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LAW AND SPACE
IN THE COLLECTIVE CONSCIOUSNESS OF GREEKS

THE POPULAR COMMUNITY LAW AND K. D. KARAVIDAS

1. INTRODUCTION. THE EXTERNAL IURA FUNDI AND THE INDIGENOUS
AGRICULTURAL INSTITUTIONS

Around 1936 K. D. Karavidas published a critical study entitled "The independent economic unit of the Greek village and the legal identity of the farm"¹, on the occasion of Prof. A. Sideris' translation into Greek of the essay by Prof. G. Bolla "The legal aspect of the farm". In it Bolla, while examining the historical evolution of this institution under Roman and Italian Law, maintained that the farm should be recognized not only as an economic entity but as a legal entity as well.

In his translation, Sideris characterised the iura fundi, that is, the rules governing the functions of the farm, as laws imposed upon on the farm, i.e. external to it. K.D.K., however, did not agree with this interpretation, for reasons to be developed further on, maintaining that the iura fundi, the community laws, were laws inherent in the farm's very nature. They were, that is, intrinsic and not external to it².

It should be noted here that at the time (1937), the restitution of landless farmers and refugees had taken place in Greece by means of a redistribution

1. In the issue of 27.12.1934 continuing in the January-April issue.

2. A comparative study of the iura fundi in classical Roman Law, Italian, French and German Law (Erbhof) is attempted by K.D.K. by means of an investigation of the historical bases of community Laws in the above mentioned legislatures. K. D. Karavidas, «Περί της φύσεως και της σημασίας των εν Ελλάδι επιχωρίων κοινοτικών θεσμών», (1939) pp. 5-9 (in *Geoeconomy and Communitism* (1980) pp. 147-151).

of the Ottoman type of farms (tsiflikia)³ and the creation of head-villages (kefalohoria) or collectives of petty owner farmers with K.D.K. taking an active part in the undertaking. He did not however agree with the way in which this agricultural restitution project, was carried out. Rather, he believed in the possibility of reform and the necessity of incorporating the agricultural community into the state framework.

To sum up, he concludes the study by looking once again for the basic elements or as he puts it "the innate traditional, or even purely legal rules of the community both in the private sector and the public community sector".

The revival of this issue is of great interest for Greece. Observing that many of its village communities have replaced the traditional çiftlik-farms, we can appreciate more fully the value of K.D.K.'s study.

The issue is of contemporary interest from another point of view as well. Lately there has been a tendency on the part of the state to transform the community into an economic unit, by organising its members into cooperatives. This policy however, without the prior identification of the historical organic conditions on which the institution of the community is based, could have a detrimental effect on its smooth development.

K.D.K., having dedicated his life to an attempt to discern the true form of communalism and its utilization as a base for the formation of the modern Greek state, was greatly interested in Bolla's findings. He was especially interested in the clear determination of the conditions under which a transition from the closed economy of an agricultural community to the moneyed economy of the modern state could be achieved. It is well known that the problem of fusing communalism with statism was for K.D.K. an issue of paramount importance in the modernisation process of modern Greek socio-political reality.

Since K.D.K. makes a distinction between indigenous customary community statutes and external ones, persisting especially in his attempt to determine the elements constituting the essence of the Greek community phenomenon⁴,

3. G. Nakos, *Το νομικό καθεστώς των τέως δημοσίων Οθωμανικών κτημάτων 1821-1912*, Thessaloniki 1984.

4. Quite rightly K.D.K. stresses that the satisfaction of the community demand, as he calls it, and the practice of related community managerial functions and services, could not be accurately formed since the Civil Code and out form of government were from the beginning shaped not in view of the special elements of our spatial economy and of the fundamental problems it faces, but according to a theoretical perspective founded on a mistaken interpretation of the sources and based on foreign models. «Ο Ιδιότυπος οικονομικός Πεζιοναλισμός και το Ταχυδρομικόν Ταμειστήριον» in *Geoeconomy and Communitism* (1980) p. 165. The unfavourable developments appearing in our Community Law due

topics which I have dealt with in similar studies, I shall try to complete his conclusions, placing them within the wider historical context of Greek law and more generally within the Greek intellectual culture for whose global recognition he himself strived.

I believe that such an attempt must be undertaken because together with the desire expressed lately for a systematic inspection and appreciation of his work, the view has been expressed that Karavidas "neither gives a global picture of the sources used, nor systematically refers to other general studies dealing with similar and related issues"⁵.

Therefore, the strengthening of the historical backbone in the case of the research which tries to expose the real form of the community phenomenon would contribute to a fuller understanding of K.D.K.'s attempt and would bridge the gap which appears to exist between two of his basic works, "Agrotika" and "Communalist Society".

In ancient Roman Law the written and unwritten rules which governed the status of farms are known as *iura fundi*. By this term we should, on the Greek side, understand the legal status latently and customarily applicable to farms, with the occupation of Greece and the external imposition of Roman Law on the Mediterranean countries and peoples. For this case, the evidence available comes from the Hellenistic and Pre-Justinian period. More specifically Emperor Zeno recognized in the late 5th century A.D. the existence of this custom-generated Law governing the arrangements of sharecropping (regulating the relations between farmowners and tenants), incorporating it as an extraordinary law in the framework of Imperial legislation under the technical term *ius tertium* (third Law)⁶. In this way the peculiar rights on the land of the emphyteuticiary and the surface-owner were recognized, creating the institutions of emphyteusis and surface which were only recently abolished by the Greek Civil Code.

to the divisive policy of the Regency are pointed out in my studies especially in «G.L.v. Maurer: «Η προς Ευρωπαϊκά πρότυπα ολοκληρωτική στρόφη της Νεοελληνικής Νομοθεσίας». Scientific Review of the Law and of Economic Science School, Issue II', Thessaloniki 1968. Also in mimeo. The positive achievements of the autonomous institutionalisation of community legal status and their historical course in Greek Law are examined in my studies «Αι Ελληνικαί 'κοινωνίαι'. Προλεγόμενα εις το αττικόν σωματειακόν δίκαιον», Αθήναι 1946 and in «Κοινοτικός Βίος εις την Θεσσαλομαγνησίαν επί Τουρκοκρατίας» in *Scientific Review of the Law*, E.S.S. issue ΙΔ' γ', Thessaloniki 1967 and in mimeo.

5. In the introduction by N. Mouzelis, τα *Αγροτικά*, Athens, Papazisis 1978, p. XXI, note 14.

6. C. 4, 66, 1 (Bas. 20, 2, 1) armen. Hexabiblos, 3, δ, 1, 3· Theoph. Instit. 3, 24, 3.

Zeno's example was followed in the 6th century A.D. by Justinian who, by three provisions⁷, granted additional rights to the emphyteuticary recognizing with what case under Greek Law he was able to transfer cultivation rights and to remove, in the case of dissolution of the agricultural relationship, the fixed capital he had added, through his labour, to the land he was cultivating, i.e. buildings⁸. This regulation however, did not lead to an absorption of the custom-popular law into official-Imperial Law. On the contrary, because of the difference in attitudes of the two legal systems towards the institution of land-owning, this discord was always to mark any further evolution of the two legal systems and continued to be latent within the framework of official legislation. This was so because Greek Custom Law, developed on the principle of horizontal ownership of land, which was in force alongside vertical ownership, vertical one, did not accept the exclusive right of vertical ownership found in Roman Law (*superficies solo cedit*)⁹.

2. SHARECROPPING. A PECULIAR FORM OF THE AGRICULTURAL -COMMUNAL LEGAL SYSTEM

2.1. *Division or trisection of ownership as a consequence of foreign occupation*

This peculiar extraordinary law was known under several different names. In older sources we encounter it as, among others, emphyteutical, third law (*ius tertium*) *iura fundi*¹⁰, *anastatikon*, *embatikion* or *batiki*.

This law was officially recognized by the Isaurians during the eighth century A.D., when it was incorporated into the *inglobos* in their legislation under the title Agricultural Law¹¹; that is, the law which covers the Agricultural

7. C. 4, 66, 2; 4, 66, 3; 4, 66, 4.

8. C. 4, 66, 3: *suas meliorationes quae Graeco vocabulo emponemata dicuntur*; C. 66, 3, 5: *ad alios ius suum vel emponemata transferre*. Concerning the right of removal (*ius tollendi*), after the termination of the tenure, the tenant had to remove the building materials (*emponemata*) he had added during the contract period. For the possible effects of this regulation on Roman Law (D. 41, 3, 30 pr-Labeo), see my work carried out in cooperation with P. Vallindas «Τὶνὰ περὶ μισθώσεως κατὰ τὸ Ἀρχαῖον Ἑλληνικὸν Δίκαιον. Ἐπιγραφή μισθώσεως τοῦ 4 π.Χρ. αἰῶνος», *Academy of Athens Πραγματεῖαι* issue II' No 2 (1948) pp. 7-9.

9. Gai 2, 7, 4; D. 44, 7, 44, 1; 44, 7 also D. 43, 18.

10. D. 8, 1, 20; 50, 16, 126 and D. 50, 16, 211.

11. N. Pantazopoulos, "Peculiar Institutions of Byzantine Law in the *Georgikos Nomos*", *Rev. d. Et. Sud-Est Europ.* issue IX, 1971, pp. 341/7.

legal system as a whole. With the overthrow of the Isaurian legislation by the Macedonian Emperors at the end of the 9th century A.D., this agricultural law continued to be in force, as before, within the framework of the Byzantine-Roman Law of Royal legal statutes firstly in the Justinian legislature and later in the *Hexabiblos* of Harmenopoulos, this being a summary of the former¹². Its appearance in the Turkish Law on land in 1858, together with other similar sources, shows that it survived during the Ottoman occupation of Greece, as well. During the Ottoman occupation this extraordinary law continued to be in force on a common-law basis. It can even be argued that during this period, the theory of the division of ownership was empirically valid since this theory was discovered by commentators in the West¹³ and was used to regulate the relationship between land owners and lease holders in the feudal estates. The function of the feudal estates as agricultural production units of a uniform character with the *iura fundi*, is taken up by the *timaria*. The titular ownership of land (*raḱabá*) belonged to the state which divided it into *timars* distributing them on a lifetime—hereditary—tenure basis to the *sipâhîs* (Turkish horsemen, a class of mounted warriors) who in return offered their military services. Moreover, a hereditary and transferable right applied, to the sharecrop farmers, as long as they cultivated the land and paid the land tax (*khaṛaj*’, ‘*uŝr*, *resm-i ċift*, *dekati*). That is, they too had a right of usufruct similar to the *dominium utile* of the sharecroppers in the West. In this case, one could speak of a tripartition of ownership.

At a later stage, the *sipâhîs* gradually changed from being tenants to being owners in the vertical sense. The farm (*ċiftlik*) functioned as an economic unit on the basis of cooperation between the estate master (*tsiflikas*) and the landless peasant worker (*colligos*). Despite the dependence of the latter on the former, there was scope for cooperation between these two basic factors of agricultural production, since they shared a common interest, viz the efficient cultivation of the farm operating as an autonomous economic unit of a complex character¹⁴.

12. N. Pantazopoulos, *Ρωμαϊκόν Δίκαιον, εν διαλεκτική συναρτήσει προς το Ελληνικόν*, issue A’, pp. 255-263 (1974); issue Γ’, pp. 152/4 (1979).

13. The notion however of the *dominium duplex* was not unknown to Roman Law scholars, see A. Berger, *Encyclopedic Dictionary of Roman Law*, Philadelphia 1953, p. 442 (includes bibliography).

14. For a major extensive comparative study of *timars* and *ċiftliks* within whose framework the sociopolitical reality of the occupied villages in the Ottoman empire is shaped (15th century-19th century), see O. Barkan, “Les formes de l’organisation du travail agricole dans l’Empire Ottoman”, *Rev. Fac. Scienc. Economiques de l’Université d’Instambul* (1944); B.

2.2. Types of sharecropping arrangements

We find three basic categories of sharecropping arrangements established by custom: a) the partnership, b) the one-third arrangement (tritariko), c) the quit-rent or lump-sum arrangement¹⁵ (geomoron).

In the partnership, after the subtraction of costs for cultivation and the land tax, the estate master and the landless peasant shared the produce. Under the one-third arrangement cultivation costs were to be met by the landless peasant cultivator. The land tax was calculated on the basis of the total produce. The residual was divided into nine shares. Out of these three were taken by the tsiflikas and six were kept by the colligos. Under the quit-rent arrangement all cultivation costs, including the land tax, were borne by the landless peasant. He was obliged, irrespective of whether it was a good or bad crop, to give the estate master as well as the seeds for the following year's crop, two-sevenths of the olive crop and a pre-arranged quantity either in kind or in money depending on the arrangement. In each of these categories variations could be observed, sometimes favourable and sometimes not for one or other of the parties, depending on the various conditions dictated by locality and time.

In all the above mentioned cases, the minor regulations did not alter the basic character of the community laws which were the firm rules governing the association between the factors of production. The cultivators, whatever specific term is used to describe them, were obliged to cultivate the land, following the written and unwritten rules which applied in their particular area and period. At the same time, however, they retained or acquired the right of hori-

Cvetkova, "L'évolution du regime féodal turc de la fin du XVI jusqu'au milieu du XVIII", *Etudes Historiques I*, Sofia (1960); H. Stahl, *Les anciennes communautés villageoises roumaines. Asservissement et pénétration capitaliste*, Bucarest (1969); L. Mile, "L'extension du système ciftlig sur les territoires albanais", *Deuxième Conf. des Etud. Albanologiques*, II, Tirana (1970). The above studies have been translated by Sp. Asthrachas and published in "*Η οικονομική δομή των Βαλκανικών χωρών στα χρόνια της Οθωμανικής κυριαρχίας, ΙΕ' αιώνας-ΙΘ' αιώνας*", Melissa, Athens (1979), pp. 47-48, 84-112, 135-164, 185-190 respectively. See also N. Todorov, "Sur quelques aspects du passage du féodalisme au capitalisme dans les territoires balcaniques de l'Empire Ottoman", *Rev. Sud-Est Européennes*, trans. A. Asthrachas, as above pp. 263-284; also K. Vergopoulos, *Το αγροτικό ζήτημα στην Ελλάδα*, Exantas (1975); Sp. Asthrachas, *Μηχανισμοί της Αγροτικής Οικονομίας στην Τουρκοκρατία (ΙΕ'-ΙΣΤ' αιώνας)*, Themelio, Athens (1978) as well as in the volume *Εκσυγχρονισμός και Βιομηχανική Επανάσταση στα Βαλκάνια τον 19ο αιώνα*, Themelio, Athens (1980) where the essays by Grothusen, Da Silva, Cross, Petrosian, Sugar, Todorova, Val. Georgescu, Todorov, Stojanovich, Vuco, Milic, V. Panayotopoulos, Genç, Dumont, Kazarkova and Sanders appear.

15. See the answer of the Kapodistrias to the Θ' question of the Viceambassadors, in A. Mamouka, *Τα κατά την Αναγέννησην της Ελλάδος*, issue 11 (1852), pp. 275/6.

zontal ownership to the trees, the plants or the buildings they erected to cover their cultivation needs. These rights, as mentioned above, had been officially recognized at the end of the 5th century A.D. This state of affairs was acknowledged after the 1821 Revolution by Governor Kapodistrias who by the Decree of 26th August 1830 converted the right of horizontal ownership to one of full ownership in the vertical sense.

2.3. *Western influences in the Absolute Monarchy period (1833-35)*

The Regency government, by imposing a Western type of Monarchy as the form of government, ignored the popular perception of horizontal ownership and adopted the Roman Law concept of vertical ownership. This arbitrary violation of sharecroppers' rights led to the sharecroppers' appropriation of olive trees planted by them or their tenants, on the formerly Turkish *çiftlik*s, which after the Revolution constituted the State-owned lands. The Regency did not at first recognize the right of horizontal ownership of sharecroppers. It dissolved the communities, from which members had drawn independent civil and private rights through the ancient clause principle of autonomy, recognized from the days of Solon. In their place the Regency established municipalities which were, however, emasculated administrative areas and not self-governing territories like the communities which were invested with executive powers. Moreover, it should not be forgotten, that the 1844 Constitution did not recognize the right of association¹⁶.

The decision to abolish the community institution, which was the equivalent of a representative form of government and unanimously recognized by all Revolutionary councils, was taken by the Bavarian court council before the advent of the Regency in Greece¹⁷. Despite this, however, the National Assembly had, a few months earlier, plainly shown the political will of the Nation for a parliamentary form of government. The representative of this national will had been the Fifth National Congress (1832), the same Congress which had ratified the election of Otto, and wishing to shape the future from the present had concerned itself with this problem. It did not, however, have the time to implement its decision. It had come to the conclusion that the nature of the community phenomenon was a dual one, internal-external, or put

16. See *Constitutions, Loix, Ordonnances...recueillies et traduites par ordre du Gouvernement. 1821-1832*, Athènes 1835, pp. 332/3.

17. N. Pantazopoulos, *G. L. v. Mauer*, as above.

another way¹⁸, public-private. With this as a starting point, it demonstrated the way for the functional coordination of the executive powers of a centralized state and the pluralist communities. In this way, the first and second levels of local self-government retained their independent powers, thereby securing the economic autonomy of the community.

This community law, as formulated by the revolutionary decrees and other similar revolutionary legislation, was, on the eve of the advent of the Regency, called "National Law" by the members of the 5th National Congress. It is the same Law as that which was known as "the Law of our State" or "the Laws of our Nation" before the Revolution¹⁹. The devotion of the Nation to this Law is manifested in a related declaration. The National Assembly believed that its retention "would secure for the Nation the benefits of its political independence, achieved through a long and painful struggle".

2.4. Recent regulations

The erroneous policy, inaugurated by the Regency, was blindly followed by modern Greek legislation which for almost a century excluded the concept of community from its terminology. When it was finally remembered in Law ΔΝΖ/1912, the situation had changed. The community roots had shrunk, and the central authority had become used to treating the community more as an administrative area than as a self-governing area enjoying economic independence and autonomy. Law ΔΝΖ/1912, concerning the formation of municipalities and communities, recognized the agricultural community as an independent self-governing area, that is, as a legal entity, subject to obligations and rights. Centralised state control was restricted to merely legal approval of community decisions, whereas previously its control had extended to a utility audit of these decisions, as well.

Based on a report by K.D.K., articles 12 paragr. 2, 69 and 72 of the above law were modified so that the agricultural community now acquired a mixed jurisdiction in both the public and private sectors, thereby enabling it to enjoy full private ownership of pasture-land, forests, but most importantly of land reclamation schemes, recognized by the 1858 Turkish law on land. These had previously been under public sector titular ownership but now were put at the

18. Article 5: "In every community and country the Dimogerontes (elder men) shall keep regular records; one called the race record and the other the political".

19. N. Pantazopoulos, *Ελλήνων Συνσωματώσεις κατά την Τουρκοκρατίαν*, Athens 1958, p. 32; idem, *G. L. v. Maurer*, p. 1431.

disposal of the communities irrespective of whether or not ownership titles existed for them. Thus, a part of community law including the capacity to rent surplus pasture-land was recognized—albeit late—by Greek legislation. The state, however, rightly retained the titular ownership of real estate, on which the right of full private ownership was recognized on behalf of the communities²⁰.

The Regency's regulation, which was contrary to popular law, was then further regularized by the Real estate Law of 1837²¹ and by the 1946 Civil Code with the abolition of emphyteutic and surface rights. These institutions represented, in the Roman Law sense, the Greek conception of horizontal ownership. Whereas in private Law in the period from the Regency to 1912 the indigenous institutions of the agricultural legal system were ignored, we observe, in public Law, that recognition took place, though a very slow rate. With the abolition of the Monarchy and the introduction of a constitutional form of government, the issue of land distribution was revived, representing in practice a demand for the recognition of horizontal ownership in accordance with popular law. After a temporary indifference in the 1911 Constitution, the spirit of popular Law ran through the democratic Constitutions of 1925-1927 and was finally established in the 1975 Constitution in the form of emphyteutic rights. These are, in essence, rights of horizontal ownership found in popular Law, demanded by cultivators, taking the form of joint ownership which can now be redeemed by the owner, in the Roman Law sense, or by the surface-owner sharecropper.

From the above we can conclude that there is a fundamental difference between the community Law of popular origin and the "Community Law" of state origin. The former continued the age-old indigenous Greek popular tradition which had survived the pressures of the arbitrary, authoritarian legislation enacted by the various occupiers and its consequences. The "Community Law" of state origin deviated from its natural course owing to the absolutist policies of the Regency and was, moreover, arbitrarily incorporated in foreign models using dangerous improvisations as it was engulfed by Western type forms. These interfered with the modernisation process of the country, and, in many cases, interrupted the process's smooth development and

20. K. D. Karavidas, *Περί της φύσεως και της σημασίας των εν Ελλάδι επιχωρίων κοινοτικών θεσμών*, pp. 12-15; «Ο ιδιότυπος οικονομικός ρεξιοναλισμός» in *Γεωοικονομία και Κοινοτισμός* (1980) p. 9.

21. With article 22 in the material rights emphyteusis and surface are not included and are replaced by possessing (Government Paper No. 25 of 10th July 1837).

adversely affected the possibility of a functional harmonization of the Greek present with the past.

3. THE CONTRIBUTION OF K. D. KARAVIDAS TO THE IDENTIFICATION OF THE INHERENT CHARACTER OF THE IURA FUNDI AS COMMUNAL LAWS

K.D.K. was among the few who sensed this fundamental difference between the Greek indigenous common Law regulating the agricultural legal system and the heterogenous Roman Law that had covered it.

The translation of Bolla's essay by Sideris provided K.D.K. with the opportunity to assert what he had many times observed in practice. In other words, Community Laws which in Roman Law are called *iura fundi*, are not, as Sideris accepted, the productive and economic functions operating at farm level arbitrarily imposed by the occupiers, but those inherent in the essence of the farm laws, stemming from the collective popular will.

To be more specific, within these innate laws are included broad categories of agricultural relations like agricultural contracts, emphyteuses, rentals, the regulation of agriculture—cattle-breeding relationships²² (like the *damka*²³ and agricultural insurance), the distribution of communally used water, the orderly regulation of pasturing methods and of other special production systems, the determination of special irrigation and other cultivation methods, the maintenance of warehouses and, especially, projects for land improvement. These laws were applied either by the estate master (*tsiflikas*) who had succeeded the lord of the manor in the exercise of "public" Law powers, or by the leaders of head-villages on behalf of the community. After expropriation they were to be applied according to a "full, organic consistency and order to our free spatial community in all those cases where expropriation had over-turned the feudal status quo which exercised the application of these laws at the same time in both the private Law and the public Law sector"²⁴. Some of these laws are implemented nowadays by guilds or cooperative groups functioning within the framework of the community.

The sum of these Laws is geared towards the realisation that the economic

22. As is the case of the common use of canes after harvest, or the case of the collection of wild vegetation from those farms left for a certain period uncultivated (*agranapaphsis*) see K. D. Karavidas, *Γεωοικονομία και Κοινωτισμός*, p. 149.

23. The determination of zones of sowing imposed on farms privately owned (*mülk*) by the Community.

24. *Ergassia*, issue of 27.12.1936, p. 1344.

functions of the farm have a dual character, private and public (communal). The public Laws are, according to Karavidas, those innate laws which befit the community as an economic entity²⁵.

In his interpretation of Karavidas's argument Kostas Vergopoulos quite rightly observes that Modern Greek tradition from the period of the Ottoman occupation onwards was neither exclusively private (civile) nor exclusively public (politique) but rather "public-private"²⁶. For this and other reasons, the smooth incorporation of pluralist communalism in a centralised State was severely hindered. A reconciliation articulation of these two elements (public and private) was attempted through the adoption by the 1830 National Assembly of a dual citizenship for Greeks: state citizenship and community citizenship.

These community laws of a public character functioned on the basis of general principles of Greek Law, i.e. autonomy, autarky, good faith, arbitration, common interest and solidarity. A coordinated application of these general principles in practice facilitates the operation of a system of public welfare functions, within whose framework the regulation of private utility can be achieved, on the basis of the solidarity-reciprocity principle, so that it benefits the public good. This autonomous balanced regulation of collective coexistence differs, according to K.D.K., from the external unbalanced regulation arbitrarily imposed by the State, thereby leading to a disruption of tried ways of life and to an intensification of social conflicts as was evident in the example of an incoherent policy in the case of Thessaly.

In the case of an external imposition of such regulations by the centralised State, these may assume the form of public welfare activities obligatory by law, which would be different from private ones as recognized by French Law²⁷. Karavidas is familiar with the external origin of this regulation and therefore prefers the term "obligatory community function" which more accurately reflects its origin and the goals autonomously pursued by community Laws²⁸.

25. *Περί της φύσεως και της σημασίας των εν Ελλάδι επιχωρίων κοινοτικών θεσμών*, p. 8, as above.

26. In the introduction to K. D. Karavidas, *Το πρόβλημα της Αυτονομίας, Σοσιαλισμός και Κοινοτισμός*, Papazissis (1981), p. XXIII.

27. *Servitudes légales d'utilité publique*; K. D. Karavidas, *Περί της φύσεως και της σημασίας των εν Ελλάδι επιχωρίων κοινοτικών θεσμών*, as above (p. 10).

28. For the contradiction that can be observed here, between the autonomous and independent community function which nevertheless is dependent on *exogenous* and dependent regulations, see N. Mouzelis, as above. Also N. Pantazopoulos, «Ο Ελληνικός Κοινο-

More recently, law 1065 of the 21/24th July 1980, article 24, under the title "Assisting Functions" grants to municipalities and communities a broad jurisdiction, not included in their exclusive functions, regarding the social, intellectual and economic interests of their constituents. These can be realized by a decision passed with an absolute majority by the members of the municipal or community council. Among these functions regarding tourist, housing, health cultural and environmental matters, paragraph E of article 24 grants the community the right to "build and maintain irrigation systems, land reclamation schemes and to cater for the protection of the underground water potential of the area".

The method of implementation is regulated by article 26 that provides for the approval by the Prefect of the decisions taken by the related council. This article undermines the ability of the community to function as an independent economic unit, since decisive executive powers are transferred to the Prefect who is an appointed and not an elected State official. Although Law 1065/1980 broadens the range of activities of the communities, it does not at the same time secure the necessary financial requirements for their realization. Moreover, it does not deal with the peculiarities of the geo-economic environment within which the communities are expected to operate, this being a prerequisite for their survival.

We observe, therefore, that the community as a complex unit suffers the unpredictable repercussions of experimentation. It is too early to draw conclusions about whether the attempt to transform the community into a tourist cooperative or guild will reform it, or whether it will lead to its disintegration.

An answer to the above question may be provided by an article published recently in the press. According to this article, the creation of "an open rural town" is considered "which will constitute a unitary built-up area developing around some housing nucleus—market-town, head-village—and including those villages which together with the nucleus form a settlement unit". Within this new urban planning perspective the housing nucleus is elevated to the level of a city-centre, (polis) while the surrounding villages are viewed as the suburbs on the basis of the total population of the open town and not on the basis of each village's population. If such a planning scheme is realized it will lead to a diminution of the community as an independent economic unit and to a breakdown of its organic unity, already suffering from inconsistent State intervention.

τισμός και η Νεοελληνική κοινοτική παράδοση», in *Όψεις Νεοελληνικού Βίου* published by the Laographical and Ethnological Museum of Macedonia, Thessaloniki (1985).

We can, therefore, conclude that we are faced with a new planning perspective for the community tending to ascribe to it an altogether different character and form.

If the community is to achieve its new goals, it must be in a position to react dynamically to the possibilities of autonomy and independent action which were so belatedly granted to it. Does such a possibility exist today?

Before the Revolution, the community's status as an economic and tax-levying unit had contributed to an extension of its jurisdiction and of its functions almost corresponding to those recognized nowadays by articles 24 and 26 of the 1065/1980 law. After the Revolution, its exclusive specialization as an administrative area involved it in the vicissitudes entailed in the transformation of the State from a pluralist to a centralized one²⁹. At each stage, the community as an independent socio-politico-economic entity was stripped of the basic elements constituting its global substance.

According to Karavidas, for a realization of the community's mission as an independent geoeconomic unit, there must be a transfer of those fixed land areas (pasture-land and forests) still under State ownership to the community, in cases where such a transfer would contribute to the fulfilment of the community's welfare objectives. His faith in the complex dynamism of community laws was so great that he had even suggested that the agricultural settlement should not be based on persons or compulsory cooperatives, but rather on villages and village communities: that is, on concrete human groupings which could, with their mixed private and public character, totally replace the economic relations and functions prevailing in the feudal estates (*çiftliks*).

If this happened, the community, after allotting to each shareholder a plot for private cultivation, would retain a community co-ownership of communally-used areas in such a way as to secure the creaming-off of the surplus arising from their use, this being a prerequisite for achieving financial independence and autarky³⁰.

If we now recall how the Asia Minor refugees organized in the traditional

29. N. Pantazopoulos, «Ο Καποδιστριας και ο Κοινωνικοπολιτικός Πλουραλισμός της εποχής του», *Publications of Political life and Political Institutions History*, Thessaloniki (1983) pp. 13-70.

30. K. D. Karavidas, *Περί της φύσεως...των εν Ελλάδι επιχωρίων κοινοτικών θεσμών*, pp. 12-14; Where on the basis of economic regionalism he proposes additional useful solutions; also «Ο ιδιότυπος οικονομικός ρεξιοναλισμός», in *Geoeconomy and Communitism* (1980) p. 161; *Η τοπική αυτοδιοίκηση και ο οικονομικός ρεξιοναλισμός* and *Πού δεν βγαίνει ο δρόμος για την αναγέννηση της χωρικής μας οικονομίας* (1937).

way³¹, i.e. in communities came to Mainland Greece, we can appreciate the appropriateness and realism of such a proposal.

We observe that K.D.K. in his proposals did not advocate a return to a vague community system; on the contrary, he called for its upgrading and the incorporation of additional extant elements into the new order which had arisen with the creation of the Modern Greek State.

In every farm there are inherent space resetting elements, different in each case, which determine its particular complex entity. Such elements include drainage and general land improvement projects on which depends an efficient cultivation of the land. Such projects fall under the heading of public property elements of the farm (like forests and pasture-land). Under the system prevailing before the expropriation of the farms, their operation was the responsibility of the estate master (tsiflikas) who, exercising his executive powers, dealt with their maintenance and improvement³². It was thus self-evident that these projects should have come under the ownership of the community which replaced the original farm. This however was not the case.

A typical incident, cited by K.D.K., shows why this was so. "Our first agricultural law was hurriedly drawn up during the period of the Thessaloniki revolt by A. Michalopoulos using a German encyclopaedia. Despite his desire for expropriation, he included none of the tsiflikia of the new territories. This was not intentional but a consequence of a gross ignorance of the real form of the feudal estate system in these territories³³.

Agricultural rehabilitation projects were undertaken without taking into account these fundamental rules of Community Law. The distribution of land took place without the exemption of the land reclamation schemes, due to the fact that the agrimensores responsible for it had no idea of their usefulness. The haphazard way of dividing up the plots brought about their abandonment and finally their obsolescence. So, in many cases, agricultural rehabilitation came to nothing since it neither improved agricultural production nor satisfied the peasant's basic demands.

31. N. Pantazopoulos, *Αυτόχθονες και Ετερόχθονες. Η πολιτικοκοινωνική διαμάχη στην Επαναστατημένη Ελλάδα 1827-1829. Η περίπτωση της Σμύρνης*, Nea Smyrni 1986.

32. The executive powers of the community to impose obligatory rules on its members springs from the innate need of arbitration between the elements of the two conflicting legal codes (lessor-tenant) clashing at community level which (the community) attempts to minimize its absolute power for the common good. This articulation insures autonomy-autarky for the community as a productive unit and the possibility for further development (*Αγροτικά*, pp. 23-26).

33. *Communalist Society*, p. 70.

At this point a short review of the historical development of land reclamation schemes in the Greek area would be appropriate as well as reference to present-day reality.

4. LAND RECLAMATION SCHEMES: A BASIC TOOL OF THE AGRICULTURAL LEGAL SYSTEM

4.1. Historical development

4.1.1. Ancient Greece

The axiom *ὁμολογουμένως τῇ φύσει ζῆν* (Living according to the Laws of Nature) has its origins in the early Ancient Greek period when incorporation in the natural environment amounts to the same as human survival itself.

The related evidence, however, is not found, as would be expected, in “Works and Days” by Hesiod, the first code of agricultural conduct, but earlier. Homer gives an elegant description of a peasant holding a double-pointed mattock and opening up a ditch and raising walls, fighting to harness nature and cultivate the land³⁴.

To counter the soil’s sharpness the father of the community idea, Solon, decreed in the early 6th century B.C. a law regulating the use of water supplies necessary for cultivation³⁵. Codifying common Law statutes in force, he introduced special clauses concerning the cultivation of land and determined where land reclamation schemes were required.

The problem of a functional incorporation of the human species into its natural environment is found also in Plato who provides, in his Laws, for the election of special officials (rural guards-supervisors) whose task it was to transfer responsibility for this incorporation from the peasant to the community as a whole³⁶.

Our knowledge of land improvement projects is complemented by an Egean inscription of the years 340-278 B.C.³⁷. Haerephanis, a public works

34. *The Iliad* Φ. 257/9.

35. Plutarc., Solon ΚΓ’.

36. *Nomoi* ΣΤ’ 760e-761c.

37. Published by P. Ephstratiadis in the *Archaeological Paper* of 1869 pp. 317-332; K. D. Karavidas, «Οἱ ἄνθρωποι, τὰ ἔλη καὶ τὰ κουνούπια ἐν Ἑλλάδι», *O Synetaeristis*, magazine, IB’ year issue January-February 1936. In the same area a land-reclamation scheme was carried out in cooperation with the Agricultural Bank.

contractor in modern terminology, made a contract with the town of Eretria. According to the agreement, he undertook to desiccate, drain at his own expense, the lake of Disti³⁸ over a period of four years. The cost of the project was estimated at 30 talents and would be repaid by instalments over ten years by the town of Eretria out of the income resulting from the land improvement projects. In the meantime Haerephanis would enjoy the use of the land as a lessor exempt from any taxes. The citizens of Eretria were obliged to accept the digging of ditches on their farms, after compensation, so that the water could be drained and an irrigation reservoir could be constructed. They were also collectively bound under oath, to meet the terms of the contract. If they defaulted they would have to accept the confiscation of their property and the loss of the right to participate in the distribution of the new farms which would take place at the end of the ten-years period. Another well-known ditch-digger of the same period (336-326 B.C.) was Krates from Chalkis who, according to Straven (p. 407c), carried out land reclamation schemes in Kopais.

4.1.2. *Byzantium*

Land reclamation schemes within the framework of agricultural relations were dealt with in the first paragraph of the Isaurians' Agricultural Law. It was decreed that the peasant farmer did not have the right to alter the course of the waterchannels (that is, the boundaries and the irrigation system) of the neighbouring field to cultivate and sow on it. A "negligent farmer", who altered the boundaries and the irrigation system of his neighbour's field, would be liable to lose the labour, the seeds and the use of the produce³⁹.

Even with the abolition of Isaurian Legislation by Basilios I, the Agricultural Law continued to be in force through a concealment of its origins; it was regarded, that is, as part of Justinian legislation ("Legal Chapters on Agriculture in the book of Justinian Law") and as such was included in Harmenopoulos' *Hexabiblos*. Therefore, within the framework of the dual provisions of the *Hexabiblos*, both official Law and popular Law existed side by side.

The *Basilika* included clauses which provided for the maintenance of the existing water system in the farms and for the restoration of losses from flooding caused by human actions⁴⁰. Matters relating to the flow of water

38. The lake area of 7.300 acres formed a part of the estate of the Kontostavlos family, who had bought it from Omer Passa of Karystos in 1832. Karavidas as in 36.

39. I. and P. Zepos, *Ius Graecoromanum*, issue 2, p. 55.

40. The main statutes of the official Law were: D. 10, 1, 13 = Βασ. 58, 9, 13; Harm., B'

were included under the heading of material rights on alien property. Within this framework they were regulated by: a) the law, b) the nature of the property, and c) custom⁴¹. Given the fact that the law covered only special cases, it follows that, in most instances, regulation came through the nature of the property and custom according to the local age-old experience. The official law, therefore, because of the very nature of the matter, left Popular Law sufficient scope for action.

4.1.3. Ottoman occupation

We do not encounter a State irrigation system during the Ottoman occupation⁴². State concern for irrigation was expressed through securing productivity of public land through a cultivation system directed by special officials, called yasacki, who were responsible for the disposal of the produce according to the preferential terms in force.

There are cases, such as rice production in which, according to state requirements, cultivators specialised in irrigation systems, the Saka, worked with the sharecroppers (celtükçiré aya) so as to achieve optimum utilization of the produce. Irrigation costs in some cases amounted to half of the land value and were paid by the farm-lessor as in the case of the "field ditches" at Holy Laura' Monastery, Kalavryta, at the beginning of the 18th century⁴³.

In reference to farm-leasing relationships, the sharecropper or the emphyteutician undertook, as well as other duties such as ingrafting of trees, irrigation work. Some of the earliest evidence is in 14th-century contract in which the cultivator undertook the obligation "to cultivate both the vineyard and the land"⁴⁴.

Irrigation projects were often carried out in some areas where, because of the heavy rainfall, flooding had occurred and the land had become unsuitable

8' 88a/D. 39, 3, 11=Bασ. 58, 13, 1; D. 39, 33, 3=Bασ. 58, 13, 5; Harm. B' 8' 92/D. 39, 3, 1, 1-2=Bασ. 58, 13, 1; Harm. B' 8' 94/D. 39, 3, 2, 9=Bασ. 58, 13, 4 Harm. B' 8' 94/D. 39, 3, 24, 3=Bασ. 58, 13, 24. Harm. B' 8' 97/D. 39, 3, 1, 3, 8, 15=Bασ. 58, 13, 1. D. 43, 12, 1, 8=Bασ. 58, 16 Harm. B' 8' 99.

41. D. 39, 3, 2=Bασ. 58, 13, 1 Harm. B' 8' 111.

42. Sp. Asthrachas, «Αρδεύσεις και καλλιέργειες στις Ελληνικές περιοχές της Οθωμανικής Αυτοκρατορίας», *Ta Historika*, issue 1 (1984) pp. 235-252 and H. Gibb-H. Bowen, *Islamic Society and the West*, Vol. I, London-New York-Toronto (1967), pp. 55, 255.

43. L. Lappas, *Αγία Λαύρα των Καλαβρύτων*, Athens 1975, p. 31.

44. I. Sakellion, «Συμβόλαιον της ΙΔ' εκατονταετηρίδος», *Bull. of the Greek Historical and Ethnol. Society*, Vol. 2 (1885) p. 472/3.

for sowing. In others, such as Kopais⁴⁵ and Karla, there already existed land reclamation projects which quite often became obsolete due to bad maintenance. Argiris Filippidis in his *Partial Geography*⁴⁶ and Thiersch cite cases—some successful, some not—in which irrigation projects were undertaken⁴⁷. As with other specialized professions there were special guilds, known by their place of origin⁴⁸, which toured Greece and undertook land reclamation schemes.

Zacharia Barbitsioti, active as a “Kleftis” around the end of the 18th century, started out as “a working man and a ditch-digger by profession and went to many districts where together with his companions and some locals cut canals. In the year 1795 he had gone with his companions to a village called Gastouni of Musulbei and was engaged in digging ditches and canals”. Kanellos Deliyanni, who records this evidence, does not mention whether or not the attempt was successful. For him it was of greater importance that Zacharias “under psychological stress killed a fellow-villager with an axe and a fugitive, was forced to turn to a life of crime”⁴⁹.

During the same period wealthy monasteries⁵⁰ and rich landowners⁵¹ undertook the construction or maintenance of irrigation complexes sometimes successfully, sometimes not. Around 1815, Argiris Fillipidis, while touring Central Greece, was taken aback by the irrigation systems in Boeotia and, mapping out the area, observed that the cultivators of Livadia “in periods of drought never encounter any lack of cultivable land” because they water their farms from the river⁵². In such cases the distribution of water for irrigation was controlled by the communities who, for this purpose, employed special officers.

45. The existence of Land reclamation schemes (underground channels) by the Kopais lake are cited by Rigas Velestinlis in *Charta of Greece* (1797).

46. Published by Th. Sperantza, *Τα περισωθέντα έργα του Αργύρη Φιλίππιδου*, Athens (1978) pp. 67-68, 135.

47. *De l'état actuel de la Grèce*, Vol. 1, Leipzig (1839) pp. 283. Vol. 2, pp. 19-20.

48. W. M. Leake, *Travels in Northern Greece*, Vol. 1, London 1835, p. 24.

49. K. Deliyanni, *Απομνημονεύματα*, Vol. I, Athens, edited by Tsoukalas, p. 34.

50. Such as Holy Laura Monastery at Kalavryta (begin 18th century). See K. Lappas, above, p. 31. Around 1786 the Olympiotissa monastery at Elasson “spent more than 300 grossia to stop the water flowing from the mountain”, E. Skouvaras, *Ολυμπιώτισσα*, Athens (1967), p. 468.

51. F. C. H. L. Pouqueville, *Voyage de la Grèce*, Paris (1820) p. 208 cites the case of the Kiamil-beis (Korinthos) who drained the Stymphalis lake.

52. *Μερίκη Γεωγραφία*, pp. 56-57, 62, 67.

4.1.4. Modern Greek period

On a visit to Greece in 1832, Thiersch points out in the second volume of his work, published the following year, the paramount importance of land improvement projects for agricultural production and suggested ways and means for their improvement. He observes that at the Stymphalis⁵³ and Kopais⁵⁴ lakes, there always existed land reclamation schemes which had become obsolete due to flooding. Therefore the surrounding areas were left uncultivated⁵⁵. Elsewhere, the abundance of water inhibiting cultivation created unfavourable health conditions and forced the inhabitants to leave these areas or use them for cattle-rearing. A case in point is Thessaly, where the estate masters even after annexation preferred to lease their farms for cattle-breeding instead of cultivating them, thereby forcing the sharecroppers to vacate them.

Spiros Asdrachas, who had examined in detail cultivation through irrigation, concluded that "the process of formation of large holdings is followed by the subordination of their first owners to a system of farm-leasing which brings about a reduction in their physical income. In the already formed large properties this reduction occurs through indebtedness. The peasants' only solution was migration and a change of occupation, this in turn adversely affecting previously achieved equilibria. In this general situation, irrigation plays a central role since the existence of large properties within a system of complex surplus extraction presupposes the existence of fertile land" (: as in 42).

Artificial irrigation, especially in sterile areas, played an equilibrating role in the survival of fragile economies, in the stabilization of the settlement and the perpetuation of community ties. Water was sought wherever it could be found in springs on the outskirts of the village; instead of being underutilized, it was shared out according to precise regulations established by the community as a whole⁵⁶. In Thessaly the use for cultivation of some farms where the irrigation system had become obsolete after the distribution of expropriated çiftlik

53. Around 1776 a group of 500 workers had attempted to open the closed aqueduct discovering "the ancient entrance of the aqueduct consisting of two large doors built of stone", as above.

54. "At Kopais there exist underground channels but they have unfortunately been closed" as in 50.

55. However, after the liberation "out of the three regions of Fthiotis, Evia, Attiki where large holdings exist, these were sold by the first owners, Ottomans, to Greeks who attempted to drain them and cultivate the land". I. Soutsos, «Έκθεσις περί της αναπτύξεως των οικονομικών πραγμάτων εν Ελλάδι από του 1833 μέχρι του 1860», *Aeon* paper, Vol. ΚΓ' of 11, Marz 1861, Nos 1972/74.

56. Sp. Asdrachas as above,

land was made possible through community initiative. In the area of the Kastri and Plasia villages in Thessaly, large stones were discovered suggesting that a flood-prevention system had been constructed to prevent the flooding of the Karla lake into surrounding fields. In the Plasia area, W. W. Leake⁵⁷ discovered an ancient inscription mentioning the construction of a flood prevention dam.

4.2. Contemporary practical applications

Around 1956, drainage work started in the Karla lake which, on its completion, made possible the use of a large number of acres for cultivation.

As we have seen, K.D.K. was fully aware of the situation. On his suggestion, the publication of Law 6027/1933, amending existing legislation, authorized the communities (articles I, 274, 377) to undertake, subject to certain conditions, projects necessary for the improvement and promotion of agricultural production and cattle-breeding. This law was put into practice on 20/2/1933, when a written contract was drawn up by owners and sharers in the community of Fiki at Trikala Thessaly. In this contract they shared the responsibility to undertake a drainage project for the utilization of all the farms remaining idle.

The agreement was based on the general clauses of Greek popular Law-autonomy, solidarity, good faith, and arbitration-functioning on the basis of the traditional community representation system. The contracting parties agreed to undertake the construction of the drainage system themselves and to raise the necessary funds by imposing a compulsory annual contribution by all inhabitants of one oke of wheat per acre (1 oke=1282 gr.). A five-member committee was elected yearly and was authorized: 1, to monitor the construction of the drainage works on the basis of a programme providing for the allocation of work by the drawing of lots. 2. To borrow on behalf of the community from financial institutions in accordance with the decision of a two-thirds majority of the interested parties. 3. To keep official income-expenditure accounts and to report back in the month of July every year; in cases of incompetence or misappropriation it could be replaced after a decision passed by a two-thirds majority. 4. To ask for the assistance of the police, administrative and legal authorities in the marking out of the works and the collection of the compulsory contribution from defaulting members of the community⁵⁸.

57. *Travels in Northern Greece*, Vol. 4, London (1839) pp. 247, 490. G. Kordatos, *Ιστορία της επαρχίας Βόλου και Αγιάς*, 1960, pp. 527-530.

58. K. D. Karavidas, *Γεωοικονομία και Κοινοτισμός* as above. Also P. Yannakopoulos,

I have presented a detailed account of the case of the Fiki community because it represents one of the many examples of land reclamation schemes undertaken under the inspired guidance of K.D.K.

In his archives there are another forty detailed reports of space-management projects which in most cases were undertaken under different socioeconomic conditions. The importance of these projects for the restructuring of the rural economy is evident. Their publication is called for, and one could begin with the report on Almyros in Magnesia whose importance I recently had the opportunity to appreciate while studying Karavidas' archives.

5. THE CONCEPTUAL MEANING OF COMMUNAL LAWS

After this journey through time and space, it is time to return to the starting point in order to answer the question posed at the outset: What is the meaning of the *iura fundi* or, as we have seen, of the Community Laws?

Community Laws are the rules mainly of Greek popular Law, but occasionally of Greek official (Solon, Isaurian) Law, which in the course of time have reconciled the competition between the group and the individual, bringing about a co-operation based, as we have seen, on tried and tested empirical values.

If we had to give a definition of Community Laws we would suggest the following:

Community Laws are the sum of natural rights and binding obligations dictated by the collective biological needs of the community members. These form the legal framework for economic development, independent productive activity, together with the related state agency, directly dependent on the socioeconomic conditions of the environment and on the requirements of the market-place⁵⁹.

The place where this is manifested is the community, an economic unit of mixed form whose Laws-through dialectical process elements, arising from the domains of Public Law, common ownership and community sovereignty—are incorporated in Private Law, transforming conflicting elements of the different legal codes involved into positive advantages. In their most representative form they arise, as K.D.K. showed, as the collection of community

Αγροτική Νομοθεσία, Athens (1984)³, p. 668 on the codification of Legal Statutes on drained land.

59. The definition of Karavidas is more specialized. See p. 152 of his *Γεωοικονομία και Κοινωνισμός* as above,

processes, usually functioning latently under a variety of management systems of local or central authorities (tsiflikas, foreign occupation). These rules ensure the construction and maintenance of space-management projects. These projects and their promotion are a prerequisite for the unimpeded management of the productive work of the community because of "the volcanic nature of Greece's geographical positions area so often subject to earthquakes and floods" as Karavidas points out. On the same level of importance as the necessity for continuous management and maintenance of land-reclamation schemes, we find K.D.K.'s crucial proposal for the creation of Community Savings Banks.

These two solid foundations form the basis for a realisation of the general principle of autarky as is quite rightly advocated by Nikos Mouzelis⁶⁰ who writes, "The peasant family is self-sufficient to a degree that allows it to function without ever having to come into contact with the market. When conditions are favourable it enters the monetary system from a position of strength vis-à-vis its ability to offer to the market more products than it needs to acquire from it".

These processes are more fully expressed within the framework of a free community where they are combined with a variety of development forms, such as industrialization, the manufacturing sector and world trade, thereby creating a fruitful pluralist synthesis. K.D.K. succeeded in revealing and reviving these rules of Popular Law which, as we have observed, existed in a latent form in the origins of official State Law. His achievement may be attributed to his method of comparative research, as has been pointed out by Yangos Pesmatzoglou and Nikos Mouzelis in their introductions to "Agrotika".

In addition to comparative research, K.D.K. used the principles and methods of human geography and geoeconomy inherent in popular Law thus being able to incorporate the individual organically in the framework of the group whilst ensuring their functional co-existence⁶¹.

As mentioned earlier, K.D.K. took the initiative of starting around forty land reclamation schemes under community responsibility, thereby putting the community back in control of its destiny. He also established the Agricultural Bank of Greece as an auxiliary funding agency, attempting, with a good deal of success, to transform it into a tool of cooperation between the

60. In his Introduction to Karavidas' *Αγροτικά*, p. X.

61. The pioneer in human geography is Hippocrates who registered his conclusions in his work «περί ανέμων και υδάτων» using as K.D.K. did, the method of observation on the spot, later becoming a method used widely by contemporary social scientists.

Centralised State and local authorities in the period 1930 to 1950, in a way that would secure the consolidation of community activities regardless of government changes and of policies designed to mislead the people.

The recent 1065/1980 Law which we examined earlier, makes the operation of community institutions—most important of which is the continuous improvement of land—dependent on the decision of an appointed Prefect, who, unlike a specialized agency like the Agricultural Bank, is unsuitable for securing the structural cooperation of the community with the Central State.

Instead of such fluctuating State policies, K.D.K. attempted to raise the principle of land improvement to the level at which it had been in the boom periods of communalism, that is, to a permanent place in the Constitution. In this way, the inherent institutions would function within the framework of a Communalist State free from the dangerous experimentations of government, serving therefore as a point of reference for any orientation taken by the state.

By linking the community to a wide-ranging scientific organisation like the Agricultural Bank, K.D.K. attempted to make modern technology accessible to the community mechanisms.

K.D.K.'s efforts were undermined by the social developments after the civil war. As mentioned above, out of the forty detailed reports relating to the space-management projects undertaken, only one has been published⁶². The publication of a large number of the remaining ones would provide the opportunity to promote the importance of his lively endeavour and to stimulate a serious interest in all of us.

Related to our theme is the report from the conference of the Greek Society for land resources presented by Kostas Kalligas in the "Kathimerini" newspaper of 3/4 February 1985. The report informs us of the dangers to our life from the loss of 40.000 acres of land every two years caused by the pollution of water resources and the shrinking of our woodland as a result of forest fires. It is imperative that we realize that K.D.K. made a timely reference to the dangers arising from the lack of an appropriate agricultural policy for Greece coordinated with the community sector; he was, at that time, criticized for his insistence in this matter. It is a pity that he is not still with us to witness the fascinating relevance of his views today.

62. Included in *Γεωοικονομία και Κοινοτισμός* also see K. D. Karavidas, *Τα παλαιά μικρά κατά κοινότητα εγγειοβελτιωτικά έργα της Α.Τ.Ε.* (Agrarian Bank of Greece) *και τα νέα μεγάλα καπετανάτα*, A.T.E. (July, August 1956).

Recently, the French Agriculture Minister Michel Rocard, in an interview published in the *Nouvel Observateur*⁶³, suggested policy-options similar to those advocated by K.D.K. half a century ago. He pointed out that the under-estimation of Agriculture is a classic mistake of state policy and that the rational development of economies, especially of poor ones, is slowed down when the State places greater emphasis on the manufacturing sector than on agriculture.

6. COVERT SURVIVAL OF THE AGRICULTURAL-COMMUNAL LEGAL SYSTEM WITHIN THE FRAMEWORK OF STATE POLICY

The above research shows the existence of a primary peculiar legal system—the agrarian-community—which, despite the disastrous repercussions of foreign occupation⁶⁴, survives in an often latent or covert manner within the framework of official State Law, thanks to the stable principles constituting it.

Moreover it shows that parallel with the four basic forms of association on which the Modern Greek reality has been structured⁶⁵, there exists the peasant or agrarian association⁶⁶. This association while providing the other group forms with human resources, was never appreciated as much as it should have been, as an autonomous and independent entity.

The basic “agrarian” characteristics of this legal system were stressed by K.D.K. from the point of view of a “Communalist Society”. He placed them within the Modern Greek cultural reality, thus facilitating the preservation, continuation and renewal of the indigenous tradition. In the final analysis, as is evident from the material presented: the model proposed constitutes a codification of age-old experience, by combining tradition and change. Its objective is to incorporate the human species organically in its natural environment-space and the constant rules: the Law, which had to be institutionalized in Greek Popular Law through its long course in a process which is often covert, due to the hostility of the official state Law.

These then are the main points which attract the attention of all those

63. For a Greek translation, see the 15.11.84 issue of the *Economicos Tachidromos* magazine pp. 25-26.

64. A fuller development of the issue is in N. Pantazopoulos, *Εισαγωγή εις την Επιστήμην του Δικαίου*, Athens (1976) and *Το διά της Επανάστασεως του 1821 θεσπισθέν Δίκαιον και οι Έλληνες Νομικοί*, Thessaloniki (1971).

65. *Ελλήνων Συνσωματώσεις κατά την Τουρκοκρατίαν* as above.

66. N. Pantazopoulos, *Παραδοσιακοί αγροτικοί θεσμοί σε δοκιμασία. Η περίπτωση της Θεσσαλίας*, in Αλέξανδρος Παπαναστασίου, *Πολύτυπο*, Αθήνα 1987, pp. 193-254.

who feel suffocated by an ever-increasing closing-in of the external cultural environment, which serves to alienate us from our indigenous roots. We should, therefore, take a closer look at K.D.K.'s work so that we may wise both collectively and individually benefit from his intelligent suggestions and practical achievements.

7. CONCLUSION

After the above analysis, we should ask if it is possible for the community to function organically today, as an independent economic unit along the lines suggested by Karavidas.

In recent years, the process of the industrialisation of production has led, at an ever-increasing rate, to the demise of traditional production processes associated with the closed economic system of the community upon which, to a great extent, Karavidas based his attempts at reform. The coherence of the community cell as regards human potential has been broken and the capital of its members has been, in many cases, channelled into investments in the urban areas in an attempt to secure better and safer living standards.

Moreover, the initially slow, but constantly accelerating rate of industrialisation of social life has been an additional reason for the breakdown of communities as independent economic units. Whereas the members of the community flowed outwards, have gone abroad, the refuse of Western civilization has penetrated the community nucleus and thus weakened it. So, Karavidas' attempt to renew the community tradition and transform it into a contemporary entity is of great theoretical and practical value.

According to Karavidas, the economic dependence of Greece on foreign powers calls for an organisation of its geoeconomy along the lines of a "multi-form" system as he calls it. It would be brought in such a way that the "hidden and idle space" of the rural areas could be utilized and the labour force mobilised in fields outside its agricultural specialization, such as cattle-breeding, handicraft, fishing, trade and shipping, thus achieving the greatest possible amount of collective autarky.

K.D.K., then, maintains that this would put an end to the desertion of the rural villages (kefalochoria) and to the process of decay of the agrarian nuclei.

The geographical complexity of Greece requires a specialized and independent solution to the problems of each area in a manner that stresses flexibility and adaptability. This process, however, cannot be achieved without the active cooperation of the community [within which, based on age-old expe-

rience, the organic institutional framework was formed. This institutional framework would be designed for, on the one hand, its development as a regional economic unit and, on the other, to achieve structural incorporation into the wider social framework.

The passage of time and the present international climate open up new possibilities for a restructuring and incorporation of the communities, as autonomous economic and cultural units, into the framework of not only the Nation-State but also of the E.C. The gradual loss of power by the autonomous and independent community sector, which we examined earlier, has been followed by an increased concentration of executive and economic powers in the hands of a faceless centralized State. The independent multi-faced community system has been replaced by an arbitrary centralized, conventional State policy. Following and independent of the socio-political outlook of the State, left or right, state policy is characterised here, as is the case elsewhere, by a tendency for authoritarian interventionism, developing under cover of socialist or liberal planning directed against the cultural autonomy of the constituent social groups. We observe, moreover, a cynical disregard of the Universal Declaration of Human Rights as regards internationally recognized "societies" and "communities".

The increasing mechanisation of everyday life is intensified by the mass media in such a way that independent individual and collective choices are restricted. There should be no doubt that this process will inevitably lead to an impasse which could bring about the dissolution of the traditional way of life and the total alienation of our individuality. Under the pressures of the social mission of the State, our individual rights are being diminished and are losing their dynamism as they are subordinated by the intervention of the State, which is never slow to interfere with our private lives, demanding to play a deadening role even in our existential demands. In such circumstances the search for a third road out of the statist ideology and alien culture, which seek to solve our problems with arbitrary indigenous and foreign measures, demands a fundamental revision of the relationship between State power and the collective autonomy of the members of society⁶⁷.

These are, I believe, the main reasons for which the interest nowadays of a great part of the new generation of social scientists is increasingly turning to K.D.K.'s work which stems from a sincere love for ordinary human beings

67. Introduction of B. Karapostolis to K. D. Karavidas' *Γεωοικονομία και Κοινωνισμός* as above.

and their environment. Time has not only failed to reduce the relevance of his work but shown that the need to plan a more human way of life is dictated by the impasses created by State intervention in our everyday life and calls for a restructuring and renewal of Modern Greek cultural reality, based on tried and tested indigenous models.