

his book a large variety of illustrations (color and black-and-white) of grave steles, wooden reliefs, ship stern decorations, silver offerings, folk art images, with appropriate nautical themes and illustrations of various manuscripts that help clarify the text, all from the collection of the Kairios Library. Standing out among the illustrated material is a collection of thirty paintings of ships, painted by folk artists, mostly oils and water-colors. The works appear in a full-page, color format and are preceded by an introductory biographical note on each of the folk painters, most of whom were from Andros. Among the artists represented in the collection of works appearing in the *Sailing Ships of Andros* are foreigners, from some of the largest ports of the Mediterranean, i.e. Trieste, Venice, Malta and Marseille. The description of this sort of folk art is a valuable contribution to the history of Greek painting, not only because the works were done mostly by Greek artists and were painted in regions of Greece, but also because they belong to private collections and are published for the first time.

A detailed index of places, names, ships, topics and terms completes this impressive volume. The book is a thoroughly researched study, which contributes much to Greek maritime history, thereby becoming one of the better books written on the economic history of Greece.

DOMNA VISVIZI-DONTAS

*A Presentation of the State of Law in Greece during the Ottoman Rule and up to the Arrival of King Otto I*, by Dr. Gustav Geib, Royal Government Advisor to the Greek Ministry of Justice, Heidelberg, Prefaced by N. I. Pantazopoulos, Translation-Introduction-Editing by Iris Avdi-Kalkani, Govosti, Athens, s.d., p. 171.

The original title of the book is *Darstellung des Rechtszustandes in Griechenland während der Türkischen Herrschaft und bis zur Ankunft des könings Otto I*, von Dr. Gustav Geib, *Ehemals Königlich Griechischen Ministerialratte im Ministerium der Justiz, Heidelberg, bei C. F. Winter 1835*.

In his introduction (p. 7-24) Professor Pantazopoulos analyzes the state of law in Greece during the revolutionary and post-revolutionary period, focusing on the initiatives of two members of the Regency, Maurer and Abel, with regard to the administrative restructuring of post-revolutionary Greece. It focuses on the impact of the well-known "Municipality Law" drafted by Abel on December 27, 1833/January 8, 1834, which in effect dissolved the Community and Local Government mechanisms, bodies that had done much to save the nation during the Ottoman rule on account of the way they upheld the democratic character of the Greek common law. The Bavarians Maurer and Geib (Maurer's collaborator) had tried to combine the customary civil law (i.e. the purely national Greek law) with the French procedural law, but as the young Geib later states in his book, the French law was a threat to Greece. The question is what did he mean when he said that he had "to let go of a purely national law"? Was it the law he knew about, whose sources he had collected and cleansed from foreign elements, or is it the one which he describes in his book? In the meanwhile, the newly founded Greek state gradually found itself structured not around the imperial legislation or the modern Greek law, but around the foreign law. This, moreover, had been

falsely presented to the Greeks as being a sort of Roman law. G. Rallis and M. Renieris, professors in the University of Athens, had undertaken to translate F. Mackeldey's book *Handbuch des Heutigen Römischen Rechts* (Greek translation 1838). Geib's book is helpful, however, in shedding light on the way the question of which law the newly founded state was about to adopt was perceived in Greece. Some had proposed introducing the *Code Civile*. At the same time, the Greek customary law enjoyed a wide support from the population, as did the Byzantine and Roman laws. Moreover, the Byzantine and Roman laws were recognized as being equivalent to the other laws with the XIX Motion of December 15, 1828. This is something Geib knew, contrary to Maurer's and Abel's belief that the law comes before the collective will of the people but not the arbitrary will of the legislator. Obviously, the problem of the customary law being different in some cases from the Byzantine-Roman law (*Hexabible*) did exist and was duly noted by Geib in his book (pp. 66-67). This is why Geib, despite his belief that the common law was able to stand on its own, doubted whether it was selfsufficient and thus resorted to the Byzantine-Roman and French laws. The preservation of the unity of Greek customs under a special category of legal rules, a "system of national civil law" as he calls it, fascinates him. The same cannot be said of the other members of the Bavarian Regency. Geib, himself, cannot at times interpret certain legal concepts and says so in his book (as in the case of the custom of engagement). Professor Pantazopoulos, who was a profound knowledge of the Greek law, fills in the parts Geib has confessed he cannot interpret and analyzes the difficult passages. He seems to be attributing Geib's ignorance to the fact that the latter spent only a short period in Greece (Jan. 1833-July 1834) and did not speak the language. Once more, Prof. Pantazopoulos seizes the opportunity to note that while the young German lawyer accurately grasped the importance of Greece's common law, the eponymous Greek legislators of post-revolutionary Greece worked hard to eliminate it.

Following Prof. Pantazopoulos' insightful introduction, Mrs Kalkani provides some biographical data on Geib and paints, in her opening statement, a very interesting picture on the state of law in pre- and post-revolutionary Greece. She focuses on Geib's interest with the daily life of Greeks, their character and legal customs, the origins and history of which he seeks in the past. She also has the opportunity to present to the reader an overview of the nature of the law which came into effect in Greece immediately following 1453. In that context, she describes the granting of privileges to the Patriarchate, the role of the Greek Community in the restructuring of the nation, the right of the community elders to dispense justice, the development of the national customary judiciary system, of bona fide, of the family as an institution, etc. Mrs. Kalkani's introduction closes with the observation that despite the fact that our legal customs were shaped in a tradition of humanism and blended harmoniously with the social life, and regardless of the fact that they were observed in a region predominantly Greek and were equivalent to the Byzantine-Roman law, they did not form the basis of the modern Greek state's legislation, but, instead, were put aside and were forgotten, despite the Regency Decree of 23.2.1835.

Next to follow is the translation of Dr. Gustav Geib's book, annotated by Mrs. Kalkani. The first part of Geib's book refers to the state of law during the Ottoman rule (pp. 55-127) and the second to the revolutionary period (pp. 128-170). The first section of the first part brings up the subject of the Charter of Courts and, specifically, the Patriarch's authority to exercise his judicial powers with the participation of laymen and the clergy. Also discussed is the authority of bishops and archbishops in the various Greek cities, the jurisdiction of the Holy Synod of Constantinople (which dispensed justice on the basis of the *Vasilika* and

the decrees of the last Byzantine emperors and, later, on the basis of Armenopoulos' *Hexabible*) and the gradual appearance of a multitude of customs and *praeter* and *contra legem* that made up the national civil law. The national civil law basically depends on the Byzantine-Roman law (i.e. on the *Hexabible*), but in its finer points it is in many ways different. In the second section, which deals with the Civil Law, Geib discusses the legal aspects of marriage, paternal authority, guardianship and adoption, commenting both on the way the law is practised in parts of Greece that observe the customary law and the way they are treated in the *Hexabible*. In the second chapter, Geib deals with the Law of Property and the issues of ownership, mortgage and inheritance, all discussed under the light of the *Hexabible* and the customary law as found in certain Greek regions. In the third chapter, Geib comments on the Law of Contract. In the third section of Part I, references are made to the Criminal Law and the extended jurisdiction of the Ecumenical Patriarch for a range of issues of criminal law nature (one power he certainly did not have was the authority to pronounce sentences of capital punishment). Geib is concerned here with the character of the Greeks, their morality, the low crime rate, the apparent lack of drunkenness in society (a cause of often fatal injuries in other countries). On the other hand, Geib estimates that abortions are common, practised especially by married women not wishing to have a large number of children. He draws a similar conclusion for the offense of pederasty. The author refers also to the offenses of robbery and piracy, but does not fail to mention the relative order which prevails in society, the upkeeping of laws and the lack of disturbance of the peace. One of the more alarming phenomena of the day was forest arson, at a rate comparable to the present one. A special reference is made to the law observed in the region of Mani (in the Peloponnese), where the courts of law dispensed justice according to local customs.

The second part of Geib's book deals with the Law during the revolution, originally influenced by the French legal school, a tendency in those days to look for guidance from the other Western Christian nations. This did not necessarily mean that the Byzantine-Roman law and the law as interpreted in the *Hexabible* were rendered less important. In the first section of his book Geib looks into the legislation of the National Assemblies, the Charter of Courts and Procedural Law (under which lay the District Courts, the Courts of First Instance, the Supreme Court and the Public Prosecutor), a body markedly influenced by the French legislature. Also discussed are the Civil and Commercial Law (closely modeled after the French *Code de Commerce*) and the Criminal Law. The latter was based on the *Απάνθισμα των Εγκληματικών* (Collection of Criminal Law Acts), itself modelled after the French *Code Penal*, but lacking the notorious severity of the French and being more lenient overall.

The second section of Part II of Geib's book deals with the legislation of Capodistrias, originally tailored to the principles of the French law, only to be set aside after 1830, when the Italian legal system was introduced. The Italian system met broad opposition in Greece and, taken together with a series of badly conceived policies, succeeded in making the government extremely unpopular. Capodistrias left his mark on the Charter of Courts and the composition of the courts themselves. He exercised, however, a heavy-handed control on the courts, thereby transforming the judges into powerless instruments of state policy. The Criminal Procedural Law depended on the French *Code d'Instruction Criminelle*. The third chapter is dedicated to the Commercial, Civil and Criminal Laws, themselves depending on the *Code de Commerce*, the *Collection* and the *Hexabible* (only slightly modified), respectively.

In the third section, Geib discusses aspects of the Law starting from Capodistria's

death up until the arrival of King Otto I, a period marked by a relative absence of laws, culminating in the Ordinance of October 8/20, 1832 which abolished courts altogether. This was the state of affairs when Otto I arrived in Greece.

At this point, Geib interrupts his narration. He had just started his work in the Greek Ministry of Justice (this book—translated and annotated successfully by Mrs. Kalkani—being the product of that work).

A young German jurist showed the way modern Greek jurisprudence should have taken, which turned herself instead not to the study and establishment of a purely national law, but to foreign models.

*Institut for Balkan Studies*

ATHANASSIOS E. KARATHANASSIS

Spiridon Kontogiannis, *The Sinai Question, 16th-19th Century*, Jerusalem, Nea Sion, vol. 79, 1987, pp. 422.

The monastery of Sinai, a center of spiritual asceticism during the Byzantine and post-Byzantine era, has experienced, through the ages, a series of fierce confrontations with other Orthodox patriarchates, in what is known as the Sinai Question, an open wound in the history of Orthodox Christianity for over three centuries (16th-19th). This is the subject of Mr. S. Kontogiannis' doctoral dissertation, who based his research on the rich archive material of the Monastery of Sinai, the Patriarchate of Jerusalem and the Patriarchate of Antioch. The author studies how the question first emerged, focusing on the acts of Laurentius, Archbishop of Sinai (1592-1617), who, because of his desire to render the Archbishopric autocephalous, openly confronted the Patriarches of Jerusalem and Antioch. At the root of the matter were the privileges granted by the Byzantine emperors to the Monastery. The privileges guaranteed the bishop's and the bishopric's independence and autonomy, and were further strengthened by the capacity of the bishop of Mount Sinai as father superior of the said Monastery. This situation later caused problems of Canon law and gave rise to ecclesiastic disputes, also attributed to the Monastery's policy of establishing dependencies throughout the territory. The dependencies extolled the ecclesiastic authority of Sinai's bishop and father superior in violation of the Church hierarchy. One such incident of insubordination was the refusal of the fathers of Sinai to fall under the jurisdiction of the Patriarchate of Jerusalem, under the authority of which they had always been, or the irregular demand they made to be granted a status of an autocephalous bishopric. This inevitably led to an open confrontation with the Patriarchate of Jerusalem and the Patriarch of Alexandria, since the Monastery of Sinai operated a dependency in Cairo which did not fall, as it ought to have, under the jurisdiction of the Patriarchate of Alexandria. Soon, in the argument between the Monastery of Sinai and the Patriarchate of Jerusalem became involved the Patriarchate of Constantinople, the Patriarchate of Antioch and the Catholic Church. Laurentius and the fathers of Sinai had requested the assistance of the Catholic Church, which, through Pope Paul V (1605-1621), saw therein an opportunity to become involved in the internal affairs of the Orthodox Church. The policies drawn by Laurentius remained unchanged under his successor, Joasaf (1617-1661), who not only stood