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Social mobility and linguistic mediation  
in a multicultural environment**

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**Notai sulla frontiera:  
pratiche e contaminazioni tra Italia  
e Mediterraneo (secoli XII-XV)**

a cura di Simone Balossino

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## **Notaries in Venetian Crete: Social mobility and linguistic mediation in a multicultural environment**

by Eleni Sakellariou

The essay offers an overview of the notarial profession in Venetian Crete (1204-1669): the consistency of the archival material, the development of the notarial profession in a context of assimilation between two legal and linguistic traditions, the distinction between notaries in the service of the state and free professionals. Special attention is reserved for the complex issue of the language and of linguistic mediation, and for the possibilities of social mobility offered by a notarial career either in state administration or in the free market.

Il saggio offre una panoramica sulla professione notarile a Creta veneziana (1204-1669): la consistenza del materiale d'archivio, lo sviluppo della professione notarile in un contesto di assimilazione tra due tradizioni giuridiche e linguistiche, la distinzione tra notai al servizio dello stato e liberi professionisti. Particolare attenzione è riservata alla complessa questione della lingua e della mediazione linguistica, nonché alle possibilità di mobilità sociale offerte da una carriera notarile sia nell'amministrazione statale sia nel mercato libero.

Middle Ages, early modern time, Venice, Crete, notaries, social history, cultural history.

Medioevo, prima età moderna, Venezia, Creta, notai, storia sociale, storia culturale.

### *1. The notaries of Venetian Crete in the State Archive of Venice*

The notarial protocols of Venetian Crete form, as part of the Venetian State Archive's Notarial Section (*Notarile*), an autonomous documentary entity, the *Notai di Candia*. This consists of about 300 *buste* (305 according to the new, digitised microfilm archive of the Vikelaia Municipal Library of Herakleion),<sup>1</sup> containing the registers of at least 300 notaries, active in their majority in the island's capital, Candia (today's Heraklion), and in smaller numbers in the towns of Canea (Chania), Rethymno, Sitia and Ierapetra. The two main sections of the Venetian archive of Crete (*Duca* and *Notai di Candia*) were packaged and

<sup>1</sup> Da Mosto, *Archivio di Stato*, vol. 1, 244; Moatsos, "Ἀνέκδοτος κατάλογος," 298-309.

shipped out of Candia, together with part of the records of the Public Treasury of Crete, shortly before the handover of the city to the Ottomans in 1669; they arrived in Venice in 1670. The task of securing the transfer was assigned by the last duke, Giacomo Contarini, to the deputy of the local great chancellor (*vice cancellier grande*) and member of the 'Cretan nobility', Tomaso Sachiellari. The objective of the transfer was to ensure some continuity between life on the island and the unknown future conditions in Venice, for those Venetians and Cretans that planned to abandon the island.<sup>2</sup> Maria Francesca Tiepolo, former director of the Venetian archive, worked throughout her life for the reordering of the Cretan notarial archive, a task, however, that, despite her momentous achievements in rediscovering, identifying and classifying notarial registers, is still considered in progress by herself, and younger colleagues in the archive.<sup>3</sup> Thanks to the editorial efforts of the Comitato per la pubblicazione delle fonti relative alla storia di Venezia, of the Hellenic Institute of Byzantine and Post-byzantine Studies in Venice, of the Vikelaia Municipal Library of Herakleion, of the National Hellenic Research Foundation and the Academy of Athens, more than 20 protocols of notaries active on the island spanning the entire period of Venetian rule (1204-1669) have been published.<sup>4</sup>

The publication of numerous notarial protocols from Crete has been encouraged by the consistency of the relevant archival material, its precocity (the earliest extant Venetian protocols, dating in the late thirteenth century, are in fact from Crete), but also by the renewed interest in Mediterranean notarial culture. Crete was in many respects a frontier society, on the crossroads between east and west, inhabited by diverse linguistic and religious communities, and, after the consolidation of Venetian rule on the island, a territory of political and social experimentation as regards the relations between rulers and ruled in the Venetian *Stato da Mar*. In this dynamic environment, notaries in Crete had varied social and community origins, embodied diverse social roles, took advantage of the possibilities of social mobility offered by their profession and offered their services of mediation in a multi-lingual society.<sup>5</sup>

<sup>2</sup> For the details of the transfer and a newly discovered manuscript inventory of the documentation brought to Venice under the custody of Sachiellari, Papadaki, "From Crete to Venice," 235-306. Sachiellari was a notary, who, besides his appointment in the Chancery, apparently worked as a free professional. A register of his is now part of the Notai di Candia: Venice, Archivio di Stato, Notai di Candia, busta 272.

<sup>3</sup> Tiepolo, "Note sul riordino;" Tiepolo, "Fonti documentarie;" also Tiepolo, "Protocollo pergameneo," 17-39.

<sup>4</sup> Besides the publication of notarial protocols, the efforts of the Vikelaia Municipal Library of Heraklion in making accessible the island's Venetian heritage deserve special mention. In 1992, thanks to funding by the European Union and to the cooperation between the mayor of Herakleion, the political authorities of the Region of Crete, the directors of the Vikelaia Municipal Library, of the Scuola Archeologica Italiana di Atene, and a number of Greek and Venetian scholars, the archive entities Duca di Candia and Notai di Candia were microfilmed and deposited at the Library. In recent years, the Library has proceeded to the digitisation of the microfilms. The complete series of the *Notai di Candia* is now available at the following link: <https://vikelaiaepapers.heraklion.gr/βενετσιάνικο-αρχείο/>.

<sup>5</sup> The theme of the relations between rulers and ruled in Venetian Crete has been considerably

## 2. Venetian Crete: some key features

The Venetian state did not delegate the rule of Crete to the noble colonists who settled there in the early thirteenth century; instead, it created a governing structure that emulated the one of the mother society and was staffed by functionaries selected by the metropolis and sent to the island for specific terms of office; by doing so, for the first time in the medieval Mediterranean, the Latin settlers were not those who ruled the colony; rather, Venice made subjects of both the Latin settlers and the indigenous Greek population, even though one group enjoyed more privileges than the other. Crete's size and strategic location in the Eastern Mediterranean explain in part this choice, which had far-reaching social and political consequences, not only for Crete, but for colonial history at large.<sup>6</sup>

In the years after 1204, the Venetians were busy trying to disentangle Crete from Genoese influence, creating a working administrative system, and quenching no less than three revolts by members of notable local families between 1211 and 1219. The treaties with this early wave of insurgents showed displayed political realism on the part of Venice. Less than a decade from the introduction of a system of colonization that left little margin of social ascendance and economic initiative to the indigenous population, Venice displayed the first signs of a shift towards a more realistic concept about relations with the local society, at least of its upper ranks. Several decades and many uprisings later, the Venetian-Byzantine treaties of 1302-3 introduced a new period of internal peace on the island. As the economic activities and social aspirations of the local ruling elite (known as *archontes*) and of the Venetian nobility converged, local resistance to the Venetian regime diminished.<sup>7</sup> When it flared up again with the Revolt of St Titus in 1363, the Venetian nobles and the Cretan *archontes* were on the same side of the trenches against the appointed by the Metropolis local Venetian government.<sup>8</sup>

Generally, the initial policy of exclusion of local elites from administration and governance gradually eased, partly because of the strong opposition by the island's inhabitants, partly because, in the face of the rising Ottoman power, Venice wished to create a robust and undivided local front, and to rely

revised in the wake of Sally McKee's seminal monograph, but the relevant debate remains lively. The literature on the topic, and on the related issues of empire, commonwealth, co-existence, interactions, mobility, transversal or overlapping networks and the shaping of identities between the two communities, is endless. Among the most recent works, see McKee, *Uncommon Dominion*; O'Connell, *Men of Empire*; Christ and Morche, eds. *Cultures of Empire*; and the essays of Benjamin Arbel, Egidio Ivetic, Oliver Jens Schmitt and Nikos Karapidakis in Ortalli, Schmitt and Orlando, eds. *Commonwealth veneziano*. See also Papadia-Lala, "An Introduction," 211-8.

<sup>6</sup> McKee, *Uncommon Dominion*, 5-6, 21; Arbel, "Una chiave di lettura," 155-79.

<sup>7</sup> Borsari, *Dominio veneziano*, 12-66; Ravegnani, "Conquista veneziana di Creta," 33-42; McKee, *Uncommon Dominion*, 19-21.

<sup>8</sup> De Monacis, *Chronicon*, 174-86; Jegerlehner, "Aufstand," 78-125; McKee, *Uncommon Dominion*, 133-67; Magnani, "Storia giudiziaria," 131-65; Magnani, "Risposta," 185-204.

both on the descendants of the original Venetian settlers and on the indigenous elites. In the spirit of seeking cooperation locally, the administrative system ceased to be based exclusively on Venetian officials. Although they continued to occupy the upper echelons, a number of lower offices relating to justice, to the assisting personnel at courts and the local chancery, to military organization, public works, public hygiene, security and social protection were opened to members of local respected families.<sup>9</sup> In a parallel development, which we cannot explore in depth here, and as a reaction to an early adulteration of the group of Venetian noble feudatories with the intrusion of new land owners (creditors of the original families, members of the Greek elite), in the years between 1302 and 1365 strict social criteria of participation in the local Great Council of Candia (as well as Canea and Rethymno) were introduced. Consequently, the Venetian nobility on Crete became an exclusive group, in a development that has been likened to the closing of the Great Council in Venice itself. A few decades later, those left out became members of a new social group, sanctioned by Venice, the ‘Cretan nobility’, which included wealthy Orthodox Greeks from Crete or other overseas possessions, Italians and Western Europeans, as well as Venetian *cittadini originari* settled in Crete. This new ‘nobility’ was a social group of mixed character – not only of class, but also of religious doctrine, ethnic and geographical provenance. Although it did not achieve the social prestige of the island’s ‘Venetian’ nobility, it soon secured the right to participate in the local Councils. By the end of the fifteenth century, just below this new nobility, another dynamic social group achieved recognition by acting as a collective body: the *cittadini* of Candia, consisting of established urban residents, usually, though by no means always, of the Greek-Orthodox rite, gaining wealth through commercial and maritime activities and reinvesting it in immobile property. This widening participation of the local population in the economic field became more visible from the second half of the fifteenth century; it had its parallels in other territories of the *Stato da Mar* and was intertwined with the social restructuring and economic transformation in Venice itself between the late Middle Ages and the early modern period.<sup>10</sup>

The notaries in Venetian Crete, whether we decide to approach them as social subjects, as members of administrative institutions or of a free profes-

<sup>9</sup> O’Connell, *Men of Empire*, 110-6; O’Connell, “Legitimizing,” 71-85; Dialeti, “Κυβερνήτες,” 74-109.

<sup>10</sup> McKee, *Uncommon Dominion*, 170-2; Scholars compare the gradual closure of the upper ranks of Cretan society and the greater participation in the lower ranks of administration and in trade and shipping by members of the middling social groups, to the closing of the Great Council and, consequently, of the nobility and the consolidation of the *cittadini* in Venice itself: Rösch, “*Serrata*,” 67-88; Chojnacki, “Identity and Ideology,” 263-94. The “closing” of urban councils to newcomers took place in many territories of the *Stato da Mar* in the late Middle Ages and the early modern period: O’Connell, *Men of Empire*, 44-5, 69-73; for the Cretan case, Papadia-Lala, “Θεσμός,” 65-78; Lambrinos, “Identity and socio-economic mobility,” 57-70; Lambrinos, *Cittadini*; Raines, “‘Nobili scaduti’?,” 160-2; on increasing economic initiatives by the local population, Gluzman, *Venetian Shipping*, 355-62.

sion, are an integral part of these social and economic trends. By the fifteenth century, many inhabitants of the island's capital (Candia) and, to a lesser extent, of the other major urban centres on the north coast (Canea, Rethymno, Sitia) were bilingual, were in a mixed marriage or had mixed ancestry, and displayed mixed cultural attributes in their compendium of customs. It has been argued that, in the Eastern Mediterranean, Latins and Byzantines (or their successors) perceived each other as 'different enough to be set off but similar also in enough ways to make comparison inevitable'.<sup>11</sup> To what extent this perception led to high levels of acculturation and integration remains open, and need not concern us here. It remains a fact, however, that this is the right context to study the notaries of Venetian Crete, their professional activities and their place in the island's society.

### 3. *The notarial profession in Crete: Venetian pragmatism in a context of syncretism*

The notarial profession took a definitive form in Byzantium during the rule of Emperor Leo VI (866-912). Notaries were known as *taboullarioi* (and, since the eleventh century, also as *symbolaiographoi*, the term currently used in Greece). They were competent to stipulate public acts and private agreements between individuals, following specific legal standards. The number of *taboullarioi* in Constantinople was fixed, they were admitted to the profession by examination, and they organised themselves in a professional corporation headed by the *primikerios* of the *taboullarioi* and under the supervision of the Eparch, an imperial official.<sup>12</sup> Elements of this organization seem to have survived in Crete until a few years before the Venetian conquest. Michael Li-menites, a priest and *taboullarios*, appears in a document of 1193, while Andronikos, *domestikos* and *primikerios* of Crete's *taboullarioi* is mentioned in a document of 1197. Clerical status does not seem to have been incompatible with the notarial profession.<sup>13</sup>

When, in the early thirteenth century, the Venetian state started to organize the administrative system in Crete, it imported there the notarial institution that, despite eventual Venetian particularities, was mature in the metropolis, and had its precedents on the island, deriving from the Byzantine tradition. This poses the question of the sources of law in Venetian Crete. In the areas of the former Byzantine Empire that passed under Venetian control, the official Venetian legislation, embodied in the Statutes of Venice, was the principal source of law. Case law, or precedent in administrative and judicial

<sup>11</sup> Chrissis, "Worlds apart?," 258, and for the citation Kaldellis, *Ethnography after Antiquity*, 169.

<sup>12</sup> Saradi-Mendelovici, "History," 530-1; Kolyva, "Ἀρχαιονομία," 107-12.

<sup>13</sup> Nerantzi-Varmazi, "Βυζαντινοὶ ταβουλάριοι;" Maltezos, "Portrait," 122-3. See also Saradi-Mendelovici, "History," 530-3.

practice was the source of second recourse. Failing the first two, competent officials and institutions could resort to approved custom; finally, lacking all these sources, they must fall back on their legal and moral foresight to guide them to what was right case by case. This principle was clearly stated in the preface to one of the early collections of Venetian Statutes, codified in 1242 by order of Doge Jacopo Tiepolo (who had served as the first duke of Crete in 1209-14).<sup>14</sup> The same principle was reiterated in the sets of norms (*capitularia*) that judges took an oath to respect when they took up office on the island of Crete: the judges *di proprio* and *di petizion*, but also a special category of magistrate, the *giudice di prosopio*, who handled cases involving Greeks and Jews alone.<sup>15</sup> The text of the *capitularia* did not specify whether the approved custom was Venetian or Byzantine; this made older generations of historians assume that Venetian law outclassed any other source of law. However, the very existence of the judges *di prosopio*, and a single exception in their *capitularium*, which specified that, when assessing dowries, the competent judge must proceed according to Greek custom, strongly suggest that the Greek (and Jewish) inhabitants (provided that they had legal rights deriving from free status) did have limited access to their own customs and laws under Venetian rule.

The existence of Greek-language notaries since an early date, points to the same direction. Although no notarial register written in Greek has survived from the thirteenth or fourteenth century, the earliest registers in Latin, of notaries Pietro Scardon (1271) and Leonardo Marcello (1278-81), record information about professionally active Greek notaries.<sup>16</sup> It also seems that, since an early date, Greek notaries enjoyed perhaps a privileged social status: in the early 1280s, a Greek priest and notary, who had been assigned to the Archbishop of Candia as a villein in 1268, was exempted from commercial taxes, and orders were given that he be treated *tamquam venetus, ideo quod est notarius grecus*.<sup>17</sup> The earliest surviving appointment charter of a Greek-language notary in Crete is dated in 1365, and offers additional proof. In the charter, the duke of Candia and his councillors appoint the priest Georgius Spilioti as *notarium publicum in scriptura greca*, after having verified his good reputation and trustworthiness. Spilioti was expected to practice his profession *secundum quod consuetudo Grecorum exigit et requirit*; at the same time, he must, if called upon, work as a scribe in the service of the Venetian administration. Finally, the charter makes clear that there was a *capitulare notariorum grecorum*, which included many of these terms of appointment. Contrary to the *capitularia* of the local judges, this has not sur-

<sup>14</sup> Cessi, ed. *Statuti veneziani*, 5-6.

<sup>15</sup> Published in Gerland, *Archiv*, 93-5, 98-100.

<sup>16</sup> For example Lombardo, ed. *Documenti della colonia veneziana*, 144-5, doc. 389, 392 (Vaxili Cimiski, priest and notary); Chiaudano and Lombardo, eds., *Leonardo Marcello*, 55, doc. 149 (1280, Iohannes Agapito notarius).

<sup>17</sup> Borsari, *Dominio*, 93, n. 117; for a different dating Maltezou, "Portrait," 62-3.



vived.<sup>18</sup> Besides the appointment charter, and mentions of Greek notaries in the registers of their Venetian colleagues, a few scattered deeds in Greek from the fourteenth and early fifteenth century have been recovered from other archival sources.<sup>19</sup> Notarial registers containing acts in part or entirely in Greek appear in the *Notai di Candia* in the second half of the fifteenth century.

In conclusion, from the second half of the thirteenth century, if not earlier, there were Greek and Latin notaries in Crete. This does not in any way imply that the Greek notaries composed their acts exclusively in Greek or that the Latin notaries (who were Venetians but not only) did not write or understand Greek. Before discussing the complex issue of the use of the two languages, which transcended the boundaries of the Greek or Venetian/Italian community, the issue of the distinction between notaries according to the authority that entitled them to practice their profession, and the nature of their work, needs to be clarified.

#### 4. Notaries in the Cretan Chancery

In Crete, as in Venice, both in the late Middle Ages and in the early modern period, notaries were divided into those who worked in the state bureaucracy (in the Chancery and other offices) and produced official documents (*notarii curie, ad acta*), and those who worked as free professionals, working on their own account, drawing up deeds that safeguarded private transactions (*notarii publici, ad instrumenta*).<sup>20</sup> The Venetian chancery entered a long period of gradual professionalization, which culminated in the years between 1433 and 1514, when, by means of a papal bull and two decisions of the Great Council and the Senate (in 1475 and 1514), clerical notaries were slowly eliminated from the ranks of the state bureaucracy. The Venetian attachment to the tradition of priest notaries was driven by a combination of conservatism and pragmatism. Entrusting the notarial function to the parish clergy put to good use a structure with a homogeneous presence in the territory, whose personnel was sufficiently competent, but not too involved in legal theory, reliable in the eyes of both the citizens and the government. Venice tried to avoid yielding influence to the corporate interests of an organised professional group of jurists and notaries. When the skills of the clerical notaries were no longer sufficient for the growing institutional complexity of the Venetian state, lay jurists were admitted in state institutions. Even so, they were prevented from

<sup>18</sup> Chaireti, “Διοριστήριο,” 62-72; a fifteenth-century order or capitulare of appointment of Greek notaries at Modon (in the Peloponnese) is still extant: Maltezos, “Portrait,” 122. See also, in general, Maltezos, “Byzantine ‘consuetudines,’” 269-80.

<sup>19</sup> Manousakas, “Ελληνικά νοταριακά,” 73-6; Santschi, *Régestes des Arrêts Civils*, 49, doc. 210 S; 65, doc. 257 S; 84, docs. 326 S and 327 S; Maltezos, “Portrait,” 127; Chatzakis, “Échanges,” 153-85.

<sup>20</sup> Gasparis, “Γλώσσα,” 145-6; Maltezos, “Portrait,” 126-7; Pedani Fabris, ‘*Veneta auctoritate*’, 4-5; Gasparini, “Notaries,” 1.



becoming members of a professional corporation; and they originated from the social order of the *cittadini*, which guaranteed civil rights, but no political participation.<sup>21</sup>

Back to the island, the local chancery was under the control of the great chancellor of Crete, elected by the Great Council of Venice among the *cittadini originari* of the metropolis. When necessary, in case the chancellor had to be absent from the island, he was substituted by one of the notaries of the local chancery, who was appointed by the island's Council of Ten.<sup>22</sup> By decision of the Venetian Senate in 1436, the number of notaries of the ducal chancery was set to twelve. This number remained largely stable through to the seventeenth century, although, in addition to the notaries, twelve posts of ordinary assistant notaries (*coadiutori ordinari*) and six extraordinary ones (*coadiutori straordinari*) were created. The posts were initially filled exclusively by Venetians, although the local Venetian authorities took care to call upon the services of Greek-speaking notaries, who were invited, when necessary, to act as scribes in the Venetian administration.<sup>23</sup>

One of the best known Venetian notaries appointed to the duties of ducal chancellor in Crete was Lorenzo de Monacis, from 1389 until his death in 1428. De Monacis was acquainted with many of the early humanists of the late fourteenth century; Leonardo Bruni was one of his correspondents. Although scholars are hesitant to include him in this early group of intellectuals, in the last years of his life Lorenzo did begin a history of Venice, which included a history of Venetian Crete. For the Cretan section of his history, De Monacis consulted Greek sources, as well as the earlier chronicles of Andrea Dandolo and Nicolò Trevisan. De Monacis, therefore, was familiar with the Greek language, which does not change the fact that, as a Venetian functionary, he was faithful to the Venetian regime's point of view, and his narration of the St Titus revolt is biased accordingly.<sup>24</sup>

Gradually, Greek-language and Greek notaries infiltrated in this professional area to the extent that, when, in 1575, the *Provveditore Generale* Iacopo Foscarini visited Crete, he noted in his report, possibly with a degree of exaggeration, that all twelve notaries of the chancery were Greek, and commented that this was natural, since they enjoyed the advantage of command-

<sup>21</sup> Cracco, "Relinquere laicis," 179-89; Pedani Fabris, '*Veneta auctoritate*', 6-14; Talamini, "Notai e cancellieri," 731-44; Gasparini, "Notaries," 16-22.

<sup>22</sup> Papadaki, "Αξιωμα," 352-5.

<sup>23</sup> A total of 30 employees; in 1480 it was decided that the Venetian Chancery should have 50: Papadaki, "Βενετική πολιτική," 374-5; on recourse to services of Greek scribes, Chaireti, "Διοριστήριο," 65-6, 68-9 (1365, Georgius Spilioti, *notarius in scriptura greca*); Elisabeth Santschi, *Régestes des arrêts civils*, 125, doc. 168 (M): 1367, Lançarotus de Molino, *scriba* at the *Curia Petitionum*; Maltezou, "Portrait," 126-7; Kaklamanis and Lambakis, "Εισαγωγή," ρκθ' (129): Joannes Calona, notary and *scriba Camerae Communis Cretae*, 1505.

<sup>24</sup> Pertusi, "Fonti greche," 161-211; Poppi, "Ricerche," 153-86; Cochrane, *Historians and Historiography*, 77-8; McKee, *Uncommon Dominion*, 135-6. On notaries and history writing, Zabbia, "Notariato," 75-122; Zabbia, "Sulla scrittura," 551.

ing the language.<sup>25</sup> Another feature of chancery notaries was that a fair number of them also deployed an activity as free professionals. A register of wills, drawn up by Johannes Donus, a notary of the Cretan chancery, have survived to the present day. Dono was *notarius Veneciarum*, employed at the chancery through to 1424; he was also the copyist of a manuscript with comments on the Apocalypse, sponsored by Zaccaria Vitturi, councillor to the duke of Crete, and he appeared as witness to a deed by notary Giorgio Chandachiti, dated 1411, with which Lorenzo de Monacis forwarded a loan to Theodoro Calmea.<sup>26</sup> The editors of the protocol of Manuel Gregoropoulos have compiled a list of notaries active on the island between 1485 and 1535, a fair number of whom were both free professionals and employed in the chancery with a variety of titles. The last deputy grand chancellor of Candia, Tomaso Sachiellari, is another example.<sup>27</sup>

An interesting case of a notary with both properties was Michiel Gradenigo. He was a descendant of the Gradenigo who settled the island in the early thirteenth century and secured a place in the Venetian nobility during the Cretan *serrata* period. However, because members of the family participated in the rebellion of St. Titus (1363-4), by the end of the sixteenth century very few Gradenigo were members of the Venetian nobility, several belonged to the second in order, mixed-origin Cretan nobility, while others were simply part of the middle stratum of the *cittadini*. Between the sixteenth and seventeenth centuries, the Gradenigo were distinguished for their interest in learning and education, and several had followed the notarial profession – with early examples in the fourteenth and fifteenth centuries. Michiel himself seems to have originally belonged to the *cittadini*. Although not yet legally established in Crete (this happened in the early seventeenth century), this social group was the main reservoir of personnel for the local bureaucracy's middle ranks, as in the metropolis. For the years 1610-20, however, there is evidence that Michiel had risen to the Cretan nobility. Gradenigo's career was constructed through service in the ducal chancery, which as an institution was of equivalent importance to its synonymous in Venice itself. In the metropolis, the reforms of the fifteenth and sixteenth centuries, with the gradual exclusion of clerical notaries from the ranks of the professionals employed in the chancery, were part of the process of bureaucratic organization and the creation of a professional milieu dedicated to the purposes of central power. The chancery of Crete imitated these developments quite closely. Its notaries, secretaries and scribes, largely of local origin, formed the backbone of the bureaucratic apparatus. Gradenigo was part of it, as *vicenodaro* from 1592, as *notario et secretario ducal* from 1605 – and in 1620, at a time when he seems

<sup>25</sup> Papadaki, “Αξιώματα,” 111; Gasparis, “Γλώσσα,” 146. For Greek and Latin notaries at the Chancery in the period 1485-1535, see the list in Kaklamanis and Lambakis, “Εισαγωγή” ρκθ'-ρλγ' (129-33).

<sup>26</sup> Papadaki, ed. *Johannes Dono*, 34-7, 42.

<sup>27</sup> Above, note 2.

to have risen socially, he became one of the three secretaries of the Cretan Council of Ten. Gradenigo had acquired notarial status as early as 1587, when he became *nodaro apostolico*, having been examined by two ducal chancery notaries. In the late sixteenth century, a prerequisite for a position in the ducal chancery was good knowledge of Italian, but also Latin and Greek.<sup>28</sup>

A position as a notary-secretary in the chancery was sought after because it brought a handsome financial reward, participation in the administration of government and social prestige. Gradenigo, however, also continued his notarial activity as a free professional. What is interesting about his only surviving 'book' is that the first folio bears a certification by the notary Paolo Colonna, deputy to the great chancellor, of Gradenigo's professional qualifications, and, in accordance with Venetian practice (from 1575), of the exact number of pages.<sup>29</sup> His career in the local Venetian administration, combined with his competence and training, ensured Gradenigo recognition among his colleagues and in the good society of Candia that availed themselves of his services. At the same time, he developed an elaborate economic activity, with investments in the financial sector and in great landowning, profiting from the Venetian policy of inclusion towards the middle classes, in the face of the Ottoman danger.<sup>30</sup>

The Venetian authorities were responsible for approving the notaries' eligibility for nomination either as chancery notaries or as free professionals. Faithful to the principle that appointing notaries was one of the *iura regalia*, the Venetian state reserved this prerogative exclusively for the doge through to the seventeenth century. However, as early as 1192, the doge was obliged to secure the approval of the Great Council for the creation of new notaries.<sup>31</sup> This principle seems to have applied in Crete, except that the doge and the Great Council delegated the power of appointment to the duke of Crete and his councillors. Thus, on 24 July 1316, the Venetian Great Council accepted the entry of notary Angelo Donno into the notarial profession and delegated the nomination to the Duke of Crete.<sup>32</sup> According to the nomination charter of Georgio Spilioti in 1365, the notary was appointed by the duke and his councillors.<sup>33</sup> In the same year, Filippo Malpes drew up a will which he signed stating that he was appointed notary by Duke Giberto Dandolo and only one of his two councillors, because the other was absent.<sup>34</sup> In 1506, Manuel Gregoropoulos, brother of the scholar Ioannes Gregoropoulos, who was a member of

<sup>28</sup> Lambrinos, ed. *Michiel Gradenigo*, 26-35, 40-1.

<sup>29</sup> Lambrinos, ed. *Michiel Gradenigo*, 22, 39, 42-3; Pedani Fabris, '*Veneta auctoritate*', 89.

<sup>30</sup> Lambrinos, ed. *Michiel Gradenigo*, 42-58, 59-76.

<sup>31</sup> Pedani Fabris, '*Veneta auctoritate*', 7, 21, 26-7 (the dogal prerogative to nominate notaries seems to have been abandoned with the deliberations of the Senate of 1612-1613).

<sup>32</sup> Venice, Archivio di Stato, Maggior Consiglio, Registri, Clericus civicus: civicus, f. 47r; Tiepolo, "Protocollo pergamenaceo," 19; a protocol of this notary in Venice, Archivio di Stato, Notai di Candia, busta 233 (1316-30).

<sup>33</sup> Chaireti, "Διοριστήριο," 65-6, 68-9.

<sup>34</sup> McKee, *Wills*, vol. 1, 401, doc. 303.

the Academy of Aldo Manuzio, was appointed notary by order of the military governor Benedetto Sanudo, second in rank to the duke, who was temporarily performing the duke's duties, as the post was vacant.<sup>35</sup> Finally, in December 1582, the priest Andreas Vlastos, a notary in Rethymno and the surrounding villages and son of the priest Nicholas, was brought to trial before the *Sindici Inquisitori in Levante* Zuanne Gritti and Giulio Garzoni, on charges relating to the manner in which he had acquired notarial status: in 1566, Vlastos had assumed the duties of *notaro imperial*, a title conferred on him by Giovanni da Chiozza, a member of the Cretan nobility in the city of Rethymno and possibly holder of the title of Count Palatine; in 1579, Vlastos also received the title of *notaro veneto* from the *capitano general* Nadal Donado, military governor of the island. The judges ruled that the award of the second title was illegal, because it could not be granted by local Venetian authorities, but only by the Grand Council of Venice.<sup>36</sup>

The duke, as the representative of the doge, was responsible for the appointment of notaries, but the question remains as to how the skills and the sufficiency of the candidates were verified. A Senate resolution of 1392 testifies that, in the presence of the duke, the chancellor examined the candidate scribes in reading and writing a sample of a chancery document.<sup>37</sup> In Venice itself, from 1485, in the presence or with the authority of the doge, the great chancellor and high-ranking officials of the lower chancery examined the professional competence of prospective notaries intending to work as free professionals.<sup>38</sup> For 1543, there is information about the examination of a notary candidate by two experienced notaries of the ducal chancery, Tomaso Sachielari (possibly an ancestor of the last deputy chancellor) and Georgio Bono.<sup>39</sup> In the wake of a major reform of the bureaucratic system in Crete in 1613, it was clarified that suitability was determined by means of a structured procedure, the *prova di sufficienza*. The examination was carried out by two ducal notaries together with the great chancellor of Crete. Candidates had to prove that they could read and compose official documents.<sup>40</sup> Deviations from the proper examination procedures and irregular appointments were common despite the measures.

<sup>35</sup> Kaklamanis and Lambakis, "Εισαγωγή," ξβ'-ξγ' (62-3). On the precedence of officials in Venetian Crete, Papadaki, "Αξιώματα," 103.

<sup>36</sup> Lambrinos, "Νοταριακή τέχνη," 285-8. On the *Sindici Inquisitori in Levante* see now Setti, *Una repubblica*.

<sup>37</sup> Venice, Archivio di Stato, Senato Misti, Reg. 42, f. 58r; summary in Noiret, *Documents inédits*, 49-50; Karapidakis, *Administration*, 111-12.

<sup>38</sup> Pedani Fabris, *Veneta auctoritate*, 26-7.

<sup>39</sup> Karapidakis, *Administration*, 125-6; Lambrinos, "Νοτάριοι της Κρήτης," 109.

<sup>40</sup> Papadaki, "Αποδείξεις," 620; Papadaki, "Βενετική πολιτική," 382-3; Lambrinos, ed. *Michiel Gradenigo*, 35-6; on the great chancellor of Crete, Papadaki, "Αξιώματα," 351-64.

### 5. Notaries as free professionals in Crete

For much of the Middle Ages, notaries in Venice were often parish priests, nominated, as a rule, *veneta auctoritate*, and their customers' trust derived from these qualities. Notaries who were not members of the clergy, tended to be from outside Venice (*forestieri*) and to have received their nomination by other authorities (imperial or apostolic). Clerical notaries were gradually excluded from the profession from the late fifteenth century, following developments in the personnel of the Chancery.<sup>41</sup> In Crete, by contrast, it has been suggested that, at least in the fourteenth century, almost all notaries were lay, as opposed to their colleagues in Venice.<sup>42</sup> It is difficult to ascertain lay or clerical status among notaries in Venetian Crete, mainly because notaries give very little information about themselves in their deeds (usually just their name with the qualification *notarius*). At least a few were clerics however. Three are known from the wills they drew up between 1338 and 1400, now published by Sally McKee: Marco di Piacenza and Michael Iusto signed as *presbyterus notarius*, while Giovanni Belli (1375) was *presbyter de Venetiis, notarius et capelanus magnifici et potentis domini Iohannis Gradonici, honorabilis duche Crete*.<sup>43</sup> Yet another, active in the late 1330s, was Johannes Granella, *presbyter et notarius*.<sup>44</sup> The earliest example is the appointment, by the Venetian Senate, of notary Andrea, son of the late Giovanni Doto, deacon and notary, to the office of notary of the *Judices proprii* in Canea (1301).<sup>45</sup> Further, the figure of the priest-notary was quite common in late Byzantium, and among the Greek-language notaries in Crete, not only in the earlier period, but also in the sixteenth and seventeenth centuries.<sup>46</sup>

In Venetian Crete, as in Venice, notaries were certified by representatives of different authorities: the Venetian state, the Emperor, the Papal Church (*veneta, imperiali, apostolica auctoritate* respectively). Each title referred to slightly different professional qualifications. For example, *veneta auctoritate* notaries were more bound by the normative framework of the Venetian state. Beyond their familiarity with Venetian law, this was also obvious in the form of their notarial registers. The Statutes of 1242 provided that notaries in Venice were obliged to keep protocols, in which they inserted the *imbreviature* of their deeds. With this rule, Venetian notaries conformed to a practice that was already common in Italy. Venice differed, however, as to the form of no-

<sup>41</sup> Bartoli Langeli, "Notariato," 73-9; Gasparini, "Notaries," 6-11; Cessi, ed. *Statuti Veneziani*, Book. I, chap. xxiv-xxxvi, 58-69. For earliest Cretan protocols, above, note 15.

<sup>42</sup> Tiepolo, "Protocollo pergameneo," 17.

<sup>43</sup> McKee, *Wills*, vol. 1, 402-44; vol. 2, 511, 675-96, 914.

<sup>44</sup> Venice, Archivio di Stato, Notai di Candia, busta 244, fasc. II.

<sup>45</sup> Thiriet, *Délibérations I*, 90, n. 45; Maltezou, "Portrait," 128.

<sup>46</sup> In a small sample of ten Greek notaries mentioned in the registers of the duke of Candia between 1374 and 1446, four were clerics: Manousakas, "Ελληνικά νοταριακά," 73-8; Elisabeth Santschi, *Régestes des arrêts civils*, 49 doc. 210 S; 65 doc. 257 S; 84 docs 326 S and 327 S; Maltezou, "Portrait," 127.

tarial protocols. In 1307, the Great Council decided that these had to be of parchment. This was particularly important in the case of wills, which played a key role in the survival and transmission of aristocratic family property. In Crete, the measure was introduced a few years later, in August 1312, and it seems that the *veneta auctoritate* notaries conformed immediately.<sup>47</sup> The case of Stefano Bono is pertinent. Two of his protocols have survived. The first dates from 1303-4 and is made of paper, like all notarial protocols from Venetian Crete that predate 1312. Bono's second protocol, which Maria Francesca Tiepolo reconstituted from two quires scattered in two different *buste*, begins in mid-August 1312 and is of parchment. The measure's aim was to secure conditions of longer preservation. Not by chance, it was taken in a half-century of radical administrative reforms, during which the Venetian chancery took its definitive shape, and parchment registers started to be used for the great series of acts and deliberations of Venice's governing bodies. The material upon which documents were recorded was not just an external feature, it had symbolic value. By extending the use of parchment to the notarial protocols, the state made a gesture of recognition of the notarial *publica fides*.<sup>48</sup>

Notaries *imperiali auctoritate*, on the other hand, continued to keep paper protocols after 1307 (1312 in Crete), perhaps because, with their early detachment from the church (they were lay in their majority), more formal training and independent professional status, their *publica fides* did not depend so much on the material of their protocols. Imperial notaries in Venice were, as a rule, not from Venice. Having acquired, through their training, more specialised knowledge of Roman and Canon law (the two constituent elements of *ius comune*), we often find them involved in the management of the property and affairs of ecclesiastical institutions. In the early fourteenth century, for example, an *imperiali auctoritate notarius* with the non-Venetian name Bartolomeo de Hengelardis was resident and professionally active in Candia, and had a special connection with the episcopal see of Chiron.<sup>49</sup> Similarly, two protocols of Zaccaria de Fredo of Modena have survived. The material of the earliest, dated in 1351 and recently rescued and reconstituted by Maria Francesca Tiepolo, is in paper. It contains deeds relating to the management of the property of various ecclesiastical institutions on the island. The notary signed and placed his *signum* at the end of a deed in this register: *Ego Zacarias de Fredo de Mutina habitator Candide publicus imperiali auctoritate notarius*.<sup>50</sup> His second protocol however, spanning from 1352 to 1357, is parchment. It has a more varied content, not necessarily linked to church affairs; it also contains a loose parchment charter, dated 1366, which is the codicil to the will of Pantaleo Barbo, one of the three Provveditori sent to the island during the revolt

<sup>47</sup> Pedani Fabris, '*Veneta auctoritate*', 87; Gasparini, "Notaries," 9, 11-3; Tiepolo, "Protocollo pergameneo," 19-20.

<sup>48</sup> Tiepolo, "Protocollo pergameneo," 20.

<sup>49</sup> McKee, *Uncommon Dominion*, 29.

<sup>50</sup> Venice, Archivio di Stato, Notai di Candia, busta 98, fascicolo 2, f. XXVv.



of St Titus. De Fredo signed placing his *signum tabellionis*, which is slightly different here than in the paper protocol.<sup>51</sup> It has been suggested that the difference in the *signum* and the use of parchment instead of paper may indicate that after 1352 de Fredo acted also as *notarius Veneciarum*.<sup>52</sup> Another example of a notary with double nomination is Giovanni (Zuane) Longo. Two registers have survived. One of wills, on parchment, following the stricter norm, dated 1479-80, in which he signs as *publicus imperiali auctoritate notarius*. In the last will, however, stipulated at Rethymno in 1487, he signs as *notarius Veneciarum* (and his *signum* is slightly different).<sup>53</sup> There is also a difference in style: in the wills he signs as imperial notary, the testator's last wishes are in the third person singular; in the last will, *ad modum Venetiarum*, the testator (a woman) "speaks" in the first person singular. His second protocol, dedicated to deeds between private individuals (1487-1511), consists of two quires in parchment, and of a body of deeds on paper. Not surprisingly for an imperial notary, Longo offered his services to a number of ecclesiastical institutions.<sup>54</sup> Notaries accredited by different authorities did not necessarily compete with each other, as they offered different professional skills to their clientele. On the other hand, a notary who wished to expand his clientele, could seek an additional nomination by a different authority. Longo is a case in point: by the end of his career, he had many important and wealthy clients on his roster.<sup>55</sup> The requirement to keep protocols in parchment slowly faded in the seventeenth century.<sup>56</sup>

Imperial notaries in Venetian Crete (as in Venice) could be nominated by individuals who had the title of *comes palatinus*, provided that the nomination was sanctioned by the duke and his councillors. This was the case of Manuel Gregoropoulos, nominated imperial notary in 1506; and of Pietro Castrolifaca, active in the middle of the sixteenth century.<sup>57</sup> The title of apostolic notary could similarly be given by a distinguished person of the local society and then officially sanctioned by the duke and his council. This was the case of Michiel Gradenigo, secretary of the chancery, nominated *nodaro apostolico* by a wealthy member of the Cretan nobility, and doctor in law, Giacomo Modino.<sup>58</sup>

<sup>51</sup> The *signum* in Venice, Archivio di Stato, Notai di Candia, busta 98, fasc. 6 (5) containing only the codicil; text published in Lombardo, ed. *Zaccaria de Fredo*, 95-8.

<sup>52</sup> Tiepolo, "Protocollo pergamenaceo," 21.

<sup>53</sup> Compare Van Gemert, ed. *Zuane Longo*, 327, 360. For the *signa*, Venice, Archivio di Stato, Notai di Candia, busta 131, ff. 1-9.

<sup>54</sup> Van Gemert, ed. *Zuane Longo*, 14-6, 24; Tiepolo, "Protocollo pergamenaceo," 21.

<sup>55</sup> *Zuane Longo*, 25.

<sup>56</sup> Pedani Fabris, 'Veneta auctoritate', 88.

<sup>57</sup> Kaklamanis and Lambakis, "Εισαγωγή," ξα'-ξγ' (61-3); Panopoulou, ed. *Πέτρος Καστροφύλακας*, 25 (paper protocol).

<sup>58</sup> Lambrinos, ed. *Michiel Gradenigo*, 39.



## 6. *The language of Cretan notaries: between two communities*

In those societies of the Mediterranean where the notarial culture became an integral part of economic, social and legal interactions, the notary took on the dual role of the professional who drew up detailed written documents authenticating transactions between private individuals, and of the intermediary, the person who, thanks to his network of clients and social relations, trust, and access to information, could bring together prospective sellers and buyers, creditors and debtors, members of families that wished to become related. In recent years, scholars have delved in the informal mediating, co-ordinating function of the notary in Italy, less so in Venetian Crete;<sup>59</sup> here we will briefly focus on a particular aspect of the Cretan notary as intermediary: linguistic mediation.<sup>60</sup> Conventionally, linguistic mediation evokes different categories of professionals, who, however, also acted as intermediaries, though in a different context than that of notaries. The role of interpreters in the Renaissance as agents of political and cultural intercession has recently attracted scholarly attention.<sup>61</sup> In a multi-lingual society such as the one of Venetian Crete, the notary was called to act as a language intermediary on many occasions, a quality by no means unknown to the notarial profession, as will be seen.

Venetian Crete was a society consisting of two principal cultural, religious and linguistic communities (Venetian-Italian and Greek), whose barriers tended to be lowered and become permeable with time.<sup>62</sup> The island's inhabitants had to familiarise themselves with three languages at least: Latin was the official administration language through to the end of the Middle Ages, Italian was arguably the vehicle of most high-level economic activity (trade, banking and finance), and Greek was spoken by the majority of the population, in a period when humanism and the Renaissance made learning this language desirable to a minority of intellectuals. The numerical superiority of the Greek-speaking population was a big bonus to the Greek language and culture, and this became obvious particularly in the last two centuries of Venetian presence on the island. On the other hand, the cultural impact of the Latin-Italian element was high in the cities. After all, as in the Metropolis, Venetian culture was predominantly urban in Crete, and the Greek population in the city gravitated towards it. At the same time, in everyday contacts, each one of these languages was not confined to the members of one commu-

<sup>59</sup> See now Bassani et al., ed. *Mediazione notarile*; also Lorenzini, *Credito e notai*, 83-96; Lorenzini, "Oltre la certificazione," 504-8.

<sup>60</sup> Gasparis, "Γλώσσα," 145; Eufe, "Cancellaria," 137-76.

<sup>61</sup> Rothman, *The Dragoman Renaissance*; Papadia-Lala, "L'interprete," 121-30.

<sup>62</sup> There were also other minorities, most prominent among them the Jewish one: Lauer, *Colonial Justice*.

nity; in general, there was interest by members of the two main communities to learn the tongue of the other group.<sup>63</sup>

This begs the question of literacy levels in Venetian Crete. It cannot be answered here, but it is important to note that some schooling in groups and on an individual basis in Latin, Italian and Greek was available in late medieval Candia. Sally McKee lists a small number of Latin teachers in fourteenth-century Candia that might have taught on a secondary level. The case of the *imperiali auctoritate* notary with the non-Venetian name, Bartolomeo de Hengerlandis, is of particular interest. In the 1320s, in parallel with his notarial practice, he had a school located in a warehouse. In his will, drafted in 1342, he noted that he still owed rent for it. He also revealed that he owned the kind of legal texts that a jurist or a law teacher would need: the *Decretales* with commentary, the *Codex*, the *Decretum*, a treatise by Egidio Foscarari. It is tempting to suggest, together with McKee, that Bartolomeo was a notary and a jurist, offering legal advice on *ius comune* to the local administration, and also, possibly, teaching aspiring notaries.<sup>64</sup> At the basic level, notices about teachers are more numerous. Some teachers were paid by the local government, others taught privately. Many were Italian, not necessarily from Venice. Gentile from Arezzo, for example, specialised in teaching *litteras latinas... scribere et legere ad modum mercatorum*.<sup>65</sup> In an example regarding teaching across communities, in 1384, Nicolao Theopulo, a Greek shopkeeper in Candia, hired Lodovico Gradenigo to come to his shop and teach him to read Latin, over a period of six months; while in 1389, the feudatory Ser Pietro Geno arranged for a village man, Ianni Vlacho, to teach his son Nicoletto how to read the Greek Psalter.<sup>66</sup> Greek was also taught in monasteries and other ecclesiastical institutions, and again, the students were not exclusively Greek. A well-known case is that of notary Stefano Bono. In 1331 he made his will; we learn from it that he was married to a Greek lady named Helena, and he wished to be buried in the church of St Michael the Archangel in Candia, “where he had learned Greek”.<sup>67</sup> In another instance, which connects a Latin notary with the production of Greek manuscripts in fourteenth-century Crete (when book production on the island is not as well-documented as in the fifteenth century), is that of Angelo Cariola, who commissioned a manuscript, containing bilingual religious texts, and who, it has been suggested, was the scribe of the manuscript’s Latin text.<sup>68</sup>

<sup>63</sup> McKee, *Uncommon Dominion*, 115-16.

<sup>64</sup> McKee, *Uncommon Dominion*, 117-18; McKee, *Wills*, vol. 1, 411-3, doc. 311. For the traditional role of imperial notaries as instructors, Pedani Fabris, ‘*Veneta auctoritate*’, 59-60.

<sup>65</sup> Venice, Archivio di Stato, Notai di Candia, busta 189, ff. 171r, 176r (notary Giorgio Pazo, 1384); many agreements about language tuition among the deeds of this notary; Gasparis, “Γλώσσα,” 148; McKee, *Uncommon Dominion*, 119-21, 229.

<sup>66</sup> McKee, *Uncommon Dominion*, 118-20.

<sup>67</sup> Laiou, “Venetians and Byzantines,” 37-8; McKee, *Uncommon Dominion*, 119; McKee, *Wills*, vol. 2, 543-4, doc. 418. The notary had accumulated significant wealth by the end of his life.

<sup>68</sup> De Gregorio, “Per uno studio,” 104-201; Maltezou, “Portrait,” 131; McKee, *Uncommon Do-*

Little is known about how notaries were trained in Venetian Crete. In Italy, as early as the twelfth and thirteenth centuries, the training of notaries was organised around learning in grammar schools and familiarisation with the basic types of contracts through the study of manuals (*Formularia* or *Artes Notariae*).<sup>69</sup> The training was completed with an apprenticeship next to an experienced notary. Some notaries continued their legal studies at a university, but this was not necessary, and in the case of Venice not very common either, despite geographical proximity to Padua.<sup>70</sup> The hypothesis that Bartolomeo de Hengerlandis may have offered legal training in fourteenth-century Candia is our only indication about legal training on the island. Regarding language schools for notaries, a few years after the creation of the *Scuola di San Marco* in Venice (1446), which provided language training to aspiring Chancery functionaries, the Venetian government in Crete created a teaching position of Latin, Italian, but also Greek for the needs of the Cretan chancery. In 1501, this position was held by Peritio de Sanctis. In 1591, in his report at the end of his office, the duke of Candia Alberto Loredan suggested that the teacher of Latin and Greek for the Chancery's notaries should receive a better salary as an incentive to stay at the job.<sup>71</sup> Notaries in Venetian Crete may have consulted compilations of models of notarial acts (*formularia*), although no such handbook has survived specifically for Crete. Apprenticeship next to experienced notaries, on the other hand, seems to have been common. In the late fifteenth and early sixteenth centuries, for example, Manuel Gregoropoulos learned the profession next to Antonio Damila, and succeeded him in the notarial practice after Damila's death in autumn 1505. Ioannes Choumnos seems to have learned the notarial art next to Nicolao Gradenigo, and Demetrio Mara next to Nicolao Longo, who succeeded Zuane (although we do not know the relation between the two), and was probably instructed by him.<sup>72</sup>

Notaries in Venetian Crete could understand and even express themselves in more than one language. Further, their apprenticeship may have taken place near a notary of a linguistic community other than their own. Consequently, the language in which the contracts were written, as well as the clientele, was not dependent on which community the notary belonged to. There were Italian notaries who drew up deeds in Latin and had Italian and Greek clients, and Greek notaries who drafted in both Greek and Latin and had clients from both communities. Indicative of familiarity with Greek

*minion*, 122. On the issue of the instruction of Greek in Venetian Crete, see now Ciccolella, "Greek in Venetian Crete," 371-94.

<sup>69</sup> Lombardo, *Notaio romano*, 117-37.

<sup>70</sup> Pedani Fabris, *Veneta auctoritate*, 60.

<sup>71</sup> Gasparini, "Notaries," 18; Pedani Fabris, *Veneta auctoritate*, 60; Lambrinos, ed. *Michiel Gradenigo*, 66-7.

<sup>72</sup> Manousakas, "Ελληνικά νοταριακά," 79-83; Kaklamanis and Lambakis, "Εισαγωγή," νζ'-νη' (57-8); Bakker and van Gemert, "Διαθήκες," 33-4; Maltezou, "Portrait," 129-30; Van Gemert, ed. *Zuane Longo*, 20.

culture and language is the example of Hergina, wife of Petrus Gradonico and daughter of Bartolomeo Grimaldo. On 22 June 1362, Hergina called the notary Johannes de Firmo at her urban residence in Candia, presented him with her testament written in Greek at the village of Dafnes the previous day (21 June) and confirmed that the will de Firmo styled in Latin on the basis of this, was word by word identical to the Greek text: *vocari feci ad me Iohannem de Firmo, notarium, ipsumque rogavi ut hoc meum scriberet testamentum que sibi dedi in littera greca, cuius tenor de verbo ad verbum per omnia talis est*. The Greek version of the testament had been stipulated by the monk Varnavas, *Sancti Montis Sinay penitentialis*, inhabitant of Kerasia, a village close to Dafnes.<sup>73</sup> Equally pertinent is the case of notary Zuane Longo. His mother tongue was Italian, as can be deduced from the drafting of parts of his acts in that language. At the same time, although he left no deeds in Greek, he had reading and oral skills in that language, as is evident by his clientele, by his translation of texts from Greek into Italian where needed (it is interesting that in these cases he translated into a spoken language and not into Latin), and by his correct use of a multitude of Greek terms of rural life, the activity of craftsmen, the Orthodox Church, placenames, proper names etc, which he transliterated into the Latin alphabet.<sup>74</sup> The same observations apply to Michiel Gradenigo, who, in fact, included a deed in Greek in his book.<sup>75</sup> There are also some early sixteenth-century examples of entire notarial deeds in Greek, but in Latin characters.<sup>76</sup> As far as linguistic mediation is concerned, since it was quite common for parties and witnesses of both communities, and of other minorities, to participate in a transaction without visible restriction, and since it is reasonable to assume a high rate of illiteracy, we can safely conclude that the notary explained the content of the deed orally so that it could be understood by all. We know that in other parts of Italy, the notary undertook to explain orally and in the vernacular the terms of a contract written in Latin, to ensure that they were clear to all concerned. This was particularly so if women were involved, for example in the case of a matrimonial contract.<sup>77</sup>

It was not uncommon for notaries in Venetian Crete to specialize in specific types of transactions. In the fourteenth century, Domenico Grimani specialized in immobile property transactions, and Giorgio Chandakiti in cloth transactions; others had a propensity towards slave sales.<sup>78</sup> Shortly before the naval battle of Lepanto, the notary Demetrio Baron specialized in the conclusion of agreements of substitution between local inhabitants that owed service as oarsmen in the Venetian galleys preparing for the encounter with the Ottomans (*galeotti*), and volunteer oarsmen who were willing to replace the

<sup>73</sup> McKee, *Wills*, vol. 2, 778, doc. 612.

<sup>74</sup> Van Gemert, ed. *Zuane Longo*, 25-30.

<sup>75</sup> Lambrinos, ed. *Michiel Gradenigo*, 25, 263-4.

<sup>76</sup> Manousakas, "Δύο παλιές κρητικές διαθήκες," 73-4.

<sup>77</sup> Gasparis, "Γλώσσα," 151-2; Lombardo, *Notaio romano*, 171.

<sup>78</sup> Santschi, "Contrats de travail," 64-5; Maltezou, "Portrait," 130.

conscripted ones for a sum of money (*andiscari*).<sup>79</sup> Probably thanks to their specific legal training, notaries *imperiali auctoritate* developed special relations of representation and legal support of ecclesiastical institutions. This was the case of Zaccaria de Fredo in the mid-fourteenth century, and of Zuane Longo in the late fifteenth (also of Michiel Gradenigo, apostolic notary, in the late sixteenth century<sup>80</sup>).

### 7. *The notarial profession as a vehicle of social ascendance*

Notaries in medieval Italy belonged to a group of professionals who, in a period of economic growth and institutional restructuring, contributed to the establishment of a middle social stratification, especially in urban centres. In Venice, in particular, in the transitional period from the late Middle Ages to the early modern period, after the closure of the aristocracy at the top of the social hierarchy, notaries, together with other professionals, found themselves in a social milieu in which the possibility of ascending to higher social levels was recognised, not only for themselves as individuals, but also for their families as a whole. Through the practice of their profession, and after three generations, they were entitled to enter the newly established group of *cittadini*. Then, by concluding marriage agreements between their daughters and the offspring of aristocratic families, they could hope to create family branches with access to those institutions where political decisions were taken.<sup>81</sup>

The notaries of Venetian Crete had a similar social standing, to some extent regardless of the linguistic, doctrinal and ethnic group to which they belonged. Thus, the Greek priest notary who was granted as a villain to the archbishop of the island in 1268 was to be treated as a Venetian, according to a later decision, precisely because he was a notary. In the fourteenth century, indicative not only of the social status of notaries but also of the inevitable integration between the local and Italian-Venetian elements, is the case of the notary Stefano Bono. His will and that of his daughter show that he, probably through his mother, was related to the Cretan Sachlichis family, one of whom, Ianni, Bono's uncle and executor of his will, was a member of the Cretan Great Council in 1345-47, while another, Stefano, the notary's cousin, was a poet and also a member of the Great Council in 1356-61. Bono himself belonged to the feudal class, while a number of his colleagues recorded in their deeds his diversified and profitable economic activities beyond his notarial profession. The Greek branch of the notary's family seems to have belonged to a higher social class than his own, which is consistent with an intermarriage strategy

<sup>79</sup> Gratsea, "Galeotti e *andiscari*," 338-40.

<sup>80</sup> Lambrinos, ed. *Michiel Gradenigo*, 47, 83-9.

<sup>81</sup> Pedani Fabris, '*Veneta auctoritate*', 2-3.

favoured by the Venetian government, as it could increase the stock of land under the control of the Venetian community on the island.<sup>82</sup>

In the late fifteenth and early sixteenth centuries, we can follow Zuane Longo's ascending professional and social trajectory. A prolific notary in Rethymno and the surrounding villages in the decade 1479-89, he transferred his professional activity to Candia after 1496 and until 1511/2. His clientele in Candia was small, but select: it consisted almost exclusively of members of aristocratic families of the island's capital. It seems that in this period, the notarial profession was no longer his main occupation. From references in the protocols of Nicolao Longo, who succeeded Zuane, the editor of the latter's deeds brings to light new qualifications and titles that testify to professional and social advancement. Zuane offered legal services to individuals (representing prominent families such as the Corner and Businago) and ecclesiastical institutions as a lawyer (*advocatus*, *causidicus*), and is also recorded as one of the four commissars or trustees of the convent of St. Anthony of Apezana or Apezona.<sup>83</sup> Almost a century later, one of the four trustees of the same monastery, as well as of the monasteries of Brontisi and Agarathos, was the notary of the ducal chancery Michiel Gradenico, whose professional and social development has already been mentioned.<sup>84</sup>

By the thirteenth century, the notarial profession had become an established institution in the mediation of social and economic interactions between individuals. Notaries also played key roles in state administration. Between the thirteenth and the sixteenth centuries, the notarial profession maintained some unique features in Venice. Some of them were transferred to Venetian Crete, where it seems that the traditional Venetian mixture of conservatism and realism gave more easily way to dynamic change. Thus a substantial number of non-clerical notaries, both in the ranks of the chancery and among free professionals, existed in Crete from an early date; the policy of inclusion (not without limits, of course) adopted towards the island's local population in the face of the Ottoman threat led to phenomena of syncretism which affected many aspects of the notarial profession, not least the language of notarial deeds, which added yet another facet to the mediating role of notaries; finally, it seems that social mobility offered some real possibilities of social ascendance in Venetian Crete. This has been sufficiently demonstrated in the context of the indigenous population's economic activities in the late fifteenth and in the sixteenth centuries, but it was also the case in their careers in state administration, as shown by the examples of chancery notaries who managed to rise to the two noble classes of the island.

<sup>82</sup> Laiou, "Venetians and Byzantines," 37-43; McKee, *Wills*, vol. 1, 431-2, doc. 326; vol. 2, 543-4, doc. 418; McKee, *Uncommon Dominion*, 72-3; Van Gemert, "Στέφανος Σαχλίκης," 36-130; Tiepolo, "Protocollo pergamenaceo," 17-8.

<sup>83</sup> Van Gemert, ed. *Zuane Longo*, 19-26.

<sup>84</sup> Lambrinos, ed. *Michiel Gradenigo*, 47-8, 72.



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