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Đorđe GOJKOVIĆ*

# INTERVIEW: EMERITA PROF. DR KALLIOPI (KELLY) BOURDARA

Emerita professor Kalliopi (Kelly) Bourdara is a renowned professor in the field of history of law. The main field of her research is Byzantine law.

She was born in Athens in 1948. She graduated from the University of Athens Faculty of Law, and she also holds a degree in history from the Université Paris 1 Panthéon-Sorbonne. She has done postgraduate research at Dumbarton Oaks, Washington DC.

She is now professor emerita, earning the title by teaching legal history to students at the Faculty of Law in Athens.

She has written numerous books and articles on legal history. She participated in many scientific conferences all over the world. She has especially worked on and written many books concerning the political crime in Byzantium, i.e. *crimen laesae maiestatis*.

The interview was led by Đorđe Gojković, on 27 October 2022, during the scientific conference „(Un)fit to rule – acceptance and rejectance of rulers throughout history", held at the University of Belgrade Faculty of Law.

**Đorđe Gojković:** *Dear professor Bourdara, let me first thank you on behalf of the editorial board of the Herald of Legal History for kindly accepting the invitation to this interview. I have to thank you on my behalf as well, for doing me an honour to talk with you on various topics that I'm sure our readers and listeners will find useful. As a professor emerita, you have achieved the highest of academic heights, but let us start from the very beginning. It*

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*was a long journey in three different countries. Since you were born in Athens, could you tell us what was it like growing up and studying in the cradle of Western civilisation?*

**Emerita professor dr Kaliopi Bourdara:** First of all, I would like to thank you because you invited me here to talk with you for your periodical for the students, and for everybody that will read or listen to what we shall speak about. I am very fond of your country, I am very fond of your city, Belgrade. I have visited the city many times, and I always come back and I like it more and more. Now, to your first question: yes, I had the chance to study in three different countries, in Athens, of course, in my country, in Law School of Athens, then I had postgraduate studies in France, Paris, where I had postgraduate studies in law and history, then I proceeded to Washington DC where I had the work on research on the dissertation. I studied in Athens, first of all. I must tell you that the studies were very good. I can say that the feeling for me and for other students was that we were free! What do I mean we were free? We were free to choose what we wanted to study. We were free to choose what to do with our lives and our studies. I can tell you an example from my own life. My uncle, brother of my mother, was a pharmacist. He had a big pharmacy in Athens. He had no children, so he wanted me to study and become a pharmacist. I did not like it at all, I must confess. I saw him all day long being in his pharmacy, working all day long with drugs, clients and so on. I did not like it and I said: no, I cannot do this job! And what will you do? I chose what I liked to do. I wanted to become either a lawyer or a judge. So I said: I should go to the Faculty of Law. I was free. I chose freely what I wanted to do. I knew that, after that, I had the ways to do something that fits me after my studies. Become a lawyer, become a judge, or something else, or even become a civil servant. Everything was open. So, that was what I had in my first years of my studies, in my country and in my city Athens.

**Đ. G.:** *So it was a matter of your free choice. But was there any crucial moment that made you choose to be a legal historian, to be exact?*

**K. B.:** Ah, it was very simple for me! I liked history very much, it was one of my favorite lessons in school. I studied history very hard. I have read many, many books on history. And on the other hand, I liked law. Between the two, I chose to study law. From the first year, when we had the [first] lessons in legal history – that is Roman law, Byzantine and post-Byzantine law and ancient law, I said: I am here! I will choose this because it combines two of my loves – history and law. This was the crucial point.

**Đ. G.:** *And after so much experience with teaching students, I have to ask you this: how do you recognise students who are eager to learn about legal*

*history? Some law students have a hard time understanding the purpose of learning legal history. So, what good will it bring them in various possible careers or in their lives in general?*

**K. B.:** First of all, I can tell you that it's very difficult to recognise whether students are eager to learn about legal history or not. Yes, there are some students from the first lesson that come and say: yes, we like this subject, we want it and we want to continue [studying], please give us a bibliography, and so on. But, they are not many. We must teach the students and tell them what they can do afterwards if they specialise in legal history. It's a matter of what they will do, what their work will be. First of all, they can become good lawyers, because if they know legal history, they know the basis of law. In our countries – Southeastern [European] countries – there are many cases even today that end up in courts, and they have a special background, because they are cases from some works that were done many years ago, even many centuries ago. There were other laws – there was Ottoman law, there was local law – Greek, Serbian... In Greece, Byzantine law was applied for many centuries. And in the courts, they need to have someone who knows legal history, someone who can find a case and solve the case. So, lawyers and judges can be legal historians. There are many think-tanks where legal historians can work very well. They can also become civil servants. If they know the roots of law, they can serve better and they can understand many things better in real life. And, of course, they can do politics. I am, I must confess this, very furious, very angry when I see that there are plans from some powers who do not know, not [only] the law, but the roots, the history, the institutions of a people. They plan for their sake, without knowing how this society is built, what are the roots of this society, what were their institutions – not every people have the same institutions. There is historical background; there are purposes and other things that are special for different countries. Those who have the chances of the people in their hands must know all this. They must know the history of institutions, especially of institutions of public law. After that, they can plan and they can collaborate, because if they don't collaborate with local people, with local authorities, they will not have good chances and good decisions. So, legal historians can work in many, many fields.

**Đ. G.:** *So, there's plenty of reasons to learn legal history. And it's great that you mentioned the connection between legal history and politics, we will come to that later, I have some special questions on that topic for you. However, the Byzantine Empire has a major position in your work. We Serbs were both part of and neighbours to it for a great period of time. What do*

*you consider to be the most important influence of the Byzantine Empire on its neighbouring countries during the medieval period?*

**K. P.:** The Byzantine period is a historical period that I adore. That's why I have studied it – its history, its institutions, and its law. Greeks and Serbs are very near. They were under the same authorities for many centuries – Byzantine first, Ottoman afterwards. The Byzantine Empire has given many, many things to the inhabitants of the empire and to their neighbours. Sometimes they were neighbours, sometimes they were in the frontiers of the Empire. But, now we speak about the neighbours – Serbian neighbours – and the Byzantine Empire. First of all, I must tell you that the Byzantine Empire gave many things to Serbs in culture. First of all – the way of life. Religion, books, translations... Many, many things. So, in the field of civilisation, there are many things that were done together between Byzantines and Serbs. Because, ancient Serbs had different traditions from their neighbours. Little by little, they became Christians, they had the culture and so on. Also, the Byzantine Empire gave many things to the Serbian state in institutions. Many institutions – good institutions – in the Byzantine Empire were a model for the Serbian state. And, of course, they had all this organisation of the state, and there was collaboration between the two neighbours. So, I think in that in public law, the government and civilisation, the Byzantine empire and Serbia worked together and there was an influence from the Byzantine empire to the Serbian state.

**Đ. G.:** *I chose some of the topics from Byzantine history since you covered pretty much... the whole Byzantine period, so it was really hard for me to choose one topic, so I chose one topic that I indeed do personally like, but I also find it important because of something we can learn from it. I am talking about the Iconoclastic period. What can we learn from the church – state relations from the Byzantines, and how do we make the best of that knowledge in the era of secularisation? We know, for example, that it was certainly good for the Orthodox Church that the iconoclasm hasn't prevailed, that it „lost" in the historical sense – but was it also good for the Byzantine state? What were the relations between church and state like? What are the similarities in, let's say, today's Christian countries?*

**K. B.:** Big question! (Laughs) I have many, many things to say. Iconoclasm is a very difficult, but very interesting area of Byzantine history. The main thing is that the state interfered in the church. This was the policy of the state of that time – to change the worship of the icons, and this was not something that belonged to the state, this was church policy. But, the state wanted to impose its policy on the church. The church reacted, and finally

we know that in 842 AD we had the restoration of the icons, that is the church had won this war. And I think that from that time on, this was a good lesson that the state must not interfere with the ecclesiastical cases. This, I think, must exist even today. They are separate – state and the church. They were [separate] in Byzantium, also. Today, of course, church is an organisation, an institution of a state, and it works according to the laws of the state based upon which they work. They cannot be outside of these laws. The Serbian Church or the Greek Church cannot do things that are different from what the laws of a country say. Of course they have ecclesiastical law, but it's for the internal life of the church – the relations between the clergymen, believers and clergymen, and it's their internal way of life, their canons. But since they live in the state, they have to live, to apply the law of the state. This is what we know from Byzantium, and that was passed to other countries little by little, and now countries and churches are organised like that.

**Đ. G.:** *Being interviewed during a conference on acceptance and rejection of rulers throughout history, could you point out Byzantine emperors that were the least fit to rule the Empire?*

**K. B.:** There were many. Some were insane. Some others were bad rulers, they didn't have the qualities that a ruler should have. For instance, Phocas in the beginning of the 7th century or Andronikos Komnenos in the 12th century. Both of them were killed. The first one in the hippodrome, if I remember well, the other one was lynched in the streets of Constantinople. So, these, of course are only two examples, but there are also others where we see some of them were not kings anymore when people decided to change the officials and so on.

**Đ. G.:** *In modern countries, where rule of law is widely accepted, is there any room for even talking about our legally elected representatives being fit or unfit to govern, not to say rule?*

**K. B.:** My opinion is that we can say if someone is fit or unfit to rule. Of course, they are elected, and they are elected by the people. But, many times people haven't understood that the person is not able to be a governor. Many times we hear after the elections: „oh, if I knew, I wouldn't have voted for him or for her"... But this is after the election. Of course, people, the voters can say their critiques, and of course as it is in, I think, every country, they have elections every four or five years, so they will not vote for him and for her and they cannot be elected anymore. People can understand if someone is fit or unfit to rule, but afterwards. In Byzantium, it was also afterwards. The king was the king, then they saw he was not

capable of being the king. Now it is easier to stop somebody who is not a good politician or a good ruler. Because there is voting. There is voting every few years. In Byzantium there was not. The rule was for perpetual, life long. So, we can – in democracy – say if someone is fit or unfit, and then change the situation.

**Đ. G.:** *That's a great point. And now we can make a link to your work, that you presented at this conference on* crimen laesae majestatis. *One of the key points was that a ruler was to be obeyed, but only if they had the qualities that were needed to be a ruler in the Byzantine Empire. But, what we are talking about is that we have so many examples of justifications of wrongful rulers by some, let's say, Christian quotes, including the famous one that says that „all authority comes from God". And many Christians even today do not question the authority of the government because of that. That, of course, should not be the scenario. What can we learn from the Byzantines in terms of reconciling the obedience towards the government, that is, the state, with the need to maintain the control over it? What are the red lines? Because, as we know, what the Byzantines really had in mind whether someone was ruling by the will of God and if it was according to, let's say, the God's laws.*

**K. B.:** Listen, of course there were some red lines. The emperor in Byzantium was the person that God liked and protected. But if he did things that were not according to what God wanted, according to the political theory of the Byzantines, God was not on his side. And as the Byzantine say: the ikonomia (*οἰκονομία*), not the economy as we know it today, but the way of working, God himself had altered his choice and he could overthrow the person he chose. This way of overthrowing somebody was a kind of disorder, because God, with some people, had said that this is not good to continue and when they left Him, they made a disorder. This disorder was the reason to overthrow the bad ruler and beg for the next one. So these were the red lines. If, sometimes, the qualities of a ruler stopped existing – for example, if he changed his character during his rule, the support of God stopped, and it was legal to overthrow him.

**Đ. G.:** *Just as we overthrow the governments that are not ruling by the laws of state today. Today, it is enough for a ruler to break the state's laws for us to think that it is right to overthrow them in order to maintain the control over their behavior, right?*

**K. B.:** Yes, and nowadays we have the courts, special courts – constitutional courts that can control rulers: if a law is against a constitution, or if a decree, or something else of a governing party is not according to the laws. So there are other options in democracy to overthrow the acts and

sometimes even persons who do not act according to the laws – because if they do not work according to the law, they are not rulers, they are tyrants. So, they are overthrown by the courts and by the people.

**Đ. G.:** *An interesting activity in your rich biography is the collaboration with the radio station of the Church of Greece in a [weekly] hour-long show entitled „Byzantine dialogues" for over a decade. Radio, is of course, meant to be listened by a broad audience, not only by jurists or historians and so, can you tell me, where is Byzantium in our lives today?*

**K. B.:** Oh, it's not in our lives today, I must tell you! But, if there are such radio hours that are dedicated to the history, local history, Byzantine history, ancient history, it is very good because many people learn things here, like these things and want to learn more and more. So, they cultivate themselves and learn things they have never heard of. I think this is a very good thing with radios, TVs etc. that have this kind of activity. They have an educational aim, to educate people in many ways – if it is history, it is either Byzantium history or local history, because a radio station or TV station is not only to have entertainment, it is also to have educational aims and to combine both – education and news – to teach people what happens in the world and, of course, to entertain people. All this must come together. So, education can be like that and people who hear, who see, understand, learn and want to learn more about that. And they like it! You know, I had many, many people who called on the phone after the „Dialogues", and asked many things. If I was not in the radio station, they left their questions to the secretary and then next week I would answer it.

**Đ. G.:** *Your career as a professor is, although magnificent, not the only major achievement in your life. You were an active politician, fighting for the ideas you believe in for almost two decades. It seems to me as if we forgot the original meaning of the term politics „politika (Πολιτικά)" – being an active citizen, Greek and a professor emerita, you sure can tell us something about politics. How did your education and your career as a professor impact your understanding of your duties towards society?*

**K. B.:** Listen, when you are educated, you want to give things of your education to society – to apply it. So, you can combine the action with the knowledge. To say that now I must give the things I have learned to the people, the society, I can apply and do something different, something for others, to be useful to the society, to my family and so on. So, if you combine all this, you can make things.

**Đ. G.:** *What do you think are the virtues that should be common to both politicians and scholars? And do politicians and scholars share some flaws as well?*

**K. B.:** They should have some common virtues. I think that a good scholar can become a politician, to apply his knowledge and, you know, if he knows more things, he can also do more things. He will be very useful, that's my opinion.

**Đ. G.:** *What do we have to focus on the most in our educational systems in the 21st century? We were talking about education, the recognition of the students who are eager to know, but do we learn enough of the classics today? Or, is it 'outdated', as some say?*

**K. B.:** I must tell you, in the 21st century classic education is not as it was some years ago. Technology is the top. Everybody wants to learn about technology. But, they learn and they are not cultivated. Their real personality must be also cultivated, to have classic paiedia (*παιδεία*), as we call it, classic education. Otherwise they become bad. [Paideia] teaches values, virtues, many things from philosophy, letters, texts and so on. So, we must have classical education. I'm sure that for many years we shall have the technology on top. But little by little, people will understand what they want from themselves, and not to be mechanisms, mechanic persons, and then we will return to this kind of study. But, it will have its way. And it is a long way, perhaps.

**Đ. G.:** *You have mentioned the relations of Greeks and Serbs. Greeks and Serbs, of course, widely see each other as very close and friendly nations. In your opinion, which historical events contributed to such relations the most?*

**K. B.:** Oh, there are many events that contributed to these relations! For many centuries, both people were together, had good relations, had the same religion, had many elements of their civilisation that were common. And in many bad, difficult times, Serbs and Greeks liked to be together, liked to help each other and we have seen it many times. In the 20th century for instance, I think that we had two great events. It was in the first decades of the 20th century, when Venizelos was in the government in Greece and had many good relations with politicians in Serbia, they worked together during the First World War and so on. Then, we had very good relations and we showed it when Serbia had difficulties in the end of the 20th century. I think that Greeks helped Serbs very much, and Serbs also loved having Greeks collaborate with them in many fields.

**Đ. G.:** *What do you consider the most important for the future of relations between Greece and Serbia?*

**K. B.:** First of all, good neighbourhood relations. Very good relations. Exchanges between Serbs and Greeks in many fields, for instance, technology. Or what we do right now in University – scientifical exchanges, exchanges of students. Erasmus program, it is a very good way to continue with good relations, for two peoples to get to know each other better – especially the young persons. I also know that our Churches have very good relations and good collaboration. They can have even better collaboration, because we share the same values and we believe in same values. So, these are things that we can share, we can be together, we can love each other and collaborate in many, many fields. Of course, in economical way also and many other things.

**Đ. G.:** *Just as you said, you were in Serbia numerous times, and what's the place you like to visit every time you come to Serbia? And, is there some place that you would like to visit but you didn't have the chance to?*

**K. B.:** I like the center of Belgrade very, very much! All these buildings, all this history that these buildings hide. I like to visit it again and again, drink some coffee near the Square, near the Museum or the Parliament – they are wonderful places that I would like to come to again and again. I have not visited, and I think that I shall not have time to visit it now, the Nebojša tower. It was the tower where Rigas Feraios was imprisoned and then drowned in the Danube by the Turks. It is restorated and it was a very good cooperation between the two countries – here, another great cooperation I think it is a very nice monument, as I have heard. Unfortunately, I think I won't have time to visit it, so hopefully I will the next time when I visit Belgrade. And, you know, Rigas Feraios was one of the key persons for Greece to become free from the Ottoman Empire, but not only that – Rigas Feraios is a symbol of the Balkans, because he had the idea in that time – 18$^{th}$ century – to have a coalition, a union of so-called Balkan states, which were at the time under Ottoman occupation. That is, he had the idea of a European Union in the Balkan area. I think it is something formidable. That's why I would like to see where and how in this building he passed his last days before he was executed.

**Đ. G.:** *We have one street in the center of the city of Belgrade that's named after him – Rigas Feraios – in the very center of Belgrade! And Athens has a street devoted to Karađorđe, Karagiorgi as well.*

**K. B.:** My office is at Constitution square, address: Karađorđe of Serbia (*Καραγιώργης της Σερβίας*), number 2.

**Đ. G.:** *That's a great thing to hear! As we are moving towards the end of the interview, could you point out a work in your professional career that you are proud of the most?*

**K. B.:** Oh, there are moments that everybody is proud of! First of all, I am very proud of my career at the University. For the students I had, dissertations with some students that were very, very good works – it's a prize for the teacher, for the professor. And I must tell you that a very good moment in my political career was the law that I passed in the Greek parliament, which was for the archives. There was a law in Greece from 1932 about the organisation and using of archives, and so on. In the 90s, I changed it – how long after that... And we have made an internet website of all the archives that are in the Greek state, in every city, cities in small areas, and they are a national internet work now. This is a very good moment in my career because it still exists, and all those who work in these services say that it did something very, very good and for the national history of Greece, because as you know the archives in every country are of national importance. In it you have the big things and the everyday things of people.

**Đ. G.:** *I'm sure that it was difficult at the times, and in those difficult times, where did you get your inspiration from? Both for your professional and your private life.*

**K. B.:** In both! Both in my professional and my private life. Because you know, you have learnt many things in your family, by your friends. You have inspirations from dialogues, from virtues you have in your family or your friends, so I would say that both professional and private life were the sections I found my inspirations for many things.

**Đ. G.:** *Lastly, could you give an advice or two to our listeners and readers?*

**K. B.:** Oh, I don't have advice to give... I have only to say that my experience is – and I can tell my experience to listeners and readers – first of all, we must become people, persons who study. To cultivate ourselves. To have activities, many activities, not only one. Not only job, many activities. And, I think the most important is to have love for each other. Love for the human being. If we have love for the human being, we can do many things. We can work for the future and good things for society, for persons, for friends, for members of the family. Because, not everybody has a big connection with the society, but he lives, he works and he has activities in a small circle of friends, of family etc. They must love these persons, work with them for their better future. Better future of themselves and of their families and of their friends. I think this is the experience of life.

**Đ. G.:** *Dear professor, thank you for these wise words and thank you once again for this interview, we hope seeing you in Serbia again soon as it's just a huge pleasure and honor to welcome such a great scholar.*

**K. B.:** Thank you very much, it was a pleasure to speak with you, to speak for your journal, for our students and for everybody who will read or see this interview. And, I must tell you that we Greeks like and love Serbia and Serbs, and I hope this is mutual.

**Đ. G.:** *Believe me, it's mutual!*

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