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NOTARIES IN THE BYZANTINE SERVICES MARKET, 4th TO 9th CENTURIES

The issue of differentiation and specialization within the Byzantine notariat, particularly its integration into the service market, remains an understudied area. This article examines categories of private legal acts, focusing on the most common among them — sale contracts — as well as the clerks responsible for their drafting, the locations where documents were formalized, and the organization of notarial offices. Notaries operating in the market sphere were referred to by various titles (with slight differences in specialization): notarius, semiographos, nomikos, ypographeus, tachygraphos, taboullarios, symbolographos, tabellion, grammateis, and kankellarios. Narrative and legislative sources allow for the identification of their classification requirements, including property and age qualifications, legal status (free or semi-free), functions, document-drafting procedures, and the intensity of their work. Using quantitative methods, it has been calculated that to achieve a monthly income of approximately

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30 gold nomismata, a notary would need to draft at least 60 written acts with a minimum fee of 12 keratia per act or around 10–15 documents with fees of 2–3 nomismata each. The intensity of notarial work appears consistent with the level of economic activity in early medieval Byzantium and its economy. On average, during the 20 working days per month (excluding Sundays and holidays), a single notarial office handled no more than two to three agreements or contracts daily. Even in populous Constantinople by the late 9th century, 24 notarial offices sufficed to meet demand, collectively serving 50–70 significant clients daily during workdays. Most Byzantines engaged with notarial services relatively infrequently, primarily for transactions exceeding the value of one litra of gold. Nevertheless, the annual total amounts to an impressive figure: approximately 15,000–20,000 notarized documents produced by Constantinopolitan offices alone, excluding provincial notarial activity.

Keywords: Byzantium, notary, notaries, notarius, nomikos, taboullarios, symbolographos, tabellion, act material, market services.

The level of commercial and business activity in the Byzantine Empire would have been utterly inconceivable without the notarial system and the professional class that served the needs of the Byzantine economy.

Meanwhile, apart from the undeservedly overlooked work of N. Ljapidevsky, for a long time the principal study on the early Byzantine notariat and its structure remained Franz Dölger's essay «The Medieval Private Legal Act». (Ljapidevskij 1875; Dölger 1956, 338–345). Only three decades later did significant contributions in this area emerge, notably through the foundational research of I. P. Medvedev and the Canadian Byzantinist H. Saradi-Mendelovici, who defended a dissertation on the subject in 1985 (Medvedev 1979, 124–147; Medvedev 1988, 100–129; Saradi-Mendelovici 1988, 167–180; Saradi-Mendelovici 1989, 117–130; Saradi-Mendelovici 1991). Even after these advancements, the issue of differentiation and specialization within this sector of the services market remains somewhat unclear. Moreover, the task of identifying the professional composition of the Byzantine notariat and tracing its evolution during the early Middle Ages has so far been addressed only tangentially. It has typically been examined indirectly through assessments of documentary

material and is often tied to the analysis of procedural aspects. This approach has lacked the necessary depth and clarity and, most importantly, has overlooked notaries as key participants in the tertiary services market.

One of the most common functions of notaries was the registration of purchase and sale transactions. The most widespread category of private legal acts was the bill of sale, referred to as *praterion engraphon* («written deed of sale») or simply *praseis*, *diapraseis*. Occasionally, it was specified as *prasis katharaone* («pure sale»), meaning a straightforward, unencumbered sale. (Medvedev 1988, 48). However, judging by the 897 bills of sale from the archive of the Great Lavra on Mount Athos, other, less common terms could also be used, such as *libellos tes apotages* or *ekchoresis kai diaprasis*, with the specification *engraphos asphaleia* (Actes 1970, 89-91, No. 1). At the same time, it is important not to overlook other types of contracts (*syμβιbaseis*) and acts (*συμβολε, graphe symbolaion*), which had their own rules for legally competent documentation.

In the 6th century, such private acts were subject to *insinuatio*, that is, registration in municipal registers (Saradi-Mendelovici 1989, 117-130). For example, documents from the Exarchate of Ravenna and the Pentapolis show that, until the early 7th century, individuals would notarize sales and lease agreements with municipal councils — the *curiae* of Byzantine provincial cities — while the *curia* itself evolved into a kind of bureaucratic corporation (Tjäder 1955, № 29-42, 45, 46). The Church also played an increasingly important role in the registration of legal acts, alongside the civil authorities (Franzius 1967, 197; Saradi-Mendelovici 1988, 167-180; Borodin 1991, 96-97; Medvedev 1988, 138-139).

The location where the professional recording of a legal act took place was determined by the interested parties, who would invite the notary. However, it seems that this location had to be within a specific territory (Medvedev 1988, 136-137). In the 6th century, a favored location for notaries in Constantinople was the *embolai* of the Great Imperial Palace, with their booksellers' shops (*politirion*), near which «...rhetors, reporters, and all others who handle such matters» conducted their legal business. (Procopii 1964, I. 11. 12, p. 207). Justinian's law clearly indicates that *tabelliones* worked in their offices (*stationes, stationos*), located in public spaces

(Corpus 1908, XLII.4.7.13; XLVII.10.15.7; Corpus 1895, VIII.11.12 [an. 440]; Corpus 1904, Nov. 44, cap. 1-2). It was not necessarily the case that they were the owners of these *stationes* (*stationes dominus, o tou stationos kyrios*); as seen in the famous novella from August 537 AD, the «master of the station» could be any outside person (Corpus 1904, Nov. 44, cap. 1 [2]), even someone not working there but still receiving income from it. What mattered most was that the authorized notary possessed the right granted by the state (*auctoritas, authenticia*) to engage in notarial work as a free profession (Corpus 1904, Nov. 44, cap. 1 [1]).

The same term was used to denote a notarial office of the *tabularius* — ταβουλλάριος (*tes taboularikes stationos*), although in the *Book of the Eparch* the word «*kathedra*» (κάθεδρα — literally «seat») appeared alongside the word «station» and even more frequently (Vizantijskaja 1962, I, 3, 9, 23, 25). A. Stöckle and M. Y. Syzyumov, who adopted his viewpoint, believed that the term *kathedra* referred to an urban notarial district or quarter under a notary's jurisdiction (Vizantijskaja 1962, 115, I.3; Stöckle 1911, 57). However, the context of one paragraph, discussing a formal procession to a *kathedra* and the inauguration of a newly appointed *tabularius* sitting upon it, suggests that this term refers to the notarial office itself, that is, a specific place of work or premises. Similarly, another directive, which mentions a *tabularius* who should respectfully meet another *tabularius* coming to the *kathedra*, indicates that it refers to an office or place of business (Vizantijskaja 1962, I.9).

Immersion in the terminology of Byzantine notariat uncovers even greater diversity, and thus instability, in the titles for the profession responsible for drafting contracts of sale, marriage agreements, deeds of gift, wills, and various other legal documents. In the 7th century, John Moschus suggested equivalence between a *notarios* (notary) and a «sign writer», or *semeiographos*, when he recounted that children whose parents aspired for them to become *nomikos* (legal experts) were educated under the guidance of a *semeiographos* and a *grammatikos* (scribe or teacher) (Beati Ioannis 1976, 3085A). Another contemporary of Moschus, Anastasius of Sinai, mentioned *semeiographoi* and their private offices, called *semeiographiea*, observing that their work closely resembled that

of a rapid writer or stenographer — *ypographeus* or *tachygraphos* (Anastasii 1860, 85A, 188D). Working alongside them were professional notaries, whose status was likely most aligned with that of bureaucratic officials. This certainly applies to «imperial notaries» (*basilikos notarios*), as evidenced by legal and sigillographic sources (Corpus 1895, XII. 49. 2-4; Panchenko 1904, 356, 371, 394). The seal always served as a symbol of official authority in the Empire, making such finds particularly significant, even in remote provincial towns. For example, from Cherson in Taurica comes a lead seal (*molyvdoulon*) bearing a three-line inscription: ...*Theodoro notario* («... To Theodore, the notary»), which was tentatively dated to the 7th century by I. V. Sokolova, who published it (Sokolova 1991, 213, no. 56). A lead seal (*molyvdoulon*) of notary Dimitrios, dating from the late 8th to early 9th centuries and likely used to authenticate an official document, was found near Cherson on the southern coast of Crimea, in the large settlement (*polisma*) at Laspi, which contains the remains of several large multi-chambered buildings constructed in the *opus mixtum* technique, with marble decorations. These buildings were likely the residence of the local *prostates* (Alekseenko 2015, 19).

Indeed, many notaries served in various governmental departments and held corresponding positions in the state hierarchy. In the *Taktikon* of Uspensky, compiled around 842–843 AD, they are listed among the lower ranks of the fourth class, including the notary of the *eidikon* (17th position), the notary of the *sakella* (25th position), and the notary of the *vestiarion* (26th position out of 69) (Uspenskij 1898, 127).

In the *Taktikon* of Philotheos, written about half a century later, notaries are found in the rank of *spatharioi* among the third class. They are listed as imperial notaries of the *sakella*, imperial notaries of *vestiarion*, imperial notaries of the *eidikon*, and notaries *ton arklon tou genikou* (positions 30–33 out of 45), signifying their exclusive service in the administrative-financial apparatus. Meanwhile, in the lower ranks, there are *chartoularioi* and notaries *ton (lechthenton) sekreton kata tous bathmous ton eauton ophphikion* (2nd position), and notaries *ton asekreteion apratoi* (14th position out of 33) (Uspenskij 1898, 125–126, 128).

Another closely related, if not identical, category of notarial professionals was the *symbolographos*. Information about it is found in the *Novels*

of Justinian. These sources indicate that the capital's *symbolographoi* belonged to a special guild and were under the control of the *praefectus praetorio* (Corpus 1904, Nov. 44, prooem, cap. 4). They had assistants, presumably copyists or scribes, referred to as *ypourgounton* (Corpus 1904, Nov. 73, cap. 7 (1)), but they were required to draft documents personally (Corpus 1904, Nov. 73, cap. 7 (1)). Moreover, they were personally liable and, in the case of handling an illegal transaction, faced permanent exile as punishment (Corpus 1904, Nov. 7, prooem.).

According to the constitution of Anastasius I and the aforementioned Justinianic novella from August 537 AD, the responsibility for ensuring the correctness of the conclusion and formalization of private transactions was also assigned to *tabelliones* (*tou tabellionos*), who were essentially, it seems, indistinguishable from *symbolographoi* — the two terms were even used interchangeably in the text of the same law (Corpus 1895, VIII. 53 (54). 32; Corpus 1904, Nov. 44, cap. 2). However, according to Justinian's constitution of June 1, 528 AD, in the case of a purchase and sale transaction, the drafting and writing of the relevant document could be done not only by the *tabellion*, but also by the parties involved in the transaction themselves, who were required to confirm it with their signatures (*subscriptionibusque partium confirmata*) (Corpus 1895, IV. 21. 17; Brunner 1880, 58-59; Dölger 1956, 349, Anm. 1). The procedure in this case might have looked as follows: first, the *tabellion* (or *symbolographos*) would draft a document of the transaction — called a *sheda* — at the oral request of the contracting parties. Then, after both sides approved the draft, a scribe — known as a *graphontos*, or *ipourgos* — would write out the final version of the purchase and sale document, known as a *mundum* (Ljapidevskij 1875, 42). However, another approach, which became increasingly preferred over time, can also be suggested. For instance, the *Isagoge* and *Procheiron* pointed out the necessity for both the seller and the *tabellion* to participate in the creation of the transaction document, while the other party (the counterparty) had no role in its drafting, which of course simplified the procedure (Epanagoge 1892, XXIII. 2; Imperatorum 1837, XIV. 1).

Tabellion was originally proposed as a synonym for the term *taboullarios* (Corpus 1895, IV. 21.17; VI.23.29.7; Corpus 1904, Nov. 44,

cap. 1; Basilicorum 1840, XXII.1.76). The laws of Justinian, the *Ecloga*, the *Basilika*, and the *Procheiron* consistently show that *taboullarioi*, like scribes (*grammateis*), provided notarial services not only in the capital and provincial cities, but also in villages (Corpus 1895, VI. 23.31; X. 71.3; *Ecloga* 1983, V. 8; Basilicorum 1843, XXXV. 2.19; Imperatorum 1837, XXI.15).

Taboullarioi could, at the same time, serve as scribes and copyists, although writing a document concerning a transaction and creating this document (*completio*, *telesma*) were interpreted ambiguously in legal terms and were functionally differentiated (Corpus 1895, IV. 21. 17; Basilicorum 1840, XXII. 1. 76). An indefinite, hard-to-grasp distinction can still be observed between them and *symbolographoi*. From the novella of 537 at least, it can be inferred that the *symbolographos* drew up the document, while the *taboullarios* certified the signatures (*telesthen de ypo symbolographou kai para te taboullariou ten ypographen echon*) (Corpus 1904, Nov. 44, cap. 2, p. 273). By the 9th century, and perhaps even earlier, this distinction disappeared, as evidenced by Novel 115 of Leo VI, «De tabulariis», which, according to the convincing conclusion of A. Schminck, was not an independent novella but rather stemmed from a well-known section «Peri taboullaron», which was later incorporated into the final edition of the *Book of the Eparch*. (Les Nouvelles 1944, Nov. 115, p. 376-377; Schminck 1990, 195-209). In it, the terms *taboullarios* and *symbolographos* turn out to be entirely identical in meaning, although the latter was used much less frequently — in three paragraphs compared to 19 (Vizantijskaja 1962, I. 1, 3-9, 11-14, 17-20, 22, 24, 26 — *taboullarios*; I. 10, 15, 23 — *symbolographos*). What is particularly noteworthy is that in one instance, both terms were used together (Vizantijskaja 1962, I. 25). Neither is any distinction in functions revealed by another document, almost contemporaneous with this novella of Leo VI — a deed of sale from 897 AD for a suburban plot of land granted to Euphemius, the abbot of the Monastery of St. Andrew, which was written and certified by the «cleric, *libellios*, and *symbolographos* of our God-protected city (Thessalonica) Nicholas» (Actes 1970, №1, p. 90, l. 29-30).

The capital's notaries (*taboullarioi*, *symbolographoi*) and the scribes and copyists they hired were united into a professional *sistima* (συστήμα)

under the authority of the eparch, who approved the election of the head of the corporation — *primikerios* / *πριμικήριος* (Vizantijskaja 1962, I. 22-24; Vogt 1908, 148-149). Only those *taboullarioi* and *symbolographoi* who were included in this urban association (*syllago*) were allowed to record any transactions or agreements (Vizantijskaja 1962, I. 15). The exclusive right to this work could only be shared with them by a notary who served the needs of a governing institution, monastery, or charitable establishment (*eite oiko euagei e archontiko eite monasterio e gerokomeio*) but was not a member of the *sistima* (Vizantijskaja 1962, I. 20). These notaries worked in the so-called «archontic houses», which in this case served as official institutions rather than private estates of dignitaries. These were the houses of *archons* (*ἄρχοντες*) — officials of state departments, the Patriarch, and the imperial court. In this case, an *archon* was understood to be a person responsible for public property, who, by virtue of his office, prevented the execution of illegal transactions (Corpus 1904, Nov. — Ed. Just. XII (an. 569); Les Nouvelles 1944, Nov. 105; Epanagoge 1892, VI. 5; Bratianu 1936, 43 sq.; Beck 1965, 18; Kurbatov 1971, 204).

The age requirements for those offering their services as *taboullarioi* were not clearly defined, except for the vague phrase about a «sufficient age» (*echein ton chronon plerestaton*). This term most likely referred to an appropriate level of physical and, particularly, intellectual maturity necessary to master this complex profession (Vizantijskaja 1962, I.2). From the Novels of Leo VI, it can be inferred that their position (*nome*) as *notarioi*, like that of their *primicerioi*, was held for life. However, the head of the *primicerius* / *πριμικήριος* received a state pension when, due to the inability to perform his duties, he relinquished his title to another and ceased to work (Les Nouvelles 1944, Nov. 41-44, 115). Notaries did not receive a pension.

By the 10th century, the law required two main qualifications for *taboullarios*–*symbolographos*: each of them «... must know by heart forty titles of legal guidance (*egcheridion nomou*) and sixty books of the *Basilika*», and, moreover, be able to «... personally (*cheiros graphe*) draw up a document, written in a fluent style and accurately expressing the intended meaning» (Vizantijskaja 1962, I.1, 2). The guidance consisting

of 40 titles (chapters) most likely referred to the *Procheiron*, literally «Manual», a legal guide compiled at the very beginning of the 10th century, in 907, under Emperor Leo VI the Wise (886-912) (and not between 870 and 879, as previously believed). Thus, the *Procheiron* was the latest reference book by the time the *Book of the Eparch* was edited. Even mastering just this text by heart would have been a challenging task, let alone the very long *ta basilica nomima* — the *Basilika* in sixty books. In light of these highly complex professional requirements, the other necessary qualities for a notary — a good reputation, moral integrity, and loyalty to the doctrines of Orthodoxy — appeared as far simpler and more achievable (Vizantijskaja 1962, I. 1).

The property requirements for *taboullarioi* were also not established. However, it is clear that the entrance fee for joining their assembly could only be afforded by a relatively wealthy person (22 nomismata paid to the «common» Constantinopolitan *taboullarioi*, three to the *primicerius* of the «corporation», and six for the table, totaling 31 gold coins) (Vizantijskaja 1962, I. 14). This amount was nearly equal to the future monthly income of someone joining the *sistima* and was almost three times higher than the average income. Moreover, *taboullarioi* could be of a higher or lower rank, which was reflected in the payment for their services (Vizantijskaja 1962, I. 8). Clearly, the system of seniority was strictly observed, as even at the table during a *taboullarioi* meeting they sat «by rank» (*kata bathmon*) (Vizantijskaja 1962, I. 9). Despite all this, their treatment was no different from that of those engaged in «low crafts» (*banausos techne*). For offenses, *taboullarioi* were punished not only with fines but also physically — they could be whipped and their heads could be shaved, which, all the «ranks» notwithstanding, indicates their low social status (Vizantijskaja 1962, I. 5, 6, 9, 12, 25).

Were any of them unfree and therefore legally inferior? At first glance, it seems unbelievable. A slave's dependence on his master made it impossible for him to carry out notarial functions related to the execution of transactions and other agreements, which could be used for selfish purposes by the slave's owner. This is why a law of Arcadius and Honorius from 401 AD, as recapitulated in the *Code of Justinian*,

made it impossible for a slave to hold a position previously open to him in the Roman Empire (Theodosiani 1905. VIII. 2. 5; Corpus 1895, X. 69. 3). However, later in the 9th century, the requirements for *taboullarioi* in Novel 115 of Leo VI and in the *Book of the Eparch* make no mention of the necessity for these duties to be performed only by a free person. When joining the notarial corporation, as previously noted, the criteria included knowledge, professional competence, age, and even moral character, but not legal freedom (Vizantijskaja 1962, I. 1-3). The silence of the law, as is well known, is already a form of permission. Slaves were indeed not among the *taboullarioi* that were heads of notarial offices (*stationes*). However, they could occupy other notarial positions. Each district station (in Constantinople during the time of Leo VI, their number did not exceed 24) consisted of a regular *taboullarios* and a scribe or copyist (*oi grapheis*, *oi graphontes*) — most likely it was the same person (*echeto de grapheana*) (Vizantijskaja 1962, I. 23, 24). Such assistants, aside from slaves, were primarily drawn from among literate clergy and monks, and were hired just like any other *misthioi* (*proslambaneto graphea*). They were not required to do anything other than follow the orders of their employers (masters, *ton kyrion*), and if they attempted to go against the employer's will they faced dismissal (Vizantijskaja 1962, I. 17-19, 24). Thus, slave status did not prevent individuals from being accepted as servants or *oi graphontes* (scribes) to notaries. The *Code of Justinian* and subsequent legislation demonstrate that literate slaves, familiar with the intricacies of the notarial profession, continued to exist; moreover, they were valued highly when sold — up to 50 nomismata, nearly three times the amount usually paid for a simple, untrained slave (Corpus 1895, VI. 43. 3; Basilicorum 1846, XLVIII. 14. 4; Imperatorum 1837, XXXIV. 10-11; Peira 1856, CXXXIV. 28. 21).

Previously, the law allowed metropolitan tabellions to have one deputy with the rights of a tabellion, officially registered in the magister census list (Corpus j1904, Nov. 44, cap. 1 (4)). However, it seems that the section “Περὶ ταβουλλαρῖον” included in the *Book of the Eparch* unequivocally indicated that the right to prepare the final text of a document and to issue the act in full was reserved exclusively for the *taboullarioi-symbolographoi* themselves (Vizantijskaja 1962, I. 6-8, 12, 17, 18). It is likely that the *protokankellarioi*

(heads of chancery departments), *nomikoi* (legal experts and scholars of law), and *kankellarioi* (ordinary scribes) were in a similarly subordinate position. According to the *Taktikon (Klētorologion)* of Philotheos (899 AD), they served in the permanent secretariat of the eparch (Constantini 1829, 717). What, then, prevents us from imagining some of these subordinate assistants to notaries as being unfree individuals, who could have been tasked with the routine, technical aspects of the work?

Thus, a clear dichotomy can be observed in the Byzantine notarial system of the post-Justinianic era, oriented towards market services: a division between professional master notaries and their apprentices — subordinate assistants, scribes, and copyists (*hypourgoi*, *grammatoi*, *graphontes*) with limited responsibilities, among whom slaves could also be found.

The roles of both groups in the tertiary market are quite clear. A notary was required to determine the nature of a legal transaction, including purchase and sale agreements. Subsequently, he was to draft a so-called *schedon* (a preliminary draft of the act), either personally or with the assistance of a scribe or copyist. After that, the notary would read the finalized version of the act (*mundum*, *katharographē*) to the contracting parties. Finally, he would present it to witnesses for signature under a testimonial formula. This formula included the witnesses' names and occupations, a brief summary of the case, and a statement affirming that the witnesses had read the text in the notary's presence and that the document had been handed over to the interested parties. The notary would then affix his signature, which included his rank, title, and name, followed by the scribe's signature (Medvedev 1988, 165–166; Borodin 2001, 250–251).

Since only a document executed by a notary in the presence of the client and witnesses held legal force (Vizantijskaja 1962, I. 12), the drafting procedure was evidently conducted exclusively in person. The practice did not permit a *taboullarios* to accept commissions at one time and deliver completed charters at another, meaning the acceptance of a commission and delivery of the document had to occur on the same day. However, this did not result in queues of clients waiting to see the notary. The reason lay in the stipulations of the law. As early as the novella of June 4, 538, Justinian emphasized the avoidance of the formalities in dealing with «minor

matters» (*pragmaton smikron*), defined as those valued below one litra of gold (Corpus 1904, Nov. 73, cap. 8). To earn the typical average monthly wage of approximately 30 gold coins, a notary would need to issue at least 60 documents with a minimum fee of up to 12 *keratia* each, or about 10-15 documents worth two to three *nomismata* each (Sorochan 1998, 404-405). In any case, on average, no more than two or three agreements or contracts were finalized by a single notary office on each of the 20 days in a month that were not occupied by Sundays and holidays. This, of course, could hardly have «exhausted the people» (*syntribas ypomenosin anthropoi*) who came there (Corpus 1904, Nov. 73, cap. 8). Such a workload seems quite consistent with the level of business activity in early medieval Byzantium.

By the end of the 9th century, 24 notary offices were sufficient to meet the needs of even a megacity like Constantinople. Together, they could serve 50-70 substantial clients daily — a tiny percentage of the city's population, which numbered several hundred thousand. If these estimates are correct, most Byzantines encountered notarial services only rarely and irregularly, at least when it came to transactions exceeding the value of one litra of gold. However, this rarity is relative, as the hypothetical 15,000 to 20,000 notarially executed documents per working year (50-70 acts times 286 days) is not a small number, especially considering that it applies only to the capital of the empire, and thus the number would be much higher if we included the activity of provincial «offices» and notaries.

A broad range of practical matters brought both literate and illiterate individuals into contact with the *taboullarioi*. A novella of Empress Irene from 801 AD stipulated that most transaction types could be independently formalized by one of the parties involved in the agreement (Burgmann 1981, 16-24). In this case, the individual could proceed without the assistance of a *taboullarios*, *nomikos*, or any other relevant clerk and only needed to provide the names of trustworthy witnesses to the transaction — such as priests, *archons*, or prosperous citizens (*eupouroi*). It is likely that many owners, tenants of *ergastiria*, ship owners, and other entrepreneurs or craftsmen followed a similar approach. If both parties were illiterate or prevented from doing so by illness, the person responsible for drafting the document could «place in front (*protassein auton*) an honest cross»,

and clerks at a notarial «station» would handle the rest of the formalities. According to a novella of Justinian I from June 4, 538 AD, it was required that for the formalization of a transaction between illiterate (*agrammatos*) or semi-illiterate (*oligogrammatos*) parties not one but two *taboularii* should be involved, in addition to witnesses, presumably to reduce the risk of fraud (*insinuatō apud acta*) (Corpus 1904, Nov. 73, cap. 8). It is believed that one of the *tabularii* served as the official notary, providing necessary consultations, while the second acted as the scribe and signed on behalf of the illiterate (Medvedev 1988, 160, note 324). However, the *Isagoge* and the *Basilika*, which incorporated this novella, cast doubt on such an interpretation, as they suggest that the act was written by both of the *tabularii* (*ina oi men graphosin*) (Epanagoge 1892, XIII. 16). The *scholia* to the *Basilika* clarified that, when the *tabularii* wrote the text of the document together, one of them would affix the *kompla* (i.e., certify the act with his final signature), while the other would sign on behalf of the illiterate party (Basilicorum 1833, XXII. 4. 1, schol. 11). Therefore, in this case, from a legal standpoint, it did not matter which of the two prepared the *sheda* and wrote the final version — the *katharograph* (*mundum*). The distinction was made only with regard to the final actions of both notaries, who received equal compensation for their work.

In general, Byzantine law leaves no doubt that, according to the fully established notarial doctrine of the 6th century, the system of services for concluding notarial agreements and ensuring their compliance was quite well-organized. The state took the formal accuracy of such matters seriously, which was reflected in the *Code of Justinian*, its novellas from August 537, August 31, 537, and June 4, 538, and most systematically in the *Basilika* (Corpus 1895, IV. 21. 17; Corpus 1904, Nov. 44, 47, 73; Troianos 1972–1973, 182–186). Clearly, there were instances of either direct forgery or document falsification (*phalseumatōn graphas*), or the inclusion of sections that could be interpreted ambiguously to the benefit of one party, thus serving fraudulent purposes (Vizantijskaja 1962, I.1).

To conclude, we can say that in the post-Justinian period Byzantine notaries went by different titles, with *tabullarios* eventually becoming the most common (Medvedev 1988, 137; Saradi-Mendelovici 1991, 166).

However, the core of the profession remained unchanged, carried out by those working either as independent professionals (for a fee) or as state employees in various departments (with payment of the *roga* / ρόγα), but always under state control. The state never fully monopolized the field of Byzantine notarial work, just as it did not fully control the equally important areas of money changers and *argentarii* in the Byzantine economy.

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НОТАРІАТ У СИСТЕМІ РИНКУ ПОСЛУГ ВІЗАНТІЇ (IV–IX СТОЛІТТЯ)

Проблема диференціації та спеціалізації візантійського нотаріату і особливо його присутність у сфері ринкових послуг залишається однією із слабо досліджених.

У статті розглянуто категорії приватних актів та наймасовіших серед них — купчих, а також клерків, які їх виконували, місця, де відбувалася фіксація документів, та нотаріальні контори. Нотарії, пов'язані зі сферою ринкових послуг, мали такі назви (і невеликі відмінності у спеціалізації): *notarius*, *semiographos*, *nomikos*, *ypographus*, *tachygraphos*, *tabularios*, *symbolographos*, *tabellion*, *grammateis*, *kankellarios*. Наративні та законодавчі джерела дозволяють встановити вимоги, що висувають до їх класифікації, майновий та віковий цензи, статус (вільні та неповноправні), функції та саму процедуру оформлення документів, інтенсивність нотаріальної роботи. За допомогою методики квантитативних досліджень підраховано, що для отримання місячного заробітку приблизно в 30 золотих номісми нотарію було необхідно оформити не менше 60 письмових актів, що передбачали мінімальний гонорар до 12 кератіїв за кожен, або близько 10–15 документів, що оплачувалися по 2–3 номісми за документ. Інтенсивність нотаріальної роботи є цілком відповідною рівню ділового життя ранньосередньовічної Візантії та її «економіки з ринками». На кожен з 20 днів, що залишалися незайнятими протягом місяця неділями та святами, припадало в середньому не більше двох-трьох угод, контрактів, укладених однією нотаріальною конторою. Навіть для багатолюдного Константинополя до кінця IX ст. було достатньо 24 кафедр нотаріусів, які спільно щодня в робочі дні могли обслуговувати 50–70 солідних клієнтів. Більшість ромейів порівняно рідко зіткнулася зі сферою нотаріальних послуг, зокрема з угодами, що перевищували літру золота. Проте загалом виходить чимала цифра, що становила 15–20 тис. нотаріально оформлених протягом робочого року документів, і це без урахування провінційних контор.

Ключові слова: Візантія, нотаріат, нотаріус, номік, тавуларій, символограф, табеліон, актовий матеріал, ринкові послуги, *notarius*, *nomikos*, *taboullarios*, *symbolographos*, *tabellion*.

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