TWENTY YEARS OF THE GREEK CIVIL CODE : ACHIEVEMENTS AND OBJECTIVES

I

Twenty years of operation of the Greek Civil Code were completed on February 23rd, 1966. And a whole twenty-year period is a significant milestone in the history of application of that text, a milestone which now makes it possible for us calmly to evaluate what achievements have resulted in practice and also outline what objectives seem to be imposed in the further course of operation of that great text.

The redaction, promulgation and enforcement of the Civil Code as from that symbolic date of February 23rd, 1946, was indeed a great achievement. And without having to repeat the otherwise well-known story of its promulgation, a story filled with efforts and varied influences from available foreign models, we can say that the redactorial work performed in the years 1930-1940 is, among many other things, basically remarkable in that it has been free from one-sided influences and demonstrated the maturity of Greek legal thought, a maturity which permitted endowment of this country with a text successful as a whole and also fortunate, since it became in fact an operative law and survived with undiminished vigor and with prospects of further long survival.

We say the country has been endowed with " a text," but we all know that this is not exact. For, actually, by some humoristic and playful turn of history which often marks happenings in this country of ours—after striving for over one hundred years to acquire a civil code, Greece found herself, in the year 1946, with two codes instead of one! And this pair of Greek codes will remain for ever as a symbol and proof that, in our country, politics ultimately influences everything, including what we all are prepared to describe as national and, consequently, supra-political issues.

As known, the Civil Code of 1946 is the very code which had been promulgated back in 1940 and was to go into force as from July 1st, 1941. On July 1st, 1941, however, the country was groaning under the yoke of three cruel invaders. Commencement of the effect of the Civil Code was, conse-

quently, deferred. And when, after the liberation, the question of a Civil Code came up again, the memory of the 1940 Code as a work of the pre-war dictatorship period led to the appointment of a new committee which, after much hard work, published a new, revised text, known as the Civil Code of 1945. That text was promulgated and put into force as from February 23rd, 1946. But its effect was not destined to be final. For the government which emerged from the elections of March 1946 brought back into force the text of the 1940 code — retroactively, as from February 23rd, 1946 — as a result of which the Civil Code of 1945 remained a mere reminiscence.

This story is well known and perhaps there was no need for us to repeat it. Nonetheless, it is always edifying and useful, not only as a demonstration of the influence of politics in our country, but also for its scientific significance; for, beyond any political shade and appreciation, the text of the 1945 Code, as a text revised once more by competent persons, was a successful text, a real contribution to Greek law science. And this we say irrespective of any opinion as to whether, having undergone additional elaboration, this text of 1945 should perhaps become the effective Civil Code.

But all this is now only a matter of history. And what is certain is that we are today faced with the fact of the twenty-year operation of the other text, that of 1940, which is in force as the Civil Code of Greece, since February 23rd, 1946. And this is the text now submitted to our judgment and evaluation.

It is a common recognition by both Greek and foreign students of the Civil Code that this is, on the whole, a successful work, which does credit to the Greek legal science and particularly to its authors, who formulated its text with conscientiousness and independence of thought, as well as with simplicity and clarity.[1]

1. The bibliography relating to the Civil Code is rich. See the now completed one in the book of G. Plagianakos, *Die Entstehung des griechischen Zivilgesetzbuches,* (Hamburg, 1963). Of the earlier bibliography, see, among others, C. Triantaphyllopoulos, *Ephimeris Ellinon Nomikon* 4 (EEN), (1937,) pp. 1 seq., as well as in *Archeion Idiotikou Dikaiou,* 4 (1937), pp. 433 et seq. and *Nomikon Vima,* 4 (1956), pp. 227 et seq.; G. Maridakis in *Practica Academias Athinon,* 22 (1947), pp. 310 et seq., as well as in *Studi in Memoria P. Koschaker,* II (1954), pp. 157 et seq. and in *Recueil de cours de l'Academie de droit international,* 85 (1954 1) pp. 110 et seq.; Al. Ligeropoulos, in *Nomikon Vima,* 4 (1956), pp. 230 et seq.; P. Vallindas, in *Revue Hellénique de droit international,* 7 (1954), pp. 267 et seq.; G. Michaelidis-Nouaros, *Ibid.* 10 (1957), pp. 110 et seq.; J. Sontis, in *Zeitschrift der Savigny-Stiftung,* Rom. Abt., 78 (1961), pp. 355 et seq.; N. Valtikos, in *Bulletin trimestriel de la Société de Législation Comparée,* 70 (1947), pp. 54 et seq.; Th. Makris, in *Zeits. für ausl. und IPR,* 9 (1935), pp. 586 and in *Archeion Idiotikou Dikaiou,* 10 (1943), pp. 472 et seq.; D. Gogos, in *Archiv für*

No particular mention need be made of the simplicity and clarity of the Code, for such simplicity and clarity is evident throughout its text. Nor need we say anything more about the authors' conscientiousness. It is certain that the authors of the Code were masters of the traditionally operative Byzantine - Roman law, theoretical researchers or practical appliers, who, brought up in the climate of that law, were guided by the mentality which was to ensure the successful transition from the old to the new law. Moreover, the authors of the Code did not fail to use every helpful text, especially foreign legislations and, in so doing, they also ultimately founded their work on a broad comparative review, extremely essential for a conscientious and diligent handling of arising problems.

In addition to being consciencious and diligent, the authors of the Code also worked with the necessary independence of thought. And it is important to emphasize this fact, which marks the work performed in the years 1930-1940 as fundamentally different from earlier efforts. By this we mean that the authors of the Code, free from the partial influences which had dubbed earlier authors as French-inclined or German-inclined, etc., applied a genuine comparative method and formulated the Code provisions, without one-sided orientation on the law of any particular country.

It is true that the Civil Code is influenced to a substantial extent by the text of the German Civil Code. The sincere student will, however, also find whole sections influenced by the French Civil Code, the Swiss Civil Code and the Swiss Code of Obligations, the old Italian Civil Code, the French-Italian Draft of Obligations of 1927, the Hungarian Drafts of 1914, and 1928, or other earlier codes and drafts. And if there is a preference for the German Civil Code, as is actually the case, the explanation lies in the fact that that Code had eminently formulated the so-called Law of the Pandects, which was essentially operating in Greece until our own Code was introduced.

The comparative review on which the redaction of the Civil Code had been founded was thus very broad. And this was an achievement of its authors, who were fully aware of the old aphorism of Eugene Huber, author of the Swiss Civil Code, that we no longer live behind Chinese walls and that the legislation

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die civil. Praxis, 149 (1939) pp. 78 et seq.; E. Weiss, in *Arheion Idiotikou Dikaiou,* 6 (1939), pp. 1 et seq.; J. von Gierke, in *Zeits. für Handelsrecht,* 115 (1952), pp. 185 et seq.; P. Zepos, *Greek Law* (Athens. 1949), also in *Schweizerische Juristen Zeitung,* 56 (1960), pp. 385 et seq. and in *Revue Internationale de droit comparé,* 14 (196), pp. 281 et seq. (with additional bibliography). With respect to the question of the Civil Code of 1945, see Triantaphyllopoulos, in *Neon Dikaion,* 1 (1945), pp. 108 et seq. and 2 (1946), pp. 159 et seq.; G. Maridakis, *ibid.* 2 (1946), pp. 130 et seq.; G. Balis, in *Themis,* 57 (1946), pp. 217 et seq., 377 et seq.

of every society breathes the same air as the great cultural community, which connects modern states.[2] The use of foreign models is not, therefore, rejectable, but must be made with the caution, imposed by the transactional requirements prevailing in the country, where the codification is attempted. And it must be recognized that the authors of our code did use such caution, in an excessive measure at times and in a conservative spirit, particularly manifest in the crucial questions of family law, on which an old law, though otherwise national and traditionally operating for centuries, was imprinted.

This last thought brings us directly to the broader problem of what must be the position of the new law vis-à-vis the old one which it replaces. And to be more specific, must the new code be a mere methodical assortment of the old law or must it also be a remoulding and recasting in a new perspective, so that future needs may be anticipated. The eternal "golden mean" is perhaps the best answer to the question, namely that, for the sake of the continuity demanded, the new code must express the old law and also contain provisions, which will permit its future development, so that it does not grow old too soon. This linking of tradition and future demands is not always easy. And the success of any code may finally depend on the measure and symmetry demanded between conservative and radical elements.

II

If we now wish to appraise our own Code in terms of this last direction, we may have to agree that this Code is basically a systematic and methodical assortment of the old law in the main, but is at the same time a text where provisions are often included, through which modern concepts breathe.

Thus the provisions regulating personality, the liability deriving from negotiations for conclusion of contract, the prohibition of abuse of right, or the frustration of contract and many others, such as those concerning protection of the worker under the labor contract, the vendor's obligation to transfer possession and ownership, the bona-fide acquisition of ownership, or those covering the possibility of inheritance through more than one will or testacy and intestacy, etc. and finally the provisions concerning observance of good faith and transactional usages in general—most of these provisions are new to Greek law, and some of them, such as those dealing with frus-

2. See Th. Guhl, "Eugen Huber, (1849-1923)" in *Schweizer Juristen der letzten hundert Jahre,* 1945, p. 344, noted by Mantzoufas. *Das griechische ZGB und seine theoritischen Grundlagen,* (Athens, 1954), p. 29 and by Plagianakos, *op.cit.,* p. 99. In this connection see also E. Rabel in *Archeion Idiotikou Dikaiou,* 1 (1934), pp. 1 et seq. especially p. 12.

tration of contract, would certainly be envied even by the most recent codes.[3] And it may be said that, thanks to these provisions, even though it basically renders an old law, the Civil Code also takes on some "vanguard" quality, by which it is perhaps distinguished amidst the multitude of modern codifications of civil law throughout the world.

These somewhat "vanguard" provisions are, I dare say, the main features of the Civil Code and tincture it with some originality. And it is a fortunate thing that the majority of them at least have met with the necessary care and been applied with relative broad-mindedness in Greek judicial interpretation during the twenty years. And though I need not refer to any specific court decisions,[4] I only have to remind of the gradual liberation and broadening of the Greek judicial interpretation on such matters as the prohibition of abuse of right or protection of the worker under a valid or even an invalid labor contract, that is, on matters of eminent social significance, on which we are justified to expect further promotion and improvement.

It should perhaps be remarked here that the Greek Court practice acted with circumspection and caution during the twenty-year period which elapsed since the Code came into force. Greek judicial interpretation is basically conservative. Be it said to its credit, however, that, taken unawares by the introduction of the new law, with its often radical provisions, it gradually adapted tself to both their letter and spirit and instituted a living law, which closely approximates to the spirit of the authors of these radical and"vanguard" provisions. We say "it closely approximates" for indeed further steps have still to be taken by judicial interpretation until all these provisions fully achieve their intended objective. This even applies to the prohibitions of abuse of right or frustration of contract, but particularly applies to such provisions as the protection of personality, where judicial interpretation still seems poor, or to provisions on liability deriving from negotiations for conclusion of contract, where court practice still seems faint-hearted, to confine ourselves to these matters alone.

As far as Greek judicial interpretation, and indeed any judicial interpretation, is concerned, what has been proclaimed by the great Ernst Zitelmann,

3. In this connection see the Resolution (sect. II, A-5) of the *3rd Congress of the International Academy of Comparative Law* (London, 1950), according to which the provision of the Greek Civil Code (Art. 388) has been described as a model provision in dealing with the problems of frustration of contract. See that Resolution in *Revue Hellénique de droit international,* 3 (1950), p. 284 (where our own introduction is included, in pp. 27 et seq.)

4. As these court decisions can be easily traced in the Greek General Repertories of Judicial Interpretation and their Supplements, there is no need for specific mention thereof here.

as far back as 1896, about legal scientific research in general—referring to the dangers that would arise from introduction of the German Civil Code—still retains its significance.[5] Namely, that the provision formulated in a code is always a mere framework, often a very deficient one, within which, however, the jurist has to seek out the solutions to his problems, assisted by his science; should the jurist become oblivious of his mission and believe that he will be able to work only by handling his enacted texts, then law science becomes a word play and chicanery, a sophistical and futile meticulousness in logical acrobatics, alien to the concept of applicable law demanded by transactors; such danger may well lurk in every code on account of the authority of the words it contains.

There is some exaggeration in these prophesies uttered by Ernst Zitelmann no less than seventy years ago. But they also contain much truth, namely, that the interpreter as well as the applier of law easily slips into a verbalistic and syllogistic legalism, with a clear codified text before him. This does not mean, however, that we must shudder at having to interpret or apply a clear and codified text. Such thought would be entirely inadmissible. Quite on the contrary, exactly because of the achievement of a clear and codified text, we can demand with increased insistence, that the interpretation and practical application be exercised with broadness of mind and a spirit unfettered by words, that is, that the interpretation and application be exercised with full consciousness of the fact that the law laid down in a code is but an expression and formulation of the ideal of justice, which both interpretation and practical application are meant to serve.

We can, therefore, describe our Civil Code as a fortunate achievement for its simplicity and clarity, as well as for the possibility it offered to both interpretation and court practice to present or apply a law, which actually meets modern transactional requirements. And in this direction, we can demand broadness of mind, as well as exercise of the interpretative work with an uncommitted and unprejudiced method.

This uncommitted and unprejudiced method of interpretation is now facilitated by the Civil Code itself, as a text of uniform validity throughout the country and, formally at least, unhooked from the previous mazy law.

As far as the uniformity of the law, which the Code has introduced nationwide, is concerned, there is certainly no need particularly to extoll the benefit

5. See E. Zitelmann, *Die Gefahren des bürgerlichen Gesetzbuches für die Rechtswissenschaft* (Rede zur Feier des 27. Januar 1896, gehalten in der Aula der Universität zu Bonn) 1896, especially pp. 17 et seq.

derived from the uniformity and homogeneity of the new law so introduced. We now have a uniform civil law thoughout the country and this means final disappearance of that thankless legislative localism, which had tyrannized Greeks with the Ionian, Samian and Cretan Civil Codes, operating parallel to the Byzantine-Roman law and, moreover, entangling transactors in problems of interregional law. The uniformity of operative law is an essential virtue and a demand of fundamental importance to the legislation of any country, in any period of its history. And this demand was fully met by the twenty-year old Civil Code, through elimination of all ideas of localism in a country whose historic national uniformity rightly called for a legislative uniformity too.

But the question of the uniformity achieved through the Code also has another aspect, equally beneficial. Namely, that with the disappearance of Byzantine-Roman law as applied in Greece until 1946 and the elimination of the three local codes, there has been a shift in orientation of the Greek legal morphology. It is true that the elimination of legislative localism entailed disappearance of some original, possibly picturesque, feature of the previous civil law, which meant termination of practical exercise of the comparative method as, aside from the Byzantine-Roman law, the Ionian and Samian codes brought us close to French, and sometimes to Venetian or Saxon, legal concepts while the Cretan Civil Code had familiarized us with German concepts. However, this attractive comparative occupation ultimately meant difficulty and disorder and, at any rate, practically proved merely romantic or theoretical, considering the fact that in the bulk of the previous law and Greek legal mentality were of Roman-Byzantine, or more accurately pandectistic, origin. As a result, the introduction of the Civil Code made it possible formally at least, to abandon that alien pandectistic mentality and turn to a mentality which bore Roman and pandectistic, as well as modern foreign, elements, but combined all these in a single whole, with an indigenous Greek tone.

This is not the right moment for a discussion and appreciation of the contribution of the pandectistic doctrine to Greek legal science and judicial interpretation. Opinions are known to vary on this point. It is thus maintained that this contribution has been beneficial, as it helped the German pandectistic doctrine to invade Greece with its complete logical equipment. But it is also objected that pandectistic doctrine, precisely because it was an artificial creation of German science, was ultimately detrimental as it diverted the current of Greek legal mentality from its natural direction, namely, the age-old Byzantine or post-Byzantine historical tradition.[6]

6. On the whole subject, see Sontis in *Neon Dikaion,* 2 (1946), pp. 223 et seq., especially

Arguments on both sides are valid. However, irrespective of exactly where the truth lies, it is certain that introduction of the Civil Code brought some measure of unhooking—a beneficial unhooking. In other words, introduction of the Civil Code provided a possibility for interpretation to rid itself of the hold of pandectistic bias and grow as a modern method of search for the true meaning of the operative law. We say "provided the possibility," for it would be impossible for the shift in the whole orientation of the interpretative method to occur overnight, upon introduction of the new law, considering the fact that interpreters as well as appliers of the law, theorists, lawyers and judges, had been brought up in the climate of pandectism which, of course, they could not easily spurn.

No more can be said on this point here. One may note very briefly, however, whatever the services pandectism may have offered to the Greek legal reality, this pandectism was an artificial scientific creation, a corruption of the authentic Roman or Byzantine law, and had to be abandoned upon introduction of the new law, anyway. Pandectism is no longer compatible with the new Civil Code law and cannot be preserved as a dominant mentality in the work of interpretation of the new text, even where that text renders the concentrated essence of the pandectistic doctrine. The Civil Code has its own structure and is self-contained and this demands an independent and particular legal mentality for its interpretation. When this demand is really met, when, this is to say, the Code is effectively interpreted in accordance with present needs and independently of all pandectistic spirit, a further beneficial result will be attained in that research on Roman or Byzantine law, will rid itself of its pandectistic corruption and will achieve autonomy in Greece too, as pure historical research, illuminating, truly and genuinely, the course of that marvelous world of Roman-Byzantine law through the ages.

III

With these last remarks we have now set foot on the soil of the "objectives," which, we believe, are now imposed, after the Civil Code completed twenty years of life. In fact, we may point to the efforts to rid ourselves of

ibid., 4 (1948), pp. 191 et seq.; N. Pantazopoulos, *Astikos Codix* και *Ethnikon Dikaion* (Civil Code and "National" Law), (Athens, 1945) and *Apo tis Logias Paradoseos is ton Asticon Codica*, (From the "Purist Tradition" to the Civil Code), (Athens, 1947), In this connection, see also J. Triantaphyllopoulos, in *EEN*, 28 (1961), pp. 257 et seq.

pandectism and the pandectism interpretation methods, which is a burden to all of us who were brought up in the tradition of the pre-Code law, as the main "objective." Such renovation of interpretation methods, delivered from pandectistic prejudice, might help us to interpret the Civil Code more successfully, wherever complete interpretation success has not been achieved as yet.

To be sure, such points in need of interpretation and jurisprudential improvement are not few and I may recall some of them at random.[7] The question of mistake as to the object of the contract, for instance, i. e. the question of the relationship of provisions on mistake to the provisions on impossibility of performance, the problem of interpretation of acts in the law, the distinction between earnest and penalty, the complex questions arising from application of article 479 on transfer of the whole of a property, the sharp distinction between power of attorney and mandate, with the related problem of the form of mandate for purchase of immovables and the equally related question of the so-called fictitiousness as to the person or contract through interposed person, the question of characterization of the employer's default as lender's or debtor's default in his failure to cooperate for performance of the work agreed upon, the problem of the validity of the transfer of immovables as security for a claim, the clear distinction of the loan contract from the promise to extend a loan, numerous questions arising from denunciation of the company's contract or from unjust enrichment or unlawful acts, etc., the questions of acquisition of estate, compulsory right of inheritance or "collatio" and a multitude of others, either of essence or of detail, to which Greek court practice has not so far given universally accepted solutions. And it is essential that such accepted solutions should be given with respect to these points by judicial interpretations, so that it may better adapt itself to the radical provisions of the Code we mentioned earlier (personality, liability deriving from negotiations of contract, prohibition of abuse of right, frustration of contract and especially principles of good faith and observance of transactional usages, etc.) if we really wish to make the Code a living text that will survive long hereafter.

The task judicial interpretation is expected to accomplish is, therefore, arduous as well as all-important, and its accomplishment must perhaps be the first and primary objective in the years ahead. An objective and an accom-

7. On these subjects, there is already a rich judicial interpretation as well as a specialized bibliography, which see in the Greek General Repertories of Judicial Interpretation and their Supplements.

plishment which presuppose, as we said, the gradual shaking off of the pandectistic spirit as well as the creative and law-creating efforts of the Greek judge, as the Code successful as it is in itself on the whole, also has its imperfections, like any human creation, or provides solutions not always fortunate. By this I mean certain provisions of the Code, which should perhaps be written out in a different way or with different solutions, such as those covering the relation of custom and law, or the narrow formulation with respect to compensation for moral damage, or its failure to emphasize the social character of the right of ownership, or the matrimonial relationships and the whole legal status of the woman and mother or adoption and even questions of guardianship and perhaps of intestate succession, compulsory right of inheritance, et al. In respect of these questions, mentioned here by way of illustration, the solutions provided by the Code are not always indisputably correct. And in the absence of a general provision that would fill the gaps of the law—as has been proposed but finally dropped[8]—the only hope left is the law-creating action of the Greek judge for protecting the Code from the danger of a legislative reformation.

This now leads us to discussion of another highly important problem, namely, whether reformation, amendment or supplementation is permissible today, after the Code has been in force for twenty years.

No easy answer can be given to this question.

If we recalled how many efforts it took, for over a century, to acquire this Civil Code, its eventual amendment could only be described as destructive mania, at least in principle. Allow me to quote Aristotle (Politics, II. V. 1269a 13 et seq.): ".... accustoming to easy abolition of the laws is bad; clearly some mistakes of both lawgivers and rulers must be left ...."; and further on: ".... easy change from the existing laws to other new ones means weakening the force of law ...." And I suppose we will all agree that we had

8. The Reporter of General of the Civil Code, Prof. G. Maridakis, had rightly proposed the acceptance of a provision comparable to Art. 1 of the Swiss Civil Code, to fill in the gaps of the law, and the Committee had accepted that view by a majority, (see Civil Code Draft, General Principles, Athens, 1936, pp. 46 et seq., 62 et seq., 64 et seq., 116 et seq., 269, 305). But finally the provision is not included in the Civil Code text revised by Prof. G. Balis. On the whole matter, see, among others, Balis in *Themis,* 51 (1940), pp. 273 et seq., but also A.B. Schwarz, *Das Schweizerische Zivilgesetzbuch in der ausländischen Rechtsentwicklung* (1950), p. 30, pointing out that deletion of the provision was made contrary to the appeal which the consecration in the text of a Greek Civil Code of the principle of supplementation of law in accordance with the ancient Aristotelian doctrine, would have (Aristotle, Nicomachean Ethics, v. 14. 1137 b. 19). With respect to this ancient Greek doctrine, see the remarks of J. Triantaphyllopoulos, in *EEN,* 30, (1963), pp. 753 et seq.

better overlook the few errors of the Code for the sake of the great benefit of its preservation, without weakening it with radical modifications and supplements.

May I humbly suggest that complete revision of the Civil Code is no task for our own generation, or even for the next one. Another thirty years later, when this Code will be half a century old, it will certainly be ripe for radical revision. The notion that the Civil Code is some kind of Bible, an inalterable text of some increased power will, at last, vanish by that time.

What is then left for us to do?

Every construction needs repairs for the sake of its own preservation. If this be true of inanimate constructions, we must agree that it is much more imperative for the living law, laid down in the provisions of the Code. I, therefore, dare say that the Civil Code too needs some repairs here and there, exactly to ensure its preservation. Such "repair" has already been carried out to a limited extent, for example, with the amendment of the Legislative Decree of May 7/10, 1946, under article 2 par. 2, the customs do not abolish written law, or with the amendement of art. 1622 of the Code by the law 3192/1955, par. 2, whereunder women may accept guardianships and cooperate as witness in drawing of wills. We may add the virtual disuse of many provisions of the Law of Things as a result of special laws, notable the Town Planning Regulation, or the projected reformation of provisions concerning the labor contract as soon as the new Labor Code is passed, or disuse or corruption of certain provisions of the law of adoption, which has been the main motive of enactment of the Legislative Decree 4532/1966 amending and supplementing the provisions of the Code, not to speak of such much-debated questions as what is inaptly called "automatic" divorce and the fourth marriage.

These points are not, however, the only ones requiring repair and improvement. Such points are many and often very important. And I believe that we must not hesitate to improve the Code in these points too, provided we proceed with caution and measure, in such way, that is, as to avoid alteration of the whole physiognomy of the Code. Caution and measure in such legislative operation on specific matters is another important objective awaiting us in the years ahead, with respect to the Civil Code. Caution and measure which the country's legislative policy is called upon to define in accordance with the teachings of modern science and the sane requirements of transactions.[9] Caution and measure, finally, which the legislative policy pursued will

9. Discretion and measure, caution and a correct technique in formulating the provision, whereby the Civil Code would be revised, were also essentially called for in the una-

define sometimes, taking also account of the marked international trend towards law unification, which is pressing us too very strongly and imposes reformations dictated by the uniform climate, now gradually developing throughout the world in the overall social, political and economic life.[10]

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nimous resolution of the Law Faculty of the University of Athens (meeting of January 13th, 1960), which found it imperative that any revision of a Civil Code provision should only be decided with the concurrence of the Supreme Court. the Law Faculties and the concurrence of the Supreme Court, the two Law Faculties and the major Bars.

10. See P. Zepos, "Die Bewegung zur Rechtsvereintlichung und das Schicksal der geltenden Zivilgesetzbücher," in *Revue Hellénique de droit international,* 19 (1966), pp. 14 et seq.