

independence of Bulgaria committed them to a policy of resisting Byzantine ecclesiastical and cultural dominance. The approach which they pursued was one of accepting and enhancing the Christianizing process while at the same time avoiding the political consequences of accepting Christianity from the Greeks. The solution to the inherent difficulties of such a policy was found not in accepting Roman or Frankish Christianity or so much in playing Pope against Patriarch but in the development of a Slavonic liturgy and hierarchy by supporting the activities of the Methodian exiles from Moravia. The result was a Slavonic church whose autonomy was recognized in the tenth century (though suppressed in the 11th) and the appearance of a Bulgarian - Slavonic culture. The effects of Christianization and Slavonization were not uniformly beneficial; part of the consequences was the appearance of an heretical Bogomil church which had a profound effect on Bulgarian society.

Finally Professor Browning's description of the differences in the everyday life of the Bulgars and Byzantines and the profound differences between these two societies is extremely able.

The Bulgarians owed a great deal to the Byzantine Empire particularly Christian, but the non-Byzantine character of Bulgarian society was remarkable, not only the character itself but the apparent consciousness of distinctiveness within Bulgarian society. The real result of the differences between the conditions in the Empire and Bulgaria was the development of a Bulgarian nationality which was founded on the use of Slavonic rather than Greek as the administrative, liturgical and literary language. Ultimately the growth of Bulgarian nationality played an important part in bringing an end to the Byzantine myth of oecumenicity.

Appalachian State University
Boone, N.C. U.S.A.

FRANK E. WOZNIAK

N. J. Pantazopoulos, *Georg Ludwig von Maurer: «Ἡ πρὸς εὐρωπαϊκὰ πρότυπα ὁλοκληρωτικὴ στρόφῃ τῆς νεοελληνικῆς νομοθεσίας»* [The Complete Orientation of Modern Greek Legislation Towards European Standards], Peprint from *Ἐπιστημονικὴ Ἐπετηρὶς τῆς Σχολῆς Νομικῶν καὶ Οἰκονομικῶν Ἐπιστημῶν, Ἀριστοτελείου Πανεπιστημίου Θεσσαλονίκης*, 13 (1968), pp. 1343-1506.

The organization of the newly established State, the definition of the form of Government and the quest for a king, were the problems caused by the Greek Protocols of Independence in 1830, the arrangement and solutions of which consumed, as is well known, the final phase of the 1821 Hellenic Struggle¹.

1. Cf. George P. Nakos, «The Great Powers and the National Estates of Greece (1821-1832)», reprint from *Scientific Yearbook of the School of Law and Economic Sciences of the University of Thessaloniki*, Vol. IX *Akrothinia* Peter G. Vallindas, Thessaloniki 1970.

The Great Powers, which had contributed to the diplomatic recognition of Greece as a State, Great Britain, France and Russia, after much vacillation (and in actual absence of the legitimate Greek representatives) arrived —through the 1832 Treaty between the three Allied Powers and Bavaria— at the nomination of Prince Otho of Bavaria as its "Monarch", who would rule through a three-member Regency until he came of age. The Regents would be chosen by King Louis of Bavaria, Otho's father, and they would exercise in the name of Otho «all his Sovereign rights, to their fullest extent»¹.

The Regency, composed of Count Joseph L. von Armansperg, Professor Georg L. von Maurer, and Major-general Karl W. von Heideck as regular members and Karl von Abel as alternate member arrived in Greece in 1833 together with Otho, who was proclaimed «Otho, by the grace of God, King of Greece».

The above - titled study by the Professor of the History of Greek and Roman Law at the School of Law and Economic Sciences of the University of Thessaloniki, Nicholas J. Pantazopoulos, one of the most conscientious researchers on the history of Greek Law, by careful and comparative analysis covers thoroughly not only the scientific work of G. Maurer, a member of the Regency, but also vital organizational topics of the newly established Greek State such as:

a) the legislative work of Maurer, b) the problem of the Church of Greece, directly connected to the Declaration of Independence of the Greek Church, c) the administrative organization, based on the disorganization of the communities that had flourished under Ottoman rule, and d) the scientific research on new legislation, introduced by Maurer, and its censure, as well as the comparative analysis of the endeavours to order Greek Law under French or German influence.

The whole work is subdivided into seven sections, which are further divided as appropriate into more detailed titles and subtitles.

Certainly, from the title of the work «Georges Ludwig von Maurer. The Complete Orientation of Modern Greek Legislation towards European Standards», one might assume that the whole structure and formation of the above study, refers to the period of activities of the main legal member of the Regency in Greece, namely between the years 1833-1834, and the corresponding consequences. But this assumption does not precisely convey the real content of the study, which without overstepping the limits of its title and subtitle, makes a comparative investigation of the legal status quo of that time, further analysing it on the basis of authentic sources selected strictly from official texts and, in general, from the Greek and foreign historical bibliography of law, after joining it chronologically with the previous historical periods of Greek Law (see § I, Introduction, p. 1345). But as a matter of fact the analysis of the new problems posed by the writer in his present study is rendered impossible

1. The legal status quo established in Greece, theoretically by the Regency but in fact by Bavaria, the problems caused by this fact in combination with the socio-political tendencies of Greeks during the 1821 Revolution and until the Bavarian Rule, see George P. Nakos, *The Constitutional Regime of Greece during the Reign of Otho and until the 1844 Constitution. From the Democratic Ideals of the Revolution of 1821 to Absolute Monarchy* (Thesis). Appendix to the Scientific Yearbook of the School of Law and Economic Sciences of the University of Thessaloniki, Vol. XVII *Charisma Dimitrios J. Delivanis*, Thessaloniki 1974.

for us and consequently we shall confine ourselves to a brief presentation, covering only a part of the writer's scientific work, a complete comparative presentation of which we intend to present in due course.

The §§ 1-2 (p. 1345-1349 ff.) refer to the legislative and generally the legal status quo, prevailing in Greece before the arrival of the three-member Bavarian Regency, which came to exercise in name only organizational, but in practice «Royal» duties, until the maturity of the chosen Monarch of Greece, Otho of Bavaria. Basically the Regency's assignment was of organizational nature referring, that is, to the organization of the state in the Monarchist model. This state would be ruled in the future by Otho, firmly enforcing the «Monarchist Principle».

As the author afterwards observes, in the course of research on the central aims of the Regency's organizational endeavours (§ 3, p. 1351 ff.) the state which the Regency and particularly Maurer tried to organize, did not correspond to the one provided for by the provisions of the National Assemblies of newly-free Greece. This was because Greeks were consciously attached to the representative system which according to the author «derived from communalism» (p. 1352 ff.) while the Regents, following the «Instructions» of Louis of Bavaria, aimed at the formation of a western-type state on a monarchist base.

Certainly the Greeks, in their desire «to be counted among the civilized nations of Europe» had inclined to the idea of accepting a State on the model of the Constitutional Monarchy as their system of government, which indeed provided the existence of a king-Monarch, bounded nevertheless by a Constitution drawn up together by a National Representative Assembly and the King.

This intention is explicitly and positively expressed by the Second Decree of the 27th July 1832, of the IVth «in continuation» National Assembly of Greeks in 1832, which had ratified the election of Otho. The provision of the above Decree had been accepted by Louis of Bavaria as appears from the relevant sources (see p. 1354 ff.) but were shamelessly revoked later as much by Louis and the Regents as by Otho himself, so that only by the 1843 Revolution was the imposed absolute Monarchy to become Constitutional.

But in order that the above conclusions be comprehended, the writer, after his short examination of Maurer's scholarly personality (§ 4, p. 1354), begins the main research of his whole subject, in order to analyze the «Legislative work of the Regency under Maurer's influence» as well as the consequences resulting from this policy (§ 5, p. 1361 ff.).

This paragraph is subdivided into three more particular titles concerning:

- a) The legislation drawn up by Maurer i.e., his four Codes (p. 1366 ff.) which were to be used for the correct organization and application of Justice.
- b) The legislative regulation of the most basic problems of the newly formed Greek State, namely:
 - 1) The relations between the Church and the Ecumenical Patriarchate (p. 1387 ff.).
 - 2) The organization of the Administration (p. 1420 ff.) and
- c) The formation of modern Greek Private Law (p. 1450 ff.).

Indeed, the writer recognizes that the legislative work of Maurer, who had drawn up four basic Codes during one and half year, was most remarkable; besides, these Codes, replaced only recently (1945-1970), constituted the backbone which supported the entire legislative development of Greece for a whole century. The lack of Intro-

ductory Reports on the Codes in question obliged the author to proceed to their analysis from a unique viewpoint, which was necessary for the classification of Maurer's whole legislative endeavour at exactly the time at which it was being replaced by new laws.

The author examines the contents of these four Codes (on pages 1367-1375 ff. of his study) treating more particularly the subjects: a) the Criminal Code (p. 1367), b) the Organization of Courts and Notaries (p. 1369 ff.), c) Criminal Procedure (p. 1371 ff.), d), Civil Procedure (p. 1375 ff.).

The second title of par.5 goes through two of the most important problems arisen during the formation of modern Greek law, namely the problem of the Proclamation of Independence of the Greek Church from the Ecumenical Patriarchate and that of the administrative organization of the newly-formed (1833) Greek State.

The first problem, i.e. the proclamation of the autocephalous of the Greek Church, is examined in detail by the author (par. 5, B', I, 1-4, p. 1387 ff.). After analysing the historical reality of that time (1833) and the existing substructure, as regards institutions, facts and «positions» formed in Greece because of the long Ottoman Rule, as a result of which the Ecumenical Patriarch of Constantinople became not only a religious, but also a political, leader of the enslaved subjects, the author goes through the effects of the removal of the Patriarch's influence which had begun to be differentiated during the Revolution of 1821 (p. 1390 ff.). Then, having examined the situation of the Greek Church during Capodistria's time (p. 1392 ff.), he is led to the conclusion that «the administrative separation of the Greek Church» from the Ecumenical Patriarchate being under Ottoman domination (p. 1393 ff.), was obviously imperative.

But the separation was neither meant as a schism from the spiritual ties with the Mother Church of Constantinople nor as a proclamation of independence without its prior consent.

Nevertheless, the writer supports the view that Maurer «methodically organized the coup d'état» (p. 1398 ff.) of the Greek Church's proclamation of independence without the Patriarchate's consent (p. 1400 ff.), using different means extending «from the method of the prior influence on each of the proper Prelates' minds», to «the exercising psychological force during the (relevant) conferences» (p. 1400).

Thus, was established the Autocephalous of the Greek Church being subjected in this way to the administrative domination of an heterodox, that is, of a Catholic Monarch, who would appoint the members of the Holy synod as well as its Royal Trustee (p. 1402 ff.). All these, as Professor Pantazopoulos makes clear, using convincing arguments, «led to the religious and economic disorganization of the Church, and succeeded in making it entirely «headless» (ἀκεφαλος) instead of «autocephalous» (αὐτοκέφαλος)» (p. 1406 ff.).

From its side the Ecumenical Patriarchate did not recognize the coup d'état, its official recognition taking place only much later, in 1850, by the Holy Synodic Book of the June 29th issued by the request, specifically expressed, of the Greek Government and the Holy Synod (p. 1416 ff.).

The second problem, namely that of the administrative organization of the newly established state, is also assiduously examined by the author (§ 5, B', II, 1-2, p. 1420 ff.). Professor Pantazopoulos exploring the existing political situation in «Greece» during the Ottoman Rule, as well as the developed tendencies and orientations of Greeks during the 1821 Revolution, concludes explicitly, that «the editors' devo-

tion to and faith in the representative system (as a governing system for the Greeks) was steadfast» (p. 1423), a fact indicated not only by the form of local Constitutions drawn up by the Greeks themselves but also by their general political systems (p. 1423 ff.-1425 ff.).

Certainly later, as is shown by the «Monarchist» or «Royal» Charter of the Fifth National Assembly at Nafplion, the 15th of March 1832 (never enforced because of the election and arrival of Otho in the meantime and the despotic rule of his Regency), the Greeks laid down quite definitely the form by which they would like to be governed, namely: that the Greek State should be «a hereditary Constitutional and Parliamentary Monarchy» firmly adhering to the representative system which they specifically called «The National Laws of Greece» (art. 53, see p. 1426 ff., 1437 ff.). From this the explicitly declared expectations of the Greeks are made quite clear; but they were nevertheless violated, according to the author, by the Bavarian Regency, though Otho's father, Louis of Bavaria, had promised the drawing up of a definite Constitution for Greece with the cooperation of the «Nation and its King» (p. 1488-1439 ff.). Instead of a Constitution, a monarchist, absolute, centralized state was formed by the Regency, regardless of the attempt at some decentralization by the Law on Municipalities of 1833-1834, which attempt, however, failed because it did not fall in line with the presuppositions in force at the time.

The basic functional drawbacks of this Law on Municipalities are further analyzed by Professor Pantazopoulos (p. 1441 ff.-1445 ff.).

Then the author evaluates the whole substructure of the Law introduced by Maurer, explaining also his views regarding the problem of the equality of value of Law and Custom (p. 1450 ff.), and analyzes them, pointing out in this way their weak spots (p. 1451 ff.). He furthermore ascertains that though the legislative policy of Maurer in this instance was basically right, it was nevertheless rendered impossible of enforcement because of the misinterpretation of the Decree of 23rd February 1835 recognising the advance of Custom on the Law, by the Greek Law Scholars who came from Germany to Greece.

Then the writer examines Maurer's attempt to remove Greek Law from the French influence in order to submit it to the German (see p. 1457 ff), analyzing separately both of these influences (p. 1459 ff., 1466 ff.).

The study ends by the insertion of a whole chapter (§ 6) of conclusions the most important of which are, (p. 1480 ff.):

- a) The historical evolution of Greek Law, beginning in the fifth period, influenced by the consequences of the Ottoman conquest, is realized irregularly
- b) The intervention of the Bavarian Regency in the political, social and civil life of regenerated Greece alters the normal development of historical reality. It abnormally and violently detaches the Church from the continuous Byzantine tradition of the Ecumenical Patriarchate, disorganizes community life, etc.,
- c) Also very interesting is the observation of the author that, during the examined period of the evolution of Greek Law the bequeathed phenomenon of legal despotism revives through foreign conquests, which he further demonstrates with convincing arguments (p. 1482 ff.).

The above study, the result of research on the sources, is of historical and legal interest because it examines, analyzes and interprets the roots of the legal system which is in existence even today, as well as the whole social, political and psychological substructure of the Greek Nation's historical reality.

Lastly, in proof of the change from French to German influence, there are presented tables of translated French and German works (pp. 1487 ff., 1491 ff.) which were published from 1818 till Otho's expulsion in 1862. The whole study is completed with very useful detailed tables, sources, names and facts.

University of Thessaloniki

DR. GEORGE P. NAKOS

V. Tsiouni, *Παιδιόφραστος Διήγησις τῶν Ζώων τῶν Τετραπόδων* [Playful Story about Quadrupeds], Munich, Institut für Byzantinistik und Neugriechische Philologie der Universität, 1972, pp. 168 [Miscellanea Monacensia, No. 15].

Nearly a hundred years have passed since the publication of G. Wagner's *Carmina Graeca Medii Aevi*. No-one could argue that this collection of popular texts did not provide an invaluable service for Byzantine and modern Greek scholarship: indeed, it remains useful even today, since some of the texts published in it have never been superseded by newer and better editions. In the great space of time since 1881, many of these texts have been published in critical editions, many of the literary problems they raised have found satisfactory solutions, and the Greek language of the time has been better and more systematically studied. Such a piece of good critical work is Miss V. Tsiouni's edition of the poem «Παιδιόφραστος Διήγησις τῶν Ζώων τῶν Τετραπόδων».

The introduction to this edition concerns the manuscript tradition of the work (codd. PVCLA), the interrelationship of the various manuscripts (P represents an independent tradition), the chronology of the original poem (second half of the XIVth century) and particularly of the more modern manuscripts. All these problems are discussed succinctly, with clarity and persuasive arguments.

Miss Tsiouni makes some very interesting observations on the factual nature of the poem and the hints at important events in that troubled era. It is well-known that «Παιδιόφραστος Διήγησις τῶν Ζώων τῶν Τετραπόδων» belongs to the cycle of didactic poems, and of popular works in general, that are concerned with the natural world (Φυσιολόγος, Πουλλολόγος, Πωρικολόγος, Ὀψαρολόγος, etc.). The working-out of the subjects is skillfully achieved, and the anonymous poet gives us, apart from the positive and negative qualities of the quadrupeds quarrelling in the council, a mass of important information about the everyday life of Byzantium in the XIVth century.

In the dispute that breaks out between the «*bloodthirsty and abominable*» animals and the «*pure and useful*» ones, and the way in which the «*armistice*» that they attempt to agree on is destroyed, many scholars have discerned, besides the satire on general human conditions, the existence in the poem of certain shafts aimed at the ruling class of Byzantium and of references to contemporary political events. Miss Tsiouni's views on the matter, though put forward as simple hypotheses, are developed with great persuasiveness and are gaining ground.

There follows the critical edition of the poem which is on the whole well revised and even. At this point I would like to make a statement of principle. Xanthoudidis