ENQUIRY

INTO

THE CONDITIONS OF INTELLECTUAL WORK

Second Series

INTELLECTUAL LIFE

IN THE

VARIOUS COUNTRIES

GREECE

The Evolution of Legal Studies

by

A. ANDREADES

Professor of Finance and Statistics at the University of Athens;
Dean of the Faculty of Law.

by J. Luchaire,
Expert of the Committee.

William Martin, Representative of the

Edited by O. de Halecki, Secretary of the Committee.

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LEAGUE OF NATIONS

COMMITTEE ON INTELLECTUAL CO-OPERATION

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NOTE

The object of the Committee on Intellectual Co-operation in publishing this series of pamphlets is to call attention to the problems of organisation and intellectual assistance to which each subject gives rise. The Committee does not propose to treat these subjects exhaustively, but desires rather to bring them to the notice of the public and to provide an opportunity for further suggestions.

THE EVOLUTION OF LEGAL STUDIES IN GREECE

By A. ANDREADES.

Translation.

I.

GENERAL OBSERVATIONS.

The Greeks have always been attracted by the study of law. Attic law and even the ancient laws of Crete (Laws of Gortyna) present features of considerable interest. The development of the study of papyri has proved that Roman law was fused with the legislation of the Greek city-States and kingdoms of the East before it reached that high point of evolution which is the admiration of the world. From the sixth century to the re-birth of law in Italy in the twelfth century, Constantinople was the only centre where legal studies were held in honour. There new principles of law were evolved (as may be seen, for example, in many imperial Novels, in the laws of the iconoclastic emperors, and in what is known as the Rhodian maritime law) ; and the study of sources continued up to the end of the empire (Hexabiblos of Armenopoulos). Thanks to the œcumenical patriarchs, even the disruption of the Greek Empire did not wholly extinguish the study of law. It was from Phanariote princes that, even before Navarino, the Moldo-Wallachian principalities received codes, which were drawn up in Greek. In view of this historic tradition, it is hardly surprising that, from the foundation of the University at Athens to the present day, law students have exceeded in number those of the other four faculties together.

But although the place was propitious to the study of law, circumstances were not so favourable. For a considerable time, the Kingdom of Greece was a small country, sparsely populated (it was long before the population reached two millions) and extremely poor. It is a commonplace that the study of law, like that of economics, can only develop in prosperous surroundings. There are many reasons for this, one of which is that a small country of limited resources cannot support specialist books and reviews, which are no less essential to law than are laboratories to physical science. Yet such was the attraction of the study of law that, in addition to abstracts and treatises published by university professors, works of considerable value were given to the world by a number of magistrates and barristers. Mention should be made of the treatises on civil procedure by Euclides and Potamianos, the treatises on civil law by Economides [1], the treatise on criminal procedure by Constantopoulos, the treatise on commercial law by Simitis, the treatises of Ractivan and Polyghenes on the dotal system and Momferratos [2] on contracts, and many others.

In addition to these important works, mention should be made of a large number of smaller but no less valuable publications. Attention should also be drawn to the translations of famous French and German treatises (Lyon-Caen, Windscheit, Arndts, etc.), many of which are copiously annotated.

During this period also, two legal reviews, the *Themis* and the *Journal of Jurisprudence*, whose appeal was principally to legal practitioners, were giving as much space as possible to theoretical studies and publishing full commentaries, many of which are worthy of attention, on legal judgments.

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[1] This admirable work was published after Economides had left the University. He lectured on Procedure and also published a remarkable treatise on that subject.

[2] This author is also celebrated for his edition of the Isaurian *Ecloge* and other learned works. Some ten years ago he abandoned the Bar and politics for the University.

II.

THE PERIOD 1901-1911.

We must, however, confine ourselves to the questions which were put to us, and we will therefore compare the last decade with the preceding one. On first consideration, we are tempted to suppose that the ten years (1901-1911) before the Balkan wars were, from the point of view which concerns us here, a more brilliant period than the years 1913-23.

This last decade has been a period of long wars and intense civil strife. Every man between the ages of 20 and 40 has spent the best period of his life with the colours [1]. Owing to the moratorium, the Bar and the Bench were deprived of many important cases. Moreover, through a combination of circumstances — submarine warfare, the increase in freight charges, the rise in the exchange since 1921 and the concomitant rise in wages — the printing of scientific works in a country without paper-mills became a suicidal undertaking. So violent were our civil dissensions that the public had no attention to spare for other matters ; and laws of the highest importance, which would in normal times have caused many distinguished lawyers in the Chamber to make speeches of real scientific value, were passed without serious discussion, though some of them affected the interests of the general public [2].

Nevertheless the period 1913-1923 marks a certain degree of progress, and this is principally due to the reform of the University Statutes in 1911.

Before that time, the teaching of law was defective in several respects.

(a) There was only one Faculty of Law ;

(b) The salaried staff of the Faculty of Law consisted solely of ordinary professors ; there were no extraordinary professors or lecturers, and readers were unpaid ;

(c) The number of ordinary professors was small, and was still further reduced by the fact that they were allowed to occupy two Chairs simultaneously ;

(d) Professors were entitled to plead in all courts and to hold administrative positions in the National Bank ;

(e) Only one examination was held, at the end of the fourth year.

It may be well to discuss these points in detail.

1. *A second Faculty of Law* would have had the double advantage of arousing the competitive spirit and serving as a nursery for the University of Athens.

So great, however, was the attraction of Athens that, even during the British protectorate over the Ionian Islands, Ionian students flocked there rather than to the University of Corfu, which, though an older foundation [3], was ultimately suppressed on those grounds in 1867.

The comparative failure of the University of Corfu was principally due to the fact that it had been founded by a private individual (Lord Guildford). The British Administration, therefore, took little interest in it, and reduced the teaching staff to an absolute minimum, leaving the Faculty of Law with only three professors.

None the less, the University of Corfu was used as an argument against the foundation of

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[1] Many of my pupils served from 7 to 9 years between 1912 and 1923 — a state of affairs for which no parallel is to be found in Europe.

[2] *E.g.* the new divorce and succession laws.

[3] It was founded during the Greek War of Independence.

a new Faculty ; and indeed, until the liberation of Salonica, it would have been difficult to secure any general agreement as to the proper seat of such a Faculty [1].

It was also generally considered that there were already too many law students.

For the reasons already mentioned, however, the lack of a second Faculty continued to exercise a detrimental influence on the study of law. An even greater disadvantage was :

2. *The lack of extraordinary professors and salaried lecturers.* The University Statutes did indeed provide for the appointment of *hyphegelai* (corresponding exactly to the German *privat-docents* 'and which we may call readers). Persons who wished to obtain this status had only to present a thesis and give a lesson within the next twenty-four hours. On the other hand, for a reader to do any useful work required a certain degree of heroism. He was not paid, and he was not in any way concerned in the examinations. Consequently, he was not in a position to exert any moral pressure on his pupils in order to induce them to attend his lectures and to buy his books. The result was that, with certain praiseworthy exceptions, readers never displayed any activity except when, owing to the great age of the holder of a position, a vacancy seemed probable. But their hopes were often vain, for the law was defective in another direction : it fixed no age limit, and many professors lived to a hale old age in defiance of all theories of probability. Even if a professor died, candidates for his position had no security, because there was another regulation, also of doubtful justice, whereby the Faculty could confer the vacant Chair upon one of its members for an indefinite period of time.

Quite apart, however, from this latter regulation, the system was a bad one. No effective effort was made to obtain new professors ; if a vacancy occurred unexpectedly, the University was generally confronted by a dearth of candidates sufficiently mature to hold the position. Other reasons also made the need for extraordinary professors felt : there being no age-limit, many branches of teaching suffered, as it were, from senile decay. Last, and most important :

3. *The number of ordinary Chairs was very small.* There were fourteen in all — three for Civil Law [2], and one each for the following subjects : history and institutions, procedure, criminal law, commercial law, philosophy of law, constitutional law, canon law, international law, political economy, finance and statistics. Now, even in theory, fourteen Chairs were no longer sufficient to meet the requirements of modern science in a country which had only one university and no school of political science. In point of fact, they did not meet those requirements at all. In the first place, as we have just observed, one professor was allowed to occupy two Chairs. The result was that there were hardly ever more than ten members of the Faculty of Law, and sometimes there were less, as for a very long time the Chairs of Finance and Statistics and Constitutional Law existed only on paper. The former, which was founded in 1881, was vacant from 1882 onwards, and the latter was normally held by the Professor of International Law. Force of circumstances, however, restored them both to their proper position after 1906. But although the teaching of political and economic science was thus in some degree improved, there remained an obvious need for reinforcement in regard to private law. It is impossible in these days for one man to deal both orally and on paper [3] with the whole field of criminal law (general theory, procedure, principal offences and penitentiary problems), or with such important and, in some aspects, divergent branches as public and private international law.

In such a country as Greece, moreover, it was amazing to find no special instruction in maritime law or ancient Greek law, particularly Attic law, and as there was no school of political

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[1] The arguments in favour of Corfu were its historical rights and the fact that its intellectual and artistic development had reached a higher level than that of any other provincial town ; in favour of Patras and Volo, it could be submitted that their populations and their economic activity were continually increasing ; and for Nauplia, it could be urged that the town was the first capital of the Kingdom (the capital was not transferred to Athens until the arrival of King Otto in Greece).

[2] *I.e.* Roman law as applied in Greece (the Hexabiblos of Armenopoulos, as modified by an great number of laws passed during the last eighty years).

[3] In a country with only one University a professor must write as well as lecture.

science, applied political economy (rural and industrial economy, etc.), diplomatic history and other subjects had to be taught in the Faculty of Law. Some of these subjects might certainly have been attached to more general branches of study ; diplomatic history, for example, might have been taught by the professor of international public law. In any case, however, as there were no extraordinary professors, it was essential that there should be from fifteen to twenty Chairs.

4. *Ordinary professors were entitled to plead in all Courts and to act as Directors of the National Bank.* In point of fact, the professors were the masters of the Bar, and one of the two deputy-governors of the National Bank was almost always a member of the Faculty [1].

There were many who defended this state of affairs. They argued :

(a) That the worst possible thing was to separate theory from practice, and that that was unfortunately what happened when professors shut themselves up in their libraries ;

(b) That professors' salaries were less than modest [2], amounting to scarcely a tenth of the income of a practising barrister, and that it was therefore useless to hope that eminent lawyers would enter the Faculty of Law, or remain in it, unless they were allowed to appear in the Courts ;

(c) That it was untrue to say that a barrister with an extensive practice could not do scientific work, in view of the fact that Kalligas, Paparrighopoulos, Economides, Rhallys, Costis, Saripolos and Aravantinos [3], authors of the extensive treatises which are an ornament to Greek science, were professors playing an active part at the Bar.

The first two arguments carry some weight, but can be refuted. A professor can confine his activities to pleading before the Supreme Court and giving advice, and can thus keep in touch with legal practice and improve his position without turning his study into an office.

The third argument is less weighty than it seems. The men who are quoted as having carried on important scientific work simultaneously with an extensive practice were remarkable men with exceptional powers of endurance. They worked from twelve to fourteen hours a day, and seldom took a holiday. Moreover, most of them belonged to a period (1850-1880) when science was less highly specialised and less exacting [4] than it is to-day. Of the professors who were appointed after 1880, those who published treatises were in most cases (Crassas, Anghelopoulos, Cazazes, Dimaras and George Streit) scientists who were mainly concerned with teaching, while those who may be called barrister-professors wrote very little — in some cases not at all. Some of them might urge that their predecessors had left full treatises on their subjects. This excuse, however, was hardly likely to satisfy the public, since many of the professors in question were eminent jurists, and their teaching was in itself evidence of the unceasing evolution of science.

5. *Only one examination was held, at the end of the fourth year.* This system had at one time many ardent defenders, including Paul Kalligas, the greatest of Greek jurists. The principal argument in its favour was that annual examinations gave the student a fragmentary and disconnected impression of the subject, and obliged the professor to complete his course in one year, thus leading him to stereotype his teaching ; in others words they reduced a University to the level of a secondary school. It was not remembered that, in the absence of annual examinations, professors were inclined to let themselves go and treat

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[1] Between 1867 and 1914 Governors Renieris, Kalligas, Streit and Eftaxias were all former professors who had held the position of Deputy-Governor.

[2] They averaged 6,000 francs, together with from 2,000 to 3,000 francs in examination fees.

[3] Authors of treatises, on Greco-Roman law, procedure, commercial law, criminal law, international law and constitutional law.

[4] If only from the point of view of bibliography.

in detail all the questions in which they were interested. The courses were spread out over several years. Students who were anxious to follow them daily had to be in the lecture-rooms from morning to night (I have known some who attended seven or eight lectures a day). The others simply did not attend lectures at all ; they spent three years in doing nothing, or — as often happens in Greece — in earning their living, and the fourth in being "crammed" by a *phrontisles* (coach). These gentlemen had a considerable hold over the students, because anyone who did not seek the benefit of their experience ran the risk of failure even if he had worked hard; he had no experience of examinations, and the professor (who was not, as he now is, in possession of a record of the annual examinations) had no personal knowledge of the student, particularly as seminaries were not compulsory.

In order to obtain a complete idea of the difficulties which hampered the study of law before 1911, we must remember furthermore :

6. That, as we have already observed, Greece was until 1911 a country with less than three million inhabitants, and also that modern Greek *is almost unread outside the Balkan Peninsula.* However remarkable a book may be, if it is written in Greek it has no hope of being reviewed in any legal magazine. This is extremely discouraging. But for Zachariae von Lingenthal and the late Dean of the Faculty of Law at Bordeaux, Henri Monnier, the very name of Kalligas would never have been heard outside our frontiers.

Notwithstanding all these difficulties, and despite certain individual failures, the Faculty of Law at Athens has well deserved of science.

Its first two generations of professors (those appointed between 1837 and 1900) have given the country three treatises on civil law (Kalligas, Paparrighopoulos and Krassas), a treatise on procedure (Economides), a treatise on commercial law (Rhallys), a treatise on constitutional law [1] and another on international public law (N. J. Saripolos), a treatise on criminal law (Costis), a treatise on administrative law (Anghelopoulos), a treatise on encyclopedia of law (Cazazes), a treatise on political economy (Soutsos), a treatise on international private law (George Streit), and an abstract of the "Institutes" (Dimaras).

Moreover, with two or three exceptions, all the other professors have to their credit important monographs and even works in several volumes.

It has been observed that some of the professors in this last category wrote more before their appointment than afterwards. The reason, no doubt, is that their arduous University duties, combined with their outside responsibilities, left them little time for writing. This is an argument in favour of restricting very closely either the right of professors to practise at the Bar or their participation in the administration of the National Bank.

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1 Two other remarkable treatises on constitutional law were published by the late Professor J. Aravantinos, who was appointed in 1906, and his successor, Professor N. N. Saripolos.

III.

THE PERIOD 1911-1923.

A. General character of the laws of 1911 *and* 1922.

The period opens with the important University Law of 1911. This new Statute, as it affects the special interests of the Faculty of Law, should be considered :

(a) *From the point of view of the Professors.*

It imposed upon them the following new obligations :

1. Not to plead except before the higher Courts [1] ;
2. To give at least three lectures a week, and seminaries in addition ;
3. To publish their lectures at the end of three years.

(b) *From the point of view of the Students.*

1. Seminaries were made compulsory ;
2. A system of annual examinations was introduced, culminating in a comprehensive examination at the end of the fourth year ;
3. For the doctor's degree — which is optional and is only necessary in the case of candidates for higher educational posts — a printed thesis was requested.

(c) *From the point of view of Chairs.*

1. The number of ordinary Chairs was increased ;
2. The age limit was fixed at 70 ;
3. Extraordinary Chairs were founded. These are of two kinds. Some are intended to supplement ordinary Chairs which cover very extensive subjects (civil law, penal law, commercial law) by enabling the holder of the Chair to delegate to his assistant such subjects as can be detached from the principal course (maritime law, penitentiary science). The others, which are called independent *(autoteleis)*, are set apart for branches of study which are essential to some classes of students, but not to all *(e.g.* diplomatic history for candidates for the Foreign Office, and Moslem law for Turkish Greeks), or which are suitable to a Greek University (ancient Greek Law), or which merely meet the requirements of such students who wish to complete their legal or political education [2].

Apart from certain alterations of detail of greater or less value, some of which (such as the extension of the age limit) have already disappeared, the Law of 1922 did not depart from the general principles of the Law of 1911. In the matter of Chairs it went further : the number of ordinary Chairs was increased from 13 to 18, and the number of special Chairs from 9 to a maximum of 29. (The number will depend to some extent upon the Faculty.)

Lists of the Chairs instituted under the Laws of 1911 and 1922 will be found in the Appendix, These lists show no essential differences, and it would be of little interest to compare them [3].

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[1] Posts which entail still more arduous work, such as those of Governor and Deputy-Governor of the National Bank, are, of course, regarded as incompatible with the work of a professor.

[2] *E.g.* the Chair of Legal Encyclopedia.

[3] It may, however, be noted that the two Chairs of Procedure have been combined, in order to put an end to a scientific solecism. In 1911 the Minister of Education was rightly anxious to enable two young, but distinguished scientists, both of whom have since died prematurely, to enter the Faculty. He had not the courage to speak out what was in his mind and to create two Chairs of Civil Procedure, so he detached criminal procedure from penal law and attached it to civil procedure. The Faculty of Law had protested in advance against this combination, which had no parallel in university organisation, and asked for a single Chair of Civil Procedure and two Chairs of Penal Law, one of which was to cover procedure and penitentiary science. I mention this episode, which is now closed, in the hope that such errors will not occur again.

We also give as an appendix a table showing the number of students who matriculated and the number of candidates for degrees during recent years. The considerable increase in these figures, and the even more notable increase in the number of Chairs, brings us back to a question which has been considered above.

Is it desirable that a second Faculty of Law should be established in Greece ?

In 1911, the question did not arise really, because the Kingdom of Greece had not then been enlarged. But to-day, when its area and population have about doubled, the question does arise. The seat of a second Faculty should quite obviously be Salonica.

None the less, the Law of 1922 was passed without any discussion on that subject outside Parliament. This fact was due to the circumstances of the time. The law was passed at the very end of the session ; and public attention was of course fixed entirely on Asia Minor (this was shortly before the disaster). Moreover, under the Turks the city of Salonica had become purely commercial. Its people, and particularly the powerful Jewish element, have not yet realised the advantages they would derive from the possession of a great intellectual centre. At the present time there are many people in Athens who would like to fill a University Chair and who are qualified to do so ; but there are few such in Salonica. In any case, the Macedonian members, who hold the upper hand in the last Chamber, did not raise the question ; nor did their predecessors insist that the commercial high school which was founded in 1920 should be established on the shores of the Thermaic Gulf [1].

This lack of eagerness was also no doubt largely due to the terrible fire [2] which partially destroyed Salonica in the summer of 1917 ; for it was extremely difficult to find lecture-rooms or lodgings for students. But the Macedonian members were undoubtedly influenced also by a question of principle : there is a general impression in Greece that one complete University is better than two incomplete ones.

This is perfectly true in the case of Faculties which require expensive equipment (hospitals, laboratories, etc.), and those which have few students (theology). As regards the Faculty of Law it is less certain. It is, of course, eminently satisfactory that Greece should have a Faculty which, with nearly forty ordinary and extraordinary professors and an unlimited number of readers [3], can compete with the great Faculties of other countries. Nevertheless, a second Faculty would be of considerable value. As we have already observed, it would be both a rival and a nursery. It would make it possible to appoint at Athens professors who had already proved their value both as writers and as teachers [4]. Moreover, there are really too many law students now at Athens ; the professors are obliged to spend as much time on examinations as on their lectures. The seminaries are overflowing and have to be divided up. The professor can no longer, as he used to do, cope with all the students. Furthermore, the law of 1922 has duplicated several Chairs. No difficulty is raised by the existence of several Chairs of Civil Law, seeing that the different branches of this vast science are spread over several years. But political economy, administrative law and commercial law are taught in one year ; yet there will soon be two professors for each of these subjects. Are the students to be overburdened by having to attend two courses of lectures ? Or will they be left to make a somewhat dangerous choice ? Moreover, in the unfortunate event of the opinions of the two professors differing on a number of points, the minds of their hearers will be hopelessly confused, and they will find themselves at a disadvantage if they do not share the views of whichever professor examines them. [5]

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1 This would have been perfectly simple, as all mention of the seat of the school was carefully omitted from the law establishing it.

2 The Greek administration was not responsible for the spread of the fire, as the town was then under the authority of General Sarrail. The fire was entirely unexpected and caused immense confusion ; no effective steps were taken even to protect the wonderful Cathedral of St. Demetrius.

3 See below with reference to the elasticity which the law of 1911 gave to the *hyphegessia*.

4 Under the present system, a scholar who has produced one or two valuable works is certain of election to a vacant Chair, though he may have no gift for teaching.

5 At Paris those of us who wanted to make sure of having flawless examination papers used to note down the views of the two professors of Civil Law or Roman Law, so that, whichever turned out to be the examiner, they could submit to him his own ideas.

In this report, I am principally concerned with the scientific side, and am not considering the national and social aspects. They cannot, however, be entirely ignored. Greece must display her superiority over Turkey by restoring to Salonica, which had been reduced to the position of a mere emporium, the combined intellectual and commercial eminence for which it was noted under the Byzantine Empire [1], just as she has already restored its artistic character [2].

From the social point of view the excessive centralisation, from which all the Balkan States are suffering should be reduced. For students themselves, most of whom will spend their lives as provincial barristers, magistrates, and officials, a provincial Faculty offers many advantages, one of which is economy.

I am treating this question in some detail partly because in one form or another it arises in several small countries, and partly because it is of more practical significance than might appear. Greece founded a University at Smyrna on principles different from those of the University of Athens. (It would be of interest to have a report by its organiser, M. Constantine Caratheodori, Professor at the University of Göttingen, and subsequently at the University of Athens, on the principles on which the Smyrna University was established.) The destruction of all the Christian quarters of Smyrna included that of the University. It is probable that, sooner or later, it will be refounded at Salonica.

B. The effects of the Law of 1911.

As we have already observed, the Law of 1922 did not initiate any new principle in regard to the Faculty of Law. A Committee has been appointed to revise the law, and will doubtless return to the position set up by the Law of 1911 on certain points of detail; this has already been done in connection with the age limit.

The Law of 1911, on the other hand, may be judged by its results, and we shall therefore confine ourselves principally to this Law. It may, however, be noted at the outset that, although it has been in force twelve years, circumstances have hitherto prevented it from taking full effect.

Soon after it was passed, the Balkan Wars broke out, and were followed by the Great War, which involved Greece in eight years of mobilisation or actual fighting (1915-1923), as well as internal struggles with the vicissitudes of which all our readers will be familiar.

Circumstances seemed to conspire to prevent the execution of reforms. Men under the age of forty, who should naturally have provided most of the extraordinary professors, were constantly with the colours. Consequently only three extraordinary professors were available for election.

The state of affairs in regard to *privat-docents* or readers was similar. The *hyphegessia* regulations set no limit to the number of readers who might be appointed to existing Chairs, extraordinary and ordinary. With the consent of the Faculty a man could become a *hyphegetes* in some special branch or in a discipline which was not taught. The object of these regulations was to provide, side by side with the salaried teaching, free teaching of a more varied and elastic nature. Nevertheless, there were only two readers to offer themselves for appointment.

Moreover, exemption from the annual examinations was rendered inevitable by the long periods of mobilisation. Only very young students, who had never been mobilised, were obliged to take these examinations.

Yet another point : the war made the composition and publication of a book a serious problem. The cost of paper and printing in Greece was at prohibitive rates. It was impossible [3], or almost impossible, to procure books from abroad, and a visit to a foreign library

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[1] See *Thessalonica in the 14th Century*, a thesis for a doctorate in two volumes, presented to the Sorbonne by M. Tafrali, now Professor at Jassy.

[2] In 1914 a remarkable Academy of Music was established at Salonica ; some of its professors are composers who will shortly attain the highest rank among Greek musicians. It organises important concerts, and its pupils are daily increasing in numbers.

[3] In the case of Germany and Austria.

meant running the gauntlet of submarines and rapacious hotel-keepers. At such a time young scholars had no hope of producing the books which would have gained them appointments as assistant professors or readers. Such were the difficulties of publication encountered even by the ordinary professors that the Ministry did not enforce the regulation requiring them to publish their lectures — a regulation which, in any case, aroused considerable opposition, as we shall find.

The Conferences which followed the Armistice were no less detrimental to education : the Government required the services of professors of international law and economics as technical experts, and would not permit them to decline the honour of being taken from their work for nearly a year and sometimes much more.

Lastly, our unhappy internal dissensions had a disastrous effect upon the Faculty of Law. At the beginning of 1917 a professor who had taken part in the Salonica outbreak was dismissed. He was reinstated after King Constantine's departure, but the new Government, under the influence of extremist elements and (it must be admitted) under pressure from certain unenlightened scholars of allied nations, decided, in December 1917, to purge the University of those professors who were suspected of German sympathies. This purgation, like all such operations, involved certain injustices. The dismissal of three members of the Faculty of Law gave rise, notwithstanding the indisputable merits of their successors, to considerable discontent even among sincere, but impartial, supporters of the *Entente*. Both in principle and in its results it was deplorable. When the Venizelists were defeated in 1920, the Royalists quite justly reinstated the dismissed professors, but rather unwisely dismissed their successors. The effect of these changes was that the professorial body became disorganised and discredited. Had they been permanent, we should have ended with two sets of professors. Fortunately, however, the Committee appointed to reach a final settlement of the question after the last change of government (December 1922) succeeded, though not without difficulty, in convincing the revolutionary Government that the reinstatement of the professors dismissed in 1920 should not entail the re-dismissal of their successors — a view which the author of the present report had maintained from the outset. This conciliatory measure was made easy by the increase in the number of Chairs under the Law of 1922, and peace was thus restored in the University. It is to be hoped that politics will play no further part in University affairs. In a small country, and more particularly in a southern country, feeling runs high and misunderstandings easily occur. Politics should be as completely separate from University affairs as they are from the administration of the law.

In the light of the experience gained in King Otto's reign [1], Greek legislation had been directed towards a separation of duties. It prohibited the combination of a professorship with membership of Parliament or ministerial office, and it gave the University power to select its own professors for appointment. Since 1917 enactments of a more or less temporary character have made it possible to evade the application of these wise principles; but they must be reasserted with full authority, and the long-respected immunity of professors from dismissal must henceforth remain inviolable.

Despite this amazing combination of unfavourable circumstances, the Law of 1911 has produced remarkable results so far as its application has been possible.

(a) *The examination system*, which consists, as we have already seen, of an ingenious combination of the French and German systems (annual examination followed by a final examination covering the whole ground), has carried the study of law to a pitch of efficiency which is beyond all praise. This system can be thoroughly recommended to every country. The student begins to work at the very outset ; he is obliged to study every branch of the science in turn, and he does not, as formerly, plunge into the final examination as into an uncharted sea. Moreover, the existence of the final examination removes the principal disadvantage of annual

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[1] Until 1864 professors were allowed to enter Parliament and to hold office.

examinations ; the science is no longer presented to the student in separate portions, tempting him to forget those on which he will not be examined further. When he has made a thorough study of the individual parts, he has to deal with the whole.

With regard to teaching, the fear that it would become stereotyped has proved to a large extent illusory in practice. The conscientious professor, though hampered by lack of time, will bring his lectures into line with the forward movement of science, and will show the students how to make an exhaustive study of a subject by devoting "special lectures" to the different sections of his course in turn. From the students' point of view, the present system is in every respect an improvement upon the old system, under which a professor could spread his course over an indefinite number of terms.

On this subject I speak with some experience. Under the old system my course of lectures on finance and statistics covered two years. I am now obliged to finish it in one. I do not think that it loses any of its scientific value by the change ; for, apart from the fact that a systematic survey is as useful to the student as a detailed analysis, one portion or another of the subject is always considered in detail [1], so that the student learns the proper method of making a special study of a subject.

In short, under the system of annual examinations, the only " stereotyped " lectures are those given by professors who, even under the old system, brought little alterations to their lessons.

(b) *Seminaries* are compulsory both for the professor and for the student [2]. The system of annual courses and annual examinations thus gains in completeness. The professor comes into personal contact with the student, and supplements his lectures by elucidating such points as were not understood by all. The seminary is to a certain extent a valuable coaching class ; but it is more than that. It may also be a debating society, or have the value of a scientific laboratory. The more gifted students are given special work. With the natural intelligence of young Greeks and with the aid of a widespread knowledge of foreign languages and a keen spirit of emulation, even first- and second-year students can produce really individual work well worth printing [3]. The more-advanced students produce work which will bear comparison with the best theses submitted for doctorates in the great faculties of Western Europe [4].

The only hindrance to the work of the seminaries is the excessive number of law students.

(c) *Publications by Professors.* As we have already seen, the clause in the law whereby professors are obliged to publish their lectures within three years was not enforced.

Many objections were raised against this clause, and were brought forward at the outset in the Senate of the University. It was argued that no such provision is to be found in the laws of any other country ; that in all countries there are professors who have never written anything; that a lack of literary gifts does not prevent a man from being an excellent teacher ; that the clause is both illiberal and anti-scientific, because the cause of science is better served by treatises and monographs than by text-books ; and that the author is liable to be involved in considerable financial difficulties, since the State does not guarantee the sale of the text-book which it compels him to write.

My own opinion is that all these objections should be met, not by rescinding the clause, but by enlarging its scope. It is true that some professors rank by common consent as great masters solely on the strength of their lectures and the pupils they have produced ; but they belonged to countries which were well supplied with universities, and where other

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[1] *E.g.* Greek taxation, the history of Greek finance, war and post-war finance, and so forth.

[2] They had been introduced by Professors Dimaras and Streit, whose example was followed by the younger professors, but they were still in every respect optional.

[3] My own seminary has published in a large volume a series of monographs by second-year students on emigration in their respective provinces. A number of other students have also published on their own account essays which are equally worthy of attention.

[4] Owing to the high cost of printing, many of these studies, produced in recent years, are still in manuscript.

professors treated the same subjects in print. In Greece, if the competent professor does not write, the chances are that the subject will remain untouched. It is therefore quite reasonable that the law should require professors to write, but it should allow them to publish treatises instead of text-books if they prefer to do so, and should in that case give them more time. Obviously it should also make provision to protect professors — already not well paid [1] — from serious financial sacrifices. The only method of doing so in those Faculties which have few students (letters, science and theology) is to grant considerable subsidies. In the Faculty of Law there is no need to subsidise text-books, as they can always find a publisher. But this is not the case as regards treatises and monographs, and the State should therefore supply the paper, or at all events exempt it from duty.

The position in Greece is this : paper for newspapers is free of duty, but paper for books, including scientific works, is subject to duties which are particularly heavy owing to the depreciation of the drachma and to the fact that Customs duties are levied in gold. This state of affairs is easy to explain. Those classes which have political power have always managed to evade taxation [2] ; and at the present day the Press in every country is omnipotent, whilst scientific writers have little influence in Parliaments. But, though easy to explain, this position is none the less regrettable, for it is equivalent to the levying of a fine upon intellectual progress.

The State being of no assistance, the University comes to the aid of its members by purchasing a certain number of copies of new works. Such assistance would be of more value if it were carried out more systematically, and with a greater regard for the dignity of the professor [3]. If paper were exempted from duty, and if at the same time the University established its own printing-press, the problem would be solved. In that case it would be easier for the State to compel a professor to write, as he would be secure against losses on publication ; it would, indeed, be desirable that the State should give him a royalty, based on the extent of the work and the number of copies sold. A University Press might involve the University in less extensive financial sacrifices than is commonly imagined, for the deficit on the sale of some publications would be made up on that of others (legal and medical text-books). Be that as it may, a printing-press is no less essential than laboratories or clinics.

Meanwhile, the publication of any book but an elementary text-book is an exceedingly hazardous undertaking, for a professor of law, at all events under present conditions. But, notwithstanding all the risks, nearly all the professors in the Faculty of Law have continued to write, although not forced to do so. Professor Eliopoulos has published his treatise on criminal law and Professor N. N. Saripolos has completed and revised his treatise on constitutional law [4] ; Professor Momferratos and Papoulias have each completed two parts of their courses of lectures on Greco-Roman law. Professors Seferiades and Anastassiades have published the first parts of their treatises on international public law and commercial law. Professors Rhallys, Livadas and Triantaphyllopoulos have produced various volumes and monographs on canon law, procedure and civil law. The present writer himself has published three volumes on financial history and ten smaller works dealing principally with contemporary Greek financial and economic questions [5].

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[1] In 1922, the stipend of a professor in drachmæ was increased to six times as much as it was in 1911; but at that time the drachma was at par. Now a gold franc is worth twelve drachmas, so in fact the actual salary is half what it was.

[2] In former times the villain was liable to unlimited taxation and statute labour, "whereas the nobles owed only their blood and the clergy their prayers" (Reply of the Bishop of Sens to Richelieu). In these days it is the other way: the workers cast the whole weight of direct taxation on the higher classes.

[3] Many professors are reluctant to accept such assistance.

[4] Owing to the revision of the Greek constitution and to the legislative and constitutional reforms due to the war, the recent editions of this remarkable work are to all intents and purposes a new book.

[5] Several of these works have appeared in French or English.

CONCLUSION.

The evolution of legal studies in Greece may be summed up as an opening period of great brilliance (1837-1875) largely due to the number of eminent Greeks who were members of the Faculty of Law, followed by a period of comparative decadence, the chief cause of which was that the Chairs were filled by jurists who, though in many respects not inferior to their predecessors, were not so much professors as barristers. The last years of the nineteenth century mark the beginning of a renaissance, manifested in the Law of 1911, one of the effects of which is to confine the work of the Faculty of Law more exclusively to pure legal science. The good effects of this law were hampered, however, by wars and civil dissensions.

So much for the past. Now as to the future.

In the first place, it is to be observed that the field of action of every department of Greek scientific and intellectual activity is peculiarly limited. The Hellenism of Asia Minor and Thrace has been extinguished, and the race has lost one of its outlets. Moreover, modern Greek is unknown abroad, and it is sad to have to admit that no Greek work, however valuable, is even noted outside our boundaries. The only public for Greek books is to be found in the inhabitants of the kingdom itself, such Greeks as remain in Constantinople and those who are scattered abroad [1] — six or seven millions in all.

But the science of law, like philology and archæology, and for similar reasons, is in a better position in regard to its field of action than are the natural sciences.

In the first place, not only is modern Greek unknown abroad, but, owing to the decay of classical studies, ancient Greek, and particularly the Greek of the papyri and the Byzantine sources, is familiar only to a few scholars. There are, therefore, some branches of the history of law in which Greek jurists hold a privileged position ; and these are most important branches, for classical Roman law was powerfully influenced by Hellenic law, whilst Roman law as practised in many European countries from the twelfth to the nineteenth century, and still reflected, though with considerable modifications, in many civil codes, is very largely derived from Byzantine Greek law.

Every step forward in the study of papyri, inscriptions and other sources extends the importance of Greek law, and thus widens the field of work open to modern Greek jurists. Their prospects are also improving in another direction. The legislation of modern Greece was for a long time marked by an extremely conservative spirit. No attempt was made to improve upon the laws passed between 1830 and 1840. Those which concerned civil law were based upon greco-roman law [2] ; the three Greek codes of civil procedure, commercial law and criminal law upon the French and Bavarian codes. So many authoritative commentaries had been written abroad on these systems of law that the Greek commentator was hampered at the outset in being unable to make his personality felt ; and as this legislation was not only unoriginal but also immutable, the young jurist had to compete both with the great legal experts of foreign countries and also with the first generation of Greek commentators. For the last fifteen years, on the contrary, Greece has displayed remarkable activity in legislation. Large parts of the civil law have been remodelled by important enactments, and, in addition, we have been given a new code of maritime law, while criminal procedure has been made more liberal. Some of these changes were carried out somewhat hastily, and there have been omissions which increase the interest of the commentators' work. It has also been decided to draw up a civil code and to

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[1] Apart from the perfectly-organised Greek community in Egypt, these Greeks are scattered, and most of them are engaged in trade or manual labour. Those who have any intellectual propensities are naturally inclined to turn their eyes rather to the country in which they live than to the mother-country.

[2] Except in the Ionian Islands, where the code drawn up under the British Protectorate was an imitation of the Code Napoléon, though the law of succession was based upon the old aristocratic Venetian legislation, particularly as regards the privileges of male heirs.

carry out a thorough revision of the three existing codes [1]. Committees are now engaged upon this work, and all the principles of law are in the melting-pot.

There is great and splendid work to be done by Greek jurists. Will they be equal to it ? They may, if circumstances are in their favour. We can only hope for a period of calm in which the many new Chairs, both ordinary and extraordinary, which have been established in the Faculty of Law can produce the results expected of them. The Government, on its side, can promote the growth of as large a body of legal literature as can be expected in a small country by compelling both old and new professors to publish books, and, at the same time, by assisting them to do so — at all events by removing such troublesome hindrances as the paper duty. In the wider aspect of the question — for the progress of the study of law is also partly dependent on the Bench and the Bar — the appearance of a new generation of jurists is an encouraging sign. These young men are accused of undue haste, and of premature ambition for high appointments and extensive practices. But it must be remembered that "arrivisme" is a widespread disease and is largely due to the great war. Despite this deplorable phenomenon, our army of young barristers is large and active, familiar with the latest developments of science abroad and receptive of modern ideas. They may have high ambitions, but they have also high ideals. Their activities are reflected by the new magazines which have been founded in recent years ; one of the best of these is a monthly legal review called *Dikaiossini* ("Justice"), which, unlike the older publications, is intended rather for the jurist than for the practitioner.

P.-S. — When writing this essay, the author was compelled by ill-health to work at a distance from any library, and there are therefore numerous omissions, principally bibliographical. Only treatises are referred to ; in regard to monographs, it has been thought better to omit all mention of them than to leave out some of the most important.

APPENDIX A.

Chairs established under the Laws of 1911 *and* 1922.

I. *Law of* 1911.

(a) 13 ordinary Chairs.

1– 3. Civil Law.
4. Penal Law.
5. Commercial Law.
6– 7. Civil and Criminal Procedure.
8. Constitutional Law.
9. International Public and Private Law.
10. Political Economy.
11. Public Finance and Statistics.
12. Administrative Law.
13. Canon Law.

(b) 4 independent extraordinary Chairs.

1. Philosophy and Encyclopedia of Law.
2. History of Greek Law.
3. Mussulman Law and Law governing Christians resident in Turkey.
4. Political and Diplomatic History.

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[1] Commercial Code, Penal Code and Code of Civil Procedure.

(c) 5 auxiliary extraordinary Chairs.

1. Civil Law.
2. Commercial Law (with special reference to Maritime Law and comparative legislation).
3. Penal Law and Prison Legislation.
4. International Law (with special reference to International Private Law).
5. Administrative Law, with special reference to the Law governing particular branches of the administration.

II. *Law of* 1922.

(a) 18 ordinary Chairs.

1– 4. Civil Law.
5– 6. Commercial Law.
7– 8. Penal Law.
9–10. Political Economy.
11. International Private Law.
13. Canon Law.
12. International Public Law and Diplomatic History.
14. General Principles of Administrative Law.
15. Administrative Law in force in Greece.
16. Constitutional Law.
17. Public Finance.
18. Civil Procedure.

(b) 10 independent extraordinary Chairs.

1. Introduction to the Science of Law and Philosophy of Law.
2. History of Greek Law from the earliest times to the foundation of the Hellenic Kingdom.
3. Mussulman Law and Law governing Christians resident in Turkey.
4. Comparative Civil Legislation.
5. Criminology and Prison Organisation.
6. Sociology.
7. Introduction to Economic Science and History of Economic Science and Life.
8. Financial Legislation.
9. Social Legislation and Policy.
10. Statistics.

(c) Auxiliary extraordinary Chairs.

At the request of the Faculty, one auxiliary Chair may be created for each ordinary Chair.

APPENDIX B.

Number of matriculated students and number of candidates for fourth-year examination at different dates.

Academic year	Matriculated	Candidates for Diploma
1892–93	288	208
1902–03	444	165
1912–13	412	114
1922–23	1,247	726 [1]

[1] The immense difference between 1912-13 and 1922-23 is in part due to the fact that the former year was the year of the Balkan wars, while in November 1922 classes which had served several consecutive years were demobilised. Nevertheless it is also in a large measure due to a real increase in the number of students.

Hungary :

The General Situation . . . . . } by O. DE HALECKI,
The Universities. . . . . } Secretary of the Committee.

India :

The General Situation . . . . . } by D. N. BANNERJEA,
The Universities. . . . . } Member of the Committee

Italy :

The Movement for the Renewal of National Culture, by J. LUCHAIRE, Expert of the Committee.

Japan :

The Teaching of Foreign Languages, by Dr. I. NITOBÉ, Under-Secretary-General of the League of Nations.

Lithuania :

General Report by K. BALOGH, Professor at the University of KOVNO, Rapporteur of the Lithuanian Committee on Intellectual Co-operation.

Luxemburg :

General Report by C. CASTELLA, Expert of the Committee.

Mexico :

The Study of Biology, by C. RODRIGUEZ, Member of the Latin-American Bureau of the League of Nations.

Netherlands :

The Studies of International Law, by W. J. M. van EYSINGA, Professor at the University of Leyden.
The Universities, by G. DE REYNOLD, Member of the Committee.

Norway :

The Natural Sciences, by K. BONNEVIE, Member of the Committee.

Poland :

The Activity of Learned Societies . . . . . } by the MARCEL FOUNDATION (Foundation for the encouragement of scientific work at Warsaw).
The Universities. . . . . }

Russia :

The Situation and Organisation of Intellectual Emigrés, by G. DE REYNOLD, Member of the Committee.

Switzerland :

Historical Studies in Switzerland . . . . . } by G. CASTELLA,
The Universities. . . . . } Expert of the Committee.

United States :

The Colleges and the Universities . . . . . }
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