

Abstracts

NICOLAOS J. PANTAZOPOULOS

LAW AND SPACE IN THE COLLECTIVE CONSCIOUSNESS OF GREEKS. THE POPULAR COMMUNITY LAW AND K. D. KARAVIDAS

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", where he maintained that the farm should be reorganized not only as an economic entity but as a legal entity as well.

He concluded the study by looking for the basic elements of the community both in the private sector and the public community sector.

In ancient Roman Law the written and unwritten rules which governed the status of farms are known as *iura fundi*. 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 farm-owners and tenants), incorporating it as an extraordinary law in the framework of Imperial legislation under the technical term *ius tertium* (third law). In this way the peculiar rights on the land of the emphyteuticiary and the surface owner were reorganized, creating the institutions of emphyteusis and surface. Zeno's example was followed in the 6th century A.D. by Justinian.

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 Law.

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 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.

During the Ottoman occupation this extraordinary Law continued to be in force on a common Law basis.

The above research shows the existence of a primary peculiar legal system—the agrarian community—which, despite the disastrous repercussions of

foreign occupations, survives in an often latent or covert manner within the framework of official State Law, thanks to the stable principles constituting it.

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.

HELEN PHILON

THESSALONIKI, ANDALUSIA AND THE GOLDEN HORDE

During the 14th century Thessaloniki experienced its artistic and intellectual Golden Age. It is to this period that a number of important religious foundations have been credited to. Amongst these is the the Vlattadon Monastery, attributed by Xyngopoulos to the second quarter of the 14th century and by Theocharidis to the third quarter of the 14th. Recent restoration work has revealed a more complex history, where at least two building phases can be discerned. A late 14th century building period and an earlier one, while the dendrochronological investigations in the church's timber showed that the earliest wood dates from 1304.

Decorating the southern facade of the church of this monastic establishment are three fragmentary ceramic bowls, attributed by Xyngopoulos to 13th century Iran.

The purpose of this article is to re-examine the origin of these "bacini" and establish their date. This examination might further elucidate the date of the monument but also permit us to understand the role of Thessaloniki as a commercial and intellectual center during the turbulent 14th century, that saw the weakening of the Byzantine Empire and the revival of Orthodoxy.

WALTER PUCHNER

EUROPEAN OEDIPUS-TRADITION AND GREEK FATAL TALES

The monstrous fate of the king of Thebes Oedipus has settled in numerous literary imitations in European literatures. The complicated Oedipus-tradi-

tion can be divided in three groups: 1) the literary and philosophical group, 2) the ideological serene and legendary group and 3) the pure mythical one.

The author refers to european intellectuals influenced by the Oedipus-tradition.

M. STAVRINOS

THE REFORMIST PARTY IN THE IONIAN ISLANDS (1848-1852):
INTERNAL CONFLICTS AND NATIONALIST ASPIRATIONS

The reform of the Ionian Constitution in 1848-49 owed much to the influence of a small group of liberal Reformers on the Lord High Commissioner, Lord Seaton. But in the 9th Assembly, the first elected under the new dispensation, it was the Radicals who, though a minority, were by their cohesiveness and vehemence the most effective party. Following a resolution by this group for immediate union with Greece the new Lord High Commissioner, Sir Henry Ward, secured a dissolution of the Assembly. Ward then attempted to achieve a *modus vivendi* with the Reformists who, viewing union with Greece as a long term commitment, meanwhile aimed at securing further constitutional concessions. In the ensuing elections the Radicals were virtually decimated and what appeared to be a safe majority of Reformists was returned to the 10th Assembly. In the event the hopes of securing further concessions from the British Government were confounded by internal disagreements amongst the Reformists. Napoleon Zambelis, apparently alarmed at the unscrupulous behaviour of local officials in his native Santa Maura during the elections, and apparently feeling that the proposed reforms would close the way to eventual union, determined to oppose the proposed measures. The outcome of Zambelis' opposition was the rejection of any further reform by the Assembly. This study seeks to elucidate the specifically 'Ionian' side of an event which is regarded as crucially important in the campaign for the union of the Ionian Islands with Greece.

HARIS CARABARBOUNIS

THE A. COUNDOURIOTIS REPORT (1861)

The article is a commentary of the Coundouriotis report on the state

of the Greek diplomatic service in the middle of the 19th century. In this framework a brief reference is made to its historical background and a suggestion is put forward to explain its structure in terms of its socio-economic context. Finally, it is noted that the analysis of its structure is a useful methodological approach to the study of the Greek foreign policy process.

YANNIS G. MOURELOS

THE 1914 PERSECUTIONS AND THE FIRST ATTEMPT AT AN EXCHANGE OF
MINORITIES BETWEEN GREECE AND TURKEY

The first attempt at an Exchange of Minorities between Greece and Turkey in 1914 may be viewed as a precursor of the applications in 1919 and 1923-1924. This paper analyses the principles and procedures for the realisation and execution of the project within the sensitive Balkan area in the critical interim between the end of the Wars of 1912-1913 and the eruption of World War I.

Special emphasis is given to the conception of the idea of exchange on the part of Turkey; to the constrained cooperation by Greece, in an atmosphere of blackmail as a result of the persecutions against the Greek population of Asia Minor and Eastern Thrace; and, primarily, to the problems encountered by the Mixed Greco-Turkish Commission up to its dissolution in December, 1914.

A. L. MACFIE

THE TURCO-SOVIET TALKS OF SEPTEMBER - OCTOBER 1939:
A SECRET GERMAN REPORT

In September - October 1939 a Turkish delegation, led by Şükrü Saraçoğlu, the Turkish Foreign Minister, visited Moscow to negotiate a mutual assistance pact with the Russians. Shortly thereafter Under State Secretary Dr. Woermann, Director of the Political Department of the German Foreign Office, succeeded in assembling a secret report containing a more or less complete account of the talks held. It may be assumed that this report not only enabled the Germans to obtain a useful insight into the character of Turco-Soviet relations at the time, but also influenced their expectations regarding future Russian foreign policy, in particular with regard to the Straits.

C. SVOLOPOULOS

GREECE AND ITS LEGITIMATE RIGHT TO MILITARISE
LEMNOS AND SAMOTHRACE:
AN ARTIFICIAL PROBLEM IN THE LIGHT OF NEW HISTORICAL EVIDENCE

The hitherto unknown evidence drawn from the PRO's British archives help to shed more light on the wishes of the parties most immediately concerned in the Montreux Convention, notably Turkey, Great Britain, and Greece.

The conclusions to be drawn from this evidence may be summarised in the following four main points:

(i) In its intention to abolish the process of demilitarisation set in train by the Lausanne Convention on the Straits, Turkey had basically aimed to replace it with a new convention which would make no reference to any such restrictive regime. More specifically, Turkey had persistently sought the suppression of the Lausanne clauses relating to this regulation, and most notably article 4, which also concerned the Greek islands.

(ii) The Turkish government had officially acknowledged, in its report of 11 June 1936 to the British and the French governments, that the Greek islands were included within the Straits zone that had been exempted from demilitarisation.

(iii) In the same report, the Ankara government specifically linked the rearmament of the Greek islands with the measures designed to strengthen the security of its own country.

(iv) The official representatives of Great Britain, whose positive attitude had largely determined the course of the negotiations undertaken with a view to revising the Lausanne Convention, decisively came out, in all circumstances, in favour of Greece's legitimate right to refortify the two islands.