issues must be pursued through judicial procedures before a master justiciar, regional justiciar, or local chamberlains, bailiffs, and lords. In terms of self-defense, this is allowed in so far as that the one defending uses same or equal arms as the attacker.⁴⁷ To make sure that peace and justice are preserved in the kingdom, besides engaging in judicial procedures, Title X titled "About the illegal bearing of arms and the penalty for those striking with them," issued by Frederick II, states that:

"Our aim is not only directed beneficially at the punishment of crimes already committed, but also at preventing the opportunity and grounds for committing them. Therefore, since the bearing of forbidden weapons sometimes is the cause of violence and murder, we elect to resist now rather than to avenge later. By the present law, we order that none of the *fideles* of our kingdom should dare to carry sharpened and prohibited weapons: small knives with points, swords, lances, breast-plates, shields or coats of mail, iron maces, or any others which have been made more to cause injury than for some beneficial purpose."⁴⁸

A perfect example of the centralization of the state is its attempt to take control of violence in the kingdom. Where laws at this time may be considered to punish those for crimes

⁴⁷ Frederick II, *The Liber Augustalis*, 14.

⁴⁸ Frederick II, *The Liber Augustalis*, 15.

actively committed, they can also be used, as in this case, to prevent crimes. When one reads this law, it closely resembles what we would today consider to be gun legislation prohibiting the use of certain firearms, while also allowing certain entities, like local, state, and federal police agencies to carry weapons for the protection of the public.

Title XVI “How defenses should be imposed and who can impose them,” promulgated by Frederick II, sets the basis for the judicial system in terms of establishing a defense. The law essentially grants the ability of all of the subjects in the kingdom to enact a defense against an attacker “by the invocation of our name,”⁴⁹ “our” being the king and his court. This maintains the king’s position at the top of the hierarchy that Powell suggested Frederick II was trying to create, while also allowing the vassals of more powerful lords, and even ordinary people, to justly defend themselves against those who abused their power and oppressed the lower classes.

It is important to remember that these laws are only pertinent to the Kingdom of Sicily. In addition, because Frederick II’s realms included the Holy Roman Empire, the Kingdom of Sicily, and the Kingdom of Jerusalem, it is hard to establish a single method of treating the multicultural subjects of his domain. Along with his dislike for persecution for its own sake, there is a sort of pragmatism and traditionalism that Frederick II uses in his treatment of the Jews and Muslims of the kingdom that set him apart from his contemporaries. Not only would his treatment reflect the practices of his predecessors, but

⁴⁹ Frederick II, *The Liber Augustalis*, 18.

it continues to include the western tradition of toleration sourced from the theology of Saint Augustine and verdicts of the canon lawyers.⁵⁰

The papal legislation of the time, reiterated at the Fourth Lateran Council, confirmed the right of Jews to live in peace, but stressed the Church's veto on the creation of new synagogues. The Jews and the Muslims, through the 1215 decree of the Fourth Lateran Council, acquired many disabilities that prohibited them from practicing their beliefs to the fullest extent so that Christian authority was reinforced in society. At the same time, the Church saw the Jews as part of a divine scheme that portrayed the Jews as "wrong," "obstinate," and would eventually be converted at the end of time. Muslims, because they were viewed as part of an extreme Christian heresy, benefited from the controlled toleration of the Jews. Arguments at this time concerning the treatment of Muslims include the ideas that although they were infidels, they could not be deprived of their property based on their beliefs. Still, they would be subject to the mercy of the king's judges. Also, as long as they obeyed natural law, these infidels could not be attacked, and to a greater extent, their government was considered legitimate to a certain degree.⁵¹

What is especially interesting about the treatment of Jews and Muslims in Sicily is that, although the laws of the three kingdoms he ruled over were not universal, the same status of the Jews as *servi camere nostre* in Germany was also perpetuated to the Jews of Sicily and extended to the Sicilian Muslims.⁵² Essentially, this status put the Jews and

⁵⁰ David Abulafia, "Ethnic Variety and Its Implications: Frederick II's Relations with Jews and Muslims," in *Studies in the History of Art* 44 (1994): 213–14, <https://www.jstor.org/stable/42621910>.

⁵¹ Abulafia, "Ethnic Variety and Its Implications: Frederick II's Relations with Jews and Muslims," 213-215.

⁵² Abulafia, "Ethnic Variety and Its Implications: Frederick II's Relations with Jews and Muslims," 215.

Muslims under his protection from his other subjects who persecuted them. Although the Jews and Muslims of Sicily were given this sort of protected status, it still did not prevent the virtual extinction of Muslims and Sicilian Islam beginning in 1229, which was overseen by the king of Sicily. In addition, there is no evidence that shows Jewish scholars and disputations were held at Frederick's court nor was the intellectual life of the Jews in Sicily and Southern Italy lively. Jews did not play an active role in the administration, not even when it came to such offices, which were once held by Muslims, became vacant.⁵³

Where the previous kings had sought out the use of non-Frankish, non-Latin subjects in their administrations, especially in the Muslims of Sicily during the reign of the Norman de Hauteville dynasty, it would seem that Frederick II and his forced conversion or migration of the Sicilian Muslims and Jews presents a different aspect of the centralization of the kingdom. Three important factors play a crucial role in that later on in the kingdom's history when the Angevin kings rule, there is a similar mistreatment towards the Sicilians that where these factors were not present, the kingdom was susceptible to revolt, which broke out right before the War of the Sicilian Vespers. One factor is that the leading Sicilian Muslims at the time began to emigrate to places like Spain and Tunis where they might not have been subject to a Christian monarch, that way they could freely practice their religion. This is especially important because when the Muslims begin to leave Sicily, areas where Muslim cultivators played an important role in specialized agriculture where Arab technology was also used to cultivate, i.e. the sugar industry, begin to experience a collapse. Eventually, however, Italians would soon fill this vacuum and reinforce other

⁵³ Abulafia, "Ethnic Variety and Its Implications: Frederick II's Relations with Jews and Muslims," 215.

areas of commercial trade, especially in grain production. The two other factors were the extermination of the Sicilian Muslims and the gradual conversion of Sicilian Muslims where Sicilian Muslim peasants were brought into the local Greek Churches. This is visible through the name changes that Muslim converts to Greek Orthodox had taken upon their conversion.⁵⁴ Concerning the extermination of Muslims, after the death of William II “The Good,” the autonomies that he had previously destroyed quickly came back, and this is seen in the emergence of the autonomous state that the Muslims of Sicily create in the western Sicilian mountains. These rebels rejected what they saw as “foreign rule,” and defied the Sicilian monarchy by printing their own currency. This rebellion was put down once Frederick II reasserted his royal power, hence representing another perspective on the centralization of the kingdom of Sicily.⁵⁵ But this would not be the end of the Sicilian Muslims in Italy. Rather than be completely exiled from the kingdom, Frederick II established the colony of Lucera which was only inhabited by Muslims. As a matter of fact, he had to expel the existing Christian population from Lucera, including the local bishop, and turned it into a garrison town. Here it is said that Frederick II often came to reside at his castle and “enjoyed the company of his belly dancers and Muslim musicians.”⁵⁶ Frederick II sought to turn Lucera into an economically viable community in an area that was not already densely settled. He permitted Muslim pastoralists and shepherds in Lucera freedom from the commercial tolls in southern Italy except Sicily. He did everything he

⁵⁴ Abulafia, “Ethnic Variety and Its Implications: Frederick II’s Relations with Jews and Muslims,” 215-216.

⁵⁵ Abulafia, “Ethnic Variety and Its Implications: Frederick II’s Relations with Jews and Muslims,” 216.

⁵⁶ Abulafia, “Ethnic Variety and Its Implications: Frederick II’s Relations with Jews and Muslims,” 217.

could to prevent Muslims from going back into Sicily because he wanted them to be isolated from the Islamic world.⁵⁷ This is interesting because although we see what seems to be a type of persecution, Frederick II still saw a use for the Muslim community that once existed in Sicily and therefore continued to use them in his kingdom elsewhere. His ultimate goal was again to carry out the conversion of these Muslims, and while addressing the issue of conversion in Sicily, he promotes Christian settlement in western Sicily. Still, Frederick wanted to continue to cultivate different crops, and this is where the Jews of North Africa come into play, where he sought to bring in these Jews and begin to grow crops like indigo, henna, and other seeds that were not being planted on the island. When the Jews resettle in Sicily, however, they are considered to be “serfs of the chamber,” they were liable to the originally Muslim poll tax and taxes on wine and kosher slaughter, and they conceded their right to have their own synagogue.⁵⁸

The parallels that exist between the treatment of Jews in Germany and the ones in Sicily also make up for the important considerations one must keep in mind when examining the tolerance of these non-Christian minorities in a Christian state. In an incident that occurs in Germany between Jews and Christians, based on accusations from the town of Fulda that Jews were crucifying Christian children to scorn the Passion of Christ, brought Frederick II to investigate that charge very thoroughly, one he approached with great skepticism. He summoned a tribunal to judge the matter and when even they could not come to agree about the validity of these accusations, Frederick II took charge of the

⁵⁷ Abulafia, “Ethnic Variety and Its Implications: Frederick II’s Relations with Jews and Muslims,” 217.

⁵⁸ Abulafia, “Ethnic Variety and Its Implications: Frederick II’s Relations with Jews and Muslims,” 217.

investigation, writing to Christian rulers asking for Jewish converts to Christianity be sent to Germany to help settle the matter. These converts went on to demonstrate that Jewish law did not permit human sacrifice, and so Frederick accepted the charges as a fabrication.⁵⁹ This episode in the reign of Frederick II presents crucial insight into his reign as not only Holy Roman Emperor, but as King of Sicily as well. Rather than blindly accept these accusations, he launched a thorough investigation on the matter because he knew that the outcome of the investigation would further impact the treatment of Jews in Germany and eventually in his other holdings. This skepticism, or at least the approach Frederick II took, breaks from blindly administering the full force of the monarch on unruly subjects and instead makes Frederick II a more responsible, invested ruler, one who rules justly. This method of carrying out justice is important to the administration of his domain and allows the Kingdom of Sicily to enter its height, so to speak. Even though Frederick II might have continued the policies of his predecessors and contemporary rulers and religious leaders, it does not mean he was inconsiderate of those outside of the Christian faith, and this is where the status of Jews, and eventually Muslims, as *servi camere nostre* is established.

Respecting the Jews and Muslims of the Kingdom of Sicily

After experiencing the accusations and libel put against the Jews, in 1236 Frederick issued a privilege in favor of the Jews, stating that they were under his special supervision as *servi camere nostre*, which exempt them from interference by other great lords while he also enjoyed revenues generated from their economic activities. The title, usually translated

⁵⁹ Abulafia, "Ethnic Variety and Its Implications: Frederick II's Relations with Jews and Muslims," 219.

to mean “chamber serfdom,” was a privileged condition of dependence and was a sign of subservience of Jews towards Christian authority. Frederick II’s contact with Jews and Muslims did exist on different levels. For example, as the King of Jerusalem, he respected Islam and those Muslims he met in Jerusalem during his crusade, which puzzled them, but concerning the Muslims in Sicily, he maintained a complex involvement in the politics of the Muslim world that maintained commercial ties to Egypt and Tunisia, and with the interest and respect towards Islam preserved by his predecessors, it gave him a deeper understanding of the Arab world. This would go on to play a role in the surrender of Jerusalem, Nazareth, and Bethlehem, which he acquired during his crusade. Interestingly, Frederick II’s reconquest saw the expulsion of the city’s Jews, and because of his interest in the Arab world it caused many Christian leaders, especially the popes of his time, to wrongfully portray him as a secret ally of Islam. When we look back to the Kingdom of Sicily, although it is most likely that Muslims and Jews did not spend as much time in the king’s court as they did under the de Hauteville kings, there are still instances where we see Jewish scholars worked for Frederick, but they were products of the Spanish and southern French Hebrew intellectual spheres.⁶⁰ With this in mind, although the Sicilian court was not as culturally rich as it was during the time of Roger II, there still existed a diffusion of culture and ideas that were not solely Christian. It was these interactions and the newfound respect of the Jews and Muslims in Sicily that helped the kingdom

⁶⁰ Abulafia, “Ethnic Variety and Its Implications: Frederick II’s Relations with Jews and Muslims,” 220-221.

economically, especially in terms of maintaining trade with the Muslim world in North Africa.⁶¹

It's More than Just Equality: As seen in the case of the Legislation on Adultery and Prostitution

When one examines the laws promulgated by Roger II in the Assizes of Ariano, the laws written during the reigns of William I and William II, and the promulgation of the Constitution of Melfi, which is later known as The Liber Augustalis, a trend concerning coexistence, equality, and tolerance emerges. As it was previously examined, though these kings did not promote tolerance as we understand it today, rather they promoted medieval notions of tolerance, we saw that there was an effort made to give representation for the Jews and Muslims in the kingdom to an uncertain degree. Isolated Muslim communities could worship and practice their faith freely, while those Muslims in the city had to be cautious, engaging in worship on certain days or in secret. Jews were persecuted and accused, perhaps falsely, of attacking Christians and the faith, which led to their protective status by Frederick II as *servi camere nostre*. In addition, both communities in the kingdom were protected by Frederick II's law allowing them to establish defenses in court. The other more interesting area of the legal codes in both promulgated texts concerned that of adultery and prostitution, specifically carried out by women. Where it seems the laws may actually express a sense of equality amongst subjects, again in the medieval sense, there is also a more significant motive that is underlying these law codes, and that is Frederick II's

⁶¹ For more information on Frederick II and his interests in Arab culture and interactions with other Muslims, see Francesco Gabrieli, "Frederick II and Moslem Culture," *East and West* 9, no. 1/2 (1958): 53–61, <http://www.jstor.org/stable/29753972>.

objective to establish and differentiate secular and ecclesiastical jurisdiction in the judgement of cases, which could arguably have been seen in the Treaty of San Germano and is a tool for secular rule. This can clearly be seen in the legal codes concerning adultery and prostitution.

Though not exactly directly tied to the centralization of the realm, but rather to the power of the kings, is the examination of daily life in the kingdom. Where one strange instance in the previous chapter saw that beard cutting was illegal and resulted in a fine, Title LXXIV of Book I titled “About adulteries and about procuring,” a law by King Roger but preserved in *The Liber Augustalis* and later adapted by Frederick II, states that in the case of adultery, adulterers who attack the wives of others must no longer face death, rather, the penalty is a confiscation of their property should they have no legitimate children from the violated marriage, and that women accused of adultery cannot be handed over to their husbands since they would only just rage against them and kill them. If a woman should be found guilty, the woman would have her nose slit, and if her husband refuses to justly punish her, then the king, or those acting in his stead, order the punishment to be public flogging, for it was believed that no crime should go unpunished.⁶²

Title LXXXIII of Book III titled “How adulteries should be corrected” and written by King William, examines the concern expressed by the prelates of the kingdom in the loss of their right to judge adulteries. The kingdom’s justiciars, chamberlains, and bailiffs have no place in judging clerics as laymen having stepped over their bounds to judge. The prelates would be subjected to church courts, unless the adultery was done with insult and

⁶² Frederick II, *The Liber Augustalis*, 145.

violence. The law then makes clear that “Whatever belongs in a secular court, *i.e.*, insult and violence, should be judged in our court.”⁶³ Otherwise, the prelates reserve their right to judge adulteries. It should be noted that this is definitely a more lenient stance from Roger’s own which allows royal officials to judge adulteries, which sometimes resulted in capital punishment, but was then given a softer punishment according to Title LXXIV, a law established by King Roger, which states that those found guilty of adultery would have their property confiscated if they have no legitimate children, and women, rather than be handed over to her husband for punishment, must be punished by the state via slitting of the nose, or public flogging.⁶⁴ Still, we see in Title LXXXI titled “About the penalty for a wife caught in the act of adultery,” Roger also states that if a husband catches his wife in the act of adultery “He may kill both the adulterer and his wife, but without any further delay.”⁶⁵ It is also interesting to see this law and how it resembles a separation of church and state in the sense that the state punishes those in the secular realm, while those committing acts, like adultery, shall face their punishment through Church courts, depending on the circumstances.

Then, the laws begin to become more specific concerning pimping, prostitution, and those who engage in these acts, specifically, husbands, and mothers. For example, Title LXXXIV “About Madams,” was established by Frederick II, focuses on madams who solicit the shame of women, whether they are wives, daughters, sisters, honest women, and even virgins, that should these madams seek more honorable women, their noses should be

⁶³ James M. Powell, “Frederick II’s Legislation on Adultery and Prostitution (1231),” in *Medieval Italy: Texts in Translation*, edited by Katherine L. Jansen, Joanna Drell, and Frances Andrews (Pennsylvania: University of Pennsylvania Press, 2009), 432, <https://www.jstor.org/stable/j.ctt3fhzb.101>.

⁶⁴ Frederick II, *The Liber Augustalis*, 145.

⁶⁵ Frederick II, *The Liber Augustalis*, 147.

slit as punishment. If a woman is found to take advantage of other women who lacked guardians and used these same women for the wills and pleasures of men, however, they should be beaten after legitimate proof has been brought forward that they committed these acts. They should also be marked on the forehead in recognition of their crime, and should they attempt to repeat the same crime they would then have their noses slit.⁶⁶ The idea of guardianship seems to be present throughout Frederick II's laws, as we've seen in increased legal rights established for the minorities in the kingdom. In the same way that Frederick II established his protection over the Jews and Muslims, could Frederick II also be establishing a sense of protection over those women who lack guardians by imposing such harsh punishments against those women who took advantage of them?

The importance of the laws is that where the centralization of the state comes into consideration, though it asserts its power through violence, i.e. capital punishment, public flogging, slitting of the nose, etc., its approach is through a part of the kingdom that has begun to flourish and expand significantly to the point that the judicial mode of governing became the main way to resolve crimes. That is why if Frederick II wanted to take such an approach, rather than being considered a violent tyrant, equal representation in the law had to be established, in the most basic sense. The reason that the Kingdom of Sicily experiences its height at this time is because the monarchy is transformed into an absolutist monarchy via *The Liber Augustalis*, which grants the king supreme authority, especially through the judicial practices of the kingdom, which as we have seen, are advanced for their time. Frederick II's notions of ruling justly included equal treatment under the law for

⁶⁶ Powell, "Frederick II's Legislation on Adultery and Prostitution (1231)," 433.

the underrepresented or oppressed persons in society. Hence, centralization and tolerance in this period go hand in hand. This idea will be completely ignored by the Angevin kings, as we will see, and result in their loss of the island of Sicily.

CHAPTER 3

LEGAL TRADITIONS AND LAW CODES OF THE KINGDOM OF SICILY DURING THE REIGN OF THE ANGEVIN KINGS AND CROWN OF ARAGON

When the de Hauteville kings secured their rule over southern Italy and Sicily, the Norman ruled kingdom, which continued to face threats in all directions whether it be Muslim sultans in North Africa, the popes, the Byzantine Empire, or the Holy Roman Empire, managed to become a dominant European state which boasted a powerful navy and had established control over the Mediterranean trade routes. The de Hauteville rule over Sicily would come to an end when Henry VI of the Holy Roman Empire marched on the Kingdom of Sicily to assert his claim by marital right the throne to the Kingdom of Sicily. Though he initially experienced some setbacks, he defeated King Tancred and became the King of Sicily. With the Kingdom of Sicily under Hohenstaufen rule, the kingdom would witness tremendous growth, especially under Emperor Frederick II, who promulgated the Constitution of Melfi, which established a code of laws for the Kingdom of Sicily. It is amazing that the kingdom experiences such growth in its power through the promulgation of Frederick II's laws in *The Liber Augustalis*, especially when he faced papal opposition to his rule in Italy to the point where he was excommunicated numerous times and was called the antichrist. Where the Kingdom of Sicily began its centralization through the law codes of Roger II and his Norman successors, along with the creation of new administrations to consolidate the king's power, this centralization would be fulfilled through Frederick II when he turns the kingdom into an absolute monarchy through his own law codes. The kings of Sicily would continue to face opposition from future popes, however. When Manfred, son to Frederick II and his mistress, becomes King of Sicily after acting as regent to Conradin, based on his illegitimacy, Pope Urban IV attempted to uproot

the power of the Holy Roman Empire in southern Italy, in which, after unsuccessfully attempting to sell the throne, Charles I of Anjou accepted the investiture of the Kingdom of Sicily and defeated Manfred in his conquest. It is at this point that the power in the Kingdom of Sicily, now ruled by Count Charles I of Anjou, remains stagnant as the people of Italy begin to show their dislike towards Charles and the French. On top of this, Peter III of Aragon, who was married to Constance, Manfred's daughter, presses his claim on the Kingdom of Sicily, conquering the island of Sicily and adding it to the Crown of Aragon. The Crown would not stop there and in the fifteenth century Aragon would successfully conquer Naples from the Angevin King Rene.

Rather than focus on the military aspect or the battles that took place prior to the split of the Kingdom into Aragonese Trinacria and Angevin Naples, it is important to examine the policies, laws, and management of the kingdom in order to fully understand why, after experiencing tremendous growth under the two prior dynasties, the Kingdom of Sicily was thrown into utter chaos. A crucial question that must be considered would be what policies, laws, and practices did the Angevin and Aragonese rulers implement in their management, or mismanagement, of the Kingdom of Sicily that led to Aragonese rule in Sicily and Angevin rule in Naples, in which it eventually led to the conquest of Naples by the Aragon ruler Alfonso V of Aragon.

The objective of this chapter, as part of the partial objective of this thesis to show the importance of medieval tolerance in state making, is to show how, in order to rule over a kingdom with various cultures, the sovereign must observe the different cultures and practices that come with them in order to maintain the integrity of the kingdom, or the state.

In observing the previous dynasties, the majority of their rule was successful in part because they expressed some sort of tolerance toward the minority subjects, for example the Muslim population. First, I will specifically analyze the reign of Angevin King Charles I of Anjou and his poor treatment of his subjects which resulted in his loss of the Island of Sicily to King Peter III of Aragon. This entails his administration, foreign policy, and mismanagement of his kingdom. The second part focuses on the Kingdom of Sicily, now only the island itself, which is in the control of the Crown of Aragon under the House of Barcelona, beginning with Peter III and his “liberation” of the people of Sicily, finishing with Frederick III and Peter II and the rise of the kingdom’s parliament. By separating the chapter into these two parts it maintains a chronological separation of time between two dynasties, therefore also clarifying the ways in which their rules differed. It also shows the evolution of the state, ran by an absolute monarch but shifting to what resembles a constitutional monarchy. As a result, the state, in this case, undergoes significant changes that existed in Sicilian society at the time.

The Short Reign of the Angevin King Charles I of Anjou [r. 1266-1282]

Unlike the reigns of the de Hauteville and Hohenstaufen kings, where new administrative offices were created along with new legal codes and legal traditions that were written to establish order within the kingdom and provide some sort of equality amongst their poly-cultural subjects, it is in the reign of the Angevin kings that we begin to see disrespect of the general populace, especially with the Muslims of Lucera, and a lack of tolerance that builds up hostilities towards the Angevin kings. The colony established at Lucera by Frederick II was essentially a way for Frederick to remove problematic Muslims

rebellious in Sicily.⁶⁷ Though he forces these Muslims to move from their homes in Sicily to the Italian mainland, it can be observed in court documents that he treated this minority community the same way he treated his Jewish subjects in Germany, servants to the emperor and protected by the emperor. These subjects were known as *servi*. As previously established, in 1236 Frederick II issued a privilege in favor of Jews in Germany. This privilege brought German Jews under the emperors' direct protection, which also allowed the emperor to exercise his financial and legal authority over the Jews. He described them as *servi camere nostre*, basically dependents of the emperor. The first account we see of a Sicilian Muslim being classified as *servi camere nostre* is in Frederick II's register of 1239-1240, where a Muslim by the name of Abdolla, most likely an 'Abd Allah, was a court slave.⁶⁸ Unlike the Jews under his protection, however, when it comes to the Muslim community, it is most likely that only those Muslims directly in the service of Frederick II and the royal family were considered *servi*. It would not be until Charles I that we see the expulsion of the Muslims of Lucera from Italy entirely through the manipulation of this policy.

Prior to Charles' conquest, other monarchs believed that the southern Muslim population provided a legitimate basis for a crusade against King Manfred, but there was never a call for a crusade. Instead, Count Charles I of Anjou accepts the investiture of the Kingdom of Sicily by Pope Urban IV and with his armies marched on the Kingdom of Sicily, experiencing initial failure in his fight against King Manfred of Sicily. Manfred dies

⁶⁷ David Abulafia, "The Last Muslims in Italy," in *Dante and Islam*, ed. Jan M. Ziolkowski (New York: Fordham University Press, 2015), 236, <http://www.jstor.org/stable/j.ctt9qds84.15>.

⁶⁸ Abulafia, "The Last Muslims in Italy," 242-244.

in battle, however, and Count Charles becomes King of Sicily soon after defeating what was left of Manfred's forces. Charles I begins his reign by establishing his capital in Naples and beheads Conradin, the grandson of Frederick II. Thus, begins what many Italians would later consider Charles' "reign of terror."⁶⁹

Soon after his successful conquest and expanding his empire, Charles I of Anjou sees the Muslim population of Lucera as a threat, yet he does not immediately act against them, even though they resisted the Angevin armies and rebelled in support of Frederick II's grandson Conradin. He saw their value as farmers, soldiers, and admired their military craftsmanship, and used them for these purposes for as long as he could before expelling them from the kingdom. This is most likely due to a parallel he probably witnessed among the Iberian rulers and their use of Muslim communities in acquiring their dominions. Still, there is evidence that shows the Angevin kings, especially Charles I and Charles II, sought to remove the Muslim inhabitants of Lucera and replace them with Christians from Provençal settlements in and around Lucera.⁷⁰ The general favoritism towards his French subjects in Italy as opposed to the already existing Italian communities is also reflective of the hateful sentiment towards the French and is an issue prominent in the kingdom. In terms of the treatment of communities based on religion, however, it is an area which we must analyze carefully. David Abulafia makes a crucial point, in that Muslims in these Christian societies did not carry the same theological weight Jews did. When it came to *servi camere nostre*, Charles I and Charles II, along with their courts, most likely understood the term

⁶⁹ Jona Lendering, "Pope against King: Causes for the War of the Sicilian Vespers," *Medieval Warfare* 6, no.2 (MAY / JUN 2016): 6, <https://www.jstor.org/stable/48578547>.

⁷⁰ Abulafia, "The Last Muslims in Italy," 241.

servus as slaves of the royal chamber. Under this term, Charles I and Charles II could exploit this title and justify the sale of the entire Muslim population of Lucera as slaves, thereby breaking up the Muslim population there.⁷¹ The treatment and eventual expulsion of Muslims from Lucera presents one of the few uses the Angevin kings could utilize this title and government policy in the legal sense. For example, David Abulafia states:

“The extinction of Muslim Lucera should also be understood alongside Charles II’s vigorously anti-Jewish policy, beginning with the expulsion of the Jews from Anjou and Maine in 1289...followed by an intense persecution of the south Italian Jews in about 1290. The aim in the latter case was the conversion of the Jews, who were accused of putting a Christian boy to death in mockery of Christ’s Passion. Eight thousand Jews are said to have converted; the rest are said to have fled from southern Italy.”⁷²

This policy was influenced by Bartolomeo da Capua who was a minister and prominent Crown lawyer. He was also involved in the suppression of the Luceran Muslims as well.⁷³

This brings up a familiar instance, the case of Maio of Bari, which is pertinent to the power of the Kingdom of Sicily, that being to what extent were officials of the crown practicing their own power and influencing their own beliefs into the legal works of their kings and the kingdom? If we are to make a parallel between strong kings and kingdoms, it is that where ministers are allowed to input their own beliefs, or forcibly in the case of Maio, the result is never a good one. Remember that Maio of Bari uses his influence and high position in the royal court for his own ambitions, hence we see court officials had some sort of sway in the king’s laws and policies. In selling the Luceran Muslims as slaves, it gave Charles II the funding he needed to fight against the Crown of Aragon in their fight over the Kingdom of Sicily as well. As a result of the immediate depopulation of Lucera, the region experienced total collapse now that its agricultural productivity declined significantly,

⁷¹ Abulafia, “The Last Muslims in Italy,” 245-246.

⁷² Abulafia, “The Last Muslims in Italy,” 246-247.

⁷³ Abulafia, “The Last Muslims in Italy,” 247.

impacting the revenue collected from the region. Ironically, in 1302, small groups of Muslims were given special permission to remain in Capitanata without being explicitly demanded to convert. Though these groups of Muslims were labeled as *servi* or *liberi*, they were denied their right to a mosque, nor were they allowed to form religious congregations.⁷⁴

With regard to the rest of his governmental policy, the people of the island of Sicily were not fond of Charles I's adaptation to existing policy. After a small rebellion, he modeled his government after the French model and filled important court positions with Frenchmen he trusted, granting them fiefs as well. More importantly, Charles I refused to recognize Manfred, Conrad, and Frederick II after his deposition, as previous Kings of Sicily. As a result, the grants issued by these kings were void and if families could not prove their lands were granted to them prior to 1245 they were confiscated and most likely redistributed to Frenchmen or Provençals, keeping the larger plots for the royal domain. Charles kept the same state offices, and he kept Frederick II's tax system, except his taxes were higher. A tax that Charles had brought back was the *subventio generalis*, a tax on property, but originally took the form of a regular annual levy during Frederick II's reign that was later abolished by him on his death bed after his subjects showed their resentment towards the tax. Charles I believed that the best method of governance was through strict state control.⁷⁵ Though he may have been correct in this sense, the way he went about asserting the state's strict control is what was controversial.

⁷⁴ Abulafia, "The Last Muslims in Italy," 247.

⁷⁵ Steven Runciman, "King Charles of Sicily" in *The Sicilian Vespers: A History of the Mediterranean World in the Later Thirteenth Century* (Cambridge: Cambridge University Press, 1958), 125-129.

With the Jewish and Muslim communities heavily persecuted by Charles I, he quickly became disliked by many commoners within the kingdom to the point where even Pope Clement disliked him. Despite his initial success in maintaining a benevolent administration, the tolerance his administration portrayed disappeared. In *The Sicilian Vespers*, Steven Runciman explains why the new regime fell out of favor. Charles I seemed “austere” and “unapproachable” and lacked the cordiality of the Hohenstaufen kings. He was seen as “cold” and “inhumane” and had a difficult time restricting his fellow French countrymen. Charles I may have been justified in levying the taxes he levied, but because they were high and almost unavoidable, southern Italians preferred a more easy-going system. Also, despite his initial friendly relations with the Catholic Church, he soon fell out of the Church’s favor as well. Complaints concerning Charles eventually gained the attention of the pope. Through Charles I, Pope Clement had hoped to control the kingdom through his grateful and subservient client, but this never became the case. Charles I ignored his advice, and after the sack of Benevento the pope believed Charles to be too severe to his Italian subjects and was callous to his allies in the Church. Runciman recalls a vexation made by Clement, stating that, “He was haughty, self-willed and ungrateful, a tool in the hands of his officials, surrounded by a disorderly court. In one bitter letter he complained that Charles was ‘neither visible nor audible nor affable nor amiable.’”⁷⁶

After subduing a revolt on the island of Sicily, Charles I took repressive measures towards its inhabitants. Though he granted amnesty for those who did not bear arms against his forces, all Germans, Spaniards, and Pisans who did had to leave the country. As a result,

⁷⁶ Steven Runciman, “Conradin,” in *The Sicilian Vespers: A History of the Mediterranean World in the Later Thirteenth Century* (Cambridge: Cambridge University Press, 1958), 97-98.

lands were confiscated from the men and their wives were allowed to keep their estates, until those too were confiscated and only widows could keep their property. These measures were intolerable to the Italians because they were carried out carefully and by the king's agents who were Frenchmen. Once order was restored, there remained a bitter hatred towards the French of the island.⁷⁷ Despite this hatred of King Charles I and his French officials, the Kingdom of Sicily, according to Steven Runciman, remained as one of the most dominant powers in Europe, with Charles as Europe's most powerful king. Though his domains were scattered and stretched as far as Anjou to Jerusalem, Charles still underestimated the power of those kingdoms which he had yet to test. One such power was the Kingdom of Aragon and the Italian refugees they took in during Charles I's conquest of Sicily. In addition to this foreign power, there were still his subjects within the Kingdom of Sicily that detested his rule and the French officials who carried out his will.⁷⁸ Although there were many of the king's subjects who despised his rule, there was probably no one else who wanted to see the fall of King Charles I greater than John of Procida.

John of Procida was Emperor Frederick II's personal physician, and through his employment received gifts of land as a reward for his service. He returned to practicing medicine regularly after the death of Frederick II but continued to be consulted by notable figures such as Cardinal John Orsini, also known as Pope Nicholas III, and King Conrad, and during Manfred's reign he was made chancellor of the realm. He later retired after Manfred's death, and when it was reported that Charles I was descending on the kingdom,

⁷⁷ Runciman, "King Charles of Sicily," 125.

⁷⁸ Steven Runciman, "The Great Conspiracy," in *The Sicilian Vespers: A History of the Mediterranean World in the Later Thirteenth Century* (Cambridge: Cambridge University Press, 1958), 201.

he allied himself with the Hohenstaufen army in the battle of Tagliacozzo, which suffered a disastrous defeat. He escaped from the battlefield to Venice while his lands were confiscated, his wife was mistreated, one of his daughters was raped, and one of his sons was killed by a French knight who came to evict the family from their property. After spending some time in Germany and Montferrat, John eventually went to Barcelona to seek the support of Constance. He believed that she should avenge her father's family, and so he supported the Aragonese claim to the Sicilian throne and helped them to further their ambitions. When he was nominated Chancellor of Aragon by King Peter, John created one of the greatest political conspiracies of the Middle Ages that his legendary deeds are still talked about to this day, preserved not only by writers such as Petrarch and Boccaccio, but also in vernacular Sicilian chronicles. To summarize the legend of his political conspiracy, he essentially created the conditions that would justify and allow the Crown of Aragon to invade the Kingdom of Sicily and reclaim it in honor of the Hohenstaufen dynasty.⁷⁹

There was another legitimate ruler who could contest the throne to the Kingdom of Sicily, and that was King Peter of Aragon. King Peter of Aragon was married to Frederick's granddaughter Constance and was considered as the possible "savior" to the people of Sicily because of his claims through marital rights. The moment in which he acts, however, comes at a point when the kingdom is compromised, and that is the day of the Sicilian Vespers. The intolerance and tyrannical rule of Charles I built up the tension that existed between the subjects and the king, which would eventually throw the kingdom into chaos on this day. On March 30, 1282, a small incident in Palermo would spark revolts

⁷⁹ Runciman, "The Great Conspiracy," 203-205.

throughout Sicily. After the vespers, or evening prayers, a Palermitan woman is harassed by a Frenchman while she left the Church of S. Spirito, today known as the “chiesa del Vespro.” The woman’s husband kills the man, causing French soldiers to intervene, and hours later fighting had begun. Around 3000 Frenchmen were killed in Palermo, as the Palermitans shouted “Moranu li Franchiski” or “Death to the French.” Around 3500 Frenchmen were killed throughout Sicily and the fleet that Charles I was preparing for a crusade was destroyed. The war could have ended with the death of Charles I of Anjou and King Philip III of France in 1285 along with King Peter III of Aragon, but the war still raged on. Disputes would continue to break out with King Frederick of Sicily and his branch of the House of Aragon between the Angevin monarchs, which resulted in the repudiation of the Treaty of Caltabellotta that restricted Aragon rule in Sicily until the end of Frederick III’s lifetime.⁸⁰ Eventually the Kingdom of Aragon would emerge victorious, claiming the island of Sicily for itself, while the Angevin kings ruled the Kingdom of Naples thereafter. However, the Crown of Aragon would conquer the Kingdom of Naples from the Angevin kings in the fifteenth century.⁸¹ In the meantime, the Kingdom of Sicily takes another name, the Kingdom of Trinacria, and is ruled as an insular kingdom by the Crown of Aragon.

While the Kingdom of Sicily remained stable during the period of the de Hauteville kings and the reign of Emperor Frederick II and his sons, the Kingdom of Sicily during the reign of Charles I of Anjou witnessed almost total collapse. This collapse is clearly brought

⁸⁰ Steven Runciman, “The Vespers and the Fate of Sicily,” in *The Sicilian Vespers: A History of the Mediterranean World in the Later Thirteenth Century* (Cambridge: Cambridge University Press, 1958), 278.

⁸¹ Lendering, “Pope against King: Causes for the War of the Sicilian Vespers,” 7-9.

about as a result of the strict policies either adapted from the previous administration or created through the influence of the French model of government Charles I adopted during his reign. Charles I's policies allowed him to collect more land not only for his fellow Frenchmen, but also for himself. Even though some of these lands may have been granted to families prior to the reign of the Hohenstaufen kings, many of these deeds that proved that such was the case were missing. Unfortunately, families that may have lived on the land for hundreds of years were displaced, causing immense hatred to be casted on the Angevin kings and the French by landed Italian families. The rapid conversion attempted by Charles I is a big factor in his loss of the island of Sicily as well. In moving Provençals and Frenchmen into cities rapidly, as in the case of Lucera, he gave privilege to what Italians may consider foreign subjects. In the case of the Jews and Muslims of the Kingdom of Sicily, they contributed to the fall of the island of Sicily not as its inhabitants but as refugees in the service of the Crown of Aragon. Still their contribution is important nonetheless because had policies adopted by the Angevin kings of Sicily represented these minority communities and effectively discourage emigration, holding on to the island of Sicily would have certainly helped them to maintain their dominance in the Mediterranean. The Angevin kings were fortunate enough that the revolts in Sicily did not spread to the Italian mainland since they could have run the risk of losing their rule over southern Italy as well.

Rule by the Crown of Aragon: The Insular Kingdom of Sicily [1282-1409]

If we look to the Chronicle of San Juan de La Pena, we see the deeds of the Kings of the Crown of Aragon and the methods they used in ruling over the Kingdom of Sicily.

Though the chronicle begins with the early history of Aragon, the last chapter recalls the history of the Crown of Aragon. In starting with Peter III or Peter the Great, we see that the chronicle mentions the moment in which King Peter III of Aragon contests his claims to the kingdom of Sicily. The chronicle provides details of the meeting between emissaries to the king arriving from Sicily and how they told King Peter of the injustices being committed by the French on the Sicilian people, both nobleman and commoner. The French brought disgraceful injuries onto the Sicilians, deflowering virgins and violently seized widows and Sicilians' wives. King Peter, who after God was the people's only refuge, took up the task to liberate them.⁸²

King Peter successfully liberated, or conquered depending on the perspective, the island of Sicily. One of the first actions he took as the new king of Sicily was he "confirmed to the nobles and knights of the cities and villages their privileges, liberties, and immunities; and he did and granted many good things for the common people."⁸³ Not only does this confirm the maltreatment of the Sicilians by the French and a tyrannical king, but it shows how King Peter followed the true customs of the Kingdom of Sicily and reestablished the rights of the people according to their class. This marks the beginning of what seems to be a benevolent rule according to custom and not by the will of the king. Peter would come into possession of these lands but would then lose his titles by order of the pope, after having turned him into an enemy of the Christians. The pope also gave Charles I of Anjou Peter's lands after "granting" these lands to Charles I. Bloody conflict

⁸² Peter IV of Aragon, "The Kings of the Crown of Aragon," in *The Chronicle of San Juan de La Pena: A Fourteenth-Century Official History of the Crown of Aragon*, trans. Lynn H. Nelson (Pennsylvania: University of Pennsylvania Press, 1991), 72, <http://www.jstor.org/stable/j.ctv512w38.9>.

⁸³ Peter IV of Aragon, "The Kings of the Crown of Aragon," 73.

ensued, and King Peter emerged victorious once again. Upon his death, his son Alfonso became King of Aragon while his son Jaime became King of Sicily and eventually became the King of Aragon as well. Jaime was supposed to marry the daughter of the king of Castile, Maria, despite the degree of consanguinity, but King Charles of Naples bribed the King of Castile, and the marriage never went through. Rather, King Charles negotiated a peace with King Jaime giving his daughter's hand in marriage to the king in exchange that King Jaime renounced his claims to Sicily. He did this and the people of Sicily felt betrayed by their king, and when emissaries brought news to Sicily, they chose Frederick III, Jaime's brother, as the new king.⁸⁴ It will be shown of course the Crown of Aragon continues to assert its claims in Sicily, but the important thing is that the people of Sicily in one way or another supports the Aragonese claim to the throne. There would even be times were the people unanimously consented to the rule of an Aragonese king, as in the case of Frederick III, which we will focus more on later. For now, however, there is more to the history of Aragon in Sicily than just rulers. There are also the legal institutions they incorporated into the kingdom through their own customs back in the Iberian Peninsula.

With the establishment of the Royal Archive of Barcelona in 1318, two major shifts occur in governmental practices in the Crown of Aragon and its dominions. One is that there now exists a central repository for the monarchy's use, while the other is that an archival strategy involving various dominions of the Crown begins to develop. This is even more so the case when the Aragonese kings in the fifteenth century create permanent, efficient archives in the territories they conquered. The astonishing aspect of the Aragonese

⁸⁴ Peter IV of Aragon, "The Kings of the Crown of Aragon," 91.

archival system is that if it is to be looked at as a whole rather than individual archives for the separate states the Crown held, we see that it is as a result of factors ranging from the monarchy's growth and its long distance rule to the new financial and political needs necessary to maintain foreign policy, that with administrative reforms a system of stable stores was established to hold documents from across the Crown's Mediterranean dominions. Alessandro Silvestri points out in his article that "This does not mean that one single archival model was imposed upon every territory, but that the management and preservation of archives assumed a crucial role for the administration of the Crown as a whole, and for defending the royal patrimony in a similar manner throughout each of its territories."⁸⁵ There are western and eastern documentary repositories that form different parts of the single archival network. Since each state operated numerous differing archives, it is apparent that each archive was influenced by their surrounding environments, absorbing local institutions.

With this sophisticated network, one sees how important information, the production and management thereof, was to the state, because once this central archive is established, then the state essentially controls all of the information within the kingdom. Already then we see that from the Angevin reign transitioning into Aragonese rule of Sicily, administrative and governmental documents, including laws, are prioritized in their production and management. The creation of depositories in other Aragonese dominions is the Crown's attempt in creating a Mediterranean archival network linked to the heart of the

⁸⁵ Alessandro Silvestri, "Archives of the Mediterranean: Governance and Record-Keeping in the Crown of Aragon in the Long Fifteenth Century," *European History Quarterly* 46, no 3 (Summer 2016): 438, <https://journals-sagepub-com.jerome.stjohns.edu/doi/epdf/10.1177/0265691416649289>.

Crown in Barcelona. These archives, which contained financial and governmental records, became important in the governance of their respective regions, and it was a way for the king to keep his control planted in the region, rather than having to bring his own documents on his trips. When the Aragonese begin their conquest of Sicily after asserting their claims, the Crown begins to set up a local administration, but it would not be fully developed until Sicily is fully absorbed by the Trastamaras leading to long-distance governance through viceroys.⁸⁶ This led to the reorganization of Sicily's archives and strengthening the Crown's control in this dominion. For example, Silvestri states:

“It seems that in the first half of the fourteenth century, the central archive of the Kingdom of Sicily had been organized in three separate stores (for political/administrate, financial and judicial material) all located in the royal palace of Messina, in which the administrative officers stored all documents that were no longer useful for current affairs. All of the newest registers were instead preserved in mobile archives that followed the kings of Sicily in their travels across the island. After the destruction of royal documentation prior to the 1350s during the siege of Messina by the Angevins, Frederick IV of Sicily (1355-77) moved the central administration to Catania's *Castello Ursino*, where his successor Martin I later established his seat. Royal travels across the island again entailed the use of mobile archives, which – it must be noted – only stored a few registers at the time. By contrast, from the 1410s onwards, a process of specialization designated central institutions and shaped the organization of archives, which were centralized at the *Hosterium* palace in Palermo, ‘for the greater honour of the aforementioned office [the viceroy] and for a greater convenience for the management of affairs’. This building thus became the official seat of Sicily's viceroys for both ideological and practical reasons.”⁸⁷

Sicily under the Aragonese saw the development of a complex archival system based on depositories and shaped by chanceries. This institutional system was organized around parallel offices that had their own separate chanceries. These reforms also impacted the judicial administration of Sicily as well, giving this administration a separate archive with its records being overseen by an *archivarius*. The use of such a clerk was most likely the result of documentation produced and received by the central court in their exchanges

⁸⁶ Silvestri, “Archives of the Mediterranean: Governance and Record-Keeping in the Crown of Aragon in the Long Fifteenth Century,” 442.

⁸⁷ Silvestri, “Archives of the Mediterranean: Governance and Record-Keeping in the Crown of Aragon in the Long Fifteenth Century,” 442.

with other local officers, lawyers, and peripheral courts as well. Interestingly, there was some resistance to these reforms. For example, the secretaries of these archives were used to storing registers in their homes and resisted the attempt to centralize their archival depository to the point where King Alfonso in 1443 declared the registers belonged to the Crown and not the secretaries. During a trial, the secretaries responded to the king by sticking up for their right to personally keep the registers which they had produced. As a result of the trial, the king reinstated the privilege and abolished the office of archivist. Despite the king's continued efforts to maintain control over the registers in the Royal Chancery or the financial archive, the Sicilian secretaries sustained their right to the personal preservation of documents they produced.⁸⁸ This is interesting because ever since the Sicilian Vespers had broken out on the island of Sicily, this idea of free communes and independent cities began to form. Perhaps a new idea of individual rights and the idea of sovereignty began to form then and maintained some sort of presence in the local communities themselves. Also important to note is the methods in which the Crown attempted to reclaim the registers from the secretaries. Even after declaring that these registers belonged to the Crown and the secretaries continued their resistance, rather than take up violence, the matter was resolved in a trial. I think at this point it shows how far the state has come administratively, that instead of resolving the issue through violence, it was resolved through systems set up by the state. This is a great example of the evolution of the legal traditions and law codes in the Kingdom of Sicily, administratively speaking.

⁸⁸ Alessandro Silvestri, "Archives of the Mediterranean: Governance and Record-Keeping in the Crown of Aragon in the Long Fifteenth Century," 442-443.

Despite its growth and its reforms to centralize, this enlargement of the Crown's domains and its attempt to control them actually contributes to its administrative decentralization. Silvestri presents an example in the fifteenth century where secretaries of the royal chancery of Aragon overseeing Sicilian affairs were tasked on behalf of their kings to send letters to the island. These documents would have been transcribed in one of the Sicilian series of registers stored in the Royal Archive of Barcelona. These documents were not considered legally valid on the island unless the sovereign was present in Sicily itself. They then had to be handled by local viceroys who commanded the Chancery of the specific subject, or if not them then it would be their secretaries executing royal orders as executive letters.⁸⁹ Archives holding legal and financial documents would continue to play an integral role in controlling and defending the royal patrimony.⁹⁰ Noting this change in administrative practices is important in that we see a change in the legal institution of the Kingdom of Sicily as a result of such decentralization. Now the focus shifts from these changes to how it affected the subjects of the kingdom.

The Kingdom of Sicily under the de Hauteville, Hohenstaufen, and Angevin rulers experienced a highly centralized form of government, with the king as the absolute monarch. With the War of the Sicilian Vespers and Sicily's brief period of free communes, however, this impression of autonomy leaves a significant mark on the people's history and the history of the island, one that continued to play an important influence in

⁸⁹ Alessandro Silvestri, "Archives of the Mediterranean: Governance and Record-Keeping in the Crown of Aragon in the Long Fifteenth Century," 444.

⁹⁰ Alessandro Silvestri, "Archives of the Mediterranean: Governance and Record-Keeping in the Crown of Aragon in the Long Fifteenth Century," 447.

controlling Sicily. This influence arguably would result in the creation of the kingdom's parliament.

In this period, new methods of government are introduced by the parliament on the island of Sicily that change the legal traditions of the kingdom. Establishing a parliament alone would change the legal traditions of Sicily significantly. Another change would be, through the people of Sicily and the parliament. They unanimously elected Frederick III to be King of Sicily after Jaime dropped his claims to the kingdom. At the same time he is elected, King Frederick III of Sicily acknowledges the *Consitutiones regales* that granted the power and established the functions of the parliament.⁹¹ Right away, the power of the monarch has decreased, more power is given to the parliament, and laws are no longer solely influenced by the monarch. Silvestrini in his article states "the Aragonese king undertook to protect 'privilegia, libertates, immunitates, consuetudines, constitutiones, ordinationes, & leges' granted to the Sicilians since the Reign of Frederick II of Swabia until that of James II of Aragon, explicitly excluding Angevin interventions in the legal corpus of the new state."⁹² Though the king is now giving some of his power to the people, he still acknowledges himself as the sovereign in invoking the name of Frederick II and his reign, times in which the kingdom experienced great prosperity, until Jaime II of Aragon, where the Crown of Aragon had recently liberated the people of the island from its previous oppressive overlords. It should be noted that, in the *Constitutiones regales*, there is a

⁹¹ Flavio Silvestrini, "The Early Stages of a Parliamentary Monarchy in Aragonese Sicily: *Curia generalis* and *Rex Trinacriae* During the reign of Frederick III (1296-1321)," *Parliaments, Estates, and Representation* 34, no. 2 (October 2014): 135, <https://www-tandfonline-com.jerome.stjohns.edu/doi/epdf/10.1080/02606755.2014.952134?needAccess=true&role=button>.

⁹² Flavio Silvestrini, "The Early Stages of a Parliamentary Monarchy in Aragonese Sicily: *Curia generalis* and *Rex Trinacriae* During the reign of Frederick III (1296-1321)," 136.

section that recognizes the existence of a privileged population of the island. This privileged population was the Sicilians and they made sure their interests were being protected by the assembly at all times. As a result of this, it limited the administrative power of the crown.⁹³

In addition to the previous limitations mentioned, the *Constitutiones regales* limits the power of the king even further. The king could no longer use his right to conquest or divine origin to rule, instead his right to rule was established on a “covenantal basis,” meaning his right to rule and his will had to protect the interests of the Sicilians, who they alone elevated him to royal status. Frederick III agreed to rule according to his laws, the laws of his predecessors, and with the future consideration of the parliament during its sessions.⁹⁴ It is also observed that the parliament has the power to declare war. During Frederick III’s reign, the parliament called for an attack on Robert of Naples while the Holy Roman Emperor Henry VII, ally to King Frederick III, descended into Italy to officially be crowned Holy Roman Emperor in the midst of the Guelph-Ghibelline conflict. The parliament would successfully secure their uneasy independence after the peace negotiated in Caltabellotta in 1302 and with the ascension of King Peter II to the throne in 1337.

The Ever-Changing State

After having observed the failed reign of Charles I of Anjou over the island of Sicily and the conflict that shadowed over the reign of the Crown of Aragon in Sicily, we see

⁹³ Flavio Silvestrini, “The Early Stages of a Parliamentary Monarchy in Aragonese Sicily: *Curia generalis* and *Rex Trinacriae* During the reign of Frederick III (1296-1321),” 137.

⁹⁴ Flavio Silvestrini, “The Early Stages of a Parliamentary Monarchy in Aragonese Sicily: *Curia generalis* and *Rex Trinacriae* During the reign of Frederick III (1296-1321),” 137.

some important development in the law codes and legal traditions between these two dynasties. After Count Charles I of Anjou conquers the Kingdom of Sicily, we see he shows some sort of interest in running his kingdom as a fair, benevolent monarch. This quickly changes when he beheads Conradin. In the Muslim colony of Lucera, Charles I is extremely cautious of their loyalty since they fought in the armies of his opponent, however, he saw their use as farmers, soldiers, and military craftsmen and utilized their labor until he felt it was necessary to expel them from Lucera. Eventually Charles II does exactly this and attempts to replace the population with his fellow countrymen but suffers significantly thereafter. Agricultural production in the region suffers greatly, which as a result causes a depression in the wealth generated by the region. Charles I's governmental policy also lacked consideration for the local communities, especially the Sicilian community. He altered the previous model of government on the French model and filled important court positions with only Frenchmen he trusted, eventually giving them fiefs as well. Some of these fiefs were confiscated from Sicilians who rebelled against Charles I, adding more fuel to the flames of a greater rebellion. His system of high taxation and the implementation of the *subventio generalis* made him even more unpopular, but it was more so due to his belief that strict state control was the best mode of governance. This was partially true, however, his method of maintaining a centralized government would lead him to lose the island of Sicily during the revolt of the Sicilian Vespers, establishing the island's independence and the people of Sicily willingly choosing Peter III of Aragon to rule over them, thus beginning the rule of the House of Barcelona and the Crown of Aragon.

When King Peter III of Aragon became king of Sicily, his first act as king was to give the nobles and knights of the island their privileges, liberties, and immunities, while

also giving many good things to the commoners as well. Also, with the introduction of Peter as King of Sicily, so too were new administrative techniques introduced into the Kingdom of Sicily. We begin with the establishment of the Royal Archive in Barcelona in 1318. This created a central repository for the King of Aragon to use but also created an archival strategy that involved the various dominions of the Crown. This sophisticated network showed the importance of information such as laws, foreign policy, financial records, etc., in regard to the priorities of the state. This was not only important to the Crown of Aragon and the king back in the Iberian Peninsula, but also to the king of Sicily. We also see incidents where secretaries that produce archival information fight for their right to their property, which is maintained after the dilemma is resolved in a trial protecting the rights of the secretaries. This goes hand in hand with the importance of the law and legal traditions in asserting, or attempting to assert, what rightfully belongs to the people as opposed to the Crown and the decentralization of the kingdom, as it is especially seen in the case of Frederick III. By the time Frederick III becomes king, he does not inherit the kingdom, rather he is elected unanimously by the people of Sicily, altering the once absolute monarchy and now forming it into a constitutional monarchy. Frederick III swore to the Sicilians to protect their privileges and liberties and the constitution of the kingdom as established by his predecessors from Frederick II to his brother Jaime. Of course, he would also see to it that laws established by the Angevins were excluded from the new constitution. Through the *Constitutiones Regales*, Frederick III confirms the power and duties of the parliament, which, as a result, gives the parliament more power and greater influence in the laws written for the kingdom. It should be noted, however, the amount of privilege is given to the Sicilian community of the island, as opposed to the Aragonese,

Catalan, and remaining Angevins. In addition to the new laws established by the king and the parliament, the assembly made sure to protect the privileges of the Sicilians before all others.

And so, our original question is answered. The Angevins enact harsh, unjust policies that neglect the interests of the people and force minority communities, such as Jews and Muslims, to convert or emigrate out of the kingdom. In adopting and maintaining governmental policies that did not agree with the customs of the Sicilians and southern Italians, and showing blatant favoritism toward his French subjects, Charles I loses the better part of the Kingdom of Sicily to the Crown of Aragon who enact the more fair and just policies of their predecessors and at one point establish laws with the interest of the Sicilians via parliamentary representatives. Despite adopting laws that promoted fairness and tolerance along with the development of Aragonese governmental practices entering the Island of Sicily, the kingdom of Sicily was powerful to the extent that it formed a part of a composite monarchy, that being the Crown of Aragon, thus preventing it from reaching the power it once held previously under Frederick II. It is obvious that in order to rule successfully, one must always maintain a sense of justice. But in a time where tolerance is limited and religion, along with culture, were attempted to be homogenized by the monarchs of Europe in their respective kingdoms, it is in this case we see the flourishing of new ideas relative to the time, such as the idea of a constitutional monarchy. We see this to a greater degree in Sicily's history where Norman, Greek, Muslim, Jewish, and Italian art, architecture, ideas, and laws run through the crossroad of the Mediterranean, the crossroad of the western Medieval world.

CONCLUSION

SICILY - EUROPE'S FIRST CENTRALIZED STATE?

From the first King of Sicily, Roger II, to the later Aragonese Kings such as Frederick III and Peter II of Sicily, we see how the centralization of the Kingdom of Sicily, in Sicily's identity as resembling a modern state, coincides with the advancement of law and justice, tolerance, and administrative institutions to better watch over the state. With the *Assizes of Ariano*, the power of the king is the first and main concern of the monarchs addressed in the assizes, that with the king as both sovereign and high priest, centralization of the kingdom could effectively take place. Laws concerning the fair treatment of its subjects with reference to their faiths, sex, and social status are adopted, thus beginning the tradition of preserving justice according to the medieval notions of equality and tolerance. It is the law that facilitates tolerance and equal treatment, at least on paper.

Aside from the written law, the institutions that administered the law and helped the king manage his realm played an equally important role. In times where we see councils and administrative offices are run by the nobility, the struggle for power is almost always present, as in the case of the *familiaries*. With the reform of the *familiaris regis* carried out by Archbishop Walter of Palermo, King William II's brother, we see the return of a general concern for the realm and its well-being when run by clerics and royal officials. With the use of Muslims and Muslim converts to Christianity working with subjects who were born and raised as Christians, we see a willingness of the court to trust the Muslims and their knowledge of the land to establish land boundaries crucial to administering the island of Sicily.

But the main concern the kings always seek to fulfill, except for the Angevin kings, is the preservation of peace, justice, law, and order, and we see this through Frederick II's reign. In establishing the hierarchy he sought to incorporate into the Kingdom of Sicily, he created a sophisticated judicial system to uphold these four concerns, these four tenets to his rule. The power of the nobility is kept in check, though remains as the privileged class, but not too privileged to the point they can abuse the peasants of the realm, in which case Frederick provides assistance for them through the invocation of his name in court trials. In other words, he granted them the ability to defend themselves on equal grounds as nobles. When it comes to the Jewish and Muslim populations that lived in the Kingdom of Sicily, they too were able seek defenses just like the Christian subjects of the land. With their place solidified in the Kingdom of Sicily by these laws, Frederick II's power as the absolute monarch only grows along with the centralization of the kingdom. Unfortunately, all of this is undermined by the actions of the Angevin kings.

If there is anything we can learn from the Angevin kings, it is that centralization also includes just rule, and just rule includes tolerance for differing customs. You cannot rule a kingdom with brute force and cruelty alone. It is the reason why they lost half of their kingdom to Aragon during the War of the Sicilian Vespers. With this in consideration, it is when the Aragonese return to tolerance, to just rule, and the implementation of Aragonese governmental traditions that we see the people gain a greater significance in Sicilian life.

Hopefully, this study also has shown that the medieval world was not monolithic, static, or backwards. There existed cosmopolitan cities with diverse communities, and how

they were treated depended on the notions of justice and fair rule expressed by the kings. The medieval world was always developing. It was an experiment in state craft that led to many of the principles of government that nations today use as foundations to their constitutions and their laws as well.

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