1968

Report on the Military Rule and the Greek Universities

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Of the two chief facets of academic freedom, university independence and freedom of expression, the latter has generally been less secure in Greece. The effective limits of expression of political dissent or of unorthodox opinions have tended to be relatively narrow. Nevertheless, the general trend since the late fifties and until the April coup had been in the direction of increasing liberalization, in form as well as in substance. This trend was possible partly because of the autonomy of the universities and other institutions of higher learning which has been repeatedly affirmed in their charters and in the 1952 Constitution. The latter, in an article significantly located in its second part which comprises the Bill of Rights, requires that institutions of higher education are to be self-administered under the supervision of the state and that their professors shall be "civil servants," and as such protected by tenure and by definite procedures for appeal against decisions affecting their status. The constitution presented by the junta in July retains most of this language but institutes at each university the ominous office of "government commissioner" whose jurisdiction is left undefined.

The extent to which university autonomy was formally established in Greek law is made evident by the military regime's choice of legal form for its measures concerning the universities. These have generally been "constituent acts," that is to say, a special kind of statute which, in accordance with an untypically realistic quirk of Greek constitutional theory, may amend or derogate from the Constitution, although not issued through regular constitutional amendment procedures.

PURGING THE UNIVERSITIES: FIRST PHASE

The first general measure dealing directly with university affairs was Constituent Act V, "concerning the 'cleansing' of the universities," issued in June 1967. According to it, professors and other faculty members of institutions of higher education may be suspended for a six-month period, which may be extended for another six months, on any of several grounds. Although such "suspension" is not the strict equivalent of dismissal, past (and present) Greek experience suggests that it is often a preliminary step before dismissal. In fact, most professors suspended under this act last October were subsequently dismissed in January. The suspension is imposed by ministerial decision, in which the universities do not participate. No procedure is provided for a hearing before the decision or for review after it.

The grounds for suspension must be quoted at some length to capture the flavor of their style—typical of the military regime's rhetoric and enactments. Professors may be placed under suspension: (1) if they have behaved in a manner "incompatible with their function as public servants and university professors" or generally inappropriate for university teachers; (2) if "their ac-
tions and occupations, outside their schools, indicated not devotion to science and to their position but utilization of these for other ends, not compatible with the properly understood professorial function, which was thus left open to comments; (3) if they were unqualified for their position, or otherwise entered the university "abnormally"; (4) if "their actions and conduct show that they are not inspired by the appropriate spirit, compatible with the prevailing social regime, and by the national ideals."

When Constituent Act V was made public, it was widely expected that the government would undertake forthwith a far-reaching purge of the universities—as it did, on the basis of similar legislation, in at least part of the civil service. However, the act was in fact applied for the first and last time four months after its issuance, when 11 professors were suspended. (The January 1968 dismissals rested on a different legal basis.) This delay, and the limited application of the act, are in a way typical of the military regime's attitude and manner. It has generally supplied itself with far more instruments of control and coercion than it has used—the main function of such instruments being to provide a continuing threat and compel compliance or at least toleration of the regime's edicts. In its relationship with influential individuals, the regime has generally acted with circumspection and deliberation, bespeaking long years of training in bureaucratic infighting and intrigue. It thus accepted for a time the services of top-level officials willing to tolerate it—for instance, the heads of the major financial institutions—forcing them out only after it had consolidated its position and no longer needed the respectability their presence lent it.

THE IMPORTANCE OF BEING LOYAL

In late July 1967, new procedures were established for the widespread purging of the whole of the civil service. Constituent Act IX required all civil servants, including judges and university professors, to file statements affirming their loyalty to the State. The official forms used inquired as to membership in, or direct or indirect cooperation with, any organization which "serves directly or indirectly the aims of the Communist Party," several left-wing peace groups being named as illustrations. After review of the statements by the government, through undisclosed procedures, the persons found not to be loyal were to be dismissed. The definition of "disloyalty" in this Act is a miracle of deliberate vagueness and ambiguity: it covers not only those who are "motivated by communist ideas" but also anyone who "in whatsoever manner contributes to their spreading or praises them" or who "turns against the prevailing political regime or its fundamental institutions." Although this Act purports merely to amend an already existing law passed at the height of the civil war, in the late 1940s, the latter was far less vague and thereby of more restricted application.

A month later, Constituent Act X lifted the tenure of judges, professors, and all civil servants for a four-month period. (The value of such apparently legalistic time limitations was clearly illustrated in the spring of 1968, when tenure of judges was again lifted, for a three-day period this time, and 30 members of the judiciary, including the Chief Justice and several members of the Greek Supreme Court, were dismissed.) The grounds for removal in this Act do not include communism; they refer instead to lack of capability, improper conduct, lack of the "necessary moral prestige," and "public propaganda in favor of a political side."
The procedures established are left quite vague, but it is expressly provided that in the three-member committees to be established for each Ministry, one member should in all cases be an officer.

The requirement of filing loyalty statements was widely regarded by Greek academics as intentionally de-meaning and humiliating. However, the country's troubled political past has conciliated people to such demands and has conditioned them to treat such requirements as instances of bureaucratic red tape rather than matters of principle. It appears that the vast majority of university professors did file the required statements. Still, it was on Constituent Acts IX and X that the January dismissals were founded; repeating the statutory language, the Minister charged that the persons concerned had "through their actions placed themselves in opposition to the social and political regime and its basic institutions."

The faculty members dismissed, together with an undetermined number of older professors caught by the lowering of retirement age decreed in late December, constitute quite a large proportion of the total professional body in Greece. No clear pattern emerges from an examination of the dismissal lists. The elaborate "reasons" given in the official decision are of little help—they are vague and repetitious, with intriguing but obscure variations in language. In 46 of the cases, the express grounds given are political in nature: professors are charged with "support for a certain political side" (the Center Union party is clearly implied, although not named), with "generally following the communist party line," and with political bias when dealing with students. There is no apparent pattern in terms of academic disciplines: those dismissed on such charges include professors of medicine, law, architecture, political science, philology, natural sciences, and economics. In the remaining 10 cases, the charges are non-political on their face: a leading legal historian is charged with rudeness to his students, several doctors are accused of profiteering in the sale of their books to students, and other professors are charged with "improper private conduct" or "arrivisme." The list includes several eminent names in each field—nearly two-thirds of the dismissed are full professors.

The review of personal dossiers and the decisions on
the dismissals were made by a committee whose membership remains secret; it is said to have been composed of junior officers. No hearing was granted to those involved before the decisions were taken. It was announced later that procedures would be set up for review of individual cases; the Premier stressed his willingness to forgive and reinstate those who sincerely repented their past transgressions and affirm their loyalty to the regime. Such procedures were established, slowly and with obvious reluctance. But, as of July 1968, no actual review of dismissals had been undertaken and, therefore, no reinstatements had been announced.

Not only professors, but students as well, are now required to affirm and prove their loyalty and are rewarded or penalized for their political opinions. In 1967, students applying for admission to universities and other schools were required to request local police authorities to file certificates of loyalty on their behalf (the content of such certificates is normally not communicated to the applicants). It is expressly provided in the related decree that those found disloyal are not to be included in the official lists of entrants, regardless of their performance in the entrance examinations. In June 1968, it was briefly announced, on the basis apparently of a mere circular of the Ministry of Education, that no loyalty certificates would be required for 1968 entrants. The actual scope of this change in practice is not clear. The military regime has gone even further in its concern for the political opinions of Greek university students. In an early statute, enacted in June 1967, it was decreed that students possessing "high convictions and irreproachable morals and character," as certified by their school principals and after further selection by administrative committees, are to be admitted in derogation of the set admission numbers and regardless of their performance at the entrance examinations. It is not known, however, whether any students were in fact admitted under this provision.

**FACULTY ELECTION AND APPOINTMENT**

The potentially most farreaching of the military government's measures regarding the universities is the issuance of two constituent acts concerning the election of university professors. Until now, professors have been elected by the full faculty of each school or department, with only full ("ordinary") professors voting, and have been officially appointed by the Ministry of Education. The Minister's action was wholly formal in character: he had no choice but to implement the university authorities' decision. This state of affairs is now radically changed; the precise history of the related legislation is in itself of some interest.

In October 1967, Constituent Act XI, "concerning the election of professors of institutions of higher learning," was enacted and published in the *Official Gazette*. But it was never released to the press (which was until recently forbidden to report the contents of the *Official Gazette,* unless specifically directed by the government) and was never mentioned in public by any government official. Just before Christmas, a new constituent act was passed repealing the earlier act; in contrast, this was widely publicized. What happened in the meantime is anybody's guess. Some changes in the composition of the Cabinet had occurred; pressures were probably exerted by academics and others on their behalf. The new act can be said to be an improvement, in that it does not violate university autonomy as openly as the earlier one; however, the intended effect of both acts is unmistakably the same, namely, the control of university appointments by the government.

Constituent Act XI, the earlier one, provided for the election of professors and other faculty members by a special "council of elector professors" consisting of the dean and one-third of the School's full professors, plus an equal number of full professors from other schools, all named by the government at its complete discretion. When, as happens in most cases, there were more than one candidate for a position, the electoral council would "elect" not one but two candidates and would leave the final choice to the Minister—who, it was expressly stated, could refuse to appoint either and order the entire proceedings repeated.

Constituent Act XV, enacted in December, amended this election procedure. Elections are now to be conducted, during a first stage, in more or less the traditional manner, by the full professors in each school. But the election must be completed within a single meeting of the faculty; if, after two votes, none of the candidates receives an absolute majority, a final vote is taken for appointment to a temporary position. If that vote too is fruitless, the government can step in and appoint at its own discretion one of the candidates for a three-year term.

Even if a candidate is elected by an absolute majority, however, he can still be stopped. The Cabinet may, if it judges the election of a professor "unsuccessful in substance or insufficiently supported," remand it for revision to a special council of electors, constituted in the same manner as that in the earlier act, with a limitation on the number of its members who cannot now exceed a total of 11. The Minister also appoints the two rapporteurs. Presumably, the Minister cannot refuse to appoint the person elected by this council, but it is difficult to see how an "undesirable" could pass such a series of hurdles, unless he happens to have full and continuing support from every single faculty member in the school.

The government may further appoint university professors at its discretion in two special cases: first, on proposal of the Minister of Education, the government may appoint an unlimited number of permanent adjunct professors, attached to already existing and occupied university chairs. Such professors possess all the rights and privileges of full professors, with the sole
exception of the right to vote in university elections. They may presumably participate in and vote with respect to all other university affairs. Second, by a similar procedure, full professors of Greek origin at foreign universities may be appointed to vacant chairs at Greek universities. In both cases, the Minister may act only after the relevant school has given its opinion on the matter. But only an opinion is required, not a favorable opinion, and even less the school's initiative; even a contrary opinion of the School would satisfy the act's formal requirement and the appointment could go through.

In the earlier constituent act, only the provision on professors from foreign universities was included. The later version added the institution of adjunct professors and set a time limit to invitations from abroad: such invitations may now be extended only for one year after publication of the act. Presumably, the university's future autonomy is thus preserved although time limits have been known to be extended; only its present independence is sacrificed.

Several provisions of the earlier, now repealed, constituent act are repeated in the later one. Both provide that voting in all academic elections is open: the minutes must contain full explanation and justification for each vote. But the later act also contains new provisions of considerable importance on a number of issues:

The professors' task: with admirable conciseness, it is stated: "The main mission of professors of institutions of higher learning consists in their teaching, research, and writing." The provision is not as gratuitous as it sounds; it should be related to the various grounds for purging listed above as well as to the military junta's conception of the universities' role in the rebirth of the nation. A partial implementation of this description may be found in another provision which imposes on every professor the obligation to publish, within 18 months, "a treatise or manual containing his lectures."

The consequences of disloyalty: "assistant professors" (as the Greek equivalent of privatdozenten is usually —and rather incorrectly—translated) who are found disloyal are deprived of the right to teach (which they cannot exercise anyway without special university action) and of their title; they apparently retain their diploma and doctorate. Some of the January dismissals were based on this provision.

Further intervention: the act states that the charters of universities and other institutions of higher education "may be amended by statute." Since this was equally true before, this provision must be read to refer to the procedure for such amendments, rather than to the form of their final enactment. In the past, university charters could be amended only through procedures involving active collaboration on the part of the institutions themselves. Now, presumably, the government can unilaterally amend the charters without consulting the institutions.

To cap this legal-looking structure, Constituent Act XV states expressly that no recourse is possible against any action taken under it before the Council of State—the nation's top administrative tribunal, normally competent to void administrative acts contrary to a statute or to the Constitution. The government thus remains the sole judge of the meaning of all legal provisions and of the propriety of their application. This uniform clause, found in most of the recent constituent acts, is almost refreshing in its candor. After wading through the legalistic formalism of the other provisions one is brought back to reality by this clear assertion of the prerogatives of power.

NATIONAL REBIRTH AND THE UNIVERSITIES

Review of the junta's record of action, with regard to the universities, places in their proper context Colonel Papadopoulos' mobilization call and the dismissal of the university professors. Far from being contradictory, these actions are consistent parts of a single pattern. The military government's relative slowness in asserting full control over the universities should not be construed either as softness or as lack of interest; it is rather the strategist's respect for immediate needs and established priorities. It is only after disposing of opposition in the armed forces, where nearly one-fourth of all officers have been dismissed or "retired," and the civil service, where continuing purges are taking place, that the military junta has moved in force against the universities.

The legislative measures described have been only a first step. Since early January, the Prime Minister, the Deputy Premier, and the Minister of Education have delivered innumerable speeches at universities, insistently reminding faculty members and students of their duties to the nation and requiring their specific and continuing cooperation with the government. A circular from the Premier's office in February asked for the universities' collaboration in setting goals for the spiritual rebirth of the nation; the universities were directed to designate some faculty members to assist the government in specified areas: international relations, political institutions, social and economic problems, cultural and artistic questions. Somewhat more indirectly, a campaign has been mounted to have groups of professors and students tour the countryside and the villages to discuss the work of the government. Still more indirectly, the government has been keeping up well-publicized pressure on the universities to fill all vacant professorial chairs and to create new ones. Benevolent on its face, this insistence must be seen in the light of the election procedures already described; it can be realistically understood then as a further step in packing universities with the regime's favorites.

It cannot be contested that the military government has found some ready collaboration from within the universities. Greek universities have generally been con-
servative institutions and some of their more extremist (or opportunistic) professors have volunteered their services to the military. Others have been reluctant to resist the pressures directly or indirectly exerted by the government. University professors have thus been visible in their support for and cooperation with the military regime. Early in 1968, the Faculty of Law in Athens elected three new professors; all three of them were fairly well known as scholars and their election could probably be justified on the merits. It is not irrelevant to note, however, that two of the new professors, both elected to public law chairs, were members of the committee on the amendment of the Constitution appointed by the military junta.

At the same time, what is probably a majority of faculty members and students in Greek universities have continued to resist, by various methods and to varying degrees. In late January 1968, just before the dismissals were announced, a law professor at Thessaloniki lectured on the need for courage and the responsibility of the intellectuals, and developed the theme of "constitutional law as a technique for political freedom." About the same time, a young assistant professor of literature read to his class, in a valedictory meeting, a long patriotic poem by an eminent contemporary Greek poet. Both were lustily applauded by their students; in addition to being dismissed, both were placed under house arrest by the government for several days. In early February, the "resignation" of an eminent philologist was announced; in a strange sequel, three other resignations were first announced and then officially denied. In most instances, however, the resistance of academics takes covert forms—it is passive and often consists in steady refusal to cooperate with the government, usually with nonpolitical excuses.

Student resistance has generally taken different forms. Greek students are a relatively cohesive and activist group and their opposition to the regime can create serious difficulties to it and inspire further defiance among other groups. Youth is the one segment of the population where the military find not only the least support but also the least tolerance, partly because of the proverbial impetuousness of the young, and partly because young Greeks are not held back by the memory of the catastrophic civil war, nearly 20 years ago, that inhibits the activism of so many of their elders. Their resistance follows patterns similar to those of all underground movements: attempts at clandestine organization, short demonstrations when possible, distribution of leaflets, writing of slogans on walls and blackboards.

The military government's reaction to such acts has been swift and overwhelming. In March 1968, after a flurry of student demonstrations, the National Technical University of Athens and the University of Thessaloniki were closed down for a few days. The top administrative official at the Technical University was forced to resign. Hundreds of students were arrested; most of them were released after a severe beating but several were held and are to be tried. After reopening, the universities have been kept under close surveillance: a single door in each building is open during the day and the buildings are locked up early in the evening. The harassing of students has continued. In May and June, one professor and several instructors at the University of Thessaloniki were arrested; they were still being held incommunicado in mid-July.

In concerning itself with the universities, the military regime has in part responded to acts of resistance but it is also attempting to achieve several objectives of its own, immediate as well as long-range. The universities and their faculties enjoy high prestige in Greece, and this makes them especially attractive targets for the status-conscious colonels of the Revolutionary Council, particularly since the respectability of academic institutions can be put to practical uses, through appointment of faculty members to "nonpolitical" posts on commissions and ministries. Moreover, control of the university faculties permits easier and more extensive control of their students. The latter can be, and have been, controlled by the police, but there are obvious advantages for the regime in their being held in check by the university authorities themselves.

Apart from such particular objectives, there is a deeper reason for the military regime's concern with control of the universities—and this is why the junta's attack threatens Greek higher education in its very substance and spirit. What is involved is not merely a wish to place a few friends on university faculties; it is not even a simple question of stifling the criticism of obstreperous academics. It is rather an attempt at wholesale subversion of the academic process with the purpose of converting it to use contradictory to the fundamental nature of a university. The ultimate objectives sought may be perceived in the brief quotations from Papadopoulos' speech at the University of Thessaloniki. The junta is committed to a radical and massive re-education of the Greek people as a necessary condition for the "rebirth" of the Greek nation. As the colonel's chosen example clearly suggests, the commitment to a moral order and to national ideas implies for him a total rejection of the social, political, and cultural effects and preconditions of modernization—although the goal of economic development is supposed to be retained. What the military deeply and pathetically desires is a return to traditional values, more precisely to the traditionalist authoritarian culture of an agrarian society long past. Schools and universities endanger such goals through their emphasis on youth, their encouragement of critical attitudes, and their nurturing of modern conceptions. They must, therefore, be controlled, so that they may indoctrinate students in the "revolutionary" government's ideals, or so that, at the very least, they remain passive producers of technically competent but socially and politically inactive graduates.