

BETWEEN NORMAN ADMINISTRATORS AND LOCAL ADVOCATES: *ARCHONTES* IN GREEK ARCHIVAL SOURCES OF CALABRIA IN THE ELEVENTH AND TWELFTH CENTURIES

NORMAN YÖNETİCİLER VE YEREL VEKİLLER ARASINDA:
ON BİRİNCİ VE ON İKİNCİ YÜZYILLARDA CALABRIA'DAKİ
YUNANCA ARŞİV BELGELERİNDE *ARCHONTES*

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Abstract

In both the Byzantine and Norman periods of rule, Greek notarial documents and other archival records from Southern Italy and Sicily frequently mention a group known as archontes, a collective term referring to local notables or potentates. While notoriously difficult to define with precision, this group encompassed a wide range of individuals and families, including those who held title or office (often originating in the Byzantine period) as well as those whose influence was more informal or due primarily to wealth or land ownership. Those families included among these archontes display a large degree of continuity between the early eleventh and mid-twelfth centuries, and they almost universally represent local, Greek-speaking elements rather than individuals appointed to administrative positions from elsewhere.

This article argues that this group of families in Calabria played a specific role as intermediaries between the local, Greek-speaking population and the newly established Norman powers, particularly in the first century of the latter's arrival in the region. This role is most visible in records of legal disputes, especially when land ownership was involved, when judicial decisions were made and issued jointly in the name of a Norman-appointed judge and an assembly of local archontes. I contend that this role can be more thoroughly understood through the comparative use of archival documents from Greek

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monasteries in the region and the legal handbook known as the Prochiron Legum or Prochiron Calabriae, which may suggest that this legal function quickly became quasi-formalized and supported by written legislation.

Keywords: Norman Italy, Byzantine and Norman law, Italo-Greek aristocracy, Calabria

Öz

Hem Bizans hem de Norman egemenliği altındaki Güney İtalya ve Sicilya'da, Yunanca noter belgeleri ve diğer arşiv kayıtları sıklıkla archontes olarak bilinen bir gruptan bahseder. Bu terim, yereldeki saygın kişiler veya yetki sahiplerinden oluşan bir grubu adlandırmak için kullanılır. Kesin olarak tanımlanması oldukça zor olsa da bu grup, genellikle Bizans döneminde unvan ya da makam sahibi olanlarla malvarlıkları nedeniyle dolaylı şekilde yetki sahibi olan bireyleri ve aileleri kapsar. On birinci yüzyılın başlarıyla on ikinci yüzyılın ortaları arasında büyük ölçüde süreklilik gösteren bu archontes arasında yer alan ailelerin neredeyse tamamı idari pozisyonlara dışarıdan atananları değil yerel ve Yunanca konuşan bireyleri temsil eder.

Bu makale, Calabria'daki archontes olarak adlandırılan bu aile grubunun, özellikle Normanların bölgeye gelişinin ilk yüzyılında, Yunanca konuşan yerel halk ile yeni kurulan Norman güçleri arasında bir tür aracı rolü üstlendiğini öne sürmektedir. Bu rol özellikle yargı kararlarının Normanlar tarafından atanan bir yargıç ve yerel archonteslerden oluşan bir kurulun ortaklaşa verdiği toprak mülkiyeti gibi hukuki anlaşmazlıkların kayıtlarında göze çarpar. Makale bölgedeki Yunan manastırlarındaki arşiv belgeleri ile Prochiron Legum veya Prochiron Calabriae olarak bilinen hukuk el kitabını karşılaştırarak, archonteslerin hukuki işlevlerinin nasıl hızla yarı resmileştiğini ve yazılı mevzuatla desteklendiğini ortaya koymaktadır.

Anahtar Kelimeler: Norman İtalya'sı, Bizans ve Norman hukuku, İtalyan-Yunan aristokrasisi, Calabria

Introduction

In 1149 one Ioannes, *kaballares* (“knight”) of Amantea sought to claim the rest of the dowry promised to his wife, the daughter of Nicholas Moschatos.¹ The property in question was a vineyard in the general vicinity of the *kastron* of Stilo, on the east coast of Calabria, in the “foot” of Italy. The two parties and their allies appeared before the judge of Stilo in order to have the dispute resolved. The dispute was presided over by Petros, viscount and judge of Stilo, in whose name the record of the decision was completed and stored at the monastery of St. John Theristes, outside of Stilo.

¹ André Guillou, ed. *Saint-Jean Théristsès (1054-1264)* (Rome: Vittà del Vaticano, 1980), no. 18.

The relatively mundane case in fact has much to tell us about the dynamics of power at play in the first decades of Norman rule in Calabria and the ways in which the local Italo-Greek population interacted with and adapted to Norman power. As in most legal cases recorded in Calabrian charters, the viscount Petros was not presiding along, but was accompanied by a special assembly of local notables (called *archontes* by the sources). The final decision may have been issued in the judge's name, but deliberations were conducted with this council of *archontes*, who signed the finished document alongside the judge. What makes this case of special interest is the way in which it unfolded prior to the convening of the court under the viscount.

According to the case record, it was one Leon Maleinos who convened the court (ἀναβιβάσθεις) of Peter on behalf of Ioannes of Amantea.² The Maleinos family, members of which often bore the title *strategos*, was perhaps the most influential Greek family in Calabria at the time, and their influence reached back well into the Byzantine period.³ So Leon, like Ioannes and the Moschatos family, was counted among those labeled as *archontes* by Italo-Greek documentation. The judge Petros, however, whose authority rested squarely upon his appointment within the young Norman administration, appears as something of an outsider in the affair, with Maleinos acting as an intermediary between the local Greek notables and the Norman higher administration. The litigants first went to one of their fellow *archontes*, who then called upon the viscount to convene his court.

Though the precise role of these *archontes* in legal disputes is typically hidden from view in the surviving record, it was crucial to the functioning of justice and administration in the first century or more of Norman rule, and it would be naïve to imagine their role as purely passive observation. Just as Leon Maleinos called upon the judge to decide the case of Ioannes of Amantea, these representatives of influential Greek families seem clearly to have exercised some form of agency in the relationship between local community and the Norman administration of

² Guillou, *Saint-Jean Théristès*, no. 18 (opening lines): Ἐπιδήπερ κἀγὼ Πέτρος βεσκόμ(ης) ἀναβιβασθ(εῖς) παρὰ τοῦ μεγάλ(ου) στρατ(ηγ)οῦ κῦρ Μαλεῖν(ου) εἰς τὴν <...> τῆς κρίσεως τῆς ἀπάσις διακρατήσε(ως) Στύλ(ου) εἰς τὸ διέπειν ἀρχὴν τῷ βήματι ἡμῶν παραστὰς Ἰωάννης καβαλλάρ(ης) ὁ τ(οῦ) Ἀμαντινοῦ λεγόμενος...

³ Any connection to the important family from central Anatolia, well known for St. Eustathios Maleinos and their connections to the Phokades, remain hypothetical. For more, see Annick Peters-Custot, *Les Grecs de l'Italie meridionale post-byzantine: Une acculturation en douceur* (Rome: École française de Rome, 2009), esp. 165-67.

justice. This highlights the potential of these documents to allow us to recreate some aspects of the transition to Norman rule from the perspective of the Greek-speaking inhabitants.

Among others, Vera von Falkenhausen and Annick Peters-Custot have gone some way toward identifying these families and the roles they played in the first century of Norman rule in Calabria. But there remains the issue of our sources.⁴ Monastic archives provide snapshots of many individual members of these families and the titles they held. But the nature of these archival materials often leaves much to the imagination (as in the example with which this article begins). Despite these issues, however, I believe our available sources allow for a more thoroughgoing analysis of this local aristocracy in the crucial period between roughly 1050 and 1150.⁵

This article argues that the group of families in Calabria collectively referred to as *archontes* in surviving sources had a specific role to play as intermediaries between the local, Greek-speaking population and the newly established Norman powers, particularly in the first century of the latter's arrival in the region. This role is most visible in records of legal disputes, especially when land ownership was involved, when judicial decisions were made and issued jointly in the name of a Norman-appointed judge and an assembly of local *archontes*. I contend that this role can be more thoroughly understood through the comparative use of archival documents from Greek monasteries in the region and the legal handbook known as the *Prochiron Legum* or *Prochiron Calabriae*, which may suggest that this legal function quickly became quasi-formalized and supported by written legislation.

1. Defining *Archontes*

In Byzantium, *archon* was a notoriously imprecise term that could carry a range of meanings. As Alexander Kazhdan noted in the Oxford Dictionary of Byzantium, the term could signify “any officials who possessed power,” and was

⁴ For an important overview of this archival sources, see Horst Enzensberger, “Chanceries, charters and administration in Norman Italy,” in *The Society of Norman Italy*, ed. G.A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 117-50.

⁵ As Graham Loud has recently argued, existing narrative sources and chronicles give a very incomplete image of even the local elites in southern Italy for the first century or more of Norman presence. See Graham Loud, “The Nobility of Norman Italy, c. 1085-1127,” in *The Normans in the Mediterranean*, ed. Emily A. Winkler and Liam Fitzgerald (Turnhout: Brepols, 2021), 139-61.

often synonymous with the equally vague *dynatoi*, meaning “the powerful.”⁶ The eighth-century Byzantine law code known as the *Ecloga*, for example, generally recognized three classes of legal officials: “magistrates (*archontes*), judges (*dikastai*) and *akroatai*.”⁷ This tripartite division is clearly visible in most Byzantine law from at least the eighth through the fourteenth century.⁸ In this context, the title *archon* was typically reserved for those who held some kind of administrative position, at least nominally. Gradually, however, this distinction was lost. In the tenth century, St. Symeon the Theologian, in the tenth century, describing *archontes* simply as those “who had honor (*time*) [τιμή] and power (*arche*) [ἀρχή]; he further defined the *strategoī* and *archontes* as the emperor’s servants and friends who – unlike the common people – had personal contact with the monarch.”⁹ These descriptors, particularly an association with *timē* and *archē*, continued to be relevant well into the Norman period in Calabria.

For the Byzantine period in the Mezzogiorno, Falkenhausen saw three distinct “classes” of elites: those sent from Constantinople, those of the dominant Lombard houses, and finally the local aristocracy.¹⁰ In the first century of Norman domination in Calabria, it is this last group, the local Italo-Greek aristocracy, that continues to appear under the label of *archon* in archival documents and therefore is the focus of this article. Contemporary documents show clergy as well as laymen among those families identified by the marker *archon*, as the power they are seen to wield seems to be based upon their family as a whole. Nevertheless, it seems clear that the main source of their influence was primarily outside of the church.

One of the simplest definitions comes from a document originating in Calabria itself. In the 1101/2 testament of Bartholomaios, Hegoumenos of the monastery

⁶ Alexander, Kazhdan, ed. *The Oxford Dictionary of Byzantium* (Oxford: Oxford University Press, 1991), 160 (hereafter cited as *ODB*). In his entry, Kazhdan cites (inter alia) Symeon the New Theologian, as well as the *Taktikon Uspenskij*. Though it was not true for all periods of Byzantine history, Kazhdan likewise notes that “in a technical sense, *archon* designated first of all a governor.”

⁷ Zachary Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867-1056* (Cambridge: Cambridge University Press, 2017), 50. M.T.G. Humphreys, *Law, Power, and Ideology in the Iconoclast Era, c. 680-850* (Oxford: Oxford University Press, 2015), has argued that so-called *akroatai* are not identified on lead seals and therefore may overlap with *archontes*.

⁸ For an overview of Byzantine law in these periods, see esp. Daphne Penna and Roos Meijering. *A Sourcebook on Byzantine Law: Illustrating Byzantine Law through the Sources* (Leiden: Brill, 2022).

⁹ *ODB* 160.

¹⁰ Vera von Falkenhausen, “A Provincial Aristocracy: The Byzantine Provinces in Southern Italy (9th-11th Century),” in *The Byzantine Aristocracy, IX-XIII Centuries*, ed. Michael Angold (Oxford: British Archaeological Reports, 1984), 211-35.

of St. John Theristes near Stilo, he simply refers to them as “those who have authority, namely secular *archontes*.”¹¹ Other than their designation as “secular” (κοσμικοῖς), such a definition is obviously wide-ranging. Yet modern research has gone some way toward narrowing the field and introducing clearer categories to this class of “authority-holders.” In 1992, Donald Matthew could argue that “the information available about the great families of the kingdom may seem to leave them with only peripheral roles in government. Yet interest in trying to explain their significance is comparatively recent.”¹² In the decades since then, however, significant advances have been made in the field.

For Annick Peters-Custot, the prestige and authority enjoyed by the *archontes* in Norman Calabria rested upon both their history in the region as well as their participation in the administrative processes of the region. This influence was largely independent from ruling powers in the region, whether Byzantine or Norman. It would also make these families vital to anyone who wished to exercise authority in Calabria. These were the *kaloï anthropoi*, the Italo-Greek *boni homines*.¹³ As Peters-Custot has pointed out, however, the circle of *archontes* attested in the Italo-Greek archives, particularly in Calabria, represented a more limited group than the *boni homines* of other regions.¹⁴

Calabria was more rural in character than many other regions, which affected both the nature of this group of *kaloï anthropoi* as well as the methods adopted by the Normans after taking control of the peninsula. Such conditions added to the importance of particular, local families for Norman attempts to establish their authority. Of the more than thirty Franco-Norman families identified by Ménager as having relocated to Norman Italy, only four can be securely placed as landholders in Calabria in the first century of Norman rule.¹⁵

¹¹ Guillou, ed., *Saint.-Jean Thérístès*, no. 5, 67: ...εἴ τις τὰ ἐμοὶ καλῶς δόξαν(α) ἀνατρέψαι σπουδάσει ἢ παρασαλεῦσαι ἐν τινὶ πράγματι, εἴτε παρὰ τῶ(ν) προσετώτω(ν) εἴτε παρὰ τῶ(ν) τὴν ἐξουσίαν ἐχόντω(ν), κοσμικοῖς λέγω ἄρχουσιν, ἢ ἐτέρου τινός...

¹² Donald Matthew, *The Norman Kingdom of Sicily* (Cambridge: Cambridge University Press, 1992), 144.

¹³ Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 157: “Les archontes enfin, les dirigeants, les notables, possèdent l’aisance et le prestige, les fonctions et l’honorabilité consacrée par leur participation comme témoins dans les procès, avec les anciens: ils constituent les *kaloï anthropoi*.”

¹⁴ Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 167.

¹⁵ Catherine Hervé-Commereuc, “La Calabre dans l’État normand d’Italie du Sud (XIe-XIIe siècles),” *Annales de Normandie* 45 (1995), 7. For a tentative list of Norman elites who relocated to Calabria (and Sicily) during this period, see Léon-Robert Ménager, “Inventaire des familles

In certain cases, as Peter-Custot points out, the loss of formal Byzantine rule (and the *roga* salaries that came with it) seems to have allowed some families to turn Byzantine titles into hereditary ones.¹⁶ But the same phenomena would have forced them to find creative ways to benefit from said titles, which no longer carried the weight of the Byzantine imperial administration. While never a grantable title per se, the label *archon* had apparently become recognizable and important enough that some sources record individuals claiming descent from *archontes* as a mark of status by the early thirteenth century. This was the case, for example of one Baldwin (Βαλδουίνος), “nephew of the *archon*, lord Lambert, of blessed memory,” who made a donation to the monastery of St. John Theristes in 1213/14.¹⁷ By at least the first quarter of the thirteenth century, evidence suggests that the label “*archon*” had achieved a quasi-official status in the region, at least under certain circumstances.

2. *Archontes* and the Administration of Justice in Calabria, ca. 1060-1160

If the Normans famously ruled with a “light touch” in the Mezzogiorno, this was especially true in the mostly rural and mountainous regions of Calabria.¹⁸ Their low numbers and the rapid pace at which their conquest proceeded generally precluded a heavier hand. Annick Peters-Custot and Vera von Falkenhausen have both highlighted the relative visibility, importance, and autonomy of these *archontes* in Byzantine Calabria.¹⁹ After his rapid expansion into Calabria, for example, Guiscard quickly turned his attention elsewhere in Italy, where rivalries among the Norman elite and jockeying for power and position was more pressing.²⁰ Under Guiscard, “the duchy had little in the way of central institutions. In the countryside, Norman

normandes et franque émigrées en Italie méridionale et en Sicile (XIe-XIIe siècles),” in *Roberto Guiscardo e il suo tempo: Atti delle prime giornate normanno-sveve Bari, 28-29 maggio 1973* (Bari: Edizioni Dedalo, 1991; first edition: Rome, 1975), 261-390.

¹⁶ Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 401-20.

¹⁷ Guillou, ed., *Saint.-Jean Thérístès*, no. 44, 227: Σγύλλ(ιον) ἀφιερωτικὸν γινόμενον παρ' ἐμοῦ Βαλδουίνου ἀνεψιοῦ τοῦ μακριωτάτ(ου) ἄρχοντ(ος) κυρ(οῦ) Λαμβέρδτ(ου) (καὶ) ἐπιδοθὲν πρὸς τὸν ἅγιον Νικόλ(αον) τὸν Τριβουκ(ά)τ(ον) (καὶ) πρὸς σὲ τὸν ἐν αὐτῷ εὐλαβέστατ(ον) οἰκονόμ(ον) κῦρ Νήφων (καὶ) πρὸς πάντας τοὺς ἀδελφούς.

¹⁸ On Calabria under the Normans, see Hervé-Commereuc, “La Calabre dans l'État normand d'Italie du Sud;” Ghislaine Noyé, “La Calabre entre Byzantins, Sarrasins et Normands,” in *Cavalieri alla conquista del Sud. Studi sull'Italia normanna in memoria di Léon-Robert Ménager*, ed. E. Cuozzo and J.-M. Martin, (Rome–Bari, 1998), 90–116.

¹⁹ Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 165; Falkenhausen, *A Provincial Aristocracy*, 211.

²⁰ Brown, *The Norman Conquest of Southern Italy and Sicily*, 101.

fiefholders maintained justice and collected taxes quite independently of the duke. In the towns, Lombard or Greek administrative mechanisms and law had been largely left in place under treaty or other arrangements.”²¹

In this context, those labeled *archontes* by the sources were vital in providing both stability for the local population and for ensuring the interests of the newly arrived Normans. They most often appear as witnesses or signatories on documents of various kinds, typically sales or donations of property, or as assembled witnesses/adjudicators in legal disputes. As in the case discussed at the beginning of this paper, it is this latter role that is especially interesting to me, as the precise role of these assemblies of local potentates in the courts of local judges represents a key point of contact between the local, Greek-speaking population and the Norman administration.

In the surviving (Greek-language) records of the monasteries of St. John Theristes, S Filippo di Gerace, and S Maria Patir di Rossano, members of these local *archon* families occasionally appear with the title of judge (*kritēs*), but far more often, those named as judges appear to have come from outside the circle of Calabrian *archontes*. Many of them bear distinctly Latin and/or Norman names, and there is a high rate of turnover, in contrast to the more stable list of local *archon* families. From at least 1127, these judges typically bore the title of viscount (βεσκόμης). The general sense seems to be that those named as judges were appointed, directly or indirectly, by Calabria’s Norman rulers, while the *archontes* exercised a power that was less formal but more independent. These two sources of authority met directly in the local tribunals recorded in the documents discussed here. By the end of the twelfth century, the social and political landscape around Stilo had changed. Documents begin to display new titles like “lord of Stilo” (κύριος/*dominus* or μάγιστρος/*magister*). Men bearing these titles fill the role formerly played by these judges, occasionally bearing the title of judge but often without it.²²

Nearly every dispute recorded in the monastic archives place a great deal of emphasis on the assembly of *archontes*, even if the records themselves offer precious little information about their precise role in these proceedings. As Guillou himself suggested in his edition of the documents of St. John Theristes, these assemblies do

²¹ Brown, *The Norman Conquest of Southern Italy and Sicily*, 100.

²² For a recent overview of such changes, see Sandro Carocci, “Norman Change, Lords and Rural Societies,” in *The Normans in the Mediterranean*, ed. Emily A. Winkler and Liam Fitzgerald (Turnhout: Brepols, 2021), 123-38.

not appear to have been regular occurrences, but were (probably) rather special assemblies that were only called upon when circumstances warranted.²³ But, there is sufficient evidence to suggest that certain types of disputes, particularly when it involved land ownership and/or usufruct, (nearly) always required their presence. And as can be seen in the dispute between Ioannes of Amantea and the Moschatos family, this could also function in the opposite direction. That is, a judge could be called upon by one or more members of the local *archontes*.

The way this process is described in surviving documentation can be seen clearly in the record of a land dispute between Genesisios Moschatos and the monks of St. John Theristes in 1098, which was presided over by the judge of Stilo, Joseph Terras.²⁴ Moschatos himself is counted among the *archontes* of the area, as were the witnesses he provided on his own behalf. But it is the assembly of *archontes* called upon by judge Joseph which is of interest. Joseph, from whose perspective the record is written, presents himself as offering judgement in conjunction with this special assembly. As is common in Calabrian documents of this period, the *archontes* are described as both sitting alongside the judge and as offering advice.²⁵ Such records are rarely overflowing with superfluous detail, so the judge's assertion that he has "given ear" to this assembly is significant.²⁶

Near the end of the judgement, we again read about the role of these *archontes* in the proceedings. Even if the document's authority is derived from the judge and, by extension, Count Roger who appointed him, the assembly of *archontes* is described as offering their own "judgement and order."²⁷ This is not a passive role as witnesses. And while the judge's authority is explicitly derived from the

²³ Guillou, ed., *Saint-Jean Théristès*, 83.

²⁴ Guillou, ed., *Saint-Jean Théristès* no. 3 (1098). The case is also briefly discussed in Penelope Mougoyianni, "Pilgrimage and Greek Identity in Byzantine and Norman Southern Italy (9th-12th Century)," in *Für Seelenheil und Lebensglück: Das byzantinische Pilgerwesen und seine Wurzeln*, ed. Despoina Ariantzi and Ina Eichner (Mainz: Verlag des Römisch-Germanischen Zentralmuseums, 2018), 78.

²⁵ Guillou, ed., *Saint-Jean Théristès*, no. 3, 55 and 57: Ταῦτα κάγωι τὰ ῥήματ(α) σὺν τοῖς συνεδριάζουσίν μοι τιμίσις ἄρχουσιν ἐνωτισθεῖς τῷ τε πρωτο(σπα)θ(α)ρ(ίω)... ὄσον (καὶ) οἶόν ἐστιν κ(α)τὰ τὴν δικαίαν κρη(σιν) (καὶ) πρόσταξιν τῶ(ν) ἀρχόντω(ν) τῆς κόρτ(ης) τοῦ αὐθ(έν)τ(ου) ἡμῶ(ν) τ(οῦ) μεγάλου κόμ(η)τ(ος).

²⁶ Ibid. Ταῦτα κάγωι τὰ ῥήματ(α) σὺν τοῖς συνεδριάζουσίν μοι τιμίσις ἄρχουσιν ἐνωτισθεῖς τῷ τε πρωτο(σπα)θ(α)ρ(ίω)...

²⁷ Guillou, ed., *Saint-Jean Théristès*, no. 3, 57: ...ὄσον (καὶ) οἶόν ἐστιν κ(α)τὰ τὴν δικαίαν κρη(σιν) (καὶ) πρόσταξιν τῶ(ν) ἀρχόντω(ν) τῆς κόρτ(ης) τοῦ αὐθ(έν)τ(ου) ἡμῶ(ν) τ(οῦ) μεγάλου κόμ(η)τ(ος)...

Norman count, that of the *archontes* needs no such justification. Almost thirty years later, Genesisios' son, Robert (Ῥωπέριος), was among the *archontes* summoned by Guillaume, *strategos* of Stilo and Agia Egkaterine, in order to resolve a dispute over ownership of a herd of sheep.²⁸ Once again, the decision is described as a cooperative venture between the *strategos* and the assembled *archontes*.

A similar role is attested in a document originally preserved at St. Maria di Messina. Dating to 2 August 1095, the document records a judgment of the *protospatharios* Gregorios Gannadeos in a dispute over the ownership of a vineyard between monastery the monastery of Hagios Euplos and one Kondopetros.²⁹ Like the previous decision, it is both signed and explicitly issued jointly in the name of both the *protospatharios* and the assembled *archontes*. The repetition of formulaic phrases across many of the records suggests that this was a regular practice rather than irregular, isolated cases.³⁰ Another important, if complicated, case can be found in the record of a land dispute preserved at the monastery of S Filippo di Gerace.³¹ There has been some controversy over the date of the document, which is not preserved in its entirety. Ménager, disagreeing with Franz Dölger, argued for a date after the arrival of the Normans, with which I also agree.³²

The dispute is presided over by the *strategos* Georgios Gred(des?), “who was sent by the holy kingdom/empire” (ἁγία βασιλεία) to provide justice to all of Calabria. One of the claimants is Roger Randakos, the other is the *hegoumenos* of

²⁸ Guillou, ed., *Saint.-Jean Théristsès*, no. 13 (1128), 97-98: ταῦτα τὴν ἡν κἀγὼ ἀκεκωῶς καὶ τοὺς χρυσιμωτ(ά)τ(ους) ἄρχ(ον)τ(ας) προκαλέσας Στύλου, λέγω δὴ Ῥωπ(έρ)τ(ον) Μοσχ(ά)τ(ον) καὶ Πέτρος Τρουμάρχ(ης) καὶ ἕταιροι...

²⁹ André Guillou, ed., *Les Actes grecs de S. Maria di Messina. Enquête sur les populations grecques d'Italie du Sud et de Sicile (XIe-XIVe s.)* (Palermo: Pubblicazioni dell'Istituto siciliano di studi bizantini e neoellenici, 1963), no. 2, 47-50. *Archontes* are mentioned at the end of the record as having been convened alongside Gregorios; named figures include Georgios Maurikos, the priest Petros, and Geoffrey Molechosa (Γεωσφρὲ τοῦ Μολέχωσα), Arkadios Stylitanos, and Ilias Sikelos, and Neophytos Bounnera(s?), alongside several others.

³⁰ On notarial practices and juridical records in the region, see esp. Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 375-93.

³¹ Léon-Robert Ménager, “Notes et Documents sur quelques monastères de Calabre à l'époque normande,” *Byzantinische Zeitschrift* 50 (1957), no. 1, 18-21.

³² *Ibid.* One of the claimants is a certain Roger Randakos, which alone doesn't necessarily indicate a Norman presence, but when combined with other evidence makes it unlikely to have occurred under Byzantine suzerainty.

the local monastery. Roger's given name reinforces the assertion that it was recorded after the Norman arrival. The record emphasizes the *kaloï anthropoi* (later called *archontes* in the same document) who presided over and decided the case alongside Georgios. While slightly unusual, it is not unheard of for even pre-kingdom Norman authority to be referred to as *basileia*, a convention in Greek documentation heavily influenced by Byzantine norms.³³ If I am correct in placing the document in the late eleventh century, this phrase offers further evidence of named judges as explicitly Norman administrative agents. The final decision, however, was not pronounced by the judge alone. Again, this was done explicitly in conjunction with the assembled *archontes*.

And the *strategos* Georgios Greddes himself may have been sent from outside the region to serve as judge of Calabria, if we follow Ménager's interpretation.³⁴ Like Joseph Terras, the judge of Stilo in Genesios Moschatos' case in 1098, this again displays a pattern of Normans appointing judges from outside the region, who can then be seen working through existing networks of local, Greek notables. Many of these judges bear Latin, often distinctly Norman names, even when signing official decisions in Greek. The document with which this article began, when Robert Moschatos was named as a witness, is a judgement of 1128 by William, judge of Stilo and Hagia Aikaterini.³⁵ By 1149, the judge of Stilo (now holding the title of *viscount*/βεσκόμης) was one Peter.³⁶

The practices described here seem to be, in part at least, a continuation of pre-Norman conventions, and it therefore cannot be claimed as a Norman innovation, at least not entirely.³⁷ To give just one example, in a judgment dated to 1042, Eustathios Skepeidos, holding the title *strategos* of Lucania, made his judgement with the help of a group of (named) individuals who are described as "being seated together" with him (συνεδριαζόντων).³⁸ A comparison of documents across the

³³ For a more recent discussion of this issue, see esp. Anthony Kaldellis, *Romanland: Ethnicity and Empire in Byzantium* (Cambridge, MA: Harvard University Press, 2019).

³⁴ Ménager, "Notes et Documents sur quelques monastères de Calabre," 19.

³⁵ Guillou, ed. *Saint.-Jean Théristès*, no. 13.

³⁶ Guillou, ed., *Saint.-Jean Théristès*, no. 18.

³⁷ Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 119-21. For a book overview of conditions in the region on the eve of the Norman conquest, see inter alia, Barbara M. Kreutz, *Before the Normans: Southern Italy in the Ninth and Tenth Centuries* (Philadelphia: University of Pennsylvania Press, 1991).

³⁸ André Guillou, ed. *Saint-Nicolas de Donnoso (1031-1060/1061)*, no. 3, 33-49. This group includes both lay and monastic leaders. Most are given a title, either monastic or otherwise, for

first century of Norman control, however, suggests that the practice was not simply an unchanged institution, but grew in importance and may even have gained something of a codification in the law. This may be due to the tribunal's importance in both keeping the peace and ensuring relative stability, all while guaranteeing a certain degree of local autonomy. All of this would have been immensely useful for the budding Norman administration.

They also mirror evidence from Norman-controlled regions further north such as Salerno. Abundant Salernitan documents show how so-called *boni homines* appear not only as witnesses to various documents, but also occasionally “served as a crude approximation of a jury.”³⁹ Some examples include *boni homines* deciding monetary penalties and/or reimbursements. “A judicial system with a corps of *judices* backed by *gastalds* and supplemented when necessary by *boni homines* seems impressive.”⁴⁰

In short, the application of justice in the first century of Norman Calabria functioned through the cooperation of appointee judges and the more autonomous, informal influence of the local aristocracy, whose power and influence largely predated the Norman arrival. This cooperation, in turn, encouraged many of these Italo-Greek *archontes* to maneuver themselves ever closer to their new overlords. Onomastic evidence provides one clue about what this looked like.

3. Naming Conventions

With or without Byzantine titles, the circle of families named among the *archontes* of Calabria displays a great deal of continuity, as their power and influence depended less on formal appointments by Norman counts or, later, kings. Many of these families can be traced with some reliability over several generations, spanning both the pre- and post-Norman period in Calabria.⁴¹

example, Kyriakos *kathegoumenos*, Leon *kathegoumenos*, Marsos Ouros *spatharokandidatos* and at least two priests.

³⁹ Kreutz, *Before the Normans*, 130.

⁴⁰ *Ibid.*

⁴¹ Vera von Falkenhausen, *Untersuchungen über die byzantinische Herrschaft in Süditalien vom 9. bis 11. Jahrhundert* (Wiesbaden: O. Harrassowitz, 1967), 141; Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 165-66, 405-7. For the Maleinoi in the Byzantine East, see also Angeliki Laiou, “The General and the Saint: Michael Maleinos and Nikephoros Phokas,” in *EYΨYXIA: Mélanges offerts à Hélène Ahrweiler*, ed. M. Balard et al. (Paris: Publications de la Sorbonne, 1998), 399-412; Jean-Claude Cheynet, *Pouvoir et contestations à Byzance (963-1210)* (Paris: Centre de recherche d'histoire et civilisation byzantines, 1990), 214-15.

Members of the Maleinos family, for example, bear the title *strategos* over multiple generations going back to before the Norman conquest of Calabria. The Moschatoi also maintained the title of *spatharokandidatos* over an extended period.⁴²

In some cases, former Byzantine titles were adapted as family names by the local aristocracy. Such is the case, for example, with the Troumarches family, attested repeatedly around Stilo and Gerace.⁴³ Like the Ardabastoi, such families tended to adopt a family name only upon the arrival of the Normans in the region, attesting to the new status quo in which power was wielded largely through family influence. These names might have recalled Byzantine titulature and prestige, but their authority rested upon more “unofficial” foundations after the Norman conquests.

This contrast, however, does not mean that their relationship with their new overlords was an antagonistic one. Quite the contrary. Beyond mere cooperation, just as Drell recorded for Salerno, the cultural pull of and opportunities represented by the Norman authority in Calabria was attractive and is reflected in the naming patterns among some of the more prominent Italo-Greek families there.⁴⁴

In the land dispute of 1098 described above, when local *archon* Genesisios Moschatos was brought before the judge of Stilo, Joseph Terras, in a dispute with the monks of St. John Theristes over ownership of a vineyard, Moschatos repeatedly emphasized his duties to Count Roger, who held authority over all of Calabria in this period.⁴⁵ He apparently tried to frame his claims over the property in question as a matter necessary for the fulfillment of his duties to Roger as a loyal servant. He even claims that the income from the vineyard was to be used to fund a trip to Constantinople on the count’s behalf.

Based on our record of the next half century, Genesisios Moschatos’ willingness to work with Count Roger and the Norman authorities and his family’s desire to integrate themselves more fully with the new elite was more than mere lip service. Genesisios’ own children, as well as several other members of that same generation, were given distinctly Norman-sounding names. By the 1120s through 1150s, local

⁴² Peters-Custot, *Les Grecs de l’Italie méridionale post-byzantine*, 405-409.

⁴³ Ibid.

⁴⁴ Joanna Drell, “Cultural Syncretism and Ethnic Identity: The Norman ‘Conquest’ of Southern Italy and Sicily,” *Journal of Medieval History* 25, no. 3 (1999), 187-202.

⁴⁵ Guillou, ed., *Saint-Jean Théristsès* no. 3.

archives attest at least two cousins given the name Roger (Ῥωγέριος), with another member of the family, whose precise relationship to the others is unclear, called Robert (Ῥωπέριος).⁴⁶

Onomastic evidence, as always, cannot and should not be taken too far. Nevertheless, Joanna Drell has demonstrated that such evidence can be useful when approached cautiously and in combination with other evidence. Drell does exactly this in her study of the transition to Norman rule in Salerno, for example.⁴⁷ And as Graham Loud put it, people began giving their children distinctly Norman names “to fit into the accepted social structure and emphasize their links with the invaders.”⁴⁸ This was particularly true for local elites, such as the Moschatoi. And they were not an isolated case in Calabria.⁴⁹

The Karbounes family, for example, have a similar profile to the Moschatoi and are equally well-attested in surviving documents. A Greek family known from the pre-Norman period, by 1154 the names Petros and Gouglielmos (previously unattested within the family) had entered into their family tree.⁵⁰ These two flourished at the same time as the cousins, Leon and Arkadios Karbounes.⁵¹ These latter names were common within the family from our earliest records of them. Thus, just as with the Moschatoi, the Karbounes family begins to display a mixture of traditional and Norman given names rather quickly after the Norman conquests.

⁴⁶ See the partial genealogy established by Guillou, ed., *Saint-Jean Théristsès*, 120.

⁴⁷ Joanna Drell, *Kinship and Conquest: Family Strategies in the Principality of Salerno during the Norman Period, 1077-1194* (Ithaca, NY: Cornell Univ. Press, 2002), 129. See also Graham Loud, “Continuity and Change in Norman Italy: The Campania during the Eleventh and Twelfth Centuries,” *Journal of Medieval History* 22, 313-43; Graham Loud, “How ‘Norman’ was the Norman Conquest of Southern Italy?” *Nottingham Medieval Studies* 25 (1981): 13-34; Errico Cuozzo, “A propos de la coexistence entre Normands et Lombards dans le Royaume de Sicile. La révolte féodale de 1160-1162,” in *Peuples du Moyen Âge: Problèmes d’identification*, ed. Claude Carozzi and Huguette Taviani-Carozzi (Aix-en-Provence: Publications de l’Université de Provence, 1996), 45-56. Graham Loud typically downplayed the importance of distinctions between Lombard and Norman for the regions of Salerno and Benevento, while Errico Cuozzo argued for a more meaningful distinction well into the twelfth century. Drell convincingly argues that the distinction remained meaningful, but also that intermarriage and naming patterns suggest active attempts by local, Lombard families to integrate and more fully participate in the Normanness of their new overlords.

⁴⁸ Loud, “How Norman was the Norman Conquest?” 22. Quoted by Drell, *Kinship and Conquest*, 139.

⁴⁹ Other well-attested families include Maleinos, Moschatos, Oursoleon, Gannadeos, Karbounes, Troumarches, Komes, Ardabastos.

⁵⁰ Guillou, ed., *Saint-Jean Théristsès*, no. 21 (1154).

⁵¹ Guillou, ed., *Saint-Jean Théristsès*, no. 23 (1154).

This coincides with the family's apparent success under the Norman administration, judging by their prominence in the archives of St. John Theristes. In the same period, the appearance of Norman given-names are documented for the Sklavopetros family as well.⁵²

As far as we can tell, none of these are the result of intermarriage with Norman families. It seems rather to have been a reflection of broader, cultural trends and, perhaps, a signal of cooperation between these long-established Greek families and their Norman overlords. Indeed not every family counted among the Calabrian *archontes* partook in these naming trends.

Peters-Custot, for example, has studied the Ardabastos family as a case study of the Calabrian aristocracy, attested in notarial documents for more than two centuries.⁵³ Her analysis shows how the family seems not to have taken full advantage of cooperation with the Normans, which resulted in a relative mediocrity by the mid-twelfth century. She notes that almost no Latin/Norman given names entered into the family tree (with the exception of one Oursos in the twelfth century). It may be worth noting that the family doesn't appear regularly utilizing the family name until the 1090s, after the appearance of the Normans.⁵⁴

The Maleinoi, undoubtedly the most powerful and well-established of the Calabrian *archontes*, seem also to have resisted the urge to give their children Latin or Norman-sounding names. In true Byzantine fashion, the family recycled a limited number of given names that remained in the lineage for generations. In contrast to the Ardabastoi, however, this seems to have had little effect on their success under Norman counts and kings. In this case, it may be a result of their own confidence in their position and, perhaps, an assertion of their relative independence and the strength of their influence. In fact, the Maleinoi had a long tradition of doing just that, even under Byzantine rule. In 965, Gregorios Maleinos, *archon* of Rossano, with links to *magistros* and *strategos* Nikephoros Hexakionites, led an insurrection in the city.⁵⁵

⁵² Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 405-409.

⁵³ Peters-Custot, *Les Grecs de l'Italie méridionale post-byzantine*, 403-4. She does note that they benefitted from a donation of "vilains" from Count Roger in both 1094 and 1115.

⁵⁴ As she points out, the family name only appears regularly in the documents from 1094 onward, and these mentions are concentrated in the period between 1094 and 1128.

⁵⁵ Ghislaine Noyé, "New Light on the Society of Byzantine Italy," in *Social Change in Town and Country in Eleventh-Century Byzantium*, ed. James Howard-Johnston (Oxford: Oxford University Press, 2020), 165.

4. The *Prochiron Calabriae*

Existing scholarship has largely done the work of identifying these *archontes* and their families, and my argument thus far has mainly served to modify and add nuance to this previous work. But the cooperation between local *archontes* and the newly installed Norman administration went beyond the occasional and intermittent, and may even have received legal recognition, which would thus allow us to describe it as an administrative system of sorts.

The *Prochiron Legum*, also known as the *Prochiron Calabriae*, is a collection of law probably compiled sometime between 985-1050.⁵⁶ It was published in 1895 by Brandileone and Puntoni based upon a single surviving manuscript, now held at the Vatican.⁵⁷ The manuscript, Codex Vat. Gr. 845, dates to the second half of the twelfth century, in which the *Prochiron* is bound together with (inter alia) Roger II's *Assizes of Ariano*. There is a second ("scholastic") hand which provides some glosses and scholia and postdates the manuscript's original compiler, though perhaps not by much.⁵⁸ J.B. Bury argued for an origin in northern Calabria, probably in the vicinity of Cosenza, and this position has generally been accepted up to today.⁵⁹

The *Prochiron* has not received a great deal of scholarly attention since its edition and publication, which is probably due to its unusual provenance (post-Byzantine Calabria) and, especially, the fact that it consists almost entirely of provisions adapted from earlier Byzantine legal handbooks and exists in only a single manuscript. The text in fact belongs to a group of several recensions of Byzantine produced in Calabria from the late tenth through the early twelfth century, some of which combine both civil and canon law.⁶⁰ These other manuscripts,

⁵⁶ The edition is found in F. Brandileone and V. Puntoni, ed., *Prochiron Legum* (Rome: Palazzo dei Lincei gia Corsini alla Gungara, 1895). Hereafter cited as *Prochiron*.

⁵⁷ MS Vat. Gr. 845.

⁵⁸ This means that there are effectively three "layers" to the sole surviving manuscript: 1) original, early eleventh century; 2) compiler of the twelfth-century manuscript, and 3) the slightly later scholiast.

⁵⁹ J.B. Bury, Review of *Prochiron Legum*, ed. from MS. 845 by F. Brandileone and V. Puntoni (Rome, Istituto Storico Italiano, 1895), *English Historical Review* 11, no. 42 (April 1896), 350.

⁶⁰ James Morton, *Byzantine Religious Law in Medieval Italy* (Oxford: Oxford University Press, 2021) 85-6. A few recensions of Byzantine civil law from Calabria exist (pre-dating the *Prochiron Calabriae*). Vat. Gr. 2075 (late 10th-cent.; 7 Calabrian scribes) "combined an Italo-Greek recension of Symbatios' *Epitome of the Laws*...with a canon law preface focused on matters of ecclesiastical and monastic administration." Two others include Vat. Gr. 1168 (early eleventh century) and Vat. Gr. 2115 (early twelfth century).

however, largely consist of (partial) copies of the *Procheiros Nomos* and the *Epitome of Laws*. While these two compilations form the bulk of the *Prochiron Calabriae*'s basis, the latter is unique for its breadth of inclusion and, significantly, its selective re-working and reformulation of its sources' individual provisions.

The majority of the material contained in the collection is derived from the *Ecloga*, the *Procheiros Nomos* of Basil I, the *Eisagoge* (formerly known as the *Epanagoge*), and the *Epitome Legum*, with some additional material drawn from other post-Justinianic novels and Athanasios Scholastikos. The editors of the *Prochiron Calabriae* thought that the compilers did not have direct access to all the original Byzantine material, but instead depended on Italo-Greek recensions, probably from the tenth century.⁶¹ Yet its (probable) origins in Calabria, combined with the fact that the sole surviving copy is contained in a manuscript that also includes Roger II's so-called *Assizes of Ariano*, is precisely what makes the *Prochiron* valuable to the study of Norman Calabria. Almost none of the legislation has been reproduced word for word. The selective nature of those provisions deemed worthy of inclusion and the reworking of these provisions that were included suggest a more purposeful composition than simple antiquarianism or something similar.

Archontes figure prominently throughout the compilation. They appear primarily as de facto judges (often alongside named judges/*dikastai*), and frequently in provisions related to property disputes, money-lending, and, interestingly, issues arising from slave-ownership. They appear as legal arbiters or judges, for example in the meting out of justice in cases of adultery or disputes over loans or other debts. Determining and enforcing penalties for various crimes are among the more common duties described. A close association with military functions is also a repeating theme. Most of these duties are taken more or less directly from pre-existing Byzantine legislation. Several of these same provisions continue to be repeated in Byzantium, for example in the *Peira* of Eustathios Rhomaios in the mid-eleventh century.⁶² Yet, as stated above, almost none of these provisions are adapted word-for-word, and the changes introduced to the *Prochiron* may be more meaningful than mere summary or allowances for local vocabulary.

⁶¹ For more on this, see James Morton, *Byzantine Religious Law in Medieval Italy*, 85-87.

⁶² See, for example, Dieter R. Simon and Diether R. Reinsch, ed. and trans., *Die Peira: Ein juristisches Lehrbuch des 11. Jahrhunderts aus Konstantinopel – Text, Übersetzung, Kommentar, Glossar* (Berlin: De Gruyter, 2023), 14.17, 26.27; 30.56, inter alia.

For example, the *Prochiron's* adaptations consistently display changes that clarify the difference between *archontes* holding jurisdiction in the countryside (χώρα) and judges (δικασταί/κριταί) who are associated with urban spaces. Title 10, Chapter 4, is taken from a provision regarding cases of re-enslavement of former slaves for the crime of “ingratitude” (ἀχαριστία). Like nearly every provision in the *Prochiron*, the chapter is adapted from a Byzantine antecedent, in this case the eighth-century *Ecloga*.⁶³ Like most other entries, this provision is not a word-for-word copy, even if the bulk of the information remains effectively unchanged. That does not, however, mean that those alterations that do exist are meaningless. The Byzantine source, like the *Prochiron's* adaptation, calls for the “ungrateful” freedman to be sent to either “the archon or judge.”⁶⁴ The *Prochiron*, however, adds a descriptor, and specifies “either the archon or the judge of the city.”⁶⁵ The addition is small, but perhaps meaningful.

Later in the collection, Title 21, which concerns the annulment of wills and testaments, Chapter 10 deals with those who were incapable of speech or deaf.⁶⁶ In this entry's source, the ninth-century *Eisagoge*, a clause reads “from an *archontic* punishment.”⁶⁷ The version preserved in the *Prochiron*, however, replaces this with “from a punishment of the *archon* of the land/region.”⁶⁸ The term added here, *chora*, is typically used to differentiate the countryside from more urban spaces. In fact, the two formulations highlighted here - judge of the city and archon of the countryside - make several appearances throughout the *Prochiron*. In almost every instance, they are innovations, deviating from the law's Byzantine antecedent.

It should be noted that individuals named as *archontes* in archival records are not exclusively associated with the countryside. In a judgment of viscount Ioannes Sakkotrypos, serving as judge of Stilo in 1156, he explicitly refers to the “*archontes* of the city” (ἀρχ(όν)τ(ων) ἄστεως) with whom he made his decision.⁶⁹

⁶³ *Ecloga* 8.7, ed. Ludwig Bergmann, *Ecloga. Das Gesetzbuch Leons III. und Konstantinos' V* (Frankfurt am Main: Löwenklau-Gesellschaft, 1983).

⁶⁴ *Ibid.* ἐν ἐξ αὐτῶν παρὰ ἄρχοντι ἢ δικαστῆ ἀποδειχθῆ.

⁶⁵ *Prochiron* 10.4: ἀποδειχθῆ τοῦτο παρὰ τῷ ἄρχοντι ἢ τῷ δικαστῆ τῆς πόλεως...

⁶⁶ *Prochiron* 21.10.

⁶⁷ *Eisag.* 30.6, ed. Signes J. Codoñer and F.J. Andrés Santos, *La Introducción al derecho (Eisagoge) del Patriarca Focio* (Madrid: Consejo Superior de Investigaciones Científicas, 2007): ἐκ τιμωρίας ἀρχοντικῆς...

⁶⁸ *Prochiron* 21.10: ἢ ἐκ τιμωρίας τοῦ ἄρχοντος τῆς χώρας...

⁶⁹ Guillou, ed., *Saint-Jean Thérístès*, no. 28, 160: παρὰ τοῦ ἐνδοξοτάτ(ου) στρατιγ(οῦ) κυροῦ Νικολ(άου) τοῦ Ριγηνοῦ καὶ καθεζωμένου μ(οῦ) μετὰ τῶν χρισήμων ἀρχ(όν)τ(ων) ἄστεως...

Nevertheless, these dual responsibilities of *archontes* and judges comes across clearly in the *Prochiron*, and finds (broadly) a reflection in surviving archival documents from Norman Calabria. Similarly, the *Prochiron* occasionally utilizes *kritēs* (κριτής) in place of *dikastēs* (δικαστής).⁷⁰ The difference is relatively minor, but it does reflect the vocabulary typically employed in the archival records discussed above, in which the title of judge consistently appears as *kritēs*.

Not only the language, but also the provisions selected for inclusion in the *Prochiron* suggest the relative importance of those labeled *archontes* in Calabria. The compiler(s) of the *Prochiron Calabriae* did not copy any one Byzantine collection wholesale, but instead selected particular laws from a variety of sources, choosing to ignore several others. The Calabrian compilers saw fit to select a large number of these laws regulating the duties of *archontes*, borrowing and adapting from both the *Eisagoge* and other Byzantine legal collections. The term *archon* appears at least forty-six times in the text.

Evidence suggests that the *Prochiron* continued to be used, or at least thought to be relevant, well into the twelfth century. The *scholion* to Title 35, Chapter 1, which represents the latest hand in the manuscript (second half of twelfth century) is a provision regarding the handling of spoils of war.⁷¹ By designating a percentage of spoils as reserved for *archontes*, it may indicate a greater military role for Italo-Greek *archontes* in the period, perhaps as they were becoming more thoroughly integrated within the Norman apparatus. The commentary's late addition to the manuscript tradition suggests that this was not a mere holdover from older, Byzantine tradition. Joanna Drell's work on the Principality of Salerno demonstrated quite clearly that Lombard and Roman law and custom operated simultaneously in various regions of the principality, and there is no reason to doubt that a similar situation held true for contemporary Calabria.⁷²

Like other legal collections from both Byzantium and Medieval Europe, the *Prochiron Calabriae* can be neither taken as entirely prescriptive nor descriptive of the realities on the ground. The numerous provisions that include anachronistic elements or descriptions of conditions that do not apply to eleventh-century

⁷⁰ For example, *Prochiron* 22.5: On emancipating one's son. In the original (*Proch. Bas.* 26.5/*Epanag.* 31.10), a man can go to the ἀρμόδιω δικαστῆ; the *Prochiron* has τῷ τῆς χώρας κριτῆ.

⁷¹ *Prochiron* 35.1.

⁷² Drell, *Kinship and Conquest*, 57-95. For legal procedures and jurisprudence in Norman Italy, see esp. Horst Enzensberger, "Chanceries, charters and administration in Norman Italy," in *The Society of Norman Italy*, ed. G.A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 128-34.

Calabria certainly argue against such a simplistic reading. Even the monumental collections of Byzantine imperial law like the *Basilika* contained numerous provisions that were already obsolete at the time of their composition.⁷³ Yet the nature of legal practice in both Norman Italy and contemporary Byzantium allowed for such inconsistencies without rendering individual edicts, much less entire collections, invalid. Demonstrating legal precedent from widely recognized sources was the priority, and jurists could draw upon a wide range of authorities to support their decisions.⁷⁴

Byzantine jurists and judges could draw from a wide range of precedents, which were not limited to a single collection of laws or codified system. The “full breadth of the laws” (τὸ πλάτος τῶν νόμων), as Byzantine jurists themselves called it, could include local custom or even innovations based on a jurist’s personal convictions.⁷⁵ Legal pluralism, a view that recognizes the diverse array of legal and social norms that can coexist within the same society at the same time, has proven to be a useful lens through which to view judicial practices in much of the medieval world.⁷⁶ And, as James Morton puts it, Norman Italy and Sicily constituted “one of the most legally plural societies of the Mediterranean world.”⁷⁷ The great variety and flexibility in the evidence for inheritance practices in southern Italy, especially in the eleventh century, are a strong testament to this fact.⁷⁸ Even after the promulgation of Roger II’s Assizes of Ariano in 1140 and, even the Constitutions of Melfi in 1231, local custom and heterogenous legal traditions remained in place in parts of the Regno.⁷⁹ The fact that the sole surviving manuscript of the *Prochiron*

⁷³ For an excellent treatment of how to interpret this, see esp. Chitwood, *Byzantine Legal Culture*, 103-32.

⁷⁴ In a famous example from Byzantium, the jurist Eustathios Rhomaïos is known to have cited Homer in one of his rulings. See James Howard-Johnston, “The Peira and Legal Practices in Eleventh-century Byzantium,” in *Byzantium in the Eleventh Century: Being in Between*, ed. Marc D. Lauxtermann and Mark Whittow (London: Routledge, 2017), 63-76. The classic treatment of the “highly eclectic way by which Eustathios [Rhomaïos] reached his verdicts” in the *Peira* is in Dieter Simon, *Rechtsfindung am byzantinischen Reichsgericht* (Frankfurt am Main: V. Klostermann, 1973).

⁷⁵ Chitwood, *Byzantine Legal Culture*, 76-80.

⁷⁶ See, for example, Lisa Bénou, *Pour une nouvelle histoire du droit byzantin: Théorie et pratique juridique au XIV^e siècle* (Paris: Association Pierre Belon, 2011); Paul S. Berman, “The New Legal Pluralism,” *Annual Review of Law and Social Science* 5 (2009), 225-42.

⁷⁷ Morton, *Byzantine Religious Law in Medieval Italy*, 5.

⁷⁸ Joanna Drell, “The Aristocratic Family,” in *The Society of Norman Italy*, ed. G.A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 105.

⁷⁹ Annick Peters-Custot, “Comportement social et comportement culturel des élites rurales Calabro-grecques d’après les actes de la pratique (Xe-XIII^e siècles),” *Moyen Âge, Mélanges de l’École française de Rome* 124-2 (2012), 359-74.

Calabriae also contains a copy of the Assizes may open the door to further insights and is worth a closer examination in a comparative lens.

Conclusion

It is not a new observation that local notables actively participated in the dispensation of justice as part of an integrated, and evolving, administrative apparatus under the Norman rulers of southern Italy. Several scholars have already gone some way toward cataloguing and analyzing the continued use of Byzantine titles and those who held them among the Hellenophone population in Norman Italy and Sicily. Peters-Custot has argued that the local, rural elite in Calabria played only a “secondary and local” role in the burgeoning Norman administration.⁸⁰ While this may be superficially true, I believe this “secondary” role is far more important than is generally recognized. As Donald Matthew has said, “Lordship was...by its very nature an innovation in the South and dependent on local goodwill.”⁸¹ Matthew’s argument stresses the ad hoc nature of the establishment of justice in Norman lands, especially in Calabria and Sicily, and that the power of the local community remained strong for quite some time. It has likewise been well-established that local custom and local law remained in effect well into the twelfth century and beyond. But this only tells a part of the story.

The *Prochiron Calabriae* may suggest an ex post facto recognition or even codification of the role played by Italo-Greek *archontes* in the Norman administration, despite the fact their authority was largely independent from the Normans themselves and, in many cases, pre-dated their arrival. A more thorough use of the *Prochiron Calabriae* might bring greater detail and nuance to our understanding of the transition to Norman control in the region, which is currently built largely from the often fragmentary and frustratingly terse records found in monastic archival documents.

I do not wish to argue that every minute alteration in the *Prochiron Calabriae* is meaningful, nor that it offers an unadulterated image of the social and administrative conditions in eleventh or twelfth-century Calabria. My contention is that this legal collection might serve to contextualize this archival material within a slightly broader context. The addition of this evidence suggests that the role of the Italo-Greek local elites in Calabria may have been more central to the

⁸⁰ Peters-Custot, “Comportement social et comportement culturel,” 369-70.

⁸¹ Matthew, *The Norman Kingdom of Sicily*, 130.

administration of the Normans and may have been more quickly recognized by them than typically acknowledged, and that this role within the administration of justice may even have been (partially) codified in law.

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