

UC Berkeley

UC Berkeley Electronic Theses and Dissertations

Title

Byzantine Canon Law and Medieval Legal Pluralism: The Southern Italian Manuscripts (10th-14th Centuries)

Permalink

<https://escholarship.org/uc/item/9106t641>

Author

Morton, James

Publication Date

2018

Peer reviewed|Thesis/dissertation

Byzantine Canon Law and Medieval Legal Pluralism: The Southern Italian Manuscripts (10th-
14th Centuries)

By
James Morton

A dissertation submitted in partial satisfaction of the
requirements for the degree of
Doctor of Philosophy
in
History
in the
Graduate Division
of the
University of California, Berkeley

Committee in charge:
Professor Maria Mavroudi
Professor Maureen C. Miller
Professor Frank Bezner

Summer 2018

Copyright © 2018 James Morton.
All Rights Reserved.

Abstract

Byzantine Canon Law and Medieval Legal Pluralism: The Southern Italian Manuscripts (10th-14th Centuries)

by

James Morton

Doctor of Philosophy in History

University of California, Berkeley

Professor Maria Mavroudi, Chair

This dissertation examines the role of legal culture in shaping the identity of the Greek Christians of southern Italy as a cultural and religious minority in the pluralistic pre-modern Mediterranean world. In the period in question, southern Italy passed from the jurisdiction of the Greek-speaking Byzantine Empire to that of the Latin Kingdom of Sicily and the Roman papacy. Nonetheless, the Italo-Greeks continued to compile and read manuscript collections of Byzantine religious law, known in Greek as ‘nomocanons’, for another three centuries afterwards. This study provides the first ever comprehensive attempt to identify and study the surviving nomocanons of southern Italy.

The aims of the dissertation are threefold: to introduce the reader to the Italo-Greek nomocanons and their contents; to explain why they were produced and preserved under Latin rule; and to analyse what they reveal about the place of Greek-rite Christianity in medieval southern Italy. I have combined the theoretical perspective of legal anthropology – especially legal pluralism – with the methodology of material philology to examine the manuscripts as evidence for the legal, cultural, and religious context in which they were produced. My interpretation has been guided in particular by the legal scholar Robert Cover’s theory of law as a social discourse or narrative.

The dissertation’s key conclusions are that the formal system of Byzantine religious law in southern Italy survived the Norman conquest for over a century as the local institutions of the Greek church remained largely intact. However, as the Italo-Greeks became more closely integrated into the institutional structures of the Church of Rome in the thirteenth century, the nomocanons began to lose their value as sources of legal authority. They came to serve instead as sources of cultural authority, used to explain and justify the maintenance of a separate Greek identity in the face of increasing assimilation into the Latin majority.

Finally, the dissertation provides a series of comprehensive descriptions of the contents and material characteristics of each of the manuscripts in question for scholarly reference.

To my mother Jane of eternal memory and to my young niece who has inherited her name.

Table of Contents

Acknowledgements	iii
List of Tables and Figures	iv
Abbreviations	vi
Glossary	ix
Chronology	xiii
Maps	xvii
Introduction	1
1. The Greek Church in Southern Italy (9th-14th Centuries)	19
2. Manuscript Survival (15th-19th Centuries)	58
3. Scribes, Owners, and Origins: Manuscript Production in Context	90
4. Material Characteristics and Aesthetic Style	128
5. Textual Content: Italo-Greek Nomocanons in an Age of Systematisation	159
6. Byzantine Canon Law on the Latin Periphery: From Legal to Cultural Authority	193
Conclusion	226
Bibliography	230
Appendix 1. Manuscript Descriptions and Bibliographies	269
Appendix 2. Uncertain and Disputed Manuscripts	316

Acknowledgements

Although the process of writing a dissertation can sometimes be a lonely effort, there are many individuals and organisations without whom this work would not have been possible. First and foremost, I would like to express my deepest gratitude to Maria Mavroudi, my dissertation chair and long-time mentor in Byzantine Studies. She was the one who first alerted me to the potential of canon law as a research subject and inspired my fascination with medieval manuscript culture. Prof. Mavroudi has been as unfailing in her support for me as she has been exacting in her expectations, for which I owe her a great debt.

I am also extremely grateful to Maureen Miller and Frank Bezner, who have provided invaluable guidance in aspects of the religious history and manuscript culture of the medieval West. They have both been instrumental in my development as a medievalist, not just a Byzantinist. Outside Berkeley, I would like to thank Elena Boeck of DePaul University, erstwhile Director of Byzantine Studies at Dumbarton Oaks, Richard Greenfield of Queen's University (Canada), and Alice-Mary Talbot for their advice and encouragement.

The preparation of this dissertation involved a great deal of travel and expense, and so I am deeply indebted to the organisations that have supported me. The main funding for my research was provided by the History Department of the University of California, Berkeley, with important support also coming from the U.C. Berkeley Graduate Division, the U.C. Berkeley Institute of International Studies, the Mary Jaharis Center for Byzantine Art and Culture, the Medieval Academy of America, and the Medieval Institute of the University of Notre Dame. I would especially like to thank the Senior Fellows of Dumbarton Oaks for giving me the opportunity to spend a fully-funded year in residence there as a Junior Fellow while writing the dissertation.

Several organisations also provided invaluable assistance in non-financial respects. I would like to thank the many libraries that opened their doors to me and helped me access important materials: the Biblioteca Apostolica Vaticana, the Biblioteca Nazionale Marciana, the Biblioteca Ambrosiana, the Badia greca di Grottaferrata, the Bibliothèque nationale de France, the Moscow State Historical Museum, the Bodleian Library, the British Library, the Biblioteca Vallicelliana, the Biblioteca Laurenziana, the Biblioteca Nazionale 'Vittorio Emanuele III', the Bayerische Staatsbibliothek, the Dominican House of Studies, and the U.S. Library of Congress. Special thanks also go to Fr Germanos of Vatopedi on Mount Athos for allowing me to view the monastery's manuscript collection and to the unnamed monk whose quick thinking ensured that I managed to catch the boat off the mountain.

Finally, I must thank my father, brother, and other family members who have encouraged me throughout this long process. I am especially grateful to my partner Ashley Wilson for her support (both moral and practical) and to my old friend Thomas Coward, who has patiently critiqued my scholarship ever since we were at school together. Thanks also go to all my other caring friends and colleagues from around the world; I do not have the space to name you all, but you know who you are.

List of Tables and Figures

Tables

1. List of Primary Manuscript Sources in Approximate Chronological Order	14
2. Five Generations of the Maleinos and Kritene families in Rossano	123
3. Summary of Scribes, Owners, and Origins	126
4. Manuscript Dimensions (mm), Smallest to Largest	130
5. Manuscripts with Visible Quire Numbers	136
6. Ruling Types and Systems (Grouped by Region of Origin, Smallest to Largest)	137
7. Salentine Red- and Black-Leaf Nomocanons	157
8. Comparison of the Textual Content of the Salentine Group Manuscripts	185
9. Occurrences of the κτ` λατ´ (“Against the Latins”) Annotation in the Salentine Group	188
10. Highlighted Canons in the Carbone Nomocanon by Subject	196
11. The Canonical Preface of Barb. gr. 476 (fols. 1-7) by Subject	204

Figures

1. Overall Greek Manuscript Production in Southern Italy by Century	92
2. Overall Greek Manuscript Production in Southern Italy by Region and Century	93
3. Nomocanonical Manuscript Production in Southern Italy by Region and Century	94
4. Manuscript Dimensions by Century (mm)	131

5. Manuscript Dimensions by Region (mm)	132
6. Ruling System 1	139
7. Ruling System 9	140
8. Ruling System 4	144
9. Ruling System 13	146
10. Ruling Types 20D1 and X20D1	154
11. Approximate Relationship of the Calabrian Civil Law Collections and Vall. E 55	168
12. Approximate Relationship of the Southern Calabria Nomocanons and Neap. gr. 7	171
13. Approximate Relationship of the Salentine Group MSS	186
14. Relationship of BnF gr. 1324 and the Rossanese Group according to Konidaris, "Die Novellen," 48	318

Abbreviations

- ACO* Eduard Schwartz (ed.), *Acta conciliorum oecumenicorum 431-879*, 14 vols. (Berlin: De Gruyter, 1914-1974)
- Acta SS* Heribert Rosweyde et al. (edd.), *Acta Sanctorum*, 68 vols. (Antwerp-Brussels: Société des Bollandistes, 1643-1940)
- Ambrosianae* Emidio Martini and Domenico Bassi, *Catalogus codicum graecorum Bibliothecae Ambrosianae*, 2 vols. (Milan: Hoeph, 1906)
- BMFD* Thomas, John P. and Angela C. Hero (edd.), *Byzantine Monastic Foundation Documents: A Complete Translation of the Surviving Founders' Typika and Testaments*, 5 vols. (Washington, DC: Dumbarton Oaks, 2000)
- Carbone* Gertrude Robinson (ed.), *History and Cartulary of the Greek Monastery of St Elias and St Anastasius of Carbone*, 3 vols. (Rome: Pontificium Institutum Orientalium Studiorum, 1928-1930)
- Chilandar* Mirjana Živojinović, Vassiliki Kravari, and Christophe Giros (edd.), *Actes de Chilandar*, 1 vol. (Paris: Lethielleux, 1998-)
- Divi Marci* Elpidio Mioni, *Bibliothecae Divi Marci Venetiarum Codices Graeci manuscripti*, 5 vols. (Rome: Istituto Poligrafico della Stato, 1960-1972)
- Fontes III* *Pontificia commissio ad redigendum Codicem Iuris Canonici orientalis. Fontes, Series III*, 14 vols. (Vatican City: Typis Polyglottis Vaticanis, 1943)
- GD* Venance Grumel and Jean Darrouzès, *Les registes des actes du Patriarcat du Constantinople*, 7 vols. (Paris: Institut Français d'Études Byzantines, 1972-1991)
- IP* Paul F. Kehr (ed.), *Italia Pontificia. Repertorium privilegiorum et litterarum a Romanis pontificibus ante annum MCLXXXVIII*, 10 vols. (Berlin: Weidmann, 1906-1975)
- IS* Ferdinando Ughelli (ed.), *Italia sacra, sive, De episcopis Italiae et insularum adjacentium, rebusque ab iis praeclare gestis, deducta serie ad nostram usque aetatem*, 10 vols. (Venice: Coleti, 1717-1722)
- Iviron* Jacques Lefort et al., *Actes d'Iviron*, 4 vols. (Paris: Lethielleux, 1985-1995)
- Lake* Kirsopp and Silva Lake, *Dated Greek Minuscule Manuscripts to the Year 1200*, 10 vols. (Boston: American Academy of Arts and Sciences, 1934-1945)

- Lavra* André Guillou, Paul Lemerle, Denise Papachryssanthou and Nicholas Svoronos (edd.), *Actes de Lavra*, 4 vols. (Paris: Lethielleux, 1970-1982)
- Mansi* Giovanni D. Mansi (ed.), *Sacrorum conciliorum nova et amplissima collectio*, 35 vols. (Florence-Venice, 1758-1798)
- Messina* André Guillou (ed.), *Les actes grecs de S. Maria di Messina. Enquête sur les populations grecques d'Italie du sud et de Sicile, XI^e-XIV^e siècle*, 2 vols. (Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 1963)
- MGH SS Georg H. Pertz et al. (edd.), *Monumenta Germaniae historica inde ab anno Christi quingentesimo usque annum millesimum et quingentesimum Scriptores* (Hannover: Hahn, 1826-)
- N14T* *Nomocanon in Fourteen Titles* [edition: RP 1.7-355]
- N50T* *Nomocanon in Fifty Titles* [edition: VJ 2.603-60]
- PG* Jacques-Paul Migne (ed.), *Patrologiae cursus completus. Series graeca*, 161 vols. (Paris: Migne, 1857-1866)
- Pitra* Jean-Baptiste Pitra (ed.), *Iuris ecclesiastici graecorum historia et monumenta* (Rome: Collegium Urbani, 1864-1868), 2.385-405
- PL* Jacques-Paul Migne (ed.), *Patrologiae cursus completus. Series latina*, 220 vols. (Paris: Migne, 1844-1891)
- RHBR* Ludwig Burgmann, Andreas Schminck and Dorotei Getov (edd.), *Repertorium der Handschriften des byzantinischen Rechts*, 2 vols. (Frankfurt am Main: Löwenklau-Gesellschaft, 1995-)
- RP* Georgios A. Rhalles and Michael Potles (edd.), *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων*, 5 vols. (Athens: Chartophylax, 1852-9)
- S14T* *Syntagma in Fourteen Titles*
- S50T* *Synagoge in Fifty Titles* [edition: Vladimir N. Benešević (ed.), *Ioannis Scholastici Synagoga L titulorum ceterumque eiusdem opera iuridica* (Munich: Verlag der Bayerischen Akademie der Wissenschaften, 1937), 1-155]
- SJT* André Guillou (ed.), *Saint-Jean-Théristès (1054-1264)* (Vatican City: Biblioteca Apostolica Vaticana, 1980)
- SS* Roccho Pirri (ed.), *Sicilia sacra disquisitionibus et notitis illustrata*, 2 vols. (Palermo: Coppola, 1733)
- Syllabus* Francesco Trinchera (ed.), *Syllabus Graecarum membranarum quae partim Neapoli in maiori tabulario et primaria bibliotheca partim in Casinensi*

Coenobio ac Cavensi et in episcopali tabulario Neritino iamdiu delitescentes et a doctis frustra expetitae (Naples: Cataneo, 1865)

VJ Guillaume Voell, Henri Justel and Christophe F. Justel (edd.), *Bibliotheca iuris canonici veteris in duos tomos distributa*, 2 vols. (Paris: Billaine, 1661)

X Emil Friedberg (ed.), *Liber extravagantium decretalium (Decretales Gregorii IX)* (Leipzig: Tauchnitz, 1881)

Glossary

<i>Archimandrite</i>	The leader of a monastic federation ('archimandritate') in the Byzantine world. Literally translates to 'head shepherd'.
<i>Azyma</i>	'Unleavened [bread]' – the Greek term for the Latin communion wafer. Contrasts with <i>zyma</i> , the leavened bread used in the Orthodox Eucharist.
<i>Basilika</i>	A complete codification of the corpus of Justinianic law in Greek translation. Produced under Leo VI 'the Wise' (r. 886-912).
<i>Blütenblattstil</i>	'Flower-petal style' – a common decorative aesthetic in Byzantine manuscripts of the ninth to eleventh centuries.
<i>Brebion</i>	An inventory document, usually recording property and/or finances.
<i>Chartophylax</i>	'Guardian of the Documents' – an administrative official in charge of record-keeping. Also used as the title of a specific, high-ranking official in the Patriarchate of Constantinople.
<i>Eisagoge</i>	The 'Introduction [to the Law]'. A manual of Byzantine civil law promulgated under Basil I (r. 867-886).
<i>Ekloge</i>	The 'Selection [of the Laws]'. A manual of Byzantine civil law promulgated by Leo III (r. 717-741).
<i>Erotapokriseis</i>	Literally 'questions and answers' – a genre of Greek instructional literature roughly equivalent to 'Frequently Asked Questions'.
<i>Euchologion</i>	A Byzantine prayer book.
<i>Evangelikon</i>	A Byzantine Gospel book.
<i>Fettaugenstil</i>	'Fat-eye style' – Herbert Hunger's term for a late-Byzantine calligraphic style in which letters resemble globules of fat in a broth.
<i>Filioque</i>	"And from the Son" – the controversial word inserted into the Nicene Creed by the Western church that became a major source of conflict with Eastern Christians.
<i>Follis</i>	A denomination of Byzantine bronze coinage that commonly circulated in southern Italy.
<i>Griko</i>	A southern Italian language derived from medieval Greek. Today it is most prevalent in the Salento peninsula and southern Calabria. Also known as <i>Grikaniko</i> .

<i>Hegoumenos</i>	The Greek term for the leader of a monastery, i.e. an abbot. Variant form <i>kathegoumenos</i> .
Hieromonk	A monk who has also been ordained as a priest.
<i>Hodegetria</i>	‘The one who shows the way’ – a Greek epithet for the Virgin Mary.
<i>Hypomnema</i>	A written memorandum or decree.
Imperial	The jurist Robert Cover’s expression for formal, codified law enforced by sovereign states.
Jurisgenesis	The process of the creation of legal meaning.
<i>Kanon</i>	Literally a ‘rule’ or ‘measure’, this was the typical Greek term for a law passed by the Church authorities (i.e. canon law).
<i>Katepano</i>	A Byzantine viceroy combining military and administrative duties. The literal translation is “[a person] placed above.” His area of jurisdiction (the <i>katapanikion</i>) combined several provinces into a unified command. The term would later be corrupted into the Italian <i>capitano</i> , from which we derive the English word ‘captain’.
<i>Komes</i>	The Greek translation of the Western aristocratic rank of ‘count’.
<i>Krites</i>	The Greek term for a judge.
<i>Lavra</i>	A form of Orthodox monastic community in which monks participate in major liturgical services together but otherwise follow their own individual spiritual disciplines.
<i>Menologion</i>	A Byzantine book of daily festal readings for each month of the year.
<i>Metochion</i>	A subordinate monastic institution or church belonging to a superior monastery.
<i>Nomikos</i>	Another commonly used Greek term for a judge or legal official.
<i>Nomimon</i>	A manuscript collection of civil law.
<i>Nomisma</i>	A denomination of Byzantine gold coinage.
<i>Nomokanon</i>	A Byzantine text or manuscript containing both secular laws (<i>nomoi</i>) and canon laws (<i>kanones</i>).
<i>Nomophylax</i>	The ‘guardian of the laws’ – the official in charge of Byzantine legal education from the eleventh century on. In the course of the twelfth century, this position came into the control of the Patriarchate of Constantinople.
<i>Nomos</i>	A law passed by the secular authority (i.e. the emperor).

Paideic	The term adopted by the jurist Robert Cover to describe the legal significance of socially enforced cultural norms. Derived from the Greek ' <i>paideia</i> ', meaning a person's upbringing or education.
Palimpsest	A manuscript in which an earlier text has been erased and the folios reused for copying a new text.
<i>Patiron</i>	A commonly used colloquial term in medieval sources for the Greek monastery of the <i>Nea Hodegetria</i> of Rossano, founded by Bartholomew of Simeri in the 1090s. May mean 'the father's monastery' (from the Greek ' <i>pater</i> ', or 'father').
<i>Perlschrift</i>	A common form of minuscule Greek script originating in Constantinople in the 9 th -10 th centuries. So-named because of letters' resemblance to pearls.
<i>Pinax</i>	The table of contents in a Greek manuscript.
<i>Praepositus</i>	The overseer of a monastery's administration. Equivalent to the Greek term ' <i>oikonomos</i> '.
<i>Procheiros Nomos</i>	The 'Legal Manual'. A manual of Byzantine civil law promulgated under Leo VI (<i>r.</i> 886-912).
<i>Prophetologion</i>	A Byzantine book of readings from the Old Testament Prophets.
<i>Proskomide</i>	The liturgy of preparation, a service in the Orthodox Church that precedes the Divine Liturgy.
<i>Protodeutera</i>	The 'First-Second' ecclesiastical Council, held in Constantinople in 861. The origin of the name is unclear.
<i>Protopapas</i>	'First priest' – originally a term for the head priest of a cathedral in the Byzantine church. In Latin-ruled southern Italy it came to designate a parish priest.
<i>Pyle</i>	A 'gateway' or 'archway', a common decorative motif in Byzantine manuscripts for framing titles.
Quire	A gathering of (normally) eight manuscript leaves that, together with other such gatherings, forms the main constituent unit of a codex.
Ruling System	The order in which rule lines are impressed on a manuscript quire.
Ruling Type	The pattern formed by rule lines on a single manuscript folio.
<i>Scuola niliana</i>	'The School of Neilos' – Santo Lucà's term for the calligraphic style pioneered in tenth-century Calabria by St Neilos the Younger of Rossano.

<i>Synagoge</i>	A compilation or arrangement (of sources).
<i>Synodikon</i>	An official statement proclaimed by a church council (<i>'synodos'</i>).
<i>Synodos Endemousa</i>	The 'Resident Synod' – the permanent council of the Patriarchate of Constantinople consisting of all bishops who happen to be present in the capital.
<i>Taktika</i>	The Greek equivalent of the Latin <i>'notitia'</i> , a catalogue of state or ecclesiastical officials organised by rank.
<i>Tari</i>	A denomination of Islamic gold coinage prevalent in Sicily and southern Italy.
Theme	The standard unit of Byzantine provincial government in which civil and military jurisdictions were combined. In its original formulation, each theme was supposed to support its own army that could operate under the autonomous command of its governor. The etymology of the term is unclear.
<i>Theotokos</i>	'Mother of God' – the most commonly used title for the Virgin Mary in Greek Christianity.
<i>Tourma</i>	Originally the Greek term for a regiment in the Roman army, this came to be applied to a small territorial unit of Byzantine provincial government.
<i>Typikon</i>	The foundation document of a Byzantine monastery. Usually contains a set of rules governing the monastery's life and worship. Similar to a Latin 'Rule' or <i>regula</i> .
<i>Visitatio</i>	An official inspection of one or more institutions by church authorities.

Chronology

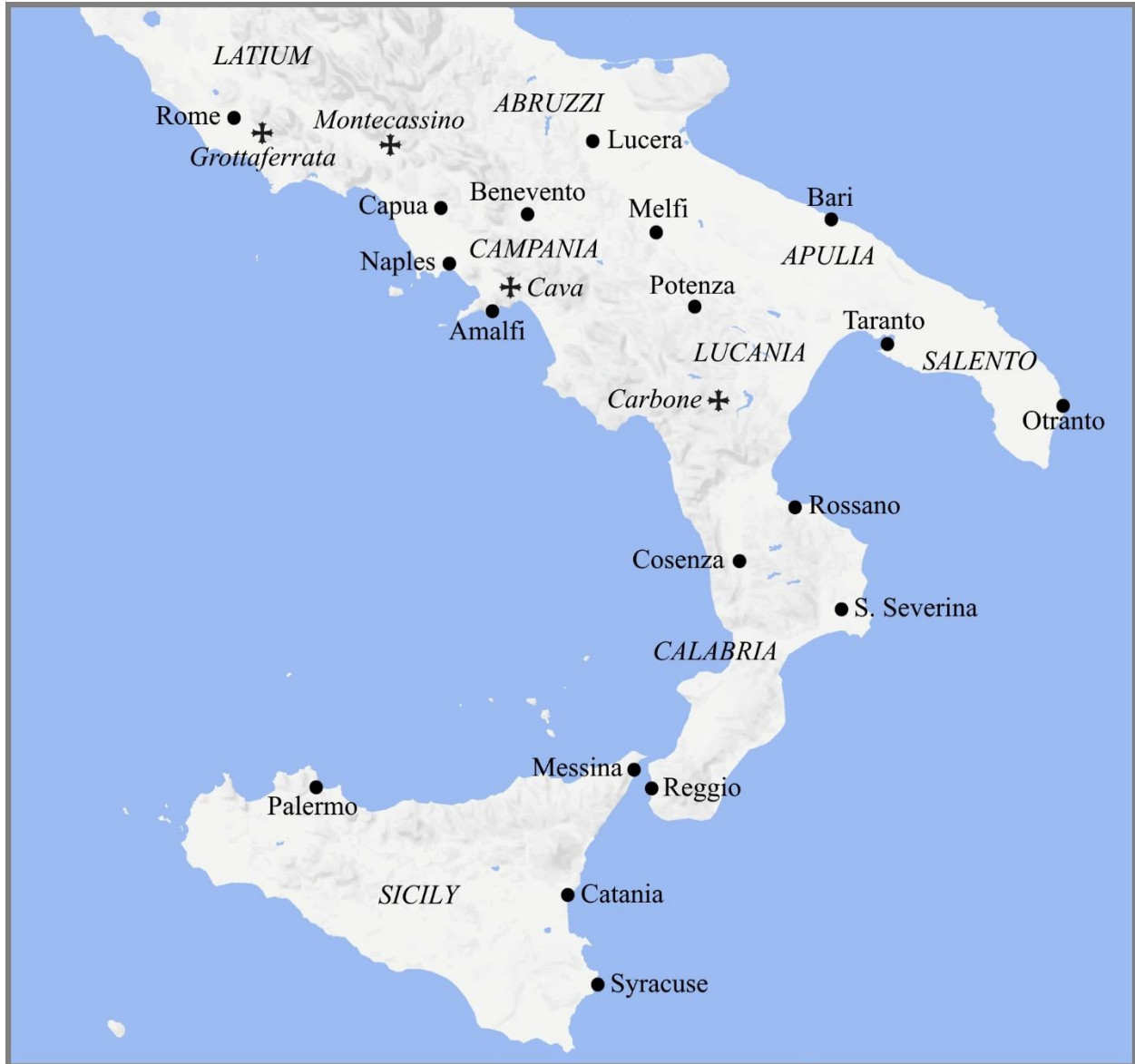
- 861 'Protodeutera' Council of Constantinople
- 867 Basil I 'the Macedonian' takes power in the Byzantine Empire
- 883 'Photian' recension of the *Nomocanon in Fourteen Titles*
- 961 Holy Roman Emperor Otto I annexes the Kingdom of Italy
- c.965 Creation of the Byzantine *katepanikion* of Italy
- c.980 Foundation of the monastery *tou Sikelou* ('of the Sicilian') on Mount Athos
- Late C10 Symeon Metaphrastes' recension of the *Synopsis of Canons*
- c.1000 Foundation of the Greek monastery of Grottaferrata near Rome
- 1016 Melus of Bari employs Norman mercenaries in his revolt against Byzantine rule
- 1022 Holy Roman Emperor Henry II attempts to invade Byzantine Italy
- 1038 Byzantine forces under George Maniakes invade Sicily
- 1040 Argyrus, son of Melus of Bari, employs Norman mercenaries in his revolt against Byzantine rule
- 1044 Norman soldiers under William de Hauteville invade Byzantine Calabria for the first time
- c.1050 Foundation of the monastery of SS Elias and Anastasios of Carbone
- 1053 Norman victory over Pope Leo IX at the Battle of Civitate
- 1054 Legation of Cardinal Humbert of Silva Candida to Constantinople
- 1059 Pope Nicholas II gives papal sanction to the Norman invasion of Byzantine Italy
- 1071 Byzantine defeat to the Seljuq Turks at the Battle of Manzikert
Norman capture of Bari; end of Byzantine rule in southern Italy
- 1072 Norman capture of Palermo; end of Islamic rule in Sicily
- 1081-5 Robert Guiscard's invasion of Byzantium
- c.1090 Foundation of the *Nea Hodegetria* ('*Patiron*') monastery of Rossano
- c.1092 Reform Edict of Alexios Komnenos
Third recension of the *Nomocanon in Fourteen Titles*
- 1095 Pope Urban II announces the plan to retake Jerusalem at the Council of Clermont

- 1098 Council of Bari convenes to encourage union between Latin and Greek Christians
- 1099 Fall of Jerusalem to the armies of the First Crusade
- c.1105 St Bartholomew of Simeri visits Constantinople and Mount Athos
Pope Paschal II takes the *Patiron* of Rossano under papal protection
- 1123 First Lateran Council
- 1127 Roger II claims all de Hauteville lands in southern Italy
- 1130 Beginning of the Anacletan Schism
Roger II crowned King of Sicily
Roger II takes the *Patiron* of Rossano under royal protection
- c.1030 Alexios Aristenos' commentary on the *Synopsis of Canons*
- 1133 Foundation of the Greek monastery of the Holy Saviour of Messina under royal protection
- 1139 Second Lateran Council
Treaty of Mignano recognises Roger II as King of Sicily
- c.1140 Promulgation of Roger II's *Constitutions* (the '*Assizes of Ariano*')
First recension of Gratian's *Decretum*
- c.1144 Neilos Doxapatres' *Order of the Patriarchal Thrones*
- 1147 Second Crusade passes through Byzantine territory
Roger II raids Byzantine territory in Greece
- 1154 Death of Roger II
- 1156 Treaty of Benevento
- c.1160 John Zonaras' commentary on the *syntagma* of canons
- 1168 William II takes the monastery of SS Elias and Anastasios of Carbone under royal protection
- 1176 Byzantine defeat to the Seljuq Turks at the Battle of Myriokephalon
Frederick Barbarossa defeated by the Lombard League at the Battle of Legnano
- 1179 Third Lateran Council
- c.1185 Theodore Balsamon's recension of the *Nomocanon in Fourteen Titles*
- c.1190 Theodore Balsamon's commentary on the *syntagma* of canons
- 1192 Treaty of Gravina
- 1194 Holy Roman Emperor Henry VI invades southern Italy; end of the Norman de Hauteville dynasty in Sicily

1204	Fourth Crusade
1205	First mission of Nicholas (Nektarios) of Otranto to Constantinople
1208	Frederick II comes of age as King of Sicily
1215	Fourth Lateran Council
1220	Frederick II crowned Holy Roman Emperor
c.1225	Nektarios of Otranto's <i>Three Chapters</i>
1228	Frederick II takes control of Jerusalem First excommunication of Frederick II
1230	Treaty of Ceprano lifts Frederick II's excommunication
1231	Promulgation of Frederick II's <i>Constitutions of Melfi</i> (the ' <i>Liber Augustalis</i> ')
1232	Controversy over Greek baptism in southern Italy
1234	<i>Decretals of Gregory IX</i> (the ' <i>Liber extra</i> ')
1239	Second excommunication of Frederick II
1248	Frederick II defeated by the Lombard League at the Battle of Parma
1250	Death of Frederick II
1260	Byzantine reconquest of Constantinople
1266	Charles of Anjou invades southern Italy; end of the Hohenstaufen dynasty in the Kingdom of Sicily
1274	Second Council of Lyon
1281	Charles of Anjou defeated by the Byzantines at the Battle of Berat
1282	Beginning of the War of the Sicilian Vespers
1284	The Council of Melfi attempts to compel the Italo-Greeks to use the <i>Filioque</i> in the Nicene Creed
1302	Peace of Caltabellotta ends the War of the Sicilian Vespers
1334	Raymond of Campania attempts (and fails) to ban the Byzantine rite in southern Italy
1372	Treaty of Villeneuve establishes Naples and Sicily as separate kingdoms
1438-45	Council of Ferrara-Florence
1446	Creation of the monastic 'Order of St Basil'
1453	Ottoman conquest of Constantinople and fall of the Byzantine Empire

- 1457 *Visitatio* of Athanasios Chalkeopoulos to the Basilian monasteries of Calabria
- 1462 Niccolò Perotti's inventory of the library of Grottaferrata
- 1468-74 Donation of Bessarion's manuscripts to St Mark's in Venice
- c.1470 Antonio Carissimo's inventory of the library of the Holy Saviour of Messina
- 1480 Ottoman sack of Otranto
- 1545-63 Council of Trent
- 1551 *Visitatio* of Marcellus Terrasina to the Basilian monasteries of Calabria
- 1563 Francesco Antonio Napoli's inventory of the Holy Saviour of Messina
- 1571 Guglielmo Sirleto appointed Cardinal Protector of the Order of St Basil
Opening of the Biblioteca Laurenziana
- 1575 Don Luca Felice de Tivoli inventories the library of Grottaferrata
- 1577 Foundation of the Collegio Greco in Rome
- 1582 *Editio romana* of Gratian's *Decretum*
- 1609 Opening of the Biblioteca Ambrosiana in Milan
- 1612 *Editio romana* of the Greek text of the ecumenical councils
- 1615 Pope Paul V brings Greek manuscripts from Grottaferrata to the Vatican Library
- c.1630-40 Formative years of the Barberini library
- 1631 Foundation of the Greek church of S. Basilio *in Urbe* in Rome
- 1654 Arsenii Sukhanov gathers manuscripts from Mount Athos
- 1696 Pietro Menniti becomes Abbot General of the Order of St Basil
- 1697-9 Menniti gathers manuscripts from Basilian monasteries in Sicily, Calabria, and Lucania at the church of S. Basilio *in urbe*
- 1786 Pope Pius VI brings the S. Basilio collection to the Vatican Library
- 1903 Pope Leo XIII purchases the Barberini manuscripts for the Vatican Library

Maps



1. Southern Italy: Overview



2. Southern Calabria and the Straits of Messina



3. Northern Calabria



4. Lucania



5. The Salento Peninsula

Introduction

This dissertation provides the first historical study of a fascinating but neglected body of medieval legal manuscripts, the Italo-Greek nomocanons. These codices contain collections of Byzantine religious law that were produced by the Greek Christians of southern Italy throughout the Middle Ages (though our surviving specimens date to the tenth to fourteenth centuries). Over the course of this period, southern Italy underwent a major political and religious transition. As it passed from the rule of the Greek-speaking Byzantine Empire to that of the Latin Kingdom of Sicily, it also passed from the jurisdiction of the Church of Constantinople to that of the Roman papacy. Despite the considerable cultural and religious change that accompanied this transition, the southern Italian Greeks continued to copy and read manuscripts of Byzantine canon law regardless.

Why should a conquered people persist in using collections of religious law from an empire and a church that no longer held sway over their land? This is the central question that I seek to answer in this dissertation. The resilience of Byzantine canon law in post-Byzantine southern Italy is a phenomenon that reveals much about the pluralistic character of the medieval Mediterranean world. Nomocanons are fascinating historical evidence for a host of intersecting types of pluralism, from the legal to the cultural and religious, yet they are almost completely unknown to most historians. In examining these manuscripts, we learn not only about the complex legal order of medieval southern Italy, but also about the Greek Christian minority's sense of identity within a changing multicultural society.

The aim of this study is threefold: to introduce the reader to the Italo-Greek nomocanons and their contents; to explain how and why they were produced and preserved under Latin rule; and to consider what they demonstrate about the pluralistic character of medieval southern Italy. In pursuing these aims, I shall show how these manuscripts are of use not only to medievalists and Byzantinists, but also to modern legal scholars who are looking to investigate concrete historical cases of pluralistic legal systems in the pre-modern world.

In this introduction, I shall first explain what a nomocanon is and set forth the key conceptual and historiographical issues that inform my approach to the subject. Following this, I shall provide an overview of the primary sources and the methodology that I have adopted in studying them. Finally, I shall offer a *précis* of the dissertation's six chapters and briefly summarise their arguments.

1. The Byzantine Nomocanon

Besides a select few codicologists and legal historians, very few scholars have any familiarity with nomocanons. As we shall see at greater length in chapters four and five, they were essentially reference collections of Byzantine religious law. For the Byzantines, 'religious law' primarily consisted of legislation (canons) issued by church councils and the writings of Church Fathers such as St Basil of Caesarea and St Gregory of Nyssa (among various others). In addition to these, Byzantine emperors (particularly Justinian and Heraclius) also issued numerous statutes relating

to ecclesiastical and spiritual matters. Unlike the Western church, the Byzantines usually included these imperial laws in their manuscript collections, from which they derive the name ‘nomocanon’, a composite of the Greek terms ‘*nomos*’ (‘imperial law’) and ‘*kanon*’ (‘church law’).¹

The Byzantines used the word ‘nomocanon’ in several different ways that can sometimes be confusing for modern readers. The term originated with a specific work, the *Nomocanon in Fifty Titles*, composed in the late sixth century; in the seventh century this was reworked into the more famous *Nomocanon in Fourteen Titles* (henceforth *N50T* and *N14T*). These titles refer not to complete manuscripts but to individual reference texts *within* manuscripts.² The earliest surviving example is the ‘*Nomocanon Vaticanus*’, a seventh- or eighth-century text of the *N14T* copied in Palestine on a palimpsested manuscript of Strabo. It was later brought to Rossano in southern Italy where it was again palimpsested for a copy of the Pentateuch.³ This is an exceptional case; the vast majority of surviving canon law collections date to the twelfth century or later.

Since Byzantine canon law books usually included a combination of both *nomoi* and *kanones*, the name ‘nomocanon’ gradually came to be applied not just to the texts but to the manuscripts that contained them as well. Byzantine authors also sometimes employ an alternate rendering of ‘nomocanon’ as the neuter ‘*nomokanonon*’.⁴ In this form it usually refers to a manuscript that contains a nomocanonical text; we might translate it as ‘nomocanon book’. The word eventually became so associated with canon law manuscripts in general that it was sometimes used even for texts and codices that did not technically contain any *nomoi*.⁵ When I employ the term ‘nomocanon’ (without any further qualification), I use it to mean a manuscript collection of Byzantine canons and civil laws relating to religious affairs.

Nomocanons are examples of what the legal historian Nils Jansen has referred to as ‘non-legislative codifications’: compilations of legal material that were created by private actors rather than by official ‘legislative’ bodies.⁶ The principle legislative body for Byzantine canon law was the Church, broadly defined (and guided by the Holy Spirit), but in practice it was the *synodos*

¹ For a succinct summary in English of the main sources and texts of Byzantine canon law, see Joan M. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford: Oxford University Press, 1986), 304-10.

² This distinction is not always obvious to readers today, since we are conditioned by the modern publishing industry to identify a physical book with the text that it contains (e.g. we would refer to a ‘copy’ of this or that novel). Medieval manuscripts, however, often contained idiosyncratic collections of multiple texts.

³ See Bernard H. Stolte, “The Decline and Fall of Legal Manuscripts: Reflexions on Some Legal Palimpsests,” in *Κατενόδιον: In Memoriam Nikos Oikonomides*, ed. Spyridon N. Troianos (Athens-Komotini: Sakkoulas, 2008), 173-89, at 184-6. Today the manuscript exists in three fragments in the Vatican Library and Grottaferrata: Vatican City, Biblioteca Apostolica Vaticana, MSS Vat. gr. 2061A, 2306; Grottaferrata, Badia greca, MS gr. 849 (A.δ.XIII).

⁴ The use of ‘νομοκάνονον’ may strike some Byzantinists as odd, but it is not unusual: we find it in the writings of Nikon of the Black Mountain (*Taktikon Nikona Chernogortsa*, ed. Vladimir N. Benešević [St. Petersburg, 1917], 6, 81, 87, 110, 111, 112, 117); of Michael Attaleiates (Paul Gautier, [ed.] “La diataxis de Michel Attaliate,” *Revue des études byzantines* 39 [1981]: 17–130, at 3.1283); of Niketas of Herakleia, *Oratio Apologetica*, in Jean Darrouzès [ed.], *Documents inédits d’ecclésiologie byzantine. Textes édités, traduits et annotés* [Paris: Institut français d’Études byzantines, 1966], 276–304, at 300); and others to refer to canon law collections in a general sense.

⁵ Alexios’ Aristenos’ edition of the *Synopsis of Canons*, for example, is frequently referred to in manuscripts as a ‘νομοκάνονον’, despite the fact that it contains only the briefest mention of imperial law (RP 4.403-4).

⁶ Nils Jansen, *The Making of Authority: Non-Legislative Codifications in Historical and Comparative Perspective* (Oxford: Oxford University Press, 2010), 13-49; *ibid.*, “Legal Pluralism in Europe: National Laws, European Legislation, and Non-Legislative Codifications,” *Legal Pluralism* (2012): <http://ssrn.com/abstract=1840356>, at 1-3.

endemousa (resident synod) of the Patriarchate of Constantinople.⁷ Though the Patriarchate promulgated and sanctioned canon law, it never issued or endorsed any official *codification* of the law. Even popular canon law texts such as the *NIAT* were produced by private individuals and were never formally mandated by the church itself. Rather, to use Jansen's words, collections of Byzantine canon law derived their authority from "their [own] success in presenting themselves as authoritative legal institutions."⁸ People chose to read nomocanons because they found them useful, not because they were obliged to.

The non-legislative character of nomocanons resulted in a surprising degree of variation among the manuscripts, a fact that makes them particularly interesting historical sources. Although most (but not all) attempt to provide a comprehensive guide to Byzantine canon law, the constraints of manuscript production in the Middle Ages meant that this was extremely difficult to do in practice. The canonical corpus (and related civil law) was extensive and writing materials were expensive, so some scribes chose to omit texts that were not of interest to the person or institution that commissioned the manuscript. Sometimes copyists were compelled to do this simply because they were working from prototypes that were themselves incomplete. As we shall discuss further in chapter five, the challenge of presenting such a large body of information led to the emergence of a wide range of texts that attempted to summarise or organise the material, of which the *NIAT* is the best-known example.⁹ Not only did scribes have to choose between these different compilations, but sometimes they included more than one or even merged them together in unique ways.¹⁰

Furthermore, nomocanons often contain appendices of supplementary texts besides the laws themselves. These include works such as essays on canon law, collections of '*erotapokriseis*' ('frequently asked questions'), and catalogues of bishoprics known in Greek as *taktika* (or in Latin as *notitiae episcopatum*).¹¹ Sometimes, though, manuscripts contain less overtly legal texts such as chronicles of church history, excerpts from saints' *Lives*, patristic aphorisms, theological polemics, and even lists of interesting religious trivia. Many codices also show signs of significant intervention after they were first copied, with readers adding everything from brief comments and drawings in the margins to entirely new quires and texts. Nor do the differences consist solely in content. As we shall see in chapter four, there is a considerable range of aesthetic styles and levels of production quality, from small, utilitarian booklets to grandiose display pieces. It is thus possible to see quite dramatic differences in content and style from one nomocanon to the next.

⁷ The resident synod was composed of the patriarch and all metropolitan bishops who were present in Constantinople at any particular time. See Joseph Hajjar, "The Synod in the Eastern Church," *Concilium* 8 (1965): 55-64; *Ibid.*, *Le Synode Permanent (Synodos endemousa) dans l'Église Byzantine des origines au XI^e siècle* (Rome: Pontificium Institutum Orientalium Studiorum, 1962).

⁸ Jansen, *The Making of Authority*, 140.

⁹ See chapter five, pp. 162-3.

¹⁰ The Carbone nomocanon (Vat. gr. 1980-1) is an excellent example of a copyist merging more than one compilation together; see chapter five, p. 164.

¹¹ The purpose of including catalogues of bishoprics was to establish which metropolitan bishops had jurisdiction over which suffragan bishops. On episcopal *taktika*, see Jean Darrouzès, "Listes synodales et notitiae," *Revue des études byzantines* 28 (1970): 57-96.

Nomocanons are, therefore, sources for more than just abstract legal texts: they are witnesses to the social and cultural contexts in which those texts were copied and read. By studying the manuscripts as products of historical contexts, we can gain fascinating glimpses into the interests of medieval readers and how they encountered their legal tradition in practice. Was a manuscript created more for practical use or for show? Did the producers invest a lot of money or resources into it? Did its owner take good care of it? How long did it retain its utility? This is the approach advocated by proponents of ‘material’ (or ‘new’) philology, which had its origins in French post-structuralism and gained popularity among medievalists in North America in the 1990s.¹² Material philologists seek to historicise manuscripts by treating them as artefacts in and of themselves. In this way, nomocanons become evidence not just for legal texts but for the society that read them.

Although the Byzantine nomocanon makes an ideal subject for material-philological study, no scholar has yet undertaken one; indeed, very few people have studied them at all.¹³ This is partly a consequence of the mutual isolation of Byzantinists and Western medievalists. It remains the case that most Byzantinists (this author included) came to their subject from a background in Classics and so have a different training from many traditional medievalists. Medievalists, for their part, often (though not always) lack familiarity with the Greek language and with Byzantine culture, and so are unable to bring the insights of their field to Byzantine subjects. This is especially true in the realm of legal history.

Most of all, however, scholars’ lack of awareness of the Byzantine nomocanon stems from the state of Byzantine legal studies itself. Within the field of Byzantine legal history (already a niche subject), canon law is frequently treated as an afterthought.¹⁴ When it is mentioned at all, it is usually in terms of the debate over Byzantine ‘caesaropapism’, i.e. the role of the emperor in church administration.¹⁵ Indeed, it is instructive that the only effort to provide a history of Byzantine canon law since the 1980s (and the only one at all in English) was a volume edited by two scholars of *Western* canon law.¹⁶

Western medievalists have long been interested in the relationship between civil and canon law, since the law of the Roman church had an undeniable role in shaping the broader legal history of

¹² See Stephen Nichols, “The New Philology. Introduction: Philology in a Manuscript Culture,” *Speculum* 65 (1990): 1-10; Haijo J. Westra, “What’s in a Name: Old, New, and Material Philology, Textual Scholarship, and Ideology,” in *Neo-Latin Philology: Old Tradition, New Approaches. Proceedings of a Conference Held at the Radboud University, Nijmegen, 26-27 October 2010*, ed. Marc van der Poel (Leuven: Leuven University Press, 2014), 13-24.

¹³ The last significant study of nomocanonical manuscripts was conducted in the late nineteenth century: Karl-Eduard Zachariä von Lingenthal, *Die griechischen Nomokanones* (St Petersburg, 1877).

¹⁴ In Peter Pieler’s otherwise highly detailed account of Byzantine legal history, for instance, he essentially omitted canon law from his discussion altogether: Peter Pieler, “Byzantinische Rechtsliteratur,” in *Die hochsprachliche profane Literatur der Byzantiner*, ed. Herbert Hunger (Munich: Beck, 1978), 2.343-480.

¹⁵ One could cite numerous works here, notably Hans-Georg Beck, *Nomos, Kanon und Staatsraison in Byzanz* (Vienna: Österreichischen Akademie der Wissenschaften, 1981); Ruth Macrides, “Nomos and Kanon on Paper and in Court,” in *Church and People in Byzantium*, ed. Rosemary Morris (Birmingham: Centre for Byzantine, Ottoman and Modern Greek Studies, 1990), 61-86; Michael Angold, *Church and Society in Byzantium under the Comneni 1081-1261* (Cambridge: Cambridge University Press, 1995), esp. 45-108, 121-36, 530-63; Gilbert Dagron, *Empereur et prêtre: Étude sur le ‘césaropapisme’ byzantin* (Paris: Gallimard, 1996), 249-310, etc.

¹⁶ Wilfried Harmann and Kenneth Pennington (edd.), *A History of Byzantine and Eastern Canon Law to 1500* (Washington, D.C.: Catholic University of America Press, 2012).

the Latin West.¹⁷ Byzantine law, however, has traditionally been at the mercy of statist continental European interests, viewed as “*ius graecoromanum*.” That is to say, historians have generally approached it either as a source for the reconstruction of ancient Roman law or (for those who would rather not study it at all) as the degradation of Roman law by a decadent Eastern culture.¹⁸ Byzantine canon law does not have any obvious connection to the law of the Roman Empire, so legal historians have tended to overlook it. Instead, it has largely been left to church historians such as the Jesuits Jean Darrouzès and Clarence Gallagher and rare specialists such as Spyridon Troianos and Miodrag Petrović.¹⁹

The traditional focus on Byzantine law as a source for the legal history of the ancient Roman Empire has led to a neglect of nomocanons as historical sources, a neglect compounded by a disdain among certain classicists (and even Byzantinists) for Church history. For example, in his influential article on the circulation of Byzantine legal collections in medieval southern Italy, Guglielmo Cavallo concentrates exclusively on manuscripts of Byzantine imperial law, omitting any discussion of nomocanons.²⁰ Indeed, he even cites several manuscripts that contain canonical texts without actually mentioning the fact. To date, Cavallo’s has been the only serious attempt to describe the surviving body of Italo-Greek legal manuscripts. As long as specialists persist in ignoring nomocanons in this way, they will remain invisible to non-specialists. Byzantine canon law has begun to attract more scholarly attention in the last few years, as we shall see below, but Byzantine canonical manuscripts are still virtually unknown even among Byzantinists. One of the key aims of this dissertation is to begin to change this state of affairs.

2. Byzantine Canon Law and Medieval Legal Pluralism

The central concept informing this study is that of ‘legal pluralism’, a model of the legal field that has arisen from the work of critical theorists and legal anthropologists.²¹ The modern idea of legal pluralism emerged among scholars in the 1970s as a reaction to the legal positivism that prevailed

¹⁷ See e.g. the classic and still-influential account of Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983). Another good example is Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought, 1150-1650* (Cambridge: Cambridge University Press, 1982).

¹⁸ On early history of Byzantine law studies, see Constantine G. Pitsakis, “Byzantine Law: A Constituent of European Legal Tradition,” in *The Eastern Roman Empire and the Birth of the Idea of State in Europe*, edd. Spyridon Flogaitis and Antoine Pantélis (London: Esperia, 2003), 251-89, at 258-63.

¹⁹ E.g. Jean Darrouzès, *Recherches sur les όφφίκια de l’έglise byzantine* (Paris: Institut Français d’Études Byzantines, 1970); Miodrag M. Petrović, *Ό Νομοκάνων εις ΙΔ’ τίτλους και οι βυζαντινοί σχολιασταί. Συμβολή εις την έρευνα των θεμάτων περι σχέσεων Έκκλησίας και Πολιτείας και των έπισκόπων Παλαιάς και Νέας Ρώμης* (Athens: Papoulias, 1970); Clarence Gallagher, *Church Law and Church Order in Rome and Byzantium* (Aldershot: Ashgate, 2002); Spyridon N. Troianos, *Παραδόσεις έκκλησιαστικού δικαίου*, 3rd ed. (Athens-Komotini: Sakkoulas, 2011).

²⁰ Guglielmo Cavallo, “La circolazione di testi giuridici in lingua greca nel Mezzogiorno medievale,” in *Scuole, diritto e società nel Mezzogiorno medievale d’Italia*, ed. Manlio Bellomo (Catania: Tringale, 1985), 2.87-136.

²¹ Legal pluralism has become such a popular idea among legal theorists today that the relevant literature is far too voluminous to adequately summarise here. For a classic introduction to the subject, see Sally E. Merry, “Legal Pluralism,” *Law & Society Review* 22.5 (1988): 869-96. More recently, see Brian Z. Tamanaha, “Understanding Legal Pluralism: Past to Present, Local to Global,” *Sydney Law Review* 30 (2008): 375-411; Paul S. Berman, “The New Legal Pluralism,” *Annual Review of Law and Social Science* 5 (2009): 225-42.

in the mid-twentieth century. Legal positivism, represented in particular by the work of H.L.A. Hart, adopts an empirical approach to the law, viewing it as a closed intellectual system produced by an authoritative law-giving body (e.g. the state).²² Hart's contribution to legal theory can be fairly compared to that of Henri Pirenne in Medieval Studies: although few scholars today accept his ideas uncritically, they remain highly influential in shaping academic debate.²³

Hart conceived the idea of a 'rule of recognition', a basic test for determining what is and is not a valid law in a legal system.²⁴ The intellectual intricacies of how the rule of recognition works need not concern us here; what is significant is the idea that one can apply a test to determine whether or not a set of normative rules counts as 'law'. In contrast to this empirical approach, legal pluralists contend that law is not simply a set of codified rules promulgated and enforced by a sovereign law-giver, but the diverse sets of behavioural norms followed by various different communities in different contexts. In the pluralistic definition, multiple 'legal systems' can and do co-exist in society at varying levels of formalism.²⁵

Perhaps ironically, legal pluralism has positivistic roots of its own. Legal scholars first drew attention to the existence of plural legal regimes in the context of nineteenth- and early twentieth-century European colonial empires. In conquered territories, indigenous systems of law co-existed with the official legal systems of the colonisers, who imported their own law codes from their home countries in Europe. The existence of native legal traditions alongside the rulers' European legal codes thus created a legally plural situation. Sally Engle Merry has characterised this perspective as the 'classic' legal pluralism, and it is to be distinguished from the 'new' legal pluralism (although the two need not necessarily be treated separately).²⁶

The 'new' legal pluralists effectively took the observations about the co-existence of multiple legal orders in the historical colonial context and applied them in a modern context with a sociological/anthropological perspective. They realised that one could find unofficial legal regimes besides that of the state in any society. Take, for example, the voluntary codes of conduct adopted by many companies and professional bodies. These are not normally backed by the coercive power of the state, but they do serve the same fundamental purpose as the state's laws: to set appropriate bounds for behaviour and social interaction. The 'law' as an intellectual concept is not static nor limited to the sorts of formalistic systems that would be traditionally characterised as 'legal'. Rather, it is a field of social discourse and interaction through which communities regulate and adjudicate behaviour. This was the key insight of the 'new' legal pluralists.²⁷

²² See esp. H.L.A. Hart, *The Concept of Law*, 3rd ed. (Oxford: Oxford University Press, 2012).

²³ For a classic discussion of the impact of the Pirenne Thesis, see Peter Brown, "'Mahomet and Charlemagne' by Henri Pirenne," *Daedalus* 103.1 (1974): 25-33.

²⁴ Hart, *The Concept of Law*, 100-23.

²⁵ For a good summary of the debate between legal positivism and critical legal theory, see Emmanuel Melissaris, *Ubiquitous Law: Legal Theory and the Space for Legal Pluralism* (Farnham: Ashgate, 2009), 8-22.

²⁶ Merry, "Legal Pluralism," 873. John Griffiths, "What Is Legal Pluralism?" *Journal of Legal Pluralism* 1 (1986): 1-55, at 5, 8 referred to these as the 'juristic' and the 'social science' views of legal pluralism respectively.

²⁷ Such a broad conception of the law has an obvious criticism: where do we draw the line between 'law' and 'not law'? If all social interaction is in some sense 'legal' in that it is bounded by behavioural norms, then the concept of law becomes so wide-ranging as to be intellectually unhelpful; for this criticism, see esp. Brian Z. Tamanaha, "The Folly of the 'Social Scientific' Concept of Legal Pluralism," *Journal of Law and Society* 20.2 (1993): 192-217. Note,

As scholars have noted before, medieval Western Europe was characterised by a diverse pluralism of formal legal orders. Roman civil law existed alongside canon law, merchant law, local city laws, ethnic law (e.g. Lombard, Visigothic), and so forth.²⁸ Similar insights have been made in the study of other pre-modern societies such as the Roman Empire and Fatimid Egypt.²⁹ Medieval southern Italy was characterised by just such a pluralism of legal orders – perhaps more so than any other part of the medieval Mediterranean world. Muslims, Christians, and Jews lived alongside one another, each following their own religious law, while Christians were subdivided by ethnicity into Greeks, Normans, Lombards, and even Slavs. The famous law codes of the Norman and Hohenstaufen rulers of the Kingdom of Sicily drew on various aspects of these legal traditions and co-existed with the canon law of the church and the civil law of the ancient Roman Empire.

However, it is not just the simple fact of southern Italian legal diversity that is interesting; historians have been aware of this for some time. What is particularly intriguing is to see how these more formalistic legal orders of medieval southern Italy related to the region's social and cultural orders. The relationship between law and culture was perhaps best expressed by the American jurist Robert Cover, whose influential article “Nomos and Narrative” has informed much of the argument in this dissertation.³⁰ Cover set out to explore the concept of ‘jurisgenesis’, which is the process by which a society generates legal meaning. ‘Jurisgenesis’ is not simply the creation of individual laws but a continuous social process: “We constantly create and maintain a world of right and wrong, of lawful and unlawful, of valid and void.”³¹ The creation of legal meaning is an on-going discourse in which a community determines the character of its normative world.

Cover argued that jurisgenesis takes place “through an essentially cultural medium” and identified two ideal-typical patterns: the ‘paideic’ and the ‘imperial’.³² In the paideic mode, a community or social group develops a set of shared behavioural norms based on a common body of precept and narrative.³³ In the imperial pattern, fixed institutions (such as the sovereign state) establish and enforce a set of formal, universally-applied laws. In practice, no legal world is ever wholly paideic or imperial; rather, the legal field is a spectrum encapsulating both modes of jurisgenesis. Moreover, as a continuous process, the creation of a community's normative world can shift from one end of the spectrum towards the other.

This is an extremely useful model for studying the changing role of Byzantine canon law in southern Italy. Broadly speaking, medieval canon law (both Greek and Latin) embodied elements

though, that Tamanaha did eventually come around to accept the legal pluralists' key contention that not all legal phenomena have their origins in state government: Brian Z. Tamanaha, “A Non-Essentialist Version of Legal Pluralism,” *Journal of Law and Society* 27.2 (2000): 296-321.

²⁸ See e.g. Tamanaha, “Understanding Legal Pluralism,” 377-81.

²⁹ On legal pluralism in the Roman Empire, see e.g. Ari Z. Bryen, “Law in Many Pieces,” *Classical Philology* 109.4 (2014): 346-65, esp. 357-61; on Egypt, see Phillip I. Ackerman-Lieberman, “Legal Pluralism among the Court Records of Medieval Egypt,” *Bulletin d'études orientales* 63 (2014): 79-112.

³⁰ Robert M. Cover, “The Supreme Court, 1982 Term – Foreword: Nomos and Narrative,” *Harvard Law Review* 97.4 (1983): 4-68.

³¹ Cover, “Nomos and Narrative,” 4.

³² Cover, “Nomos and Narrative,” 11.

³³ The term ‘paideic’ is derived from the Greek *paideia* (παιδεία), which refers to a combination of a person's formal education and social upbringing.

of both imperial and paideic jurisgenesis. It was codified by church authorities and enforced through a formal system of courts, yet its origins lay in behavioural norms established by Christian communities in the early centuries of the first millennium. Canon law regulates some matters that one would traditionally associate with statist legal systems such as divorce and inheritance, but it also regulates purely social customs such as what sort of food a person may eat and when. Moreover, the precise degree to which canon law existed within the imperial or paideic pattern has varied throughout history: what began as a set of paideic behavioural regulations in the first to third centuries was eventually codified into formal ‘imperial’ legislation in the ecumenical and regional councils of the fourth to sixth centuries.

Medievalists have only recently begun to see the potential of legal pluralism (and anthropological approaches to law more generally) to open new lines of enquiry. Historically, scholars of medieval law have primarily concerned themselves with *Quellenkritik*, focusing their efforts on the production of critical editions of source texts.³⁴ I do not mean to disparage the work of legal historians who have focused on source criticism, as this is a vital and necessary task; without adequate sources it would be impossible to study legal anthropology. However, one consequence of a heavy concentration on *Quellenkritik* is that it can reinforce the positivistic conception of medieval law as a body of normative texts divorced from their social and cultural contexts.

This situation has begun to change in the last few decades (albeit at a slow pace). The publication of new kinds of legal sources such as the documents of the *Archives de l’Athos* series has made it possible for historians to look beyond normative texts and into the lived reality of the law.³⁵ Meanwhile, developments in sociological and anthropological thinking have made their own impact on Byzantine and Medieval Studies, a fact that led Alexander Kazhdan in 1989 to famously ask, “Do we need a new history of Byzantine law?”³⁶ Kazhdan’s question went unanswered for some time; in 2005, Dieter Simon still had to ask, “Where to [next]?”³⁷

An answer has at last begun to take shape, although not in quite the terms that Kazhdan imagined that it might. Kazhdan was thinking in terms of whether or not we need a new *narrative* history of Byzantine law, whereas the new generation of Byzantine legal historians has adopted a new *approach*. In 2011, the French legal scholar Lisa Bénou published an important monograph on Byzantine legal practice during the Palaiologan era (1261-1453), which she consciously intended as a response to Kazhdan’s question.³⁸ She examined the relationship between law “in the books” and law as it was practised in reality, an approach that bears interesting comparison with that of the American ‘law and society’ movement, which focused on “how the legal system actually

³⁴ For a discussion of the role of textual criticism in the study of medieval canon law, see Kriston R. Rennie and Jason Taliadoros, “Why Study Medieval Canon Law?” *History Compass* 12.2 (2014): 133-49, esp. 136-8.

³⁵ Various (edd.), *Archives de l’Athos*, 15 Vols. (Paris; Lethielleux, 1937-).

³⁶ Alexander P. Kazhdan, “Do We Need a New History of Byzantine Law?” *Jahrbuch der Österreichischen Byzantinistik* 39 (1989): 1-28.

³⁷ Dieter Simon, “Wozu?” *Fontes Minores* 11 (2005): 1-4.

³⁸ Lisa Bénou, *Pour une nouvelle histoire du droit byzantin: Théorie et pratique juridiques au XIV^e siècle* (Paris: Association Pierre Belon, 2011), 23-4.

operates.”³⁹ Instead of investigating the textual history of Byzantine law, she looked at how the Byzantines implemented it.

The years since Bénou’s monograph have seen a surprising upsurge in innovative studies of how Byzantine law worked, all strongly influenced by aspects of legal anthropology and sociology. Michael Humphreys has explored the role of law-giving in shaping the political ideology of Isaurian dynasty, while Zachary Chitwood has set out to elucidate the legal culture (broadly defined) of Byzantium under the Macedonian emperors.⁴⁰ Even Byzantine church law has received some attention, with David Wagschal’s study of the formation of the canonical corpus in the early Middle Ages in which he attempts to explain “how Byzantine canon law was *supposed* to work,” as he puts it.⁴¹ What all of these scholars have in common is that they have moved away from the abstract study of law as a body of normative texts and towards an examination of the role of law in Byzantine society and culture.

Unlike Bénou, Chitwood, and Wagschal, I do not focus on how a legal system worked or was supposed to work. Rather, I am interested in investigating the legal and cultural meaning of Byzantine canon law for the Italo-Greeks following the Norman conquest. The legal history of the European Middle Ages has traditionally been viewed as a narrative of progress from ‘customary’ or ‘folk’ law to the more formalised, constitutional law of the modern state.⁴² In Cover’s terminology, this would be equivalent to a transition from ‘paideic’ to ‘imperial’ law. On a grand scale, this characterisation of the Middle Ages is not wrong; however, it can obscure the fact that, at a local level, this was not always the direction of travel. In the case of Byzantine canon law in southern Italy, as I shall argue in this dissertation, the nomocanons show that it evolved in the opposite direction, from a more imperial model of law to paideic. As it lost the character of a formal legal system, it would become instead an aspect of the Italo-Greeks’ cultural and religious heritage.

3. Cultural and Religious Pluralism in Medieval Southern Italy

The implications of this research are not restricted to the legal field alone. If a community’s legal order is founded in a shared narrative of identity, as Cover expressed it, then it follows that law and culture are inextricably bound up with one another. Thus, one cannot study a historical society’s legal pluralism in isolation from its cultural and religious pluralism. The Kingdom of Sicily was one of the most striking examples of a culturally and religiously plural society in the medieval Mediterranean world, home to diverse populations of Christians, Muslims, and Jews.

³⁹ Lawrence M. Friedman, “The Law and Society Movement,” *Stanford Law Review* 38.3 (1986): 763-80, at 764.

⁴⁰ Michael T.G. Humphreys, *Law, Power and Imperial Ideology in the Iconoclast Era, c.680-850* (Oxford: Oxford University Press, 2015); Zachary Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867-1056* (Cambridge: Cambridge University Press, 2017).

⁴¹ David Wagschal, *Law and Legality in the Greek East: The Byzantine Canonical Tradition, 381-883* (Oxford: Oxford University Press, 2015), 15.

⁴² The ‘rediscovery’ of Roman law in medieval Western Europe is generally thought to play a key role in this narrative; see Peter Stein, *Roman Law in European History* (Cambridge: Cambridge University Press, 1999), 38-70. The idea of the Middle Ages as a period of progression from customary to constitutional law underpins works such as Berman, *Law and Revolution*.

Legal sources such as the Italo-Greek nomocanons provide a window into this cultural and religious pluralism, which in turn offers a perspective that helps the historian better understand the role of the nomocanons themselves.

The modern study of the medieval history of southern Italy has its origins in the Italian *Risorgimento* of 1871. As with so many other European countries' medieval histories, it built up a teleological story of national progress from Dark Age disunity to the realisation of the modern Italian state. In this narrative, the Normans arrived in the eleventh century to drive out the foreign Byzantines and restore the Italian south's 'natural' Latin culture, preparing the way for its eventual unification with the rest of Italy in the nineteenth century.⁴³ (One hardly needs to point out the flaw in this narrative: the Normans were just as foreign to southern Italy as the Byzantines were, if not more so.) Legal history had a prominent role to play in this historiography, as both Roger II (r. 1105-1154) and Frederick II (r. 1198-1250) issued famous legal codes (the so-called 'Assizes of Ariano' in 1140 and the Constitutions of Melfi in 1231, respectively) that have been viewed as foreshadowing the law codes of the absolute monarchies of the early modern era.⁴⁴ Insofar as the history of Byzantine law in southern Italy has been studied, it has been almost entirely in terms of its contribution (or lack thereof) to the legislation of the Latin kings of Sicily.⁴⁵

In the last two decades, however, many historians have begun to move away from the teleological model of southern Italian history and to emphasise the tolerance and adaptability of the Sicilian kings to minorities under their rule.⁴⁶ The southern Italian 'melting pot' has also drawn considerable attention from scholars of ethnicity and culture. Annick Peters-Custot, for example, has studied what she calls the 'gentle acculturation' of the Italo-Greeks into the world of the Latin West, while Linda Safran has examined how the art of the medieval Salento expressed the

⁴³ For the idea that Byzantine culture in southern Italy was a superficial veneer of foreign origins that was removed by the Normans, see the classic article of Léon-Robert Ménager, "La 'byzantinisation' religieuse de l'Italie méridionale (IX^e-XII^e siècles) et la politique monastique des Normands d'Italie," *Revue d'histoire ecclésiastique* 53 (1958): 747-74. This idea has proved surprisingly resilient among some historians; see e.g. Barbara Kreutz, *Before the Normans. Southern Italy in the Ninth and Tenth Centuries* (Philadelphia: University of Pennsylvania Press, 1991), esp. 150-1.

⁴⁴ For an overview of the debate on the 'modern' qualities of the legislation of Roger II and Frederick II, see Hubert Houben, *Mezzogiorno normanno-svevo: Monasteri e castelli, ebrei e musulmani* (Naples: Liguori, 1996), 177-89. On the *Constitutions* of Roger II and Frederick II, see chapter one, pp. 41, 49-50.

⁴⁵ Most prominently in the work of Francesco Brandileone, "Il diritto greco-romano nell'Italia meridionale sotto la dominazione normanna," *Archivio Giuridico* 36 (1886): 63-101, 238-91; "Frammenti di legislazione normanna e di giurisprudenza bizantina nell'Italia meridionale," *Atti della Reale Accademia di Lincei* 2 (1886): 260-84; "L'Italia bizantina e la sua importanza nella storia del diritto italiano," in *Studi in onore di Pietro Bonfante nel XL anno dell'insegnamento* (Milan: Treves, 1930), 2.219-33. See also Hermann Dilcher, *Die sizilische Gesetzgebung Kaiser Friedrichs II. Quellen der Constitutionen von Melfi und ihrer Novellen* (Cologne: Böhlau, 1975); Ortensio Zecchino, *Le Assise di Ruggiero. I Problemi di storia delle fonti e di diritto penale* (Naples: Joveni, 1980); Ennio Cortese, "Il diritto romano in Sicilia prima e dopo l'istituzione del Regno," in *L'héritage byzantin en Italie (VIII^e-XII^e siècle). II. Les cadres juridiques et sociaux et les institutions publiques*, edd. Jean-Marie Martin, Annick Peters-Custot, and Vivien Prigent (Rome: École française de Rome, 2011), 11-21.

⁴⁶ E.g. André Guillou, "Processus identitaire d'une périphérie," in *O Ιταλιώτης Ελληνισμός από τον Ζ' στον ΙΒ' αιώνα. Μνήμη Νίκου Παναγιωτόκη*, ed. Nicholas Oikonomides (Athens: Ethniko Idryma Erevnon, 2001), 165-79; various articles in Graham A. Loud and Alex Metcalfe (edd.), *The Society of Norman Italy* (Leiden: Brill, 2002); Hubert Houben, *Roger II of Sicily: A Ruler between East and West*, trans. Graham A. Loud and Diane Milburn (Cambridge: Cambridge University Press, 2002), esp. 180-1.

community identities of its various inhabitants.⁴⁷ There have been several attempts to theorise cultural identity in medieval southern Italy; besides the two aforementioned works, there has also been a recent trend to adopt theories of ‘transculturation’ from sociolinguistics, viewing southern Italy as a contact zone in which various cultures mixed together in a cultural ‘third space’.⁴⁸ As Safran has discussed, though, terms such as ‘acculturation’, ‘transculturation’, ‘hybridity’, and so forth are not without their drawbacks; each one emphasises certain aspects of cultural interaction and de-emphasises others.⁴⁹

I have no intention of engaging in a semantic argument about which technical term best describes the historical cultural processes of southern Italy. The debate over terminology seems to me to be too focused on what Peter Brown referred to as ‘cultural hydraulics’, i.e. the manner in which culture is thought to ‘flow’ from one reservoir (e.g. Latins) to another (e.g. Greeks) through metaphorical sluice-gates.⁵⁰ To be fair to modern theorists of cultural identity, their models are far more sophisticated than the one that Brown was critiquing when he coined the expression. Nonetheless, their work is still focused on how culture moves and mixes between groups. My aim, by contrast, is to evoke the cultural and religious narratives of the Italo-Greeks that informed, and were informed by, their canon law. I concentrate less on abstract cultural processes and more on how my subjects understood their culture.

Having said that, one must make some terminological choices when writing about historical cultures and these are rarely problem-free. Not every scholar will agree with my choice of expressions such as ‘Greek’ and ‘Italo-Greek’, and so I shall briefly explain my rationale here. I have attempted to achieve a compromise between authenticity (the terms used by medieval writers) and clarity for the modern Anglophone reader, who is often more familiar with inauthentic terms.⁵¹ Perhaps the most controversial usage that I have adopted is a broad distinction between ‘Latins’ and ‘Greeks’. Generally speaking, these are vague terms that could refer to various different aspects (language, dress, behaviour, religious ritual, etc.) of a range of different peoples (for example, a medieval ‘Latin’ could be from France, Spain, or even Norway). In the specific case of southern Italy, however, they do have a contextual meaning: they are the actual words used by Italo-Greek authors to distinguish between themselves and non-Greek Christians (who used Latin in the liturgy) in the Kingdom of Sicily. I have adopted the prefix ‘Italo-’ from Italian and French

⁴⁷ Annick Peters-Custot, *Les grecs de l'Italie méridionale post-byzantine (IXe-XIVe siècle). Une acculturation en douceur* (Rome: École Française de Rome, 2009); Linda Safran, *The Medieval Salento: Art and Identity in Southern Italy* (Philadelphia: University of Pennsylvania Press, 2014).

⁴⁸ See esp. Hubert Houben, “Between Occidental and Oriental Cultures: Norman Sicily as a ‘Third Space’?” in *Norman Tradition and Transcultural Heritage: Exchange of Cultures in the ‘Norman’ Peripheries of Medieval Europe*, edd. Stefan Burckhardt and Thomas Foerster (Aldershot: Ashgate, 2013), 19-33. More recently, various articles in Elisabetta Scirocco and Gerhard Wolf (edd.), *The Italian South: Transcultural Perspectives* (Brno: Masarykova Universita, 2018).

⁴⁹ Safran, *The Medieval Salento*, 230-3. Safran prefers to adopt the term ‘syncretism’ (*sans* the pejorative connotations of religious syncretism).

⁵⁰ Peter Brown, *Society and the Holy in Late Antiquity* (Berkeley: University of California Press, 1982), 171-2.

⁵¹ The best example of this dilemma is the word ‘Byzantine’ itself, a term that almost no Byzantine writer ever used to describe the empire or its people (except in very specific circumstances). The Byzantines typically referred to themselves as ‘Romans’ and their empire as ‘Romania’, expressions that would likely prove confusing to many modern readers.

scholarship (in which the terms ‘italo-grecs’ and ‘italo-greci’ are commonplace) to further distinguish the Greeks of southern Italy from those of mainland Greece and Anatolia and to add a degree of variety to my prose.

I have similarly chosen to use the terms ‘Latin Christian’ and ‘Greek Christian’ to refer to the two groups’ religious communities. The modern terms ‘Catholic’ and ‘Orthodox’ are anachronistic and do not adequately describe the religious situation in medieval southern Italy.⁵² Today, Catholics and Orthodox are distinct denominations that do not normally participate in one another’s rites, whereas in the Middle Ages the dividing line was far more blurred. Medieval Christians would not necessarily have shared the modern assumption that the two churches were different institutions. Even after the Fourth Crusade, the great Byzantine canonist Archbishop Demetrios Chomatenos of Ohrid (d. 1236) still felt that it was acceptable for Greek bishops to worship in Latin churches and for Latins to receive communion from Greeks (so long as the bread was leavened).⁵³ The key distinction for medieval southern Italians lay not between denominations in the modern sense but between languages and liturgies: Latins spoke Latin in the mass and Greeks spoke Greek.⁵⁴

Many readers may take issue also with my use of the words ‘assimilation’ and ‘latinisation’, particularly in chapter six, to describe the process of the Italo-Greeks’ integration into broader southern Italian society in the late Middle Ages. These terms come with negative connotations of nationalist historiography, calling to mind the idea that the Greeks of southern Italy had to be ‘normalised’ into Italian culture by conversion to Roman Catholicism and adoption of the Italian language. These are of course highly anachronistic ideas. As we just noted, ‘Roman Catholicism’ did not exist as a distinct category in the Middle Ages and Italo-Greeks never had to undergo any conversion process to be considered members of the Roman Church. With regard to language, the Latin peoples of medieval southern Italy spoke a variety of Romance and Germanic languages that would eventually merge into a form of proto-Italian vernacular, though even this did not closely resemble the modern Florentine dialect that is the basis of today’s official Italian language. Greek-speakers may have had to change their language, but technically so did most of the ‘Latins’. When I use the terms ‘assimilation’ and ‘latinisation’, I do not mean to simplistically imply that the Italo-Greeks were converted from a foreign culture to a native Italian one. Rather, I use them to indicate the Italo-Greeks’ own gradual shift in self-identification from Byzantine to Western Christendom.

⁵² It is true that the Byzantines showed a particular liking for the term ‘orthodox’ and medieval Westerners for ‘catholic’, although these did not carry the connotations of modern denominations at the time.

⁵³ This was in answer to the question: “Is it wrong for a [Greek] hierarch to enter Latin churches and worship when he is invited by them, and to partake in their sanctified bread, when it is brought forth in the holy and catholic church during the liturgy?” (“εἰ πρόκριμα τῷ ἀρχιερεῖ τὸ εἰσερχεσθαι εἰς τὰς λατινικὰς ἐκκλησίας, καὶ προσκυνεῖν, ἢ νῦκα ἀν προσκληθεῖν παρ’ αὐτῶν, καὶ εἰ μεταδόσει τοῦτοις κατακλαστοῦ, ὅταν εἰς τὴν ἁγίαν καὶ καθολικὴν ἐκκλησίαν ἐν τῇ λειτουργίᾳ παραγίνωνται;”) Text in Jean-Baptiste Pitra (ed.), *Analecta sacra spicilegio Solesmensi parata* (Paris: Jouby et Roger, 1876-1891), 6.727-30. Note that ‘sanctified bread’ here refers not to the Eucharist itself but to the blessed bread known in the Orthodox Church as *antidoron*. Chomatenos does not go so far as to say that Greeks may receive the Latins’ unleavened communion bread (*azyma*), as stated in Angold, *Church and Society*, 531. For further discussion of differences over leavened and unleavened bread in the Eucharist, see chapter five, pp. 171-3.

⁵⁴ As we shall see, there were numerous different kinds of ‘Greek’ and ‘Latin’ liturgies and contemporaries occasionally tried to claim that one was more correct than others; see chapter six, pp. 219-20. Nonetheless, these are the categories that medieval Italo-Greeks used most often.

On a related note, one of the indirect goals of this study is to improve our understanding of the emergence of the modern ‘Catholic’ and ‘Orthodox’ denominations of Christianity. The narrative of the so-called ‘Great Schism’ in which Rome and Constantinople broke apart in 1054 into today’s Catholic and Orthodox churches remains prevalent in the popular imagination despite being utterly ahistorical.⁵⁵ The idea of the schism as a discrete event is misleading and prevents us from making more interesting and enlightening observations. It is my contention that the schism between the Catholics and Orthodox was not an eleventh-century political dispute but consisted in the different long-term trajectories of institutional and legal development pursued by Rome and Constantinople, since the emergence of distinct legal institutions is closely related to the emergence of distinct cultural and religious identities. Although this dissertation does not fully address the broader question of relations between Rome and Constantinople, the case of the Italo-Greeks and their legal sources is a useful microcosm through which to approach the subject.

4. Sources and Methodology

I have compiled a list of thirty-six surviving nomocanonical manuscripts produced in southern Italy between the tenth and fourteenth centuries. I use the expression ‘nomocanonical manuscript’ here because they are not all nomocanons in the strict sense of the word. They include several civil law collections in addition to other compilation manuscripts including a Gospel lectionary, a collection of writings by St Basil of Caesarea, an edition of the *Apostolic Constitutions*, and others. Nonetheless, while these are not nomocanons themselves, they all contain a significant enough quantity of canon law (and sometimes civil law) material to justify their inclusion in this study under the term ‘nomocanonical’.

I took as my starting point in compiling this list the excellent *Repertorium der Handschriften des byzantinischen Rechts* published in Dieter Simon’s *Forschungen zur byzantinischen Rechtsgeschichte* series.⁵⁶ This is an indispensable guide for anyone who wishes to study Byzantine legal manuscripts, although at the time of writing the third volume has only recently been published and is not yet available in North America. In one or two cases I found with further research that details in the *RHBR* occasionally need to be refined or corrected, although this is only to be expected with such a large undertaking and is not intended as a criticism of the scholars who compiled it. From this I moved on to scour relevant literature on Byzantine law and southern Italian manuscripts, particularly by European codicologists such as Guglielmo Cavallo, Santo Lucà, André Jacob, Paul Canart, and others. This gave a good general impression of what manuscripts are known to survive and where to find them.

After a protracted period studying the original manuscripts (or, when necessary, microfilm reproductions) in their modern collections, I was able to substantially refine the impression that I gained from the scholarly literature. In addition to correcting a small number of misattributions and cases of incorrect dating, I was also able to localise several new manuscripts to medieval

⁵⁵ See chapter one, pp. 32-3.

⁵⁶ Ludwig Burgmann, Andreas Schminck and Dorotei Getov (edd.). *Repertorium der Handschriften des byzantinischen Rechts*, 3 vols. (Frankfurt am Main: Löwenklau-Gesellschaft, 1995-2017).

southern Italy from their known history and physical characteristics. Although I have attempted to make the list of manuscripts as comprehensive and accurate as possible, it cannot be exhaustive: it is always possible that new manuscripts will come to light in the future. Furthermore, there are several cases of manuscripts that have been (or could be) attributed to southern Italy for which the evidence is inconclusive; these cannot be ruled out, but neither am I confident enough in their attribution to base any firm conclusions on them. I discuss these uncertain cases in more detail in appendix two.

Table 1: List of Primary Manuscript Sources in Approximate Chronological Order⁵⁷

	Shelfmark	Date	Manuscript Type
1.	Vat. gr. 2075	Late C10	Civil law collection (incomplete)
2.	Vat. gr. 1506	1024	Apostolic compilation (fragmentary)
3.	Vat. gr. 1168	C11/12	Civil law collection (incomplete)
4.	Vat. gr. 1980	C11/12	Nomocanon (first half of Vat. gr. 1981)
5.	Vat. gr. 1981	C11/12	Nomocanon (second half of Vat. gr. 1980)
6.	Vat. gr. 2115 (fols. 78-96)	C11/12	Civil law collection (fragmentary)
7.	Marc. gr. 169	C11/12	Nomocanon
8.	S. Salv. 59	c.1100-15	Nomocanon
9.	Vall. C 11.1	c.1100-15	Nomocanon
10.	Vat. gr. 2060	c.1100-15	Nomocanon (fragmentary)
11.	Ambros. F 48 sup.	c.1110-20	Canon law collection (fragmentary)
12.	Alag. 3	1124	Gospel lectionary
13.	Crypt. gr. 322	Pre-1135	Nomocanon (fragmentary)
14.	BN II C 7	1139	Nomocanon
15.	Ambros. G 57 sup.	Early C12	Nomocanon (fragmentary)
16.	Barb. gr. 323	Early C12	Nomocanon
17.	Sinod. gr. 432	C12	Nomocanon
18.	Barocci 86	C12	Nomocanon
19.	Vat. gr. 1287	C12	Nomocanon (fragmentary)
20.	Barb. gr. 476	C12	Basilian collection (incomplete)
21.	Marc. gr. 172	1175	Civil law collection

⁵⁷ For full descriptions of these manuscripts, see appendix one. I use the term ‘incomplete’ to signify a manuscript that is missing a small number of quires (usually from the end) and ‘fragmentary’ to indicate that it is missing a substantial number of quires (often from the beginning and end).

22.	Barb. gr. 324	Late C12	Nomocanon (incomplete)
23.	BnF gr. 1371	Late C12	Nomocanon (incomplete)
24.	Add. 28822	C12/13	Nomocanon (fragmentary)
25.	Ambros. B 107 sup.	C12/13	Nomocanon (incomplete)
26.	Crypt. gr. 76	C12/13	Civil law collection (fragmentary)
27.	Laur. plut. 5.22	C12/13	Nomocanon (incomplete)
28.	Ottob. gr. 186 (fols. 9-22)	C12/13	Nomocanon (fragmentary)
29.	Marc. gr. III.2	C12/13	Nomocanon (incomplete)
30.	‘The Messinese Collection’	1213	Theological collection (fragmentary)
31.	Marc. gr. 171	c.1220-30	Nomocanon (incomplete)
32.	Vat. gr. 2019	Pre-1234	Nomocanon
33.	Sinod. gr. 397	C13	Nomocanon (incomplete)
34.	Ambros. E 94 sup.	Late C13	Nomocanon (incomplete)
35.	BnF gr. 1370	1296/7	Nomocanon (incomplete)
36.	Crypt. gr. 50	C14	Civil law collection (fragmentary)

My first task in examining the manuscripts was to compile the necessary details to create a database of key information; the results of this can be found in appendix one. Although many of the manuscripts’ contents are already detailed in the *RHBR*, some have never been described or catalogued before. Again, it has also occasionally been necessary to correct or expand the lists of contents in existing catalogues.

In addition to describing their contents, I also took note of their key physical characteristics:

1. Dimensions
2. Binding
3. Scribal hand(s)
4. Writing materials (e.g. parchment, ink types, etc.)
5. Aesthetic motifs and styles
6. Number of folios
7. Written space
8. Lines per page
9. Ruling patterns and systems
10. Quire collation
11. Chain and laid lines (in the case of paper manuscripts)

The purpose of this exercise was, in part, simply to make the information more readily available to readers, since it is usually difficult or impossible to find elsewhere. However, it is also important to give a sense of the *materiality* of the manuscripts. Medieval codices are not just abstract texts

but physical artefacts in and of themselves. By studying how they were made (and their state of preservation) it is possible to gain an insight into why a manuscript was produced and for what sort of setting. It also allows us to discern clear patterns in how different types of producers (e.g. monasteries, secular clergy) crafted their manuscripts in different regions and periods. One must of course acknowledge that such patterns are more descriptive than they are prescriptive: simply because a manuscript's style resembles that of twelfth-century Calabria does not necessarily mean that it was produced in twelfth-century Calabria, for instance. Nonetheless, they are helpful when used in conjunction with contextual information about contents, history of use and preservation, and so forth.

Having compiled this information, I attempted to corroborate (or, in some cases, discover for the first time) details of where each manuscript was copied, when, and by whom. Very few of the codices retain their original colophons, meaning that it was usually necessary to take a range of factors into consideration. By cross-referencing observable patterns in production and style with evidence for how the manuscripts were historically preserved (e.g. in medieval and Renaissance inventories, notes of purchase, etc.) it was possible in the majority of instances to assign manuscripts to particular regions of southern Italy and particular centuries. In some cases, such as those from the thirteenth-century Salento, one can only provide general information, but in other cases such as the monastic nomocanons of twelfth-century Calabria it was surprising to see just how specific one could be.

I further sought to contextualise the manuscripts by investigating relevant documentary and narrative sources. These consisted of texts such as papal bulls, charters of the rulers and nobles of the Kingdom of Sicily, the surviving archives of Italo-Greek monasteries, and other similar materials. Such sources provided extremely useful information on the general context in which the manuscripts were produced and, in some cases, had a direct bearing on specific nomocanons, as we shall see in chapters three and six. In addition to documentary evidence, there is also a large quantity of surviving letters and treatises by Byzantine and Italo-Greek authors that treat the subject of canon law and were often used nomocanonical manuscripts as direct or indirect sources. This combination of approaches – material investigation of the primary source manuscripts and historical contextualisation – serves as the main basis for the analysis that follows.

5. Overview of Chapters

Chapter one provides the historical background and context for this study, offering a narrative overview of the Greek church in southern Italy from the late ninth to the fourteenth centuries. Beginning with the consolidation of Byzantine rule in the peninsula in the ninth and tenth centuries, it goes on to consider the impact of the Norman conquest in the 1050s-1070s on Greek-rite Christianity in the region. Following this, it describes the foundation of the Norman Kingdom of Sicily, the transition to Hohenstaufen rule in the thirteenth century, the Angevin invasion of 1266, and the eventual partition of the kingdom in the War of the Sicilian Vespers. It considers how this changing context affected the general fortunes of the Italo-Greek church.

Chapter two turns to the nomocanonical manuscripts that comprise the primary subject matter of this dissertation. It sets out to explain how and why the surviving manuscripts were preserved to the modern day, showing why some regions, periods, and institutions are better represented in the surviving source material than others. It also considers the question of how many manuscripts are likely to have been lost and why. The chapter concludes that most surviving manuscripts were preserved through two main avenues: either in the libraries of the Calabrian and Sicilian monasteries of the Order of St Basil, or in the collections of early modern bibliophiles who purchased them on the open market (predominantly in the Salento peninsula). These patterns of manuscript survival are of great importance to the following chapters, as they condition the kinds of sources that survive and thus the types of analysis that one can perform.

Chapter three focuses on the social and cultural context in which the manuscripts were produced, examining evidence for where and when they were copied and by whom. It also discusses the motivation behind their production. Firstly, the chapter finds that there is a strong correlation between the production of monastic nomocanons in the eleventh and twelfth centuries and the granting of legal privileges to monasteries by Norman elites and the Roman papacy. These nomocanons were copied for practical use in the exercise of monastic canonical jurisdiction. The second major group of nomocanons was produced for secular Greek clergy and bishops in the thirteenth- to fourteenth-century Salento and appear to have been intended less for practical legal reference than to provide information on and justification for Greek religious practices that diverged from those of the Latins. In addition to these, a small number of extant nomocanons were produced for lay legal officials, suggesting that the spheres of canon and civil law were not always neatly divided for the Italo-Greeks.

Chapter four provides an overview of the material characteristics and appearance of the manuscripts. In broad terms, the chapter concludes that the appearance and production methods of the nomocanons are almost completely Byzantine in origin and show no clear signs of Western influence. More specifically, it finds discernible correlations between different aesthetic styles and different groups of manuscripts: the nomocanons from the wealthiest monasteries tend to be large and ornamental, while those from lesser monasteries are generally smaller and have a more utilitarian appearance. One particularly interesting finding is that the nomocanons of the thirteenth- and fourteenth-century Salento have a striking degree of internal coherence in their style and production methods; moreover, they diverge sharply from the style of manuscripts from regions such as Calabria and Sicily, suggesting that the Salento may have been isolated from trends in manuscript production in other areas of southern Italy.

Chapter five focuses on the nomocanons' textual content and arrives at similar conclusions as chapter four. Generally speaking, the content of the Italo-Greek nomocanons is wholly Byzantine or Eastern in origin and does not show any trace of Latin influence. Again, however, there is a noticeable divergence between the Salento peninsula on one hand and the regions of Calabria, Lucania, and Sicily on the other. This divergence appears to have its origins in the era of Byzantine rule and reflects the way in which Calabria and the Salento were integrated into the Byzantine Empire in different phases in the ninth and tenth centuries. Interestingly, the largest Greek monasteries of southern Italy appear to have maintained contact with Constantinople and

continued to import new canonical texts up to at least the mid-twelfth century; this was also the case with some of the nomocanons of the Salentine secular clergy. For the most part, however, the Italo-Greeks added very few new texts to their repertoire and did not compose any of their own. Instead, they adapted to the changing circumstances of Latin rule by rearranging the nomocanons' contents and incorporating older Byzantine texts into the manuscript tradition in new ways.

Finally, chapter six considers the broader role played by the nomocanons and by Byzantine canon law generally in the legal and religious culture of the Italo-Greeks under Latin rule. It argues that Byzantine canon law survived as a formal legal system even after the Norman conquest of southern Italy in the eleventh century. The Norman rulers' success in asserting their autonomy from the papacy gave space to many Italo-Greek monasteries (and presumably some bishops) to continue to use their nomocanons as the basis for their religious legal system. However, this situation changed in the late twelfth and thirteenth centuries as the papacy succeeded in integrating southern Italy more closely into its administrative structures and the Italo-Greeks began to assimilate in larger numbers. As the nomocanons lost their value as sources of 'imperial' legal authority, their role as sources of cultural, 'paideic' authority was enhanced. They came to be used less as legal reference works and more as tools to justify and defend Greek cultural and religious practice in the face of latinisation.

Following the dissertation's conclusion, appendix one provides a reference guide to the contents and principal material characteristics of each of the primary source manuscripts. Appendix two introduces and discusses manuscripts whose provenance is too uncertain for inclusion in the main study.

Let us begin now by looking at the broader context of Greek Christianity in medieval southern Italy to set the scene.

Chapter One

The Greek Church in Southern Italy (9th-14th Centuries)

During the Middle Ages, the Greek church went from being the dominant Christian religious organisation in southern Italy to the last significant cultural institution of an ethnic minority. The fortunes of Italo-Greek Christianity were closely tied to those of the Byzantine Empire, since the Greek church in southern Italy had developed and grown under the empire's direction. When the region was conquered by Norman armies in the eleventh century, it was through their religious culture and institutions that the Italo-Greeks maintained their connection to the Byzantine East. Nonetheless, their liminal position on the frontier of the Latin and Islamic world also gave their communities an idiosyncratic character.

Unfortunately, there is no extended historical narrative of Greek-rite Christianity in southern Italy available in the English language, though the chapter 'Latins, Greeks and Non-Christians' in Graham Loud's *The Latin Church in Norman Italy* provides an excellent starting point.¹ Annick Peters-Custot's impressive *magnum opus* on *Les grecs de l'Italie méridionale post-byzantine* is by far the most comprehensive treatment of the history of the medieval Italo-Greeks. Though she does not focus specifically on the church, it nonetheless plays a major role in her narrative and analysis, and so her work will be a frequent point of reference here.² There are many other prominent scholars such as Vera von Falkenhausen, Hubert Houben, Peter Herde, and more who have published extensively on aspects of this subject, although this work is often diffused across a wide range of books and journals that are rarely accessible to Anglophone readers.

This opening chapter does not seek to provide a complete historical narrative of medieval southern Italian history, nor does it make any especial claims to originality. Rather, it aims to set out the historical background of the Greek church in southern Italy. This will provide the necessary narrative context within which the Italo-Greek nomocanonical manuscripts addressed in this dissertation can be better understood. Thus, besides describing the Greek church in southern Italy, it also addresses relevant political, ecclesiastical, and cultural events in the Mediterranean world.

1. The Byzantine Reconquest and Reorganisation of Southern Italy (867-1004)

The emperor Justinian (r. 527-565) reconquered much of Italy and North Africa for Byzantium in the sixth century, but these gains proved to be shortlived. By the 600s, a wave of Lombard migration from northern and central Europe had already begun the steady erosion of Byzantine authority on the Italian peninsula. The last major centre of Byzantine power in Italy, the Exarchate of Ravenna, fell to Lombard conquest in 751, leaving only Sicily and a few mainland enclaves under Constantinople's rule. The Byzantine Empire, meanwhile, was largely powerless to respond as it was heavily preoccupied in its mainland territories. The seventh century had witnessed first

¹ Graham A. Loud, *The Latin Church in Norman Italy* (Cambridge: Cambridge University Press, 2005), 494-524.

² Annick Peters-Custot, *Les grecs de l'Italie méridionale post-byzantine (IX^e-XIV^e siècle). Une acculturation en douceur* (Rome: École Française de Rome, 2009).

the invasions of Slavic tribes in the Balkans and then the rise of Islam, leading to the shocking loss of Syria, Palestine, Egypt and then the rest of North Africa to the rapidly expanding Caliphate. By the ninth century, even Byzantium's Mediterranean islands were threatened. Both Crete and Sicily were invaded in the 820s, although the latter held out much longer than the former. Nonetheless, with the fall of Syracuse to the Muslim Aghlabids of Tunisia in 878, Byzantine rule over Sicily was effectively ended for good.

Byzantine Legal and Administrative Reform under the Early Macedonians

These dangerous military threats were compounded by the internal political turmoil within the empire that inevitably resulted from such a rapid change in its fortunes. The eighth and ninth centuries in Byzantine history are best known as the period of Iconoclasm (726-787, 814-842), an outwardly religious dispute that masked a struggle for political power in the now diminished state. A related development was the re-alignment of the Roman papacy away from Byzantium towards the growing Frankish power north of the Alps, culminating in the imperial coronation of Charlemagne in 800 by Pope Leo III. This was driven to a large extent by a religious rift with the Iconoclast emperors in Constantinople and by Byzantium's inability to project its influence into Italy.

That the Byzantine Empire retained any power in the Italian peninsula in the ninth century under these circumstances was the result of a combination of good fortune, tenacity, and a drive for military and administrative reform. The seizure of power by the emperor Basil I (r. 867-886) marked not only the beginning of the long-running Macedonian dynasty in Byzantium (867-1056) but also a significant turning point in the empire's fortunes. One should not accept the Macedonians' propaganda against their predecessors uncritically, of course. Recent work by historians such as Michael Humphreys on legal developments in the Iconoclast era has done much to rehabilitate that period as a time of important innovation and reform.³ Nonetheless, the reigns of Basil I and his successors were the most important in defining the legal and religious character of Byzantium in the High Middle Ages and, by extension, of the Greek church in southern Italy.⁴

The late ninth century was a particularly important time for the codification of Byzantine canon law. In 883, the so-called 'Photian' recension of the *NI4T* was produced, although, as scholars have frequently noted, there is no strong evidence that Patriarch Photios himself had any direct hand in it.⁵ With the dissemination of this text, the corpus of Byzantine canon law effectively took

³ Michael T.G. Humphreys, *Law, Power and Imperial Ideology in the Iconoclast Era, c.680-850* (Oxford: Oxford University Press, 2015); see also Dieter Simon, "Legislation as Both a World Order and a Legal Order," in *Law and Society in Byzantium: Ninth-Twelfth Centuries*, ed. Angeliki E. Laiou and Dieter Simon (Washington, DC: Dumbarton Oaks, 1994), 1-25, at 12-15.

⁴ See on this subject Marie-Theres Fögen, "Reanimation of Roman Law in the Ninth Century: Remarks on Reasons and Results," in *Byzantium in the Ninth Century: Dead or Alive? Papers from the Thirtieth Spring Symposium of Byzantine Studies, Birmingham, March 1996*, ed. Leslie Brubaker (Aldershot: Ashgate, 1998), 11-22, esp. 12-17.

⁵ See David Wagschal, *Law and Legality in the Greek East: The Byzantine Canonical Tradition, 381-883* (Oxford: Oxford University Press, 2015), 47; Bernard H. Stolte, "A Note on the un-Photian Revision of the Nomocanon XIV Titulorum," in *Analecta Atheniensia ad ius Byzantinum spectantia I*, ed. Spyridon N. Troianos (Athens: Sakkoulas, 1997), 115-30; Spyridon N. Troianos, *Οι πηγές του βυζαντινού δικαίου. Εισαγωγικό βοήθημα* (Athens: Sakkoulas, 1986), 142; N. van der Wal and J.H.A. Lokin, *Historiae iuris graeco-romani delineatio. Les sources du droit byzantin*

its final shape. Although there would be some further additions in the form of patriarchal decrees and imperial novels, none of these were ever recognised as having the same canonical authority as the texts in the *NI4T*.⁶ Consequently, the last conciliar canons to enter the Byzantine corpus were those promulgated in 861 at the so-called ‘*Protodeutera*’ or ‘*Primasecunda*’ (‘First-Second’) council of Constantinople.⁷ A decade or so after the Photian *NI4T* (the exact date is disputed), Basil I’s son Leo VI ‘the Wise’ (r. 886-912) had the Justinianic civil law corpus re-compiled, translated into Greek, and promulgated in the collection that later came to be known as the ‘*Basilika*’.⁸ Just as the *NI4T* would go on to be a foundational text for medieval Byzantine canon law, so the *Basilika* would be foundational for the empire’s civil law.

The Consolidation of Byzantine Italy

These years were also a formative time for Byzantine southern Italy.⁹ Having lost much of the region to the Lombards in the eighth century and most of the rest of it to the Arabs in the ninth, the Byzantines began a counter-offensive under Basil I and his successors. Despite the loss of Syracuse in 878, two years later a Byzantine fleet won an important victory over the Arabs at the Battle of Milazzo off the north-west coast of Sicily. Meanwhile, a Byzantine army reconquered Apulia, which had been under Islamic rule from 847-871 and then under Lombard control. In 885/6, Byzantine forces were reinforced with troops drawn from the empire’s eastern frontier; they

de 300 à 1453 (Groningen: Forsten, 1985), 87-9; Miodrag M. Petrovič, ‘Ο Νομοκάνων εἰς ἸΙ’ τίτλους καὶ οἱ βυζαντινοὶ σχολιασταί. Συμβολὴ εἰς τὴν ἔρευναν τῶν θεμάτων περὶ σχέσεων Ἐκκλησίας καὶ Πολιτείας καὶ τῶν ἐπισκόπων Παλαιᾶς καὶ Νέας Ρώμης (Athens: Papoulias, 1970), 31-41. Photios may have written the prologue attached to this recension.

⁶ For discussion of the “closing of the corpus” of Byzantine canon law under Photios, see Wagschal, *Law and Legality*, 47-9. See also Ioannis M. Konidaris, “The Ubiquity of Canon Law,” in *Law and Society in Byzantium: Ninth-Twelfth Centuries*, edd. Angeliki E. Laiou and Dieter Simon (Washington, DC: Dumbarton Oaks, 1994), 131-50, at 131-2.

⁷ Text in *RP* 2.647-704. The origins of the name ‘First-Second’ are unclear. One possibility is that the council was held in two main sessions: Nikodim Milaš, *Das Kirchenrecht der morgenländischen Kirche. Nach den allgemeinen Kirchenrechtsquellen und nach den in den autokephalen Kirchen geltenden Spezial-Gesetzen* (Mostar: Pacher & Kisić, 1905), 98; Péricles-Pierre Joannou, *Discipline Générale antique* (Grottaferrata: Tipografia Italo-Orientale ‘S. Nilo’), 1.2.446. Another option is that it was thought to be a second First Ecumenical Council (it even had the same number of participants): Vasileios K. Stephanides, “Νέα ἔρμηνεία τοῦ ὀνόματος τῆς Πρωτοδευτέρας συνόδου,” *Ἐκκλησία* 24 (1947): 132-4. Alternatively, the council might have been a continuation of an earlier council of 859: Pavlos Menevisoglou, *Ιστορική εισαγωγή εἰς τοὺς κανόνας τῆς ὀρθοδόξου ἐκκλησίας* (Stockholm: Iera Mitropolis Souidias kai Pasis Skandinavias, 1990), 448. See Spyridon N. Troianos, “Byzantine Canon Law to 1100,” in *The History of Byzantine and Eastern Canon Law to 1500*, edd. Wilfred Hartmann and Kenneth Pennington (Washington, DC: Catholic University of America Press, 2012), 115-69, at 147.

⁸ Andreas Schminck, “‘Frömmigkeit ziere das Werk.’ Zur Datierung der 60 Bücher Leons VI.,” *Subseciva Groningana* 3 (1989): 79-114, at 92-4 dates the collection to 888. J.H.A. Lokin, “The Significance of Law and Legislation in the Law Books of the Ninth to Eleventh Centuries,” in *Law and Society in Byzantium: Ninth-Twelfth Centuries*, edd. Angeliki E. Laiou and Dieter Simon (Washington, DC: Dumbarton Oaks, 1994), 71-91 at 71 prefers to date the *Basilika* to c.900. On the emergence of the name *Basilika* in the eleventh century, see Andreas Schminck, *Studien zu mittelbyzantinischen Rechtsbüchern* (Frankfurt am Main: Löwenklau Gesellschaft, 1986), 27-32. Schminck refers to the codification in the tenth century as the *Sixty Books*. On the *Basilika* in general see Zachary Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867-1056* (Cambridge: Cambridge University Press, 2017), 32-5.

⁹ For a good overview of the economic and demographic environment of Byzantine Italy in the ninth century, see Ghislain Noyé, “Byzance et Italie méridionale,” in *Byzantium in the Ninth Century: Dead or Alive? Papers from the Thirtieth Spring Symposium of Byzantine Studies, Birmingham, March 1996*, ed. Leslie Brubaker (Aldershot: Ashgate, 1998), 229-43.

proceeded to recapture Calabria under the command of the general Nikephoros Phokas (grandfather of the future emperor of the same name).

By 891, the empire had largely stabilised its position in southern Italy and created the theme (military province) of ‘Longobardia’ in Apulia (the name derives from the Greek term for the Lombards). Following the long-standing Byzantine practice of securing and developing reconquered areas through population transfer, Basil I began to settle Calabria and the Salento peninsula with Greek-speaking communities: Gallipoli was repopulated by Greeks from Heraclea Pontica, for example, while soldiers from Phokas’ army were settled in Calabria.¹⁰ As we read in Theophanes Continuatus, they were also joined by three-thousand freedmen from the Peloponnesian estates of the wealthy widow Danielis.¹¹ However, such population transfers probably did not ‘hellenise’ the regions for the first time, but rather reinforced already existing Graecophone communities.¹²

In addition to reorganising the civil life of southern Italy, the Byzantines also redrew the region’s ecclesiastical map. The archdioceses of Reggio and S. Severina in Calabria were both promoted to metropolitan status in 886 and placed at the head of suffragan dioceses throughout the region.¹³ By a fortunate chance we have the text of a canonical letter sent in the early 880s from Patriarch Photios in response to Archbishop Leo of Reggio that gives a fascinating, if bleak, insight into the state of the church in Calabria during this reorganisation.¹⁴ The letter makes five main canonical judgments, presenting a picture of an embattled frontier region between warring Christians and Muslims:

1. In areas where there are no Christian clergy available, laypeople may baptise new-born children.¹⁵
2. If the wife of a priest or deacon has been raped by a barbarian, her husband may take her back again if she was unwilling. However, if she submitted willingly then her husband must either separate from her or renounce his ministry.¹⁶

¹⁰ See Vera von Falkenhausen, *La dominazione bizantina nell’Italia meridionale dal IX all’XI secolo*, trans. Franco di Clemente and Livia Fasola (Bari: Eucumenica 1978), 25-7. On Byzantine population transfers generally, see Peter Charanis, “The Transfer of Population as a Policy in the Byzantine Empire,” *Comparative Studies in Society and History* 3.2 (1961): 140-54, esp. 146. The emperor Nikephoros II Phokas (r. 963-969) would likewise settle his soldiers on Crete after the island’s reconquest in 961; for discussion, see Dimitris Tsougarakis, *Byzantine Crete: From the 5th Century to the Venetian Conquest* (Athens: Basilopoulos, 1988), 59-74. The place name ‘Gallipoli’ is derived from the Greek ‘Καλλίπολις’, meaning ‘Fair City’.

¹¹ Theophanes Continuatus, *Chronographia*, ed. Immanuel Bekker (Bonn: Weber, 1838), 321.

¹² See esp. Peter Charanis, “On the Question of the Hellenization of Sicily and Southern Italy During the Middle Ages,” *American Historical Review* 52.1 (1946): 74-86, at 75-6.

¹³ These cities were known in Greek as *Rhegion* (Ρήγιον) and *Hagia Seberine* (Αγία Σεβερίνη).

¹⁴ Text in Basileios Laourdas and Leendert G. Westerink (edd.), *Photii patriarchae Constantinopolitani Epistulae et Amphilochia*, 6 vols. (Leipzig: Teubner, 1983-1988), 3, 162-6 (*ep.* 297). For an analysis of the letter, see in particular Jean-Marie Martin, “Léon, archevêque de Calabre, l’Église de Reggio et la lettre de Photius (Grumel-Darrrouzès n° 562),” in *EYΨΥΧΙΑ. Mélanges offerts à Hélène Ahrweiler*, ed. Michel Balard (Paris: Publications de la Sorbonne, 1998), 481-91, esp. 485-91. On Leo’s own canonical *apokrisis* on the subject of clerical marriage (which is not connected with Photios’ canonical letter), see chapter five, pp. 189-90.

¹⁵ Photios, *Epistulae*, 297.6-42.

¹⁶ Photios, *Epistulae*, 297.43-76.

3. Christians should not refuse to baptise Saracen children if their mothers request it, though the mothers should be instructed to give their children a Christian education.¹⁷
4. It is permissible to give the Eucharist to suitably worthy women to bring to Christian prisoners in Saracen captivity so that they may receive communion.¹⁸
5. Children that have been depraved by the poor morals of the Saracens may be forgiven and readmitted to Christian communion.¹⁹

Although we do not have Leo of Reggio's original letter to Photios, the patriarch's response gives an impression of the state of the church in late-ninth century Calabria following the reconquest. The local clergy had clearly suffered losses under Muslim occupation, while many Calabrians had converted to Islam. Now that the Christian Byzantines were back in control, they had to wrestle with the problem of how to rebuild the Calabrian church and bring apostates back into the fold after decades of Islamic rule.

The Byzantine Empire made much progress in reconquering and reintegrating Apulia and Calabria in the late ninth century, but the territories were by no means secure. The city of Reggio, for example, was sacked at least eight times over the course of the tenth century by Muslim raids from Sicily and was again under complete Islamic control in the years 952-956, during which time its cathedral was transformed into a mosque.²⁰ Moreover, Muslim armies occasionally penetrated far beyond Calabria. As late as 988 to 997 they campaigned widely in Lucania and Apulia, temporarily seizing Taranto and even besieging Bari. With Byzantine forces heavily engaged against the powerful Bulgar state in the Balkans for much of the tenth century, not to mention against the Kievan Rus' and the Fatimid Caliphate, Constantinople's ability to defend its Italian territories was often severely limited and depended substantially on the goodwill of Italian maritime states such as Amalfi and Venice.

The Papal-Imperial Axis

Besides the threat of Muslim attacks, the Holy Roman Empire and the papacy were also causes of concern for the security of Byzantine Italy. The emperor Leo III the Isaurian (*r.* 717-741) had removed southern Italy from papal jurisdiction during the Iconoclast dispute and placed it under the patriarchate of Constantinople.²¹ It remained under Constantinopolitan control even after Byzantium had renounced Iconoclasm and restored communion with the papacy. The church of Rome was determined to regain authority over its lost southern Italian lands, and this determination would define its stance towards the Byzantine Empire for much of the tenth and eleventh centuries.

The popes found a willing ally in the Holy Roman Empire. Following Otto I's (*r.* 962-973) annexation of the Kingdom of Italy in 961 and imperial coronation the following year by Pope

¹⁷ Photios, *Epistulae*, 297.77-98.

¹⁸ Photios, *Epistulae*, 297.99-112.

¹⁹ Photios, *Epistulae*, 297.113-30.

²⁰ On Muslim raids against Byzantine Calabria in the tenth century, see Francesco Russo, *Storia della Chiesa in Calabria dalle origini al Concilio di Trento* (Soveria Mannelli: Rubbettino, 1982), 1.176-80.

²¹ See Milton V. Anastos, "The Transfer of Illyricum, Calabria, and Sicily to the Jurisdiction of the Patriarchate of Constantinople in 732-33," *Studi bizantini e neoellenici* 9 (1957): 14-31.

John XII (*r.* 955-964), he aimed to extend his conquests to the south. In this he met resistance from the proactive Byzantine emperor Nikephoros II Phokas (*r.* 963-969), who had recaptured the island of Crete from its Muslim rulers in 961 and would later retake Cyprus. Nikephoros was rather less successful in southern Italy, though: a major Byzantine attempt to reconquer Sicily was crushed by the Muslims in battle at the Straits of Messina in 964.

Fortunately for the Byzantines, however, their two great rivals inadvertently gave them an opportunity to recuperate. The armies of the Holy Roman emperor Otto II (*r.* 973-983) and the Sicilian emir Abu al-Qasim delivered devastating blows to one another at the Battle of Stilo in 982: although the Sicilians routed the German army, Abu al-Qasim himself was killed in combat, leaving his troops leaderless. The ensuing lull allowed the Byzantine governor Kalokyros Delphinas both to recover lost territory and to expand further into northern Apulia in 983. Although Islamic campaigns would continue to menace Byzantine Italy until well into the eleventh century, the threat from the Holy Roman Empire largely abated for the time being.

The period may not have seen any significant Byzantine military victories, but the 960s did witness the creation of the *katepanikion* ('catepanate') of Italy, first mentioned in a document of 970.²² This organised the Byzantine provinces in the region into a single administrative unit under a military viceroy sent from Constantinople, the *katepano* ('catepan', meaning 'uppermost'). The theme of Lucania (in the Basilicata region between Apulia and Calabria) may also have been created in the same decade, although Vera von Falkenhausen prefers to date it to c.1035.²³ In principle, the *katepanikion* would have allowed for more efficient imperial government in southern Italy, as the region's thematic armies and administrations could be coordinated under a single governor.

At roughly the same time, in 967/8, the Archdiocese of Otranto was raised to the rank of metropolis, providing Apulia with its first major Byzantine ecclesiastical centre.²⁴ In his famous account of his embassy to Constantinople on behalf of Otto I in 968, Liudprand of Cremona also claims that the Byzantines outlawed the Latin liturgical rite in their territory.²⁵ However, considering the propagandistic character of Liudprand's text (meant to sway southern Italian Lombards from the Byzantine to the Ottonian side), one may question whether this was seriously attempted.²⁶ In retaliation to the Byzantine elevation of Otranto, Pope John XIII (*r.* 965-972) elevated the Latin see of Benevento to archiepiscopal status over Apulia in the following year.

It is difficult to know what day-to-day life was like for Latin bishops and clergy in Byzantine Italy; though they were under the jurisdiction of Constantinople, the papacy clearly attempted to exercise

²² *Syllabus* 5-6 (no. 7).

²³ Falkenhausen, *La dominazione*, 68.

²⁴ Otranto was known in Greek as *Hydrous* (Ἰδρούς). Prior to this, the church in Apulia had been subject to S. Severina.

²⁵ Liudprand of Cremona, *Relatio de legatione constantinopolitana*, 62 (MGH SS *rer. Germ.* 41.208-9).

²⁶ As Mayr-Harting pointed out, Liudprand almost certainly wrote this account as propaganda to win the southern Italian Lombards over to the Ottonians, so one must view the claim with scepticism: Henry Mayr-Harting, "Liudprand of Cremona's Account of His Legation to Constantinople (968) and Ottonian Imperial Strategy," *English Historical Review* 116.467 (2001): 539-56, esp. 545-6. The Byzantines evidently did not eradicate the use of *azyma* among the southern Italian Latins, so it may have been no more than a threat, if indeed the claim is true at all.

influence over them as well. For example, in 983, Pope Benedict VII (r. 974-983) created the archdiocese of Salerno (in Lombard territory outside Byzantine control) and put it in charge of the Byzantine-controlled dioceses of Bisignano, Cosenza, Malvito, and Acerenza in Calabria.²⁷ The Byzantines answered this by promoting the Latin bishop of Cosenza to archbishop. Such moves were part of a deliberate contest to win the loyalties of the Latin hierarchy in southern Italy: Byzantine authorities had done the same for the Latin bishop of Taranto in 978 and would promote several other Latin dioceses in Apulia as well.²⁸

The organisation of the ecclesiastical hierarchy in Byzantine Italy may have been closely associated with that of its provincial government, but Greek Christianity also extended beyond the empire's borders. Although contemporary sources for Christianity in Muslim-ruled Sicily are extremely scarce, Geoffrey Malaterra's account of Robert Guiscard's conquest of the island in the late eleventh century contains several intriguing references to Sicilian Christians. For example, when the Norman forces entered Palermo, they found an archbishop named Nikodemos who, "though a timid man of the Greek race, had been celebrating the Christian religion as best he could in the poor church of St Kyriakos."²⁹ Malaterra also occasionally refers to the local Sicilian Christians as "Greeks."³⁰ The Sicilian dioceses (with the exception of Catania in the north east of the island) were removed from Byzantine episcopal *notitiae* after the fall of Syracuse in 878, implying that there was little or no formal connection between them and Constantinople after that date.³¹ Nonetheless, Byzantine-rite churches and Christian communities continued to exist on the island throughout the period of Islamic rule.³²

Tenth-Century Italo-Greek Monasticism

By far the best-recorded aspect of Greek Christianity in tenth-century southern Italy was its monastic life. This period saw a large number of Greek monasteries founded by charismatic saints, though few seem to have survived much beyond the death of their founders. Southern Italy had inherited a strong monastic tradition from the Levant, in particular from the *lavra* of St Sabas (*Mar Saba*) near Jerusalem, since many Chalcedonian monks had fled there from Syria and Palestine following the Islamic conquests.³³ As the Muslim Aghlabids conquered Sicily over the course of

²⁷ Falkenhausen, *La dominazione*, 163.

²⁸ Brindisi (992), Trani (c.999), Lucera (1005), and Siponto (before 1023). See Loud, *Latin Church*, 32-5. On the jurisdictional conflict between Rome and Constantinople in Apulia in general, see Carlo G. Mor, "La lotta fra la Chiesa greca e la Chiesa latina in Puglia nel sec. X," *Archivio storico pugliese* 4 (1951): 58-64.

²⁹ "in paupere ecclesia sancti Cyriaci – quamvis timidus et natione graecus – cultum Christianae religionis pro posse exequabatur": Geoffrey Malaterra, *De rebus gestis Rogerii Calabriae et Siciliae comitis*, ed. Ernesto Pontieri (Bologna: Zanichelli, 1927-1928), 2.45 (p. 53).

³⁰ Malaterra, *De rebus gestis* 2.29.

³¹ Falkenhausen, *La dominazione*, 161.

³² For further discussion of Greek Christians in Muslim Sicily, see Alex Metcalfe, *Muslims and Christians in Norman Sicily: Arabic-Speakers and the End of Islam* (London: Routledge, 2003), 13-21, 22-4.

³³ See Lynn T. White, "The Byzantinization of Sicily," *American Historical Review* 42 (1936-1937): 1-21, esp. 7-13; Silvano Borsari, *Il monachesimo bizantino nella Sicilia e nell'Italia meridionale prenormanne* (Naples: Istituto italiano per gli studi storici, 1963), 10-11; more recently see Andrew J. Ekonomou, *Byzantine Rome and the Greek Popes: Eastern Influences on Rome and the Papacy from Gregory the Great to Zacharias, A.D. 590-752* (Lanham, MD: Lexington, 2007), 202-3.

the ninth century, many Sicilian monks were again driven to migrate to the mainland where they became the focal points for new monastic communities.³⁴

Not only did they maintain strong links with eastern monasticism, but they were also acquainted with the western world. Italo-Greek monks sometimes ventured far beyond the borders of Byzantine territory and had extensive contact with Latin-rite Christians. The antagonism between the Latin and Greek churches in Italy largely existed at the level of high politics; relations at the local level were much more cordial.³⁵ There does not seem to have been any controversy in the tenth century over the differing religious practices of Latin and Greek Christians.

There are many examples of intercultural contact in the *Lives* of tenth-century Italo-Greek monks.³⁶ St Elias the Younger of Enna (823-903), for example, was twice captured by Arabs and imprisoned in Africa. Later, having obtained his freedom, he travelled to Palestine where he received the monastic habit from the patriarch of Jerusalem. He returned to Italy and founded a monastery of the *Theotokos* in the *tourma* of the Salinai in Calabria and went on a pilgrimage to Rome. Eventually he died in Thessalonica while travelling to Constantinople at the invitation of the Byzantine emperor Leo VI.³⁷ St Christopher of Collesano had been a monk at the monastery of St Philip of Argira in Sicily, but around the middle of the tenth century he and his sons SS Sabas and Makarios moved to Calabria, where he founded a monastery dedicated to the Archangel Michael in the region of the *Merkourion*. He went on to found another monastery at Lagonegro in Lucania.³⁸ There is a clear northward trend that can be traced in the monastic *Lives*, as increasingly severe Muslim incursions drove monks to seek more secure places to settle, a dynamic that progressively brought them into Latin-majority lands. Thus, St Luke of Armento (d. 984), who had shared a *lavra* at Melicuccà in southern Calabria with St Elias Spelaiotes (864-960), fled from a Saracen raid to Noia in Lucania; he later had to flee yet another Saracen raid, settling this time at Armento near Potenza.³⁹

³⁴ For an overview of this movement, see Giovanni Vitolo, "Les Monastères grecs de l'Italie méridionale," in *Moines et monastères dans les sociétés de rite grec et latin*, edd. Jean-Loup Lemaître, M.V. Dmitriev, and Pierre Gonneau (Geneva: Droz, 1996), 99-113, esp. 101.

³⁵ On this subject, see especially Annick Peters-Custot, "Convivencia between Christians: The Greek and Latin Communities of Byzantine South Italy (9th-11th Centuries)," in *Negotiating Co-Existence: Communities, Cultures and 'Convivencia' in Byzantine Society*, edd. Barbara Crostini and Sergio La Porta (Trier: Wissenschaftlicher Verlag, 2013), 203-20.

³⁶ Borsari, *Il monachesimo*, 23-76 contains a full account of tenth-century Italo-Greek saints and their monastic foundations.

³⁷ Giuseppe Rossi-Taibbi (ed. and trans.), *Vita di sant'Elia il Giovane* (Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 1962).

³⁸ Orestes, *Historia et laudes SS. Sabae et Macarii iuniorum e Sicilia*, ed. Giuseppe Cozza-Luzzi (Rome: Typis Vaticanis, 1893).

³⁹ *Vita S. Lucae Armenti abbatis*, Acta SS Octobris 6.337-41; Vincenzo Saletta (ed.), "Vita di S. Elia Speleota secondo il Cod./Man. Crypt. B. β. XVII," *Studi meridionali* 3 (1970): 445-53, 4 (1971): 272-315, 5 (1972): 61-96. See also Augusta Acconcia Longo, "Santi monaci italogreci alle origini del monastero di S. Elia di Carbone," in *Il monastero di S. Elia di Carbone e il suo territorio dal Medioevo all'Età Moderna. Nel millenario della morte di S. Luca Abate. Atti del Convegno internazionale di studio promosso dall'Università degli Studi della Basilicata in occasione del Decennale della sua istituzione (Potenza-Carbone, 26-27 giugno 1992)*, edd. Cosimo D. Fonseca and Antonio Lerra (Potenza: Congedo, 1994), 47-60; Borsari, *Il monachesimo*, 50-1.

Greek monks also settled beyond the borders of Byzantine rule. Valerie Ramseyer has written about the presence of Greek monks and clergy in the Lombard Principality of Salerno, for instance.⁴⁰ The monastery of St Nicholas of Gallucanta, founded near Vietri in c.979, was owned by a consortium of Lombard shareholders but housed a community of Greek monks and was decorated with icons and candelabras from Constantinople.⁴¹ Several other Italo-Greek monasteries were established with the support, or even on the initiative of, Lombard nobles.⁴² Rome, a popular place of pilgrimage for Eastern Christians, was home to a mixed-rite monastery on the Aventine Hill dedicated to SS Alexios and Boniface that was founded in 977 by Pope Benedict VII (r. 974-983).⁴³ Two communities of Byzantine- and Benedictine-rite monks lived together there under the *hegoumenos* Sergios, a former archbishop of Damascus in Syria.

The most famous encounter of Greek and Latin monasticism in Italy, though, is that of St Neilos the Younger of Rossano (c.910-1005) with the Benedictines of Montecassino.⁴⁴ Neilos had founded the monastery of St Adrian of Rossano in 955 but, around 980, travelled to Campania to escape the invasion of the Sicilian emir Abu al-Qasim. There he was welcomed by the monks of Montecassino and was invited to establish a monastery at Valleluce, where he would compose a Greek hymn to St Benedict.⁴⁵ His fame spread far beyond southern Italy and, shortly before his death in 1004, he was invited by Count Gregory of Tusculum to found a monastery dedicated to the *Theotokos* at Grottaferrata near Rome. With monks initially drawn predominantly from Calabria, this monastery would become hugely significant for the Greek rite in Italy and remains to this day a major centre of Byzantine-rite Catholicism.⁴⁶

Italo-Greek monks also made a mark on the most famous centre of Byzantine monasticism, Mount Athos. A monastery known as ‘*tou Sikelou*’ (‘of the Sicilian’) was established on the Holy Mountain in the 980s; its first known abbot, Phantinos, probably took his monastic name from St Phantinos the Elder (294-336) of Tauriana in southern Calabria.⁴⁷ The connection between Athos

⁴⁰ Valerie Ramseyer, *The Transformation of a Religious Landscape: Medieval Southern Italy, 850-1150* (Ithaca, NY: Cornell University Press, 2006), 84-6. More generally on Greeks in Salerno, see Annick Peters-Custot, “L’identité d’une communauté minoritaire au Moyen Âge. La population grecque de la principauté lombarde de Salerne (IX^e-XII^e siècles),” *Mélanges de l’École française de Rome* 121.1 (2009): 83-97.

⁴¹ See Borsari, *Il monachesimo*, 109-10.

⁴² See e.g. Pietro Ebner, “I monasteri bizantini nel Cilento: i monasteri di S. Barbara, S. Mauro e S. Marina,” *Rassegna storica salernitana* 28 (1967): 77-142.

⁴³ On SS. Alexios and Boniface, see Patricia M. McNulty and Bernard Hamilton, “*Oriente lumen et magistra latinitas*: Greek Influences on Western Monasticism (900-1100),” in *Le Millénaire du Mont Athos, 963-1963. Études et mélanges* (Chevetogne: Éditions de Chevetogne, 1963-1964), 1.181-216, at 188-9; Bernard Hamilton, “The Monastery of S. Alessio and the Religious and Intellectual Renaissance of Tenth-Century Rome,” *Studies in Medieval and Renaissance History* 2 (1965): 265-310.

⁴⁴ Rossano was known in Greek as *Rousianon* (Ρουσιάνον).

⁴⁵ McNulty and Hamilton, “*Oriente lumen*,” 185-6; Olivier Rousseau, “La visite de Nil de Rossano au Mont-Cassin,” in *La Chiesa greca in Italia dall’VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)* (Padua: Antenore, 1973), 3.1111-37, at 1116-28.

⁴⁶ For an overview of the history of the Greek monastery of Grottaferrata, see Venedikt Petrovič Rimljanin, “*Memnisse iuvabit*: Uno sguardo a dieci secoli di storia,” in *San Nilo. Il monastero italo-bizantino di Grottaferrata. 1004-2004. Mille anni di storia, spiritualità e cultura*, ed. Emiliano Fabbriatore (Rome: De Luca, 2005), 13-30.

⁴⁷ “... γραφεῖσαν δια χειρὸς Φαντίνου μοναχοῦ καὶ ἡγουμένου μονῆς τοῦ Σικελοῦ”: *Iviron* 1.1.151 l. 3 (a. 985). See Agostino Pertusi, “Monasteri e monaci italiani all’Athos nell’alto medioevo,” in *Le Millénaire du Mont Athos (963-1963). Études et Mélanges* (Chevetogne: Éditions de Chevetogne, 1963-1964), 2.217-51, at 242-3. On St Phantinos

and southern Italy was not just limited to Greeks: there was even a community of Benedictine monks from Amalfi who established a monastery on the Holy Mountain around the same time as the Sicilians did.⁴⁸ Very little is known about the history of these foundations, although they both survived until at least the twelfth century: the Sicilian monastery is last mentioned in an act of 1108, while S. Maria of the Amalfitans appears for the final time in a chrysobull of Alexios III in 1198.⁴⁹

2. *From Byzantine to Norman Rule (1004-1098)*

The late eleventh century would see the Byzantine Empire's fortunes reversed yet again, with substantial territorial losses that would transform the empire's ethnic and religious character. Near-simultaneous defeats in 1071 to the Seljuq Turks at the Battle of Manzikert and to the Normans at the siege of Bari substantially reduced the size of the Byzantine Empire. Following these losses, imperial forces were almost permanently driven out of Armenia, Syria and southern Italy (though they would briefly regain footholds in all those areas in the twelfth century). However, one should not allow these later events to obscure the successes that preceded them. The Byzantines reached the height of their medieval strength in the first half of the eleventh century; an observer in southern Italy in the 1020s would have justifiably viewed Byzantium as the Mediterranean's preeminent power.

Renewed Confrontation with Empire and Papacy

The greatest improvement in Byzantine fortunes came during the long reign of Basil II 'the Bulgar-Slayer' (r. 976-1025). The empire's armies had been heavily preoccupied since the 980s with warfare against the Bulgarian empire and the Fatimid Caliphate. The latter agreed in 1000 to a peace that would last nearly twenty years, though the Bulgarians were not completely subjugated until 1018. During this period, Byzantine commanders in southern Italy were left to manage the situation as best they could. Muslim raids from Sicily continued for several decades, but the most immediate threat to Byzantine rule came from the Lombard population of areas of northern Apulia that had been annexed in the 980s. In 1009, the inhabitants of Bari rose up in rebellion under the leadership of a local Lombard nobleman named Melus. One should probably not view this as a nationalistic uprising of Lombards against Greeks: Melus himself may have been of Armenian descent (the name appears to be a Latinised form of the Armenian 'Mleh'), while William of Apulia (admittedly writing somewhat after the event) claims that he was "dressed in the Greek fashion."⁵⁰ He was probably motivated more by a desire for a personal power than by any Lombard

the Elder, see Domenico Minuto (ed. and trans.), *La vita e miracoli del santo e glorioso servo di Cristo, Fantino* (Reggio Calabria: Pontari, 2003). Not to be confused with St Phantinos the Younger (927-c.1000), another saint from the same area of southern Calabria; see Enrica Follieri (ed. and trans.), *La vita di San Fantino il Giovane. Introduzione, testo greco, traduzione, commentario e indici* (Brussels: Société des Bollandistes, 1993).

⁴⁸ See Pertusi, "Monasteri e monaci," 227-37, 251.

⁴⁹ *Lavra* 1.1.299 l. 68; *Chilandar* 1.1.108, ll. 30, 55.

⁵⁰ "more greco vestitus": William of Apulia, *La Geste de Robert Guiscard*, ed. Marguerite Mathieu (Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 1961), 1.12 (p. 98). For discussion of the name 'Melus', see Jean-Marie

ethnic consciousness. After some initial success, Melus' uprising was suppressed in 1011 by the *katepano* Basil Mesardonites.

He revolted again in 1016, this time with outside help. Melus apparently encountered a group of Norman pilgrims led by Rainulf Drengot at the shrine of the Archangel Michael on Monte Gargano and persuaded them to take part in his rebellion.⁵¹ This marks the first secure appearance of the Normans in southern Italian history. Melus also had the backing of the Holy Roman Emperor Henry II (*r.* 1014-1024), who aimed to reassert Ottonian claims to southern Italy. Nonetheless, he was yet again defeated. Following Basil II's victory over the Bulgarians at the Battle of Kleidion in 1014, the Byzantine *katepano* Basil Boioannes was able to draw on a large and experienced force of troops from the Balkans and routed Melus' army at the Battle of Cannae in 1018.

Boioannes followed this victory by annexing much of northern Apulia and the Abruzzo, where he set about founding several new fortified urban settlements to secure Byzantine rule.⁵² He made such a lasting impact on the region's human geography that it came to be known as the 'Capitanata', a corruption of the Greek title of *katepano*. Nonetheless, this Byzantine success once more roused the opposition of the papacy and the German empire: in 1020, Pope Benedict VIII (*r.* 1012-1024) encouraged Henry II to invade southern Italy, which he did in force in 1022. Although meeting with some success in Capua and Salerno, Henry's troops were unable to take the new fortified settlements of the Capitanata and eventually withdrew without achieving anything of note.

Though the Byzantine *katepanikion* of Italy had withstood Henry's invasion, it was still vulnerable to attack. Just a year later, in 1023, Muslim forces from Sicily once more raided Calabria, Lucania and Apulia, reaching as far as Bari on the Adriatic coast. Having settled affairs in Bulgaria and the Middle East for the time being, Basil II was finally ready to turn his full attention to securing Byzantine Italy. He realised that the only way to achieve this was to recapture the island of Sicily from its Muslim rulers, and so in 1024 he began to prepare an invasion force.

In addition to military preparations, it is interesting to note a story in the chronicle of the Cluniac monk Rodulf Glaber that gives an indication of Basil's diplomatic preparations. Rodulf reports that, in 1024, Patriarch Alexios Stoudites of Constantinople wrote to Pope Benedict VIII's successor, John XIX (*r.* 1024-1032), with a proposal: the patriarch of Constantinople would be considered 'universal' (ecumenical) in his own sphere, while the pope would be considered universal in the rest of the world.⁵³ This was surely part of the build-up to Basil II's reconquest of Sicily: not only would it have settled the centuries-long dispute with the papacy over the

Martin, *La Pouille du VI au XII siècle* (Rome: École Française de Rome, 1993), 518-20; see also Peter Charanis, "The Armenians in the Byzantine Empire," *Byzantinoslavica* 22 (1961): 196-240, at 213, 217, 227.

⁵¹ This is the version of the story as told by William of Apulia, *La Geste*, 1.11-57 (pp. 98-102). The chronicler Amatus of Montecassino gives an alternative account of a group of Norman pilgrims on their way to Jerusalem who helped defend the Principality of Salerno from a Muslim attack in 999: Amatus of Montecassino, *Ystoire de li normant*, ed. Michèle Guéret-Laferté (Paris: Champion, 2011), 1.17 (pp. 249-50).

⁵² See esp. Paul Oldfield, "Rural Settlement and Economic Development in Southern Italy: Troia and its *contado*, c.1020-c.1230," *Journal of Medieval History* 31 (2005): 327-45, at 330-3.

⁵³ "Circa annum igitur Domini millesimum vicesimum quartum, Constantinopolitanus presul cum suo principe Basilio alii que nonnulli Grecorum consilium iniere quatinus cum consensu Romani pontificis liceret ecclesiam Constantinopolitanam in suo orbe, sicuti Roma in universo, universalem dici et haberi": Rodulf Glaber, *Historiarum libri quinque*, ed. John France (Oxford: Oxford University Press, 1989), 4.1.

Constantinopolitan patriarch's use of the title 'ecumenical', but it would also have safeguarded Byzantine Italy from papal interference at this crucial moment.

In Rodulf's telling, the pope considered agreeing to the proposal, but was dissuaded after ferocious lobbying from the monks of Cluny. Instead the papacy returned to its old strategy of meddling in the ecclesiastical hierarchy of the *katepanikion*: in 1025, John XIX confirmed the archiepiscopal status of the Latin see of Bari (the capital of Byzantine Italy) and assigned it twelve suffragan dioceses. Although it is hard to know what effect this had in practice, papal efforts to stir up anti-Byzantine sentiment among the Latin hierarchy did have some impact: for instance, in an entry for the year 1035, the *Annales Barenses* describe Archbishop Bysantius of Bari as "terrible and fearless against all the Greeks."⁵⁴

However, it was not the case that all Lombards supported the papacy and that all Greeks supported the Byzantine Empire – the reality was more complex. As André Guillou highlighted, the contest for influence cut across ethnic lines; in Taranto around 1053, for example, the anti-Byzantine party was led by the city's archbishop (whose name is unknown) and a local noble named Basil Chrysocheinos (undoubtedly a Greek), while the pro-Byzantine party included Genesisios, the Tarantine Greek who administered the properties of the archiepiscopal cathedral.⁵⁵

Basil II died in 1025 before his invasion of Sicily could materialise. The planned expedition had to be delayed, though it was not forgotten. In 1038, during the reign of the emperor Michael IV the Paphlagonian (r. 1034-1041), a large Byzantine invasion force under the command of the general George Maniakes finally landed in Sicily. The empire had shifted to a policy of employing large numbers of professional mercenaries from across Europe, and Maniakes' multi-ethnic army notably included the Norman leader William 'Iron Arm' de Hauteville, the elder half-brother of Robert 'Guiscard'. As a matter of interest, it also counted the future Norwegian king Harald Hardrada among its number (he was a soldier in the Varangian Guard).⁵⁶ The expedition met with considerable initial success but was ultimately cut short when political intrigue led the emperor to recall Maniakes to Constantinople.

In 1040, Melus of Bari's son Argyrus hired the now-available Norman mercenaries for yet another revolt against the Byzantine *katepanikion*. However, he soon switched sides and was appointed *katepano* by the Byzantines, giving him the rather absurd task of quelling the Normans that he himself had originally roused to war. In 1044 the Norman soldiers, led by William de Hauteville, invaded Byzantine Calabria for the first time, but were defeated by Argyrus in the following year. Following this victory, Byzantine lands in Italy remained more or less secure for about a decade.

⁵⁴ "*terribilis et sine metu contra omnes Graecos*": *Annales Barenses*, MGH SS 5.54 (a. 1035). Quoted in Vera von Falkenhausen, "Between Two Empires: Southern Italy in the Reign of Basil II," in *Byzantium in the Year 1000*, ed. Paul Magdalino (Leiden: Brill, 2003), 135-59, at 158. This is somewhat ironic, given his name.

⁵⁵ André Guillou, "Production and Profits in the Byzantine Province of Italy (Tenth to Eleventh Centuries)," *Dumbarton Oaks Papers* 28 (1974): 91-109, at 96. See *Carbone* 2.1.42-6 (no. 5).

⁵⁶ See Krijne Nelly Ciggaar, *Western Travellers to Constantinople: The West and Byzantium, 962-1204* (Leiden: Brill, 1996), 105, 116-8.

In the meantime, the Muslim emirate of Sicily descended into in-fighting while the Normans concerned themselves with affairs further north.

The Italo-Greek Church and Monasticism in the Mid-Eleventh Century

Sadly, the disruption caused by the Norman invasion of the 1060s means that documentary survival from mid-century Byzantine Italy is imperfect. Nonetheless, there are signs that the region experienced a period of relative peace in the 1040s-1050s that allowed the Italo-Greek church to prosper, if not to flourish. The most remarkable evidence for this comes in the *brebion* (inventory) of the cathedral of Reggio, a document of c.1050 on a seven-metre parchment roll that preserves a section of the cathedral's accounts relating to the taxation of mulberry trees, whose leaves served as valuable fodder for silkworms.⁵⁷ The *brebion* also mentions inventories of the cathedral's revenues from wine and cereal production, though these have not survived. Guillou estimated that the 8,107 mulberry trees accounted for in the *brebion* would have brought in a revenue of approximately 521 gold *nomismata* or 2,085 gold *taria* per year, a considerable sum.⁵⁸ Moreover, the roll is not complete, and so the actual figure must have been higher. The verso side of the roll preserves a list of donations made in the 1050s and 1060s to the Greek cathedral of Oppido, also in southern Calabria, which paint the picture of a wealthy and well-endowed church.⁵⁹

It is in this period that we have the first surviving documentary evidence for SS Elias and Anastasios of Carbone in Lucania, the oldest Greek monastery of southern Italy to have preserved nomocanonical manuscripts (Vat. gr. 1980-1).⁶⁰ An act of donation of 1056 records a gift of land by one Leopardus and his daughter Helen to the church of the martyr Anastasios and to “the *kathegoumenos* Luke of Carbone, to have in possession, to sell or to give away according to the power and the rights received from us.”⁶¹ In 1059, Luke went on a pilgrimage to the Holy Land and named as his successor Blasios, “one of my brethren according to the flesh and spiritual sons of my humility and weakness.”⁶²

Carbone is located in the vicinity of Armento and documents from the early eleventh century mention several (probably small) monastic communities such as those of St Philip and of ‘the Archangel and the *Theotokos*’.⁶³ These may well have had a connection with or an inherited monastic culture from St Luke of Armento's original late tenth-century foundation. In his document of 1059, Luke of Carbone traces himself through a lineage of monastic disciples back to St Luke of Armento, though it is hard to be certain that the monastery of Anastasios itself had

⁵⁷ Text in André Guillou (ed.), *Le brébion de la métropole byzantine de Région (vers 1050)* (Vatican City: Biblioteca Apostolica Vaticana, 1974).

⁵⁸ Guillou, *Le brébion*, 2-16, 154.

⁵⁹ André Guillou (ed.), *La Théotokos de Hagia-Agathè (Oppido) (1050-1064/1065)* (Vatican City: Biblioteca Apostolica Vaticana, 1972), esp. 22-9.

⁶⁰ See chapter three, pp. 106-7. Carbone was known in Greek as *Karboune* (Καρβούνη).

⁶¹ “αφεροσα αυ(1) στην τη εμη θυγατερα ελενη εις το πασεπτω ναων το αγιου μρ αναστασιου [και] εις των καθηγουμ(ενον) κ⁰ λουκαν του καρβουνη του εχην αυτα εξουσαν, πουλην χαρηζην εις το κυρος [και] την αυθεντηαν παρ ιμον ηληφος [sic]”: *Carbone* 2.1.164-5 (no. 6).

⁶² “ενα των κατα σαρκα γνισιων μου αδελφων [και] πνικων τεκνων της εμης ουθενιας και μετριωτητος”: *Carbone* 2.1.50-4 (no. 7), at 53 ll. 52-3.

⁶³ *Carbone* 2.1.17-33 (nos. 1-3).

existed since his time, since all the monks named in between the two Lukes are associated with different foundations. It does seem, however, that these monasteries were effectively treated as possessions of their founders' families, a practice that ran counter to Byzantine as well as Western canon law.⁶⁴ Not only did Luke of Carbone will the monastery of St Anastasios to his kinsman Blasios, but the first two documents of Carbone's cartulary (from 1007 and 1041 respectively) record the *hegoumenoi* of St Philip and of the Archangel and the *Theotokos* appointing their own brothers to succeed them, while the latter also gave a church in Bari to some of his relatives.⁶⁵

Ultimately, the wealth of such ecclesiastical foundations – both Latin and Greek – would prove a tempting target for predatory Norman warlords. Their raids led a Greek priest of Rossano named Theodore to denounce the Normans as “atheist Franks” in a manuscript colophon of 1055/6.⁶⁶ The threat even brought the Byzantines, papacy and Holy Roman Empire together in a temporary alliance that would end in disaster in the Battle of Civitate in 1053. Pope Leo IX (r. 1049-1054), leading an army reinforced by Swabians sent from Germany, was defeated and captured by the Norman de Hautevilles and held hostage at Benevento. It is in the context of this reversal that we must view the notorious events of the following year in Byzantine-papal relations.

The So-Called ‘Schism’ of 1054

While the Byzantine emperor Constantine IX Monomachos (r. 1042-1055) and the *katepano* Argyrus had been attempting to build a coalition with the papacy against the Normans, the Patriarch of Constantinople, Michael Keroularios (1043-1059), was pursuing a policy of ecclesiastical uniformity that helped to create the conditions for conflict with Rome. Keroularios has often been portrayed rather unfairly in this regard: not only was Rome itself pursuing similar policies at the same time, but further conflict with the papacy over southern Italy was probably unavoidable anyway. After the Battle of Civitate, Pope Leo was at the mercy of the Norman de Hautevilles, who were keen to begin the conquest of Byzantine Italy.

Tensions rose following Norman attacks on Greek church property in southern Italy and rumours that Italo-Greeks were being forced to adopt Latin rite. This led the Byzantine Archbishop Leo of Ohrid in 1052 to write a letter to the Greek Archbishop John of Trani in Apulia in which he condemned the use of unleavened bread (*azyma*) in the Eucharist and fasting on Saturdays, both of which were viewed as correct practice in the West. Leo's language is that of ecclesiastical reform and correction; he tells John to “send [this letter] to the archpriests of the bishops of the thrones of Italy, and make them swear that everything will be corrected...”⁶⁷ In the eyes of the

⁶⁴ The practice directly contravenes II Nicaea c. 12 and *Protodeutera* c. 1, 6.

⁶⁵ It seems to have been a widespread phenomenon not only in the area of Carbone but throughout Byzantine Italy; for further examples, see André Guillou, “La classe dei monaci-proprietari nell’Italia bizantina (sec. X-XI). Economia e diritto canonico,” *Bullettino dell’Istituto Storico Italiano per il Medio Evo* 82 (1970): 159-72.

⁶⁶ “ἄθεοι Φράγγοι”: Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 2082, fol. 167^r. See Santo Lucà, “Rossano, il Patir e lo stilo rossanese,” *Rivista di studi bizantini e neoellenici* 22-3 (1985-1986): 93-170, at 135, n. 202; also Santo Lucà, “I Normanni e la ‘rinascita’ del sec. XII,” *Archivio storico per la Calabria e la Lucania* 60 (1993): 1-91, at 16. The term ‘Franks’ here denotes the Normans in particular (as was common in eleventh-century Byzantine usage) and not ‘French’ or ‘Westerners’ more generally.

⁶⁷ “καὶ ἀπόστειλε τοῖς ἀρχιεροῦσι τῶν ἐπισκόπων τῶν κατὰ τὴν Ἰταλίαν θρόνων, καὶ ὄρκιζε αὐτοὺς διορθώσασθαι ἅπαντας...”: *PG* 120.836-44, at 844.

papacy, however, the idea of a Byzantine bishop correcting practices that the Western church already considered to be orthodox was offensive, particularly since Rome believed that it had jurisdiction in southern Italy and primacy over the whole Church. This was to lead to the infamous visit of Cardinal Humbert of Silva-Candida to Constantinople in 1054 and the debate with Patriarch Michael Keroularios (1043-1059) over liturgical differences and papal primacy.

There is no need to dwell at length on the ‘schism’ of 1054 here (it has been dealt with in many other accounts), though it is worthwhile to say a few words about its long-term significance.⁶⁸ The first point to note is that it was not a schism: the excommunications of Michael Keroularios and Cardinal Humbert of Silva-Candida were personal in nature, not extending to their respective churches, and were in any event short-lived. Secondly, Pope Leo died soon after the legates had arrived in Constantinople, meaning that their actions had no legal force. Thirdly, it was quickly forgotten. In 1089, having received an appeal from Pope Urban II (r. 1088-1099) for unity between the churches of Rome and Constantinople, the Byzantine emperor Alexios I Komnenos (r. 1081-1118) wrote to the patriarchal synod instructing it to restore the name of the Roman pope to the commemorative diptychs. The letter reveals no awareness at all of the conflict between Humbert and Keroularios: “It was not by a synodal decision or judgment that the church of Rome was cut off from our communion, but *by mistake, as it would seem...*”⁶⁹ Though there is undoubtedly a degree of diplomatic phrasing at work in this implausibly naïve explanation, one would surely expect some mention of the events of 1054 if they were as significant as historians later thought they were. Moreover, if the Byzantines were forgetful of Humbert’s legation to Constantinople, not a single surviving Greek text produced in southern Italy even mentions it.

The Norman Conquest

At any rate, hopes of an anti-Norman alliance between Byzantium and the papacy were dashed. At the Council of Melfi in 1059, Pope Nicholas II (r. 1059-1061) invested the Norman Robert ‘Guiscard’ de Hauteville as Duke of Apulia, Calabria and Sicily, thus making him a papal vassal. These areas were of course under Byzantine and Islamic control at the time, so the investiture amounted to a papal blessing for the Norman conquest of southern Italy. Calabria fell rapidly, with Reggio in Norman hands by the end of 1060; Apulia and Sicily soon followed. The last Byzantine city in southern Italy, Bari, was captured by the Normans in 1071, while Muslim Palermo was conquered the following year. The Islamic emirate of Sicily had become too fractured by civil war to mount any effective resistance, while Byzantine forces were heavily engaged against the Seljuq

⁶⁸ See in particular the classic narrative in Steven Runciman, *The Eastern Schism: A Study of the Papacy and the Eastern Churches during the XIth and XIIth Centuries* (Oxford: Oxford University Press, 1955), 28-54.

⁶⁹ “οὐδὲ γὰρ ἀπὸ κρίσεως συνοδικῆς καὶ διαγνώσεως τὴν ἐκκλησίαν τῆς Ῥώμης ἀπορραγῆναι τῆς πρὸς ἡμᾶς κοινωρίας, ἀλλ’ ἀσυντηρήτως, ὡς ἔοικεν, τὸ τοῦ πάπα μὴ φέρεσθαι ὄνομα”: Walther Holtzmann, “Die Unionsverhandlungen zwischen Kaiser Alexios I. und Papst Urban II. im Jahre 1089,” *Byzantinische Zeitschrift* 28 (1928): 38-67, at 60 (no. 2). Though it is impossible to say with certainty why the pope’s name had been removed from the Constantinopolitan diptychs, it is likely that it occurred in connection with the Norman conquest of southern Italy or with Robert Guiscard’s attempt to usurp the Byzantine throne in 1081-1085. Ultimately the correspondence came to nothing; Patriarch Nicholas III requested a systatic letter from Urban II containing a profession of faith so that the Constantinopolitan synod could decide on his orthodoxy, but the idea of foreign bishops judging the pope had become unthinkable in Rome by the late eleventh century.

Turks in the Middle East. In the same year that the Normans captured Bari, the Byzantines suffered a devastating defeat to the Seljuq Sultan Alp Arslan at the Battle of Manzikert, leading to a near-collapse of the empire and the loss of Armenia, Syria and most of Asia Minor. No Byzantine troops would set foot in Italy again until the 1150s.

As the Normans conquered Greek-speaking territories they gradually came to replace many Greek bishops with Latin ones (predominantly from France and Normandy), though the initial concentration was on major metropolitan sees.⁷⁰ Otranto in Apulia had a Latin bishop as early as 1067, while most other formerly Byzantine sees had Latin incumbents by the mid-twelfth century. The Byzantines continued for a time to appoint their own bishops to these dioceses, although they were unable to physically visit them. However, this was not part of an effort to eradicate the Greek rite or to 'latinise' the region; as Graham Loud has pointed out, the Normans usually waited until a bishop died and the see became vacant.⁷¹ French or Norman bishops were generally preferred because the Greek ones were appointed by the Patriarchate of Constantinople. This was problematic not only for the papacy, which claimed jurisdiction over southern Italy, but also for the Normans, as Greek bishops might be expected to act as a fifth column on behalf of the Byzantine emperor. In one notable case in 1079, Patriarch Kosmas I of Constantinople (1075-1081) appointed a bishop named Basil to the metropolis of Reggio to succeed the recently deceased Greek incumbent, but he was unable to take up his see owing to the hostility of the Normans. He later met Pope Urban II at Melfi in 1089 and demanded to be admitted to his see after it had fallen vacant again; Urban in fact agreed to the request on condition that Basil submit himself to papal authority, but he was not prepared to do so.⁷²

In some cases, such as at Rossano in 1094, the local Greek population put up so much resistance to the installation of Latin hierarchs that the Normans were forced to relent.⁷³ In other cases the Normans do not seem to have tried at all; sees such as Gallipoli, Bova, Oppido, and S. Severina all retained Greek incumbents at least through the course of the twelfth century and in some cases until the fourteenth.⁷⁴ Moreover, even after a see gained a Latin bishop, that did not always entail the adoption of the Latin rite. For example, the cathedral of Gerace retained the Greek rite until

⁷⁰ On the fate of the diocesan structure of Byzantine Italy after the Norman conquest, see Norbert Kamp, "Vescovi e diocesi nell'Italia meridionale nel passaggio dalla dominazione bizantina allo Stato normanno," in *Forme di potere e struttura sociale in Italia nel Medioevo*, ed. Gabriella Rossetti (Bologna: Il mulino, 1977), 379-97, at 384-8; Annick Peters-Custot, "Les remaniements de la carte diocésaine de l'Italie grecque lors de la conquête normande: une politique de latinisation forcée de l'espace? (1059-1130)," in *Pouvoir et territoire I. Antiquité-Moyen Âge: actes du colloque organisé par le CERHI, Saint-Etienne, 7 et 8 novembre 2005* (Saint-Etienne: Publications de l'université de Saint-Etienne, 2007), 57-78.

⁷¹ Loud, *Latin Church*, 498.

⁷² See Daniel Stiernon, "Basile de Reggio, le dernier métropolitain grec de Calabre," *Rivista di Storia della Chiesa in Italia* 18 (1964): 189-208. See also Peter Herde, "The Papacy and the Greek Church in Southern Italy between the Eleventh and the Thirteenth Century," in *The Society of Norman Italy*, edd. Graham A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 213-51, at 220-3.

⁷³ Malaterra, *De rebus gestis*, 4.22 (p. 100).

⁷⁴ See Dieter Girgensohn, "Dall'episcopato greco all'episcopato latino nell'Italia meridionale," in *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. - 4 Magg. 1969)* (Padua: Antenore, 1973), 1.25-43, esp. 33-7.

1480, Gallipoli until 1513, Rossano until c.1570, and Bova until 1573.⁷⁵ Even when a cathedral adopted the Latin rite, the language of local churches in Greek-speaking areas almost always remained Greek, as did the clergy.

On the island of Sicily, where the Normans enjoyed much greater freedom of action, they imposed an entirely new Latin hierarchy, of which the majority were of French origin.⁷⁶ Nonetheless, it is interesting to note that Muslim Sicilians who converted to Christianity after the Norman conquest appear to have opted predominantly for the Greek rather than the Latin rite.⁷⁷ Some historians, such as David Abulafia, have found this to be strange.⁷⁸ Nonetheless, it makes good sense when one recalls that the local Christians of Sicily during the Norman period were themselves of the Greek rite. Many of the island's Muslims (or their ancestors) would have originally converted to Islam from Greek Christianity, and inter-marriage between the communities was not unusual, according to Ibn Hawqal.⁷⁹ The Greek rite would have seemed far less foreign to a Sicilian Muslim than the Latin rite.

It would be overly simplistic, however, to view Latin-rite Christians in southern Italy as a cultural monolith in opposition to the Greeks. There is, in fact, some evidence that (Latin-rite) Lombards felt closer to their Greek neighbours than to their Norman co-religionists from northern France. As Hubert Houben has observed for Venosa in northern Lucania, local Lombards made more donations to the nearby Greek monastery of St Nicholas of Morbano than they did to the new Norman foundation of the Holy Trinity.⁸⁰ Moreover, the Normans themselves often caused as much trouble to Latin-rite churches as they did to Greek ones. For example, in a document of 1063, a group of six Norman nobles declare to Robert Guiscard that they have heeded the recriminations of several archbishops and restored monastic property that they had usurped from Abbot Ursus (a Latin-rite Lombard) of Banzi in Apulia, including two fisheries and the monastery building itself.⁸¹

⁷⁵ See Roberto Weiss, "The Greek Culture of South Italy in the Later Middle Ages," *Proceedings of the British Academy* 37 (1951): 23-50, at 30-1. Gerace was known in Greek as *Hagia Kyriake* (Ἁγία Κυριακή) and Bova as *Bouas* (Βούας).

⁷⁶ See Norbert Kamp, "I vescovi siciliani nel periodo normanno: origine sociale e formazione spirituale," in *Chiesa e società in Sicilia. L'età normanna. Atti del I Convegno internazionale organizzato dall'arcidiocesi di Catania, 25-27 novembre 1992*, ed. Gaetano Zito (Turin: Società Editrice Internazionale, 1995), 63-89, at 64-7; Vera von Falkenhausen, "The Graeco-Byzantine Heritage in the Norman Kingdom of Sicily," in *Norman Tradition and Transcultural Heritage: Exchange of Cultures in the 'Norman' Peripheries of Medieval Europe*, edd. Stefan Burckhardt and Thomas Foerster (Aldershot: Ashgate, 2013), 57-77, at 65.

⁷⁷ Jeremy Johns, "The Greek Church and the Conversion of Muslims in Norman Sicily?" *Byzantinische Forschungen* 21 (1995): 133-57, esp. 144-9.

⁷⁸ "Already in the twelfth century there was a stream of Muslim converts, though many, strangely enough, became Greek Orthodox rather than Latins": David Abulafia, *Frederick II: A Medieval Emperor* (London: Penguin, 1988), 144. As highlighted in White, "Byzantinisation," 5-7, the church in Sicily already followed the Greek rite before the beginning of the Islamic conquests in the seventh century.

⁷⁹ Metcalfe, *Muslims and Christians*, 15-17.

⁸⁰ Hubert Houben, "L'espansione del monachesimo latino in Lucania dopo l'avvento dei Normanni," in *Il monastero di S. Elia di Carbone e il suo territorio dal Medioevo all'Età Moderna. Nel millenario della morte di S. Luca Abate. Atti del Convegno internazionale di studio promosso dall'Università degli Studi della Basilicata in occasione del Decennale della sua istituzione (Potenza-Carbone, 26-27 giugno 1992)*, edd. Cosimo D. Fonseca and Antonio Lerra (Potenza: Congedo, 1994), 111-30, at 113-4.

⁸¹ Léon-Robert Ménager (ed.), *Recueil des actes des ducs normands d'Italie (1046-1127). I. Les premiers ducs (1046-1087)* (Bari: Grafica Bigiemme, 1980), 47-60 (no. 12).

Even so, once the period of conquest had passed and the de Hauteville family had begun to rein in troublesome Norman nobles, there is surprisingly little evidence for religious tension. Latin- and Greek-rite Christians in southern Italy frequently made donations to one another's churches and monasteries. At the monastery of Kyr-Zosimos in Lucania it would seem that Greek and Latin monks even lived alongside one another in the eleventh and twelfth centuries, as had happened at SS Alexios and Boniface in Rome in the tenth.⁸² It is true that several Greek monasteries were granted to Latin abbeys, most notably to Venosa, Cava, and Montecassino, though this does not mean that they ceased to be Greek; indeed, in most cases it was probably beneficial for their long-term survival as it provided them with a network of economic and administrative support that they might have otherwise lacked.⁸³ Many Greek monasteries also acquired new subject houses, and while it was unusual for a Latin institution to be subjected to a Greek one, it did happen in at least one instance: in 1124, a Latin convent in Taranto was placed under the administration of the Greek *hegoumenos* Neilos of Carbone after its abbess, the nun Aloysia, went on a pilgrimage to Jerusalem.⁸⁴

Having consolidated his family's rule over Sicily, Calabria, and Apulia, Robert Guiscard turned his attention to affairs in Constantinople. In 1081, he launched an invasion of the mainland Byzantine Empire on the pretext of restoring the deposed Michael VII Doukas (*r.* 1071-1078) to the throne. Though the war was a failure, the Byzantines were in no position to try to retake southern Italy. This removed a significant obstacle to good relations between Rome and Constantinople. With the accession of Pope Urban II in 1089 (a much more conciliatory pope than many of his predecessors), the stage was set for the friendly correspondence between pope and emperor mentioned above.⁸⁵ Although negotiations towards church union would ultimately prove lengthy and intractable, Urban's enthusiasm to support Greek and other Eastern Christians was to be a major factor in the decision to launch the First Crusade in 1095.⁸⁶

Italo-Greek Monastic Foundations and Norman Patronage

The last decade of the eleventh century in southern Italy saw a flourishing of Greek monastic institutions that would last for much of the Middle Ages and, in some cases, until the nineteenth century. Far from suffering as a result of the Norman conquest, Greek churches and monasteries enjoyed a new wave of patronage in the years of peace that followed. To be more precise, it was not the founding of new monasteries that was novel; the tenth and earlier eleventh centuries had also seen many new foundations. The difference was that many of the Norman-era foundations were put on a firmer institutional footing and had much greater economic security, with the result that they had a higher chance of long-term survival.

⁸² Hubert Houben, *Mezzogiorno normanno-svevo: monasteri e castelli, ebrei e musulmani* (Naples: Liguori, 1996), 40. Kyr-Zosimo had a population of Greek monks but had Latin priors appointed by the abbey of Cava.

⁸³ See Loud, *Latin Church*, 506-8.

⁸⁴ *Carbone* 2.1.141-5 (no. 28).

⁸⁵ See above, p. 33. For further details on this correspondence, see Holtzmann, "Die Unionsverhandlungen," 38-59.

⁸⁶ See Peter Charanis, "Byzantium, the West, and the Origin of the First Crusade," *Dumbarton Oaks Papers* 19 (1949): 17-36. Although Urban's efforts to defend Eastern Christians were well-intentioned, the Byzantines did not share his enthusiasm for crusading.

There were several notable new monastic foundations of the 1090s such as St Bartholomew of Trigona in southern Calabria (c.1095), the *Nea Hodegetria* (known colloquially as the '*Patiron*') of Rossano in northern Calabria (c.1095), and St Nicholas of Casole in the Salento peninsula (1098).⁸⁷ In many cases these monasteries enjoyed Norman patronage from the very beginning. St Bartholomew of Trigona (source of Barb. gr. 323), for instance, was built on land donated in c.1095 by Robert "Φίλραοῦ" (*fils de Raoul*), the Norman lord of Sinopoli. As Vera von Falkenhausen has pointed out, only one of the patrons mentioned in the surviving documentation of the monastery was a Greek: Niketas the *komes kortes*; the other thirteen were all members of the Norman nobility.⁸⁸

The Papacy and the Italo-Greeks

The close of the eleventh century saw the formalisation of the relationship between the Italo-Greeks and their new ecclesiastical head in Rome at the Council of Bari in October 1098.⁸⁹ Given the revolution in ecclesiastical governance that occurred in the Latin church from the eleventh to the thirteenth centuries, it is often surprising to see how little the papacy concerned itself with its new Greek Christian flock in southern Italy in this period. This impression is partly a consequence of poor source survival, but it is also a reflection of the fact that Rome's relationship with the Italo-Greeks in the Middle Ages was constrained by its diplomacy with the secular rulers of southern Italy on the one hand and with Constantinople on the other.

Although Pope Urban's attempts at rapprochement with the Byzantine church in 1089 had not borne fruit, the declaration in 1096 of the First Crusade put the matter of church union back on the papal agenda. The great 'pilgrimage' did not just aim to recover Jerusalem for Christendom; it also aimed to defend Eastern Christians from the depredations of the Seljuq Turks. The Council of Bari was directly related to this effort, as it was intended to settle various theological and liturgical differences between Latins and Greeks in preparation for their prospective future unity. Unfortunately, the sources for this council are surprisingly limited; no conciliar acts survive, while there are only brief references in Latin narrative texts and some letters. No Greek or Byzantine source mentions it.⁹⁰ In practice, the only Greek bishops and clergy to attend the council were those under papal jurisdiction in southern Italy, meaning that any efforts at church union served

⁸⁷ On St Bartholomew of Trigona, see Vera von Falkenhausen, "S. Bartolomeo di Trigona: storia di un monastero greco nella Calabria normanno-sveva," *Rivista di studi bizantini e neoellenici* 36 (1999): 93-116. On the *Patiron* of Rossano, see Pierre Batiffol, *L'abbaye de Rossano. Contribution à l'histoire de la Vaticane* (Paris: Picard, 1891), 1-32. On St Nicholas of Casole, see Oronzo Mazzotta, *Monaci e libri greci nel Salento medievale* (Novoli: Bibliotheca Minima, 1989), 25-38. The term '*Patiron*' appears to be a corruption of the Greek word for father, 'πατήρ'.

⁸⁸ Falkenhausen, "S. Bartolomeo di Trigona," 105.

⁸⁹ The account in Bernard Leib, *Rome, Kiev et Byzance à la fin du XIe siècle. Rapports religieux des Latins et des Gréco-Russes sous le pontificat d'Urbain II (1088-1099)* (Paris: Picard, 1924), 287-95 remains useful. See also Annick Peters-Custot, *Les grecs*, 236-8.

⁹⁰ For an overview and discussion of sources for the Council of Bari, see Carmelo Capizzi, "Il Concilio di Bari (1098): riflessi e silenzi nella tradizione bizantina e nella storiografia orientale," in *Il Concilio di Bari del 1098. Atti del Convegno Storico Internazionale e celebrazioni del IX Centenario del Concilio*, edd. Salvatore Palese and Giancarlo Locatelli (Bari: Edipuglia, 1999), 69-90, at 69-72.

more to settle affairs in newly conquered Norman territories than they did to reconcile the Eastern churches.

The council appears to have confirmed the precedent set by Urban's dealings with Basil of Reggio at Melfi in 1089: Italo-Greeks could continue to follow Byzantine rites and teachings as long as they subjected themselves to the papacy and did not condemn Latin customs. The only doctrinal matter to be addressed by the council was the controversy over the Latin insertion of the word "*Filioque*" into the Nicene Creed. The pope instructed St Anselm of Canterbury, exiled from England by William Rufus, to overcome the Italo-Greeks' objections to it. Anselm's biographer Eadmer gives the impression that the saint convinced the Italo-Greeks to follow the Latin version of the Creed, but in reality they continued to use the original formulation without the *Filioque* for several centuries to come.⁹¹ There does not seem to have been any effort to compel the Italo-Greeks to accept the Latin doctrine on the Holy Spirit.

Just as significant for the Italo-Greeks, however, was a papal bull of July 1098.⁹² Following a brief dispute between Urban II and Count Roger I over the pope's right to appoint legates in the county of Sicily, Urban agreed to ask for Roger's permission when appointing legates in future. Moreover, the pope even consented to allow Roger himself to oversee the administration of the church in Sicily. This was quite a remarkable move: no other Christian ruler in Western Europe was ever granted legate powers to administer the church in his realm directly. "And," as Loud put it, "neither Roger I nor Roger II were very restrained in their interpretation of this power."⁹³

In theory this concession was supposed to be temporary and contingent, but in practice it would provide a theoretical sanction for future kings of Sicily to claim the right to govern their church without papal interference. This had a twofold relevance for the Italo-Greeks: firstly, it set up the Norman ruler of Sicily as a barrier between them and the papacy; secondly, it allowed the count (and later king) of Sicily to adopt a relationship to Greek churches and monasteries that strongly resembled that between the Byzantine emperor and his church. This would prove to be of enormous consequence in the twelfth and thirteenth centuries.

3. *The Norman Realm and the Italo-Greek 'Renaissance' (1098-1189)*

In his influential work on the *Patiron* monastery of Rossano, Pierre Batiffol stated that, "We know now that the Norman conquest, far from suppressing the Hellenism of *Magna Graecia*, on the

⁹¹ Eadmer, *The Life of St Anselm, Archbishop of Canterbury*, ed. Richard W. Southern (Oxford: Oxford University Press, 1972), 414-6. As Herde has commented, the Creed was still being recited without the *Filioque* in the diocese of Brindisi as late as the 1570s: Herde, "The Papacy," 235. For details, see Vittorio Peri, "La Congregazione dei Greci (1566-1596) e i suoi primi documenti," *Studia Gratiana* 13 (1967): 129-256, at 234-5, 254.

⁹² Text in *IP* 10.338 (no. 20); see also Malaterra, *De rebus gestis* 4.29 (pp. 106-8). For discussion, see in particular Edouard Jordan, "La politique ecclésiastique de Roger I et les origines de la 'légation sicilienne'," *Le Moyen Âge* 33 (1922): 237-72, 34 (1923): 32-65; also Graham A. Loud, *The Age of Robert Guiscard: Southern Italy and the Norman Conquest* (Harlow: Longman, 2000), 231-3.

⁹³ Graham A. Loud, "Royal Control of the Church in the Twelfth-Century Kingdom of Sicily," *Studies in Church History* 18 (1982): 147-59, at 148.

contrary gave it the chance for a renaissance...”⁹⁴ This is not the same as the more famous ‘Twelfth-Century Renaissance’ of which Charles Homer Haskins wrote, although it was notionally contemporaneous.⁹⁵ Batiffol noticed a dramatic increase in the number of surviving Italo-Greek manuscripts from the twelfth century onward and took it to be a sign of a Greek cultural revival in southern Italy. Most modern scholars have disagreed with this analysis, either rejecting the term ‘renaissance’ outright or using it only with significant caveats.⁹⁶ Nonetheless, although Batiffol’s view has not found favour among historians, it has been highly influential in shaping scholarly discourse.

I employ the expression ‘Italo-Greek renaissance’ advisedly. So little material survived the disruption of the late eleventh century that the apparent burst of copying activity in the twelfth may be a mirage. Was it a genuine increase in production, or does it just look like that because so much pre-twelfth-century evidence has been lost? Furthermore, one should emphasise that surviving manuscripts are primarily monastic in character, with relatively few produced by non-monastic scribes (although this too may be a mirage). Nonetheless, the relative stability and prosperity of the era (compared to the tenth and eleventh centuries) evidently did create an environment more conducive to the *preservation* of Greek codices than the preceding centuries. When I speak of ‘renaissance’, I do not do so with any implicit cultural judgments or assumptions, but use it to refer to the more stable environment that was characteristic of the twelfth century.

A Monastic Renaissance?

Italo-Greek monasteries were obvious beneficiaries of the new state of affairs under Norman rule, a fact attested by the emergence of wealthy and influential archimandrites in Rossano, Messina, and Carbone, not to mention various other independent houses. These were admittedly exceptional cases – most monasteries were smaller and poorer – but their growth created the conditions for a

⁹⁴ “On comprend maintenant que la conquête normande, loin d’étouffer l’hellénisme de la Grande-Grèce, ait été au contraire pour lui l’occasion d’une renaissance, et lui ait procuré deux siècles d’une vie intense encore et très largement nationale”: Pierre Batiffol, *L’abbaye de Rossano. Contribution à l’histoire de la Vaticane* (Paris: Picard, 1891), xxvii.

⁹⁵ Charles Homer Haskins, *The Renaissance of the Twelfth Century* (Cambridge, MA: Harvard University Press, 1927). The concept of a ‘Twelfth-Century Renaissance’ was originally coined by Jean-Jacques Ampère, *Histoire littéraire de la France avant le douzième siècle*, 3 vols. (Paris: Hachette, 1839-1840), 3.457.

⁹⁶ Ménager in particular took issue with the idea of a Greek cultural revival, calling it merely “un effort désespéré pour survivre”: Léon-Robert Ménager, “Points de vue sur l’étude des institutions byzantines en Italie méridionale,” *Archivio storico pugliese* 12 (1959): 47-52, at 50. Lucà does not reject it completely, but comments that “questa ‘rinascita’, ad ogni modo, fu caduca, effimera, priva di slanci vitali e creativi...”: Santo Lucà, “I Normanni e la ‘rinascita’ del sec. XII,” *Archivio storico per la Calabria e la Lucania* 60 (1993): 1-91, at 88. Perria took a similarly pessimistic view, remarking that “la cultura bizantina in Italia si reduce in gran parte a un’esistenza asfittica, priva di fermenti rinnovatori...”: Lidia Perria, “Libri e scritture del monachesimo italo-greco nei secoli XIII e XV,” in *Libro, scrittura, document della civiltà monastica e conventuale nel basso medioevo (secoli XIII-XV). Atti del Convegno di studio. Fermo (17-19 settembre 1997)*, edd. Giuseppe Avarucci, Rosa Marisa Borraccini Verducci, and Giammarco Borri (Spoleto: CISAM, 1999), 99-132, at 104. Peters-Custot, *Les grecs*, 421-9 takes a less negative view of the ‘Italo-Greek renaissance’, but does emphasise that it appears to have been largely confined to monasteries.

flourishing of literary output and manuscript production. Paul Canart referred to the years between 1100 and 1180 as “the *belle époque* of Rossanese [book] production and its extension to Sicily.”⁹⁷

The rapid expansion of the *Patiron* monastery of Rossano is emblematic of this trend.⁹⁸ Having been founded in the 1090s by St Bartholomew of Simeri, it quickly grew in size and wealth and took a number of other monasteries under its control.⁹⁹ In c.1105 the *Patiron* received a bull of exemption from Pope Paschal II (r. 1099-1118) that removed it from episcopal oversight and placed it under direct papal jurisdiction.¹⁰⁰ Nonetheless, the monastery remained closely tied to Byzantine culture. According to Bartholomew’s *Life*, he soon afterwards received permission from Countess Adelaide (Roger II’s mother and regent) to travel to Constantinople to acquire liturgical books and vessels for the monastery. There he was fêted by Emperor Alexios I Komnenos and his wife Irene, “for they were guiding the reins of the Roman [i.e. Byzantine] Empire in a most orthodox fashion at the time.”¹⁰¹ A nobleman named Basil Kalimeres even invited him to reform a monastery on Mount Athos dedicated to St Basil; the *Life* claims that the monastery became known as ‘*tou Kalabrou*’ (‘of the Calabrian’) as a result, although an Athonite document of 1080 shows that it already had this epithet before Bartholomew arrived.¹⁰² Presumably the monastery had a pre-existing connection with Calabria, which would explain why Kalimeres sent him there. On his return to Italy, Bartholomew brought back a number of manuscripts that would serve as models for Rossanese scribes to copy.¹⁰³

Sources for the Italo-Greek episcopate in the twelfth century are much rarer than those for monasticism. The Normans had installed an entirely new Latin hierarchy on Sicily (mostly composed of French-born bishops), and so the remaining Greek bishops were all based on the mainland, concentrated in Calabria and the Salento peninsula.¹⁰⁴ Italo-Greek bishops participated

⁹⁷ “On notera une autre période ‘explosive’, qui correspond à la belle époque de la production rossanienne et à son extension à la Sicile.”: Paul Canart, “Le livre grec en Italie méridionale sous les règnes normands et souabe: aspects matériels et sociaux,” *Scrittura e civiltà* 2 (1978): 103-62, at 111.

⁹⁸ For more detail on this subject, see James Morton, “Latin Patrons, Greek Fathers: St Bartholomew of Simeri and Byzantine Monastic Reform in Norman Italy, 11th-12th Centuries,” *Allegorica* 29 (2013): 20-35.

⁹⁹ Gaia Zaccagni (ed.), “Il *Bios* di San Bartolomeo da Simeri (BHG 235),” *Rivista di studi bizantini e neoellenici* 33 (1996): 205-74, at 17.1-14 (pp. 216-7).

¹⁰⁰ Zaccagni, “Il *Bios*,” 21 (p. 219). For further discussion, see chapter three, pp. 99-102.

¹⁰¹ “οὔτοι γὰρ τῷ τότε τοὺς οἰακὰς τῆς τῶν Ῥωμαίων βασιλείας ὀρθοδοξότατα ἴθουνον”: Zaccagni, “Il *Bios*,” 25.10-11 (p. 222).

¹⁰² See Agostino Pertusi, “Monasteri e monaci italiani all’Athos nell’alto medioevo,” in *Le Millénaire du Mont Athos (963-1963). Études et Mélanges* (Chevetogne: Éditions de Chevetogne, 1963-1964), 2.217-51, at 238-41. A *hypomnema* of the Protos Paul to the monastery of Iviron in 1080 mentions a “μονὴ τοῦ Καλαβροῦ”: *Iviron* 2.1.139 l. 35. An act of donation of 1108 in favour of the Great Lavra includes among its signatories “Ἰγνάτιος μοναχὸς καὶ ἡγούμενος τῆς μονῆς τοῦ ὁσίου πατρὸς ἡμῶν Βασιλείου τῶν Καλαβρῶν”: *Lavra* 1.1.299 l. 79. The latter document also bears the signature of a “Ἰωάννης μοναχὸς καὶ ἡγούμενος τοῦ Σικελοῦ” (see above, p. 27).

¹⁰³ See in particular Gastone Breccia, “Dalla ‘regine delle città’. I manoscritti della donazione di Alessio Comneno a Bartolomeo da Simeri,” *Bollettino della Badia greca di Grottaferra* 51 (1997): 209-24. Note, however, that Breccia incorrectly dated the donation to before the foundation of the *Patiron* monastery, which he subsequently acknowledged: Mario Re, “Sul viaggio di Bartolomeo da Simeri a Costantinopoli,” *Rivista di studi bizantini e neoellenici* 34 (1997): 71-6; Gastone Breccia, “Alle origini del Patir. Ancora sul viaggio di Bartolomeo da Simeri a Costantinopoli,” *Rivista di studi bizantini e neoellenici* 35 (1998): 37-43.

¹⁰⁴ Norbert Kamp, “I vescovi siciliani nel periodo normanno: origine sociale e formazione spirituale,” in *Chiesa e società in Sicilia. L’età normanna. Atti del I° Convegno internazionale organizzato dall’Arcidiocesi di Catania, 25-27 novembre 1992*, ed. Gaetano Zito (Turin: Società editrice internazionale, 1995), 63-89, at 64-7.

in a number of church councils relating to the investiture contest between Paschal II and Henry V (r. 1099-1125) such as the Synod of Guastalla in 1105 (at which the Greek metropolitan of S. Severina was present) and the Lateran Council of 1112, where the Greek bishops of Rossano, S. Severina and Cerenzia were in attendance.¹⁰⁵ Though the acts of the Lateran Council of 1123 do not survive, there is no reason to think that Italo-Greek bishops were not also present there. The subjects of these councils, most notably the relationship between the ecclesiastical and secular authority, would prove to be of great relevance for papal relations with southern Italy.¹⁰⁶

The King of Sicily and the Church

Following the death of Count Roger I in 1101 and his elder son Simon in 1105, Roger II ruled the County of Sicily as a minor until 1112. When his cousin, the childless Duke William II of Apulia and Calabria, died in 1127, Roger claimed all the de Hauteville family lands and their dependents in southern Italy. He next took advantage of a split papal election between Innocent II (r. 1130-1143) and the antipope Anacletus II (r. 1130-1138), receiving a royal crown from the antipope in 1130. Though the Second Lateran Council of 1139 excommunicated Roger for his support of Anacletus, he managed to undo this sentence by capturing Innocent in battle at Galluccio. The resulting Treaty of Mignano of 1139 forced the pope to recognise the new Kingdom of Sicily on the entirely spurious grounds that it had previously existed in ancient times.¹⁰⁷ Roger consolidated his royal authority with the promulgation (c.1140) of a legal code traditionally known as the 'Assizes of Ariano', though, as Kenneth Pennington has argued, it would be more accurate to use the term *Constitutions*.¹⁰⁸ This was the first systematic attempt to codify royal legislation anywhere in Western Europe and was influenced by Byzantine traditions of legal codification, as Brandileone showed.¹⁰⁹

Roger's ecclesiastical policy also had parallels to that of the Byzantine world. A number of scholars have already highlighted his extensive use of the motifs of Byzantine rulership, a point demonstrated perhaps most clearly by the mosaic depiction of the king in the Palermitan church of S. Maria dell'Ammiraglio in the attire and pose of a Byzantine emperor.¹¹⁰ As Hubert Houben

¹⁰⁵ Mansi 19.610, 21.51, 70. See Francesco Russo, "La partecipazione dei vescovi calabro-greci ai concili (sec. VI-XIV)," in *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)* (Padua: Antenore, 1973), 2.781-92, at 789.

¹⁰⁶ Indeed, the eighth canon of the First Lateran Council of 1123 forbids attacks on Benevento, an unusually specific law that derived from papal anxiety about the steadily consolidating Norman power in the south: Mansi 21.284.

¹⁰⁷ *PL* 179.478-9. A subsequent attempt by Innocent in 1143 to renounce the treaty would be thwarted yet again by Norman military action.

¹⁰⁸ Kenneth Pennington, "The Birth of the *Ius commune*: King Roger II's Legislation," *Rivista internazionale del diritto comune* 17 (2006): 1-40, at 36.

¹⁰⁹ As Brandileone demonstrated, Roger's *Constitutions* of 1140 derived aspects such as the punishment of adulteresses from the *Basilika* (not directly from Justinianic law): Francesco Brandileone, "Il diritto greco-romano nell'Italia meridionale sotto la dominazione normanna," *Archivio Giuridico* 36 (1886): 63-101, 238-91 (repr. in *Scritti di storia giuridica dell'Italia meridionale*, ed. Carlo G. Mor [Bari: Società di Storia Patria per la Puglia, 1970], 213-313, at 285-7). See also Benjamin Z. Kedar, "On the Origins of the Earliest Laws of Frankish Jerusalem: The Canons of the Council of Nablus, 1120," *Speculum* 74.2 (1999): 310-335, at 321.

¹¹⁰ See e.g. Hubert Houben, *Roger II of Sicily: A Ruler between East and West*, trans. Graham A. Loud and Diane Milburn (Cambridge: Cambridge University Press, 2002), 98-135, esp. 114-6. In spite of the poor translation into English, Stergios Laitzos, "'Imitatio Basilei'?: The Ideological and Political Construction of the Norman Kingdom of

has discussed, the royal chancery and administration was for the most part Greek, while Roger's only surviving golden bull (a privilege for the monastery of Cava in 1131) depicts the king in Byzantine imperial regalia.¹¹¹ This emulation was not an innovation of Roger's but a continuation of a trend dating back to the eleventh century. Robert Guiscard, for instance, had commemorated his capture of Salerno in 1076 by issuing bronze coins (*folleis*) that depicted him in Byzantine imperial regalia.¹¹²

The Norman royal patronage of Greek monastic institutions serves as an excellent example of this emulation of the Byzantine emperors. Count Roger I had already exempted several Greek monasteries in Sicily from the control of the Latin episcopate as early as the 1080s.¹¹³ In 1130, soon after his creation of the Kingdom of Sicily, Roger II invited St Bartholomew of Simeri (founder of the *Patiron* monastery of Rossano) to establish a new monastery under royal protection at Messina; its first *hegoumenos* was Luke, one of Bartholomew's disciples.¹¹⁴ The Holy Saviour of Messina was put at the head of an archimandrite directly overseeing twenty-two *metochia* and exercising disciplinary and spiritual authority over another sixteen Greek monasteries that were free to elect their own abbots. These had all previously been under episcopal authority. The archimandrite was independent of the ecclesiastical hierarchy and received its own jurisdictional rights directly from the king, who refers to it repeatedly as "our monastery" in his various diplomas.¹¹⁵

Sicily in the 12th Century," in *The Eastern Roman Empire and the Birth of the Idea of State in Europe*, edd. Spyridon Flogaitis and Antoine Pantélis (London: Esperia, 2003), 227-47 provides a good overview of the subject.

¹¹¹ Houben, *Roger II*, 119. On the composition of Roger's chancery and the extensive use of Greek in administrative documents, see Vera von Falkenhausen, "I funzionari greci nel regno normanno," in *Byzantino-Sicula V: Giorgio di Antiochia – L'arte della politica in Sicilia nel XII secolo tra Bisanzio e l'Islam* (Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 2009), 165-202; "I diplomi dei re normanni in lingua greca," in *Documenti medievali greci e latini. Studi comparativi (Atti del seminario di Erice, 23-29 ottobre 1995)*, edd. Giuseppe de Gregorio and Otto Kresten (Spoleto: Centro Italiano di Studi sull'Alto Medioevo, 1998), 253-308, at 283-6; Horst Enzensberger, "Chanceries, Charters and Administration in Norman Italy," in *The Society of Norman Italy*, edd. Graham A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 117-50, esp. 139-48.

¹¹² See Philip Grierson, "The Coinages of Norman Apulia and Sicily in Their International Setting," *Anglo-Norman Studies* 15 (1993): 117-32, at 122 and fig. 8. On the long exposure of the Normans of southern Italy to Byzantine political culture in the eleventh century, see Jonathan Shepard, "The Uses of the Franks in Eleventh-Century Byzantium," *Anglo-Norman Studies* 15 (1993): 275-305.

¹¹³ E.g. S. Angelo de Brolo, whose exemption of 1084 was confirmed in a diploma of 1144: SS 2.1021-2. For more details and discussion, see Mario Scaduto, *Il monachismo basiliano nella Sicilia medievale. Rinascità e decadenza (sec. XI-XIV)* (Rome: Storia e Letteratura, 1947), 279-85.

¹¹⁴ The monastery was established by royal charter in 1133. There is no modern edition of the Greek text, which is preserved in a sixteenth-century manuscript copy: Vatican City, Biblioteca Apostolica Vaticana, MS Vat. lat. 8201, fols. 56^r-59^v, 130^r-132^v. A Latin translation (rife with interpolations) made in 1472 by the humanist scholar Constantine Laskaris, who had come to Italy after the fall of Constantinople in 1453, may be found in SS 2.974-6. A good introduction to the monastery and its foundation can be found in Timothy Miller (trans.), "Luke of Messina: *Typikon* of Luke for the Monastery of Christ Savior (San Salvatore) in Messina," in *BMTD* 637-48. For an overview of this monastery's history, see Scaduto, *Il monachismo basiliano*, 171-210; Vera von Falkenhausen, "I monasteri greci dell'Italia meridionale e della Sicilia dopo l'avvento dei Normanni: continuità e mutamenti," in *Il Passaggio dal dominio bizantino allo Stato normanno nell'Italia meridionale*, ed. Cosimo D. Fonseca (Taranto: Amministrazione Provinciale di Taranto, 1977), 197-219.

¹¹⁵ SS 2.971-9.

Such actions cannot just be explained by recourse to the Norman kings' supposed hereditary papal legateship, which technically applied only to the island of Sicily, for Roger II also guaranteed the independence of Calabrian monasteries. For example, in a document of 1130, he refers to the *Patiron* of Rossano – which Paschal II had taken under direct papal jurisdiction in 1105 – as “a royal [*basilike*] monastery belonging to us.”¹¹⁶ Although evidence for the pre-Norman period is limited, at least two southern Italian monasteries are known to have been exempted and granted the designation ‘imperial’ (*basilike*) under Byzantine rule: the *Theotokos* of the Salinai in Calabria (c.904) and St Peter of Taranto (before 1033).¹¹⁷ It is difficult to say whether the Norman rulers were consciously copying Byzantine practice or simply implementing policies that happened to be similar. Nonetheless, from the perspective of Italo-Greek monasteries, the Norman king effectively played the same patronage role as the Byzantine emperor.¹¹⁸

The Treaty of Benevento (1156)

Having secured his kingdom in the 1130s, Roger spent most of the remainder of his reign engaging in foreign expansion, particularly in North Africa. Despite his emulation of Byzantine ideology and style of governance, in 1147 he took the opportunity of the Second Crusade (1147-1149) to launch a powerful raid on Byzantine Greece while the imperial forces were occupied elsewhere. However, Roger's foreign conquests would prove ephemeral, with gains in Greece and North Africa soon lost again. On Roger's death in 1154, a new period of internal instability ensued in the Kingdom of Sicily as his son William I (known to later generations as ‘the Bad’) assumed sole rule (r. 1154-1166). Widespread rebellions flared up, encouraged not only by the papacy but also by the Byzantine Empire. A Byzantine expeditionary force even landed in Apulia in 1155 and briefly regained control of the Adriatic coast from Brindisi to Taranto, though William defeated it the next year.

In 1156, having managed to recover the situation, William concluded the Treaty of Benevento with Pope Adrian IV (r. 1154-1159): the pope recognised him and his heirs as Kings of Sicily while he recognised the pope as his feudal suzerain.¹¹⁹ Moreover, the treaty settled the relationship of church and state in the kingdom for the rest of the Norman period, establishing the pope's right to convene councils on the southern Italian mainland and the king's legatine authority on the island of Sicily. It is surely no coincidence that Pope Alexander III (r. 1159-1181) is known to have issued more bulls relating to the Greek church in southern Italy than all his predecessors combined.¹²⁰ Undoubtedly this is partly a consequence of problems of source survival, but it is

¹¹⁶ “... διὰ τοῦ εἶναι ταύτην τὴν ῥηθεισαν ἀγίαν μονὴν βασιλικήν, καὶ ἰδίως ἡμετέραν”: *Syllabus* 140 (no. 106).

¹¹⁷ For the *Theotokos* of the Salinai: Rossi-Taibbi, *Vita di Sant'Elia*, 75. For St Peter of Taranto, a document of 1033 mentions the title for the first time, though the monastery had been founded in 975: *Syllabus* 31-2 (no. 27).

¹¹⁸ On imperial monasteries in Byzantium, see Rosemary Morris, *Monks and Laymen in Byzantium, 843-1118* (Cambridge: Cambridge University Press, 1995), 138-42.

¹¹⁹ On the Treaty of Benevento and its effects, see Marcel Pacaut, “Papauté, Royauté et épiscopat dans le Royaume de Sicile,” in *Potere, società e popolo nell'età dei due Guglielmi. Atti delle quarte giornate normanno-sveve, Bari, Gioia del Colle, 8-10 ottobre 1979* (Bari: Dedalo, 1981), 31-62, at 36-50; Loud, *Latin Church*, 164-5.

¹²⁰ *Fontes III* 1.802-3 (no. 389, a. 1165), 823-5 (ad. 3, a. 1175), 825-6 (ad. 4.), 826-7 (ad. 5). Although the Greek monastery of Cryptoferrata near Rome received privileges from Callixtus II, Eugenius III and Hadrian IV, the only known papal privilege before this time relating to the Greeks of southern Italy is Paschal II's bull of exemption for the *Patiron* monastery of Rossano.

hard not to see a connection also with the normalised relations resulting from the Treaty of Benevento.

William II and the Archimandritate of Carbone

The ill-defined ecclesiastical authority exercised by Roger II was thus established in terms acceptable to the Church of Rome. Nonetheless, the Norman kings continued to patronise Greek monasteries, even on the Italian mainland where it was technically not allowed. In 1168, William II (*r.* 1166-1189) issued a bilingual privilege in Latin and Greek granting the abbot of SS Elias and Anastasios of Carbone the title of archimandrite and conceding to him all the “monasteries of the Greeks” within the area of Lucania.¹²¹ It should be noted that a document of 1154 also refers to the abbot as ‘archimandrite’, suggesting that this was perhaps a confirmation of a title that the abbot had already claimed. The privilege then commands that no archbishop, bishop, or archimandrite attempt to infringe the terms of the deed or interfere with Carbone’s archimandritate.

William’s privilege is a fascinating document that deserves a closer reading. The surprisingly poor Greek translation differs in some respects from the Latin text but remains more or less faithful. Firstly, it makes particular reference to the fact that Italo-Greek monasteries in Sicily and Calabria were already organised under archimandrites of their own (those of Messina and Rossano respectively, though in reality there were also independent monasteries that did not fall under their jurisdiction) and states that Carbone should follow this model. Clearly the royal court felt that it would be beneficial and bring order to the Greek monasteries there. Though the Greek translation states that Carbone is to be given charge of ‘Apulia’, the boundaries described in the Latin text (and later in the Greek) clearly correspond to those of Lucania – which would make more sense, given the location of Carbone.

The second point of note is the document’s explanation for favouring an archimandritical structure. The Latin text merely refers in general terms to the archimandrite’s care for his flock, but the Greek translation goes into more detail about why the archimandrites of Rossano and Messina had proved so useful: “From the time when these archimandrites were appointed, the monasteries and *metochia* of the monastic federation were reformed, and in just the fashion that [St] Basil the Great [of Caesarea] ordained, especially in those where they have the Greek rite but the Latin language.”¹²² This is an early indication of a trend that would become more noticeable in the thirteenth century and then predominant from the fourteenth century on: Greek-rite monasteries with Latin-speaking monks who could not understand Greek. The document gives no further details, though in the context it is probably referring to small foundations and *metochia*.

It is hard to believe that the number of Greek-speakers had declined so much in a century that monasteries were already running short of potential recruits. However, when one considers the close relationship of patronage that many Norman and Lombard aristocratic families had with

¹²¹ *Carbone* 3.69-73 (no. 94), 56-9 (no. 91). For discussion of the term ‘archimandrite’, see chapter three, pp. 97-9.

¹²² “καὶ γὰρ ἄφ’ οὗ καὶ ἐτύπωθησαν οἱ τοιαῦται ἀρχιμάνδριται διωρῆθησαν αἱ μοναὶ καὶ τα μέτοχ(ια) μοναχικοῖς πολ(ι)τήας καὶ καθόν τρόπ(ον) ἐτύπωσεν ὁ μέγας βασιλὸς πόσως μαλλόν ἐν τουτοῖς τοῖς ἔχ(ου)σιν τὴν μεν πολ(ι)ηάν γρέκον, τὴν δε δίαλεκτον λάτινον”: *Carbone* 70-1 (no. 94). The author of the Greek text appears to have had an extremely loose grasp of accents and breathings, not to mention spelling.

Greek monasteries in southern Italy, it would not be surprising if lesser members of these families were entering or even taking charge of some houses. Peters-Custot has mentioned the case of the Greek monastery of Kyr-Zosimos in Lucania, for instance, which was subordinated to Cava and had an abbot named 'Falco' from 1122 onwards. Graham Loud has drawn attention to the case of the Latin monk St John of Matera, who lived at a Greek monastery near Taranto in the early twelfth century.¹²³ Evidence for monastic personnel is scarce in general and virtually non-existent in the case of the smaller monasteries to which William II's privilege refers. Nonetheless, it does seem that some Greek monasteries were already being diluted with non-Graecophone monks in the twelfth century, and that larger Greek houses such as those of Carbone, Rossano, and Messina were tasked with improving their standards.

Defeat for Byzantium and the Holy Roman Empire

Though the affairs of southern Italy were relatively settled in the later twelfth century (at least as far as its Greek inhabitants were concerned), more momentous events were occurring in the eastern Mediterranean and in northern Italy that would have important ramifications. The Byzantine emperor Manuel I Komnenos (*r.* 1143-1180) had managed to bring the crusader states of the Levant within his sphere of influence, but a failed invasion of Egypt in 1168 and a disastrous defeat to the Seljuq Turks at Myriokephalon in Asia Minor in 1176 left the empire and its reputation severely damaged. Following Manuel's death in 1180, the Byzantine Empire entered a long period of internal political instability that would ultimately culminate in the loss of Constantinople to the Fourth Crusade of 1204. William II of Sicily attempted to take advantage of this weakness, launching a large invasion of Greece in 1185 and capturing Thessalonica, but was defeated later that year by the Byzantine emperor Isaac II Angelos (*r.* 1185-1195, 1203-1204). Just as Robert Guiscard, Bohemond of Taranto, and Roger II had been before him, William II was forced to abandon his ambitions to expand beyond southern Italy.

In the same year as the Battle of Myriokephalon, the Holy Roman Emperor Frederick I Barbarossa (*r.* 1155-1190) suffered a decisive defeat of his own to the Lombard League at the Battle of Legnano. The conflict that erupted between Pope Alexander III and Barbarossa after the split papal election of 1159 had brought the papacy and the Kingdom of Sicily into an enduring alliance, as neither wished to allow the German emperor to enforce his authority over their respective realms. With his defeat at Legnano in 1176, Barbarossa was forced to accede to most of Alexander's claims in Italy and recognise the independence of the papacy.¹²⁴ The Third Lateran Council of 1179, which was attended by several Greek bishops from southern Italy, set down firm rules for future papal elections so as to prevent similar split votes in the future.¹²⁵

¹²³ Peters-Custot, *Les grecs*, 283; Loud, *Latin Church*, 471.

¹²⁴ On the negotiations that concluded the war between Barbarossa, Alexander, and the Lombard League, see recently John Freed, *Frederick Barbarossa: The Prince and the Myth* (New Haven: Yale University Press, 2016), 392-408.

¹²⁵ Russo, "La partecipazione," 789-90.

4. Greeks, Guelphs and Ghibellines: Southern Italy between Empire and Papacy (1189-1266)

After William II's death without children in 1189, his cousin Tancred of Lecce (*r.* 1189-1194) seized the throne of Sicily. However, his claim was challenged by William's aunt Constance, who had married the Holy Roman Emperor Henry VI (*r.* 1190-1197) in 1185. Although the papacy had supported the Holy Roman Empire in the tenth and early eleventh centuries as a counter-balance to the power of the Byzantine Empire, now the Holy Roman Empire was itself the greatest threat to papal independence, a fact that had led the popes and the Norman kings of Sicily to cooperate in the second half of the twelfth century. Nonetheless, though Pope Clement III (*r.* 1187-1191) did recognise Tancred as king of Sicily, his successor Celestine III (*r.* 1191-1198) was able to extract a price for this: in 1192, the Treaty of Gravina renegotiated the ecclesiastical settlement reached at Benevento in 1156 on terms that were much more favourable to the papacy. Popes could now hear appeals directly from churches on the island of Sicily and the king was no longer able to veto the consecration of bishops. Moreover, the pope was now permitted to send a legation to the island every five years.¹²⁶

The Coming of the Hohenstaufen

Future popes may have viewed the Treaty of Gravina as the settled norm for relations between Rome and Sicily, but the kingdom's rulers did not. Tancred died in 1194, leaving his young son William III in charge, and before the end of the year the emperor Henry VI invaded to claim his wife's inheritance. Neither he nor his Hohenstaufen successors would make any reference to the Treaty of Gravina in their future laws or pronouncements. As David Abulafia noted, the Hohenstaufen tried to keep the Kingdom of Sicily as a personal domain separate from the Holy Roman Empire itself, "a special source of financial and military strength" that they could draw upon for resources in any potential conflict with the church or with rebellious nobles north of the Alps.¹²⁷ Any attempt at interference by the papacy would naturally be unwelcome, and so the stage was set for further conflict.

Nonetheless, on Henry VI's death in 1198, Frederick was still a child and was placed by his mother under the protection of the new Pope Innocent III (*r.* 1198-1216), though in practice he was controlled by a succession of lay nobles until he came of age in 1208. In the meantime, the central authority of the Sicilian monarchy eroded and the royal demesne was diminished to the advantage of the magnates of the realm. Frederick would spend much of his reign until 1220 attempting to recover and consolidate his power in southern Italy and in Germany.

These years saw a series of events in the eastern Mediterranean that would have significant consequences for the Greek church in southern Italy. The Roman church had never yet formulated

¹²⁶ On the Treaty of Gravina, see Pietro Zerbi, "Papato e regno meridionale dal 1189 al 1198," in *Potere, società e popolo tra età normanna ed età sveva (1189-1198). Atti delle quinte giornate normanno-sveve. Bari-Conservano, 26-28 ottobre 1981* (Bari: Dedalo, 1983), 49-73, esp. 62-4; Norbert Kamp, "Monarchia ed episcopato nel Regno svevo di Sicilia," in *Potere, società e popolo nell'età sveva (1210-1266). Atti delle seste giornate normanno-sveve, Bari-Castel del Monte-Melfi, 17-20 ottobre 1983* (Bari: Dedalo, 1985), 123-49, esp. 130-1; Loud, *Latin Church*, 172-4.

¹²⁷ David Abulafia, *The Western Mediterranean Kingdoms 1200-1500: The Struggle for Dominion* (London: Longman, 1997), 15.

any official policy towards the southern Italian Greeks beyond requiring their obedience to papal authority. This *laissez-faire* attitude was probably the result of a combination of ignorance, indifference and impotence on the part of the curia, which was more concerned with reform within the Latin church and was in any event largely unable to intervene in the Kingdom of Sicily. Yet this would begin to change in the early thirteenth century. Although the pretext for a more interventionist stance had been provided by the Treaty of Gravina, the impetus came not from southern Italy itself but from the sudden and unexpected conquest of the Byzantine Empire by the armies of the Fourth Crusade in 1204.

The Fourth Lateran Council (1215)

Following the fall of Constantinople to the crusaders, the remains of the empire were divided into several parcels. Independent Greek successor states were established in north-western Greece (the Despotate of Epirus) and in Asia Minor (the Empire of Nicaea), while the crusaders created their own Latin Empire of 'Romania' (as the Byzantine Empire was known in Greek). Constantinople itself went to Count Baldwin IX of Flanders (r. 1204-1205), who also became the nominal suzerain of the newly created Kingdom of Thessalonica, the Duchy of Athens, and the Principality of Achaia. The Venetian Republic, which had re-directed the crusade from its intended target in Egypt to Constantinople, secured several important naval bases in Greece and provided the new Latin Patriarch of Constantinople, Thomas Morosini. Unlike in southern Italy, the Latin conquerors of Constantinople were vastly outnumbered by a Greek population that, under the circumstances, was much less willing to submit to the Latin church.

In the years 1205-1207, Innocent III sent a mission to Constantinople led by Benedict Caetani, cardinal priest of Santa Susanna, to persuade the Byzantine hierarchy to submit to the new Latin patriarchate and to papal primacy. Benedict brought with him as interpreter a professor of Greek language and literature named Nicholas (c.1160-1235) from Otranto in the Salento peninsula.¹²⁸ Although Nicholas served on the Latin delegation, he would go on to write the *Three Chapters*, a fascinating (though as yet only partially published) bilingual treatise in parallel Greek and Latin in which he defended Byzantine religious beliefs and canonical authority against Roman criticism.¹²⁹ Though the text was probably written many years later in c.1222-1225, Nicholas expressly refers to the dialogue between Cardinal Benedict and the Greeks of Constantinople as his inspiration.

Benedict's mission was ultimately unsuccessful. Another attempt was made by Pelagio Galvani, cardinal bishop of Albano, in 1213-1214, again employing Nicholas of Otranto as interpreter. Pelagio took a harsher approach, imprisoning Greek monks and clergy and shutting down churches. However, the Latin emperor Henry (r. 1206-1216) put a stop to this after receiving complaints from the nobles of Constantinople. Pelagio's attempts only succeeded in driving a

¹²⁸ On the life and career of Nicholas-Nektarios of Otranto, see the still-fundamental study of Johannes M. Hoeck and Raimund J. Loenertz, *Nikolaos-Nektarios von Otranto, Abt von Casole. Beiträge zur Geschichte der ost-westlichen Beziehungen unter Innozenz III. und Friedrich II.* (Ettal: Buch-Kunstverlag, 1965), 22-67. See also Maria Muci, "Il terzo *Syntagma* di Nicola Nettareio di Otranto," *Rivista di Storia della Chiesa in Italia* 62.2 (2008): 449-505, at 449-53.

¹²⁹ For a discussion of the *Three Chapters*, see chapter six, pp. 215-8.

number of Greek monks and clergy to flee to Nicaea, where the Byzantine emperor-in-exile Theodore Laskaris had re-established the Greek Patriarchate of Constantinople.

Following the failure of Benedict and Pelagio's missions, the papacy used the opportunity of the Fourth Lateran Council of 1215 to set out a formal policy on subject Greek populations: though Greek-rite Christianity would be tolerated, it would nonetheless be contained and compartmentalised within the administrative structures of the Latin Church.¹³⁰ This is essentially a continuation of the *status quo* that had prevailed since the Council of Bari in 1098, but with some significant differences: not only were the Greek and Latin rites now to be kept strictly separate from one another, but the papacy also began to keep a much closer watch on the management of Italo-Greek churches and monasteries. The effects are immediately clear in the documentary evidence: Innocent III is known to have issued at least ten documents relating to the Greeks of southern Italy while his successor Honorius III (*r.* 1216-1227) issued at least fifty-two, numbers that are orders of magnitude above any of their eleventh- or twelfth-century predecessors.

Many of these relate to monastic exemptions, but many also address procedural matters concerning the ordination of bishops, monks and clergy, the ownership of ecclesiastical property, and so forth. None of these issues appear in surviving documents of papal dealings with the Italo-Greeks from earlier periods. Early in his pontificate, for example, Honorius had the Italo-Greek bishops of Rossano and Anglona deposed for having gained their offices through simony.¹³¹ There was a series of even more intense papal interventions in the years following 1218, when Honorius commanded the monastery of the Holy Saviour of Messina to obey the Latin archbishop Berardo; successive archimandrites refused to comply and were duly excommunicated.¹³² Incidents such as these mark a noticeable departure from the papacy's non-interventionist stance of the twelfth century.

Frederick II and Italo-Greek Culture

Frederick II came of age in this period, being crowned King of the Germans at Aachen in 1215 and Holy Roman Emperor at Rome in 1220. In that same year he returned to Sicily and promulgated the 'Assizes of Capua', a series of decrees aimed at the restoration of the central authority of the monarchy and framed in language used by earlier Norman legislation.¹³³ He then proceeded to Sicily and spent several years suppressing the large Muslim community that still existed in the western part of the island, finally deporting the remnants to Lucera in Apulia in 1223.¹³⁴ As Frederick gradually consolidated his power in Germany and southern Italy, the potential for a confrontation with the papacy – caught between his two realms – increased.

¹³⁰ For discussion of the effects of the Fourth Lateran Council, see chapter six, pp. 210-11.

¹³¹ *Fontes III* 3. 59-60 (no. 35), 60-1 (no. 36), 69 (no. 44), 94-6 (no. 66). Honorius deposed Archbishop Basil of Rossano in 1218 and Bishop Peter of Anglona in 1219. For further discussion of Basil of Rossano, see chapter three, pp. 123-4.

¹³² For further discussion, see chapter six, pp. 211-4.

¹³³ See Abulafia, *Frederick II*, 140-2.

¹³⁴ See Alex Metcalfe, *The Muslims of Medieval Italy* (Edinburgh: Edinburgh University Press, 2009), 275-98.

Several scholars have noted that the cultural centre of gravity in the Kingdom of Sicily seemed to shift in the course of Frederick's reign from Sicily to Apulia, and indeed this is reflected in Greek cultural production of the period.¹³⁵ Whereas the famous Italo-Greek authors of the twelfth century such as Philagathos of Cerami and Neilos Doxapatres had been from Sicily and Calabria, in the thirteenth century it was Otranto and the Salento peninsula that produced the most notable literary figures. Nicholas of Otranto was the foremost of these, and in 1220 he became *hegoumenos* of St Nicholas of Casole, taking on the monastic name Nektarios. He developed a circle of local poets and authors such as John Grassos and George of Gallipoli and also struck up a friendship with Metropolitan George Bardanes of Corfu, a Greek bishop whom he had met in Constantinople in 1214.¹³⁶ John Grassos was an imperial notary at the court of Frederick and both he and George of Gallipoli produced Byzantine dodecasyllabic poetry that promoted the Hohenstaufen cause.¹³⁷ When Frederick produced his famous legal codification, the *Constitutions of Melfi* (also known as the '*Liber Augustalis*'), in 1231, it was John Grassos who translated them into Greek.¹³⁸

The Italo-Greeks between Empire and Papacy

It was inevitable that Frederick II would run afoul of the papacy eventually. In 1225, he had married Yolande, the heiress to the throne of Jerusalem. Having promised Pope Gregory IX (r. 1227-1241) that he would undertake a crusade to recover the kingdom, Frederick fell ill and had to postpone his expedition; Gregory immediately accused him of faking the illness and excommunicated him. To make matters even worse, Frederick set out anyway in 1228 and managed to recover Jerusalem through diplomatic negotiation with the Ayyubid sultan. Yolande had in the meantime borne him a son and subsequently died; Frederick had himself crowned King of Jerusalem, even though technically that honour should have gone to his son.

Gregory IX wasted little time in arranging for an invasion of southern Italy led by John of Brienne, Yolande's father. Nonetheless, Frederick returned in 1229 and quickly defeated the attackers,

¹³⁵ E.g. Canart, "Aspetti materiali," 124-5; Guglielmo Cavallo, "Mezzogiorno svevo e cultura greca. Materiali per una messa a punto," *Byzantinische Zeitschrift* 84-5 (1991-1992): 430-40, esp. 439; André Jacob, "Culture grecque et manuscrits en Terre d'Otrante," in *Atti del III^o congresso internazionale di studi salentini e del I^o congresso storico di Terra d'Otranto (Lecce, 22-25 ottobre 1976)*, ed. Paulo F. Palumbo (Lecce: Centro Studi Salentini, 1980), 51-77, at 54; André Jacob, "Les annales du monastère de San Vito del Pizzo, près de Tarente, d'après les notes marginales du *Parisinus gr. 1624*," *Rivista di studi bizantini e neoellenici* 30 (1993): 123-53, at 130-4; Santo Lucà, "Il libro bizantino e postbizantino nell'Italia meridionale," in *Scrittura e libro nel mondo greco-bizantino. Atti del corso. Ravello, Villa Rufolo, 6-9 Novembre 2007*, ed. Carla C. Brach (Ravello: Centro Universitario Europeo per i Beni Culturali, 2012), 25-76, at 45. Von Falkenhausen sees the origins of this shift even earlier, in the late twelfth century: Vera von Falkenhausen, "Friedrich II. und die Griechen im Königreich Sizilien," in *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*, edd. Arnold Esch and Norbert Kamp (Tübingen: Niemeyer, 1996), 235-62, at 261.

¹³⁶ See Michael B. Wellas, *Griechisches aus dem Umkreis Kaiser Friedrichs II.* (Munich: Arbo-Gesellschaft, 1983), 37-56; Walter Berschin, *Greek Letters and the Latin Middle Ages: From Jerome to Nicholas of Cusa*, rev. and trans. Jerold C. Frakes (Washington, DC: Catholic University of America Press, 1988), 243-9.

¹³⁷ Text in Marcello Gigante (ed.), *Poeti bizantini di Terra d'Otranto nel secolo XIII. Testo critico, introduzione, traduzione, commentario e lessico* (Naples: Università di Napoli, 1979), 103-46, 165-214.

¹³⁸ See Hans Niese, "Zur Geschichte des geistigen Lebens am Hof Kaiser Friedrichs II.," *Historische Zeitschrift* 108 (1912): 473-540, at 491. On the *Liber Augustalis* and its sources, see esp. Hermann Dilcher, *Die sizilische Gesetzgebung Kaiser Friedrichs II. Quellen der Constitutionen von Melfi und ihrer Novellen* (Cologne: Böhlau, 1975).

agreeing the Treaty of Ceprano with the papacy in 1230: Gregory agreed to lift Frederick's excommunication, while he agreed to respect the papacy's rights in the Kingdom of Sicily. The following year, Frederick issued the *Constitutions of Melfi*, the famous legal codification that centralised power in the king's hands and has led some scholars to view him as the first 'absolute monarch' of the medieval West.¹³⁹ This appears to have been how the Greek poets of Otranto viewed him; George of Gallipoli, for instance, calls him "the mighty and thrice-blessed king *Phryktorikos* ['blazing beacon', a play on the sound of the name 'Frederick' in Greek], the wonder of the universe" and "emperor of all."¹⁴⁰

Even so, the conflict between Frederick II and the papacy (not to mention between the various towns and cities of northern Italy that lined up on either side) was renewed in the late 1230s and he was excommunicated yet again in 1239.¹⁴¹ The war proceeded more or less continuously until Frederick's death in 1250. Reading the output of court poets such as John Grassos and George of Gallipoli, there is a temptation to see the Italo-Greeks as partisans of the emperor against the papacy and the Guelph cities of northern Italy. Peters-Custot, for example, writes of Italo-Greek polemics against the pope that "manifested a Ghibelline partisanship... Paradoxically, the religious opposition of the Italo-Greeks to Rome is the mirror image of the Roman tolerance that had maintained the differences and the polemics without being threatened by them."¹⁴²

Although I hesitate to do so, I must disagree with Peters-Custot's assessment here. Firstly, a substantial proportion of the written evidence that she cites consists of the literary output of John Grassos and George of Gallipoli – both members of Frederick's court. Italo-Greek voices from outside their circle are not represented in the extant sources. Secondly, the Italo-Greek 'polemics' that Peters-Custot mentions are in fact just two texts: the *Three Chapters* of Nektarios of Otranto and a short, anonymous treatise on Greek baptismal rites from Calabria.¹⁴³ It is not really accurate to call them 'polemics': Nektarios adopts an irenic and conciliatory tone towards the 'Latins' while the anonymous treatise makes no direct reference to them at all. Though some Italo-Greeks with connections to Frederick's court certainly did take up the imperial cause against the papacy, there

¹³⁹ For a summary of the long-running historiographical debate on the *Constitutions of Melfi* and relevant bibliography, see Hubert Houben, *Mezzogiorno*, 177-82. For a good overview of Frederick's legal and administrative reforms, see Theo Kölzer, "Die Verwaltungsreformen Friedrichs II.," in *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*, edd. Arnold Esch and Norbert Kamp (Tübingen: Max Niemeyer Verlag, 1996), 299-315.

¹⁴⁰ "Ἄλλ' ὁ κραταῖος καὶ τρισευδαίμων ἄναξ / Φρυκτωρικός, τὸ θαῦμα τῆς οἰκουμένης... δὸς τῷ βασιλεῖ τῶν ὅλων...": Gigante, *Poeti bizantini*, 176 ll. 20-1, 177 l. 58. See also the discussions in Wellas, *Griechisches*, 89-130; Peter Dronke, "La poesia," in *Federico II e la Sicilia*, edd. Pierre Toubert and Agostino P. Bagliani (Palermo: Sellerio, 1998), 218-41, at 221-3.

¹⁴¹ On the canonical grounds for Frederick's second excommunication and the consequences for the Sicilian church, see John P. Lomax, "Lupus duplex: Frederick II, Gregory IX, and the 'Widowed Churches' of Sicily," in *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Esztergom, 3-8 August 2008*, edd. Peter Erdö and Sz. Anzelm Szuromi (Vatican City: Biblioteca Apostolica Vaticana, 2010), 553-62.

¹⁴² "Elles manifestaient un parti-pris gibelin... L'opposition religieuse des Italo-grecs à Rome est le reflet de la tolérance romaine qui a maintenu les différences et les polémiques, sans s'en sentir menacée": Peters-Custot, *Les grecs*, 537.

¹⁴³ Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1541, fols. 240^v-241^v. Text in Ciro Giannelli, "Un documento sconosciuto della polemica tra greci e latini intorno alla formula battesimale," *Orientalia Christiana Periodica* 10 (1944): 150-67, at 166-7; repr. in *Studi bizantini e neoellenici* 10 (1963): 33-46, at 45-6.

is not enough evidence to say whether that sentiment was widespread among the Greeks of southern Italy.

The papacy, for its part, was generally tolerant of the Greek rite. The one exception came in 1232, when Archbishop Marino Filangieri of Bari wrote to Gregory IX to enquire about the validity of Greek baptism. Gregory wrote in reply that it was not valid and that Greeks should be rebaptised according to Latin rites.¹⁴⁴ The Bariot Greeks protested and sent Nektarios of Otranto to Rome to argue their case before the Roman curia. As he later wrote to his friend George Bardanes of Corfu, Nektarios was successful in his task; the *Decretals of Gregory IX* (the '*Liber extra*') of 1234 would expressly support the validity of the Greek baptismal rite.¹⁴⁵ It is interesting that his connections with the 'Ghibelline' circle of poets of Otranto did not make Nektarios any less convincing to Gregory.

Although the first half of the thirteenth century saw a dramatic increase in the level of attention paid to Italo-Greek affairs by the papacy, there is no specifically 'anti-Greek' motivation visible in the popes' actions. In reality, it was simply a product of an increased level of papal intervention in the southern Italian church in general, a result of the Treaty of Gravina and the intensified battle against Frederick II for authority in the Kingdom of Sicily. There was some suspicion toward the Italo-Greeks' different rites, but this did not lead to any attempt at prohibition.

Instead of opposing the Greek rite, popes from Celestine III onwards emphasised that it should be strictly separated from the Latin rite in southern Italy.¹⁴⁶ The papal policy was not condemnation but containment. If this had a detrimental effect on the Greek church in southern Italy, it was a side-effect of this enforced separation: as the Italo-Greek elites increasingly pursued Latin educations in order to secure social advancement, the higher echelons of the Greek church found it more difficult to recruit competent clerics.¹⁴⁷ Nonetheless, the effects of such demographic changes were slow to manifest.

The End of Hohenstaufen Rule

Despite his defeat at the siege of Parma, the conflict between Frederick II and the papacy was still undecided on his death in 1250. His son and successor Conrad IV (*r.* 1250-1254) was himself excommunicated in 1254 before dying of malaria. Though his son Conrad V (often referred to by the diminutive 'Conradin'; *r.* 1254-1258) inherited the Kingdom of Sicily, he was still a minor and

¹⁴⁴ *Fontes III* 3.225-6 (no. 170); see also Hoeck and Loenertz, *Nikolaos-Nektarios*, 63-7.

¹⁴⁵ *X* 3.42.6 = *Comp. IV* 3.16 (Lateran IV, c. 4); *Fontes III* 3.229 (no. 173), 234-5 (nos. 178-178a). See also Brundage, "The Decretalists," 1081. For an in-depth discussion of the baptismal controversy of 1232, its sources, and its ramifications, see Yury P. Avvakumov, "The Controversy over the Baptismal Formula under Pope Gregory IX," in *Greeks, Latins, and Intellectual History 1204-1500*, edd. Martin Hinterberger and Chris Schabel (Leuven: Peeters, 2011), 69-84. On the treatment of Greek Christians in the *Decretals of Gregory IX*, see Norbert Brieskorn, "'Licet graecos...' Wie der Liber Extra die Beziehungen zur griechisch-orthodoxen Kirche regelt," in *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Esztergom, 3-8 August 2008*, edd. Peter Erdő and Sz. Anzelm Szuromi (Vatican City: Biblioteca Apostolica Vaticana, 2010), 609-20.

¹⁴⁶ See Horst Enzensberger, "I Greci nel Regno di Sicilia. Aspetti della loro vita religiosa, sociale, economica alla luce del diritto canonico latino e di altre fonti latine," *Rassegna Storica online* 1 (2000): 1-46, at 16-18: <http://www.storiaonline.org/mi/enzensberger.greci.pdf>.

¹⁴⁷ See discussion in Peters-Custot, *Les grecs*, 445-7, 453-8.

his illegitimate uncle Manfred acted as his regent. Manfred too was promptly excommunicated by Innocent IV (r. 1243-1254) and then again by Alexander IV (r. 1254-1261). In 1257 he defeated the papal army at Foggia and seized the throne of Sicily in the following year after a false rumour of Conradin's death.

The popes were determined to find a more loyal vassal to hold the Kingdom of Sicily; after all, they were supposed to be its suzerains. Eventually Urban IV (r. 1261-1264) and Clement IV (r. 1265-1268) settled upon Charles of Anjou (r. 1266-1285), offering him the throne of Sicily if he would lead an army to evict the Hohenstaufen. He did this with unexpected speed and ease, defeating and killing Manfred within a month of entering the kingdom. The papacy once again had a loyal vassal ruling over Sicily. However, events in the eastern Mediterranean had taken an unwelcome turn for the Roman church in the meantime. In 1261, the armies of Emperor Michael VIII Palaiologos (r. 1258-1282) of Nicaea had entered Constantinople, extinguishing the Latin Empire and derailing the vision of Roman ecclesiastical hegemony that Innocent III had promoted at the Fourth Lateran Council.

5. Union and Disunion: The Angevin and Aragonese Eras (1266-1400)

Following his reconquest of Constantinople, Michael VIII almost immediately attempted to open negotiations with Pope Urban IV with a view to church union. Having defeated the Latin Empire, he recognised the very real threat of another Western crusade to restore it. Urban rebuffed him at first, but soon realised (as Leo IX and Adrian IV had before him) that the Byzantines could be useful as allies against Manfred of Sicily. Diplomatic talks for church union opened once again but were cut short by the death of Urban IV in 1264.

The conquest of Sicily by Charles of Anjou in 1266 with the support of the French pope Clement IV meant that the papacy no longer needed an alliance with Byzantium. On the contrary, Charles made an agreement with the exiled Latin emperor Baldwin II: he would help Baldwin recover Constantinople in return for a marriage between his daughter and Baldwin's son Philip. Should Philip die without heirs, Charles was to inherit the Latin Empire himself. Fortunately for Michael, Charles was first preoccupied in defending against an attempt by Conradin to reconquer Sicily in 1267 and in the failed crusade of his brother King Louis IX of France against Tunis in 1270. However, in 1271, Charles seized Dyrrachium (modern Durrës in Albania) and began preparing it as a base for the invasion of the Byzantine Empire.

The Second Council of Lyon (1274) and the Failure of Union

The Byzantines eventually defeated Charles militarily, stalling his troops' advances in the Balkans and routing his army at the Battle of Berat in Albania in 1281. Nonetheless, Michael also continued his diplomatic strategy aimed at staving off the larger threat of a crusade. He at last found a willing partner in Pope Gregory X (r. 1271-1276), who summoned a council to meet at Lyon in 1274 to discuss church reform, union with the Greeks, and a new crusade to recover the Holy Land. In the face of considerable public opposition at home, Michael agreed to all the Roman church's demands: like the Italo-Greeks, the Byzantine church would retain its own rites and customs on

condition that it accept papal authority. The one significant difference was that the Byzantines were compelled to accept the Latin version of the Nicene Creed with the insertion of the *Filioque*, something that the Italo-Greeks had not previously been obliged to do. Among the council's signatories were the Greek-rite archbishops of Rossano and S. Severina, although, interestingly, only Archbishop Angelos of Rossano signed in Greek.¹⁴⁸

The union resulting from the Second Council of Lyon was short-lived: not only was it immensely unpopular within the Byzantine church, but it failed in its primary aim of preventing further Western attacks on Byzantium. In 1281, Pope Martin IV (*r.* 1281-1285) – another Frenchman – simply ignored the union of Lyon and sanctioned an Angevin crusade against Constantinople. The union was not only divisive but also clearly pointless, so Michael's successor Andronikos II (*r.* 1282-1328) would later put an end to it. The churches remained divided until the Council of Ferrara-Florence (1438-1445), though the Ottoman conquest of Constantinople in 1453 would terminate the union once and for all.

Martin IV's crusade also proved futile, however, thanks to further diplomatic moves by Michael VIII. Shortly before his death, Michael sent funding and encouragement to disaffected rebels on the island of Sicily who rose up against the French garrison in Palermo at the hour of Vespers on 30th March 1282. The rebels seized control of Sicily with remarkable speed, forcing Charles of Anjou to abandon his planned crusade. Nonetheless, they failed in their attempt to establish Sicily as an independent state, and it fell instead under the control of Peter III of Aragon (who had co-sponsored the revolt with Michael VIII). The resulting War of the Sicilian Vespers lasted twenty years and divided Sicily and the southern Italian mainland into separate realms until they were reunited by Alfonso V of Aragon in 1443.¹⁴⁹

An Insight into Italo-Greek Church Life: The Council of Melfi (1284)

An intriguing episode that took place soon after the war began illuminates the situation of the Greek church in southern Italy in the late thirteenth century. Pope Martin IV stood firmly in support of Charles of Anjou and sent Gerardo Bianchi, cardinal bishop of Sabina, as his representative to southern Italy to raise funds to fight the Sicilian rebellion. Gerardo presided over a council at Melfi in 1284 that ended up devoting a substantial amount of its time to the Greek church.¹⁵⁰ The council's first order of business was to proclaim that the Italo-Greeks should adopt the Latin version of the Nicene Creed in accordance with the Second Council of Lyon. Southern Italian bishops would be obliged to make yearly inspections of churches in their dioceses to ensure that they were reading the Creed with the *Filioque*. Next, the council observed that some Latins were skirting requirements for clerical celibacy by marrying and then entering the priesthood in Greek

¹⁴⁸ Russo, "La partecipazione," 790.

¹⁴⁹ For a good narrative overview of the events leading up to and during the War of the Sicilian Vespers, see Abulafia, *Western Mediterranean Kingdoms*, 63-80.

¹⁵⁰ For text and discussion, see Peter Herde, "Die Legation des Kardinalbischofs Gerhard von Sabina während des Krieges der sizilischen Vesper und die Synode von Melfi (28. März 1284)," *Rivista di storia della Chiesa in Italia* 21 (1967): 1-53, at 26-9, 46-53. See also Horst Enzensberger, "Der Ordo Sancti Basilii, eine monastische Gliederung der römischen Kirche (12.-16. Jahrhundert)," in *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bar, 30 Apr. – 4 Magg. 1969)* (Padua: Antenore, 1973), 3.1139-51, at 1141-2.

churches (Greek clergy were still permitted to marry as long as they did so before ordination). In order to prevent this, the council decreed that a married person could only enter the priesthood if it could be established that he had Greek parents.

Finally, and perhaps most surprisingly, the council noted that the ninth canon of the Fourth Lateran Council (which ordained that congregations should have priests who could minister to them in their own language) was being violated. However, it was not because Greek congregations were being forced to attend masses led by Latin priests. On the contrary, “some abbots and ecclesiastical persons who oversee Latin churches and people [were] overcome with avarice” and engaged Greek priests to say mass to uncomprehending Latin congregations!¹⁵¹ The reason given is that Greek clergy were cheaper to employ (probably because Greeks simply received a stipend for their work, whereas Latin priests would expect to be granted a landed benefice.)¹⁵² By employing Greeks, cynical Latin hierarchs could avoid having to relinquish the revenues of landed property directly to their clergy. The Council of Melfi sought to end this exploitation and ordained that Latin congregations were to have Latin priests in the future.

It is difficult to say what the long-term impact of the Council of Melfi on the Italo-Greek churches was. The enforcement of the *Filioque* does not appear to have been completely successful: as noted above, some Greek churches in southern Italy were still reciting the Creed in its original form as late as 1570.¹⁵³ The council does, however, highlight two enduring trends in southern Italian Christianity: the co-mingling of Latin and Greek rites on the one hand and the cynical exploitation of this by unscrupulous hierarchs on the other. Although the Roman church was now actively attempting to put an end to it, the unnamed abbots and bishops who employed cheap Greek clergy to oversee Latin congregations in the late thirteenth century were not entirely dissimilar to the Lombard nobles who co-owned shares in Greek churches in the Principality of Salerno in the eleventh.¹⁵⁴

As the War of the Sicilian Vespers developed into a major conflict across the Western Mediterranean, the papacy granted the Crown of Aragon to Charles of Valois, son of the French king Philip III, who promptly launched a crusade to acquire it. Charles of Anjou died in 1285, but his heir Charles ‘the Lame’ was an Aragonese prisoner at the time, and so it fell to Popes Honorius IV (*r.* 1285-1288) and Nicholas IV (1288-1292) to secure the southern Italian mainland against the Aragonese. Although they were successful in this effort, areas such as Calabria and Lucania were nonetheless badly ravaged by Aragonese troops, including the famous mercenary Catalan Company (which would later enter Byzantine service, leave it again, and seize much of central

¹⁵¹ “*nonnulli tamen abbates et persone ecclesiastice, qui sub se habent ecclesias et populum latinorum, avaritie dediti, que idolorum est servitus, non considerantes premissa quodque in diversitate huiusmodi, si grecus latinis divina officia celebret, ignorans latinus populus et greci sermonis ignarus nesciet, ut est moris, in ecclesia sacerdoti “Amen” etc. respondere, minime advertentes sacerdotes grecos latinis ipsis preficiunt, qui eisdem celebrant et ministrant ecclesiastica sacramenta, pro eo, quod eos pro minori pretio possunt obtinere conductos*”: Herde, “Die Legation,” 48.

¹⁵² On clerical remuneration in the Byzantine Empire, see Joan M. Hussey, *The Orthodox Church in the Byzantine Empire* (Oxford: Oxford University Press, 1986), 333-4. I am very grateful to Dr Maroula Perisanidi of the University of Leeds for drawing my attention to this distinction between Byzantine and Western practices.

¹⁵³ See above, p. 38.

¹⁵⁴ See above, p. 27.

Greece from its Frankish rulers). The property of churches and monasteries in general suffered during this period; as Peters-Custot has underlined, for Greek institutions this encouraged greater integration into Latin monastic organisations that could provide material support.¹⁵⁵

The Latinisation of Italo-Greek Elites

The Peace of Caltabellotta that ended the War of the Sicilian Vespers in 1302 was not intended to permanently divide the Kingdom of Sicily. According to its terms, Sicily itself was to be ruled as a separate Kingdom of Trinacria by Frederick III, the third son of Peter III of Aragon; on his death the island was to pass back under Angevin rule. However, in 1320, Frederick named his own son as heir in contravention of the treaty. The Angevins would launch another six invasions of Sicily in the following decades but none were successful. By this time the Greek-speaking population of Sicily was probably very small; the majority of Italo-Greeks were concentrated on the mainland in Calabria and the Salento.

Peters-Custot has also pointed to further important evidence for demographic change among Greek-speakers in southern Italy in the late-thirteenth and early-fourteenth centuries: a trend towards the translation of legal documents from Greek into Latin.¹⁵⁶ This had not previously been necessary on account of the large number of Greek-speakers within the ecclesiastical hierarchy, the royal court and the local judiciary. Indeed, even Frederick II's court in the early thirteenth century contained officials such as John Grassos who could read and produce Greek documents, although the proportion of documents issued in Greek had dropped substantially by his time.¹⁵⁷ As the thirteenth century progressed, however, more and more of the Italo-Greek elites were opting for education in the Latin language and Western law, particularly after the opening of the University of Naples in 1224.¹⁵⁸ This undoubtedly accelerated after the seizure of power by the Angevins in 1266. Furthermore, many of the dioceses that had managed to maintain Greek incumbents after the Norman conquest began to be taken over by Latins, a trend that was doubtless linked to the latinisation of Italo-Greek elites. S. Severina in Calabria, for instance, received its first Latin archbishop in 1254.

As Peters-Custot details, the translation movement began in early-thirteenth-century Lucania, an area with large Greek monastic landowners (particularly Carbone) but a substantial Latin-speaking majority. The trend towards translating old Greek documents into Latin ("*in publicam formam*," as it is often expressed) eventually spread even to areas with deep-rooted Graecophone populations, however. In 1280, for example, Archbishop Angelos of Rossano had the privileges of the *Patiron* monastery translated into Latin, while numerous other smaller monasteries also had

¹⁵⁵ Peters-Custot, *Les grecs*, 570-1.

¹⁵⁶ Peters-Custot, *Les grecs*, 499-503; see also von Falkenhausen, "Friedrich II.," 257-60.

¹⁵⁷ See Horst Enzensberger, "La struttura del potere nel Regno: corte, uffici, cancelleria," in *Potere, società e popolo nell'età sveva (1210-1266). Atti delle seste giornate normanno-sveve, Bari-Castel del Monte-Melfi, 17-20 ottobre 1983* (Bari: Dedalo, 1985), 49-70; Von Falkenhausen, "Friedrich II.," 242-3; Sebastian Gleixner, *Sprachrohr kaiserlichen Willens. Die Kanzlei Kaiser Friedrichs II. (1226-1236)* (Cologne: Böhlau, 2006), 513-5.

¹⁵⁸ Norbert Kamp, "Die sizilischen Verwaltungsreformen Kaiser Friedrichs II. als Problem der Sozialgeschichte," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 62 (1982): 119-42, at 129-31.

various documents translated in the same period.¹⁵⁹ Public officials could no longer be relied upon to understand Greek at the necessary level to read legal documents. In professional terms, knowledge of the Greek language was only required for those who had to officiate in a liturgical capacity in Byzantine-rite churches and monasteries.

The Liturgy as a Vessel for Italo-Greek Identity

However, though Italo-Greek elites may have been ‘latinising’, it does not mean that the rest of their people were abandoning the Greek language; indeed, there are still communities today in Calabria and the Salento peninsula that speak ‘*Griko*’ or ‘*Grikaniko*’, dialects derived from medieval Greek.¹⁶⁰ Moreover, Greek liturgical and ecclesiastical customs persisted stubbornly. In 1334, Raymond of Campania, a former monk of Cluny and papal vicar in southern Italy, made an unprecedented attempt to end the Greek rite in the region. He wrote to Archbishop Peter of Reggio, commanding him that no bishop, priest, archimandrite, or abbot should be allowed to say any divine office in Greek. Moreover, they were to celebrate the Eucharist with *azyma* and to shave their beards. However, the measure was immediately and vigorously resisted by the Greek bishops of Bova, Oppido and Gerace, who succeeded in having it overturned.¹⁶¹

By the mid-fourteenth century, the Greek church in southern Italy had become the primary vessel for the expression of Italo-Greek cultural identity. Greek Christianity no longer had a jurisdictional character. Though there were still many churches and several cathedrals where the divine liturgy of St John Chrysostom was officiated in Greek by bearded, married clergy using leavened bread, these were all firmly under the management of a Latin ecclesiastical hierarchy that bore little resemblance to that of the Byzantine world. Some large Greek monasteries such as those of Rossano, Messina, Carbone, Casole and others persisted, but many smaller ones had either come under the management of great Latin abbeys such as those of Cava and Montecassino or had themselves converted to the Latin rite.

Conclusion to Chapter One

The character of Greek Christianity in medieval southern Italy was essentially established by the Byzantine Empire in the ninth and tenth centuries. Although the Byzantines lost control of the peninsula in the eleventh century, its Norman conquerors did not sweep away the foundations that the empire had laid. Rather, they adapted and built on them. This was as true of the Greek church

¹⁵⁹ Walther Holtzmann, “Die ältesten Urkunden des Klosters S. Maria del Patir,” *Byzantinische Zeitschrift* 26 (1926): 328-51, at 349; Peters-Custot, *Les grecs*, 501.

¹⁶⁰ Visitors to areas of Calabria and the Salento can still find individuals, albeit mainly members of the older generation, who speak *Griko*. I am grateful to Prof. Eleni Kefala of the University of St Andrews who has informed me that there are certain noticeable similarities with the modern Cypriot dialect of Greek. The best introduction to the subject remains Gerhard Rohlfs, *Scavi linguistici nella Magna Grecia*, trans. Bruno Tomasini (Rome: Collezione Meridionale Editrice, 1933), 1-81. More recently, see Linda Safran, *The Medieval Salento: Art and Identity in Southern Italy* (Philadelphia: University of Pennsylvania Press, 2014), 215.

¹⁶¹ For sources and discussion, see Gérard Garitte, “Deux manuscrits italo-grecs (Vat. gr. 1238 et Barber. gr. 475),” in *Miscellanea Giovanni Mercati. III. Letteratura e storia bizantina* (Vatican City: Biblioteca Apostolica Vaticana, 1946), 16-40, at 31-40.

as it was of the secular administration, leading to the rise of powerful monastic federations or archimandrites under royal patronage. These archimandrites were responsible for preserving most of the Greek manuscripts of southern Italy that survive today. Though the Italo-Greeks were politically divided from the Byzantine Empire, the Norman rulers' ready adaptation of Byzantine paradigms meant that their religious and cultural life did not initially suffer for it.

However, the thirteenth century brought an end to the Italo-Greek 'renaissance' of the Norman era. This was not caused by any active hostility towards Greek Christianity on the part of Rome nor, probably, by any significant Greek attachment to the Ghibelline cause of the Hohenstaufen. On the contrary, the unexpected conquest of Constantinople by the armies of the Fourth Crusade had forced the Roman church to develop a coherent policy towards non-Latin Christians in general. The decrees of the Fourth Lateran Council, combined with local efforts at church reform in southern Italy, gradually brought the Italo-Greeks' ecclesiastical administration into line with the rest of the Western church. Greek secular clergy were placed firmly under Rome's canonical jurisdiction, leaving only the great Greek monastic federations with any internal autonomy. By the end of the thirteenth century, even the monasteries came under papal oversight and intervention. The Italo-Greeks would retain their distinctive customs and liturgy for several centuries to come, but they had lost their autonomy.

Chapter Two Manuscript Survival (15th-19th Centuries)

The extant Greek nomocanonical manuscripts from southern Italy are neither a complete nor a wholly representative selection of what was originally produced in the medieval period. Most codices have been lost, while a variety of historical factors have determined which ones have survived. Before turning to a closer analysis of the manuscripts, it is important to consider the resulting patterns of manuscript preservation, as these have had a significant impact on the quantity and character of existing source material.

This effort is useful not just to describe what sources have survived, but also to give some indication about what may have been lost. Although it is impossible to quantify the number of books produced by the Italo-Greeks exactly, Santo Lucà has estimated that about ten percent of the overall output has been preserved.¹ André Guillou suggested that about two percent or less of the surviving books contain canon law (for comparison, he estimated that seventy-seven percent were liturgical books).² These estimates are not perfect, since some ‘liturgical’ and ‘patristic’ books contained canon law collections and vice versa. Nonetheless, it is plausible that the manuscripts described here represent only a tenth of what was originally produced.

As will become clear in this chapter, several (predominantly French and Italian) scholars have already made extensive contributions to our understanding of the history and preservation of southern Italian manuscripts, perhaps most notably Cardinal Giovanni Mercati (1866-1957). Along with published manuscript catalogues (especially the *Repertorium der Handschriften des byzantinischen Rechts*), I have been able to use their work as a starting point to investigate the histories of the collections in which the codices have been gathered over the years. By looking at surviving inventories, records of sales and donations, and descriptions in other written sources, it is possible to discern several distinct phases.

In this chapter I shall give a broad narrative overview of how the extant manuscripts have been preserved. I have divided it up into sections by historical periods and trends in book-collecting, ordering the narrative according to the chronological order in which the manuscripts were first gathered into their modern collections.

¹ Santo Lucà, “L’apporto dell’Italia meridionale alla costituzione del fondo greco dell’Ambrosiana,” in *Nuove ricerche sui manoscritti greci dell’Ambrosiana*, edd. Carlo M. Mazzucchi and Cesare Pasini (Milan: Gemelli, 2004), 191-242, at 193.

² André Guillou, “Production and Profits in the Byzantine Province of Italy (Tenth to Eleventh Centuries): An Expanding Society,” *Dumbarton Oaks Papers* 28 (1974): 91-109, at 101-2.

1. Basil-Bessarion and the Beginnings of Renaissance Humanism (15th Century)

Marc. gr. 169 (coll. 475)

Marc. gr. 171 (coll. 741)

Marc. gr. 172 (coll. 574)

Vall. C 11.1

By the end of the Middle Ages, with the remnants of the Byzantine Empire increasingly vulnerable to Turkish conquest, it was imperative for its rulers to seek aid from Western powers. Meanwhile, the papacy, facing its own threat in the Conciliarist movement meeting at the Council of Basel (1431-1449), was eager for the boost in authority that a successful reunion with the Eastern churches would bring. The resulting Council of Ferrara-Florence (1438-1445) was the venue for a meeting not only of churchmen but also of famous intellectuals from both Italy and Byzantium.

Greek professors had been teaching in Italy since the late fourteenth century and there were several competent Italian hellenists too.³ Nonetheless, the presence in the Eastern delegation of famous Greek scholars such as George Gemistos Plethon (c.1355-1454) and Basil-Bessarion of Trebizond (1403-1472), together with their book collections, contributed significantly to Western interests in Greek manuscripts.⁴ Perhaps more significantly, the detailed union negotiations at the council compelled the Church of Rome to develop a more comprehensive policy towards non-Latin Christians under its jurisdiction. In Bessarion it found the man to implement that policy.

Having studied Platonic philosophy at Plethon's famous school in the Morea, Bessarion had been appointed metropolitan bishop of Nicaea by the emperor John VIII Palaiologos in 1437. During the course of the Council of Ferrara-Florence, the Venetian Pope Eugenius IV (r. 1431-1447) made Bessarion a cardinal and, in 1440, granted him the *titulus* of the Holy Twelve Apostles in Rome. Later he would become successively bishop of Sabina, Tusculum, and then Sabina again. He was eventually appointed titular Patriarch of Constantinople by Pope Pius II (r. 1458-1464) in 1463, though he was of course unable to take up this see on account of the Ottoman conquest. He remained in Italy and looked after the interests of the Greek communities of the South, the Byzantine-rite monastery of Grottaferrata, and the growing Greek emigré community in Venice.

At some point in the early 1440s, Pope Eugenius IV named Bessarion Cardinal Protector of the 'Order of St Basil', a new monastic organisation whose general chapter was convened for the first time in November 1446.⁵ The development of formal monastic 'orders' such as those of the Benedictines or the Cistercians was a peculiarity of the medieval Western church that the Eastern Christian world never shared. Though Latin documents of the later Middle Ages (especially in the

³ See esp. Nigel G. Wilson, *From Byzantium to Italy: Greek Studies in the Italian Renaissance* (Baltimore: Johns Hopkins University Press, 1992), 15-29; John Monfasani, "L'insegnamento universitario e la cultura bizantina in Italia nel quattrocento," in *Sapere e/è potere. Discipline, dispute e professioni nell'università medievale e moderna: il caso bolognese a confronto. Atti del 4° Convegno (Bologna, 13-15 aprile 1989)*, edd. Luisa Avellini, Angela De Benedictis and Andrea Cristiani (Bologna: Istituto per la Storia di Bologna, 1990), 43-65.

⁴ In 1438, Ambrogio Traversari, General of the Camaldolese Order, wrote to friends in Florence and mentioned Bessarion as the owner of a remarkable collection of Greek books; text in Giovanni Mercati, *Ultimi contributi alla storia degli umanisti* (Vatican City: Biblioteca Apostolica Vaticana, 1939), 1.25-6. See Lotte Labowsky, *Bessarion's Library and the Biblioteca Marciana: Six Early Inventories* (Rome: Edizioni di Storia e Letteratura, 1979), 7 n. 13.

⁵ For the relevant documents on the creation of the order, see esp. Mario Scaduto, *Il monachismo basiliano nella Sicilia medievale. Rinascita e decadenza (sec. XI-XIV)* (Rome: Storia e Letteratura, 1947), 321-52.

fourteenth century) often refer to a “Rule of St Basil,” this is simply an attempt to describe Greek monasticism in terms that were familiar to Western Christendom, not a reflection of institutional reality.⁶ It was Eugenius IV who united the Greek monasteries under Roman jurisdiction into a Western-style monastic organisation, though it was presented rhetorically as the ‘reformation’ of an ancient order.

Bessarion authored a formal ‘*Rule of St Basil*’ on the model of the *Rule of St Benedict*, using the writings of St Basil of Caesarea as his main source. In his prologue, he writes about the main problem confronting Greek monasteries in southern Italy: “The majority [of the monks] are Latins and the sons of Latins. Some cannot read Greek at all; others can, but they make mistakes most of the time and do not understand anything of what they are reading...”⁷ There was therefore a strong desire on the part of the papacy to improve the monks’ level of education. At the start of his pontificate, Pope Callixtus III (r. 1455-1458) asked Bessarion in his role as Cardinal Protector of the Basilians to arrange for a *visitatio* to the Byzantine-rite monasteries of southern Italy and Sicily to inspect and reform them.⁸

The *visitatio* commenced in September 1457 under the leadership of Athanasios Chalkeopoulos, a former Athonite monk and then-Archimandrite of the *Nea Hodegetria* (the ‘*Patiron*’) of Rossano. Chalkeopoulos’ extensive record of his journey is a fascinating document, describing not only the state of each monastery that he visited but also giving an inventory of its books and liturgical vessels. Despite Callixtus’ request, his itinerary was limited to monasteries in southern Calabria and did not include his own monastery in Rossano. Nonetheless, the text gives a unique insight not only into the monasteries’ fifteenth-century manuscript collections, but also into the monks and nuns themselves.

Bessarion’s claim about the monks’ ignorance appears to have been well-founded. At the monastery of St Philip *de Gruti*, for instance, one witness told Chalkeopoulos that the abbot “rarely says the divine office because he does not know it. Also, he never celebrates mass in the monastery, but employs a priest to whom he pays a salary...”⁹ The abbot of the monastery of St John Theristes apparently never said mass “because he does not know what to say;” he only said it on the feast day of the monastery’s saint, and then only with two priests nearby to tell him the words.¹⁰ Not everyone comes across so badly. The abbess of St Anastasia near Reggio, for example, says the

⁶ Greek monasticism does not have any foundational document equivalent to the *Rule of St Benedict*; rather, it was shaped by a large collection of authoritative writings, among which those of St Basil of Caesarea were particularly prominent.

⁷ Λατῖνοι αὐτῶν ὄντες οἱ πλείους, καὶ παῖδες Λατίνων, μὴ δυνάμενοι, οἱ μὲν μὴδ’ ἀναγινώσκειν ἐλληνικῶς ὄλω, οἱ δ’ ἀναγινώσκοντες μὲν, ἐπταισμένως δὲ γε τὰ πλείω, καὶ τῶν ἀναγινωσκομένων συνιέντες οὐδόλω...”: Text in Athanasios Chalkeopoulos, *Le ‘Liber Visitationis’ d’Athanasios Chalkéopoulos (1457-1458). Contribution à l’histoire du monachisme grec en Italie méridionale*, edd. Marie-Hyacinthe Laurent and André Guillou (Vatican City: Biblioteca Apostolica Vaticana, 1960), xliii.

⁸ Laurent and Guillou, *Liber visitationis*, 182-3. The full edited text of the *Liber Visitationis* can be found on pp. 1-167.

⁹ “... dixit quod abbas raro dicit officium, quia ignorans est et nunquam celebrat missam in monasterio, set tenet unum presbiterum, cui dat salarium...”: Chalkeopoulos, *Liber visitationis*, 58 ll. 16-18.

¹⁰ “interrogatus si dicit missam, dixit quod nunquam dicit, nisi in festo sancti Johannis, et ipse nescit aliquid dicere nisi quia stant duo sacerdotes in latere ejus, qui docent ipsum dicere missam, alias nesciret dicere unum yota”: Chalkeopoulos, *Liber visitationis*, 87 ll. 16-19.

divine office every day “and knows how to read well.”¹¹ Nonetheless, the linguistic competence of the monks and nuns was clearly a recurring concern to Chalkeopoulos.

Bessarion’s Venetian Bequest: Marc. gr. 169, 171, 172

Improving access to important Greek religious texts was a crucial element of Bessarion’s efforts to reform the educational level of the new Order of St Basil. In addition to Chalkeopoulos’ *visitatio*, Bessarion employed agents such as his secretary Niccolò Perotti to acquire or draw up inventories of all the Greek monasteries in southern Italy, though few of these have survived.¹² At his house in Rome, Bessarion built up a substantial library of Greek and Latin books and oversaw a large operation to create new copies of texts.¹³ He borrowed many of the prototypes from southern Italian monasteries, although it should be stressed that he generally returned them to their original owners; Bessarion’s aim was to strengthen the Basilian monasteries, not to loot them. For one reason or another, however, not all manuscripts were returned. Ultimately, Bessarion donated his collection to St Mark in Venice, where it became the foundation of today’s Biblioteca Marciana.¹⁴

Among these are three nomocanons that belonged to the Order of St Basil: Marc. gr. 169, 171, and 172. Marc. gr. 171, a mid-thirteenth-century nomocanon, bears a Latin note in a fifteenth-century hand on f. 1^r stating that it comes “*de Grottaferrata*” and bears a partly legible Greek note of 1230 translating an agreement between the *praepositus* (overseer) Pankratios of Grottaferrata and the lords Jacob and John Frangipane.¹⁵ Elpidio Mioni assigns this manuscript to Bessarion’s collection, although it does not contain any signature or pressmark and I have not been able to find a trace of it in the inventories of Bessarion’s donation to the Marciana.¹⁶ Moreover, although it is unquestionably from Grottaferrata, the manuscript does not feature in the inventory of the monastery’s library made in 1462 by Niccolò Perotti.¹⁷ Perhaps Bessarion had acquired it before that date or the cataloguers simply described it so vaguely that it cannot be identified. Nonetheless, I have been unable to find any trace of this manuscript in later donations of Greek manuscripts to the Biblioteca Marciana, and so Bessarion remains the most probable source.

Mioni also reports that Marc. gr. 172 (known as the ‘Epitome Marciana’), a Calabrian civil law collection of 1175 with a supplement of excerpted canon laws, bears a note of possession of Cardinal Bessarion.¹⁸ Unfortunately, he does not record the exact wording and the manuscript is

¹¹ “*soror Anastasia cum juramento interrogate si abbatissa dicit officium in ecclesia debitis horis, dixit quod semper et cotidie dicit officium in ecclesia debitis horis et scit bene legere*”: Chalkeopoulos, *Liber visitationis*, 34 ll. 9-11.

¹² See e.g. the inventory of Grottaferrata drawn up by Perotti for Bessarion in 1462, published in Pierre Batiffol, “Vier Bibliotheken von alten Basilianischen Klöstern in Unteritalien,” *Römische Quartalsschrift* 3 (1889): 31-41, at 39-41.

¹³ Mioni, “Bessarion bibliofilo,” 66 identified about thirty manuscripts that were copied by Bessarion personally.

¹⁴ For more details on Bessarion’s donation, see Labowsky, *Bessarion’s Library*, 23-57. See also Marino Zorzi, *La Libreria di San Marco. Libri, lettori, società nella Venezia dei Dogi* (Venice: Mondadori, 1987), 63-85.

¹⁵ For further details on this note, see chapter three, p. 104.

¹⁶ *Divi Marci* 1.1.256.

¹⁷ Batiffol, “Vier Bibliotheken,” 39-41.

¹⁸ *Divi Marci* 1.1.261. The manuscript is perhaps best known for the fact that it contains a Greek translation of a law of Roger II on inheritance: see Francesco Brandileone, “Frammenti di legislazione normanna e di giurisprudenza bizantina,” *Atti della Reale Accademia dei Lincei* 2 (1886): 260-72, 277-84; Guglielmo Cavallo, “La circolazione di testi giuridici in lingua greca nel Mezzogiorno medievale,” in *Scuole, diritto e società nel Mezzogiorno medievale d’Italia*, ed. Manlio Bellomo (Catania: Tringale, 1985), 2.87-136, at 102-3, 113-4.

in such a poor condition that I was not permitted to see it myself. The quality of the microfilm reproduction is so low as to render it illegible by that medium as well. Even so, Marc. gr. 172 can be easily identified as number 220 in Bessarion's collection.

Marc. gr. 169 is a more complicated case. It bears a note in Bessarion's own hand on fol. 1^r: "*Leges et canones conciliorum, [locus] 43, B[essarionis] Car. Tusculani*" and appears under the pressmark 200 in Bessarion's collection.¹⁹ He probably acquired it between the years 1455 and 1463, after he became Cardinal Protector of the Basilians but before he was appointed titular Patriarch of Constantinople. At the end of the codex, there is a Latin act of 1288 recording a debt owed by the Holy Saviour of Messina to the nobleman Pandolfo Falcone in return for supplying barley for the monastery's animals.²⁰

It is reasonable to conclude, therefore, that Bessarion acquired the manuscript from Messina. Indeed, Mioni's catalogue description of the manuscript states that the script is in the 'Reggio Style' associated with the Holy Saviour.²¹ However, this has been challenged recently by Maria Rodriguez and Santo Lucà, both of whom point out that the script appears to be much closer to eleventh-century Constantinopolitan *Perlschrift* than the twelfth-century Reggio Style.²² Moreover, the codex was made from the same prototype as the twelfth- or thirteenth-century nomocanon Staatsbibl. gr. 380, which was certainly copied in Greece or Constantinople; it contains some texts that cannot be found in any southern Italian manuscripts.²³ Marc. gr. 169 was probably not copied in southern Italy either. Nonetheless, I include the manuscript here since it was clearly present in the Holy Saviour of Messina by the late thirteenth century, even if it did not originate there.

The Italo-Greek nomocanons in Bessarion's collection all seem to have come from Sicily and Calabria. However, there is a famous story told around the end of the fifteenth century by the learned doctor Antonio de Ferraris (also known as 'Galateo') of Lecce. In 1480, the Ottoman Turks launched a notorious raid on Otranto in the Salento and in the process sacked the Greek monastery of St Nicholas of Casole, destroying its library. Galateo writes about the monastery before the attack, describing an extensive collection of Greek literature that was sadly diminished through

¹⁹ Text reproduced in *Divi Marci* 1.1.250. On Bessarion's pressmarks, see Labowsky, *Bessarion's Library*, 20-1.

²⁰ Although the text of the document is in Latin, the representatives of the Holy Saviour sign their names in Greek: see *Divi Marci* 1.1.253. For further discussion of the act, see Maria T. Rodriguez, "Riflessioni sui palinsesti giuridici dell'area dello Stretto," in Antonio Rigo, Andrea Babuin, and Michele Trizio (edd.), *Vie per Bisanzio. VII Congresso Nazionale dell'Associazione Italiana di Studi Bizantini* (Bari: Pagina, 2013), 2.625-45, at 642-3.

²¹ "*Scriptura minuscula, pluribus litteris formae maiusculae mixta, vel litterarum formis vel ornatu stylum peculiarem terrae Rheginae praebet*": *Divi Marci* 1.1.250.

²² "... la scrittura però nulla ha a che vedere con lo stile di Reggio": Santo Lucà, "Frustuli di manoscritti greci a Troina in Sicilia," *Erytheia* 31 (2010): 75-132, at 78 n. 7; "... il Marc. gr. 169, con diversi materiali giuridici in una grafia non italo-greca, ma presente al San Salvatore": Maria T. Rodriguez, "Riflessioni sui palinsesti giuridici dell'area dello Stretto," in Antonio Rigo, Andrea Babuin, and Michele Trizio (edd.), *Vie per Bisanzio. VII Congresso Nazionale dell'Associazione Italiana di Studi Bizantini* (Bari: Pagina, 2013), 2.625-45, at 642-3.

²³ Johannes Konidaris, "Die Novellen des Kaisers Herakleios," *Fontes Minores* 5 (1982): 33-106, at 47. To this observation I would add that the final of Marc. gr. 169, fol. 311^v, contains a garbled quotation from Michael Psellos' medical poem 'On the Bath' scribbled in the lower margin; cf. Julius-Ludwig Ideler (ed.), *Physici et medici graeca minores* (Berlin: Reimer, 1842), 2.193. This poem is only otherwise contained in manuscripts from Mount Athos and Constantinople of the fourteenth and sixteenth centuries, which would make Marc. gr. 169 its earliest attestation. There is no mention of the text in Mioni's catalogue description and I believe that I am the first to identify it.

Latin negligence and contempt for Greek letters. “Not a small part,” he continues, “was carried off to Rome to Cardinal Bessarion and thence to Venice.”²⁴

It seems to have been received wisdom at the Biblioteca Marciana until the twentieth century that “the whole... of the library of S. Nicholas, so far as it exists at all, is still to be found at St Mark’s.”²⁵ Might Bessarion have acquired any nomocanons from the monastery? It would seem not. Nigel Wilson stated that he “never found any evidence pointing to the library of Otranto as the previous possessor of a book [donated by Bessarion to the Marciana],” though he did consider that further study might yield such evidence.²⁶ Lotte Labowsky much more categorically stated that there is no evidence at all that any books from Otranto found their way into Bessarion’s donation to the Marciana, “for none of the *Libri Nicaeni* [i.e. Bessarion’s donation] in Venice shows any sign of having once belonged to that monastery.”²⁷ My own study of Bessarion’s canon law manuscripts in the Biblioteca Marciana bears out Wilson and Labowsky’s findings: none are from the Terra d’Otranto.

The Torquemada Connection: Vall. C 11.1

Vall. C 11.1 is one of a trio of nomocanons (together with S. Salv. 59 and Vat. gr. 2060) produced in the *Patiron* monastery of Rossano in the first half of the twelfth century.²⁸ The final folios of the manuscript contain the Latin text of a bull of Pope Honorius III (*r.* 1216-1227) of the year 1224 regarding the lifting of the excommunication of the Archimandrite of the Holy Saviour of Messina that he had issued the year before.²⁹ It is highly likely, therefore, that the manuscript had entered the library of Messina by the mid- to late-thirteenth century; it may perhaps have been one of the codices brought there from Rossano by the Archimandrite Luke in 1130.³⁰

A note in the card catalogue of the Biblioteca Vallicelliana states that the manuscript was previously owned by the Spanish Cardinal Juan de Torquemada (1388-1468). It is also stored in the library alongside an autograph manuscript of the cardinal’s *De conceptione deiparae Mariae*.³¹ Torquemada must have known Bessarion well: both attended the Council of Ferrara-Florence and both were appointed cardinals around the same time (Torquemada in 1439, Bessarion in 1440); he was even Bessarion’s predecessor as bishop of Sabina (1464-1468).³² He also developed a strong interest in canon law, writing defences of papal prerogatives against the Conciliarists and

²⁴ “*non parva pars Romam ad Bessarionem cardinalem deportata est et inde Venetias...*”: Antonio de Ferraris, *La Iapygia (Liber de Situ Iapygiae)*. *Introduzione, testo, tradizione e note*, ed. and trans. Domenico Defilippis (Galatina: Congedo, 2005), 8.9 (p. 36). Quoted in Nigel G. Wilson, “The Libraries of the Byzantine World,” *Greek, Roman and Byzantine Studies* 8 (1967): 53-80, at 73.

²⁵ Kirsopp Lake, “The Greek Monasteries in South Italy. IV. The Libraries of the Basilian Monasteries,” *Journal of Theological Studies* 5 (1904): 189-202, at 193.

²⁶ Wilson, “Libraries of the Byzantine World,” 74.

²⁷ Labowsky, *Bessarion’s Library*, 10-11.

²⁸ See chapter three, p. 100.

²⁹ Vall. C 11.1, fols. 347^v-348^r. See chapter six, p. 213.

³⁰ See chapter three, p. 102.

³¹ Rome, Biblioteca Vallicelliana, MS C 11.2.

³² On the life of Cardinal Juan de Torquemada, see Thomas M. Izbiccki, *Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church* (Washington, DC: Catholic University of America Press, 1981), 1-30.

producing a commentary on Gratian's *Decretum*. As a result, Torquemada accumulated a sizeable library of Latin and Greek canon law manuscripts.³³

Unfortunately, there is no information on how Torquemada came to own Vall. C 11.1, though one may hazard a guess. From Izbicki's work on his manuscript library, it seems that he purchased most of his books in Rome; there is no record of him having visited southern Italy. Bessarion had been Cardinal Protector of the Order of St Basil since the 1440s and was asked by Callixtus III in 1455 to investigate the state of the Basilian monasteries of southern Italy and Sicily. It is most likely, I believe, that Bessarion would have brought Vall. C 11.1 from Messina to Rome in the late 1450s/early 1460s. Perhaps Torquemada borrowed the manuscript from him while he was writing his commentary on Gratian?

By the end of the fifteenth century, the vast majority of southern Italian canon law manuscripts were still in southern Italy. However, this was still an important period in the history of their preservation: the foundation of the Order of St Basil under Cardinal Bessarion reinforced the institutional strength of the monasteries that owned many of the surviving codices. It also meant that the papacy's awareness of Italo-Greek monasticism was greater than ever before, while concern for Greek religious texts was coming to play a significant role in the projection of papal legitimacy and universal authority. Moreover, Bessarion's efforts to inventory Italo-Greek manuscripts (both sacred and profane) and produce new copies for wider circulation set an example for both church authorities and secular book collectors in the centuries to follow.

2. *Renaissance and Reformation: The Development of the Vatican Fondo Antico and Further Papal Acquisitions (16th-17th Centuries)*

Vat. gr. 1168

Vat. gr. 1287

Vat. gr. 1426 (The Messinese Collection')

Vat. gr. 1506

While the single largest collection of Italo-Greek nomocanonical codices is today located in the Biblioteca Apostolica Vaticana, it acquired surprisingly few during its Renaissance heyday. Of these four manuscripts, only one, strictly speaking, is a canon law collection (the fragmentary Vat. gr. 1287); the rest are a variety of other manuscript types that also contain nomocanonical material. The sixteenth and seventeenth centuries may have witnessed a great expansion of the Vatican's collection of Greek manuscripts, but, as with Bessarion's collection, the significance of the period for the preservation of the Italo-Greek canon law collections lay more in the development of institutions than in actual acquisitions.

The history of the papal library can essentially be divided into three periods, as Robert Devreesse outlined: the fourth to the ninth century, on which we have only scraps of information; the ninth

³³ See Thomas M. Izbicki, "Notes on the Manuscript Library of Cardinal Johannes de Turrecremata," *Scriptorium* 35.2 (1981): 306-11, at 310.

to the early sixteenth century; and the sixteenth century to the present day.³⁴ It was at the beginning of the last of these three periods that the library moved to its present location in the Vatican and began to make its first significant manuscript acquisitions from southern Italy. The story of the modern Vatican Library began in 1527, when an army of the Holy Roman Emperor Charles V captured Rome as part of the war against the League of Cognac (1526-1530). The headstrong *Landsknechten* and *condottieri* of the imperial army were disgruntled at their lack of pay and indulged in a sack of the city that has since become notorious for its wanton destruction.³⁵ The papal library was fortunately spared the worst of the troops' ravages, although it was by no means unscathed. By 1533 the surviving manuscripts were inventoried by the Italo-Greek Niccolò Maiorano of Otranto (1491/2-1597) and in the following decades the librarians set about the arduous task of restoring and expanding the collection.

There were further reasons for adding to the library besides the sack of Rome. In an interesting parallel to the earlier confrontation with the Conciliarists that culminated in the Council of Ferrara-Florence, the sixteenth-century papacy faced a major threat to its authority and legitimacy in the growth of Protestantism. As it had a century earlier, it responded with a great council (of Trent, 1545-1563) and attempted to reassert its universal authority. A key element of this was the projection of papal responsibility for the Church and its history. Just as at Ferrara-Florence, the papacy projected this responsibility by emphasising its ecumenical guardianship of both Latin and Greek traditions.³⁶

The reform of canon law scholarship would play a central role in the papacy's reassertion of universal authority. In 1566, Pius V commissioned the '*correctores romani*' to develop what was to become the foundational *editio romana* of Gratian's *Decretum* of 1582.³⁷ The editors made extensive reference to the primary canonical sources (both Latin and Greek) underlying the text of the *Decretum* with the aim of producing a practical, corrected, standardised version. Later, in 1608-1612, the very first Western text of the Greek conciliar canons in their original language (i.e. not

³⁴ Robert Devreesse, "Pour l'histoire des manuscrits du fonds Vatican grec," in *Collectanea Vaticana in honorem Anselmi M. Card. Albareda a Bibliotheca Apostolica* (Vatican City: Biblioteca Apostolica Vaticana, 1962), 315-36, at 315. See also Timothy Janz, "Lo sviluppo del Vaticano greco tra fondo antico e accessioni seicentesche," in *Storia della Biblioteca Apostolica Vaticana. III. La Vaticana nel seicento (1590-1700): una biblioteca di biblioteche*, ed. Claudia Montuschi (Vatican City: Biblioteca Apostolica Vaticana, 2014), 503-42, at 504.

³⁵ On the sack of Rome and its consequences for the Vatican Library, see Ambrogio M. Piazzoni, "Roma e papato in epoca umanistica e rinascimentale," in *Storia della Biblioteca Apostolica Vaticana. I. Le origini della Biblioteca Vaticana tra umanesimo e rinascimento (1447-1534)*, ed. Antonio Manfredi (Vatican City: Biblioteca Apostolica Vaticana, 2010), 111-46, at 144-6.

³⁶ As Timothy Janz expressed it, "L'incremento della proporzione di materiali greci che si osserva all'epoca di Paolo III e di Giulio III si spiega senz'altro per le circostanze che hanno portato anche all'apertura del concilio di Trento e in particolare per la necessità di contrastare le posizioni protestanti... e di riaffermare l'importanza della tradizione teologica e dottrinale rappresentata dai Padri della Chiesa, anche da quelli greci che gli Occidentali avevano in qualche modo riscoperto...": Janz, "Lo sviluppo," 505.

³⁷ On the *editio romana* of Gratian, see in particular Mary E. Sommar, *The Correctores Romani: Gratian's Decretum and the Counter-Reformation Humanists* (Munster: LIT Verlag, 2009).

in Latin translation) was published as part of the *editio romana* of the general councils of the Church.³⁸

An instrumental figure in this effort was Cardinal Guglielmo Sirleto (1514-1585), a native of Stilo in Calabria.³⁹ Sirleto came to Rome in the 1530s and befriended Marcello Cervini (1501-1555), who served as Pope Marcellus II for twenty-two days before his death. Not only did Sirleto take an active part in the Council of Trent, but he succeeded Cervini as custodian of the papal library in 1554. He was appointed cardinal in 1565 and then successively held the bishoprics of San Marco in northern Calabria (1566) and Squillace in southern Calabria (1568). Pope Pius V (*r.* 1566-1572) appointed him cardinal protector of the Order of St Basil in 1571 and cardinal librarian of the papal library in the following year.

Southern Italy was an obvious source of Greek manuscripts to serve in the papal publishing effort. Thus, for example, in 1553, Pope Julius III (*r.* 1550-1555) wrote to Archimandrite Annibale Spatafora of Messina that he should send a selection of sacred and profane books from Sicily and Calabria to Rome so that they could be copied and then returned to their place of origin.⁴⁰ In 1563, Pius IV (*r.* 1559-1565) arranged for the Messinese nobleman Francesco Antonio Napoli to catalogue the Greek and Latin manuscripts of Sicily and, if possible, to buy copies for the papal library.⁴¹ Inventories such as this are crucial to the modern scholar in tracing manuscript histories, though few of them survive in their entirety and our contextual knowledge is often limited.⁴² Given the paucity of southern Italian nomocanons that accrued to the papal library in this period, it seems that its custodians were mostly scrupulous in returning original manuscripts to their owners.

Acquisitions from Grottaferrata: Vat. gr. 1168, 1506

The monastery of Grottaferrata had been a highly influential centre of Italo-Greek Christianity throughout the Middle Ages, but its manuscript collection seems to have undergone a period of turmoil in the late fifteenth and early sixteenth centuries. The powerful aristocratic family of the

³⁸ See Claudio Leonardi, "Per la storia dell'edizione romana dei concili ecumenici (1608-1612). Da Antonio Agustín a Francesco Aduarte," in *Mélanges Eugène Tisserant. VI. Bibliothèque Vaticane. Première partie.* (Vatican City: Biblioteca Apostolica Vaticana, 1964), 583-637.

³⁹ For more detail on the life and career of Guglielmo Sirleto, see Georg Denzler, *Kardinal Guglielmo Sirleto (1514-1585): Leben und Werk. Ein Beitrag zur nachtridentinischen Reform* (Munich: Hueber, 1962); also Santo Lucà, "Guglielmo Sirleto e la Vaticana," in *Storia della Biblioteca Apostolica Vaticana. II. La Biblioteca Vaticana tra riforma cattolica, crescita delle collezioni e nuovo edificio (1535-1590)*, ed. Massimo Ceresa (Vatican City: Biblioteca Apostolica Vaticana, 2012), 146-88.

⁴⁰ "... *ut de diversis libris graecis tam sacris quam profanis, qui in monasteriis Regni Neapolitani, praesertim in provinciis Calabriae et insulae Siciliae inveniuntur, exemplaria Romam mittantur, ita tamen ut posteaquam vel transcribi vel imprimi eos fecerit, ipsis monasteriis reddantur*": *Arch. Vat. Arm.* 41, vol. 67, fol. 120; quoted in Francesco Russo, "Tradizione calligrafica Calabro-Greca," in *Atti del 4° Congresso storico calabrese* (Naples: Fausto Fiorentino, 1969), 37-52, at 44-5.

⁴¹ On Napoli's mission, see Giovanni Mercati, *Per la storia dei manoscritti greci di Genova, di varie badie basiliane d'Italia e di Patmo* (Vatican City: Biblioteca Apostolica Vaticana, 1935), 32-40. Napoli was unable to finish the task for some reason and it was completed by Francesco D'Avanzati. The only surviving inventory is that for the library of the Holy Saviour of Messina; text in Mercati, *Per la storia*, 232-47; see also Pierre Batiffol, *L'abbaye de Rossano. Contribution à l'histoire de la Vaticane* (Paris: Picard, 1891), 128-42, although Mercati's text is to be preferred.

⁴² For a more detailed account of sixteenth-century efforts to inventory the Greek monastic libraries of southern Italy, see Mercati, *Per la storia*, 32-60, 98-116.

Colonna held the monastery in fief from 1494 until 1557 when it was returned to papal oversight.⁴³ In 1575, Sirleto (then in charge of both the Order of St Basil and the papal library) tasked Don Luca Felice de Tivoli to draw up a new inventory of Grottaferrata's Greek manuscripts.⁴⁴ By comparing this inventory to that of Niccolò Perotti in 1462, it becomes clear that the monastery had lost much of its collection in the meantime.⁴⁵ Many of the manuscripts recorded in the 1575 inventory were in fact brought to Grottaferrata from Rossano and Carbone by Sirleto much later, around the year 1560.⁴⁶

The twelfth-century Vat. gr. 1168 was probably one of the manuscripts that had disappeared from Grottaferrata before 1560. This was one of the last codices to enter the Vatican Library's *fondo antico*, being acquired in the 1580s-1590s as part of the group Vat. gr. 1167-1217.⁴⁷ Seven of the manuscripts in this group were collections of conciliar acts that had belonged to Antonio Agustín (1518-1586) and were brought to the Vatican by Pope Sixtus V (r. 1585-1590) in order to create an edition of the ecumenical councils, although none of those were from southern Italy.⁴⁸ Vat. gr. 1168, however, is bound under the seal of the Colonna family. It must have been one of a group of manuscripts donated to the papal library by Marcantonio Colonna, cardinal librarian from 1591 to 1597.⁴⁹

Although it can only be speculation, the most likely hypothesis is that the Colonna first acquired Vat. gr. 1168 from Grottaferrata during the early sixteenth century, when the family held the monastery in fief. It is clear from the distinctive textual content of the manuscript that it was originally produced around the area of Rossano in the late-eleventh to early-twelfth centuries.⁵⁰ Grottaferrata's close cultural connections with Calabrian monasticism meant that many Rossanese manuscripts ultimately found their way into its library. Vat. gr. 1168 does not appear in Perotti's 1462 catalogue, so it may have been brought to the monastery after that date by Bessarion or one of his successors. Alternatively, it is not impossible that Perotti simply overlooked the codex, which would have been unbound at the time.

The Apostolic compilation Vat. gr. 1506, produced in Calabria in 1024, was one of a group of manuscripts that Pope Paul V (r. 1605-1621) brought from Grottaferrata to the Vatican Library in

⁴³ Giuseppe M. Croce, *La Badia greca di Grottaferrata e la rivista 'Rome e l'Oriente'. Cattolicesimo e ortodossia fra unionismo ed ecumenismo (1799-1923)* (Vatican City: Libreria Editrice Vaticana, 1990), 7; see also Antonio Rocchi, *La badia di Grottaferrata*, 2nd ed. (Rome: Cuggiani, 1904), 90-7.

⁴⁴ See Paul Canart, *Les vaticani graeci 1487-1962. Notes et documents pour l'histoire d'un fonds de manuscrits de la Bibliothèque Vaticane* (Vatican City: Biblioteca Apostolica Vaticana, 1979), 195-7, at 196. See also Rocchi, *De coenobio*, 285-9; Mercati, *Per la storia*, 97.

⁴⁵ For Perotti's inventory, see above, p. 61.

⁴⁶ Batiffol, *L'abbaye de Rossano*, 40; Batiffol, *La Vaticane de Paul III*, 112-3. Leo Allatius specifically mentions that the manuscripts came from the *Patiron* monastery of Rossano and SS Elias and Anastasios of Carbone: text in Mercati, *Per la storia*, 85.

⁴⁷ Janz, "Lo sviluppo," 512.

⁴⁸ On the Greek canon law collection of Antonio Agustín and its eventual contribution to the *editio romana* of the ecumenical councils of the Church, see Leonardi, "Per la storia," 602-7; see also Marc Mayer-Olivé, "Towards a History of the Library of Antonio Agustín," *Journal of the Warburg and Courtauld Institutes* 60 (1997): 261-72, at 263 and 269. For more details on Agustín, see below, pp. 72-3.

⁴⁹ Janz, "Lo sviluppo," 514 n. 63; see also Lilla, *I manoscritti*, 18.

⁵⁰ See chapter three, pp. 124-5.

1615. A note on fol. ii^v marks it out as “*codex bibliothecae Cryptoferratae ΨΨ*,” the shelfmark that Luca Felice de Tivoli had assigned it in his 1575 inventory.⁵¹ The note also states that “this book came from the monastery of Grottaferrata.”⁵² Though it is possible that it was one of the manuscripts that Sirleto brought from Calabria in 1560, the 1462 inventory mentions an “unbound [collection of the] canons of the Apostles.”⁵³ The description is admittedly vague, but it does fit Vat. gr. 1506: the manuscript’s current binding dates to the years 1878-1889, suggesting that it was indeed unbound.⁵⁴ If Perotti was describing Vat. gr. 1506, then it would indicate that the manuscript was already present in Grottaferrata by the late Middle Ages.

The Messinese Theological Collection: Vat. gr. 1426

Vat. gr. 1426 is best known as a source for Neilos Doxapatres’ theological compendium known as the *De oeconomia Dei*, recently edited by Stefaan Neiryck and Ilse de Vos.⁵⁵ Its significance for this study, however, lies in the witness it bears to an early thirteenth-century manuscript collection that I refer to here as the ‘Messinese Collection’. In addition to Doxapatres’ *De oeconomia Dei* and a number of other theological texts, fols. 161-223 contain a selection of theologically themed conciliar and patristic canons as well as texts on the history of the ecumenical and local church councils.

As we read in a colophon on fol. 1^r, Vat. gr. 1426 was produced at the Holy Saviour of Messina by a monk of the monastery named Ioakeim Mbutas, a copyist known to have been active around the year 1534.⁵⁶ It is a copy of a very large (and now lost) codex made in the same monastery in 1213.⁵⁷ There are two other manuscript copies, made slightly later than Vat. gr. 1426, that have exactly the same contents, *pinax*, opening inscription, and even metric colophon.⁵⁸ The original Messinese Collection must have already been damaged by the sixteenth century, as the three later copies all break off at the same point in the text of the *De oeconomia Dei*.

⁵¹ See Pierre Batiffol, “La Vaticane depuis Paul III,” *Revue des Questions Historiques* 45 (1889): 177-218, at 209-10 n. 3.

⁵² “τοῦτο τὸ βιβλίον ἦν τῆς μονῆς τῆς κρυτοφέρης [*sic*]”: Vat. gr. 1506, fol. ii^v.

⁵³ “*canones apostolorum non copertos*”: Batiffol, “Vier Bibliotheken,” 41.

⁵⁴ The binding of Vat. gr. 1506 bears the seals of Pope Leo XIII (1878-1903) and Cardinal Librarian Jean-Baptiste Pitra (1869-1889).

⁵⁵ Stefaan Neiryck (ed.), *La théologie byzantine en Sicile normande. Nil Doxapatres (XII^e siècle)*, *De oeconomia Dei, Livre I, 1-163* (Leuven, forthcoming); Ilse de Vos (ed.), *Nilus Doxapatres’ De oeconomia Dei, Book 1, Chapters 164-263* (Leuven, forthcoming). On manuscript sources for the work, see also Stefano A. Caruso, “Per l’edizione del *De oeconomia Dei* di Nilo Doxapatres,” *Δίπτυχα* 4 (1984-1985): 250-61; Stefaan Neiryck, “The *De oeconomia Dei* by Nilus Doxapatres: Some Introductory Remarks to the Work and its Edition,” *Byzantion* 80 (2010): 265-306.

⁵⁶ He copied Vatican City, Biblioteca Apostolica Vaticana, MS Ottob. gr. 340, which is dated to 15th February 1534. See Robert Devreesse, *Les manuscrits grecs de l’Italie méridionale (histoire, classement, paléographie)* (Vatican City: Biblioteca Apostolica Vaticana, 1955), 12; Marc De Groote, “Die handschriftliche Überlieferung des Oecumenius-Kommentars zur Apokalypse,” *Sacris Erudiri* 35 (1995): 5-29, at 8 n. 12.

⁵⁷ See chapter three, p. 103.

⁵⁸ The other two copies are Madrid, Biblioteca Nacional, MS Matrit. 4591 (c.1547-1549); Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1945 (c.1650/1654).

Vat. gr. 1426 was mentioned by Napoli in his Messinese inventory of 1563 and was later acquired by Cardinal Sirleto.⁵⁹ On Sirleto's death it was purchased by Duke Giovanni Angelo d'Altemps (d. 1620), as recorded in a note on the opening flyleaf.⁶⁰ Pope Paul V then bought it along with several others from the duke's collection and added it to the Vatican Library in 1612.⁶¹

A Nomocanon Fragment from the Salentine Book Market: Vat. gr. 1287

As a note in the opening flyleaves states, the fragmentary nomocanon Vat. gr. 1287 entered the Vatican Library in 1591 on the death of Antonio Carafa (1538-1591), who had served as cardinal librarian since the death of Sirleto in 1585.⁶² A native of Naples and nephew of Pope Paul IV (r. 1555-1559), Carafa studied law at the university of Padua in 1563-1564, eventually becoming Cardinal Deacon of S. Eusebio in 1568. Although he is best known for his work editing the text of the Bible and the Roman breviary, he took a keen interest too in Greek Patristics, having been tutored in the language by Sirleto. Carafa was also involved in the work of the commission convened by Pius V in 1566 to edit Gratian's *Decretum*, and so it is no surprise to see Vat. gr. 1287 among his collection.

The manuscript is one of a distinctive group of twelfth- to thirteenth-century nomocanons from the Terra d'Otranto that I refer to as the 'Salentine Group'.⁶³ Although it is incomplete, Vat. gr. 1287 has a set of specific textual contents that recurs consistently within this group. It also bears the distinctive 'X' ruling pattern (one ruled line for every two written lines) and other stylistic features that are highly characteristic of the Salentine Group.⁶⁴ Finally, it has been bound together with a Gospel fragment that has been attributed to the hand of a tenth-century Italo-Greek monk named Leo, reinforcing its southern Italian character.⁶⁵

Although Vat. gr. 1287 itself does not contain any explicit statement of provenance, Carafa is known to have obtained two other Salentine manuscripts, Vat. gr. 1276 and 1277, from a certain

⁵⁹ Napoli describes the manuscript thus: "*Fragmenta quaedam cuiusdam libri Nili Tudoxa patri, continens acta septem conciliorum et disputationes quasdam sacras. Retulit Bartholomeus Spatafora, originale integrum huius libri dono fuisse missum ab Annibale Spatafora [d. 1553] olim Archimandrita Cardinali de Mendoza*": text in Mercati, *Per la storia*, 235 (no. 23).

⁶⁰ For further information on the Altempsiana library, see section three below, p. 77.

⁶¹ On Paul V's purchase of "about eighty" manuscripts from the Duke d'Altemps, see Giovanni Mercati, *Codici latini Pico Grimani Pio e di altra biblioteca ignota del secolo XVI esistenti nell'Ottoboniana e i codici greci Pio di Modena con una digressione per la storia dei codici di S. Pietro in Vaticano* (Vatican City: Biblioteca Apostolica Vaticana, 1938), 109; Lilla, *I manoscritti*, 29-30.

⁶² Like all the Carafa manuscripts bequeathed to the Vatican's *fondo antico*, Vat. gr. 1287, fol. 1^r bears the Carafa coat of arms and the legend: "*Antonii Card. Carafae munus ex testamento.*" In the inventory of Carafa manuscripts that entered the *fondo antico* published by Batiffol, Vat. gr 1287 appears as as number eleven, referred to as "*canones sanctorum Apostolorum et diversorum conciliorum ac sanctorum Patrum, sine principio et fine: in folio, charta bergamena*": Batiffol, *La Vaticane de Paul III*, 132. See also Janz, "Lo sviluppo," 512.

⁶³ See chapter three, pp. 115-8.

⁶⁴ See chapter four, pp. 153-7.

⁶⁵ Vat. gr. 1287, fols. 66-71. Christina Paschou, "Ο γραφέας Λεών και ο κωδίκας Αθηνών 74," *Bollettino della Badia Greca di Grottaferrata* 56-7 (2002-3): 211-35, esp. 212. Marco D'Agostino, "Osservazioni codicologiche, paleografiche e storico-artistiche su alcuni manoscritti del 'gruppo Ferrar'," *Rudiae* 7 (1995): 1-22 has speculated that Leo may have worked in a monastery in the Salento peninsula, though Paschou suggests a Calabrian locale.

“Master Antony of Lecce.”⁶⁶ The Salento peninsula still had a strong tradition of Greek-language education as late as the sixteenth and seventeenth centuries, with the result that it remained an important centre of Greek manuscript production.⁶⁷ The Salento also provided several of the educated Greek-speakers who played important roles in the cultural life of Renaissance Rome such as Niccolò Maiorano (papal librarian from 1532) and Federico Mezio (1551-1626), a professor at the Roman Collegio Greco (founded 1577).⁶⁸

As a consequence of its continued vitality as a centre of Greek literary culture, the Salento peninsula was also home to a thriving book market in the sixteenth to seventeenth centuries.⁶⁹ Many Greek manuscripts (both medieval and early modern) in the Ambrosiana collection, for instance, were purchased in the region in the early seventeenth century.⁷⁰ It is most likely that Antonio Carafa acquired Vat. gr. 1287 on the Salentine book market, perhaps from the same Master Antony of Lecce from whom he obtained Vat. gr. 1276 and 1277.

3. Princes, Bishops and Humanists: Private Manuscript Collections of the Renaissance (16th-17th Centuries)

Ambros. B 107 sup. (gr. 128)
Ambros. E 94 sup. (gr. 303)
Ambros. F 48 sup. (gr. 341)
Ambros. G 57 sup. (gr. 400)
Anon. 110
Barb. gr. 323 (III.42 / 192)
Barb. gr. 324 (III.43 / 70)
Barb. gr. 476 (IV.58 / 350)
Barocci 86
BN II C 7
BnF gr. 1370
BnF gr. 1371
Laur. plut. 5.22
Ottob. gr. 186, fols. 9-22

The combined cultural impulses of the Renaissance and the Counter-Reformation created a strong drive among Catholic humanists to seek out and obtain antique Greek Christian manuscripts. Private collectors were responsible for removing far more non-canonical manuscripts from southern Italy in the sixteenth to seventeenth centuries than the Church itself. Although I refer to these as ‘private’ manuscript collections, it is important to stress that their owners moved in the

⁶⁶ Batiffol, *La Vaticane de Paul III*, 71.

⁶⁷ See chapter three, pp. 115-6.

⁶⁸ See Daniele Arnesano, “Copisti salentini del Cinquecento,” in *‘Colligite fragmenta’. Studi in memoria di Mons. Carmine Maci*, ed. Dino Levante (Campi Salentini: Centro Studi ‘Mons. Carmine Maci’, 2007), 83-94, at 86.

⁶⁹ See Marco Petta, “Codici greci della Puglia trasferiti in biblioteche italiane ed estere,” *Bollettino della Badia greca di Grottaferrata* 26 (1972): 83-129.

⁷⁰ See below, p. 76. See also Arnesano, “Copisti salentini,” 87. As in the case of Calabria and Sicily, very few Salentine manuscripts in general (be they Greek, Latin, or Hebrew) remain in the Salento peninsula today; see Marco Maggiore, “Manoscritti medievali salentini,” *Idomeneo* 19 (2015): 99-122, at 100.

same social and familial circles as the men who oversaw the Vatican Library. Most were bishops or cardinals; several were related to popes or even became popes themselves.

The private collectors of this period seem to have purchased the majority of their southern Italian nomocanons on the Salentine book market. Only four of the manuscripts have a Calabrian origin, while there are none at all from Sicily. The underrepresentation of Sicilian nomocanons in modern manuscript collections is a recurring theme, as we shall see in section five of this chapter. The Terra d’Otranto still had active Greek copyists in the sixteenth century, whereas the main sources of Greek manuscripts in Calabria and Sicily were the monasteries under the protection of the Order of St Basil. Consequently, most private collectors of the time looked to the Salento for their antique manuscript acquisitions.

The Ridolfi Collection: BnF gr. 1370, 1371

These two manuscripts entered the royal library of France (and thence, ultimately, the Bibliothèque nationale de France) in 1599 from the personal collection of Cardinal Niccolò Ridolfi (1501-1550). Ridolfi was the nephew of the de’ Medici pope Leo X (*r.* 1513-1521) and, in keeping with the nepotism of the time, had an astonishingly rapid career progression, becoming a cardinal deacon at age 16 and archbishop of Florence at age 23.⁷¹ On his death, Ridolfi’s library was purchased by the Florentine noble Piero Strozzi (1510-1558) and then by Catherine de’ Medici (1519-1589), the Queen Consort of King Henry II of France (*r.* 1547-1559).⁷² After her death, Ridolfi’s books entered the French royal library.

Ridolfi had a humanist education in Rome and was familiar with several of the most prominent Greek scholars in Italy at the time, including Matthew Devaris of Corfu, who introduced him to the study of Greek at age 8 and went on to administer his library.⁷³ Indeed, BnF gr. 1370 has several annotations in Devaris’ hand relating to its content and structure.⁷⁴ Though there is no specific information as to how Ridolfi acquired the two manuscripts, they can both be linked to the Terra d’Otranto. BnF gr. 1371 is a late twelfth-century canon law collection that contains an autograph letter and epistles of the famous Nektarios of Otranto, *hegoumenos* of the Salentine monastery of St Nicholas of Casole from 1220-1235.⁷⁵ As for BnF gr. 1370, André Jacob and Daniele Arnesano have proposed a Salentine origin palaeographical grounds, though Charles

⁷¹ For more details on the life and career of Niccolò Ridolfi, see Davide Muratore, *La biblioteca del cardinale Niccolò Ridolfi* (Alessandria: Orso, 2009), 1.3-51.

⁷² See Henri Omont, *Inventaire sommaire des manuscrits grecs de la Bibliothèque nationale et des autres bibliothèques de Paris et des Départements. Introduction et table alphabétique* (Paris: Leroux, 1898), xx-xxi, xxvi, xxx.

⁷³ Muratore, *La biblioteca*, 53-6.

⁷⁴ BnF gr. 1370, fols. 16^v, 24^v, 34^v, 35^r, 40^v, 48^v, 56^v, 64^v, 123^v, 136^v, 143^v. See Charles Astruc, “Une collection canonique d’Italie du Sud de la fin du XIII^e siècle (le *Parisinus graecus* 1370),” *Revue d’histoire des textes* 16 (1988): 37-62, at 39; Muratore, *La biblioteca*, 286.

⁷⁵ André Jacob, “Autour de Nicolas-Nectaire de Casole” in *Vaticana et medievalia. Études en l’honneur de Louis Duval-Arnould*, edd. Jean-Marie Martin, Bernadette Martin-Hisard and Agostino P. Bagliani (Florence: Galluzzo, 2008), 231-51, at 233-45 first identified the hand and published some of the longer marginalia.

Astruc has expressed doubt about this.⁷⁶ Nonetheless, like Vat. gr. 1287, the textual content and distinctive X-pattern ruling found in parts of the manuscript are strongly associated with the Salentine Group, and so Jacob and Arnesano are most likely correct in their attribution.⁷⁷

The Laurentian Collection: Laur. plut. 5.22

One of the earliest private libraries of the Italian Renaissance to be opened to scholars, the Biblioteca Laurenziana in Florence possesses two Greek canon law manuscripts of interest to this study, Laur. plut. 5.22 and 9.8 (although only the former can be identified with certainty as southern Italian).⁷⁸ The two manuscripts belonged to the original collection of the library when it opened in 1571, called ‘*plutei*’ after the wooden benches to which the codices were chained. The *plutei* manuscripts came from the private collection of the de’ Medici family, who were not only rulers of Florence and (after 1569) Grand Dukes of Tuscany, but also provided four popes in the sixteenth and seventeenth centuries.

Both manuscripts have inscriptions in the opening flyleaves in the hand of Antonio Agustín (1517-1586), the great Spanish legal scholar and archbishop of Tarragona, that list their contents. Rather curiously, Agustín lists the first item in both manuscripts as Theodore Balsamon’s recension of the *N14T*, but he is wrong in both cases: Laur. plut. 9.8 contains John Scholastikos’ *S50T*, while 5.22 has the *N50T*.⁷⁹ The fault is not entirely Agustín’s; he was merely following a Greek inscription in red letters on one the flyleaves of Laur. plut. 9.8, which reads: “*Nomokanonon* [*sic*] of the most holy patriarch of the great city of God Antioch, the lord Theodore Balsamon.”⁸⁰ On fol. i^r of that manuscript Agustín wrote a table of contents in Latin in which he translated this label; then, in his Latin table of contents at the beginning of Laur. plut. 5.22, he wrote: “From the *nomokanonon* of Theodore Balsamon (for that is the name given to him by another codex of this library)...”⁸¹

Agustín must have encountered and catalogued these manuscripts in the Medici library in Florence. He had studied Greek in Padua and received his doctorate in Roman and canon law from the university of Bologna in 1541. In 1544, he went to Rome to serve as a judge of the *rota romana* (the church’s highest appeals court). Later, in 1556, he became bishop of Alife in Campania and would then return to serve in Spain as bishop of Lerida (1561) and archbishop of Tarragona (1576). However, he spent four months in Florence from 1541 to 1542 studying the famous *codex*

⁷⁶ André Jacob, “Les écritures de Terre d’Otrante,” in *La Paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire and Jean Irigoien (Paris: CNRS, 1977), 269-81, at 281; Daniele Arnesano, “Il repertorio dei codici greci salentini di Oronzo Mazzotta. Aggiornamenti e integrazioni,” in *Tracce di storia. Studi in onore di mons. Oronzo Mazzotta*, ed. Mario Spedicato (Galatina: Panico, 2005), 25-80, at 56.

⁷⁷ As Astruc, “Une collection canonique,” 40 notes, the ruling scheme in BnF gr. 1370 is often very hard to discern.

⁷⁸ For discussion of the provenance of Laur. plut. 9.8, see appendix two, p. 318-9.

⁷⁹ For more discussion of the significance of these works’ inclusion, see chapter five, p. 166.

⁸⁰ “νομοκάνονον τοῦ ἀγιωτάτου πατριάρχου θεοῦ πόλεως μεγάλης Ἀντιοχείας κυροῦ Θεωδώρου τοῦ Βαλσαμόνοϋ”: Laur. Plut. 9.8, fol. i^v.

⁸¹ “*ex Theodoro Balsamo (nam id est ei nomen alio huius bibliothecae codice tribuitur) νομοκάνονον...*”: Laur. Plut. 5.22, fol. i^v.

Florentinus of Justinian's *Pandects*, which would seem to be the most probable period for him to have annotated Laur. plut. 5.22 and 9.8.⁸²

Laur. plut. 5.22 likely entered the Medici library between c.1510, when an inventory of the collection (from which it is absent) was drawn up by the scholar Fabio Vigili, and Agustín's visit in 1541/2.⁸³ Though there is no evidence of how the Medici family acquired it, the manuscript is certainly from southern Italy, as the opening flyleaf bears a faded thirteenth-century note in Greek making reference to "the renowned and most honourable *basileus* Frederick [II of Sicily]." No Byzantine would have referred to Frederick with that title, but it was the term by which Italo-Greeks tended to address him.⁸⁴

André Jacob has assigned Laur. plut. 5.22 to the early thirteenth-century Salento, though to my knowledge he has not elaborated on his reasons for doing so.⁸⁵ Nonetheless, the ruling pattern is one ruled line for two written lines (the X pattern), while the manuscript shares the same textual content as the nomocanons of the Salentine Group, and so Jacob's view of its provenance is surely correct. As in the case of other manuscript acquisitions from the Terra d'Otranto, it is a reasonable assumption that the codex was purchased on the open market in the region in the early sixteenth century.⁸⁶

The Farnese Collection: BN II C 7

The twelfth-century Calabrian nomocanon BN II C 7 is currently in the Biblioteca Nazionale in Naples. It did not arrive there directly from a local southern Italian source as one might expect, however, but by a more circuitous route via the library of the Tuscan Cardinal Alessandro Farnese (1520-1589). Like Niccolò Ridolfi, Farnese had a rapidly advanced ecclesiastical career, being appointed cardinal deacon of Sant'Angelo in Pescheria at the age of 14 by his grandfather Pope Paul III (r. 1534-1549). In addition to serving as Archbishop of Monreale in Sicily (1536-1574), he went on to work as a papal secretary and held the sees of Sabina (1564-1565) and Tusculum (1565-1578), as Bessarion had before him.

One of the most notable collectors and patrons of the arts of the Italian Renaissance, Farnese was well acquainted with other notable figures mentioned here such as Marcello Cervini and Guglielmo

⁸² Davide Baldi, "Il *Codex Florentinus* del Digesto e il 'Fondo Pandette' della Biblioteca Laurenziana (con un'appendice di documenti inediti)," *Segno e testo* 8 (2010): 99-186, at 177.

⁸³ For Vigili's inventory, see Ida G. Rao, *L'inventario di Fabio Vigili della Medicea Privata* (Vat. lat. 7134) (Vatican City: Biblioteca Apostolica Vaticana, 2012).

⁸⁴ "... τοῦ περιβοήτου καὶ τιμωτάτου Φρεδδερίκου βασιλέως...": Laur. Plut 5.22, fol. i^r. Cf. Vat. gr. 2019, fol. 155^v: "... βασιλεύοντος ἡμῶν, τοῦ θεοστέπτου μ(ε)γ(ά)λ(ου) βασιλέως καὶ αὐτοκρ(ά)τ(ο)ρο(ς) Ῥωμ(ά)νων [!] καὶ αἰεὶ αὐγούστ(ου) Φρεδδερίκου..." Cf. also George of Gallipoli in Marcello Gigante (ed.), *Poeti bizantini di Terra d'Otranto nel secolo XIII. Testo critico, introduzione, traduzione, commentario e lessico* (Naples: Università di Napoli, 1979), 13.57 (p. 177): "δὸς τῷ βασιλεῖ [Φρεδδερίκῳ] τῶν ὄλων..."

⁸⁵ André Jacob, "Autour de Nicolas-Nectaire de Casole" in *Vaticana et medievalia. Études en l'honneur de Louis Duval-Arnould*, edd. Jean-Marie Martin, Bernadette Martin-Hisard and Agostino P. Bagliani (Florence: Galluzzo, 2008), 231-51, at 233. See also Daniele Arnesano, "Manoscritti greci di Terra d'Otranto – Recenti scoperti e attribuzione (2005-2008)," in *Toxotes. Studies for Stefano Parenti*, edd. Daniel Galadza, Nina Glibetic and Gabriel Radle (Grottaferrata: Monastero Esarchico, 2010), 63-101, at 72 (no. 8).

⁸⁶ See above, pp. 69-70.

Sirleto, and he built up a substantial book collection with the help of his librarian Fulvio Orsini (1529-1600).⁸⁷ He was well aware of the potential inherent in the Basilian libraries of southern Italy: in correspondence with Sirleto in April 1568, for example, Farnese agreed to look for a selection of books in Italo-Greek monasteries and send Sirleto a list of what he found.⁸⁸ Later, in 1571, he sent Orsini to Grottaferrata to draw up an inventory of the library there.⁸⁹ As in other cases, the aim was to collect manuscripts to create copies and then return them, though not every manuscript found its way back to its place of origin.

BN II C 7 was one such manuscript: the spine bears the distinctive markings of Farnese's collection, though, as Metastasio and Calabrese have noted, neither Pierleoni nor Mioni mentioned this in their catalogues.⁹⁰ From a colophon on fol. 183^v we know that it was copied on 16th December 1139 at the monastery of St John Theristes near Stilo.⁹¹ Athanasios Chalkeopoulos saw the manuscript on his visit to the monastery in 1457, but it is notably absent from an inventory of the monastery's library made in 1603.⁹² Clearly Farnese had acquired it from St John Theristes before that date, most likely in the 1570s-1580s. The Biblioteca Farnesiana was eventually inherited in 1731 along with the Duchy of Parma (a Farnesian fief since the time of Paul III) by Charles III of Spain, who went on to become Charles VII of Naples and III of Sicily after conquering the two kingdoms in 1734. BN II C 7 thus found its way into the Reale Biblioteca Borbonica in Naples, which later became the Biblioteca Nazionale 'Vittorio III Emanuele'.

The Venetian Collection: Barocci 86

The twelfth-century canon law collection Barocci 86 was donated to the Bodleian Library along with the other two-hundred-and-forty-one *codices Barocciani* in 1629 by William Herbert, 3rd Earl of Pembroke, who had in turn purchased them from the Venetian Jacopo (Giacomo) Barozzi (1562-1617). Jacopo had inherited these manuscripts from his uncle Francesco (1537-1604), the notable Venetian humanist (and alleged occultist), and continued to add to their number.⁹³ Francesco Barozzi had been born on Venetian-ruled Crete (though he spent most of his life in

⁸⁷ See Pierre de Nolhac, *La bibliothèque de Fulvio Orsini* (Paris: Bouillon and Vieweg, 1887), 11-17.

⁸⁸ Text quoted in Fernand Benoît, "Farnesiana," *Mélanges d'archéologie et d'histoire* 40 (1923): 165-206, at 171 n. 3.

⁸⁹ Text in Amadio Ronchini and Vittorio Poggi, "Fulvio Orsini e sue lettere ai Farnese," *Atti e mem. della Deput. di storia patria per le provincie dell'Emilia* 4.2 (1879): 37-106, at 49-50 (no. 3).

⁹⁰ Giorgio Metastasio and Fulvio Calabrese, "San Giovanni il Nuovo di Stilo e la biblioteca dei padri basiliani," *Annali di studi religiosi* 9 (2008): 67-110, at 83 n. 54. See also Gino Pierleoni, *Catalogus codicum Graecorum Bibliothecae Nationalis Neapolitanae* (Rome: Istituto Poligrafico dello Stato, 1962), 231; Elpidio Mioni, *Catalogus codicum Graecorum Bibliothecae Nationalis Neapolitanae* (Rome: Istituto Poligrafico dello Stato, 1992), 163-4. The manuscript bears the Farnesian shelfmarks "C. 13 n. 3" and "II A 37B" on the spine.

⁹¹ For more detail on this colophon and the circumstances of the manuscript's production, see chapter three, pp. 107-9.

⁹² Chalkeopoulos, *Liber visitationis*, 91 l. 35. The text of the 1603 inventory is published in Vito Capialbi, *Le memorie delle tipografie calabresi*, 2nd ed., ed. Carlo F. Crispo (Tivoli: Arte Grafiche Aldo Ciccha, 1941), 143-5.

⁹³ See Ian Philip, *The Bodleian Library in the Seventeenth and Eighteenth Centuries* (Oxford: Oxford University Press, 1983), 37-41. Jacopo Barozzi also had an inventory of the Barocci manuscripts produced which can be found in Venice, Biblioteca Marciana, MS 1258; text published in Jacopo F. Thomasini, *Bibliothecae Venetae manuscriptae publicae et privatae, quibus diversi scriptores hactenus incogniti recensentur* (Utini: Schiratti, 1650), 64-91 (Barocci 86 is listed on p. 85).

Venice) and was a philhellene with a range of interests from antiquities to mathematics and astronomy. He is known to have acquired several of his manuscripts from southern Italy, including Barocci 86.⁹⁴

The manuscript's exact provenance is disputed. Irmgard Hutter proposed that it is probably of Calabrian origin, and indeed that the copyist's hand resembled that of Leontios, who copied the *menologion* Vat. gr. 2008 in Stilo in Calabria in 1102.⁹⁵ André Jacob, by contrast, attributed the manuscript "without doubt" to Kalos, a Salentine copyist of the early twelfth century.⁹⁶ Palaeography is hardly an exact science and I am unsure if Jacob's certainty regarding the specific copyist is entirely justified (though it may indeed be). Nonetheless, he is right to assign a Salentine provenance to Barocci 86: the manuscript's X-pattern ruling and textual content undeniably tie it to the Salentine Group.

Two loose fragments have been inserted at the beginning of the codex: a heavily annotated two-page portion of a canonical *apokrisis* (*responsio*) on differences between Greeks and Latins (fols. 1-2) and a patristic *florilegium* on paper written in what appears to be a fourteenth-century hand from mainland Greece (fols. 3-12).⁹⁷ The insertion of the paper fragment probably does not mean that the manuscript travelled to Greece and back to Italy; rather, it is more likely that the loose fragment was brought to Italy and bound into the codex there, either in the Salento or in Barocci's library in Venice.

The Ambrosian Collection: Ambros. B 107 sup., E 94 sup., F 48 sup., G 57 sup.

These manuscripts entered the Biblioteca Ambrosiana at the time of its establishment in 1609 by Cardinal Federico Borromeo (1564-1631), the archbishop of Milan and cousin of the former archbishop Carlo Borromeo.⁹⁸ Federico pursued classical studies in Rome in the late 1580s and was made a cardinal by Pope Sixtus V at just 23 years old in 1587. He sent agents out to acquire Greek manuscripts for his new foundation from a wide area, with particularly large numbers coming from Corfu, Chios, Thessaly and Venice.⁹⁹

Southern Italy was another obvious place to find manuscripts for the new library. Borromeo's agents acquired at least seventy-six codices in the region, of which twenty-eight were from

⁹⁴ Batiffol, *L'abbaye de Rossano*, 42-3.

⁹⁵ Irmgard Hutter, *Corpus der byzantinischen Miniaturenhandschriften*, 5 Vols. (Stuttgart: Hiersemann, 1977-1997), 3.1.104. For Vat. gr. 2008, see Lake 8.548-50.

⁹⁶ "... *l'Oxoniensis Bodl. Barocc. 86*, copié sans doute par le prêtre Kalos dans la première moitié du siècle...": Jacob, "Autour de Nicolas-Nectaire," 233; see also "I più antichi codici greci di Puglia, ovvero Un viaggio della paleografia nel paese che non c'è," *Studi medievali e moderni* 6.2 (2002): 5-42, at 31 n. 115.

⁹⁷ The canonical *apokrisis* is a variant of one attributed to Patriarch Nicholas III Grammatikos of Constantinople; text in Jean Darrouzès, "Un faux acte attribué au patriarche Nicolas (III)," *Revue des études byzantines* 28 (1970): 221-37, at 226-37. On the attribution of the paper fragment to mainland Greece, and specifically to Thessaloniki, see Hutter, *Corpus*, 3.1.104.

⁹⁸ For a succinct overview of the foundation of the Biblioteca Ambrosiana, see Angelo Paredi, *Storia dell'Ambrosiana* (Milan: Neri Pozza, 1981), esp. 1-16.

⁹⁹ *Ambrosianae* 2.1281-2. For a detailed account of the acquisition of the library's collection, see Cesare Pasini, "Le acquisizioni librerie del Cardinale Federico Borromeo e il nascere dell'Ambrosiana," *Studia Borromaeica* 19 (2005): 461-90.

Calabria and forty-eight from Apulia.¹⁰⁰ They acquired most of their manuscripts on the open market and usually made a note of the date and place of purchase.¹⁰¹ Borromeo commissioned an inventory of the Ambrosiana's Greek manuscripts in 1608, shortly before the library opened to the public.¹⁰²

In keeping with the general ratio of Apulian and Calabrian manuscripts in the collection, three of the four Italo-Greek nomocanons in the Ambrosiana were acquired in the Terra d'Otranto and only one (G 57 sup.) in Calabria. A note in the opening flyleaves of Ambros. E 94 sup. states that it was purchased in Soleto (in the Salento peninsula) in the year 1606, while one in Ambros. F 48 sup. gives the place of purchase as "Messapia" (an archaic name for the Salento peninsula) in the same year; clearly the two manuscripts were bought on the same excursion.¹⁰³ Soleto became the main centre of Greek manuscript production in the region in the fifteenth and sixteenth centuries, particularly after the destruction of St Nicholas of Casole by the Turks in 1480.¹⁰⁴ By the early seventeenth century, it was still a notable centre for the Greek book trade and was the source of at least five of the Ambrosiana's acquisitions.¹⁰⁵ Ambros. E 94 sup. and F 48 sup. appear in the 1608 inventory as numbers 12 and 26 respectively.

The Calabrian nomocanon fragment Ambros. G 57 sup. is number 114 in Borromeo's 1608 inventory and bears a note stating that it "arrived from Calabria in 1607."¹⁰⁶ As we shall see in the following chapter, the manuscript was originally copied in Tauriana in southern Calabria, although by the seventeenth century it was in the possession of the Basilian monastery of the *Theotokos* of Carrà near Catanzaro.¹⁰⁷

Ambros. B 107 sup., however, does not bear any record of purchase and does not appear in the inventory of 1608. The only distinguishing feature of the manuscript is a sketch on fol. 44^v of the harbour at Genoa as it would appear to an approaching ship, labelled as "*GENOVA PORTO*." The drawing notably includes the *Lanterna* (lighthouse), rebuilt in 1544 after an earthquake, and the *molo vecchio* (old pier) on the eastern side of the harbour. On the other hand, it does not show the *molo nuovo* (new pier) that was built on the western side of the harbour in 1638, indicating that the sketch was made before that date. We know from surviving receipts of payment that one of Borromeo's agents, Grazio Maria Grazi, brought at least two shipments of Greek and Latin manuscripts from southern Italy via the port of Genoa in 1607, and so we may assume that it was a normal port of arrival for the Ambrosiana's more distant acquisitions.¹⁰⁸ The manuscript was

¹⁰⁰ See Lucà, "L'apporto," 200.

¹⁰¹ Luca, "L'apporto," 207.

¹⁰² Milan, Biblioteca Ambrosiana, MS X 289 inf., fols. 110-141. Text published in Gianluca Turco, "Un antico elenco di manoscritti greci ambrosiani. L'Ambr. X 289 inf., ff. 110-141," in *Nuove ricerche sui manoscritti greci dell'Ambrosiana*, edd. Carlo M. Mazzucchi and Cesare Pasini (Milan: Gemelli, 2004), 79-143, at 95-138.

¹⁰³ "*Soliti in Magna Graecia emptus est. 1606*": Ambros. E 94 sup., fol. ii^r; "*Messapiae in Magna Graecia emptus 1606*": Ambros. F 48 sup., fol. i^v.

¹⁰⁴ See Arnesano, "Copisti salentini;" Jacob, "Les écritures," 281.

¹⁰⁵ *Ambrosianae* 2.1282.

¹⁰⁶ "*ex Calabria adventum 1607*": Ambros. G 57 sup., fol. 1^r.

¹⁰⁷ See chapter three, p. 110.

¹⁰⁸ Archivio Storico Diocesano di Milano, Mensa arcivescovile, Mastro 17, fol. 516^v; 18, fol. 128^v. Text published in Pasini, "Le acquisizione," 470-1 n. 44.

therefore probably added to the collection in the early seventeenth century, although whether it was acquired after the library was opened or was simply omitted from the 1608 inventory by mistake is not clear. Nonetheless, like Ambros. E 94 and F 48 sup., B 107 sup. has the ruling pattern and contents of the Salentine Group, indicating that it too came from the Terra d'Otranto.

The Altemps Collection: Ottob. gr. 186

A note at the beginning of Ottob. gr. 186 refers to it as a “*Nomimon* – A book containing law – Author uncertain. From the books of Duke Giovanni Angelo d'Altemps [d. 1620].”¹⁰⁹ The Altempsiana library developed in several stages, beginning in the second half of the sixteenth century with Giovanni Angelo's uncle Mark Sittich von Hohenems (1533-1595), Cardinal Priest of SS Apostoli and founder of the Palazzo Altemps in Rome.¹¹⁰ In 1611, Giovanni Angelo acquired the library of Ascanio Colonna, who had himself acquired that of Guglielmo Sirleto in 1588. I have not been able to find a trace of Ottob. gr. 186 in the 1609 inventory of the Altempsiana library published by Alfredo Serrai, implying that Giovanni Angelo may have collected it after this date.¹¹¹ Pope Alexander VIII (r. 1689-1691) purchased the Altempsiana library in 1689, although it remained in the possession of his family (the Ottoboni) for several decades more. In 1740, Pope Benedict XIV (r. 1740-1758) bought the collection and integrated it into the Vatican Library, where the Altempsiana manuscripts can be found today among the *codices ottoboniani*.

Ottob. gr. 186 consists of four separate manuscript fragments within a binding bearing the seal of Pope Leo XIII (r. 1878-1903), though it is not clear when they were first brought together. Despite the inscription at the beginning of the codex, only the first two fragments in the manuscript have legal content: the first two titles of the *Ekloge* (fols. 1-8) and a selection of marriage-themed texts (fols. 9-22). The other two fragments derive from a grammar book (fols. 23-61) and a series of excerpts from Theodoret's commentary on the epistles of St Paul (fols. 62-9). Daniele Arnesano has tentatively suggested that the codex has a Salentine provenance.¹¹² Though I am not able to comment on the other three parts of the miscellany, it is noticeable that the texts in the second fragment (fols. 9-22) are all characteristic of the Salentine Group (unfortunately the ruling pattern is invisible), and so I am inclined to agree with Arnesano's judgment.

The Barberini Collection: Barb. gr. 323, 324, 476

The last of the great Renaissance book collectors known to have acquired Italo-Greek nomocanons were the Barberini family. Originally founded by Cardinal Maffeo Barberini, the future pope

¹⁰⁹ “*Nomimon* – *Liber ius continens* – *Incerti auctoris. Ex codicibus Joannis Angeli Ducis ab Altaemps*”: Ottob. gr. 186, fol. ii^r.

¹¹⁰ The name ‘Altemps’ is a Latinised form of Hohenems (“*alta Embs*” = “high Ems”).

¹¹¹ The 1609 inventory of the *Bibliotheca Altempsiana* can be found in Alfredo Serrai, *La Biblioteca Altempsiana, ovvero le raccolte librerie di Marco Sittico III e del nipote Giovanni Angelo Altemps* (Rome: Bulzoni, 2008), 73-341.

¹¹² Daniele Arnesano, “Libri inutili in Terra d'Otranto. Modalità di piegatura dei bifogli nella realizzazione del *Laur*. 87.21,” in *Libri palinsesti greci: conservazione, restauro digitale, studio. Atti del Convegno internazionale, Villa Mondragone – Monte Porzio Catone – Università di Roma ‘Tor Vergata’ – Biblioteca del Monumento Nazionale di Grottaferrata, 21-24 aprile 2004*, edd. Alessia A. Aletta, Maria T. Rodriguez and Santo Lucà (Rome: Comitato Nazionale per le Celebrazioni del Millenario della Fondazione dell'Abbazia di S. Nilo a Grottaferrata, 2008), 191-200, at 199; Arnesano, “Il repertorio,” 32.

Urban VIII (r. 1623-1644), and his nephew Cardinal Francesco Barberini (1597-1679), the collection remained in private hands until Pope Leo XIII purchased it and merged it into the Vatican Library in 1903.¹¹³ Most of the documentation relating to the initial formation of the Barberini library remains unpublished and is not available on microfilm.¹¹⁴

The Barberini received manuscript donations in the 1630s-1640s from two significant southern Italian sources: Archbishop Francesco Arcudio of Otranto (1590-1641), a native of Soletto in the Salento peninsula; and Paolo Emilio Santoro (1560-1635), nephew of and heir to Giulio Antonio Santoro (1532-1602), the former archbishop of S. Severina in Calabria.¹¹⁵ Francesco Barberini is also said to have taken manuscripts from Grottaferrata, where he was commendatory abbot from 1627 onwards.¹¹⁶ In addition to these, the *fondo Barberini* also includes codices inherited from other families with whom the Barberini intermarried such as the Colonna.¹¹⁷ Unfortunately, as is often the case, the surviving documentation for all of these acquisitions is vague and incomplete.

Barb. gr. 323 is a fragmentary nomocanon from southern Calabria.¹¹⁸ Originally a large parchment canon law collection created in the early twelfth century, several quires were lost over time and replaced by Italian watermarked paper of the sixteenth century as part of a substantial restoration effort that also included the creation of a new *pinax* (table of contents) for the manuscript.¹¹⁹ Lucà has convincingly identified the hand that produced these sixteenth-century additions as that of George Basilikos, a Constantinopolitan scribe who spent the years 1539-1541 in Venice and then moved to Messina (1542-1551) and southern Calabria (1552-1573).¹²⁰ On the grounds of the decorative style and the watermark of the paper, Lucà saw similarities with other manuscripts that Basilikos executed for the monastery of St Bartholomew of Trigona near Sinopoli on the western slopes of the Aspromonte range, not far from Reggio. This manuscript was probably given to the Barberini collection by the Calabrian Paolo Emilio Santoro. The inventory of his donation mentions a collection of “canons of the Holy Apostles and other things relating to Greek canon

¹¹³ See Peter J.A. Rietbergen, *Power and Religion in Baroque Rome: Barberini Cultural Policies* (Leiden: Brill, 2006), 401-4.

¹¹⁴ For an overview of the relevant documentation, see Francesco D’Aiuto and Paolo Vian, *Guida ai fondi manoscritti, numismatici, a stampa della Biblioteca Vaticana. I. Dipartimento Manoscritti* (Vatican City: Biblioteca Apostolica Vaticana, 2011), 340-4.

¹¹⁵ For Arcudio’s donation, see the letters contained in Vatican City, Biblioteca Apostolica Vaticana, MSS Barb. lat. 6526, fols. 16^r-19^r, 23^r-4^v; Barb. lat. 6455, fols. 134^r-141^v; Barb. lat. 6494, fol. 7^r. For Santoro’s donation, see the list of manuscripts in Vatican City, Biblioteca Apostolica Vaticana, MS Barb. lat. 3075, fols. 13^v-25^r.

¹¹⁶ D’Aiuto and Vian, *Guida ai fondi*, 342; see also Batiffol, *L’abbaye de Rossano*, 42-3.

¹¹⁷ On the growth of the Barberini library, see Jean Bignami-Odier, *La Bibliothèque Vaticane de Sixte IV à Pie XI. Recherches sur l’histoire des collections de manuscrits* (Vatican City: Biblioteca Apostolica Vaticana, 1973), 113-5.

¹¹⁸ See chapter three, pp. 109-10.

¹¹⁹ Barb. gr. 323, fols. 1-48, 99-102, 185-242, 307-9, 312-14, 317-74.

¹²⁰ Santo Lucà, “Teodoro sacerdote, copista del *Reg. gr. Pii II* 35. Appunti su scribi e committenti di manoscritti greci,” *Bollettino della Badia greca di Grottaferrata* 55 (2001): 127-63, at 139-40 and n. 48. The watermark of the paper was identified with the help of André Jacob. On the evidence for George Basilikos’ activity during these years, see Paul Canart, “L’écriture de Georges Basilikos. De Constantinople à Calabre en passant par Venice,” in *Ἡ ἐλληνικὴ γραφὴ κατὰ τοὺς 15 καὶ 16 αἰῶνες*, ed. Sophia Patoura (Athens: Institutouto Vyzantinon Erevnon, 2000), 165-91, at 176.

law,” which could conceivably be a reference to Barb. gr. 323 (though it is admittedly not a very detailed description).¹²¹

The Barberini likely obtained Barb. gr. 476 from Santoro as well. The manuscript is a twelfth-century collection of the writings of St Basil of Caesarea (most notably the *Ascetics* in its Italo-Greek recension) preceded by an introductory selection (fols. 1-7) of apostolic and conciliar canons on monastic discipline and the proper observance of Lent.¹²² It is probably to be identified with the “codex... containing ascetic works” that include “the ten ascetic chapters of St Basil” mentioned in the description of Santoro’s donation.¹²³

Barb. gr. 324, by contrast, came from the Terra d’Otranto: like BnF gr. 1371, its provenance can be easily identified by the presence of several marginal notes (in both Latin and Greek) in the hand of the famous abbot Nektarios of St Nicholas of Casole.¹²⁴ Unfortunately, I have not been able to find any specific reference to this manuscript in the documents relating to the Barberini acquisitions, though it most likely came from Archbishop Francesco Arcudio of Otranto.

A Missing Nomocanon: Anon. 110

In a supplement to his work on Greek manuscripts from the Basilian monasteries in southern Italy and Sicily, Giovanni Mercati published an anonymous and undated Latin inventory of the Holy Saviour of Messina’s library.¹²⁵ This inventory poses a difficult puzzle: entry 110 describes a canon law collection with roughly similar contents to Marc. gr. 169, Vall. C 11.1, and S. Salv. 59, all of which are known to have belonged to the Holy Saviour.¹²⁶ However, the contents of Anon. 110 are not quite the same as any of these manuscripts; it is clearly a different, fourth nomocanon. Mercati noticed that Anon. 110 did not fit the description of S. Salv. 59, but had nothing further to say on the matter. What could have become of it?

Mercati dated the anonymous inventory to the late sixteenth century on the grounds that it does not include Vat. gr. 1426, a manuscript that was copied in c.1535, recorded in Napoli’s inventory of 1563, and acquired in the 1570s by Cardinal Sirleto.¹²⁷ This led Mercati to assume that the anonymous inventory must have been made in the 1570s, after Vat. gr. 1426 came into Sirleto’s possession. However, I believe that it should be dated much earlier. The absence of Vat. gr. 1426 could be easily explained if the inventory was made before 1535. Moreover, the inventory does

¹²¹ “*Canones SS. Apostolorum et alia de iure canonico graeco*”: Vatican City, Biblioteca Apostolica Vaticana, MS Barb. lat. 3075, fol. 24^r.

¹²² On the Italo-Greek recension of the *Ascetics*, see Stig Y. Rudberg, *Études sur la tradition manuscrite de saint Basile* (Uppsala: Lundequvist, 1953), 128, 147; see also Jean Gribomont, *Histoire du texte des Ascétiques de S. Basile* (Louvain: Université de Louvain, 1953), 64. *RHBR* 2.193 gives the date of the manuscript as the tenth to eleventh centuries, although I assume that this must be an error; the manuscript is unquestionably of the twelfth century, as stated by Paul J. Fedwick, *Bibliotheca basiliana universalis. A Study of the Manuscript Tradition, Translations and Editions of the Works of Basil of Caesarea* (Turnhout: Brepols, 1997), 3.161.

¹²³ Barb. lat. 3075, fol. 24^r.

¹²⁴ Jacob, “Autour de Nicolas-Nectaire,” 233-45 made the identification and published some of the longer marginalia.

¹²⁵ Mercati, *Per la storia*, 269-80. As Mercati observes, it is evident that the author of the inventory was competent in both the Latin and Greek languages.

¹²⁶ On S. Salv. 59, see below, pp. 85-6.

¹²⁷ Mercati, *Per la storia*, 46-7.

not mention the nomocanon S. Salv. 59, a manuscript that entered the Holy Saviour in 1490 and is included in Napoli's 1563 inventory. Neither does it mention Marc. gr. 169 or Vall. C 11.1, which were removed by Bessarion around 1460. Like Napoli, however, the anonymous inventory does include Vat. gr. 1167, which was present in Messina between c.1465 and 1587.¹²⁸

The anonymous Latin inventory must therefore have originally been composed at some point between 1465 and 1490, after the monastery acquired Vat. gr. 1167 and before it acquired S. Salv. 59. This date range happens to coincide with the activity of a Messinese notary named Antonio Carissimo at the Holy Saviour of Messina. In separate articles, Maria Foti and Santo Lucà both observed that Carissimo was engaged in the preparation of an inventory of the monastery's library in c.1465-1470, although they assumed that his inventory must have been lost.¹²⁹ I would suggest that Carissimo's inventory is not lost but is in fact the anonymous text published by Mercati.

Anon. 110 was therefore present in the Holy Saviour of Messina in the late fifteenth century but had disappeared by 1563. Unfortunately, I have been unable to match the anonymous inventory's description with any item in a modern catalogue, and so one can only speculate as to its fate. As far as one can tell, Anon. 110 appears to have been taken from the Holy Saviour in the late fifteenth or early sixteenth century. It may have been acquired for a private collection (perhaps in Spain, which took control of Sicily after the union of the Crowns of Castile and Aragon in 1479). Alternatively, the manuscript may simply have fallen into disrepair or been lost.

4. Arsenii Sukhanov and the Athonite Manuscripts (17th Century)

Sinod. gr. 397 (Vlad. 316)

Sinod. gr. 432 (Vlad. 317)

While the majority of the Italo-Greek nomocanons entered the collections of Renaissance scholars in Western Europe, at least two found their way to Russia. The manuscript collection of the patriarchal synod in the Moscow State Historical Museum possesses two southern Italian nomocanons that were brought from Mount Athos in the seventeenth century by the learned Russian monk Arsenii Sukhanov (1600-1668). Sukhanov had been sent to Mount Athos, Constantinople, and other parts of the Orthodox world in 1654 by Patriarch Nikon of Moscow (1652-1666) as part of the latter's attempt to revise the 'heterodox' liturgical books of the Russian church by recourse to original Greek texts. Sukhanov's mission was to search for important Greek church manuscripts and purchase them for the Moscow patriarchate; he would return from his journey with over five hundred.¹³⁰

¹²⁸ On Vat. gr. 1167, see appendix two, pp. 324-6.

¹²⁹ Maria B. Foti, "Antonius de Messana ed alcuni manoscritti del SS. Salvatore di Messina," *Archivio storico messinese* 3.36 (1985): 1-14; Santo Lucà, "Antonio di Messina (alias Antonio Carissimo)," *Bollettino della Badia greca di Grottaferrata* 40 (1986): 151-64. More recently, see Maria T. Rodriguez, "Note sulla storia della biblioteca del S. Salvatore di Messina," *Medieval Sophia* 19 (2017): 121-36, at 125.

¹³⁰ Boris L. Fonkič, *Grečesko-russkie kul'turnye svjazi v XV-XVII vv.: Greč. Rukopisi v Rossii* (Moscow: Nauka, 1977), 68.

In their 1993 catalogue of the patriarchal synod's manuscript collection, Boris Fonkič and Fedor Poliakov identified the manuscripts Sinod. gr. 398 and 432 as southern Italian on palaeographical and codicological grounds.¹³¹ More recently, these two codices were the object of a dedicated study by Marina Kurysheva.¹³² While I agree that both these manuscripts share many palaeographical and codicological features associated with southern Italy, I am only confident in the provenance of Sinod. gr. 432.¹³³ In addition to the palaeographical features noted by Kurysheva, the codex also contains several (genuine) Latin annotations and a Latin text in a thirteenth-century hand of the Nicene Creed without the '*Filioque*' clause, a feature that suggests a southern Italian origin.¹³⁴

Nonetheless, there is another nomocanon in the State Historical Museum collection that certainly has southern Italian origins. Sinod. gr. 397 was overlooked by Fonkič, Poliakov, and Kurysheva, but its contents and material form bear all the hallmarks of production in the Salento peninsula. The contents match those of other Salentine nomocanons perfectly, while the unusual X-pattern ruling and general decorative patterns reflect the unique combination of the Salentine Group. Moreover, the copyist leaves a revealing note at the beginning of the canons of Carthage (419). He explains that Bishop Faustinus of Potentia (in the province of Piacenza), one of the participants in the council, was from Italy: "Piacenza is a city of Italy. It is also called *Pikentine*. Potentia is a city of Italy. It is also called *Potenton*."¹³⁵ The scribe does not explain any other placenames in the manuscript, however; even the most obscure ones like Byzacena and Tripoli in North Africa pass without comment. He was clearly more interested in Italian cities, corroborating the idea that Sinod. gr. 397 should be included among the Salentine Group.

Sukhanov acquired both manuscripts on Mount Athos: according to notes on the first folio of each one, he obtained Sinod. gr. 397 from the monastery of Iviron and Sinod. gr. 432 from the Great Lavra. It is not completely clear how these manuscripts found their way to Athos from southern Italy. There was a significant amount of contact between the two regions throughout the Middle Ages. As we have seen in chapter one, the Holy Mountain was home to two Italo-Greek monasteries in the eleventh and twelfth centuries (and possibly later), those 'of the Sicilian' and 'of the Calabrian'.¹³⁶ It is possible that Sinod. gr. 432 (which originated in the Sicilian/southern

¹³¹ Boris L. Fonkič and Fedor B. Poliakov, *Grečeskie rukopisi Moskovskoj sinodal'noj biblioteki: paleografičeskie, kodikologičeskie i bibliografičeskie dopolnenija k katalogu arhimandrita Vladimira (Filantropova)* (Moscow: Sinadol'naja Biblioteka, 1993), 107-9.

¹³² Marina A. Kurysheva, "Some Paleographic Observations on Two Greek Nomocanons from Southern Italy in the State Historical Museum (Moscow)," in *Puer Apuliae: Mélanges offerts à Jean-Marie Martin*, edd. Errico Cuozzo, Vincent Déroche, Annick Peters-Custot and Vivien Prigent (Paris: ACHCByz, 2008), 373-81.

¹³³ On Sinod. gr. 398, see appendix two, pp. 319-20.

¹³⁴ Sinod. gr. 432, fol. 12^v. Although the Latin church had long been following a text of the Nicene Creed that included the '*Filioque*', Greek Christians (including those under Latin rule in southern Italy) continued to use the original text of the Creed without the Latin addition. The Latin version in Sinod. gr. 432 was evidently translated from a Greek original – exactly the sort of thing that one would expect of thirteenth-century Italo-Greek monks who were gradually assimilating to Latin culture.

¹³⁵ "Πικεν[τίνη] πό[λις] Ἰταλί[ας]· λέγειτ[αι] κ[αὶ] Πικην[όν]· Ποτεντία πό[λις] Ἰταλί[ας]· λέγειτ[αι] κ[αὶ] Ποτ[έ]ντο[ν]": Sinod. gr. 397, fol. 42^v.

¹³⁶ See chapter one, pp. 27-8, 40.

Calabrian region) was brought to the Sicilian or Calabrian monastery on Mount Athos and was later incorporated into the Great Lavra's collection when those monasteries ceased to exist.

Sinod. gr. 397 bears an interesting clue on fol. 80^v. This page bears a note in a sixteenth-century hand that reads, "Of Jeremiah the Most Holy and Ecumenical Patriarch."¹³⁷ There were two patriarchs of Constantinople named Jeremiah, who were in office in the years 1522-1546 and 1572-1595 respectively. The note in Sinod gr. 397 gives no indication as to which one it was, however. As we saw earlier in this chapter, the sixteenth century was a particularly active time for the sale of Salentine nomocanons: Vat. gr. 1287, BnF gr. 1370 and 1371, Barocci 86, and Barb. gr. 324 were all purchased from the Salento in this period; Ambros. B 107 sup, E 94 sup. and F 48 sup. followed soon after in the early seventeenth century. Yet these were all bought by Italian book collectors; how did Sinod gr. 397 end up in the possession of a patriarch of Constantinople?

Although it is impossible to be certain without further evidence, there is one explanation that I believe to be the most plausible. In 1582, Pope Gregory XIII (*r.* 1572-1585), advised by the Calabrian cardinal Guglielmo Sirleto, entered into negotiations with Patriarch Jeremiah II to introduce the Gregorian calendar into the Orthodox Church.¹³⁸ Gregory sent a letter to Jeremiah the following year, which was delivered by the Corfiot Greeks Michael Eparchos and John Buonafè. To ensure that the correspondence was well-received, Gregory also sent "certain spiritual gifts."¹³⁹ Sadly he does not specify what these gifts were, but they may well have included the manuscript Sinod gr. 397. Sirleto was extremely familiar with the Greek book trade in southern Italy, as we have seen, and so he could have been in a position to select the nomocanon as a gift. At any rate, the manuscript evidently passed into the collection of the Athonite monastery of Iviron after Jeremiah's death.

Sinod. gr. 397 and 432 are two rare examples of Italo-Greek nomocanons that moved from southern Italy to the Greek mainland. There may be other such manuscripts from southern Italy that made the journey East and have yet to be discovered, but as far as we can tell these are exceptional cases: most Italo-Greek manuscripts seem to have remained in Western Europe.

¹³⁷ "ἱερέμου [*sic*] του αγιοτατοῦ καὶ οικουμένικου πατρίάρχου": Sinod. gr. 397, fol. 80^v.

¹³⁸ A detailed, if somewhat prejudiced, account of these events can be found in Louis Petit, "Jérémie II Tranos," in *Dictionnaire de théologie catholique. T. 8, Pt. 1. Issac – Jeûne*, ed. Alfred Vacant (Paris: Letouzey, 1924), 886-94, at 889-92.

¹³⁹ "mittimus etiam per dilectos filios Michaelem Eparchum et Joannem Bonamfidem munera quaedam spiritualia": Text in Augustin Theiner (ed.), *Annales ecclesiastici* (Rome: Typographia Tiberina, 1856), 3.436.

5. Pietro Menniti and the Preservation of the Basilian Monastic Libraries (17th-19th Centuries)

Crypt. gr. 50 (Z γ VII)
Crypt. gr. 76 (Z γ III)
Crypt. gr. 322 (B δ I)
S. Salv. 59
Vat. gr. 1980, 1981 (Basil. 19, 20)
Vat. gr. 2019 (Basil. 58)
Vat. gr. 2060 (Basil. 99)
Vat. gr. 2075 (Basil. 114)
Vat. gr. 2115 (Basil. 154), fols. 78-96

The late seventeenth century saw a concerted effort to consolidate the libraries of the Order of St Basil, hitherto dispersed among their various monasteries, into just three centres: the monastery of the Holy Saviour in Messina, the monastery of Grottaferrata near Rome, and the Roman church of S. Basilio *in Urbe*. The latter institution, located near the Piazza Barberini on the Via di S. Basilio, was established in 1631 and soon became a meeting place for the *Academia basiliana* of the Barberini pope Urban VIII (*r.* 1623-1644), which aimed to facilitate the union of the Catholic and Orthodox churches.¹⁴⁰

The decision to consolidate the monasteries' collections was taken by Pietro Menniti, Abbot General of the Order of St Basil from 1696 to 1710. His predecessor, Apollinarius Agresta (d. 1695), had been notorious for despoiling the monasteries in his care. Menniti soon undertook a *visitatio* to the order's monasteries and decided to gather up their documentary archives, with those from Sicily going to the Holy Saviour of Messina and those from Calabria and Lucania going to S. Basilio *in Urbe*.¹⁴¹ By this time there were no longer any Basilian monasteries in Apulia, so Menniti did not concern himself with that region.

Mainland Manuscripts

Having centralised the Basilian monasteries' documentary archives, Menniti turned his attention to their manuscript collections.¹⁴² The Benedictine monk Bernard de Montfaucon, often considered the founder of the modern discipline of Greek palaeography, met Menniti at S. Basilio in 1698 and described the manuscripts there in his *Diarium Italicum*.¹⁴³ Montfaucon explains that, "Since the Greek language has become obsolete and scarcely used in the various monasteries of Calabria that are subject to him, [Menniti] gathered those intact and neglected books. Now he has rescued them

¹⁴⁰ See Batiffol, *L'abbaye de Rossano*, 40-1. On the *Academia basiliana*, see Ingo Herklotz, *Die Academia Basiliana. Griechische Philologie, Kirchengeschichte und Unionsbemühungen im Rom der Barberini* (Rome: Herder, 2008).

¹⁴¹ Batiffol, *L'abbaye de Rossano*, 42; see also Gastone Breccia, "Archivum basilianum. Pietro Menniti e il destino degli archivi monastici italo-greci," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 17 (1991): 14-105, at 17.

¹⁴² See Batiffol, "La Vaticane depuis Paul III," 197-8; *L'abbaye de Rossano*, 43; Lilla, *I manoscritti*, 76.

¹⁴³ Bernard de Montfaucon, *Diarium Italicum. Sive monumentorum veterum, bibliothecarum, museorum, etc. Notitiae singulares in itinerario Italico collectae* (Paris: Anisson, 1702), 210-26.

from imminent destruction and has seen to it that they were brought to Rome for the use of scholars.”¹⁴⁴

Codices from Calabria and Lucania were divided between San Basilio *in Urbe* and Grottaferrata: Menniti sent ‘liturgical’ manuscripts to the former and ‘literary’ manuscripts to the latter. It is clear from the manuscripts in these *fondi* that he considered canon law to be ‘liturgical’ and civil law to be ‘literary’, although he was not entirely consistent in this: Crypt. gr. 322, for instance, is a canon law collection that should logically have gone to S. Basilio rather than Grottaferrata.¹⁴⁵ Nonetheless, the legal manuscripts at Grottaferrata are primarily of a civil character while those among the Vatican *codices basiliani* are primarily of a canonical character.

The S. Basilio manuscripts were later acquired by Pope Pius VI (*r.* 1775-1799) in 1786 and became the *fondo basiliano* of the Vatican Library (the present-day MSS Vat. gr. 1963-2123).¹⁴⁶ The current bindings of the Vatican *codices basiliani* are all in reddish-brown leather bearing the seals of Pope Pius IX (*r.* 1846-1876) and Cardinal Librarian Angelo Mai (1853-1854), indicating that they were re-bound as a group under Mai’s oversight. As we saw above, Grottaferrata’s original collection of Greek manuscripts had been removed between the fifteenth and early-seventeenth centuries.¹⁴⁷ The monastery’s present-day collection consequently consists almost entirely of the codices that Menniti brought in 1697.

Most of the manuscripts are indeed from Calabria, as Montfaucon stated. Vat. gr. 2060 contains a note in Menniti’s hand that reads, “Councils and Canons. From the Library of the Monastery of S. Maria *de Patiro* of Rossano.”¹⁴⁸ Internal evidence within the manuscript shows that he also brought Vat. gr. 2019 from the *Patiron*.¹⁴⁹ Based on an analysis of their contents, we can say that he would most likely have obtained Vat. gr. 2075 and 2115 from Rossano as well.¹⁵⁰

Menniti also brought some of the manuscripts from Lucania, as Mercati realised. Mercati noted that seven of the Vatican *codices basiliani* bear the signature of a monk named Marcellus.¹⁵¹ All of these can be identified with entries in a seventeenth-century Latin inventory of the library of SS

¹⁴⁴ “*is enim, quia in variis sibi subjectis Calabriae Monasteriis [sic], codices istos, obsolete pene Graecae linguae usu, jacere intactos neglectosque acceperat, imminenti jam exitio subduxit, inque Urbem advehi in usum eruditorum curavit*”: Montfaucon, *Diarium Italicum*, 210.

¹⁴⁵ In his catalogue of the Greek manuscripts of Grottaferrata, Fr Rocchi says of Crypt. gr. 322: “*Est igitur Codex in nostris praestantissimus, ut qui rarus est, ne dicam unicum, in rebus de Jure Canonico quas exhibet...*” (Antonio Rocchi, *Codices Cryptenses seu Abbatiae Cryptae Ferratae in Tusculano digesti et illustrati* (Tusculum: Grottaferrata, 1883), 183). The manuscript does not match any entries in the inventories of Perotti (1462) or Felice (1575), indicating that it was indeed brought to Grottaferrata by Menniti. See chapter three, pp. 111-3.

¹⁴⁶ Not in 1780, as had been thought prior to Mercati’s work on the subject: Mercati, *Per la storia*, 216. See also Russo, “Tradizione calligrafica,” 46; Lilla, *I manoscritti*, 75. In addition to their current ‘Vat. gr. ...’ shelfmarks, the manuscripts also bear the shelfmarks ‘Basil. ...’ These are the numbers given to the manuscripts in a catalogue made by the monk Giovanni-Crisostomo Scarfò at the time of Menniti’s transfer: see Giovanni-Crisostomo Scarfò, *Poesie varie del Padre G.G. Scarfò* (Venice, 1737), 82.

¹⁴⁷ See above, pp. 66-7.

¹⁴⁸ “*Concilia et canones. Ex Biblioth. Monast. S.M. de Patiro Rossanensis*”: Vat. gr. 2060, fol. ii^r.

¹⁴⁹ See chapter three, pp. 120-4. Montfaucon was so struck by Vat. gr. 2019 that he wrote a lengthy description of it: Montfaucon, *Diarium Italicum*, 216-220. He also mentions (much more briefly) Vat. gr. 2060 and Vat. gr. 1980-1.

¹⁵⁰ See chapter three, pp. 124-5.

¹⁵¹ Mercati, *Per la storia*, 205-9, esp. 207-8.

Elias and Anastasios of Carbone that was presumably made by the same Marcellus.¹⁵² The manuscripts Vat. gr. 1980 and 1981 (two halves of what was originally one codex) are among the seven, indicating that Menniti collected them from Carbone.

The Mystery of the Sicilian Nomocanons

Menniti gathered manuscripts from Sicilian monasteries at the Holy Saviour of Messina, which had been transformed from a monastery into an episcopal see by Pope Urban VIII in 1634.¹⁵³ Batiffol states that some were also taken to the nearby monastery of St Peter of Itala, though there is no trace of any such collection there and I am not aware of the source of his claim.¹⁵⁴ Those that were brought to the Holy Saviour today form the greater part of the *fondo S. Salvatore* at the Biblioteca Universitaria di Messina.

It comes as a surprise, then, that there is only one nomocanon in the *fondo S. Salvatore*, S. Salv. 59. A late medieval Latin hand has noted in the lower margin of fol. 1^r that it was acquired from St Pantaleon of Bordonaro near Messina. Originally known (rather confusingly) as the Holy Saviour of Bordonaro, this monastery merged with its larger Messinese namesake in 1490. The manuscript would have entered the *fondo S. Salvatore* at the same time, as Foti has pointed out.¹⁵⁵ Francesco Antonio Napoli later listed it as item 4 in his inventory of 1563.¹⁵⁶ In other words, S. Salv. 59 was already present in Messina long before the effort to consolidate the Basilian libraries. Menniti apparently did not collect a single nomocanon from elsewhere in Sicily.

It is difficult to account for this. Sicily was, after all, home to many autonomous Greek monasteries and their subject houses in the medieval period.¹⁵⁷ We know that two codices had already been removed from Messina in the fifteenth century by Bessarion (Marc. 169) and Torquemada (Vall. C11.1), while a third (Anon. 110) disappeared in the late fifteenth or early sixteenth century. Sinod. gr. 432, which Sukhanov acquired on Mount Athos in 1654, may conceivably have a Sicilian origin too, although this is uncertain. What happened to the other Sicilian monasteries' nomocanons? One can only speculate that the devastation wrought by the War of the Sicilian Vespers (1282-

¹⁵² Several manuscripts at Grottaferrata also bear Marcellus' inscriptions, although none are canon law collections: see Marco Petta, "Codici del Monastero di S. Elia di Carbone conservati nella biblioteca dell'Abbazia di Grottaferrata," *Vetera christianorum* 9 (1972): 151-71, at 159-63.

¹⁵³ SS 2,995.

¹⁵⁴ The claim is repeated by Lake, "The Greek Monasteries," 200. Finding no evidence of such a collection at St Peter of Itala, Mercati, *Per la storia*, 248 supposes that Menniti simply took all the Sicilian manuscripts to the Holy Saviour of Messina.

¹⁵⁵ Maria B. Foti, "Note su due nomocanoni," in *Hestiasis. Studi di tarda antichità offerti a Salvatore Calderone* 5 (Messina: Sicania, 1995), 331-52, at 332-3, 346.

¹⁵⁶ Mercati, *Per la storia*, 233.

¹⁵⁷ E.g., SS 2.1016 (Saint Michael the Archangel in Troina, A.D. 1169), 2.1021-22 (Sant'Angelo de Brolo, A.D. 1144), 2.1025 (Santa Maria de Mili, A.D. 1090), etc. The Latin translation of the charter for Santa Maria de Mili, also made by Constantine Laskaris (the Greek original does not survive), has recently been reedited and published in Julia Becker, ed., *Documenti latini e greci del conte Ruggero I di Calabria e Sicilia* (Rome, 2013), 101-3, no. 19. See also Mario Scaduto, *Il monachismo basiliano nella Sicilia medievale. Rinascita e decadenza (sec. XI-XIV)* (Rome: Storia e Letteratura, 1947), 245-85.

1302), combined with demographic Latinisation in the fourteenth century, must have contributed to the loss of many manuscripts. Even so, it remains something of a mystery.

6. Acquisitions of the Enlightenment and Victorian Era (18th-19th Centuries)

Add. 28822

Alag. 3

Marc. gr. III.2 (coll. 1131)

Menniti's was the last major effort to gather manuscripts from the Italo-Greek monasteries of southern Italy, although there were still some left in the region in the eighteenth century. Francesco Russo, for instance, has highlighted Gregorio Piacentini's remark in 1735 that "many Greek books can be found in various places in the Basilian monasteries of Calabria."¹⁵⁸ However, the eighteenth and nineteenth centuries were not kind to the Italo-Greek monasteries or their manuscript collections. Natural disasters such as the Calabrian earthquake of 1783 or the burning down of the Archivio Comunale di Stilo in 1809 undoubtedly led to the loss of many manuscripts; still more were sunk off Capo Palinuro in 1810 as they were being transported to Naples.¹⁵⁹ The monasteries themselves were eventually suppressed when the Kingdom of Naples came under Napoleonic rule in 1806, bringing an end to Calabria's long history of Greek manuscript preservation.¹⁶⁰

A Rossanese Gospel Lectionary: Alag. 3

This manuscript is not a canon law collection *per se* but a Gospel lectionary (*evangelikon*); nonetheless, it does contain an appendix of canon laws and related texts that make it a useful codex to include in this study.¹⁶¹ It is currently one of just three Greek manuscripts in the collection of the Biblioteca Alagoniana attached to the archepiscopal cathedral in the historic centre of Syracuse in Sicily. A note on the opening folio states that it came "from the donation of the knight Mario Landolina Nava [1760-1853]."¹⁶² Nava, a notable Syracusan scholar who served from 1809 as the Royal Custodian of Antiquities in Sicily under the Bourbon king Ferdinand, was the source of all three of the Alagoniana's Greek codices.¹⁶³

Lucà notes that Nava was not a bibliophile himself and suggests that he probably inherited the manuscripts from his father Saverio, who may have purchased it in Sicily earlier in the eighteenth century.¹⁶⁴ The manuscript was originally copied in 1124 by a monk named Basil. The

¹⁵⁸ "In monasteriis Calabriae Ord. S. Bas. multi variis in locis codices graeci reperiuntur": text in Capialbi, *Le memorie*, 99. Quoted in Russo, "Tradizione calligrafica," 47.

¹⁵⁹ Capialbi, *Le memorie*, 157. Fourteen Basilian monasteries in Calabria were destroyed or badly damaged in this earthquake; see Croce, *La Badia greca*, 347.

¹⁶⁰ See John A. Davis, *Naples and Napoleon: Southern Italy and the European Revolutions, 1780-1860* (Oxford: Oxford University Press, 2006), 202-5.

¹⁶¹ On the history of Alag. 3, see the detailed study of Santo Lucà, "Un codice greco del 1124 a Siracusa," *Rivista di studi bizantini e neoellenici* 38 (2002): 69-94, at 83-8.

¹⁶² "Ex dono equitis Marii Landolina Nava": Alag. 3, fol. 1^r.

¹⁶³ For biographical details on Mario Landolina Nava, see Ruggiero di Castiglione, *La massoneria nelle Due Sicilie e i fratelli meridionali del '700. Saggio di prosopografia latomica. Vol. 5. Sicilia* (Rome: Gangemi, 2011), 255-6.

¹⁶⁴ Lucà, "Un codice greco," 86.

palaeographic, aesthetic and codicological features are all reminiscent of manuscripts known to have been produced in the scriptorium of the *Patiron* monastery, and so I believe that Lucà is right to situate it in the “*milieu* calabro-rossanese.”¹⁶⁵ It is entirely possible that it was one of the manuscripts brought from Rossano to Messina on the foundation of the monastery of the Holy Saviour in 1130.¹⁶⁶ Indeed, it may be the same manuscript that Napoli’s 1563 inventory of Messina calls “a Gospel book containing the Gospels divided by months and days” – a vague description, but one that would fit Alag. 3.¹⁶⁷ From there it would have entered the book market in early modern Sicily and then the collection of Saverio Landolino Nava.

Two Salentine Nomocanons: Marc. gr. III.2 and Add. 28822

These last two nomocanons were probably also acquired on the open book market of eighteenth- and nineteenth-century Italy. Marc. gr. III.2 and Add. 28822 both contain the particular texts and peculiar X-pattern ruling that are consistently associated with the Salentine Group of canon law collections. Although there is unfortunately no clear evidence as to their exact provenance, the two manuscripts are almost certainly products of the twelfth- to thirteenth-century Terra d’Otranto.

The twelfth-century Marc. gr. III.2 is one of the few Greek manuscripts at the Biblioteca Marciana that were not part of Bessarion’s fifteenth-century bequest. The manuscript had belonged to the library of Jacopo (Giacomo) Nani (1725-1797), an officer in the Venetian navy who rose to the rank of *provveditore generale da mar* in 1776 and, in 1794, became one of the three *deputati straordinari al militar*.¹⁶⁸ Over the course of his military service, Nani had travelled extensively in the eastern Mediterranean and developed various personal connections among the Ottoman authorities, something that greatly facilitated his taste for book collecting. Together with his brothers, Nani built up a collection of over a thousand manuscripts as part of the Museo Naniano, including 309 Greek codices, which he left to the Biblioteca Marciana on his death in 1797.¹⁶⁹ Nani’s Greek manuscripts were catalogued in 1784 by the Bolognese abbot Giovanni Luigi Mingarelli; Marc. gr. III.2 appears as number 226.¹⁷⁰

The final manuscript of interest, the nomocanonical fragment Add. 28822, is preserved in the British Library in London. Annaclara Cataldi Palau has conducted a survey of southern Italian manuscripts in the British Library’s Additional and Egerton collections, determining that twelve of the Additional manuscripts and none of the Egerton were produced in southern Italy, though she does not include Add. 28822 among the twelve.¹⁷¹ While I agree with her conclusion regarding

¹⁶⁵ Lucà, “Un codice greco,” 83.

¹⁶⁶ As recorded in the *typikon* of the monastery: Giuseppe Cozza-Luzi (ed.), “Typicum Messanense et Casulanum,” in *Novum patrum bibliotheca* (Rome, 1905), 10.2.117-37, at § 6, p. 125. See also Maria B. Foti, *I codici basiliani del fondo del SS. Salvatore. Catalogo della mostra* (Messina: Centro di Studi Umanistici, 1979), 7.

¹⁶⁷ “*Evangelistarium continens evangelia distincta per menses et dies*”: Mercati, *Per la storia*, 242 (no. 87).

¹⁶⁸ On the adventurous life of Jacopo Nani, see Piero del Negro, “Giacomo Nani. Appunti biografici,” *Bollettino del Museo Civico di Padova* 60 (1971): 115-47.

¹⁶⁹ See Zorzi, *La libreria*, 309-12.

¹⁷⁰ Giovanni L. Mingarelli, *Graeci codices manu scripti apud Nanios patricos Venetos asservati* (Bologna: Laelii a Vulpe (1784), 414-8 (no. 226).

¹⁷¹ Annaclara Cataldi Palau, “Manoscritti greci originari dell’Italia meridionale nel fondo ‘Additional’ della ‘British Library’ a Londra,” *Bollettino della Badia Greca di Grottaferrata* 46 (1992): 199-261; repr. in Annaclara Cataldi

the Egerton collection, Add. 28822's strong affinities with the Salentine Group of nomocanons show that it should also be classed as southern Italian.

Add. 28822 was purchased by the British Library in 1871 from Sir Ivor Bertie Guest (1835-1914), who was made 1st Baron Wimborne in 1880 and married Winston Churchill's aunt Cornelia Spencer-Churchill.¹⁷² Ivor and his brother Montague John Guest were apparently keen collectors of antiquities and would return from foreign trips "laden with china and curiosities of all sorts," in Montague's words.¹⁷³ Presumably Add. 28822 was one of these 'curiosities' that Sir Ivor had acquired abroad, although it is not clear where or when he did so.

Conclusion to Chapter Two

With only a few exceptions, the most crucial period for the preservation of the Greek nomocanonical manuscripts of southern Italy fell between the fifteenth and seventeenth centuries. This was the period when the twin cultural impulses of Renaissance humanism and the Counter-Reformation drove both the institutional Catholic Church and private collectors to secure southern Italy's Greek manuscript heritage. While the private collectors naturally aimed to enlarge their own families' libraries, the Church initially tried to preserve Italo-Greek manuscript collections in southern Italy itself by establishing the Order of St Basil. It was only much later, in the years after 1697, that the Order (under Pietro Menniti) transferred its own libraries to Rome, Grottaferrata, and Messina.

Broadly speaking, the Order of St Basil gathered most of its canon law manuscripts from monasteries in Calabria and Lucania; only one is from Sicily, and the Salento is not represented at all. On the other hand, private collectors from the Renaissance to the Victorian era purchased most of their southern Italian nomocanons on the Salentine book market. Sicilian manuscripts appear to be underrepresented in general and it is difficult to point to any single explanation for this fact. It can most likely be attributed to a combination of devastation wrought by the War of the Sicilian Vespers and a more rapid process of Latinisation than on the southern Italian mainland.

These historical dynamics have had important consequences for the types of manuscripts that are available to scholars today. For Sicily, Calabria, and Lucania, the conservation of nomocanons was inextricably linked to monastic culture: codices that did not come into the possession of monastic libraries have simply not survived. This fact can create the false impression that the production of nomocanonical books in those regions was a monopoly of the monasteries; in reality, Italo-Greek bishops and even laypeople would also have possessed such manuscripts. For the Terra d'Otranto, the destruction of the important monastic library of St Nicholas of Casole by the Turks in 1480 has probably created the opposite bias: only two Salentine canon law books are known to

Palau, *Studies in Greek Manuscripts* (Spoleto: Fondazione Centro Italiano di Studi sull'Alto Medioevo, 2008), 345-410, at 348-9.

¹⁷² Add. 28822, fol. iii^r.

¹⁷³ Montague J. Guest, *Lady Charlotte Schreiber's Journals: Confidences of a Collector of Ceramics & Antiques Throughout Britain, France, Holland, Belgium, Spain, Portugal, Turkey, Austria & Germany, From the Year 1869 to 1885* (London: Lane, 1911), xxv.

have belonged to a monastery. It is important to bear these patterns of source survival in mind as we turn to a closer analysis of the manuscripts.

Chapter Three

Scribes, Owners, and Origins: The Context of Manuscript Production

Why were the Italo-Greek nomocanons produced? This might seem like a banal question to ask; obviously they were created for people who wanted to consult texts of canon law. However, the purpose of Byzantine legal collections has proved surprisingly controversial among scholars. Very little attention has yet been paid to nomocanons themselves, but historians who have examined Byzantine civil law manuscripts have often concluded that they were appreciated more for their symbolic or academic value than for their practical utility.

In a study of southern Italian recensions of Byzantine civil law texts, for example, the French scholar Léon-Robert Ménager concluded that such manuscripts represented “an arbitrary movement of juridical erudition.”¹ Looking at the realm of private law, Annick Peters-Custot concluded that “at the end of the day, the Byzantine juridical heritage... does not seem to live up to its presence [in manuscripts] in southern Italy during the High Middle Ages.”² In her monograph on Byzantine law in the Palaiologan period, Lisa Bénou concluded that the production of legal manuscripts was “a work of erudition – it is undeniable – without purpose.”³

These assessments are based on comparisons between law “in the books” and law as it was enacted in practice in judicial decisions. Bénou and Peters-Custot have both found that civil judges often made decisions on the basis of local ethnic customs rather than the text of imperial law. There is an obvious limitation to this approach in the Byzantine context, however: with the exception of a handful of famous jurists whose pronouncements were recorded for posterity, the only surviving records of Byzantine legal judgments come from the last two centuries of the empire and are overwhelmingly concerned with land ownership and inheritance.⁴ This raises a legitimate question as to whether or not we have a sufficiently complete picture of Byzantine judicial process to allow us to dismiss legal manuscripts as pointless “works of erudition.”

Studies on the subject have not taken nomocanons into account, let alone southern Italian ones. In large part this is because it is impossible to compare canon law “in the books” with canon law as

¹ “Un mouvement arbitraire de l’érudition juridique...”: Léon-Robert Ménager, “Notes sur les codifications byzantines et l’Occident,” in *Varia. Études de droit romain. III.*, edd. Jules Roussier, Henri-Jacques Legier, and Léon-Robert Ménager (Paris: Sirey, 1958), 239-303, at 303.

² “Au bout du compte l’héritage juridique byzantine, dans le domaine du droit privé, ne semble donc pas à la hauteur de sa présence en Italie méridionale pendant le haut Moyen Âge”: Annick Peters-Custot, “La mention du sénatus-consulte velléien dans les actes grecs d’Italie du Sud et de Sicile,” in *L’héritage byzantine en Italie (VIII^e-XII^e siècle). II. Les cadres juridiques et sociaux et les institutions publiques*, edd. Jean-Marie Martin, Annick Peters-Custot, and Vivien Prigent (Rome: École française de Rome, 2011), 51-72, at 72.

³ “La riche production de manuscrits... se réduit à un travail d’une erudition – il est incontestable – sans but”: Lisa Bénou, *Pour une nouvelle histoire du droit byzantin: Théorie et pratique juridiques au XIV^e siècle* (Paris: Association Pierre Belon, 2011), at 318.

⁴ Many of the legal decisions of Eustathios ‘the Roman’ (early 11th century), Bishop John Apokaukos of Naupaktos (c.1155-1233) and Archbishop Demetrios Chomatenos of Ohrid (d.1236) were preserved by later generations of Byzantine jurists in collections such as the *Peira* (c.1040-1050) and the *Ponemata Diaphora* (late 13th century). For an overview of these jurists’ work, see Spyridon N. Troianos, *Oi πηγές του βυζαντινού δικαίου. Εισαγωγικό βοήθημα*, 3rd ed. (Athens: Sakkoulas, 2011), 295-300, 416-20.

it was practiced in southern Italy; no records of canonical court proceedings there have been preserved. Although records of such proceedings may have originally existed (some have survived from the late Byzantine Empire, for example), there was very little reason to preserve them in the long term. Unlike records of land ownership (which were often maintained over many centuries), there was no pressing financial incentive to keep copies of canon law judgments.

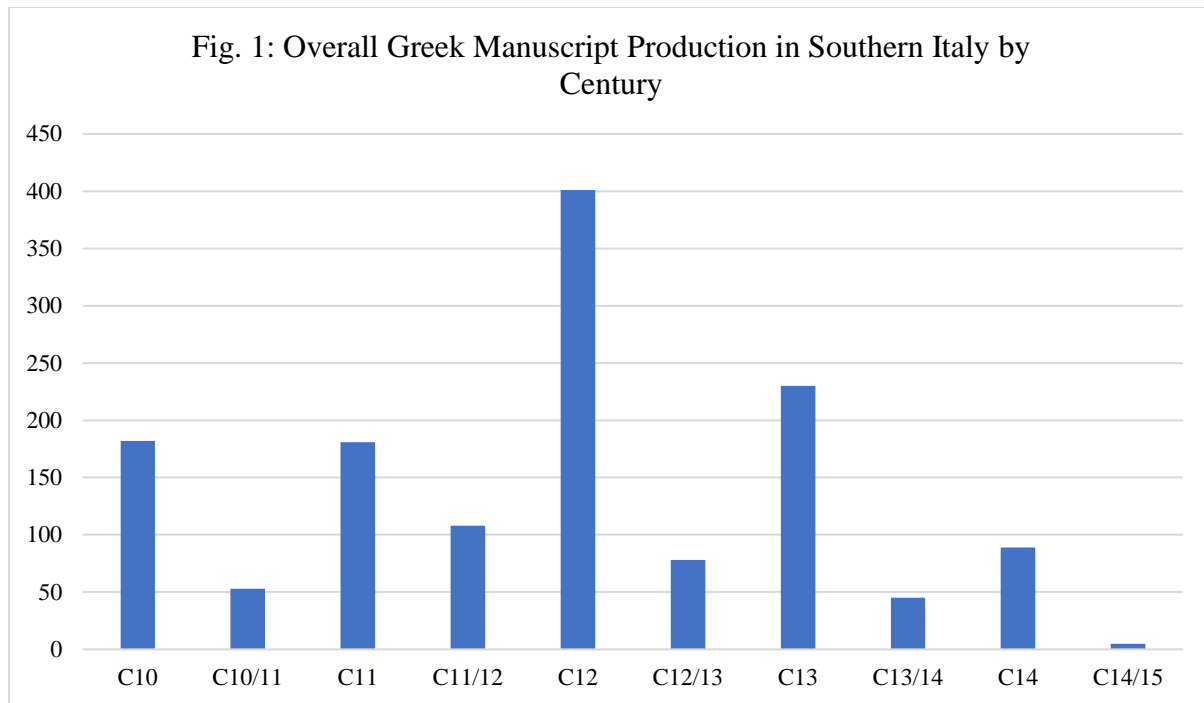
In the absence of clear evidence for how nomocanons were used in court proceedings, one must look instead at the social and institutional circumstances in which they were made. As a result of the patterns of manuscript survival set out in the previous chapter, the best attested cases are those of monastic nomocanons produced in twelfth-century Calabria (with some also from Sicily, Lucania, and the Terra d'Otranto) and the Salentine Group, a collection of clerical nomocanons copied in the twelfth- and thirteenth-century Salento peninsula. In addition to these, some canon law collections were also made for secular judges and officials, although far fewer of these have survived.

By exploring the social and institutional context of manuscript production we can see that they were created for use by people and institutions who had a practical need for them (although the exact nature of that need was not always the same). This chapter will set out the evidence for the monasteries, clergy, and occasional laypeople who commissioned the surviving nomocanonical manuscripts. It will also provide the necessary background for understanding the trends in production technique and artistic quality that will be discussed in the following chapter.

1. Chronological and Geographical Overview

To put the production of canon law collections into perspective, I reproduce here the findings of Paul Canart's 1982 study of datable Italo-Greek manuscripts in simplified graph form.⁵ The figures are not entirely up-to-date, but they provide an impression that remains generally valid. Note that in some cases it is difficult to determine with certainty whether a manuscript belongs to the end of one century or the beginning of another, and so in these cases a separate attribution of 'C11/12' or 'C12/13' etc. has to be made. The reader must bear this in mind when considering trend lines in the graphs.

⁵ Paul Canart, "Aspetti materiali e sociali della produzione libraria italo-greca tra Normanni e Svevi," in *Libri e lettori nel mondo bizantino. Guida storica e critica*, ed. Guglielmo Cavallo (Rome: Laterza, 1982), 103-53.

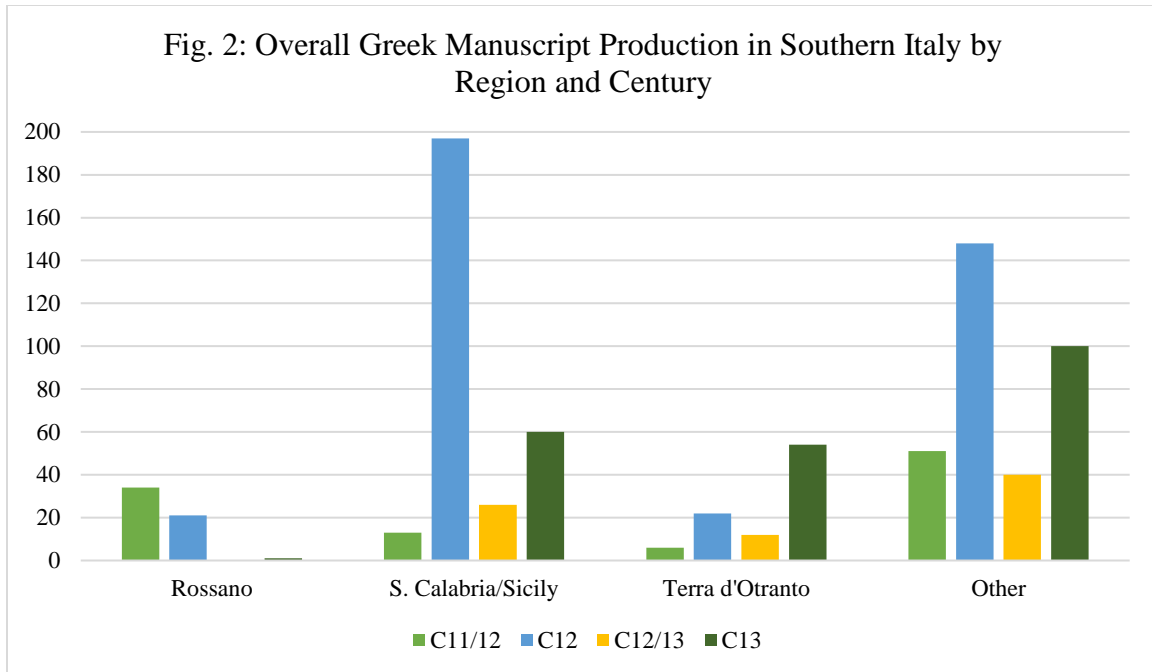


Figures from Canart, “Aspetti materiali,” 121.

The twelfth century evidently saw the peak of Greek manuscript production, a consequence of the ‘Italo-Greek renaissance’ brought about by the conditions of relative peace and prosperity following the Norman conquest.⁶ This increase from the eleventh to twelfth centuries conforms to broader patterns in the Byzantine world and reflects better rates of manuscript preservation from that point on. What makes southern Italy different, however, is the precipitous decline in the thirteenth and especially fourteenth centuries. Broadly speaking, this can be explained by demographic shifts in the region: as the number of educated Greek-speakers dropped in the thirteenth century, so did the demand for new Greek manuscripts.

Further nuance comes to the picture when we take the geographical areas of manuscript production into account.

⁶ On the controversial Italo-Greek ‘renaissance’ of the twelfth century, see chapter one, pp. 38-41.



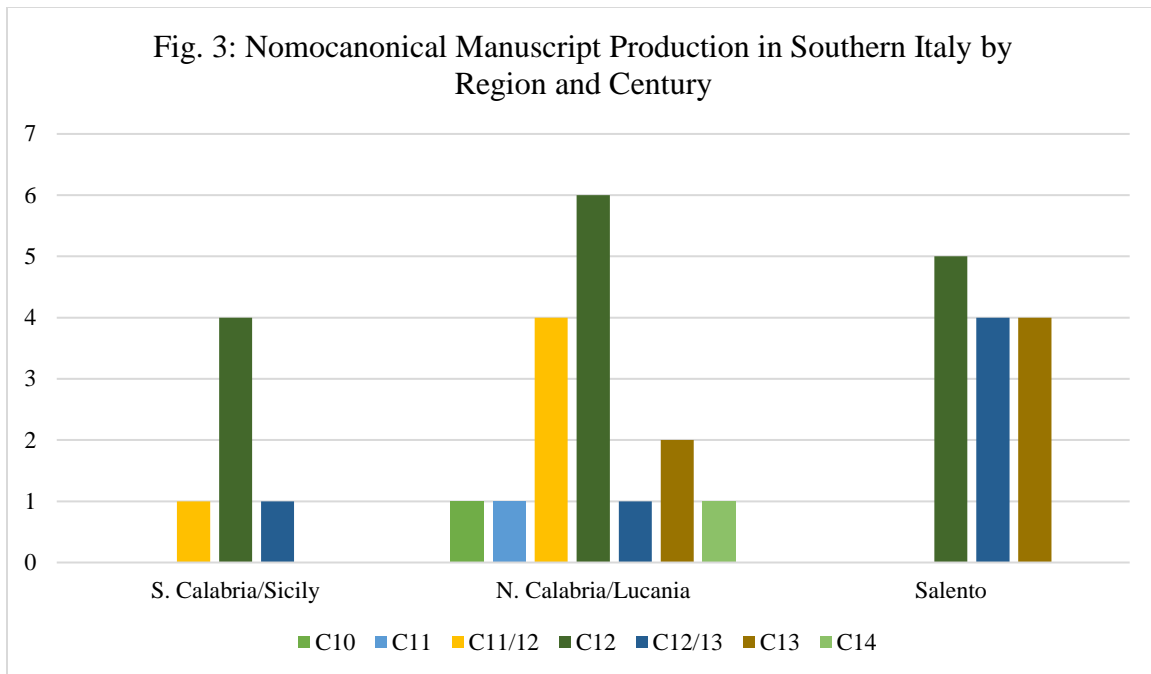
Figures from Canart, “Aspetti materiali,” 122-3.

This second chart may appear strange at first: Rossano’s numbers are surprisingly low in comparison to other regions. This is largely a consequence of the way that Canart made his geographical divisions. Rossano is just one centre of manuscript production, whereas ‘Sicily/S. Calabria’, for instance, comprises not just Messina but also several other centres. That Rossano is able on its own to compare with the entire Terra d’Otranto in the eleventh and twelfth centuries is in fact rather impressive. By ‘other’, Canart includes areas such as Campania, the Cilento, Lucania, northern Apulia, and so forth.

Most areas saw an expansion of Greek manuscript production in the twelfth century followed by a decline in the thirteenth. By contrast, the Terra d’Otranto saw its period of peak output in the thirteenth century, running counter to the trend of decline in other regions. Rossano, for its part, appears to have enjoyed a very short-lived efflorescence. Its manuscript production is heavily weighted towards the early twelfth century, after which it soon gave way to other centres, most notably the new monastery of the Holy Saviour of Messina (with which it was closely connected).

Trends in Italo-Greek Nomocanonical Book Production

I have taken the thirty-six nomocanonical manuscripts that can be identified with a high degree of certainty as southern Italian and divided them into geographical regions of production. Unlike in Canart’s study, I have attempted to separate them into roughly equal areas: Sicily and southern Calabria, northern Calabria and Lucania, and the Salento peninsula. Although it is not truly possible to make neat geographical distinctions in zones of cultural production, these areas each comprise a dominant centre and related peripheries: Rossano (on the border between northern Calabria and Lucania), Messina/Reggio (between Sicily and southern Calabria) and Otranto respectively.



Figures from author's own analysis.

Some trends remain unchanged from Canart's more general study. The twelfth century still sees the overall peak of production, while the Salento is still the only region not to see a large decline in numbers from the twelfth to the thirteenth centuries. However, there are some noticeable differences. Sicily and southern Calabria are only firmly represented in the twelfth century. Northern Calabria is not only the best represented but is the only area to have manuscripts from every century from the tenth to the fourteenth – even the Terra d'Otranto has not bequeathed any fourteenth-century nomocanons. At the same time, there are noticeable absences. None of the surviving nomocanonical codices are from Campania or northern Apulia, both of which produced other types of Greek manuscripts.

These facts can largely be explained by historical patterns of source survival. As we saw in the previous chapter, they were biased towards the preservation of codices from the monastic Order of St Basil (concentrated in Calabria, Sicily and Lucania) and manuscripts available in the book market of the early modern Salento.

2. The Byzantine Period (10th-11th Centuries)

Vat. gr. 1506

Vat. gr. 2075 (Basil. 114)

Only two of the Italo-Greek nomocanonical manuscripts in this study can be definitively dated to the period of Byzantine rule: the legal collection Vat. gr. 2075 (late-tenth century) and the Apostolic compilation Vat. gr. 1506 (24th March 1024). It is possible that the Carbone nomocanon (Vat. gr. 1980-1) was produced in the very last years of Byzantine rule in the mid-eleventh century,

though it may also have been copied shortly after the Norman conquest.⁷ Ultimately, the sample size of surviving codices is too small to draw detailed or extensive conclusions about the character of nomocanon production in Byzantine Italy, though they do offer some hints.

An Apostolic Collection: Vat. gr. 1506

Vat. gr. 1506 is the only one of the two Byzantine-era manuscripts to preserve a colophon. Fol. 80^v bears the note: “This is the end of the book of the *Apostolic Constitutions* by the hand of the humble priest Abba Athanasios on 25th March, at the 4th hour, in the 6th indiction, in the year 1024. I ask everyone to pray for me in the Lord.”⁸ Unfortunately, Athanasios does not say where he worked. Santo Lucà has attributed the manuscript to what he has called the ‘*scuola niliana*’ or ‘School of Neilos’, a style of calligraphy developed by St Neilos the Younger of Rossano that flourished in Grottaferrata and northern Calabria in the early eleventh century.⁹ Athanasios identifies himself as a priest rather than as a monk, implying that he probably did not execute the manuscript in Grottaferrata – the only Greek presence there was monastic. The most likely hypothesis is that he copied Vat. gr. 1506 in the area of Rossano in northern Calabria.

Although there is no definitive evidence regarding Vat. gr. 1506’s original owner, there are several reasons to suspect that it belonged to a cathedral (perhaps that of Rossano itself). Firstly, the quality of the manuscript’s execution is very high, with large parchment folia, a two-column *mise en page*, and elegant decorative features; it was certainly an expensive book to produce. Secondly, the *Apostolic Constitutions* is a text that is strongly associated with the conduct of the liturgy and clerical discipline. Indeed, one reader highlighted *Apostolic Constitutions* 8.12 on fol. 59^v, a section of text that gives the words of a liturgical prayer spoken by the *protopapas* (the senior priest in a Byzantine cathedral) before the Eucharist. The reader added a quote from Gregory of Nazianzus to explain the theology behind the prayer.¹⁰ The quality and content of the manuscript, combined with the reader’s interest in this particular prayer, suggest that it likely belonged to a cathedral such as that of Rossano.

A Civil Law Collection: Vat. gr. 2075

Unlike Vat. gr. 1506, the tenth-century civil law collection Vat. gr. 2075 was the collective effort of seven different scribes.¹¹ Hand A was responsible for fols. 1^r-110^v, while 110^v-251^r alternate between Hands B and C (with a substantial input from Hand D on fols. 146^v-153^r). Hands E, F, and G executed insignificant portions of fols. 251^r-252^v and 262^v. There is no direct evidence for

⁷ On the production and use of Vat. gr. 1980-1, see below, pp. 106-7.

⁸ “τέρμα εἴληφεν ἡ βιβλος τῶν Διατάξεων τῶν Αποστόλων· διὰ χειρὸς Ἀθανασίου τοῦ εὐτελοῦς ἄββα πρεσβυτέρου· μὴ μαρτίῳ κε’ ἡμέρ[α] δ’ ὠρ[α] ζ’ ἰνδ[ικτιώνι] ἔτει ,ςφλβ’. παρακαλῶ δὲ πάντας εὐχεσθαι ὑπὲρ ἐμοῦ διὰ τὸν Κύριον”: Vat. gr. 1506, fol. 80^v.

⁹ Santo Lucà, “Scritture e libri della scuola niliana,” in *Scritture, libri e testi nelle aree provinciali di Bisanzio*, edd. Guglielmo Cavallo, Giuseppe de Gregorio and Marilena Maniaci (Spoleto: CISAM, 1991), 1.319-87, at 349.

¹⁰ Gregory of Nazianzus, *Oration* 30.14 (*On the Son* 2).

¹¹ For closer discussion of the hands in the manuscript, see Patrizia Danella, “Le *Glossae nomicae* del Vat. gr. 2075, del Vat. gr. 845, del Cas. T 550 e del Vind. Phil. gr. 124,” *Bollettino della Badia greca di Grottaferrata* 43 (1989): 111-30, at 113-4.

its copyists' or owners' identities, although it was undeniably produced in Calabria. Not only was it among the *codices basiliani* that Pietro Menniti collected in the seventeenth century, but it also served as the model for Ambros. Q 25 sup., a fragmentary eleventh-/twelfth-century codex that was acquired in Calabria in 1607 for the Biblioteca Ambrosiana.¹²

The centrepiece of the manuscript is the *Epitome Vaticana*, a Calabrian recension of Symbatios' tenth-century *Epitome of the Laws* (itself an expanded version of the *Procheiros Nomos*).¹³ The manuscript's front matter consists of the seventeen canons of the *Protodeutera* council (on the administration of monasteries and aspects of episcopal/clerical discipline), the Apostolic Canons, and Justinian's Novel 5 (regulating the foundation of monasteries and the novitiate).¹⁴ The preface ends with a lexicon of transliterated Latin legal terms (a common feature in Byzantine legal manuscripts) and a chronological list of the ecumenical councils.¹⁵ In short, Vat. gr. 2075 provides an overview of Byzantine civil law preceded by extracts from canon law on ecclesiastical and monastic administration.

There are also two interesting later additions. At the end of the preface, an eleventh-century hand added an aphorism on fair judgment in legal hearings.¹⁶ Further on, in the middle of the text of the Apostolic Canons, a hand of the twelfth century inserted Basil of Caesarea's canons 50 and 80 (on third marriages and polygamy) and canon 67 of the Council *in Trullo* (prohibiting the consumption of blood and fornication) on fols. 17^v-18^r. These twelfth-century marginalia appear to be thematically connected to Apost. c. 61 on fol. 18^r, which states that a person convicted of fornication or adultery may not be admitted to the priesthood.¹⁷

Vat. gr. 2075 was clearly meant for use in civil judgments, but it also betrays an interest in matters of ecclesiastical administration. Could the manuscript's owner have been a Calabrian bishop who served as a judge in local civil cases? Although evidence from the tenth century is extremely scarce, there are numerous examples from both Late Antiquity and the Late Middle Ages of Byzantine bishops acting as civil judges.¹⁸ However, it is also possible that it belonged to a lay

¹² Milan, Biblioteca Ambrosiana, MS Q 25 sup.; *Ambrosianae* 2.755-6 (no. 671). It is a copy of Vat. gr. 2075, fols. 24^v-251^r. I have not included it in this study as it does not reproduce Vat. gr. 2075's canon law preface.

¹³ See Zachary Chitwood, *Byzantine Legal Culture and the Roman Legal Tradition, 867-1056* (Cambridge: Cambridge University Press, 2017), 42-3.

¹⁴ Vat. gr. 2075, fols. 1-19.

¹⁵ Vat. gr. 2075, fols. 20^r-24^r. On the Latin lexicon, see Ludwig Burgmann, "Byzantinische Rechtslexika," *Fontes Minores* 2 (1977): 87-146, esp. 107.

¹⁶ "To make the correct judgment one must not decide everything in favour of those who appear first, but oversee another hearing for the defence of the person who is not present. Neither should you give judgment before hearing both sides." ("χρεῖ τὸν ὀρθῶς κρίνειν μέλλοντα μὴ ὅλον ἐπάγεσθαι τοῖς προλαβοῦσιν, ἀλλὰ τὴν ἑτέραν ἀκοὴν ταμειεῦεν πρὸς ἀπολογίαν τοῦ μὴ παρόντος + ἀλλὰ μήτε δικὴν δικ[άζειν] πρὶν ἄμφω μῦθων ἀκοῦσις [*sic*]"): Vat. gr. 2075, fol. 24^r.

¹⁷ A legitimately married man may be ordained a priest in the Orthodox Church. The person who wrote the marginalia appears to be interested in whether a third marriage was to be considered an example of fornication or polygamy. If the answer is yes, then it follows that a person who has been married three times is not an acceptable candidate for the priesthood. However, the inserted quotations from the canons of St Basil of Caesarea seem to imply that a third marriage is not fornication or polygamy.

¹⁸ The most famous examples are Metropolitan John Apokaukos of Naupaktos and Archbishop Demetrios Chomatenos of Ohrid in the thirteenth century. Troianos has speculated that the majority of middle- and low-level judges in the later Byzantine Empire were in fact members of the clergy: Troianos, *Οἱ πηγές*, 376-7. On bishops as judges in Late

judge who took an interest in ecclesiastical matters; we know of at least three other manuscripts from twelfth- and thirteenth-century southern Italy that belonged to lay legal officials.¹⁹ At any rate, the manuscript demonstrates a convergence of civil and ecclesiastical jurisdiction that seems to reflect the close association between religious and state authorities that prevailed in Byzantine southern Italy.²⁰

The limited evidence for nomocanonical manuscripts in the tenth and eleventh centuries means that it is difficult to draw firm conclusions about their production and use in the Byzantine period. However, the quantity and quality of evidence increases markedly with the onset of the Norman period.

3. *The Great Archimandrites: Rossano, Messina, and Grottaferrata (12th-13th Centuries)*

Alag. 3
Anon. 110
Marc. gr. 171 (coll. 741)
S. Salv. 59
Vall. C 11.1
Vat. gr. 1426 (The Messinese Collection)
Vat. gr. 2060 (Basil. 99)

Following the turbulent years of the Norman conquest, Italo-Greek monks took advantage of the relative calm and stability of the late eleventh century to establish a large number of new monastic foundations. The wealthiest of these were the famous archimandrites of Rossano and Messina, founded in c.1095 and 1133 respectively, which became two of the foremost centres of Greek book production in southern Italy (as many studies have already explored).²¹ These two important institutions, together with the abbey of Grottaferrata, provide the clearest evidence for the connection between Italo-Greek monastic legal authority and the production and ownership of nomocanons.

The term ‘archimandrite’ (ἀρχιμανδρίτης) usually designates the abbot in charge of a monastic federation in which one or more subject houses (*metochia*) are dependent upon a mother house.²²

Antiquity, see Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley: University of California Press, 2005), 274-89.

¹⁹ Marc. gr. 172, Vat. gr. 2019, and a now-lost manuscript mentioned in a note in Marc. gr. 179; see below, pp. 119-24.

²⁰ See chapter one, pp. 21-2.

²¹ E.g. Paul Canart, “Le livre grec en Italie méridionale sous les règnes normand et souabe: aspects matériels et sociaux,” *Scrittura e civiltà* 2 (1978): 103-62, esp. 114-8; Santo Lucà, “Rossano, il Patir e lo stile rossanese,” *Rivista di studi bizantini e neoellenici* 22-3 (1985-6): 93-170; Ibid. “Scrittura e produzione libraria a Rossano tra la fine del sec. XI e l’inizio del sec. XII,” in *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)*, edd. Dieter Harlfinger and Giancarlo Prato, (Alessandria: Edizioni dell’Orso, 1991), 1.117-30; Maria B. Foti, *Il monastero del S.mo Salvatore in lingua phari. Proposte scritte e coscienza culturale* (Messina, 1989).

²² The term ‘archimandrite’ has also come to be used as an honorary title for some monastic priests in the modern Orthodox Church. It should be noted that the medieval Byzantine world had various types of monastic federation, and

The word translates to ‘head shepherd’, a composite of ἀρχή (‘command’) and μάνδρα (‘sheep fold’). Pierre Batiffol believed that the creation of the Rossanese and Messinese archimandrites was a product of Benedictine influence, showing that “the passage from Greek to Latin monastic law was complete” following the Norman conquest.²³ His reasoning was that it was against Byzantine canon law for a monastery to have possessions of its own, and so the Italo-Greeks must have derived the archimandritical structure from Western models.²⁴ He has been followed in this opinion by others such as Lynn White and Graham Loud, although Loud admitted that there may have been other models besides the Benedictine Order.²⁵

This view is misguided. The archimandrites of Rossano and Messina were based firmly on Byzantine, not Benedictine, models. For one thing, both monasteries’ foundation documents expressly state that their founders “selected [customs] from the various *typika* of the monastery of Stoudios, of the Holy Mountain [Athos], of Jerusalem [i.e. the monastery of Mar Saba], and certain others.”²⁶ These were the three foremost monastic centres of the medieval Byzantine world. The *typika* make no mention whatsoever of Western models, however. As for Batiffol’s legalistic argument, he seems to have been mistaken in the belief that the archimandritical structure was prohibited in Byzantine canon law. Moreover, one should emphasise that just because something contravened Byzantine canon law does not mean that the Byzantines did not do it. Byzantine bishops and abbots often bent or broke the law, especially in southern Italy – witness the manner in which Italo-Greek abbots inherited monasteries from their blood relatives, for instance.²⁷

In fact, the office of archimandrite had a long history in the Byzantine Empire. It emerged in Late Antiquity and was recognised in Justinian’s civil legislation, which regarded it as a sort of monastic equivalent to a bishop.²⁸ Although the evidence is admittedly vague and incomplete, archimandrites had already existed in southern Italy under the Byzantine rule. For example, the *Life* of St Neilos the Younger of Rossano, composed in the early eleventh century, has the saint make a self-effacing comparison between himself and higher-ranking ecclesiastics such as “bishops and archimandrites.”²⁹ An act of donation of 1050 from the monastery of Kyr-Zosimos

not all were as centralized as Rossano and Messina. The monasteries of Mount Athos, for example, were not placed under a single head but shared a joint administration in the *Protaton*.

²³ “Le passage du droit monastique grec au droit latin était accompli”: Pierre Batiffol, *L’abbaye de Rossano. Contribution à l’histoire de la Vaticane* (Paris: Picard, 1891), 5-6.

²⁴ Batiffol does not state exactly which canon forbids Byzantine monasteries from owning possessions. He may be referring to *Protodeutera* c. 6, but this prohibits *monks* from owning possessions, not monasteries.

²⁵ Lynn T. White, *Latin Monasticism in Norman Sicily* (Cambridge, MA: Medieval Academy of America, 1938), 69-70; Graham A. Loud, *The Latin Church in Norman Italy* (Cambridge: Cambridge University Press, 2007), 508.

²⁶ “συλλεξάμενοι ἐκ διαφόρων τυπικῶν τῆς Στουδίου μονῆς, τοῦ Ἁγίου Ὄρους, τῶν Ἱεροσολύμων, καὶ ἐτέρων τινῶν”: Text in Giuseppe Cozza-Luzi (ed.), “Typicum Messanense et Casulanum,” in *Novum Patrum Bibliotheca* (Rome: Bibliotheca Vaticana, 1905), 10.2.121-30, at 128 (c. 10). The *typikon* of the *Patiron* remains mostly unpublished but may be found in Jena, Thüringer Universitäts- und Landesbibliothek, MS gr. G.B. q. 6a, fols. 161-89. The only published section relates to penance and may be found in Daniele Arnesano, “La penitenza dei monaci a S. Maria del Patir e a S. Nicola di Casole,” *Revue des études byzantines* 72 (2014): 249-73, at 264-72.

²⁷ See chapter one, pp. 31-2.

²⁸ Justinian, *Novels*, 5.7 (“ὥστε καὶ τοῦτο κωλύουσιν οἱ θεοφιλέστατοι ἐπίσκοποι καὶ οἱ γε ἀρχιμανδρίται καλοῦμενοι”), 120.6 (“... κελεύομεν τοὺς μὲν ὑπὸ τῶν ἀγιωτάτων πατριαρχῶν χειροτονουμένους, εἴτε μητροπολίται εἴτε ἄλλοι ἐπίσκοποι ὧσιν εἴτε ἀρχιμανδρίται...”).

²⁹ “ὧδε μητροπολίτης ἐστίν – ἦν γὰρ τότε ἐκεῖ ὁ τῆς ἀγίας Σεβηρίνης μητροπολίτης – ὧδε ἐπίσκοποι καὶ ἀρχιμανδρίται εἰσίν. Αὐτοὶ τὴν ἐπιθυμίαν σου πληρωσάτωσαν καὶ ἐγὼ τίς εἰμι, ἵνα μεσάζωμαι;” Text in Germano

of Lucania makes a passing reference to a gathering of priests and civil officials “held in the most sacred temple of St Nicholas, the church of the archimandrite.”³⁰ Another act of donation was copied 1061 Taranto “by the hand of the archimandrite Andrew.”³¹ The archimandrites of Rossano and Messina may have been founded under Norman rule, but they were products of southern Italy’s long-standing Byzantine monastic tradition.

The Archimandrite of Rossano: Alag. 3, S. Salv. 59, Vall. C 11.1, Vat. gr. 2060

Rossano had already been a significant centre of Greek monasticism for over a century by the time St Bartholomew of Simeri founded the *Nea Hodegetria* (or *Patiron*, as it was colloquially known) in c.1095. However, Bartholomew’s new foundation soon eclipsed the region’s other monasteries. As we read in the saint’s *Life*, the *Patiron* enjoyed substantial patronage from both the Norman and Italo-Greek nobility, including Count Roger I and his chamberlain, the Syrian-Greek *ammiratus* Christodoulos. The *Life* goes on to state that Bartholomew travelled to Rome in c.1105 to receive a bull from Pope Paschal II (1099-1118) that placed the monastery under papal protection and exempted it from episcopal jurisdiction. Although the *Life* does not explain why he did this, we learn the reason from a colophon in the manuscript Vat. gr. 2050:

... τῷ ἐνιαυτῷ ὅτε ὁ ἀγιώτατος πάπα(ς) Πασχάλιος σιγίλλιον ἐλευθερίας ἐποίησε τοῦ ἀγιωτάτου π(ατ)ρ(ὸ)ς ἡμῶν Βαρθολομαίου εἰς τὴν ἀ(γίαν) αὐτοῦ μονὴν τὴν ὑπεραγίαν Θ(εοτό)κον τὴν καλουμένην τοῦ Ῥοχοινιάτη. ἦν αὐτὸς ἐκ βάρων ἀνηγειρε καὶ ἀνφοκοδόμησεν, εἰς ὠφέλειαν πολλῶν ψυχῶν καὶ δόξαν Θεοῦ. τῷ αὐτῷ δὲ ἐνιαυτῷ ὑποστρέψας ὁ Βαϊμούνδης εἰς Καλαβρίαν, φεύγων ἐκ προσώπου Ἀλεξίου + ἔκτοτε δὲ εὔρεν ἀνάπαυσιν ἢ ἀγία μονὴ λυτρωθεῖσα ἐκ χειρῶν Μαλαϊνῶν. πάνυ γὰρ ἐπολυόρκει αὐτὴν Νικόλαος ὁ Μαλαϊνός καὶ Ἀρχ(ι)επίσκοπ(ος) μετὰ τῆς γενεᾶς αὐτοῦ.

In the same year [1105] the most holy pope Paschal granted our most holy father Bartholomew a bull of freedom for his holy monastery of the most holy *Theotokos* which is called ‘of the Rossanese’. He raised and built this up for the aid of many souls and the glory of God. In the same year Bohemond [of Antioch] returned to Calabria, fleeing from the face of Alexios [I Komnenos, r. 1080-1118]. + At that time the holy monastery found respite, freed from the hands of the Maleinoi. For Archbishop Nicholas Maleinos besieged it vigorously along with the rest of his clan.³²

The underlined sections of the text were originally written in code. It is easy to see why: the references to Bohemond’s military defeat at the hands of the Byzantine emperor and to the greed of the archbishop of Rossano were politically controversial, to say the least. The Maleinoi were a

Giovanelli (ed.), *Βίος καὶ πολιτεία τοῦ ὁσίου πατρὸς ἡμῶν Νείλου τοῦ Νέου* (Grottaferrata: Badia di Grottaferrata, 1972), 55 ll. 28-32. The juxtaposition implies the same sort of equivalence between bishops and archimandrites as Justinian’s legislation.

³⁰ “σύναξις γέγονεν ἐν τῷ πανσέπτῳ ναφ τοῦ ἀγίου Νικολάου ἢ ἐκκλησία τοῦ ἀρχιμανδρίτου”: *Syllabus* 45-6 (no. 37).

³¹ “χειρὶ Ἀνδρέου τοῦ ἀρχιμανδρίτου”: *Syllabus* 59 (no. 45).

³² Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 2050, fol. 117^r. Text in Lake 8.10 (no. 306). Note that Lake is wrong to state that Paschal’s bull offered the monastery protection from the Patriarch of Constantinople (why would that be necessary?). It offered protection from Archbishop Nicholas Maleinos.

noble family with deep roots in the aristocracy of the Byzantine Empire and the family's Calabrian branch held immense influence in Rossano.³³ Clearly Archbishop Nicholas and his relatives attempted to gain control of the *Patiron*'s revenues, compelling Bartholomew to travel to Rome to obtain a papal privilege.³⁴

As Roger II's power grew and the influence of the papacy in southern Italy declined, however, Paschal's bull of exemption became less useful. In its place, the *Patiron* accepted a new bull from the Norman king's chancery in 1130 that declared it a "royal monastery" and confirmed its exemption from episcopal jurisdiction.³⁵ This meant that the archimandrite of Rossano exercised independent legal authority over his subject houses and was answerable only to the king.

No fewer than three nomocanons were produced at the *Patiron* in the early decades of the twelfth century: S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060 (the Rossanese Group).³⁶ Remarkably enough, the contents of the three manuscripts are identical, even down to the short excerpt from John Moschos' seventh-century *Spiritual Meadow* that serves as a coda to S. Salv. 59 and Vall. C 11.1 (the final few folia of Vat. gr. 2060 are missing, but it presumably also once contained the text). Not only are the contents the same, but the dimensions and *mise en page* (in two columns) of the manuscripts are also virtually identical. They even contain many of the same scribal errors, suggesting that they were copied from a shared prototype that contained those errors.³⁷

The *Patiron*'s wealthy scriptorium employed several scribes in the early twelfth century, of whom we know the names of three: Bartholomew, Pachomios, and Basil (copyist of the *evangelikon* Alag. 3 in 1124).³⁸ Santo Lucà gives a provisional list of sixty-one Rossanese manuscripts from the period; although this cannot be an exact assessment, it is nonetheless clear that the

³³ The Maleinoi are first mentioned in ninth-century Cappadocia, where the general Nikephoros Maleinos defeated a rebellion in 866 (Theophanes Continuatus, *Chronographia*, ed. Immanuel Bekker (Bonn: Weber, 1838): 479.20). The family would go on to become notable landowners and officials across the Byzantine Empire, though they were particularly concentrated in Calabria, Macedonia, and Anatolia (see Alexander P. Kazhdan et al., edd. *The Oxford Dictionary of Byzantium*, 3 Vols. (Oxford: Oxford University Press, 1991), s.v. 'Maleinos'). On the Maleinoi of Rossano, see Annick Peters-Custot, *Les grecs de l'Italie méridionale post-byzantine (IX^e-XIV^e siècle). Une acculturation en douceur* (Rome; École Française de Rome, 2009), 611 and below, pp. 122-4.

³⁴ This would not be the end of the monastery's challenges, however: a later anecdote in Bartholomew's *Life* tells of an incident in c.1130 when two Latin monks of the monastery of S. Angelo di Mileto, "melting with envy" ("φθόνῳ τηρόμενοι") at the *Patiron*'s riches, falsely accused Bartholomew of being a thief and a heretic. However, when Roger II discovered their deception, he decided to have the Latin monks burnt as heretics instead; they were only saved through Bartholomew's intercession: Gaia Zaccagni (ed.), "Il *Bios* di San Bartolomeo da Simeri (*BHG* 235)," *Rivista di studi bizantini e neoellenici* 33 (1996): 205-74, at 28-9 (pp. 224-5).

³⁵ See chapter one, p. 43.

³⁶ Maria B. Foti, "Note su due nomocanoni," in *Hestiasis. Studi di tarda antichità offerti a Salvatore Calderone 5* (Messina: Sicania, 1995), 331-52 was the first to compare S. Salv. 59 and Vat. gr. 2060; she was unaware at the time of Vall. C 11.1.

³⁷ Foti, "Due nomocanoni," 343.

³⁸ On Bartholomew and Pachomios, see Maria B. Foti, "Copisti greci di Calabria," in *Mestieri, lavoro e professioni nella Calabria medievale. Tecniche, organizzazioni, linguaggi* (Soveria Mannelli: Rubbettino, 1993), 367-82, at 374-5. On Basil see Santo Lucà, "Un codice greco del 1124 a Siracusa," *Rivista di studi bizantini e neoellenici* 38 (2002): 69-94, at 72-3. Bartholomew was the author of the coded message in Vat. gr. 2050 about the rapacious Archbishop Nicholas Maleinos of Rossano. He also executed the copy of the (as yet unpublished) *typikon* of the *Patiron* in the University of Jena: See above, p. 98 n. 26.

scriptorium's output was extensive.³⁹ Maria Foti identified one of the scribes of Vat. gr. 2060 as the same Bartholomew who was active at the *Patiron* in the first decade of the twelfth century.⁴⁰ Lucà also noted that all three of these manuscripts (as well as fols. 78-96 of Vat. gr. 2115) show strong similarities with others by Bartholomew.⁴¹ Only one of the three (Vat. gr. 2060) remained at the *Patiron*, however. The other two found their way to Messina: S. Salv. 59 came into the possession of the monastery of the Holy Saviour (later renamed St Pantaleon) of Bordonaro, while Vall. C 11.1 may have belonged to the Holy Saviour itself, to judge from the presence of a papal bull relating to the archimandrite at the end of the manuscript.⁴²

The Holy Saviour of Bordonaro was a significant monastery in its own right. It was originally founded in 1099 by a wealthy Greek priest and bibliophile named Scholarios, who took the name Sabas on becoming a monk.⁴³ In his testament of 1114, Sabas describes the contents of his library, which contained no fewer than “three books of canon law.”⁴⁴ One of these is very likely to be S. Salv. 59, which would have been copied along with Vat. gr. 2060 and Vall. C 11.1 in the first decade or so of the twelfth century (when the scribe Bartholomew was active). The Bordonaro monastery was independent until the creation of the Archimandrite of the Holy Saviour of Messina in 1133, at which point it was subjected to the new royal foundation. One can only speculate as to why Sabas had three nomocanons: perhaps they had different textual content or were used for different purposes, such as teaching or making new copies.

The manuscripts of the Rossanese Group show that the scriptorium at Rossano was producing a ‘standardised’ canon law collection both for itself and for distribution to other monasteries. This is a unique phenomenon among surviving southern Italian manuscripts of this period. Although it is not unusual to find other pairs or even groups of related canon law collections (such as those of the Salentine Group, discussed below), they are never identical: scribes would usually include some material from outside their main prototype, or omit material from within it, for instance.

The act of producing multiple copies of the exact same collection with roughly the same dimensions and *mise en page* implies that the scribes of the *Patiron* had a level of professional organisation that was very rare among Greek monastic scriptoria. This further implies that there was a demand among Italo-Greek monasteries for new nomocanons in the early-twelfth century;

³⁹ Santo Lucà, “Scrittura e produzione libraria a Rossano tra la fine del sec. XI e l’inizio del sec. XII,” in *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)*, edd. Dieter Harlfinger and Giancarlo Prato (Alessandria: Edizioni dell’Orso, 1991), 1.117-30, at 128-30. As noted above, there are more surviving twelfth-century manuscripts from Rossano alone than from the entire Salento peninsula.

⁴⁰ Foti, “Due nomocanoni,” 344.

⁴¹ Lucà, “Stile rossanese,” 117 n. 124.

⁴² See chapter six, p. 213.

⁴³ The history of this monastery is summarized in Mario Scaduto, *Il monachismo basiliano nella Sicilia medievale. Rinascità e decadenza, sec. XI-XIV* (Rome: Storia e Letteratura, 1947), 116-22. The surviving documentation on the monastery can be found in SS 1003-6. The monastery’s dedication was changed to St Pantaleon in the fifteenth century.

⁴⁴ “*Codices Juris Canonici tres*”: SS 2.1005. For a single monastery to own three separate canon law manuscripts was highly unusual in southern Italy. For discussion of Scholarios’ library, see Francesco Lo Parco, “Scolario-Saba bibliofilo italiota, vissuta tra l’XI e il XII secolo e la Biblioteca del Monastero basiliano del SS. Salvatore di Bordonaro presso Messina,” *Società Reale di Napoli. Atti della Reale Accademia di Archeologia, Lettere e Belle Arti* 1.2 (1910): 207-86; Giovanni Mercati, *Per la storia dei manoscritti greci di Genova, di varie badie basiliane d’Italia e di Patmo* (Vatican City: Biblioteca Apostolica Vaticana, 1935), 41-3.

this would follow naturally from the fact that so many new monasteries were established in the period and benefitted from the relative peace and prosperity of the era. The *Patiron* had the resources and the skilled craftsmen necessary to meet this high demand for manuscripts.

The Archimandritate of Messina: Anon. 110, Vat. gr. 1426

When the Holy Saviour of Messina was founded by Bartholomew of Simeri's disciple Luke in the early 1130s, he brought a group of copyists from the *Patiron* to establish a scriptorium for the new monastery. The Holy Saviour was from its beginning a cultural heir to Rossano, a role that it would never truly outgrow; as Foti has remarked, "It is... an established fact that many of the copyists, if not all, that can be linked... to the Holy Saviour, are Calabrian and are certainly a Calabrian contribution to a highly specialised trade."⁴⁵

The Archimandritate of Messina was established by a royal charter of Roger II in 1133, as we saw in chapter one.⁴⁶ The king's foundation document explains in great detail the extent of the archimandrite's jurisdictional authority and makes it clear that he had a specific judicial role to play in both spiritual and temporal matters:

ἀλλ' οὐ παρὰ τούτου ὁ ἐν τῇ δηλωθείσῃ ἡμετέρα μονῆ προεστῶς καὶ εἰς τὴν τοῦ ἀρχιμανδρίτου τιμὴν ἀναβιβαθεὶς, οὗτος τε καὶ οἱ μετ' αὐτὸν ἐσόμενοι, ἐν τῇ αὐτῇ μονῇ προεστῶτες, καὶ ἀρχιμανδρίται, κωλυθήσονται τοῦ ἐξετάζειν κατὰ τοὺς θείους καὶ ἀγίους κανόνας τὰ ἐν τοῖς τοιούτοις κεφαλικοῖς μοναστηρίοις ἀνακύπτοντα καὶ ἀναφαινόμενα ἐγκληματικὰ εἴτε χρηματικὰ οἷα δὴ τινα ζητήματα παρὰ τινος κατὰ τινος τῶν ἐν αὐτοῖς μοναχῶν, ἢ τῶν ἐν τούτοις προεστῶτων. ἐφεῖται γὰρ τῷ ἀρχιμανδρίτῃ κανονικῶς ἢ δικαίως ἐξετάζειν ὡς τούτου ἐφορῶντος καὶ κατὰ τὸ ἀρέσκον Θ(ε)ῷ καὶ τὴν τῶν ἀγίων κανόνων περίληψιν διαλύειν αὐτά.

The one who is put in charge of our illustrious monastery and who has been raised to the rank of archimandrite, both this man and his successors who are put in charge of the same monastery, also archimandrites, will not be prevented... from examining according to the divine and holy canons the hidden and manifest cases in autocephalous monasteries, whether criminal or financial, such as might be brought by one against another of the monks within them, or of those who are in charge of them. For it is permitted to the archimandrite to examine according to the canons or the laws as this man sees fit and to pass judgment according to what is pleasing to God and to the satisfaction of the holy canons.⁴⁷

⁴⁵ "È dunque un fatto accertato che molti dei copisti, se non tutti, riconducibili, in questo secondo periodo, al S.mo Salvatore, sono calabresi e costituiscono, di certo, un'offerta da parte della Calabria di un mestiere altamente specializzato": Foti, "Copisti greci," 376. See also Santo Lucà, "Il Patir di Rossano e il S. Salvatore di Messina," in *Byzantina Mediolanensia. Vº Congresso Nazionale di Studi Bizantini, Milan, 19-22 ottobre 1994*, ed. Fabrizio Conca (Soveria Mannelli: Rubbettino, 1996), 255-68, esp. 266.

⁴⁶ See chapter one, p. 42.

⁴⁷ Vatican City, Biblioteca Apostolica Vaticana, Vat. lat. 8201, fol. 57v (cf. fol. 131r/v, which has the same text). A Latin translation can be found in *SS* 2.974-6. The translation was made in 1472 by the humanist scholar Constantine Laskaris (who had come to Italy after the fall of Constantinople in 1453), and is rife with interpolations that exaggerate the archimandrite's legal powers. The monastery's exemption would be re-affirmed in a papal privilege of 1210: *Fontes III* 2.398-9 (no. 168).

As mentioned above, the Holy Saviour probably received the nomocanon Vall. C 11.1 from the *Patiron* of Rossano on its foundation to aid the archimandrite in the exercise of this legal authority, yet it does not seem to have produced many (or any) nomocanons itself. The only plausible candidate is Anon. 110, recorded in Antonio Carissimo's late fifteenth-century inventory of the Holy Saviour.⁴⁸ However, this manuscript has disappeared and so it is impossible to say anything about it with certainty.

The one manuscript that was definitely produced in Messina is the lost Messinese Collection, represented here by its sixteenth-century copy Vat. gr. 1426. This is not a canon law collection *per se*, but rather a theological compendium that contains extensive excerpts of canon law texts as supplementary material. The Messinese Collection was copied in 1213 by the monk Symeon *tou Boulkaramou*, who states in a colophon that he was a "native of Messina" and "skilled in technique."⁴⁹ Symeon's name hints at Sicily's recent Islamic past, as 'Boulkaramos' is a Hellenised form of the Arabic name 'Abu al-Karam'. Symeon may have had a father or ancestor of that name who converted to Greek Christianity, or alternatively his family may have come from a place named after someone called Abu al-Karam.

Although it was one of the two most important archimandrites in southern Italy, the Holy Saviour of Messina does not appear to have produced a significant number of nomocanonical manuscripts. The archimandrite's first nomocanon was almost certainly copied in Rossano, as was the rest of its early library collection. The monastery may later have produced Anon. 110, though it is impossible to be sure.

The Abbey of Grottaferrata: Marc. gr. 171

The third most influential Italo-Greek monastery was the *Theotokos* of Grottaferrata, though it did not technically become an archimandrite until the twentieth century.⁵⁰ The monastery was founded by St Neilos the Younger of Rossano in 1004 on land granted by the counts of Tusculum near Rome. Unlike Rossano and Messina, Grottaferrata's proximity to Rome granted it close ties to the papacy throughout the Middle Ages. The monastery was formally dedicated by Pope John XIX (*r.* 1024-1032) in 1024 and steadily acquired lands and dependent churches through the patronage of the popes and the local nobility.⁵¹ In 1116, Pope Paschal II (*r.* 1099-1118) issued a bull extending papal protection to the monastery (as he had done for the *Patiron* of Rossano in 1105). Paschal's successor Callixtus II (*r.* 1119-1124) also issued a bull taking the monastery

⁴⁸ See chapter two, pp. 79-80.

⁴⁹ "ὁ Συμεὼν ἔξυσα τοῦ Βουλκαράμου, θρέμμα Μεσίνης, μηχανικὸς ἐν τρόποις...": Vat. gr. 1426, fol. 435^v. Text reproduced in Mercati, *Per la storia*, 68-9 and Marc De Groote, "Die handschriftliche Überlieferung des Oecumenius-Kommentars zur Apokalypse," *Sacris Erudiri* 35 (1995): 5-29, at 14-5.

⁵⁰ The monastery was raised to exarchic rank by Pope Pius XI (*r.* 1922-1939) in 1937, upon which the monk Isidoro Croce was elected its first archimandrite: see Paolo Giannini, "P. Isidoro Croce Primo Esarca," *Bollettino della Badia Greca di Grottaferrata* 42 (1988): 197-205, at 198. Today, the archimandrite of Grottaferrata oversees the Catholic monastic Order of St Basil.

⁵¹ Gastone Breccia, "Bullarium Cryptense. I documenti pontifici per il monastero di Grottaferrata," in *La storia e la memoria. In onore di Arnold Esch*, edd. Roberto Delle Donne and Andrea Zorzi (Florence: Firenze University Press, 2002), 3-31, at 8-9 (nos. 1-6). See also Valeria Beolchini, *Tusculum II. Tuscolo, una roccaforte dinastica a controllo della valle Latina. Fonti storiche e dati archeologici* (Rome: L'Erma di Bretschneider, 2006), 60-6, 86, 89.

under his jurisdiction in 1122-4.⁵² These acts recognised Grottaferrata as an independent institution outside the jurisdiction of the episcopate and were confirmed by successive popes.⁵³

Pope Innocent III (r. 1198-1216) took a further step in 1216 when he issued a bull constituting a monastic ‘order’ of St Basil with Grottaferrata at its head.⁵⁴ He also granted episcopal rights to the monastery’s abbot, effectively making him an archimandrite even if the term was not explicitly used. This act is very much in keeping with the spirit of the Fourth Lateran Council, held the year before, in that it attempted to mould the institutions of Greek Christendom into a more familiar Latin model. Indeed, it appears to be an early effort to create the sort of monastic order that Eugenius IV did in 1446.⁵⁵ Innocent’s successor Honorius III (r. 1216-1227) seems to have pursued the project for a time: he extended exemption from episcopal jurisdiction to all Greek monasteries in 1217, and, in 1221, he commanded the abbot of Grottaferrata to undertake a *visitatio* to the Basilian monasteries of Calabria and Apulia (though it is unclear if this actually happened).⁵⁶ However, there is no further documentary evidence for this thirteenth-century ‘Order of St Basil’, which seems to have proved abortive. No doubt the project was abandoned as a result of the conflict that flared-up between Frederick II and the papacy in the 1220s, since the great majority of Italo-Greek monasteries lay within Frederick’s realm.

It was in this early thirteenth-century context that the fragmentary nomocanon Marc. gr. 171 was produced. This manuscript is unique in that it is the only Italo-Greek nomocanon made of Italian non-watermarked paper, a material that started to become common in northern Italy around the year 1220.⁵⁷ The paper’s chain lines are more or less equidistant at approximate intervals of 60 mm, which Paul Canart has found to be characteristic of manuscripts produced around the year 1240, though one must bear in mind that this is not a precise method of dating paper.⁵⁸ A heavily

⁵² Breccia, “*Bullarium Cryptense*,” 9 (no. 8), 10 (no. 9).

⁵³ King Roger II is also purported to have issued a chrysobull to Grottaferrata in 1131 in which he granted the monastery a range of legal privileges, including the right to criminal jurisdiction over its holdings in the Kingdom of Sicily. However, as Enrica Follieri pointed out, there are several reasons to doubt the document’s authenticity (at least insofar as it has been transmitted to us), ranging from vocabulary and content to the fact that it is addressed to the wrong abbot. For text and discussion, see Enrica Follieri, “Il crisobollo di Ruggero II per la badia di Grottaferrata (aprile 1131),” *Bollettino della Badia greca di Grottaferrata* 42 (1988): 49-81.

⁵⁴ *Fontes III* 2.469-73 (no. 222).

⁵⁵ See chapter two, pp. 59-60. See also Horst Enzensberger, “Der Ordo Sancti Basilii, eine monastische Gliederung der römischen Kirche (12.-16. Jahrhundert),” in *La Chiesa greca in Italia dall’VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. - 4 Magg. 1969)* (Padua: Antenore, 1973), 3.1139-51, esp. 1142. Peters-Custot, *Les grecs*, 465 comments that the creation of an ‘Order of St Basil’ by the thirteenth-century papacy was “la manifestation d’un désir de simplifier les designations... et la consequence d’une volonté de classification, de mise en ordre et de distinction, phénomène general dans l’Occident et au sein de la papauté reformatrice au XIII^e siècle.” This is true, although the documentary sources reveal that the papacy’s effort was not just semantic – it was also accompanied by an attempt to make the ‘Order of St Basil’ an institutional reality, even if the effort did not extend much beyond the granting of privileges to the monastery of Grottaferrata.

⁵⁶ *Fontes III* 3.29 (no. 12), 107 (no. 78).

⁵⁷ Jean Irigoien, “Les origines de la fabrication du papier en Italie,” *Papiergeschichte* 13 (1963): 62-7; Henri Bresc and Isabelle Heullant-Donat, “Pour une réévaluation de la ‘Révolution du papier’ dans l’Occident médiéval,” *Scriptorium* 61 (2007): 354-83. The ‘Italian’ paper was not an entirely new invention but developed out of techniques imported from the Muslim world.

⁵⁸ Paul Canart, Simona di Zio, Lucina Polistena, and Daniela Scialenga, “Une enquête sur le papier de type ‘arabe occidental’ ou ‘espagnol non filigrané,’” in *Ancient and Medieval Book Materials and Techniques* (Vatican City: Biblioteca Apostolica Vaticana, 1993), 1.313-94, at 327.

damaged note in a thirteenth-century hand at the beginning of the manuscript is of great help in narrowing the date range down further:

ἐν ο(νό)ματι τοῦ πατρος καὶ τοῦ υἱοῦ καὶ τοῦ ἁγ(ίου) πν(εῦ)ματος : ινδ [?]. ἐγένετο συμφωνία ἀναμεταξὶ κυρῶν Ἰακώβου καὶ Ἰω(άννου) Φραγαπάναι καὶ ἐγὼ τοῦ Πανκρατ(ίου) ... πρε(πό)σιτο(υ) ... ἴτοι ... τί ... κάλδ καστελάνου καὶ ... μεσχὸν τε ἐνόπιον τῆς τραπ(έ)ζου ... Κρυπτωφέρρης ... τοῦτω προκοπ ... καὶ καρπῶν ... του ... τον ἐκάλ ... την ... τὸ ὅπερ ἐστὶν ... ἐργάτην ... κατάχ ... τὸ μοναστήριον ... σιτάρη ... καὶ μίαν ... καὶ τὸν ἐρ(γά)την ... καθὸς ...

In the name of the Father and of the Son and of the Holy Spirit. In the ... indiction there was an agreement between the lords Jacob and John Frangipane and me, Pankratos the *praepositus*... of the castellan. And... before the refectory... of Grottaferrata... first harvest and fruits... worker... the monastery... bread... and one... and the worker... just as...⁵⁹

The note describes an agreement between Pankratos, the *praepositus* of Grottaferrata from 1222 to 1230, and the Roman nobles Jacob and John Frangipane, although the exact details are unclear.⁶⁰ Vera von Falkenhausen has suggested that it relates to a Latin document of 1230 that records a land exchange between Pankratos and the Frangipane family.⁶¹ This does not seem to be the case, however, as the Greek text concerns a different subject and omits the names of several of the participants mentioned in the Latin document. Nevertheless, it is clearly the same Pankratos in both documents. The lords Jacob and John Frangipane are also mentioned in an inscription of 1267, which records that Grottaferrata inherited some of their estate after their death.⁶²

The most likely context for the production of Marc. gr. 171 was in the wake of the papacy's privileges of 1216-1217 that granted the monastery episcopal rights and placed it at the head of the 'Order of St Basil'. The nomocanon was doubtless created to aid in the exercise of the abbot's jurisdiction over the Order, even if it ultimately proved short-lived. I would suggest, then, that the most plausible date for the manuscript is in the years 1220-1230 (probably at the earlier end of that period). As in the cases of the archimandrites of Rossano and Messina, the production of Grottaferrata's nomocanon was directly tied to its acquisition of legal authority.

⁵⁹ Marc. gr. 171, fol. 1^r. Mioni published an imperfect transcription of the text in *Divi Marci* 1.1.256. In addition to omitting several legible lines, Mioni misread the name 'Pankratos' as 'πανκρου...ρης'.

⁶⁰ Maria Giuseppina Malatesta Zilembo, "Gli ammanuensi di Grottaferrata," *Bollettino della Badia Greca di Grottaferrata* 19 (1965): 39-56, 141-59, at 148; see also Rocchi, *De coenobio*, 39, 84. The Latin term '*praepositus*' is equivalent to the Greek '*oikonomos*' and designates the administrator of a monastery's estate and finances. The fact that Pankratos uses the Latin word transliterated into Greek shows the Latin linguistic influence exerted on Grottaferrata by its Tusculan surroundings.

⁶¹ Vera von Falkenhausen, "Roma greca. Greci e civiltà greca a Roma nel medioevo," in *Roma e il suo territorio nel medioevo. Le fonti scritte fra tradizione e innovazione. Atti del Convegno internazionale di studio dell'Associazione italiana dei Paleografi e Diplomatisti (Roma, 25-29 ottobre 2012)*, edd. Cristina Carbonetti, Santo Lucà, and Maddalena Signorini (Spoleto: CISAM, 2015), 39-72, at 69. The Latin text can be found in Pietro Fedele, "Il leopardo e l'agnello di Casa Frangipane," *Archivio della Società romana di storia patria* 28 (1905): 207-20, at 216-7.

⁶² See Antonio Rocchi, *De coenobio Cryptoferratensi eiusque bibliotheca et codicibus praesertim graecis commentarii* (Tusculum: Typographia Tusculana, 1893), 46.

4. Independent Monasteries (12th-13th Centuries)

Ambros. G 57 sup. (gr. 400)
Barb. gr. 323 (III.42 / 192)
Barb. gr. 324 (III.43 / 70)
Barb. gr. 476 (IV.58 / 350)
BN II C 7
BnF gr. 1371
Crypt. gr. 322 (B δ I)
Sinod. gr. 432 (Vlad. 317)
Vat. gr. 1980, 1981 (Basil. 19, 20)

Although Rossano and Messina were the largest and most influential Greek archimandritates in the Kingdom of Sicily, they were by no means the only ones. The late eleventh and twelfth centuries saw the foundation of numerous Greek monasteries throughout southern Italy and Sicily that would become powerful institutions within their own localities, even if they did not grow to the extent of the *Patiron* and the Holy Saviour. Some oversaw small monastic federations of their own, while others were simply wealthy and independent. As we shall see below, several of these produced surviving canon law manuscripts. In almost every case there is a clear correlation between the recognition of monasteries' legal authority through royal and papal privileges and the production of monastic nomocanons.

SS Elias and Anastasios of Carbone: Vat. gr. 1980-1

The monastery of SS Elias and Anastasios of Carbone was one of the only major Greek monasteries of the Byzantine period to flourish after the Norman conquest. Surviving documents from its cartulary show that it already had several *metochia* under Byzantine rule in the 1050s.⁶³ SS Elias and Anastasios later became an *Eigenkirche* (privately owned ecclesiastical foundation) of the Norman Chiaromonte family, but it soon benefited from contemporary Western reformers' emphasis on *libertas ecclesiae*.⁶⁴ The Chiaromonte family granted the monastery its independence in 1074 and later gave it ownership of the monastery of St Philip of Benjamin in 1080 and that of the Holy Forty Martyrs 'of the Slavs' in 1093.⁶⁵ Another Norman noble, Hugh of Marchese, granted it two ruined Italo-Greek monasteries, together with their property and jurisdictions, in 1092.⁶⁶ Though the abbots of Carbone were not formally recognised as archimandrites until 1168, they had been in charge of a large independent monastic federation with legal autonomy for nearly a century by that time.⁶⁷

As we saw in the previous chapter, Giovanni Mercati showed that Vat. gr. 1980-1 (the Carbone nomocanon) once belonged to SS Elias and Anastasios. At a combined total of three hundred and

⁶³ *Carbone* 2.1.133-70 (nos. 1-7).

⁶⁴ On the rhetoric of *libertas ecclesiae* and the issue of ownership of church property in the late eleventh-century papal reform movement, see I.S. Robinson, "Reform and the Church, 1073-1122," in *The New Cambridge Medieval History. Volume 4: c.1024-c.1198, Part 1*, edd. David Luscombe and Jonathan Riley-Smith (Cambridge: Cambridge University Press, 2004), 268-334, at 290-2.

⁶⁵ *Carbone* 2.1.60-2 (no. 9), 69-73 (no. 11), 84-5 (no. 14).

⁶⁶ *Carbone* 2.1.79-83 (no. 13).

⁶⁷ See chapter one, pp. 31-2.

ninety-five folia, it was originally the longest of all the manuscripts studied here, copied in its entirety by a single scribe. Unfortunately, the manuscript lacks a colophon, although it does contain a multitude of annotations in several hands. The scribe himself seems to have been responsible for most of the notes, which consist predominantly of marginal summaries of canons relating to episcopal administration and clerical discipline. Other topics of interest included the order of precedence among the patriarchs and the relationship between civil and canon law.⁶⁸ In addition to the marginalia, two twelfth-century hands inserted short excerpts of canon and civil law in unused space at the beginning of the manuscript: one copied out *Trullo* c. 92 (prohibiting the practice of kidnapping women for marriage), while the second wrote multiple extracts from civil law texts on the role of witnesses in criminal hearings, accusations against the clergy, and the payment of interest on debts.⁶⁹

To judge from the scribe's extensive marginalia on topics of episcopal administration, it is probable that this manuscript was originally produced for the use of a Greek bishop in the eleventh century. Lucania had been home to several Greek bishops under Byzantine rule who were subsequently replaced by Latins after the Norman conquest.⁷⁰ Presumably Vat. gr. 1980-1 was owned by one of the last Greek bishops of Lucania and was donated or sold to the monastery of Carbone after the latinisation of the region's hierarchy. The nomocanon would have been of use to the abbots of Carbone in the exercise of their jurisdiction over their growing Lucanian monastic federation.

St John Theristes: BN II C 7

A particularly clear example of the connection between legal privileges and the production of nomocanons comes from the monastery of St John Theristes near Stilo on the eastern slopes of the Aspromonte mountain range in southern Calabria. The monastery was founded by the monk Gerasimos Atoulinos around the time of the Norman conquest (perhaps c.1070). The first definite mention of St John Theristes comes in a document of 1098 in which a local judge of Stilo, having been referred a case by the court of Count Roger I of Sicily, confirmed its possessions in a place called Sakrai. In another document of 1101/2, we learn that St John Theristes also had a *metochion* dedicated to SS Cosmas and Damian, the Holy Unmercenaries.⁷¹

⁶⁸ For further discussion, see chapter six, p. 196.

⁶⁹ Vat. gr. 1980, fols. 1^v-4^v. The texts are *Trullo* c. 92, *Procheiros Nomos* 27.15, 9, 29, 20; *Ekloge* 14.10; *Basilika* 21.1.22; *Procheiros Nomos* 27.6; *Basilika* 21.1.15; and three further unidentified passages. A later (twelfth-/thirteenth-century) hand also added a barely legible recipe for some sort of kidney and salad dish on fol. 4^r.

⁷⁰ The sees of Acerenza, Tursi, Gravina, Matera, and Tricarico were all held by Greek hierarchs, suffragans of the Archdiocese of Otranto since 968: see Vera von Falkenhausen, *La dominazione bizantina nell'Italia meridionale dal IX all'XI secolo*, trans. Franco Di Clemente and Liva Fasola (Bari: Ecumenica Editrice, 1978), 163. It is unclear exactly when the Greek dioceses of Lucania were first occupied by Latin bishops, though it was likely in the late eleventh or early twelfth centuries; see Loud, *The Latin Church*, 503. The Normans typically waited for a Greek bishop to die before replacing him with a Latin.

⁷¹ *SJT* 62-8 (no. 5). The document is the will of the monastery's second abbot Bartholomew, who designates his own son Pankratios as his successor, an act that ironically contravenes Byzantine canon law but was apparently relatively common in southern Italy; see chapter one, pp. 31-2. Bartholomew had himself inherited the abbacy of St John Theristes from Gerasimos Atoulinos, his father.

Over the following years St John Theristes continued to accrue land and dependent peasants.⁷² Under the abbacy of Pachomios (1124/5-1144), it inherited a second *metochion*, a monastery dedicated to St Theodore, in the will of a monk named Bartholomew Parillas. Bartholomew had established the monastery of St Theodore some years before, but he willed all his possessions (including the monastery and even his own son and future descendants) to Pachomios and St John Theristes.⁷³ The original testament of Bartholomew Parillas has not survived, but a copy was made in 1138 by a monk of St John Theristes named Konon, presumably soon after Bartholomew's death.⁷⁴

A year later, in 1139, Pachomios instructed Konon to produce the nomocanon BN II C 7:

τέλος ἤλειπεν ὁ παρὸν νομοκάνονας χειρὶ ἀμαρτολοῦ Κόνου ἀβᾶ πρεσβυτ(έ)ρ(ου) μονῆς Ἁγίου Ἰω(άννου) τοῦ Θεριστοῦ ἔχοντα τοῦ ἔτους ,σχμη΄, ινδ. Γ, μη(ν)ι δεκεμβρίῳ εἰς τ(ὰς) ις΄ ἡμέραν σα(ββάτου), ὥρ(α) θ΄. μνήσθ(η)τι κ(ύρι)ε τοῦ δούλου Παχωμίου ἀβᾶ πρεσβυτ(έ)ρ(ου) καὶ ἡγουμένου μονῆς ἁγίου Ἰω(άννου) τοῦ Θεριστοῦ τοῦ πόθ(ου) συνδρομήσαντος τοῦ κτίσαι τὸν παρὸν νομοκάνονα τῶν ἁγίων ἀποστόλων καὶ τῶν ἁγίων π(ατέ)ρων καὶ δῶς αὐτῶ πταισμ(ά)τ(ων) λύτρον. ἀμήν κύριε.

The present *nomokanonas* [*sic*] was completed by the hand of the sinful Abba Konon of the monastery of St John Theristes in the year 6648 (A.D. 1139/40), in the 3rd indiction, on Saturday 16th December at the 9th hour. Remember, Lord, your servant Abba Pachomios, priest and abbot of the monastery of St John Theristes who desired to create the present nomocanon of the Holy Apostles and the Holy Fathers, and give to him remission of his sins. Amen Lord.⁷⁵

This nomocanon was produced at a time when the influence of St John Theristes – now in charge of at least two other monasteries and extensive agricultural lands – was increasing. Just a few years later, on 24th October 1144, Pachomios was in Messina to answer a royal edict by which ecclesiastical landowners in Calabria were ordered to present their documents of privilege for royal confirmation.⁷⁶ The text of Roger II's diploma for St John Theristes is only preserved in imperfect Latin and Italian translations of the seventeenth to eighteenth centuries, though they appear to be based on a genuine Greek original that is now sadly lost.⁷⁷ Not only does Roger confirm a donation of lands made in 1100 by his father Count Roger I, but he also mandates that the monastery should “be independent, free, and royal, and should recognise nobody but our authority preserved by

⁷² See *SJT* 24.

⁷³ Bartholomew Parillas is yet another example of the ‘proprietor monks’ of southern Italy who treated their monasteries as personal possessions (as had Gerasimos Atoulinos, founder of St John Theristes). Bartholomew's son and his family presumably became vassals of St John Theristes.

⁷⁴ *SJT* 99-103 (no. 14).

⁷⁵ BN II C 7, fol. 183^v [*sic*]. Text in *Divi Marci* 163-4. Reproduced in Lake 9.667.

⁷⁶ *SJT* 108-10 (no. 16).

⁷⁷ See *SJT* 108 for details.

God...”⁷⁸ In other words, the privilege effectively recognises the legal authority of the abbot of St John Theristes over his lands and dependent monasteries.

There is one curious feature of the privilege, though. While it was undoubtedly issued on 24th October 1144, the text as it has been transmitted to us gives the date as “24th October 6648, in the 3rd indiction.”⁷⁹ The year 6648 is equivalent to 1139/40, which would place Roger’s privilege just two months before Pachomios commissioned the nomocanon. This cannot be correct: Roger was at the siege of Bari on 24th October 1139, not in Messina.⁸⁰ He was, however, present in Messina on 24th October 1144, where he confirmed multiple privileges for Calabrian churches and monasteries. Was this a simple mistake by a copyist or translator? It would seem not: 24th October 1139 did indeed fall in the third indiction, whereas 1144 fell in the eighth.⁸¹ If the incorrect date resulted from an accidental misreading, then one would expect it to retain the original indiction number for 1144. Whoever wrote the year 1139 did so deliberately.

Without further evidence we can only speculate as to the reason, but it is surely no coincidence that this was the year that Konon produced BN II C 7. The privilege’s incorrect date is probably an interpolation in the Greek text from which the Latin translation was made – a common occurrence in such documents. Had Pachomios already begun exercising legal authority in late 1139, when he commissioned the nomocanon? Perhaps the monastery decided to back-date Roger’s privilege to that year so that the validity of the abbot’s judgments could not be questioned? Another possibility is that a scribe decided to merge two separate documents together and keep the date of the original. One cannot know for sure, but it is an interesting thought.

St Bartholomew of Trigona: Barb. gr. 323

Like St John Theristes, the monastery of St Bartholomew of Trigona also received a royal privilege from Roger II at Messina in 1144, though again the text only survives in a later Latin translation.⁸² While the monastery’s archives have largely been lost, Vera von Falkenhausen has been able to reconstruct many of the details of its early years.⁸³ It was founded in c.1095 near Sinopoli on the western slopes of the Aspromonte mountain range in southern Calabria. Over the next three decades, the monastery enjoyed lavish patronage from numerous members of the Norman nobility (including Duke Roger Borsa and Roger II himself), acquiring at least five *metochia* and a vast array of lands and dependent peasants. Like St John Theristes, St Bartholomew of Trigona was

⁷⁸ “*mandamus hoc monasterium esse francum et liberum et regium et neminem conoscere debere nisi nostram a Deo conservatam potentiam et episcopi Stili...*”: *SJT* 110 ll. 20-2. The reference to the bishop of Stilo appears to be an error by the translator or his source, since there was no bishop of Stilo: the town fell within the diocese of Squillace.

⁷⁹ *SJT* 109.

⁸⁰ Falco of Benevento, *Chronicon Beneventanum*, ed. Edoardo D’Angelo (Florence: Galluzzo, 1998), 1139.10.11-12.14 (pp. 226-7).

⁸¹ Guillou amended this in his published text of the act to read “*die 24 mensis octobris 6653 indictione 8*”

⁸² Text in Camillo Minieri-Riccio (ed.), *Saggio di Codice diplomatico formato sulle antiche scritture dell’Archivio di Stato di Napoli* (Naples: Rinaldi e Selitto, 1882-1883), 1.14 (no. 9).

⁸³ Vera von Falkenhausen, “S. Bartolomeo di Trigona: storia di un monastero greco nella Calabria normanno-sveva,” *Rivista di studi bizantini e neoellenici* 36 (1999): 93-116.

exempted from episcopal jurisdiction by Roger II in 1144 and designated a “royal monastery,” answering only to the king’s authority.⁸⁴

The nomocanon Barb. gr. 323 was produced at St Bartholomew of Trigona in the first half of the twelfth century, although unfortunately it is heavily damaged and impossible to date exactly. Nonetheless, the abbots of St Bartholomew of Trigona clearly exercised jurisdiction over a number of monasteries and lands, and so it is reasonable to assume that Barb. gr. 323 was produced to facilitate this.

St Phantinos of Tauriana: Ambros. G 57 sup.

The nomocanon Ambros. G 57 sup. is badly damaged and has lost most of its original quires. Nonetheless, it retains a note in a fourteenth-century Greek hand that gives a crucial insight into its history: “To my spiritual brother in Christ and father Onophrios, Abbot of the monastery of the Holy *Theotokos* of Carrà, I, your brother Hierotheos, monk and priest of the monastery of St Phantinos of Tauriana, rejoicing in the Lord and in pure love towards Him, beg for your [love] also in the Father.”⁸⁵ Athanasios Chalkeopoulos visited the *Theotokos* of Carrà in 1457 and saw that its library possessed “a book of canon law” – evidently Ambros. G 57 sup.⁸⁶

However, as Hierotheos’ note makes clear, the nomocanon was originally produced at or for the monastery of St Phantinos of Tauriana. Very little is known about this foundation, as the building and its archives were destroyed in a raid by Barbary pirates in the fourteenth or fifteenth century.⁸⁷ The limited historiography on St Phantinos has mistakenly accepted that it was placed under the jurisdiction of the Holy Saviour of Messina in 1133, but this was not the case.⁸⁸ Although the nearby monasteries of St Philaretos of Seminara and St John of the Lavra were subjected to Messina, St Phantinos was not.⁸⁹

⁸⁴ Minieri-Riccio, *Saggio*, 1.14. See also Falkenhausen, “S. Bartolomeo di Trigona,” 96.

⁸⁵ “τῷ ἐν Χ(ριστῷ) καὶ πνευματικῷ ἀδ(ελφῷ) καὶ π(ατ)ρι κὺρ ἀνοφρίῳ καθηγουμ(έ)ν(ω) μον(ῆς) ἀγί(ας) Θεοτόκου Κάρ(ρας) ὁ ἀδελφός(ς) Ἱερόθεος(ς) μοναχός(ς) καὶ ὁ ἱερεὺς τῆς μονῆς ἀγίου Φαντίνου Ταβριαν(ῆς) ἐν Κ(υρί)ῳ χαίρων καὶ καθαρὴν ἀγάπην πρὸς αὐτ(ὸν) καὶ παρακαλῶ τιν σὺν π[ατρ]ῆι”: Ambros. G 57 sup., fol. 17^r. See also Santo Lucà, “L’apporto dell’Italia meridionale alla costituzione del fondo greco dell’Ambrosiana,” in *Nuove ricerche sui manoscritti greci dell’Ambrosiana*, edd. Carlo M. Mazzucchi and Cesare Pasini (Milan: Gemelli, 2004), 191-242, at 222, who dates the script to the fourteenth century. Lucà reads “Briatico” instead of Tauriana, but this is a mistake. Though there was a monastery of St Phantinos at Tauriana, there is no evidence for one at Briatico, which instead was home to a monastery of St Pankratios.

⁸⁶ “*liber unus juris canonici*”: Athanasios Chalkeopoulos, *Le ‘Liber Visitationis’ d’Athanasios Chalkéopoulos (1457-1458). Contribution à l’histoire du monachisme grec en Italie méridionale*, edd. Marie-Hyacinthe Laurent and André Guillou (Vatican City: Biblioteca Apostolica Vaticana, 1960), 127.

⁸⁷ In a *visitatio* of 1551, Abbot Marcello Terrasina of SS Peter and Paul of Spanopetro states, “*die predicto discessimus a monasterio Sancti Joannis de Loro, et accessimus ad abbatiam Sancti Phantini de Seminaria [Tauriana], ubi invenimus corpus sancti Phantini, sed ecclesiam destructam a Mauris vel Turcis, quia situm erat circa mare dictum monasterium.*” Text in Chalkeopoulos, *Liber Visitationis*, 296 ll. 5-8.

⁸⁸ E.g. Falkenhausen, “S. Bartolomeo di Trigona,” 106. The notion goes back to Scaduto, *Il monachismo basiliano*, 187.

⁸⁹ For the list of monasteries subjected to the Holy Saviour in the original Greek text, see Vatican City, Biblioteca Apostolica Vaticana, MS Vat. lat. 8201, fols. 56r-59v, 130r-132v. There was a tendency in the early-modern period to conflate St Philaretos of Seminara with St Phantinos of Tauriana; see Vito Capialbi, *Memorie per servire alla storia*

In fact, St Phantinos of Tauriana was probably a wealthy independent monastery like St John Theristes and St Bartholomew of Trigona. Chalkeopoulos visited the site of St Phantinos and stated that “it was built with great architectural skill and was among the finest monasteries of this part of Calabria...”⁹⁰ There is a further intriguing clue from the *Order of the Patriarchal Thrones*, an ecclesiological treatise addressed to Roger II by the monk Neilos Doxapatres that was composed in 1143/4.⁹¹ At one point in his text, Doxapatres mentions Tauriana and remarks that “this is where the monastery of St Phantinos is.”⁹² Although he discusses many dioceses in the Kingdom of Sicily, this is the only time he mentions a monastery by name, suggesting that it must have had some significance.

Without further evidence, one can only speculate as to the circumstances in which Ambros. G 57 sup. was produced. One notable feature of the manuscript is that it has the exact same textual content as BN II C 7 (fols. 122^r-73^v), copied at St John Theristes in 1139. Ambros. G 57 was probably produced at St Phantinos of Tauriana in roughly the same period and to serve a similar purpose: to aid in the judicial administration of a wealthy independent monastery.

SS Peter and Paul of Spanopetro: Crypt. gr. 322

Until now, the exact origins of the twelfth-century nomocanon Crypt. gr. 322 have remained unknown. The manuscript was among the group that Pietro Menniti brought north from Calabria in 1697 and deposited in the library of Grottaferrata.⁹³ As Santo Lucà has noticed, Crypt. gr. 322 shows a strong textual relationship with Barb. gr. 323 (from Sinopoli) and Neap. gr. 7, a late eleventh-century theological compendium from Gerace.⁹⁴ In short, Crypt. gr. 322 has close ties to the written culture of eleventh-/twelfth-century southern Calabria and was still present in the region in the late seventeenth century.

It follows, then, that Crypt. gr. 322 is almost certainly one of the manuscripts that Athanasios Chalkeopoulos saw on his *visitatio* to southern Calabrian monasteries in 1457. Besides BN II C 7

della Santa Chiesa Militese (Naples: Porcelli, 1835), 34 n.1. However, the two monasteries were actually separate from one another: St Phantinos was by the sea, whereas St Philaretos was further inland.

⁹⁰ “*in quo monasterio fuimus et vidimus totum spinis circumdatum, licet fuisset magna fabrica constructum et fuisset de optimis monasteriis hujus Calabriae, nunc vero est deductum penitus in ruynam*”: Chalkeopoulos, *Liber Visitationis*, 112 ll. 6-9. The monastery was ruined by the time of Chalkeopoulos’ visit in 1457, but it was clearly still functional in the fourteenth century, when Abbot Hierotheos of St Phantinos presented it to Onophrios of S. Maria di Carrà.

⁹¹ For further discussion of Doxapatres’ work, see chapter six, pp. 201-4.

⁹² “εἰ δὲ τὰς ἄλλας ἐκκλησίας ἐπισκοπὰς ὑφ’ ἑαυτὴν, ἤγουν τὴν Ταυριανήν, ὅπου ὁ ἅγιος Φαντῖνος τὸ μοναστήριον”: Gustav Parthey (ed.), *Hieroclis Synecdemus et Notitiae Graecae episcopatum; accedunt Nili Doxapatri Notitia patriarchatum et locorum nomina immutata*, 2nd ed. (Amsterdam: Hakkert, 1967), 294.

⁹³ See chapter two, p. 84.

⁹⁴ Naples, Biblioteca Nazionale Vittorio Emanuele III, MS gr. 7, esp. fols. 168^r-178^r. The three manuscripts all contain an Italo-Greek recension of Niketas Stethatos’ *Polemical Discourse against the Latins Concerning Azymes*, as noted in Santo Lucà, “Doroteo di Gaza e Niceta Stetato. A proposito del Neap. Gr. 7,” in *Bisanzio e le periferie dell’impero. Atti del Convegno Internazionale nell’ambito delle Celebrazioni del Millennio della fondazione dell’Abbazia di San Nilo a Grottaferrata (Catania, 26-28 novembre 2007)*, ed. Renata G. Messina (Catania: Bonanno, 2011), 145-80, at 167. See also Santo Lucà, “*Graeco-Latina* di Bartolomeo Iuniore, Egumeno di Grottaferrata († 1005 ca.)?” *Nέα Πώμη* 1 (2004): 143-84, at 147 n. 13. In addition to Lucà’s observations, I would add that Crypt. gr. 322, fols. 2^v-15^v contain an abbreviated version of a history of the ecumenical councils found in Barb. gr. 323, fols. 49^r-85^v.

at St John Theristes and Ambros. G 57 sup. at the *Theotokos* of Carrà, Chalkeopoulos saw four other nomocanons in the region: a “*jus canonicum*” at a monastery of St Phantinos (near S. Lorenzo in the far south of Calabria, distinct from the aforementioned monastery at Tauriana); a “*jus canonicum*” at St Onophrios of Cao (in Vibo Valentia); a “*pars juris canonici*” at SS Peter and Paul of Spanopetro (in Ciano, near Vibo Valentia); and a “*pecium unum juris canonici*” at St Nicholas of Flagiano (near Catanzaro).⁹⁵

St Phantinos near S. Lorenzo was sacked by pirates in the late-fifteenth or early-sixteenth century, so it can probably be ruled out.⁹⁶ St Nicholas of Flagiano likewise no longer existed in the seventeenth century, while St Onophrios of Cao had been annexed to the *Patiron* of Rossano.⁹⁷ Crypt. gr. 322 should therefore be identified with the “*pars juris canonici*” at SS Peter and Paul of Spanopetro: not only does this description fit the manuscript (which is indeed fragmentary), but Menniti is known to have collected various other manuscripts and documents from that monastery as well.⁹⁸

The main evidence for the monastery’s early history comes from the will of its founder, a monk named Gerasimos who had been a disciple of the hermit saint Peter Chartoularios (nicknamed ‘Spanopetros’). Gerasimos wrote his will in c.1135 and Pietro Menniti brought a copy of it to S. Basilio *in urbe* in 1696; Bernard de Montfaucon saw the document there and published the text in his *Palaeographia graeca*.⁹⁹ The story is similar to that of many of the other monasteries discussed here: Gerasimos had been inspired by Spanopetros to found a monastery in the late-eleventh or early-twelfth century and endowed it with his own property. He describes how he had built the monastery and furnished it with a substantial collection of lands, liturgical vestments, and books, among which he mentions a “book of the nomocanon.”¹⁰⁰ Gerasimos’ will does not mention any monasteries or churches subject to SS Peter and Paul, but it is clear from his description of its extensive agricultural lands that it was a wealthy institution. The monastery would be taken under the royal protection of Frederick II in 1224 and was later granted archimandritical status.¹⁰¹

⁹⁵ Chalkeopoulos, *Liber Visitationis*, 64, 105, 115, 131.

⁹⁶ Marcello Terrasina, archimandrite of SS Peter and Paul of Spanopetro (known at the time as St Peter of Arena), describes the state of the monastery in his account of a *visitatio* he made in 1551: “*eodem die et venimus ad monasterium Sancti Phantini suptus Sanctum Laurentium et invenimus monasterium quasi destructum et male tractatum et sine ullo monacho.*” Text in Chalkeopoulos, *Liber Visitationis*, 300 ll. 6-7.

⁹⁷ Batiffol, *L’abbaye de Rossano*, 43, 115-6.

⁹⁸ See Batiffol, *L’abbaye de Rossano*, 44, 94, 96, 123. On p. 123, Batiffol reproduces an inventory of the library of SS Peter and Paul made in 1579. Unfortunately, the inventory is too vague to allow us to identify Crypt. gr. 322; the final entry, for example, simply reads: “Another forty-six fragments of large and small books by various authors.” (“*Item quarentasei pezi de libri piculi et grandi di differenti autori.*”)

⁹⁹ Text in Bernard de Montfaucon, *Palaeographia graeca, sive, De ortu et progressu literarum Graecarum* (Paris: Guerin, 1708), 403-7. See also Vito Capialbi, “Sopra alcune biblioteche di Calabria,” *Archivio storico per la Calabria e la Lucania* 10 (1940): 250-66, at 259-60.

¹⁰⁰ “βιβλίον τοῦ νομοκανόνος”: Montfaucon, *Palaeographia graeca*, 404. Lucà, “Doroteo di Gaza,” 167 has dated Crypt. gr. 322 to the 1170s-1180s on the basis of palaeography. If it is the same manuscript that Gerasimos mentions in his will, however, then it must date to the early twelfth century. He also mentions that it possessed a separate “βιβλίον νόμου;” we learn from the 1579 inventory that this was a copy of the *Ekloge*.

¹⁰¹ Frederick’s privilege is printed in Montfaucon, *Palaeographia graeca*, 428. The granting of a royal exemption should be seen in light of Frederick’s conflict with the papacy for authority over the southern Italian church. On the

Although the *hegoumenoi* of SS Peter and Paul of Spanopetro do not seem to have enjoyed any formal recognition of their legal authority until the thirteenth century, they may have exercised a *de facto* jurisdiction over their monastery and its territory. At the end of his will, Gerasimos mentions a monk named Theodoulos whom he had educated and appointed as his successor as abbot. Theodoulos, however, stole money from the monastery and fled. Gerasimos was extremely forgiving of the crime, ordering that the wayward monk should be welcomed back as a brother if he chose to return: “And let it be as I have decreed: nobody must speak of this or put him on trial, but you must give him aid.”¹⁰² This statement hints at the *hegoumenos*’ legal role: Gerasimos expected that his successor might prosecute Theodoulos if he ever came back.

St Nicholas of Casole: Barb. gr. 324, BnF gr. 1371

The last of the southern Italian monasteries to produce a surviving nomocanon was St Nicholas of Casole. Founded in c.1098 under the patronage of Bohemond of Taranto, St Nicholas grew to be the foremost Greek foundation of the Terra d’Otranto.¹⁰³ Its archives were destroyed in the Turkish sack of Otranto in 1480, with the result that its history can only be pieced together from a range of disparate sources. The sole evidence for St Nicholas in the twelfth century comes from a manuscript of its *typikon* copied in the year 1173.¹⁰⁴ In addition to liturgical and dietary rules, the first five folia of the manuscript contain a list of its *hegoumenoi* from its foundation in 1098 to the year 1469 and brief notes on the administration of the monastery and library.¹⁰⁵ Moreover, the dietary rule contained within the *typikon* makes an imprecise reference to “all the dependencies that are under [the monastery’s] authority,” indicating that St Nicholas of Casole had come to control a group of subject *metochia* by the second half of the twelfth century.¹⁰⁶

Though we lack detailed evidence for the monastery’s institutional history before the thirteenth century, we may presume that St Nicholas of Casole enjoyed some degree of jurisdictional autonomy under Norman rule. Its independence was formally recognised in an undated bull of Frederick II (r.1220-1250) that grants the monastery royal protection, exemption from episcopal authority, and control over an unspecified number of churches and monasteries in the Terra

monastery’s archimandrital status, see Vito Capialdi, *Memorie delle tipografie calabresi* (Naples: Porcelli, 1835), 163-4. It is not clear when it was first recognised as an archimandritate.

¹⁰² “καὶ οὕτως ἔσεται ὄρος ὡς ἐξεθέμην, ἵνα μὴ λόγοι ὑπὲρ τοῦ τοιούτου ἔσωνται μήτε τῆς κρίσεως εἰ ἀγῶνα ὑπὲρ αὐτοῦ παραστήσειεν, ἵνα πρὸς αὐτοῦ βοηθοὶ ἔσωνται [*sic*]”: Montfaucon, *Palaeographia graeca*, 406.

¹⁰³ On the history of St Nicholas of Casole, see Johannes M. Hoeck and Raimund J. Loenertz, *Nikolaos-Nektarios von Otranto, Abt von Casole. Beiträge zur Geschichte der ost-westlichen Beziehungen unter Innozenz III. und Friedrich II.* (Ettal: Buch-Kunstverlag, 1965), 9-21; Ada and Oronzo Parlangeli, “Il monastero di San Nicola di Casole. Centro di cultura bizantina in Terra d’Otranto,” *Bollettino della Badia Greca di Grottaferrata* 5 (1951): 30-45; Theo Kölzer, “Zur Geschichte des Klosters S. Nicola di Casole,” *Quellen und Forschungen aus italienischen Bibliotheken und Archiven* 65 (1985): 418-26.

¹⁰⁴ Turin, Biblioteca Nazionale Universitaria, MS gr. 216 (C III 17); the colophon with the manuscript’s date comes on fol. 172^v. See Henri Omont, “Le Typicon de Saint-Nicolas di Casole près d’Otrante. Notice du ms. C. III, 17 de Turin,” *Revue des études grecques* 3 (1890): 389-90; Oronzo Mazzotta, *Monaci e libri greci nel Salento medievale* (Novoli: Bibliotheca Minima, 1989), 25-50. A section of the *typikon* on dietary rules has been published in Cozza-Luzi, *Novum patrum bibliotheca*, 10.2.155-66.

¹⁰⁵ Summarised in Mazzotta, *Monaci e libri*, 27-38, 41.

¹⁰⁶ “οὐ μόνον δὲ τοῦτο κρατεῖν ἐν τῇ ῥηθείᾳ μονῆ, ἀλλὰ καὶ ἐν πᾶσι τοῖς ὑπ’ αὐτὴν οὔσι μετοχίοις”: Cozza-Luzi, *Novum patrum bibliotheca*, 10.2.155 (c. 1).

d'Otranto.¹⁰⁷ Although Frederick's grant would later be reversed following the conquest of Charles of Anjou in 1266, it demonstrates the extent of the legal power that St Nicholas had accrued by the thirteenth century.¹⁰⁸

Two of the monastery's canon law books have survived: Barb. gr. 324 and BnF gr. 1371, copied in the second half of the twelfth century. The two manuscripts include Byzantine canon law texts composed under the reign of the emperor John II Komnenos (r. 1118-1143) and autograph writings made by St Nicholas of Casole's famous *hegoumenos* Nektarios of Otranto. Barb. gr. 324 is a copy of Alexios Aristenos' commentary on the *Synopsis of Canons* (c.1130), while BnF gr. 1371 is a canonical miscellany containing a different '*Synopsis of Canons*' composed by the Athonite monk Arsenios of the Philotheou monastery on Mount Athos (c.1140).¹⁰⁹ The two manuscripts thus reveal the strong connection of St Nicholas of Casole to the intellectual world of twelfth-century Byzantine Christianity.

Although several other canon law manuscripts survive from the Salento peninsula (as we shall see below), the nomocanons of St Nicholas of Casole are the only two that are known to have been produced in one of the region's monasteries. This may in part be a result of the dominance of St Nicholas of Casole in the Terra d'Otranto: many other Salentine foundations were subjected to it and so would not have required nomocanons of their own. It is certainly also a result of the Salento peninsula's distinctive dynamics of source survival: unlike Calabria and Lucania, the Order of St Basil never seems to have developed a presence there. As a result, there was no organised effort to preserve the region's monastic libraries and archives over the *longue durée*.

Conclusions Regarding Monastic Production of Nomocanons in Southern Italy

There is a clear correlation between the production of monastic nomocanons and the granting of legal privileges to monasteries. In some cases, monasteries acquired nomocanons directly after receiving recognition of their legal authority: the *Patiron* of Rossano (1105), the Holy Saviour of Messina (1133), and the *Theotokos* of Grottaferrata (1216) are all examples of this. In other cases, the monastery received a privilege as recognition of legal authority that its abbot already exercised: this was true of St John Theristes of Stilo (1144), St Bartholomew of Trigona (1144), SS Elias and Anastasios of Carbone (1168), SS Peter and Paul of Spanopetro (1224), and St Nicholas of Casole (c.1220-1250). Finally, St Phantinos of Tauriana may also have received such a privilege, though the evidence has not survived.

In short, the monastic nomocanons were all produced for (or came into the ownership of) independent monasteries with legal jurisdiction over themselves and, in most cases, over other dependent monasteries and churches as well. Although it is difficult to know exactly how they

¹⁰⁷ See Kölzer, "Zur Geschichte," 425. As with Frederick's privilege for SS Peter and Paul of Spanopetro, this was undoubtedly part of his conflict with the papacy for authority over the church in southern Italy.

¹⁰⁸ Randolfo, cardinal bishop of Albano, moved the abbot Basil to the monastery of S. Vito del Pizzo and replaced him with the monk Iakobos. Two years later, St Nicholas of Casole paid a lump sum of money to the papacy to make up for the decades in which it had been under Frederick II's royal exemption and so failed to pay the *decima* to Rome. Recorded in Taur. gr. 216, fol. 4^r; see also Mazzotta, *Monaci e libri greci*, 30.

¹⁰⁹ BnF gr. 1371, fols. 72^r-114^v. For further discussion of the work, see chapter five, pp. 179-81.

were used in practice, the nomocanons were evidently associated with the abbots' and archimandrites' exercise of spiritual and disciplinary authority.

5. The Salentine Group (12th-13th Centuries)

Add. 28822
Ambros. B 107 sup. (gr. 128)
Ambros. E 94 sup. (gr. 303)
Ambros. F 48 sup. (gr. 341)
Barocci 86
BnF gr. 1370
Laur. plut. 5.22
Marc. gr. III.2 (coll. 1131)
Ottob. gr. 186, fols. 9-22
Sinod gr. 397 (Vlad. 316)
Vat. gr. 1287

As we saw above, the Salento peninsula came into its own as a centre of manuscript production in the second half of the twelfth century and continued to have a strong tradition of copying activity all the way into the sixteenth. Like southern Calabria, the Salento was home to one of southern Italy's most enduring Greek populations. Moreover, secular Greek clergy endured longer there than anywhere else in Italy: the diocese of Gallipoli in the far south remained Greek in rite until 1513.¹¹⁰

What makes the Salento particularly unique, however, is the abundant evidence for the role of non-monastic Greek clergy in copying books and providing education. Of all the known Salentine manuscripts with colophons, five were produced by monks, two by laypeople and *twenty-seven* by secular priests.¹¹¹ Only five Salentine manuscripts (of any kind) have ties to the monastery of St Nicholas of Casole, even though this was the most important Greek foundation of the region.¹¹² This is quite different to the situation in Calabria, where monks are far more prominent in surviving manuscript colophons.¹¹³

There are two main reasons for this. The first concerns source survival: most manuscripts from the Salento were not acquired from monastic archives but were purchased on the open market in towns such as Soleto where there were still active Greek clergy and copyists in the sixteenth and

¹¹⁰ Dieter Girgensohn, "Dall'episcopato greco all'episcopato latino nell'Italia meridionale," in *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)* (Padua: Antenore, 1973), 1.25-43, at 38.

¹¹¹ André Jacob, "Culture grecque et manuscrits en Terre d'Otrante," in *Atti del III^o congresso internazionale di studi salentini e del I^o congresso storico di Terra d'Otranto* (Lecce: Centro di Studi Salentini, 1980), 52-78, at 62, 70-7.

¹¹² Besides the nomocanons Barb. gr. 324 and Barb. gr. 1371, these are: Turin gr. 216 (the monastery's *typikon*); Vatican City, Biblioteca Apostolica Vaticana, MS Barb. gr. 350 (a copy of the *typikon* created by the hieromonk Hierotheos in 1205); Paris, Bibliothèque nationale de France, MS gr. 1685 (a fragmentary collection of Pseudo-Callisthenes and Aesop's Fables); Milan, Biblioteca Ambrosiana, MS B 39 sup. (a schedographic collection).

¹¹³ For details of known Greek scribes from Calabria in this period, see Foti, "Copisti greci," 372-6.

seventeenth centuries.¹¹⁴ The second reason is that the Salento peninsula had a strong tradition of Greek parish schools that dated back at least to the thirteenth century.¹¹⁵ For example, André Jacob has studied the fascinating manuscript Paris. gr. 549, a mid-thirteenth-century copy of Niketas of Herakleia's commentary on the *Discourses* of Gregory of Nazianzos. The manuscript was owned by a school in Aradeo (a village about 16 km from Gallipoli) and contains annotations in Greek by teachers and students from the years 1280 to 1320 as well as a list of books in the school's library.¹¹⁶ Such schools were run by Greek priests, many of whom clearly also copied manuscripts. Daniele Arnesano has also highlighted 'dynasties' of Salentine Greek clergy in the early modern period such as the Rizzo of Soleto who produced books as a family enterprise.¹¹⁷ This phenomenon dates back at least to the thirteenth century.¹¹⁸

With the exception of the two codices from St Nicholas of Casole (Barb. gr. 324 and BnF gr. 1371), the surviving Salentine nomocanons all display a remarkable degree of similarity in areas from ruling patterns to aesthetic style and textual content.¹¹⁹ They are by no means all identical, but they have such an unusually large amount in common that I have termed them the 'Salentine Group' for ease of reference. What is particularly interesting is that they seem to have almost no relation to the two Casulan codices, suggesting that the monastery of St Nicholas of Casole had far less influence on Salentine manuscript culture than scholars once assumed.¹²⁰

None of the Salentine Group retains any colophon or distinguishing mark that would allow us to determine a specific centre of production. Ambros. F 48 sup. and Barocci 86 appear to be the

¹¹⁴ For example, Donato Vinzi of Soleto copied a Greek certificate for a seventeenth-century baptism that was conducted "in the Greek style" ("*more graecorum*"): Otranto, Archivio diocesano, *Luoghi della diocese, Zollino. Liber baptizatorum ab anno 1622 ad 1694*, fol. 10v; cited in Daniele Arnesano, "Manoscritti greci di Terra d'Otranto. Recenti scoperte e attribuzioni (2005-2008)," in *Toxotes. Studies for Stefano Parenti*, ed. Daniel Galadza, Nina Glibetic and Gabriel Radle (Grottaferrata: Monastero Esarchico, 2010), 63-101, at 66 n. 21.

¹¹⁵ Jacob, "Culture grecque," 66; "La formazione del clero Greco nel Salento medievale," *Ricerche e Studi in Terra d'Otranto* 2 (1986): 223-36.

¹¹⁶ Paris, Bibliothèque nationale de France, MS gr. 549. See André Jacob, "Une bibliothèque médiévale de Terre d'Otrante," *Rivista di studi bizantini e neoellenici* 22-3 (1985-1986): 285-315; Daniele Arnesano and Elisabetta Sciara, "Libri e testi di scuola in Terra d'Otranto," in *Libri di scuola e pratiche didattiche dall'Antichità al Rinascimento. Atti del Convegno Internazionale di Studi, Cassino, 7-10 maggio 2008*, ed. Lucio Del Corso and Oronzo Pecere (Cassino: Edizioni Università di Cassino, 2010), 2.425-73.

¹¹⁷ Daniele Arnesano, "Copisti salentini del Cinquecento," in '*Colligite fragmenta*'. *Studi in memoria di Mons. Carmine Maci*, ed. Dino Levante (Campi Salentini: Centro Studi 'Mons. Carmine Maci', 2007), 83-94, at 91-3; *Ibid.* "San Nicola di Casole e la cultura greca in Terra d'Otranto nel Quattrocento," in *La conquista turca di Otranto (1480) tra storia e mito. Atti del convegno internazionale di studio, Otranto-Muro Leccese, 28-31 marzo 2007*, ed. Hubert Houben and Francisco de Araujo (Galatina: Congedo, 2008), 107-40, at 112. See also André Jacob, "Culture grecque et manuscrits en Terre d'Otrante," in *Atti del III° congresso internazionale di studi salentini e del I° congresso storico di Terra d'Otranto* (Lecce: Centro di Studi Salentini, 1980), 52-78, at 66. On Greek education in the Salento, see André Jacob, "La formazione del clero Greco nel Salento medievale," *Ricerche e Studi in Terra d'Otranto* 2 (1986): 223-36.

¹¹⁸ See Jacob, "Culture grecque," 63.

¹¹⁹ For ruling patterns and ornamentation, see chapter four, p. 153-7; for textual content, chapter five, pp. 166, 184-91.

¹²⁰ Devreesse, for instance, remarked that "le centre le plus important de la nouvelle culture [grec du Salento] fut, selon toute vraisemblance, le monastère de Saint-Nicolas de Casole, tout proche d'Otrante...": Robert Devreesse, *Les manuscrits grecs de l'Italie méridionale. Histoire, classement, paléographie* (Vatican City: Biblioteca Apostolica Vaticana), 44. Devreesse was of course working from a much more limited sample of manuscripts than we have today, and so he (quite naturally) assumed that St Nicholas of Casole was a Salentine analogue to the *Patiron* of Rossano.

earliest of the manuscripts: André Jacob has identified their copyists as the monk Joacheim (active in the years 1110-1120) and the priest Kalos (first half of the twelfth century) respectively, presumably on palaeographical grounds (he does not explain further).¹²¹ This may well be correct, although it is difficult to be certain with such identifications. We may estimate on grounds of style and content that the majority date to the late twelfth to late thirteenth centuries. One of the latest manuscripts, BnF gr. 1370, retains a tiny fragment of a colophon on the final folio that indicates that it was copied in the year 1296/7, though the names of the copyist and his place of work have been lost.¹²²

Although clear evidence is lacking, I strongly suspect that many or most of the Salentine Group were copied by members of the secular clergy. Not only is this a statistical probability (given the ratio of priests to monks in Salentine colophons), but the textual content is heavily biased towards subjects such as clerical marriage.¹²³ Moreover, three manuscripts of the Salentine Group contain an intriguing schema entitled *The Ecclesiastical Ranks* (οἱ ἐκκλησιαστικοὶ βαθμοί). This is a list describing the hierarchy of staff in a parish church; it also provides the equivalent Latin terminology:

πρώτος πυλωρός. ὁ παρὰ λατίνων ὀστιάριος λεγόμενος, ἦτοι δεπότατος.
 δεύτερος ἀναγνώστης. ὁ παρ' αὐτοῖς λέκτωρ λεγόμενος, ἦτοι κληρικὸς.
 τρίτος ἐπορκιστής. ὁ παρ' αὐτοῖς ἐξορκιστής λεγόμενος.
 τέταρτος ὑπηρέτης. ὁ παρ' αὐτοῖς ἀκολούθος λεγόμενος.
 πέμπτος ὑποδιάκονος. ὁμοίως καὶ παρ' αὐτοῖς.
 ἕκτος διάκονος. ὁμοίως καὶ παρ' αὐτοῖς.
 ἕβδομος πρεσβύτερος. ὁμοίως καὶ παρ' αὐτοῖς.

First the gatekeeper [*pyloros*], whom the Latins call ‘*hostiarius*’, who is a *deputatus* [i.e. lay attendant].

Second the reader [*anagnostes*], whom they call ‘*lector*’, who is one of the clergy.

Third the exorcist [*eporkistes*], whom they call ‘*exorcista*’.

Fourth the server [*hyperetes*], whom they call ‘*acoluthus*’.

Fifth the subdeacon [*hypodiakonos*], whom they call the same thing.

Sixth the deacon [*diakonos*], whom they call the same thing.

Seventh the priest [*presbyteros*], whom they call the same thing.¹²⁴

¹²¹ André Jacob, “Tra Basilicata e Salento. Precisazioni necessarie sui menei del monastero di Carbone,” *Archivio storico per la Calabria e la Lucania* 68 (2001): 21-52, at 38, 41. See also chapter two, p. 75.

¹²² “ἐγ(ράφη)... [approximately ten lines are missing] καου (?) + ἐν ἔτει ,ζωε´ [= 1296/7]”: BnF gr. 1370, fol. 143^r. See also Charles Astruc, “Une collection canonique d’Italie du Sud de la fin du XIIIe siècle (le *Parisinus graecus* 1370),” *Revue d’histoire des textes* 16 (1988): 37-62, at 42. Astruc believes that the hand that wrote the colophon is different from that of the main text, although with so much missing it is difficult to be sure.

¹²³ The issue of clerical marriage was a major topic of concern for Greek clergy under the Latin church; for further discussion, see chapter five, pp. 189-91.

¹²⁴ Present in Ambros. B 107 sup., fol. 4^v; Marc. gr. III.2, fol. 6^v; Sinod. gr. 397, fol. 11^r. The text may also have been present in other members of the Salentine Group, but four of the other manuscripts have lost their opening folia where we would expect to find it. The text also appears in Milan, Biblioteca Ambrosiana, MS F 10 sup., a fourteenth-century compilation (primarily concerning fasting practices) purchased for the Ambrosiana in 1606 from Cutrofiano in the Salento. It does not appear in any manuscript from outside the Salento, however. It is somewhat similar (albeit not

In two of the manuscripts that contain this schema, Marc. gr. III.2 and Sinod. gr. 397, the scribes' marginalia also reveal a great interest in canons 6-10 of the council of Antioch, which focus on the relationship between bishops and the various ranks of clergy beneath them.¹²⁵

It is not difficult to imagine who would be interested in these manuscripts with their heavy focus on clerical marriage and low-level church hierarchy. Not only was the Salento peninsula still home to several Greek bishops in the twelfth and thirteenth centuries, but there would have been large numbers of Italo-Greek church-goers even in dioceses that were held by Latin bishops. The papacy allowed them to continue following their own customs and rites so long as they did not undermine Rome's authority, and so there was a continuing demand for guides to Byzantine religious practice.¹²⁶

Many of the codices of the Salentine Group appear to be specifically tailored to this purpose.¹²⁷ I would suggest that it is highly likely that these nomocanons (in particular those of the thirteenth century) were employed by Greek bishops and *protopapades* in the Salento peninsula in the administration of Greek clergy and congregations. The administrative stipulations of the Fourth Lateran Council created an especial need for reference guides on acceptable Greek customs and rites, and the Salentine nomocanons of the thirteenth century would have met this need.¹²⁸

6. Lay Scribes and Owners (12th-14th Centuries)

Crypt. gr. 50 (Z γ VII)
Crypt. gr. 76 (Z γ III)
Marc. gr. 172 (coll. 574)
Vat. gr. 1168
Vat. gr. 2019 (Basil. 58)
Vat. gr. 2115 (Basil. 154), fols. 78-96

While the vast majority of nomocanonical manuscripts were produced for the clergy (be they secular or monastic), a small number were also destined for legal officials among the laity. Problems of source survival mean that it is impossible to be sure how many lay officials would

identical) to a Latin text entitled *De septem gradibus aecclesiae* in a twelfth-century Beneventan canon law collection (New York, Hispanic Society of America, MS HC 380/819, fol. 109^v):

“Quomodo implevit Christus septem gradus. Lector fuit quando aperuit librum Esayae propheta et dixit Spiritus Domini super me. Exorcista fuit quando eiecit sex demones de Maria Magdalena. Subdiaconus fuit quando fecit de aqua vinum in Cana Galileae. Diaconus fuit quando lavit pedes discipulorum suorum. Sacerdos fuit quando accepit panem, benedixit ac fregit deditque discipulis suis. Istos quinque gradus ante passionem suam implevit. Hostiarius fuit quando dixit Tollite portas, principes vestras. Episcopus fuit quando levavit manu [sic] super discipulos suos et benedixit eos.”

Text in Roger E. Reynolds, “South-Italian *Liturgica* and *Canonistica* in Catalonia (New York, Hispanic Society of America MS HC 380/819),” *Medieval Studies* 49 (1987): 480-95, at 493-4. The Greek version lacks the aetiological explanations of the Latin, makes no mention of bishops, and includes altar servers among the ranks. Despite these differences, however, there may be an indirect relationship between the Greek and Latin texts.

¹²⁵ Marc. gr. III.2, fols. 24^v-25^r; Sinod. gr. 397, fol. 23^v.

¹²⁶ For further discussion of the papacy's policy towards the Italo-Greek clergy, see chapter six, p. 210.

¹²⁷ See chapter five, pp. 184-91.

¹²⁸ See chapter six, p. 211.

have possessed a nomocanon. Some clearly did, but probably not many: only two surviving Italo-Greek canon law manuscripts (and one that does not survive) can be securely tied to laypeople. What is particularly interesting is that these date to the late twelfth- and early thirteenth-centuries respectively, long after the Latin conquest.

The law of the Kingdom of Sicily was pluralistic not just in a vertical sense (with separate legal systems for state, church, guilds, etc.) but also in a horizontal sense: different ethnic groups had their own legal officials who followed their own ancestral legal regimes (Lombard law, Byzantine law, Islamic law, etc.). As Peters-Custot has noted, surviving legal acts from Messina attest to distinct ‘judges of the Latins’ and ‘judges of the Greeks’.¹²⁹ This parallelism was reproduced on a larger scale in Calabria, which had two ‘great judges’, one Latin and one Greek.¹³⁰ The majority of towns and cities in the province would have been either mostly Greek or mostly Latin, and so Greek officials do not usually need to declare their ethnicity. Instead, they use titles such as ‘*krites*’, ‘*nomikos*’, and in one case even the grandiose ‘*nomophylax*’.¹³¹ The Italo-Greeks of the twelfth and early-thirteenth centuries effectively had their own distinct legal apparatus, at least at the local level.

The ‘Epitome Marciana’: Marc. gr. 172

The earliest dated Italo-Greek nomocanonical manuscript produced for a layperson is Marc. gr. 172, a civil law collection with an appendix on canon law and the ecclesiastical hierarchy from late twelfth-century Calabria. As we read in the colophon, it was copied in 1175 by a notary named John:

ἐτελείωθη τὸ παρὸν νόμιμον βιβλίον μηνὶ ἰουλίῳ ἰνδ. ὀγδ. [sic] ἐν ἔτει ,σγπγ΄ διὰ χειρὸς Ἰωάννου εὐτελοῦς νοταρίου· οἱ ἐντυγχάνοντες εὐχεσθε τῷ κτήσαντι ταῦτα, ὅπως κύριος ὁ θεὸς δώῃ αὐτῷ μακροβίωσιν ἐν πολλοῖς ἔτεσιν ἀμήν. τῷ δὲ ταῦτα γράψαντι μὴ ὄλως καταρᾶσθαι, ὁ γὰρ γράφων παραγράφει, καὶ ἔρρωσθαι.

The present legal collection [*nomimon*] was completed in the month of July, in the eighth indiction, in the year 6683 [1175], by the hand of the humble notary John. You who come upon it, pray for its maker that the Lord God grant him a long life for many years. Amen. [And also] that the one who has written these things be not at all cursed but that he be strengthened, for the scribe is the one who signs this.¹³²

¹²⁹ Peters-Custot, *Les grecs*, 387. See *Messina* 1.89 (no. 8, a. 1152), 117 (no. 13, a. 1187/8).

¹³⁰ An act of 1176 refers to the two ‘great judges’ of Calabria, the Latin Matthew of Salerno and the Greek Nicholas of Gerace: Cristina Rognoni (ed.), *Les actes privés grecs de l’archivo ducal de Medinaceli (Tolède)*, 2 vols. (Paris: Belon, 2004), 1.250 (ad. 8).

¹³¹ See e.g. Rognoni, *Les actes privés*, 2.71 (no. 3, a. 1153), 80 (no. 5, a. 1154/5). For the *nomophylax* Peter of Briatico, see *Syllabus* 372 (no. 271, a. 1219). The title ‘*nomophylax*’, or ‘Guardian of the Laws’, is more typically associated with the head of legal education in eleventh-century Constantinople and, later, a high-ranking legal official in the Patriarchate of Constantinople; see Jean Darrouzès, *Recherches sur les Ὁφφίκια de l’église byzantine* (Paris: Institut français d’études byzantines, 1970), 79, 82.

¹³² Marc. gr. 172, fol. 256^v. Text in *Divi Marci* 1.1.261.

Two notes in the upper and lower margins of fol. 179^r in a thirteenth-century hand bear the name of another notary named Philip Malegras; he may have owned the manuscript at one point.¹³³ Unfortunately we do not have any further details about either John or Philip, nor can we say exactly where in Calabria the manuscript was copied.

One thing that is clear, however, is that the codex must have been expensive to produce: it is the largest of all the manuscripts in this study and among the most exquisitely decorated.¹³⁴ It may seem surprising that such a lavish book belonged to a simple notary. However, as Peters-Custot has observed, Italo-Greek documents sometimes show ‘notaries’ acting in the role of judges, which she suggests “leads one to think that the term ‘notary’ might designate in some cases less a function than an educational requirement for taking on judicial charges.”¹³⁵ If this is correct, then it is possible that the ‘notary’ Philip Malegras was actually a judge.

The greater part of Marc. gr. 172 (constituting the so-called ‘Epitome Marciana’) consists of the *Ekloge* and the *leges speciales*; the canon law content only occupies a short portion of the manuscript (fols. 243^v-250^v).¹³⁶ The choice of canons is particularly interesting: a complete text of the Apostolic Canons is followed by a ranked list of the patriarchal thrones (*notitia patriarchatum*) and a selection of conciliar canons that mostly relate to aspects of clerical discipline and family law.¹³⁷ A small number also deal with Lenten liturgical practices, fasting on the Sabbath, and clerical marriage.¹³⁸ None of the canons have any relevance to monasticism. It seems likely, then, that Marc. gr. 172 was intended for use by a lay judge who might be called upon to adjudicate cases regarding the discipline of the Italo-Greek secular clergy.

The ‘Nomocanon of Doxapatres’: Vat. gr. 2019

Vat. gr. 2019 is a unique case among surviving Italo-Greek legal manuscripts: although it is a canon law collection with virtually no civil law content, it belonged not to a clergyman or monk but to a layperson. The main text in the codex is Alexios Aristenos’ commentary on the *Synopsis of Canons*, which the manuscript famously mislabels as the ‘Nomocanon of Doxapatres’:

νομοκάνονον [*sic*] σὺν Θεῷ περιέχον συνοπτικῶς ὅλους τοὺς κανόνας τῶν ἁγίων καὶ οἰκουμενικῶν ἐπτὰ συνόδων καὶ τῶν ἁγίων ἀποστόλων καὶ τοῦ μεγάλου Βασιλείου καὶ ἐτέρων θεοφόρων πατέρων ἐρμηνευθεὶς προτροπῇ τοῦ εὐσεβεστάτου βασιλέως κυροῦ Ἰωάννου τοῦ Κομνηνοῦ παρὰ τοῦ λογιωτάτου διακόνου τῆς τοῦ Θεοῦ μεγάλης ἐκκλησίας καὶ νομοφύλακος τῆς τῶν Ῥωμαίων βασιλείας, πατριαρχικοῦ νοταρίου [καὶ] πρωτοπρόεδρου τῶν πρωτοσυγκέλων τοῦ Δοξαπατρή.

¹³³ “Φιλίππου(ου) Μαλεγραῦ”; “νοτ. φίλιππος) δοῦλος Κ(υρίου)”: Marc. gr. 172, fol. 179^r.

¹³⁴ See chapter four, p. 131.

¹³⁵ “Ce qui laisse penser que le terme de notaire désigne dans certains cas moins une fonction qu’une condition de formation pour accéder aux charges judiciaires”: Peters-Custot, *Les grecs*, 375.

¹³⁶ On these texts, see recently Michael T. Humphreys, *Law, Power, and Imperial Ideology in the Iconoclast Era c.680-850* (Oxford: Oxford University Press, 2015), 84-93, 152-232; Chitwood, *Byzantine Legal Culture*, 103-132.

¹³⁷ On the order of the patriarchal thrones, see chapter five, pp. 173-4.

¹³⁸ These were all recurring topics of controversy between Greeks and Latins, particularly in the thirteenth century. See chapter six, pp. 204-5.

A *Nomokanonon* [*sic*] with God’s help containing a synopsis of all the canons of the holy and ecumenical seven synods and of the holy Apostles and of [St] Basil the Great and the other God-bearing Fathers, interpreted at the command of the most august emperor the lord John Komnenos [*r.* 1118-1143] by the most learned deacon of the Great Church of God [of Constantinople] and *nomophylax* of the Roman Empire, the patriarchal notary and *protoproedros* of the *protosynkelloi* Doxapatres.¹³⁹

It is related to another mislabelled manuscript of Aristenos’ work, now lost, that was donated to the *Patiron* monastery of Rossano in 1190 by a local judge named Sinator Maleinos.¹⁴⁰ Though that codex is lost, its title is recorded in an inscription in Marc. gr. 179, a copy of a collection of the Novels of Justinian and Leo the Wise that was also donated to the *Patiron* by Maleinos.¹⁴¹ The lost manuscript apparently attributed the *Synopsis of Canons* to one ‘Nicholas Doxapatres’. It is impossible to say whether Vat. gr. 2019 was a direct copy of Maleinos’ manuscript or if they simply shared a common model, though they were evidently related.

Vat. gr. 2019 belonged to a man named Sinator of Kritene (*not* the same person as Sinator Maleinos) in the early thirteenth century, as we see from two notes on a blank folio. They record a bittersweet time in the life of an Italo-Greek noble family:

+ κ(α)τ(ὰ) τὸν ἀπρίλλ(ιον) μῆνα εἰς τ(ὰς) ἡ' τῆ ἀγ(ία) καὶ μεγ(ά)λ(η) τρίτ(η) ὥρα θ', ἰδικ(τιῶνος) ζ', ἔτ(ους) ,ςψμβ', ἐγεννήθ(η) ἡ θυγάτηρ ἐμοῦ, Σινάτορος τῆς Κρι^{tv} ἢ ἐν τῷ ἀγ(ίῳ) βαπτίσμ(α)τ(ι) ὀνομασθεῖσα Ἀλφαρ(ά)ν(α), βασιλεύοντος ἡμῶν τοῦ θεοστέπτου μ(ε)γ(ά)λ(ου) βασιλέως καὶ αὐτοκρ(ά)τ(ο)ρο(ς) Ῥωμ(ά)νων [*sic*] καὶ ἀεὶ αὐγούστ(ου) Φρεδδερίκου δεκάτῳ τετάρτῳ χρόνῳ τῆς αὐτοῦ βασιλείας βασιλεύοντο(ς) δὲ Σικελίας τριακοστῷ ἐβδόμῳ Ἱερουσαλήμ δὲ ἐννάτῳ +++

+ κ(α)τ(ὰ) τὸν σεπτ(έμβ)ρ(ιον) μῆνα, εἰς τ(ὰς) ἡ' ἡμέρ(α) τρίτ(η) πρὸ(ς) ἐσπέρ(αν), ἰδικ(τιῶνος) θ', ἔτ(ους) ,ςψμδ', ἡ σύζυγο(ς) ἐμοῦ Σιν(ά)τορο(ς) τῆς Κρι^{tv}, κυρ(ὰ)

¹³⁹ Vat. gr. 2019, fol. 9^v. The title is an exact replica of that found in other manuscripts of Aristenos’ *Synopsis of Canons*, except that Aristenos’ name and titles have been replaced by those of Nicholas Doxapatres, another twelfth-century Byzantine canonist. The reason for the misattribution to ‘Doxapatres’ is unclear and has been the source of some controversy among scholars; there may be a connection to the twelfth-century Italo-Greek monk Neilos Doxapatres, who might be the same person as Nicholas. See my discussion in James Morton, “A Byzantine Canon Law Scholar in Norman Sicily: Revisiting Neilos Doxapatres’s *Order of the Patriarchal Thrones*,” *Speculum* 92.3 (2017): 724-54, esp. 732-7.

¹⁴⁰ As we have seen previously, the Maleinoi were a prominent local family of Rossano with ancestral origins in Byzantine Cappadocia: see above, p. 100.

¹⁴¹ “Various books were donated to the holy and great monastery of the Father [i.e. the *Patiron*] by the great judge lord Sinator Maleinos. Among the first of these were the daily chanted *Apostolos*, the Book of Psalms, the nomocanon interpreted by Nicholas Doxapatres, the great book of laws containing the *Novels* of the great emperor Leo and the so-called original laws of the blessed Justinian, together with his edicts” (“ἀφιερῶθη παρὰ τοῦ μεγάλου κριτοῦ κυροῦ συνατῶρος τοῦ μαλένου ἐν τῇ ἀγία καὶ μεγάλῃ μονῇ τοῦ πατρὸς βιβλία διάφορα, ἐν πρώτοις ὁ ἀπόστολος ὁ καθημερινὸς καὶ τονιμένος, καὶ ἡ βίβλος τῶν ψαλμῶν, καὶ ὁ νομοκάνων ὁ ἐρμηνευθεὶς παρὰ Νικολάου Δοξαπατρίου, καὶ τὸ μέγα βιβλίον τὸ νόμιμον αἰ νεαρῶν αἰ τῶν νόμων ἐπανορθώσεις παρὰ Λέοντος τοῦ μεγάλου βασιλέως καὶ τοῦ μακαρίου Ἰουστινιανοῦ οἱ ἐπονομαζόμενοι αὐθεντικοὶ, σὺν τοῦτοις καὶ τὰ ἴδικτα τούτου”): Venice, Biblioteca Marciana, MS Marc. gr. 179, fol. 1^v. Quoted in Karl-Eduard Zachariä von Lingenthal, *Imp. Iustiniani pp.a. Novellae quae vocantur sive constitutiones quae extra Codicem supersunt, ordine chronologico digestae* (Leipzig: Teubner, 1881), 1.viii.

Γουαρρέρ(α), ἐγέννησε παιδίον δεύτερον ἄρσεν, ὅπερ ὠνομάσαμεν Μιχα(ή)λ· ὑπὲρ οὗ μεγάλη χαρὰ παρ' ἡμῖν ἐγγόνει οὕτω δὲ, βαθείας ἐσπέρας καταλαβούσης, καὶ ἡ προρηθεῖσα μοι σύζυγος, τὸ πν(εῦμ)α τῷ κ(υρί)ῳ παρέδωκε καὶ ἡμέρ(α) τετρ(ά)δ(ι) τοῦ ῥηθ(έν)τ(ος) μηνὸς εἰς τ(ὰς) ιθ', ἐντίμως ἐτάφη ἐν τῷ πανσέπτ(ῳ) ναῶ τῆς ὑπεραγίας Θεοτόκου τῆς Ἀχειροποιήτ(ου)· καταλείψασά μοι τὰ ῥηθ(έν)τ(α) δύο παμφίλτ(α)τ(ά) μοι τέκνα, τὴν Ἀλφαρ(ά)ναν, καὶ τὸν Μιχα(ή)λ· οἷς ὁ θεὸς δῶη [*sic*] προκοπὴν καὶ αὔξησιν· ἐκείνη δὲ ἄφεςιν ἀμαρτιῶν καὶ ἀνάπαυσιν ἐν τοῖς τῶν δικαίων χοροῖς +++

+ On the 15th April, at the 9th hour [3:00pm] of Great and Holy Thursday [in Lent], in the 7th indiction, in the year 6742 [1234], a daughter was born to me, Sinator of Kritene, and was given the name Alpharana in holy baptism, during the reign of our God-crowned great emperor and *autokrator* of the Romans and ever-Augustus Frederick [II]; in the fourteenth year of his emperorship; the thirty-seventh of his reign over Sicily; the ninth of his reign over Jerusalem. +++

+ On the 18th September, towards the evening, in the 9th indiction, in the year 6744 [1235], the lady Guarrera (wife of me, Sinator of Kritene) gave birth to a second child, a boy whom we called Michael. His birth brought us great joy. But in this way, as the depth of the evening took hold, my aforementioned wife gave up her spirit to the Lord. And on Wednesday 19th of the same month, she was buried honourably in the most sacred church of the *Theotokos Acheiropoietos* [in Rossano]. My two dearest aforementioned children, Alpharana and Michael, were left to me. May God grant them prosperity and success. May he give [my wife] forgiveness of her sins and respite in the lands of the just. +++¹⁴²

The exact identification of this Sinator of Kritene has proved challenging.¹⁴³ He was not related to the Sinator Maleinos who donated the earlier manuscript of the ‘Nomocanon of Doxapatres’ (i.e. Aristenos’ *Synopsis of Canons*) to the *Patiron* monastery in 1190: besides the fact that there is a gap of over forty years between the two men, Santo Lucà has shown that ‘of Kritene’ was a family name of its own (equivalent to ‘*de Critena*’).¹⁴⁴ I have also found that the Criteri are recorded in later centuries as a distinguished family of Rossano: in 1331, one Stefano Criterio was appointed *capitano* of the city by King Robert I ‘the Wise’ of Naples (r. 1309-1343), while several members of the Criteri served as local judges and lawyers in the seventeenth and eighteenth centuries.¹⁴⁵

¹⁴² Vat. gr. 2019, fol. 155^v. The text has also been published in Alexander Turyn, *Codices Vaticani graeci saeculis XIII et XIV scripti annorumque notis instructi*, (Vatican City: Biblioteca Apostolica Vaticana, 1965), 29.

¹⁴³ His first name appears to be the Greek form of the Latin word ‘*senator*’. Though it does not appear to have been popular as a personal name on the Byzantine mainland, it is common in documents from medieval Calabria. See e.g. *Syllabus* 56 (no. 13, a. 1058), 57 (no. 14, a. 1059), 141 (no. 106, a. 1130), 387 (no. 281, a. 1228), 512 (ad. 1, a. 1102).

¹⁴⁴ See Santo Lucà, “Rossano, il Patir e lo stile rossanese,” *Rivista di studi bizantini e neoellenici* 22-3 (1985-1986): 93-170, at 125-6 n. 163. Turyn, *Codices Vaticani graeci*, 33 notes that the two Sinators were different people, but incorrectly surmises that Kritene was his place of birth rather than his family name.

¹⁴⁵ Luca de Rosis, *Cenno storico della città di Rossano e delle sue nobili famiglie* (Naples: Mosca, 1838), 374-5, 550. Interestingly, at least two known female members of the family bore the name ‘Achiropita’ (the colloquial term for the cathedral of Rossano). Sinator of Kritene was almost certainly one of their ancestors.

The Maleinoi and Criteri were distinct noble families of Rossano that both counted judges among their members. The Maleinoi also provided Rossano with at least one archbishop.¹⁴⁶ As such, they undoubtedly moved in the same social circles; indeed, members of the two families appear among the witnesses of a diploma of Roger II for the *Patiron* monastery in 1130, giving their names as Sinator Maleinos and “the judge Basil of Kritene.”¹⁴⁷ Considering the date of the document, it is likely that this was yet another Sinator, perhaps the father or grandfather of the one who donated the manuscript to the *Patiron* in 1190. The thirteenth-century Sinator of Kritene was probably a legal functionary himself, although he does not say that explicitly.

Table 2: Five generations of the Maleinos and Kritene families in Rossano

Date	Maleinos	Kritene	Source
1086		Peter of Kritene	<i>Syllabus</i> 65 (no. 49)
1105	Nicholas Maleinos, archbishop		Vat. gr. 2050, fol. 117 ^r
1130	Sinator Maleinos (1)	Basil of Kritene, judge	<i>Syllabus</i> 141 (no. 106)
1190	Sinator Maleinos (2), judge and owner of Marc. gr. 179		Marc. gr. 179, fol. 1 ^v
1234-5		Sinator of Kritene, owner of Vat. gr. 2019	Vat. gr. 2019, fol. 155 ^v

Moreover, both the Maleinoi and Criteri possessed copies of Alexios Aristenos’ commentary on the *Synopsis of Canons* (both misidentified as the work of ‘Nicholas Doxapatres’). This is indicative of the way powerful noble families monopolised both secular and ecclesiastical power in cities like Rossano. Although civil and canon law were theoretically supposed to be distinct spheres, aristocratic clans like the Maleinoi and Criteri evidently wielded power in both.

As it so happens, early thirteenth-century Rossano provides an excellent example of what this aristocratic monopolisation of civil and canonical authority looked like in practice. In 1218, Pope Honorius III issued a bull deposing Archbishop Basil of Rossano on the grounds that he had acquired his office through simony. As Honorius recounts in a letter to the archbishop of Cosenza, Basil was a “judge of Rossano” who was married, had held no previous ecclesiastical office, and

¹⁴⁶ Recall how Archbishop Nicholas Maleinos “and his family” tried to take control over the *Patiron* monastery in 1105: see above, p. 99.

¹⁴⁷ “+ Βασίλειος τῆς Κρητόνης καὶ κριτῆς ἀναγνοῦς τὸ κύριον τῷ ἰσοδυνάμῳ ὑπέγραψεν. + Συνάτωρ Μαλένος τὸ σιγίλλον τοῦ ἀειμνήστου ῥίγος Ῥογερίου ἀναγνοῦς, τῷ κατὰ πάντα ἰσοδυνάμῳ ὑπέγραψεν”: *Syllabus* 138-41 (no. 106), at 141. A Rossanese document of 1086 also bears the signature of one “πετρος της κριτενης [sic]”: *Syllabus* 64-5 (no. 49). The spelling error ‘Kritone’ for ‘Kritene’ is not surprising in Italo-Greek documents; the name ‘Maleinos’ likewise appears in various spellings. This may have been how Basil wrote his own name, though it may also be an error in Montfaucon’s transcription (on which the version in *Syllabus* is based) or in the copy from which Montfaucon made his transcription.

“had often pronounced blood [i.e. death] sentences.”¹⁴⁸ Despite these facts, the dean, archdeacon, and several canons of the cathedral elected him archbishop in flagrant contravention of both Eastern and Western canon law.

Honorius unfortunately does not mention the family names of any of the individuals involved, but it would not be a surprise if the corrupt cathedral clergy were Basil’s own relatives. Indeed, they probably included members of the Maleinos or Kritene families. Nonetheless, the incident provides an excellent insight into how an Italo-Greek noble family could control both civil and ecclesiastical courts at the same time. In this context, it made good sense for a civil judge to own a canon law collection; he might even become an archbishop himself.¹⁴⁹

Both Rossanese manuscripts of Aristenos’ *Synopsis* (Vat. gr. 2019 and the lost codex mentioned in Marc. gr. 179) were ultimately donated to the *Patiron* monastery. Sinator Maleinos gave his copy to the monastery in 1190, while Sinator of Kritene’s manuscript Vat. gr. 2019 was donated to by a person named Rabdas in the late thirteenth century.¹⁵⁰ This undoubtedly reflects the degree to which the observance of Byzantine canon law became increasingly restricted to the monastic *milieu* in the course of the late-twelfth and thirteenth centuries. As the incident with Honorius shows, the papacy was increasingly willing and able to enforce the disciplinary provisions of Latin canon law on the Italo-Greek episcopate. When the secular judges and archbishops of Rossano no longer had a use for Greek canon law texts, they could still donate them to independent monasteries like the *Patiron* that remained exempt from episcopal jurisdiction.

Calabrian Civil Law Collections of Uncertain Origin

The civil law collections Vat. gr. 1168 (11th/12th century), Crypt. gr. 76 (12th/13th century) and 50 (14th century) are a group of related manuscripts of northern Calabrian (possibly Rossanese) origin.¹⁵¹ Fols. 78-90 of Vat. gr. 2115 (11th/12th century; the codex is a miscellaneous assemblage of manuscript fragments) are identical in content to Vat. gr. 1168, fols. 123^v-152^v, indicating that they once formed part of a similar collection; they may have been modelled on the same precursor. The collections largely comprise the *Procheiros Nomos*, the *Ekloge privata*, and the *leges speciales* (including an Italo-Greek recension of the *Farmer’s Law*), but they also contain excerpted canons

¹⁴⁸ “... *B[asilium] iudicem Rossanensem, qui pluries sententias dictaverat sanguinis, uxorum et ordinem ecclesiasticum aliquem non habentem...*”: *Fontes III* 60 (no. 36). Canon 18 of the Fourth Lateran Council specifically prohibits clerics from pronouncing ‘blood sentences’: C.9, X, Ne cler. vel. monach., III, 50.

¹⁴⁹ It was common for Italo-Greek bishops in the Byzantine period to have previously worked as judges and lawyers; see Norbert Kamp, “The Bishops of Southern Italy in the Norman and Staufien Periods,” in *The Society of Norman Italy*, edd. Graham A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 185-212, at 189.

¹⁵⁰ A note of donation reads: “+ βιβλίον λεγόμενον χρονικὸν ἔχων καὶ τὸν νομοκάνονα ἀφιέρους τοῦ Παυδ(ᾶ)”: Vat. gr. 2019, fol. 165^v. The letter β and the ligature αυ produce the same ‘v’ sound in medieval and modern Greek, hence the divergent spelling of Rabdas’ name.

¹⁵¹ Maria T. Rodriguez, “Riflessioni sui palinsesti giuridici dell’area dello Stretto,” in *Vie per Bisanzio. VII° Congresso Nazionale dell’Associazione Italiana di Studi Bizantini*, edd. Antonio Rigo, Andrea Babuin, and Michele Trizio (Bari: Pagina, 2013), 2.625-45, at 631 dates Crypt. gr. 76 to the late eleventh century, although she agrees that it has a “Calabro-Lucanian origin.”

on clerical discipline, liturgical practices, Lenten fasting, the marriage of priests, and aspects of judicial process in church courts.¹⁵²

Given their mixture of predominantly secular legal content with extracts of religious law, these manuscripts may also have been made for lay judges, although unfortunately there is no clear evidence. Although the selections are not identical to those in Marc. gr. 172, they concern a similar range of subjects. The only text to mention monasticism in the manuscripts is Carthage c. 80, which states that bishops may not ordain monks from monasteries outside their jurisdiction.

Conclusion to Chapter Three

Although patterns of source survival have produced an uneven picture, the Italo-Greek nomocanons do not appear to have been mere exercises in juridical erudition or symbols without legal function. They were, on the contrary, produced for people and institutions that had a practical need for reference works on Greek canon law. Despite the changed political circumstances following the Norman conquest, Italo-Greek Christians were able to adapt and continue using their Byzantine canonical heritage. The extant manuscripts were copied for three broad groups of users:

1. Monasteries that received legal privileges and exemptions from popes and/or the kings of Sicily (mainly in the twelfth century).
2. Greek bishops and administrators charged with maintaining proper observance of Byzantine rites and customs within the broader framework of Latin ecclesiastical structures (mainly in the Salento peninsula in the thirteenth century).
3. Secular judges who had some personal or professional interest in matters of ecclesiastical administration (a more limited group).

Although all three of the above groups had legal needs that were served by the possession of nomocanons, not all their needs were of the same type. In the twelfth century, Italo-Greek monasteries with legal privileges essentially ran their own internal court systems with no external oversight save for that of the Norman kings. In practice this meant that they could continue to follow Byzantine canon law with little to no regard for the Latin church authorities. In this context, the archimandrites of southern Italy would have used nomocanons in much the same way as their counterparts in the Byzantine Empire. The same may also have been true for Greek bishops in the twelfth century, as they likewise answered only to the Norman kings (in practice if not in theory).

On the other hand, the Salentine nomocanons of the thirteenth century present a different picture. Following the Fourth Lateran Council, Greek bishops and secular clergy became more closely integrated into the administrative and jurisdictional structures of the Latin church. As a result, Byzantine canon law lost its formal juridical character, becoming instead a source of guidance in what the Lateran Council referred to as “customs and rites.” The secular clergy’s nomocanons

¹⁵² On the Italo-Greek recension of the *Farmer’s Law*, see Guglielmo Cavallo, “La circolazione di testi giuridici in lingua greca nel Mezzogiorno medievale,” in *Scuole, diritto e società nel Mezzogiorno medievale d’Italia*, ed. Manlio Bellomo (Catania: Tringale, 1985), 2.87-136, at 103. For further discussion of the manuscripts’ contents, see chapter five, pp. 167-9.

came to be valued more for their cultural than legal authority, as we shall see further in chapters five and six.

Table 3: Summary of Scribes, Owners, and Origins

	Date	Shelfmark	Origin	Scribe	Owner
1.	Late C10	Vat. gr. 2075	Calabria		
2.	1024	Vat. gr. 1506	Rossano?	Athanasios (priest)	Cathedral of Rossano?
3.	C11/12	Vat. gr. 1168	Rossano?		
4.	C11/12	Vat. gr. 1980	Carbone		SS Elias and Anastasios
5.	C11/12	Vat. gr. 1981	Carbone		SS Elias and Anastasios
6.	C11/12	Vat. gr. 2115 (fols. 78-96)	Rossano?		
7.	C11/12	Marc. gr. 169	Constantinople?		Holy Saviour of Messina
8.	c.1100-15	S. Salv. 59	<i>Patiron</i> of Rossano	Bartholomew and Pachomios (monks)?	Holy Saviour of Bordonaro
9.	c.1100-15	Vall. C 11.1	<i>Patiron</i> of Rossano	Bartholomew (monk)?	Holy Saviour of Messina?
10.	c.1100-15	Vat. gr. 2060	<i>Patiron</i> of Rossano	Bartholomew (monk)?	<i>Patiron</i> of Rossano
11.	c.1110-20	Ambros. F 48 sup.	Salento	Joachim (monk)?	
12.	1124	Alag. 3	<i>Patiron</i> of Rossano	Basil (monk)	Holy Saviour of Messina?
13.	Pre-1135	Crypt. gr. 322	Southern Calabria		SS Peter and Paul of Spanopetro (Ciano)
14.	1139	BN II C 7	St John Theristes of Stilo	Konon (monk)	St John Theristes of Stilo
15.	Early C12	Ambros. G 57 sup.	Southern Calabria		St Phantinos of Tauriana
16.	Early C12	Barb. gr. 323	Southern Calabria		St Bartholomew of Trigona (Sinopoli)
17.	C12	Sinod. gr. 432	Sicily/Southern Calabria?		
18.	C12	Barocci 86	Salento	Kalos (priest)?	
19.	C12	Vat. gr. 1287	Salento (Lecce?)		
20.	C12	Barb. gr. 476	Southern Calabria		
21.	1175	Marc. gr. 172	Calabria	John (notary)	Philip Malegras (notary)

22.	Pre-1190	Marc. gr. 179 ¹⁵³	Rossano		Sinator Maleinos (judge)
23.	Late C12	Barb. gr. 324	St Nicholas of Casole		St Nicholas of Casole
24.	Late C12	BnF gr. 1371	St Nicholas of Casole		St Nicholas of Casole
25.	C12/13	Add. 28822	Salento		
26.	C12/13	Ambros. B 107 sup.	Salento		
27.	C12/13	Crypt. gr. 76	Rossano?		
28.	C12/13	Laur. plut. 5.22	Salento		
29.	C12/13	Ottob. gr. 186 (fols. 9-22)	Salento		
30.	C12/13	Marc. gr. III.2	Salento		
31.	1213	[Messinese Collection] ¹⁵⁴	Holy Saviour of Messina	Symeon <i>tou</i> <i>Boulkaramou</i> (monk)	Holy Saviour of Messina
32.	c.1220-30	Marc. gr. 171	Grottaferrata		Grottaferrata
33.	Pre-1234	Vat. gr. 2019	Rossano		Sinator of Kritene (judge?)
34.	C13	Sinod. gr. 397	Salento		
35.	Late C13	Ambros. E 94 sup.	Salento		
36.	1296/7	BnF gr. 1370	Salento		
37.	C14	Crypt. gr. 50	Rossano?		

¹⁵³ Marc. gr. 179 is not itself a nomocanon, but it contains an inscription referring to the (now lost) nomocanon in Sinator Maleinos' collection. See above, p. 121.

¹⁵⁴ Transmitted in Vat. gr. 1426.

Chapter Four

Material Characteristics and Aesthetic Style

The surviving Italo-Greek nomocanons were copied in various social contexts for a range of purposes. As we saw in the previous chapter, they were produced for groups including moderately sized independent Greek monasteries, the great archimandrites of Rossano and Messina, lay Greek judicial officials, and the secular clergy. These differences in social context are reflected in the manuscripts' varying material characteristics and aesthetic style. Although Byzantine nomocanons broadly shared a common layout and ornamental repertoire, the quality of their execution could differ considerably.

One feature that we might expect to see in the nomocanons is the influence of Latin material culture. The copyists who produced the southern Italian nomocanons lived and worked on Byzantium's frontier with Western Europe; indeed, they were just a short distance from Montecassino, a major centre of Latin book production and the spiritual home of 'Benevento-Style' manuscripts. As Paul Canart put it, "Greek culture [in southern Italy] entered into direct competition with its Latin rival."¹ Surely there must have been some cross-fertilisation of production methods or artistic styles?²

Although this is a reasonable supposition, it does not appear to be the case. On the contrary, Italo-Greek manuscripts are usually characterised by a high degree of conservatism and show few, if any, clear signs of Latin influence. It is very difficult to distinguish between Greek manuscripts from southern Italy and those produced elsewhere in the Byzantine world. This remains true even for those codices that were produced after several centuries of Latin rule. Though this may seem counterintuitive, it is a sign of the extent to which Greek ecclesiastical and monastic institutions in southern Italy continued to participate in the Byzantine cultural and intellectual world after the Norman conquest.

That is not to say that the Italo-Greek nomocanons are all identical; they do provide interesting contrasts that reward closer attention. However, the most meaningful distinctions are not between Italo-Greek and Byzantine manuscripts or between Greek and Latin, but *between different groups of Italo-Greek nomocanons themselves*. Although they all maintain the same Byzantine design ethos, there are discernible variations in style and register between different chronological periods, geographical regions, and social contexts. These variations reflect the changing fortunes of the different Italo-Greek ecclesiastical institutions that produced and used the manuscripts.

¹ "... l'Italie du Sud, où la culture grecque entraînait en compétition directe avec sa rivale latine": Paul Canart, "Les écritures livresques chypriotes du milieu du XI^e siècle au milieu du XIII^e et le style palestinien-chypriote 'epsilon'," *Scrittura e civiltà* 5 (1981): 17-76, at 21.

² As Leroy commented, "À une période où les scriptoria latins suivent des usages différents de ceux des ateliers de Grèce ou d'Asie, le manuscrit grec copié en Europe occidentale ne peut être fait que selon la technique propre des centres de copie latins": Julien Leroy, "Les manuscrits grecs d'Italie," in *Codicologica 2. Éléments pour une codicologie comparée*, edd. Albert Gruys and Johan Peter Gumbert (Leiden: Brill, 1971), 52-71, at 52.

1. Codicological Overview

“The *raison d'être* of a Byzantine manuscript is its text, and if non-textual elements are introduced, these are subordinated to the text and to the principles governing the arrangement of the text on the page.”³ This observation was made by the codicologist Irmgard Hutter in reference to Byzantine manuscripts in general, but it applies especially well to nomocanons. Unlike Western manuscripts, in which “art is an autonomous partner of the text,” the aesthetics and ornamentation of Byzantine manuscripts are intended to highlight textual content.⁴

The appearance of a Byzantine manuscript is therefore determined by its text, and the text in a nomocanon is nothing if not functional. They are “books designed to be read and to transmit information.”⁵ As a result, nomocanons do not normally contain the sort of spectacular illuminations or elaborate miniatures that draw the attention of art historians.⁶ They are reference works of Byzantine canon law that are primarily designed to help a reader locate and digest technical information as efficiently as possible. Consequently, the main decorative elements consist of features that help a reader distinguish between texts and to identify where to start and stop reading: for example, ornamental titles and initial letters at the beginning of paragraphs, decorative headbands, and so forth.

The Italo-Greek nomocanons all follow these basic principles. However, they have various approaches and come in a range of different shapes and sizes. Before looking at them in greater detail, this section will provide an overview to give the reader an impression of the extent of this variation.

Dimensions

It was once thought that Italo-Greek manuscripts were characteristically small, but it is now recognised that their dimensions are broadly consistent with manuscript trends elsewhere in the Byzantine world.⁷ As we shall see in this chapter, a manuscript's size is closely associated with its social purpose and aesthetic style: the largest codices were clearly intended to be visually impressive and were therefore made of the highest-quality materials and given the most elaborate decoration.

³ Irmgard Hutter, “Decorative Systems in Byzantine Manuscripts, and the Scribe as Artist: Evidence from Manuscripts in Oxford,” *Word and Image* 12.1 (1996): 4-22, at 4.

⁴ Hutter, “Decorative Systems,” 4.

⁵ “Quasi dei fossili passata indenni al fluire della storia, i testimoni dei *corpora canonum* si sostanziano nel loro essere essenziali, libri pensati per essere letti e per trasmettere informazioni”: Alessia A. Aletta, “Testo e ornamentazione nei *corpora canonum* bizantini del IX-X secolo,” *Rivista di storia della miniatura* (2013): 17-28, at 26.

⁶ The exception that proves the rule is Paris, Bibliothèque nationale de France, MS suppl. gr. 1085. This nomocanon (of uncertain provenance and dating) contains several decorative miniatures illustrating the great ecumenical councils. See Alessia A. Aletta, “I luoghi del diritto nel Paris. suppl. gr. 1085 (II),” *Rivista di studi bizantini e neoellenici* 46 (2009): 33-71; “Testo e ornamentazione,” 18-19, 25.

⁷ Paul Canart, “Le livre grec en Italie méridionale sous les règnes normand et souabe: aspects matériels et sociaux,” *Scrittura e civiltà* 2 (1978): 103-62 at 115-6.

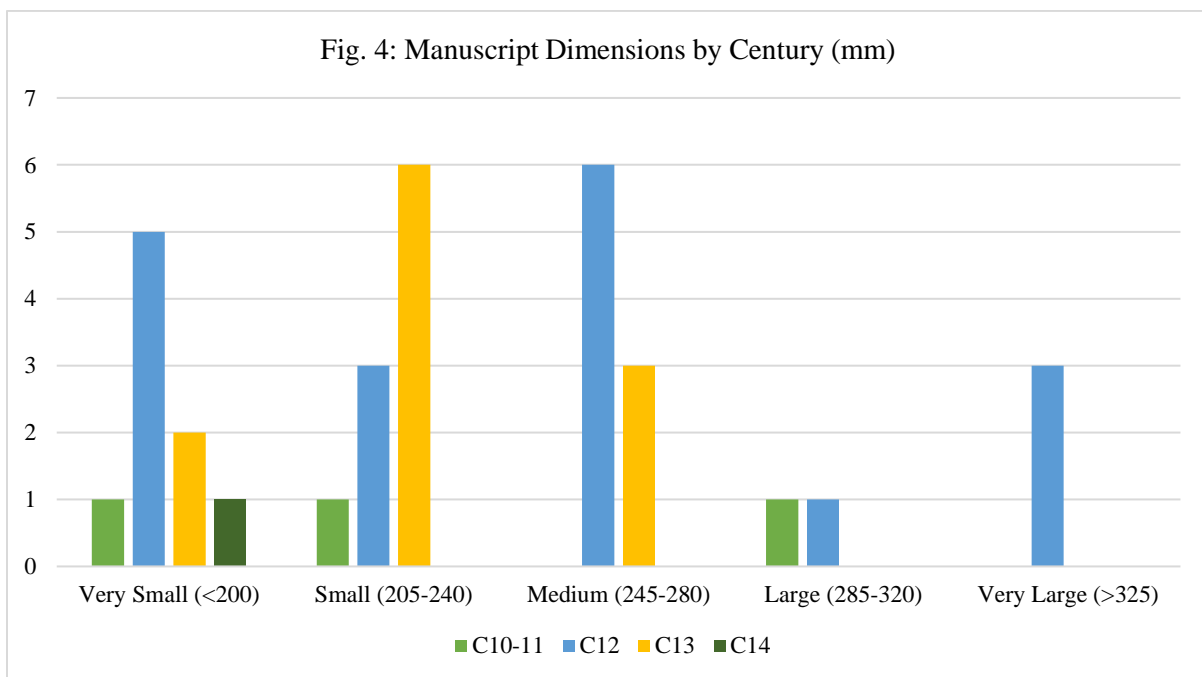
Table 4: Manuscript Dimensions (mm), Smallest to Largest⁸

	Shelfmark	Date	Origin	Dimensions	Written Space	Written Lines	Cols.
1.	<i>Crypt. gr. 322</i>	Pre-1135	S. Calabria	155x120	100x75	21-22	1
2.	<i>Barb. gr. 323</i>	Early C12	S. Calabria	165x155	120x110	23	1
3.	<i>Barb. gr. 324</i>	Late C12	St Nicholas of Casole	180x135	150x105	22-23	1
4.	<i>Sinod. gr. 397</i>	C13	Salento	185x125	150x90	32-36	1
5.	<i>Ottob. gr. 186</i> (fols. 9-22)	C12/13	Salento	185x130	150x105	27-29	1
6.	<i>Vat. gr. 2115</i> (fols. 78-96)	C11/12	Rossano?	185x130	150x100	27-29	1
7.	<i>Vat. gr. 1980-1</i>	C11/12	Carbone	190x145	145x105	22	1
8.	<i>Crypt. gr. 50</i>	C14	N. Calabria	195x145	145x100	23	1
9.	<i>BnF gr. 1371</i>	C12/13	St Nicholas of Casole	195x150	165x115	18-21	1
10.	<i>Ambros. F 48 sup.</i>	c.1110-20	Salento	205x140	150x90	25	1
11.	<i>Vat. gr. 2019</i>	Pre-1234	Rossano	210x170	180x135	24-28	1
12.	<i>Barocci 86</i>	C12	Salento	220x135	190x110	25-30	1
13.	<i>Laur. plut. 5.22</i>	C12/13	Salento	220x150	170x100	32-33	1
14.	<i>Vat. gr. 2075</i>	Late C10	Calabria	220x155	175x120	27-31	1
15.	<i>BnF gr. 1370</i>	c.1296/7	Salento	225x150	180x100	34-39	1
16.	<i>Crypt. gr. 76</i>	C12/13	Rossano?	225x170	165x115	23-29	1
17.	<i>Marc. gr. III.2</i>	C12/13	Salento	230x165	185x120	31	1
18.	<i>Sinod. gr. 432</i>	C12	Sicily/S. Calabria?	230x185	185x140	32	1
19.	<i>Ambros. B 107 sup.</i>	C12/13	Salento	240x150	165-185x100	22-36	1
20.	<i>Vat. gr. 1287</i>	C12	Salento (Lecce?)	245x130	205x90	38-41	1
21.	<i>Ambros. G 57 sup.</i>	Early C12	S. Calabria	245x180	180x130	25-35	1
22.	<i>Barb. gr. 476</i>	C12	S. Calabria	245x190	175x155	27	2
23.	<i>BN II C 7</i>	1139	St John Theristes of Stilo	250x195	180x145	24-27	2
24.	<i>Ambros. E 94 sup.</i>	Late C13	Salento	255x165	200x125	29-32	1
25.	<i>Vat. gr. 1168</i>	C11/12	Rossano?	255x190	185x125	27	1
26.	<i>Add. 28822</i>	C12/13	Salento	260x170	195x115	32-34	1

⁸ Dimensions have been rounded to the nearest 5 mm on account of irregularities in the size of parchment folia. Note that there are only 33 entries on this list, not 36: Marc. gr. 169 was not produced in southern Italy, Vat. gr. 1426 is a sixteenth-century copy, and Vat. gr. 1980-1 have been treated as a single codex.

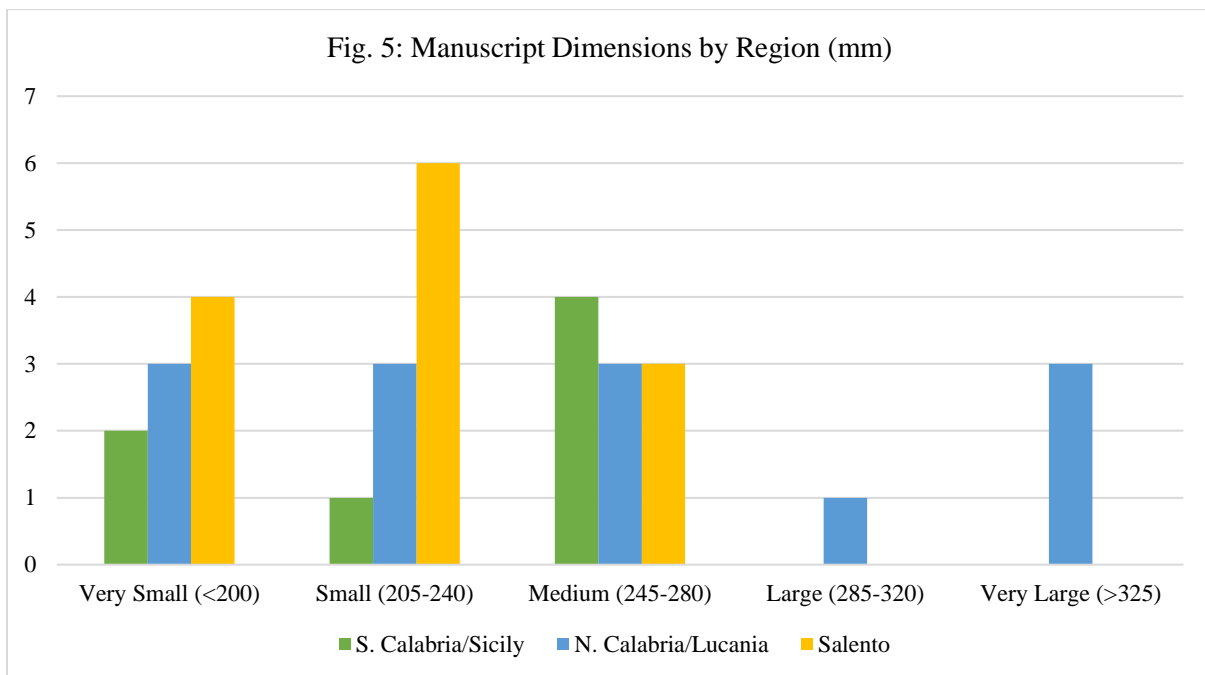
27.	<i>Marc. gr. 171</i>	c.1220-30	Grottaferrata	265x170	195x120	28-30	1
28.	<i>Alag. 3</i>	1124	<i>Patiron</i> of Rossano	265x200	180x135	25	2
29.	<i>Vat. gr. 1506</i>	1024	Cathedral of Rossano?	290x225	205x155	34	2
30.	<i>Vat. gr. 2060</i>	c.1100-15	<i>Patiron</i> of Rossano	305x240	235x160	37	2
31.	<i>Vall. C 11.1</i>	c.1100-15	<i>Patiron</i> of Rossano	325x240	205x175	29	2
32.	<i>S. Salv. 59</i>	c.1100-15	<i>Patiron</i> of Rossano	325x255	200x165	29-32	2
33.	<i>Marc. gr. 172</i>	1175	Calabria	365x260	240-250x170	31-34	2

The average (mean) manuscript size is approximately 235x170 mm and the median is 230x165 mm. There are thus roughly equal numbers at both ends of the spectrum; whether these figures represent the ratio in which small and large manuscripts were originally produced is another matter, however. One may presume that larger, more expensive manuscripts had a better chance of survival than smaller, cheaper ones. These numbers are probably less indicative of historical levels of production than they are of rates of preservation.



The plurality of extant codices date to the twelfth century, and so that period has naturally bequeathed the greatest range of manuscript sizes.⁹ This was the era in which Calabrian and Sicilian monasteries were at their wealthiest, a fact that is clearly reflected in the number of large and very large twelfth-century nomocanons. The number of surviving nomocanons from the tenth and eleventh centuries is small, so it is difficult to draw conclusions about trends in those periods. It is notable, however, that Vat. gr. 1506, copied in 1024, is on the larger end of the scale, so the scribes of Byzantine Italy were evidently capable of producing impressive codices.

The thirteenth and fourteenth centuries saw a clear decline in average manuscript size, a phenomenon that can probably be attributed to the fact that the main centre of Greek book production moved to the Salento peninsula in that period. Indeed, this is borne out when we take region of origin into account:



The largest nomocanons come from northern Calabria (Rossano, to be more specific). The Salentine and south Calabrian codices are of a more moderate scale, grouped around the medium to very small range. The roots of this disparity lie in the regions' differing levels of access to quality writing materials, as we shall see below.

There is one final point of interest regarding the size of manuscripts. One might expect that larger manuscripts, having more space on the page, would tend to have a greater number of written lines. To some extent this is true, but the correlation is by no means exact. Take Sinod. gr. 397 (32-6 written lines per page) and Vall. C 11.1 (29 written lines per page), for example: Vall. C 11.1 is

⁹ Though the dating of some manuscripts is quite precise, in other cases the attribution of a manuscript to a particular century can only be approximate.

nearly twice the size of Sinod. gr. 397, yet its pages actually contain *less* text. The ratio of folio size to written space in Vall. C 11.1 is approximately 8:5; in Sinod. gr. 397, it is closer to 6:5.

The reason for this is that the two manuscripts have different aims. The scribe who produced Sinod. gr. 397 wanted to fit as much information as he could into a small space, whereas Vall. C 11.1 was intended to be as visually impressive as possible. Since parchment was such an expensive commodity, leaving blank space on a page was a form of conspicuous consumption: it looked more appealing and served as evidence of the owner's wealth.

Writing Materials

The writing materials used in the southern Italian nomocanons were mostly consistent across regions and chronological periods. Italo-Greek scribes employed much the same production techniques as their contemporaries in the Byzantine Empire, with the result that the physical appearance of southern Italian codices is largely indistinguishable from that of books produced elsewhere in the Greek world at the time.

An overwhelming majority of the manuscripts in this study were made from parchment (usually goat- or sheepskin). The only non-parchment codices are Barb. gr. 324, Crypt. gr. 50, and Marc. gr. 171, to which we shall return below. As other studies of Byzantine manuscripts have shown, the quality of the animal skin tends to scale with the size of the parchment folia: larger books are almost always made of better parchment.¹⁰ While some of the smaller codices (notably Laur. plut. 5.22, Barocci 86, and Sinod. gr. 432) are also made of good parchment, most are of inferior quality. This is not surprising: since larger books were more expensive and were usually meant to be visually impressive, the manufacturer would select only the best animal skins for parchment. Smaller books were cheaper and less likely to go on public display, so it made more sense to use imperfect skins.

It was once thought that the parchment in Italo-Greek manuscripts was generally poor-quality, since southern Italy was supposed to lack a good source of animal skins.¹¹ More recent studies have shown that this is not true; on the contrary, Sicily and Calabria were exporters of animal skins in the twelfth century.¹² It is no coincidence that this was also the period in which monasteries such as the *Patiron* of Rossano and the Holy Saviour of Messina were at their wealthiest, building up large holdings of land on which they pastured flocks of sheep and goats (the raw materials for

¹⁰ Paul Canart and Julien Leroy, "Les manuscrits en style de Reggio. Étude paléographique et codicologique," in *La paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire, and Jean Irigoin (Paris: CNRS, 1977), 241-61, at 250.

¹¹ For example, Marie-Louise Concasty, "Manuscrits grecs originaux de l'Italie méridionale conservés à Paris," *Rivista di studi bizantini e neoellenici* 7 (1953): 22-34, at 34 flatly stated that "l'Italie manquait de parchemin. C'est un fait indiscutable." However, this 'fact' has proved to be extremely debatable. The idea was originally popularised in the nineteenth century by Fr Batiffol, who was working with a much smaller sample of manuscripts: Pierre Batiffol, *L'abbaye de Rossano. Contribution à l'histoire de la Vaticane* (Paris: Picard, 1891), 78.

¹² Shalomo D. Goitein, "Sicily and Southern Italy in the Cairo Geniza Documents," *Archivio storico per la Sicilia orientale* 67 (1971): 9-33, at 14-15, 31-2. See also Canart, "Le livre grec," 115-6; *Ibid.* "Aspetti materiali e sociali della produzione libraria italo-greca tra Normanni e Svevi," in *Libri e lettori nel mondo bizantino. Guida storica e critica*, ed. Guglielmo Cavallo (Rome-Bari: Laterza, 1982), 103-53, at 116.

parchment).¹³ Furthermore, while the best parchments were made in the twelfth and early-thirteenth centuries, the surviving parchments of the tenth and eleventh centuries are not dramatically worse.

Just three of the manuscripts were written on paper: the late twelfth-century Barb. gr. 324, copied at St Nicholas of Casole in the Salento; the thirteenth-century Marc. gr. 171, produced at Grottaferrata (c.1220-1230); and the fourteenth-century Crypt. gr. 50 from northern Calabria. Barb. gr. 324 and Crypt. gr. 50 were both copied on paper of the ‘Western Arabic’ type, a variety attested in southern Italy and Sicily from the eleventh century on.¹⁴ This type has a yellow-brown appearance and was produced in Spain, north Africa, and Sicily.

Marc. gr. 171 is the only manuscript produced on the better-known ‘Italian’ non-watermarked paper that would become a staple of the Latin West. This type of paper, with its characteristic ivory colour, emerged in the early thirteenth century in north-eastern Italy around the cities of Fabriano and Treviso.¹⁵ Grottaferrata was geographically close to these centres of production and so presumably had better access to this paper than the monasteries of the south, which would explain its use in Marc. gr. 171. By the time that Italian paper became more widely available in the mid-fourteenth century, the Greeks of southern Italy were no longer producing nomocanons.

Paper is very rare among our nomocanons, but does this reflect real historical trends in production? It is difficult to say. Medieval paper was, by its nature, a vulnerable material that could be easily damaged. Parchment, on the other hand, effectively consists of thin sheets of leather and is therefore much more durable. Parchment manuscripts were far more likely to survive than paper ones. Some nomocanons may have been copied on paper that has simply disintegrated over time, creating a misleading impression that parchment was more popular than it really was.¹⁶ However, this can only be speculation.

Fresh parchment or paper was not always available to a scribe, and so they sometimes re-used old parchment books, scraping away the previous text as far as possible and writing a new text on top. This was the case for the Salentine manuscripts BnF gr. 1371 and Ottob. gr. 186, and for the Rossanese Vat. gr. 2019. André Jacob has previously noted that “palimpsests... are innumerable

¹³ See Cristina Rognoni (ed.), *Les actes privés grecs de l'archivio ducal de Medinaceli (Tolède)* (Paris: Belon, 2004-2011), 1.22-3; Mario Scaduto, *Il monachismo basiliano nella Sicilia medievale. Rinascità e decadenza (sec. XI-XIV)* (Rome: Storia e Letteratura, 1947), 189.

¹⁴ Jean Irigoien, “Papiers orientaux et papiers occidentaux,” in *La paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire, and Jean Irigoien (Paris: CNRS, 1977), 45-54, at 47. For an overview of the main characteristics of Western Arabic paper in comparison with other types of medieval paper, see Paul Canart, Simona Di Zio, Lucina Polistena, and Daniela Scialanga, “Un enquête sur le papier de type ‘arabe occidental’, ou ‘espagnol non filigrané’,” in *Ancient and Medieval Book Materials and Techniques*, edd. Marilena Maniaci and Paola F. Munafò (Vatican City: Biblioteca Apostolica Vaticana, 1993), 1.323-94, esp. 327.

¹⁵ Jean Irigoien, “Les origines de la fabrication du papier en Italie,” *Papiergeschichte* 13 (1963): 62-7.

¹⁶ As Canart has pointed out, it is possible that many manuscripts were also produced on papyrus, a material with an even worse survival rate than paper: Canart, “Aspetti materiali,” 112. None of the surviving nomocanons were copied on papyrus, although Stolte has hypothesised that it may have been more widely used than we think: Bernard H. Stolte, “Diritto romano e diritto bizantino: alcune osservazioni sul ruolo dell’Italia nella trasmissione del diritto giustiniano,” in *L’heritage byzantin en Italie (VIII^e-XII^e siècle). II. Les cadres juridiques et sociaux et les institutions publiques*, edd. Jean-Marie Martin, Annick Peters-Custot, and Vivien Prigent (Rome: École française de Rome, 2011), 23-36, at 34 n. 39.

in the Terra d’Otranto. One can affirm without exaggeration that copyists or their assistants carved up anything that they got their hands on.”¹⁷ This not only explains the use of palimpsested parchment in BnF gr. 1371 and Ottob. gr. 186, but it could also explain why there are no surviving Salentine nomocanons from before the twelfth century: they may simply have been palimpsested to make other manuscripts.¹⁸ As for Vat. gr. 2019, it was copied in the early thirteenth century for a layperson who perhaps did not feel the need (or was not able) to spend money on fresh parchment for his nomocanon.¹⁹

The Italo-Greek scribe’s preferred ink was metal gall, the most widespread ink of medieval Europe and Byzantium.²⁰ This was usually a combination of iron sulphate and tannic acid extracted from tree galls that produced an ink with a dark brown hue, although the exact shade of brown varies depending on the proportions used.²¹ Consequently, the script in Italo-Greek nomocanons is generally a brown colour, although in Crypt. gr. 50, 76, and Barb. gr. 324, the ink is practically black. In the case of Crypt. gr. 50 and Barb. gr. 324 this can be explained by the fact that the folia are made of brown Western Arabic paper that requires a darker ink for legibility. Parts of Vat. gr. 2019, a palimpsest, are also written in black ink, although this varies considerably throughout the manuscript.

In addition to brown ink, many Italo-Greek scribes made use of a vermilion made from minium (a red pigment derived from lead). This was another trait that they shared with both Byzantium and the medieval West.²² Vermillion lends itself well to highlighting titles and initial letters, a useful feature in a manuscript intended for ease of reference. Besides vermilion, the scribes of Calabria/Sicily and the Terra d’Otranto also developed their own respective repertoires of coloured inks and washes that we shall discuss at greater length below.

¹⁷ “Les palimpsestes, on le sait, sont innombrables en Terre d’Otrante. L’on peut affirmer sans exagération que les copistes ou leurs aides y ont dépecé tout ce qui leur tombait sous la main”: André Jacob, “Culture grecque et manuscrits en Terre d’Otrante,” in *Atti del III° congresso internazionale di studi salentini e del I° congresso storico di Terra d’Otranto* (Lecce: Centro di Studi Salentini, 1980), 52-78, at 55. Though it is outside the scope of this study, Paul Canart has speculated that this heavy reliance on palimpsests may have been necessitated by a lack of paper in the thirteenth-century Salento: Canart, “Le livre grec,” 115.

¹⁸ As Stolte has observed, legal manuscripts are particularly vulnerable to being palimpsested because they can easily become outdated if, for example, new laws are passed after the manuscript is copied, or if its owners pass under the jurisdiction of a foreign legal regime: Bernard H. Stolte, “The Decline and Fall of Legal Manuscripts: Reflexions on Some Legal Palimpsests,” in *Κατενόδιον: In Memoriam Nikos Oikonomides*, ed. Spyridon N. Troianos (Athens-Komotini: Sakkoulas, 2008), 173-89, esp. 174.

¹⁹ Having said that, the decorative scheme in Vat. gr. 2019 is surprisingly elaborate for a palimpsest manuscript. For discussion, see below, pp. 152-3.

²⁰ For a detailed overview of metal gall ink in medieval Europe, see Monique Zerdoun Bat-Yehouda, *Les encres noires au moyen âge (jusqu’à 1600)* (Paris: CNRS, 1983), 16-20, 143-70. For a more succinct overview, see Per Cullhed, “Pens and Ink through 2,000 Years – A World of Words,” in *Care and Conservation of Manuscripts 8: Proceedings of the Eighth International Seminar Held at the University of Copenhagen 16th-17th October 2003*, edd. Gillian Fellows-Jensen and Peter Springborg (Copenhagen: Museum Tusulanum Press, 2005), 93-112, esp. 95-8.

²¹ For a selection of medieval Greek recipes for metal gall inks, see Zerdoun Bat-Yehouda, *Les encres noires*, 305-8. Although the recipes are relatively late (dating to the fourteenth and fifteenth centuries), they are probably very similar to the concoctions used by Italo-Greeks in the eleventh to thirteenth centuries.

²² Daniel V. Thompson, *The Materials and Techniques of Medieval Painting* (New York: Dover, 1956), 100-2.

It is telling that the pens and inks used in the main text of the nomocanons are always the same as those used in their ornamentation. This indicates that the scribe who copied the manuscript's text was almost certainly also responsible for executing any decorative elements.²³ This is true of all the nomocanons of southern Italy and probably the great majority of those produced throughout the Byzantine world. Nomocanons do not usually have complicated decorative schemes, so there would have been no need to employ a separate artist in addition to the scribe.

None of the manuscripts retain their original binding. Most had probably lost it by the end of the Middle Ages and were later rebound in the early modern and modern periods.

Quires and Ruling

The Italo-Greek nomocanons demonstrate a remarkable consistency in terms of their quire structure. In every case the scribe(s) aimed to construct the manuscript in quaternions (quires of four sheets of parchment folded into eight folia), a goal that they generally achieved. On occasion, this was complicated by defects in parchment or the use of palimpsest, but the great majority of manuscript quires consist of eight folia. With one exception (BN II C 7, to which we shall return below), they follow Gregory's Law and present the flesh side on the exterior of the quire.²⁴

Once the scribe had completed the task of copying the text of the manuscript, he would typically mark each quire with a Greek number on the front and/or back to ensure that they were bound together in the correct order. These numbers are often no longer visible, since they would be marked on the edges of parchment folia and were frequently trimmed off during the manuscript's finishing process or lost through wear and tear. Nonetheless, eleven of our manuscripts retain traces of their quire numbering:

Table 5: Manuscripts with Visible Quire Numbers

	Shelfmark	Date	Origin	Location of Quire Numbers
1.	Vat. gr. 1168	C11/12	Rossano?	Upper right corner of first recto of quire
2.	S. Salv. 59	c.1100-15	<i>Patiron of Rossano</i>	Lower right corner of first recto
3.	Vall. C 11.1	c.1100-15	<i>Patiron of Rossano</i>	Upper right corner of first recto
4.	Vat. gr. 2060	c.1100-15	<i>Patiron of Rossano</i>	Lower left corner of first recto
5.	Crypt. gr. 322	Pre-1135	S. Calabria	Centre of lower margin of first recto and last verso
6.	BN II C 7	1139	St John Theristes of Stilo	Lower right corner of last verso

²³ Cf. Susan P. Madigan, "Three Manuscripts by the 'Chrysostom Initialer': The Scribe as Artist in Tenth-Century Constantinople," *Scriptorium* 41-2 (1987): 205-20.

²⁴ I.e. the parchment leaves are collated so that hair side faces hair side and flesh faces flesh, a widespread phenomenon in medieval manuscripts. It is named for the theologian Caspar René Gregory (1846-1917) who is credited with discovering it.

7.	Barb. gr. 323	Early C12	S. Calabria	Lower right corner of first recto
8.	Sinod. gr. 432	C12	Sicily/S. Calabria?	Upper right corner of first recto
9.	Marc. gr. 172	1175	Calabria	Lower right corner of first recto
10.	Barb. gr. 324	Late C12	St Nicholas of Casole	Upper right corner of first recto
11.	Ambros. E 94 sup.	Late C13	Salento	Lower right corner of first recto

One is immediately struck by the number of different approaches to quire numeration. Even the Rossanese Group (S. Salv. 59, Vall. C. 11.1, and Vat. gr. 2060) – all produced in the same monastery and possibly by the same scribe – have their quire markings in different locations. This is a reminder of how idiosyncratic a process book production could be in the Byzantine world. There was no standard system of quire numeration in Italo-Greek manuscripts; rather, it seems to have been more a matter of personal choice. Note the contrast with Latin manuscripts of the Beneventan style: whereas they tend to have their numeration on the final folio of the quire, the Italo-Greeks’ preference seems to have been for the first folio (BN II C 7 is, once again, the exception).²⁵

Italo-Greek scribes also employed a wide variety of ruling types and systems in their nomocanonical manuscripts.²⁶ When making their rule lines, they shared the Byzantine practice of using a dry point to make an impression on the folio.²⁷ I present the nomocanons’ ruling types and systems here following the classification scheme of Julien Leroy.²⁸

Table 6: Ruling Types and Systems (Grouped by Region of Origin, Smallest to Largest)

	Shelfmark	Date	Origin	Ruling Type(s)	Ruling System(s)	Written Lines
<i>Northern Calabria and Lucania</i>						
1.	<i>Vat. gr. 2115</i> (fols. 78-96)	C11/12	Rossano?	X00D1	9	27-29
2.	<i>Vat. gr. 1980, 1981</i>	C11/12	Carbone	20A1	9	22

²⁵ Elias A. Loew, *The Beneventan Script: A History of the South Italian Minuscule* (Oxford: Oxford University Press, 1914), 291-3. There is likewise no trace in the Italo-Greek nomocanons of the ornamental frames with which Beneventan scribes often decorated quire numbers.

²⁶ By ruling ‘type’ I refer to the layout of the rule lines on the manuscript folio. By ruling ‘system’ I mean the method by which the scribe applied the rule lines to the quire.

²⁷ Beneventan manuscripts were likewise ruled with a dry point until the mid-twelfth century: Loew, *The Beneventan Script*, 293-4. From that point onward, Beneventan scribes also began to use ink and the lead plummet.

²⁸ First detailed in Julien Leroy, “La description codicologique des manuscrits grecs de parchemin,” in *La paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire, and Jean Irigoien (Paris: CNRS, 1977), 27-44. The clearest overview can be found in Jacques-Hubert Sautel and Julien Leroy, *Répertoire de réglures dans les manuscrits grecs sur parchemin* (Paris: CNRS, 1995), 16-28.

3.	<i>Crypt. gr. 50</i>	C14	Rossano?	Unclear	Unclear	23
4.	<i>Vat. gr. 2019</i>	Pre-1234	Rossano	20A1	Unclear	24-28
5.	<i>Vat. gr. 2075</i>	Late C10	Calabria	20C1	9, 10	27-31
6.	<i>Crypt. gr. 76</i>	C12/13	N. Calabria	X22C1, 20C1	1	23-29
7.	<i>Vat. gr. 1168</i>	C11/12	Rossano?	20D1	1	27
8.	<i>Alag. 3</i>	1124	<i>Patiron</i> of Rossano	20E2, J20E2	9	25
9.	<i>Vat. gr. 1506</i>	1024	Rossano?	34C2	Unclear	34
10.	<i>Vat. gr. 2060</i>	c.1100-15	<i>Patiron</i> of Rossano	22E2s, 22D2s	9, 1, 10	37
11.	<i>Vall. C 11.1</i>	c.1100-15	<i>Patiron</i> of Rossano	12D2	9	29
12.	<i>S. Salv. 59</i>	c.1100-15	<i>Patiron</i> of Rossano	44D2	9	29-32
13.	<i>Marc. gr. 172</i>	1175	Calabria	K44A2	Unclear	31-34

Southern Calabria and Sicily

14.	<i>Crypt. gr. 322</i>	Pre-1135	S. Calabria	00C1	1	21-22
15.	<i>Barb. gr. 323</i>	C12	S. Calabria	00D1	1, 9	23
16.	<i>Ambros. G 57 sup.</i>	Early C12	S. Calabria	20D1	9	25-35
17.	<i>Barb. gr. 476</i>	C12	S. Calabria	24E2o	1	27
18.	<i>BN II C 7</i>	1139	St John Theristes of Stilo	12E2	4	24-27
19.	<i>Sinod. gr. 432</i>	C12	Sicily/S. Calabria?	20C1	9	32

Grottaferrata

20.	<i>Marc. gr. 171</i>	c.1220- 1230	Grottaferrata	20D1	13	28-30
-----	----------------------	-----------------	---------------	------	----	-------

Salento

21.	<i>Barb. gr. 324</i>	Late C12	St Nicholas of Casole	Unclear	Unclear	22-23
22.	<i>Sinod. gr. 397</i>	C13	Salento	X20A1	System 1	32-36
23.	<i>Ottob. gr. 186 (fols. 9-22)</i>	C12/13	Salento	Unclear	Unclear	27-29
24.	<i>BnF gr. 1371</i>	C12/13	St Nicholas of Casole	Unclear	Unclear	
25.	<i>Ambros. F 48 sup.</i>	C12	Salento	X20D1	Unclear	25
26.	<i>Barocci 86</i>	C12	Salento	X20D1	1	25-30

27.	<i>Laur. plut. 5.22</i>	C12/13	Salento	X20C1	1	32-33
28.	<i>BnF gr. 1370</i>	c.1296/7	Salento	22C1, 32C1	10, 9, 13	34-39
29.	<i>Marc. gr. III.2</i>	C12	Salento	X21D1b	1	31
30.	<i>Ambros. B 107 sup.</i>	C12-13	Salento	X32D1, X52D1, X22D1, U21/1b, 20D1	9	22-36
31.	<i>Vat. gr. 1287</i>	C12	Lecce?	X11D1bm, Xb12D1, Xb32D1, X20D1	Unclear	38-41
32.	<i>Ambros. E 94 sup.</i>	Late C13	Salento	P2 X20D1, P2 X4 20D1, V 20A1, Xab 20A1, W 20A1, V00A1	9, 6, 8, 10, 7	29-32
33.	<i>Add. 28822</i>	C12-13	Salento	X31D1b	1	32-34

Not surprisingly, smaller manuscripts generally have less complex ruling types than larger ones. This is partly because that they lacked the space for a large number of rule lines and partly because their *mise en page* was simpler and did not require more than the minimum number. As in the case of quire numeration, we do not see any one dominant ruling type among the nomocanons. The Rossanese Group (S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060) continue to present an eclectic picture: despite being roughly the same size and containing an identical selection of texts, they each present a different ruling scheme (although they all maintain a two-column *mise en page*).

Ruling systems are more consistent, with systems 1 and 9 predominating in Calabria and Sicily in particular. System 1 was the most common throughout the Byzantine Empire, while system 9 had been a traditional favourite in Calabria since at least the tenth century.²⁹ Salentine manuscripts seem to be more varied in their ruling systems, although the poor condition of many (be they on palimpsest, paper, or simply damaged) means that it is often difficult to tell.³⁰

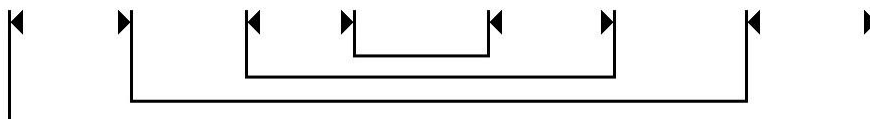


Fig. 6: Ruling System 1. The quire is ruled on fols. 1^v, 2^r, 3^v, 4^r, 5^v, 6^r, 7^v, and 8^r; rule lines travel via impression to the opposite side of each folio.

²⁹ Julien Leroy, “Caratteristiche codicologiche dei codici greci di Calabria,” in *Calabria bizantina. Tradizione di pietà e tradizione scrittoria nella Calabria greca medievale* (Reggio Calabria: Casa del Libro, 1983), 59-80, at 60-1; see also Canart and Leroy, “Les manuscrits en style de Reggio,” 251.

³⁰ More Salentine manuscripts are made of paper or palimpsested parchment, in which rule lines are very difficult to observe.

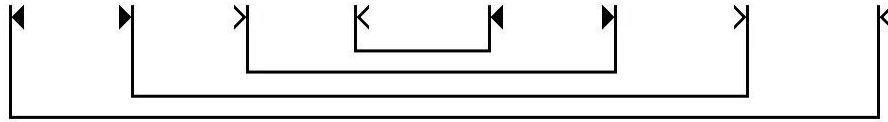


Fig. 7: Ruling System 9. Rule lines are made on fols. 1^v, 2^r, 5^v, and 6^r and travel via impression through the next folio.

None of these ruling types or systems were unique to southern Italy; a glance through Sautel and Leroy's *Répertoire* shows that they can all be found in manuscripts from across the Byzantine world. However, there are clear differences between the various regions of *southern Italy itself*. The most obvious is the fact that the great majority of Salentine manuscripts are ruled in an X index (which I refer to here as 'X-pattern' ruling). Whereas most Greek and Latin manuscripts have a single rule line for each individual line of text on the page, X-pattern manuscripts have only one rule line for every two lines of text.

Of the thirteen nomocanons that can be reliably linked to the Salento peninsula, at least nine (70%) were ruled in the X index. To put this in context, Sautel and Leroy list the ruling types of approximately 3,780 codices; among these, I have counted only 167 that contain X-pattern ruling – a mere 4.4%. The use of the X index among so many Salentine manuscripts was evidently not a coincidence. As we shall see at greater length in the following chapter, the X-pattern nomocanons of the Salento (which I have termed the 'Salentine Group') also show a close textual relationship to one another. One can therefore conclude that they are all products of a distinctive tradition of manuscript production specific to that region of southern Italy, which we shall discuss further below.

There are two non-Salentine manuscripts with X-pattern ruling: Vat. gr. 2115 (fols. 78-96) and Crypt. gr. 76, both civil law collections from northern Calabria. Unfortunately, the former of the two is a badly damaged fragment from which it is difficult to draw conclusions. The latter dates to the late-twelfth or early-thirteenth century, a time when Salentine copyists may have begun to work in Calabria and Sicily, as argued by Mario Re.³¹ It was also the period in which Italo-Greek culture's centre of gravity began to shift to the Terra d'Otranto.³² The presence of X-pattern ruling in Crypt. gr. 76 may thus be a sign of the Salento's growing influence over Italo-Greek manuscript production in this later period.

³¹ "È probabile, tuttavia, che via siano stati altri copisti greci originari del Salento che abbiano esercitato la loro attività su suolo Calabro o siculo, anche prima della fine del sec. XIII; e in alcuni casi, in effete, è possibile ipotizzare tale presenza sulla base di elementi di natura codicologica e/o paleografica rinvenibili nei codici superscritti": Mario Re, "Copisti Salentini in Calabria e in Sicilia," *Rivista di studi bizantini e neoellenici* 41 (2004): 95-112, at 95. See also André Jacob, "Nicolas d'Oria – Un copiste de Pouille au Saint-Sauveur de Messine," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 65 (1985): 133-58; *Ibid.*, "Les annales du monastère de San Vito del Pizzo, près de Tarente, d'après les notes marginales du *Parisinus gr. 1624*," *Rivista di studi bizantini e neoellenici* 30 (1993): 123-53, at 134.

³² See chapter one, pp. 48-9.

Summary of Key Points

The surviving Italo-Greek nomocanons are broadly consistent in their codicology: the ink is almost always brown metal gall ink with highlights in vermillion, the writing surface is almost always parchment (with the exception of three paper manuscripts), and quires are virtually all quaternions. Most are ruled in system 1 (the predominant ruling system in Byzantium) or 9 (the traditional system of Byzantine Calabria). There are no significant divergences from Byzantine practice in terms of materials or production methods, nor are there any clear signs of Latin or Beneventan influence.

Nonetheless, there is a considerable degree of variation among the manuscripts, particularly with regards to their dimensions and level of ornamentation. The codices can be divided into three broad groups:

- 1. Simple Manuscripts:** small- to medium-size codices with minimal decoration, produced in every century from the tenth to the fourteenth. The largest single group, containing manuscripts from every region of southern Italy (and from Grottaferrata). 14 manuscripts.
- 2. Deluxe Manuscripts of Calabria and Sicily:** large codices on high-quality parchment with an elegant ornamental style that is strongly associated with Rossano and Messina. Represented from the eleventh to the early-thirteenth centuries. 8 manuscripts.
- 3. The Salentine Group:** small- to medium-size codices distinguished by shared textual content, X-pattern ruling, and a wide range of parchment qualities from fine to mediocre and palimpsest. Share a characteristic ornamental style of varying degrees of elegance. Represented from the twelfth to late-thirteenth centuries. 11 manuscripts.

Let us now turn to look at these groups in greater detail.

2. Simple Manuscripts

Ambros. G 57 sup. (gr. 400)
Barb. gr. 323 (III.42 / 192)
Barb. gr. 324 (III.43 / 70)
Barb. gr. 476 (IV.58 / 350)
BN II C 7
BnF gr. 1371
Crypt. gr. 50 (Z γ VII)
Crypt. gr. 76 (Z γ III)
Crypt. gr. 322 (B δ I)
Marc. gr. 171 (coll. 741)
Sinod. gr. 432
Vat. gr. 1980, 1981 (Basil. 19, 20)
Vat. gr. 2075 (Basil. 114)
Vat. gr. 2115 (Basil. 154), fols. 78-96

This category of manuscripts encapsulates the utilitarian character of the Byzantine nomocanon as expressed by Alessia Aletta: their essential goal is the transmission of information. They are the most functional and utilitarian of the manuscripts. That is not to say that they do not contain

decorative elements, but these are wholly subordinated to the manuscripts' practical purpose. A single block of text takes up most of the space on the small folia; the ornamentation serves primarily to make it easier to read.

Irmgard Hutter identified two major approaches to decoration in Byzantine manuscripts: the 'hierarchical' and the 'paratactic'.³³ In a hierarchical scheme, the majority (or even the entirety) of a manuscript's ornamentation is located in the opening folia; in a paratactic scheme, major decorative elements such as title frames and headbands are repeated consistently throughout the manuscript. Hutter noticed that the choice of hierarchical or paratactic decorative schemes often coincides closely with the quality of parchment used: less expensive parchment is more likely to be decorated in a hierarchical fashion, while paratactic schemes are characteristic of more expensive parchment.

Nomocanons are no exception to this rule. The simple nomocanonical manuscripts of southern Italy all follow a hierarchical decorative scheme, with the most elaborate ornamentation concentrated around the *pinax* and the title of the first text. This shows that most simple manuscripts were not intended to be *entirely* utilitarian; the scribes clearly wanted to give them an appearance of grandeur befitting the books' status as sources of canon law. However, it was a cost-effective appearance that did not last beyond the opening folia.

The opening quires of a manuscript are among the most likely to be lost, and so several of the codices in this group appear to lack any significant decorative elements at all.³⁴ Nonetheless, it is quite likely that they did originally have some sort of ornamentation over their *pinakes* and/or title pages.

Northern Calabria and Lucania

Only three simple nomocanons survive from the regions of northern Calabria and Carbone, Vat. gr. 1980-1, Vat. gr. 2075, and Vat. gr. 2115 (fols. 78-96). The latter two are damaged civil law manuscripts that probably come from the region of Rossano. The earliest is Vat. gr. 2075, dating to the late-tenth century and copied in the script of the so-called *scuola niliana* (the 'School of Neilos', named after St Neilos the Younger of Rossano and prevalent around northern Calabria and Lucania in the tenth to eleventh centuries).³⁵ Besides the use of green ink washes to highlight titles, the only remarkable thing about this manuscript is the occasional use of extremely large, ornamental initials at the beginnings of new sections of text.³⁶

³³ Hutter, "Decorative Systems," 10-11.

³⁴ These are Ambros. G 57 sup.; Barb. gr. 476; Crypt. gr. 322, 50, 76; Vat. gr. 2115, fols. 78-96.

³⁵ The classic study of this script is Enrica Follieri, "La minuscola libraria dei secoli IX e X," in *La Paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire, and Jean Irigoien (Paris: CNRS, 1977), 139-65. See also Santo Lucà, "Scritture e libri della scuola niliana," in *Scritture, libri e testi nelle aree provinciali di Bisanzio*, edd. Guglielmo Cavallo, Giuseppe de Gregorio, and Marilena Maniaci (Spoleto: CISAM, 1991), 1.319-87.

³⁶ E.g. a large, anthropomorphic epsilon at Vat. gr. 2075, fol. 134^v in which the middle bar forms the shape of a hand making a gesture denoting speech. Cf. Vat. gr. 1168 below, pp. 148-9. The use of coloured washes (typically yellow) was once thought to be unique to Italo-Greek manuscripts, but it has since become clear that it is also present in Epirote and northern Greek manuscripts: see Diether Reinsch, "Bemerkungen zu epirotischen Handschriften," in *Scritture, libri e testi nelle aree provinciali di Bisanzio*, edd. Guglielmo Cavallo, Giuseppe de Gregorio and Marilena Maniaci

Vat. gr. 2115 (fols. 78-96) is no more than a small fragment (three quires) of a lost codex that yields little information about its decorative scheme. The only visible ornamental motif is a small, knotted headband over the title of the *Ekloge* on fol. 91^r in the same ink as the main text. The script is in the ‘Rossanese style’ and, as Santo Lucà has suggested, may have been executed by the monk Bartholomew of the *Patiron* monastery (although this is conjecture).³⁷

Vat. gr. 1980 and 1981, on the other hand, form a complete nomocanon. The most striking thing about this pair of manuscript halves is their odd proportions: despite being one of the smaller nomocanons (190x145 mm), the original codex had approximately four-hundred folia. Not only does this make it one of the longest manuscripts in this study, but it was almost as thick (130 mm) as it was wide (145 mm). It is easy to see why such a bulky codex was eventually split into two separate halves.³⁸ In short, it was small but very dense.

The opening folia are sadly damaged and so it is difficult to observe any decoration at the beginning of the manuscript. Throughout the rest of Vat. gr. 1980-1, the ornamentation is extremely limited, mostly consisting of knotted crosses and headbands at the beginning of texts, executed in red, green, and blue inks. The whole manuscript was copied by a single scribal hand in a script that shows strong similarities to the style of the ‘School of Neilos’.

The lack of other simple nomocanons from northern Calabria and Lucania in the eleventh and twelfth centuries is remarkable given that Rossano was such a major centre of book production. This can undoubtedly be explained to a large extent by poor levels of manuscript survival, although one wonders if Rossano’s high-quality output is also part of the reason. The existence of fine nomocanons produced at the *Patiron* monastery in the twelfth century may have led people to neglect more modest manuscripts of an earlier era such as Vat. gr. 1980-1.

Southern Calabria and Sicily

The surviving nomocanons from southern Calabria and Sicily are all simple manuscripts. The two most complete codices are Barb. gr. 323 from St Bartholomew of Trigona and BN II C 7 from St John Theristes of Stilo.³⁹ In addition to these are the fragmentary Ambros. G 57 sup. from St Phantinos of Tauriana (related to BN II C 7), Crypt. gr. 322 from SS Peter and Paul of Spanopetro

(Spoleto: CISAM, 1991), 1.79-97, esp. 83, 92-3; Annaclara Cataldi Palau, “The Burdett-Coutts Collection of Greek Manuscripts: Manuscripts from Epirus,” *Codices manuscripti* 54-5 (2006): 31-64, esp. 32-6. Rather than being a feature of Italo-Greek manuscripts, the coloured wash is more likely a feature of provincial manuscripts in general.

³⁷ Santo Lucà, “Rossano, il Patir e lo stile rossanese,” *Rivista di studi bizantini e neoellenici* 22-3 (1985-6): 93-170, at 117 n. 124.

³⁸ The division of the codex dates to the medieval period (perhaps the thirteenth century). As Mercati pointed out, the last folio of Vat. gr. 1980 contains a note in Greek: “Look for the rest in the other book like this one. This contains 31 titles [out of 40]” (“ζήτει τὰ ἐξῆς ἐν τῷ ἑτέρῳ βιβλίῳ τῷ ὁμοίῳ τούτῳ”). At the end of Vat. gr. 1981 we find this note: “There are exactly four-hundred folia in this book” (“εἰσὶν ἐν τῇ βιβλῷ ταύτῃ φύλλα τετρακόσια ἐν ακρηβίᾳ”). See Giovanni Mercati, *Per la storia dei manoscritti greci di Genova, di varie badie basiliane d’Italia e di Patmo* (Vatican City: Biblioteca Apostolica Vaticana, 1935), 207 n. 2.

³⁹ Although several quires of Barb. gr. 323 were replaced by George Basilikos in the fifteenth century, the decorative headpiece at the beginning of the manuscript survives intact.

(related to Barb. gr. 323), and Barb. gr. 476 (probably from the region of Gerace). Sinod. gr. 432 may also have originated in Sicily or southern Calabria, it is unclear as to which.

The southern Calabrian nomocanons have many strong aesthetic similarities. Their script is a neat, tight minuscule in the fashion of the so-called ‘Reggio Style’ that predominated in the region of the Straits of Messina in the twelfth century.⁴⁰ Titles and long, thin initials are written or highlighted in red ink, and most decoration is limited to small, wavy lines (sometimes accompanied by crosses coloured in red ink) that divide sections of text.⁴¹

In Barb. gr. 323 and BN II C 7, the two most complete codices, the titles of the first texts in the manuscripts are surmounted by ornamental headbands in the shape of knotted ropes in red and brown ink.⁴² However, while the knotted headband in Barb. gr. 323 is narrow, tightly wound, and straight, the headpiece in BN II C 7 is a much more expansive, loosely knotted jumble that takes up a larger space on the page. The appearance is highly unusual and hints at a degree of creativity on the part of Konon, the monk of St John Theristes who executed the manuscript.

Indeed, BN II C 7 is an outlier in some other respects too. Although it is a medium-size manuscript with few pretensions to elaborate ornamentation, the text is written in two columns – a trait that is otherwise limited to the deluxe nomocanons of Rossano. While the ruling type is not unusual, the manuscript is ruled in system 4, a unique occurrence among the Italo-Greek nomocanons.⁴³ Quire numbers are located on the verso of the final folio, not on the first recto. Even more unusually, the quires in BN II C 7 present the hair side of the parchment on the exterior of the quire (i.e. fols. 1^r, 2^v, 3^r, 4^v, 5^r, 6^v, 7^r, 8^v).⁴⁴

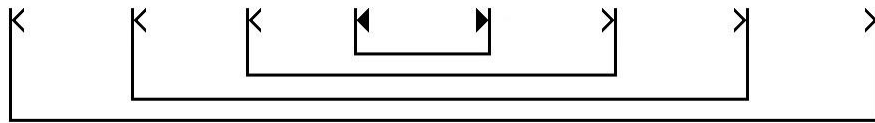


Fig. 8: Ruling System 4. Quires are ruled on fols. 4^v and 5^r.

The appearance of Konon’s script seems closer to the *scuola niliana* style of northern Calabria than to the Reggio style in the other southern Calabrian manuscripts. Moreover, unlike the other southern Calabrian manuscripts here, BN II C 7 makes extensive use of an orange-coloured ink

⁴⁰ On the ‘Reggio Style’, see Paul Canart and Julien Leroy, “Les manuscrits en style de Reggio. Étude paléographique et codicologique,” in *La paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire, and Jean Irigoien (Paris: CNRS, 1977), 241-61. The name ‘Reggio Style’ appears to have been coined by Robert Devreesse, *Les manuscrits grecs de l’Italie méridionale (histoire, classement, paléographie)* (Vatican City: Biblioteca Apostolica Vaticana, 1955), 40. However, the term is somewhat misleading, as Reggio was no longer a significant centre of manuscript production in the twelfth century.

⁴¹ The fragmentary Ambros. G 57 sup. is even more modest than the other manuscripts and does not consistently highlight initials in red ink. Where it does so, the initials are first written in brown ink and then ‘filled-in’ with red.

⁴² Barb. gr. 323, fol. 49^r; BN II C 7, fol. 1^r.

⁴³ See also Leroy, “Les manuscrits,” 61. Although Leroy speculated that quires ruled in this system may be a sign of Italo-Greek provenance, it is very rare even in southern Italy. Moreover, this ruling system is also found elsewhere in the Byzantine world: Leroy, “La description codicologique,” 32. It is possible that this is a result of Latin influence, but it would be difficult to corroborate if so.

⁴⁴ This is, in Leroy’s view, a sign of Latin influence: Leroy, “Les manuscrits,” 61.

wash to highlight titles and initial letters throughout.⁴⁵ After writing the title or initial, the scribe would apply the coloured wash with a brush over the top of the letters. The effect is similar to that of a modern highlighter pen, although the colour is not so vibrant. Coloured highlighting washes are relatively common in Greek manuscripts from southern Italy and Epirus, though the wash is normally yellow (sometimes green is also used). BN II C 7 is the only Italo-Greek nomocanon to use an orange wash. None of these features are completely unique to BN II C 7, but they are certainly unusual.

The exact origins of Sinod. gr. 432 are less clear than the other manuscripts in this section, but it can probably be localised to either Sicily or southern Calabria. Although it is relatively small, it is one of the more elegant of the ‘simple’ manuscripts discussed here: the script is well-executed in the Reggio Style, while yellow washes and red inks are used throughout to highlight titles and initials. Moreover, the beginning of each new text is marked out with a red-coloured cross (a motif that also appears in BN II C 7 and Crypt. gr. 322, though less consistently). The scribe occasionally uses blue and yellow ink in these crosses as well.

The most impressive ornamentation in Sinod. gr. 432, however, is the headpiece at the beginning of an extract from the *Apostolic Constitutions* on fol. 13^r that was originally the first item in the codex. This takes the shape of a rectangular band along the top of the red-ink title with inlaid roundels containing floral designs in red, blue, and yellow ink. The appearance and colours are very similar to the *Blütenblattstil* adornment of the deluxe manuscripts of Rossano and Messina, although the quality of execution is not as high.⁴⁶

In sum, the simple nomocanons of southern Calabria and Sicily do not achieve the decorative quality of the deluxe manuscripts such as those produced at the *Patiron* or the Holy Saviour. Nonetheless, they do have pretensions to be visually impressive, even if these were not fully realised. As we saw in the previous chapters, these manuscripts were produced for southern Calabrian monasteries that exercised legal jurisdiction, and so they would have wanted nomocanons that reflected their status. It was most likely a lack of resources that compelled them to limit their efforts to these more modest nomocanons with their hierarchical decorative schemes.

St Nicholas of Casole

St Nicholas of Casole has traditionally had a reputation among scholars of being a major cultural centre in the Terra d’Otranto – a sort of Salentine equivalent to the Rossanese *Patiron*. Whether or not this reputation as a cultural centre is deserved, the monastery did not produce manuscripts approaching the same quality as those of the *Patiron* or the Holy Saviour. Both of St Nicholas’ surviving canon law manuscripts, Barb. gr. 324 and BnF gr. 1371, fall firmly within the ‘simple’ category. One can surmise that the copyists of St Nicholas of Casole found themselves in a similar plight to that of the monasteries of southern Calabria: they probably wanted to make their nomocanons visually appealing but lacked the necessary resources. Indeed, the fact that one (Barb.

⁴⁵ Ambros. G 57 sup. and Crypt. gr. 322 show limited traces of a yellow wash used to highlight titles and initials.

⁴⁶ See below, pp. 149-50.

gr. 324) is copied on paper and the other (BnF gr. 1371) is a palimpsest underlines this likelihood.⁴⁷ They are also among the smallest manuscripts in this study.

The two manuscripts follow a broadly similar pattern of hierarchical ornamentation as the southern Calabrian codices, with relatively elaborate headbands over the titles of the first item in each manuscript (Aristenos' *Synopsis of Canons* in Barb. gr. 324, fol. 16^r and an extract of a synodal encyclical of Patriarch Sophronios of Jerusalem in BnF gr. 1371, fol. 9^r). Subsequent texts are marked out by much smaller headbands and less prominent titles. Unlike the knotted ropes of southern Calabria, however, the dominant motif in the Casulan manuscripts' decoration is of leafy, twisting vines coloured in red ink.⁴⁸

Later Manuscripts

Finally, there remain three manuscripts of a relatively late date that contain almost no ornamental features at all: the civil law compilations Crypt. gr. 76 (12th-13th centuries) and 50 (early 14th century) from northern Calabria and the nomocanon Marc. gr. 171 (c.1220-1230) from Grottaferrata.

The two Calabrian civil law manuscripts are incomplete, so it is impossible to say whether they contained decorative headpieces in the opening folia or what they may have looked like. They follow a similar decorative pattern to other nomocanons in that they have highlighted initials to denote new paragraphs and stylised line-breaks between texts. However, they employ only one colour of ink – black – with no variation whatsoever. Unfortunately, we lack any information as to their origins or owners, so one cannot speculate as to why they appear so austere.

The Grottaferrata nomocanon Marc. gr. 171 survives in its entirety, although its most remarkable features are codicological rather than ornamental: it is copied on Italian non-watermarked paper ruled in system 13. This is a rare system and unique among the Italo-Greek nomocanons, though it has been observed in other Byzantine manuscripts.⁴⁹

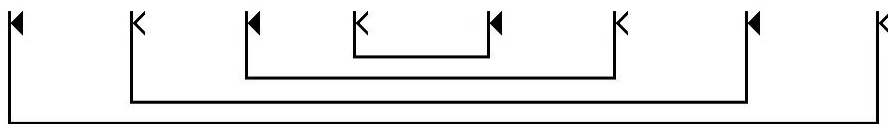


Fig. 9: Ruling System 13. Rule lines are made on fols. 1^v, 3^v, 5^v, and 7^v, travelling by impression through two folios each.

The presence of this unusual ruling system, like the use of Italian non-watermarked paper, may be a consequence of Grottaferrata's geographical isolation from other centres of Italo-Greek culture.⁵⁰

⁴⁷ The copyist of BnF gr. 1371 was forced to write in an unusually large script to make his letters legible against the underlying palimpsest.

⁴⁸ The twisted-vine motif of the Casulan nomocanons is similar, though not identical, to that found in the Salentine Group; see below, p. 156.

⁴⁹ Leroy, "La description codicologique," 33.

⁵⁰ On the use of Italian non-watermarked paper, see above, p. 134.

The style of script has developed little beyond the ‘School of Neilos’ that was brought to Grottaferrata by its founders in the early-eleventh century.⁵¹

In terms of appearance, the manuscript is quite unremarkable. The opening folia do not contain any decorative headbands or arches, nor are there any drawings of crosses, knots, or vines as we see in some other simple nomocanons. The only significant visual embellishments are the use of red ink to write initials and titles and the presence of wavy red lines to denote the breaks between different texts, both of which are simple utilitarian features for ease of reference.

Marc. gr. 171 is a surprisingly underwhelming manuscript when one considers that it was copied in the years after the papacy placed Grottaferrata at the head of a notional order of ‘Basilian’ monasteries. In a sense, however, this befits Grottaferrata’s status. Although Honorius III (*r.* 1216-1227) granted the abbots of Grottaferrata a wide-ranging nominal jurisdiction over Greek monasticism, in practice their power did not extend beyond their lands in Tusculum. Grottaferrata’s authority was an extension of papal authority, and southern Italy was ruled at the time by Frederick II (*r.* 1198-1250), a man who had no interest in allowing papal influence within his lands. Grottaferrata’s jurisdiction over southern Italy thus existed in name only; had it gained real control over the Italo-Greek monasteries, its nomocanon would surely have been much grander.

3. *Deluxe Manuscripts of Calabria*

Alag. 3
Marc. gr. 172 (coll. 574)
S. Salv. 59
Vall. C 11.1
Vat. gr. 1168
Vat. gr. 1506
Vat. gr. 2019 (Basil. 58)
Vat. gr. 2060 (Basil. 99)

The most aesthetically striking nomocanons by far derive from Calabria in the twelfth century, the period when the region was home to the wealthy archimandrites of Rossano and Messina. These codices stand out in a number of ways: not only do they have the largest dimensions and the finest parchment, but they are the only group to employ truly paratactic decorative schemes (i.e. consistent repetition of ornamental motifs throughout the manuscript).

Moreover, several of these manuscripts present their text in two columns.⁵² While this was a common *mise en page* in the medieval West, it is highly unusual among Byzantine legal manuscripts (the only other example in this study is BN II C 7 from St John Theristes).⁵³ It was,

⁵¹ On the ‘School of Neilos’ script in manuscripts of Grottaferrata, see Santo Lucà, “*Graeco-latina di Bartolomeo Iuniore, egumeno di Grottaferrata (+ 1055 ca.)?*,” *Néa Póμνη* 1 (2004): 143-84, esp. 152.

⁵² Specifically, Alag. 3 (technically an *evangelikon* rather than a nomocanon), Marc. gr. 172, S. Salv. 59, Vall. C 11.1, Vat. gr. 1506, and Vat. gr. 2060.

⁵³ On the *mise en page* of Western medieval manuscripts, see Albert Derolez, *The Palaeography of Gothic Manuscript Books: From the Twelfth to the Early Sixteenth Century* (Cambridge: Cambridge University Press, 2003), 37. It is true

however, common in Byzantine Biblical and liturgical codices such as *euchologia*, *menologia*, and *evangelika*. The original purpose of the two-column *mise en page* was to make it easier to read aloud from the text (for example during a church service). Over time, the use of two columns became associated with books that appeared on public display (as in a church), and so the choice became a matter of aesthetics as well as practicality.

These nomocanons thus appear to be more than simple reference works; they are also display items. Not all are of the same quality, but all are intended to be impressive. What is particularly noticeable about this group of manuscripts is the seemingly sudden appearance of Constantinopolitan-influenced aesthetics in the early twelfth century. These blended with native southern Italian motifs and created a fusion of styles that does not seem to have undergone much further development in the following centuries.⁵⁴ That the influx of Constantinopolitan styles appears to come *after* the Norman conquest removed southern Italy from the Byzantine Empire is an irony that has not been lost on scholars.⁵⁵ This is a complex and nuanced matter, as we shall see, but it underlines the fact that southern Italy remained intellectually and culturally open to the Byzantine world after it had been cut off from it politically.

Calabrian Origins

Only two deluxe manuscripts survive from the eleventh century, Vat. gr. 1506 (1024) and 1168 (eleventh century). Neither is preserved in its entirety, although they show many of the traits that would later be developed in the output of the *Patiron* and the Holy Saviour of Messina. Both have large folia and paratactic decorative schemes with consistently repeating motifs. Their ornamental headbands and initials are executed in the characteristic ink colours of Calabria – red, green, yellow, and blue.⁵⁶ The most common decorative motifs are vine leaves and knotted ropes, as we saw (on a much less impressive scale) in many of the simple Calabrian manuscripts above. The script in both manuscripts is also highly reminiscent of the ‘School of Neilos’. In short, Vat. gr. 1506 and 1168 are strongly rooted in traditional Calabrian aesthetics.⁵⁷

There are some differences between the two. The copyist of Vat. gr. 1168 employed coloured washes in yellow, green, and blue; no other manuscript in this study contains more than one colour of ink wash. Furthermore, he made frequent use of anthropomorphic initial letters, in particular a

that Barb. gr. 476 also has a two-column *mise en page*, but this is a manuscript of a different type (a *paterikon*) that happens to contain legal material.

⁵⁴ The findings here align closely with Irmgard Hutter’s observation that “ce que distingue l’Italie du Sud du centre de l’empire et d’autres provinces orientales, c’est la survie tenace de traditions anciennes: ce qui à Byzance était un phénomène passager a acquis un caractère presque immuable en Italie méridionale”: Irmgard Hutter, “La décoration et la mise en page des manuscrits grecs de l’Italie méridionale. Quelques observations,” in *Histoire et culture dans l’Italie byzantine. Acquis et nouvelles recherches*, edd. André Jacob, Jean-Marie Martin, and Ghislain Noyé (Rome: École française de Rome, 2006), 69-93, at 71.

⁵⁵ “A differenza del periodo bizantino, il periodo normanno segna un rinnovamento, per lo meno parziale, nella scrittura, nell’ornamentazione e nei contenuti. Questo rinnovamento si realizza grazie all’influenza costantinopolitana: paradossalmente, la rottura politica coincide con un riavvicinamento culturale”: Paul Canart, “Gli scriptoria calabresi dalla conquista normanna alla fine del secolo XIV,” in *Calabria bizantina. Tradizione di pietà e tradizione scrittorica nella Calabria greca medievale* (Reggio Calabria: Casa del Libro, 1983), 143-60, at 145.

⁵⁶ Cf. Canart, “Gli scriptoria,” 144-5.

⁵⁷ I do not mean to imply that these features were exclusive to Calabria, but they were typical of it.

form of epsilon in which the middle bar takes the shape of a hand making a speech gesture.⁵⁸ As Weitzmann noted in his fundamental study of medieval Greek book illumination, this was a traditional feature of Byzantine ornamental initials.⁵⁹ Vat. gr. 1506, however, does not seem to contain such anthropomorphic initials.

Rossano and the Influence of Constantinople

The influx of Constantinopolitan styles in the early twelfth century seems to have come quite suddenly and appears to be concentrated in the output of the *Patiron* of Rossano. The earliest surviving canon law collections from this monastery are the three companion manuscripts S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060 (the Rossanese Group), followed a decade or so later by the *evangelikon* Alag. 3. One should note that the new styles did not completely supplant the old; the twelfth-century manuscripts continue many of the artistic trends in Vat. gr. 1506 and 1168. Nonetheless, the influence of Constantinople is unmistakable.⁶⁰

This influence is perhaps most noticeable in changes to the script, as the ‘School of Neilos’ style merged with Constantinopolitan *Perlschrift* (‘Pearl Script’) to produce the ‘Style of Rossano’ (as Santo Lucà has described at greater length).⁶¹ The ornamental headbands and frames are likewise executed in the Byzantine *Blütenblattstil* (‘Flower-Petal Style’).⁶² Neat titles in red ink are enclosed within *pylai* (ornamental frames in the shape of rectangular gateways) made of flower petals with leafy tendrils emerging from the corners. Even the style of uncial script used in the titles would not be out of place in an eleventh-century manuscript from Constantinople or Mount Athos.

Ironically, though, the *Perlschrift* and *Blütenblattstil* were going out of fashion in mainland Byzantium at the same time as they were coming into fashion in Calabria and Sicily.⁶³ How are we to explain the appearance of antiquated eleventh-century styles of Constantinople in twelfth-century Norman Calabria? One must bear in mind a couple of important caveats when answering this question. The first is that there are relatively few extant Italo-Greek manuscripts from the eleventh century in general. While the *Blütenblattstil* and *Perlschrift* seem to appear suddenly in Calabria in the twelfth century, it is entirely possible that there were examples from before that time that have simply not survived. The second caveat is that palaeographic styles in Byzantine

⁵⁸ It is similar in many ways to Vat. gr. 2075, the late tenth-century civil law collection from northern Calabria, though on a much larger and more impressive scale.

⁵⁹ Kurt Weitzmann, *Die byzantinische Buchmalerei des 9. und 10. Jahrhunderts* (Berlin: Mann, 1935), 4 (fig. 1). Cf. also Vat. gr. 2075 above, p. 142.

⁶⁰ For further discussion of this subject, see Hutter, “La décoration,” 91-2.

⁶¹ Lucà has previously commented on the presence of ‘Rossano-style’ script in Alag. 3, S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060: Santo Lucà, “Un codice greco del 1124 a Siracusa,” *Rivista di studi bizantini e neoellenici* 38 (2002): 69-94, at 75; “Stile rossanese,” 99-100. The *Perlschrift* derives its name from the neat, pearl-like appearance of the minuscule letters; see Herbert Hunger, “Die Perlschrift, eine Stilrichtung der griechischen Buchschrift des 11. Jahrhunderts,” in *Ibid.*, *Studien zur griechischen Paläographie* (Vienna: Hollinek, 1954), 22-32.

⁶² The classic description of the *Blütenblattstil* is Weitzmann, *Die byzantinische Buchmalerei*, 22-32.

⁶³ See Paul Canart and Lidia Perria, “Les écritures livresques des XI^e et XII^e siècles,” in *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)* (Alessandria, Edizioni dell’Orso, 1991), 1.67-116, at 83-6.

Italy were traditionally about fifty to eighty years behind those of Constantinople even in the tenth and eleventh centuries, as Jean Irigoien has pointed out.⁶⁴ The delay in the adoption of the *Perlschrift* and *Blütenblattstil* is roughly consistent with this trend.

Nonetheless, it is extremely tempting to connect the appearance of these Byzantine styles with the visit of Bartholomew of Simeri to Constantinople in c.1105, during which he received a large gift of books and liturgical items from Alexios I Komnenos.⁶⁵ This is of course just one recorded incident and there were surely other occasions on which manuscripts were brought from Byzantium to southern Italy in the twelfth century.⁶⁶ Even so, the emperor's gift was memorable enough to be featured in Bartholomew's *vita*, so it clearly made an impression on the monks of the *Patiron*. As I shall argue in the next chapter, it seems probable that the prototype of the Rossanese Group nomocanons (S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060) was among the books donated by Alexios and was the source of some of the aesthetic features of those manuscripts.⁶⁷

It should be said that the Rossanese nomocanons are not identical among themselves and retain (to varying degrees) many traditional Calabrian decorative elements, in particular the use of combinations of red, green, blue, and yellow in headbands and title frames. The most accomplished of the three manuscripts is S. Salv. 59, which has exceedingly neat 'Rossano-style' *Perlschrift* and *Blütenblattstil* adornments on very fine parchment.⁶⁸ Vat. gr. 2060 is damaged and lacks its opening and closing quires, although what does survive contains elegant headbands in the *Blütenblattstil*.⁶⁹

Vall. C 11.1 is the plainest of the three, but it is still an impressive piece in its own right. Although the *pyle* over the opening text on fol. 2^r (an extract from the *Apostolic Constitutions*) is an impressive example of the *Blütenblattstil*, the arrangement of the different colours (red, yellow, and dark blue) is much simpler and starker than in S. Salv. 59. The initial letter of the extract, an omicron, takes the unusual form of a human head with rosy cheeks, whereas in S. Salv. 59 the equivalent letter is made up of red flower petals. Unlike S. Salv. 59 and Vat. gr. 2060, the titles and initial letters in Vall. C 11.1 are not written in red ink, but in ordinary brown ink highlighted by yellow wash (the other two manuscripts do not make use of coloured washes at all). Moreover, the uncial script used in the titles of Vall. C 11.1 is far more archaic than in the other two

⁶⁴ Jean Irigoien, "Structure et évolution des écritures livresques de l'époque byzantine," in *Polychronion. Festschrift Franz Dölger zum 75. Geburtstag*, ed. Peter Wirth (Heidelberg: C. Winter Universitätsverlag, 1966), 253-65, at 263.

⁶⁵ See chapter one, p. 40.

⁶⁶ See the back-and-forth debate on the subject between Gastone Breccia and Mario Re referred to above, p. 40. Perhaps the most famous example of manuscript transfer in this period is the 'Madrid Skylitzes', copied in twelfth-century Sicily from a Byzantine prototype: see Elena N. Boeck, *Imagining the Byzantine Past: The Perception of History in the Illustrated Manuscripts of Skylitzes and Manasses* (Cambridge: Cambridge University Press, 2015), 32-42.

⁶⁷ See chapter five, pp. 176-8.

⁶⁸ The manuscript is not entirely perfect. For example, on fol. 15^r (the *pinax* of the *NI4T*) the scribe left a space for a decorative headband that was never inserted and confused two of the chapter titles. On fol. 96^r (at the beginning of the canons of the council of Laodicea) he inexplicably omitted to add colour to another decorative headband (the colours return just a few folia later).

⁶⁹ Vat. gr. 2060, fols. 40^r, 42^v, 50^r, 52^r, 119^r, 137^r.

nomocanons and more closely resembles uncial forms in the script of the ‘School of Neilos’. In sum, Vall. C 11.1 has the most ‘traditional’ appearance of the three manuscripts.

Maria Foti (who was unaware of Vall. C 11.1 when she was writing) has previously observed that the ornamentation in S. Salv. 59 is more elaborate than that in Vat. gr. 2060.⁷⁰ Both manuscripts have more lavish and more Constantinopolitan-looking decoration than Vall. C 11.1, which is simpler and holds to more traditional Calabrian aesthetics. It is impossible to say whether this is because the manuscripts were executed by different scribes or by one scribe whose style changed over time, since none of the codices contain scribal colophons.⁷¹ One possible explanation may lie in the fact that the three nomocanons were all produced for different monasteries: perhaps the quality and style of ornamentation depended on the patrons’ varying tastes or ability to pay.

The ‘Epitome Marciana’ (Marc. gr. 172) and the ‘Style of Reggio’

The *Patiron*’s *Perlschrift*-inflected ‘Style of Rossano’ would develop into the ‘Style of Reggio’ by the middle of the twelfth century. Despite the distinct names that palaeographers have assigned these two ‘styles’, in reality they are extremely similar. It might be better to think of them as developmental phases of the same script, which we could call ‘Calabro-Sicilian minuscule’. The so-called ‘Style of Reggio’ was the culmination of this Calabro-Sicilian minuscule and remained a fixture of manuscript production in the region for the rest of the twelfth and thirteenth centuries.⁷²

Marc. gr. 172 (the ‘Epitome Marciana’), copied in Calabria 1175, provides a pristine example of script in the Reggio Style.⁷³ The most striking aspect of this codex is its sheer scale: at 365x260 mm, it is larger than all the other manuscripts at which we have looked. The *mise en page* is in two columns, like the nomocanons of the *Patiron*, and the paratactic decorative scheme is varied and consistently elaborate. Indeed, the *Blütenblattstil* headbands and *pylai* are more accomplished even than those in S. Salv. 59, the finest of the Rossanese Group nomocanons.

Since I was not permitted to see the manuscript for myself (and the microfilm reproduction leaves much to be desired), I am not able to discuss it in detail. Nevertheless, it is undeniably impressive. It is particularly revealing that Marc. gr. 172 was not copied in a monastic scriptorium but was the

⁷⁰ “L’unica differenza in essi riscontrabile è l’ornamentazione: semplicissima, e quasi del tutto assente, nel cod. Vaticano in cui si trovano poche πύλαι carminate con la tecnica della ‘réserve’; ricche, invece, e con un acromia molto vivace, nella quale predominano il carminio, il verde e l’azzurro, le πύλαι del cod. Messinese”: Maria B. Foti, “Note su due nomocanoni,” in *Hestiasis. Studi di tarda antichità offerti a Salvatore Calderone 5* (Messina: Sicania, 1995), 331-52, at 343-4.

⁷¹ Lucà and Foti are of the view that they were all executed by the Rossanese monk Bartholomew; see chapter three, p. 143.

⁷² In the words of Mario Re, “Lo stile di Reggio, evoluzione della minuscola rossanese, di cui rappresenta una sorta di stadio finale, giunge a maturazione sul finire degli anni ’20 del sec. XII in ambito patiriense, grazie all’opera di alcuni copisti, alcuni dei quali, qualche anno dopo, al seguito del primo archimandrite Luca, si trasferiranno al S. Salvatore; qui e in altri centri scrittori calabresi continuerà ad essere utilizzato per tutto il sec. XII e oltre”: Mario Re, “I manoscritti in stile di Reggio vent’anni dopo,” in *O Ιταλιώτης Ελληνισμός από τον Ζ’ στον ΙΒ’ αιώνα. Μνήμη Νίκου Παναγιωτάκη*, ed. Nicholas Oikonomides (Athens: Ethniko Idryma Erevnon, 2001), 99-124, at 104.

⁷³ For further discussion of the Reggio Style in Marc. gr. 172, see Santo Lucà, “I Normanni e la ‘rinascita’ del sec. XII,” *Archivio storico per la Calabria e la Lucania* 60 (1993): 1-91, at 35.

work of a lay notary.⁷⁴ This underlines the fact that the production of fine Greek manuscripts was not a monopoly of monasteries in southern Italy, even in Calabria; one can only wonder at the number of other high-quality codices that were lost because they were not preserved in a monastic environment.

The 'Nomocanon of Doxapatres' (Vat. gr. 2019) and the Influence of the Salento

Vat. gr. 2019 provides an interesting comparison to Marc. gr. 172. Probably produced in Rossano in the early thirteenth century, it is impressive and surprising in equal measure. The codex has characteristics that are usually associated with the functional minimalism of the simple manuscripts: it is rather small (only 210x170 mm) and written on palimpsested parchment.⁷⁵ Nonetheless, the scribe made a clear effort to adorn it as best he could, employing a broadly paratactic scheme of ornamental headbands over each major new text in the traditional Calabrian colours of red, blue, yellow, and green. He thus managed to elevate it above the utilitarian aesthetic level of the simple nomocanons, even if he could not approach the elegance of Marc. gr. 172 or the Rossanese Group.

The copyist of Vat. gr. 2019 employed a varied range of designs such as leafy vines and knotted ropes, though there are no obvious traces of the *Blütenblattstil*. The most remarkable feature comes on fol. 55^v at the beginning of Aristenos' commentary on the canons of the Council *in Trullo*. This section of text has a decorated title the like of which I have not seen in any other southern Italian nomocanon. Whereas most ornamental titles in Byzantine manuscripts take the form of highlighted text surmounted or framed by a decorative headband or *pyle*, in this case the letters of the title are embedded within the headband itself and constitute a part of the ornamentation. The headband consists of a rectangular field composed of smaller rectangular blocks of red, black, blue, and yellow. The letters of the title are imposed over these blocks of colour and alternate between red and yellow ink with black outlines to differentiate them from the background. This design only occurs at this one point in Vat. gr. 2019; I have not seen anything similar in any other Italo-Greek or Byzantine manuscript. As far as one can tell, it appears to be a flash of originality on the scribe's part.⁷⁶

The copyist's attempt to execute a relatively elaborate decorative scheme on such poor-quality parchment is strongly reminiscent of the manuscripts of the Salentine Group, as we shall see below. Furthermore, the calligraphic style of Vat. gr. 2019 is a clear example of what Daniele Arnesano

⁷⁴ See chapter three, pp. 119-20.

⁷⁵ The original text on the palimpsest appears to consist of Old Testament readings. The identifiable fragments include Daniel 3:7 (fol. 19^v), Isaiah 35:10 (fol. 20^v), Genesis 6:14 (fol. 22^v), Isaiah 1:16 (fol. 23^v), Ezekiel 1:9a (fol. 25^v), Exodus 14:25 (fol. 38^v), Proverbs 14:35 (fol. 50^v), Genesis 47:1 (fol. 54^v), Daniel 3:50 (fol. 96^v), Isaiah 17:8 (fol. 97^v), Psalm 9:2 (fol. 97^v).

⁷⁶ There may be some significance in the fact that this remarkable title decoration occurs at the beginning of the Council *in Trullo*: not only was this the most instrumental council in establishing the formal canon of Byzantine church law, but it also issued the most overt criticisms of the practices of the Roman church.

has termed the ‘baroque minuscule’ of Otranto.⁷⁷ There is little to no trace of traditional Calabrian forms such as the ‘Style of Rossano’ or ‘Style of Reggio’.

Was Vat. gr. 2019 originally copied in the Salento peninsula? It is possible, though the fact that it has the same contents as Sinator Maleinos’ earlier manuscript suggests that it too was from Rossano.⁷⁸ A more likely possibility is that the manuscript was copied by a Salentine scribe who was working in Calabria or by a Calabrian who had learned to write in the Otrantan style.⁷⁹ After all, scholars have noted that Sinator of Kritene (undoubtedly a native of Rossano) himself writes in an Otrantan baroque minuscule on fol. 155^v of the manuscript.⁸⁰ It may simply be a sign of the Salento’s increased cultural influence over Greek areas of southern Italy in the thirteenth century.

4. The Salentine Group

Add. 28822
Ambros. B 107 sup. (gr. 128)
Ambros. E 94 sup. (gr. 303)
Ambros. F 48 sup. (gr. 341)
Barocci 86
BnF gr. 1370
Laur. plut. 5.22
Marc. gr. III.2 (coll. 1131)
Ottob. gr. 186, fols. 9-22
Sinod gr. 397 (Vlad. 316)
Vat. gr. 1287

The nomocanons of the Salentine Group are broadly comparable in codicological terms to the simple manuscripts discussed above, and so it would be tempting to place them in the same class. However, the Salentine nomocanons possess a remarkable body of shared features that justifies their inclusion in a separate category. As we saw in the previous chapter, they were produced in a different social context to most of the other manuscripts, more likely to have been copied by (or for) secular clergy than monks. The Salentine nomocanons also have a distinctive visual style that sets them apart from manuscripts produced in other parts of southern Italy.

⁷⁷ See the description in Daniele Arnesano, *La minuscola ‘barocca’*. *Scritture e libri in Terra d’Otranto nei secoli XIII e XIV* (Galatina: Congedo, 2008), 19-58.

⁷⁸ On Sinator Maleinos’ manuscript of the ‘Nomocanon of Doxapatres’, see chapter three, p. 121.

⁷⁹ On Salentine scribes in Calabria, see Re, “Copisti Salentini,” 95-101. In addition to Re’s examples, we might also mention the monk Nikodemos of ‘St Caesarea’ who signed his name in a thirteenth-century hand in the southern Calabrian manuscript Barb. gr. 476: “μνηστητι κε του αδελφου νικοδιμου αγιας καισαρειας”: Barb. gr. 476, fol. 136^v. St Caesarea was a (probably legendary) figure from the Terra d’Otranto who gave her name to the spa town of S. Cesarea Terme on the south coast of the Salento peninsula. As Mazzotta has suggested, Nikodemos was probably a native of this town (Oronzo Mazzotta, *Monaci e libri greci nel Salento medievale* (Novoli: Biblioteca Minima, 1989), 66.

⁸⁰ Guglielmo Cavallo, “Scritture italo-greche librarie e documentarie. Note introduttive ad uno studio correlato,” in *Bisanzio e l’Italia. Raccolta di studi in onore di Agostino Pertusi* (Milan: Vita e pensiero, 1982), 29-38, at 38. For further discussion of the hand of Sinator of Kritene, see Daniele Arnesano, “Riflessi documentari di area calabro-sicula nella minuscola ‘barocca’ otrantina. Saggio comparativo,” in *Alethes philia. Studi in onore di Giancarlo Prato*, edd. Marco D’Agostino and Paola Degni (Spoleto: CISAM, 2010), 1.23-38, at 33.

Mise en page and Ruling

The Salentine Group nomocanons share some broad similarities with non-Salentine codices. Their *mise en page* is essentially the same as that of the simple manuscripts (except BN II C 7), with the texts arranged in a single column and differentiated by highlighted titles, decorative headbands, and ornamental initials. The dimensions of the folia are also comparable with simple manuscripts in the range of roughly 180x120 to 260x170 mm. The written space is likewise akin to that of the simple manuscripts.

Where the Salentine nomocanons begin to stand out is in their ruling types. Of the eleven manuscripts in the Salentine Group, the ruling type is visible in ten (the exception, Ottob. gr. 186, is a heavily damaged palimpsest). Of these ten, nine are ruled in the X index, which is to say that there are two written lines for every one ruled line. This gives the rule lines a distinctive ‘laddered’ appearance. For comparison:

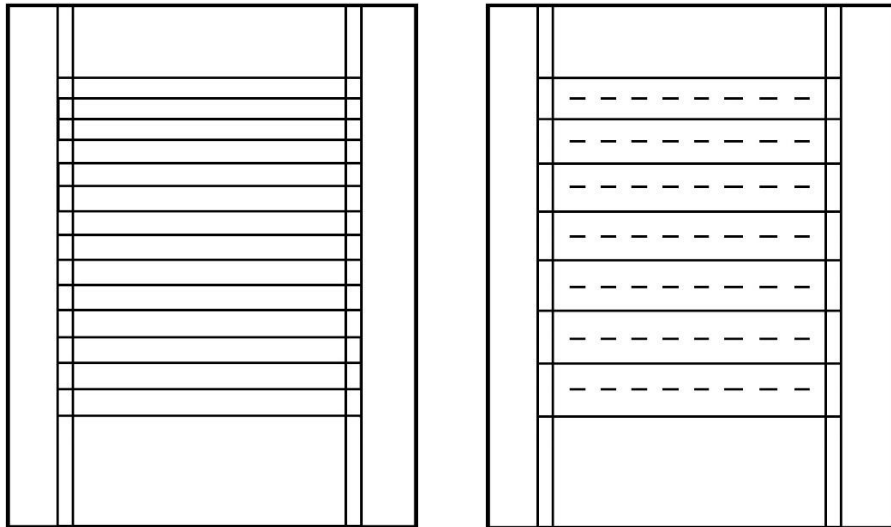


Fig. 10: Ruling Types 20D1 (Left) and X20D1 (Right). Solid lines represent text written on ruled lines; dashed lines represent text without rule lines.

This remarkable codicological feature appears to have been characteristic of Salentine manuscripts more broadly.⁸¹ There does not appear to be any practical purpose for ruling a quire in this way; if anything, it would make the scribe’s task slightly harder. It appears instead to be a regional custom of Salentine copyists. Codicologists have paid surprisingly little attention to this subject so far, but I believe that it would reward further study on a larger scale.

Script

Another area in which the Salentine nomocanons depart from their Calabro-Sicilian counterparts is their script. The earliest surviving codices from the Salento date to the eleventh and twelfth

⁸¹ Jacob, “Les écritures,” 273.

centuries and are characterised by a minuscule hand that André Jacob christened the ‘Classic Style of Otranto’. This script has a strikingly flat, narrow, rectangular form that gives the viewer “a strong impression of archaism.”⁸² The Salentine nomocanon Ambros. F 48 sup. provides a textbook example of this style of calligraphy, with a rigidly straight and angular form of minuscule that Jacob has dated to the years 1110-20.⁸³ Whether or not he is correct to date it to such a narrow range, it is certainly the earliest of the surviving Salentine nomocanons and reflects the calligraphic style of the first half of the twelfth century.⁸⁴

Over time the Salentine script evolved into a less hieratic form. By the early thirteenth century, we see the emergence of what Daniele Arnesano has called the ‘baroque minuscule’ of Otranto, probably under the influence of twelfth-century Constantinopolitan fashion.⁸⁵ This is characterised by an increasing reliance on abbreviations and ligatures. Unlike the scribes of Calabria and Sicily, whose writing styles seem to have become fossilised in the ‘Style of Reggio’ throughout the thirteenth century, the scribes of the Salento continued to adapt the fashions of the Byzantine world.

Most of the Salentine nomocanons are copied in hands that lie somewhere between Jacob’s ‘classic Style of Otranto’ and Arnesano’s ‘baroque minuscule’. This may in part be a consequence of their dating: they mostly seem to date to the late-twelfth or early-thirteenth century, a period in which the baroque minuscule was still developing. There is a certain circularity to this argument, of course: we date the manuscripts to this period because of their calligraphic style, and we explain their calligraphic style on the basis that they date to this period. The problem with dating nomocanons in this way is that they are a stylistically conservative type of manuscript. Since nomocanons are intended to be functional reference works, their script should be legible without too much effort on the part of the reader. The baroque minuscule is less suitable for this purpose than more ‘archaic’-looking scripts (which are far easier to read). It is possible, then, that some nomocanons were deliberately written in more legible ‘older’ styles that are misleading when used to date the manuscript.

The nomocanon BnF gr. 1370 provides an excellent example of this problem. It is the only manuscript in the Salentine Group that can be dated with precision, having been copied in 1296/7. We can compare it to BnF gr. 2572, a schedographic manuscript produced in the Salentine town of Aradeo in 1295/6.⁸⁶ Although the two manuscripts were produced within a year of each other and in the same region of southern Italy, their calligraphic styles are strikingly different. While

⁸² “De l’ensemble se degage une forte impression d’archaïsme”: André Jacob, “Les écritures de Terre d’Otrante,” in *La paléographie grecque et byzantine*, edd. Jean Glénisson, Jacques Bompaire, and Jean Irigoïn (Paris: CNRS, 1977), 269-81, at 270.

⁸³ See chapter three, pp. 116-7.

⁸⁴ One does have to be cautious in using calligraphic style to date a manuscript or identify a scribe. As Jacob has himself noted, the thirteenth-century Nicholas of Oria (to give just one example) is known to have copied different types of manuscripts in different styles; had we not known that these manuscripts were all executed by the same scribe, it would have been impossible to guess it from the style of script. See Jacob, “Nicholas d’Oria,” 139-43.

⁸⁵ Arnesano, *La minuscola ‘barocca’*, 23-9.

⁸⁶ Paris, Bibliothèque nationale de France, MS gr. 2572. See Philippe Hoffmann, “La décoration du *Parisinus graecus* 2572, schédographie otrantaise de la fin du XIII^e siècle (a.1295-1296),” *Mélanges de l’École française de Rome, Moyen Âge* 96.2 (1984): 617-45.

BnF gr. 2572 closely resembles Arnesano's 'baroque minuscule', the nomocanon BnF gr. 1370 looks much more akin to the older 'classic style'. Were it not for the damaged colophon at the end of the manuscript, it would be tempting to date BnF gr. 1370 to earlier in the thirteenth century.

The most 'baroque' script among the Salentine nomocanons belongs to Ambros. E 94 sup. Unfortunately, this manuscript cannot be dated with any certainty. It bears a certain resemblance to the *Fettaugen* ('Fat-Eye') style common in the late Byzantine Empire (so-called because the rounded, expansive letterforms reminded the Austrian scholar Herbert Hunger of the globules of fat in a hearty Alpine soup).⁸⁷ As scholars have noted, the *Fettaugenstil* became increasingly common in Salentine manuscripts from the late thirteenth century on.⁸⁸ However, given the evident conservatism in nomocanonical hands, it is possible that Ambros. E 94 sup. may date to an even later period.

Decorative Schemes: Red- and Black-Leaf Styles

With the exception of Ottob. gr. 186 and Ambros. E 94 sup., the Salentine nomocanons contain a remarkably consistent set of decorative motifs based around the stylised form of twisted, leafy vines.⁸⁹ Even though the calligraphic style of the manuscripts develops noticeably from the earliest (the twelfth-century Ambros. F 48 sup.) to the latest (BnF gr. 1370, 1296/7), the ornamental scheme remains essentially the same. This is primarily characterised by an impressive *pyle* framing an opening title written in bold uncials.⁹⁰ The *pyle* takes the shape of a rectangular arch filled with trailing and twisting vine tendrils. More twisting vines, forming curved 'V' shapes, surmount the top and the outer corners of the *pyle*. The exact design of the vines within the *pyle* varies from one manuscript to another, but the general motif is clearly the same. This style of decorative patterning is probably based loosely on antecedents in Byzantine manuscripts of the tenth and eleventh centuries.⁹¹ As we can see from Ambros. F 48 sup., it had already begun to appear in Salentine manuscripts by the early twelfth century. The twisted-vine *pyle* soon took root in the region and became a staple of Salentine nomocanons.

Although the motif is not unique to the Salento, the area's copyists made it the basis of an idiosyncratic ornamental repertoire. The decorative schemes in the Salentine Group can be subdivided into two main groups: those that have a *pyle* drawn entirely in red ink (which I call the 'red-leaf' manuscripts), and those that have a combination of red and black ink (which I call 'black-

⁸⁷ Herbert Hunger, "Die Sogenannte Fettaugen-Mode in griechischen Handschriften des 13. und 14. Jahrhunderts," *Byzantinische Forschungen* 4 (1972): 105-13.

⁸⁸ Jacob, "Les écritures," 276; Guglielmo Cavallo, "La cultura italo-greca nella produzione libraria," in *I Bizantini in Italia* (Milan: Scheiwiller, 1982), 495-612, at 582.

⁸⁹ Both Ambros. E 94 sup. and Ottob. gr. 186 (the latter in particular) are damaged. The surviving section of Ambros. E 94 does not contain any significant ornamentation and is copied entirely in dark brown ink with no other colours except for a light-yellow wash that highlights certain titles, initials, and other parts of the text. Only two quires of Ottob. gr. 186 survive; they are on palimpsested parchment and do not contain any decoration.

⁹⁰ Barocci 86, fol. 93^v (at the beginning of a summary of the canons of the Council *in Trullo*) also has a large, knotted rope-style headband in red and yellow ink, but it is the only Salentine manuscript to carry this decoration.

⁹¹ Cf. e.g. Weitzmann, *Byzantinische Buchmalerei*, nos. 41, 42, 103, 121, 143, 260, 457, 458, 470, 487, 489, 493, 498.

leaf⁹²). Not all the manuscripts still have their opening decoration. The six that do retain it are as follows:

Table 7: Salentine Red- and Black-Leaf Nomocanons

Red-Leaf	Black-Leaf
Ambros. F 48 sup. (Early-12 th Century)	Marc. gr. III.2 (13 th Century)
Barocci 86 (12 th Century)	Sinod. gr. 397 (13 th Century)
Laur. Plut. 5.22 (12 th /13 th Century)	BnF gr. 1370 (1296/7)

The red-leaf nomocanons appear to date to an earlier period than the black-leaf, although the sample size is admittedly small and the chronology uncertain. Another noticeable difference besides the colour is that the design of the vine motifs in the red-leaf manuscripts is stiffer and more geometric, whereas the black-leaf manuscripts have looser, more natural-seeming vines. This apparent evolution in aesthetic style seems to parallel the development in scribal hands from the rigid ‘classic Style of Otranto’ to the more rounded ‘baroque style’.

Without further evidence one can only speculate, but there seems to be a chronological progression in the Salentine Group from red-leaf manuscripts with more classic script to black-leaf manuscripts with more baroque script. Another possibility is that the different styles may indicate different places of origin. We know of a wide range of towns in the Salento where copyists were active in the twelfth to thirteenth centuries, and it is possible that red-leaf manuscripts were more popular in one place and black-leaf in another.⁹²

Summary: The Salentine Group

The Salentine Group nomocanons were the product of a highly localised book culture among the Italo-Greeks of the Salento peninsula. Salentine copyists developed a customary visual style for their canon law manuscripts that was rooted in Byzantine and Italo-Greek motifs yet highly distinctive. The small scale of the Salentine nomocanons shows that they did not have access to the same quality of materials as the scribes of twelfth-century Calabria and Sicily, yet they attempted to make the most of what they had available.

It is striking that this group does not include any manuscripts from St Nicholas of Casole, a monastery that was once assumed to be the cultural centre of the Greek Salento. Although there are some similarities between the Casulan manuscripts and the Salentine Group, the former do not possess the characteristic traits of the latter such as X-pattern ruling or red- and black-leaf decorative schemes. The distinctive aesthetic style of the nomocanons of the Salentine Group gives the impression that they belonged to a different cultural or institutional world from that of the Salento’s largest Greek monastery – e.g. the secular clergy. This is an impression that will be reinforced in the following chapter.

⁹² Jacob, “Les écritures,” 65 gives a list of places in the Salento where Greek copyists were active in the thirteenth to fifteenth centuries: Galatina, Soleto, Gallipoli, Otranto, Maglie, Nardò, Aradeo, Sanarica, Melpignano, and Casole.

Conclusion to Chapter Four

The Italo-Greek nomocanons reflect the variations in the social and cultural contexts of the institutions that produced them:

1. Around half the manuscripts – the largest single group – are simple, functional nomocanons with minimal decoration. These were mostly produced by independent Greek monasteries throughout southern Italy in the eleventh and twelfth centuries, though some may have been copied by lay scribes.
2. The wealthy Calabrian monastery of the *Patiron* in Rossano was able to produce much larger nomocanons that were intended to be visually impressive as well as practical. The Greek nobility of Calabria also acquired elaborate manuscripts of their own such as Vat. gr. 2019 and Marc. gr. 172.
3. In the late twelfth and the thirteenth centuries, the copyists of the Salento peninsula (many, if not most, of whom were secular clergy) developed their own style of nomocanonical manuscript. They drew upon various Italo-Greek and Byzantine motifs to create a coherent and distinctive Salentine aesthetic.

These categories did not exist in isolation: there are features common to most or all of the nomocanons and it is quite likely that a scribe might produce both deluxe and simple manuscripts depending on the purchaser. Furthermore, some scribes evidently worked in more than one geographical region; Vat. gr. 2019, for example, seems to have been produced by a Salentine (or Salentine-trained) copyist working in northern Calabria, while the Calabrian Crypt. gr. 76 shows signs of Salentine influence in its ruling. Nonetheless, the different types of aesthetic style broadly reflect the institutional contexts that produced them.

The material characteristics and ornamentation of the Italo-Greek nomocanons were not significantly influenced by manuscript trends in the Latin West. On the contrary, they give the impression of a book culture that was surprisingly isolated from that of its Latin neighbours. This seems disappointing on its face: it would surely be more satisfying to uncover evidence for cultural cross-fertilisation, especially given southern Italy's reputation as a multi-ethnic peripheral zone. Nonetheless, it does lead to important insights. The conservatism inherent in the nomocanons highlights the strong degree of cultural continuity in the Italo-Greek church between the Byzantine and post-Byzantine eras. This was a result of the continued existence of autonomous Greek-rite monasteries and dioceses under the patronage of the Norman kings and nobility. This institutional continuity not only allowed them to retain the formal system of Byzantine canon law, but it also allowed them to maintain the techniques of manuscript production that they had inherited from the Byzantine Empire and to remain in contact with the book culture of Constantinople.⁹³ The decoration of Byzantine manuscripts was largely determined by their content, and the Italo-Greek nomocanons were no exception. Their purpose was to serve as a guide to Byzantine, not Latin, canon law, and to this end they drew upon Byzantine manuscript layouts and aesthetics.

⁹³ Although it is true that many Greek monasteries and churches were placed under Latin authority, these did not produce or acquire canon law collections of their own (as far as we can tell).

Chapter Five

Textual Content: Italo-Greek Nomocanons in an Age of Systematisation

Any legal manuscript must be assumed to contain a living text, a *texte vivant*, unless proved otherwise, and it will probably show the marks of being ‘alive’. Or rather, in the same metaphorical language, it may show the marks of ‘medical’ treatment in order to keep it alive.¹

Bernard Stolte made this observation in relation to individual manuscripts, but it also holds true for the broader textual tradition of the law. For laws to be effective they must be recorded in a work of codification so that they can be accessed by a widespread readership. Yet legal codifications in the pre-digital age had an inherent weakness in that they are essentially historical documents: they only contain the laws that were in force at the time they were written. They could not incorporate any new laws that might be passed after they were compiled, nor could they omit any old laws that later ceased to be applicable. Legal codifications needed to be periodically updated or replaced in order to remain useful and relevant.

This problem was less acute in the realm of ecclesiastical law than that of secular law, since the intrinsically conservative character of the church meant that it promulgated new canons less frequently and never abrogated old ones. Nonetheless, canon law collections could become outdated just like civil law collections – and not just in terms of their content. As society changed over the course of the Middle Ages, so did the needs of the individuals who used the codifications.

There were effectively two main ways to keep the textual tradition of canon law ‘alive’. The first was (re-)systematisation: a learned scholar (or group of scholars) could gather up all the source material that formed the basis of old codifications, add any new material that had arisen in the meantime, and then organise it in an updated (or even entirely new) format that would be convenient for contemporary readers. This process produced the most satisfying result, but it required an immense expenditure of effort and a high level of expertise. The second approach was what we might call aggregation: one could simply tack new material onto an old codification, a simpler but less elegant solution.

Social and political developments in the eleventh to thirteenth centuries led both Latin and Greek legal scholars to embark on large projects of canon law systematisation, producing new compilations and commentaries that would become standard texts in the Catholic and Orthodox Churches in the centuries to follow. In the West, Gratian produced his famous *Concordia discordantium canonum* in the 1130s, which was expanded within a decade or two and “created the necessary conditions for the emergence of canon law as an academic discipline,” as Anders Winroth has put it.² In Harold Berman’s well-known account, this was an integral part of a “papal

¹ Bernard H. Stolte, “The Organization of Information: Observations on the Manuscripts of the *Nomocanon XIV Titulorum*,” in *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting*, ed. Antonio Bravo García and Inmaculada Pérez Martín (Turnhout: Brepols, 2010), 521-32, at 523.

² Anders Winroth, *The Making of Gratian’s Decretum* (Cambridge: Cambridge University Press, 2000), 195.

revolution” that helped birth the modern Western legal tradition.³ In the East, the three most influential Byzantine canonists (Alexios Aristenos, John Zonaras, and Theodore Balsamon) were all active in the twelfth century and produced canonical commentaries that are still read in the Orthodox Church today.⁴

Against this background of legal scholarship in Rome and Constantinople, the Italo-Greeks were also compelled to intervene in their canonical tradition to “keep it alive,” to borrow Stolte’s words. In their case, however, the impetus came not from within but from the outside. The Norman conquest of the 1050s to 1070s had radically changed the situation of the Italo-Greek church, cutting it off politically from Constantinople and placing it under the jurisdiction of the Roman papacy, an institution that had a substantially different canon law tradition.

One might imagine that the Italo-Greeks would have been forced to significantly alter the contents of their legal manuscripts to reflect this change, either by assimilating Latin canon law collections or at least adding Latin canons to their own manuscripts. Yet this did not happen. The textual content of Italo-Greek nomocanons remained steadfastly Byzantine for the remainder of the medieval period; not a single manuscript contains any trace of Western canon law.⁵ This apparent detachment from reality is one reason why historians have sometimes asserted that Byzantine (and Italo-Greek) legal manuscripts were merely empty exercises in erudition, as we saw in chapter three.

Nevertheless, the textual content of the southern Italian nomocanons *did* evolve in its own way in response to the Italo-Greeks’ changing circumstances. Unlike the legal scholars of the Patriarchate of Constantinople or the Roman papacy, the Greeks of southern Italy did not have the expertise or the need to re-systematise their canon law codifications. In some instances, they were able to import some of the new codifications from the Byzantine capital, but this happened relatively rarely. Instead, what we primarily see is a process of aggregation: the Italo-Greeks retained the foundational canon law codifications that they had inherited from the Byzantine Empire but supplemented them with new texts (also almost all of Byzantine origins).

By examining the aggregation of texts in the southern Italian nomocanons it becomes possible to see how the transition from Byzantine to Latin rule affected the Greek canon law system in the region and how the Italo-Greeks attempted to adapt to it.⁶ Although the Norman conquest did not produce any noticeable change in the legal content of their nomocanons, the Greeks of southern

³ Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983), 520.

⁴ For a succinct overview of these canonists’ work, see Spyridon N. Troianos, “Byzantine Canon Law from the Twelfth to the Fifteenth Centuries,” in *The History of Byzantine and Eastern Canon Law to 1500*, edd. Wilfred Hartmann and Kenneth Pennington (Washington, DC: Catholic University of America Press, 2012), 170-214, at 176-83.

⁵ The one partial exception to this is the twelfth-century Sinod. gr. 432, fol. 182^v, which contains the Greek text of canon 20 of the Lateran Council of 649 (ACO 1.386). However, this council took place when Rome was still a part of the Byzantine Empire and concerned a subject (the Monothelite heresy) that was of much greater interest to the Byzantines than it was to Westerners. For further discussion, see Andrew J. Ekonomou, *Byzantine Rome and the Greek Popes: Eastern Influences on Rome and the Papacy from Gregory the Great to Zacharias, A.D. 590-752* (Lanham, MD: Lexington, 2007), 116-22.

⁶ For reasons of space, this chapter will not give a complete overview of all the manuscripts’ textual content but will concentrate on the most noteworthy points. For full descriptions of content, the reader may consult appendix one.

Italy were compelled over the long term to address the most significant cultural and religious differences between themselves and their Latin neighbours. We see a shift in emphasis over time from the ‘imperial’ character of canon law (to use Robert Cover’s terminology) to the ‘paideic’.

1. Greek Canon Law in Byzantine Italy

Whereas Western Christendom had become politically fragmented in the early Middle Ages and developed a diverse array of local canon law traditions, the Byzantine Empire had managed to maintain its cohesion as a unitary empire with a unitary church. Even though the empire had gone through a considerable period of upheaval in the seventh to ninth centuries, it was able to preserve the textual tradition of late antique canon law intact. Determining what was and was not valid canon law would be one of Gratian’s greatest challenges in composing his *Decretum*; the Byzantines did not face a similar difficulty.⁷

Since the Italo-Greeks remained subject to the Byzantine state until the eleventh century, they did not develop their own regional canonical traditions in the way that Western peoples such as the Franks and Visigoths had. To understand the content of the southern Italian nomocanons, then, we must first understand the Byzantine canonical tradition as it stood in the ninth and tenth centuries.

The Foundations of Medieval Byzantine Canon Law

The essential shape of the medieval corpus of Byzantine canon law was established in the sixth to seventh centuries, the crucial period between Justinian’s codification of Roman civil law and the onset of Iconoclasm. Unlike the Western tradition, which has continued to accrue through councils and papal decretals up to the present day, the majority of Byzantine canon law was already established by Justinian’s time. It consisted primarily of the great ecumenical councils of Late Antiquity and excerpts from the writings of the Greek-speaking Church Fathers. In another stark contrast with the Western church, the Byzantines also accepted secular imperial laws on ecclesiastical affairs, although they did not consider these to have the same force as canon law.

The Orthodox Church did not settle upon a single dominant codification of canon law until the late Middle Ages, though there had been popular texts before this. The earliest known Byzantine collections date to the mid-sixth century and were clearly influenced by Justinian’s monumental codification of Roman civil law in the years 529 to 534. The first extant collection is the *Synagoge in Fifty Titles*, composed in c.550 by John Scholastikos, a future patriarch of Constantinople (565-577); in his prologue he mentions an earlier *Synagoge in Sixty Titles*, but this has not survived.⁸ The *S50T* was intended to resolve a problem with older, chronologically-ordered collections of canon law, which was that the reader had to know which canons addressed which subjects before looking them up. John’s useful innovation was to divide the canons into titles based on subject

⁷ See Clarence Gallagher, *Church Law and Church Order in Rome and Byzantium* (Aldershot: Ashgate, 2002), 121.

⁸ Text in Vladimir N. Benešević (ed.), *Ioannis Scholastici Synagoga L titulorum ceterumque eiusdem opera iuridica* (Munich: Verlag der Bayerischen Akademie der Wissenschaften, 1937), 1-155 (henceforth *S50T*). The reference to the *Synagoge in Sixty Titles* comes at *S50T* p. 5, l. 10. John’s name ‘Scholastikos’ was, rather appropriately, a late antique term for a lawyer.

matter rather than chronology; a reader could thus look up a particular topic and see the text of all the canons that related to it even if they came from different formal sources.

The *S50T* was quickly followed by various attempts to compile or summarise Justinian's ecclesiastical legislation such as John Scholastikos' *Collection in Eighty-Seven Titles* and Athanasios of Emesa's *Epitome of Novels*.⁹ At some point in the late sixth century, an anonymous figure (or figures) took the next logical step and merged John Scholastikos' *S50T* with the *Collection in Eighty-Seven Titles* and other sources of civil law; now each title gave not only the canons that pertained to a particular issue but also relevant civil legislation. This was the earliest example of a 'nomocanon', a compilation of both *kanones* (canon laws) and *nomoi* (imperial laws), although the word was not used at the time. Modern scholarship knows this work as the *Nomocanon in Fifty Titles*.¹⁰

However, the *S50T* had a structural weakness of its own: if one wanted to find a specific canon, one had to know which titles to consult. Moreover, while a reader could find the text of canons relating to particular subjects, most canons only appear once in the collection. This made it inconvenient to find canons that related to more than one topic. Another canonical compilation was composed around the last decade of the sixth century that managed to solve these problems: the *Syntagma in Fourteen Titles* (sometimes attributed to Patriarch Eutychios of Constantinople or Patriarch John the Faster).¹¹ The *SI4T* began with a systematic reference guide divided into fourteen titles dealing with different subjects in canon law, each title being divided into chapters. Unlike the *S50T*, this systematic guide only gave simple references to canons, not full texts. The full corpus of canons in chronological order followed at the end. This provided a neat solution to the organisational problems of the *Sixty* and *Fifty Titles*: the reader could discover which canons related to which subjects and then easily look them up, even if they dealt with multiple topics. At some point in the seventh century, the *SI4T* was also expanded with references to civil law, creating the first recension of the *Nomocanon in Fourteen Titles*.¹²

The *NI4T* is by far the best-known of the Byzantine canon law collections and would go on to be hugely influential, although it went through several recensions to become the text that we know today. An early sign of its influence came at the Council *in Trullo* of 691/2, the most important event in the formation of medieval Byzantine canon law.¹³ The council's second canon established

⁹ Texts in Pitra 2.385-405; Dieter Simon and Spyridon N. Troianos (edd.), *Das Novellensyntagma des Athanasios von Emesa* (Frankfurt am Main: Löwenklau-Gesellschaft, 1989). Other notable collections from this period include the *Collection in Twenty-Five Titles* and the *Tripartite Collection*: texts in Gustav E. Heimbach (ed.), *Ἀνεκδότα* (Leipzig: Barth, 1838-1840) 2.145-201; N. van der Wal and Bernard H. Stolte (edd.), *Collectio Tripartita: Justinian on Religious and Ecclesiastical Affairs* (Groningen: Forsten, 1994).

¹⁰ Text in VJ 2.603-60.

¹¹ The original *Syntagma in Fourteen Titles (SI4T)* no longer exists, but it is effectively preserved in the *Nomocanon in Fourteen Titles (NI4T)*.

¹² The most recent edition of the *NI4T* can be found in RP 1.7-335. However, this represents the work in its post-eleventh-century form and is not an ideal guide to the earlier recensions.

¹³ The Council *in Trullo* has a somewhat complicated position in the history of Byzantine canon law. The fifth and sixth ecumenical councils (the Second and Third Councils of Constantinople, in 553 and 680/1 respectively) did not promulgate any canons themselves. Although the Council *in Trullo* was not itself an ecumenical council, it issued a sweeping series of canons in the name of the fifth and sixth ecumenical councils. *Trullo* is thus sometimes called the

which councils and patristic writings were to be considered official sources of canon law; it is notable that the texts approved by the Trullan Fathers correspond closely to the canon law content of the *NI4T*.¹⁴ A further sign of the collection's influence is the fact that it served as the basis for a work known as the *Synopsis of Canons* that provided brief summaries instead of a full text, though the original version of this has been lost.

An irony of *Trullo*'s implicit endorsement of the *NI4T* is that the council's own canons, along with those of the Second Council of Nicaea (787) and the *Protodeutera* council (861), were not included in the collection. This was eventually rectified in the 880s with the creation of an expanded second recension that later Byzantines ascribed to Patriarch Photios of Constantinople (858-867, 877-886), though it is unclear to what extent he was really involved.¹⁵ The *Synopsis of Canons* was also revised in the course of the tenth century by the famous hagiographer Symeon Magister (also known as Symeon the Logothete or Metaphrastes).¹⁶

The 'Photian' recension of the *NI4T* effectively rounded out the major ecclesiastical legislation of the Byzantine church. Though the patriarchal synod would continue to promulgate acts and judgments, none were ever considered to have the same authority as the conciliar and patristic canons codified in the *NI4T*. Unlike the Western church, which embarked on a flurry of new legislation in the High Middle Ages, the Byzantine church henceforth focused on systematising and interpreting its established canonical tradition. This same tradition served as the basis of the content of the southern Italian nomocanons; with one notable exception (to which we shall return below), the Italo-Greeks did not produce any canon law texts of their own.¹⁷

Canon Law Collections in Byzantine Italy: The N50T and NI4T

Very few manuscripts survive from the era of Byzantine rule in southern Italy, as we have seen in previous chapters. Among the nomocanons that can be identified with some certainty as southern Italian, only Vat. gr. 1980-1 from Carbone in Lucania are likely to date to the Byzantine period (though even this is not a certainty). Nonetheless, legal collections generally spread extremely slowly in the Middle Ages. Until the late eleventh and the twelfth centuries, Byzantine canon law

'*Penthekte*' or 'Fifth-Sixth' council. For further discussion of the Council in *Trullo*, see Michael T.G. Humphreys, *Law, Power, and Imperial Ideology in the Iconoclast Era c.680-850* (Oxford: Oxford University Press, 2015), 37-80.

¹⁴ "Il existe une si grande correspondance entre cette liste [of *Trullo* c. 2] et le contenu de la collection de canons appartenants au *Syntagma canonum*, qu'il est sûr qu'elle derive de la version de cette œuvre connue en 692": N. van der Wal and J.H.A. Lokin, *Historiae iuris graeco-romani delineatio. Les sources du droit byzantin de 300 à 1453* (Groningen: Forsten, 1985), 69. The authorities listed by the Council in *Trullo* are, in order: the Apostolic Canons (though not technically conciliar canons, they were accorded a similar degree of authority), the First Council of Nicaea (325), the Councils of Ancyra (314), Neocaesarea (315), Gangra (340), Antioch (341), Laodicea (c.363), Ephesus (431), Chalcedon (451), Sardica (343), Carthage (419), and the First Council of Constantinople (381); the patristic canons of Dionysios of Alexandria, Peter of Alexandria, Gregory of Neocaesarea, Athanasios of Alexandria, Basil of Caesarea, Gregory of Nyssa, Gregory of Nazianzos, Amphilochios of Iconium, Timothy of Alexandria, Theophilos of Alexandria, Cyril of Alexandria, Gennadios of Constantinople, and Cyprian of Carthage.

¹⁵ See chapter one, p. 20.

¹⁶ Text in RP 2-4, *passim*. See also Anastasios P. Christophilopoulos, "Η 'Κανονική Σύνοψις' και ο Σύμμεων ο Μεταφράστης," *Επετηρίς Εταιρείας Βυζαντινών Σπουδών* 19 (1949): 155-7.

¹⁷ The exception is a canonical *erotapokrisis* of Leo Grammatikos, Archbishop of Reggio in the late ninth century. See below, pp. 189-90.

compilations were essentially private collections. That is to say, they were the work of individuals (albeit high-ranking ones) and were not officially promulgated by the church or emperor. They almost all originated in Constantinople and spread by virtue of their popularity, but their adoption was not compulsory.

One useful side-effect of this slow textual spread for our purposes is that Italo-Greek nomocanons composed after the Norman conquest still give a good impression of what texts were circulating in the Byzantine era. Some of the manuscripts – notably those from the *Patiron* of Rossano, St Nicholas of Casole, and Grottaferrata – must be excluded from consideration here as there is good evidence that their texts were imported to southern Italy after the conquest. However, the contents of the Salentine Group and of the monastic nomocanons from Lucania and southern Calabria are clearly derived from texts that were already present under Byzantine rule.

Southern Italy seems to have been even more removed from the spread of Byzantine canon law codifications than one might imagine. For example, the Carbone nomocanon (Vat. gr. 1980-1) probably dates to the period 1050-1100, at least some hundred-and-seventy years after the promulgation of the second, ‘Photian’ recension of the *NI4T*. The manuscript’s table of contents even states that it contains the “*Syntagma* of the blessed Patriarch Photios.” However, this turns out to be untrue: the Carbone nomocanon actually contains the *original* version of the *NI4T* from the seventh century mixed with abundant interpolations from the *N50T*.¹⁸ The canons of *Trullo* and the Second Council of Nicaea are included in the full-text corpus of canons at the beginning of the manuscript, but those of *Protodeutera* (861) are noticeably absent.¹⁹ Nonetheless, the *NI4T* had become so closely associated in the eleventh-century Byzantine mind with Patriarch Photios that the scribe of the Carbone nomocanon wrongly assumed that this was what he was copying.

Intriguingly, the latest text (chronologically) in the codex comes in a historical appendix at the end: a list of patriarchs of Constantinople ending with Tryphon (928-931).²⁰ Although one cannot be sure, this list was probably taken from the same manuscript that served as the source for the canonical texts contained in the Carbone nomocanon.²¹ In other words, the Carbone nomocanon’s original model likely took shape around the early to mid-tenth century. It is striking that a Byzantine canon law manuscript of such a late date still relied on the pre-Photian *NI4T* and did not contain the canons of *Protodeutera*; it is even more striking that this had not been rectified by the mid-eleventh century.

¹⁸ “τοῦ μακαρίου Φωτίου πατριάρχ[ου] σύνταγμα ἔχων κανόνας κ[αὶ] κε[φάλαια] ἐκκλησιαστικά· ἐκ τοῦ συντάγματος τῶν ἁγίων ἀπο[στόλων] καὶ ἐκάστης ἁγίας σύνοδου καὶ τοῦ ἁγίου Βασιλ[είου] κειρωρισμένα δια ἰδ’ τίτλους· καὶ τῶν συναδόντων νομίμων”: Vat. gr. fol. 3^v. The *NI4T* itself is contained in Vat. gr. 1981, fols. 92^r-181^v.

¹⁹ Vat. gr. 1980, fols. 70^v-129^v. The order of councils in the *corpus* does not follow the order that one usually sees in manuscripts of the *NI4T* but has the ecumenical councils first, followed by those of the local councils.

²⁰ Vat. gr. 1981, fols. 197^v-199^r.

²¹ This impression is reinforced by the fact that the list of patriarchs is followed by an archaic *notitia episcopatum*; text in Jean Darrouzès, *Notitiae episcopatum ecclesiae constantinopolitanae. Texte critique, introduction et notes* (Paris: CNRS, 1981), 267-8 (no. 6). The same combination of patriarchal list and *notitia episcopatum* appears in the twelfth-century nomocanon Vatop. 555 from northern Greece: Mount Athos, Μονὴ Βατοπεδίου, MS 555, fols. 76^r-77^r.

The southern Calabrian nomocanons in some ways present an even more dated picture. They do not even contain the first recension of the *NI4T* but rely instead on the *N50T* or, in one case, John Scholastikos' original *S50T*.²² The latter manuscript, Sinod. gr. 432, also omits the canons of *Protodeutera* like the Carbone nomocanon does. The *N50T* is a mainstay of the Salentine Group (12th-14th centuries) too, present in at least nine of the eleven manuscripts from that region, none of which contain the *NI4T* in any of its recensions.²³

What explains this archaism? It is partly a consequence of the slow, private spread of legal collections in the Byzantine world mentioned above. Since new manuscripts were expensive and time-consuming to produce, many ecclesiastical institutions would have preferred to keep their old canon law collections for as long as possible.²⁴ Moreover, if an institution did not have access to a copy of the newer text, it would be obliged to re-copy an older one. After all, there was no obligation for bishops or monasteries to acquire copies of more up-to-date texts, nor was there any organised system for distributing them. The cumulative effect of these factors over the long term was that it could take decades or even centuries for a text such as the Photian *NI4T* to spread from the centre in Constantinople to peripheral areas like southern Italy.

The archaism is also at least partly a quirk of timing. As we saw in chapter one, the Byzantine Empire lost control of Sicily, Calabria, and Apulia in the ninth century to the Muslim Aghlabids of North Africa and to the Lombards.²⁵ Although they were unable to recover Sicily, the Byzantines recaptured Calabria and Apulia in the 870s-880s. The military reconquest was followed by an administrative and ecclesiastical reorganisation: southern Italy was placed under the newly-created theme of Longobardia and the dioceses of Reggio and S. Severina were elevated to metropolitan status in the 880s. This process of reorganisation would undoubtedly have been accompanied by the production of new canon law manuscripts for use by the Italo-Greeks. The Photian *NI4T* had not yet been composed, and so the Greek church in southern Italy had to rely on the previous generation of Byzantine canon law collections: the *N50T* and the original recension of the *NI4T*. By the time that the second recension of the *NI4T* had become well-established in Constantinople, the Italo-Greeks would have already built up a body of nomocanons based on the older texts. These would then have served as the material sources for the surviving southern Italian nomocanons of the 11th-14th centuries.

²² *N50T*: Crypt. gr. 322, fols. 70^v-111 (extracts); BN II C 7, fols. 1-83. *S50T*: Sinod. gr. 432, fols. 21-62. Ambros. G 57 sup. is badly damaged, though it appears to contain an identical selection of texts to BN II C 7, suggesting that it too would have originally contained the *N50T*. Barb. gr. 323 seems to be linked to Crypt. gr. 322 and so may also have contained extracts from the work, although it is harder to be sure in this case.

²³ Barocci 86, fols. 13-79; Vat. gr. 1287, fols. 45-65; Add. 28822, fols. 43^v-49; Laur. plut. 5.22, fols. 1-60; Marc. gr. III.2, fols. 170-198^r; Sinod. gr. 397, fols. 134^v-161; Ambros. E 94 sup., fols. 166-198; BnF gr. 1370, fols. 102-123^r. Although none of these contain the *NI4T*, Sinod. gr. 397, fols. 1^v-2^r does contain a short excerpt from the end of the Photian prologue (RP 1.9 ll. 2-8); see below, p. 185.

²⁴ The early twelfth-century Ambros. G 57 sup., for example, appears to have still been in use in the early fourteenth century. See chapter three, p. 110.

²⁵ See chapter one, pp. 19-20.

A Salentine Addition: Symeon Magister's Synopsis of Canons

Intriguingly, six twelfth- to thirteenth-century manuscripts of the Salentine Group also contain the revised *Synopsis of Canons* attributed to Symeon Magister, which postdates the Photian recension of the *N14T*.²⁶ Presumably the text of the *Synopsis* came to the Salento at some point between its composition in the tenth century and the fall of Bari to the Normans in 1071. The Byzantines elevated the diocese of Otranto to metropolitan status in 967/8, making it the first major Greek ecclesiastical centre in Apulia since Late Antiquity (until then the region had been dependent on the metropolis of Santa Severina).²⁷ It is possible that the *Synopsis*' arrival in the region can be associated with that event.

If the tenth-century *Synopsis of Canons* could cross the Ionian Sea to the Salento, why not the ninth-century recension of the *N14T*? Given the incomplete state of the manuscript record, one can only speculate. It is notable, though, that those Salentine manuscripts that contain the *Synopsis* also contain the *N50T* – often in very close proximity. The *N50T* offers the text of the canons divided into categories by theme, a format that was useful for a reader who wanted to look up a particular subject but less useful for someone who wanted to find a specific canon. As we saw earlier, the *N14T* attempted to solve this problem by joining a thematic reference guide with a chronologically-ordered full-text collection of the canons. The combination of the *N50T* with the *Synopsis of Canons* provided a similar, if less elegant, solution: a full-text thematic reference guide supplemented by chronologically-ordered summaries of the canons. This approach had one significant advantage: the *N50T* and *Synopsis* together are considerably shorter than the *N14T*. The *N14T* consistently occupies between a hundred-and-fifty and two-hundred-and-fifty manuscript folia, whereas the *N50T* and the *Synopsis* occupy only thirty to sixty folia in the Salentine Group manuscripts.²⁸ Despite its lack of sophistication, this combination was cheaper and easier to produce than the *N14T*.

The Salentine Greeks thus had their own solution to the problem addressed by the *N14T*: they joined the *N50T*, well-established in southern Italy since the ninth century, with the tenth-century *Synopsis of Canons*. However, it is interesting to note that this recension of the *Synopsis* is not attested anywhere else in southern Italy except the Salento. The Salentines' innovation did not spread beyond their small peninsula. This seems to reinforce the sense of division between that region and other Italo-Greek areas such as Calabria and Sicily that we have encountered in previous chapters.

²⁶ Barocci 86, fols. 156^v-172^r; Laur. plut. 5.22, fols. 119^r-139^r; Marc. gr. III.2, fols. 203^r-220^v; Sinod. gr. 397, fols. 162^r-179^v; Ambros. E 94 sup., fols. 200^r-218^r; BnF gr. 1370, fols. 128^v-139^v. This version of the *Synopsis* would itself be revised in Constantinople in the late eleventh century to mimic the content and order of the Photian *N14T* and to include summaries of several more recent eleventh-century texts. Alexios Aristenos would later use this third recension as the basis for his commentary on the *Synopsis*. These versions do not appear in the Salentine Group.

²⁷ See chapter one, p. 24.

²⁸ By a quirk of the manner in which the Salentine Group nomocanons developed over the twelfth to thirteenth centuries, they eventually came to contain not only the *N50T* and the *Synopsis of Canons* but also a complete full-text collection of conciliar canons. However, this was a later development; it appears that earlier (now lost) Salentine manuscripts would only have contained the *N50T* and *Synopsis*. See below, p. 185.

The Calabrian Civil Law Collections

One should note that the Italo-Greeks also received some canonical texts through Byzantine collections of civil law. These manuscripts' contents were evidently established in the early to mid-tenth century. The earliest surviving example is the late tenth-century Vat. gr. 2075; as we saw in chapter three, this combined a southern Italian recension of Symbatios' *Epitome of the Laws* of c.920 (itself based on the late ninth-century *Procheiros Nomos*) with a canon law preface focused on matters of ecclesiastical and monastic administration.²⁹ In addition to the canons of the *Protodeutera* council of 861 and Justinian's *Novel 5*, it also contains a mostly complete collection of the Apostolic Canons in which some texts are oddly misplaced and others are missing altogether. Vat. gr. 2075 was much more 'up-to-date' in its contents than most of the Italo-Greek nomocanons in that it contains a collection of texts that had first been assembled within the same century as the manuscript itself.

The next examples come from the late eleventh or early twelfth century: Vat. gr. 1168 and Vat. gr. 2115 (fols. 78-96). These two were either copied from a common prototype or one is a direct copy of the other. Both manuscripts contain an epitome of Athanasios of Emesa's sixth-century *Syntagma of Novels* followed by a collection of canons excerpted from the Council of Carthage (419) that deal with matters of episcopal and clerical discipline.³⁰ The Carthaginian canons are introduced in both manuscripts by a perplexing heading: "Title 3, Constitution 3: that it is necessary for houses in which heretics make their gatherings to be acquired by churches, of the 227 blessed fathers who gathered in Carthage."³¹ This nonsensical title bears no relation to the text that follows. It is a simple error: an absent-minded copyist was thinking of (or looking at) the text of *Epit. Syn. Nov.* 3.4 while writing the title of the next item in his manuscript. Two subsequent Calabrian civil law collections, Crypt. gr. 76 and 50, were based on Vat. gr. 1168 or a closely related manuscript, though their scribes seem to have attempted to correct the problem.³²

The same error crops up in another manuscript from outside southern Italy, Vall. E 55.³³ This codex is a miscellany of fragments; the one that interests us is an extended fragment of a fourteenth-century legal manuscript contained in fols. 132-264. There is no clear indication of the origin of this fragment, though it does not seem to be southern Italian. The centrepiece of both Vall. E 55 and Vat. gr. 1168 (and, by implication, Vat. gr. 2115) was the *Procheiros Nomos* supplemented by the *Ekloge*. Clearly these manuscripts have a common ancestor.

²⁹ Chapter three, p. 96.

³⁰ Carthage, c. 15, 32, 25, 5-6, 128-31, 80. For the epitome of Athanasios' *Syntagma*, see Dieter Simon and Spyridon N. Troianos, "Die Epitome des Novellensyntagma von Athanasios," *Fontes Minores* 3 (1979): 280-315, at 293-315.

³¹ "τίτλος γ', διάταξις γ'. ὅτι χρή ταῖς ἐκκλησίαις προσκυροῦσθαι τοὺς οἴκους ἐν οἷς παρασυνάξεις ποιούσιν οἱ αἰρετικοὶ τοῖς [sic] ἐν Καρθαγένῃ συνελθόντων ,κζ' μακαρίων πατρῶν": Vat. gr. 1168, fol. 134^v; Vat. gr. 2115, fol. 78^r. The canons are identified correctly in the main text as Carthage c. 15, 32, 25, 56, 128, 129, 130, 131, 80, though a later hand has added the numbers 65-75 in the margin.

³² Crypt. gr. 76 amends the heading to "Title 3, Constitution 3. Of the 227 blessed fathers who gathered in Carthage" ("τίτλος γ', διάταξις γ'. τῆς ἐν Καρθαγένῃ συνελθόντων ,κζ' μακαρίων πατρῶν"): Crypt. gr. 76, fol. 137^v. This still does not make sense, however, and so Crypt. gr. 50 simply renders it as "Six canons of the same [Council] of Carthage" ("τῆς αὐτ[ῆς] ἐν Καρθαγένῃ κα[νόνας] ζ'"): Crypt. gr. 50, fol. 146^r. The correction (or lack thereof) of such manuscript errors can give an interesting window into the scribes' level of understanding.

³³ Rome, Biblioteca Vallicelliana, MS E 55, fol. 142^r.

There are some minor but notable differences, however. Although all three manuscripts contain the Apostolic Canons, only Vall. E 55 has the complete set; those in Vat. gr. 1168 and 2115 are incomplete and mis-ordered exactly like they are in Vat. gr. 2075. The picture becomes more complicated still: while all four manuscripts contain the canons of *Protodeutera*, only Vat. gr. 2075 and Vall. E 55 contain the complete set; those in 1168 and 2115 are missing the same two canons (7 and 14). Vat. gr. 2075 and Vall. E 55 have something else in common, too: both contain Justinian’s fifth *Novel*, which seems to have been absent from Vat. gr. 1168 and 2115.

We can hypothesise that all these manuscripts had a common ancestor in late ninth- or early tenth-century Byzantium. This would have contained the *Ekloge*, the *Procheiros Nomos*, and a canon law supplement containing the epitome of Athanasios’ *Syntagma of Novels*, the incorrectly titled canons of Carthage, Justinian’s *Novel 5*, and incomplete sets of the Apostolic Canons and the canons of *Protodeutera*. This was the progenitor of the fourteenth-century Vall. E 55, although by that time the flaws in the canons of the Apostles and *Protodeutera* had been fixed.

The team of copyists who created Vat. gr. 2075 seem to have adapted their source material by replacing the *Procheiros Nomos* and the *Ekloge* with a version of Symbatios’ *Epitome of Laws* (the ‘*Epitome Vaticana*’) and correcting the canons of *Protodeutera*. As for Vat. gr. 1168 and 2115, they both seem ultimately to depend on Vat. gr. 2075’s precursor, as do their descendants Crypt. gr. 76 and 50. This precursor is labelled ‘X’ in the following diagram:

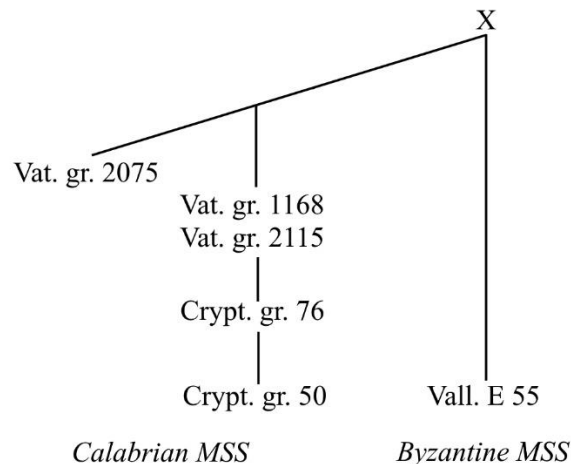


Fig. 11: Approximate relationship of the Calabrian civil law collections and Vall. E 55 (fols. 132-164)³⁴

In short, the formative period for these southern Italian civil law manuscripts with canonical appendices can be placed roughly in the middle of the tenth century. Their civil law texts were all composed in the late ninth or early tenth century, while their canon law content reflects a concern with ecclesiastical and monastic governance. They notably include the canons of the late ninth-

³⁴ N.B. The manuscript *stemmata* in this chapter do not represent complete records of manuscripts and their exact relationships; rather, they depict general groupings. Only a limited number of original manuscripts survive, and so it is impossible to give exact data on their relations.

century *Protodeutera* council that primarily concerned itself with the same sort of administrative issues.

The arrival of these texts in southern Italy was almost certainly associated with the Byzantine Empire's administrative reorganisation of the region in the mid- to late tenth century. As we saw in chapter one, southern Italy was placed under a unified military government in the 960s (the *katepanikion*); this was eventually followed by territorial expansion in the 980s after the failure of invasions by Otto II and Abu al-Qasim of Sicily.³⁵ The *Procheiros Nomos* and *Epitome of the Laws*, together with their canon law appendix, were probably introduced to southern Italy from Byzantium as part of this process.

Summary

The textual foundations of Greek canon law in medieval southern Italy were established during the late ninth and the tenth centuries and coincided with the ecclesiastical restructuring that accompanied the Byzantine reconquests. A quirk of historical timing meant that the late sixth-century *N50T* and, to a lesser extent, the seventh-century *N14T*, became the most popular canon law compilations in the new ecclesiastical provinces of Reggio and Santa Severina. The Photian recension of the *N14T*, which would go on to be so popular in eleventh- and twelfth-century Constantinople, had not yet been composed. By the time that the Photian *N14T* had become more popular in Byzantium, the *N50T* was already widespread throughout southern Italy.

A new round of Byzantine expansion and consolidation occurred in the 960s-980s that culminated in the conquest of most of Apulia, henceforth overseen by the new metropolis of Otranto. In addition to civil law compilations such as the late ninth-century *Procheiros Nomos* and the early tenth-century *Epitome of Laws*, this brought Symeon Magister's *Synopsis of Canons* to the Salento, where it was joined to the *N50T*. The circulation of such seemingly archaic canon law compilations in later centuries was not a product of empty academic erudition; rather, it was a natural consequence of the way that medieval texts spread from one manuscript to another. Had the Byzantine Empire begun its reconquest of Calabria and Apulia in the 980s instead of the 880s, the Photian *N14T* would undoubtedly have been the dominant text in the southern Italian nomocanons.

2. The Impact of the Norman Conquest

Despite the irenic picture of twelfth-century relations between the southern Italian Greeks and their Norman rulers that we have seen in previous chapters, the Norman conquest itself was a bloody and traumatic affair. Even before the arrival of the Normans, there had been several campaigns against the Holy Roman Empire and its Lombard supporters. The De Hautevilles' invasion of Byzantine Italy began in earnest in the early 1040s and only concluded in 1071. Calabria bore the brunt of much of the fighting not only between the Normans and Byzantines but often between the

³⁵ See chapter one, p. 24.

Norman warlords themselves. This extended confrontation gave the Italo-Greeks a deeply negative first impression of their new rulers, even if they eventually managed to settle into a *modus vivendi*.

Any sectarian hatred engendered by the Norman conquest seems to have largely died away by the twelfth century, when peace had been restored and the Normans showed that they had little interest in compelling the Greeks to accept the agenda of Roman church reformers. Although Italo-Greek churchmen may have retained some scepticism of Latin practice and theology, they clearly managed to accept the new status quo without too much difficulty. Nonetheless, the sectarian polemic of the 1050s did leave a mark in the manuscript tradition.

The Southern Calabrian Nomocanons

The impact of this anti-Latin polemic is clearest in the group of four twelfth-century monastic nomocanons from southern Calabria: Ambros. G 57 sup., Barb. gr. 323, BN II C 7, and Crypt. gr. 322. Only BN II C 7 survives in its entirety, although a large amount (perhaps two thirds) of Crypt. gr. 322 survives as well. Ambros. G 57 sup. contains the exact same text as BN II C 7, fols. 92^v-173^v, suggesting that either one manuscript is a copy of the other or they both have a common prototype. BN II C 7 and Crypt. gr. 322 also appear to be indirectly linked: both contain the *N50T* and almost exactly the same selection of miscellaneous supplementary texts (albeit in a different order and location).³⁶ The implication is that Ambros. G 57 sup., BN II C 7, and Crypt. gr. 322 ultimately have a common prototype.

Barb. gr. 323 (the Trigona nomocanon) is so heavily damaged that it is difficult to say much about its original contents. Unlike Crypt. gr. 322 and BN II C 7 (and presumably Ambros. G 57 sup.), this manuscript seems to have contained a complete corpus of conciliar and patristic canons rather than the *N50T*. However, although this manuscript does not seem to share a prototype with the other three, it has one notable text in common with Crypt. gr. 322: a southern Italian recension of Niketas Stethatos' *Polemical Discourse against the Latins Concerning Azymes*.³⁷ Stethatos' work is followed in both manuscripts by a short, anonymous tract 'On the Holy Spirit' and an extract from John of Damascus' *Exposition of the Orthodox Faith*.³⁸

The same texts by Niketas Stethatos and John of Damascus can be found in Neap. gr. 7, a late eleventh-century theological compilation from Gerace. Kurt Schweinburg established that the version of Niketas' work in Crypt. gr. 322 is dependent upon Neap. gr. 7, whereas that in Barb. gr.

³⁶ The supplementary texts primarily concern matters of monastic discipline, as one would expect.

³⁷ Barb. gr. 323, fols. 85^v-117. Crypt. gr. 322, fols. 112-17^r. Texts in Anton Michel, *Humbert und Kerullarios. Quellen und Studien zum Schisma des 11. Jahrhunderts* (Paderborn: Schöningh, 1924), 1.320-42; Bonifatius Kotter, *Die Schriften des Johannes von Damaskos. 2. Expositio fidei* (Berlin: De Gruyter, 1973), 8.189-201, 147-50. Niketas Stethatos (c.1005-1090) was a monk (and future abbot) of the famous Constantinopolitan monastery of Stoudios and a supporter of Patriarch Michael Keroularios; see Michael Angold, *Church and Society in Byzantium under the Comneni 1081-1261* (Cambridge: Cambridge University Press, 1995), 28-31.

³⁸ In addition to these, Crypt. gr. 322, fols. 2^v-15^v, Ambros. G 57 sup. fols. 33^v-38^r, and BN II C 7, fols. 148^r-155^v contain an abbreviated version of a narrative history of the ecumenical councils that can be found in Barb. gr. 323, fols. 49^r-85^r.

323 descends from a (now lost) manuscript that also served as a source for Neap. gr. 7.³⁹ In the following diagram, ‘X’ represents the canon law corpus that was the ultimate source of Barb. gr. 323, ‘Y’ represents the Italo-Greek recension of Niketas Stethatos that contributed to Barb. gr. 323 and Neap. gr. 7, and ‘Z’ is the combined *N50T* and canonical miscellany that contributed to Crypt. gr. 322, Ambros. G 57 sup., and BN II C 7:

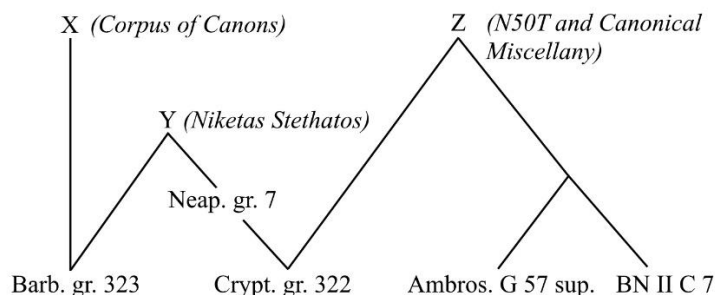


Fig. 12: Approximate Relationship of the Southern Calabrian Nomocanons and Neap. gr. 7

The texts concern the two most controversial topics of the theological polemic between Rome and Constantinople in the 1050s: the Latin use of *azyma* (unleavened bread) in the Eucharist and the Latin addition of the *Filioque* clause to the Nicene Creed. Indeed, Niketas Stethatos was a direct participant in Michael Keroularios’ confrontation with Cardinal Humbert and wrote the *Polemical Discourse against the Latins Concerning the Azymes* as a response.⁴⁰

Some Byzantine criticisms of Latin religious practice were relatively old; the Latin insertion of the *Filioque* into the Nicene-Constantinopolitan Creed, for instance, was an issue that arose prominently in the ninth-century Photian dispute.⁴¹ Others, such as Byzantine disapproval of Latin fasting customs, were older still: the fifty-fifth canon of the Council *in Trullo* of 691/2 made an open criticism of the Western practice of fasting on Saturdays during Lent.⁴² The criticism of the Latin use of *azyma*, however, was a much more recent development. It appears to have been a consequence of Byzantine military successes in Syria and Armenia in the late tenth and early eleventh centuries, which resulted in the empire incorporating a large population of non-Chalcedonian Christian subjects who used *azyma* in the Eucharist. The synod of Constantinople viewed this as a dangerous ‘Judaising’ practice to be discouraged; their concern likely also stemmed from the fact that the empire’s new Christian subjects did not accept the patriarchal

³⁹ Kurt Schweinburg, “Die Textgeschichte des Gesprächs mit den Franken von Niketas Stethatos,” *Byzantinische Zeitschrift* 34 (1934): 313-47, at 314.

⁴⁰ Michel, *Humbert und Kerullarios*, 298-310, esp. 307.

⁴¹ See Photios’ *Encyclical Letter to the Eastern Patriarchs*, text in Joseph Hergenröther (ed.), *Monumenta graeca ad Photium eiusque historiam pertinentia* (Regensburg: Manz, 1869), 510-11. While the *Filioque* takes up the majority of Photios’ attention, he also has criticism for Latin fasting practices and clerical celibacy.

⁴² The basis for the Trullan council’s disapproval was Apostolic Canon 66, which forbids fasting on either Saturday or Sunday, even during Lent (with the exception of Saturday of Holy Week). Owing to an unexplained gap in the translation of Dionysius Exiguus (c.470-544), the Latin version of the Apostolic Canons only covered numbers 1 to 50. The Western Church was generally sceptical of them anyway, as Nektarios of Otranto found in the early thirteenth century: see chapter six, p. 217.

synod's authority. The same problem arose when the Byzantine Empire expanded its territorial holdings in Lombard Apulia in the first half of the eleventh century, as we saw in chapter one. Like the non-Chalcedonians of Syria and Armenia, the Latin Christians of southern Italy used *azyma* and were reluctant to accept Constantinople's jurisdiction.⁴³ Once the Byzantine church became fixated with the idea that the use of *azyma* was a Jewish practice followed by untrustworthy non-Chalcedonian heretics in the East, it was a short step to criticising the Western church for the same thing.⁴⁴

The *azyma* thus joined a growing list of Byzantine theological criticisms of the Church of Rome. Niketas Stethatos mentions that the patriarchal synod had made enquiries of the former abbot Basil of Montecassino and the archbishop of Bari regarding problematic Latin practices: "I mean the *azyma*, fasting on Saturday, [prohibition of] the marriage of priests, and their daily celebration of complete Eucharists during the time of the most holy [Lenten] fast."⁴⁵ The full list of Byzantine arguments has been discussed at length by Tia Kolbaba, but some of the most significant objects of their criticism were:⁴⁶

1. The use of *azyma* in the Eucharist
2. Reciting the Creed with the *Filioque*
3. Fasting on the Sabbath (and failure to fast sufficiently on Wednesdays and Fridays)
4. The prohibition of clerical marriage
5. Consecrating the Eucharist on weekdays during Lent
6. Permitting marriage between cousins
7. Eating unclean foods (including blood)
8. Having general association with Jews
9. Kneeling on the Lord's day⁴⁷

Niketas bases his arguments firmly on Byzantine canon law. "I shall show you," he says, "all the [canonical] legislation against the *azyma*."⁴⁸ He proceeds to quote at length from the Byzantine canons for seven pages of Michel's edition of the text (which is only twenty-one pages).⁴⁹ Niketas

⁴³ See chapter one, pp. 32-3.

⁴⁴ For a recent discussion of this subject, see Tia M. Kolbaba, "Byzantines, Armenians, and Latins: Unleavened Bread and Heresy in the Tenth Century," in *Orthodox Constructions of the West*, ed. George E. Demacopoulos and Aristotle Papanikolaou (New York: Fordham University Press, 2013), 45-57, esp. 54-6.

⁴⁵ "φημι δὴ τῶν ἀζύμων, τῆς τοῦ σαββάτου νηστείας, τοῦ γάμου τῶν ἱερέων καὶ τῆς ἐν τῷ καιρῷ τῆς πανσέπτου νηστείας τελουμένης πρὸς αὐτῶν τελείας καθ' ἑκάστην μυσταγωγίας": Niketas Stethatos, *Polemical Discourse*, p. 321 ll. 1-3. On the role of Montecassino as a go-between for Byzantium and the West, see Herbert Bloch, "Monte Cassino, Byzantium, and the West in the Earlier Middle Ages," *Dumbarton Oaks Papers* 3 (1946): 146-224, esp. 189-93. Unlike the Catholic Church, the Orthodox Church does not consecrate the Eucharist on weekdays during Lent. Instead, it consecrates it on Sundays and then celebrates a liturgy 'of the presanctified gifts' during the week.

⁴⁶ Tia M. Kolbaba, *The Byzantine Lists: Errors of the Latins* (Chicago: University of Illinois Press, 2000), 189-202.

⁴⁷ It is notable that the selection of canons that forms the preface to the twelfth-century southern Calabrian patristic collection Barb. gr. 476 (fols. 1-7) touches on every single one of these subjects, among others; see chapter six, pp. 204-5.

⁴⁸ "καὶ ἵνα δείξω ὑμῖν τὴν τούτων νομοθεσίαν κατὰ τῶν ἀζύμων...": Niketas Stethatos, *Polemical Discourse*, p. 333, ll. 18-20.

⁴⁹ Niketas quotes, in this order, *Trullo*, c. 11; *Apost. Const.* 5.14, 21, 20, 19, 7.23, 3, 4; Apostolic Canon 64; *Trullo*, c. 55; Apostolic Canon 66; Gangra, c. 19; Laodicea, c. 51; *Trullo*, c. 51; *Apost. Const.* 6.17, 1; Apostolic Canons 3, 40; *Trullo*, c. 13; *Apost. Const.* 6.16, 2, 3.

was not the only Byzantine polemicist to invoke canon law against Latin practices: Metropolitan John II of Kiev (1077-1089), for instance, also drew heavily on conciliar canons in a letter of 1080 to the antipope Clement III, while Michael Keroularios made the rather outlandish claim that the papacy had been excommunicated by the sixth ecumenical council (680/1).⁵⁰

Since Byzantines who criticised Latin practices frequently drew on canon law to make their arguments, it was only natural that some of their arguments would in turn pass into canon law collections. At some point in the late eleventh century, for example, Symeon Magister's *Synopsis of Canons* was revised to include summaries of texts by Patriarch Peter III of Antioch (1052-1056) and Leo of Ohrid (d. 1056) relating to the controversy of 1054, although they were never formally recognised as sources of canon law themselves.⁵¹ Given its content, it is easy to see why Niketas Stethatos' *Polemical Discourse* came to be incorporated into some canon law collections as well.

The Canonical Appendix of Alag. 3

Several canonical texts that served as fodder for criticism of Latin religious practice also appear in other types of Calabrian manuscripts from the twelfth century. The *evangelikon* Alag. 3, copied in 1124, provides a fascinating example of this. While most of the manuscript consists of a selection of Gospel readings for movable and immovable feast days, it closes with two appendices. The second consists of *erotapokriseis* (question-and-answer literature) on Gospel readings as one might expect, but before that there is a revealing selection of canon law texts on fols. 215^r-219^r.

The canonical appendix begins with an anonymous *notitia patriarchatum* entitled "Statement and Definition of the Patriarchal Thrones."⁵² It explains the hierarchy of the five patriarchs and the geographical regions that they oversee; a different version of this text served as the source for sections 5-29 of Neilos Doxapatres' better-known *Order of the Patriarchal Thrones*.⁵³ Unlike Neilos' work, the *notitia* in Alag. 3 puts neither Constantinople nor Rome in the first rank. The

⁵⁰ The text of the letter of John II of Kiev is in Alexei S. Pavlov (ed.), *Kritičeskie opyty po istorij drevniešej greko-russkoj polemiki protiv' latinian'* (St Petersburg, 1878), 169-86; For Michael Keroularios' claim, *PG* 120.758-9. The Council in Trullo (690/1) did indeed criticise the Church of Rome, but it did not excommunicate it. Byzantine writers such as Niketas made much of the spurious claim that Pope Agatho of Rome (r. 679-681) had approved the council's canons against his own church, but in reality he had died long before they were promulgated.

⁵¹ RP 4.408-9. For the text of Peter III's letter to Domenico of Grado, see *PG* 120.756-81.

⁵² "γνώσις καὶ ἐπίγνωσις τῶν πατριαρχικῶν θρόνων": Alag. 3, fols. 215^v-216^r. Text published in Armand Delatte (ed.), *Anecdota Atheniensia et alia* (Paris: Champion, 1939), 322-3. The same text can also be found in Sinod. gr. 432, fols. 1^r-4^v and Marc. gr. 172, fols. 248^v-249^v under the title "On the Patriarchates and Their Regions" ("περὶ τῶν πατριαρχῶν καὶ τῶν τούτων κλιμάτων"). Another very similar text is also contained in Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1167, fols. 12^v-13 (published in Gustav Parthey (ed.), *Hieroclis Synecdemus et Notitiae Graecae episcopatum; accedunt Nili Doxapatri Notitia patriarchatum et locorum nomina immutata*, 2nd ed. (Amsterdam: Hakkert, 1967), 138-45 (no. 5). See also chapter six, pp. 201-4.

⁵³ Text in Parthey (ed.), *Hieroclis Synecdemus*, 265-308, at 267-70. See James Morton, "A Byzantine Canon Law Scholar in Norman Sicily: Revisiting Neilos Doxapatres' *Order of the Patriarchal Thrones*," *Speculum* 92.3 (2017): 724-54, at 743-5.

order instead goes: 1. Jerusalem; 2. Rome; 3. Constantinople; 4. Alexandria; 5. Antioch. This is highly unusual – Byzantine *notitiae patriarchatum* usually rank Jerusalem in *last* place.⁵⁴

The *notitia* in Alag. 3 must be a relic inherited from the Patriarchate of Jerusalem in the early Middle Ages, a further example of the deep-rooted connection between southern Italy and the Near East.⁵⁵ The Chalcedonian monks who fled to Sicily and Calabria from the Persian and Islamic invasions of the seventh century brought with them a number of Levantine codices. For example, the earliest surviving manuscript of the liturgy of St James – the most widely used liturgy in Antioch and Jerusalem in Late Antiquity – is the *Rotulus Messanensis*, produced in Messina in Sicily in 1209.⁵⁶ The “Statement and Definition of the Patriarchal Thrones” in Alag. 3 clearly presents the perspective of the Patriarchate of Jerusalem in the seventh century, and so we may presume that it is a product of that early period. Similar (although not quite identical) versions of the text appear in Sinod. gr. 432 and the Calabrian civil law collection Marc. gr. 172.⁵⁷

The rest of the canonical appendix, however, is evidently a product of the eleventh-century dispute between Rome and Constantinople. The *notitia patriarchatum* is followed by a series of excerpts “from the *Apostolic Constitutions*” and “from the 318 Fathers [of the First Council of Nicaea] on Lenten fasting” (these are essentially the same as the text of a similar name in BN II C 7 and Ambros. G 57 sup.).⁵⁸ These consist of a series of brief, vaguely-sourced aphorisms that implicitly condemn Latin fasting practices without actually mentioning the Latins by name.

The section finishes with a laconically named tract “On Pascha and Bread.”⁵⁹ The text begins with an explanation of the symbolism of the Lord’s supper: “On that night on which he gave himself up, our Lord Jesus Christ appeared to celebrate two Paschas: one of the Law and the other of the Lord.”⁶⁰ Though Christ celebrated the Jewish Pascha with *azyma*, he celebrated his own Pascha with (leavened) bread. Having castigated “certain confused people” who celebrate the Eucharist with *azyma*, the tract goes on to make a series of blunt criticisms: “The Lombards do not take the knife and they do not consecrate the spiritual Lamb. And so how can they be called true priests? And they do not abstain from meat like we do in Meatfare week, nor from cheese [during

⁵⁴ See e.g. Darrouzès, *Notitiae episcopatum*, 204 l. 5 (no. 1), 230 l. 5 (no. 3), 248 l. 5 (no. 4), 290 t. (no. 8), 348 t. (no. 12), 354 t. (no. 354), 419 l. 5 (no. 21). None of the *notitiae* in Darrouzès’ collection rank Jerusalem above fifth place.

⁵⁵ See chapter one, pp. 25-6.

⁵⁶ Messina, Biblioteca Regionale Universitaria, MS S. Salv. 177. Text in Charles A. Swainson, *The Greek Liturgies, Chiefly from Original Authorities* (Cambridge: Cambridge University Press, 1884), 211-332. The *Patiron* of Rossano also produced a copy of the liturgy of St James in the thirteenth century: Vatican City, Biblioteca Apostolica Vaticana, MS Vat. g. 1970. Gabriel I. Radle, “The Byzantine Marriage Tradition in Calabria: *Vatican Reginensis gr. 75* (a. 982/3),” *Bollettino della badia greca di Grottaferrata* 9 (2012): 221-45 sheds light on a number of further non-Constantinopolitan influences (primarily from Egypt) on Greek liturgical rites in southern Italy.

⁵⁷ Sinod. gr. 432, fol. 1^r; Marc. gr. 172, fol. 248^v. Although the wording of the text is slightly different in places, both manuscripts give the same order of patriarchates as in Alag. 3.

⁵⁸ Alag. 3, fols. 216^v-218.

⁵⁹ Alag. 3, fol. 219^r.

⁶⁰ “ὁ κ[ύριος] καὶ θ[εὸς] ἡμῶν Ἰ[ησοῦς] Χ[ριστὸς]: τῆ νυκτὶ ἐκεῖνη ἢ παρεδίδοτο δύο πᾶσχ’ ἐπιτελῶν φαίνεται· ἓν μὲν τὸ τοῦ νόμου καὶ ἓν τὸ κύριον”: Alag. 3, fol. 219^r. The law is the Mosaic Law of the Old Testament (not to be confused with the *Nomos Mosaikos* of the eighth century A.D.).

Cheesefare week]. And they fast on Saturdays. They thus do not honour the true Pascha of Christ with us.”⁶¹

This brief, one-page essay appears again at the end of the early fourteenth-century Calabrian civil law collection Crypt. gr. 50, in which it is given the title “A Dispute of St John Chrysostom Against the Lombards Concerning the Legal and Christian Pascha.”⁶² The attribution to John Chrysostom (d. 407) is an obvious mistake or interpolation: the text uses the term ‘Lombards’ to refer to Latin-rite Italians, yet the Lombards were still unknown in Chrysostom’s time.

In reality, the work is a polemic derived from the typical anti-Latin tropes of mid-eleventh-century Byzantium: the use of *azyma*, implied ‘Judaising’, incomplete performance of the liturgy, and erroneous fasting practices. Indeed, it is notable that the substance of the anti-Latin criticism in the tract “On Pascha and Bread” is extremely similar to that in a quotation attributed to St Luke (c.1035-1114), bishop of Isola Capo Rizzuto in Calabria, by his biographer.⁶³ In Luke’s *vita*, the bishop is said to have had a debate about the *azyma* “with some Latins in parts of his diocese.”⁶⁴ This incident has become famous as the only occasion in Italo-Greek hagiography in which there is a direct confrontation between Latins and Greeks in southern Italy over matters of religion.⁶⁵ Luke addresses the unnamed Latins bluntly: “You Latins, with your pharisaic arguments, celebrate with *azyma* like the Jews. And you practice daily baptisms and countless other heresies in your misguided thinking.”⁶⁶ Evidently the anti-Jewish rhetoric of Niketas Stethatos against the *azyma* had made an impression on some Italo-Greeks.

It is not entirely clear why these canonical texts were included in Alag. 3 specifically. The manuscript is devoted to Gospel readings for various feast days – including Pascha – and so the assorted works are broadly relevant in that sense, but one can only speculate as to why the copyist felt it was necessary to emphasise anti-Latin issues in the appendix. It may be a sign that the monks of the *Patiron* (where Alag. 3 was produced in 1124) were beginning to worry that Italo-Greeks

⁶¹ “οἱ γὰρ Λογγίβαρδοι μάχαιραν μὴ λαβῶντες· καὶ τὸν νοητὸν ἀμνὸν μὴ ἱερουργούντες· πῶς οὖν ἱερεῖς ἀληθεῖς ὀνομασθήσονται; ἀλλ’ ὡσπερ γὰρ μεθ’ ἡμῶν οὐκ ἀποβρωματίζουσιν τὸ κρέα· οὔτε τῶν τυρῶν· ἀλλὰ καὶ τὰ σάββατα νηστεύουσιν· οὕτως οὐ δὲ τοῦ ὄντος πάσχα μεθ’ ἡμῶν τοῦ Χριστοῦ ἀξιοῦνται”: Alag. 3, fol. 219^r. The cutting of the ‘spiritual Lamb’ from the bread forms a part of the Orthodox Liturgy of Preparation before the consecration of the Eucharist. The portion of the bread known as the spiritual Lamb serves as the Body of Christ during communion. ‘Meatfare’ and ‘Cheesefare’ weeks form part of the Orthodox Lenten *Triodion*, in which Orthodox Christians successively renounce meat and then dairy products before the beginning of Lent.

⁶² “τοῦ ἁγίου Ἰω[άννου] τοῦ Χρυσοστόμου περὶ Πάσχα νομικοῦ καὶ χριστιανικοῦ ἀμφιβολῆ πρὸς Λόγγοιβαρδους”: Crypt. gr. 50, fol. 187^v. The term ‘legal’ here again refers to Mosaic Law.

⁶³ The modern name ‘Isola’ derives from the Greek place name *Asyla* (Ἄσυλα).

⁶⁴ “ζήτησις γέγονε ποτε μετὰ Λατίνων ἐν τοῖς μέρεσι τῆς αὐτοῦ ἐπισκοπῆς περὶ ἐνζύμων καὶ ἀζύμων”: Text in Giuseppe Schirò (ed. and trans.) *Vita di S. Luca, vescovo di Isola Capo Rizzuto* (Palermo: Istituto Siciliano di Studi Bizantini e Neogreci, 1954), 106 ll. 325-6.

⁶⁵ See Graham A. Loud, *The Latin Church in Norman Italy* (Cambridge: Cambridge University Press, 2007), 500. Although Bartholomew of Simeri was accused of heresy by some Latin monks in his *vita*, the substance of the allegations as reported in fact concerned financial crimes, not religious error: Gaia Zaccagni (ed.), “Il *Bios* di San Bartolomeo da Simeri (BHG 235),” *Rivista di studi bizantini e neoellenici* 33 (1996): 205-74, at 28 (p. 224).

⁶⁶ “ὕμεις δὲ, ὧ Λατῖνοι, φαρισαϊκῶς ὑποκρινόμενοι, ἰουδαϊκῶς ἐορτάζετε ἄζυμα, καὶ καθημερινοὺς βαπτισμοὺς, καὶ ἄλλας μυρίας αἰρέσεις οὐκ ὀρθοφρονοῦντες ἐργάζεσθε”: Schirò, *Vita di S. Luca*, 106 ll. 335-7. The Byzantine church preferred to perform baptisms on Epiphany and discouraged baptism in the period between Pascha and Pentecost; see discussion in Schirò, *Vita di S. Luca*, 54.

were at risk of adopting the Latins' 'incorrect' Lenten observance. This sense of anxiety would grow over time, as we shall see in the following chapter.

Summary

The intrinsic conservatism of canon law collections meant that copyists rarely chose to omit texts that they discovered in their prototypes. Consequently, their textual content can be to the codicologist what strata of rock and soil are to the geologist, acting as a sort of layered historical record. The Norman conquest caused a significant level of sectarian friction between Greek and Latin Christians in southern Italy in the 1040s to 1070s, leaving a stratum of anti-Latin polemic in Calabrian canon law collections.

This stratum focused on the issues arising from the confrontation of 1054, when the war over southern Italy was at its height: the *azyma*, the *Filioque*, and divergent Latin fasting regimes. Such polemical texts clearly shaped the Italo-Greeks' perception of Western Christian practice in the twelfth century, but the administration of Greek and Latin ecclesiastical and monastic institutions remained sufficiently segregated under Norman rule that there do not seem to have been any significant consequences for community relations. The question of papal primacy, which became a major point of contention with the Byzantine Empire in the twelfth century, is noticeably absent from the southern Calabrian manuscripts. Thanks to the independent spirit of the Norman kings of Sicily, papal interference was not yet a relevant issue for the Italo-Greeks.

3. Rossano and Casole: Komnenian Conduits

Most southern Italian nomocanons produced from the twelfth to the fourteenth centuries continued to build on archaic texts such as the *N50T* that had arrived from Byzantium in the ninth and tenth centuries. Those copied at the monasteries of the *Patiron* of Rossano and St Nicholas of Casole were an exception, however. These institutions' continuing contacts with Constantinople allowed them to import contemporary canon law texts from the Byzantine capital in the twelfth century. The monasteries may not have been able (or inclined) to compile new canon law collections for themselves, but they could take advantage of Byzantine efforts at systematisation.

The Rossanese Group

Bartholomew of Simeri travelled to Constantinople in the early years of the twelfth century (perhaps c.1105) to obtain books and liturgical items from Alexios I Komnenos, as described in chapter one.⁶⁷ Although this donation was not by any means the source of all the *Patiron*'s manuscript collection (Rossano was already home to a flourishing Greek book culture), it probably included the prototype of the three nomocanons S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060, as an analysis of their contents reveals.

⁶⁷ See chapter one, p. 40.

Nomocanons are modular manuscripts: when a scribe produced a new nomocanon, he could draw different texts (or groups of texts) from different sources and then re-combine them in different patterns. The Rossanese manuscripts all share an identical combination of texts:

1. *Epitome of Book Eight of the Apostolic Constitutions* 22.2-28.1
2. John Scholastikos, *S50T*, preface and table of canons
3. *NI4T* (Photian recension)
4. Corpus of conciliar and patristic canons
5. Civil law appendix: Justinian, *Novel 77*; the *Collection in Eighty-Seven Chapters*; the *Collection in Twenty-Five Chapters*; the *Tripartite Collection*; Heraclius, *Novels* 4, 1, 3, 2
6. John Moschos, *Spiritual Meadow* 149

No other surviving Italo-Greek nomocanon has this pattern of textual content; indeed, no other Italo-Greek nomocanon even has the Photian recension of the *NI4T*.⁶⁸ The only other manuscript of definite southern Italian provenance to contain the *NI4T* is the Carbone nomocanon (Vat. gr. 1980-1), which has the original recension of the text with heavy interpolations from the *N50T*, as we saw earlier.

The combination of items 1-5 from the above list is well attested elsewhere in the Byzantine world, however.⁶⁹ The eleventh-century manuscripts Laur. plut. 10.10 and Μετ. Παν. Τάφ. 635 contain them in the same order as in the Rossanese nomocanons.⁷⁰ Another eleventh-century codex, Barocci 185, has 1-5 along with a number of scholia and other texts not present in the Rossanese Group; BnF gr. 1320, BN II C 4, and Sin. 1111 of the eleventh/twelfth centuries are similar cases.⁷¹ The same group 1-5 appears yet again in the pair of related manuscripts Marc. gr. 169 (eleventh century) and Munich, Staatsbibl. gr. 380 (twelfth century), the former of which coincidentally ended up in the collection of the Holy Saviour of Messina, as noted in chapter two.⁷² The earliest manuscript to contain the group seems to be RNB gr. 66+66a, which the editors of the *RHBR* date to the tenth century.⁷³

This combination of texts evidently emerged in the tenth century and gained popularity in Byzantine nomocanons throughout the eleventh and twelfth centuries. Bartholomew presumably acquired a similar manuscript from Constantinople to serve as the basis for the Rossanese Group. The scribes at the *Patiron* may have added item 6, the extract from John Moschos' *Spiritual*

⁶⁸ The manuscript Paris, Bibliothèque nationale de France, MS gr. 1324 does contain items 1-5 on this list and may be related to the Rossanese Group, though it is not clear if it is from Calabria or Constantinople (see appendix two, pp. 317-8). Marc. gr. 171, produced at Grottaferrata in c.1220-1230, contains the Photian prologue to the *NI4T* but not the *NI4T* itself.

⁶⁹ For further discussion of these manuscripts and a comparison of their contents, see Johannes Konidaris, "Die Novellen des Kaisers Herakleios," *Fontes Minores* 5 (1982): 33-106, esp. 35-9, 42-3.

⁷⁰ Florence, Biblioteca Laurenziana, MS plut. 10.10; Athens, Μετόχιον Παναγίου Τάφου 635, fols. 1-276'.

⁷¹ Oxford, Bodleian Library, MS Barocci 185, fols. 9^r-288^r; Paris, Bibliothèque nationale de France, MS gr. 1320, fols. 1-246; Naples, Biblioteca Nazionale 'Vittorio Emanuele III', MS BN II C 4, fols. 1^v-271; Sinai, Μονή τῆς Ἀγίας Αἰκατερίνης, MS 1111, fols. 1-342.

⁷² Munich, Bayerische Staatsbibliothek, MS gr. 380, fols. 62-520. On Marc. gr. 169, see chapter two, p. 62.

⁷³ Saint Petersburg, Rossijskaja Nacional'naja Biblioteka, MS gr. 66+66a, fols. 2-362; *RHBR* 2.146-9 (no. 386/7).

Meadow, as a way to make their own mark on the collection, though it is possible that it was already present in their prototype.⁷⁴

One could legitimately point out that the Photian *NI4T* was hardly a ‘contemporary’ Byzantine canon law text in the twelfth century. Not only was it over two centuries-old by then, but it had been superseded in c.1090 by a third recension of the *NI4T* composed by Theodore the *Bestes* and Michael the *Sebastos*.⁷⁵ By the standards of the time, however, the arrangement of canon law texts that Bartholomew brought back from Constantinople would have seemed novel in southern Italy. As we have seen already, it could take decades or even centuries for new legal codifications to enter widespread circulation. Although the third recension of the *NI4T* already existed at the time of Bartholomew’s visit, most Byzantine ecclesiastical institutions would still have been relying on the earlier generation of the text. Indeed, he might have been given the manuscript precisely *because* it was being replaced by the new recension and was no longer needed by its previous owner.

In terms of functionality, the texts in the Rossanese nomocanons are not focused on any specific subject or purpose. Rather, they represent the most comprehensive and up-to-date codification of canon law that was available in eleventh-century Byzantium. The *Patiron* of Rossano introduced the Photian recension of the *NI4T* into southern Italy for the first time in the early twelfth century. While this was obviously not a ‘Komnenian’ text itself, it was nonetheless widely used in Komnenian Byzantium.

The Casulan Manuscripts

Positioned on the eastern coast of the Salento peninsula, the monastery of St Nicholas of Casole faced the Byzantine world both geographically and intellectually. This fact is abundantly borne out by the two twelfth-century Casulan canon law manuscripts, Barb. gr. 324 and BnF gr. 1371. Whereas the Rossanese Group brought a relatively old and established canon law compilation to southern Italy, the Casulan codices contain texts that had been produced in the very recent past. Barb. gr. 324 contains Alexios Aristenos’ commentary on the *Synopsis of Canons*, composed in Constantinople around the year 1130.⁷⁶ BnF gr. 1371 is a compilation of multiple texts, the latest

⁷⁴ The excerpt consists of an anecdote about Pope Leo the Great of Rome (r. 440-461) praying to St Peter at the beginning of Lent. Leo asks the saint to intercede with God for the forgiveness of his sins. Later, Peter reveals to Leo that, “I have prayed for you and all your sins are forgiven, except for [sins of] ordination. This alone will be demanded [of you]: whether you have ordained bad [clergy] or good.” (“ἐδεήθην ὑπὲρ σοῦ, καὶ συνεχωρήθη σοι πάντα τὰ ἁμαρτήματα, πλὴν τῶν χειροτονιῶν. τοῦτο οὖν μόνον ἀπαιτηθήσῃ, εἴτε κακῶς εἴτε καλῶς ἔχειροτόνησας.”) Though it may seem odd for a monastery to add a text about the ordination of clergy, one should remember that the monasteries of twelfth-century southern Italy often ordained their own priestmonks and oversaw their own churches and chapels.

⁷⁵ On this third recension of the *NI4T*, see Andreas Schminck, “Das Prooimion der Bearbeitung des Nomokanons in 14 Titeln durch Michael und Theodoros,” *Fontes Minores* 10 (1998): 357-86, esp. 379-83. More recently, see also Wagschal, *Law and Legality*, 49, 289. This recension added references to the *Basilika*, a tenth-century codification of civil law that had become widely popular in the eleventh century. It later served as the basis for Theodore Balsamon’s commentary on the *NI4T* in the late twelfth century.

⁷⁶ The wording is otherwise identical to that found in most other manuscripts, and even includes Alexios Aristenos’ title of “most learned deacon of the Great Church of God [i.e. Hagia Sophia] and *nomophylax*” (“τοῦ λογιωτάτου διακόνου τῆς τοῦ Θεοῦ ἐκκλησίης καὶ νομοφύλακος”): Barb. gr. 323, fol. 16^r. Contrast this with

of which is Arsenios of Philotheou's *Synopsis of Canons* (an entirely different work from that of Aristenos), composed around the year 1140.⁷⁷ Not only does BnF gr. 1371 thus have the distinction of being the most 'up-to-date' of all the Italo-Greek nomocanons, but it is in fact the only surviving manuscript of Arsenios' work in existence.

With these two manuscripts we begin to see a subtle shift in the purpose of Byzantine canon law collections in late twelfth-century southern Italy. The Rossanese and southern Calabrian nomocanons were all essentially reference works intended to facilitate the practical functioning of an ecclesiastical legal system (Barb. gr. 324 could also serve this end to some extent). The Casulan nomocanons, however, appear to have been used for didactic as well as practical ends. That is to say, they were not just read for their legal value, but also for religious instruction.

This is clearest in BnF gr. 1371, a canonical compilation that was evidently meant primarily for educational purposes. The manuscript opens with a short compilation of essays "On the Lenten Fast" and "On the Presanctified Gifts," as well as two letters of the seventh-century Patriarch Sophronios of Jerusalem on the two natures of Christ.⁷⁸ These are followed by a short history of the ecumenical councils and a rather garbled text of Patriarch Nicholas III Grammatikos' (1084-1111) canonical *erotopokriseis* to monks.⁷⁹ Next come a selection of canon and civil laws relating to monastic discipline.⁸⁰

The centrepiece of the manuscript is Arsenios of Philotheou's *Synopsis of Canons*. Unlike the earlier *Synopsis* that served as the basis for Alexios Aristenos' commentary, Arsenios did not give summaries of the conciliar and patristic canons in chronological order. Instead, he composed a thematic series of a hundred and forty dogmatic assertions accompanied by brief references to supporting canons. Here, for example, is how Arsenios presents the subject of fasting on the Sabbath:

the title in Vat. gr. 2019, fol. 9^v, which substitutes Aristenos' name and titles for those of Nicholas Doxapatres; see chapter three, pp. 120-1.

⁷⁷ BnF gr. 1371, fols. 72-114; text published in VJ 2.749-84. Voell and Justel identified Arsenios of Philotheou with Patriarch Arsenios Autoreianos (1255-1259, 1261-1265), but this cannot be correct: the manuscript dates to the *twelfth* century and Arsenios Autoreianos was not associated with the Philotheou monastery. For further discussion, see Spyridon N. Troianos, *Oi πηγές του βυζαντινού δικαίου. Εισαγωγικό βοήθημα*, 3rd ed. (Athens: Sakkoulas, 2011), 406; Robert W. Allison, "The Libraries of Mt Athos: The Case of Philotheou," in *Mount Athos and Byzantine Monasticism: Papers from the Twenty-Eighth Spring Symposium of Byzantine Studies, Birmingham, March 1994*, edd. Anthony Bryer and Mary Cunningham (Aldershot: Variorum, 1996), 135-54, esp. 139.

⁷⁸ BnF gr. 1371, fols. 1-24^f. The manuscript does not give an attribution for the texts on the Lenten fast and the presanctified gifts, though on closer inspection it becomes clear that they are a composite of canonical *erotopokriseis* by Patriarch Photios of Constantinople: cf. Basileios Laourdas and Leendert G. Westerink (edd.), *Photii patriarchae Constantinopolitani Epistulae et Amphilochia* (Leipzig: Teubner, 1983-1988), Amph. 130. The same composite appears in the Salentine theological compilation Cambridge, Corpus Christi College, MS gr. 486, fols. 168-173^f. See Saulo Delle Donne, "Il codice Greco *Corpus Christi College* 486 di Cambridge: contenuto, organizzazione testuale e legami con l'Italia meridionale," *Revue d'histoire des textes* 9 (2014): 375-93, esp. 383-5.

⁷⁹ BnF gr. 1371, fols. 34^v-43. Text in RP 4.417-26. The manuscript simply gives it the title "Canonical Questions and Answers of the Holy Synod" ("ἐρώτησεις κανονικαὶ καὶ ἀποκρίσεις τῆς ἁγίας συνόδου").

⁸⁰ The texts are, in order: Chalc. c. 4, 24; II Nic. c. 13; *Trullo* c. 49; *Prot.* c. 1, 6; II Nic. c. 17; *Just. Nov.* 131.7, 120.7, 123.35-40; *Carth. C.* 14; II Nic. c. 21; *Apost. Const.* 8.32 (part); *Gangra* c. 3; *Just. Nov.* 123.34; *Chalc.* c. 3, 8, 23; *Trullo* c. 31-4, 45-6; *Prot.* c. 2-5; *Just. Nov.* 123.42; *Chalc.* c. 7, 18; *Gangra* c. 15-16; *Just. Nov.* 133.6; *Basilika* 4.1.25; II Nic. c. 14.

ρια´. ὅτι οὐ δεῖ νηστεύειν ἐν σαββάτῳ ἢ ἐν κυριακῇ, δίχα τοῦ μεγάλου καὶ μόνου σαββάτου· ἀλλ' οὔτε ἐν τοῖς σάββασι, καὶ ταῖς κυριακαῖς τῆς τεσσαρακοστῆς τυρὸν, ἢ ὠδὸν ἐσθίειν· αἰρετικῶν γὰρ τοῦτο· καὶ ὁ τοῦτο ποιῶν καθαιρεῖται, ἐὰν ἱερωμένος ἐστίν· ἐὰν καὶ λαϊκός, ἀναθεματίζεται· καὶ ὅτι δεῖ νηστεύειν πάντα Χριστιανὸν τετράδα καὶ παρασκευὴν καὶ τὴν ἁγίαν τεσσαρακοστὴν καὶ τὴν μεγάλην ἑβδομάδα· τὴν μέντοι μεγάλην παρασκευὴν, καὶ τὸ μέγα σάββατον, μηδ' ὅλως ἐσθίειν ἄχρι τοῦ μεσονυκτίου αὐτῶν· καὶ τὰς λοιπὰς καὶ νηστείας πάσας πιστῶς νηστεύειν, ἅς ἐκ παραδόσεως ἐκκλησιαστικῆς ἔχομεν, εἰ μὴ δι' ἀσθένειαν σωματικὴν ἐμποδίζονται. οἱ γὰρ μὴ οὕτω ποιοῦντες, εἰ μὲν ἱερωμένοι εἰσὶ, καθαιροῦνται· εἰ δὲ λαϊκοὶ, ἀναθεματίζονται.

τῶν ἁγίων Ἀποστόλων κανὼν ξδ´ καὶ ξθ´.
συνόδου Γάγγρας κανὼν ιη´ καὶ ιθ´.
συνόδου ζ´ κανὼν νε´.
συνόδου Λαοδικείας κανὼν ν´.
συνόδου ζ´ [*sic*] κανὼν κθ´ καὶ πθ´.
καὶ τοῦ ἁγίου Διονυσίου κανὼν α´.
τοῦ ἁγίου Πέτρου Ἀλεξανδρείας κανὼν ιε´.
τοῦ ἁγίου Τιμοθέου κανὼν η´ καὶ ι´.
καὶ Θεοφίλου κανὼν α´.

111. That one should not fast on Saturday or Sunday, with the sole exception of Great Saturday [of Holy Week] (but do not eat cheese or eggs on Saturdays or Sundays during Lent), for this is heretical and anyone who does this should be deposed if he is ordained or anathematised if he is a layperson. And every Christian should fast on Wednesday, Friday, in holy Lent, and during Holy Week. On Great Friday and Great Saturday [of Holy Week], one should not eat at all until midnight on those days. One should fast faithfully for all the other fasts, which we have received from ecclesiastical tradition, unless one is prevented by physical weakness. Whoever does not do this should be deposed if he is ordained or anathematised if he is a layperson.

Apostolic Canons 64 and 69.
Synod of Gangra, canons 18 and 19.
6th Synod [*in Trullo*], canon 55.
Synod of Laodicea, canon 50.
6th Synod [*sic*], canons 29 and 89.
And of St Dionysios, canon 1.
Of St Peter of Alexandria, canon 15.
Of St Timothy, canons 7 and 10.
And of Theophilus, canon 1.⁸¹

⁸¹ BnF gr. 1371, fols. 104^v-105^r; VJ 2.776.

In this manner, Arsenios distils the content of various sets of canons into succinct didactic statements. It is less a reference guide than it is a teaching text, listing the canonical authorities behind the various dogmatic positions of the twelfth-century Byzantine church.

Arsenius' *Synopsis* is followed in the manuscript by several more didactic texts: Michael Psellos' (c.1017/8-1081) *Synopsis of the Nomocanon* in fifteen-syllable political verse, a verse explanation of the Nicene Creed by the same author, and an anonymous "Clear and Brief Synopsis of Our Faith in the Holy Trinity."⁸² The two works by Psellos were originally companion pieces to a (slightly) better known verse explanation of Roman law that he produced in the 1050s or 1060s for the education of the future emperor Michael VII Doukas (r. 1071-1078).⁸³ The *Synopsis of the Nomocanon* is quite literally a description of the contents of the Photian recension of the *NI4T*; the use of verse was intended to help the reader memorise it.

The final item of the original manuscript (before Nektarios of Otranto's additions at the end) was Alexios I Komnenos' *Edict on the Reform of the Clergy*.⁸⁴ This decree was promulgated by the Byzantine emperor in either 1091 or 1105 – the date is disputed – and set out a number of proposals to improve religious education within the church, one of which stipulated that the *NI4T* should be read out before the patriarchal synod and "renewed."⁸⁵ The text is not didactic in itself, but it provides a thorough programme for the religious education of the clergy and the laity.

BnF gr. 1371 is evidently a manuscript made for teaching purposes rather than legal reference. The didactic turn in canon law was certainly not unique to St Nicholas of Casole; all these works came from Byzantium itself, after all, and they reflect a broader trend towards improving professional and educational standards in the Byzantine church at the time.⁸⁶ Nonetheless, the need for religious education was especially pressing in late twelfth-century Otranto, a small outpost of Greek religious culture in an increasingly Latinised landscape.⁸⁷

⁸² Text in Leendert G. Westerink, *Michaelis Pselli Poemata* (Stuttgart: Teubner, 1992), 77-80 (no. 5).

⁸³ On Psellos' didactic legal poems, see Troianos, *Οι πηγές*, 284-6; Floris Bernard, *Writing and Reading Byzantine Secular Poetry, 1025-1081* (Oxford: Oxford University Press, 2014), 69-70.

⁸⁴ BnF gr. 1371, fols. 125^v-150^v. Text in Paul Gautier, "L'édit d'Alexis I^{er} Comnène sur la réforme du clergé," *Revue des études byzantines* 31 (1973): 165-201, at 178-201. This decree has traditionally been dated to c.1107, although Peter Wirth has proposed (correctly, in my view) the year 1092: Franz Dölger and Peter Wirth, *Regesten der Kaiserurkunden des oströmischen Reiches von 565-1453. 2 Teil, Regesten von 1025-1204*, 2nd ed. (Munich: Beck, 1995), 132-3. The text in BnF gr. 1371 is one of just two surviving copies of the edict, the other being Venice, Biblioteca Nazionale Marciana, MS gr. 49, fols. 343-6. For further discussion of the edict, see Paul Magdalino, "The Reform Edict of 1107," in *Alexios I Komnenos*, ed. Margaret Mullett and Dion Smythe (Belfast: Belfast Byzantine Enterprises, 1996), 199-218.

⁸⁵ Gautier, "L'édit," 197 ll. 282-9. I suspect that this is a reference to Theodore the *Bestes*' creation of a third recension of the *NI4T* in c.1090, which would fit well with Wirth's dating of the decree.

⁸⁶ On professionalisation among the patriarchal clergy in the twelfth century, see Viktor Tiftixoglu, "Gruppenbildungen innerhalb des Konstantinopolitanischen Klerus während der Komnenenzeit," *Byzantinistisches Zeitschrift* 62 (1969): 25-72, esp. 35-40. More recently, see Niels Gaul, "Rising Elites and Institutionalization – *Ēthos/Mores* – 'Debts' and Drafts: Three Concluding Steps towards Comparing Networks of Learning in Byzantium and the 'Latin' West, c. 1000-1200," in *Networks of Learning: Perspectives on Scholars in Byzantine East and Latin West, c. 1000-1200*, edd. Sita Steckel, Niels Gaul, and Michael Grünbart (Berlin: LIT Verlag, 2014), 235-80, esp. 253-6.

⁸⁷ See chapter six, pp. 219-22.

The 'Nomocanon of Doxapatres'

As we saw in chapter three, Alexios Aristenos' commentary on the *Synopsis of Canons* also found its way to Rossano in the mid- to late-twelfth century, attested in the manuscript Vat. gr. 2019 and a lost manuscript mentioned in Marc. gr. 179.⁸⁸ The Rossanese Vat. gr. 2019 does not seem to be directly connected with the Casulan Barb. gr. 324. While Barb. gr. 324 simply contains the *Synopsis of Canons*, Vat. gr. 2019 also includes a canonical appendix known from other Byzantine manuscripts of Aristenos' work, suggesting that the text came to Rossano and Casole from separate sources.⁸⁹

The canonical appendix to Vat. gr. 2019 contains a long selection (sixty folia) of commentaries, *erotapokriseis*, and other technical literature on topics of canon law – primarily fasting and marriage. Besides older texts such as works ascribed to John the Faster and John Klimakos, there are also items of tenth- and eleventh-century legislation such as the *Tome of Union* (920), Sisinnios II's *Tome Against the Marriage of Cousins* (997), and Alexios Stoudites' *Synodal Act on Marriage* (1038).⁹⁰ The former of these was promulgated after the tetragamy crisis of Leo VI's reign (886-912) and prohibited a person from being married more than three times, while the latter regulated the acceptable degrees of marriage between relatives.⁹¹

In addition to these, the appendix contains an unusually wide range of Komnenian-era canonical literature: Nicholas III Grammatikos' *erotapokriseis* (c.1105-7), Nikephoros the *Chartophylax*' letters 5 and 1, Michael Choumnos' *erotapokriseis* to the monk Neophytos (1122), and Metropolitan Euphemianos of Thessaloniki's *erotapokriseis* to the monk Gerasimos.⁹² Vat. gr. 2019 is the only surviving witness to Euphemianos' writings, which remain unedited. The works cover a broad range of topics that interested Byzantine churchmen of the time: marriage, fasting, divorce, the liturgy, monastic discipline, and so on. There is even a passage that claims to be taken from the *diataxis* of Paul, the original founder of the famous Constantinopolitan monastery of the *Theotokos Evergetis* in 1048/9, a document that is otherwise unknown.⁹³ The text concerns guidelines for receiving communion and does not seem to match any part of the late eleventh-century *typikon* of the monastery by Paul's successor Timothy.⁹⁴

⁸⁸ See chapter three, p. 121.

⁸⁹ Vat. gr. 2019, fols. 95-110. Cf. Athens, Ἱστορικὸν Μουσεῖον τοῦ Νέου Ἑλληνισμοῦ, MS 256, fols. 51-82 (13th century); Jerusalem, Παναγίου Τάφου, MS 39, fols. 119-152 (13th century); Jerusalem, Πατριαρχικὴ Βιβλιοθήκη, MS Σάβα 86, fols. 130-155 (14th century); London, British Library, MS Egerton 2707, fols. 207-233 (13th century); Naples, Biblioteca Nazionale 'Vittorio Emmanuele III', MS BN II C 8, fols. 180-206 (13th century).

⁹⁰ Vat. gr. 2019, fols. 112^r-117^v. Text in RP 5.11-19, 32-6.

⁹¹ This was part of a concerted effort by the Byzantine church in the tenth to twelfth centuries to control the laity's marriage strategies; see Angeliki Laiou, *Marriage, amour et parenté à Byzance* (Paris: De Boccard, 1992), 10-15.

⁹² Vat. gr. 2019, fols. 122-138. Texts in RP 5.58-75; Paul Gautier, "Le chartophylax Nicéphore. Œuvre canonique et notice bibliographique," *Revue des études byzantines* 27 (1969): 159-95, at 188-94. There is no edition of Euphemianos of Thessaloniki or of Michael Choumnos' answers to Neophytos. For further discussion of dating and authorship, see Troianos, "Twelfth to Fifteenth Centuries," 198-205.

⁹³ See *BMFD* 2.454.

⁹⁴ Text in Paul Gautier, "Le typikon de la Théotokos Évergetis," *Revue des études byzantines* 40 (1982): 5-101, at 15-95.

While the appendix covers a broad range of subjects, it is easy to see which aroused the interest of the manuscript's thirteenth-century Italo-Greek readership the most. Nikephoros the *Chartophylax*' letter to the monk Maximos on fol. 124^v consists of a series of *erotapokriseis*, the first of which concerns Great Thursday of Holy Week. In the margin alongside the beginning of Nikephoros' answer, a reader left an asterisk and a note that it was "about Great Thursday." At the top of the page the reader left another asterisk and gave a fuller description: "About Great Thursday and on the fast on that day and on communion: a marvellous explanation."⁹⁵ The same reader seems to have left more asterisks alongside sections of Nicholas Grammatikos' *erotapokriseis* concerning fasting and kneeling on Sunday. A few folia later, in the margins around the *erotapokriseis* of Euphemianos of Thessaloniki to the monk Gerasimos, a different reader added an extensive marginalium consisting of an *erotapokrisis* on the canonical authorities for Byzantine fasting practices. Unfortunately, since Euphemianos' work is not known in any other manuscript, it is impossible to say whether the reader simply filled in a missing section or whether the addition is from a different source. Nonetheless, Lenten fasting was undoubtedly a subject of prime concern for the readers of Vat. gr. 2019.

Summary

The nomocanons of Rossano and Casole contain a wealth of Byzantine canon law texts from the late eleventh and the early twelfth centuries. Indeed, these southern Italian centres are responsible for preserving the only surviving editions of several Komnenian canonical texts such as Arsenios of Philotheou's *Synopsis of Canons* and the *erotapokriseis* of Euphemianos of Thessaloniki. They were evidently able to maintain relatively strong cultural links with the Byzantine capital long after the Norman conquest.

These links were not without their limitations, however. It is noticeable that the last Byzantine canon law text to cross over to southern Italy (Arsenios' *Synopsis*) dates to c.1140. Despite their immense influence in the Orthodox world, neither John Zonaras' nor Theodore Balsamon's canonical commentaries (of c.1160 and 1180-95 respectively) appear in any surviving Italo-Greek manuscript. Moreover, those Komnenian works that did make the crossing did not diffuse more broadly in southern Italy; their influence appears to have been limited to Rossano and Casole themselves. The rest of the region continued to rely for the most part on pre-Komnenian canon law texts.

Regarding the content of the Rossanese and Casulan nomocanons, one can discern a subtle shift in the apparent purposes of the manuscripts. The three Rossanese nomocanons of the early twelfth century are all designed on a classic Byzantine model and were intended for general use as reference works in a monastic legal system. The later manuscripts have more of a didactic purpose. This is most visible in BnF gr. 1371 and Vat. gr. 2019, with their extensive collection of supplementary texts that explain the canonical basis for the distinctive practices of the Greek church. BnF gr. 1371 in particular seems to be intended as a manuscript for general religious education. As the only lay manuscript, Vat. gr. 2019 covers a broader range of subject than the

⁹⁵ "περὶ τῆς μεγάλης πέμπτης καὶ τῆς ἐν αὐτῇ νηστείας καὶ κοινωνίας: λύσις θαυμασία": Vat. gr. 2019, fol. 124^v.

nomocanons of the *Patiron* and St Nicholas of Casole, which are intended for a monastic audience. Nonetheless, the manuscripts all share an especial fascination with the topic of fasting. They are not alone in this, as we shall see below.

4. The Salentine Group: Canon Law and Cultural Defiance

The Salentine Group manuscripts provide a unique insight into the sort of canon law texts that circulated among the Italo-Greek secular clergy in the Terra d'Otranto. Although they have many similarities with the southern Calabrian nomocanons in terms of content and themes, they form a distinct and coherent group that warrants a separate discussion. The manuscripts mostly reflect the situation faced by the Greek clergy of the Salento in the late twelfth and thirteenth centuries, when the Norman conquest was a more distant memory. Nonetheless, they still had to deal with the long-term consequences of Latin rule. While they do not reflect the anti-Western fervour of the mid-eleventh century, the nomocanons present an image of a defiant minority attempting to defend and justify its own practices in the face of cultural assimilation.

The Salentine Group Branches

The manuscripts of the Salentine Group are based on two fundamental compilations: the corpus of canons and the *N50T*.⁹⁶ The earliest manuscripts contained just one or the other, although the later manuscripts brought the two together. The versions of these texts in the Salentine Group are quite distinctive. In the corpus of canons, the councils are preceded by brief historical introductions excerpted from a range of different sources. Moreover, the order of the canons of 2nd Nicaea and *Protodeutera* is confused in these manuscripts, an idiosyncrasy of the Salentine Group. Among the manuscripts that contain the *N50T*, there are effectively two branches: in one the text is not attributed to any author, while in the other it is wrongly attributed to the late antique bishop Theodoret of Cyrrihus (c.390-460). The *N50T* seems to have typically been accompanied by Symeon Magister's *Synopsis of Canons*, as noted earlier in this chapter.

As the late twelfth and thirteenth centuries progressed, a series of supplemental texts were gradually added to the canonical compilations. Before we turn to discuss the texts themselves in more detail, here is a side-by-side comparison that gives a good sense of how the manuscripts' content expanded over time:

⁹⁶ Manuscripts based on the *N50T* will usually also include the full text of the canons of the councils from *Trullo* to *Protodeutera*, since these postdate the *N50T*.

Table 8: Comparison of the Textual Content of the Salentine Group Manuscripts⁹⁷

Key (approximate earliest to latest):

A Ambros. F 48 sup.	E Ambros. B 107 sup.	I BnF gr. 1370
B Barocci 86	F Laur. plut. 5.22	J Ambros. E 94 sup.
C Vat. gr. 1287 (frag.)	G Ottob. gr. 186 (frag.)	K Sinod. gr. 397
D Add. 28822 (frag.)	H Marc. gr. III.2	

	A	B	C	D	E	F	G	H	I	J	K
Conciliar Canons (complete)	✓				✓			✓	[✓]	✓	✓
Conciliar Canons (partial)		✓	✓			✓	✓				
<i>N50T</i> (Unattributed)		✓	✓			✓				✓	✓
<i>N50T</i> (Theodoret)				✓				✓	✓		
<i>Synopsis of Canons</i>		✓				✓		✓	✓	✓	✓
<i>The Ecclesiastical Ranks</i>					✓			✓			✓
<i>Tome of Union</i> (920)	✓			✓	✓		✓	✓	✓		✓
Sisinnios II	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Alexios Stoudites				✓	✓		✓	✓	✓	✓	✓
Leo of Calabria				✓	✓		✓	✓	✓	✓	✓
Civil laws on marriage				✓	✓	✓	✓		✓	✓	✓
<i>Apost. Const.</i> (excerpts)				✓	✓			✓	✓	✓	✓
' <i>Rule of the Holy Apostles</i> '				✓	✓			✓	✓	✓	✓
I Nicaea, <i>Decree on Pascha</i>				✓	✓	✓		✓	✓	✓	✓
John Moschos 149				✓	✓			✓	✓		
Nikon of the Black Mountain				✓	✓			✓	✓		
Carthage (excerpts)				✓				✓	✓		
Photios, <i>Encyclical Letter</i>				✓				✓	✓		
Photios, <i>Five Can. Letters</i>						✓		✓	✓	✓	✓
II Const., <i>Actio</i> 8						✓				✓	✓
Proklos of Constantinople						✓				✓	✓
Victor of Carthage						✓				✓	✓
History of the Councils						✓				✓	✓
Theodoret, <i>Eccl. History</i>						✓				✓	✓
<i>From the Life of Chrysostom</i>										✓	✓
Nikephoros the Confessor										✓	✓
Leontios of Constantinople										✓	✓

⁹⁷ This is not an exhaustive list of the manuscripts' content, but only those that are of use for comparison.

It is a relatively straightforward matter to extrapolate an approximate relationship schema for the manuscripts (the letters X, Y, and Z represent the earlier generations of the *N50T* that lie behind the different branches of the Salentine Group):

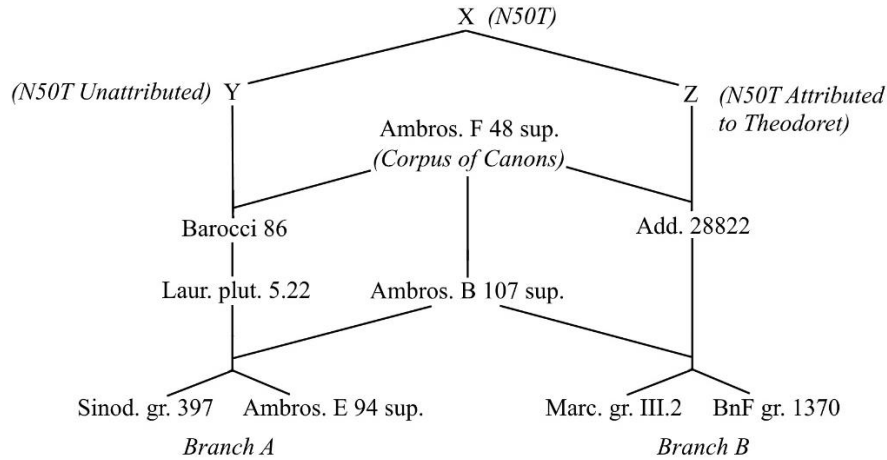


Fig. 13: Approximate Relationship of the Salentine Group MSS (not including the fragmentary Ottob. gr. 186 and Vat. gr. 1287)

The later manuscripts form two main interrelated branches, which for simplicity's sake I shall refer to as 'A' (Laur. plut. 5.22, Sinod. gr. 397, Ambros. E 94 sup.) and 'B' (Ambros. B 107 sup., Add. 28822, Marc. gr. III.2, BnF gr. 1370).

Cultural Defiance: Against the Latins

The bodies of supplemental texts that accumulated in the Salentine Group's two main branches are extremely revealing. Some scholars have presented the proliferation of Greek literature in the Salento peninsula as a form of "ethnic resistance against Latin colonisation," in Lidia Perria's words.⁹⁸ I am not sure if 'ethnic resistance' is quite the right expression for the texts in the Salentine nomocanons, but they are certainly imbued with a sense of cultural defiance.

The manuscripts of branch A assembled a group of theological texts from Late Antiquity that together carry a clear implicit message. In Laur. plut. 5.22, the scribe made his ecclesiastical loyalties clear at the beginning of the appendix with a section entitled "On the Privileges of the Most Holy Throne of Constantinople;" this contains a series of quotes from Byzantine civil and canon law that establish the Patriarchate of Constantinople on equal footing with the Roman

⁹⁸ "La cultura bizantina divenne così un fattore di resistenza etnica contro la colonizzazione latina, alla quale resistenza i testi greci, specie letterari, assicurano un fattore di identificazione, consentendo la riappropriazione della specifica identità culturale": Lidia Perria, "Libri e scritture del monachesimo italo-greco nei secoli XIII e XV," in *Libro, scrittura, document della civiltà monastica e conventuale nel basso medioevo (secoli XIII-XV), Atti del Convegno di studio. Fermo (17-19 settembre 1997)*, edd. Giuseppe Avarucci, Rosa Marisa Borraccini Verducci, and Giammario Borri (Spoleto: CISAM, 1999), 99-132, at 119. Cf. Guglielmo Cavallo, "Libri greci e resistenza etnica in Terra d'Otranto," in *Libri e lettori nel mondo bizantino. Guida storica e critica*, ed. Guglielmo Cavallo (Bari: Laterza, 1982), 155-78.

papacy.⁹⁹ Next comes a history of the Byzantine ecumenical councils and some texts on Lenten fasting and marriage law (more on this below).¹⁰⁰

The most interesting section, however, is a series of short excerpts from late antique theological texts. This begins with an extract from the eighth act of the Second Council of Constantinople (553) entitled: “That one must not remain silent or retreat from those who speak against the truth or piety.”¹⁰¹ The basic message of the passage is that Orthodox Christians have a duty to speak up against heresy. This is then followed by an extract from a letter of Patriarch Proklos of Constantinople to Patriarch John of Antioch (c.438) in which the writer warns the recipient to be on guard against heretics; this is followed in turn by an excerpt from a letter of Bishop Victor of Carthage to the Greek Pope Theodore I of Rome (c.647) asking him to quell the Monothelite heresy.¹⁰² The message is clear: orthodox Christians have to stand up to their opponents.

Who were their opponents? The branch A manuscripts are mostly laconic on this point, leaving the reader to infer it from the various texts on fasting and marriage. Ambros. E 94 sup. contains one text that makes it very clear, however: towards the end of the manuscript there is a tract entitled “A *synodikon* promulgated in the city of Constantine by John the renowned Patriarch of Jerusalem.”¹⁰³ As Louis Petit showed, this was none other than John VIII (first half of the twelfth century), the Greek Patriarch of Jerusalem who was forced into exile in Constantinople while the Holy Land was occupied by the Latin crusader states.¹⁰⁴ John begins his *synodikon* by stating that the papacy was commemorated in the Constantinopolitan diptychs until the patriarchate of Sergios II (1001-1019), after which it “was cut off [from Constantinople] because of the errors committed by the Romans.”¹⁰⁵ John sets out to explain the reasons behind this break in relations by enumerating a list of Latin theological errors, chief among which was the *Filioque*. By including this text, the late thirteenth-century Italo-Greek copyist of Ambros. E 94 sup. was apparently

⁹⁹ Laur. plut. 5.22, fols. 165^v-166^v. Text in Vladimir N. Benešević (ed.), *Drevneslavjanskaja Kormčaja XIV titulov bez tolkovaniij* (St Petersburg, 1906), 2.56-63.

¹⁰⁰ Laur. plut. 5.22, fols. 166^v-170^v.

¹⁰¹ “ὅτι οὐ δεῖ σιωπᾶν καὶ ὑποστέλλεσθαι τοῖς ἀντιλέγουσι τῇ ἀληθείᾳ ἢ γοῦν τῇ εὐσεβείᾳ”: Laur. plut. 5.22, fol. 172^r; Sinod. gr. 397, fol. 125^r; Ambros. E 94 sup, fol. 219^r. Text in *ACO* 4.1.239.1-14.

¹⁰² Laur. plut. 5.22, fols. 172^v-173^r; Sinod. gr. 397, fols. 124^v-125^v; Ambros. E 94 sup., fols. 218^v-219^v. Texts in *PG* 65.874-5; *ACO* 2.1.102.11-22.

¹⁰³ “συνοδικὸν ἐκτεθὲν ἐν Κωνσταντίνου πό[λει] παρὰ Ἰωάννου τοῦ ἀοιδίου πατριάρχ[ου] Ἱεροσλύμων”: Ambros. E 94 sup., fols. 230^r-235^r. The same text can also be found in Milan, Biblioteca Ambrosiana, MS A 45 sup., fols. 131^v-139^v and, under a different title, in Paris, Bibliothèque nationale de France, MS gr. 1295, fols. 26^r-29^r. It remains unedited.

¹⁰⁴ Louis Petit, “Jean de Jérusalem,” in *Dictionnaire de théologie catholique. T. 8, Pt. 1. Issac – Jeûne*, ed. Alfred Vacant (Paris: Letouzey, 1924), 766-7.

¹⁰⁵ “μετὰ τοῦτον δὲ ἐξεκόπη δια τὰ ὑποτεταγμένα ῥωμαίων σφάλματα”: Ambros. E 94 sup., fol. 230^r. John’s summary is essentially correct. Pope Sergius IV (r. 1009-1012) sent the customary declaration of faith to the Eastern patriarchs on his accession in which he included the *Filioque* in the Creed. In response, Patriarch Sergios II of Constantinople refused to commemorate the pope in the diptychs (a customary recognition of orthodoxy). The papacy was not restored to the Constantinopolitan diptychs until the reign of Alexios I Komnenos; this was probably a consequence of political hostilities over southern Italy in the eleventh century. See Michel, *Humbert und Kerullarios*, 1.20-24.

endorsing the Byzantine view that Rome was in serious theological error, although the *synodikon* stops short of accusing the Latins of outright heresy.¹⁰⁶

The branch B manuscripts (Ambros. B 107 sup., Add. 28822, Marc. gr. III.2, and BnF gr. 1370) are more overtly anti-Latin than branch A. In each of these the scribes added a remarkable annotation that I have not seen in other Byzantine canon law collections: “κτ` λατ´,” an abbreviation of “κατὰ λατίνων,” or “against the Latins.” The annotation does not appear alongside any of the supplementary texts, just the canons themselves (or the writings of a canonical authority, in the case of Basil):

Table 9: Occurrences of the κτ` λατ´ (“Against the Latins”) Annotation in the Salentine Group

Ambros. B 107 sup.		Add. 28822		Marc. gr. III.2		BnF gr. 1370	
2 ^r	Apost. Can. 53	16 ^r	Carthage c. 25	135 ^r	Carthage c. 3	72 ^v	Carthage c. 3
6 ^r	I Nicaea c. 3	16 ^v	Carthage c. 27	135 ^v	Carthage c. 6	73 ^r	Carthage c. 6
41 ^v	Chalcedon c. 28	25 ^r	Carthage c. 70	136 ^v	Carthage c. 15	74 ^r	Carthage c. 15
55 ^r	<i>Trullo</i> c. 13			137 ^r	Carthage c. 21	75 ^r	Carthage c. 21
55 ^v	<i>Trullo</i> c. 14			137 ^v	Carthage c. 25, 27	75 ^v	Carthage c. 25, 27
62 ^v	<i>Trullo</i> c. 52, 55					84 ^r	Carthage c. 70
63 ^r	<i>Trullo</i> c. 56					111 ^v	<i>N50T</i> , 26-9
72 ^r	II Nicaea c. 4					125 ^v	Basil, <i>Lesser Asketikon</i> 310
107 ^v	Basil c. 89					128 ^v	<i>Synopsis</i> , pr. 1. 5
148 ^r	<i>Apost. Const.</i> 1.3.11					135 ^r	<i>Synopsis</i> , Carthage c. 25

The markings were added for reference purposes: they help the reader quickly find canons that refute Latin religious customs that the copyists found objectionable. The annotations in Add. 28822, Marc. gr. III.2, and BnF gr. 1370 mostly concern the permissibility of clerical marriage, though they also highlight the question of whether a priest can bless the chrism (he cannot) and whether a priest can be re-admitted to the clergy after having been deposed (*ditto*).¹⁰⁷ Besides clerical marriage, the copyist of Ambros. B 107 sup. annotated canons on fasting, simony, the shaving of priests’ beards, and Constantinople’s status as the New Rome.¹⁰⁸

¹⁰⁶ While the Greek word for ‘heresy’ (αἵρεσις) connotes a deliberate choice to contradict orthodox belief, the term for ‘error’ (σφάλμα) carries the sense of stumbling or tripping by mistake. Thus, the statement that the Latins have committed ‘errors’ conveys a less hostile tone than one might assume.

¹⁰⁷ It is not immediately obvious why these canons (Carthage c. 6 and 27) were thought to be “against the Latins.” The practice of the Byzantine church (as it is today in the Orthodox Church) was that the patriarch had to be present for the blessing of chrism. The Western church did not allow priests to make chrism, but it did allow individual bishops to do so. Perhaps the copyist who marked Carthage c. 6 as anti-Latin misunderstood the Western practice and assumed that Rome also allowed priests to make chrism. Cf. James A. Brundage, “The Decretalists and the Greek Church of South Italy,” in *La Chiesa greca in Italia dall’VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)* (Padua: Antenore, 1973), 3.1075-1081, at 1081.

¹⁰⁸ Again, it is not clear why a canon against simony (II Nicaea c. 4) could be construed as “against the Latins.” Perhaps it was an anti-Latin stereotype among the Italo-Greeks, although as a phenomenon it was certainly not limited to the Latins.

In addition to the κτ` λατ` annotations and the usual texts on marriage and fasting, the branch B manuscripts also contain Patriarch Photios' *Encyclical Letter to the Eastern Patriarchs* (c.867).¹⁰⁹ The letter as it has come down to us is probably a composite of several texts assembled by a later redactor, although they appear to be from genuine writings by Photios.¹¹⁰ In the letter, Photios explains to the patriarchs of Antioch and Alexandria that the Latins have erred in adding the *Filioque* to the Creed, fasting incorrectly (and on the wrong days), and prohibiting clerical marriage.

The Salentine nomocanons thus appear to have served as resources for Greek cultural defiance against Latin Christian practice. It is interesting to see which subjects animated the Salentine clergy the most; unlike the southern Calabrian nomocanons of the early twelfth century, they make very little mention of theological subjects such as the *azyma* or the *Filioque*. There is no trace of the major eleventh-century polemicists such as Niketas Stethatos. Instead, the focus is almost entirely on fasting practices and aspects of clerical discipline, particularly the question of married priests.

The Marriage Law Supplement

Clerical marriage is by far the most consistent matter of concern in the Salentine nomocanons' appendices. The two earliest manuscripts in the group, Ambros. F 48 sup. and Barocci 86 of the early twelfth century, touched on this to a limited extent by including the *Tome of Union* of 920 and Sisinnios II's *Tome Against the Marriage of Cousins*.¹¹¹ As Tia Kolbaba observed, the Byzantines had a widespread stereotype in the eleventh and twelfth centuries that Latins liked to marry their own cousins.¹¹²

The *Tome of Union* and *Tome* of Sisinnios are joined by a fixed group of other legal texts on marriage in all the other Salentine nomocanons: the *Synodal Act* of Alexios Stoudites on marriage (1038), *Ekloge* 2.2, and a canonical *erotapokrisis* by one 'Leo of Calabria'.¹¹³ The *Act* of Alexios Stoudites (patriarch of Constantinople from 1025-1043) and excerpt from the *Ekloge* both outline prohibited degrees of marriage, like the two texts that precede them.

Leo's canonical *erotapokrisis* is of particular interest.¹¹⁴ It begins with a question submitted by a priest named John to "the teacher of teachers and my spiritual father, Leo Grammatikos, archbishop of Calabria."¹¹⁵ As Jean-Marie Martin has shown, this Leo was archbishop of Reggio

¹⁰⁹ Add. 28822, fols. 37^v-43^r; BnF gr. 1370, fols. 196^v-101^v; Marc. gr. III.2, fols. 163^v-169^v. Text in PG 102.721-42.

¹¹⁰ For a recent discussion of the history of the text, see Jack Turner, "Was Photios an Anti-Latin? Heresy and Liturgical Variation in the *Encyclical to the Eastern Patriarchs*," *Journal of Religious History* 40.4 (2016): 475-89, at 480.

¹¹¹ Although the relevant folia have been lost from Ambros. F 48 sup., the texts are mentioned in the table of contents at fol. 2^r. Barocci 86 only included Sisinnios' *Tome* (fols. 144^v-145^v). Texts in RP 5.4-10.

¹¹² Kolbaba, *The Byzantine Lists*, 44-6. The irony is that the marriage of cousins clearly took place among the Byzantines as well (to judge from the abundant quantity of literature that they produced on the subject).

¹¹³ The *Tome of Union*, *Tome* of Sisinnios II, and *Synodal Act* of Alexios Stoudites are also all present in Vat. gr. 2019, fols. 114^v-117^v.

¹¹⁴ Text in PG 120.177-80.

¹¹⁵ "τῷ καθηγητῇ τῶν καθηγητῶν καὶ πνευματικῷ μοῦ πατρὶ κυρῷ Λέοντι τῷ Γραμματικῷ καὶ ἀρχιεπισκόπῳ Καλαβρίας Ἰωάννης πρεσβύτερος δοῦλος Ἰησοῦ Χριστοῦ ἀνάξιος": PG 120.177.

from c.878 and may have still held the see when it was elevated to metropolitan status in 886.¹¹⁶ The priest John has a very specific question to ask: “There is a certain cleric, teacher, who married a woman, and he wants to be ordained a priest before cohabiting with her, expecting to take her virginity after his ordination. Tell me if this is possible.”¹¹⁷ Leo’s answer is no: a person is not truly married unless he has consummated the union with his wife. If the cleric tried to consummate the union after his ordination it would be a form of fornication since Byzantine clergy were only allowed to marry *before* their ordination (a point that also holds true for Orthodox clergy today).¹¹⁸ Thus he must take his wife’s virginity “legally,” i.e. before becoming a priest.

While this may a useful thing to know, it is hardly likely that the Greek clergy of the thirteenth-century Salento were especially concerned with exactly when a priest could take his wife’s virginity. The main interest for readers, one suspects, lay in the fact that a priest was allowed to have a wife at all. The *erotapokrisis* takes it for granted that married clergy who cohabit with wives are perfectly normal. Unlike the surviving Calabrian nomocanons, which were all produced for monastic use, the extant Salentine nomocanons were primarily produced for the secular clergy, as we saw in chapter three.¹¹⁹ It makes good sense, then, that the Salentine manuscripts are the only ones to preserve this text.¹²⁰ As a point of interest, Leo’s *erotapokrisis* has the distinction of being the only surviving Greek canon law text that was composed within southern Italy itself. The fact that it survived at all demonstrates the importance of its subject matter to its readers.

Several other texts on clerical marriage appear in the manuscripts besides this set group. Marc. gr. III.2 and Ambros. B 107 sup., for example, have a short anecdote on “Paphnoutios the bishop, who was from a city in the Upper Thebaid.”¹²¹ The story recounts that the fathers of the First Council of Nicaea were planning to prohibit priests from having conjugal relations with their wives, but Paphnoutios opposed the plan, arguing that celibacy was not necessary or helpful for married clergy. Paphnoutios was such a renowned ascetic that his word carried the day.¹²² In the increasingly Latinised environment of thirteenth-century Apulia, the married clergy of the Italo-Greek church were the exception to the Western rule of clerical celibacy. The Salentine

¹¹⁶ Jean-Marie Martin, “Léon, archevêque de Calabre, l’Église de Reggio et la lettre de Photius (Grumel-Darrouzès no. 562),” in *Ενψυχία. Mélanges offerts à Hélène Ahrweiler*, ed. Michel Balard (Paris: Publications de la Sorbonne, 1998), 2.481-91, at 481-5.

¹¹⁷ “κληρικός τις ἔγημε γυναῖκα, διδάσκαλε, καὶ πρὶν ἢ συνοικῆσαι αὐτὸν τῇ γαμετῇ, βούλεται χειροτονηθῆναι πρεσβύτερος, ἐκδεχόμενος μετὰ τὴν χειροτονίαν ἐκπαρθενεῦσαι αὐτήν. εἰ οὖν ἔξεστι τοῦτο, δήλωσόν μοι.”

¹¹⁸ The view that sexual consummation was necessary for a marriage to be considered valid would later be shared by several Western canonists such as Gratian and Rolandus; see James A. Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago: University of Chicago Press, 1987), 260-78.

¹¹⁹ See chapter three, pp. 115-8.

¹²⁰ Martin, “Léon, archevêque de Calabre,” 482 was aware of BnF gr. 1370 and Ottob. gr. 186. It is in every single Salentine Group manuscript except Ambros. F 48 sup., Barocci 86, and Laur. plut. 5.22.

¹²¹ “Παφνούτιος ἐπίσκοπος, ὅστις ἦν ἐκ μίας πόλεως τῆς Ἀνωθηβαΐδος”: Marc. gr. III.2, fols. 128^v-129^r; Ambros. B 107 sup., fol. 158^v. Although the text does not appear in Sinod. gr. 397, the scribe who copied that manuscript was apparently aware of it; alongside a reference to Paphnoutios in the introductory section of I Nicaea, he wrote, “See the statement of Paphnoutios” (“ζήτη[ει] τ[ῆς] ὑποθ[έσεως] τ[οῦ] Παφνουτίου”): Sinod. gr. 397, fol. 8^r. Some folios are missing from the end of the manuscript, and so it is possible that the anecdote was originally included.

¹²² The anecdote was adapted from Socrates, *Historia Ecclesiastica* 1.11.1-7, as Delle Donne, “Il codice greco,” 383 has observed. Interestingly, the same text can be found in the manuscript *Corpus Christi College* 486, fols. 166^v-168^r, which also contained copies of the essays ‘On the Lenten Fast’ and ‘On the Presanctified Gifts’ from the Casulan BnF gr. 1371.

nomocanons therefore used stories such as that of Paphnoutios to emphasise that clerical marriage was both normal and rooted in the ancient canon law of the Church.

Summary

The contents of the Salentine Group manuscripts largely reflect the needs and interests of the region's Greek secular clergy in the late twelfth and thirteenth centuries. Although the copyists based their nomocanons on archaic codifications that had come to Byzantine Italy in the ninth and tenth centuries, they addressed the cultural changes of the post-Norman era by aggregating a gradually expanding group of supplementary texts. Being (mostly) unable to import contemporary works from Byzantium, they assembled new compilations of supplementary texts from the sources that they had available to them.

The Salentine Group nomocanons give the impression of a culturally defiant minority that still viewed itself as a part of the religious and intellectual world of the Byzantine Empire until at least the end of the thirteenth century, and possibly later. Their main concerns, however, were not abstract theological disputes or debates over papal primacy, but more concrete matters of daily *praxis* such as fasting and the marital life of the clergy. The nomocanons give the impression that the Greek priests of the Salento were especially conscious of their differences with the Latin church in these areas and were keen to justify their own practices. They may have been justifying them as much to themselves as they were to a Western audience, as we shall see in the following chapter.

Conclusion to Chapter Five

Legal historians who study the Middle Ages generally approach their subject from the perspective of the law-makers, be they emperors, popes, councils, or patriarchs. This is perfectly reasonable, since these were the figures who created the majority of written sources; their point of view also allows for the most coherent historical narrative. The eleventh to thirteenth centuries saw great steps towards the systematisation and codification of canon law in Western Europe, while the Byzantine East underwent similar developments of its own, albeit from a different starting point. These facts have contributed to a widespread teleological model of medieval legal history as part of a general progression from the 'primitive' folk law of the early Middle Ages to the formal law of the modern Western world. Alternatively, to put it in Robert Cover's terms, there was a grand transition from 'paideic' to 'imperial' law.¹²³

However, while this narrative is largely accurate for major political centres such as Rome and Constantinople, it does not fit peripheral communities such as the medieval Italo-Greeks. Thanks to the legacy of the Byzantine Empire in southern Italy, the Italo-Greek Christians entered the era of Latin rule with a steady, if archaic, textual tradition of canon law. The long-term consequences of the Norman conquest posed a significant challenge to this tradition by removing the Italo-Greeks from the jurisdiction of Constantinople and placing them under that of Rome.

¹²³ See introduction, pp. 7-8.

As subjects rather than rulers, the Italo-Greeks under the Latin kingdom did not face the sort of social conditions that drove Rome and Constantinople to embark upon the systematisation of their canon law texts in the twelfth and thirteenth centuries. On the other hand, the independent, decentralised character of Norman rule meant that they were not compelled to renounce their inherited legal tradition or even adapt it to that of their new leaders. As a result, the Italo-Greeks continued to read and write Byzantine canon law texts exclusively.

However, they did have to adapt their legal collections to their new situation as a cultural and religious minority. The *Patiron* of Rossano and St Nicholas of Casole were able, for a time, to maintain active cultural connections with Constantinople, but they appear to have been the exception. The rest of the Italo-Greeks adapted their existing nomocanons by aggregating collections of supplemental texts to address the differences between themselves and their Latin neighbours – mainly in fasting and marital customs. The Italo-Greek nomocanons therefore began to evolve from sources of legal to cultural authority, from the ‘imperial’ to the ‘paideic’. We shall look at exactly how and why this occurred in the final chapter.

Chapter Six

Byzantine Canon Law on the Latin Periphery: From Legal to Cultural Authority

We have now seen how the Italo-Greek nomocanons survived, who made them, how they were made, and what they contained. This final chapter turns to the question of how they were read. What purpose did these Byzantine manuscripts serve in southern Italy? In particular, why did the Italo-Greeks continue to copy and read them after the region had ceased to be a part of the Byzantine Empire?

These are questions that return us to the twin underlying concepts of this study: the theories of legal pluralism and of law as a field of social discourse. Byzantine canon law was just one legal system employed by one cultural/religious subgroup of southern Italian society, existing alongside other legal systems of other institutions and cultural communities (e.g. church, state, Lombards, Normans, etc.). To explain how Byzantine canon law existed and operated within this plurality of legal systems, it is necessary to understand its developing role within the social discourse of Italo-Greek law and culture.

As the jurist Robert Cover put it, the legal field of social discourse is a spectrum between what he called ‘imperial law’ (a formal legal system enforced by a state or equivalent institution) and ‘paideic law’ (informally enforced behavioural norms within a social group).¹ Byzantine canon law had always combined aspects of both the imperial and the paideic, but the precise ratio shifted over time. Understanding this fact is crucial in explaining how the Italo-Greek nomocanons continued to have a purpose long after the Norman conquest.

A major difficulty in examining the practical use of Byzantine canon law in southern Italy is the complete absence of any archival documentation on canonical proceedings, as we have seen already. Unlike matters of property and inheritance law, the Italo-Greek ecclesiastical and monastic courts have not bequeathed any surviving records of their workings. Instead, it is necessary to look at evidence of how people read the nomocanons and how they incorporated canonical subject matter into their literary works.

First and foremost, the nomocanons contain a vast quantity of marginalia that can give clues into which subjects were felt to be particularly important and, on occasion, what the copyist or reader thought about them. Indeed, there are so many that it is unfortunately impossible to discuss them all in detail here. These take numerous forms such as simple asterisks and other types of highlighting, instructions to the reader to “pay attention,” expressions of opinion, and textual references to (or quotations from) other texts that deal with similar subjects. There are caveats, of course: one needs to ask whether a marginalium was left by the scribe or by a reader, whether it was an original comment or a copy of something from a different manuscript, and what its purpose was. Marginalia are also very difficult to date with any certainty. Unless they contain a concrete clue (which they do on rare occasions), one usually needs to rely on palaeographical analysis, which can be unreliable and imprecise.

¹ See introduction, pp. 7-8.

Secondly, there are several texts by known Italo-Greek authors of the twelfth to thirteenth centuries such as Neilos Doxapatres and Nektarios of Otranto that discuss Byzantine canon law, sometimes in great detail. There are still more tracts by anonymous writers. By seeing how they mobilise the canons in the service of their arguments it is possible to gain a good insight into their assumptions and views on the subject. Moreover, some of these texts were themselves copied into nomocanons. Again, one must be cautious; although some authors based their work directly on a nomocanonical manuscript, others drew their knowledge of canon law from intermediate sources such as Niketas Stethatos' *Polemical Discourse*. Some probably used a combination of nomocanons and intermediate sources. Dating can also be a problematic issue here, particularly in the case of the anonymous texts.

These sources combine to give a coherent view of the changing purpose of Byzantine canon law in southern Italy over the course of our period. The Byzantine Empire implanted its law in Greek-speaking areas of the region in the late ninth and tenth centuries in an effort to integrate southern Italy into Constantinople's legal system. The Norman conquest of the mid-eleventh century broke the region's connection with Byzantine jurisdiction, but the new rulers afforded many (though not all) Italo-Greek bishops and monasteries a high degree of legal autonomy. This in turn allowed Byzantine canon law to survive as form of quasi-official legal system in Greek-speaking areas.

The thirteenth century brought an end to this state of affairs as the Italo-Greek church was progressively absorbed into the administrative structures of the Roman papacy. Yet, though the 'imperial' purpose of the nomocanons disappeared, their 'paideic' function expanded. The nomocanons shifted from being legal to cultural authorities, illuminating and legitimising the distinctive cultural and religious practices of the Italo-Greeks in the face of social change. One must stress that this change did not take place instantaneously, nor did it happen at a uniform pace throughout southern Italy. Nonetheless, the shift of Byzantine canon law from an imperial to a paideic system in the tenth to fourteenth centuries was unrelenting.

In this chapter I shall lay out the four main phases of this transition from imperial to paideic law: the era of Byzantine rule in the ninth to eleventh centuries; the Norman period in the eleventh and twelfth centuries; the crucial turning point around the Fourth Lateran Council in the early thirteenth century; and, finally, the period of religious and cultural integration that followed from the mid-thirteenth century on. In the first two phases, Greek canon law went from an officially sanctioned legal system under the Byzantines to one that was merely tolerated under the Normans. In the third and fourth phases, it lost its role as a legal system but found acceptance instead as a pillar of the Italo-Greek cultural and religious heritage.

1. Greek and Latin Canon Law in Byzantine Italy (9th-11th Centuries)

The Patriarchate of Constantinople had exercised authority over the church in southern Italy since c.733, when the Byzantine emperor Leo III (*r.* 717-740) had transferred the region from Roman jurisdiction during the Iconoclast crisis.² This was limited at first to Calabria and Sicily but

² See chapter one, p. 23.

expanded to include Lucania and Apulia as those territories were reconquered in the ninth and tenth centuries. The evidence for this period is extremely limited, as we have seen, but it is a safe assumption that Constantinople enforced the Byzantine canon law system in Greek-speaking areas under its control, particularly as it established new metropolitan archdioceses in Reggio (886), S. Severina (886), and Otranto (967/8).

The exercise of Constantinople's jurisdiction is demonstrated, for instance, by the canonical letter of Patriarch Photios to Archbishop Leo Grammatikos of Reggio and Leo's own letter to the Calabrian priest John.³ Moreover, Italo-Greek hierarchs were present in Constantinople for several important councils and patriarchal acts in the period. Leontios of Reggio, Nikephoros of Crotone, Demetrios of Squillace, John of Tempsa, and George of Gerace were all present at the Constantinopolitan synod of 869. Demetrios of Squillace was present again at the Photian council of 879 along with Leo of Reggio and Mark of Otranto.⁴ A century later, the signatories of Sisinnios II's *Tome on the Marriage of Cousins* included Basil of S. Severina and one 'Leo of Catania', which may perhaps be a mistake for Reggio.⁵ Although there are no Calabrian hierarchs among the signatories of Alexios Stoudites' two *hypomnemata* of 1028, Metropolitan Nicholas of Otranto was in attendance representing southern Italy.⁶

Evidence from the Carbone Nomocanon (Vat. gr. 1980-1)

The limited evidence suggests, then, that the Greek bishops of Byzantine Italy played an active role in the administration of the Patriarchate of Constantinople's canonical legal system. Although it probably dates to the second half of the eleventh century, the Carbone nomocanon (Vat. gr. 1980-1) gives a good insight into which topics of canon law were of interest to the Greek hierarchs of Byzantine Italy. The scribe who copied the manuscript frequently highlighted canons, writing short summaries of their content in the margins to draw the reader's attention and occasionally providing citations of other texts that touch on the same subject. It is difficult to say whether these were the scribe's own observations or if he copied them from his model, though I have not seen them in any other manuscript.⁷

There are clear patterns that suggest that the manuscript was originally meant for use by a Greek bishop with responsibility for the discipline of secular clergy (it later came into the possession of

³ On Photios' letter, see chapter one, 22-3. For Leo's letter, see chapter five, pp. 189-90.

⁴ Mansi 16.189-96. See also Francesco Russo, *Storia della Chiesa in Calabria dalle origini al Concilio di Trento* (Soveria Mannelli: Rubbettino, 1982), 1.213-4.

⁵ RP 5.11-19, at 19. Catania in Sicily was under Islamic control at the time, and so it seems unlikely that its bishop would have been able to come to Constantinople to sign Sisinnios' *Tome*. One would expect the metropolitan of Reggio to attend, however – especially given the fact that the metropolitan of S. Severina did.

⁶ RP 5.20-32, at 25, 32.

⁷ Many texts such as the *NI4T* and the canons of Basil of Caesarea have standardised marginalia that frequently recur in manuscripts from across the Byzantine world. The marginalia in the Carbone nomocanon, by contrast, appear to be specific to that manuscript.

the monastery of SS Elias and Anastasios of Carbone). For ease of visualisation, I present here the annotated canons of Vat. gr. 1980 divided by subject area.⁸

Table 10: Highlighted Canons in the Carbone Nomocanon by Subject

Subject	Canons
Limits of episcopal jurisdiction	Apost. c. 34, 35 (fol. 21 ^v); I Const. c. 2 (fol. 36 ^r); Chalc. c. 17 (fol. 50 ^v); Ant. c. 9 (fol. 147 ^v); Sard. c. 3, 4, 11 (fols. 158 ^v , 159 ^v , 163 ^v)
Ecclesiastical judicial process	Apost. c. 25 (fol. 20 ^v); Chalc. c. 9 (fol. 48 ^v); Ant. c. 15 (fol. 149 ^v); Sard. c. 5 (fol. 159 ^v); Carth. c. 15, 59 (fols. 171 ^v , 187 ^r)
Clerical hierarchy and discipline	I Nic. c. 16 (fol. 33 ^r); Chalc. c. 18 (fol. 50 ^v); <i>Trullo</i> c. 4, 7 (fols. 82 ^v , 84 ^r); Ant. c. 4 (fol. 146 ^v); Carth. c. 16 (fol. 172 ^v)
Ordination of priests and bishops	Apost. c. 21, 68 (fol. 20 ^r , 25 ^v); I Nic. c. 9 (fol. 31 ^r); Laod. c. 12 (fol. 154 ^r); Sard. c. 6 (fol. 160 ^v)
Reception of repentant heretics	I Nic. c. 8, 19 (fol. 30 ^v , 34 ^r); I Const. c. 6 (fol. 32 ^r); <i>Trullo</i> c. 95 (fol. 113 ^v)
Order of patriarchal precedence	I Nic. c. 6 (fol. 30 ^r); Chalc. c. 28 (fol. 53 ^r); <i>Trullo</i> c. 36 (fol. 95 ^v)
Catechism and Baptism	Apost. c. 50 (fol. 23 ^v); <i>Trullo</i> c. 84 (fol. 110 ^r); Neocaes. c. 5 (fol. 135 ^v)
Simony	Apost. c. 29 (fol. 21 ^r); II Nic. c. 5 (fol. 120 ^v)
Clerical marriage	Carth. c. 4, 70 (fols. 168 ^v , 191 ^v)
Diocesan administration	Chalc. c. 26 (fol. 52 ^v)
Monasticism	<i>Trullo</i> c. 44 (fol. 99 ^v)
Fasting	<i>Trullo</i> c. 29 (fol. 92 ^r)
Miscellaneous	<i>Trullo</i> c. 28, 62, 96 (fols. 92 ^r , 104 ^v , 110 ^r)

The majority of annotations, it is clear, concern canons on the episcopate, clerical discipline, and ecclesiastical courts. The scribe occasionally also made observations of his own; alongside canon five of the Second Council of Nicaea (787), for instance, he remarked that simony is “a deadly sin. Absolutely clear.”⁹ These are all matters that would be of concern to a bishop administering a diocese; by contrast, there are far fewer annotations on subjects that one would expect to interest a monastic readership. The distribution of marginalia thus implies that the Carbone nomocanon originally belonged to a bishop before it was acquired by the monastery of SS Elias and Anastasios.

One particularly revealing comment comes alongside canon five of the Council of Sardica (344), which states that deposed bishops have the right to appeal to the bishop of Rome for a retrial. In the view of the eleventh-century Byzantine church, the twenty-eighth canon of the Council of Chalcedon (451) had granted the Patriarchate of Constantinople the same rights as the papacy and made it the default court of appeals for the Eastern Christian hierarchy. Indeed, this was the essence of the proposal that Basil II and Alexios Stoudites offered to Pope John XIX in 1024 as the

⁸ The majority of highlighted conciliar canons are located in Vat. gr. 1980. Vat. gr. 1981 contains patristic canons (which are annotated *passim*) and the *NI4T*, which carries a standardised set of scholia present in most manuscripts.

⁹ “ἀμαρτί[α] πρὸ[ς] θάνατ[ον]. σαφῶς ὅλον”: Vat. gr. 1980, fol. 120^v.

Byzantines prepared to invade Sicily: the Pope and Patriarch would each be considered ‘ecumenical’ in their own territories and agree to stay out of the other’s sphere.¹⁰ The copyist of Vat. gr. 1980-1 offers the same interpretation of the subject. When the canon states that deposed bishops may appeal to the Roman pope, he dismissively asserts that “this canon is clearly about bishops in the West... Both Hosius [one of the bishops at the council] and those who were issuing canons with him were from those parts... Until now, such a custom has not taken hold anywhere [in the East].”¹¹ (Note that he does not mean ‘the West’ in a geographical sense but use it to refer to the Latin hierarchy in general.)¹² The scribe of the Carbone nomocanon thus had exactly the same perspective on ecclesiastical jurisdiction as the Patriarchate of Constantinople. This was probably a typical view among Greek bishops in Byzantine southern Italy, who were usually appointed directly by Constantinople.

Latin Canon Law under Byzantine Rule?

Given the paucity of sources in this period, one could be forgiven for overlooking the fact that there were also substantial numbers of Latin Christians in Byzantine Italy. Although Greeks were the majority in Calabria, Latins certainly outnumbered them in large areas of Apulia and Lucania. It is easy to frame the question of community relations between the two groups in terms of the Norman conquest, but many of the issues that arose in the twelfth and thirteenth centuries had deeper roots stretching back to the Byzantine period.

Although the Byzantine imperial authorities appear to have attempted to win the political loyalties of Latin hierarchs in southern Italy, it is difficult to say what relationship – if any – the Patriarchate of Constantinople had with them.¹³ Besides two abortive attempts to persuade them to adopt the Eucharistic custom of using leavened bread (by Polyeuktos in 968 and Michael Keroularios in 1052), there is little evidence for direct contact between the Latin bishops under Byzantine rule and the patriarchal court.¹⁴ There are no Latin signatories to any of the surviving judgements or decrees of the synod of Constantinople in this period, for instance, while extant sources give the impression that the patriarchate generally lived in naïve ignorance of the Latin church.¹⁵ In turn, Constantinople’s legal system made little formal impression on Latin canon law collections from southern Italy.¹⁶ Indeed, the situation for Latin hierarchs under the Byzantine Empire may have

¹⁰ See chapter one, pp. 29-30.

¹¹ “πρόδηλ[ον] περὶ τ[ῶν] ἐν τ[ῇ] δύσει ἐπι[υ]σκόπων ὁ καν[ὼν] οὗτο[ς]... καὶ ὁ Ὅσιος καὶ οἱ συ[ν] αὐτ[ῶ] ἐκθέμ[εν]οι κανόν[ας] τ[ῶν] μερ[ῶν] ἐκειν[ῶν]... οὐδαμ[οῦ] μέγρη τοῦ νῦν συνήθεια τοιαυτ[ή] κεκράτηκεν [*sic*]”: Vat. gr. 1980, fol. 159^v.

¹² In purely geographical terms, the Council of Sardica took place to the *East* of southern Italy.

¹³ In June 1053, for example, the Byzantine *katépano* Argyrus (himself a Latin-rite Lombard) thanked the Latin bishop Genesisus of Taranto for his fidelity to the emperor and the ancestral *oikeiosis* (‘family spirit’) that he showed towards the Byzantines: *Carbone* 5. For discussion, see André Guillou, “Notes sur la société dans le katépanat d’Italie au XI^e siècle,” *Mélanges d’archéologie et d’histoire* 78 (1966): 439-65, at 442-4.

¹⁴ On the claim that Polyeuktos attempted to ban the Latin rite in southern Italy, see chapter one, p. 24.

¹⁵ This is the impression given by a number of texts of the 1050s such as Leo of Ohrid’s letter to John of Trani, Niketas Stethatos’ *Polemical Discourse against the Latins Concerning Azyma*, and Peter III of Antioch’s letter to Domenicus of Grado in which he rather artlessly advised the Patriarch of Aquileia not to use the title ‘patriarch’.

¹⁶ One significant problem in assessing Byzantine influence on Latin canon law manuscripts from southern Italy is that very few survive and those that do are all from areas outside direct Byzantine control such as Montecassino. It is

been similar to that of Greek Christians under the Normans in that they probably observed their own canon law tradition with little regard for that of their political masters.

2. The Survival of Byzantine Canon Law under Norman Rule (12th Century)

The Norman conquest of southern Italy may have brought the Italo-Greeks under the Church of Rome, but it did not provide the clean break with Constantinople that one might have expected. The expulsion of the Byzantines from southern Italy came at an interesting juncture in the history of the medieval papacy. The popes' attention in the late eleventh century was focused on securing their jurisdictional authority: securing their general authority against the Salian emperors of Germany on the one hand, and their regional authority in southern Italy against the Byzantines and Muslim Sicilians on the other. The great Lateran Councils of the twelfth and thirteenth centuries that aimed to reform the discipline of the Latin clergy were still to occur. Furthermore, neither Rome nor Constantinople had yet grasped that their respective systems of ecclesiastical law and governance were rapidly growing incompatible with one another, each believing that they could normalise their relations through diplomatic agreement alone.

In these circumstances, the papacy was far more interested in securing the personal loyalty of the Italo-Greek bishops than it was in reforming their liturgical life or legal system. Indeed, the curia was probably genuinely ignorant of the fact that the Italo-Greek church even had a different legal system. For their part, the Normans were far more concerned with the political loyalties of their church than its spiritual alignment. Their first objective may have been to rid themselves of bishops who might support the return of the Byzantine Empire, but their second objective was to ensure that their papal suzerains exercised as little direct authority in southern Italy as possible. This combination of factors ensured that the formal system of Byzantine canon law survived the Norman conquest in several areas of Calabria, Sicily, and the Salento.

Canon Law and the Italo-Greek Episcopate

In discussing the fate of Byzantine canon law in southern Italy after the Norman conquest, one must make a distinction between the episcopal and the monastic spheres, which in many instances were functionally separate for much of the twelfth century. As we have seen in previous chapters, much less evidence survives for the former than the latter. The Greek bishops of southern Italy agreed to accept the pope as their primate; those who did not were not allowed to retain their sees. Some Italo-Greek hierarchs even attended the First and Third Lateran Councils.¹⁷ Nonetheless, it appears that they preferred to administer their own dioceses according to Byzantine canon law; we

true that the southern Italian *Collection in Five Books* contains a greater range of Eastern patristic texts than other Western canon law collections, although it is unlikely that they were drawn directly from Greek canon law manuscripts. See Roger E. Reynolds, "The South-Italian Canon Law *Collection in Five Books* and its Derivatives: New Evidence on its Origins, Diffusion, and Use," *Mediaeval Studies* 52 (1990): 278-95, at 292; *Ibid.*, "Canonistica Beneventana," in *Proceedings of the Ninth International Congress of Medieval Canon Law, Munich, 13-18 July 1992*, edd. Peter Landau and Joers Müller (Vatican City: Biblioteca Apostolica Vaticana, 1997), 21-40, at 26-7. Further research on Latin canon law collections from southern Italy would undoubtedly yield interesting insights.

¹⁷ See chapter one, p. 45.

have seen, for instance, that the twelfth-century *Synopsis of Canons* with the commentary of the Byzantine *nomophylax* Alexios Aristenos (Vat. gr. 2019) was still in use in the archdiocese of Rossano in the early thirteenth century. The Carbone nomocanon was mostly likely also still used by a Greek bishop or bishops in Lucania until the early to mid-twelfth century.

There are many signs that the Greek bishops and secular clergy of southern Italy still viewed themselves as dependent on Constantinople in spirit even if they were formally dependent on Rome. Luke, the bishop of Isola who castigated the Latins for celebrating the Eucharist with *azyma*, provides an interesting example.¹⁸ After he was enthroned as bishop, probably in the 1070s-1080s, he travelled to Sicily to evangelise and ordain clergy in the newly reconquered land. Following his return to Calabria, his biographer tells us that “he wanted to travel also to the Queen of Cities [i.e. Constantinople]. But when he arrived at Taranto, he did not have consent for his wish from Him [i.e. God] who knew everything before his [i.e. Luke’s] birth.”¹⁹ The *vita* does not clarify why exactly Luke could not travel to Constantinople, but it is possible that his attempt coincided with one of the efforts by Robert Guiscard (1080-1085) or Bohemond of Taranto (1104-1108) to seize the Byzantine throne. Luke had less fortune than St Bartholomew of Simeri, who did manage to visit Constantinople in c.1105.²⁰

This brief anecdote in Luke’s *vita* implies that he still viewed the patriarch of Constantinople as his spiritual head. There are other sources that corroborate this impression of the Italo-Greek episcopate under Norman rule. A good example is the correspondence between Bishop Paul of Gallipoli in the Salento peninsula and an unnamed patriarch in which Paul enquired about how to perform the *proskomide* (liturgy of preparation) and the presanctified liturgy.²¹ The dating of the letter has been disputed: Cozza-Luzzi originally placed it in the 1080s, but André Jacob preferred to situate it in 1174.²² More recently, Valerio Polidori has argued convincingly for the traditional dating of c.1081, which would mean that the patriarch was either Kosmas I Attikos (1075-1081) or Eustratios Garidas (1081-1085). The patriarch’s answer was later copied into the *typikon* of St Nicholas of Casole in 1173 and circulated in a wide array of Salentine manuscripts.²³

Luke and Paul, both newly elected Greek bishops in southern Italy in the decades after the Norman conquest, evidently still looked to Constantinople for spiritual leadership despite the fact that they

¹⁸ For Luke of Isola’s criticism of the *azyma*, see above, p. 175.

¹⁹ “οὕτω διατελῶν καὶ τὸν ἴδιον θρόνον καταλάβων, ἀπάρας ἐκεῖθεν, ἠβούλετο διαπερᾶσαι καὶ ἐπὶ τὴν βασιλεύσουσαν. φθάσαντος δὲ αὐτοῦ ἄχρι τῆς Τερέντου [sic], οὐκ ἔσχε συνευδοκοῦντα τῷ βουλήματι τὸν τὰ πάντα πρὶν γενέσεως ἐπιστάμενον”: Giuseppe Schirò (ed. and trans.) *Vita di S. Luca, vescovo di Isola Capo Rizzuto* (Palermo: Istituto Siciliano di Studi Bizantini e Neogreci, 1954), 90 ll. 129-32.

²⁰ See chapter one, p. 40.

²¹ Only the patriarch’s reply has been preserved: text in Valerio Polidori, “La lettera patriarcale a Paolo di Gallipoli,” *Bollettino della badia greca di Grottaferrata* 9 (2012): 191-220, at 212-5. The question of how to fraction the Eucharistic bread in the *proskomide* service was also mentioned in the anti-Latin tract “On Pascha and Bread” in Alag. 3; see chapter five, pp. 199-200.

²² Giuseppe Cozza-Luzzi, “Excerpta ex Typico Casulano,” in *Novum Patrum Bibliotheca* (Rome: Bibliotheca Vaticana, 1905), 10.2.149-76, at 153; André Jacob, “La lettre patriarcale du *typikon* de Casole et l’évêque Paul de Gallipoli,” *Rivista di studi bizantini e neoellenici* 24 (1987): 143-63, at 158-9. Jacob’s dating has been followed recently by Linda Safran, *The Medieval Salento: Art and Identity in Southern Italy* (Philadelphia: University of Pennsylvania Press, 2014), 143.

²³ Polidori, “La lettera patriarcale,” 192-9.

must have sworn formal loyalty to the pope. The lack of evidence means that it is difficult to say exactly how they administered canon law in their own dioceses, but, given the general lack of papal oversight in the eleventh and twelfth centuries, it seems likely that they continued to follow the Byzantine model. This is certainly suggested by the content of surviving manuscripts from places such as Rossano and by analogy to the independent Greek monasteries.

The Monastic Archipelago

If the evidence for the use of Byzantine canon law by Italo-Greek bishops is vague, it is much clearer in the case of monasteries. With the support of the Norman aristocracy (and, after 1130, the royal court), the great archimandrites and independent abbeys formed a quasi-autonomous archipelago of Byzantine canon law in southern Italy. As we saw in chapter three, the Archimandrite of Messina was expressly invested with independent civil and canonical authority by Roger II, while other monasteries such as the *Patiron* were exempted from episcopal authority.²⁴ Such an exemption was not always an anti-papal move *per se* – after all, the *Patiron* was originally exempted by Pope Paschal II himself – but the authority of the Norman monarchs served as an effective buffer between the Italo-Greek monasteries and any potential interference from either the papacy or local bishops.

These monasteries' nomocanons often contain marginalia that reflect their copyists' and readers' interests. One frequently sees highlights and annotations alongside canons relating to monastic life and administration. In fols. 221^v-222^v of the *Patiron*'s Vat. gr. 2060, for instance, the scribe wrote a series of marginal summaries and a running index of key words alongside the text of *Collectio Tripartita* 1.3.39-46, a section that deals with the governance of monasteries and the management of monastic property; he left similar notes at fols. 229^r-230^r alongside *Coll. Trip.* 1.4.29-34 on the subject of judicial procedure against clergy and how bishops should give testimony. Several readers also left marginal annotations on similar topics. Carthage c. 80, for example, states that bishops should not attempt to ordain abbots or hieromonks in monasteries that they do not control; next to this, a twelfth-century Greek hand scrawled “pay attention.”²⁵

A reader from the Holy Saviour of Bordonaro also highlighted Carthage c. 80 in S. Salv. 59 with the note, “What it says about monks from other monasteries.”²⁶ Later in the manuscript, another reader observed that *Protodeutera* c. 1-6 are “about monks.”²⁷ The readers of this nomocanon evidently shared the *Patiron*'s concern about relations with the episcopate, as we see from Sardica c. 14. This canon safeguards against mistrials by prejudiced hierarchs by ensuring a defendant's right to appeal; one reader noted wryly that it is “about an angry bishop.”²⁸ The same hand added

²⁴ See chapter three, pp. 99-103.

²⁵ “προσέχε”: Vat. gr. 2060, fol. 81^r. The reader wrote the same instruction on several other occasions in the manuscript as well.

²⁶ “περ[ι] μ[ο]ν[α]χ[ῶ]ν ἀπ’ ἄλλ[ων] μ[ο]ν[α]στ[η]ρ[ῶ]ν τί λέγει”: S. Salv. 59, fol. 139^r.

²⁷ “περ[ι] μοναχ[ῶ]ν”: S. Salv. 59, fol. 201^v. Cf. annotations in Salentine Group manuscripts such as Sinod. gr. 397, which notes that Peter of Alexandria's fifth canon is “about clergy” (“περ[ι] κληρικ[ῶ]ν”): Sinod. gr. 397, fol. 92^v. Annotations such as these can help indicate what sort of readership a nomocanon had (monastic or clerical).

²⁸ “περὶ ὀξυχόλου ἐπισκόπου”: S. Salv. 59, fol. 114^r. That is to say, it is about a bishop who is so angry that he condemns a subordinate unfairly.

reference notes to Apostolic Canon 38 (“pay attention – [this is] about ecclesiastical property”) and I Const. c. 6 (“about what sort of people ought to be accusers”).²⁹

There are too many of these annotations in the nomocanons to list in full here, but they show a clear concern with questions of monastic administration, judicial process, ownership of ecclesiastical property, and the right to keep bishops out of the monasteries’ affairs. Canons dealing with sin and penance are sometimes also noted, but less often; presumably abbots preferred to use penitential manuscripts for dealing with monks’ spiritual discipline.³⁰ These are not the only issues that the readers seem to care about, of course, but they recur with the greatest regularity in the nomocanons.

The Jurisdictional Worldview of Italo-Greek Monks under Norman Rule

The monastic nomocanons of the twelfth century were not just formalistic guides to legal process; they were a part of a broader ideological worldview among Italo-Greek monks. The clearest representation of this worldview comes in the *Order of the Patriarchal Thrones*, a treatise on patriarchal jurisdictions composed by the Italo-Greek monk Neilos Doxapatres in 1143/4 and addressed directly to Roger II.³¹ The work is best known for the fact that it openly argues for the jurisdictional primacy of the Patriarchate of Constantinople over the whole church: “When [Rome] stopped being imperial because it was enslaved by foreign and barbarian tribes of Goths – and it is currently controlled by them – because of this, as it fell from that imperial rank, it also fell from the first ecclesiastical rank.”³² Just as remarkably, Doxapatres asserts to Roger that the patriarch of Constantinople has direct jurisdiction over southern Italy and Sicily, a statement that was technically more true in the 1040s than the 1140s.

Historians have had some difficulty explaining Doxapatres’ treatise. It is scarcely plausible that Roger II, a vassal of the pope (albeit a disloyal one) and implacable enemy of the Byzantine Empire, would have supported Constantinopolitan primacy, so what was the purpose of the work? Thomas Brown felt that it was part of an effort to reassure the Italo-Greeks in the face of pressure

²⁹ “πρό[σε]χε περ[ι] πραγμ[ά]τ[ων] ἐκκλησιαστ[ικ]ῶν”: S. Salv. 59, fol. 78^v; “περ[ι] κατηγορῶν ὁποῖοι ὀφείλους[ι] ἔστι”: S. Salv. 59, fol. 99^v.

³⁰ E.g. S. Salv. 59, fol. 238^v, where a rather inelegant Greek hand highlighted Gregory of Nyssa c. 4 (RP 4.310) on penances for fornication and adultery. On Italo-Greek penitential manuscripts, see Daniele Arnesano, “La penitenza dei monaci a S. Maria del Patir e a S. Nicola di Casole,” *Revue des Études Byzantines* 72 (2014): 249-73.

³¹ “My most all-noble lord, concerning the matter about which you wrote to me, I recall that I wrote to your highness when I was in the castle of Palermo, although it was not as broad-ranging as you have now asked. Now there are many questions and they require a subtler written explanation.” (“πανευγενέστατε ἀθέντα μου, περὶ ἧς μοι ἔγραψας ὑποθέσεως, μέμνημαι ὅτι ἐν τῷ καστελλίῳ Πανόρμῳ ὦν ἔγραψα πρὸς τὴν σὴν ἀντίληψιν, πλὴν οὐχ οὕτω πλατύτερον ὡς νῦν ἠρώτησας. νῦν δὲ πολλά εἰσι τὰ ἐρωτηθέντα καὶ χρεῖα λεπτοτέρας γραφῆς καὶ διηγήσεως”): Gustav Parthey (ed.), *Hieroclis Synecdemus et Notitiae Graecae episcopatum; accedunt Nili Doxapatri Notitia patriarchatum et locorum nomina immutata*, 2nd ed. (Amsterdam: Hakkert, 1967), 265-308, at 3 (p. 266). Doxapatres does not explicitly state what Roger’s questions were, but one can infer that he asked about Greek views on ecclesiology and the organisation of the church hierarchy. For an in-depth discussion, see James Morton, “A Byzantine Canon Law Scholar in Norman Sicily: Revisiting Neilos Doxapatres’ *Order of the Patriarchal Thrones*,” *Speculum* 92.3 (2017): 724-54.

³² “ἐπεὶ δὲ ἐπαύθη τὸ εἶναι βασιλίσσα διὰ τὸ ὑπὸ ἀλλοφύλων αἰχμαλωτισθῆναι καὶ βαρβάρων Γοτθικῶν, καὶ νῦν ὑπ’ ἐκείνων κατέχεσθαι, δῆθεν ὡς ἐκπεσοῦσα τῆς βασιλείας ἐκείνης ἐκπίπτει καὶ τῶν πρωτείων”: Doxapatres, *Order of the Patriarchal Thrones* 200 (p. 289). The archaic term ‘Goths’ is presumably a reference to the Holy Roman Empire.

from a Latinising papacy, while Hubert Houben suggested that Roger may have meant it as a political threat to Pope Innocent II.³³ Neither of these are quite convincing hypotheses: Italo-Greeks were not under pressure from the papacy at the time and it is hard to see how a niche essay written in Greek would have even caught Innocent II's attention.³⁴ Francesco Giunta compared the work to al-Idrisi's geography and proposed that it was a product of the cultural vitality of the Palermitan court and of Roger II's intellectual curiosity.³⁵ Though this is a more accurate characterisation of Roger II's interest, it does not explain Doxapatres' own motivation for making a pro-Constantinople argument.

A closer reading of the text shows that its content has little to do with Roger's own policies but instead reflects the broader outlook of Italo-Greek monasticism on ecclesiastical jurisdiction. Doxapatres states that he was encouraged to write his treatise by "the urging of my holy father," by which he means the abbot of his monastery.³⁶ Although it cannot be decisively proven, there are good reasons to believe that Doxapatres was associated with the Holy Saviour of Messina or one of its dependencies, which would imply that it may have been the archimandrite who urged him.³⁷ Rather than any implied threat to the papacy or effort to reassure the Italo-Greeks on the part of Roger II, the work is a statement of the jurisdictional worldview of a Greek monk in the twelfth-century Norman Kingdom of Sicily.

Doxapatres grounds his claims of Constantinopolitan primacy firmly in Byzantine church law, relying on three canons in particular: I Constantinople c. 3; Chalcedon c. 28 (which he quotes at length); and *Trullo* c. 36.³⁸ These three laws are the classic points of reference for twelfth-century Byzantine canonists on the subject of ecclesiastical primacy, stating that Constantinople has equal ecclesiastical privileges to Rome on account of the fact that it has an equal rank within the Roman Empire. Since Rome is no longer a part of the Roman [i.e. Byzantine] Empire, Doxapatres reasons, it loses both its imperial and ecclesiastical rank, leaving Constantinople in first place by default. What is remarkable about Doxapatres' argument is that he goes further than any of the great canonists of twelfth-century Byzantium. Alexios Aristenos, John Zonaras, and even Theodore Balsamon (often considered one of the most antipapal Byzantine canonists) all broadly agree that Rome and Constantinople derive their privileges from their imperial rank, but Doxapatres is the only one to claim that Rome had actually lost its status.³⁹ As Joseph Siciliano has noted, the Italo-Greek monk's views on the subject are essentially the same as those of the Byzantine princess

³³ Thomas S. Brown, "The Political Use of the Past in Norman Sicily," in *The Perception of the Past in Twelfth-Century Europe*, ed. Paul Magdalino (London: Hambledon, 1992), 191-210, at 205; Hubert Houben, *Roger II of Sicily: A Ruler between East and West*, trans. Graham A. Loud and Diane Milburn (Cambridge: Cambridge University Press, 2002), 102.

³⁴ Indeed, the text had a far better manuscript circulation in the Byzantine and Near Eastern worlds than it ever did in Italy itself; see Vitalien Laurent, "L'œuvre géographique du moine sicilien Nil Doxapatris," *Échos d'Orient* 36 (1937): 5-30, at 28-30.

³⁵ Francesco Giunta, *Bizantini e bizantinismo nella Sicilia normanna* (Palermo: Palumbo, 1974), 155-7.

³⁶ "μετὰ καὶ προτροπῆς τοῦ ἁγίου μου πατρὸς": Doxapatres, *Order of the Patriarchal Thrones*, 4 (p. 266).

³⁷ See Morton, "A Byzantine Canon Law Scholar," 729-31.

³⁸ Doxapatres, *Order of the Patriarchal Thrones*, 195-8 (pp. 287-9), 202 (pp. 290-1). These canons were also highlighted in the Carbone nomocanon; see above, p. 196.

³⁹ See Joseph J.A.S. Siciliano, "The Theory of the Pentarchy and Views on Papal Supremacy in the Ecclesiology of Nilos Doxapatris and His Contemporaries," *Byzantine Studies* 6 (1979): 167-77, at 173-5.

Anna Komnene (1083-c.1154/5), daughter of the emperor Alexios I, although Doxapatres has a stronger understanding of the relevant canon law.⁴⁰

As I have argued elsewhere, Doxapatres could have drawn all the information – including the geographical details – in the *Order of the Patriarchal Thrones* from Italo-Greek nomocanonical manuscripts. Indeed, I suspect that he based the treatise on a single nomocanon.⁴¹ Although the specific manuscript that Doxapatres used does not appear to have survived, several of the codices in this study contain elements that appear in his work. In addition to the legal content, the *notitia* structure of the treatise was also derived from a nomocanonical manuscript, as Doxapatres himself indicates in the work.⁴² Even his description of the geographical territories of the patriarchates is drawn from an early medieval Byzantine text known as the *Recapitulation of the Borders of the Most Holy Patriarchates and Enumeration of the Apostolic Thrones*, which appears (with minor textual variations) in the Italo-Greek nomocanonical codices Sinod. gr. 432, Marc. gr. 172, and Alag. 3.⁴³

Doxapatres' blunt denial of papal authority makes better sense in this context. The Italo-Greek monasteries (and presumably bishops) of the twelfth century continued to operate a canonical legal system on the basis of nomocanons that presumed the jurisdiction of Constantinople; the manuscripts in turn encouraged their readers to presume that they were still within the Byzantine capital's legal sphere.⁴⁴ Whether or not they were completely aware of the fact, the Norman kings' guarantees of judicial autonomy allowed Italo-Greek monasteries to continue to administer canon law as if they were subject to the Patriarchate of Constantinople.

⁴⁰ Siciliano, "The Theory of the Pentarchy," 176-77. In her *Alexiad* (c.1148), Anna expresses the view that "from the first, the emperors gave privileges to the throne of Constantinople, and the Council of Chalcedon especially raised the throne of Constantinople to a commanding primacy and placed all the dioceses throughout the world under it" ("καὶ δεδώκασιν οἱ ἀνεκάθεν βασιλεῖς τὰ πρεσβεῖα τῶ θρόνῳ Κωνσταντινουπόλεως ἀναβιβασαμένη τὰς ἀνὰ τὴν οἰκουμένην διοικήσεις ἀπάσας ὑπὸ τοῦτον ἐτάξατο"): Anna Komnene, *Alexiad*, edd. Athanasios Kambylis and Diether R. Reinsch (Berlin: De Gruyter, 2001), 1.13.4. While Anna (wrongly) thought that the canons of Chalcedon gave outright ecclesiastical primacy to Constantinople, Doxapatres understood the need for additional argumentation to reach this conclusion.

⁴¹ Morton, "A Byzantine Canon Law Scholar," 743-9.

⁴² Doxapatres states that the information on which he bases the second half of the work is "recorded in the *taktika* [i.e. *notitia*] of the nomocanon in the [patriarchal] throne of Constantinople" ("καὶ εἰσιν ἀναγεγραμμένα καὶ αὐτὰ ἐν τοῖς τακτικοῖς τοῦ νομοκανόνου ἐν τοῖς θρόνοις Κωνσταντινουπόλεως": Doxapatres, *Order of the Patriarchal Thrones*, 213 (p. 294)). As a resident of Sicily, he obviously did not work directly from the *notitia* in the nomocanon of the Patriarchate of Constantinople, but from a local copy. See Morton, "A Byzantine Canon Law Scholar," 737.

⁴³ See chapter five, pp. 173-4.

⁴⁴ There is an interesting analogy in the *typikon* of Neophytos Enkleistos for his hermitage of the Holy Cross, founded in Lusignan Cyprus in 1214. Neophytos recognises the authority of both the Latin king Hugh I de Lusignan (r. 1194/5-1218) and the Greek emperor Theodore I Laskaris of Nicaea (r. 1204-1222), asking Hugh to cooperate in the event that one of the monks needed to visit the emperor's court. Text in Ioannes Tsiknopoullou (ed.), *Kypriaka Typika* (Nicosia, 1969), 71-117, at capp. 7-8; corrections in Konstantinos A. Manaphes, "Παρατηρήσεις εἰς τὰ 'Κυπριακὰ Τύπικα,'" *Ἐπιστημονικὴ Ἐπετέραις τῆς Φιλοσοφικῆς Σχολῆς τοῦ Πανεπιστημίου Ἀθηνῶν* 20 (1969-1970): 155-68. St Bartholomew of Simeri's visit to Constantinople in c.1105 is an especially apt point of comparison, although it is not clear if such travel to the emperor's court was undertaken more frequently.

Canon Law and Religious Difference

Nonetheless, despite the judicial autonomy of institutions like the Holy Saviour of Messina and the *Patiron* of Rossano, the Italo-Greeks did not exist in a vacuum. They were aware of the religious differences that existed between them and their Latin neighbours. Most of these differences were relatively inconsequential and seem to have passed without comment. Some Latin practices, however, went against the Byzantine canon law tradition, and the readers of Italo-Greek nomocanons occasionally made note of the fact.

There is an excellent overview of the subjects of Greek criticism in the opening folia of the Basilian collection Barb. gr. 476, compiled in southern Calabria in the early twelfth century. The folia at the beginning of the codex were inserted by the copyist as a deliberate preface to the main text, offering a selection of excerpted canons on controversial issues (most of which are taken from the Apostolic Canons). The scribe simply set out the plain text of the canons without any commentary, but on closer inspection one finds some interesting subject choices:

Table 11: The Canonical Preface of Barb. gr. 476 (fols. 1-7) by Subject

Subject	Canons
Clerical discipline	Apost. c. 20, 25, 44, 55-6, 59, 68, 72, 83; Neocaes. c. 3-4, 7, 9-10
Clerical marriage	Apost. c. 17-18, 26, 61; I Nic. c. 3; Neocaes. c. 1; Gangra c. 4
Monastic governance	<i>Prot.</i> c. 2-6; Chalc. 16
Lenten fasting and liturgy	Apost. c. 69; Laod. c. 49, 51-2
Marriage (general)	Apost. c. 67; Neocaes. c. 3-4; Laod. c. 53
Mutilation	Apost. c. 21-4
Association with Jews/heretics	Apost. c. 64, 70-1
Fasting (general)	Apost. c. 66; Gangra c. 18
Episcopal jurisdiction	Apost. c. 35; Ant. c. 13
Kneeling on Sunday prohibited	I Nic. c. 20
Eating blood prohibited	Apost. c. 63
Simony prohibited	Apost. c. 29

Not all of these relate to points of difference between Greeks and Latins. Several concern the general conduct of the clergy and monks, while other canons touch on subjects such as whether or not a mutilated person or a eunuch was eligible to become a bishop or priest.⁴⁵ However, one

⁴⁵ They were eligible as long as the mutilation was not self-inflicted. The practice of mutilation was a relatively common punishment in the Byzantine Empire that the Normans inherited after the conquest. See Francesco Brandileone, "Il Diritto Greco-Romano nell'Italia meridionale sotto la dominazione normanna," in *Scritti di storia giuridica dell'Italia meridionale*, ed. Carlo G. Mor (Bari: Società di Storia Patria per la Puglia, 1970), 213-313, at 285-7. Cf. the analogous adoption of mutilation from Byzantine law in the Kingdom of Jerusalem: Benjamin Z. Kedar, "On the Origins of the Earliest Laws of Frankish Jerusalem: The Canons of the Council of Nablus, 1120)," *Speculum* 74.2 (1999): 310-35, esp. 321.

cannot help but notice that many concern matters that routinely appear in Byzantine anti-Latin polemic: clerical marriage, the consumption of blood, kneeling on the Lord's Day, alleged association with Jews, and so forth.⁴⁶

A similar selection of topics was highlighted by a reader of Vat. gr. 2060, the nomocanon of the *Patiron* of Rossano. This manuscript contains a range of different marginalia in several hands, though it is very difficult to date them with any precision; some appear to be from the late twelfth and thirteenth centuries, though others are probably from an earlier period. The reader in question focused on the canons of *Trullo*, the Byzantine council that was the most overtly critical of Western ecclesiastical customs. Not only did he mark the beginning of the text in the manuscript with a series of three crosses in the upper margin of fol. 98^v, but he annotated a large number of the Trullan canons with asterisk-like crosses with circles drawn around them.⁴⁷ He does not seem to have done this anywhere else in the manuscript. With just a few exceptions, this reader highlighted canons that address almost exactly the same range of subjects as those in the preface of Barb. gr. 476: clerical and monastic discipline, clerical marriage, Lenten fasting practices, the consumption of blood, kneeling on Sunday, simony, and so on. A different (possibly later) hand highlighted *Trullo* c. 29 and 55, which both criticise the Lenten fasting practices of the Western church (the former implicitly, the latter explicitly), with the expression “pay attention.”⁴⁸

It may seem surprising that a monastic nomocanon like Vat. gr. 2060 would show any interest in the clergy, and particularly clerical marriage; after all, it would have been read by monks who were obviously celibate. The reason probably lies in the fact that Italo-Greek monasteries with legal privileges like the *Patiron* almost always owned and controlled churches within their territory that would have employed secular clerics. Nonetheless, it is important to bear in mind that the extent of anti-Latin criticism in the twelfth-century nomocanons is very limited by comparison to those of the thirteenth century. Moreover, with the exception of the eleventh-century anti-*azyma* texts that we saw in the previous chapter, it is almost always implicit rather than explicit.

In Defence of Clerical Marriage: The Erotapokriseis of 'Nicholas of Reggio'

There is one interesting case of explicit Italo-Greek criticism of Latin practice that merits discussion here: a set of manuscript scholia traditionally attributed to Nicholas, an eleventh-century Greek archbishop of Reggio in Calabria (c.1037-1040). They mostly consist of exegetical *erotapokriseis* in Greek in Vat. gr. 1650 (a collection of the Acts of the Apostles and the New Testament epistles) and Vat. gr. 1658 (containing the ninety *Orations* of St John Chrysostom on the Gospel of Matthew), and in a mixture of Greek and Latin in the *prophetologion* Crypt. gr. 847

⁴⁶ See Tia M. Kolbaba, *The Byzantine Lists: Errors of the Latins* (Chicago: University of Illinois Press, 2000), 189-202. As we saw in chapter five, the Byzantines associated the Latin use of *azyma* in the Eucharist with Jewish practice. The Byzantine canons also prohibit “bending the knee” on Sunday (the day of the Resurrection) and the consumption of the blood of animals. The Byzantines appear to have had a widespread stereotype of Western and Northern Europeans that they enjoyed eating bloody meat.

⁴⁷ The reader highlighted *Trullo* c. 19, 23, 26, 27, 40-1, 46-7, 53, 55, 65, 67, 69, 74-6, 90, 92-4, 102 (Vat. gr. 2060, fols. 104^v-114^v).

⁴⁸ “πρόσεχε”: Vat. gr. 2060, fols. 105^v, 109^r.

(E β VII) and the *menologion* Vat. gr. 1667.⁴⁹ The scholia are especially notable for their pointed criticisms of the Church of Rome regarding its efforts to enforce celibacy on the clergy.

Ciro Giannelli argued for the attribution of the scholia to Nicholas of Reggio, who had originally commissioned Vat. gr. 1650, and was followed in this by Francesco Russo.⁵⁰ Giannelli's reasoning was that the manuscript was owned by Nicholas, that the Greek script appears to date to the eleventh century, and that there are mentions in the text of "tyrants" and "carnal philosophers" (the Greek term is difficult to render in English) that may refer obliquely to the pontificate of the reputedly hedonistic pope Benedict IX.⁵¹ He also suggests that one of the scholiast's comments in Crypt. gr. 847, which refers to "so much killing and war wrought in [the Church of Rome]" is a reference to the turbulence around Benedict's expulsion in 1036.⁵²

This attribution seems quite implausible. As archbishop of Reggio, Nicholas was almost certainly appointed to his post in Constantinople and sent out from there, as was the typical Byzantine practice for major southern Italian sees.⁵³ It is relatively unlikely that he would have been familiar with the reputation of Benedict IX; it is extremely unlikely that he would have been able to understand Latin, much less to write in the language. Moreover, the reference to "killing and war" in Rome could frankly refer to any number of episodes in the eleventh and twelfth centuries. With regards to the dating of the hand, we have seen often enough already how difficult this is to do with any precision. As we saw in chapter four, Italo-Greek scripts frequently look more archaic than those of Constantinople, a fact that was not yet fully appreciated when Giannelli was writing.

Rather than being the work of an eleventh-century Byzantine archbishop, it seems more likely to me that the scholia were written by a late eleventh- or twelfth-century Italo-Greek who was familiar with the Latin language and with events in the Church of Rome. It is significant, I think, that all the manuscripts that contain the scholia were at one point in the possession of the monastery of Grottaferrata.⁵⁴ Vat. gr. 1650 was probably brought from Reggio to Grottaferrata after the Norman conquest, where our anonymous scholiast would have commented on it and the other manuscripts. A monk of Grottaferrata would have been acquainted with affairs in Rome and would

⁴⁹ Text in Ciro Giannelli, "Reliquie dell'attività letteraria di uno scrittore italo-greco del sec. XI med. (Nicola Arcivescovo di Reggio Calabria?)," *Studi bizantini e neoellenici* 7 (1953): 93-119, at 112-9.

⁵⁰ Giannelli, "Reliquie," 108; Russo, *Storia della Chiesa in Calabria*, 1.214-5, 259. For the manuscript colophon on Vat. gr. 1650, fol. 185^v that confirms Nicholas' ownership of the manuscript (which was copied by the priest Theodore Sikeliotes in 1037), see Pierre Batiffol, *L'abbaye de Rossano. Contribution à l'histoire de la Vaticane* (Paris: Picard, 1891), 155 (no. 15).

⁵¹ "ἄλλην ὁδὸν βαδίζοντες, τὴν τῶν τυράννων": Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1650, fol. 76^r; "σαρκοφιλόσοφοι τὰς ἰδίας σάρκας φιλῶντες": Vat. gr. 1650, fol. 76^v. See Giannelli, "Reliquie," 106-7.

⁵² "quomodo... non reprehenditur civitas magna Roma, in qua Sion caelestis magna Ecclesia fundata est? tot homicidia et bella in ea facta et bellatores cottidie fabricant gladios": quoted in Giannelli, "Reliquie," 100.

⁵³ This was the case for the ninth-century Archbishop Leo of Reggio and for Basil, who was sent from Constantinople to attempt (unsuccessfully) to take up the see of Reggio in the aftermath of the Norman conquest; on the latter, see Daniel Stiennon, "Basile de Reggio, le dernier métropolitain grec de Calabre," *Rivista di storia della chiesa in Italia* 18 (1964): 189-226.

⁵⁴ See chapter two, pp. 67-8. Vat. gr. 1650 was originally Crypt. Ω, Vat. gr. 1658 was Crypt. Ψ, and Vat. gr. 1667 was Crypt. K (Pierre Batiffol, "La Vaticane depuis Paul III," *Revue des Questions Historiques* 45 (1889): 177-218, at 209-10 n. 3).

have had a much greater familiarity with the Latin language, and so this seems to be a better attribution than Nicholas of Reggio.

Finally, there is a further linguistic clue in the fact that the author uses the terms “Latins” and “Greeks” to distinguish Western- and Eastern-rite priests.⁵⁵ The Byzantines did not start using the term ‘Latins’ to describe Westerners in general until the twelfth century, as Alexander Kazhdan showed.⁵⁶ Furthermore, a Byzantine archbishop certainly would not have used the term ‘Greek’ to describe himself – that was the Latin word! The correct term in Greek would have been ‘Hellene’, which at any rate held negative connotations of paganism for most Byzantines until the Late Middle Ages.⁵⁷ Nicholas of Reggio would not have used these words in 1037, but a twelfth-century monk of Grottaferrata might have.

The scholiast’s most pointed criticism of the Roman church comes in an *erotapokrisis* on I Cor. 2:13 (“What is ‘explaining spiritual things with spiritual words?’”).⁵⁸ He begins by remarking that the ancient Law (of the Old Testament) was a shadow of the truth that now exists, referring to Hebrews 10:1. “But,” he continues:

ἀλλὰ θέλωσιν οἱ ἄνθρωποι σοφώτεροι εἶναι Θεοῦ τοῦ τὴν σκιὰν τυπώσαντος καὶ τὴν ἀνθρωπείαν φύσιν οὕτω οἰκονομήσαντος. θέλοντες γὰρ οἱ λατῖνοι ἐν παρθενίᾳ μένειν τοὺς αὐτῶν ἱερεῖς κωλύωσιν νομίμους ἔχειν γυναῖκας, καὶ οὕτω πίπτουσιν εἰς πορνείας καὶ μοιχείας, τοῦ ἀποστόλου λέγοντος ‘ἔχειν γυναῖκας ὡς μὴ ἔχειν’ καὶ ‘πνευματικοῖς πνευματικὰ συγκρίνειν’. ἀλλ’ οὗτοι ἐν τῷ μέρει τούτῳ σύγκρισιν πνευματικὴν πνευματικοῖς ὅπου ποιῆσαι οὐκ ἔχουσιν, ἀλλὰ μᾶλλον μοιχικὴν καὶ πλεονεκτικὴν.

Men want to be wiser than the God who shaped the darkness and so ordered the nature of man. For the Latins want their priests to live in celibacy and prevent them from having their lawful wives. Thus they fall into fornication and adultery, since the Apostle says, ‘those who have wives should live as if they do not’ [I Cor. 7:29] and ‘judge spiritual matters with spiritual words.’ But, in this respect, they do not have the wherewithal to make a spiritual judgment with spiritual words but rather an adulterous and greedy one.

The scholiast goes on at some length on the subject, asking how marriage, which God thought was good and just for Adam and Eve, “is now judged to be evil and unjust among the Westerners?”⁵⁹ He then asserts that Latin priests are falling into adultery because they have been deprived of their “lawful wives,” a subject on which he has much to say.

The scholion does not appear to be a generic criticism of Latin clerical celibacy but a reaction to a recent development, as we see from the expression “is *now* judged to be.” The scholiast employs

⁵⁵ “τὸ γένος τῶν λατῖνων ἱερέων... ἐν δὲ τοῖς ἱερεῦσι τῶν γρῆκων...”: Vat. gr. 1650, fol. 78^v.

⁵⁶ Alexander P. Kazhdan, “Latins and Franks in Byzantium: Perception and Reality from the Eleventh to the Twelfth Century,” in *The Crusades from the Perspective of Byzantium and the Muslim World*, edd. Angeliki E. Laiou and Roy P. Mottahedeh (Washington, D.C.: Dumbarton Oaks, 2001), 83-100, at 85-6.

⁵⁷ See Gill Page, *Being Byzantine: Greek Identity Before the Ottomans* (Cambridge: Cambridge University Press, 2008), 63-7, 87-9.

⁵⁸ “τί ἐστὶ τὸ ‘πνευματικοῖς πνευματικὰ συγκρίνοντες’;”: Vat. gr. 1650, fol. 78^r.

⁵⁹ “πρᾶγμα, ὅπερ καὶ πρὸ τοῦ πεσεῖν τὸν Ἀδὰμ καλὸν τῷ Θεῷ προγνωσθὲν καὶ εὐλογηθὲν, πῶς τὸ τότε προγνωσθὲν καὶ δίκαιον τῷ Θεῷ, καὶ δοθὲν τῷ ἀνθρώπῳ, νῦν κακὸν καὶ ἄδικον κρίνεται τοῖς δυτικοῖς;”: Vat. gr. 1650, fol. 78^r.

a similar turn of phrase a few folia later in an annotation to a comment of John Chrysostom on Galatians 1:8: “If he who preaches a Gospel contrary to that which he has received is subject to anathema, *now* we see decrees in the Roman church contrary to the Lord’s voice and Apostolic tradition, and it is clear that they are not beyond the Apostolic anathema.”⁶⁰ He is evidently still thinking about the prohibition on priests cohabiting with their wives.

The scholiast’s repeated use of “now” suggests that he was reacting to a recent development. The Church of Rome held several councils and issued multiple decrees against married clergy from the middle of the eleventh century onwards. Nicholas II (*r.* 1059-1061) had decreed at a council in Rome in 1059 that churchgoers should boycott the services of married clergy, a policy that Gregory VII (*r.* 1073-1085) restated in another Roman council in 1074.⁶¹ These efforts seem to have been rather ineffective, as subsequent popes continued to repeat the condemnation of clerical marriage. More conciliar decrees followed in the twelfth century, beginning with canon 21 of the First Lateran Council of 1123 and reaffirming the prohibition in canon 6 of the Second Lateran Council (1139), canon 11 of the Third Lateran Council (1179), and canon 14 of the Fourth Lateran Council (1215).⁶²

It is difficult to know exactly which of these events incited the scholiast’s reaction, although one can narrow down the range of possibilities. The manuscript was in the possession of the Greek archbishop of Reggio in Calabria in the late 1030s and probably remained there at least until the Norman conquest of the city in 1060. The last incumbent Greek archbishop of Reggio died in 1079, after which the see passed into Latin hands.⁶³ I suspect that the manuscript was not transferred to Grottaferrata until after this date, which would imply that the scholiast was writing in the late eleventh or early twelfth century. This is corroborated by the form of the script and his use of terms like ‘Latins’ and ‘Greeks’. Perhaps he was responding to the decree of the First Lateran Council, although he may have been reacting to an earlier pronouncement such as that of Pope Urban II at the Synod of Melfi in 1089.⁶⁴

The *erotapokriseis* in Vat. gr. 1650 are a unique type of evidence for the eleventh and twelfth centuries: a contemporary Italo-Greek’s reaction to the Roman church’s decrees against clerical marriage. The policy was certainly not popular among the Greeks of southern Italy. Nonetheless, it is also extremely telling that this reaction came from the monastery of Grottaferrata, which is in close physical proximity to Rome. The twelfth-century Italo-Greeks of Sicily, Calabria, and the

⁶⁰ “ἐὰν ἀναθέματι ὑπεύθυνος ἐστὶν ὁ εὐαγγελιζόμενος παρ’ ὃ παρέλαβεν, νῦν δὲ ὀρῶμεν ἐν τῇ ῥωμάνῃ ἐκκλησίᾳ κηρύγματα ἐξ ἐναντίας τῆς κυριακῆς φωνῆς καὶ τῆς ἀποστολικῆς παραδόσεως, δῆλον ἐστὶν ὡς οὐκ ἔξω εἰσι τοῦ ἀποστολικοῦ ἀναθέματος”: Vat. gr. 1650, fol. 85^r.

⁶¹ Mansi 19.908; 20.404. See Uta-Renate Blumenthal, *The Investiture Controversy: Church and Monarchy from the Ninth to the Twelfth Century* (Philadelphia: University of Pennsylvania Press, 1988), 94-6.

⁶² See I.S. Robinson, “The Papacy, 1122-1198,” in *The New Cambridge Medieval History. Volume 4: c.1024-c.1198, Part 2*, edd. David Luscombe and Jonathan Riley-Smith (Cambridge: Cambridge University Press, 2004), 317-83, at 328-9. Technically the prohibition was not against married clergy *per se*, but against married priests who refused to separate from their wives after ordination. The Western church allowed married men to become priests on condition that they cease to cohabit with their spouses; the Eastern church did not require this. Neither church allowed men to marry after their ordination.

⁶³ See chapter one, p. 34.

⁶⁴ The Synod of Melfi decreed that married priests should be deposed: Mansi 20.724.

Salento left no such clear reactions, only vague annotations in their nomocanons. They may not have liked Rome's position on married clergy, but the papacy was still distant enough to seem mostly irrelevant.

Summary

The surviving evidence gives the strong impression that many Italo-Greek ecclesiastical institutions enjoyed considerable judicial autonomy under the Norman kingdom in the twelfth century. One must stress that this is an incomplete picture; the historical dynamics of source preservation mean that we only have evidence for those institutions that did possess autonomy, not for those that did not. The situation for Greek clergy under Latin bishops (or for Greek monasteries under Latin abbeys) may have been quite different.⁶⁵

Nonetheless, independent Greek monasteries and Greek bishops appear to have been given considerable latitude in implementing canonical justice within their own jurisdictions. Consequently, they were under no pressure to adopt aspects of Latin canon law, either historical or contemporary. The Italo-Greeks were not completely ignorant of developments in the Western church's legal regime, but they probably viewed it as a distant phenomenon that did not directly affect them.

3. The Thirteenth-Century Turn: Law and Custom after the Fourth Lateran Council

The beginning of the thirteenth century saw two significant challenges to the legal situation of the Greek church that had prevailed under the Norman kings of Sicily. The first was the demise of the De Hauteville dynasty with the death of William III in 1194. William's successor, the Hohenstaufen emperor Henry VI (*r.* 1190-1197), died three years later, leaving the infant Frederick II on the throne of Sicily with Pope Innocent III (*r.* 1198-1216) acting as official regent. Frederick would not come of age until 1208 and took several more years to assert his authority. The resulting power vacuum allowed the papacy to insert itself into the kingdom's affairs. Despite the efforts of Frederick and his successors to roll back papal influence in the 1220s-1250s, the Angevin invasion of 1266 eventually put an end to Sicily's ecclesiastical autonomy.⁶⁶

The second major challenge came, ironically, from Constantinople itself. The sudden conquest of the city by the armies of the Fourth Crusade in 1204 shattered the Byzantine Empire and brought vast swathes of Greece and Thrace under Latin rule. Faced with the difficulty of integrating a large portion of the Byzantine church into the Roman ecclesiastical system, Pope Innocent III was finally forced to develop a formal policy towards non-Latin Christians under Latin rule.

⁶⁵ As Herde has pointed out, the Latin decretalists of the thirteenth century and later took it for granted that all clerics under Latin bishops – including Greeks – followed Latin canon law: Peter Herde, "The Papacy and the Greek Church in Southern Italy between the Eleventh and the Thirteenth Century," in *The Society of Norman Italy*, edd. Graham A. Loud and Alex Metcalfe (Leiden: Brill, 2002), 213-51, at 246. How closely the decretalists' assumptions aligned with practical reality is another matter, of course.

⁶⁶ See chapter one, p. 52.

The Fourth Lateran Council (1215)

The papacy declared its approach toward subject Greek Christians in the canons of the Fourth Lateran Council of 1215, which John Watt has rightly called “the most comprehensive expression of the classical policies of the medieval papacy in its heyday, at once typifying its major aspirations and identifying its goals.”⁶⁷ There were three canons of particular relevance to Greek Christians in the Eastern Mediterranean and, by extension, in southern Italy: canons 4, 5, and 9.⁶⁸

Perhaps the least consequential of these was canon 5. It endorses the ancient idea of the Pentarchy of patriarchs, with the standard order of precedence: Rome, Constantinople, Alexandria, Antioch, and Jerusalem. The canon affirms the patriarchs’ various rights and privileges, although it adds the peculiarly Latin twist that the Roman pontiff has ultimate authority over the other four. The patriarchs have the right to hear legal appeals from within their own territories, for instance, but they must respect any appeals directed to the pope. This was an interesting attempt by the papacy to reconcile the collegial model of the Byzantine Pentarchy with the authoritarian impulses of the Gregorian reformers, even though the latter obviously nullified the former. It remained a moot point in any case, as the council’s model was never accepted by the Eastern patriarchs.

Canons 4 and 9, however, had important consequences for the Greeks of southern Italy. Canon 9 notes that there are many dioceses in which Latin-rite bishops oversee congregations who follow non-Latin rites. It decrees that in such dioceses the bishop is to appoint an episcopal vicar who can minister to non-Latin congregations in their own language. By the thirteenth century, most Italo-Greek clergy served under Latin-rite bishops. Following Lateran c. 9, they now answered to a vicar who adopted the Byzantine title of *protopapas*; the *protopapas* in turn answered to the Latin bishop.⁶⁹

While this canon was intended to be for the spiritual benefit of minorities like the Italo-Greeks, it had an important administrative consequence, as James Brundage observed: “In effect this resulted in a *de facto* separation of the Greek and Latin clergy, each being treated as a separate community with distinct corporate status, within the over-all [*sic*] framework of the Latin diocesan organization.”⁷⁰ On the one hand, this created a decentralised diocesan administration that ensured the continued survival of the Greek rite under the Latin hierarchy. On the other hand, it also gave Latin bishops the means to oversee their Greek clergy more closely.

Canon 4 primarily forbids Greek clergy from re-baptising Latin Christians, an alleged practice that seems to have existed more within the realms of anti-Byzantine polemic than in reality.⁷¹ What is

⁶⁷ John A. Watt, “The Papacy,” in *The New Cambridge Medieval History. Volume 5: c.1198-c.1300*, ed. David Abulafia (Cambridge: Cambridge University Press, 1999), 105-63, at 119.

⁶⁸ Mansi 22.990-2, 997-8.

⁶⁹ See Annick Peters-Custot, *Les grecs de l’Italie méridionale post-byzantine (IX^e-XIV^e siècle). Une acculturation en douceur* (Rome: École Française de Rome, 2009), 435-6.

⁷⁰ James A. Brundage, “The Decretalists and the Greek Church of South Italy,” in *La Chiesa greca in Italia dall’VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)* (Padua: Antenore, 1973), 3.1075-81, at 1077.

⁷¹ See Tia M. Kolbaba, “On the Closing of the Churches and the Rebaptism of Latins: Greek Perfidy or Latin Slander?” *Byzantine and Modern Greek Studies* 29.1 (2005): 39-51.

particularly interesting about this canon, though, is the reasoning that it introduces to explain this prohibition:

Licet Graecos in diebus nostris ad obedientiam Sedis Apostolicae revertentes fovere et honorare velimus mores ac ritus eorum quantum cum Domino possumus sustinendo in his tamen illis deferre nec volumus nec debemus quae periculum generant animarum et ecclesiasticae derogant honestati... Destrictae praecipimus ut talia de caetero non praesumant conformantes se tamquam obedientiae filii sacrosanctae Romanae Ecclesiae matri suae ut sit 'unum ovile et unus pastor'.

Though we wish to favour and honour the Greeks who in our days are returning to the obedience of the Apostolic See by permitting them to retain their customs and rites insofar as the interests of God allow us, in those things, however, that are a danger to souls and damaging to ecclesiastical propriety, we neither wish nor ought to submit to them... We strictly command... that [the Greeks] conform themselves as obedient children to the Holy Roman Church, their mother, that there may be 'one fold and one shepherd'. [John 10:16]⁷²

The canon introduces an important distinction between the Greeks' acceptable "customs and rites" on the one hand, and their submission as "obedient children" on the other. In other words, Greek Christians would be allowed to continue to worship in their own language with their own rituals and practices, but they would have to acknowledge the legal and administrative authority of the Roman papacy. Italo-Greek churches and monasteries could no longer expect the judicial autonomy that many had enjoyed under the Normans in the eleventh and twelfth centuries.

A New Legal Reality: The Archimandrite and the Archbishop (1218-1225)

It did not take long for the southern Italian Greeks to feel the impact of these developments in papal policy. We have already seen, for example, the demise of the Greek archbishop Basil of Rossano, who in 1218 became the first Italo-Greek hierarch known to have been deposed by a pope.⁷³ Three years later, Honorius III also interfered in the administration of the diocese of S. Severina, instructing the Greek archbishop to grant benefices to Latin-rite clergy in the cathedral chapter (which was not the custom in the Greek church).⁷⁴

The most striking case, though, is that of the Archimandrite of the Holy Saviour of Messina, the wealthiest Greek monastery in southern Italy. Almost immediately after the Fourth Lateran Council, in 1216, the monastery's archimandrite Nimphos became involved in a long-running legal dispute with the Latin archbishop of Messina, Berardo.⁷⁵ It is likely that there had always been

⁷² Mansi 22.998.

⁷³ See chapter three, pp. 123-4.

⁷⁴ *Fontes III* 3.108 (no. 79, a. 1221). Not all interventions were detrimental to Greek institutions; see, for instance, Honorius' correspondence with the Greek monastery of the *Theotokos* of Carrà in 1219 in which he granted the abbot the right to wear a mitre and ring and to carry a pastoral staff: *Fontes III* 3.81 (no. 55), 87-93 (nos. 61, 62, 65).

⁷⁵ This narrative is based on the account in Mario Scaduto, *Il monachesimo basiliano nella Sicilia medievale. Rinascità e decadenza, sec. XI-XIV* (Rome: Storia e Letteratura, 1947), 235-40. For further discussion of the incident, see Horst Enzensberger, "Der Archimandrit zwischen Papst und Erzbischof: Der Fall Messina," *Bollettino della Badia greca di Grottaferrata* 54 (2000): 209-26.

some tension between the monastery and the archbishop ever since the former was founded as an independent archimandritate by royal decree in 1130. There is evidence, for instance, that Archbishop Robert (c.1150-1160) had compelled Archimandrite Onouphrios (1159-1165) to swear an oath of loyalty, though it does not appear to have been very effective.⁷⁶ The tension between archimandrite and archbishop was a product of financial jealousy, not cultural difference; the *Patiron* had encountered similar problems with the Greek Archbishop Nicholas Maleinos of Rossano in 1105, for instance.⁷⁷

The problem seems to have begun when Berardo claimed the right to confirm the archimandrite of the Holy Saviour and the heads of its subject houses (*metochia*). The monks appealed to Pope Honorius III in 1218 (whose correspondence provides the earliest evidence of the dispute), but, after a lengthy investigation, he ruled in favour of the archbishop in 1222. Berardo immediately began to abuse his newfound authority, usurping at least two of the monastery's *metochia* and interfering with the archimandrite Nimphos' ability to discipline his monks.

Nimphos did not give up easily. He simply ignored Honorius' decision and, in 1223, sought the protection of Frederick II, who had by then managed to consolidate his rule. This appeal to the secular power brought down a swift excommunication upon the monastery from Honorius. Nimphos died the following year and Honorius lifted the excommunication to allow for the election of his successor. He soon reinstated it, however, when the monks elected the new archimandrite Makarios without consulting Archbishop Berardo. Honorius wanted to hold a new election, but his legates were unable to reach Messina (presumably because they were prevented by Frederick II). Gregory IX tried to remove Makarios again in 1231, but he too failed. Nonetheless, the Holy Saviour's independence lasted only as long as the Hohenstaufen dynasty. The archimandritate was brought firmly under the archbishop's control once more when Charles of Anjou seized the kingdom in 1266.⁷⁸

This story has until now been known only from papal correspondence and a small number of unpublished documents from Messina that are currently in the Archivo Ducal de Medinaceli in Madrid.⁷⁹ However, it is also possible to see the conflict from the monks' perspective in Vall. C 11.1, the Holy Saviour's own nomocanon. As we saw in chapter two, the last folio of the codex

⁷⁶ The text of the oath survives in Madrid, Biblioteca Nacional de España, MS 4552, fol. 134^r; it has been published in H. Buchthal, "A School of Miniature Painting in Norman Sicily," in *Late Classical and Mediaeval Studies in Honor of A.M. Friend Jr* (Princeton: Princeton University Press, 1955), 312-39, at 338. Nothing is known about the circumstances in which the oath was made.

⁷⁷ See chapter one, p. 99.

⁷⁸ St Nicholas of Casole appears to have had a similar, though perhaps less contentious, experience. A note in the opening folia of the *Codex Taurinensis* (which contains the monastery's *typikon*) records that, on 14th November 1266, Cardinal Rudolf Grosparmi, cardinal bishop of Albano, reconsecrated the monastery church and replaced its abbot Basil with Jacob: Turin, Biblioteca Nazionale Universitaria, MS gr. 216 (C III 17), fol. 4^r. St Nicholas of Casole, enjoying the protection of Frederick II, had failed to pay the *decima* to Rome for the previous twenty-five years. See Johannes M. Hoeck and Raimund J. Loenertz, *Nikolaos-Nektarios von Otranto, Abt von Casole. Beiträge zur Geschichte der ost-westlichen Beziehungen unter Innozenz III. und Friedrich II* (Ettal: Buch-Kunstverlag, 1965), 13.

⁷⁹ *Fontes III* 3.18-22 (no. 3), 32-3 (no. 14), 33-4 (no. 15), 46 (no. 27), 52-3 (no. 29), 78 (no. 52), 79 (no. 52a), 84-7 (no. 60), 98 (no. 68), 98-9 (no. 69), 140 (no. 103), 141-2 (no. 104), 143 (no. 106), 144 (no. 107), 151-2 (no. 113), 160-1 (no. 116), 163-4 (no. 120), 165 (no. 129), 184-5 (no. 138). On documents in the Archivo Ducal de Medinaceli, see Enzensberger, "Der Archimandrit," 225.

bears a damaged Latin copy of an otherwise unknown bull of Honorius III from the year 1224.⁸⁰ The document is a letter to the abbot of the Cistercian monastery of S. Maria de Novara in the diocese of Messina in which the pope announces his reinstatement of the Greek monks' excommunication after the improper election of their new archimandrite (Makarios).⁸¹

The nomocanon also contains an interesting series of marginalia left by a single, distinctive Greek hand of the thirteenth century. This reader made a series of asterisk-like crosses next to sections of the text that he wished to highlight and occasionally wrote notes for extra emphasis. Alongside canon 12 of the Second Council of Nicaea, which forbids bishops or abbots from alienating church property, the reader left a cross and the words "look well."⁸² There is also a Latin translation of the canon in the left margin; it may have been left by the same reader, though it is difficult to be certain. He also highlighted several canonical texts on simony and on monastic obedience.⁸³ The interest in the subject of bishops misusing church property resurfaces in the latter half of the codex alongside the summaries of Justinianic legislation known as the *Collection in Twenty-Five Chapters* and the *Tripartite Collection*. Towards the end of the former text, at a section that forbids bishops from despoiling churches for the benefit of their families, our reader has left a large cross and the word "look."⁸⁴ He left another large cross at the beginning of *Coll. Trip.* 3.2.1, which similarly forbids the alienation of ecclesiastical property.⁸⁵

Did this reader highlight these texts because of the conflict with Archbishop Berardo? It is certainly possible, as he left other marginalia that seem to relate to the dispute. In the margin between the texts of canons 4 and 5 of Sardica, which grant deposed bishops the right to take their cases to the bishop of Rome, he left one of his customary crosses with the words "look well."⁸⁶ Further on in the manuscript, at a section of the canons of Carthage in which Sardica c. 5 is quoted, he left yet another cross and the words "here again, pay attention."⁸⁷ The relevance of these canons for the Holy Saviour of Messina is that they establish the principle that cases can be brought to the papal court on appeal, which the archimandrite did in fact do in 1218. Our reader also chose to highlight canon 9 of the *Protodeutera* council, which states that priests who physically strike sinners (whether by their own hand or by ordering someone else to do so) should be deposed.⁸⁸ Again, the relevance does not lie in the subject matter but in the legal principle: the canon states that the secular authorities should enforce the law if the priest does not agree to reform. Perhaps this helped justify the monastery's appeal for protection to Frederick II in 1224?

⁸⁰ See chapter two, p. 213.

⁸¹ Vall. C 11.1, fol. 347^v, with the introductory section re-copied on fol. 348^r. I am indebted to my colleague Joel Pattison of the University of California, Berkeley for his invaluable help in reading this document.

⁸² "ὄρα καλῶς": Vall. C 11.1, fol. 177^v.

⁸³ Particularly II Nicaea c. 19-21 (fols. 178^v-179^v), *Protodeutera* c. 2-5 (fols. 184^v-185^v).

⁸⁴ "ὄρα": Vall. C 11.1, fol. 279^v. It appears alongside the *Coll. 25 capp.* text of Justinian's *Novel* 120 (text edited in Gustav E. Heimbach (ed.), *Ἀνεκδότα* (Leipzig: Barth, 1838-1840) 2.145-201, at 199).

⁸⁵ Vall. C 11.1, fol. 331^v. Text in N. van der Wal and Bernard H. Stolte (edd.), *Collectio Tripartita: Justinian on Religious and Ecclesiastical Affairs* (Groningen: Forsten, 1994), 139.

⁸⁶ Vall. C 11.1, fol. 101^r.

⁸⁷ "ἐνταῦθα πάλιν πρόσεχε σεαυτὸν": Vall. C 11.1, fol. 106^v.

⁸⁸ Vall. C 11.1, fol. 186^v.

Although it is difficult to reconstruct exactly how the manuscript was used from the marginalia alone, one cannot help but notice how closely they relate to aspects of the Holy Saviour's dispute with Archbishop Berardo and Honorius III. Faced with an overbearing archbishop, the archimandrite seems to have consulted his monastery's Byzantine nomocanon and used it to help plan his strategy. The presence of the Latin translation in the margin of II Nicaea c. 12 perhaps suggests that the monks may even have attempted to use that canon in their legal arguments.

From a modern perspective this seems quite naïve; why would a thirteenth-century Italo-Greek monastery attempt to use an eleventh-century Byzantine nomocanon in pursuing a case before the papal court? The monks' posture makes more sense when viewed in the context of the judicial autonomy that the monastery enjoyed in the twelfth century. The archimandrites of the Holy Saviour had apparently always followed the Byzantine system of canon law since it was founded in the 1130s and seem to have been largely unfamiliar with that of the Western church. It did not occur to them that the papacy might be sceptical of arguments based in Greek canon law. As the monks came to learn, however, their nomocanons were of diminishing legal value in the post-Lateran IV world.

Summary

The Fourth Lateran Council heralded a new era in relations between the Church of Rome and the Greek Christians of southern Italy. Whereas the eleventh and twelfth centuries had been marked by papal ignorance and indifference, the thirteenth century saw a surge in the popes' interest in Italo-Greek affairs, particularly on the part of Honorius III. The Western church moved to integrate Greek secular and monastic institutions in southern Italy into its own administrative structure, ending the broad autonomy that they had enjoyed under Norman rule. This did not happen instantaneously, of course, nor did it proceed at the same pace in every area. The conflict between the Hohenstaufen and the papacy afforded many Italo-Greek institutions (particularly the Holy Saviour of Messina and St Nicholas of Casole) the opportunity to preserve their independence for a few more decades.

Nevertheless, the Angevin conquest of 1266 put an end to this and conclusively restored papal authority in the Kingdom of Sicily. As they lost what remained of their institutional autonomy, Italo-Greek Christians lost their legal autonomy as well. Even so, papal policy still permitted them to retain their distinctive 'customs and rites' so long as they did not go against Western canon law. The question now became: which Greek customs and rites were acceptable?

4. Byzantine Canon Law and the Defence of Greek Religious Culture (13th-14th Centuries)

Annick Peters-Custot has described the thirteenth century as a crucial period of 'rupture' for the Greeks of southern Italy, showing how Italo-Greek elites began to choose Latin educations and career paths in order to maintain their social status.⁸⁹ This process of cultural change did not result in the eradication of the Greek language or Greek customs; as we have noted previously, these

⁸⁹ Peters-Custot, *Les grecs de l'Italie méridionale*, 432-566.

have survived into the modern day in some areas of southern Italy. Nevertheless, even partial assimilation posed an implicit challenge to the coherence of the Greek community identity, a fact that contemporaries did not fail to notice.

In a period of cultural change in the face of a Latin majority, nomocanons provided Italo-Greeks with a link to their shared Byzantine past. Though they could no longer serve a practical legal function, the Byzantine canons retained a strong ideological value as decrees of divinely inspired church councils of the distant past. Even the papacy acknowledged the authority of the Byzantine church councils (though it did not accept all the Apostolic or Trullan canons), at least in principle. The canons could therefore serve to explain and legitimise Greek religious practices when they differed from those of the Latins. Byzantine canon law provided an aura of antiquity and authority that Italo-Greek churchmen could mobilise in defence of their community's distinct religious and cultural identity.

The Authority of Canon Law: The Three Chapters of Nektarios of Otranto (c.1222-1225)

The clearest demonstration of the continuing ideological power of Byzantine canon law in the thirteenth century is the work known today as the *Three Chapters*, a fascinating bilingual treatise in Greek and Latin by the Italo-Greek abbot Nektarios (formerly Nicholas) of the monastery of St Nicholas of Casole near Otranto.⁹⁰ As we saw in chapter one, Nektarios served as interpreter for Cardinal Benedict Caetani's Roman delegation to Constantinople in 1205 to secure the loyalty of the Byzantine clergy.⁹¹ Although he composed the work many years later, Nektarios frames it as a response to the criticisms that Benedict apparently levelled at the Greek theologians there.⁹² This essentially a literary device; in reality, the *Three Chapters* was meant for southern Italy in the 1220s, as we learn from a closing verse dedication in one of the surviving autograph manuscripts:

τέλος σὺν Θεῷ τῆς βίβλου τῆς ἀναμεταξὺ Γραικῶν καὶ Λατίνων διαλέξεως. Ἔχεις ὅπερ μοι ἐντείλω γράψαι σοι, ἐν Χριστῷ ἀγαπητέ, Ἄνδρέα σοφώτατε, ταυτηνὶ τὴν μικρὰν δέλτον, ἣτις ἐκ πολλῶν καὶ μεγάλων ἀνδρῶν φιλοσόφων, συλλεγεῖσα καὶ παρ' ἐμοῦ συνταχθεῖσα,

⁹⁰ The text survives in two autograph manuscripts: Paris, Bibliothèque nationale de France, MS BnF suppl. gr. 1232, fols. 15^r-164^f; Vatican City, Biblioteca Apostolica Vaticana, MS Pal. gr. 232, fols. 3^r-131^f. There are also several later copies of the work, detailed in Maria Muci, "Il terzo *Syntagma* di Nicola Nettario di Otranto," *Rivista di Storia della Chiesa in Italia* 62.2 (2008): 449-505, at 455. The prologue of the first chapter and the entirety of the second and third chapters were published in Arsenij, *Nikolaja Gridrustkago igumena greceskago monastyrja v Kasulach tri zapisi o sobesedovanijach Grekov s Latinjanami po povodu raznostej v vere i obycajach cerkovnych* (Novgorod, 1896). The third chapter has also recently been published in Muci, "Il terzo *Syntagma*," 477-500. Nektarios' own name for the work was the *Synopsis*.

⁹¹ See chapter one, p. 47.

⁹² "[The work was] composed and put together by Nicholas of Otranto, translated at the time from Greek into the Latin language in Constantinople, at the command of the Lord Cardinal Benedict, who was the representative of Innocent III, then reigning pope of Rome." ("συλλεγεῖσα καὶ συνταχθεῖσα παρὰ Νικολάου Ἰδρούσης, ἔπειτα δὲ καὶ ἐξ ἑλληνικῆς εἰς ῥωμαϊκὴν διάλεκτον ἐρμηνευθεῖσα ἐν Κωνσταντινουπόλει, προτροπῇ τοῦ κυροῦ Βενεδίκτου τοῦ καρδηναρίου [*sic*] καὶ τοποτηρητοῦ τότε ὑπάρχοντος Ἰννοκεντίου τοῦ τρίτου πάπα Ῥώμης"); title reproduced in Maria Muci, "Il terzo *Syntagma* di Nicola Nettario e la difesa delle tradizioni liturgiche bizantine dei greci della Terra d'Otranto," *Itinerari di ricerca storica* 19 (2005): 25-47, at 29

ἑλληνιστὶ, καὶ ῥωμαῖστὶ μεταφρασθεῖσα, ἔστω σοι καὶ παντὶ ὀρθοδόξῳ πανοπλία κατὰ τῶν τινῶν ὑψαυθενούντων Λατίνων, ὑγίαινε ἐν Κυρίῳ πάντοτε.

[This is] the end with God’s help of the book of dialogue between Greeks and Latins. You have what I enjoined myself to write for you, my beloved in Christ, most wise Andrew, this little writing here, which I composed and arranged in Hellenic [i.e. Greek] from [the words of] many great philosophical men and translated into Roman [i.e. Latin]. Let it be for you and for every orthodox [believer] an armament against certain arrogant Latins. May you always be healthy in the Lord.⁹³

The addressee was Andrew of Brindisi, a Greek notary with refined literary tastes to whom Nektarios also addressed a short epigram.⁹⁴ Though it was supposedly based on the arguments of the Byzantine theologians of Constantinople, the *Three Chapters* was intended to be of practical apologetic use to Italo-Greeks such as himself and Andrew. Not surprisingly, Nektarios did not translate the dedication into Latin.

The work aims to defend Greek belief and practice against Latin criticism. Nektarios draws a clear distinction between the two cultural groups, creating a rhetorical opposition between “we Greeks” and “you Latins,” and clearly identifies himself with “the church of the Greeks.”⁹⁵ This is an interesting turn of phrase, as it makes a broad reference to the Byzantine church while employing Western vocabulary – ‘Greeks’ – that the Byzantines would not themselves have used.⁹⁶ It neatly encapsulates the Italo-Greeks’ liminal situation, continuing to identify with Byzantium even as they lived under the Roman church.

Nektarios begins the work with a preface in which he explains the history of the seven ecumenical councils (ending with the Second Council of Nicaea in 787).⁹⁷ The aim of this passage is to establish the validity and authority of the Byzantine church councils to a Latin audience so that he can use them as the foundation of his arguments in the rest of the treatise. While the Western church theoretically accepted all the Byzantine conciliar canons except those of *Trullo*, the fact that they were written in Greek meant that many Latins in practice were only familiar with the most famous ones such as those of the First Council of Nicaea. The later councils, together with local ones such as Gangra and Laodicea, were less well known in the West. As we saw in chapter five, historical summaries of the ecumenical councils are quite common in the Italo-Greek nomocanons. Nektarios may actually have used a nomocanon as the source for the preface, although, unlike Neilos Doxapatres, he appears to have rephrased the material in his own words.

⁹³ BnF suppl. gr. 1232, fol. 164^r. Text reproduced in Muci, “Il terzo *Syntagma*,” 500.

⁹⁴ Text in Marcello Gigante (ed.), *Poeti bizantini di Terra d’Otranto nel secolo XIII. Testo critico, introduzione, traduzione, commentario e lessico* (Naples: Università di Napoli, 1979), 78 (no. 12). Nektarios calls him a “descendant of the Muses” (“τῶν Μουσῶν γόνε”).

⁹⁵ E.g. “The church of the Greeks holds to many [traditions] that are pleasing to God, as I have already mentioned, and which are also written in your holy books, O Latin men...” (“πολλὰ μὲν θεαρέστως ἢ τῶν γραικῶν ἐκκλησία κρατοῦσα, ὡς ἤδη καὶ εἴρηται, ἃ καὶ ἐν ταῖς ἱεραῖς ὑμῶν βίβλοις γέγραπται, ὧ ἄνδρες λατῖνοι...”): Muci, “Il terzo *Syntagma*,” 478 ll. 7-9.

⁹⁶ See above, p. 207.

⁹⁷ BnF suppl. gr. 1232, fols. 28^v-39^r; Pal. gr. 232, fols. 7^r-19^r.

As its name suggests, the *Three Chapters* is divided into three main sections. The first and longest of the three concerns the procession of the Holy Spirit, while the second addresses the Latin use of *azyma* in the Eucharist.⁹⁸ The most interesting of the chapters for our purposes, though, is the third, which carries the following title: “Of the same [Nektarios], the third chapter about the Latins’ fasting on the Sabbath and about why one should not celebrate the Eucharist during Lent, as a demonstration from the holy canons shows. And it is also about the marriage of priests.”⁹⁹ These are easily recognisable as the three differences between Greeks and Latins that are most commonly highlighted in the texts and margins of the southern Italian nomocanons.

Nektarios’ approach throughout the chapter is straightforward: he cites Byzantine canons that support the Greek position in each of the three matters and then gives examples of notable Eastern and Western Church Fathers who accepted the canons as valid. For example, on the question of the Saturday fast, Nektarios notes that it is forbidden by the Apostolic Canon 66; he goes on to observe that both St Jerome and St Augustine accepted the tradition that one should not fast on a Saturday. Finally, he cites canon 56 of the Council *in Trullo* (which explicitly condemns the Western practice of fasting on Saturdays during Lent) and claims (inaccurately) that it was endorsed by the Roman pope Agatho (r. 678-681).¹⁰⁰

Nektarios was much better-informed than many Italo-Greek writers, though, and was aware that Westerners might not always find his appeals to Byzantine canon law convincing. He deals with this issue early in the chapter, noting that he once came across books belonging to Cardinal Benedict that referred to the Apostolic Canons as apocryphal. He also remarks that “you have marked [the Apostolic and patristic canons] as apocryphal in your recent decretals,” which appears to be a reference to Gratian’s *Decretum* (as Maria Muci has observed).¹⁰¹ Not only that, but Nektarios found that someone had written “this is Greek” above a text of the Apostolic canons in Benedict’s possession, which he found “laughable and contrary to the truth.”¹⁰² He therefore takes special care to argue that Westerners had historically accepted the validity of the canons.

Throughout the third chapter, Nektarios relies heavily on Byzantine canon law to support his arguments. He does not attempt to attack the Latins’ own customs; rather, his focus is more on vindicating those of the Greeks. His unusual step of composing the work in both Latin and Greek shows that he clearly wanted both sides to read it, though it is impossible to be sure if it ever gained a wide readership among Latin-speakers. Nektarios’ dedicatory inscription in BnF suppl. gr. 1232

⁹⁸ First section: BnF suppl. gr. 1232, fols. 15^r-114^r; Pal. gr. 232, fols. 3^r-91^r. Second section: BnF suppl. gr. 1232, fols. 114^v-148^v; Pal. gr. 232, fols. 91^v-120^r.

⁹⁹ “τοῦ αὐτοῦ τρίτον Σύνταγμα περὶ τῆς τῶν Λατίνων ἐν σαββάτῳ νηστείας καὶ περὶ τοῦ ὅτι οὐ δεῖ ἐν Τεσσαρακοστῇ τελείαν γενέσθαι μυσταγωγίαν, ὡς ἐκ τῶν θείων κανόνων ἢ ἀπόδειξις πέφυκεν· ἔτι δὲ καὶ περὶ γάμων ἱερέων”: Muci, “Il terzo *Syntagma*,” 477.

¹⁰⁰ Muci, “Il terzo *Syntagma*,” 486-90. Pope Agatho had indeed endorsed the Council *in Trullo* of 681, but the canons associated with this council were not promulgated until ten years later, after he had died. Nektarios was presumably unaware of this chronological gap.

¹⁰¹ “αὐτὸς πολλάκις ἐγκύπτων εὖρον σὺν ἄλλοις ἐκεῖσε τοὺς τῶν θείων Ἀποστόλων καὶ Πατέρων κανόνας, οὔτε ἡμεῖς ἐν τοῖς νεωστὶ γεναμένοις δεκρέτοις ἀποκρύφους σημειοῦσθε”: Muci, “Il terzo *Syntagma*,” 478 and 479 n. b.

¹⁰² “ἐπάνω δὲ τοῦ κειμένου τῶν θείων κανόνων ‘γραικὸν ἐστὶν’ ἐπεγέγραπτο, ὅπερ γελοῖωδες ἦν καὶ κατ’ἀλήθειαν, ὅτι δὲ καὶ ἡμῖν καὶ τοῖς λατίνοις ὑμῖν κοινῶς παρεδόθησαν”: Muci, “Il terzo *Syntagma*,” 478.

to Andrew of Brindisi suggests that it was more for the benefit of Italo-Greeks who wanted to justify their religious practices to their Latin neighbours.

Facing Latin Criticism?

If Nektarios adopted a defensive posture in the *Three Chapters*, against whom was he defending? The work takes the rhetorical form of a debate with “you Latins,” so it is natural to look for evidence of Latin attacks on Greek practice. However, this is surprisingly hard to find. Perhaps the best-known instance of the Latin church attacking Greek customs in southern Italy came in 1232, when Archbishop Marino Filangieri of Bari unsuccessfully attempted to have Greek Christians rebaptised according to Latin rites. The reason that this incident stands out so much, though, is that it was an isolated one. As we saw in chapter one, Nektarios managed to convince Gregory IX of the validity of Greek baptismal rites, which were subsequently recognised in Latin canon law through the *Liber extra*.¹⁰³

It is true that Latin popes and canonists disapproved of some Greek practices and took pains to ensure that they did not influence Latin clergy. Innocent III, for instance, decreed to the Latin patriarch Thomas Morosini of Constantinople in 1206 that Greek-rite bishops could only oversee Greek clergy; if a diocese contained any Latin clergy, then it should be administered by a Latin-rite bishop.¹⁰⁴ Numerous Latin decretalists also inveighed against one group following the other’s rites or mixing the rites together.¹⁰⁵

Perhaps the greatest area of concern was clerical marriage. The Roman church permitted Greek priests to cohabit with their wives but seems to have been very anxious at the thought that this would set a bad example for Latins, as James Brundage observed.¹⁰⁶ Pope Innocent IV (r. 1243-1254) wrote that a married Greek priest who lived for a long time among Latins should have to renounce his wife, although priests who only visited Latins for a short period could keep theirs.¹⁰⁷ The canonist Hostiensis (Henry of Segusio, c.1200-1271) felt that this was too severe, though, and would only agree with it in cases where a regional custom sanctioned the loss of marital rights.¹⁰⁸ Indeed, some Western canonists were actively supportive of clerical marriage in the Eastern church, as Maroula Perisanidi has recently noted in the case of the Anglo-Norman Master Honorius (*fl.* 1184/5-1205) and the anonymous author of the *Summa Lipsiensis* (c. 1186).¹⁰⁹

¹⁰³ See chapter one, p. 51. Another case came in 1220, when Honorius III intervened in Calabria to prevent the Greeks there from practising child marriage: *Fontes III* 3.99 (no. 70). This was probably a custom specific to Calabria, though: Byzantine civil law did not permit child marriage either (Byzantine canon law had nothing to say on the subject). The marriageable age was 14 for males and 12 for females; see Justinian, *Code* 5.23.24.

¹⁰⁴ *Fontes III* 2.319 (no. 91).

¹⁰⁵ E.g. Innocent IV, *Apparatus* to X 1.11.9 ad v. *institutionis*; Hostiensis, *Comm.* to X 1.11.9 ad v. *Latini*. See Brundage, “The Decretalists,” 1077.

¹⁰⁶ Brundage, “The Decretalists,” 1078-9.

¹⁰⁷ Innocent IV, *App.* to X 1.11.9 ad v. *nolumus*.

¹⁰⁸ Hostiensis, *Comm.* to X 1.11.9

¹⁰⁹ Maroula Perisanidi, “Anglo-Norman Canonical Views on Clerical Marriage and the Eastern Church,” *Bulletin of Medieval Canon Law* 34 (2017): 113-42, esp. 141-2.

Concrete examples of Latin attacks on Greek practice are difficult to find. No matter how much they disliked them, it was difficult for the papacy or for Latin bishops to attempt to prohibit Greek religious customs outright. The authority of antiquity and the precedent of *laissez faire* that had been inadvertently set during the twelfth century weighed against any such action. Instead, Rome developed a policy of tolerant containment: it would allow the Italo-Greeks to follow Byzantine religious customs, but it would not let them spread to non-Greeks. The implicit sense of disapproval in this approach probably did lead to low-level disagreements or altercations between Latins and Greeks in southern Italy. Even so, such conflicts were apparently not significant enough to make much impression in our sources.

Correcting Greek Mistakes

In contrast to the paltry evidence for conflict between Latin and Greek Christians, there is a large body of sources pointing to disagreements among the Italo-Greeks themselves. Nektarios of Otranto has left a fascinating piece of correspondence that gives a brief insight into one such intra-community dispute, an undated letter to the priests of Gioia. Gioia is a small town on the northern border of the Salento peninsula, an area where Italo-Greeks were probably outnumbered by their Latin neighbours. The only surviving copy of the letter is an autograph preserved in the Casulan nomocanon BnF gr. 1371.¹¹⁰

Nektarios was writing in response to several questions he received from the priests of the town about correct practice regarding the performance of the *proskomide* (the liturgy of preparation) and the marriage of priests.¹¹¹ It is tempting to view his letter as a response to conflict between Latins and Greeks, since Nektarios writes at the end that “you see how much and in what way the progenitors of the Christian people are suffering, called ‘heretics’ by some ignorant people, Greeks incited against Latins and Latins against Greeks.”¹¹² However, there are a number of clues throughout that the real dispute is not between the two religious communities but *within the Greek one itself*. In his introductory preamble, Nektarios refers to “division and strife among you,” by which he means the addressees, and mentions that they had written to him about “pleading and arguments” amongst themselves.¹¹³

The problem was that the Greek priests of Gioia could not agree on what the correct Greek practices were. Nektarios quotes a number of lines from their original letter, and one (concerning

¹¹⁰ BnF gr. 1371 gr. 1371, fols. 151^r-7^r. Text in Hoeck and Loenertz, *Nikolaos-Nektarios*, 130-5.

¹¹¹ The question of how to perform the *proskomide* correctly was a matter of perennial concern to the Italo-Greeks; indeed, that had been the subject of Bishop Paul of Gallipoli’s letter to the patriarch of Constantinople in c. 1081 (see above, pp. 199-200). The Italo-Greeks traditionally fractioned the Eucharistic bread into three parts, whereas the ‘correct’ Byzantine practice was to fraction it into five. Ironically, however, the Italo-Greeks probably derived their custom not from the Western church but from the churches of Syria and Egypt: Safran, *The Medieval Salento*, 143. See also Philippe Hoffmann, “Aspetti della cultura bizantina in Aradeo dal XIII al XVII secolo,” in *Paesi e figure del vecchio Salento*, ed. Aldo de Bernart (Galatina: Congedo, 1989), 3.65-88, esp. 80-3.

¹¹² “ὄρατε οἷα καὶ πῶς πάσχουσιν οἱ τῆς χριστιανῶν μαρίδος ὑπάρχοντες, αἰρετικοὶ παρὰ τινων ἀμαθῶν δυσφημούμενοι, γραικοὶ κατὰ λατίνων καὶ λατίνοι κατὰ γραικῶν ἀνθορμώμενοι”: Hoeck and Loenertz, *Nikolaos-Nektarios*, 134-5.

¹¹³ “... μὴ ἔστω ἐν ὑμῖν διχοστασία καὶ ἔρις... ἐγράψατε τῇ ἡμῶν μετριοφροσύνῃ καὶ ταπεινότητι, ὡς ὅτι δικολογίαί καὶ ἀμφιβολίαί ὑμῖν ἐπεισέφησαν...”: Hoeck and Loenertz, *Nikolaos-Nektarios*, 130.

how to perform the *proskomide*) is particularly revealing: “And those [other priests] heard that this is how they do things in Romania [i.e. Byzantium] and in the monasteries...”¹¹⁴ That is to say, one faction of the priests of Gioia was claiming that their practices were more Byzantine (and thus more correct) than the other faction’s.¹¹⁵ Nektarios does his best in the letter to educate them on the correct Greek customs and encourages them to try to get along with one another.

The twelfth-century Salentine nomocanon Barocci 86 contains a similar, if slightly less well-informed, text. In the course of the thirteenth century, someone inserted a copy of an anonymous letter on “differences between Greeks and Latins” into the beginning of the nomocanon.¹¹⁶ Jean Darrouzès published a longer version of this letter from the fourteenth-century Salentine manuscript Vat. gr. 1276, in which it is attributed to Patriarch Nicholas III Grammatikos of Constantinople (1084-1111).¹¹⁷ Darrouzès argued against this attribution on a range of historical and stylistic grounds. He was almost certainly correct, as the text employs the tell-tale terms “Greeks” and “Latins” that are a hallmark of Italo-Greek writers.¹¹⁸ Yet again, the unnamed (and probably fictional) recipient(s) of the letter had asked for explanations of the differences between Greek and Latin practice: the main subjects are clerical marriage, the *Filioque*, Saturday fasting, and Lent.¹¹⁹

The author sets out in turn to argue for the correctness of Greek customs on the basis of “the proofs from Holy Scripture or from the holy canons of the divine and ecumenical four [*sic!*] councils.”¹²⁰ This is a revealing blunder: the Byzantines recognised *seven* ecumenical councils, not four. Nicholas Grammatikos would not have made this mistake. As we saw in the previous chapter, however, the most common canon law collection in the medieval Salento was the sixth-century *N50T*, which pre-dated the sixth and seventh councils (the fifth council did not issue any canons of its own).¹²¹ As a result, many Salentine nomocanons gave the misleading impression that there were only four ecumenical councils that issued canons. Whether he did so directly or through an intermediate source, the anonymous author seems to have drawn information from an outdated Salentine nomocanon and then attempted to pass it off as the work of a well-known Patriarch of Constantinople.

¹¹⁴ “ἤκουσαν δὲ κάκεινοι ὡς καὶ ἐν τῇ Ῥωμανίᾳ καὶ ἐν τοῖς μοναστηρίοις οὕτω ποιοῦσι...”: Hoeck and Loenertz, *Nikolaos-Nektarios*, 131.

¹¹⁵ It is also of interest that they equate the monasteries with Byzantium in this regard, recalling the model of the autonomous Italo-Greek ‘monastic archipelago’ from earlier in this chapter.

¹¹⁶ “ἠρώτησας ἡμᾶς, ἀγαπητὲ ἀδελφὲ καὶ συλλειτουργγέ, περὶ τῶν ἀμφιβαλλόμενων παρὰ τε γραῖκ[ων] κ[αὶ] λατίν[ων]”: Barocci 86, fols. 1^v-2^r.

¹¹⁷ Jean Darrouzès, “Un faux acte attribué au patriarche Nicolas (III),” *Revue des études byzantines* 28 (1970): 221-37, at 226-36, at 226-32. On Vat. gr. 1276, see Augusta Acconcia Longo and André Jacob, “Une anthologie salentine du XIV^e siècle: le *Vaticanus gr. 1276*,” *Rivista di studi bizantini e neoellenici* 17-19 (1980-1982): 149-228.

¹¹⁸ As mentioned above (p. 207), the word ‘Greek’ is a Latin term. The correct word in the Greek language is ‘Hellenic’. Even then, this word held negative connotations for the Byzantines, who would actually have used the word ‘Roman’ to describe themselves.

¹¹⁹ The version of the text in Vat. gr. 1276 also mentions bearded clergy, clerical vestments, and the use of oaths in witness testimony.

¹²⁰ “... τὰ ἀποδείξεις ἀπὸ τῆς θείας γραφῆς ἢ ἀπὸ τῶν ἱερῶν κανόνων τῶν θείων καὶ οἰκουμενικῶν τεσσάρων ἁγίων συνόδων”: Barocci 86, fol. 1^v.

¹²¹ See chapter five, p. 185.

One of the most fascinating examples of intra-community controversy comes in a thirteenth-century *prophetologion* from the library of the Holy Saviour of Messina.¹²² The opening folia contain a verse text that purports to be a *theotokion*, or hymn to the Virgin Mary.¹²³ While the opening lines begin by praising the *Theotokos*, the ‘hymn’ quickly transforms into a diatribe about divergent Latin and Greek practices regarding fasting and the Eucharist during Lent. The anonymous author begins by refuting ‘certain’ people who claim that the Latins have the same practice as the Greeks in celebrating the presanctified liturgy on Holy Friday during Lent, pointing out (correctly) that this was not the case.¹²⁴ Following this, he goes on to talk at length about why the ‘Latins’ and ‘Hellenes’ (as he calls them) fast differently from one another during Lent, saying, “If anyone ever asks me, ‘Why are these things so? Why do you not do this [fast] the same [as the Latins] on Saturdays [during Lent]?’ ... I immediately answer truthfully...”¹²⁵ The author gives a short theological overview before continuing at greater length to explain that the Greeks’ customs are based on Apostolic Canon 66 and canon 55 of the Council *in Trullo*.¹²⁶

The author of this curious ‘hymn’ was not attempting to convince a Latin reader of the correct practice; after all, he was writing in Greek. It is probably aimed instead at the sort of person who falsely believed that the Greeks celebrated the presanctified liturgy on Holy Friday like the Latins and could not understand why Italo-Greeks had a different fasting regime. The use of metric verse and a hymn-like structure may even be a mnemonic device to make the information easier to learn. It gives the strong impression that there was a group of Italo-Greeks in thirteenth-century Sicily that had grown up around Latin Christians and were unsure if, or why, their religious customs were different. Presumably the author of the text was a monk of the Holy Saviour who wanted to correct them on the matter (much like the priests of Gioia who pointed to how people did things in Byzantium and the monasteries). Like Nektarios of Otranto and Ps.-Nicholas Grammatikos, he directed his reader to Byzantine canon law for correction.

The incorporation of the Byzantine canons into arguments for the Greek rite could in turn create a feedback loop as such texts were themselves inserted into nomocanons like BnF gr. 1371 and Barocci 86. Nektarios of Otranto also copied a short essay on the Wednesday and Friday fast, which he attributed to someone named John Antagonistes, into the Casulan manuscript Barb. gr. 324.¹²⁷ The main source for this text was a collection of conciliar decrees promulgated in

¹²² Messina, Biblioteca Universitaria Regionale, MS S. Salv. 164.

¹²³ “τοῦ ἀλφαβήτου τὰ ψαλλόμενα· τὸ θεοτοκίον”: Messina, Biblioteca Universitaria Regionale, MS S. Salvatoris 164, fols. 1^v-6^r. Text partially transcribed in Augustus Mancini, *Codices graeci monasterii messanensis S. Salvatoris* (Messina: Typis d’Amico, 1907), 231-2 (no. 164).

¹²⁴ The Orthodox Church celebrates the presanctified liturgy during weekdays in Lent *except* on the feast of the Annunciation (when it celebrates a normal liturgy) and on Thursday and Friday of Holy Week, when no Eucharist is performed. The Western Church, by contrast, *only* celebrates the presanctified liturgy on Friday of Holy Week. Cf. Nektarios’ of Otranto’s comments on the subject in Muci, “Il terzo *Syntagma*,” 490.

¹²⁵ “εἰ δὲ τῆς [*sic*] εἴπη πρὸς ἑμᾶς· πῶς ταῦτα οὕτως ἔχει; πῶς καὶ τοῦτω σάββατα οὐ ποιῆτε ὁμῖος; ... εὐθὺς ἀποκρινόμεθα ἀληθῶς...”: S. Salv. 164, fol. 3^v. The quality of spelling is rather low throughout the text.

¹²⁶ S. Salv. 164, fol. 5^{rv}.

¹²⁷ Barb. gr. 324, fol. 10^v. Text and discussion in André Jacob, “Autour de Nicolas-Nectaire de Casole” in *Vaticana et medievale. Études en l’honneur de Louis Duval-Arnould*, edd. Jean-Marie Martin, Bernadette Martin-Hisard and Agostino P. Bagliani (Florence: Galluzzo, 2008), 231-51, at 234-6. The essay is also preserved in Madrid, Biblioteca nacional de España, MS 4554, fol. 50^f, where it is attributed to Philagathos of Cerami. ‘John Antagonistes’ is otherwise unknown.

Constantinople in c. 1107 under the patriarchate of the real Nicholas III Grammatikos.¹²⁸ Thus, Byzantine canons promulgated in the early twelfth century were incorporated into a polemical text on correct and incorrect practice that would itself later be incorporated into a canon law collection. In this way, the thirteenth century saw the development of a miniature ecosystem of texts on canon law and cultural identity.

Towards Latinisation

The multicultural environment of the Kingdom of Sicily evidently created a great deal of uncertainty about the ‘correct’ Greek rites among a large segment of the Italo-Greek Christian population. In addition to the above examples, we see this in texts such as the letter of Metropolitan George Bardanes of Corfu to the Greek priests of Nardò in the Salento (c.1235).¹²⁹ Like Nektarios’ letter to the priests of Gioia, this was in answer to a series of queries about how to perform the *proskomide* and baptism. The uncertainty resulted in the adoption (consciously or otherwise) of Western religious customs, which in turn reinforced the cultural ambiguity. Linda Safran and others have noted several interesting examples from the late twelfth and thirteenth centuries of Italo-Greek clergy adopting aspects of the Latin rite such as the Westernised baptismal prayers of the priest Galaktion and evidence for the use of communion bells in the liturgy.¹³⁰

The lack of clarity about what was and was not Greek practice is often reflected in the marginalia left in nomocanons by thirteenth- and fourteenth-century readers. In Vat. gr. 2060, for instance, a thirteenth-century hand highlighted canon 4 of the Council of Carthage (which instructs priests and bishops to abstain from their wives) and summarised it in Greek: “That clergy should not have wives.”¹³¹ He also annotated canon 25 (which says the same thing): “About priests who have wives.”¹³² In S. Salv. 59, by contrast, a thirteenth- or fourteenth-century reader chose to highlight Apostolic Canon 5, which states that priests who renounce their wives on pretence of religion should be excommunicated. Intriguingly, he copied the text of the canon into Latin in the upper margin, suggesting that the monks of the Holy Saviour of Bordonaro (where the nomocanon was kept) may have been losing their facility with the Greek language.¹³³

A more striking case of the growing uncertainty about Greek practices comes in the thirteenth-century Rossanese nomocanon Vat. gr. 2019. As we saw in chapter five, this manuscript has a lengthy appendix of supplementary texts following Aristenos’ commentary on the *Synopsis of*

¹²⁸ Text in Jean-Baptiste Pitra (ed.), *Spicilegium solesmense, complectens sanctorum patrum scriptoriumque ecclesiasticorum anecdota hactenus opera* (Paris: Didot, 1852-1858), 4.466-76.

¹²⁹ Text in Hoeck-Loenertz, *Nikolaos-Nektarios*, 207-9 (no. 17).

¹³⁰ Linda Safran, *The Medieval Salento: Art and Identity in Southern Italy* (Philadelphia: University of Pennsylvania Press, 2014), 125, 142-3. See also Anselm Strittmatter, “Liturgical Latinisms in a Twelfth-Century Greek Euchology (Ottob. gr. 344),” in *Miscellanea Giovanni Mercati. III. Letteratura e storia bizantina* (Vatican City: Biblioteca Apostolica Vaticana, 1946), 41-64, at 55-60.

¹³¹ “πε[ρὶ] γυναικ[ας] μὴ ἔχ[ειν] ἱερεῖς”: Vat. gr. 2060, fol. 67^r. The Byzantine canon law corpus incorporated some canons from local councils in the West, notably those of Carthage and Sardica, that openly contradicted the Byzantines’ own traditions. One can see how it must have been confusing for a medieval reader.

¹³² “πε[ρὶ] πρεσβυτέρ[ων] ἐχόντ[ων] γυναικ[ας]”: Vat. gr. 2060, fol. 70^v.

¹³³ “ep[iscopu]s aut presbiter aut diacon[us] suam uxore[m] no[n] expellat occasio[n]e religio[n]is. si autem expulserit segregat[ur]. mane[n]s aut[em] deponat[ur]”: S. Salv. 59, fol. 76^v. The translation of the Greek is extremely literal.

Canons.¹³⁴ It was donated to the *Patiron* monastery after the year 1234, where the monks left a significant number of marginal comments alongside the appendix. The marginalia are mostly quite brief, with the exception of a section of *erotapokriseis* on fasting, the divine liturgy, and monastic discipline.¹³⁵ This passage, comprising canonical answers by Patriarch Nicholas III Grammatikos, an otherwise unknown Metropolitan Euphemianos of Thessaloniki, and the twelfth-century Byzantine *nomophylax* Michael Choumnos, is heavily annotated. Above an answer of Nicholas III on fasting during Holy Week, one reader drew a large asterisk, while another wrote: “On Great Thursday and the Fast on that day and communion: a marvellous explanation.”¹³⁶ A few folia later, around Euphemianos’ answer on Lenten fasting, yet another reader copied out a lengthy *erotapokrisis* on the same subject in the margins and gave references to other texts that discuss it.¹³⁷ It is impossible to know whether the reader was filling in a missing section of the text or adding another from elsewhere, since this is the only surviving copy of Euphemianos’ writing.

In this context, elements in later nomocanons such as the Salentine Group’s “against the Latins” annotations appear to be directed not against the Latins themselves but against ignorant Italo-Greeks who were (knowingly or not) adopting Latin customs.¹³⁸ Scholars have noted this phenomenon in other contexts as well. A good example is the treatise of Theodore of Cursi (a Salentine priest of the late thirteenth century) against the Greek archbishop Angelos of Rossano (1266-c.1287).¹³⁹ Angelos (who was present at the Second Council of Lyon in 1274) had introduced certain innovations from Latin custom into the Greek liturgical rite. As Linda Safran has noted, Theodore’s writing earned him the moniker of “the solid bulwark of the Greek population” from his friend Theodotos of Gallipoli.¹⁴⁰ Yet Theodore was not a bulwark against an external Latin threat; he was defending against an Italo-Greek hierarch who had adopted some of the Latins’ liturgical customs. This is a crucial point: ‘latinisation’ was not a policy imposed from above by the Roman church, but an internal process *within* the Greek community resulting naturally from social change.

Although the Italo-Greeks were never fully assimilated to Western norms, figures like Nektarios of Otranto, Theodore of Cursi, and our other anonymous writers were fighting a losing battle. Over the course of the fourteenth century, the cultural connections between the Italo-Greeks and Byzantium became progressively weaker. Eventually, they came to view themselves not as a

¹³⁴ See chapter five, pp. 182-3.

¹³⁵ Vat. gr. 2019, fols. 122^r-138^v.

¹³⁶ “περὶ τῆς μεγάλῃς πέμπτης καὶ τῆς ἐν αὐτῇ νηστείας καὶ κοινωμίας : λύσις θαυμασία”: Vat. gr. 2019, fol. 124^v. The subject at issue was whether one could take communion on Thursday of Holy Week during Lent. As we saw above, the answer is that one could not.

¹³⁷ Vat. gr. 2019, fols. 126^v-127^r.

¹³⁸ On the “against the Latins” annotation, see chapter five, pp. 186-9.

¹³⁹ The text is preserved in Vat. gr. 1276, fols. 151^r-165^r (the same manuscript that contained the letter of Ps.-Nicholas III Grammatikos) and partially published in Giovanni Mercati, “Non Russia, ma Rossano nell’Antiritico di Teodoro Cursiota,” in *Opere minori IV* (Vatican City: Biblioteca Apostolica Vaticana, 1937), 169-71. See Acconcia Longo and Jacob, “Une anthologie salentine,” 220-1; Mario Re, “Copisti Salentini in Calabria e in Sicilia,” *Rivista di studi bizantini e neoellenici* 41 (2004): 95-112, at 98-9.

¹⁴⁰ “τὸ πάγιον στήριγμα τοῦ γραικῶν μέρους”: text in Augusta Acconcia Longo, “Un nuovo codice con poesie salentine (Laur. 58, 25) e l’assedio di Gallipoli del 1268-69,” *Rivista di studi bizantini e neoellenici* 30-31 (1984-1985): 123-70, at 135. See Safran, *The Medieval Salento*, 214.

Byzantine outpost in the West but as a cultural subdivision within the Roman church. The nomocanon Vat. gr. 2019 provides one of the most vivid and concise signs of this shift. One of the last items in Aristenos' *Synopsis of Canons* is a pro-Constantinopolitan tract entitled "To those who say that Rome is the first throne."¹⁴¹ This essay uses a series of historical and canonical examples to argue that Rome does not, in fact, have precedence over Constantinople. The beginning of the text claims that the fourth ecumenical council (Chalcedon) had actually placed Constantinople above all the other patriarchates. However, in the margin alongside this, a late fourteenth-century Greek hand left a simple ripost: "Flee these lies."¹⁴² The Italo-Greeks had at last come to accept Roman primacy.

Summary

The integration of Italo-Greek ecclesiastical institutions into those of the Western church in thirteenth century may have nullified the value of nomocanons as legal authorities, but their value as cultural authorities increased. This was a consequence of two main factors: firstly, the Latin church accepted the basic validity of Greek religious customs; secondly, the decline in the nomocanons' legal utility coincided with a period in which Italo-Greeks were increasingly assimilating aspects of Latin ritual. It is not quite right to say that this gave the nomocanons a new purpose, as they had always been sources of authority on cultural matters to some extent. However, it is fair to say that their emphasis shifted significantly in the thirteenth century from formal law to cultural and religious practice, a key pillar of the Italo-Greeks' cultural identity.

In her insightful work on art and identity in the medieval Salento, Linda Safran remarked that "the biggest body of evidence for resistance to Roman-rite acculturation in the Salento is the long survival of Orthodox churches."¹⁴³ The surprisingly long survival of nomocanons in the thirteenth and fourteenth century is further evidence for this resistance, I would argue. Yet it is important to emphasise that the resistance was not directed outwardly against Latin Christians but *inwardly against other Greeks*. A more traditionalist faction of Italo-Greeks (mostly monks and certain Salentine clergy) appealed to Byzantine canon law to preserve the purity of Greek-rite Christianity; their texts were themselves sometimes copied into nomocanons, reinforcing the association between canon law and cultural identity.

Conclusion to Chapter Six

The role of Byzantine canon law in southern Italy underwent a gradual shift from legal to cultural authority in the tenth to the fourteenth centuries. At the beginning of the period, the Byzantine Empire was consolidating its authority in the region, establishing new metropolitan sees to integrate the southern Italian church into the administrative structures of the Patriarchate of Constantinople. Evidence for this early period is extremely scarce, but it is clear that the

¹⁴¹ "πρὸς τοὺς λέγοντας ὡς ἡ Πρώμη πρῶτος θρόνος": RP 4.409-15.

¹⁴² "ταῦτα ψευδῆ φεῦγε": Vat. gr. 2019, fol. 93^v.

¹⁴³ Safran, *The Medieval Salento*, 231.

Byzantines firmly planted their system of canon law in the Greek-speaking areas of Calabria, Lucania, and Apulia.

Although the Norman conquest severed the political ties between southern Italy and the Byzantine Empire, it did not put an end to the use of Byzantine canon law in the region. On the contrary, the Normans' successful efforts to maintain control over the church in their realm in some ways mimicked the model of church-state relations in Byzantium. The remaining Greek bishops and independent Greek monasteries built a relationship with the De Hauteville monarchs that resembled the kind they had previously enjoyed with the Byzantine emperors. The Italo-Greeks did not challenge the Normans' authority in the Kingdom of Sicily, and in turn they were allowed to administer their own judicial systems based on inherited Byzantine canon law. The contemporary developments in Latin canon law at the Lateran Councils did not pass unnoticed, but they made almost no direct impact on the ecclesiastical institutions of the Greeks of southern Italy.

A number of factors challenged this status quo in the early thirteenth century, however. The demise of the Norman De Hauteville dynasty gave the papacy the opportunity to insert itself into southern Italian affairs, while the conquest of Constantinople by the Fourth Crusade compelled it to develop a coherent programme towards Greek-rite Christianity. In the long term, this resulted in the incorporation of Italo-Greek ecclesiastical institutions into the Roman church's administrative system. Consequently, the Byzantine canons lost their practical legal value, as the southern Italian Greeks were forced to adapt to the Latin canon law system.

Nonetheless, the papacy also adopted the precedent of cultural tolerance set by its previous indifference to Greek Christians as a formal policy. Though the nomocanons had lost their value as legal sources, they could still play a role as cultural sources. In the jurist Robert Cover's terminology, they shifted from being 'imperial' to 'paideic' authorities. At a time when some Italo-Greeks were beginning to assimilate to their Latin environment, more conservative monks and clergy turned to their nomocanons in an effort to correct and educate fellow members of their communities. In short, the Italo-Greek nomocanon was transformed into a tool for the preservation of a distinct Greek religious and cultural identity.

Conclusion

ιστόρηται μέντοι τοῖς πρὸ ἡμῶν ὡς καὶ αὐτὸς ὁ πάπας τῆς Ῥώμης καὶ ὅσοι τοῦ δυτικοῦ κλίματος χριστιανοὶ ἐξῶθεν κόλπου τοῦ Ἰωνικοῦ, Ἴταλοί, Λογγίβαρδοι, Φράγγοι οἱ καὶ Γερμανοί, Ἀμαλφίνοι, Βενετικοὶ καὶ οἱ λοιποὶ, πάντες τῆς καθολικῆς ἐκκλησίας ἐξῶ πρὸ μακρῶν εἰσι χρόνων καὶ τῶν εὐαγγελικῶν ἀλλότριον καὶ ἀποστολικῶν παραδόσεων, δι' ἃ, φησὶν, κρατοῦσι παράνομα καὶ βάρβαρα ἔθη... μόνοι δὲ οἱ Καλαβροὶ ἀνέκαθεν εἰσιν ὀρθόδοξοι χριστιανοί.

It is recounted in earlier histories that the Pope of Rome himself and those Christians of the Western region beyond the Ionian Gulf – the Italians, Lombards, Franks and the Germans, the Amalfitans, Venetians, and the rest – have all been outside the catholic church for many years and are strangers to the traditions of the Gospel and the Apostles. Because of this, it is said, they hold to unlawful and barbarian customs... Only the Calabrians are orthodox Christians, as they have been from the beginning.¹

This sweeping condemnation of Western Christendom forms the concluding paragraph of a polemical essay composed by Constantine Stilbes, metropolitan bishop of Kyzikos, shortly after the fall of Constantinople to the Latins in 1204. The words were not entirely his own; he adapted them from the introductory paragraph of an anonymous tract of the twelfth century known today as the *Opusculum contra Francos*.² Nonetheless, they undoubtedly still rang true in the aftermath of the Fourth Crusade. To writers like Stilbes, Western Christians were hostile to the Byzantine church and its traditions, instead following “unlawful and barbarian customs.” The only exceptions to this rule were “the Calabrians,” by which he meant the Italo-Greeks as a whole.³ The anonymous author of the *Opusculum* also added that the Calabrians were “nourished by the customs of our Apostolic church.”⁴

To Byzantine observers of the twelfth and thirteenth centuries, the Greeks of southern Italy seemed to be an isolated outpost of orthodox Christianity in Western Europe, following the correct and lawful customs of the Church of Constantinople. Italo-Greek authors of the period such as Neilos Doxapatres and Nektarios of Otranto present a similar impression of themselves, writing works that presumed an on-going connection between their own spiritual life and that of Byzantium.

¹ Text in Jean Darrouzès, “Le mémoire de Constantin Stilbès contre les Latins,” *Revue des études byzantines* 21 (1963): 50-100, at 90-1.

² Text in J. Hergenröther (ed.), *Monumenta graeca ad Photium eiusque historiam pertinentia* (Regensburg: Manz, 1869), 62-71, at 62-3. Stilbes’ version cleans up the awkward syntax of the *Opusculum* considerably. He also adapted a short section of his conclusion (not quoted here) from earlier twelfth-century tracts by John of Claudiopolis and Niketas Seides. See Tia M. Kolbaba, *The Byzantine Lists: Errors of the Latins* (Chicago: University of Illinois Press, 2000), 177-8.

³ The perspective of writers such as Stilbes and the anonymous author of the *Opusculum* was heavily Byzantinocentric. Their knowledge of Westerners was clearly shaped by the groups that one could encounter in twelfth-century Constantinople: French, Germans, and Italians, with especial prominence given to the Italian merchant republics of Venice and Amalfi. Calabria had the highest concentration of Greek-speakers in southern Italy, and so Stilbes and the *Opusculum* use “the Calabrians” as an easy catch-all term for Italo-Greeks.

⁴ “τοῖς τῆς ἀποστολικῆς ἡμῶν ἐκκλησίας ἔθεσι τρόφιμοι”: Hergenröther, *Monumenta graeca*, 63.

Theirs was a religious culture on the threshold, geographically and politically situated in the West but intellectually grounded in the East.

The surviving Greek nomocanonical manuscripts of southern Italy show that these views of the orthodoxy of the ‘Calabrians’ were not just based on historical memory but reflected a practical reality. We began this investigation with a simple question: why did the Italo-Greeks continue to produce and read manuscript collections of Byzantine canon law long after they had ceased to be subjects of the Byzantine Empire? The answer, in short, is that the manuscripts continued to hold legal and cultural relevance for them.

The Italo-Greeks’ on-going use of Byzantine canon law collections makes little sense if we approach the question from the perspective of legal positivism: the nomocanons bore no relation to the formal legal system of the Roman papacy, which exercised official jurisdiction over southern Italy. However, it makes perfect sense when viewed through the lens of legal and cultural pluralism. The legal order of medieval southern Italy was a complex one in which different communities and organisations regulated their social orders to varying degrees of formality. Even though it was not recognised by the sovereign legal authority (the Church of Rome), Byzantine canon law continued to play a role in the normative world of Italo-Greek Christianity. The nomocanons give an important insight into how this legal pluralism worked in practice.

There are some important caveats that we must highlight regarding the sources. The surviving codices are not a completely representative sample of what was originally produced. Thanks to historical dynamics of source preservation, we have two main categories of extant manuscripts: monastic nomocanons from twelfth-century Sicily/Calabria and clerical nomocanons from the twelfth-/thirteenth century Salento. There are also a small number of lay-owned codices from Calabria (predominantly Rossano) and monastic manuscripts from St Nicholas of Casole in the Terra d’Otranto. Very few examples survive from the Byzantine era, though it is possible to draw inferences about them from manuscripts of the post-Byzantine period.

Although these manuscripts may not tell the whole story, they do still tell a worthwhile one. They allow us to draw several interesting conclusions about the nature of legal, cultural, and religious pluralism in medieval southern Italy. Perhaps the most striking of all, given the region’s reputation in modern scholarship as a cultural melting pot, is the lack of any obvious cross-cultural influence on the nomocanons. Their aesthetics and materiality follow Byzantine models faithfully, though Calabria and the Salento developed their own regional versions of these models. In terms of their content, there is no trace whatsoever of Western influence. On the contrary, the Italo-Greek copyists drew exclusively upon the Byzantine textual tradition from first to last. Only one of the texts (the *erotapokrisis* of Leo of Reggio) was originally composed in Italy itself, and this dates to the era of Byzantine rule. The only sign of Western influence is to be found in the nomocanons’ reaction *against* it (which is at any rate largely restricted to the thirteenth and fourteenth centuries).

While the monoculturalism of the manuscripts may at first seem surprising, it was in fact a key feature of the legal pluralism of the post-Byzantine period. Byzantine canon law could survive the Norman conquest of the eleventh century as a formal legal system because of the autonomy enjoyed by key Italo-Greek ecclesiastical institutions. The Norman rulers did not want to concede

power to the Roman papacy any more than they did to the Byzantine emperors, and so they encouraged the judicial independence of Greek monasteries and bishops. Rather than answering to Rome's administrative hierarchy, the Italo-Greeks instead entered a patronage relationship with the Norman kings that strongly reflected the model of church-state relations in the Byzantine Empire. Roger II cared little if they followed Byzantine or Latin canon law. As a result, powerful Italo-Greek monasteries such as the *Patiron* of Rossano, the Holy Saviour of Messina, and St Nicholas of Casole could oversee their own autonomous legal systems based on the canon law that they had inherited from the Byzantine Empire. The evidence for bishops is less clear than it is for monasteries, but the survival of manuscripts such as the thirteenth-century Vat. gr. 2019 in Rossano suggests that Italo-Greek hierarchs enjoyed a similar degree of autonomy. The authority of the Norman kings insulated these Italo-Greek institutions from outside influence, allowing them to continue to follow Byzantine canon law. The papacy, for its part, was too impotent and ignorant to interfere.

It must be stressed that we can only say this with certainty about the institutions that actually produced the nomocanons. In many areas of southern Italy, Greek monasteries and clergy were subjected to or replaced by Latins. As scholars such as Annick Peters-Custot and Linda Safran have observed, cultural and religious assimilation (you may choose whichever word you prefer for the process) did occur in many places. However, the production and use of Byzantine nomocanons by many Italo-Greek institutions is evidence that there were also Greek Christian communities that maintained their own judicial independence, at least for a time. This allowed nomocanons to continue as the practical reference guides to a functioning legal system at the local level.

This *status quo* eventually came to an end in the thirteenth century. The demise of the Norman de Hauteville dynasty in the 1190s allowed the papacy to extend its authority into southern Italy, while the Fourth Lateran Council of 1215 finally established a blueprint for the integration of non-Latin Christians into the administrative structure of the Western church. Frederick II's conflict with the papacy allowed some Italo-Greek monasteries to maintain their judicial independence for a time, but the Angevin conquest of the Kingdom of Sicily in 1266 brought it to an end. The incorporation of the Italo-Greeks into the Western church's administration brought an end to the role of Byzantine canon law as a formal legal system in southern Italy.

Nevertheless, nomocanonical manuscripts continued to be produced and read into the fourteenth century, particularly in the Salento peninsula. Although they had lost their legal authority, they retained a strong cultural authority. The Roman church may not have accepted the legal validity of the Byzantine canons, but it could not deny their historical value; moreover, the papacy's *laissez faire* stance towards the Italo-Greeks in the twelfth century had created an unintentional precedent that their "customs and rites" were to be tolerated, even if their independence could not be. The nomocanons served as important resources for explaining and legitimising the distinctive religious culture of the Greek church.

The nomocanons' cultural function was heightened in the context of thirteenth-century demographic change. As the Italo-Greeks became increasingly cut off from Byzantium and began to assimilate to the Latin rite, conservative factions within the community turned to canon law manuscripts in an attempt to preserve their separate religious identity. We see this especially

among the monks of the Holy Saviour of Messina and St Nicholas of Casole, and among the clergy of the Terra d'Otranto where the last Greek-rite dioceses of southern Italy were concentrated. Although this was ultimately a losing battle, the Greek rite did survive in the Salento and in southern Calabria until the early modern period, bolstered in part by nomocanons that were still being read in the late Middle Ages.

From the perspective of legal pluralism, there is always a cultural element to the law. It is not just a collection of statutes promulgated by a sovereign legislator, but a set of normative rules that form part of a community's narrative discourse about itself. Robert Cover expressed this in terms of law's 'imperial' and 'paideic' aspects, with the former representing formal statutes and the latter socio-cultural characteristics. The grand narrative of medieval European law is a story of a transition from 'primitive' folk law to the law of modern states; that is to say, from the paideic to the imperial. In the case of Byzantine canon law in southern Italy, however, the transition went in the opposite direction: what was imperial law under the Byzantine Empire eventually became paideic law in the late Middle Ages.

The concept of legal pluralism has proved its worth in understanding pre-modern societies from the ancient Roman Empire to China and South East Asia. It is equally useful for understanding the legal culture of the medieval Mediterranean and southern Italy. The symbiotic relationship between law and cultural identity in the Middle Ages merits further attention, and I believe that research in this area will provide great benefits. For the study of medieval Christian religious culture, where my own interest lies, it promises to help reframe and illuminate long-misunderstood historical problems. Chief among these is the vexed question of the so-called 'Great Schism' and the emergence of separate 'Catholic' and 'Orthodox' identities. This dissertation has helped to show how canon law played a role in shaping the religious identity of the Greek Christian minority in southern Italy; there is great scope to take this question further and ask how developments in Greek and Latin canon law in the Middle Ages helped to shape the identities of Eastern and Western Christendom more broadly.

When Constantine Stilbes thought of Western Christians in the early thirteenth century, he believed that they followed "unlawful and barbarian customs." Stilbes saw one exception: the Greeks of southern Italy. Unlike the Latins, they were 'orthodox' because they followed the correct religious customs as enshrined in the Byzantine canons and as interpreted by legal scholars such as Aristenos, Zonaras, and Balsamon. The rest of Western Christendom, by contrast, had a foreign system of laws and customs, and was therefore outside the true Apostolic Church.

Bibliography

1. Manuscript Catalogues and Inventories

- Arnesano, Daniele. "Il repertorio dei codici greci salentini di Oronzo Mazotta. Aggiornamenti e integrazioni." In *Tracce di storia. Studi in onore di mons. Oronzo Mazzotta*, edited by Mario Spedicato, 25-80. Galatina: Panico, 2005.
- La minuscola 'barocca'. Scritture e libri in Terra d'Otranto nei secoli XIII e XIV*. Galatina: Congedo, 2008.
- "Manoscritti greci di Terra d'Otranto – Recenti scoperti e attribuzione (2005-2008)." In *Toxotes. Studies for Stefano Parenti*, edited by Daniel Galadza, Nina Glibetić and Gabriel Radle, 63-101. Grottaferrata: Monastero Esarchico, 2010.
- Bandini, Angelo M. *Catalogus codicum graecorum Bibliothecae Laurentianae*, 3 Vols. Florence: Typi Regiis, 1764.
- Benešević, Vladimir N. *Sinagogá v 50 titulov i drugie juridičeskie sborniki Joanna Scholastika: K drevějšej istorii istočnikov prava greko-voskočnoj cerkvi*. St Petersburg, 1914.
- Batiffol, Pierre. "Vier Bibliotheken von alten Basilianischen Klöstern in Unteritalien." *Römische Quartalsschrift* 3 (1889): 31-41.
- Buonocore, Marco. *Bibliografia dei fondi manoscritti della Biblioteca vaticana*, 3 Vols. Vatican City: Biblioteca Apostolica Vaticana, 1986-1991.
- Burgmann, Ludwig, Andreas Schminck and Dorotei Getov. *Repertorium der Handschriften des byzantinischen Rechts*, 3 Vols. Frankfurt am Main: Löwenklau-Gesellschaft, 1995-2017.
- Canart, Paul, and Vittorio Peri. *Sussidi bibliografici per i manoscritti greci della Biblioteca Vaticana*. Vatican City: Biblioteca Apostolica Vaticana, 1970.
- Carter, Robert E. *Codices Chrysostomi graeci*, 5 Vols. Paris: CNRS, 1968-1983.
- Ceresa, Massimo. *Bibliografia dei fondi manoscritti della Biblioteca vaticana*, 3 Vols. Vatican City: Biblioteca Apostolica Vaticana, 1991-2005.
- Cipriani, Renata. *Codici miniati dell'Ambrosiana. Contributo a un catalogo*. Vicenza: Pozza, 1968.
- Cirillo, Salvatore. *Codices graeci mss. Regiae Bibliothecae Borbonicae descripti atque illustrati*, 2 Vols. Naples: Regia Typographia, 1826-1832.
- Crostini, Barbara. *A Catalogue of Greek Manuscripts Acquired by the Bodleian Library Since 1916*. Oxford: Bodleian Library, 2003.
- De Ricci, Seymour. "Liste sommaire des manuscrits grecs de la Bibliotheca Barberiniana." *Revue des bibliothèques* 17 (1907): 81-125.
- Devreesse, Robert. *Codices Vaticani graeci. 3. Codices 604-866*. Vatican City: Biblioteca Apostolica Vaticana, 1950.
- Feron, Ernest, and Fabiano Battaglini. *Codices manuscripti Graeci Ottoboniani Bibliothecae Vaticanae*. Vatican City: Biblioteca Apostolica Vaticana, 1893.
- Fonkič, Boris L. and Fedor B. Poliakov. *Grečeskie rukopisi Moskovskoj sinodal'noj biblioteki: paleografičeskie, kodikologičeskie i bibliografičeskie dopolnenija k katalogu arhimandrita Vladimira (Filantropova)*. Moscow: Sinadol'naja Biblioteka, 1993.

- Foti, Maria B. *I codici basiliani del fondo del SS. Salvatore. Catalogo della mostra*. Messina: Centro di Studi Umanistici, 1979.
- Gengaro, Maria Luisa, Francesca Leoni, and Gemma Villa. *Codici decorati e miniati dell'Ambrosiana*. Milan: Ceschina, 1959.
- Getov, Dorotei, Vassilis Katsaros and Charalambos Papastathis. *Κατάλογος των ελληνικών νομικών χειρογραφών των αποκειμένων στο Κέντρο Σλαβο-βυζαντινών Σπουδών 'Ivan Dujčev' του Πανεπιστημίου 'S.V. Kliment Ohridski' της Σοφίας*. Thessaloniki: Aristoteleio Panepistimio Thessalonikis, 1994.
- Giannelli, Ciro. *Codices vaticani graeci 1485-1683*. Vatican City: Biblioteca Apostolica Vaticana, 1950.
- Giorgetti, Anna M. and Sergio Mottironi. *Catalogo dei manoscritti della Biblioteca Vallicelliana*. Rome: Istituto Poligrafico dello Stato, 1961.
- Hutter, Irmgard. *Corpus der byzantinischen Miniaturenhandschriften*, 5 Vols. Stuttgart: Hiersemann, 1977-1997.
- Laemmer, Hugo. *De Leonis Allatii codicibus qui Romae in Bibliotheca Vallicelliana asservantur schediasma*. Freiburg: Herder, 1864.
- Lake, Kirsopp and Silva. *Monumenta Paleographica Vetera: Dated Greek Minuscule Manuscripts to the Year 1200*, 10 Vols. Boston: Academy of Arts and Sciences, 1934-1935.
- Mancini, Augustus. *Codices graeci monasterii messanensis S. Salvatoris*. Messina: Typis d'Amico, 1907.
- Martini, Emidio. *Catalogo di manoscritti greci esistenti nelle biblioteche italiane: Catalogus codicum graecorum qui in Bibliotheca vallicellana Romae adservantur*. Milan: Hoepli, 1902.
- Martini, Emidio and Domenico Bassi. *Catalogus codicum graecorum Bibliothecae Ambrosianae*, 2 Vols. Milan: Hoeph, 1906.
- Mingarelli, Giovanni L. *Graeci codices manu scripti apud Nanios patricos Venetos asservati*. Bologna: Laelii a Vulpe, 1784.
- Mioni, Elpidio. *Bibliothecae Divi Marci Venetiarum Codices Graeci manuscripti*, 5 Vols. Rome: Istituto Poligrafico della Stato, 1960-1972.
- Catalogus codicum Graecorum Bibliothecae Nationalis Neapolitanae*. Rome: Istituto Poligrafico dello Stato, 1992.
- Omont, Henri. *Inventaire sommaire des manuscrits du supplément grec de la Bibliothèque nationale*. Paris: Picard, 1883.
- Fac-similés de mss. grecs datés de la Bibliothèque nationale, du IX^e au XIV^e siècle*. Paris: Leroux, 1891.
- Inventaire sommaire des manuscrits grecs de la Bibliothèque nationale et des autres bibliothèques de Paris et des Départements. Introduction et table alphabétique*. Paris: Leroux, 1898.
- “Manuscrits grecs datés récemment acquis par la Bibliothèque nationale.” *Revue des bibliothèques* 8 (1898): 353-60.
- Pasini, Cesare. *Inventario agiografico dei manoscritti greci dell'Ambrosiana*. Brussels: Société des Bollandistes, 2003.

- Bibliografia dei manoscritti greci dell'Ambrosiana (1857-2006)*. Milan: Vita e Pensiero, 2007.
- Petta, Marco. "Codici greci della Puglia trasferiti in biblioteche italiane ed estere." *Bollettino della Badia greca di Grottaferrata* 26 (1972): 83-129.
- "Codici greci del Salento posseduti da biblioteche italiane ed estere." *Brundisii Res* 4 (1973): 59-121.
- Pierleoni, Gino. *Catalogus codicum Graecorum Bibliothecae Nationalis Neapolitanae*. Rome: Istituto Poligrafico dello Stato, 1962.
- Rocchi, Antonio. *Codices Cryptenses seu Abbatiae Cryptae Ferratae in Tusculano digesti et illustrati*. Tusculum: Grottaferrata, 1883.
- Rossi, Salvatore. "Catalogo dei codici greci dell'antico monastero del SS. Salvatore che si conservano nella Biblioteca Universitaria di Messina." *Archivio Storico Messinese* 3-4 (1903): 123-50.
- Serrai, Alfredo. *La Biblioteca Altempsiana, ovvero le raccolte librerie di Marco Sittico III e del nipote Giovanni Angelo Altemps*. Rome: Bulzoni, 2008.
- Thomasini, Jacopo F. *Bibliothecae Venetae manuscriptae publicae et privatae, quibus diversi scriptores hactenus incogniti recensentur*. Utini: Schiratti, 1650.
- Turco, Gianluca. "Un antico elenco di manoscritti greci ambrosiani. L'Ambr. X 289 inf., ff. 110-141." In *Nuove ricerche sui manoscritti greci dell'Ambrosiana*, edited by Carlo M Mazzucchi and Cesare Pasini, 79-143. Milan: Gemelli, 2004.
- Turyn, Alexander. *Codices Vaticani graeci saeculis XIII et XIV scripti annorumque notis instructi*. Vatican City: Biblioteca Apostolica Vaticana, 1965.
- Vladimir (Filantropov), *Sistematičeskoe opisanie rukopisej Moskovskoj Sinodal'noj (Patriaršej) biblioteki*. Moscow: Sinadol'naja Biblioteka, 1894.

2. Edited Texts

- Amatus of Montecassino. *Ystoire de li normant*. Edited by Michèle Gueret-Laferté. Paris: Champion, 2011.
- Annales Barenenses*. MGH SS 5.51-6.
- Arsenij, ed. *Nikolaja Gridrustkago igumena grečeskago monastyrja v Kasulach tri zapisi o sobesedovanijach Grekov s Latinjanami po povodu raznostej v vere i obyčajach čerkovnych*. Novgorod, 1896.
- Benešević, Vladimir N., ed. *Drevneslavjanskaja Kormčaja XIV titulov bez tolkovanij*, 2 Vols. St Petersburg, 1906.
- Taktikon Nikona Chernogortsa*. St. Petersburg, 1917.
- Ioannis Scholastici Synagoga L titularum ceterumque eiusdem opera iuridica*. Munich: Verlag der Bayerischen Akademie der Wissenschaften, 1937.
- Chalkeopoulos, Athanasios. *Le 'Liber Visitationis' d'Athanase Chalkéopoulos (1457-1458). Contribution à l'histoire du monachisme grec en Italie méridionale*. Edited by Marie-Hyacinthe Laurent and André Guillou. Vatican City: Biblioteca Apostolica Vaticana, 1960.
- Cozza-Luzi, Giuseppe, ed. "Typicum Messanense et Casulanum." In *Novum patrum bibliotheca*, 10.2.117-37, 155-66. Rome: Biblioteca Apostolica Vaticana, 1905.

- Darrouzès, Jean, ed. “Un faux acte attribué au patriarche Nicholas (III).” *Revue des études byzantines* 28 (1970): 221-37.
- Datema, Cornelis, and Pauline Allen. *Leontii Presbyteri Constantinopolitani Homiliae*. Turnhout: Brepols, 1987.
- De Ferraris, Antonio. *La Iapygia (Liber de Situ Iapygiae). Introduzione, testo, tradizione e note*. Ed. and trans. Domenico Defilippis. Galatina: Congedo, 2005.
- Delatte, Armand, ed. *Anecdota Atheniensia et alia*. Paris: Champion, 1939.
- Doxapatres, Neilos. *Order of the Patriarchal Thrones*. In *Hieroclis Synecdemus et Notitiae Graecae episcopatum; accedunt Nili Doxapatri Notitia patriarchatum et locorum nomina immutata*. Edited by Gustav Parthey, 265-308. 2nd ed. Amsterdam: Hakkert, 1967.
- De oeconomia Dei, Livre I, 1-163*. Edited by Stefaan Neiryck. Leuven, forthcoming.
- De oeconomia Dei, Book I, Chapters 164-263*. Edited by Ilse de Vos. Leuven, forthcoming.
- Eadmer, *The Life of St Anselm, Archbishop of Canterbury*. Edited by Richard W. Southern. Oxford: Oxford University Press, 1972.
- Falco of Benevento, *Chronicon Beneventanum. Città e feudi nell'Italia dei normanni*. Edited by Edoardo D'Angelo. Firenze: Galluzzo, 1998.
- Fedele, Pietro. “Il leopardo e l'agnello di Casa Frangipane.” *Archivio della Società romana di storia patria* 28 (1905): 207-20.
- Friedberg, Emil, ed. *Liber extravagantium decretalium (Decretales Gregorii IX)*. Leipzig: Tauchnitz, 1881.
- Funk, Franz Xaver von, ed. *Didascalia et Constitutiones Apostolorum*, 2 vols. Paderborn: Schoeningh, 1905.
- Gautier, Paul, ed. “La diataxis de Michel Attaliatè.” *Revue des études byzantines* 39 (1981): 17–130.
- Gigante, Marcello, ed. *Poeti bizantini di Terra d'Otranto nel secolo XIII. Testo critico, introduzione, traduzione, commentario e lessico*. Naples: Università di Napoli, 1979.
- Giovanelli, Germano, ed. *Βίος καὶ πολιτεία τοῦ ὁσίου πατρὸς ἡμῶν Νείλου τοῦ Νέου*. Grottaferrata: Badia di Grottaferrata, 1972.
- Gregory of Nyssa. *Opera dogmatica minora, V. Epistula canonica*. Edited by Ekkehard Mühlenberg. Leiden: Brill, 2008.
- Heimbach, Gustav E., ed. *Ἀνεκδότα*, 2 Vols. Leipzig: Barth, 1838-1840.
- Hergenröther, Joseph, ed. *Monumenta graeca ad Photium eiusque historiam pertinentia*. Regensburg: Manz, 1869.
- Hofmann, Georg, ed. *Epistolae pontificiae ad concilium Florentinum spectantes*, 3 Vols. Rome: Pontificum Institutum Orientalium Studiorum, 1940-1946.
- Joannou, Périclès-Pierre. *Discipline générale antique*, 3 Vols. Grottaferrata: Tipografia Italo-Orientale ‘S. Nilo’, 1962-1964.
- Komnene, Anna. *Alexiad.* Edited by Athanasios Kambylis and Diether R. Reinsch. Berlin: De Gruyter, 2001.
- Konidaris, Johannes, ed. “Die Novellen des Kaisers Herakleios.” *Fontes Minores* 5 (1982): 33-106.
- Kotter, Bonifatius, ed. *Die Schriften des Johannes von Damaskos. 2. Expositio fidei*. Berlin: De Gruyter, 1973.

- Laourdas, Basileios and Leendert G. Westerink, edd. *Photii patriarchae Constantinopolitani Epistulae et Amphilochia*, 6 Vols. Leipzig: Teubner, 1983-1988.
- Liudprand of Cremona. *Relatio de legatione Constantinopolitana*. MGH SS rer. Germ. 41.
- Malaterra, Geoffrey. *De Rebus Gestis Rogerii Calabriae et Siciliae Comitis*. Edited by Ernesto Pontieri. Bologna: Zanichelli, 1927-1928.
- Mansi, Giovanni D., ed. *Sacrorum conciliorum nova et amplissima collectio*, 35 Vols. Florence-Venice, 1758-1798.
- Muci, Maria M., ed. "Il terzo *Syntagma* di Nicola Nettario di Otranto." *Rivista di Storia della Chiesa in Italia* 62.2 (2008): 449-505.
- Niketas of Herakleia, *Oratio Apologetica*. In *Documents inédits d'ecclésiologie byzantine. Textes édités, traduits et annotés*. Edited by Jean Darrouzès, 276-304. Paris: Institut français d'Études byzantines, 1966.
- Orestes. *Historia et laudes SS. Sabae et Macarii iuniorum e Sicilia*. Edited by Giuseppe Cozza-Luzi. Rome: Typis Vaticanis, 1893.
- Parthey, Gustav, ed. *Hieroclis Synecdemus et notitiae graecae episcopatum. Accedunt Nili Doxapatri Notitia Patriarchatum et locorum nomina immutata*, 2nd ed. Amsterdam: Hakkert, 1967. [1st ed. Berlin: Fredericus Nicolaus, 1866.]
- Pavlov, Alexei S., ed. *Kritičeskie opyty po istorij drevniešej greko-russkoj polemiki protiv' latinian'*. St Petersburg, 1878.
- Pitra, Jean-Baptiste, ed. *Spicilegium solesmense, complectens sanctorum patrum scriptoriumque ecclesiasticorum anecdota hactenus opera*, 4 Vols. Paris: Didot, 1852-1858.
- Iuris ecclesiastici graecorum historia et monumenta*, 2 Vols. Rome: Collegium Urbani, 1864-1868.
- Analecta sacra spicilegio Solesmensi parata*, 6 Vols. Paris: Jouby et Roger, 1876-1891.
- Psellos, Michael. *Michaelis Pselli Poemata*. Edited by Leendert G. Westerink. Stuttgart: Teubner, 1992.
- Rhalles, Georgios A. and Michael Potles, edd. *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων*, 5 Vols. Athens: Chartophylax, 1852-9.
- Rodulf Glaber. *Historiarum libri quinque*. Edited by John France. Oxford: Oxford University Press, 1989.
- Rossi-Taibbi, Giuseppe, ed. and trans. *Vita di sant'Elia il Giovane*. Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 1962.
- Rosweyde, Heribert, et al. edd. *Acta Sanctorum*, 68 Vols. Antwerp-Brussels: Société des Bollandistes, 1643-1940.
- Saletta, Vincenzo, ed. "Vita di S. Elia Speleota secondo il Cod./Man. Crypt. B. β. XVII." *Studi meridionali* 3 (1970): 445-53, 4 (1971): 272-315, 5 (1972): 61-96.
- Scarfò, Giovanni-Crisostomo. *Poesie varie del Padre G.G. Scarfò*. Venice, 1737.
- Schirò, Giuseppe, ed. *Vita di S. Luca, vescovo di Isola Capo Rizzuto*. Palermo: Istituto Siciliano di Studi Bizantini e Neogreci, 1954.
- Schreiber, Charlotte, ed. and trans. *The Mabinogion. From the Llyfr Coch o Hergest, and Other Ancient Welsh Manuscripts, With an English Translation and Notes*. London: Longman, 1849.

- Schwartz, Eduard, ed. *Acta conciliorum oecumenicorum 431-879*, 14 Vols. Berlin: De Gruyter, 1914-1974.
- Simon, Dieter, and Spyridon N. Troianos, edd. *Das Novellensyntagma des Athanasios von Emesa*. Frankfurt am Main: Löwenklau-Gesellschaft, 1989.
- Swainson, Charles A. *The Greek Liturgies, Chiefly from Original Authorities*. Cambridge: Cambridge University Press, 1884.
- Theiner, Augustin, ed. *Annales ecclesiastici*, 3 Vols. Rome: Typographia Tiberina, 1856.
- Theophanes Continuatus. *Chronographia*. Edited by Immanuel Bekker. Bonn: Weber, 1838.
- Van der Wal, N. and Bernard H. Stolte, edd. *Collectio Tripartita: Justinian on Religious and Ecclesiastical Affairs*. Groningen: Forsten, 1994.
- Voel, Guillaume, Henri Justel and Christophe F. Justel, edd. *Bibliotheca iuris canonici veteris in duos tomos distributa*, 2 Vols. Paris: Billaine, 1661
- William of Apulia. *La Geste de Robert Guiscard*. Edited by Marguerite Mathieu. Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 1961.
- Zaccagni, Gaia, ed. "Il Bios di San Bartolomeo da Simeri (BHG 235)." *Rivista di studi bizantini e neoellenici* 33 (1996): 205-74.
- Zachariä von Lingenthal, Karl-Eduard, ed. *Imp. Iustiniani pp.a. Novellae quae vocantur sive constitutiones quae extra Codicem supersunt*, 2 Vols. Leipzig: Teubner, 1881.

3. Edited Documents and Archives

- Dölger, Franz and Peter Wirth, edd. *Regesten der Kaiserurkunden des oströmischen Reiches von 565-1453. 2. Teil: Regesten von 1025-1204*, 2nd ed. Munich: Beck, 1995.
- Gautier, Paul, ed. "L'édit d'Alexis I^{er} Comnène sur la réforme du clergé." *Revue des études byzantines* 31 (1973): 165-201.
- "Le typikon de la Théotokos Évergetis." *Revue des études byzantines* 40 (1982): 5-101.
- Guillou, André, ed. *La Théotokos de Hagia-Agathè (Oppido) (1050-1064/1065)*. Vatican City: Biblioteca Apostolica Vaticana, 1972.
- Le brebion de la métropole byzantine de Règion (vers 1050)*. Vatican City: Biblioteca Apostolica Vaticana, 1974.
- Saint-Jean-Théristès (1054-1264)*. Vatican City: Biblioteca Apostolica Vaticana, 1980.
- Kehr, Paul F., ed. *Italia Pontificia. Repertorium privilegiorum et litterarum a Romanis pontificibus ante annum MCLXXXVIII*, 10 Vols. Berlin: Weidmann, 1906-1975.
- Ménager, Léon-Robert, ed. *Recueil des actes des ducs normands d'Italie (1046-1127). I. Les premiers ducs (1046-1087)*. Bari: Grafica Bigiemme, 1980.
- Minieri-Riccio, Camillo, ed. *Saggio di Codice diplomatico formato sulle antiche scritture dell'Archivio di Stato di Napoli*. Naples: Rinaldi e Selitto, 1882-1883.
- Pirri, Roccho, ed. *Sicilia sacra disquisitionibus et notitis illustrata*, 2 Vols. (Palermo: Coppula, 1733.
- Pontificia commissio ad redigendum Codicem Iuris Canonici orientalis. Fontes, Series III*, 14 Vols. Vatican City: Typis Polyglottis Vaticanis, 1943.

- Robinson, Gertrude, ed. *History and Cartulary of the Greek Monastery of St Elias and St Anastasius of Carbone*, 3 Vols. Rome: Pontificium Institutum Orientalium Studiorum, 1928-1930.
- Rognoni, Cristina, ed. *Les actes privés grecs de l'archivo ducal de Medinaceli (Tolède)*, 2 Vols. Paris, Belon, 2004-2011.
- Thomas, John P. and Angela C. Hero, edd. *Byzantine Monastic Foundation Documents: A Complete Translation of the Surviving Founders' Typika and Testaments*, 5 Vols. Washington, DC: Dumbarton Oaks, 2000.
- Trincherà, Francesco, ed. *Syllabus Graecarum membranarum quae partim Neapoli in maiori tabulario et primaria bibliotheca partim in Casinensi Coenobio ac Cavensi et in episcopali tabulario Neritino iamdiu delitescerent et a doctis frustra expetitae*. Naples: Cataneo, 1865.
- Tsiknopoulos, Ioannes, ed. *Kypriaka Typika*. Nicosia, 1969.
- Ughelli, Ferdinando, ed. *Italia sacra, sive, De episcopis Italiae et insularum adjacentium, rebusque ab iis praeclare gestis, deducta serie ad nostram usque aetatem*, 10 Vols. Venice: Coleti, 1717-1722.
- Various, edd. *Archives de l'Athos*, 15 Vols. Paris; Lethielleux, 1937-.

4. Academic Studies and Secondary Literature

- Abulafia, David. *Frederick II: A Medieval Emperor*. London: Penguin, 1988.
- The Western Mediterranean Kingdoms 1200-1500: The Struggle for Dominion*. London: Longman, 1997.
- Acconcia Longo, Augusta. "Santi monaci italogreci alle origini del monastero di S. Elia di Carbone." In *Il monastero di S. Elia di Carbone e il suo territorio dal Medioevo all'Età Moderna. Nel millenario della morte di S. Luca Abate. Atti del Convegno internazionale di studio promosso dall'Università degli Studi della Basilicata in occasione del Decennale della sua istituzione (Potenza-Carbone, 26-27 giugno 1992)*, edited by Cosimo D. Fonseca and Antonio Lerra, 47-60. Potenza: Congedo, 1994.
- "Un nuovo codice con poesie salentine (Laur. 58, 25) e l'assedio di Gallipoli del 1268-69." *Rivista di studi bizantini e neoellenici* 30-31 (1984-1985): 123-70.
- Acconcia Longo, Augusta, and André Jacob. "Une anthologie salentine du XIV^e siècle: le Vaticanus gr. 1276." *Rivista di studi bizantini e neoellenici* 17-19 (1980-1982): 149-228.
- Ackerman-Liberman, Phillip I. "Legal Pluralism among the Court Records of Medieval Egypt." *Bulletin d'études orientales* 63 (2014): 79-112.
- Agati, Maria L. "Problemi di tratteggio e ductus nella minuscola libraria più antica." In *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)*, edited by Dieter Harlfinger and Giancarlo Prato, 1.47-66. Alessandria: Edizioni dell'Orso, 1991.
- Aletta, Alessia A. "I luoghi del diritto nel Paris. suppl. gr. 1085 (II)." *Rivista di studi bizantini e neoellenici* 46 (2009): 33-71.
- "Testo e ornamentazione nei corpora canonum bizantini del IX-X secolo." *Rivista di storia della miniatura* (2013): 17-28.

- Aletta, Alessia A., Maria T. Rodriquez and Santo Lucà, edd. *Libri palinsesti greci: conservazione, restauro digitale, studio. Atti del Convegno internazionale, Villa Mondragone – Monte Porzio Catone – Università di Roma ‘Tor Vergata’ – Biblioteca del Monumento Nazionale di Grottaferrata, 21-24 aprile 2004*. Rome: Comitato Nazionale per le Celebrazioni del Millenario della Fondazione dell’Abbazia di S. Nilo a Grottaferrata, 2008.
- Allison, Robert W. “The Libraries of Mt Athos: The Case of Philotheou.” In *Mount Athos and Byzantine Monasticism: Papers from the Twenty-Eighth Spring Symposium of Byzantine Studies, Birmingham, March 1994*, edited by Anthony Bryer and Mary Cunningham, 135-54. Aldershot: Variorum, 1996.
- Almagro, Alejandra G. “A Portuguese Contribution to 16th-Century Roman Antiquarianism: The Case of Aquiles Estaço (1524-1581).” In *Portuguese Humanism and the Republic of Letters*, edited by Maria L. Berbera and Karl A.E. Enekal, 353-76. Leiden: Brill, 2012.
- Ampère, Jean-Jacques. *Histoire littéraire de la France avant le douzième siècle*, 3 Vols. Paris: Hachette, 1829-1840.
- Anastos, Milton V. “The Transfer of Illyricum, Calabria, and Sicily to the Jurisdiction of the Patriarchate of Constantinople in 732-33.” *Studi bizantini e neoellenici* 9 (1957): 14-31.
- Angold, Michael. *Church and Society in Byzantium under the Comneni 1081-1261*. Cambridge: Cambridge University Press, 1995.
- Arnesano, Daniele. “Copisti salentini del Cinquecento.” In ‘*Colligite fragmenta*’. *Studi in memoria di Mons. Carmine Maci*, edited by Dino Levante, 83-94. Campi Salentini: Centro Studi ‘Mons. Carmine Maci’, 2007.
- “Libri inutili in Terra d’Otranto. Modalità di piegatura dei bifogli nella realizzazione del Laur. 87.21.” In *Libri palinsesti greci: conservazione, restauro digitale, studio. Atti del Convegno internazionale, Villa Mondragone – Monte Porzio Catone – Università di Roma ‘Tor Vergata’ – Biblioteca del Monumento Nazionale di Grottaferrata, 21-24 aprile 2004*, edited by Alessia A. Aletta, Maria T. Rodriquez and Santo Lucà, 191-200. Rome: Comitato Nazionale per le Celebrazioni del Millenario della Fondazione dell’Abbazia di S. Nilo a Grottaferrata, 2008.
- “San Nicola di Casole e la cultura greca in Terra d’Otranto nel Quattrocento.” In *La conquista turca di Otranto (1480) tra storia e mito. Atti del convegno internazionale di studio, Otranto-Muro Leccese, 28-31 marzo 2007*, edited by Hubert Houben and Francisco de Araujo, 107-40. Galatina: Congedo, 2008.
- “Riflessi documentari di area calabro-sicula nella minuscola ‘barocca’ otrantina. Saggio comparativo.” In *Alethes philia. Studi in onore di Giancarlo Prato*, edited by Marco D’Agostino and Paola Degni, 1.23-38. Spoleto: CISAM, 2010.
- “La penitenza dei monaci a S. Maria del Patir e a S. Nicola di Casole.” *Revue des études byzantines* 72 (2014): 249-73.
- Arnesano, Daniele, and Elisabetta Sciara. “Libri e testi di scuola in Terra d’Otranto.” In *Libri di scuola e pratiche didattiche dall’Antichità al Rinascimento. Atti del Convegno Internazionale di Studi, Cassino, 7-10 maggio 2008*, edited by Lucia Del Corso and Oronzo Pecere, 2.425-73. Cassino: Edizioni Università di Cassino, 2010.
- Astruc, Charles. “Une collection canonique d’Italie du Sud de la fin du XIII^e siècle (le Parisinus graecus 1370).” *Revue d’histoire des textes* 16 (1988): 37-62.

- Atti del 4° Congresso storico calabrese*. Naples: Fiorentino, 1969.
- Atti del Congresso internazionale su S. Nilo di Rossano. 28 settembre – 1° ottobre 1986*. Grottaferrata: Tipografia Italo-Orientale ‘S. Nilo’, 1989.
- Atti del Convegno di studi su la Lombardia e l’Oriente. Milano, 11-15 giugno 1962*, 200-8. Milan: Istituto Lombardo Accademia di Scienze e Lettere, 1963.
- Avarucci, Giuseppe, Rosa Marisa Verducci, and Giammario Borri, edd. *Libro, scrittura, documento della civiltà monastica e conventuale nel Basso Medioevo (secoli XIII-XV)*. *Atti del Convegno di studio. Fermo (17-19 settembre 1997)*. Spoleto: CISAM, 1999.
- Avellini, Luisa, Angela De Benedictis and Andrea Cristiani, edd. *Sapere e/è potere. Discipline, dispute e professioni nell’università medievale e moderna: il caso bolognese a confronto*. *Atti del 4° Convegno (Bologna, 13-15 aprile 1989)*. Bologna: Istituto per la Storia di Bologna, 1990.
- Avvakumov, Yury P. “The Controversy over the Baptismal Formula under Pope Gregory IX.” In *Greeks, Latins, and Intellectual History 1204-1500*, edited by Martin Hinterberger and Chris Schabel, 69-84. Leuven: Peeters, 2011.
- Balard, Michel, ed. *EYΨYXIA. Mélanges offerts à Hélène Ahrweiler*. Paris: Publications de la Sorbonne, 1998.
- Baldi, Davide. “Il *Codex Florentinus* del Digesto e il ‘Fondo Pandette’ della Biblioteca Laurenziana (con un’appendice di documenti inediti).” *Segno e testo* 8 (2010): 99-186.
- Batiffol, Pierre. “La Vaticane depuis Paul III.” *Revue des Questions Historiques* 45 (1889): 177-218.
- La Vaticane de Paul III à Paul V d’après des documents nouveaux*. Paris: Leroux, 1890.
- L’abbaye de Rossano. Contribution à l’histoire de la Vaticane*. Paris: Picard, 1891.
- Baudry, Etienne. “St Basile. L’ordre des Questions Ascétiques dans les manuscrits d’Orient.” *Studia monastic* 53 (2011): 53-76.
- Beck, Hans-Georg. *Nomos, Kanon und Staatsraison in Byzanz*. Vienna: Österreichischen Akademie der Wissenschaften, 1971.
- Bellomo, Manlio, ed. *Scuole, diritto e società nel Mezzogiorno medievale d’Italia*, 2 Vols. Catania: Tringale, 1985.
- Benoît, Fernand. “Farnesiana.” *Mélanges d’archéologie et d’histoire* 40 (1923): 165-206.
- Bénou, Lisa. *Pour une nouvelle histoire du droit byzantin: Théorie et pratique juridiques au XIV^e siècle*. Paris: Association Pierre Belon, 2011.
- Beolchini, Valeria. *Tusculum II. Tuscolo, una roccaforte dinastica a controllo della valle Latina. Fonti storiche e dati archeologici*. Rome: L’Erma di Bretschneider, 2006.
- Berbera, Maria L. and Karl A.E. Enekal, edd. *Portuguese Humanism and the Republic of Letters*. Leiden: Brill, 2012.
- Bernart, Aldo de. *Paesi e figure del vecchio Salento*. Galatina: Congedo, 1989.
- Berman, Harold J. *Law and Revolution: The Formation of the Western Legal Tradition*. Cambridge, MA: Harvard University Press, 1983.
- Berman, Paul S. “The New Legal Pluralism.” *Annual Review of Law and Social Science* 5 (2009): 225-42.
- Berschin, Walter. *Greek Letters and the Latin Middle Ages: From Jerome to Nicholas of Cusa*. Rev. and trans. Jerold C. Frakes. Washington, DC: Catholic University of America Press,

1988. [= *Griechisch-lateinisches Mittelalter: von Hieronymus zu Nikolaus von Kues*. Munich: Francke, 1980.]
- Bianconi, Daniele. “Contesti di produzione e fruizione dei manoscritti giuridici a Bisanzio. Qualche esempio.” In *Textual Transmission in Byzantium: Between Textual Criticism and Quellenforschung*, edited by Juan Signes Codoñer and Inmaculada Pérez Martín, 455-76. Turnhout: Brepols, 2014.
- Bignami-Odier, Jean. *La Bibliothèque Vaticane de Sixte IV à Pie XI. Recherches sur l’histoire des collections de manuscrits*. Vatican City: Biblioteca Apostolica Vaticana, 1973.
- Binggeli, André, Anne Boud’hors, and Matthieu Cassin, edd. *Manuscripta graeca et Orientalia. Mélanges monastiques et patristiques en l’honneur de Paul Géhin*. Louvain: Peeters, 2016.
- Bisanzio e l’Italia. Raccolta di studi in onore di Agostino Pertusi*. Milan: Vita e pensiero, 1982.
- Bloch, Herbert. “Monte Cassino, Byzantium, and the West in the Earlier Middle Ages.” *Dumbarton Oaks Papers* 3 (1946): 146-224.
- Blumenthal, Uta-Renate. *The Investiture Controversy: Church and Monarchy from the Ninth to the Twelfth Century*. Philadelphia: University of Pennsylvania Press, 1988.
- Boeck, Elena N. *Imagining the Byzantine Past: The Perception of History in the Illustrated Manuscripts of Skylitzes and Manasses*. Cambridge: Cambridge University Press, 2015.
- Bornert, René. *Les commentaires byzantins de la Divine Liturgie du VII^e au XV^e siècle*. Paris: Institut Français d’Études Byzantines, 1966.
- Borsari, Silvano. *Il monachesimo bizantino nella Sicilia e nell’Italia meridionale prenormanne*. Naples: Istituto italiano per gli studi storici, 1963.
- Brach, Carla C., ed. *Scrittura e libro nel mondo greco-bizantino. Atti del corso. Ravello, Villa Rufolo, 6-9 Novembre 2007*. Ravello: Centro Universitario Europeo per i Beni Culturali, 2012.
- Brandileone, Francesco. “Il diritto greco-romano nell’Italia meridionale sotto la dominazione normanna.” *Archivio Giuridico* 36 (1886): 63-101, 238-91.
- “Frammenti di legislazione normanna e di giurisprudenza bizantina nell’Italia meridionale,” *Atti della Reale Accademia di Lincei* 2 (1886): 260-84.
- “L’Italia bizantina e la sua importanz nella storia del diritto italiano.” In *Studi in onore di Pietro Bonfante nel XL anno del’insegnamento*, 2.219-33. Milan: Treves, 1930.
- Bravo García, Antonio “Notarios y escrituras en el fondo documental griego de Sevilla (Archivio General de la Fundacion Casa Ducal de Medinaceli).” In *Scritture, libri e testi nelle aree provinciali di Bisanzio. Atti del Seminario di Erice (18-25 settembre 1988)*, edited by Guglielmo Cavallo, Giuseppe de Gregorio and Marilena Maniaci, 1.417-45. Spoleto: CISAM, 1991.
- Bravo García, Antonio and Inmaculada Pérez Martín, edd. *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting*. Turnhout: Brepols, 2010.
- Breccia, Gastone. “Archivum basilianum. Pietro Menniti e il destino degli archivi monastici italgreci.” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 17 (1991): 14-105.
- “Dalla ‘Regina delle città’. I manoscritti della donazione di Alessio Comneno a Bartolomeo da Simeri.” *Bollettino della Badia greca di Grottaferrata* 51 (1997): 209-24.

- “Alle origini del Patir. Ancora sul viaggio di Bartolomeo da Simeri a Costantinopoli.” *Rivista di studi bizantini e neoellenici* 35 (1998): 37-43.
- “*Bullarium Cryptense*. I documenti pontifici per il monastero di Grottaferrata.” In *La storia e la memoria. In onore di Arnold Esch*, edited by Roberto Delle Donne and Andrea Zorzi, 3-31. Florence: Firenze University Press, 2002.
- Bresc, Henri and Isabelle Heullant-Donat, “Pour une réévaluation de la ‘Révolution du papier’ dans l’Occident médiéval.” *Scriptorium* 61 (2007): 354-83.
- Brieskorn, Norbert. “‘Licet graecos...’ Wie der Liber Extra die Beziehungen zur griechisch-orthodoxen Kirche regelt.” In *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Estergom, 3-8 August 2008*, edited by Peter Erdö and Sz. Anzelm Suromi, 609-20. Vatican City: Biblioteca Apostolica Vaticana, 2010.
- Brown, Peter. “‘Mohammed and Charlemagne’ by Henri Pirenne.” *Daedalus* 103.1 (1974): 25-33. *Society and the Holy in Late Antiquity*. Berkeley: University of California Press, 1982.
- Brown, Thomas S. “The Political Use of the Past in Norman Sicily.” In *The Perception of the Past in Twelfth-Century Europe*, edited by Paul Magdalino, 191-210. London: Hambledon, 1992.
- Brubaker, Leslie, ed. *Byzantium in the Ninth Century: Dead or Alive? Papers from the Thirtieth Spring Symposium of Byzantine Studies, Birmingham, March 1996*. Aldershot: Ashgate, 1998.
- Brundage, James A. “The Decretalists and the Greek Church of South Italy.” In *La Chiesa greca in Italia dall’VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)*, 3.1075-81. Padua: Antenore, 1973.
- Law, Sex, and Christian Society in Medieval Europe*. Chicago: University of Chicago Press, 1987.
- Bryen, Ari Z. “Law in Many Pieces.” *Classical Philology* 109.4 (2014): 346-65.
- Bryer, Anthony, and Mary Cunningham, edd. *Mount Athos and Byzantine Monasticism: Papers from the Twenty-Eighth Spring Symposium of Byzantine Studies, Birmingham, March 1994*. Aldershot: Variorum, 1996.
- Buchthal, H. “A School of Miniature Painting in Norman Sicily.” In *Late Classical and Mediaeval Studies in Honor of A.M. Friend Jr*, 312-39. Princeton: Princeton University Press, 1955.
- Bueno, Carmen G. “El copista cretense Constantino Paleocapa: un estado de la cuestión.” *Estudios Bizantinos* 1 (2013): 198-218.
- Burckhardt, Stefan and Thomas Foerster, edd. *Norman Tradition and Transcultural Heritage: Exchange of Cultures in the ‘Norman’ Peripheries of Medieval Europe*. Aldershot: Ashgate, 2013.
- Burgarella, Filippo, ed. *San Nilo di Rossano e l’Abbazia greca di Grottaferrata. Storia e immagini*. Rome: Comitato Nazionale per la celebrazione del Millenario della Fondazione dell’Abbazia di S. Nilo a Grottaferrata, 2009.
- Burke, John. “Three Copies of the Madrid Skylitzes.” *Scriptorium* 61-2 (2007): 408-24.
- Calabretta, Leonardo and Gregorio Sinatora, edd. *Il Card. Guglielmo Sirleto (1514-1585). Atti del Convegno di studio nel IV Centenario della morte*. Catanzaro-Squillace: Istituto di Scienze Religiose di Catanzaro-Squillace, 1989.

- Calabria bizantina. Civiltà bizantina nei territori di Gerace e Stilo.* Soveria Mannelli: Rubbettino, 1998.
- Calabria bizantina. Tradizione di pietà e tradizione scrittoria nella Calabria greca medievale.* Reggio Calabria: Casa del Libro, 1983.
- Canart, Paul. "Le problème du style d'écriture dit 'en as de pique' dans les manuscrits Italo-Grecs." In *Atti del 4° Congresso storico calabrese*, 53-70. Naples: Fiorentino, 1969.
- "Le livre grec en Italie méridionale sous les règnes normands et souabe: aspects matériels et sociaux." *Scrittura e civiltà* 2 (1978): 103-62.
- Les vaticani graeci 148-1962. Notes et documents pour l'histoire d'un fonds de manuscrits de la Bibliothèque Vaticane.* Vatican City: Biblioteca Apostolica Vaticana, 1979.
- "Les écritures livresques chypriotes du milieu du XI^e siècle au milieu du XIII^e et le style palestino-chypriote 'epsilon'." *Scrittura e civiltà* 5 (1981): 17-76.
- "Aspetti materiali e sociali della produzione libraria italo-greca tra Normanni e Svevi." In *Libri e lettori nel mondo bizantino. Guida storica e critica*, edited by Guglielmo Cavallo, 103-53. Rome: Laterza, 1982.
- "L'écriture de Georges Basilikos. De Constantinople à Calabre en passant par Venise." In *H ελληνική γραφή κατά τούς 15 και 16 αιώνες*, edited by Sophia Patoura, 165-91. Athens: Institutouto Vyzantinon Erevnon, 2000.
- Canart, Paul, and Julien Leroy. "Les manuscrits en style de Reggio. Étude paléographique et codicologique." In *La Paléographie grecque et byzantine*, edited by Jean Glénisson, Jacques Bompaire and Jean Irigoien, 241-61. Paris: CNRS, 1977.
- "Le Renforcement à la mine brune dans les manuscrits grecs du XII^e siècle." *Rivista di studi bizantini e neoellenici* 27 (1990): 133-79.
- Canart, Paul and Lidia Perria. "Les écritures livresques des XI^e et XII^e siècles." In *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)*, edited by Dieter Harlfinger and Giancarlo Prato, 1.67-116. Alessandria: Edizioni dell'Orso, 1991.
- Canart, Paul, Simona di Zio, Lucina Polistena and Daniela Scialanga. "Un enquête sur le papier de type 'arabe occidental' ou 'espagnol non filigrané'." In *Ancient and Medieval Book Materials and Techniques*, edited by Marilena Maniaci and Paola F. Munafò, 1.323-94. Vatican City: Biblioteca Apostolica Vaticana, 1993.
- Capialbi, Vito. *Memorie per servire alla storia della Santa Chiesa Militese.* Naples: Porcelli, 1835.
- "Sopra alcune biblioteche di Calabria," *Archivio storico per la Calabria e la Lucania* 10 (1940): 250-66.
- Le memorie delle tipografie calabresi*, 2nd ed. Ed. Carlo F. Crispo. Tivoli: Arte Grafiche Aldo Ciccha, 1941.
- Capone, Alessandro. "Basilio di Cesarea e Gregorio di Nissa in Terra d'Otranto." In *Circolazione di testi e scambi culturali in Terra d'Otranto tra Tardoantico e Medioevo*, edited by Alessandro Capone, 41-58. Vatican City: Biblioteca Apostolica Vaticana, 2015.
- Capone, Alessandro, ed. *Circolazione di testi e scambi culturali in Terra d'Otranto tra Tardoantico e Medioevo.* Vatican City: Biblioteca Apostolica Vaticana, 2015.
- Carbonetti, Cristina, Santo Lucà, and Maddalena Signorini, edd. *Roma e il suo territorio nel medioevo. Le fonti scritte fra tradizione e innovazione. Atti del Convegno internazionale*

- di studio dell'Associazione italiana dei Paleografi e Diplomatisti (Roma, 25-29 ottobre 2012)*. Spoleto: CISAM, 2015.
- Carpizzo, Carmelo. "Il Concilio di Bari (1098): riflessi e silenzi nella tradizione bizantina e nella storiografia orientale." In *Il Concilio di Bari del 1098. Atti del Convegno Storico Internazionale e celebrazioni del IX Centenario del Concilio*, edited by Salvatore Palese and Giancarlo Locatelli, 69-90. Bari: Edipuglia, 1999.
- Caruso, Stefano A. "Sull'autore del 'Bios' di S. Filareto il Giovane: Nilo Doxapatres?" *Επέτερις Εταιρείας Βυζαντινών Σπουδών* 41 (1979-1980): 293-304.
- "Per l'edizione del *De oeconomia Dei* di Nilo Doxapatres." *Δίπτυχα* 4 (1984-1985): 250-83.
- Carvalho, Joaquim, ed. *Religion, Ritual and Mythology: Aspects of Identity Formation in Europe*. Pisa: Edizioni Plus, 2006.
- Castiglione, Ruggiero di. *La massoneria nelle Due Sicilie e i fratelli meridionali del '700. Saggio di prosopografia latomica. Vol. 5. Sicilia*. Rome: Gangemi, 2011.
- Cataldi Palau, Annaclara. "Manoscritti greci originari dell'Italia meridionale nel fondo 'Additional' della 'British Library' a Londra." *Bollettino della Badia Greca di Grottaferrata* 46 (1992): 199-261. [Repr. in *Studies in Greek Manuscripts*, 345-410. Spoleto: CISAM, 2008.]
- "Manoscritti epirota a Londra (British Library), ed a Oxford (Magdalen College)." *Codices manuscripti* 20-1 (1997): 3-62. [Repr. in *Studies in Greek Manuscripts*, 443-522. Spoleto: CISAM, 2008.]
- "The Burdett-Coutts Collection of Greek Manuscripts: Manuscripts from Epirus." *Codices manuscripti* 54-5 (2006): 31-64. [Repr. in *Studies in Greek Manuscripts*, 523-84. Spoleto: CISAM, 2008.]
- Studies in Greek Manuscripts*. Spoleto: CISAM, 2008.
- Cavallo, Guglielmo. "La cultura italo-greca nella produzione libraria." In *I Bizantini in Italia*, edited by Guglielmo Cavallo, 495-612. Milan: Scheiwiller, 1982.
- "Libri greci e resistenza etnica in Terra d'Otranto." In *Libri e lettori nel mondo bizantino. Guida storica e critica*, edited by Guglielmo Cavallo, 155-78. Bari: Laterza, 1982.
- "Scritture italo-greche librerie e documentarie. Note introduttive ad uno studio correlato." In *Bisanzio e l'Italia. Raccolta di studi in onore di Agostino Pertusi*, 29-38. Milan: Vita e pensiero, 1982.
- "La circolazione di testi giuridici in lingua greca nel Mezzogiorno medievale." In *Scuole, diritto e società nel Mezzogiorno medievale d'Italia*, edited by Manlio Bellomo, 287-136. Catania: Tringale, 1985.
- "Mezzogiorno svevo e cultura greca. Materiali per una messa a punto." *Byzantinische Zeitschrift* 84-5 (1991-1992): 430-40.
- "Between Byzantium and Rome: Manuscripts from Southern Italy." In *Perceptions of Byzantium and its Neighbors (843-1261)*, 136-53. New Haven: Yale University Press, 2000.
- Cavallo, Guglielmo, ed. *I Bizantini in Italia*. Milan: Scheiwiller, 1982.
- Libri e lettori nel mondo bizantino. Guida storica e critica*. Rome: Laterza, 1982.

- Cavallo, Guglielmo, Giuseppe de Gregorio and Marilena Maniaci, edd. *Scritture, libri e testi nelle aree provinciali di Bisanzio. Atti del Seminario di Erice (18-25 settembre 1988)*, 2 Vols. Spoleto: CISAM, 1991.
- Ceresa, Massimo, ed. *Storia della Biblioteca Apostolica Vaticana. II. La Biblioteca Vaticana tra riforma cattolica, crescita delle collezioni e nuovo edificio (1535-1590)*. Vatican City: Biblioteca Apostolica Vaticana, 2012.
- Ceresa, Massimo, and Santo Lucà. “Frammenti greci di Dioscoride Pedanio e Aezio Amideno in una edizione a stampa di Francesco Zanetti (Roma 1576).” *Miscellanea Bibliothecae Apostolicae Vaticanae* 15 (2008): 191-230.
- Charanis, Peter. “On the Question of the Hellenization of Sicily and Southern Italy During the Middle Ages.” *American Historical Review* 52.1 (1946): 74-86.
- “Byzantium, the West, and the Origin of the First Crusade.” *Dumbarton Oaks Papers* 19 (1949): 17-36.
- “The Armenians in the Byzantine Empire.” *Byzantinoslavica* 22 (1961): 196-240.
- “The Transfer of Population as a Policy in the Byzantine Empire.” *Comparative Studies in Society and History* 3.2 (1961): 140-54.
- Chitwood, Zachary. *Byzantine Legal Culture and the Roman Legal Tradition, 867-1056*. Cambridge: Cambridge University Press, 2017.
- Christophilopoulos, Anastasios. “Η κανονική σύνοψις και ὁ Συμεών ὁ Μεταφραστής.” *Ἐπετερίς ἑταιρείας βυζαντινῶν σπουδῶν* 19 (1949): 155-7.
- Ciggaar, Krijne Nelly. *Western Travellers to Constantinople: The West and Byzantium, 962-1204*. Leiden: Brill, 1996.
- Collectanea Vaticana in honorem Anselmi M. Card. Albareda a Bibliotheca Apostolica*. Vatican City: Biblioteca Apostolica Vaticana, 1962.
- Conca, Fabrizio, ed. *Byzantina Mediolanensia. V° Congresso Nazionale di Studi Bizantini, Milan, 19-22 ottobre 1994*. Soveria Mannelli: Rubbettino, 1996
- Concasty, Marie-Louise. “Manuscrits grecs originaires de l’Italie méridionale conservés à Paris.” *Rivista di studi bizantini e neoellenici* 7 (1953): 22-34.
- Cortese, Ennio. “Il diritto romano in Sicilia prima e dopo l’istituzione del Regno.” In *L’heritage byzantin en Italie (VIII^e-XII^e siècle). II. Les cadres juridiques et sociaux et les institutions publiques*, edited by Jean-Marie Martin, Annick Peters-Custot, and Vivien Prigent, 11-21. Rome: École française de Rome, 2011.
- Cover, Robert M. “The Supreme Court, 1982 Term – Foreword: Nomos and Narrative.” *Harvard Law Review* 97.4 (1983): 4-68.
- Creazzo, Tiziana, Carmelo Crimi, Renata Gentile, and Gioacchino Strano, edd. *Studi Bizantini in onore di Maria Dora Spadaro*. Acireale: Bonanno, 2016.
- Croce, Giuseppe M. *La Badia greca di Grottaferrata e la rivista ‘Rome e l’Oriente’. Cattolicesimo e ortodossia fra unionismo ed ecumenismo (1799-1923)*. Vatican City: Libreria Editrice Vaticana, 1990.
- Crostini, Barbara and Sergio La Porta, edd. *Negotiating Co-Existence: Communities, Cultures and ‘Convivencia’ in Byzantine Society*. Trier: Wissenschaftlicher Verlag, 2013.
- Cullhed, Per. “Pens and Ink through 2,000 Years – A World of Words.” In *Care and Conservation of Manuscripts 8: Proceedings of the Eighth International Seminar Held at the University*

- of Copenhagen 16th-17th October 2003, edited by Gillian Fellows-Jensen and Peter Springborg, 93-112. Copenhagen: Museum Tusculanum Press, 2005.
- Cuozzo, Errico, Vincent Déroche, Annick Peters-Custot and Vivien Prigent, edd. *Puer Apuliae: Mélanges offerts à Jean-Marie Martin*. Paris: ACHCByz, 2008.
- D'Agostino, Marco. "Osservazioni codicologiche, paleografiche e storico-artistiche su alcuni manoscritti del 'gruppo Ferrar'." *Rudiae* 7 (1995): 1-22.
- D'Agostino, Marco, and Paola Degni, edd. *Alethes philia. Studi in onore di Giancarlo Prato*, 2 Vols. Spoleto: CISAM, 2010.
- Dagron, Gilbert. *Empereur et prêtre. Étude sur le 'césaropapisme' byzantin*. Paris: Gallimard, 1996.
- D'Aiuto, Francesco and Paolo Vian. *Guida ai fondi manoscritti, numismatici, a stampa della Biblioteca Vaticana. I. Dipartimento Manoscritti*. Vatican City: Biblioteca Apostolica Vaticana, 2011.
- Dalli, Charles. "From Islam to Christianity: The Case of Sicily." In *Religion, Ritual and Mythology: Aspects of Identity Formation in Europe*, edited by Joaquim Carvalho, 151-69. Pisa: Edizioni Plus, 2006.
- Danella, Patrizia. "Le *Glossae nomicae* del Vat. gr. 2075, del Vat. gr. 845, del Cas. T 550 e del Vind. Phil. gr. 124." *Bollettino della Badia greca di Grottaferrata* 43 (1989): 111-30.
- Darrouzès, Jean. "Le mémoire de Constantin Stilbès contre les Latins." *Revue des études byzantines* 21 (1963): 50-100.
- "Listes synodales et notitiae." *Revue des études byzantines* 28 (1970): 57-96, *Recherches sur les 'Οφφίκια de l'église byzantine*. Paris: Institut français d'études byzantines, 1970.
- Notitiae episcopatum ecclesiae constantinopolitanae. Texte critique, introduction et notes*. Paris: CNRS, 1981.
- Davis, John A. *Naples and Napoleon: Southern Italy and the European Revolutions, 1780-1860*. Oxford: Oxford University Press, 2006.
- De Groote, Marc. "Die handschriftliche Überlieferung des Oecumenius-Kommentars zur Apokalypse." *Sacris Erudiri* 35 (1995): 5-29.
- Del Corso, Lucia and Oronzo Pecere, edd. *Libri di scuola e pratiche didattiche dall'Antichità al Rinascimento. Atti del Convegno Internazionale di Studi, Cassino, 7-10 maggio 2008*, 2 Vols. Cassino: Edizioni Università di Cassino, 2010.
- Delle Donne, Roberto and Andrea Zorzi, edd. *La storia e la memoria. In onore di Arnold Esch*. Florence: Firenze University Press, 2002.
- Delle Donne, Saulo. "Il codice Greco *Corpus Christi College* 486 di Cambridge: contenuto, organizzazione testuale e legami con l'Italia meridionale." *Revue d'histoire des textes* 9 (2014): 375-93.
- Demacopoulos, George E. and Aristotle Papanikolaou, edd. *Orthodox Constructions of the West*. New York: Fordham University Press, 2013.
- Denzler, Georg. *Kardinal Guglielmo Sirleto (1514-1585): Leben und Werk. Ein Beitrag zur nachtridentinischen Reform*. Munich: Hueber, 1962.
- Derolez, Albert. *The Palaeography of Gothic Manuscript Books: From the Twelfth to the Early Sixteenth Century*. Cambridge: Cambridge University Press, 2003.

- De Vos, Ilse. "East or West, Home Is Best. Where to Situate the Cradle of the *De Oeconomia Dei*?" In *Encyclopedic Trends in Byzantium? Proceedings of the International Conference Held in Leuven, 6-8 May 2009*, edited by Peter Van Deun and Caroline Macé, 245-55. Leuven: Uitgeverij Peeters, 2011.
- Devreesse, Robert. *Les manuscrits grecs de l'Italie méridionale (histoire, classement, paléographie)*. Vatican City: Biblioteca Apostolica Vaticana, 1955.
- "Pour l'histoire des manuscrits du fonds Vatican grec." In *Collectanea Vaticana in honorem Anselmi M. Card. Albareda a Bibliotheca Apostolica*, 315-36. Vatican City: Biblioteca Apostolica Vaticana, 1962.
- Le fonds grec de la Bibliothèque Vaticane des origines à Paul V.* Vatican City: Biblioteca Apostolica Vaticana, 1965.
- Dilcher, Hermann. *Die sizilische Gesetzgebung Kaiser Friedrichs II. Quellen der Constitutionen von Melfi und ihrer Novellen*. Cologne: Böhlau, 1975.
- Dronke, Peter. "La poesia." In *Federico II e la Sicilia*, edited by Pierre Toubert and Agostino P. Bagliani, 218-41. Palermo: Sellerio, 1998.
- Dvornik, Francis. *The Idea of Apostolicity in Byzantium and the Legend of the Apostle Andrew*. Washington, D.C.: Dumbarton Oaks, 1958.
- Ebner, Pietro. "I monasteri bizantini nel Cilento: i monasteri di S. Barbara, S. Mauro e S. Marina." *Rassegna storica salernitana* 28 (1967): 77-142.
- Ekonomou, Andrew J. *Byzantine Rome and the Greek Popes: Eastern Influences on Rome and the Papacy from Gregory the Great to Zacharias, A.D. 590-752*. Lanham, MD: Lexington, 2007.
- Enzensberger, Horst. "Der Ordo Sancti Basilii, eine monastische Gliederung der römischen Kirche (12.-16. Jahrhundert)." In *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)*, 3.1139-51. Padua: Antenore, 1973.
- "La struttura del potere nel Regno: corte, uffici, cancellaria." In *Potere, società e popolo nell'età sveva (1210-1266). Atti delle seste giornate normanno-sveve, Bari-Castel del Monte-Melfi, 17-20 ottobre 1983*, 49-70. Bari: Dedalo, 1985.
- "Der Archimandrit zwischen Papst und Erzbischof: Der Fall Messina." *Bollettino della Badia greca di Grottaferrata* 53 (2000): 209-25.
- "I Greci nel Regno di Sicilia. Aspetti della loro vita religiosa, sociale, economica alla luce del diritto canonico latino e di altre fonti latine." *Rassegna Storica online* 1 (2000): 1-46. [<http://www.storiaonline.org/mi/enzensberger.greci.pdf>]
- "Chanceries, Charters and Administration in Norman Italy." In *The Society of Norman Italy*, edited by Graham A. Loud and Alex Metcalfe, 117-50. Leiden: Brill, 2002.
- Erdö, Peter and Sz. Anzelm Suromi, edd. *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Estergom, 3-8 August 2008*. Vatican City: Biblioteca Apostolica Vaticana, 2010.
- Esch, Arnold and Norbert Kamp, edd. *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*. Tübingen: Niemeyer, 1996.
- Fabbricatore, Emiliano, ed. *San Nilo. Il monastero italo-bizantino di Grottaferrata. 1004-2004. Mille anni di storia, spiritualità e cultura*. Rome: De Luca, 2005.

- Falkenhausen, Vera von. "I monasteri greci dell'Italia meridionale e della Sicilia dopo l'avvento dei Normanni: continuità e mutamenti." In *Il Passaggio dal dominio bizantino allo Stato normanno nell'Italia meridionale*, edited by Cosimo D. Fonseca, 197-219. Taranto: Amministrazione Provinciale di Taranto, 1977.
- La dominazione bizantina nell'Italia meridionale dal IX all'XI secolo*. Translated by Franco di Clemente and Livia Fasola. Bari: Ecumenica, 1978. [= *Untersuchungen über die byzantinische Herrschaft in Süditalien vom 9. bis ins 11. Jahrhundert*. Wiesbaden: Harrassowitz, 1967.]
- "Friedrich II. und die Griechen im Königreich Sizilien." In *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*, edited by Arnold Esch and Norbert Kamp, 235-62. Tübingen: Niemeyer, 1996.
- "I diplomi dei re normanni in lingua greca." In *Documenti medievali greci e latini. Studi comparativi (Atti del seminario di Erice, 23-29 ottobre 1995)*, edited by Giuseppe de Gregorio and Otto Kresten, 253-308. Spoleto: CISAM, 1998.
- "S. Bartolomeo di Trigona: storia di un monastero greco nella Calabria normanno-sveva." *Rivista di studi bizantini e neoellenici* 36 (1999): 93-116.
- "The Greek Presence in Norman Sicily: The Contribution of Archival Material." In *The Society of Norman Italy*, edited by Graham A. Loud and Alex Metcalfe, 252-89. Leiden: Brill, 2002.
- "Between Two Empires: Southern Italy in the Reign of Basil II." In *Byzantium in the Year 1000*, edited by Paul Magdalino, 135-59. Leiden: Brill, 2003.
- "I funzionari greci nel regno normanno." In *Byzantino-Sicula V: Giorgio di Antiochia – L'arte della politica in Sicilia nel XII secolo tra Bisanzio e l'Islam*, edited by Mario Re and Cristina Rognoni, 165-202. Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 2009.
- "The Graeco-Byzantine Heritage in the Norman Kingdom of Sicily." In *Norman Tradition and Transcultural Heritage: Exchange of Cultures in the 'Norman' Peripheries of Medieval Europe*, edited by Stefan Burckhardt and Thomas Foerster, 57-77. Aldershot: Ashgate, 2013.
- "Roma greca. Greci e civiltà greca a Roma nel medioevo." in *Roma e il suo territorio nel medioevo. Le fonti scritte fra tradizione e innovazione. Atti del Convegno internazionale di studio dell'Associazione italiana dei Paleografi e Diplomatisti (Roma, 25-29 ottobre 2012)*, edited by Cristina Carbonetti, Santo Lucà, and Maddalena Signorini, 39-72. Spoleto: CISAM, 2015.
- Faraggiana di Sarzana, Chiara. "Fra Teologia, Cronografia e Diritto: una singolare compilazione eresiologica dei primi decenni del secolo XI, con un inedito di Fozio." *Rivista di studi bizantini e neoellenici* 47 (2010): 141-73.
- Fedwick, Paul J. *Bibliotheca basiliana universalis. A Study of the Manuscript Tradition, Translations and Editions of the Works of Basil of Caesarea*, 5 Vols. Turnhout: Brepols, 1997.
- Fellows-Jensen, Gillian and Peter Springborg, edd. *Care and Conservation of Manuscripts 8: Proceedings of the Eighth International Seminar Held at the University of Copenhagen 16th-17th October 2003*. Copenhagen: Museum Tusulanum Press, 2005.

- Fincati, Mariachiara. "Filologia ed esegesi biblica in Terra d'Otranto. Varianti greche, latine e giudaiche nel ms. *Parisinus graecus* 3." *Aevum* 90 (2016): 377-400.
- Flogaitis, Spyridon and Antoine Pantélis, edd. *The Eastern Roman Empire and the Birth of the Idea of State in Europe*. London: Esperia, 2003.
- Fögen, Marie-Theres. "Reanimation of Roman Law in the Ninth Century: Remarks on Reasons and Results." In *Byzantium in the Ninth Century: Dead or Alive? Papers from the Thirtieth Spring Symposium of Byzantine Studies, Birmingham, March 1996*, edited by Leslie Brubaker, 11-22. Aldershot: Ashgate, 1998.
- Follieri, Enrica. "La minuscola libraria dei secoli IX e X." In *La Paléographie grecque et byzantine*, edited by Jean Glénisson, Jacques Bompaire and Jean Irigoien, 139-65. Paris: CNRS, 1977.
- "Attività scrittoria calabrese nei secoli X-XI." In *Calabria bizantina. Tradizione di pietà e tradizione scrittoria nella Calabria greca medievale*, 103-32. Reggio Calabria: Casa del Libro, 1983.
- "Il crisobollo di Ruggero II per la badia di Grottaferrata (aprile 1131)." *Bollettino della Badia gerca di Grottaferrata* 42 (1988): 49-81.
- Byzantina et italograeca. Studi di filologia e di paleografia*, edited by Augusta Acconcia Longo, Lidia Perria and Andrea Luzzi. Rome: Storia e Letteratura, 1997.
- Fonkič, Boris L. *Grečesko-russkie kul'turnye svjazi v XV-XVII vv.: Greč. Rukopisi v Rossii*. Moscow: Nauka, 1977.
- Fonseca, Cosimo D., ed. *Il Passaggio dal dominio bizantino allo Stato normanno nell'Italia meridionale*. Taranto: Amministrazione Provinciale di Taranto, 1977.
- Fonseca, Cosimo D. and Antonio Lerra, edd. *Il monastero di S. Elia di Carbone e il suo territorio dal Medioevo all'Età Moderna. Nel millenario della morte di S. Luca Abate. Atti del Convegno internazionale di studio promosso dall'Università degli Studi della Basilicata in occasione del Decennale della sua istituzione (Potenza-Carbone, 26-27 giugno 1992)*. Potenza: Congedo, 1994.
- Foti, Maria B. "Antonius de Messana ed alcuni manoscritti del SS. Salvatore di Messina." *Archivio storico messinese* 3.36 (1985): 1-14.
- Il monastero del S.mo Salvatore in lingua phari. Proposte scritte e coscienza culturale*. Messina, 1989.
- Cultura e scrittura nelle chiese e nei monasteri italo-greci*. Messina: Sicania, 1992.
- "Copisti greci di Calabria." In *Mestieri, lavoro e professioni nella Calabria medievale. Tecniche, organizzazioni, linguaggi*, 267-82. Soveria Mannelli: Rubbettino, 1993.
- "Note su due nomocanoni." In *Hestiasis. Studi di tarda antichità offerti a Salvatore Calderone* 5, 331-52. Messina: Sicania, 1995.
- Freed, John. *Frederick Barbarossa: The Prince and the Myth*. New Haven: Yale University Press, 2016.
- Friedman, Lawrence M. "The Law and Society Movement." *Stanford Law Review* 38.3 (1986): 763-80.
- Fryde, Edmund B. *Greek Manuscripts in the Private Library of the Medici 1469-1510*, 2 Vols. Aberystwyth: National Library of Wales, 1996.

- Galadza, Daniel, Nina Glibetić and Gabriel Radle, edd. *Toxotes. Studies for Stefano Parenti*. Grottaferrata: Monastero Esarchico, 2010.
- Gallagher, Clarence. "Gratian and Theodore Balsamon: Two Twelfth-Century Canonistic Methods Compared." In *Byzantium in the 12th Century: Canon Law, State and Society*, edited by Nicholas Oikonomides, 61-89. Athens: Etaireia Vyzantinon kai Metavyzantinon Meleton, 1991.
- Church Law and Church Order in Rome and Byzantium*. Aldershot: Ashgate, 2002.
- Gardthausen, Victor. "Zur byzantinischen Kryptographie." *Byzantinische Zeitschrift* 14 (1905): 616-9.
- Garitte, Gérard. "Deux manuscrits italo-grecs (Vat. gr. 1238 et Barber. gr. 475)." In *Miscellanea Giovanni Mercati. III. Letteratura e storia bizantina*, 16-40. Vatican City: Biblioteca Apostolica Vaticana, 1946.
- Gaul, Niels. "Rising Elites and Institutionalization – *Ēthos/Mores* – 'Debts' and Drafts: Three Concluding Steps towards Comparing Networks of Learning in Byzantium and the 'Latin' West, c. 1000-1200." In *Networks of Learning: Perspectives on Scholars in Byzantine East and Latin West, c. 1000-1200*, edited by Sita Steckel, Niels Gaul, and Michael Grünbart, 235-80. Berlin: LIT Verlag, 2014.
- Gengaro, Maria Luisa. "L'apporto dei codici bizantini di provenienza orientale della Biblioteca Ambrosiana di Milano." In *Atti del Convegno di studi su la Lombardia e l'Oriente. Milano, 11-15 giugno 1962*, 200-8. Milan: Istituto Lombardo Accademia di Scienze e Lettere, 1963.
- Gautier, Paul. "Le chartophylax Nicéphore. Œuvre canonique et notice bibliographique." *Revue des études byzantines* 27 (1969): 159-95.
- Giannelli, Ciro. "Reliquie dell'attività letteraria di uno scrittore italo-greco del sec. XI med. (Nicola Arcivescovo di Reggio Calabria?)." *Studi bizantini e neoellenici* 7 (1953): 93-119.
- "Un documento sconosciuto della polemica tra greci e latini intorno alla formula battesimale." *Orientalia Christiana Periodica* 10 (1944): 150=67. [Repr. in *Studi bizantini e neoellenici* 10 (1963): 33-46.]
- Giannini, Paolo. "P. Isidoro Croce Primo Esarca." *Bollettino della Badia Greca di Grottaferrata* 42 (1988): 197-205.
- Girgensohn, Dieter. "Dall'episcopato greco all'episcopato latino nell'Italia meridionale." In *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)*, 1.25-43. Padua: Antenore, 1973.
- Giunta, Francesco. *Bizantini e bizantinismo nella Sicilia normanna*. Palermo: Palumbo, 1974.
- Gleixner, Sebastian. *Sprachrohr kaiserlichen Willens. Die Kanzlei Kaiser Friedrichs II. (1226-1236)*. Cologne: Böhlau, 2006.
- Glénisson, Jean, Jacques Bompaire and Jean Irigoien, edd. *La Paléographie grecque et byzantine*. Paris: CNRS, 1977.
- Goitein, Shalomo D. "Sicily and Southern Italy in the Cairo Geniza Documents." *Archivio storico per la Sicilia orientale* 67 (1971): 9-33.
- Grabar, André. "God and the 'Family of Princes' Presided over by the Byzantine Emperor." *Harvard Slavic Studies* 2 (1954): 117-23.

- Gregorio, Giuseppe de and Otto Kresten, edd. *Documenti medievali greci e latini. Studi comparativi (Atti del seminario di Erice, 23-29 ottobre 1995)*. Spoleto: CISAM, 1998.
- Gribomont, Jean. *Histoire du texte des Ascétiques de S Basile*. Louvain: Université de Louvain, 1953.
- Griffiths, John. "What Is Legal Pluralism?" *Journal of Legal Pluralism* 1 (1986): 1-55.
- Gruys, Albert, and Johan Peter Gumbert. *Codicologica 2. Éléments pour une codicologie comparée*. Leiden: Brill, 1978.
- Guest, Montague. J. *Lady Charlotte Schreiber's Journals: Confidences of a Collector of Ceramics and Antiques Throughout Britain, France, Holland, Belgium, Spain, Portugal, Turkey, Austria & Germany, From the Year 1869 to 1885*. London: Lane, 1911.
- Guest, Revel and Angela John. *Lady Charlotte: A Biography of the 19th Century*. London: Weidenfeld and Nicholson, 1989.
- Guillou, André. "Notes sur la société dans le katépanat d'Italie au XI^e siècle." *Mélanges d'archéologie et d'histoire* 78 (1966): 439-65.
- "La classe dei monaci-proprietari nell'Italia bizantina (sec. X-XI)." *Bullettino dell'Istituto Storico Italiano per il Medio Evo* 82 (1970): 159-72.
- "Production and Profits in the Byzantine Province of Italy (Tenth to Eleventh Centuries)." *Dumbarton Oaks Papers* 28 (1974): 91-109.
- "Processus identitaire d'une périphérie." In *O Ιταλιώτης Ελληνισμός από τον Ζ' στον ΙΒ' αιώνα. Μνήμη Νίκου Παναγιωτάκη*, edited by Nicholas Oikonomides, 165-79. Athens: Ethniko Idryma Erevnon, 2001.
- Hadjú, Kerstin, and Peter Schreiner. "Nikolaos von Otranto und ein angeblicher Plagiator im Cod. graec. 262 der Bayerischen Staatsbibliothek. Mit einem Anhang zur Provenienz der griechischen Handschriften aus der Sammlung Johann Albrecht Widmannstetters." *Codices Manuscripti & Impressi* 87-88 (2013): 25-52.
- "Die Bächlein aus der Griechen Quelle.' Untersuchungen zum Cod. graec. 298 der Bayerischen Staatsbibliothek aus dem Kloster S. Angelo dei Greci in Monopoli und seinem otrantinischen Umfeld." *Segno e testo* 14 (2016): 137-68.
- Hajjar, Joseph. "The Synod in the Eastern Church." *Concilium* 8 (1965): 55-64.
- Le Synode Permanent (Synodos endemousa) dans l'Église Byzantine des origins au XI^e siècle*. Rome: Pontificium Institutum Orientalium Studiorum, 1962.
- Halkin, François. *Novum auctarium Bibliothecae hagiographicae Graecae*. Brussels: Société des Bollandistes, 1984.
- Hamilton, Bernard. "The Monastery of S. Alessio and the Religious and Intellectual Renaissance of Tenth-Century Rome." *Studies in Medieval and Renaissance History* 2 (1965): 265-310.
- Harlfinger, Dieter and Giancarlo Prato, edd. *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)*, 2 Vols. Alessandria: Edizioni dell'Orso, 1991.
- Hart, H.L.A. *The Concept of Law*, 3rd ed. Oxford: Oxford University Press, 2012.
- Hartmann, Wilfred and Kenneth Pennington, edd. *The History of Byzantine and Eastern Canon Law to 1500*. Washington, DC: Catholic University of America Press, 2012.
- Haskins, Charles Homer. *The Renaissance of the Twelfth Century*. Cambridge, MA: Harvard University Press, 1927.

- Herde, Peter. "Die Legation des Kardinalbischofs Gerhard von Sabina während des Krieges der sizilischen Vesper und die Synode von Melfi (28. März 1284)." *Rivista di storia della Chiesa in Italia* 21 (1967): 1-53.
- "The Papacy and the Greek Church in Southern Italy between the Eleventh and the Thirteenth Century." In *The Society of Norman Italy*, edited by Graham A. Loud and Alex Metcalfe, 213-51. Leiden: Brill, 2002.
- Herklotz, Ingo. *Die Academia Basiliana. Griechische Philologie, Kirchengeschichte und Unionsbemühungen im Rom der Barberini*. Rome: Herder, 2008.
- Hestiasis. Studi di tarda antichità offerti a Salvatore Calderone* 5. Messina: Sicania, 1995.
- Hoeck, Johannes M. and Raimund J. Loenertz. *Nikolaos-Nektarios von Otranto, Abt von Casole. Beiträge zur Geschichte der ost-westlichen Beziehungen unter Innozenz III. und Friedrich II*. Ettal: Buch-Kunstverlag, 1965.
- Hoffmann, Philippe. "La décoration du *Parisinus graecus* 2572, schédographie otrantaise de la fin du XIII^e siècle (a.1295-1296)." *Mélanges de l'École française de Rome, Moyen Âge* 96.2 (1984): 617-45.
- "Aspetti della cultura bizantina in Aradeo dal XIII al XVII secolo." In *Paesi e figure del vecchio Salento*, edited by Aldo de Bernart, 3.65-88. Galatina: Congedo, 1989.
- Høgel, Christian. *Symeon Metaphrastes: Rewriting and Canonization*. Copenhagen: Museum Tusulanum, 2002.
- Holtzmann, Walther. "Die ältesten Urkunden des Klosters S. Maria del Patir." *Byzantinische Zeitschrift* 26 (1926): 328-51.
- "Die Unionsverhandlungen zwischen Kaiser Alexios I. und Papst Urban II. im Jahre 1089." *Byzantinische Zeitschrift* 28 (1928): 38-67.
- Houben, Hubert. "L'espansione del monachesimo latino in Lucania dopo l'avvento dei Normanni." In *Il monastero di S. Elia di Carbone e il suo territorio dal Medioevo all'Età Moderna. Nel millenario della morte di S. Luca Abate. Atti del Convegno internazionale di studio promosso dall'Università degli Studi della Basilicata in occasione del Decennale della sua istituzione (Potenza-Carbone, 26-27 giugno 1992)*, edited by Cosimo D. Fonseca and Antonio Lerra, 111-30. Potenza: Congedo, 1994.
- Mezzogiorno normann-svevo: monasteri e castelli, ebrei e musulmani*. Naples: Liguori 1996.
- Roger II of Sicily: A Ruler between East and West*. Translated by Graham A. Loud and Diane Milburn. Cambridge: Cambridge University Press, 2002. [= *Roger II. von Sizilien*. Darmstadt: Wissenschaftliche Buchgesellschaft, 1997.]
- "Between Occidental and Oriental Cultures: Norman Sicily as a 'Third Space'?" In *Norman Tradition and Transcultural Heritage: Exchange of Cultures in the 'Norman' Peripheries of Medieval Europe*, edited by Stefan Burckhardt and Thomas Foerster, 19-33. Aldershot: Ashgate, 2013.
- Houben, Hubert, and Francisco de Araujo, edd. *La conquista turca di Otranto (1480) tra storia e mito. Atti del convegno internazionale di studio, Otranto-Muro Leccese, 28-31 marzo 2007*. Galatina: Congedo, 2008.
- Humphreys, Michael T.G. *Law, Power and Imperial Ideology in the Iconoclast Era, c.680-850*. Oxford: Oxford University Press, 2015.
- Hunger, Herbert. *Studien zur griechischen Paläographie*. Vienna: Hollinek, 1954.

- “Die Sogennante Fettaugen-Mode in griechischen Handschriften des 13. und 14. Jahrhunderts.” *Byzantinische Forschungen* 4 (1972): 105-13.
- Hunger, Herbert, ed. *Die hochsprachliche profane Literatur der Byzantiner*, 2 Vols. Munich: Beck, 1978.
- Hussey, Joan M. *The Orthodox Church in the Byzantine Empire*. Oxford: Oxford University Press, 1986.
- Hutter, Irmgard. “Decorative Systems in Byzantine Manuscripts, and the Scribe as Artist: Evidence from Manuscripts in Oxford.” *Word and Image* 12.1 (1996): 4-22.
- “La décoration et la mise en page des manuscrits grecs de l’Italie méridionale. Quelques observations.” In *Histoire et culture dans l’Italie byzantine. Acquis et nouvelles recherches*, edited by André Jacob, Jean-Marie Martin, and Ghislain Noyé, 69-93. Rome: École française de Rome, 2006.
- “Patmos 33 in Kontext.” *Rivista di studi bizantini e neoellenici* 46 (2009): 73-126.
- Izbicki, Thomas M. “Notes on the Manuscript Library of Cardinal Johannes de Turrecremata.” *Scriptorium* 35.2 (1981): 306-11.
- Protector of the Faith: Cardinal Johannes de Turrecremata and the Defense of the Institutional Church*. Washington, DC: Catholic University of America Press, 1981.
- Irigoin, Jean. “Les origines de la fabrication du papier en Italie.” *Papiergeschichte* 13 (1963): 62-7.
- “Structure et évolution des écritures livresques de l’époque byzantine.” In *Polychronion. Festschrift Franz Dölger zum 75. Geburtstag*, edited by Peter Wirth, 253-65. Heidelberg: C. Winter Universitätsverlag, 1966.
- “Papiers orientaux et papiers occidentaux.” In *La paléographie grecque et byzantine*, edited by Jean Glénisson, Jacques Bompaire, and Jean Irigoin, 45-54. Paris: CNRS, 1977.
- Jacob, André. “Fragments liturgiques byzantins de Terre d’Otrante.” *Bulletin de l’Institut historique Belge de Rome* 43 (1973): 345-76.
- “Les écritures de Terre d’Otrante.” In *La Paléographie grecque et byzantine*, edited by Jean Glénisson, Jacques Bompaire and Jean Irigoin, 269-81. Paris: CNRS, 1977.
- “Culture grecque et manuscrits en Terre d’Otrante.” In *Atti del III^o congresso internazionale di studi salentini e del I^o congresso storico di Terra d’Otranto (Lecce, 22-25 ottobre 1976)*, edited by Paolo F. Palumbo, 51-77. Lecce: Centro Studi Salentini, 1980.
- “Nicolas d’Oria – Un copiste de Pouille au Saint-Sauveur de Messine.” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 65 (1985): 133-58.
- “La lettre patriarcale du *typikon* de Casole et l’évêque Paul de Gallipoli.” *Rivista di studi bizantini e neoellenici* 24 (1987): 143-63.
- “Les annales du monastère de San Vito del Pizzo, près de Tarente, d’après les notes marginales du *Parisinus gr.* 1624.” *Rivista di studi bizantini e neoellenici* 30 (1993): 123-53.
- “Une date précise pour l’Euchologe de Carbone: 1194-1195.” *Archivio storico per la Calabria e la Lucania* 63 (1995): 97-114.
- “Tra Basilicata e Salento. Precisazioni ecessarie sui menei del monastero di Carbone.” *Archivio storico per la Calabria e la Lucania* 68 (2001): 21-52.
- “I più antichi codici greci di Puglia, ovvero Un viaggio della paleografia nel paese che non c’è.” *Studi medievali e moderni* 6.2 (2002): 5-42.

- “Autour de Nicolas-Nectaire de Casole.” In *Vaticana et medievalia. Études en l’honneur de Louis Duval-Arnould*, edited by Jean-Marie Martin, Bernadette Martin-Hisard and Agostino P. Gabliani, 231-51. Florence: Galluzzo, 2008.
- “L’építaphe métrique du prêtre Jean à Cerrate.” *Néa Πόμνη* 10 (2013): 139-54.
- “Heurs et malheurs d’un euchologe salentin (Melphictensis 10).” In *Manuscripta graeca et Orientalia. Mélanges monastiques et patristiques en l’honneur de Paul Géhin*, edited by André Bingeli, Anne Boud’hors, and Matthieu Cassin, 443-67. Louvain: Peeters, 2016.
- Jacob, André, Jean-Marie Martin, and Ghislain Noyé, edd. *Histoire et culture dans l’Italie byzantine. Acquis et nouvelles recherches*. Rome: École française de Rome, 2006.
- Jansen, Nils. *The Making of Authority: Non-Legislative Codifications in Historical and Comparative Perspective*. Oxford: Oxford University Press, 2010.
- “Legal Pluralism in Europe: National Laws, European Legislation, and Non-Legislative Codifications.” *Legal Pluralism* (2012): <http://ssrn.com/abstract=1840356>.
- Janz, Timothy. “Lo sviluppo del Vaticano greci tra fondo antico e accessioni seicentesche.” In *Storia della Biblioteca Apostolica Vaticana. III. La Vaticana nel seicento (1590-1700): una biblioteca di biblioteche*, edited by Claudia Montuschi, 503-42. Vatican City: Biblioteca Apostolica Vaticana, 2014.
- Johns, Jeremy. “The Greek Church and the Conversion of Muslims in Norman Sicily?” *Byzantinische Forschungen* 21 (1995): 133-57.
- Jordan, Edouard. “La politique ecclésiastique de Roger I et les origines de la ‘légation sicilienne’.” *Le Moyen Âge* 33 (1922): 237-72, 34 (1923): 32-65.
- Kamp, Norbert. “Vescovi e diocesi nell’Italia meridionale nel passaggio dalla dominazione bizantina allo Stato normanno.” In *Forme di potere e struttura sociale in Italia nel Medioevo*, edited by Gabriella Rossetti, 379-97. Bologna: Il mulino, 1977.
- “Die sizilischen Verwaltungsreformen Kaiser Friedrichs II. als Problem der Sozialgeschichte.” *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 62 (1982): 119-42.
- “Monarchia ed episcopato nel Regno svevo di Sicilia.” In *Potere, società e popolo nell’età sveva (1210-1266). Atti delle seste giornate normanno-sveve, Bari-Castel del Monte-Melfi, 17-20 ottobre 1983*, 123-49. Bari: Dedalo, 1985.
- “I vescovi siciliani nel periodo normanno: origine sociale e formazione spirituale.” In *Chiesa e società in Sicilia. L’età normanna. Atti del I Convegno internazionale organizzato dall’arcidiocesi di Catania, 25-27 novembre 1992*, edited by Gaetano Zito, 63-89. Turin: Società Editrice Internazionale, 1995.
- “The Bishops of Southern Italy in the Norman and Staufen Periods.” In *The Society of Norman Italy*, edited by Graham A. Loud and Alex Metcalfe, 185-212. Leiden: Brill, 2002.
- Kazhdan, Alexander P. “Do We Need a New History of Byzantine Law?” *Jahrbuch der Österreichischen Byzantinistik* 39 (1989): 1-28.
- “Latins and Franks in Byzantium: Perception and Reality from the Eleventh to the Twelfth Century.” In *The Crusades from the Perspective of Byzantium and the Muslim World*, edited by Angeliki E. Laiou and Roy P. Mottahedeh, 83-100. Washington, D.C.: Dumbarton Oaks, 2001.
- Kazhdan, Alexander, et al., edd. *The Oxford Dictionary of Byzantium*, 3 Vols. Oxford: Oxford University Press, 1991.

- Kedar, Benjamin Z. "On the Origins of the Earliest Laws of Frankish Jerusalem: The Canons of the Council of Nablus, 1120." *Speculum* 74.2 (1999): 310-35.
- Kolbaba, Tia M. *The Byzantine Lists: Errors of the Latins* (Chicago: University of Illinois Press, 2000.
- "On the Closing of the Churches and the Rebaptism of Latins: Greek Perfidy or Latin Slander?" *Byzantine and Modern Greek Studies* 29.1 (2005): 39-51.
- "Byzantines, Armenians, and Latins: Unleavened Bread and Heresy in the Tenth Century." In *Orthodox Constructions of the West*, edited by George E. Demacopoulos and Aristotle Papanikolaou, 45-57. New York: Fordham University Press, 2013.
- Kölzer, Theo. "Zur Geschichte des Klosters S. Nicola di Casole." *Quellen und Forschungen aus italienischen Bibliotheken und Archiven* 65 (1985): 418-26.
- "Die Verwaltungsreformen Friedrichs II." In *Friedrich II. Tagung des Deutschen Historischen Instituts in Rom im Gedenkjahr 1994*, edited by Arnold Esch and Norbert Kamp, 299-315. Tübingen: Niemeyer, 1996.
- Konidaris, Ioannis M. "The Ubiquity of Canon Law." In *Law and Society in Byzantium: Ninth-Twelfth Centuries*, edited by Angeliki E. Laiou and Dieter Simon, 131-50. Washington, DC: Dumbarton Oaks, 1994.
- Kreutz, Barbara. *Before the Normans. Southern Italy in the Ninth and Tenth Centuries*. Philadelphia: University of Pennsylvania Press, 1991.
- Kuryshva, Marina A. "Some Paleographic Observations on Two Greek Nomocanons from Southern Italy in the State Historical Museum (Moscow)." In *Puer Apuliae: Mélanges offerts à Jean-Marie Martin*, edited by Errico Cuozzo, Vincent Déroche, Annick Peters-Custot and Vivien Prigent, 373-81. Paris: ACHCByz, 2008.
- Labowsky, Lotte. *Bessarion's Library and the Biblioteca Marciana: Six Early Inventories*. Rome; Edizioni di Storia e Letteratura, 1979.
- La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)*, 3 Vols. Padua: Antenore, 1973.
- Lafleur, Didier. "Which Criteria for Family 13 (f13) Manuscripts?" *Novum Testamentum* 54 (2012): 105-48.
- La Famille 13 dans l'évangile de Marc*. Leiden: Brill, 2013.
- Laiou, Angeliki E. *Mariage, amour et parenté à Byzance aux XI^e-XIII^e siècles*. Paris: De Boccard, 1992.
- Laiou, Angeliki E. and Roy P. Mottahedeh, edd. *The Crusades from the Perspective of Byzantium and the Muslim World*. Washington, D.C.: Dumbarton Oaks, 2001.
- Laiou, Angeliki E. and Dieter Simon, edd. *Law and Society in Byzantium: Ninth-Twelfth Centuries*. Washington, DC: Dumbarton Oaks, 1994.
- Laitsos, Stergios. "'Imitatio Basilei'? The Ideological and Political Construction of the Norman Kingdom of Sicily in the 12th Century." In *The Eastern Roman Empire and the Birth of the Idea of State in Europe*, edited by Spyridon Flogaitis and Antoine Pantélis, 227-47. London: Esperia, 2003.
- Lake, Kirsopp. "The Greek Monasteries in South Italy. IV. The Libraries of the Basilian Monasteries." *Journal of Theological Studies* 5 (1904): 189-202.

- Landau, Peter and Joers Müller, edd. *Proceedings of the Ninth International Congress of Medieval Canon Law, Munich, 13-18 July 1992*. Vatican City: Biblioteca Apostolica Vaticana, 1997.
- Late Classical and Mediaeval Studies in Honor of A.M. Friend Jr. Princeton: Princeton University Press, 1955.
- Laurent, Vitalien. "L'œuvre géographique du moine sicilien Nil Doxapatris," *Échos d'Orient* 36 (1937): 5-30.
- Lazaris, Stavros. "Un nouveau manuscrit illustré du Physiologus grec et la date de la deuxième recension: Le Sinai, Monet es Hagia Aikaterines, NE gr. M 103." *Annuaire de l'Université de Sogria 'St Kliment Ohridski'. Centre de recherches salvo-byzantines 'Ivan Dujčev' 99* (2017): 233-62.
- Leib, Bernard. *Rome, Kiev et Byzance a la fin du XI^e siècle. Rapports religieux des Latins et des Gréco-Russes sous le pontificat d'Urbain II (1088-1099)*. Paris: Picard, 1924.
- Lemaître, Jean-Loup, M.V. Dmitriev, and Pierre Gonneau, edd. *Moines et monastères dans les sociétés de rite grec et latin*. Geneva: Droz, 1996.
- Le Millénaire du Mont Athos, 963-1963. Études et mélanges*, 2 Vols. Chevetogne: Éditions de Chevetogne, 1963-1964.
- Leonardi, Claudio. "Per la storia dell'edizione romana dei concili ecumenici (1608-1612). Da Antonio Agustín a Francesco Aduarte." In *Mélanges Eugène Tisserant. VI. Bibliothèque Vaticane. Première partie*, 583-637. Vatican City: Biblioteca Apostolica Vaticana, 1964.
- Leroy, Julien. "Les manuscrits grecs d'Italie." In *Codicologica 2. Éléments pour une codicologie comparée*, edited by Albert Gruys and Johan Peter Gumbert, 52-71. Leiden: Brill, 1971.
- "La description codicologique des manuscrits grecs de parchemin. In *La Paléographie grecque et byzantine*, edited by Jean Glénisson, Jacques Bompaire and Jean Irigoien, 27-44. Paris: CNRS, 1977.
- "Caratteristiche codicologiche dei codici greci di Calabria." In *Calabria bizantina. Tradizione di pietà e tradizione scrittoria nella Calabria greca medievale*, 103-32. Reggio Calabria: Casa del Libro, 1983.
- Lev, Yaacov. "The Fatimid Navy, Byzantium and the Mediterranean Sea, 909-1036 CE/297-427 AH." *Byzantion* 54 (1984): 220-52.
- Levante, Dino, ed. *'Colligite fragmenta'. Studi in memoria di Mons. Carmine Maci*. Campi Salentini: Centro Studi 'Mons. Carmine Maci', 2007.
- Lilla, Salvatore. *I manoscritti vaticani greci. Lineamenti di una storia del fondo*. Vatican City: Biblioteca Apostolica Vaticana, 2004.
- Loew, Elias A. *The Beneventan Script: A History of the South Italian Minuscule*. Oxford: Oxford University Press, 1914.
- Lokin, J.H.A. "The Significance of Law and Legislation in the Law Books of the Ninth to Eleventh Centuries." In *Law and Society in Byzantium: Ninth-Twelfth Centuries*, edited by Angeliki E. Laiou and Dieter Simon, 71-91. Washington, DC: Dumbarton Oaks, 1994.
- Lomax, John P. "Lupus duplex: Frederick II, Gregory IX, and the 'Widowed Churches' of Sicily." In *Proceedings of the Thirteenth International Congress of Medieval Canon Law, Estergom, 3-8 August 2008*, edited by Peter Erdö and Sz. Anzelm Suromi, 553-62. Vatican City: Biblioteca Apostolica Vaticana, 2010.

- Lo Parco, Francesco. "Scolario-Saba bibliofilo italiota, vissuta tra l'XI e il XII secolo e la Biblioteca del Monastero basiliano del SS. Salvatore di Bordonaro presso Messina." *Società Reale di Napoli. Atti della Reale Accademia di Archeologia, Lettere e Belle Arti* 1.2 (1910): 207-86.
- Loud, Graham A. "Royal Control of the Church in the Twelfth-Century Kingdom of Sicily." *Studies in Church History* 18 (1982): 147-59.
The Age of Robert Guiscard: Southern Italy and the Norman Conquest. Harlow: Longman, 2000.
The Latin Church in Norman Italy. Cambridge: Cambridge University Press, 2007.
- Loud, Graham A. and Alex Metcalfe, edd. *The Society of Norman Italy*. Leiden: Brill, 2002.
- Lucà, Santo. "Rossano, il Patir e lo stile rossanese." *Rivista di studi bizantini e neoellenici* 22-3 (1985-1986): 93-170.
- "Antonio di Messina (alias Antonio Carissimo)." *Bollettino della Badia greca di Grottaferrata* 40 (1986): 151-64.
- "Attività scrittorica e culturale a Rossano: da s. Nilo a s. Bartolomeo da Simeri (secoli X-XII)." In *Atti del Congresso internazionale su S. Nilo di Rossano. 28 settembre – 1° ottobre 1986*, 24-73. Grottaferrata: Tipografia Italo-Orientale 'S. Nilo', 1989.
- "Scrittura e produzione libraria a Rossano tra la fine del sec. XI e l'inizio del sec. XII." In *Paleografia e codicologia greca. Atti del II Colloquio internazionale (Berlino-Wolfenbüttel, 17-21 ottobre 1983)*, edited by Dieter Harlfinger and Giancarlo Prato, 1.117-30. Alessandria: Edizioni dell'Orso, 1991.
- "Scritture e libri della scuola niliana." In *Scritture, libri e testi nelle aree provinciali di Bisanzio. Atti del Seminario di Erice (18-25 settembre 1988)*, edited by Guglielmo Cavallo, Giuseppe de Gregorio and Marilena Maniaci, 1.319-87. Spoleto: CISAM, 1991.
- "I Normanni e la 'rinascita' del sec. XII." *Archivio storico per la Calabria e la Lucania* 60 (1993): 1-91.
- "Il Patir di Rossano e il S. Salvatore di Messina." In *Byzantina Mediolanensia. V° Congresso Nazionale di Studi Bizantini, Milan, 19-22 ottobre 1994*, edited by Fabrizio Conca, 255-68. Soveria Mannelli: Rubbettino, 1996.
- "Le diocesi di Gerace e Squillace: tra manoscritti e marginalia." In *Calabria bizantina. Civiltà bizantina nei territori di Gerace e Stilo*, 245-343. Soveria Mannelli: Rubbettino, 1998.
- "Teodoro sacerdote, copista del Reg. gr. Pii II 35. Appunti su scribi e committenti di manoscritti greci." *Bollettino della Badia greca di Grottaferrata* 55 (2001): 127-63.
- "Un codice greco del 1124 a Siracusa." *Rivista di studi bizantini e neoellenici* 38 (2002): 69-94.
- "Su origine e datazione del *Crypt. B.β.VI* (ff. 1-9). Appunti sulla collezione manoscritta greca di Grottaferrata." In *Tra Oriente e Occidente. Scritture e libri greci fra le regioni orientali di Bisanzio e l'Italia*, edited by Lidia Perria, 145-224. Rome: Università di Roma 'La Sapienza', 2003.
- "*Graeco-Latina* di Bartolomeo Iuniore, Egumeno di Grottaferrata († 1055 ca.)?" *Nέα Πόμνη* 1 (2004): 143-84.

- “L’apporto dell’Italia meridionale alla costituzione del fondo greco dell’Ambrosiana.” In *Nuove ricerche sui manoscritti greci dell’Ambrosiana*, edited by Carlo M. Mazzucchi and Cesare Pasini, 191-242. Milan: Gemelli, 2004.
- “Il *gerontikòn Vat. gr.* 858 e la minuscola di ‘tipo Scilitze’.” *Rivista di studi bizantini e neoellenici* 46 (2009): 193-224.
- “Frustuli di manoscritti greci a Troina in Sicilia.” *Erytheia* 31 (2010): 75-132.
- “Doroteo di Gaza e Niceta Stetato. A proposito del *Neap. Gr.* 7.” In *Bisanzio e le periferie dell’impero. Atti del Convegno Internazionale nell’ambito delle Celebrazioni del Millenario della fondazione dell’Abbazia di San Nilo a Grottaferrata (Catania, 26-28 novembre 2007)*, edited by Renata G. Messina, 145-80. Catania: Bonanno, 2011.
- “Guglielmo Sirleto e la Vaticana.” In *Storia della Biblioteca Apostolica Vaticana. II. La Biblioteca Vaticana tra riforma cattolica, crescita delle collezioni e nuovo edificio (1535-1590)*, edited by Massimo Ceresa, 146-88. Vatican City: Biblioteca Apostolica Vaticana, 2012.
- “Il libro bizantino e postbizantino nell’Italia meridionale.” In *Scrittura e libro nel mondo greco-bizantino. Atti del corso. Ravello, Villa Rufolo, 6-9 Novembre 2007*, edited by Carla C. Brach, 25-76. Ravello: Centro Universitario Europeo per i Beni Culturali, 2012.
- “La silloge manoscritti greca di Guglielmo Sirleto. Un primo saggio di ricostruzione.” *Miscellanea Bibliothecae Apostolicae Vaticanae* 19 (2012): 317-55.
- “Interferenze linguistiche Greco-latine a Grottaferrata tra XI e XII secolo.” *Papirologica Lupiensia* 24 (2015) 295-331.
- “Sul Teodoro Studita Crypt. Gr. 850 (olim Crypt. B.α.LIX, nr. II).” In *Studi Bizantini in onore di Maria Dora Spadaro*, edited by Tiziana Creazzo, Carmelo Crimi, Renata Gentile, and Gioacchino Strano, 245-75. Acireale: Bonanno, 2016.
- Luscombe, David, and Jonathan Riley-Smith, edd. *The New Cambridge Medieval History. Volume 4: c.1024-c.1198, Parts 1-2*. Cambridge: Cambridge University Press, 2004.
- Macrides, Ruth J. “Nomos and Kanon on Paper and in Court.” In *Church and People in Byzantium*, edited by Rosemary Morris, 61-86. Birmingham: Centre for Byzantine, Ottoman and Modern Greek Studies, 1990.
- Madigan, Susan P. “Three Manuscripts by the ‘Chrysostom Initialer’: The Scribe as Artist in Tenth-Century Constantinople.” *Scriptorium* 41-2 (1987): 205-20.
- Magdalino, Paul. “Die Jurisprudenz als Komponente der byzantinischen Gelehrtenkultur des 12. Jahrhunderts.” In *Cupido Legum*, edited by Ludwig Burgmann, Marie-Theres Fögen and Andreas Schminck, 169-77. Frankfurt am Main: Löwenklau-Gesellschaft, 1985.
- The Empire of Manuel I Komnenos, 1143-1180*. Cambridge: Cambridge University Press, 1993.
- “The Reform Edict of 1107.” In *Alexios I Komnenos*, edited by Margaret Mullett and Dion Smythe, 199-218. Belfast: Belfast Byzantine Enterprises, 1996.
- Magdalino, Paul, ed. *The Perception of the Past in Twelfth-Century Europe*. London: Hambledon, 1992.
- Byzantium in the Year 1000*. Leiden: Brill, 2003.
- Maggiore, Marco. “Manoscritti medievali salentini.” *Idomeneo* 19 (2015): 99-122.

- Malatesta Zilembo, Giuseppina Maria. “Gli ammannuensi di Grottaferrata.” *Bollettino della Badia Greca di Grottaferrata* 19 (1965): 39-56.
- Manaphes, Konstantinos A. “Παρατηρήσεις εις τὰ ‘Κυπριακὰ Τύπικα’.” *Ἐπιστημονικὴ Ἐπέτειος τῆς Φιλοσοφικῆς Σχολῆς τοῦ Πανεπιστημίου Ἀθηνῶν* 20 (1969-1970): 155-68.
- Manfredi, Antonio, ed. *Storia della Biblioteca Apostolica Vaticana. I. Le origini della Biblioteca Vaticana tra umanesimo e rinascimento (1447-1534)*. Vatican City: Biblioteca Apostolica Vaticana, 2010.
- Maniaci and Paola F. Munafò, edd. *Ancient and Medieval Book Materials and Techniques*, 2 Vols. Vatican City: Biblioteca Apostolica Vaticana, 1993.
- Manzano, Teresa M. *Konstantinos Laskaris. Humanist, Philologe, Lehrer, Kopist*. Hamburg: Universität Hamburg, 1994.
- Marchetti, Francesca. “Nota sull’ornamentazione iniziale dello Scilitze di Madrid.” *Νέα Πρόμη* 11 (2014): 169-82.
- Martin, Jean-Marie. *La Pouille du VI au XII siècle*. Rome: École Française de Rome, 1993.
 “Léon, archevêque de Calabre, l’Église de Reggio et la lettre de Phootius (Grumel-Darrouzès n° 562).” In *EYΨYXIA. Mélanges offerts à Hélène Ahrweiler*, edited by Michel Balard, 481-91. Paris: Publications de la Sorbonne, 1998.
- Martin, Jean-Marie, Bernadette Martin-Hisard and Agostino P. Gabliani, edd. *Vaticana et medievalia. Études en l’honneur de Louis Duval-Arnould*. Florence: Galluzzo, 2008.
- Martin, Jean-Marie, Annick Peters-Custot, and Vivien Prigent, edd. *L’héritage byzantine en Italie (VIII^e-XII^e siècle). II. Les cadres juridiques et sociaux et les institutions publiques*. Rome: École française de Rome, 2011.
- Mayer-Olivé, Marc. “Towards a History of the Library of Antonio Agustín.” *Journal of the Warburg and Courtauld Institutes* 60 (1997): 261-72.
- Mayr-Harting, Henry. “Liudprand of Cremona’s Account of His Legation to Constantinople (968) and Ottonian Imperial Strategy.” *English Historical Review* 116.467 (2001): 539-56.
- Mazzotta, Oronzo. *Monaci e libri greci nel Salento medievale*. Novoli: Biblioteca Minima, 1989.
- Mazzucchi, Carlo M. and Cesare Pasini, edd. *Nuove ricerche sui manoscritti greci dell’Ambrosiana*. Milan: Gemelli, 2004.
- McNulty, Patricia M. and Bernard Hamilton. “*Oriente lumen et magistra latinitas*: Greek Influences on Western Monasticism (900-1100).” In *Le Millénaire du Mont Athos, 963-1963. Études et mélanges*, 1.181-216. Chevetogne: Éditions de Chevetogne, 1963-1964.
Mélanges Eugène Tisserant. VI. Bibliothèque Vaticane. Première partie. Vatican City: Biblioteca Apostolica Vaticana, 1964.
- Melissaris, Emmanuel. *Ubiquitous Law: Legal Theory and the Space for Legal Pluralism*. Farnham: Ashgate, 2009.
- Ménager, Léon-Robert. “La ‘byzantinisation’ religieuse de l’Italie méridionale (IX^e-XII^e siècles) et la politique monastique des Normands d’Italie.” *Revue d’histoire ecclésiastique* 53 (1958): 747-74.
 “Points de vue sur l’étude des institutions byzantines en Italie méridionale.” *Archivio storico pugliese* 12 (1959): 47-52.
- Menevisoglou, Pavlos. *Ιστορική εισαγωγή εις τους κανόνες της ορθοδόξου εκκλησίας*. Stockholm: Iera Mitropolis Souidias kai Pasis Skandinavias, 1990.

- Mercati, Giovanni. *Per la storia dei manoscritti greci di Genova, di varie badie basiliane d'Italia e di Patmo*. Vatican City: Biblioteca Apostolica Vaticana, 1935.
- “Non Russia, ma Rossano nell'Antirretico di Teodoro Cursiota.” In *Opere minori IV*, 169-71. Vatican City: Biblioteca Apostolica Vaticana, 1937.
- Codici latini Pico Grimani Pio e di altra biblioteca ignota del secolo XVI esistenti nell'Otoboniana e i codici greci Pio di Modena con una digressione per la storia dei codici di S. Pietro in Vaticano*. Vatican City: Biblioteca Apostolica Vaticana, 1938.
- Ultimi contributi alla storia degli umanisti*, 2 Vols. Vatican City: Biblioteca Apostolica Vaticana, 1939.
- Mercati, Giovanni, ed. *Opere minori IV*. Vatican City: Biblioteca Apostolica Vaticana, 1937.
- Merry, Sally E. “Legal Pluralism.” *Law & Society Review* 22.5 (1988): 869-96.
- Messina, Renata G., ed. *Bisanzio e le periferie dell'impero. Atti del Convegno Internazionale nell'ambito delle Celebrazioni del Millenario della fondazione dell'Abbazia di San Nilo a Grottaferrata (Catania, 26-28 novembre 2007)*. Catania: Bonanno, 2011.
- Mestieri, lavoro e professioni nella Calabria medievale. Tecniche, organizzazioni, linguaggi*. Soveria Mannelli: Rubbettino, 1993.
- Metastasio, Giorgio and Fulvio Calabrese. “San Giovanni il Nuovo di Stilo e la biblioteca dei padri basiliani.” *Annali di studi religiosi* 9 (2008): 67-110.
- Metcalf, Alex. *Muslims and Christians in Norman Sicily: Arabic-Speakers and the End of Islam*. London: Routledge, 2003.
- The Muslims of Medieval Italy*. Edinburgh: Edinburgh University Press, 2009.
- Michel, Anton. *Humbert und Kerullarios. Quellen und Studien zum Schisma des 11. Jahrhunderts*, 2 Vols. Paderborn: Schöningh, 1924-1930.
- Milaš, Nikodim. *Das Kirchenrecht der morgenländischen Kirche. Nach den allgemeinen Kirchenrechtsquellen und nach den in den autokephalen Kirchen geltenden Spezial-Gesetzen*. Mostar: Pacher & Kisić, 1905.
- Mioni, Elpidio. “Bessarione bibliofilo e filologo.” *Rivista di studi bizantini e neoellenici* 5 (1968): 61-83.
- Εισαγωγή στην ελληνική παλαιογραφία*. Athens: Morphotiko Idryma Ethnikes Trapezes, 2004.
- Miscellanea Giovanni Mercati. III. Letteratura e storia bizantina*. Vatican City: Biblioteca Apostolica Vaticana, 1946.
- Monfasani, John. “L'insegnamento universitario e la cultura bizantina in Italia nel quattrocento.” In *Sapere e potere. Discipline, dispute e professioni nell'università medievale e moderna: il caso bolognese a confronto. Atti del 4° Convegno (Bologna, 13-15 aprile 1989)*, edited by Luisa Avellini, Angela De Benedictis and Andrea Cristiani, 43-65. Bologna: Istituto per la Storia di Bologna, 1990.
- Montfaucon, Bernard de. *Diarium Italicum. Sive monumentorum veterum, bibliothecarum, museorum, etc. Notitiae singulares in itinerario Italico collectae*. Paris: Anisson, 1702.
- Palaeographia graeca, sive, De ortu et progressu literarum Graecarum*. Paris: Guerin, 1708.
- Montuschi, Claudia, ed. *Storia della Biblioteca Apostolica Vaticana. III. La Vaticana nel seicento (1590-1700): una biblioteca di biblioteche*. Vatican City: Biblioteca Apostolica Vaticana, 2014.

- Mor, Carlo G. "La lotta fra la Chiesa greca e la Chiesa latina in Puglia nel sec. X." *Archivio storico pugliese* 4 (1951): 58-64.
- Morris, Rosemary. *Monks and Laymen in Byzantium, 843-1118*. Cambridge: Cambridge University Press, 1995.
- Morris, Rosemary, ed. *Church and People in Byzantium*. Birmingham: Centre for Byzantine, Ottoman and Modern Greek Studies, 1990.
- Morton, James. "Latin Patrons, Greek Fathers: St Bartholomew of Simeri and Byzantine Monastic Reform in Norman Italy, 11th-12th Centuries." *Allegorica* 29 (2013): 20-35.
- "A Byzantine Canon Law Scholar in Norman Sicily: Revisiting Neilos Doxapatres' *Order of the Patriarchal Thrones*." *Speculum* 92.3 (2017): 724-54.
- Muci, Maria M. "Il terzo *Syntagma* di Nicola Nettareo e la difesa delle tradizioni liturgiche bizantine dei greci della Terra d'Otranto." *Itinerari di ricerca storica* 19 (2005): 25-47.
- Muratore, Davide. *La biblioteca del cardinale Niccolò Ridolfi*, 2 Vols. Alessandria: Orso, 2009.
- Mullett, Margaret and Dion Smythe, edd. *Alexios I Komnenos*. Belfast: Belfast Byzantine Enterprises, 1996.
- Negro, Piero del. "Giacomo Nani. Appunti biografici." *Bollettino del Museo Civico di Padova* 60 (1971): 115-47.
- Neiryneck, Stefaan. "Nilus Doxapatres's *De Oeconomia Dei*: In Search of the Author behind the Compilation." In *Byzantine Theologians. The Systematization of their Doctrine and their Perception of Foreign Doctrines*, edited by Antonio Rigo and Pavel Ermilov, 51-69. Rome: Università degli Studi di Roma 'Tor Vergata', 2009.
- "The *De oeconomia Dei* by Nilus Doxapatres: Some Introductory Remarks to the Work and its Edition." *Byzantion* 80 (2010): 265-306.
- "Le 'De Oeconomia Dei' de Nil Doxapatres. La theologie entre Constantinople et la Sicile, du XII^{ème} siècle à la modernité." In *Knotenpunkt Byzanz. Wissensformen und kulturelle Wechselbeziehungen*, edited by Andreas Speer and Philipp Steinkrüger, 274-87. Berlin: De Gruyter, 2012.
- Nichols, Stephen. "The New Philology. Introduction: Philology in a Manuscript Culture." *Speculum* 65 (1990): 1-10
- Niese, Hans. "Zur Geschichte des geistigen Lebens am Hof Kaiser Friedrichs II." *Historische Zeitschrift* 108 (1912): 473-540.
- Nolhac, Pierre de. *La bibliothèque de Fulvio Orsini*. Paris: Bouillon and Vieweg, 1887.
- Noyé, Ghislain. "Byzantine et Italie méridionale." In *Byzantium in the Ninth Century: Dead or Alive? Papers from the Thirtieth Spring Symposium of Byzantine Studies, Birmingham, March 1996*, edited by Leslie Brubaker, 229-43. Aldershot: Ashgate, 1998.
- Ohme, Heinz. *Das Concilium Quinisextum und seine Bischofsliste. Studien zum Konstantinopeler Konzil von 692*. Berlin: De Gruyter, 1990.
- Oikonomides, Nicholas, ed. *Byzantium in the 12th Century: Canon Law, State and Society*. Athens: Etaireia Vyzantinon kai Metavyzantinon Meleton, 1991.
- O Italiώτης Ελληνισμός από τον Ζ' στον ΙΒ' αιώνα. Μνήμη Νίκου Παναγιωτάκη*. Athens: Ethniko Idryma Erevnon, 2001.
- Oldfield, Paul. "Rural Settlement and Economic Development in Southern Italy: Troia and its *contado*, c.1020-c.1230." *Journal of Medieval History* 31 (2005): 327-45.

- Omont, Henri. "Le Typicon de Saint-Nicolas di Casole près d'Otrante. Notice du ms. C. III, 17 de Turin." *Revue des études grecques* 3 (1890): 389-90.
- Minoïde Mynas et ses missions en orient (1840-1855). Paris: Imprimerie Nationale, 1916.
- Pacaut, Marcel. "Papauté, Royauté et épiscopat dans le Royaume de Sicile." In *Potere, società e popolo nell'età dei due Guglielmi. Atti delle quarte giornate normanno-sveve, Bari, Gioia del Colle, 8-10 ottobre 1979*. Bari: Dedalo, 1981.
- Page, Gill. *Being Byzantine: Greek Identity Before the Ottomans*. Cambridge: Cambridge University Press, 2008.
- Palese, Salvatore and Giancarlo Locatelli, edd. *Il Concilio di Bari del 1098. Atti del Convegno Storico Internazionale e celebrazioni del IX Centenario del Concilio*. Bari: Edipuglia, 1999.
- Palumbo, Paolo F., ed. *Atti del III° congresso internazionale di studi salentini e del I° congresso storico di Terra d'Otranto (Lecce, 22-25 ottobre 1976)*. Lecce: Centro Studi Salentini, 1980.
- Paredi, Angelo. *Storia dell'Ambrosiana*. Milan: Neri Pozza, 1981.
- Papagianne, Eletheria, and Spyridon N. Troianos. "Die kanonischen Antworten des Nikolaos III. Grammatikos an den Bischof von Zetunion." *Byzantinische Zeitschrift* 82 (1989): 234-50.
- Paschou, Christina. "Ο γραφέας Λεών και ο κωδικός Αθηνών 74." *Bollettino della Badia Greca di Grottaferrata* 56-7 (2002-3): 211-35.
- Pasini, Cesare. "Il progetto biblioteconomico di Federico." *Studia Borromaica* 19 (2005): 247-79.
- "Le acquisizioni librerie del Cardinale Federico Borromeo e il nascere dell'Ambrosiana." *Studia Borromaica* 19 (2005): 461-90.
- Patoura, Sophia. *Η ελληνική γραφή κατά τους 15 και 16 αιώνες*. Athens: Institutouto Vyzantinon Erevnon, 2000.
- Pennington, Kenneth. "The Birth of the *Ius commune*: King Roger II's Legislation." *Rivista internazionale del diritto comune* 17 (2006): 1-40.
- Perceptions of Byzantium and its Neighbors (843-1261)*. New Haven: Yale University Press, 2000.
- Peri, Vittorio. "La Congregazione dei Greci (1566-1596) e i suoi primi documenti." *Studia Gratiana* 13 (1967): 129-256.
- Perisanidi, Maroula. "Anglo-Norman Canonical Views on Clerical Marriage and the Eastern Church." *Bulletin of Medieval Canon Law* 34 (2017): 113-42.
- Perria, Lidia. "Libri e scritture del monachesimo italo-greco nei secoli XIII e XV." In *Libro, scrittura, documento della civiltà monastica e conventuale nel Basso Medioevo (secoli XIII-XV). Atti del Covegno di studio. Fermo (17-19 settembre 1997)*, edited by Giuseppe Avarucci, Rosa Marisa Verducci, and Giammario Borri, 99-132. Spoleto: CISAM, 1999.
- Perria, Lidia, ed. *Tra Oriente e Occidente. Scritture e libri greci fra le regioni orientali di Bisanzio e l'Italia*. Rome: Università di Roma 'La Sapienza', 2003.
- Pertusi, Agostino. "Monasteri e monaci italiani all'Athos nell'alto medioevo." In *Le Millénaire du Mont Athos (963-1963). Études et Mélanges*, 2.217-51. Chevetogne: Éditions de Chevetogne, 1963-1964.
- Peters-Custot, Annick. "Les remaniements de la carte diocésane de l'Italie grecque lors de la conquête normande: une politique de latinisation forcée de l'espace? (1059-1130)" In *Pouvoir et territoire I. Antiquité-Moyen Âge: actes du colloque organisé par le CERHI*,

- Saint-Etienne, 7 et 8 novembre 2005*, 57-78. Saint-Etienne: Publications de l'université de Saint-Etienne, 2007.
- Les grecs de l'Italie méridionale post-byzantine (IX^e-XIV^e siècle). Une acculturation en douceur.* Rome: École Française de Rome, 2009.
- “L’identité d’une communauté minoritaire au Moyen Âge. La population grecque de la principauté lombarde de Salerne (IX^e-XII^e siècles).” *Mélanges de l’École française de Rome* 121.1 (2009): 83-97.
- “La mention du sénatus-consulte velléien dans les actes grecs d’Italie du Sud et de Sicile.” In *L’héritage byzantine en Italie (VIII^e-XII^e siècle). II. Les cadres juridiques et sociaux et les institutions publiques*, edited by Jean-Marie Martin, Annick Peters-Custot, and Vivien Prigent, 51-72. Rome: École française de Rome, 2011.
- “Convivencia between Christians: The Greek and Latin Communities of Byzantine South Italy (9th-11th Centuries).” In *Negotiating Co-Existence: Communities, Cultures and ‘Convivencia’ in Byzantine Society*, edited by Barbara Crostini and Sergio La Porta, 203-20. Trier: Wissenschaftlicher Verlag, 2013.
- Petit, Louis. “Jean de Jérusalem.” In *Dictionnaire de théologie catholique. T. 8, Pt. 1. Issac – Jeûne*, edited by Alfred Vacant, 766-7. Paris: Letouzey, 1924.
- “Jérémy II Transos.” In *Dictionnaire de théologie catholique. T. 8, Pt. 1. Issac – Jeûne*, edited by Alfred Vacant, 886-94. Paris: Letouzey, 1924.
- Petrovič, Miodrag M. *‘Ο Νομοκάνων εἰς ἸΔ’ τίτλους καὶ οἱ βυζαντινοὶ σχολιασταί. Συμβολὴ εἰς τὴν ἔρευναν τῶν θεμάτων περὶ σχέσεων Ἐκκλησίας καὶ Πολιτείας καὶ τῶν ἐπισκόπων Παλαιᾶς καὶ Νέας Πώμης.* Athens: Papoulias, 1970.
- Petrovič Rimljanin, Venedikt. “*Meminisse iuvabit*: Uno sguardo a dieci secoli di storia.” In *San Nilo. Il monastero italo-bizantino di Grottaferrata. 1004-2004. Mille anni di storia, spiritualità e cultura*, edited by Emiliano Fabbriatore, 13-30. Rome: De Luca, 2005.
- Petta, Marco. “Codici del Monastero di S. Elia di Carbone conservati nella biblioteca dell’Abbazia di Grottaferrata.” *Vetera christianorum* 9 (1972): 151-71.
- Philip, Ian. *The Bodleian Library in the Seventeenth and Eighteenth Centuries.* Oxford: Oxford University Press, 1983.
- Piazzoni, Ambrogio M. “Roma e papato in epoca umanistica e rinascimentale.” In *Storia della Biblioteca Apostolica Vaticana. I. Le origini della Biblioteca Vaticana tra umanesimo e rinascimento (1447-1534)*, edited by Antonio Manfredi, 111-46. Vatican City: Biblioteca Apostolica Vaticana, 2010.
- Pieler, Peter. “Byzantinische Rechtsliteratur.” In *Die hochsprachliche profane Literatur der Byzantiner*, edited by Herbert Hunger, 2.343-480. Munich: Beck, 1978.
- “Johannes Zonaras als Kanonist.” In *Byzantium in the 12th Century: Canon Law, State and Society*, edited by Nicholas Oikonomides, 601-20. Athens: Etaireia Vyzantinon kai Metavyzantinon Meleton, 1991.
- Pitsakis, Constantine G. “Byzantine Law: A Constituent of European Legal Tradition.” In *The Eastern Roman Empire and the Birth of the Idea of State in Europe*, edited by Spyridon Flogaitis and Antoine Pantélis, 251-89. London: Esperia, 2003.

- Poel, Marc van der, ed. *Neo-Latin Philology: Old Tradition, New Approaches. Proceedings of a Conference Held at the Radboud University, Nijmegen, 26-27 October 2010*. Leuven: Leuven University Press, 2014.
- Polidori, Valerio. "La lettera patriarcale a Paolo di Gallipoli." *Bollettino della badia greca di Grottaferrata* 9 (2012): 191-220.
- Potere, società e popolo nell'età dei due Guglielmi. Atti delle quarte giornate normanno-sveve, Bari, Gioia del Colle, 8-10 ottobre 1979*. Bari: Dedalo, 1981.
- Potere, società e popolo nell'età sveva (1210-1266). Atti delle seste giornate normanno-sveve, Bari-Castel del Monte-Melfi, 17-20 ottobre 1983*. Bari: Dedalo, 1985.
- Potere, società e popolo tra età normanna ed età sveva (1189-1198). Atti delle quinte giornate normanno-sveve. Bari-Conversano, 26-28 ottobre 1981*. Bari: Dedalo, 1983.
- Pouvoir et territoire I. Antiquité-Moyen Âge: actes du colloque organisé par le CERHI, Saint-Etienne, 7 et 8 novembre 2005*. Saint-Etienne: Publications de l'université de Saint-Etienne, 2007.
- Prato, Giancarlo. "Attività scrittoria in Calabria tra IX e X secolo. Qualche riflessioni." *Jahrbuch der Österreichischen Byzantinistik* 36 (1986): 219-28.
- Radle, Gabriel I. "The Byzantine Marriage Tradition in Calabria: *Vatican Reginensis gr. 75* (a. 982/3)." *Bollettino della badia greca di Grottaferrata* 9 (2012): 221-45.
- Ramseyer, Valerie. *The Transformation of a Religious Landscape: Medieval Southern Italy, 850-1150*. Ithaca, NY: Cornell University Press, 2006.
- Rao, Ida G. *L'inventario di Fabio Vigili della Medicea Privata (Vat. lat. 7134)*. Vatican City: Biblioteca Apostolica Vaticana, 2012.
- Rapp, Claudia. *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition*. Berkeley: University of California Press, 2005.
- Re, Mario. "Sul viaggio di Bartolomeo da Simeri a Costantinopoli." *Rivista di studi bizantini e neoellenici* 34 (1997): 71-6.
- "I manoscritti in stile di Reggio vent'anni dopo." In *O Ιταλιώτης Ελληνισμός από τον Ζ' στον ΙΒ' αιώνα. Μνήμη Νίκου Παναγιωτάκη*, edited by Nicholas Oikonomides, 99-124. Athens: Ethniko Idryma Erevnon, 2001.
- "Copisti Salentini in Calabria e in Sicilia." *Rivista di studi bizantini e neoellenici* 41 (2004): 95-112.
- Re, Mario, and Cristina Rognoni, edd. *Byzantino-Sicula V: Giorgio di Antiochia – L'arte della politica in Sicilia nel XII secolo tra Bisanzio e l'Islam*. Palermo: Istituto Siciliano di Studi Bizantini e Neoellenici, 2009.
- Reinsch, Diether R. "Bemerkungen zu epirotischen Handschriften." In *Scritture, libri e testi nelle aree provinciali di Bisanzio. Atti del Seminario di Erice (18-25 settembre 1988)*, edited by Guglielmo Cavallo, Giuseppe de Gregorio and Marilena Maniaci, 1.79-97. Spoleto: CISAM, 1991.
- Rennie, Kriston R., and Jason Taliadoros. "Why Study Medieval Canon Law?" *History Compass* 12.2 (2014): 133-49.
- Reynolds, Roger E. "The South-Italian Canon Law *Collection in Five Books* and its Derivatives: New Evidence on its Origins, Diffusion, and Use." *Mediaeval Studies* 52 (1990): 278-95.

- “Canonistica Beneventana.” In *Proceedings of the Ninth International Congress of Medieval Canon Law, Munich, 13-18 July 1992*, edited by Peter Landau and Joers Müller, 21-40. Vatican City: Biblioteca Apostolica Vaticana, 1997.
- Rietbergen, Peter J.A. *Power and Religion in Baroque Rome: Barberini Cultural Policies*. Leiden: Brill, 2006.
- Rigo, Antonio, and Pavel Ermilov, edd. *Byzantine Theologians. The Systematization of their Doctrine and their Perception of Foreign Doctrines*. Rome: Università degli Studi di Roma ‘Tor Vergata’, 2009.
- Rigo, Antonio, Andrea Babuin, and Michele Trizio, edd. *Vie per Bisanzio. VII° Congresso Nazionale dell’Associazione Italiana di Studi Bizantini*, 2 Vols. Bari: Pagina, 2013.
- Robinson, I.S. “Reform and the Church, 1073-1122.” In *The New Cambridge Medieval History. Volume 4: c.1024-c.1198, Part 1*, edited by David Luscombe and Jonathan Riley-Smith, 268-334. Cambridge: Cambridge University Press, 2004.
- “The Papacy, 1122-1198.” In *The New Cambridge Medieval History. Volume 4: c.1024-c.1198, Part 2*, edited by David Luscombe and Jonathan Riley-Smith, 317-83. Cambridge: Cambridge University Press, 2004.
- Rocchi, Antonio. *De coenobio Cryptoferratensi eiusque bibliotheca et codicibus praesertim graecis commentarii*. Tusculum: Typographia Tusculana, 1893.
- La badia di Grottaferrata*, 2nd ed. Rome: Cuggiani, 1904.
- Rodriquez, Maria T. “Due manoscritti di carta orientale nel fondo del SS. Salvatore di Messina.” In *Tra Oriente e Occidente. Scritture e libri greci fra le regioni orientali di Bisanzio e l’Italia*, edited by Lidia Perria, 135-43. Rome: Università di Roma ‘La Sapienza’, 2003.
- “Riflessioni sui palinsesti giuridici dell’area dello Stretto.” In *Vie per Bisanzio. VII° Congresso Nazionale dell’Associazione Italiana di Studi Bizantini*, edited by Antonio Rigo, Andrea Babuin, and Michele Trizio, 2.625-45. Bari: Pagina, 2013.
- “Note sulla storia della biblioteca del S. Salvatore di Messina.” *Medieval Sophia* 19 (2017): 121-36.
- Rohlf, Gerhard. *Scavi linguistici nella Magna Grecia*. Trans. Bruno Tomasini. Rome: Collezione Meridionale Editrice, 1933
- Ronchini, Amadio and Vittorio Poggi. “Fulvio Orsini e sue lettere ai Farnese.” *Atti e mem. della Deput. di storia patria per le provincie dell’Emilia* 4.2 (1879): 37-106.
- Roosen, Bram . “On the Recent Edition of the Disputatio Bizya. With an Analysis of Chapter XXIV De providential of the Florilegium Achridense and an Index manuseriptorum in Appendix.” *Jahrbuch der Österreichischen Byzantinistik* 51 (2001): 113-31.
- Rosa, Maria Teresa and Patrizia Formica. “Contributo per una ricostruzione della biblioteca manoscritti di Achille Stazio.” *Accademia e biblioteche d’Italia* 55 (1987): 5-16.
- Rosis, Luca de. *Cenno storio della città di Rossano e delle sue nobili famiglie*. Naples: Mosca, 1838.
- Rossetti, Gabriella, ed. *Forme di potere e struttura sociale in Italia nel Medioevo*. Bologna: Il mulino, 1977.
- Rousseau, Oliver. “La visite de Nil de Rossano au Mont-Cassin.” In *La Chiesa greca in Italia dall’VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)*, 3.1111-37. Padua: Antenore, 1973.

- Rudberg, Stig Y. *Études sur la tradition manuscrite de saint Basile*. Uppsala, Lundequvist, 1953.
- Runciman, Steven. *The Eastern Schism: A Study of the Papacy and the Eastern Churches during the XIth and XIIth Centuries*. Oxford: Oxford University Press, 1955.
- Russo, Francesco. "Tradizione calligrafica Calabro-Greca." In *Atti del 4^o Congresso storico calabrese*, 37-52. Naples: Fiorentino, 1969.
- "La partecipazione dei vescovi calabro-greci ai concili (sec. VI-SIV)." In *La Chiesa greca in Italia dall'VIII al XVI secolo. Atti del convegno storico interecclesiale (Bari, 30 Apr. – 4 Magg. 1969)*, 2.781-92. Padua: Antenore, 1973.
- Storia della Chiesa in Calabria dalle origini al Concilio di Trento*, 2 Vols. Soveria Mannelli: Rubbettino, 1982.
- "La biblioteca del Card. Sirleto." In *Il Card. Guglielmo Sirleto (1514-1585). Atti del Convegno di studio nel IV Centenario della morte*, edited by Leonardo Calabretta and Gregorio Sinatora, 219-99. Catanzaro-Squillace: Istituto di Scienze Religiose di Catanzaro-Squillace, 1989.
- Russo, Teresa B. "Origine e vicende della Biblioteca Vallicelliana." *Studi Romani* 26.1 (1978): 121-8.
- Safran, Linda. *The Medieval Salento: Art and Identity in Southern Italy*. Philadelphia: University of Pennsylvania Press, 2014.
- Sautel, Jacques-Hubert, and Julien Leroy. *Répertoire de réglures dans les manuscrits grecs sur parchemin*. Paris: CNRS, 1995.
- Scaduto, Mario. *Il monachismo basiliano nella Sicilia medievale. Rinascità e decadenza (sec. XI-XIV)*. Rome: Storia e Letteratura, 1947.
- Schminck, Andreas. *Studien zu mittelbyzantinischen Rechtsbüchern*. Frankfurt am Main: Löwenklau-Gesellschaft, 1986.
- "'Frömmigkeit ziere das Werk.' Zur Datierung der 60 Bücher Leons VI." *Subseciva Groningana* 3 (1989): 79-114.
- "Das Prooimion der Bearbeitung des Nomokanons in 14 Titeln durch Michael under Theodoros." *Fontes Minores* 10 (1998): 357-86.
- Schweinburg, Kurt. "Die Textgeschichte des Gesprächs mit den Franken von Niketas Stethatos." *Byzantinische Zeitschrift* 34 (1934): 313-47.
- Scirocco, Elisabetta, and Gerhard Wolf, edd. *The Italian South: Transcultural Perspectives*. Brno: Masarykova Universita, 2018.
- Shepard, Jonathan. "The Uses of the Franks in Eleventh-Century Byzantium." *Anglo-Norman Studies* 15 (1993): 275-305.
- Siciliano, Joseph J.A.S. "The Theory of the Pentarchy and Views on Papal Supremacy in the Ecclesiology of Neilos Doxapatrius and His Contemporaries." *Byzantine Studies* 6 (1979): 167-77.
- Signes Codoñer, Juan, and Inmaculada Pérez Martín, edd. *Textual Transmission in Byzantium: Between Textual Criticism and Quellenforschung*. Turnhout: Brepols, 2014
- Simon, Dieter. "Legislation as Both a World Order and a Legal Order." In *Law and Society in Byzantium: Ninth-Twelfth Centuries*, edited by Angeliki E. Laiou and Dieter Simon, 1-25. Washington, DC: Dumbarton Oaks, 1994.
- "Wozu?" *Fontes Minores* 11 (2005): 1-4.

- Simon, Dieter, and Spyridon N. Troianos. "Die Epitome des Novellensyntagma von Athanasios." *Fontes Minores* 3 (1979): 280-315.
- Sommar, Mary E. *The Correctores Romani: Gratian's Decretum and the Counter-Reformation Humanists*. Munster: LIT Verlag, 2009.
- Spedicato, Mario, ed. *Tracce di storia. Studi in onore di mons. Oronzo Mazzotta*. Galatina: Panico, 2005.
- Speer, Andreas, and Philipp Steinkrüger, edd. *Knotenpunkt Byzanz. Wissensformen und kulturelle Wechselbeziehungen*. Berlin: De Gruyter, 2012.
- Spiteris, Jannis. *La Critica bizantina del Primato romano nel secolo XII*. Rome: Pontificium Institutum Orientalium Studiorum, 1979.
- Steckel, Sita, Niels Gaul, and Michael Grünbart, edd. *Networks of Learning: Perspectives on Scholars in Byzantine East and Latin West, c. 1000-1200*. Berlin: LIT Verlag, 2014.
- Stein, Peter. *Roman Law in European History*. Cambridge: Cambridge University Press, 1999.
- Stephanides, Vasileios K. "Οἱ ὄροι 'ἐπιστήμη' καὶ 'ἐπιστημονάρχης' παρὰ τοῖς βυζαντινοῖς." *Ἐπετερίς ἐταιρείας βυζαντινῶν σπουδῶν* 7 (1930): 153-8.
- "Νέα ἐρμηνεία τοῦ ὀνόματος τῆς Πρωτοδευτέρας συνόδου." *Ἐκκλησία* 24 (1947): 132-4.
- Stevens, Gerard P. *De Theodoro Balsamone. Analysis operum ac mentis iuridicae*. Rome: Libreria Editrice della Pontificia Università Lateranense, 1969.
- Stiernon, Daniel. "Basile de Reggio, le dernier metropolitte grec de Calabre." *Rivista di Storia della Chiesa in Italia* 18 (1964): 189-208.
- Stolte, Bernard H. "A Note on the un-Photian Revision of the Nomocanon XIV Titulorum." In *Analecta Atheniensia ad ius Byzantinum spectantia I*, edited by Spyridon N. Troianos, 115-30. Athens: Sakkoulas, 1997.
- "The Decline and Fall of Legal Manuscripts: Reflexions on Some Legal Palimpsests." In *Κατενόδιον: In Memoriam Nikos Oikonomides*, edited by Spyridon N. Troianos, 173-89. Athens-Komotini: Sakkoulas, 2008.
- "The Organization of Information: Observations on the Manuscripts of the *Nomocanon XIV Titulorum*." In *The Legacy of Bernard de Montfaucon: Three Hundred Years of Studies on Greek Handwriting*, edited by Antonio Bravo García and Inmaculada Pérez Martín, 521-32. Turnhout: Brepols, 2010.
- Strittmatter, Anselm. "Liturgical Latinisms in a Twelfth-Century Greek Euchology (Ottob. gr. 344)." In *Miscellanea Giovanni Mercati. III. Letteratura e storia bizantina*, 41-64. Vatican City: Biblioteca Apostolica Vaticana, 1946.
- Studi in onore di Pietro Bonfante nel XL anno del'insegnamento*, 2 Vols. Milan: Treves, 1930.
- Subramanian, Samanth. "How to Spot a Perfect Fake: The World's Top Art Forgery Detective." *The Guardian*, 15th June, 2018.
- <https://www.theguardian.com/news/2018/jun/15/how-to-spot-a-perfect-fake-the-worlds-top-art-forgery-detective>.
- Surace, Domenico. "Copisti greci in tre codici sconosciuti della Biblioteca Nazionale Centrale di Roma (S. A. Valle 100, 102-103)." *Νέα Πρόμη* 8 (2011): 219-304.
- Taccone-Gallucci, Domenico. "Memorie storiche di Mileto in Calabria, V." *Opusculi religiosi, letterarj e morali* 12 (1882): 104-29.

- Tamanaha, Brian Z. "The Folly of the 'Social Scientific' Concept of Legal Pluralism." *Journal of Law and Society* 20.2 (1993): 192-217.
- "A Non-Essentialist Version of Legal Pluralism." *Journal of Law and Society* 27.2 (2000): 296-321.
- "Understanding Legal Pluralism: Past to Present, Local to Global." *Sydney Law Review* 30 (2008): 375-411.
- Thomas, John P. *Private Religious Foundations in the Byzantine Empire*. Washington, DC: Dumbarton Oaks, 1987.
- Thompson, Daniel V. *The Materials and Techniques of Medieval Painting*. New York: Dover, 1956.
- Tierney, Brian. *Religion, Law, and the Growth of Constitutional Thought, 1150-1650*. Cambridge: Cambridge University Press, 1982.
- Tiftixoglu, Viktor. "Gruppenbildungen innerhalb des Konstantinopolitanischen Klerus während der Komnenenzeit." *Byzantinisches Zeitschrift* 62 (1969): 25-72.
- Toubert, Pierre and Agostino P. Bagliani, edd. *Federico II e la Sicilia*. Palermo: Sellerio, 1998.
- Treu, Kurt. "Byzantinische Kaiser in den Schreibernotizen griechischer Handschriften." *Byzantinische Zeitschrift* 65 (1972): 9-34.
- Troianos, Spyridon N. *Οι πηγές του βυζαντινού δικαίου. Εισαγωγικό βοήθημα*, 3rd ed. Athens: Sakkoulas, 2011.
- Παραδόσεις ἐκκλησιαστικοῦ δικαίου*, 3rd ed. Athens-Komotini: Sakkoulas, 2011.
- "Byzantine Canon Law to 1100." In *The History of Byzantine and Eastern Canon Law to 1500*, edited by Wilfred Hartmann and Kenneth Pennington, 115-69. Washington, DC: Catholic University of America Press, 2012.
- "Byzantine Canon Law from the Twelfth to the Fifteenth Centuries." In *The History of Byzantine and Eastern Canon Law to 1500*, edited by Wilfred Hartmann and Kenneth Pennington, 170-214. Washington, DC: Catholic University of America Press, 2012.
- Troianos, Spyridon N., ed. *Analecta Atheniensia ad ius Byzantium spectantia I*. Athens: Sakkoulas, 1997.
- Κατεῦοδιον: In Memoriam Nikos Oikonomides*. Athens-Komotini: Sakkoulas, 2008.
- Tsougarakis, Dimitris. *Byzantine Crete: From the 5th Century to the Venetian Conquest*. Athens: Basilopoulos, 1988.
- Turner, Jack. "Was Photios an Anti-Latin? Heresy and Liturgical Variation in the *Encyclical to the Eastern Patriarchs*." *Journal of Religious History* 40.4 (2016): 475-89.
- Vacant, Alfred, ed. *Dictionnaire de théologie catholique. T. 8, Pt. 1. Issac – Jeûne*. Paris: Letouzey, 1924.
- Van der Wal, N. and J.H.A. Lokin, *Historiae iuris graeco-romani delineatio. Les sources du droit byzantin de 300 à 1453*. Groningen: Forsten, 1985.
- Van Deun, Peter, and Caroline Macé, edd. *Encyclopedic Trends in Byzantium? Proceedings of the International Conference Held in Leuven, 6-8 May 2009*. Leuven: Uitgeverij Peeters, 2011.
- Vitolo, Giovanni. "Les monastères grecs de l'Italie méridionale." In *Moines et monastères dans les sociétés de rite grec et latin*, edited by Jean-Loup Lemaître, M.V. Dmitriev, and Pierre Gonneau, 99-113. Geneva: Droz, 1996.

- Vogel, Marie and Victor Gardthausen. *Die griechischen Schreiber des Mittelalters und der Renaissance*. Leipzig: Harrassowitz, 1909.
- Voicu, Sever J. "Grégoire de Nazianze en Terre d'Otrante." In *Circolazione di testi e scambi culturali in Terra d'Otranto tra Tardoantico e Medioevo*, edited by Alessandro Capone, 17-40. Vatican City: Biblioteca Apostolica Vaticana, 2015.
- Vox, Onofrio. "Sulla retorica nella poesia otrantina di XIII secolo." In *Circolazione di testi e scambi culturali in Terra d'Otranto tra Tardoantico e Medioevo*, edited by Alessandro Capone, 95-106. Vatican City: Biblioteca Apostolica Vaticana, 2015.
- Wagschal, David. *Law and Legality in the Greek East: The Byzantine Canonical Tradition, 381-883*. Oxford: Oxford University Press, 2015.
- Watt, John A. "The Papacy." In *The New Cambridge Medieval History. Volume 5: c.1198-1300*, edited by David Abulafia, 105-63. Cambridge: Cambridge University Press, 1999.
- Weiss, Roberto. "The Greek Culture of South Italy in the Later Middle Ages." *Proceedings of the British Academy* 37 (1951): 23-50.
- Weitzmann, Kurt. *Die byzantinische Buchmalerei des 9. und 10. Jahrhunderts*. Berlin: Mann, 1935.
- Wellas, Michael B. *Griechisches aus dem Umkreis Kaiser Friedrichs II*. Munich: Arboe-Gesellschaft, 1983.
- Wessely, Carl. "Ein neues System griechischer Geheimschrift." *Wiener Studien* 26 (1905): 185-9.
- Westra, Haijo J. "What's in a Name: Old, New, and Material Philology, Textual Scholarship, and Ideology." In *Neo-Latin Philology: Old Tradition, New Approaches. Proceedings of a Conference Held at the Radboud University, Nijmegen, 26-27 October 2010*, edited by Marc van der Poel, 13-24. Leuven: Leuven University Press, 2014.
- White, Lynn T. "The Byzantinization of Sicily." *American Historical Review* 42 (1936-1937): 1-21.
- Latin Monasticism in Norman Sicily*. Cambridge, MA: Medieval Academy of America, 1938.
- Wilson, Nigel G. "The Libraries of the Byzantine World." *Greek, Roman and Byzantine Studies* 8 (1967): 53-80.
- From Byzantium to Italy: Greek Studies in the Italian Renaissance*. Baltimore: Johns Hopkins University Press, 1992.
- Winroth, Anders. *The Making of Gratian's Decretum*. Cambridge: Cambridge University Press, 2000.
- Wirth, Peter, ed. *Polychronion. Festschrift Franz Dölger zum 75. Geburtstag*. Heidelberg: C. Winter Universitätsverlag, 1966.
- Zachariä von Lingenthal, Karl-Eduard. *Die griechischen Nomokanones*. St Petersburg, 1877.
- "Die Synopsis canonum. Ein Beitrag zur Geschichte der Quellen des kanonischen Rechts der griechischen Kirche." *Sitzungsberichte der Preußischen Akademie der Wissenschaften* (1887): 1147-63.
- Zecchino, Ortensio. *Le Assise di Ruggiero. I Problemi di storia delle fonti e di diritto penale*. Naples: Joveni, 1980.
- Zerbi, Pietro. "Papato e regno meridionale dal 1189 al 1198." In *Potere, società e popolo tra età normanna ed età sveva (1189-1198). Atti delle quinte giornate normanno-sveve. Bari-Conversano, 26-28 ottobre 1981*, 49-73. Bari: Dedalo, 1983.

- Zerdoun Bat-Yehouda, Monique. *Les encres noires au moyen âge (jusqu'à 1600)*. Paris: CNRS, 1983.
- Zito, Gaetano, ed. *Chiesa e società in Sicilia. L'età normanna. Atti del I Convegno internazionale organizzato dall'arcidiocesi di Catania, 25-27 novembre 1992*. Turin: Società Editrice Internazionale, 1995.
- Zorzi, Marino. *La Libreria di San Marco. Libri, lettori, società nella Venezia dei Dogi*. Venice: Mondadori, 1987.

Appendix One
Manuscript Descriptions and Bibliographies¹

1. Florence, Biblioteca Medicea Laurenziana, MS plut. 5.22

Nomocanon, Salentine Group (incomplete)

Date:	12 th /13 th Century	Dimensions:	220x150 (170x100)
Origin:	Salento	Material:	Parchment
Owner:	Unknown	Folios:	iv + 177 + iii
Scribe:	Unknown	Lines:	32-3
Binding:	Biblioteca Laurenziana	Ruling:	X20C1 (System 1)
Hands:	A: 1-177 b: 60 ^v a: iv ^r c: iv ^v	Collation:	1-9 ⁸ , 10 ⁶ , 11 ¹⁰ , 12 ⁸ , 13 ⁷ , 14-16 ⁸ , 17 ⁶ , 18 ¹⁰ , 19 ⁸ , 20 ⁶ , 21 ¹⁰ , 22-3 ⁴ , 24 ³

1. Nomocanon in 50 Titles	1^r
1. * <i>On Forbidden Marriages</i>	60 ^v
2. Conciliar Canons	84^r
1. Explanation of the Historical Order of Councils	84 ^r
2. <i>Trullo</i>	84 ^v
3. History of the Councils (“ἰδοὺ καὶ εἰσὶν ἅγιοι σύνοδοι ἃς προειρήκαμεν”)	111 ^{r/v}
4. 2 nd Nicaea and <i>Protodeutera</i> (Nic. c. 1, 7, 4, 6, 14; <i>Prot.</i> c. 11; Nic. c. 16, 8, 13; <i>Prot.</i> c. 10; Nic. c. 17, 12; <i>Prot.</i> c. 2, 3; Nic. c. 21; <i>Prot.</i> c. 4-6; Nic. c. 19, 20, 18, 22; <i>Prot.</i> c. 13-15)	112 ^r
3. Symeon Metaphrastes, Synopsis of Canons	119^r
4. Patristic Canons	139^v
1. Basil of Caesarea, c. 1-17, 90, 89, 88	139 ^v
2. Gregory of Nyssa, <i>Letter to Letoius</i>	148 ^r
3. Theophilus of Alexandria, c. 1, 3-12, 14	154 ^r
4. Peter of Alexandria, <i>Six Canons from the Sermon on Penitence</i>	155 ^v
5. Gregory of Neocaesarea, <i>Canonical Letter</i>	156 ^r
6. Athanasios of Alexandria, c. 1-2, 4.	158 ^r
7. Basil of Caesarea, c. 94; <i>Great Asketikon</i> 310; <i>Sermon for the Instruction of Priests</i> 2	161 ^v
8. Timothy of Alexandria, <i>Canonical Answers</i>	162 ^{r/v}
9. Cyril of Alexandria, c. 1-5, 8	164 ^r
5. Clerical Discipline and Differences with the Latin Church	165^v
1. <i>On the Rights of the Most Holy Throne of Constantinople</i>	165 ^v
2. History of the Councils (“πρώτη σύνοδος γέγονεν οἰκουμενική”)	166 ^v
3. 1 st Nicaea, <i>Decree on Pascha</i>	170 ^{r/v}
6. Marriage Law	171^v
1. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i> (excerpt)	171 ^v
2. Short excerpts from Byzantine civil law on marriage	171 ^v
7. Theological Texts	172^r
1. 2 nd Constantinople (553), Actio VIII	172 ^{r/v}
2. Proklos of Constantinople, <i>Letter to John of Antioch</i>	172 ^v
3. Victor of Carthage, <i>Letter to Pope Theodore I</i>	172 ^v
4. Basil of Caesarea, <i>Epitimia</i>	173 ^{r/v}

¹ The manuscripts in this appendix have been ordered alphabetically for ease of reference. For a list of the manuscripts in chronological order, see introduction, pp. 14-5.

8. Anti-Latin Texts (des. mut.)

173^v

1. Photios of Constantinople, *Five Canonical Letters* (des. mut.)

173^v

* Asterisks denote texts that were not originally part of the manuscript but were added by later hands.

Bibliography:

Arnesano, "Manoscritti greci," 72.

Bandini, *Catalogus*, 1.45-8.

Benešević, *Sinagogá*, 43-52, 55, 60-4, 332.

Fedwick, *Bibliotheca*, 4.2.642.

Fincati, "Filologia," 397 n. 140.

Lucà, "Il libro," 44, pl. 17.

Mühlenberg, *Epistula canonica*, lxxiii-lxxiv.

Pitra 1.xi.

RHBR 3 (no. 471).²

Troianos, "Canon Law to 1100," 122 n. 13.

Oi πηγές, 333.

Wagschal, *Law and Legality*, 26 n. 3, 291.

² At the time of writing, volume 3 of the *RHBR* has only recently been published and is unfortunately not yet available in North America. As a result, I am currently unable to provide specific page numbers for references to it.

2. Grottaferrata, Badia greca, MS Crypt. gr. 50 (Z γ VII)

Civil Law Collection (fragmentary)

Date:	14 th Century	Dimensions:	195x145 (145x100)
Origin:	Rossano? (Northern Calabria)	Material:	Paper ('Western Arabic')
Owner:	Unknown	Folios:	i + 199 + i
Scribe:	Unknown	Lines:	23
Binding:	Badia greca di Grottaferrata (early modern)	Ruling:	Unclear
Hands:	A: 1-199	Collation:	1-24 ⁸ , 25 ⁷

1. <i>Procheiros Nomos</i> (inc. mut.)	1^r
2. Appendix: Civil Law	121^r
1. <i>Soldier's Law</i>	121 ^r
2. <i>Sailor's Law</i>	125 ^v
3. <i>Farmer's Law</i>	132 ^v
3. Appendix: Canon Law	141^v
1. Athanasios of Emesa, <i>Syntagma of Novels</i> (epitome)	141 ^v
2. Carthage, c. 15, 25, 6, 128, 130	145 ^r
3. Canonical collection in 118 chapters	147 ^r
4. <i>Ecloga privata</i>	163^r
5. Back Matter (des. mut.)	185^v
1. Short excerpts from Byzantine civil law on marriage	185 ^v
2. Pseudo-John Chrysostom, <i>Dispute Against the Lombards on the Legal and Christian Date of Pascha</i>	187 ^v
3. <i>Alphabetical Acrostic of Bishop Eusebios</i> (inc. "Ἀδάμ κατάρξας του βροτησιου γένους")	188 ^v
4. Lexicon of Latin legal terms (des. mut.)	189 ^r

Bibliography:

Cavallo, "La circolazione," 94, 101, 106.	<i>RHBR</i> 1.102 (no. 81).
"La cultura italo-greca," 584-5.	Rocchi, <i>Codices</i> , 493-4.
Lucà, "Su origine," 205.	Troianos, <i>Oi πηγές</i> , 385.

3. Grottaferrata, Badia greca, MS Crypt. gr. 76 (Z γ III)

Civil Law Collection (fragmentary)

Date:	12 th /13 th Century	Dimensions:	225x170 (165x115)
Origin:	Rossano? (Northern Calabria)	Material:	Parchment
Owner:	Unknown	Folios:	i + 175 + i
Scribe:	Unknown	Lines:	23-9
Binding:	Badia greca di Grottaferrata (early modern)	Ruling:	X22C1, 20C1 (System 1)
Hands:	A: 1-84, 120-175 B: 85-119	Collation:	1 ⁴ , 2-11 ⁸ , 12 ¹⁴ , 13 ⁹ , 14 ¹² , 15-19 ⁸

1. Procheiros Nomos (inc. mut.)	1^r
2. Appendix: Civil Law	71^v
1. <i>Soldier's Law</i>	71 ^v
2. <i>Sailor's Law</i>	76 ^r
3. *Collection of juridical excerpts on various subjects	85 ^r
4. <i>Farmer's Law</i>	120 ^r
5. <i>Ekloge</i> 14.2-9, 11-12	126 ^v
3. Appendix: Canon Law	127^v
1. Laodicea, c. 18, 20, 24, 28, 32, 36, 38, 44, 49, 51, 53-4	127 ^v
2. Chalcedon, c. 6	128 ^v
3. Neocaesarea, c. 11, 7	128 ^v
4. <i>Collection in 87 Chapters</i> , 72, 45, 31	128 ^v
5. <i>Apostolic Constitutions</i> 8.42.1-4; 8.44.1-2	129 ^r
6. Athanasios of Emesa, <i>Syntagma of Novels</i> (epitome)	129 ^r
7. Carthage, c. 15, 32, 25, 5-6, 128-31, 80	137 ^v
8. <i>Protodeutera</i> , canons	140 ^r
9. <i>Collection in 87 Chapters</i> , 46-7	147 ^v
10. Athanasios of Emesa, <i>Syntagma of Novels</i> , 10.2.39	148 ^r
11. Justinian, <i>Novel</i> 83	148 ^r
4. Ecloga privata	148^r
5. Fragments of Marriage Law (des. mut.)	175^r

Bibliography:

Burgarella, <i>San Nilo di Rossano</i> , 109.	Rocchi, <i>De coenobio</i> , 280.
Cavallo, "La circolazione," 94-5, 100-1.	Rodriquez, "Riflessioni," 631.
Lucà, "Su origine," 195, 200, 205.	Schminck, <i>Studien</i> , 124 n. 40.
<i>RHBR</i> 1.100-1 (no. 79).	Troianos, <i>Oi πηγές</i> , 152.
Rocchi, <i>Codices</i> , 488-90.	

4. Grottaferrata, Badia greca, MS Crypt. gr. 322 (B δ I)

The Spanopetro Nomocanon (fragmentary)

Date:	Before 1135	Dimensions:	155x120 (100x75)
Origin:	Southern Calabria	Material:	Parchment
Owner:	Abbot Gerasimos of SS Peter and Paul of Spanopetro	Folios:	i + 129 + i
Scribe:	Unknown	Ruling:	00C1 (System 1)
Binding:	Badia greca di Grottaferrata (early modern)	Lines:	21-2
Hands:	A: 1-129 a: marginalia (<i>passim</i>)	Collation:	1 ¹⁰ ; 2 ⁶ ; 3 ⁹ ; 4-13 ⁸

1. Fragment: Canonical Miscellany (inc. mut.)	1^r
1. Nikephoros the Confessor, c. 51, 43, 44 (inc. mut.)	1 ^r
2. Timothy of Alexandria, <i>Canonical Answers</i> 1, 3, 6, 8-7, 12-14, 18	1 ^r
3. History of the Councils (inc. “χρη γινώσκειν, ὅτι ἐπτὰ ἅγια καὶ οἰκουμενικὰ σύνοδοι εἶσιν”)	2 ^v
4. John the Faster, <i>Kanonarion</i> (excerpt)	15 ^v
5. <i>Canons of the Holy Apostles</i>	17 ^{r/v}
6. <i>From the First Holy Council, Written to the Pope in Antioch</i>	17 ^v
7. ‘Basil of Caesarea’ [Germanos I of Constantinople], <i>Mystical History of the Catholic Church</i>	18 ^f
8. Methodios I of Constantinople, <i>Decree on the Reception of Apostates</i>	36 ^v
9. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 18, 19.1-2, 5-7; <i>Capitula XXX</i> 14-30; <i>Epitome</i> 22.2-19	38 ^f
10. <i>Trullo</i> , c. 2, 4, 12, 19-21, 23, 24, 26, 29, 30, 40-4, 46, 48-9, 51-4, 57-9, 61, 66, 72-5, 80, 83-4, 87-8, 90-1, 93, 96, 98, 101	41 ^f
11. 2 nd Nicaea, c. 1, 4, 7, 14, 16-18, 22	57 ^v
12. <i>Protodeutera</i> , c. 9, 14-17	63 ^f
13. Constantinople (879), c. 2, 3	66 ^f
14. Carthage, c. 42, 44, 102, 109-12, 116, 126, 128, 130-3	67 ^v
2. Nomocanon in 50 Titles (excerpts)	70^v
3. Appendix: Theology (des. mut.)	112^f
1. Niketas Stethatos, <i>Discourse against the Latins on Azymes</i> (with textual variations at the end)	112 ^f
2. John of Damascus, <i>Exposition of the Orthodox Faith</i>	126 ^v
3. Gregory of Neocaesarea, <i>On the Trinity</i>	127 ^v
4. Athanasios of Alexandria, <i>On the Catholic Faith</i> (des. mut.)	128 ^v

Bibliography:

Fedwick, <i>Bibliotheca</i> , 4.2.659.	<i>RHBR</i> 3 (no. 471).
Lucà, “Su origine,” 210.	Rocchi, <i>Codices</i> , 183-5.
“Doroteo di Gaza,” 166-7.	<i>De coenobio</i> , 278.
“La produzione libraria,” 137, n. 25.	Rossi, “Graeco-latina,” 147.
“Il libro,” 35.	Schweinburg, “Die Textsgeschichte,” 314, 316-8, 322
“ <i>Graeco-latina</i> ,” 147.	n. 5.

5. London, British Library, MS Add. 28822

Nomocanon, Salentine Group (fragmentary)

Date:	12 th /13 th Century	Dimensions:	260x170 (195x115)
Origin:	Salento	Material:	Parchment
Owner:	Unknown	Folios:	iii + 49 + iii
Scribe:	Unknown	Lines:	32-4
Binding:	British Museum	Ruling:	X31D1b (System 1)
Hands:	A: 1-49 a: 6 ^r , 11 ^r , 12 ^r , 43 ^v (in margin)	Collation:	1 ^o , 2 ⁶ , 3 ¹⁰ , 4-6 ⁸

1. Patristic Canons (inc. mut.)	1^r
1. Gennadios I of Constantinople, <i>Encyclical Letter on Simony</i>	1 ^r
2. Marriage Law	2^v
1. <i>Tome of Union</i> (920)	2 ^v
2. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	5 ^r
3. Alexios Stoudites, <i>Synodal Act on Marriage</i>	6 ^r
4. <i>Ekloge</i> 2.2	6 ^{r/v}
5. Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	6 ^v
6. Short excerpts from Byzantine civil law on marriage	7 ^r
3. Clerical Discipline and Differences with the Latin Church	8^r
1. <i>Apostolic Constitutions</i> 3.10-11, 6.17, 8.42-4, 1.3.11 (on the rights of the clergy, including marriage)	8 ^r
2. <i>Rule of the Holy Apostles</i>	9 ^r
3. 1 st Nicaea, <i>Decree on Pascha</i>	9 ^{r/v}
4. Excerpts from Byzantine civil and canon law on marriage, clerical discipline, and feast days	9 ^v
5. John Moschos, <i>Spiritual Meadow</i> 149 (excerpt)	12 ^r
6. Nikon of the Black Mountain, <i>Kanonarion</i> (excerpts)	12 ^r
7. Council of Carthage, canons	16 ^r
8. Photios of Constantinople, <i>Encyclical Letter to the Eastern Patriarchs</i>	37 ^v
4. Nomocanon in 50 Titles (des. mut.)	43^v

Bibliography:

- Cataldi Palau, "Manoscritti greci," 348 n. 6.
"Manoscritti epiroti," 443 n. 1.
Delle Donne, "Il codice greco," 382, 388.
RHBR 3 (no. 484).
Wagschal, *Law and Legality*, 26 n. 3.

6. Messina, Biblioteca Universitaria Regionale, S. Salv. 59

Nomocanon, Rossanese Group

Date:	c.1100-1115	Dimensions:	325x255 (200x165)
Origin:	<i>Patiron</i> of Rossano (N. Calabria)	Material:	Parchment
Owner:	Holy Saviour of Bordonaro (Sicily)	Folios:	ii + 372 + i
Scribe:	Bartholomew and Pachomios (monks)?	Lines:	29-32
Binding:	Biblioteca Universitaria Regionale	Ruling:	44D2 (System 9)
Hands:	A: 1-33 ^r B: 33 ^v -372	Collation:	1-44 ⁸

1. Front Matter	1^r
1. <i>Epitome of Book Eight of the Apostolic Constitutions</i> 22.2-28.1	1 ^r
2. John Scholastikos, <i>Synagoge in 50 Titles</i> , Preface and Table of Canons	3 ^v
2. Nomocanon in 14 Titles (Photian recension)	5^r
3. Conciliar Canons	76^v
4. Patristic Canons	306^r
5. Appendix: Civil Law	251^r
1. Justinian, <i>Novel</i> 77	251 ^r
2. <i>Collection in 87 Chapters</i>	252 ^r
3. <i>Collection in 25 Chapters</i>	268 ^v
4. <i>Tripartite Collection</i> (des. mut.)	300 ^r
5. Heraclius, <i>Novels</i> [4,] 1, 3, 2 (inc. mut.)	366 ^r
6. Epilogue: John Moschos, <i>Spiritual Meadow</i> 149 (excerpt)	372^r

Bibliography:

- | | |
|--|---|
| Fedwick, <i>Bibliotheca</i> , 4.2.739. | Mancini, <i>Codices</i> , 107-14. |
| Foti, <i>I codici basiliani</i> , 56-9. | Morton, "A Byzantine Canon Law Scholar," 751 n. 122, 124-5. |
| "Due nomocanoni," <i>passim</i> . | Mühlenberg, <i>Epistula canonica</i> , lxxviii-lxxix. |
| Konidaris, "Die Novellen," 36, 42-3, 48. | <i>RHBR</i> 3 (no. 494) |
| Lucà, "Un codice greco," 78. | Rossi, "Catalogo," 126-38. |
| "Stile rossanese," 100, 103, 117, 118, 127, 161. | |
| Lucà, "Scrittura e produzione," 122 n. 26, 129. | |
| "Il <i>gerontikón</i> ," 221. | |

7. Milan, Biblioteca Ambrosiana, MS B 107 sup. (gr. 128)

Nomocanon, Salentine Group (incomplete)

Date:	12 th /13 th Century	Dimensions:	240x150 (165-185x100)
Origin:	Salento	Material:	Parchment
Owner:	Unknown	Folios:	iv + 159 + ii
Scribe:	Unknown	Lines:	22-36
Binding:	Unknown (early modern)	Ruling:	X32D1, X52D1, X22D1, U21/1b, 20D1 (system 9)
Hands:	Multiple	Collation:	1 ⁴ , 2 ⁹ , 3-15 ⁸ , 16 ⁶ , 17 ⁸ , 18 ⁹ , 19 ⁴ , 20 ⁹ , 21 ⁸

1. Conciliar Canons with Historical Introductions (inc. mut.)

	1^r
1. Apostolic Canons	1 ^r
2. <i>The Ecclesiastical Ranks</i>	4 ^v
3. 1 st Nicaea	5 ^r
4. Ancyra	9 ^r
5. Neocaesarea	12 ^r
7. Sardica	13 ^r
8. Gangra	19 ^r
9. Antioch	21 ^v
10. Laodicea	26 ^v
11. 1 st Constantinople (381)	30 ^r
12. Ephesus	33 ^r
13. Chalcedon	36 ^v
14. 2 nd Constantinople (553)	42 ^v
15. Constantinople (680/1)	45 ^{r/v}
16. <i>Trullo</i>	45 ^v
17. 2 nd Nicaea (II Nic. c. 1-14; <i>Prot.</i> c. 11; II Nic. c. 16-22, 15)	71 ^r
18. <i>Protodeutera</i> (<i>Prot.</i> c. 1-10; II Nic. c. 17; <i>Prot.</i> c. 12-17)	77 ^v

2. Patristic Canons

83^r

3. Marriage Law

120^v

1. <i>Tome of Union</i> (920)	120 ^v
2. Alexios Stoudites, <i>Synodal Act on Marriage</i>	123 ^r
3. <i>Ekloge 2.2</i>	123 ^{r/v}
4. Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	123 ^v
5. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	124 ^r
7. Diagrams of acceptable and unacceptable degrees of marriage	133 ^r
8. Short excerpts from Byzantine civil law on marriage	138 ^v
9. Nicholas III Grammatikos of Constantinople, <i>Canonical Answers to the Bishop of Zetounion</i>	143 ^r
10. Methodios I of Constantinople, <i>Decree on the Reception of Apostates</i>	144 ^v
11. Short excerpts from Byzantine civil law on marriage	146 ^r

4. Clerical Discipline and Differences with the Latin Church (des. mut.)

147^r

1. <i>Apostolic Constitutions</i> 3.10-11, 6.17, 8.42-4, 1.3.11 (on the rights of the clergy, including marriage)	147 ^r
2. <i>Rule of the Holy Apostles</i>	148 ^r
3. 1 st Nicaea, <i>Decree on Pascha</i>	148 ^{r/v}
4. Excerpts from Byzantine civil and canon law on marriage, clerical discipline, and feast days	148 ^v
5. John Moschos, <i>Spiritual Meadow</i> 149 (excerpt)	151 ^v
7. Nikon of the Black Mountain, <i>Kanonarion</i> (excerpts)	152 ^r
8. <i>On Paphnoutios the Bishop</i>	158 ^v

Bibliography:

- Ambrosianae* 1.138-44 (no. 128).
 Arnesano, "Il repertorio," 47.
 Benešević, *Sinagogá*, 331.
 Cipriani, *Codici miniati*, 10.
 Crostini, *A Catalogue*, 163.
 Delle Donne, "Il codice greco," 381-2, 388-90, 393.
 Fedwick, *Bibliotheca*, 4.2.751.
 Joannou, *Discipline générale*, 1.1.4, 19, 1.2.xviii, 2.xxxiii.
 Lucà, "L'apporto," 206.
 Mühlenberg, *Epistula canonica*, lxxi-lxxiv.
 Ohme, *Das Concilium*, 110.
 Papagianne and Troianos, "Die kanonischen Antworten," 234.
 Pasini, *Bibliografia*, 210-1.
Inventario agiografico, 23.
 Pitra 1.xi, 4, 426; 2.429.
RHBR 3 (no. 489).
 Sautel and Leroy, *Répertoire*, 175.
 Vogel and Gardthausen, *Die griechischen Schreiber*, 307.
 Wagschal, *Law and Legality*, 26 n. 3.

8. Milan, Biblioteca Ambrosiana, MS E 94 sup. (gr. 303)

Nomocanon, Salentine Group (incomplete)

Date:	Late 13 th Century	Dimensions:	255x165 (200x125)
Origin:	Soletto? (Salento)	Material:	Parchment (1-7 Paper)
Owner:	Unknown	Folios:	v + 251 + ii
Scribe:	Unknown	Lines:	29-32
Binding:	Biblioteca Ambrosiana	Ruling:	P2 X20D1, P2 X4 20D1, V20A1, Xab 20A1, W 20A1, V00A1
Hands:	A: 8 ^r -94 ^v , 98 ^v -158 ^r , 167 ^v -181 ^v B: 88 ^v E: 181 ^v -221 C: 94 ^v -98 ^v F: 222-235 D: 158 ^v -167 ^r G: 236-251	Collation:	1 ⁸ , 2 ⁶ , 3-12 ⁸ , 13 ⁷ , 14-28 ⁸ , 29 ⁷ , 30-2 ⁸

1. *Basil of Caesarea' [Germanos I of Constantinople], <i>Mystical History of the Catholic Church</i>	1 ^r
1. Conciliar Canons with Historical Introductions (inc. mut.)	8^r
1. Apostolic Canons	8 ^r
2. 1 st Nicaea	14 ^r
3. Ancyra	21 ^r
4. Neocaesarea	24 ^v
5. Sardica	26 ^r
6. Gangra	33 ^v
7. Antioch	36 ^v
8. Laodicea	41 ^v
9. 1 st Constantinople (381)	44 ^r
10. Ephesus	47 ^v
11. Chalcedon	51 ^v
12. 2 nd Constantinople (553)	58 ^v
13. Constantinople (680)	59 ^r
14. Sophronios of Jerusalem, <i>Letter to Sergios</i> (summary)	60 ^r
15. Carthage (excerpts)	64 ^r
16. <i>Trullo</i>	82 ^r
17. 2 nd Nicaea (II Nic. c. 1-14; <i>Prot.</i> c. 11; II Nic. c. 16-22, 15)	109 ^v
18. <i>Protodeutera</i> (<i>Prot.</i> c. 1-10; II Nic. c. 17; <i>Prot.</i> c. 12-17)	117 ^v
2. Patristic Canons	123^r
1. Dionysios of Alexandria, <i>Letter to Basil</i>	123 ^v
2. Peter of Alexandria, <i>Six Canons from the Sermon on Penitence</i>	125 ^v
3. Gregory of Neocaesarea, <i>Canonical Letter</i>	128 ^v
4. Athanasios of Alexandria, <i>Letters</i> (excerpts)	130 ^v
5. Basil of Caesarea, <i>Canonical Letters and Texts</i>	134 ^v
6. Gregory of Nyssa, <i>Letter to Letoius</i>	153 ^r
7. Timothy of Alexandria, <i>Canonical Answers</i>	159 ^r
8. Theophilus of Alexandria, <i>Canonical Texts</i>	160 ^v
9. Cyril of Alexandria, <i>Letter to the Bishops of Libya and Pentapolis</i>	162 ^v
10. Gennadios I of Constantinople, <i>Encyclical Letter</i>	163 ^r
11. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	165 ^r
3. Nomocanon in 50 Titles	166^r
4. Marriage Law	199^r
1. <i>Ekloge</i> 2.2	199 ^r
2. Alexios Stoudites, <i>Synodal Act on Marriage</i>	199 ^v
5. Symeon Metaphrastes, Synopsis of Canons	200^r
6. Theological Texts	218^v

1. John Chrysostom, <i>Homily on Matthew</i> (excerpt)	218 ^v
2. Note on correct belief	219 ^f
3. 2 nd Constantinople (553), <i>Actio</i> 8	219 ^f
4. Proklos of Constantinople, <i>Letter to John of Antioch</i> (excerpt)	219 ^{r/v}
5. Victor of Carthage, <i>Letter to Pope Theodore I</i>	219 ^v
7. Marriage Law and Differences with the Latin Church	219^v
1. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i> (summary)	219 ^v
2. Photios of Constantinople, <i>Canonical Letter</i> 5	220 ^f
3. Nikephoros the Confessor, c. 3, 39, 40	221 ^r
4. Leontios of Constantinople, <i>Homily</i> 6 (excerpt)	221 ^r
5. Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	222 ^f
6. <i>On False Accusers</i>	222 ^{r/v}
7. <i>From the Life of Chrysostom</i>	222 ^v
8. <i>Apostolic Constitutions</i> 3.10-11, 6.17, 8.42-3, 1.3.10 (on the rights of the clergy, including marriage)	222 ^v
9. <i>Rule of the Holy Apostles</i>	223 ^v
10. Theodoret of Cyrillus, <i>Ecclesiastical History</i> 2.8.1	223 ^v
11. Basil of Caesarea, c. 87 (summary from Sisinnios' <i>Tome against the Marriage of Cousins</i>)	224 ^f
12. 1 st Nicaea, <i>Decree on Pascha</i>	224 ^f
13. Short excerpts from Byzantine canon and civil law on marriage and feast days	224 ^f
14. John VIII of Jerusalem, <i>Synodikon against the Pope of Rome</i>	230 ^f
15. 2 nd Constantinople (553), c. 1-4	235 ^{r/v}
8. Amphilochios of Iconium, <i>Life of Basil the Great</i> (excerpts)	236^f
9. <i>Life of Pope Sylvester</i> (des. mut.)	242^v

Bibliography:

- | | |
|--|--|
| <i>Ambrosianae</i> 1.xliii, 341-7 (no. 303). | Lucà, "L'apporto," 201. |
| Arnesano, "Il repertorio," 49. | Mazzotta, <i>Monaci e libri</i> , 84, 103, 108. |
| Benešević, <i>Sinagoga</i> , iii, 26, 33-69, 214-22, 269, 292, 312, 331. | Mühlenberg, <i>Epistula canonica</i> , lxxi-lxxiv. |
| Bornert, <i>Les commentaires</i> , 140, 144. | Ohme, <i>Das Concilium</i> , 109. |
| Capone, "Basilio di Cesarea," 47 n. 36, 48 n. 38, 58. | Pasini, <i>Bibliografia</i> , 242. |
| Carter, <i>Codices Chrysostomi graeci</i> , 5.89 (no. 108). | <i>Inventario</i> , 69-70. |
| Datema and Allen, <i>Homiliae</i> , 221, 226. | "Il progetto," 251-3 n. 13. |
| Fedwick, <i>Bibliotheca</i> , 2.1.437, 4.2.753. | Petta, "Codici greci della Puglia," 97. |
| Gengaro, Leoni and Villa, <i>Codici decorati</i> , 210-11 (no. 128). | "Codici greci del Salento," 78. |
| Halkin, <i>Novum auctarium</i> , 117 (no. 939k). | Pitra 1.xi, 4, 426, 2.373, 429. |
| Jacob, "Un opusculum," 165 n. 3. | <i>RHBR</i> 3 (no. 490). |
| Joannou, <i>Discipline générale</i> , 1.1.4, 19, 1.2.xviii, 2.xxxiii. | Troianos, <i>Oi πηγές</i> , 336. |
| | Turco, "Un antico elenco," 97, 139. |
| | Wagschal, <i>Law and Legality</i> , 26 n. 3, 290 n. 5. |

9. Milan, Biblioteca Ambrosiana, MS F 48 sup. (gr. 341)

Canon Law Collection, Salentine Group (fragmentary)

Date:	c.1110-20	Dimensions:	205x140 (150x90)
Origin:	Salento	Material:	Parchment
Owner:	Unknown	Folios:	i + 179 + ii
Scribe:	Joachim (monk)?	Ruling:	X20D1 (system unclear)
Binding:	Biblioteca Ambrosiana	Lines:	25
Hands:	A: 1-179	Collation:	1 ⁷ , 2-7 ⁸ , 8 ⁶ , 9-10 ⁸ , 11 ⁶ , 12 ⁸ , 13 ⁶ , 14-16 ⁸ , 17 ⁶ , 18 ⁸ , 19 ⁴ , 20 ⁶ , 21 ⁴ , 22-3 ⁸ , 24 ³ , 25-6 ⁶

1. Table of Contents	1 ^r
1. Conciliar Canons with Historical Introductions	2^r
1. Apostolic Canons	2 ^r
2. 1 st Nicaea	13 ^v
3. Ancyra	24 ^r
4. Neocaesarea	29 ^v
5. Sardica	31 ^v
6. Gangra	42 ^v
7. Antioch	47 ^r
8. Laodicea	55 ^r
9. 1 st Constantinople (381)	60 ^v
10. Ephesus	66 ^r
11. Chalcedon	73 ^r
12. 2 nd Constantinople (553)	84 ^v
13. Constantinople (680/1)	87 ^r
14. Carthage (excerpts)	89 ^r
15. <i>Trullo</i>	109 ^v
16. 2 nd Nicaea (II Nic. c. 1-14; <i>Prot.</i> c. 11; II Nic. c. 16-22, 15)	155 ^r
17. <i>Protodeutera</i> (<i>Prot.</i> c. 1-10; II Nic. c. 17; <i>Prot.</i> c. 12-17)	169 ^r
[2. Patristic Canons]	—
[3. Marriage Law]	—
1. [<i>Tome of Union</i> (920)]	—
2. [Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>]	—

Bibliography:

- | | |
|--|---|
| <i>Ambrosiana</i> 1.392-4 (no. 341). | Lucà, "Il gerontikón," 196. |
| Arnesano, "Il repertorio," 49. | Mazzotta, <i>Monaci e libri</i> , 84, pl. xxiv. |
| Benešević, <i>Sinagoga</i> , 3.27-8, 33-69, 223. | Muratore, "Le <i>Epistole</i> ," 72 n. 301. |
| Cavallo, "Manoscritti italo-greci," 176. | Ohme, <i>Concilium</i> , 108-9. |
| Doda, "Osservazioni," 203. | Pasini, <i>Bibliografia</i> , 248-9. |
| Fedwick, <i>Bibliotheca</i> , 4.2.754. | Petta, "Codici greci della Puglia," 98. |
| Gengaro, "L'apporto dei codici bizantini," 206. | "Codici greci del Salento," 78. |
| Gengaro, Leoni and Villa, <i>Codici decorati</i> , 149 (no. 60). | Pitra 1.xi-xii, 426. |
| Hajdú and Schreiner, "Die Bächlein," 143. | <i>RHBR</i> 3 (no. 491). |
| Jacob, "Les écritures," 270-1. | Sautel and Leroy, <i>Répertoire</i> , 327. |
| "Culture grecque," 56. | Straub, <i>Concilium</i> , xxvi-xxvii, 240-1. |
| "Tra Basilicata e Salento," 41. | Turco, "Un antico elenco," 99, 139. |
| Leroy, "Le Parisinus gr. 1477," 193 n. 20, 196 n. 39. | Voicu and Alisera, <i>I.M.A.G.E.S.</i> , 407. |
| Lucà, "L'apporto," 206. | Wagschal, <i>Law and Legality</i> , 26 n. 3. |

10. Milan, Biblioteca Ambrosiana, MS G 57 sup. (gr. 400)

The Tauriana Nomocanon (fragmentary)

Date:	11 th -12 th Century	Dimensions:	245x180 (180x130)
Origin:	Southern Calabria	Material:	Parchment
Owner:	St Phantinos of Tauriana, <i>Theotokos</i> of Carrà (14 th Century)	Folios:	i + 48
Scribe:	Unknown	Ruling:	20D1 (System 9)
Binding:	Biblioteca Ambrosiana	Lines:	25-35
Hands:	A: 1-48	Collation:	1-6 ⁸

1. Conciliar Canons (inc. mut.)

1. <i>Trullo</i> (inc. mut.)	1 ^r
2. 2 nd Nicaea	15 ^v
3. Tarasios of Constantinople, <i>Letter to Pope Hadrian I of Rome</i> (des. mut.)	24 ^{r/v}
4. <i>Protodeutera</i> (inc. mut.)	25 ^r
5. Constantinople (879)	26 ^v

2. Canonical Miscellany

1. Basil of Caesarea, c. 93-4	27 ^v
2. Anastasios of Antioch, <i>Holy Narrative on Gregory the Dialogist and Wonderworker, Pope of Rome</i>	28 ^v
3. Carthage, c. 42, 44, 74, 83, 102, 109, 110, 111-16, 126-33	29 ^v
4. Basil of Caesarea, c. 88	33 ^{r/v}
5. History of the Councils (“ἑτέρα εἰδησις περὶ τῶν ἁγίων συνόδων οἰκουμενικῶν”)	33 ^v
6. <i>Thirty Chapters of the Apostolic Constitutions</i> 14, 1-13, 15-30	38 ^v
7. 1 st Nicaea, <i>Decree on Pascha</i>	39 ^v
8. Methodios I of Constantinople, <i>Decree on the Reception of Apostates</i>	40 ^{r/v}
9. Timothy of Alexandria, <i>Canonical Answers</i> 18, 1-6, 8, 7, 9-15	40 ^v
10. <i>Selection of Penances for All Sins</i>	41 ^v
11. Theodore Stoudites, <i>Epitimia</i>	43 ^r
12. John the Faster, <i>Kanonarion</i> (excerpts)	43 ^r

Bibliography:

- | | |
|---|--|
| <i>Ambrosianae</i> 1.476-8 (no. 400). | Ohme, <i>Concilium</i> , 107-8. |
| Benešević, <i>Sinagoga</i> , 97, 99-102, 223 n. 1, 331. | Pasini, <i>Bibliografia</i> , 261-2. |
| Crostini, <i>A Catalogue</i> , 163. | “Il progetto,” 251-3 n.13. |
| Fedwick, <i>Bibliotheca</i> , 4.2.755. | <i>Inventario</i> , 107-8. |
| Joannou, <i>Discipline générale</i> , 1.1.4, 19, 1.2.xviii, 2.xxxiii. | Pitra 1.xii, 47, 96; 2.224, 354. |
| Lucà, “Attività scrittoria,” 60. | <i>RHBR</i> 2.26-7 (no. 338). |
| “L’apporto dell’Italia meridionale,” 206, 212, 222, 240, pl. xxxii. | Sautel and Leroy, <i>Répertoire</i> , 130. |
| | Turco, “Un antico elenco,” 113, 140. |
| | Wagschal, <i>Law and Legality</i> , 26 n. 3. |

11. Moscow, Gosudarstvennij Istoričeskij Musej, MS Sinod. gr. 397 (Vlad. 316)

Nomocanon, Salentine Group (incomplete)

Date:	13 th Century	Dimensions:	185x125 (150x190)
Origin:	Salento	Material:	Parchment
Owner:	Jeremiah (II?) of Constantinople	Folios:	xiii + 185 + i
Scribe:	Unknown	Lines:	32-6
Binding:	State Historical Museum	Ruling:	X20A1 (System 1)
Hands:	A: 1-185	Collation:	1 ⁷ , 2-23 ⁸

1.	Table of Contents	1 ^{r/v}
2.	Photios of Constantinople, <i>Nomocanon in 14 Titles</i> , Prologue (excerpt)	1 ^v
1.	Conciliar Canons with Historical Introductions	2^r
1.	Apostolic Canons	2 ^r
2.	1 st Nicaea	7 ^r
3.	<i>The Ecclesiastical Ranks</i>	11 ^r
4.	Ancyra	11 ^r
5.	Neocaesarea	13 ^v
6.	Sardica	14 ^v
7.	Gangra	20 ^f
8.	Antioch	22 ^f
9.	Laodicea	26 ^f
10.	1 st Constantinople (381)	29 ^f
11.	Ephesus	31 ^v
12.	Chalcedon	35 ^f
13.	2 nd Constantinople (553)	40 ^v
14.	Constantinople (680/1)	41 ^v
15.	Carthage (excerpts)	42 ^f
16.	<i>Trullo</i>	56 ^v
17.	2 nd Nicaea (II Nic. c. 1-14; <i>Prot.</i> c. 11; II Nic. c. 16-22, 15)	77 ^v
18.	<i>Protodeutera</i> (<i>Prot.</i> c. 1-10; II Nic. c. 17; <i>Prot.</i> c. 12-17)	83 ^v
2.	Patristic Canons	88^v
3.	Theological Texts	124^v
1.	John Chrysostom, <i>Homily on Matthew</i> (excerpt)	124 ^v
2.	Note on correct belief	124 ^v
3.	2 nd Constantinople (553), <i>Actio</i> 8	125 ^f
4.	Proklos of Constantinople, <i>Letter to John of Antioch</i> (excerpt)	125 ^f
5.	Victor of Carthage, <i>Letter to Pope Theodore I</i>	125 ^v
4.	Marriage Law and Differences with the Latin Church	125^v
1.	Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i> (summary)	125 ^v
2.	Photios of Constantinople, <i>Five Canonical Letters</i>	125 ^v
3.	Nikephoros the Confessor, <i>Canons</i> 3, 39, 40	126 ^v
4.	Leontios of Constantinople, <i>Homily</i> 6 (excerpt)	126 ^v
5.	<i>Tome of Union</i> (920)	127 ^v
6.	Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i> (excerpts)	130 ^{f/v}
7.	Short excerpts from Byzantine civil law on marriage	130 ^v
8.	Alexios Stoudites, <i>Synodal Act on Marriage</i>	131 ^v
9.	Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	132 ^{f/v}
10.	Short excerpts from Byzantine civil law on marriage	132 ^v
5.	<i>Nomocanon in 50 Titles</i>	134^v
6.	Symeon Metaphrastes, <i>Synopsis of Canons</i>	162^f

7. Clerical Discipline and Differences with the Latin Church	180^r
1. Nicholas III Grammatikos of Constantinople, <i>Canon 27</i> (excerpt)	180 ^r
2. <i>Apostolic Constitutions</i> 3.10-11, 6.17, 8.42-3	180 ^r
3. Excerpts from Byzantine civil and canon law on marriage, clerical discipline, and feast days	181 ^r
4. 1 st Nicaea, <i>Decree on Pascha</i>	182 ^r
5. <i>Rule of the Holy Apostles</i>	182 ^{r/v}
6. Short excerpts from Byzantine civil and canon law on [check this]	182 ^v
7. Theological Texts (des. mut.)	183^r
1. Theodoret of Cyrrihus, <i>Ecclesiastical History</i> 2.8.1	183 ^r
2. John the Faster, <i>Kanonarion</i> (excerpt)	183 ^{r/v}
3. <i>From the Life of Chrysostom</i>	183 ^v
4. Council of Antioch, Introductory Letter and Signatories	183 ^v
5. Note on the Councils of Constantinople of 553 and 680/1	184 ^r
3. Sophronios of Jerusalem, <i>Letter to Sergios</i> (summary)	184 ^r

Bibliography:

- | | |
|---|--|
| Benešević, <i>Sinagoga</i> , 332. | Troianos, "Canon Law to 1100," 122 n. 13. |
| Fedwick, <i>Bibliotheca</i> , 4.2.777. | <i>Oi πηγές</i> , 333. |
| Fonkič and Poljakov, <i>Grečeskie rukopisi</i> , 107-8 (no. 316). | Vladimir, <i>Sistematisčeskoe opisanie</i> , 1.438-44 (no. 316). |
| Mühlenberg, <i>Epistula canonica</i> , lxxi-lxxiv. <i>RHBR</i> 3 (no. 498). | Wagschal, <i>Law and Legality</i> , 26 n. 3. |

12. Moscow, Gosudarstvennij Istoričeskij Musej, MS Sinod. gr. 432 (Vlad. 317)

Nomocanon

Date:	12 th Century	Dimensions:	230x185 (185x140)
Origin:	Sicily/Southern Calabria	Material:	Parchment
Owner:	Unknown	Folios:	i + 218 + i
Scribe:	Unknown	Lines:	32
Binding:	Moscow State Historical Museum	Ruling:	20C1 (System 9)
Hands:	A: 1-229 b: 12 ^v a: 1 ^r -6 ^v c: 126 ^{r/v} , 159	Collation:	1 ⁴ , 2-10 ⁸ , 11 ⁴ , 12-16 ⁸ , 19 ⁹ , 20-1 ⁸ , 22 ⁶ , 23-4 ⁸ , 25 ¹¹ , 26-30 ⁸

1. Front Matter	1^r
1. * <i>On the Five Patriarchs and their Regions</i>	1 ^r
2. *Peter III of Antioch, <i>Letter to Domenicus of Grado</i>	1 ^v
3. *Epiphanius of Cyprus, <i>On the 72 Interpreters of Scripture</i>	5 ^r
4. Table of contents	6 ^r
5. Prayers for the reception of heretics and Manichaeans	11 ^r
6. *Nicene-Constantinopolitan Creed (Greek text translated into Latin without the <i>Filioque</i>)	12 ^v
7. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i>	13 ^r
2. John Scholastikos, <i>Synagoge in 50 Titles</i>	21^r
3. Conciliar Canons	63^r
1. Gregory of Nazianzus, <i>On the Books of the Old and New Testament</i>	63 ^r
2. Nicene Creed (original text)	64 ^r
3. Gangra, introductory letter	64 ^{r/v}
4. Antioch, introductory letter	64 ^v
5. Laodicea (summary)	65 ^r
6. 1 st Constantinople (381), introductory letter	65 ^{r/v}
7. Ephesus, historical introduction and letter to the synod in Pamphylia	65 ^v
8. <i>Trullo</i>	66 ^v
9. 2 nd Nicaea	88 ^r
4. Patristic Canons	93^v
1. Peter of Alexandria, <i>Six Canons from the Sermon on Penitence</i>	93 ^v
2. Diagram of Degrees of Family Relationships	99 ^v
3. Gregory of Neocaesarea, <i>Canonical Letter</i>	100 ^r
4. Basil of Caesarea, c. 89-92, 87-8, 95, 86	101 ^v
5. Gregory of Nyssa, <i>Letter to Letoius</i>	108 ^v
6. Cyril of Alexandria, <i>Letter to the Bishops of Libya and Pentapolis</i>	114 ^r
7. Theophilus of Alexandria, c. 1, 6	115 ^v
8. Timothy of Alexandria, <i>Canonical Answers</i>	116 ^r
9. Athanasios of Alexandria, c. 1-2	117 ^r
10. Gennadios I, <i>Encyclical Letter</i>	120 ^v
11. Tarasios of Constantinople, <i>Letter to Pope Hadrian I of Rome</i>	122 ^r
12. Carthage	127 ^r
13. Carthage (a. 256)	151 ^r
5. Appendix: Theology	160^r
1. John of Damascus, <i>On Heresies</i>	160 ^r
2. Sophronios of Jerusalem, <i>Synodal Letter to Sergios</i> (excerpt)	174 ^v
3. Timothy of Constantinople, <i>On Those Who Come to the Church</i>	176 ^v
4. Anastasios of Antioch, <i>Demonstration that the Office of Archpriest is Great and Angelic</i>	182 ^{r/v}
5. Lateran, c. 20 (against Monothelitism)	182 ^v

6. Gregory of Nazianzus, <i>On Father Gregory</i> (excerpt)	182 ^v
7. <i>Erotapokriseis</i> on the Creed	183 ^r
6. Appendix: Canon Law	183^r
1. Constantinople (879)	183 ^r
41. Gennadios I of Constantinople, <i>Letter to Martyrios</i>	184 ^{r/v}
42. Dionysios of Alexandria, canons	184 ^v
43. Gennadios I of Constantinople, <i>Letter to Martyrios</i> (repeated)	186 ^v
44. Athanasios of Alexandria, c. 3	187 ^r
7. Appendix: Civil Law	188^r
1. Justinian, <i>Novel 77</i>	188 ^{r/v}
2. <i>Collection in 87 Chapters</i>	189 ^r
3. <i>Collection in 25 Chapters</i>	207 ^v

Bibliography:

- | | |
|---|---|
| Fedwick, <i>Bibliotheca</i> , 4.2.779. | Mühlenberg, <i>Epistula canonica</i> , lii-lv. |
| Fonkič and Poljakov, <i>Grečeskie rukopisi</i> , 108 (no. 317). | <i>RHBR</i> 2.44-6 (no. 346) |
| Kuryshcheva, "Some Paleographic Observations," 379-82. | Vladimir, <i>Sistematisčeskoe opisanie</i> , 1.444-9 (no. 317). |
| Lazaris, "Un nouveau manuscrit," 350. | Wagschal, <i>Law and Legality</i> , 26 n. 3, 46 n. 105, 91 n. 16. |
| Lucà, "Interferenze linguistiche," 299 n. 3. | |
| Morton, "A Byzantine Canon Law Scholar," 744, 748, 751 n. 122. | |

13. Naples, Biblioteca Nazionale “Vittorio Emanuele III”, MS BN II C 7

The Stilo Nomocanon

Date:	16 th December 1139	Dimensions:	250x195 (180x145)
Origin:	St John Theristes of Stilo (Southern Calabria)	Material:	Parchment
Owner:	Abbot Pachomios of St John Theristes of Stilo	Folios:	iv + 183 + iv
Scribe:	Konon (monk)	Ruling:	12E2 (System 4)
Binding:	Alessandro Farnese (1520-1589)	Lines:	24-7
Hands:	A: 1-183	Collation:	1-5 ⁸ , 6 ⁶ , 7-11 ⁸ , 12 ⁶ , 13-15 ⁸ , 16 ⁶ , 17 ⁸ , 19 ⁶ , 20 ⁷ , 21-2 ⁸ , 23 ⁷ , 24 ⁶ , 25 ⁸ , 26 ⁴

1. Nomocanon in 50 Titles	1^r
2. Conciliar Canons	84^r
1. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 22.2-28.1	84 ^r
2. Photios of Constantinople, <i>On the Divine Liturgy</i>	87 ^v
3. <i>Trullo</i>	88 ^r
4. 2 nd Nicaea	122 ^r
5. Tarasios of Constantinople, <i>Letter to Pope Hadrian I of Rome</i>	131 ^r
6. <i>Protodeutera</i> , c.1-7 (des. mut.), 10-17 (inc. mut.)	134 ^r
7. Constantinople (879)	140 ^r
3. Canonical Miscellany	141^r
1. Basil of Caesarea, c. 93-4	141 ^r
2. Anastasios of Antioch, <i>Holy Narrative on Gregory the Dialogist and Wonderworker, Pope of Rome</i>	142 ^r
3. Carthage, c. 42, 44, 74, 83, 102, 109, 110, 111-16, 126-33	143 ^r
4. Basil of Caesarea, c. 88	147 ^r
5. History of the Councils (“ἑτέρα εἰδησις περὶ τῶν ἁγίων συνόδων οἰκουμενικῶν”)	148 ^r
6. <i>Thirty Chapters of the Apostolic Constitutions</i> 14, 1-13, 15-30	156 ^r
7. 1 st Nicaea, <i>Decree on Pascha</i>	157 ^r
8. Methodios I of Constantinople, <i>Decree on the Reception of Apostates</i>	158 ^v
9. Timothy of Alexandria, <i>Canonical Answers</i> 18, 1-6, 8, 7, 9-15	159 ^r
10. <i>Selection of Penances for All Sins</i>	161 ^r
11. Theodore Stoudites, <i>Epitimia</i>	163 ^{v/v}
12. John the Faster, <i>Kanonarion</i> (excerpts)	163 ^v
13. ‘Basil of Caesarea’ [Germanos I of Constantinople], <i>Mystical History of the Catholic Church</i>	174 ^r

Bibliography:

Batiffol, <i>L'abbaye de Rossano</i> , 93-4, 96, 160.	Lucà, “Le diocesi,” 280 n. 197, 281 nn. 198-9 and 201, 282 n. 206, pl. 11.
Benešević, <i>Sinagoga</i> , 97-103, 333.	<i>RHBR</i> 2.56-8 (no. 352).
Canart and Lucà, <i>Codici greci</i> , 84 (no. 29).	Metastasio and Calabrese, “San Giovanni il Nuovo,” 83-4.
Canart and Perria, “Les écritures,” 109.	Mioni, <i>Catalogus</i> , 1.1.163-6.
Cirillo, <i>Codices</i> , 1.236-40 (nos. 71, 77).	Morton, “A Byzantine Canon Law Scholar,” 750-1.
Devreesse, <i>Les manuscrits grecs</i> , 11, 39-40.	Pierleoni, <i>Catalogus</i> , 231.
Fedwick, <i>Bibliotheca</i> , 4.2.887.	Vogel and Gardthausen, <i>Die griechischen Schreiber</i> , 233.
Foti, “Copisti greci,” 372, 374.	Wagschal, <i>Law and Legality</i> , 25-6 n. 3, 46 n. 105.
Lake and Lake, <i>Dated Greek Minuscule Manuscripts</i> , pl. 663, 667.	
Leroy, “Les manuscrits,” 57, 61.	
Lucà, “Scrittura e produzione,” 109.	

14. Oxford, Bodleian Library, MS Barocci 86

Nomocanon, Salentine Group

Date:	12 th Century	Dimensions:	220x135 (190x110)
Origin:	Salento	Material:	Parchment (3-12 Paper)
Owner:	Unknown	Folios:	173
Scribe:	Kalos (priest)?	Lines:	25-30
Binding:	Bodleian Library	Ruling:	X20D1 (System 1)
Hands:	A: 13-172 b: 1 ^v -2 ^r c: 2 ^v a: 1 ^r d: 3 ^r -12 ^v e: 172 ^v -173 ^v	Collation:	1 ² , 2 ¹⁰ , 3-22 ⁸ , 23 ¹

*1. Theological Texts	1^r
1. Socrates, <i>Ecclesiastical History</i> 5.19 (excerpts)	1 ^r
2. Pseudo-Nicholas III Grammatikos, <i>Answers to Questions on Disputes between Greeks and Latins</i>	1 ^v
3. Short excerpt on permitted and unpermitted degrees of marriage	2 ^v
*2. Patristic Texts	3^r
1. Basil of Caesarea, <i>On the Holy Trinity</i> (excerpt)	3 ^r
2. Michael the Synkellos, <i>Treatise on the Orthodox Faith</i> (excerpt)	4 ^v
3. John Chrysostom, excerpts	6 ^r
4. Basil of Caesarea, excerpt	12 ^v
3. Nomocanon in 50 Titles	13^r
4. Conciliar Canons [with historical intros or not? Order of 2nd Nicaea and Prot?]	80^r
1. Carthage	80 ^r
2. Summary of the Council in Trullo	94 ^v
3. <i>Trullo</i>	
4. 2 nd Nicaea	114 ^v
5. <i>Protodeutera</i>	120 ^r
5. Patristic Canons	125^r
1. Dionysios of Alexandria, <i>Letter to Basil</i>	125 ^r
2. Peter of Alexandria, <i>Six Canons from the Sermon on Penitence</i>	126 ^v
3. Gregory of Neocaesarea, <i>Canonical Letter</i>	128 ^r
4. Athanasios of Alexandria, <i>Letters</i> (excerpts)	129 ^v
5. Basil of Caesarea, <i>Canonical Letters and Texts</i>	133 ^r
6. Timothy of Alexandria, <i>Canonical Answers</i>	141 ^v
7. Theophilus of Alexandria, <i>Canonical Texts</i>	142 ^v
8. Cyril of Alexandria, <i>Letter to the Bishops of Libya and Pentapolis</i>	144 ^r
6. Marriage Law	144^r
1. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	144 ^r
7. Summaries of the Ecumenical Councils	145^v
8. Symeon Metaphrastes, <i>Synopsis of Canons</i>	156^v
*9. Miscellaneous Notes	172^r
1. Note on confession	173 ^r
2. Nicene Creed (original recension)	173 ^r
3. Note on the prohibition of marriage between godparents and godchildren	173 ^{r/v}

Bibliography:

- Arnesano, *La minuscola 'barocca'*, 107 (no. 128).
Beneševič, *Sinagogá*, v, xvi-xxii.
Coxe, *Catalogi*, 1.147-51.
Fedwick, *Bibliotheca*, 4.2.906-7.
Hutter, *Corpus*, 3.1.104-5 (no. 69)
Jacob, "Heurs et malheurs," 448 n. 17.
 "I più antichi codici," 31 n. 115.
Jacob, "Tra Basilicata e Salento," 38, 42, 47.
Madan and Craster, *Summary Catalogue*, 2.1.5.
Pitra 1.4, 426, 539, 2.6, 206, 374, 429, 444.
Troianos, "Canon Law to 1100," 122 n. 13.
 Οι πηγές, 333.
Zachariä von Lingenthal, *Πρόχειρος Νόμος*, 278-80.

15. Paris, Bibliothèque nationale de France, MS gr. 1370

Nomocanon, Salentine Group (incomplete)

Date:	1296/7	Dimensions:	225x150 (180x100)
Origin:	Salento	Material:	Parchment
Owner:	Unknown	Folios:	ii + 143 + i
Scribe:	Unknown	Lines:	34-9
Binding:	Louis XIII (1610-1643)	Ruling:	22C1, 32C1 (Systems 10, 9, 13)
Hands:	A: 1-143	Collation:	1-17 ⁸ , 18 ⁷

1. Conciliar Canons with Historical Introductions (des. mut.)	1^r
1. Apostolic Canons	1 ^r
2. 1 st Nicaea	5 ^v
3. Ancyra	9 ^v
4. Neocaesarea	11 ^v
5. Gangra	16 ^v
6. Antioch	18 ^v
7. Laodicea	22 ^v
8. 1 st Constantinople (381)	25 ^r
9. Ephesus	27 ^v
10. Chalcedon (des. mut.)	30 ^v
2. Patristic Canons (inc. mut.)	33^r
1. Dionysios of Alexandria, <i>Letter to Basil</i> (inc. mut.)	33 ^r
2. Peter of Alexandria, <i>Six Canons from the Sermon on Penitence</i>	34 ^r
3. Gregory of Neocaesarea, <i>Canonical Letter</i>	35 ^v
4. Athanasios of Alexandria, <i>Letters</i> (excerpts)	36 ^v
5. Basil of Caesarea, <i>Canonical Letters and Texts</i>	37 ^v
6. Gregory of Nyssa, <i>Letter to Letoius</i>	51 ^r
7. Timothy of Alexandria, <i>Canonical Answers</i>	55 ^r
8. Theophilus of Alexandria, <i>Canonical Texts</i>	55 ^v
9. Cyril of Alexandria, <i>Letter to the Bishops of Libya and Pentapolis</i>	56 ^v
10. Gennadios I of Constantinople, <i>Encyclical Letter on Simony</i>	57 ^v
3. Marriage Law	58^v
1. <i>Tome of Union</i> (920)	58 ^v
2. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	60 ^r
3. Alexios Stoudites, <i>Synodal Act on Marriage</i>	61 ^r
4. <i>Ekloge</i> 2.2	61 ^r
5. Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	61 ^v
6. Short excerpts from Byzantine civil law on marriage	61 ^v
4. Clerical Discipline and Differences with the Latin Church	62^v
1. <i>Apostolic Constitutions</i> 3.10-11, 6.17, 8.42-4, 1.3.11 (on the rights of the clergy, including marriage)	62 ^v
2. <i>Rule of the Holy Apostles</i>	63 ^v
3. 1 st Nicaea, <i>Decree on Pascha</i>	63 ^v
4. Excerpts from Byzantine civil and canon law on marriage, clerical discipline, and feast days	64 ^r
5. John Moschos, <i>Spiritual Meadow</i> 149 (excerpt)	66 ^r
6. Nikon of the Black Mountain, <i>Kanonarion</i> (excerpts)	66 ^r
7. Council of Carthage (excerpts)	70 ^r
8. Council of Sardica (excerpts)	83 ^r
9. Photios of Constantinople, <i>Encyclical Letter to the Eastern Patriarchs</i>	96 ^v
5. Nomocanon in 50 Titles (misattributed to Theodoret of Cyrhus)	102^r

6. Miscellaneous Canon Law and Anti-Latin Texts	123^v
1. History of the Councils (“πρώτη σύνοδος γέγονεν οικουμενική”)	123 ^v
2. Photios of Constantinople, <i>Five Canonical Letters</i>	126 ^f
3. Gregory of Neocaesarea, short excerpts	128 ^v
7. Symeon Metaphrastes, <i>Synopsis of Canons</i>	128^v
8. Miscellaneous Canon Law	140^f
1. Councils of Sardica and Antioch, excerpts	140 ^f
2. <i>Apostolic Constitutions</i> , excerpts	140 ^v

Bibliography:

- | | |
|---|--|
| Astruc, “Une collection canonique,” <i>passim</i> . | Mühlenberg, <i>Epistula canonica</i> , lxxi-lxxiv. |
| Capone, “Basilio di Cesarea,” 47-8, 58. | Muratore, <i>La biblioteca</i> , 1.275 n. 10, 1.282 n. 44, |
| Delle Donne, “Il codice greco,” 381-93. | 1.406, 1.412, 2.286, 427, 474, 497, 558, 586, |
| Fedwick, <i>Bibliotheca</i> , 4.2.982. | 844. |
| Hoffmann, “La décoration,” 625 n. 27. | Omont, <i>Inventaire sommaire</i> , 2.27-8. |
| Jacob, “Culture grecque,” 73. | Troianos, “Canon Law to 1100,” 122 n. 13. |
| Martin, “Léon,” 482 n. 5. | <i>Οι πηγές</i> , 333. |
| Mazzotta, <i>Monaci e libri</i> , 92, 103. | Wagschal, <i>Law and Legality</i> , 26 n. 3, 44 n. 95. |

16. Paris, Bibliothèque nationale de France, MS gr. 1371

The Casulan Collection

Date:	Late 12 th Century	Dimensions:	195x150 (165x115)
Origin:	St Nicholas of Casole (Salento)	Material:	Parchment (palimpsest)
Owner:	St Nicholas of Casole (Salento)	Folios:	iv + 158 + ii
Scribe:	Unknown	Ruling:	Unclear
Binding:	Louis XIII (1610-1643)	Lines:	18-21
Hands:	A: 1-149 b: 158 a: 151-7	Collation:	1-16 ⁸ , 17 ⁶ , 18 ⁷ , 19-20 ⁸

1. Theological Texts	1^r
1. <i>Short and Precise Information on the Lenten Fast</i>	1 ^r
2. Sophronios of Jerusalem, <i>Synodic Letter to Pope Honorius I</i> (excerpt)	9 ^r
3. Sophronios of Jerusalem, <i>On the Incarnation of Christ</i>	15 ^r
2. Conciliar Canons	24^v
1. History of the Councils (“ <i>χρη̄ πάντα Χριστιανὸν γινώσκειν ὅτι ἐξ εἰσὶν...</i> ”)	24 ^v
2. Nicholas III Grammatikos of Constantinople, <i>Canonical Answers to Certain Monks Outside the Capital</i> (unattributed and with substantial textual variations)	34 ^v
3. Selection of canons and laws on monasticism	44 ^f
3. Arsenios of Philotheou, Synopsis of Canons	72^f
4. Didactic Texts	115^f
1. Michael Psellos, <i>Synopsis of the Nomocanon</i>	115 ^f
2. Michael Psellos, <i>On the Creed of the Orthodox Faith</i>	118 ^v
3. <i>Clear and Brief Synopsis of Our Faith in the Holy Trinity</i> (inc. “ὀφείλομεν πιστεύειν ὡς ἐβαπτίσθημεν”)	123 ^f
5. Alexios I Komnenos, Edict on the Reform of the Clergy	125^v
*6. Nektarios of Otranto, Assorted Texts	151^f
1. <i>Letter to the Priests of Gioia</i>	151 ^f
2. <i>Verses on Joseph, Victor, Nicholas, Kallinikos, and Hilarion, Former Abbots of St Nicholas of Casole</i>	157 ^v

Bibliography:

- | | |
|--|--|
| Arnesano, “Libri inutili,” 200. | Mercati, “Note critiche,” 297-99. |
| Delle Donne, “Il codice greco,” 384, 391. | Muratore, <i>La biblioteca</i> , 1.275 n. 10, 283 n. 44, 290, 2.271, 425-6, 472, 496, 618, 673, 766. |
| Devreesse, <i>Les manuscrits grecs</i> , 47-8. | Omont, <i>Inventaire sommaire</i> , 2.28-9. |
| Gautier, “L’édit d’Alexis I ^{er} Comnène,” 166-9. | Petta, “Codici greci della Puglia,” 111. |
| Hadjú and Schreiner, “Nikolaos von Otranto,” 36. | Vox, “Sulla retorica,” 95. |
| Hoeck-Loenertz, <i>Nikolaos-Nektarios</i> , 109 n. 73, 113, 139. | Wagschal, <i>Law and Legality</i> , 26 n. 3, 223 n. 1. |
| Mazzotta, <i>Monaci e libri</i> , 92, 103, 106-107. | |

17. Rome, Biblioteca Vallicelliana, MS C 11.1

Nomocanon, Rossanese Group

Date:	c.1100-1115	Dimensions:	325x240 (205x175)
Origin:	<i>Patiron</i> of Rossano (N. Calabria)	Material:	Parchment
Owner:	Holy Saviour of Messina (Sicily)	Folios:	v + 348 + ii
Scribe:	Bartholomew (monk)?	Lines:	29
Binding:	Biblioteca Vallicelliana	Ruling:	12D2 (System 9)
Hands:	A: 1-347 ^r a: 347 ^v -348 ^r	Collation:	1 ⁴ , 2 ² , 3-7 ⁸ , 8 ⁴ , 9-44 ⁸ , 45 ⁶

*1. <i>Notitia episcopatum</i> (des. mut.)	1^{r/v}
2. Front Matter	2^r
1. <i>Epitome of Book Eight of the Apostolic Constitutions</i> 22.2-28.1	2 ^r
2. John Scholastikos, <i>Synagoge in 50 Titles</i> , Preface and Table of Canons	4 ^r
2. <i>Nomocanon in 14 Titles</i> (Photian recension)	7^v
3. Conciliar Canons	67^v
4. Patristic Canons	189^v
5. Appendix: Civil Law	233^r
1. Justinian, <i>Novel 77</i>	233 ^r
2. <i>Collection in 87 Chapters</i>	233 ^v
3. <i>Collection in 25 Chapters</i>	250 ^v
4. <i>Tripartite Collection</i>	281 ^r
5. Heraclius, <i>Novels</i> 4, 1, 3, 2	340 ^r
6. Epilogue: John Moschos, <i>Spiritual Meadow</i> 149 (excerpt)	347^r
*7. Latin bull of Honorius III relating to the Holy Saviour of Messina, a. 1225	347^v

Bibliography:

Canart and Leroy, "Le Renforcement," 155.	Lucà, "Lo scriba," 214.
Fedwick, <i>Bibliotheca</i> , 4.2.1029.	Martini, <i>Catalogus</i> , 57-9.
Konidaris, "Die Novellen," 38, 42-3, 48.	Morton, "A Byzantine Canon Law Scholar," 751 n.
Lucà, "Stile rossanese," 99 n. 23, 111 n. 93, 114 n.	122, 124.
107, 117 n. 124, 118 n. 132, 127 n. 169, 162.	Mühlenberg, <i>Epistula canonica</i> , lxxix-lxxx.
"Scrittura e produzione," 122, 129.	Rosa and Formica, "Contributo," 15-16.
"Frustuli di manoscritti," 79, n. 12.	

18. Syracuse, Biblioteca Alagoniana, MS gr. 3

Gospel Lectionary

Date:	1 st September 1124	Dimensions:	265x200 (180x135)
Origin:	<i>Patiron</i> of Rossano (N. Calabria)	Material:	Parchment
Owner:	Holy Saviour of Messina (Sicily)?	Folios:	226
Scribe:	Basil (monk)	Lines:	25
Binding:	Unknown (early modern)	Ruling:	20E2, J20E2 (System 9)
Hands:	A: 1-226	Collation:	1-10 ⁸ , 11 ⁷ , 12-29 ⁸ , 29 ²

1. Gospel Readings for Moveable Feasts	1^r
2. Gospel Readings for Fixed Feasts	181^v
3. Appendix: Canon Law	215^v
1. <i>Notitia patriarchatum</i> (“γνώσις καὶ ἐπίγνωσις τῶν πατριαρχικῶν θρόνων”)	215 ^v
2. 1 st Nicaea, <i>Decree on Pascha</i>	216 ^v
3. Short excerpts “from the <i>Apostolic Constitutions</i> ” and “from the 318 Fathers [of Nicaea]” on Lenten fasting	217 ^v
4. <i>On Pascha and [Communion] Bread</i>	219 ^f
4. Appendix: Gospel Readings	219^f
1. <i> Erotapokriseis</i> on Gospel Readings	219 ^f
2. Eusebius, <i>Letter to Carpianus</i>	224 ^f
3. Index of Gospel Readings for Moveable Feasts	225 ^f

Bibliography:

- | | |
|---|--|
| Lafleur, “Which Criteria,” 133-4.
<i>La Famille</i> 13, 375. | Morton, “A Byzantine Canon Law Scholar,” 744, 751
n. 122. |
| Lucà, “Un codice greco,” 69-94.
“Teodoro sacerdote,” 150. | |

19. Vatican City, Biblioteca Apostolica Vaticana, MS Barb. gr. 323 (III.42 / 192)

The Trigona Nomocanon (fragmentary)

Date:	Early 12 th Century	Dimensions:	165x155 (120x110)
Origin:	Southern Calabria	Material:	Parchment (with paper additions)
Owner:	St Bartholomew of Trigona (Southern Calabria)	Folios:	i + 405 + ii
Scribe:	Unknown (later additions by George Basilikos)	Lines:	21-3 (parchment), 18-19 (paper)
Binding:	Unknown (early modern)	Ruling:	00D1 (Systems 1, 9)
Hands:	A: 49-98, 103-184, 244-306 a: 1-48, 99-102, 185-243, 307-406	Collation:	1-30 ⁸ , 31 ³ , 32-8 ⁸ , 39 ⁷ , 40 ³ , 41 ⁴ , 42 ³ , 43-4 ² , 45-55 ⁸

*1. George Basilikos' Table of Contents	1^r
2. Front Matter	49^r
1. History of the Councils (“ἡ ἁγία καὶ οἰκουμενικὴ πρώτη σύνοδος γέγονεν”)	49 ^r
2. Niketas Stethatos, <i>Discourse against the Latins on Azymes</i> (with textual variations at the end)	85 ^v
3. <i>Collection in 87 Chapters</i> (excerpts)	118 ^r
3. Conciliar Canons (des. mut.)	137^r
1. Apostolic Canons	137 ^r
2. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 19-21; 18.2-3; 22.2-14, 16, 15, 17-24.7; 25-6	145 ^r
3. 1 st Nicaea	150 ^r
4. Ancyra	154 ^r
5. Neocaesarea	157 ^v
6. Gangra	158 ^v
7. Antioch	162 ^r
8. Laodicea	167 ^r
9. 1 st Constantinople (381)	170 ^v
10. Ephesus	173 ^r
11. Chalcedon	175 ^r
12. Sardica (des. mut.)	178 ^v
*4. Alexios Aristenos, <i>Synopsis of Canons</i> (inc. and des. mut.)	185^r
1. Sardica (inc. mut.)	185 ^r
2. Carthage	185 ^v
3. <i>Protodeutera</i> (des. mut.)	240 ^v
5. Conciliar Canons (inc. mut.)	244^r
1. <i>Protodeutera</i> (inc. mut.)	244 ^r
2. <i>Trullo</i>	249 ^r
3. 2 nd Nicaea	285 ^v
6. Patristic Canons (des. mut.)	296^r
1. Dionysios of Alexandria, <i>Letter to Basil</i>	296 ^r
2. Basil of Caesarea, <i>Canonical Letters and Texts</i> (des. mut.)	296 ^v
*7. Alexios Aristenos, <i>Synopsis of Canons</i> (inc. mut.)	307^r
1. Basil of Caesarea, <i>Canonical Letters and Texts</i> (inc. mut.)	307 ^r
2. Basil of Caesarea, <i>Epitimia</i>	315 ^r
3. Basil of Caesarea, <i>Sermon for the Instruction of Priests</i>	318 ^r
4. Basil of Caesarea, c. 94	319 ^r
5. Basil of Caesarea, <i>Letter</i> 288	319 ^v
*8. Appendix: Canon Law	320^r

1. John the Faster, <i>Kanonarion</i> (excerpt)	320 ^r
2. John the Faster, <i>Kanonikon</i>	351 ^v
3. <i>Trullo</i> , c. 11, 43, 55, 75, 90, 23	354 ^r
4. Basil of Caesarea, c. 13	356 ^v
5. Nicholas Grammatikos of Constantinople, c. 27 (attributed to 1 st Nicaea)	356 ^r
6. 8 ‘Canons of Chalcedon’	356 ^r
7. <i>Trullo</i> , c. 65	356 ^v
8. Dionysios of Alexandria, c. 2	358 ^r
9. Basil of Caesarea, c. 7, 24-5, 9, 48	358 ^v
10. 1 Corinthians 7:39 with exegesis	359 ^v
11. <i>From the Letter of Gennadios</i> [I of Constantinople]	360 ^v
12. Timothy of Alexandria, <i>Canonical Answers</i>	360 ^v
13. John the Faster, <i>Teachings of the Fathers</i> (excerpts)	364 ^r
14. John Klimakos, <i>Ladder of Divine Ascent</i> 4 (excerpt)	368 ^r
15. John the Faster, <i>Deuterokanonarion</i> (excerpt)	369 ^r
16. <i>On the Purity of the Clergy</i>	369 ^v
17. Diagrams of acceptable and unacceptable degrees of marriage	370 ^r
18. Short excerpts from Byzantine civil law on marriage	376 ^r
*9. Theological Miscellany	378^r
1. ‘ <i>On Holy Baptism</i> ’	378 ^r
2. ‘ <i>On How Every Christian Should Prepare for Confession</i> ’	378 ^v
3. ‘ <i>On Repentance</i> ’	379 ^v
4. ‘ <i>On Self-Examination</i> ’	380 ^v
5. ‘ <i>On the Ten Commandments</i> ’	382 ^r
6. Miscellaneous lists on matters relating to spirituality	385 ^r
7. ‘ <i>New Canons on Remembering the Deadly Sins</i> ’	402 ^r
8. Further lists on matters relating to spirituality	405 ^r

Bibliography:

- | | |
|--|--|
| Benešević, <i>Kanoničeskij Sbornik</i> , 54, 85, 88 n. 1, 101 n. 1, 137 n. 7, 139 n.3, 141 n. 7-8, 142 n. 2, 143 n. 3-4, 145 n. 1, 146 n. 1, 149 n. 1, 177 n. 1, 228 n. 3, 284, 331. | Lucà, “Doroteo di Gaza,” 166-7.
“La produzione libraria,” 137.
“Il libro,” 35.
“ <i>Graeco-latina</i> ,” 147. |
| Cavallo, “La circolazione,” 106. | Pitra 1.47, 96, 538, 576; 2.224, 373. |
| Fedwick, <i>Bibliotheca</i> , 3.161. | Rodriquez, “Riflessioni,” 632. |
| Funk, <i>Didascalia</i> , 1.1; 2.xxxiv. | Ricci, “Liste sommaire,” 106. |
| Gribomont, <i>Histoire</i> , 63. | Rossi, “ <i>Graeco-latina</i> ,” 147. |
| Heimbach, <i>Anecdota</i> , 2.xlii, xlix, lix. | Schweinburg, “Die Textsgeschichte,” 314-20, 322 n. 5, 325 n. 1, 342. |
| Lucà, “Teodoro sacerdote,” 140. | |

20. Vatican City, Biblioteca Apostolica Vaticana, MS Barb. gr. 324 (III.43 / 70)

The Casole *Synopsis*

Date:	Late 12 th Century	Dimensions:	180x135 (150x105)
Origin:	St Nicholas of Casole (Salento)	Material:	Paper ('Western Arabic')
Owner:	St Nicholas of Casole (Salento)	Folios:	i + 165 + i (fols. 1, 70 <i>bis</i>)
Scribe:	Unknown	Ruling:	Unclear
Binding:	Unknown (early modern)	Lines:	22-3
Hands:	A: 1-10 ^r , 12 ^r -13 ^r , 16 ^r -64 ^r B: 64 ^v -165 a: 10 ^v -11 ^v , 13 ^v -15 ^v	Collation:	1 ⁴ , 2 ¹² , 3 ⁶ , 4-17 ⁸ , 18 ⁷ , 19 ¹⁰ , 20 ⁶ , 21 ¹⁰

1. Front Matter and Notes of Nektarios of Otranto (inc. mut.)	1^r
1. Table of Contents (inc. mut.)	1 ^r
2. **John Antagonistes' [Philagathos of Cerami?], <i>On Wednesdays and Fridays</i>	10 ^v
3. * <i>On the Death of Infants</i>	11 ^r
4. Table of canons <i>How Many and Where</i>	12 ^r
5. *Brief extracts from Latin and Greek texts on simony and clerical discipline (including clerical marriage)	13 ^v
2. Alexios Aristenos, <i>Synopsis of Canons</i> (des. mut.)	16^r

Bibliography:

- | | |
|---|--|
| Arnesano, "Manoscritti greci," 71. | Jacob, "Autour de Nicolas-Nectaire," 232-45. |
| Benešević, <i>Kanoničeskij Sbornik</i> , 4 n. 1, 331. | "L'építaphe métrique," 153 n. 41. |
| Hadjú and Schreiner, "Nikolaos von Otranto," 27, 34
n. 59, 35-7. | Ricci, "Liste sommaire," 106. |

21. Vatican City, Biblioteca Apostolica Vaticana, MS Barb. gr. 476 (IV.58 / 350)

Basilian Collection (incomplete)

Date:	12 th Century	Dimensions:	245x190 (175x155)
Origin:	Southern Calabria	Material:	Parchment
Owner:	Unknown	Folios:	iv + 212 + i
Scribe:	Unknown	Lines:	27
Binding:	Unknown (early modern)	Ruling:	24E2o (System 1)
Hands:	A: 1-212	Collation:	1 ⁴ , 2-27 ⁸

1. Preface: Canon Law (inc. mut.)

1.	<i>Protodeutera</i> , c. 2-6 (inc. and des. mut.)	1 ^r
2.	Apostolic Canons 17-18, 20-26, 29, 35, 59, 55-6, 61, 63-72	3 ^r
3.	<i>Thirty Chapters of the Apostolic Constitutions</i> 28, 30	5 ^r
4.	<i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 25	5 ^r
5.	1 st Nicaea, c. 3	5 ^{r/v}
6.	<i>Apostolic Constitutions</i> 1.3.11-12, 8	5 ^v
7.	1 st Nicaea, c. 20	5 ^v
8.	Neocaesarea, c. 1, 3-4, 7, 9-10, 12	6 ^{r/v}
9.	Gangra, c. 4, 18	6 ^v
10.	Antioch, c. 13	6 ^v
11.	Laodicea, c. 49, 51-3	7 ^r
12.	Chalcedon, c. 16	7 ^r
13.	Anastasios of Sinai, <i>On the Forty-Day Liturgy for the Dead</i>	7 ^{r/v}

2. Basil of Caesarea, Monastic Texts (des. mut.)

1.	<i>Sermon on the Monastic Life</i>	8 ^r
2.	<i>Prologue</i> 34	17 ^r
3.	<i>Letters</i> 173, 22	23 ^v
4.	<i>Ascetic Constitutions</i>	28 ^r
5.	<i>Prologue</i> 5	42 ^r
6.	<i>On Baptism</i> 1.3	46 ^v
7.	<i>Great Asketikon</i> (' <i>recensio Italica</i> '; des. mut.)	90 ^v

Bibliography:

- | | |
|---|--|
| Baudry, "L'ordre des Questions," 65. | Mazzotta, <i>Monaci e libri</i> , 66, 103. |
| Buonocore, <i>Bibliografia</i> , 1.111. | Pitra 2.248, 277, 373. |
| Canart and Peri, <i>Sussidi</i> , 155. | <i>Analecta</i> , 2.104. |
| Ceresa, <i>Bibliografia</i> , 1.30, 2.246. | <i>RHBR</i> 2.193-4 (no. 406). |
| Fedwick, <i>Bibliotheca</i> , 3.vii, 161-4. | Ricci, "Liste sommaire," 115. |
| Gribomont, <i>Histoire</i> , 32, 63-4. | Rudberg, "Études," 134, 147. |
| Lucà, "Stile rossanese," 155 n. 305. | Wagschal, <i>Law and Legality</i> , 26 n. 3. |

22. Vatican City, Biblioteca Apostolica Vaticana, MS Ottob. gr. 186, fols. 9-22

Nomocanon, Salentine Group (fragmentary)

Date:	12 th /13 th Century	Dimensions:	185x130 (150x90)
Origin:	Salento	Material:	Parchment (palimpsest)
Owner:	Unknown	Folios:	ii + 69 + i
Scribe:	Unknown	Lines:	27-9
Binding:	Leo XIII (1878-1903)	Ruling:	Unclear
Hands:	A: 1-8 C:23-61 B: 9-22 D: 62-9	Collation:	1 ⁸ , 2-3 ⁷ , 4 ⁶ , 5 ⁸ , 6 ⁷ , 7-9 ⁸

*1. Fragment: Civil Law	1^r
1. <i>Ekloge</i> 1-2	1 ^r
2. Fragment: Nomocanon (inc. and des. mut.)	9^r
1. 2 nd Nicaea, canons (with historical introduction)	9 ^r
2. Short excerpts from Byzantine civil law on marriage (including clerical marriage)	16 ^r , 18 ^v
3. Alexios Stoudites, <i>Synodal Act on Marriage</i>	17 ^r
4. Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	17 ^v / ^v
5. <i>Tome of Union</i> (920), excerpt	17 ^v , 20 ^r
6. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	19 ^r
*3. Fragment: Grammatical Text	23^r
*4. Fragment: Theodoret of Cyrhus, <i>Commentary on the Letters of St Paul</i> (excerpts)	62^r

Bibliography:

Arnesano, "Libri inutili," 199. "Il repertorio," 32.	Martin, "Léon," 482 n. 5.
Canart and Peri, <i>Sussidi</i> , 199.	Mercati, <i>Opere minori</i> , 4.171 n. 1.
Cavallo, "La circolazione," 105.	Pitra 1.x.
Feron and Battaglini, <i>Codices</i> , 106.	<i>RHBR</i> 1.286 (no. 255).

23. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1168

Civil Law Collection (incomplete)

Date:	11 th -12 th Century	Dimensions:	255x190 (185x125)
Origin:	Rossano? (Northern Calabria)	Material:	Parchment
Owner:	Unknown	Folios:	vii + 160 + iii
Scribe:	Unknown	Lines:	27
Binding:	Colonna family (16 th century)	Ruling:	20D1 (System 1)
Hands:	A: 1-160 a: 1 ^r , 10 ^r (repetition of main text)	Collation:	1-19 ⁸ , 20 ⁷

1. Procheiros Nomos, Table of Contents	2^r
2. Ecloga privata	10^r
3. Procheiros Nomos (derivative)	28^v
4. Appendix: Civil Law	107^r
1. <i>Soldier's Law</i>	107 ^r
2. <i>Sailor's Law</i>	109 ^v
3. <i>Farmer's Law</i>	115 ^v
4. <i>Ekloge</i> 14.2-6, 8-9, 11-12	122 ^r
5. <i>Procheiros Nomos</i> 39.35-9	123 ^{r/v}
5. Appendix: Canon Law	123^v
1. Athanasios of Emesa, <i>Syntagma of Novels</i> (epitome)	123 ^v
2. Carthage, c. 15, 32, 25, 5-6, 128-31, 80	134 ^v
3. <i>Protodeutera</i> , c. 1-6, 8-13, 15-17	138 ^r
4. Apostolic Canons 1-9, 11-12, 10, 13-17, 22-5, 27, 29-30, 32-3, 35, 38, 40-1, 44, 50 48, 51-6, 58, 60, 63-4, 68, 72, 76-9, 83, 31, 70-1, 82, 84	147 ^v
5. <i>Mosaic Law</i> (des. mut.)	153 ^r

Bibliography:

- | | |
|--|--|
| Buonocore, <i>Bibliografia</i> , 2.876. | Lucà, "I Normanni," 60. |
| Canart, "Le livre grec," 142 n. 88. | "Teodoro sacerdote," 133. |
| Canart and Peri, <i>Sussidi</i> , 549. | Pitra 1.x, 3. |
| Cavallo, "La circolazione," 94, 101, 103-4, 107. | <i>RHBR</i> 1.270-1 (no. 242). |
| Ceresa, <i>Bibliografia</i> , 2.369-70. | Rodriquez, "Riflessioni," 631. |
| Devreesse, <i>Le fonds grec</i> , 478. | Schminck, <i>Studien</i> , 90 n. 216, 124 n. 40. |
| Foti, <i>Cultura e scrittura</i> , 34. | Troianos, <i>Oi πηγές</i> , 272. |
| Janz, "Lo sviluppo," 514. | |

24. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1287

Nomocanon, Salentine Group (fragmentary)

Date:	12 th Century	Dimensions:	245x130 (205x90)
Origin:	Salento (Lecce?)	Material:	Parchment
Owner:	Unknown	Folios:	i + 65 + i
Scribe:	Unknown	Lines:	38-41
Binding:	Antonio Carafa (1538-1591)	Ruling:	X11D1bm, Xb12D1, Xb32D1, X20D1 (system unclear)
Hands:	A: 1-65	Collation:	1 ⁸ , 2 ² , 3-8 ⁸ , 9 ⁷

1. Conciliar Canons with Historical Introductions (inc. mut.)	1^r
1. <i>Trullo</i>	1 ^r
2. 2 nd Nicaea (II Nic. c. 1-14; <i>Prot.</i> c. 11; II Nic. c. 16-22)	10 ^r
3. <i>Protodeutera</i> (<i>Prot.</i> c. 1-10; II Nic. c. 17; <i>Prot.</i> c. 12-17)	14 ^v
2. Patristic Canons	18^v
3. Marriage Law	45^{r/v}
1. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	45 ^{r/v}
4. Nomocanon in 50 Titles (des. mut.)	45^v

Bibliography:

- | | |
|---|--|
| Batiffol, <i>La Vaticane de Paul III</i> , 71 n. 2. | D'Agostino, "Osservazioni," 6 n. 22. |
| Benešević, <i>Sinagoga</i> , 32, 42-59, 59-61, 68-9, 334. | Jacob, "I più antichi codici," 30. |
| Buonocore, <i>Bibliografia</i> , 2.887. | Janz, "Lo sviluppo," 512, 514. |
| Canart, "Le livre grec," 142 n. 88. | Mühlenberg, <i>Epistula canonica</i> , xxiii, lxxi-lxxiii. |
| Canart and Peri, <i>Sussidi</i> , 566. | Paschou, <i>Ο γραφέας Λεών</i> , 212. |
| Cavallo, "Between Byzantium and Rome," 144. | Pitra 1.x, 540, 576, 644; 2.183, 373. |
| Ceresa, <i>Bibliografia</i> , 3.558. | <i>RHBR</i> 2.184-5 (no. 402). |

25. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1426³

The Messinese Collection (incomplete)

Date:	17 th August 1213	Dimensions:	Unknown
Origin:	Holy Saviour of Messina (Sicily)	Material:	Parchment?
Owner:	Holy Saviour of Messina (Sicily)	Folios:	665
Scribe:	Symeon <i>tou Boulkaramou</i>	Lines:	Unknown
Binding:	Unknown	Ruling:	Unknown
Hands:	Unknown	Collation:	Unknown

1. Ps.-Dionysios the Areopagite, Theological Writings	1^r
1. <i>On the Celestial Hierarchy</i>	1 ^{r/v}
2. <i>On the Divine Names</i>	3 ^r
3. <i>On the Ecclesiastical Hierarchy</i>	67 ^r
4. Christopher of Mytilene, <i>Epigram on Mystical Theology</i>	103 ^v
5. <i>On Mystical Theology</i>	103 ^r
6. <i>Letters 1-10</i>	109 ^r
2. Symeon <i>tou Boulkaramou</i>, Manuscript Colophon in Dodecasyllabic Meter	130^r
3. Oecumenius, <i>Commentary on the Apocalypse</i>	131^r
4. Conciliar and Canonical Miscellany	161^r
1. History of the Councils (“ <i>χρὴ μὲν γινώσκειν πάντα χριστιανὸν ὅτι ἑπτὰ εἰσὶν αἱ ἅγαι οἰκουμενικαὶ σύνοδοι...</i> ”)	161 ^r
2. <i>Trullo c. 2</i>	163 ^v
3. Photios of Constantinople, <i>To His Brother Tarasios on the Writings of Athanasius of Alexandria</i>	164 ^v
4. <i>Letter of Liberius to Athanasius</i>	164 ^v
5. Marcellus of Ancyra, <i>Against the Theopaschites</i>	165 ^{r/v}
6. Athanasius of Alexandria, <i>On the Faith</i> (excerpts)	165 ^v
7. Conciliar and patristic excerpts on Christian belief	174 ^r
8. <i>Synodikon</i> of the Sunday of Orthodoxy	175 ^v
9. Decree of 843 on the Restoration of Icons	178 ^v
10. Athanasius of Alexandria, <i>On the Common Essence of the Father, Son, and Holy Spirit</i>	180 ^r
11. Cyril of Alexandria, <i>Anathema against Nestorius</i>	190 ^v
12. Athanasius of Alexandria, <i>Disputation against Arius</i>	191 ^v
13. Maximus the Confessor, <i>Disputation with Pyrrhus</i>	205 ^r
14. Anastasius Apocrisiarius, <i>Dialogue of Maximus with Bishop Theodosius of Caesarea in Bithynia</i>	216 ^v
15. Conciliar and patristic excerpts	224 ^r
16. Athanasius of Alexandria, <i>Oration against the Heathens</i>	235 ^r
17. Athanasius of Alexandria, <i>Oration on the Incarnation of the Word</i>	255 ^v
18. Anonymous, <i>On the Incarnation of the Word</i>	279 ^r
19. Marcellus of Ancyra, <i>On the Incarnation and Against the Arians</i>	280 ^r
5. Neilos Doxapatres, <i>De oeconomia Dei</i> (Book 1, Book 2 des. mut.)	296^v

³ Vat. gr. 1426 itself was copied by Ioakeim Mbutas, a scribe active at the Holy Saviour of Messina c.1534. The original manuscript of the Messinese Collection no longer exists, but Vat. gr. 1426 appears to be a relatively faithful attempt to reproduce its content. However, it is impossible to say how faithfully it reproduces the original physical characteristics of the Messinese Collection.

Bibliography:

- Batiffol, *L'abbaye de Rossano*, 93.
 La Vaticane de Paul III, 55 n. 1.
Burke, "Three Copies," 423-4.
Canart, "Le livre grec," 135 n. 70.
Caruso, "Per l'edizione," 250-5, 258.
 "Sull'autore," 299
Pitra 1.x.
De Groot, "Die handschriftliche Überlieferung," 8-14.
De Vos, "East or West," 245, 247.
Lucà, "La produzione libraria," 169 n. 130.
 "La silloge manoscritta," 334.
Lucà, "Sul Teodoro Studita," 264.
Mercati, *Per la storia*, 64-9.
Morton, "A Byzantine Canon Law Scholar," 729.
Neiryck, "Le 'De Oeconomia Dei'," 277.
 "Nilus Doxapatres's *De Oeconomia Dei*," 55.
 "The 'De Oeconomia Dei'," 270 n. 18.
Rendel Harris, *Further Researches*, 71-2 n. 1.
Roosen, "On the Recent Edition," 131.
Russo, "La biblioteca," 223-4, 238.
Surace, "Copisti greci," 246.

26. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1506

Apostolic Compilation (fragmentary)

Date:	25th March 1024	Dimensions:	290x225 (205x155)
Origin:	Rossano? (Northern Calabria)	Material:	Parchment
Owner:	Cathedral of Rossano?	Folios:	ii + 80 + i
Scribe:	Athanasios (priest)	Lines:	34
Binding:	Leo XIII (1878-1903) and Jean-Baptiste Pitra (1869-1889)	Ruling:	34C2 (System unclear)
Hands:	A: 1-80 a: 59 ^v (in margin)	Collation:	1 ⁹ , 2 ⁶ , 3 ¹⁰ , 4-7 ⁸ , 8 ⁹ , 9 ⁶ , 10 ⁹

1. Apostolic Constitutions (inc. mut.)

- | | |
|--|-----------------|
| 1. <i>Apostolic Constitutions</i> 3.7-8.11 (inc. mut.) | 1 ^r |
| 2. *Gregory of Nazianzus, <i>Oratio</i> 30.14 | 59 ^v |
| 3. <i>Apostolic Constitutions</i> 8.12-39 | 59 ^v |

2. Apostolic Canons

- | | |
|---|-----------------|
| 1. Apostolic Canons 1-4 | 69 ^r |
| 2. <i>Apostolic Constitutions</i> 8.40-6 | 69 ^r |
| 3. Apostolic Canons 5-9, 14, 17-63, 66, 64-5, 67-84 | 72 ^v |

3. Appendix: Historical Information

- | | |
|---|-------------------|
| 1. <i>On the Twelve Apostles – Where They Preached and Where They Died</i> | 78 ^{r/v} |
| 2. Note on the Gospels (“δεῖ γινώσκειν τὸ πῶς συνεγράφησα τὰ Δ’ εὐαγγέλια”) | 78 ^v |

Bibliography:

- | | |
|--|--|
| Batiffol, “La Vaticane depuis Paul III,” 183, 210. | Lilla, <i>I manoscritti</i> , 43. |
| Canart, <i>Les Vaticani graeci</i> , 196. | Lucà, “Scrittura e produzione,” 111. |
| Canart and Perria, “Les écritures,” 111. | “Scritture e libri,” 349. |
| Ceresa and Lucà, “Frammenti greci,” 202 n. 25. | Mercati, “Una benedizione,” 145-6. |
| Devreesse, <i>Les manuscrits grecs</i> , 19, 56. | Pitra x, 3, 7, 46-9, 111, 417. |
| Dvornik, <i>The Idea of Apostolicity</i> , 177, 301. | Rocchi, <i>De coenobio</i> , 273, 278. |
| Giannelli, <i>Codices</i> , 41-3. | Surace, “Copisti greci,” 242, 255. |
| Janz, “Lo sviluppo,” 528. | |

27. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1980 (Basil. 19)

The Carbone Nomocanon (1st Half)

Date:	Late 11 th Century	Dimensions:	190x145 (145x105)
Origin:	Lucania	Material:	Parchment
Owner:	SS Elias and Anastasios of Carbone	Folios:	ii + 195 + i
Scribe:	Unknown	Lines:	22
Binding:	Pius IX (1846-1878) and Angelo Mai (1853-1854)	Ruling:	20A1 (System 9)
Hands:	A: 1-195 b: 1 ^v , 4 ^v a: 1 ^v c: 4 ^f	Collation:	1 ⁴ , 2-5 ⁸ , 6 ⁹ , 7 ⁶ , 8 ⁷ , 9-20 ⁸ , 21 ⁹ , 22 ⁸ , 23 ⁷ , 24-5 ⁸

1. Front Matter

1. *Short excerpts from Byzantine civil and canon law on marriage and judicial process	1 ^v
2. Table of Contents	2 ^r
3. *Salad recipe	4 ^r
4. *Short excerpts from Byzantine civil law on judicial process and debt	4 ^v

2. Conciliar Canons

1. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 1-2, 22.2-28.13, 19-21	5 ^r
2. <i>Thirty Chapters of the Apostolic Constitutions</i> 1-5, 8, 11-13, 17-20, 26-30	17 ^v
3. Apostolic Canons 1-5, 7, 6, 8-50, 51-65, 67-85	18 ^v
4. 1 st Nicaea (with historical introduction)	28 ^r
5. 1 st Constantinople (381; with historical introduction)	34 ^v
6. Ephesus (with historical introduction)	39 ^v
7. Chalcedon (with historical introduction)	45 ^v
8. Flavian of Constantinople, <i>Letter to Pope Leo the Great</i>	55 ^v
9. Pope Leo the Great, <i>Letter to Flavian of Constantinople</i>	58 ^r
10. Constantinople (394)	69 ^r
11. <i>Trullo</i> (with historical introduction)	70 ^v
12. 2 nd Nicaea (with historical introduction)	117 ^r
13. History of the Councils (“ἐτέρα εἰδησις περὶ τῶν ἁγίων συνόδων οἰκουμενικῶν”)	130 ^r
14. Ancyra	134 ^v
15. Neocaesarea	139 ^r
16. Gangra	140 ^v
17. Antioch	145 ^r
18. Laodicea	152 ^v
19. Sardica	157 ^v
20. Carthage (cont.)	167 ^v

Bibliography:

Buonocore, <i>Bibliografia</i> , 946.	Mercati, <i>Per la storia</i> , 207-8.
Benešević, <i>Kanoničeskij Sbornik</i> , 288-305, 332.	Montfaucon, <i>Diarium Italicum</i> , 216.
Canart and Peri, <i>Sussidi</i> , 665.	Morton, “A Byzantine Canon Law Scholar,” 751 n.
Canart and Perria, “Les écritures,” 105.	122.
Ceresa, <i>Bibliografia</i> , 1.408.	Pitra 1.x, 3, 7, 39, 41, 43, 46, 49, 60-1, 63-7, 69-72,
Devreesse, <i>Les manuscrits grecs</i> , 10.	98, 217, 386, 422, 425-6, 644; 2.13, 161-2,
Faraggiana di Sarzana, “Fra Teologia,” 150.	173, 178.
Fedwick, <i>Bibliotheca</i> , 4.2.604.	<i>RHBR</i> 3 (no. 525).
Lake and Lake, <i>Dated Greek Minuscule Manuscripts</i> ,	Rudberg, <i>Études</i> , 28 n. 4.
7.14 (no. 281).	Wagschal, <i>Law and Legality</i> , 26 n. 3.

28. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1981 (Basil. 20)

The Carbone Nomocanon (2nd Half)

Date:	Late 11 th Century	Dimensions:	190x145 (145x105)
Origin:	Lucania	Material:	Parchment
Owner:	SS Elias and Anastasios of Carbone	Folios:	ii + 200 + i
Scribe:	Unknown	Lines:	22
Binding:	Pius IX (1846-1878) and Angelo Mai (1853-1854)	Ruling:	20A1 (System 9)
Hands:	A: 1-200 a: 200 ^{r/v}	Collation:	1-2 ⁸ , 3 ⁶ , 4 ⁹ , 5-8 ⁸ , 9 ⁶ , 10 ⁷ , 11-23 ⁸ , 24 ¹⁰
	b: 200 ^v c: 200 ^v		

1. Conciliar Canons (cont.)

- | | |
|----------------------|-----------------|
| 1. Carthage (cont.) | 1 ^r |
| 2. Carthage (a. 256) | 13 ^r |

2. Patristic Canons

- | | |
|---|-------------------|
| 1. Dionysios of Alexandria, <i>Letter to Basil</i> | 14 ^v |
| 2. Peter of Alexandria, <i>Six Canons from the Sermon on Penitence</i> | 18 ^v |
| 3. Gregory of Neocaesarea, <i>Canonical Letter</i> | 29 ^r |
| 4. <i>On False Accusers</i> | 32 ^{r/v} |
| 5. Athanasios of Alexandria, c. 1 | 32 ^v |
| 6. Anastasios of Sinai, <i>Erotapokriseis</i> 95 | 36 ^{r/v} |
| 7. John Moschos, <i>Spiritual Garden</i> 198 | 36 ^v |
| 8. Athanasios of Alexandria, c. 5 | 37 ^r |
| 9. Timothy of Alexandria, c. 1-11, 20, 12-15, 19, 16 | 38 ^r |
| 10. Basil of Caesarea, <i>Canonical Letters and Texts</i> | 41 ^v |
| 11. Gregory of Nyssa, <i>Letter to Letoius</i> | 76 ^r |
| 12. Theophilus of Alexandria, <i>Canonical Texts</i> (des. mut.) | 86 ^r |
| 13. Cyril of Alexandria, <i>Letter to the Bishops of Libya and Pentapolis</i> (inc. mut.) | 89 ^r |
| 14. Basil of Caesarea, <i>Epitimia</i> | 91 ^{r/v} |

3. Nomocanon in 14 Titles (original recension)

4. Appendix: Church History (with later additions)

- | | |
|---|--------------------|
| 1. Nikephoros the Confessor, <i>Brief Chronicle</i> | 181 ^v |
| 2. <i>Life of Constantine</i> (excerpt) | 189 ^v |
| 3. Dorotheos of Tyre, <i>On the 70 Disciples of Christ</i> | 190 ^r |
| 4. List of Patriarchs of Constantinople to the year 931 | 197 ^v |
| 5. <i>Notitia episcopatum</i> (Darrouzès 6) | 199 ^r |
| 6. Apostolic Canon 85 | 200 ^r |
| 7. *Photios of Constantinople, <i>On the Divine Liturgy</i> | 200 ^{r/v} |
| 8. * <i>Reckoning of the Ages of Man</i> | 200 ^v |
| 9. * <i>On the Children of Debtors</i> | 200 ^v |

Bibliography:

- | | |
|---|---|
| Buonocore, <i>Bibliografia</i> , 2.946. | Mercati, <i>Per la storia</i> , 207-8. |
| Benešević, <i>Kanoničeskij Sbornik</i> , 288-305, 332. | Montfaucon, <i>Diarium Italicum</i> , 216. |
| Canart and Peri, <i>Sussidi</i> , 665. | Morton, "A Byzantine Canon Law Scholar," 743 n. 84, 751 n. 122. |
| Canart and Perria, "Les écritures," 105. | Mühlenberg, <i>Epistula canonica</i> , lxxxvi. |
| Ceresa, <i>Bibliografia</i> , 1.408. | Pitra 1.644; 2.443. |
| Devreesse, <i>Les manuscrits grecs</i> , | <i>RHBR</i> 3 (no. 526). |
| Fedwick, <i>Bibliotheca</i> , 4.2.604. | Rudberg, <i>Études</i> , 28 n. 4. |
| Lake and Lake, <i>Dated Greek Minuscule Manuscripts</i> , | Wagschal, <i>Law and Legality</i> , 26 n. 3. |
| 7.14 (no. 281). | |

29. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 2019 (Basil. 99)

The 'Nomocanon of Doxapatres'

Date:	Before 1234	Dimensions:	210x170 (180x135)
Origin:	Rossano (Northern Calabria)	Material:	Parchment (palimpsest)
Owner:	Sinator of Kritene (1234/5); Rabdas (monk?); <i>Patiron</i> of Rossano	Folios:	i + 166 + i
Scribe:	Unknown	Lines:	24-8
Binding:	Pius IX (1846-1876) and Angelo Mai (1853-1854)	Ruling:	20A1 (System unclear)
Hands:	A: 1-155 ^r e: 160a ^{r/v} , 164 ^r -165 ^{r/v} a: 155 ^v f: 161r-164 ^v b: 156 ^r -158 ^v g: 165 ^{r/v} c: 159 ^r -160 ^f h: 166 ^r d: 160 ^v i: 166 ^v	Collation:	1-2 ⁸ , 3 ² , 4 ⁶ , 5-7 ⁸ , 8 ¹⁰ , 9-20 ⁸ , 21 ³ , 22 ¹⁴

1. Table of Contents	1 ^r
2. Alexios Aristenos, <i>Synopsis of Canons</i>	9^v
3. Appendix: Canon Law	95^v
1. John the Faster, <i>Kanonarion</i> (excerpt)	95 ^v
2. John the Faster, <i>Kanonikon</i>	105 ^f
3. <i>Trullo</i> , c. 11, 43, 55, 75, 90, 23	105 ^f
4. Basil of Caesarea, c. 13	107 ^v
5. 8 'Canons of Chalcedon'	107 ^v
6. <i>Trullo</i> , c. 65	107 ^v
7. Dionysios of Alexandria, c. 2	108 ^f
8. Basil of Caesarea, c. 7, 24-5, 9, 48	108 ^{r/v}
9. 1 Corinthians 7:39 with exegesis	108 ^v
10. <i>From the Letter of Gennadios</i> [I of Constantinople]	108 ^v
11. John the Faster, <i>Teachings of the Fathers</i> (excerpts)	108 ^v
12. John Klimakos, <i>Ladder of Divine Ascent</i> 4 (excerpt)	110 ^f
13. John the Faster, <i>Deuterokanonarion</i> (excerpt)	110 ^f
14. 'On the Purity of the Clergy'	110 ^v
15. History of the Councils ("ἡ πρώτη ἁγία καὶ οἰκουμένη συνόδος γέγονεν")	110 ^v
16. Diagrams of acceptable and unacceptable degrees of marriage	112 ^f
17. Short excerpts from Byzantine civil law on marriage	113 ^f
18. Alexios Stoudites, <i>Synodal Act on Marriage</i>	114 ^v
19. <i>Tome of Union</i> (920)	115 ^{r/v}
20. Sisinnios II of Constantinople, <i>Ekthesis</i>	115 ^v
21. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 3-21, 1-2	117 ^v
22. Nicholas III Grammatikos of Constantinople, <i>Canonical Answers</i>	122 ^f
23. Nikephoros the <i>Chartophylax</i> , <i>Letters</i> 5, 1	124 ^v
24. Euphemianos of Thessaloniki, <i>Canonical Answers to Gerasimos</i>	126 ^v
25. Michael Choumnos, <i>Canonical Answers to Neophytos</i>	135 ^v
26. <i>From the Constitution of the Typikon of the Lord Paul, Founder of the Monastery of the Theotokos Evergetis</i>	139 ^f
27. Justinian, <i>Novels</i> 3, 5-7, 12, 14-15	141 ^v
*4. Miscellaneous Fragments	156^f
1. *Theodore Stoudites, <i>In Praise of John the Theologian</i>	156 ^f
2. *Verses on the Apostle John	158 ^v
3. *Basil of Caesarea, <i>Sermon for the Instruction of Priests</i>	159 ^v

4. *Fragment of a deed of sale between the brothers Philip and Pankalos and the bishop Nicholas relating to property in Rossano	160 ^v
5. *Homily of John [Chrysostom?] (des. mut.)	160a ^{r/v}
6. *Hippolytos of Thebes, <i>Chronicle</i> (excerpt)	161 ^r
7. *On the Family of Christ	162 ^r
8. *Hippolytos of Thebes, <i>Chronicle</i> (excerpt)	164 ^v
9. *Anonymous homily (inc. mut.)	165 ^{r/v}
10. *Fragment of a schedographic text	165a ^{r/v}
11. *Note on fasting	166 ^r
12. *Astronomical diagram	166 ^v

Bibliography:

- Arnesano, "Riflessi documentari," 33.
 Batiffol, *L'abbaye de Rossano*, 57.
 Bianconi, "Contesti di produzione," 455-6.
 Bravo Garcia, "Notarios y escrituras," 422 n. 17.
 Buonocore, *Bibliografia*, 2.950.
 Canart, "Aspetti materiali," 142-3.
 "Gli scriptoria," 155.
 "Le livre grec," 145.
 Canart and Peri, *Sussidi*, 671-2.
 Capialdi, *Memorie*, 167.
 Cavallo, "La circolazione," 107.
 "La cultura italo-greca," 584-5.
 Ceresa, *Bibliografia*, 2.455.
 Darrouzès, "Bulletin critique," 293.
 "Un faux acte," 223.
 Devreesse, *Les manuscrits grecs*, 21 n. 3, 41 n. 4.
 Gautier, P. "Le chartophylax," 165.
 Lucà, "Stile rossanese," 124-6, 156.
 Lucà, "Manoscritti 'rossanesi'," 24.
 "La produzione libraria," 171-2.
 "Il libro," 49 n. 112.
 Mercati, *Per la storia*, 78, 308.
 Montfaucon, *Diarium Italicum*, 216-20.
 Morton, "A Byzantine Canon Law Scholar," 733-4,
 737 n. 57, 749 n. 79, 747-8, 751 n. 123.
 Perria, "Libri e scritture," 107.
 Pitra 1.x, 46, 538, 644.
 Rendel Harris, "Further Researches," 68-9.
RHBR 3 (no. 527).
 Troianos, *Oi πηγές*, 337, 344.
 Turyn, *Codices graeci*, 28-34.
 Wilson, "The Interpretation," 688 n. 14.
 Zachariä von Lingenthal, *Imp. Iustiniani PP.*
novellae, 1.iv, viii.
 "Die Synopsis canonum," 1160-1.

30. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 2060 (Basil. 99)

Nomocanon, Rossanese Group (fragmentary)

Date:	c.1100-1115	Dimensions:	305x240 (235x160)
Origin:	<i>Patiron</i> of Rossano (N. Calabria)	Material:	Parchment
Owner:	<i>Patiron</i> of Rossano	Folios:	v + 263
Scribe:	Bartholomew (monk)?	Lines:	37
Binding:	Pius IX (1846-1876) and Angelo Mai (1853-1854)	Ruling:	22E2s, 22D2s (Systems 9, 1, 10)
Hands:	A: 1-263	Collation:	1-2 ⁸ , 3-4 ⁷ , 5-8 ⁸ , 9 ⁶ , 10 ⁸ , 11 ⁶ , 12-22 ⁸ , 23 ⁵

[1. Front Matter] —

1. [*Epitome of Book Eight of the Apostolic Constitutions* 22.2-28.1] —
2. [John Scholastikos, *Synagoge in 50 Titles*, Preface and Table of Canons] —

2. *Nomocanon in 14 Titles* (Photian recension; inc. mut.) 1^r

3. Conciliar Canons 36^r

4. Patristic Canons 131^r

3. Appendix: Civil Law (des. mut.) 168^v

1. Justinian, *Novel* 77 168^v
2. *Collection in 87 Chapters* 169^v
3. *Collection in 25 Chapters* 183^r
4. *Tripartite Collection* 208^r
5. Heraclius, *Novels* 4, 1, 3, [2] (des. mut.) 258^v

[4. Epilogue: John Moschos, *Spiritual Meadow* 149 (excerpt)] —

Bibliography:

Battifol, <i>L'abbaye de Rossano</i> , 61.	Mercati, <i>Per la storia</i> , 308 n. 9.
Canart and Leroy, "Le Renforcement," <i>passim</i> .	Montfaucon, <i>Diarium Italicum</i> , 216.
Devreesse, <i>Les manuscrits grecs</i> , 22 n. 3, 24.	Morton, "A Byzantine Canon Law Scholar," 751 n. 122, 124.
Fedwick, <i>Bibliotheca</i> , 4.2.604.	Mühlenberg, <i>Epistula canonica</i> , lxxv-lxxix.
Foti, "Due nomocanoni," 341-5.	Pitra 1.x, 425-6, 540, 644; 2.127, 161-2, 173, 183, 304, 373, 410, 421, 443.
Konidaris, "Die Novellen," 39, 42-3, 48.	Stolte, "The Organization of Information," 525 n. 12.
Lucà, "Stile rossanese," 99-100, 106, 111, 114, 117-8, 127, 162-4.	Wagschal, <i>Law and Legality</i> , 26 n. 3.
"Scrittura e produzione," 122 n. 26, 123, 129.	

31. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 2075 (Basil. 114)

Civil Law Collection (incomplete)

Date:	Late 10 th Century	Dimensions:	220x155 (175x120)
Origin:	Calabria	Material:	Parchment
Owner:	Unknown	Folios:	ii + 263 + ii
Scribe:	Unknown	Lines:	27-31
Binding:	Pius IX (1846-1876) and Angelo Mai (1853-1854)	Ruling:	20C1 (Systems 9, 10)
Hands:	A: 1 ^r -110 ^v B: 110 ^v -120 ^v , 140 ^r , 145 ^r -146 ^r , 153 ^v -156 ^v , 159 ^r -161 ^r , 162 ^r - 251 ^r , 252 ^v -261 ^v , 263 ^{r/v} C: 121 ^r -140 ^r , 140 ^v , 141 ^r -144 ^v , 157 ^r -158 ^v , 161 ^v D: 146 ^v -153 ^r E: 140 ^v , 251 ^r , 262 ^{r/v} F: 251 ^v -252 ^v	Collation:	1-20 ⁸ , 21 ¹⁰ , 22 ⁸ (wants 1 after fol. 169), 23 ⁸ , 24 ⁸ wants 1 after fol. 188, 25-32 ⁸ , 33 ⁸ (wants 1 after fol. 263)

1. Front Matter

	1^r
1. <i>Protodeutera</i> , canons	1 ^r
2. Justinian, <i>Novel</i> 5	8 ^r
3. <i>Appendix Eclogae</i> 1; 2.4, 6-9	13 ^v
4. Apostolic Canons 1-9, 11-12, 10, 13-17, 22-5, 27, 29-30, 32-3, 35, 38, 40-1, 50, 44, 48-9, 51-61, 63-4, 68, 72-4, 76-9, 83, 31, 65-7, 69, 71, 75, 80-2, 84, 70	13 ^v
5. *Basil of Caesarea, c. 50, 80	17 ^v
6. *Trullo, c. 67	18 ^r
7. <i>Procheiros Nomos</i> 34.17	19 ^v
8. Lexicon of Latin legal terms	20 ^r
9. Chronology of ecumenical councils	24 ^r
10. Aphorism on fair judgment in court cases	24 ^r

2. Epitome Vaticana

	24^v
1. <i>Sailor's Law</i>	25 ^v
2. <i>Farmer's Law</i>	35 ^v

3. Appendix: Civil Law

	251^r
1. <i>Basilica</i> (excerpts from books 50 and 51)	251 ^r
2. <i>Soldier's Law</i>	254 ^r
3. Maurice, <i>Strategikon</i> 8.2 (excerpts; des. mut.)	257 ^{r/v}
4. Justinian, <i>Novel</i> 1	258 ^r
5. <i>Basilica</i> (excerpts from books 50 and 28)	259 ^v

Bibliography:

- | | |
|--|--|
| Buonocore, <i>Bibliografia</i> , 2.876. | Lucà, "I Normanni," 60. |
| Burgarella, <i>San Nilo di Rossano</i> , 109. | "Teodoro sacerdote," 133. |
| Canart and Peri, <i>Sussidi</i> , 549. | Pitra 1.x, xii, 3, 7, 426 n. 1; 2.127, 385 n. 1. |
| Cavallo, "La circolazione," 94, 101, 103-4, 107. | <i>RHBR</i> 1.270-1 (no. 242). |
| Ceresa, <i>Bibliografia</i> , 2.369-70. | Rodriquez, "Riflessioni," 631. |
| Devreesse, <i>Le fonds grec</i> , 478. | Schminck, <i>Studien</i> , 90 n. 216, 124 n. 40. |
| Foti, <i>Cultura e scrittura</i> , 34. | Troianos, <i>Oi πηγές</i> , 272. |
| Janz, "Lo sviluppo," 514. | |

32. Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 2115 (Basil. 154), fols. 78-96

Civil Law Collection (fragmentary)

Date:	11 th /12 th Century	Dimensions:	185x130 (150x100)
Origin:	Rossano (Northern Calabria)	Material:	Parchment
Owner:	Unknown	Folios:	i + 185 + i
Scribe:	Unknown	Lines:	27-9
Binding:	Pius IX (1846-1878) and Angelo Mai (1853-1854)	Ruling:	X00D1 (System 9)
Hands:	A: 78-96	Collation:	1-3 ⁴ , 4 ⁶ , 5-7 ⁸ , 8 ⁶ , 9 ⁷ , 10 ⁸ , 11 ² , 12 ⁴ , 13 ⁸ , 14 ⁷ , 15 ⁸ , 16 ⁴ , 17 ² , 18 ⁸ , 19 ² , 20 ⁴ , 21 ⁶ , 22 ⁴ , 23-5 ⁸ , 26 ⁴ , 27 ⁸ , 28-9 ⁶ , 30 ⁸ , 31 ⁶

*1. Biblical and Patristic Fragments	1^r
1. New Testament commentary (inc. and des. mut.)	1 ^r
2. John Chrysostom, <i>Comparison between Kings and Monks</i> (inc. and des. mut.)	5 ^r
3. Antiochos the Monk, <i>Pandecta Scripturae Sacrae, Homily 27.50-35, 63</i> (inc. and des. mut.)	13 ^r
4. Fragments from 2 Samuel and 2 Kings (inc. and des. mut.)	27 ^r
5. Basil of Caesarea, <i>Great Asketikon</i> , preface (inc. and des. mut.)	70 ^r
6. Evagrius Ponticus, <i>Practicus</i> 6-14 (inc. and des. mut.)	73 ^v
2. Nomocanonical Fragment	78^r
1. Carthage, c. 15, 32, 25, 5-6, 128-31, 80	78 ^r
2. <i>Protodeutera</i> , c. 1-6, 8-13, 15-17	80 ^r
3. Apostolic Canons 1-9, 11-12, 10, 13-17, 22-5, 27, 29-30, 32-3, 35, 38, 40-1, 44, 50 48, 51-6, 58, 60, 63-4, 68, 72, 76-9, 83, 31, 70-1, 82, 84	86 ^v
4. <i>Ekloge</i> , preface (des. mut.)	91 ^r
5. <i>Ekloge</i> 6-10.1 (des. mut.)	93 ^r
*3. Civil Law Fragments	97^r
1. <i>Procheiros Nomos</i> 21.1-10	97 ^r
2. <i>Epitome of the Laws</i> (excerpts)	98 ^r
*4. Miscellaneous Fragments	99^r
1. John Chrysostom, <i>Homily on Matthew</i> 6.4-6 (continued in Vat. gr. 2089, fols. 73-150)	99 ^r
2. Fragmentary parainetic text (inc. "ὡσαύτως δὲ καὶ οἱ τὸν πλοῦτον ἀγαπόντες")	107 ^r
3. Fragmentary <i>Life</i> of Abba Apollo (inc. "... μετὰστρεψον τὸν πόλεμον τοῦ ἀδελφοῦ...")	119 ^r
4. <i>Barlaam and Ioasaph</i> (fragment)	123 ^r
5. Fragmentary text on tax law	147 ^r
6. Liturgy of St John Chrysostom, communion prayers (fragment)	151 ^r
7. Gregory of Nazianzus, <i>Apologetica, Oratio 2</i>	160 ^r
8. Luke 5:11-16:14	116 ^r
9. <i>Barlaam and Ioasaph</i> (fragment)	180 ^r

Bibliography:

- | | |
|---|--|
| Canart, "Gli scriptoria," 161 n 6. | Lucà, "Scrittura e produzione," 120 n. 14, 121, 130, pl. 3b, 5a. |
| Canart and Leroy, "Le Renforcement," <i>passim</i> . | "Su origine," 169 n. 132, 205. |
| Canart and Peri, <i>Sussidi</i> , 685. | "Teodoro sacerdote," 137 n. 87. |
| Hutter, "Patmos 33," 108. | "Doroteo di Gaza," 167. |
| Jacob, "Fragments liturgiques," 373-4. | Mazzotta, <i>Monaci e libri</i> , 72. |
| Lucà, "Stile rossanese," 100 n. 26, 103, 117, 135, 163. | Morton, "A Byzantine Canon Law Scholar," 751. |
| "Manoscritti 'rossanesi'," 23, 57. | Voicu, "Giovanni Crisostomo," 16. |
| "Scritture e libri," 362. | |

33. Venice, Biblioteca Nazionale Marciana, MS gr. 169 (coll. 475)

Nomocanon

Date:	11 th /12 th Century	Dimensions:	340x250 (230x155)
Origin:	Constantinople?	Material:	Parchment
Owner:	Holy Saviour of Messina (Sicily)	Folios:	ii + 311 + ii
Scribe:	Unknown	Lines:	33
Binding:	Biblioteca Marciana	Ruling:	54C1, 84C4 (System 1)
Hands:	A: 1-311 b: 311b a: 311 ^v	Collation:	1-4 ⁸ , 5 ⁶ , 6-14 ⁸ , 15 ⁶ , 16-24 ⁸ , 25 ³ , 26-38 ⁸ , 39 ⁷

1. Front Matter	1^r
1. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> , 22.2-28.17	1 ^r
2. John Scholastikos, <i>Synagoge in 50 Titles</i> , Preface and Table of Canons	4 ^r
2. Nomocanon in 14 Titles (Photian recension with scholia)	5^r
1. <i>A Simple Outline of What is Contained in Each Part of the Present Volume</i>	56 ^v
3. Conciliar Canons (with scholia)	58^r
4. Patristic Canons (with scholia)	161^v
5. Appendix: Civil Law	197^r
1. Justinian, <i>Novel 77</i>	197 ^{r/v}
2. <i>Collection in 87 Chapters</i>	197 ^v
3. <i>Collection in 25 Chapters</i>	212 ^r
4. <i>Tripartite Collection</i>	241 ^v
5. Heraclius, <i>Novels 4, 1, 3, 2</i>	296 ^r
6. Back Matter	
1. Photios of Constantinople, <i>Canonical Letters</i> 292-6	302 ^v
2. Nicholas I Mystikos of Constantinople, <i>On the Free Display of Patriarchal Letters</i>	306 ^{r/v}
3. <i>Notitiae episcopatum</i> (Darrouzès 8, 5, 7)	307 ^r
4. Plutarch, <i>Life of Caesar</i> , 69.10-11 (summary)	311 ^r
5. Stephanos of Byzantium, <i>Ethnika</i> (excerpts)	311 ^{r/v}
6. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i> (summary)	311 ^v
7. <i>On Marcian the Ascetic</i>	311 ^v
8. *Michael Psellos, <i>On the Bath</i> (“πολλῶν τὸ λουτρὸν αἴτιον δωρημάτων”), ll. 1-3, 10, 5, 7-8, 11, 13-16 (with notable differences)	311 ^v
9. *Latin document of 1288 recording a debt owed by the Holy Saviour of Messina to the nobleman Pandolfo Falcone	311b

Bibliography:

Benešević, <i>Kanoničeskij Sbornik</i> , 128. <i>Priloženija</i> , 3.	Lucà, “Frustuli di manoscritti,” 78 n. 7.
Cavallo, “La circolazione,” 105.	Morton, “A Byzantine Canon Law Scholar,” 743 n. 84.
Darrouzès, <i>Notitiae</i> , 445 (no. 276).	Mühlenberg, <i>Epistula canonica</i> , xxv, lxxxix.
<i>Divi Marci</i> 1.1.249-53.	Pitra 1.3, 47, 426, 539; 2.373, 443.
Fedwick, <i>Bibliotheca</i> , 4.2.1211.	<i>RHBR</i> 2.214-7 (no. 417).
Foti, <i>Cultura e scrittura</i> , 6.	Rodriquez, “Riflessioni,” 642-3.
Konidaris, “Die Novellen,” 36, 42-3, 47.	Wagschal, <i>Law and Legality</i> , 26 n. 3.

34. Venice, Biblioteca Nazionale Marciana, MS gr. 171 (coll. 741)

The Grottaferrata Nomocanon (incomplete)

Date:	c.1220-1230	Dimensions:	265x170 (195x120)
Origin:	Grottaferrata (Lazio)	Material:	Paper (Italian non-watermarked)
Owner:	<i>Theotokos</i> of Grottaferrata	Folios:	ii + 129 + ii
Scribe:	Unknown	Lines:	28-30
Binding:	Biblioteca Marciana	Ruling:	20D1 (System 13)
Hands:	A: 1 ^v -129 a: 1 ^r b: 2 ^r	Collation:	1 ¹⁰ , 2-14 ⁸ , 15 ⁶ , 16 ⁹

1. Front Matter	1^r
1. *Summary of an agreement between Pankratios the <i>praepositus</i> of Grottaferrata and the lords John and Jacob Frangipane	1 ^r
2. Table of contents	1 ^v
3. *Miscellaneous quotes from Scripture and Classical literature	2 ^r
4. <i>Nomocanon in 14 Titles</i> , 1 st and 2 nd Preface	3 ^r
5. History of the Councils (“ἑτέρα εἰδησις περὶ τῶν ἀγίων συνόδων οἰκουμενικῶν”)	6 ^r
2. Conciliar Canons	15^r
1. Apostolic Canons	15 ^r
2. <i>Epitome of the Eighth Book of the Apostolic Constitutions</i> 19-21; 18.2-3; 22.2-14, 16, 15, 17-24.7; 25-6	22 ^v
3. 1 st Nicaea	27 ^r
4. Ancyra	30 ^v
5. Neocaesarea	34 ^v
6. Gangra	35 ^v
7. Laodicea	45 ^v
8. 1 st Constantinople (381)	49 ^v
9. Ephesus	53 ^r
10. Chalcedon	57 ^v
11. <i>Trullo</i>	64 ^v
12. 2 nd Nicaea	95 ^v
3. Patristic Canons (des. mut.)	105^v
1. Gregory of Nyssa, <i>Letter to Letoius</i>	105 ^v
2. Athanasios of Alexandria, c. 5	114 ^r
3. Theophilus of Alexandria, c. 1	114 ^v
4. Basil of Caesarea (des. mut.)	115 ^r

Bibliography:

Benešević, <i>Kanoničeskij Sbornik</i> , 313-6.	Mühlenberg, <i>Epistula canonica</i> , xxv, xci-xcii.
<i>Divi Marci</i> 1.1.256-7.	Pitra 1.3, 426, 539; 2.443.
Falkenhausen, “Roma greca,” 69.	<i>RHBR</i> 2.217-8 (no. 418).
Fedwick, <i>Bibliotheca</i> , 4.2.1211.	Wagschal, <i>Law and Legality</i> , 26 n. 3, 38 n. 52.

35. Venice, Biblioteca Nazionale Marciana, MS gr. 172 (coll. 574)

Civil Law Collection (the 'Epitome Marciana')

Date:	July 1175	Dimensions:	365x260 (240-250x170)
Origin:	Calabria	Material:	Parchment
Owner:	Philip Malegras (notary)	Folios:	258
Scribe:	John (notary)	Lines:	31-34
Binding:	Biblioteca Marciana	Ruling:	K44A2 (System unclear)
Hands:	A: 1-256 a: 257-8	Collation:	1-3 ⁸ , 4 ³ , 5-13 ⁸ , 14 ⁷ , 15-23 ⁸ , 24 ⁷ , 25-9 ⁸ , 30 ⁷ , 31-3 ⁸ , 34 ¹

1. Epitome Marciana

1. Table of contents	1 ^r
2. Lexicon of Latin legal terms	23 ^r
3. <i>Sailor's Law</i>	30 ^v
4. <i>Farmer's Law</i>	37 ^r
5. <i>Epitome of the Laws</i>	43 ^r
6. Lexicon of Latin legal terms	167 ^r
7. <i>Soldier's Law</i>	227 ^v
8. <i>Sailor's Law</i> (excerpts)	230 ^r
9. Leo VI, <i>Novel 5</i> (excerpt)	231 ^r
10. Irene, Novels on oaths and marriage	231 ^r
11. Justinian, <i>Novel 1</i>	243 ^{r/v}

2. Appendix: Canon Law

1. Apostolic Canons	243 ^v
2. <i>On the Patriarchs and their Regions</i>	248 ^v
3. Assorted canons on ecclesiastical discipline: Laodicea, c. 41-2, 44; Neocaesarea, c. 11, 7; Laodicea, c. 49-52; Apostolic c. 61; Gangra, c. 18; Laodicea, c. 36; Gangra, c. 15-16; Apostolic c. 47-51	249 ^r

3. Appendix: Civil Law

1. <i>Mosaic Law</i> (excerpts)	250 ^v
2. Oath for Jews to swear to Christians	256 ^{r/v}
3. Aphorisms on fair judgment	256 ^v

***4. Roger II, Novel on Inheritance (a. 1150)**

257^r

Bibliography:

- | | |
|--|--|
| Canart, "Le livre grec," 145. | Morton, "A Byzantine Canon Law Scholar," 744. |
| Canart and Perria, "Les écritures," 73 n. 24, 111. | Schminck, <i>Studien</i> , 68 n. 49, 83 n. 163, 84 n. 170, 87 n. 192, 124 n. 40. |
| Cavallo, "La circolazione," 94, 102-3, 113-4. | <i>RHBR</i> 1.330-1 (no. 289). |
| <i>Divi Marci</i> 1.1.261-5. | Troianos, <i>Οι πηγές</i> , 267, 284. |
| Lucà, "Manoscritti 'rossanesi'," 24-5. | Zorzi, <i>La Libreria di San Marco</i> , 53. |
| "I Normanni," 35. | |
| Marchetti, "Nota sull'ornamentazione," 180 n. 43. | |

36. Venice, Biblioteca Nazionale Marciana, MS gr. III.2 (coll. 1131)

Nomocanon, Salentine Group (incomplete)

Date:	12 th /13 th Century	Dimensions:	230x165 (185x120)
Origin:	Salento	Material:	Parchment
Owner:	Unknown	Folios:	i + 222 + iii
Scribe:	Unknown	Lines:	31
Binding:	Biblioteca Marciana	Ruling:	X21D1b (System 1)
Hands:	A: 1-222	Collation:	1-4 ⁸ , 5 ⁹ , 6 ⁶ , 7-26 ⁸ , 27 ⁷ , 28 ⁸

1. Conciliar Canons with Historical Introductions	1^r
1. Apostolic Canons	1 ^r
2. <i>The Ecclesiastical Ranks</i>	6 ^v
3. 1 st Nicaea	6 ^v
4. Ancyra	11 ^r
5. Neocaesarea	14 ^r
6. Sardica	15 ^r
7. Gangra	20 ^v
8. Antioch	23 ^r
9. Laodicea	27 ^r
10. 1 st Constantinople (381)	30 ^v
11. Ephesus	33 ^r
12. Chalcedon	37 ^r
13. 2 nd Constantinople (553)	43 ^r
14. <i>Trullo</i>	45 ^r
15. 2 nd Nicaea (II Nic. c. 1-14; <i>Prot.</i> c. 11; II Nic. c. 16-22, 15)	68 ^r
16. <i>Protodeutera</i> (<i>Prot.</i> c. 1-10; II Nic. c. 17; <i>Prot.</i> c. 12-17)	74 ^v
2. Patristic Canons	79^r
3. Marriage Law	114^r
1. <i>Tome of Union</i> (920)	114 ^r
2. Sisinnios II of Constantinople, <i>Tome against the Marriage of Cousins</i>	116 ^v
3. Alexios Stoudites, <i>Synodal Act on Marriage</i>	117 ^v
4. <i>Ekloge</i> 2.2	118 ^r
5. Leo of Calabria, <i>Canonical Answer on Clerical Marriage</i>	118 ^{r/v}
4. Clerical Discipline and Differences with the Latin Church	118^v
1. <i>Apostolic Constitutions</i> 3.10-11, 6.17, 8.42-4, 1.3.11 (on the rights of the clergy, including marriage)	118 ^v
2. <i>Rule of the Holy Apostles</i>	120 ^v
3. 1 st Nicaea, <i>Decree on Pascha</i>	120 ^v
4. Excerpts from Byzantine civil and canon law on marriage, clerical discipline, and feast days	121 ^r
5. John Moschos, <i>Spiritual Meadow</i> 149 (excerpt)	123 ^v
6. Nikon of the Black Mountain, <i>Kanonarion</i> (excerpts)	124 ^r
7. Council of Carthage, canons	129 ^r
8. Photios of Constantinople, <i>Encyclical Letter to the Eastern Patriarchs</i>	163 ^v
5. Nomocanon in 50 Titles (misattributed to Theodoret of Cyrhus)	170^r
6. Anti-Latin Texts	198^v
1. History of the Councils (“πρώτη σύνοδος γέγονεν οἰκουμενική”)	198 ^v
2. Photios of Constantinople, <i>Canonical Letters</i>	202 ^r
7. Symeon Metaphrastes, Synopsis of Canons	203^r
8. Texts on Fasting (des. mut.)	221^r

1. John the Faster, fragment on Lent (des. mut.)

221^r

Bibliography:

Divi Marci 1.2.138-41.

Fedwick, *Bibliotheca*, 4.2.1221.

Mühlenberg, *Epistula canonica*, lxxi-lxxiv.

Troianos, “Canon Law to 1100,” 122 n. 13.

Οι πηγές, 333.

Wagschal, *Law and Legality*, 26 n. 3.

Appendix Two Uncertain and Disputed Manuscripts

In a study such as this it is impossible to be certain about the provenance or dating of every manuscript. Scholars often lack the necessary information about a codex to come to a definitive conclusion on these questions, and so they have sometimes been forced to rely on particular features – peculiar letter forms, say, or decorative style – to make an informed judgment. In this they are rather like the connoisseurs of the art world who must determine the authenticity of a painting on the basis of their familiarity with an artist’s work.¹ However, connoisseurship of any kind is vulnerable to information deficits. Just as modern scientific analysis has often disproved the judgment of art historians, advances in palaeographical and codicological scholarship have likewise challenged once-accepted assumptions about manuscripts’ origins.

I do not mean to say that scholars should not make estimates about manuscripts’ provenance and dating, but one must be careful not to assume that such estimates are always accurate. As scholars have learned more about manuscript production in the Byzantine world, many features that were previously believed to be characteristic of southern Italy have proved to be less reliable indicators of origin than was once thought. Consequently, several older identifications have now been challenged, notably including those made by Guglielmo Cavallo in his influential article on the circulation of Byzantine legal manuscripts in medieval southern Italy.²

My practice in this study has been to draw conclusions only from manuscripts of whose provenance and dating I am reasonably certain. However, it would be remiss of me not to mention the less certain cases as well. Some of these have previously been identified by scholars as southern Italian, while others are suggestions of my own. In this appendix, I present the evidence for these uncertain nomocanons, dividing them into two groups: those which may be of southern Italian provenance; and those which, on reflection, are probably not.

1. Nomocanons of Possible Southern Italian Provenance

Naples, Biblioteca Nazionale ‘Vittorio Emmanuele III’, MS BN II C 4

Like the Calabrian nomocanon BN II C 7, this manuscript bears the distinctive markings of the library of Cardinal Alessandro Farnese (1520-1589). Elpidio Mioni describes it as southern Italian in his catalogue of the Neapolitan Biblioteca Nazionale, stating that it was executed by “an Italo-Greek scribe, quite experienced in Greek,” who “added Greek letters mixed in with Latin in some

¹ See recently Samanth Subramanian, “How to Spot a Perfect Fake: The World’s Top Art Forgery Detective,” *The Guardian*, 15th June, 2018, <https://www.theguardian.com/news/2018/jun/15/how-to-spot-a-perfect-fake-the-worlds-top-art-forgery-detective>.

² Guglielmo Cavallo, “La circolazione di testi giuridici in lingua greca nel Mezzogiorno medievale,” in *Scuole, diritto e società nel Mezzogiorno medievale d’Italia*, ed. Manlio Bellomo (Catania: Tringale, 1985), 2.87-136.

inscriptions and a few *lemmata*.”³ Fol. 271^v bears the name “Dionysios the monk,” which Mioni takes to be the name of the scribe, while two *dokimia kondylou* (pen trials) in a later (probably fourteenth-century) hand on fol. 153^r read “Theodosios the hieromonk.” There is no internal evidence in the manuscript, though, to tie it explicitly to southern Italy, nor does it have any contents or codicological features (such as ruling patterns) that indicate a strong relationship with other southern Italian manuscripts.

In contrast to Mioni, Ekkehard Mühlenberg associates it with MS Sin. gr. 1111, an eleventh-century Constantinopolitan nomocanon with very similar contents.⁴ Moreover, though the admixture of Greek and Latin letters may appear to imply a southern Italian *milieu*, it is a very common phenomenon in Greek legal manuscripts; after all, Byzantine law was based on original texts in Latin from which technical terms had to be transcribed into Greek. Byzantine scribes developed their own ‘Byzantinised’ Latin alphabet to transcribe Latin technical terms; this was largely based on Greek letter forms, not on scripts that were in use in the contemporary West. It is this Byzantinised Latin that we find in BN II C 4, laid out at length in an opening glossary of Latin legal terms. This actually implies that the scribe was *unfamiliar* with Latin, as he was clearly just copying what he saw in his model.⁵ While a southern Italian provenance cannot be ruled out, I am inclined to scepticism.

Paris, Bibliothèque nationale de France, MS gr. 1324

We know from a colophon on fol. 387^v that the nomocanon BnF gr. 1324 was copied on Saturday 3rd December 1104/5 by a priest named John at the request of a certain Nicholas. Unfortunately, the surviving section of the colophon does not mention where the codex was made. Nonetheless, as Johannes Konidaris noticed in a study of manuscripts of Heraclius’ *Novels*, BnF gr. 1324 has a clear relationship with the three Rossanese nomocanons S. Salv. 59, Vall. C 11.1, and Vat. gr. 2060.⁶ With the exception of a sixteenth-century addition at the end of the manuscript (a copy of Gennadios Scholarios’ *Treatise against the Latins Concerning the Correct Belief Regarding the Holy Spirit*), the contents of the four manuscripts are essentially identical. Moreover, all four manuscripts were copied in the opening years of the twelfth century, while John’s style of writing resembles that of Rossano.

Konidaris postulated from their texts of Heraclius’ *Novels* that BnF gr. 1324 (which he calls M), S. Salv. 59 (P), Vall. C 11.1 (N), and Vat. gr. 2060 (Λ) formed a discrete family of manuscripts. He believed that they were split into two branches, with BnF gr. 1324 and Vall. C 11.1 on the one hand and S. Salv. 59 and Vat. gr. 2060 on the other. More specifically, Konidaris asserts that, “M and N form Group n within this family. M was definitely not the prototype of N, but the opposite cannot be known for sure. Λ and P on the other hand form Group r. Here, the independence of P

³ “*Scriba unus italo-graecus satis graece peritus, in nonnullis inscriptionibus et in aliquot lemmatis litteras graecas cum latinis commixtas adhibuit*”: Mioni, *Catalogus*, 157.

⁴ Ekkehard Mühlenberg, *Gregorii Nysseni Epistula canonica* (Leiden: Brill, 2008), lxvi.

⁵ “ἡ ῥωμαία ἀλφάβητος. αἱ ῥωμαῖαι λέξεις αἱ κείμε(ναι) εἰς τ(ὸν) νομοκ(ανὼνα)”: BN II C 4, fol. 1^{r/v}.

⁶ Johannes Konidaris, “Die Novellen des Kaisers Herakleios,” *Fontes Minores* 5 (1982): 33-106, at 48.

from Λ is certain, while one cannot rule out that P was the prototype of Λ .⁷ In other words, Vall. C 11.1 might be a copy of BnF gr. 1324, while Vat. gr. 2060 might be a copy of S. Salv. 59; the two pairs would form separate branches of one family.

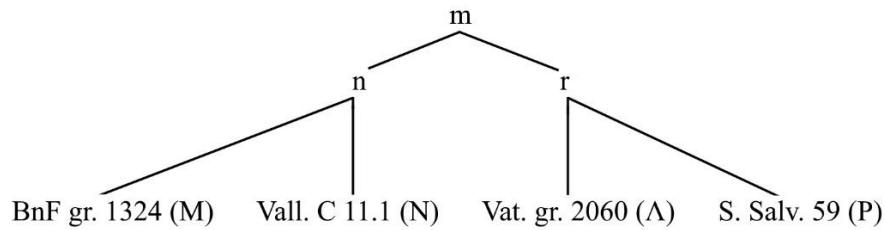


Fig. 14: Relationship of BnF gr. 1324 and the Rossanese Group according to Konidaris, “Die Novellen,” 48

However, Konidaris was unaware of the common origins of P, N, and Λ at the *Patiron* of Rossano. The work of Foti and Lucà has shown that Vat. gr. 2060 and S. Salv. 59 are unlikely to be part of a separate branch from Vall. C 11.1, since the same scribe Bartholomew seems to have worked on them all. It is possible that BnF gr. 1324 (or another manuscript like it) was the ultimate source for all three Rossanese manuscripts. It was copied in 1104/5, around the time that St Bartholomew of Simeri visited Constantinople to acquire manuscripts for his monastery in Rossano. Perhaps BnF gr. 1324 was one of the codices that Alexios Komnenos gave to him and served as the source of the Rossanese Group?

Alternatively, BnF gr. 1324 may have been copied in Constantinople from the same model as the nomocanon given to Bartholomew. Another possibility is that it was copied in Calabria on Bartholomew’s return from Constantinople and served as an intermediary source for the three Rossanese nomocanons. It is impossible without further evidence to say which of these options is the most likely, yet the connection between BnF gr. 1324 and the Rossanese Group seems undeniable.

Florence, Biblioteca Laurenziana, MS plut. 9.8

The twelfth-century nomocanon Laur. plut. 9.8 entered the Medici collection in Florence before c.1510, when it appears for the first time in Fabio Vigili’s inventory.⁸ Cavallo proposed (with some degree of doubt) that it was an Italo-Greek manuscript, while the editors of the *RHBR* suggest (again with some uncertainty) that it may derive from Palestine or Cyprus.⁹ Since the manuscript lacks any clear signs of origin, scholars have had to fall back on palaeographical analysis, and in

⁷ “Innerhalb dieser Familie bilden M und N die Gruppe n. M war mit Sicherheit nicht die Vorlage von N; das umgekehrte kann nicht nachgewiesen werden. Λ und P andererseits bilden die Gruppe r. Hier steht die Unabhängigkeit der Handschrift P von Λ fest, während nicht auszuschließen ist, daß P die Vorlage von Λ war”: Konidaris, “Die Novellen,” 48.

⁸ Ida G. Rao, *L’inventario di Fabio Vigili della Medicea Privata (Vat. lat. 7134)* (Vatican City: Biblioteca Apostolica Vaticana, 2012), no. 164. See also Edmund B. Fryde, *Greek Manuscripts in the Private Library of the Medici 1469-1510* (Aberystwyth: National Library of Wales, 1996), 2.770-1.

⁹ Cavallo, “La circolazione,” 93; *RHBR* 1.80 (no. 61).

this respect Laur. plut. 9.8 is a perfect example of a recurrent problem in eleventh- and twelfth-century Greek minuscule hands: hands from peripheral areas of the Byzantine world (especially southern Italy and Cyprus) frequently look extremely similar.

One factor that raises doubt about a southern Italian origin is the misattribution of the manuscript's contents to Theodore Balsamon by a thirteenth- or fourteenth-century Greek hand on fol. i^v.¹⁰ Balsamon's work, composed in the 1180s-1190s, is not securely attested in any southern Italian manuscript. In reality, the codex contains the much older *S50T*. I find it hard to believe that an Italo-Greek would have confused the actual contents of Laur. plut. 9.8 with a work that barely circulated in Italy. A thirteenth-century reader from Cyprus, Palestine, or the Greek mainland, however, would have been much better acquainted with Balsamon and might well assume that a canon law manuscript contained his commentaries. I suspect that the manuscript comes from the eastern Mediterranean, not southern Italy.

Moscow, Gosudarstvennij Istoričeskij Musej, MS Sinod. gr. 398 (Vlad. 315)

The late tenth-century nomocanon Sinod. gr. 398 was acquired by Arsenii Sukhanov in 1654 in the Athonite monastery of Iviron and is currently in the Moscow State Historical Museum.¹¹ In their catalogue of the Greek manuscripts of the museum's Patriarchal Synod collection, Fonkič and Poliakov stated that Sinod. gr. 398 was southern Italian and classified its script as "*en as de pique*," a style that was traditionally associated by palaeographers with southern Italy.¹² Marina Kurysheva has more recently produced a study of the manuscript in which she narrows down the nomocanon's origins to northern Calabria or southern Campania.¹³

Kurysheva bases her argument on three main points: the script *en as de pique*, the manuscript's unusual lining system, and the presence of Latin notes in the text. The last point should be dismissed: as we noted in the case of BN II C 4, Latin text is present in many legal manuscripts from throughout the Byzantine world. The Latin notes in Sinod. gr. 398 are in the same style of 'Byzantinised' faux-Latin as in BN II C 4, indicating that the scribes were probably just copying from a model and not actually knowledgeable in the language.

With regards to the *as de pique* style, it is true that it is found in many southern Italian manuscripts. However, it can also be found in manuscripts from the Levant and is not in itself conclusive evidence.¹⁴ Moreover, the number of surviving Byzantine manuscripts from the tenth century is

¹⁰ See chapter two, pp. 72-3.

¹¹ On Arsenii Sukhanov's mission to Mount Athos, see chapter two, pp. 80-2.

¹² Boris L. Fonkič and Fedor B. Poliakov, *Grečeskie rukopisi Moskovskoj sinodal'noj biblioteki: paleografičeskie, kodikologičeskie i bibliografičeskie dopolnenija k katalogu arhimandrita Vladimira (Filantropova)* (Moscow: Sinadol'naja Biblioteka, 1993), 107. Robert Devreesse, *Les manuscrits grecs de l'Italie méridionale* (Vatican City: Biblioteca Apostolica Vaticana, 1955), 34-5 applied the term 'as de pique', describing the ligature ερ in the shape of an ace of spades, to what he believed to be a stylistic category of tenth-century Italo-Greek manuscripts.

¹³ Marina A. Kurysheva, "Some Paleographic Observations on Two Greek Nomocanons from Southern Italy in the State Historical Museum (Moscow)," in *Puer Apuliae: Mélanges offerts à Jean-Marie Martin*, edd. Errico Cuozzo, Vincent Déroche, Annick Peters-Custot and Vivien Prigent (Paris: ACHCByz, 2008), 373-81, esp. 374-8.

¹⁴ See e.g. the Gospel manuscript Paris, Bibliothèque nationale de France, MS suppl. gr. 911, copied in Jerusalem in 1043, cited in Paul Canart, "Le problème du style d'écriture dit 'en as de pique' dans les manuscrits Italo-Grecs," in *Atti del 4. Congresso storico calabrese* (Naples: Fausto Fiorentino, 1969), 53-70, at 61.

extremely low in general, and so it is difficult to say if features such as the manuscript's lining system were unique to Calabria/Campania or more widespread. I would not go so far as to say that Fonkič, Poliakov, and Kurysheva are wrong, but I believe that their arguments are inconclusive.

Munich, Bayerische Staatsbibliothek, MS gr. 309, fols. 250-7

Fols. 250-7 of Staatsbibl. gr. 309 date to the twelfth to thirteenth centuries and contain a selection of monastic penances and canons from the Council *in Trullo*. They have been bound at the end of a fourteenth-century collection of civil law and theological writings. The first volume of the *RHBR* attributes this manuscript quire to southern Italy (presumably on palaeographical grounds).¹⁵ The manuscript was purchased in 1578 in Constantinople by the Protestant scholar Stephan Gerlach (1546-1612), a professor of theology in Tübingen, as we read in a note on fol. 1^r. However, the codex was subsequently rebound; it is not clear if fols. 250-7 were already a part of the manuscript that Gerlach purchased or whether they were inserted later. The use of bombycine paper would be extremely unusual for a collection of canons copied in southern Italy – I have not come across any other definite instances of this – although it is not impossible. In fact, the main section of the codex (fols. 1-249) seems to me to be a likelier candidate for a southern Italian origin, though again this is uncertain.

Rome, Biblioteca Vallicelliana, MS F 47

The editors of the *RHBR* have also suggested (albeit more tentatively) a possible southern Italian origin for Vall. F 47, a canon law collection of c.1000 with additions of the fourteenth and fifteenth centuries.¹⁶ The manuscript belonged to Aquiles Estaço ('Achilles Staius'; 1524-1581), a Portuguese humanist who grew up in Pernambuco in Brazil and moved to Rome in the early 1560s.¹⁷ There he served as a secretary at the papal court and became acquainted with many of the famous scholars of his day, including Antonio Agustín, Alessandro Farnese and Fulvio Orsini. On his death, his manuscript collection was left to the Congregazione dei Oratoriani and became the core of the Biblioteca Vallicelliana in Rome.¹⁸

Unfortunately, I have not yet been able to locate any evidence as to where Estaço acquired Vall. F 47; as we have seen, Renaissance Italy was home to a thriving trade in Greek manuscripts from across the Mediterranean. The appearance of the script is similar to that of the '*scuola niliana*', the prominent style of tenth- and early-eleventh-century northern Calabria described by Santo Lucà.¹⁹ Indeed, Lucà himself has stated that it is from southern Italy and dates to the tenth century.²⁰

¹⁵ *RHBR* 1.166 (no. 141), 308 (no. 274).

¹⁶ *RHBR* 308 (no. 274).

¹⁷ For a succinct overview of Estaço's career in English, see Alejandra G. Almagro, "A Portuguese Contribution to 16th-Century Roman Antiquarianism: The Case of Aquiles Estaço (1524-1581)," in *Portuguese Humanism and the Republic of Letters*, edd. Maria L. Berbera and Karl A.E. Enekal (Leiden: Brill, 2012), 353-76, at 354-61.

¹⁸ See Teresa B. Russo, "Origine e vicende della Biblioteca Vallicelliana," *Studi Romani* 26.1 (1978): 121-8.

¹⁹ Lucà, "Scritture e libri," 325.

²⁰ Lucà, "Stile rossanese," 155 n. 305.

A southern Italian provenance is possible, but one should remember that other manuscripts have been classed as southern Italian based on palaeography and later shown to have been produced elsewhere. Vall. F 47 may well be southern Italian and, if so, would be one of the earliest surviving Italo-Greek nomocanons. Yet, without any corroborating evidence in the form of (for example) ruling patterns or contents that are characteristic of southern Italy, this manuscript must remain an uncertain case.

Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 847

By the end of the Middle Ages, the Vatican's *fondo antico* already contained a sizeable number of Greek manuscripts. We learn from the inventory drawn up by Cosimo di Montserrat, librarian under Pope Callixtus III (r. 1455-1458), that the library held at least 415 by 1455.²¹ Among these were three canon law collections and three civil law books, though it is difficult to match the items in Cosimo's list to modern shelfmarks. Only one, number 256, can be identified with certainty: it corresponds to Vat. gr. 847, a fourteenth-century civil law miscellany.²² It includes two novels of Andronikos II (r. 1282-1328) and Patriarch Athanasios I (1289-1293, 1303-1309), as well as two synodal acts of Patriarch Nephon I (1310-1314).

Cavallo claimed a southern Italian provenance for this manuscript, though he does not say why.²³ Although it is not impossible, there is no clear evidence to allow one to state this with confidence. The presence of fourteenth-century Byzantine imperial novels and synodal acts would be quite surprising in a southern Italian manuscript of that date, and so I am inclined to be sceptical about this attribution.

Mount Athos, Μονή Βατοπεδίου, MS 555

Vatop. 555, a canon law collection of the early- to mid-twelfth century, is a difficult case. The *RHBR* gives its provenance as "southern Italy/Epirus."²⁴ Several of the texts included in the manuscript, particularly those on fasting and feast days, are reminiscent of ones found in southern Italian manuscripts (though none are exclusively southern Italian texts).²⁵ Moreover, the archaic-looking minuscule script and the use of a yellow wash to highlight and decorate *lemmata* in the

²¹ Barcelona, Museu Episcopal de Vic, MS 201. Text in Robert Devreesse, *Le fonds grec de la Bibliothèque Vaticane des origines à Paul V* (Vatican City: Biblioteca Apostolica Vaticana, 1965), 11-42.

²² Devreesse, *Le fonds grec*, 30-1. Although the novels and synodal acts (fols. 258-71) appear to have been added to the manuscript after it was initially copied, all the sections of the manuscript as it currently exist appear to date from the fourteenth century.

²³ Cavallo, "La circolazione," 94.

²⁴ *RHBR* 1.27 (no. 21).

²⁵ For example, "τῆς ἐν Νικαίᾳ συνόδου τῶν τῆς ἁγίων πατέρων διατάξεις περὶ ἑορτῶν καὶ νηστειῶν καὶ περὶ τῆς τεσσαρακοστῆς τοῦ πάσχα" (fols. 15^r-16^v) and "ἐκ τῶν ἀποστολικῶν διατάξεων καὶ συνόδων περὶ τῆς ἁγίας μ' καὶ περὶ νηστείας" (fols. 66^v-68^v); cf. the Rossanese MS Alag. 3 (a. 1124), fols. 216^v-217^r: "ἐκ τ[ῆς] ἐν Νικαίᾳ συνόδ[ου] τῆς π[ατ]ρῶν καὶ τ[ῶν] διατάξε[ων] τῶν ἁγίων ἀπ[ο]στολόων περὶ ἑορτ[ῶν] καὶ νηστειῶν καὶ τ[ῆς] τεσσαρακοστ[ῆς] καὶ τοῦ πάσχ[α]."

text (in the manner of a modern highlighter pen) have often been seen as characteristic of southern Italy.²⁶

However, in an article in which he demonstrates that many of these ‘southern Italian’ features such as the use of yellow wash can also be found in manuscripts from Epirus in north-western Greece, Diether Reinsch pointed out a marginal note next to a historical overview of the seven ecumenical councils on fols. 220^r-222^r.²⁷ By the entry on the seventh ecumenical council (787), a hand has written: “From the seventh synod until the year of the reign of Manuel Komnenos [*r.* 1143-1180] and the rebellion and raid of the king of Sicily, 357 years.”²⁸ That is to say, 787+357=1144 (this is slightly off the mark, as the famous raid of Roger II against Corfu, Corinth and Athens to which it refers actually took place in 1147). Reinsch is of the view that the reference to Roger’s raid as a ‘rebellion’ suggests a Byzantine perspective that probably rules out southern Italy.²⁹

Though Reinsch is right about the perspective, this does not necessarily exclude a southern Italian provenance. As he himself notes, it is entirely possible that the manuscript was executed in southern Italy and then brought to Epirus, where a later reader may have added the note.³⁰ Nonetheless, an Epirot or northern Greek provenance is equally likely, and so the manuscript’s provenance remains uncertain.

2. *Nomocanons of Non-Southern Italian Provenance*

A Manuscript in Two Halves: Paris, Bibliothèque nationale de France, MS suppl. gr. 482 and Sofia, National Centre for Slavo-Byzantine Studies ‘Ivan Dujčev, MSS gr. 397+371

In 1864, the Bibliothèque nationale de France acquired the manuscript collection of the recently deceased Greek book collector Minoïdes Mynas (born Konstantinos Minadi).³¹ Among these was a fragmentary manuscript of the *Procheiros Nomos* that had a number of supplementary texts on canon law, fasting and the conversion of heretics, MS BnF suppl. gr. 482. The manuscript became best known for a colophon written in cryptographic script in the middle of p. 104 that reads: “Christ, grant Nicholas the archdeacon remission of his sins. This was written under Alexios Komnenos in the year 1104/5, indiction 13.”³² The editors of the *RHBR* noted a similarity between

²⁶ See chapter four, p. 145.

²⁷ Diether R. Reinsch, “Bemerkungen zu epirotischen Handschriften,” in *Scritture, libri e testi nelle aree provinciali di Bisanzio*, edd. Guglielmo Cavallo, Giuseppe de Gregorio and Marilena Maniaki (Spoleto: Centro Italiano di Studi Sull’Alto Medioevo, 1991), 1.79-97, at 93.

²⁸ “ἀπὸ τῆς ζ συνόδου ἕως τοῦ ἔτους τῆς βασιλείας Μανουὴλ τοῦ Κομνηνοῦ καὶ τῆς ἀνταρσίας καὶ κούρσου τοῦ ῥηγὸς Σικελῶν ἔτη τςζ’”: Vatopedi 555, fol. 222^r.

²⁹ Annaclara Cataldi Palau, “The Burdett-Coutts Collection of Greek Manuscripts: Manuscripts from Epirus,” *Codices manuscript 54/55* (2006): 31-64, at 575 agrees on an Epirote origin for Vatop. 555.

³⁰ Reinsch, “Bemerkungen,” 97.

³¹ On the life and activities of Minoïdis Mynas, see Henri Omont, *Minoïde Mynas et ses missions en orient (1840-1855)* (Paris: Imprimerie Nationale, 1916). On the bequest of manuscripts, see Henri Omont, *Inventaire sommaire des manuscrits du supplément grec de la Bibliothèque nationale* (Paris: Picard, 1883), xii-xiii.

³² “Νικολάω ἀρχιδιακόνω [*sic*], Χριστὲ, παράσχου λύσιν τῶν ὀφλημάτων. ἐγράφη ἐπὶ Ἀλεξίου τοῦ Κομνηνοῦ ἔτους ,ςχγ’ , ἰνδ. ιγ’”: BnF suppl. gr. 482, p. 104 (the manuscript has page numbers, not folio numbers). Original text and decryption in Henri Omont, “Manuscrits grecs datés récemment acquis par la Bibliothèque nationale,” *Revue des bibliothèques* 8 (1898): 353-60, at 354. See also Carl Wessely, “Ein neues System griechischer Geheimschrift,”

the contents of BnF suppl. gr. 482 and Vatop. 555 and listed the provenance of the manuscript as southern Italy without providing an explanation.³³ André Jacob has been more precise, localising it specifically to the Terra d'Otranto on account of the “crushed rectangular style” of the script.³⁴

More recently, however, Andreas Schminck realised that BnF suppl. gr. 482 is the second half of another manuscript fragment currently in the National Centre of Slavo-Byzantine Studies ‘Ivan Dujčev’ in Sofia, NCID gr. 397+371.³⁵ This codex originally belonged to the monastery of St John the Forerunner near Serres in northern Greece under the shelfmark Γ 29. Not only are the scribal hands of BnF suppl. gr. 482 and NCID gr. 397+371 identical but the codicological characteristics also match exactly. Joined together, the contents of the two fragments very strongly resemble fols. 16^v-74^v of Vatop. 555 (save for the inclusion of the *Procheiros Nomos*, which Vatop. 555 does not contain). The Parisian and Sofian manuscripts undoubtedly have a relationship of some sort with the Vatopedi codex.

As he stated in his published report of 1844, Mynas acquired BnF suppl. gr. 482 on a mission to northern Greece and the Aegean islands in the years 1841-1843 on behalf of the French Minister of Public Education.³⁶ Unfortunately I have been unable to discover exactly where he found it. However, in his notes he describes an incomplete manuscript in the monastery of St John the Forerunner near Serres that is undoubtedly NCID gr. 397+371.³⁷ Mynas almost certainly obtained the Parisian manuscript in the environs of either Serres, Thessaloniki, or Mount Athos.

None of these facts preclude the possibility that the original manuscript was brought from southern Italy to northern Greece before becoming fragmented into two divided sections. However, it would be too much to accept this proposition on the basis of palaeography alone. It is more likely to have come from an area such as Epirus that shared similar scripts to southern Italy or from northern Greece itself.

Oxford, Bodleian Library, MS Laud gr. 39

Laud gr. 39, a manuscript of the *NI4T*, has one of the most interesting histories of any of the codices discussed here. Cavallo proposed a southern Italian origin for it, although on reflection this seems unlikely.³⁸ On the lower half of fol. 13^r, someone has written a description in a fifteenth-

Wiener Studien 26 (1904): 185-9, at 186-7; Victor Gardthausen, “Zur byzantinischen Kryptographie,” *Byzantinische Zeitschrift* 14 (1905): 616-9, at 616.

³³ *RHBR* 1.233 (no. 207).

³⁴ André Jacob, “Une date précise pour l’Euchologe de Carbone: 1194-1195,” *Archivio storico per la Calabria e la Lucania* 63 (1995): 97-114, at 105; see also Jacob, “Tra Basilicata e Salento. Precisazioni necessarie sui mnei del monastero di Carbone,” *Archivio storico per la Calabria e la Lucania* 68 (2001): 21-52, at 42.

³⁵ Andreas Schminck, Review of Dorotei Getov, Vassilis Katsaros and Charalambos Papastathis, *Κατάλογος των ελληνικών νομικών χειρογράφων των αποκειμένων στο Κέντρο Σλαβο-βυζαντινών Σουδών ‘Ivan Dujčev’ του Πανεπιστημίου ‘S.V. Kliment Ohridski’ της Σοφίας* (Thessaloniki: Aristoteleio Panepistimio Thessalonikis, 1994) in *Byzantinische Zeitschrift* 94.2 (2001): 719-22, at 719. The last four folia of 397 were originally at the beginning of 371.

³⁶ Text in Omont, *Minoïde Mynas*, 46-50, at 55.

³⁷ Mynas’ notes can be found in various manuscripts among the BnF supplément grec. For NCID gr. 397+371, see Paris, Bibliothèque nationale de France, MS suppl. gr. 755, fols. 89^r-91^v, at 91^r.

³⁸ Cavallo, “La circolazione,” 93.

century Greek hand about many (unspecified) trials and tribulations that he suffered at the hands of ‘enemies’ in Mystras and Corinth.³⁹ Irmgard Hutter also observed the *monokondylon* of the fourteenth-century Metropolitan Thomas of Corinth on fol. 343^v.

From a sixteenth-century description written on fol. vii^v, we learn the manuscript’s remarkable later history: after the fall of Constantinople in 1453, it found its way to Egypt where a Jewish convert to Christianity acquired it and brought it to Malta. There he sold it to a Rhodian knight of the Order of St John, who himself went on to sell it to Lorenz Schrader of Halberstadt in 1580. In 1634, it was acquired by the English ambassador Samson Johnson in Frankfurt, and in the following year it entered the collection of Archbishop William Laud, whence it found its way into the Bodleian Library in Oxford. Considering the manuscript’s close ties to the fourteenth-century Peloponnese, I suspect that a Greek or Constantinopolitan provenance (as Hutter suggested) is far more likely than a southern Italian one.

Mount Athos, Μονή Μεγίστης Λαύρας, MS B 93

Guglielmo Cavallo was the first to suggest that Lavra B 93 may have had origins in Apulia in southern Italy. However, the Salentine manuscript expert André Jacob has categorically stated that it “has nothing Italo-Greek about it.”⁴⁰ Jacob is probably correct; I have not been able to observe any uniquely Italo-Greek or Apulian stylistic features. Moreover, the contents of the manuscript, while not incompatible with a southern Italian origin, do not include any items that particularly suggest one.

Vatican City, Biblioteca Apostolica Vaticana, MS Vat. gr. 1167

Vat. gr. 1167 is a particularly interesting case. It is a copy of Alexios Aristenos’ *Synopsis of Canons* with a miscellany of other texts related to canon law and church administration that entered the Vatican in 1587 as part of the group Vat. gr. 1167-1217.⁴¹ Paper flyleaves at the beginning and end contain a series of notes written in the early sixteenth century: on fol. i^r are three birth notices from 1517, 1521 and 1523 (dated according to the *anno domini* system and written in Arabic numerals) while fol. 140^f has two notes from 1523 and 1524 (in the Byzantine *anno mundi* system and written in Greek numerals) respectively recording bequests from Stamatios Angelopoulos and Basil Gounaropoulos made “to the monastery of the Saviour.”⁴² The *anno domini* dating system would not become common in the Orthodox Church until the seventeenth century, and so the first three notes would indicate a Greek writer who was familiar with Western dating styles – perhaps

³⁹ Text published in Irmgard Hutter, *Corpus der byzantinischen Miniaturenhandschriften*, 5 Vols. (Stuttgart: Hiersemann, 1977-1997), 3.1.1-2 (no. 1).

⁴⁰ Cavallo, “La circolazione,” 96; Jacob, “Les annales,” 128 (“le codex athonite n’a rien d’italo-grec”). *RHBR* 1.39 (no. 29) gives the manuscript’s provenance as southern Italy on the basis of Cavallo’s determination.

⁴¹ Timothy Janz, “Lo sviluppo del Vaticani greci tra fondo antico e accessioni seicentesche,” in *Storia della Biblioteca Apostolica Vaticana. III. La Vaticana nel seicento (1590-1700): una biblioteca di biblioteche*, ed. Claudia Montuschi (Vatican City: Biblioteca Apostolica Vaticana, 2014), 503-42, at 512.

⁴² “εἰς τὸν Σωτῆρα εἰς τὸ ἀσκητηρίω [sic]”: Vat. gr. 1167, fol. 140^f.

someone who lived in Venetian lands such as Cyprus or Crete, or perhaps someone from southern Italy.

The 1563 inventory of the library of the Holy Saviour of Messina compiled by Francesco Antonio Napoli contains the following entry: “Ecclesiastical history, without the name of the author and without beginning, starting from the birth of the Saviour and going up to the emperorship of Theophilus the son of Michael; perhaps by a certain George. Also a disputation of a certain Orthodox against the Latins, incomplete at the end.”⁴³ Essentially the same description appears as number 7 in Antonio Carissimo’s late fifteenth-century inventory.⁴⁴

The opening folia of Vat. gr. 1167 contain a list of historical rulers from the Israelites to the Byzantines, a list of Patriarchs of Rome and Constantinople up to the year 843 (a later hand continued it up to 858; Theophilus died in 842), and then extracts from George of Cyprus’ *Description of the Roman World* (George’s is the first authorial name to appear in the manuscript). Fol. 137^{r/v} contains a series of short texts added by a later hand, without clear authorial attribution, entitled: “Of the Theologian [Gregory] on the Holy Spirit;” “Explanation of the Orthodox Faith;” “On the Word of God and of the Father;” and finally “On the Holy Spirit.”⁴⁵ The opening and closing texts of the manuscript thus appear to match Carissimo and Napoli’s descriptions, even though they apparently missed the codex’ main contents (Aristenos’ *Synopsis of Canons*).

The manuscript that Carissimo and Napoli described no longer exists in the *fondo S. Salvatore* in Messina. Could it have been Vat. gr. 1167? I am inclined to suspect so. However, though the manuscript was in Sicily by the late fifteenth century, it was almost certainly not produced there. The pages are made from paper of the ‘Eastern Arabic’ type common in the eastern Mediterranean (but highly unusual in southern Italy).⁴⁶ Moreover, it contains extracts from Theodore Balsamon (*fl.* c. 1170-1195), a Byzantine canonist whose writings are not securely attested in any southern Italian manuscript.

As is well known, the late fifteenth century saw an influx of educated Greeks fleeing to Italy from the Ottoman Empire. Though many settled in northern cities such as Venice and Florence, some were also drawn to areas of southern Italy where Greek was still spoken. A good example was Constantine Laskaris, who escaped Turkish captivity after 1453 and settled in Messina in 1466

⁴³ “*Historia ecclesiastica, absque nomine auctoris et sine principio, incipiens a nativitate Salvatoris usque ad imperium Theophili filij Michaelis; fortasse cuiusdam Georgij. Item Orthodoxi cuiusdam disputatio adversus Latinos, imperfecta in fine*”: Mercati, Giovanni Mercati, *Per la storia dei manoscritti greci di Genova, di varie badie basiliane d’Italia e di Patmo* (Vatican City: Biblioteca Apostolica Vaticana, 1935), 241. On the inventory of Francesco Antonio Napoli, see chapter two, p. 66.

⁴⁴ Mercati, *Per la storia*, 269-80, at 270. On Antonio Carissimo’s inventory, see chapter two, p. 80.

⁴⁵ “τοῦ θεολόγου εἰς τὸ περὶ τοῦ ἁγίου πνεύματος”; “ἐκθεσις τῆς ὀρθοδόξου πίστεως”; “περὶ λόγου θεοῦ καὶ πατρὸς”; “περὶ πνεύματος ἁγίου”: Vat. gr. 1167, fol. 137^{r/v}.

⁴⁶ For a succinct summary of the characteristics of ‘Eastern Arabic’ paper in the Middle Ages, see Paul Canart, Simona di Zio, Lucina Polistena and Daniela Scialanga, “Une enquête sur le papier de type ‘arabe occidental’ ou ‘espagnol non filigrané’,” in *Ancient and Medieval Book Materials and Techniques*, edd. Marilena Maniaci and Paola F. Munafò, (Vatican City: Biblioteca Apostolica Vaticana, 1993), 1.323-94, at 1.327. Cf. Maria T. Rodriguez, “Due manoscritti di carta orientale nel fondo del SS. Salvatore di Messina,” in *Tra Oriente e Occidente. Scritture e libri greci fra le regioni orientali di Bisanzio e l’Italia*, ed. Lidia Perria (Rome: Università di Roma ‘La Sapienza’, 2003), 135-43, at 140-3, on S. Salv. 40, another manuscript of the Eastern Mediterranean on Eastern Arabic paper that ended up in Messina.

where he became a famous local scholar and teacher.⁴⁷ Vat. gr. 1167 too may have been brought to Messina after 1453. It serves a useful reminder of the mobility of Greek manuscripts in the Middle Ages and the early modern period.

⁴⁷ On the life and career of Constantine Laskaris, see Teresa M. Manzano, *Konstantinos Laskaris. Humanist, Philologe, Lehrer, Kopist* (Hamburg: Universität Hamburg, 1994).