

admirable way. He has provided an extremely valuable aid to those interested in Byzantine art, especially that of the fourteenth century. His methodical and detailed description is outstanding and a model for future publications. Outstanding also are the analysis and the interpretation of the themes and the layout, and the central theological ideas of the painters in Kariye Djami. He has written an excellent book about an excellent work of art, and it is extremely painful to know that this brilliant scholar won't be any more with us.

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N. J. Pantazopoulos, *Church and Law in the Balkan Peninsula During the Ottoman Rule*. Institute for Balkan Studies, N° 92, Thessaloniki, 1967. Pp. 126.

During the Ottoman rule there were three powers exercising authority in the Balkans: The Ottoman State, the Ecumenical Patriarchate of Constantinople, and later the "political associations" of the occupied, that is, the communities. Each power had its own conception of law. The State enforced the Ottoman Law, the Church applied the Roman-Byzantine, and the communities strived for the survival and the enforcement of the Folk Law.

This state of things inspired the author to write the present study which is unique in the bibliography on the Balkans. He divides his work in the following chapters: political-religious jurisdiction of the Church, judicial jurisdiction, legislative jurisdiction and internal and external antithesis of Ecclesiastical and Turkish as well as Folk Law.

The author begins with the examination of the political-religious jurisdiction, starting with the Byzantine period. In the *Epanagogue*, published by the Emperor Basil the First, — which, as it is commonly believed, has never been valid, — the fields of authority of the Emperor and the Patriarch are definitely separated. After the Fall of Constantinople the jurisdiction of the Patriarch had been increased through privileges granted by the Sultan Mohamed. This was due not only to religious reasons but also to political ones. These privileges expanded the existing political authority of the Patriarch and made him an *Ethnarch*, that is, political leader of all the Christians of the Empire. An essential

characteristic of this expanded judicial and legislative authority of the Church is the unity we find in ecclesiastical policy. This becomes also obvious from the study of the aims of the Patriarchate in matters referring to the Churches of Albania, Rumania, Bulgaria and Serbia which finally were subjected spiritually and administratively to Constantinople.

Examining the judicial jurisdiction, the author begins with a short historical introduction since the time of the New Testament. After the Fall of Constantinople the Patriarchate tried to extend its jurisdiction to all the regions under its ecclesiastical control as far as Private Law is concerned, since in the field of Public Law and in some civil cases the Ottoman Law was applied.

For the handling of civil cases the Church applied the Roman-Byzantine Law and especially the *Hexabiblos* by the Thessalonican jurist of the 14th century Constantinos Harmenopoulos. The *Hexabiblos*, because of its conciseness, comprehensiveness and methodical classification, was extensively used and was repeatedly published and translated in the simple spoken language. In Greece it was valid until 1946, when the new Civil Code was put into force. The Roman-Byzantine Law was being applied in all the Balkan countries and the author describes the way it penetrated into Bulgaria, Serbia, and into the Danubian Principalities where it had been often codified by Greek Fanariot Hospodars. At this point the author upholds that the Church had preserved the judicial tradition of Byzantium. The legislative activity of the Church was especially developing in the Family Law and the Law of Inheritance. In these fields, because of the conflicts between the Law applied by the Church and the Customary Folk Law, the Church exercised an intense legislative activity. The author examines two cases relating to this matter, that is, the *trachoma* and the *trimoiria* referring to the Family Law and Law of Inheritance respectively.

Prof. N. Pantazopoulos is right in examining these customs at full length because they are both characteristic and they constitute a rare example of the conservative Church being absolutely against two conservative customs, whereas the whole customary Law is quite progressive for those times. In its effort to establish the Roman-Byzantine Law the Church was compelled to come into conflict with both the Turkish Law then in force and the Customary Folk Law.

The antithesis began first in matters concerning the Law of Inheritance and later the Family Law. The "spiritual penancies" constituted

the weapon of the Church in order to prevent the Christians from civil marriages contracted by *kepinion* according to the Turkish Law. The Church was put in a difficult position in matters where Customary Folk Law was concerned, as many communities had been trying to limit the interference of the Church in Private Law cases related for example to divorce or inheritance rights. The Third National Assembly in Trojzina of 1827 put an end to this antithesis. This Assembly determined that the Church should not interfere with any public administration.

This conflict between the Law of the Church and Folk Law did not only occur in matters of Legal Procedure but also to Material Law and was expressed in the institutions of "fraternization" and engagement.

Concluding, the author observes that the Church preserved the essential institutions for all the peoples of the Balkan Countries and prepared the way for their national independence. Furthermore he points out that the Church has been the only cultural power of Orthodoxy in the whole Balkan Peninsula during almost a millenium.

From this condensed account of the general lines concerning the work we are presenting here its merit becomes, we hope, evident. The author struggled successfully with the great number of sources and the bibliography, and has offered an original and challenging work.

Thessaloniki

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*Hilandarski Zbornik* (= Recueil d'études sur Chilandar), vol. I, Belgrade 1966. Pp. 195.

Le Comité de Chilandar constitué près l'Académie Serbe des Sciences et des Arts, a pour but de mener des recherches sur le passé du Monastère de Chilandar, au Mont-Athos. Pour tenir le public Yougoslave et international au courant des résultats des recherches concernant le monastère de Chilandar, le Comité publie un périodique sous de titre "*Hilandarski Zbornik*" (= Recueil d'études sur Chilandar).

Le premier volume de cette revue que nous présentons ici a été publié en 1966 et comprend des essais écrits par d'éminents érudits sur différentes questions historiques autour du monastère de Chilandar, sur ses relations avec les autres monastères du Mont-Athos, sur les problèmes de l'histoire de ces derniers et de leurs relations avec l'état serbe médiéval; d'autres études portent sur des documents juridiques des archives du Mont-Athos, sur les trésors artistiques de Chilandar et de