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## Notarial acts as sources for social and cultural history: the Greek world under Venetian rule<sup>1</sup>

“Mountains have no doors to be locked, they are free to all”. This bold statement does not come from a 17<sup>th</sup>-century English Leveler, but from a 17<sup>th</sup>-century townsman from the island of Naxos, challenging Yakoumakis Barotzis, a Latin landowner, who had enclosed waste mountainous land he considered his own *paskoulo* (grazing land), which no other could use without paying a *nomi* (grazing fee).

This is an all too rare insight into beliefs and attitudes held by common people in the Greek world of the medieval and early modern period. That we have only a hazy idea of the perceptions of these people, based mostly on folklore material and ethnographic observations relating to later periods, need not come as a surprise:

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<sup>1</sup> This communication was originally conceived not as a learned paper proposing new ideas but as a presentation of an historian’s point of view that might trigger further discussion. The workshop fulfilled all its promise as a forum for interdisciplinary exchange of experiences and ideas, so I decided to submit my original contribution as it was delivered, with only slight alterations and the minimum of footnotes. Those who are after more specific and documented information regarding notarial records from the Greek world, may find helpful my forthcoming paper: Aglaia E. Kasdagli, ‘Notarial Documents as an Historical Source’, in Seriol Davis and Jack L. Davis eds, *Between Venice and Istanbul: Colonial Landscapes in Early Modern Greece*, Princeton NJ 2007; a brief account of archival material is Aglaia Kasdagli, ‘Notarial Archives Relating to the Greek World: A Chaotic and Vastly Unexplored Wealth’, *L’Homme: Europäischezeitung für Feministische Geschichtswissenschaft*, 17/2 (2006): 141-144

this was a predominantly peasant, nonliterate society, which did not produce polemical tracts and had no time and little use for most forms of writing. With one exception, though: the former Byzantine lands, which even when they were not ruled directly by Venice, they nevertheless found themselves under its strong economic and cultural influence, were the place in which the notarial tradition (already flourishing under Byzantine rule<sup>2</sup>), was reinforced and preserved. Its remains, mostly thanks to the importance Venice attached to written records, are impressive, even if only a small fraction of the original total production has been preserved.

Significant numbers of documents have survived not only in the Venetian colonies of Crete and the Ionian islands, but also in the Aegean islands that were integrated into the Ottoman Empire in 1566, islands like Chios –under Genoese rule up to that time–, and the most important of the Cyclades, notably Naxos, Santorini, Andros, Syros and Mykonos. It is clear that at least in these places written evidence was considered necessary for a great number of transactions, and constituted an important part of the daily experience of people of every social class, except perhaps those marginal elements with no property whatsoever. For example, marriage contracts were ubiquitous in both town and countryside. The fact that people with minimal assets thought it advisable to commit their marriage arrangements in writing, suggests that the society in question had needs that could no longer be satisfied or secured by oral agreements and widely accepted customary norms, however wide an acceptance these might enjoy.

If this was true in what I call the small ‘notarial societies’, each of which may have preserved a few hundred documents, what can one say about the major ones? I rashly announced in my abstract that I would supply information on the volume of the material available, but this proved to be a vain hope at present. For example, we do know that there are 300 folders (or *buste*) of notarial registers in the State Archives of Venice, but these also include the earlier ones, which were written in Latin –and after all, what is the size of each *busta*? Perhaps one of the tireless researchers of the awesome Archivio di Stato who are present at this workshop may

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<sup>2</sup> I will not concern myself with the Byzantine evidence, which, however, should be taken into account when examining the later evidence. See Saradi’s studies, e.g. Heleni G. Saradi, *Il sistema notarile bizantino (VI-XV secoli)*, Milan 1999.

be able to provide a meaningful estimate, but for my part I think it is more to the point to note a fact that has been nagging me since I was first acquainted with the work of research students and scholars of the Venetokratia: the only way to tame – albeit slowly and gradually– the mass of material, would be for each researcher to leave a record of his or her searches, noting down features or pertinent information that might help subsequent users. As it is, scholar after scholar spend inordinate amounts of time going through the same folders and the same notaries, one looking for traces of El Greco’s early career, another for references to paintings and a third to mentions of jewellery, or fire-arms or vintners or the life of Chortatzis or whatever his or her small, particular field of enquiry is. A wider perspective of collaboration and exchange does not seem to have been part of the agenda as yet.

As notarial acts are often about the only source of information we have about certain places, people, customs and so on, and as, furthermore they regularly include quaint, even racy details of life in the past, publication of individual documents has a long and honoured history, which is still going strong. We have, for example, the single surviving marriage contract from Venetian Chania, or clusters of acts concerning a specific personality, a now defunct monastery, a particular craft or event, so much so that the rubric ‘some new information about ... so and so’ has become a standing joke, prompted by the realization that all too often the enquiry stops at just that. In all fairness, such articles have added to our pool of knowledge and may have encouraged further important research, but by present-day standards this is not enough, as is evident by the fact that increasingly more notarial registers are now being published in their entirety.

At this point it is appropriate to remember the pioneers, the legal historians who were active in the fifties and sixties –notably Visvizi and George Petropoulos. Petropoulos wrote legal commentaries on the various notarial deeds he edited (local collections from Sifnos, Paxoi, Kefallonia and Mykonos<sup>3</sup>); Visvizi became a specialist of the Cyclades with his edition of a 16<sup>th</sup>-century notarial register from Naxos and 17<sup>th</sup>-century judicial records from Mykonos, while in numerous other

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<sup>3</sup> G. A. Petropoulos ed.: *Νομικά έγγραφα Σίφνου (1684-1835)*, *Μνημεία της ελληνικής Ιστορίας* III/1, Athens 1956; *Νοταριακαί πράξεις Παξών διαφόρων νοταρίων των ετών 1658-1810*, Athens 1958; *Νοταριακαί πράξεις Μυκόνου των ετών 1663-1779*, Athens 1960; *Νοταριακαί πράξεις Κεφαλληνίας Συλλογής Ε. Μπλέσσα των ετών 1701 [sic]-1856*, Athens 1962.

studies he made selective editions of individual acts<sup>4</sup>. Inevitably, his commentary is at times too legalistic for the taste of modern historians, while his obsession with the origin of institutions –say, was this an ancient Greek relic, a Byzantino-Roman influence, or a Frankish innovation? – appears quite dated. Nevertheless, for general historical purposes I have found Visviziis invaluable. And one can certainly never accuse him of anthologising documents with a view to offer snippets of new information on this and that; what he does do is choosing relevant examples to support a thesis in studies that are sharply focused on concrete enquiries, such as the property relations of spouses in Ottoman Chios, or a comparative examination of marriage contracts of the Venetian and the Ottoman period from various localities<sup>5</sup>.

In his editions Visviziis uses the diplomatic method, but I will not presume to comment on his editorial practices –I leave this to the specialists. I will only observe that, despite his diligence and obvious erudition, his glosses are not always accurate. This is worth pointing out because problems of understanding the language and idiom in their context are quite common even in modern editions. To my knowledge, many of such pitfalls might be avoided if the copy-editing of any transcription and its glossary were a joint inter-disciplinary effort. The experienced and meticulous palaeographer-philologist will need the help of a folklorist or ethnographer, who will be more familiar with specialized terminology referring to past practices. And a historian who has done research about a particular society and period will be likely to readily recognize the right form of a proper name or the specific meaning of a word that looks obscure to somebody not familiar with the setting and workings of the particular society.

I have a very good example of that: in 1991 there appeared an edition of the second register of the Naxian notary Ioannis Miniatis, comprising over 700 acts, and

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<sup>4</sup> I.T. Visviziis (ed.), ‘Ναξιακά νοταριακά έγγραφα των τελευταίων χρόνων του δουκάτου του Αιγαίου’, *Επετηρίς Κέντρου Ερεύνης της Ιστορίας του Ελληνικού Δικαίου (EKEIED)*: 1-166; I.T. Visviziis (ed.), ‘Τα έγγραφα δικαιοπραξιών της Μυκόνου του 17<sup>ου</sup> και 18<sup>ου</sup> αιώνας’, *EKEIED* 5 (1954): 127-143. Most of Visviziis’ publications are to be found in either *EKEIED* or the *Αρχεῖον Ἰδιωτικῆς Δικαίας (AID)*.

<sup>5</sup> I.T. Visviziis (ed.), ‘Αι μεταξύ των συζύγων περιουσιακαί σχέσεις εις την Χίον κατά την Τουρκοκρατίαν’, *EKEIED* 1 (1948): 1-164; I.T. Visviziis (ed.), ‘Τινά περί των προικῶν εγγράφων κατά την Ενετοκρατίαν κασι την Τουρκοκρατίαν”, *EKEIED* 12 (1965): 1-129.

covering the years 1680-89<sup>6</sup>. At the time I had just finished my doctoral thesis on the economy and society of 17<sup>th</sup> century Naxos; it was based on about 3000 notarial deeds, mostly unpublished then, and this meant that I had spent months on the manuscripts of Miniatis and the other notaries and scribes. I felt I knew intimately dozens of 17<sup>th</sup> century Naxians –I even dreamt of them–, and at the drop of a hat I would be ready to speak for hours about their families and neighbours, their vineyards and their flocks, their trousseaux or sometimes even their fears. I knew of their extramarital relations, their quarrels, their savings, and their debts. I was aware of the hard conditions under which they tilled the soil, and their resentment over the privileges that the big landowners were enjoying. I had seen them suffer at the loss of their children, and had followed their quarrels with members of their family: with the elder brother, for example, who arbitrarily appropriated his three sisters' share of the patrimony; between a step mother and step son over some silver buttons; or with the neighbour who had let his animals trespass and damage the crop. And I had been intrigued over the public warning that mastro Vasilis Lemonitis had posted 'in all usual and prominent places of the town' against his wife who had settled all her dowry property on her daughter by a first marriage. 'She had no right to do this', the furious husband declared, because 'I am the head of my wife and I am the master of her property and I am the one who will go and collect her share of the harvest, and it is for this property that I married her'. In short, I was familiar with all this, and infinitely much more, that consist the staff of notarial documents.

But I was carried away –typical of me if I start on the subject. What I wanted to come to was that when I opened the Academy edition of Miniatis' register, I was already imbued with the world of the 17<sup>th</sup> century Naxos. There was no doubt that what I now had before me was the invaluable product of much and hard work, but nevertheless the number of errors and misapprehensions astounded me. Even where my own notes were not detailed (I had not made any full transcriptions), I could still spot on many instances where the editors had got it wrong. And I had not even been in a position to detect mistakes in toponyms or words requiring local

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<sup>6</sup> A. Sifoniou-Karapa, G. Rodolakis and L. Artemiadi, eds. 1991. *Ο κώδικας του νοταρίου Νάξου Ιωάννου Μηνιάτη 1680-1689*, Athens: Athens Academy (offprint of the Epethris tou Kentrou Ereuns ths Istorias tou Ellhnikou Dikaiou).

knowledge, which would make the list of errors much longer. Professor Ioannis Prombonas, who is not only a linguist but also a man born and bred in Naxos, highlighted these some years after the Miniatis edition in a detailed critical article<sup>7</sup>. Thus, this example adds two further important elements to the interdisciplinary effort I have already outlined.

The systematic effort to publish entire notarial registers has been extended even to material from Venetian Crete –a task of such magnitude that apparently terrified scholars until recently. Things began to change in the late 80s –the well-known register of Manolis Varouchas was, as far as I know, the first full edition of this type. It was followed by Olokalos, while nowadays volumes appear in quick succession<sup>8</sup>. Just think what gift to scholars will the huge archive of the notary Michail Maras be when it has been published in its entirety<sup>9</sup>. Even now that we have the two first volumes, together with the scholarly edition of Grigoropoulos' testaments<sup>10</sup>, consider what fruit such material from the 16<sup>th</sup> century Chandakas may bear, and compare it with the situation a few years back, when all we had were the occasional individual document and Mertzios' abstracts.

I hope I have succeeded in giving you a feeling of what a wealth of information one can get from the notarial material. In my case, going over all the Naxian documents I had collected, combining and comparing the data retrieved, classifying, grouping and regrouping it and supplementing it with what extra-notarial information I could find, I gained a profound understanding of the particular society, which subsequently helped me enormously in my wider understanding of very different social realities. As I was to realize, this came about owing to some

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<sup>7</sup> I. K Prombonas, 'Διορθωτικά σε ναξιακά διακιοπρακτικά έγγραφα του 17<sup>ου</sup> αιώνα', Part I and II, *Naxiaka* 1 and 2 (40), 2001.

<sup>8</sup> W. Bakker and A. van Gemert, eds, *Μανόλης Βαρούχας: νοταριακές πράξεις - Μοναστηράκι Αμαρίου (1597-1613)*, Rethymnon, Crete 1987; Y.K. Mavromatis, *Ιωάννης Ολόκαλος, νοτάριος Ιεράπετρας, κατάστιχο 1496-1543*, Venice 1994.

<sup>9</sup> The volumes that have appeared to this date are M.G. Drakakis ed., *Μιχαήλ Μαράς, νοτάριος Χάνδακα. Κατάστιχο 149, Vol. 1 [16/1-30/3 1549]*, Herakleion, Crete 2004; M.G. Drakakis and T. Marmareli eds, *Μιχαήλ Μαράς, νοτάριος Χάνδακα. Κατάστιχο 149, Vol. 2 [1/4-28/6 1549]*, Herakleion, Crete 2005.

<sup>10</sup> S. Kaklamanis, and S. Labakis eds, *Μανουήλ Γρηγορόπουλος, νοτάριος Χάνδακα 1506-1532: διαθήκες, απογραφές, εκτιμήσεις*, Herakleion, Crete 2003.

distinctive features of this type of historical source. For example, they allow insights into the personal experience of people of all social classes, including some marginal elements of society, about whom other types of documentation, such as fiscal records, have nothing to say. Also, the deeds refer to matters directly relevant to vital interests of the major part of the population, and consequently go to the heart of the mechanisms of society. There are innumerable details to be retrieved, classified and interpreted on an exceptionally wide range of issues. The picture that emerges is in no way complete, but on the positive side all evidence is linked to a specific time and place. In most cases there is a good indication of the socioeconomic status of the main participants, and there is an inbuilt check on the information provided, since all transactions involve more than one person and the interests of the parties, if not directly clashing, nevertheless contain an element of antagonism. On the negative side, statistical data are almost impossible to retrieve from notarial evidence, especially when this does not consist of continuous series of registers.

Another point, which may be irrelevant when one deals with, say, land use or lists of material objects, but may become crucial if one is interested in narratives and the attempt to recreate perceptions and feelings rather than economic data, is that at times notarial documents purport to record the views of the actors themselves, or even to quote their very words. This is notably encountered in wills and marriage contracts or in eyewitness accounts of various incidents, and is in effect a mixed blessing. On the one hand, sources of this type may offer a rare and exciting insight into the actors as individuals or representatives of specific social groups; there may be an undoubted approximation to the reactions of real people that cannot be found in, say, normative administrative and fiscal registers. On the other hand, this advantage may be counterbalanced by other considerations. For one thing, the notary's interference is impossible to determine accurately; for another there is the problem of the abundant notarial formulae. It should be remembered that notarial deeds are a type of document that goes a long way back. They make extensive use of stereotypical expressions, which continue, with little variation an ancient –Roman– tradition. This, of course, is not to say that all notaries follow a single pattern, in blind imitation of a model. The point in time, the effectiveness of the

administration, the general educational level, but also the education, experience and even the personality of each notary or scribe, all have a role to play in the final version of the text. Thus, the reader should be very cautious when trying to determine, first, which expressions are formulaic and secondly, which formulae are empty formalities representing a standard requirement to secure the legality of certain types of transactions, and which ones are used as a standard subterfuge.

In short, one will have to decide to what extent may the text be attributed to an empty standard repetition or whether it should be seen as a product of a traditional system of values prevalent in the specific place and time. If the act is, say, a testament, what part may be an expression of the testator's will? Are there any indications for interference by the notary himself, and if that was so, what form did it take? Other lines of enquiry may question the uses of wills as indicators first of ideological trends in the societies which created them and second of emotions. In a nutshell, I would say that it is important to start asking such questions, even if tentatively, and without expecting to have definite answer at this early stage.

To sum up, it is my view that any body of such documents can be used to illuminate a great range of questions –or at least to point at possible directions for investigation. I have already attempted to apply this general principle to different types of enquiry and the results tend to confirm my belief. To illustrate this, I will finish with a few words on my most ambitious project to date, concerning the published marriage contracts of the period 1500-1830. It started five years ago and the idea was to collect the greatest possible number of documents, many of which were dispersed in obscure local journals –so, I made an open request for help and several of my students volunteered to do research in their place of origin. Meanwhile, a large and complex database was constructed and is being fed with information retrieved from the documents, but the process proved to be much more time-consuming than I had anticipated.

Needless to say that the technical mysteries of the database were managed by a specialist, Fani Angelopoulou, who is now working on a thesaurus, a quite innovative concept for this type of archival work. To clarify this briefly, one of the reasons for documenting archival data is that we wish to be able to detect and retrieve information of a specific kind. For indexers and researchers a thesaurus is an information storage and retrieval tool: it consists of a listing of words and



phrases authorized for use in an indexing system, together with relationships, variants and synonyms and navigation capacities. It is a semantic structure that manages the complexities of terminology in language. In our case, it could be a controlled vocabulary, as opposed to free text, based on the data that large files of text offer, represented by terms, and consequently by concepts built in conceptual hierarchies related to each other. In other words, this standardized vocabulary maps out a concept space, relates concepts to terms and provides definitions, thus providing orientation and serving as a reference tool. Generally speaking, it improves scientific communication, and supports learning and assimilating.

By next year I hope that the thesaurus will be in place and anybody interested will be in position to check its efficacy. But I pre-empt your reaction by saying that a thesaurus constitutes a developed tool of information management that could also help analyzing and clarifying a search problem, by discovering concepts and organizing the concept space. It could be the best up-to-date developed tool for examining the problems in depth and opening up new lines of inquiry, in other words for unlocking the potential of the sources.

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