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Spatial and Temporal Dimensions for Legal History

Research Experiences and Itineraries

Giacomo Pace Gravina

Beyond the Lighthouse. Sicily and the 'Sicilies':
Institutional Readings of a Borderland | 279–288



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Beyond the Lighthouse. Sicily and the ‘Sicilies’: Institutional Readings of a Borderland

to Vincenzo Consolo

1 The trident of Poseidon

Originally there was *Poseidon enosichthon*, shaker of the Earth: the trident of the sea god crush the continuity, the telluric gash that separates Sicily from the continent, the waters that flow in the Strait which will be called from Messina separate the island forever from the mainland. Thus the Trinacria borns, the three-cornered island, separated from the Italian peninsula by a border-not border, the sea of Homer, legendary rule of the monsters Scylla and Charybdis.¹

An island, as they believed, has definite borders; its coasts marke the exact boundary; the sea demarcates its extent.

But Sicily escapes this cliché: for centuries the name ‘Sicily’ indicated a kingdom that stretched far beyond of the limit assigned by the trident of Poseidon. The events of the Middle Ages saw the creation of a *Tema* Byzantine of Sicily which also included the southern area of Calabria, the *Brutium*; then the Arab invasion broke this continuity; and the creation of the Norman kingdom identified as Kingdom of Sicily also the southern part of Italy, to the ends of *Patrimonium Sancti Petri*.

Subsequent events of the Sicilian Vespers know again a kingdom of Sicily coincident with the island, while also the part of the kingdom remained in the hands of Anjou was titled in the same way, to claim the legitimacy of the government and the will to recover the island (the peace of Caltabellotta sanctioned, moreover, a new name for the island, that of the kingdom of *Trinacria*). Stories of a war that lasted a century ended with the Aragonese conquest of southern Italy: the kingdom of Sicily joined himself in the two

1 This striking image in ARICÒ (1999).

integral parts, continental and insular, under the sceptre of Alfonso V of Aragon.

In these circumstances, the two areas of 'Sicily' are distinguished taking like reference point the ancient lighthouse of Messina, which rose on *Pelorus*, where once rose up the temple of *Poseidon enosichthon* and the *pharos*.² Since the triumph of Alfonso, celebrated over the *Maschio angioino*, you can distinguish a Sicily *on this side of the Lighthouse* – the kingdom of Naples – from a Sicily *beyond the Lighthouse* – Sicily itself. The strange thing is that the boundary between the two kingdoms, in a vision evidently from Naples, has been identified in a symbolic building that stood in Sicily, almost by ascribing the Strait to the continental part of the kingdom.

Two Sicilies, separated / united by Scylla and Charybdis, with two capitals, then two viceroy in Palermo and Naples, different institutions, for example a parliament in the island who don't exist in the continent. Two kingdoms that will be reunited by Bourbon's reformism with the *Legge fondamentale* of 1816, which created truly the Kingdom of the Two Sicilies, with its capital Naples, and only a faint appearance of autonomy for the island. Here begins a phase of endemic revolution, which sees the Sicilians who did not accept these innovations and fought in the name of the independence of the ancient kingdom, the defense of the island's Constitution of 1812, and the restoration of parliamentary prerogatives. The government responded with an hard repression, which eliminates the residual aspirations for autonomy. Even the Neapolitan 'revolutionary' parliament of 1820 came to alter the geography, denying the existence of the Strait of Messina: the meeting between the Ionian and the Tyrrhenian Sea was indicated with the definition of 'River Lighthouse' to avoid 'naturalistic' pretexts to the division of the two kingdoms,³ nearly to put down the Sicilian separatism with a mere terminological operation, which degraded Scylla to a river nymph.

Another unique aspect of the border terraqueous of *Trinacria* is that at least since the time of the Byzantine *Tema*, Sicily has extended its jurisdiction to include the so-called smaller islands. The kingdom of the islands added the Aeolian Islands, the Egadi Islands, the Pelagie, the Maltese Islands, Ustica, and Pantelleria. Lands of restless volcanoes, from the giant Etna to Vulcano and Stromboli, to include in a sort of institutional farce the *Ferdinandea*

2 On the temple and the lighthouse ARICÒ (1999).

3 PALMIERI (1847) 407.

island, the mouth of a submerged volcano, appeared thanks to an eruption in 1831 and swallowed up by the waves the following year, and that was its very short existence. This island was contested by England, France and Two Sicilies, from time to time then was called Graham, Julia, Ferdinandea, Corrao (from the captain who discovered it).⁴ Still faint borders, land and sea which are merged in the islands of the fire.

2 Valli, districts, comarche

Sicily, an island: she is demarcated by definite boundary by antonomasia: its borders are recognizable without fail. In this way the idea of the possibility of a moving border, of a strip of uncertainty, the need innate in man to expand his sphere of rule and power, finding no outlet over the cliffs and beaches, it is retreated inward towards the interior of Sicily. Through its long history, there has been a continuous definition and re-definition of the administrative subdivisions of the island, particularly manifest since the Middle Ages. If you talk in Sicily of colonization, it has indicated the foundation of rural villages in the feudal lands which occurred especially among sixteenth and seventeenth centuries.

The best known is the division into *Valli*, which according to tradition there were three. These took their names from the main cities of the area at the time of the Arabian conquest: the *Val di Noto*, *Val Demone* (which remind the name of the ancient and lost town of Demenna), and the *Val di Mazara*. The term *Val* – which is a masculine – derives from *Walayah* (district, prefecture) or *Wilayah* (district government, the jurisdiction of a judge, the *Wali*). The Norman chancery adapted to Latin the Arabic word, which became the term *Val*.⁵

In Norman time the *valli* were probably four, coinciding with the provincial justicers districts: Demenna, Noto, Castrogiovanni, Mazara. Frederick II reduced them to two (*citra* and *ultra* Salso river), then dividing them into six smaller districts: Noto, Demone, Mazara, Agrigento, Castrogiovanni, Milazzo. In fact the ancient records confirm the existence of the six *valli*

4 Today, the top of the volcano is located about 8 meters below sea level. On the Island Ferdinandea cf. MAZZARELLA (1984); MIRABELLA (2015).

5 KISLINGER (2005) 9–20.

which coincide with the districts of justicers: during the fourteenth century these areas suffered momentous changes, related to the upheaval of the era of the four vicars. The fifteenth century saw again zoning into three *valli*, but the justicers of the provinces had much reduced their role.⁶

Also inside the *valli* there were further boundaries: first, those of the dioceses, not always and not necessarily coinciding with the institutional limits; then the feuds and other subdivisions. A striking example is that of the Val di Noto, which corresponds to the south-eastern Sicily. In the Aragonese age, a major part of the *Vallo* was the *dotarium* of queens of Sicily, the Chamber of the queens, with Syracuse as its capital, and that included other major towns like Lentini, Vizzini, Mineo. In the Val di Noto was also located the largest and most conspicuous feud of the island, the County of Modica, which was arrogantly defined in the modern age as one ‘state into the state’, including, in addition to the eponymous capital, the town of Ragusa and Scicli as well as numerous smaller towns. Most of the Val di Noto was placed under the jurisdiction of the bishop of Syracuse, while the northern part fell into that of the bishop of Catania. As you can see an impressive mix of powers, forces, courts, the cause of frequent and interminable disputes.

The division into three *Valli* persisted across all the ‘long Middle Ages’, to the important innovations sanctioned in the Constitution of Sicily of 1812, which divided the island into 23 districts or *comarche*: Alcamo, Bivona, Caltagirone, Caltanissetta, Castrolibero, Catania, Cefalù, Corleone, Girgenti, Mazara, Messina, Mistretta, Modica, Nicosia, Noto, Palermo, Patti, Piazza, Sciacca, Siracusa, Termini, Terranova and Trapani. The ‘rational’ criteria identified by the parliament in order to delimit the boundaries of the new institutions were ‘natural’ (rivers, mountains and valleys), combined with the possibility of effective control of the land by the companies of ‘capitani d’armi’ (once again ‘geographical’ and ‘legal’ criteria are closely intertwined); finally, the capitals of the *comarche* had to be identified in their main towns.

After, the reforms of the administrative monarchy in 1817 created seven *valli*, corresponding to the new provinces, the *Intendenze*: Palermo, Messina, Catania, Siracusa, Girgenti, Caltanissetta, Trapani. This was to reduce the

6 MARRONE (2011).

role of the ancient capital of the lost kingdom, Palermo; the government wanted to create close agreements with local authorities to ‘punish’ the parliamentary aristocracy that had forced the king to swear to the Constitution of 1812. The ‘War of Sicily’ of 1820–21 did not succeed in restoring the independence of the island; the place of the three ancient *Valli* was taken over definitively by the seven minor *Valli*, this time inflected at feminine and not at masculine, further subdivided into *sottintendenze*.

The unity of Italy saw the elimination of the *intendenze*, replaced by the provinces governed by the prefects. But nothing changed, because the seven *Valli* were unchanged: they only changed in the name; the only remarkable novelty was the return of the provincial administration in Siracusa, which had been moved to Noto to punish Siracusa after the bloody revolt of 1837. Also the interior articulations only changed the name from *sottointendenze* to *sottoprefettura*.

This division remained unchanged until 1927, when the fascist government created two new provinces: Enna, the ancient Castrogiovanni, who supplanted the districts of Nicosia (dismembered from Catania) and Piazza (removed from Caltanissetta), where, however, remained hinged dioceses; and Ragusa, which replaced the ancient capital of the County, Modica, in the leadership of the iblea land (and where, instead, in 1950, a new bishop was located). The same year the *sottoprefetture* were suppressed, with the memory of districts of *comarche* of 1812.

3 Sicily/Sicilies

Di qua del faro. This side of the Lighthouse. Now we turn over to the perspective with which Sicily has become an area beyond the mainland, as in the title of this paper, and we reverse the usual view, following the provocative title of the homonymous book by Vincenzo Consolo, aimed at recovering the centrality of the Mediterranean island.⁷

The *Trinacria*, the three-cornered island. According to an ancient tale each corner is based on a column: one of these, deeply damaged, since the time of the emperor Frederick II would be supported by the legendary Colapesce –

7 CONSOLO (1999).

for the people of Messina the column is that under the Cape *Pelorus*; for the inhabitants of Catania would be under Etna, and it is worn-out by the flames of the volcano; for still others would be under Cape *Passero*, and its failure would have caused the terrible earthquake that devastated the *Val di Noto* in 1693. Three corners, three columns, three *valli*. Already in its mythic dimension Sicily includes several Sicilies.

This perception finds one of the earliest and most profound expressions in *Il Gattopardo* by Tomasi di Lampedusa, in the famous dialogue between Don Fabrizio Salina and Chevalley, when the prince says:

«ho detto i Siciliani, avrei dovuto aggiungere la Sicilia, l'ambiente, il clima, il paesaggio. Queste sono le forze che insieme e forse più che le dominazioni estranee e gl'incongrui stupri hanno formato l'animo: questo paesaggio che ignora le vie di mezzo fra la mollezza lasciva e l'asprezza dannata; che non è mai meschino, terra terra, distensivo, umano, come dovrebbe essere un paese fatto per la dimora di esseri razionali; questo paese che a poche miglia di distanza ha l'inferno attorno a Randazzo e la bellezza della baia di Taormina, ambedue fuor di misura, quindi pericolosi».⁸

This topic finds theorizing in the works of Leonardo Sciascia, Gesualdo Bufalino, Vincenzo Consolo, who have at length discussed, they offer a very high contribution of reflection on the human condition and social development of the inhabitants of the island. Perhaps the most condensed expression of this vision of a land that includes different worlds is that of Bufalino in *Isola plurale* (now in *Cere perse*):

«[...] Vi è una Sicilia 'babba', cioè mite, fino a sembrare stupida; una Sicilia 'sperta', cioè furba, dedita alle più utilitarie pratiche della violenza e della frode. Vi è una Sicilia pigra, una frenetica; una che si estenua nell'angoscia della roba, una che recita la vita come un copione di carnevale; una, infine, che si sporge da un crinale di vento in un accesso di abbagliato delirio [...] Tante Sicilie, perché? Perché la Sicilia ha avuto la sorte di ritrovarsi a far da cerniera nei secoli fra la grande cultura occidentale e le tentazioni del deserto e del sole, tra la ragione e la magia, le temperie del sentimento e le canicole della passione. [...] Non è tutto, vi sono altre Sicilie, non si finirà mai di contarle».⁹

In the words of the great author of Comiso it's possible to perceive the role of a mythical space and time who rise and sentence at the same time the islander at a distinctive dimension, the one that Leonardo Sciascia had to

8 TOMASI DI LAMPEDUSA (1958).

9 BUFALINO (1985).

define 'sicilitudine',¹⁰ often warped to sicilianist purpose who were certainly far from the intention of the renowned writer of Racalmuto.

But the perception of the different Sicilies is not only literary: who travel over the Island is really surprised by the strong contrasts, from Sicily of fire and 'sciare' of lava looking at themselves in a too much blue sea, to the expanses of wheat of the inland, moved in the summer by the wind like waves; from the white quarries of Siracusa to the frightening cliffs of the hinterland of Palermo; by the green forests of the *Val Demone* to the parched feuds of Caltanissetta. Each Sicily has generated people perceived in different ways, almost to acknowledge the existence of these internal boundaries understood even as anthropological barriers. This retiring himself inside of own land searching deep fractures is the cause and the result of atavics hatreds between towns, between villages and inwardly between quarters, to the so-called ecclesiastical competitions that impassion the people of many towns, torn apart between the observance of the cults of various patron Saints.

Events which hide social struggles, 'political', as grudges between towns of the crown and feudal villages, between towns of recent fortune and ancient metropolis decayed, resentments sometimes reached to bloody endings, as the sacking of Caltanissetta in the revolution of 1820; or symbolic, like the dispossession of Siracusa by the role of *capovalle* after the revolt of 1837. Law and institutions are deeply intertwined in these events, bringing to the design of judicial geography,¹¹ which has seen between the nineteenth and the twentieth century the change of the headquarters of tribunals and courts with reasons sometimes surprising, as happened under fascism for the court of Mistretta, deleted because in the Council of Ministers «had prevailed the criteria of leaving courts in the towns of the plain in preference to those places in the mountains». Judicial districts which see also the rise of Councils of the Bar Association: as I already have had the opportunity to assert, «the historical connotations, social, economic, and even the state of the roads have formed ranks of lawyers with their own characteristics in each reality».¹²

10 SCIASCIA (1970).

11 CAPPuccio (2013).

12 PACE GRAVINA (2013).

The penological science of Positivist school – and harangues of the lawyers engaged in the defence of their clients – they even drew highly imaginative genealogies of criminals, fancifully acknowledging the ancient fracture marked by the river Salso between eastern and western Sicily as a boundary between distinct criminals inclinations. So the followers of Lombroso distinguished in the first, corresponding to the portion of the Island most involved by the early Greek colonization, the dominance of the Levantine element. Few crimes of blood, prevalence of less serious offences, and that require qualities of intelligence and shrewdness: swindlers, forgers, pickpockets, treated almost with lightness and regard for the spent talent in the art of crime.¹³ Over the Salso river instead still operate the dark drives of the Phoenicians, Saracens and Albanians: criminals generated by these lands were perpetrators of violent crimes, heinous, vicious, with profusion of blood, which certainly denoted the fierceness of races born from the desert, whose mentality neither the slow elapsing of the centuries had failed to extirpate. Emblematic is what was written on this subject by Enrico Ferri, in his famous essay about *L'Omicidio nell'antropologia criminale*:

«la Sicilia offre pure un esempio evidente dell'influenza etnica sull'omicidio. Le provincie orientali di Messina, Catania e Siracusa hanno una intensità di omicidii semplici e qualificati [...] molto inferiore a quella delle provincie di Caltanissetta, Girgenti, Trapani e Palermo. Ora è noto che la Sicilia [...] presenta nelle sue coste orientali una prevalenza di elementi ellenici, dai Magno-greci in poi, che è impossibile non mettere in relazione colla minore intensità di omicidii di quel versante [...] ed una prevalenza invece di elementi saraceni ed albanesi nella parte meridionale e settentrionale, che certamente concorrono a determinare maggiore intensità di omicidii in quelle provincie».

Ferri quoted in support of these theories, as well as the anthropologist Giustiniano Nicolucci, even Élisée Reclus, the most famous geographer of the late nineteenth century.¹⁴

The next step was played in the perception of the Mafia: still Salso river demarcated a Sicily *babba* (stupid), the East (especially the province of Siracusa, including the two current of Siracusa and Ragusa), rich of towns more or less large, often demesne of the crown, from Western Sicily, rural and feudal dominated by the Mafia. Of course this to being unhooked of Eastern Sicily from the criminal shoves of the Western is not reassuring: the

13 Emblematic the case of the forger Paolo Ciulla: ATTANASIO (2007).

14 See e.g. FERRI (1895) 266–270.

rhetoric of politicians and jurists reassured the public opinion, causing a serious delay in realizing of the dangers of organized crime; moreover, this was often right in Sicily ‘Babba’ a free zone to go into hiding, less exposed to strict controls by the police.

In the words of the great constitutionalist Giorgio Arcoleo, Sicily regains its insular integrity in the spirit of the people:

«Nessun popolo come il siciliano, ha mostrato tanto impeto di ribellione e tanta saviezza politica. È virtù etnica che tempera effetti e difetti. Ma fulmineo lo scettro, tenace il proposito: – rispetta la gerarchia, non tollera la prepotenza: ambisce la gloria, ma affronta il sacrificio: – ama la indipendenza, ma vuole un governo: – è religioso, non clericale: pronto alla rivoluzione, vuole una costituzione megalomane, sia pure, perché l’esperienza degli orizzonti e del mare che ne circonda, impedisce le minute visioni e suscita l’istinto della grandezza e l’ideale di una patria che prevalga oltre i limiti del territorio».¹⁵

At the end of these pages reappears a Sicily by different facets: the one that still offers us the pen of Vincenzo Consolo in one of his last masterpieces, *L’olivo e l’olivastro*.¹⁶ The way that the modern Ulysses faces across the Island is not at all reassuring, the interlacement of light and shadow don’t vanishes in favour of the first, but reveal itself inextricable, it becomes impossible to discern the branches of two trees in an embrace that shows itself lethal. The internal boundaries are dissolved in the lucid testimony of those who observe towns and lands, as well identified in different Sicilies, where almost everywhere, inexorably, the oleaster is choking the olive tree.

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