

# 2<sup>ND</sup> WORLD CONGRESS OF THE PUBLIC CHOICE SOCIETY

March 2012, Miami, USA

Title of paper: **From Monarchy to Republic: Constitutional Convulsions in Modern Greece**

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*This Version: 07 February 2012  
Preliminary Draft  
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## Abstract

Over the 20<sup>th</sup> century Greece shifted from monarchy to republic in a sequence that involved civil war, dictatorship, rigged referendums and several constitutional revisions. This experience is used to investigate the powers granted to the king and the president by successive Greek constitutions. It is found that all constitutions ascribe more instrumental than social powers to the head of state and that monarchical constitutions endowed the head of state with more powers than republican constitutions, while republican constitutions introduced by conservative politicians also granted more powers to the president than constitutions introduced by socialist politicians.

JEL Classification: D7; N4

Keywords: Constitution; Monarchy; Republic; Power; Modern Greece

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# **From Monarchy to Republic: Constitutional Convulsions in Modern Greece**

## **1 Introduction**

The constitution of a state describes the rules by which the state is governed. These include institutions, like the office of the head of state and its functions, mechanisms, like the procedure for selecting the head-of-state, and rights and obligations, like the powers of the head of state.<sup>1</sup> The present study focuses on the constitutional position of the head of state in modern Greece. Since gaining her formal independence in 1832, the country has experienced major successive constitutional changes including absolute monarchy, constitutional monarchy, republic, restoration of constitutional monarchy and again parliamentary republic, intercepted by coups, foreign occupation, civil war and dictatorship. From 1844 onwards she has had six different constitutions, the most recent in 1975, which has been revised three times. One of the most prominent constitutional disputes concerned the form of the state, monarchy or republic, and the powers of the head of the state, king or president, relative to the powers of the prime minister.

The office of the head of state is a neglected part of constitutional political economy. Scholarship has examined in great depth and detail the powers of the executive arm of government, the president, in a presidential system like the USA, or the prime minister in a parliamentary Westminster type of democracy, as well as those of dictators, but has left unexplored the conceptual and practical differences between constitutional monarchies and democratic republics. The present study represents a first attempt to address some of the issues involved. The study is structured as follows. Section 2 presents the profile of constitutional developments in modern Greece emphasising the changing fortunes of the monarchy until the establishment of the republic. Section 3 reviews political economy arguments regarding constitutional monarchy. Section 4 surveys the headcount measure of power relations proposed by Imbeau (2009). Section 5 compares and contrasts the

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<sup>1</sup> For useful and informative surveys of the nature of constitutions in the light of political economy see Mueller (1996) and (1997), and Voigt (1997) and (2011).

structure of power relations between the head-of-state in the monarchical and republican constitutions of Greece. Section 6 concludes.

## **2 Brief constitutional history of Greece**

### *2.1 From absolute monarchy to crowned democracy: 1832 – 1909*

After the War of Independence against the Ottoman Empire, 1821 – 1828, Greece was recognized as an independent state in 1832. Otto Wittelsbach, a Bavarian prince, was chosen as king by the three “protecting powers” of Britain, France and Russia, that helped Greece win her independence. Otto ruled as an absolute monarch until 1843, when following a military rebellion he was forced to grant a constitution.<sup>2</sup> The 1844 Constitution, based on the 1830 French and 1831 Belgian constitutions, provided for a constitutional monarchy where the legislative power was exercised by the King (who also had the right to ratify legislation), by the parliament, and by the senate, whose members were appointed for life by the king. The king retained the right to choose and remove ministers and judges. Remarkably, the constitution introduced universal male suffrage. After repeatedly ignoring constitutional government, Otto was overthrown in 1862.

In 1863 George Glücksburg, a Danish prince, was chosen as king by the protecting power and his appointment was approved by the Greek parliament. A new constitution came into effect in 1864, proclaiming Greece a “crowned democracy”, a democracy with a monarch.<sup>3</sup> The constitution, modelled on the Belgian 1831 and Danish 1849 constitutions, established the principle of popular sovereignty, specified that the King had only the powers that were bestowed on him by the constitution and abolished the senate. It barred salaried public employees from becoming MPs but not serving army officers. The king retained the rights to appoint and dismiss ministers, but allowed for the

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<sup>2</sup> The background to the popular revolt makes an interesting reading in the light of the current trouble of Greece to repay her external debt. In July 1843 Greece defaulted on her external debt and was forced to cut public spending. The latter hit particularly hard civil servants and military staff who initiated the uprising of September 1943.

<sup>3</sup> The Greek language lacks separate words for “democracy”, the system of government where political decisions are made by the people through a competitive electoral process, and “republic”, the form of state where the head of state is not hereditary. The Greek translation of the Latin “republic” is “democracy”.

Parliament to establish "examination committees", and to call or dissolve the Parliament, but the dissolution had to be countersigned by the cabinet. After a period of political instability the principle of "manifest confidence" of the parliament was adopted in 1875 under the premiership of Ch. Trikoupis. In his Crown Speech, the king stated: "I demand as a prerequisite, of all that I call beside me to assist me in governing the country, to possess the manifest confidence and trust of the majority of the Nation's representatives" (see the website of the Greek Parliament, <http://www.vouli.gr/english/politeuma/default.asp>). In 1877 universal suffrage was extended to all adult males. The period of continuity in government that followed was intercepted by national default in 1893 and ended with a humiliating military defeat in the hands of the Ottomans in 1897.

## 2.2 *From Monarchy to Republic: 1909 – 1974*

In 1909 a military rebellion forced a new constitution that came into effect in 1911 under the premiership of the liberal politician E. Venizelos. It provided for tenured civil servants, public prosecutors and lower judicial officials, stronger protection of various rights and specifically personal security, equality in tax burdens, the right to assemble, the inviolability of the domicile and state financed mandatory school education. It also provided for easier terms of property expropriation to serve the public benefit, like allocation property to landless farmers after compensation determined by the courts. Other provisions included the establishment of an electoral court for resolving electoral disputes, employment incompatibilities for serving MPs (including that of serving military officers), the establishment of the state council as the highest administrative court, the strengthening of judicial independence and granting tenure to public employees. Greece emerged victorious in the Balkan wars of 1912 –13 against the Ottoman Empire, resulting in increasing her territory by almost 70 per cent. In 1913 King George was assassinated by a madman.<sup>4</sup> He was succeeded by his son Constantine I, who insisted that Greece remained neutral in the WWI, while the prime minister, E.

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<sup>4</sup> During his reigns King George was concerned with the position of the monarchy. "The arguments of political parties over the King's rights and revenue, combined with the spread of brigandage and other disturbances throughout the country, made King George feel ever insecure" Van Der Kiste (1994) p. 21. To those one may add the anxiety which characterised the times after the defeat of 1897 (and which was followed by an unsuccessful attempt against the King's life, which subsequently generated a wave of sympathy) and the coup of 1909.

Venizelos, argued for Greece to fight with the Entente. The rift precipitated a deep national schism where the country was divided into two bitterly opposed camps of royalists and anti-royalists. Constantine gave up the throne in 1917 but without formally abdicating and went into exile with his eldest son, crown prince George. He was succeeded by his second son Alexander, who died unexpectedly in October 1920. The alliance of pro-royalist parties won the November 1920 election and promptly invited the exiled King Constantine to return to the throne, who declared that he would do so only after recalled directly by the people. A 99% majority for his return was officially recorded in the December 1920 referendum.<sup>5</sup> However, following Greek defeat in Asia Minor by Turkey in August 1922, the military staged a coup which brought down the pro-royalist government and forced Constantine to abdicate in September 1922. He left Greece and was succeeded by his son George II.

With mounting social and economic problems the anti-royalist current grew so strong that in 1923 King George II was forced to take 'leave of absence' and in March 1924 the anti-royalist government of the socialist A. Papanastasiou passed a parliamentary resolution abolishing the monarchy. A referendum in November 1924 recorded a 30% vote against the monarchy. A new constitution came into effect in 1927. It provided for legislative power to be exercised by the parliament and the senate endowed with veto powers. It explicitly adopted the principle of parliamentary majority by stating that the cabinet must "enjoy the confidence of the Parliament", and for the first time it referred to the prime minister as chairing the cabinet. It also provided for an elected president as head of state, chosen by the parliament and the senate. The president was politically unaccountable, did not possess legislative authority and could dissolve the parliament only with the approval of the senate. The constitution established certain social rights like protection of work, the family and press freedom. The Republic was associated with economic hardship (including another external debt default in 1932) and weak and unstable parliamentary governments intercepted by four coups in 1925, 1926, 1933 and 1935, each one associated with cycles of reprisals and purges in the civil service and the military. The 1935 election following the failed putsch of anti-royalist officers was not contested by

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<sup>5</sup> It is thought that even though the actual size of the majority was manipulated, there was sufficient support for Constantine's return to win in a fair ballot; see Clogg (1986).

anti-royalist parties and resulted in a huge pro-royalist majority. King George II was restored to the throne after a new referendum which returned a rigged vote of 98% in favour of the monarchy.<sup>6</sup> A year later, in 1936, dictatorial rule was imposed with the approval of the king.

In 1941 Nazi Germany overran the Greek forces and King George II left Greece. By 1944 two different camps were vying for control, the internationally recognised government-in-exile (based in London and Cairo) which was loyal to the King, and the various resistance groups in Greece dominated by the Communist party which was strongly anti-monarchical. In the 1946 parliamentary elections the leftists and the Communists abstained and the alliance of royalist parties gained a substantial parliamentary majority against the liberals. The nationalist government then held another (fraudulent) referendum in September 1946 about the constitutional form of the country which resulted in a 68% vote in favour of the monarchy. Although the monarchy did not enjoy much support, there was widespread opposition to a communist government and the monarchy was seen as a security against a communist take-over.<sup>7</sup> King George II returned, but died a few months later in 1947 and was succeeded by his brother Paul I. The civil war ended in 1949 with the victory of the nationalist – royalist forces and a new constitution came to effect in 1952. The constitution retained the fabric of the crowned democracy and reaffirmed the parliamentary form of government as in the 1927 charter. Written in the aftermath of the civil war it included a number of illiberal clauses including banning civil servants from striking and some forms of censorship. Further, on the proposal of the cabinet it allowed the king to suspend articles regarding personal freedoms and to introduce extraordinary courts. Two interpretative clauses made voting compulsory and recognized the right of women to elect and get elected. The country entered a period of strong economic growth and comparative political stability, although disputes between the King and the long serving conservative prime minister C. Karamanlis, were also witnessed.

On King Paul's death in 1964 the throne passed to his son Constantine II, who in 1965

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<sup>6</sup> It is again thought a majority of Greeks would have supported the restoration on the hope of bringing a measure of stability, see Clogg (ibid.)

<sup>7</sup> See Clogg (1986) and Gallant (2001).

clashed with the centrist PM G. Papandreou bringing on the resignation of the latter. In April 1967 after a military coup and the democratic constitutional order was suspended. Following an unsuccessful counter-coup in December 1967 Constantine II was forced to flee. The military regime abolished the monarchy in 1973. A referendum took place to legitimize a new republican dispensation, but as it was held under martial law, the reported 80% vote in its favour is discredited. The dictatorship collapsed in July 1974 amid mounting economic problems and the threat of war against Turkey. In December 1974, a new, clean, referendum was held that recorded a 69% vote in favour of republic.<sup>8</sup>

### 2.3 *Republic and Constitutional Revisions: After 1975*

In 1975 the conservative government led by C. Karamanlis passed a new constitution, built on some of the principles of the 1927 and 1952 documents and from borrowed principles of the 1949 West German and 1958 French constitutions. It introduced a “presided parliamentary republic” providing for a president elected by the parliament in a secret vote obtaining a two-thirds majority. Failing the latter, a three-fifths majority was required. If the latter was not achieved, the parliament is dissolved and the parliament resulting from the new election chooses the president with a three-fifths majority. If that is not attained a simple majority is required; failing that too, the candidate receiving a plurality of votes is deemed as elected president. The president was endowed with a range of important legislative and executive powers. First, in the case of a hung parliament and after the leader of the party with the highest number of MPs had failed to secure a vote of confidence, the president could give an exploratory mandate for forming a government to the leader of the party with the second highest number of MPs, or even to a non-MP. Second, in case the prime minister resigned or lost a vote of confidence, the president could appoint a MP who was not a party leader to form a government and ask for a vote of confidence, or a non MP who may then dissolve parliament. Third, the president could dismiss the cabinet (and appoint a new government as described before). Fourth, if the parliament is in “obvious disharmony” with the popular feeling, or there is government instability, or the cabinet so proposes, the president may dissolve parliament and call elections. Fifth, the president was

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<sup>8</sup> See Markesinis (1974) for a detailed description. Tridimas (2010a) provides a political economy analysis of the referendum and the strategic choices of Karamanlis, the then agenda setter.

also given the power to call a referendum an issue of national interest. Finally, in exceptional circumstances, the president could call and chair the cabinet and address the people directly. Such discretionary powers were open to the accusation that they contradicted the parliamentary nature of the republic (that the acts of government must always enjoy a parliamentary majority). In other respects the constitution strengthened democratic credentials. For the first time it recognised the right of Greeks to form and join political parties. Going beyond the principle of manifest confidence, it formalized the convention that the leader of the party with an absolute majority of seats in the parliament is appointed as prime minister (but allowed the president to use discretion in case of a hung parliament). The constitution also included a number of individual and social rights and provisions for that affected sovereignty in preparation for the participation of the country in international organizations and to the European Economic Community.

In 1986, the socialist government of A. Papandreou revised the provisions regarding the president after applying the procedures stipulated for revision. First, the parliamentary vote for the election of the president was changed from secret to roll call. Since candidates for the presidency are nominated by political parties and voted by the parliament, the shift to roll call effectively increased the power of the nominating party leaders at the expense of the candidates. Second, the discretionary powers of the president regarding the choice of prime ministers in case of a hung parliament, dissolution of the parliament and calling a referendum, although they had not been exercised in the preceding eleven years, were removed, and transferred to the cabinet. The changes reinforced the parliamentary character of the republic vesting more powers in the hands of the party leaders and especially the prime minister and conferred to the president a purely figurehead role.

A second constitutional revision took place in 2001 supported by the socialist government and the conservative opposition. It introduced new individual rights and organizational rules that bolstered the welfare state, refined professional incompatibilities of MPs, detailed impeachment procedures for ministers, upgraded local government and elevated to constitutional the status of the most important independent authorities. It also undertook an extensive reform in the field of justice that covered the workings and administration of

courts and provided for the mandatory referral of statutes ruled as contrary to the constitution by a section of the Supreme Administrative Court or the Supreme Civil and Criminal Court or the Court of Audit, to their respective plenum, in order for them to decide definitively on the issue.

A further (third) modest revision was enacted in 2008. The conservative government at the time proposed a series of amendments (including lifting a ban on private universities) but only a few minor proposals received the required votes in the parliament regarding the abolition of the restrictions on the professions compatible with serving MPs introduced by the 2001 amendment and budgetary procedures that mandated special care for the insular and mountainous regions of the country in the design of development policy.

#### 2.4 *Summary: A distinctive constitutional profile*

Table 1 summarizes the constitutional developments described above. Up to 1974, the questions of the powers and very existence of the monarchy dominated Greek constitutional developments. There is little doubt that in the climate of the 1820s when Greece gained her independence after the intervention of Britain, France and Russia, her head of state and government would not have been invested in the hands of a hereditary monarch.<sup>9</sup> Domestically too, lacking a national royal house, a foreign prince seemed acceptable to the various factions vying for control and the population at large as a way to bring an end to political infighting. Thereafter the shift from absolute to constitutional monarchy and the liberal reforms from 1875 to 1911 show that Greece followed the pattern of constitutional developments witnessed in the West during the 19<sup>th</sup> and early 20<sup>th</sup> centuries. This is aptly analyzed by Congleton (2011), who documents that parliaments gradually acquired more policy authority at the expense of the king, while also becoming more representative as the franchise was extended to poorer classes.

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<sup>9</sup> Although the actual political power of each monarch differed from country to country, the monarchs and their courts possessed significant social influence and political power. Gilbert & Clay Large (2002) wrote "...the monarchs were justified in considering themselves the most important persons in the European political arena" (p.20) ... "The existence of a monarchy in pre-WWI Europe presupposed the existence of a ruling group closely connected with the throne... Although by that time an elected parliament has become an influential factor in politics, the arbiter in social status remained the court, with its officialdom of ministers, chamberlains, masters of ceremonies - all nobles and mostly descendants of the oldest families" (ibid. p.21).

<b>Table 1. Summary of Constitutional Developments</b>				
Form of State & Regime	Period	Monarch (reign)	Comments	New Constitution
REPUBLIC	1828 – 1832			
ABSOLUTE MONARCHY	1832 – 1843	Otto (1832 – 43)	1843 rebellion forces Otto to grant constitution	
CONSTITUTIONAL MONARCHY	1843 – 1862	Otto (1843 – 62)	Otto overthrown	1844
CROWNED DEMOCRACY	1863 – 1924	George I (1863 – 1913)		1864
			1909 coup forces new constitution	1911
		Constantine I (1913 – 17)	Constantine I flees in 1917	
		Alexander (1917 – 20)	Alexander dies in 1920 Constantine I returns after 1920 referendum	
		Constantine I (1920 – 22)	Constantine I abdicates in 1922	
		George II (1922 – 1924)	George forced to leave in 1923	
REPUBLIC	1924 – 1935		Republic proclaimed after 1924 referendum	1927
CROWNED DEMOCRACY	1935 – 1936	George II (1935 – 1941)	George II returns after 1935 referendum	1911 Constitution reinstated in 1935
Dictatorship	1936 – 1941			
German Occupation	1941 – 1944		George II flees in 1941	
Civil War	1944 – 1949	George II (1946 – 1947)	George II returns after 1946 referendum	1911 Constitution reinstated in 1944
		Paul (1947 – 1964)		
CROWNED DEMOCRACY	1949 – 1967			1952
		Constantine II (1964 – 1967)		
Military Dictatorship	1967 – 1974		Constantine II flees in 1967	
REPUBLIC	1974 –		Monarchy abolished after 1974 referendum	
				1975
				1986 – revision
				2001 – revision
				2008 – revision

However, throughout the 20<sup>th</sup> century against a background of changing war fortunes, political and social liberalization, industrialization, integration of large refugee numbers and civil war, the position of the Greek monarch was repeatedly challenged. Successive kings clashed openly with elected prime ministers and the country was divided into embittered camps. The fall of monarchies and their replacement by republics was an inexorable trend during the 20<sup>th</sup> century. Reasons included military defeat, dissolution of the state and failure of the crown to grant policy making power to rising political actors, mass parties and interest groups.<sup>10</sup> As a broad generalization, monarchs of countries that lost WWI or WWII also lost their thrones, while monarchs of countries that sided with the winners retained their thrones.<sup>11</sup> The Greek monarchy however defied that pattern. In both wars, Greece was on the winners' side; yet after being repeatedly tested her monarchy was eventually abolished.<sup>12</sup>

The procedure for resolving the constitutional question is also noteworthy. Ever since King Constantine decided to legitimize his 1920 return by a referendum, all constitutional changes regarding the restoration or abolition of the monarchy were sanctioned by the same procedure, even though only the 1974 referendum passed the tests of free and fair election. On the contrary, no other constitutional or political issue has been settled by referendum. Constitutional amendments, EU treaties regarding sovereignty as well as ordinary legislation have always been ratified by the Parliament. Furthermore, from the viewpoint of constitutionality, none of the revisions that led to the constitutions of 1864, 1911, 1927, 1952 and 1975 was carried out according to the procedures for revision provided by the existing constitution.<sup>13</sup> Only the 1975 constitution has been revised (three times) according to the relevant provisions.

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<sup>10</sup> See amongst others Rose and Kavanagh (1976) and Rohac (2009).

<sup>11</sup> This is not to argue that military defeat *causes* the abolition of the monarchy. A person who emerges as a dominant figure in domestic politics after the military defeat may try to establish himself as a new hereditary ruler. Military defeat may therefore be the catalyst for allowing deeper underlying causes to reject the monarchy as an institution.

<sup>12</sup> For a detailed discussion of the repudiation of the Greek monarchy in a comparative setting see Tridimas (processed).

<sup>13</sup> For an extensive discussion of constitutional amendment, see Mueller (1996), chapter 21, and Mueller (1999).

### 3 On the political economy rationale of constitutional monarchy

A constitutional monarchy is one regulated by rules, where the king reigns but does not govern. Government is exercised by the prime minister and the cabinet that enjoys the confidence of the parliament resulting from general elections. Three complementary justifications can be offered for a modern constitutional monarchy relating to the benefits from division of labour, resolution of conflicts and transaction costs savings. Division of labour emphasises the benefits from separating the post of the head of state from the office of the head of government. The head of state performs three types of functions, namely constitutional, ceremonial and symbol of the nation (Bogdanor 1996). The constitutional role includes tasks like dissolving the parliament and appointing the Prime Minister, if circumstances so call, that have obvious political implications and may be controversial. An elected head of state may enjoy higher legitimacy on this account. The ceremonial duties may be of less political importance but historically they were not devoid of value. According to Walter Bagehot “At a time when there was a great gulf between the education of the governing class and the four years of schooling of the mass of the populace, the monarchy represented government to the masses in its dignified, theatrical form; only a traditional form of government was assumed to be comprehensible to them. Members of the governing class would understand that the monarchy was not part of the efficient machinery of government-but they risked the loss of popular allegiance if they disabused the masses of their traditional beliefs” (quoted in Rose and Kavanagh (1976) pp. 553-554). A hereditary head of state may command broader allegiance as a non-politicised symbol of the nation and act as a unifying force.<sup>14</sup>

Second, monarchy offers regime stability. A fixed and well-known rule of hereditary succession upon the death of a ruler minimises uncertainty and the opportunities for disruption or violent change from groups fighting for control. North (1981), Tullock (1987) and (2002), and Olson (1993) emphasise that a society reaps important efficiency

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<sup>14</sup> When a single person combines both the positions of the head of state and head of government, he may no longer be able to represent all of the people, but only the section who support him politically. Other attributes may have to be identified for him to serve as symbols of the nation.

gains when ruled by a “stationary bandit” rather than being pray to a “roving bandit”. As Kurrild-Klitgaard (2000, p.71), put it “The introduction of constitutional rules of succession with specific individuals singled out as heirs may provide the system with some amount of stability, because it changes the payoffs and puts limits upon the possible coalitions and thereby supports a structure-induced equilibrium of peaceful succession”. Stability then lends legitimacy. This argument is less relevant in contemporary democracies, where change from one ruler to another takes place peacefully through elections rather than the battlefield or palace coups.

Turning to the transaction cost argument it is noted that if the function of the head of the state is idiosyncratic and context specific, then a person who has been dispatching that task develops the relevant knowledge and a kind of suitable human-specific asset that may be difficult to transfer to outsiders. As a result, an offspring of the sitting head of state rather than an outsider may be best placed to succeed in the role of head of the state, by virtue of familiarity and training from an early age. On this account, hereditary succession is justified as a rational response to the risk of appointing an outsider without the relevant knowledge. However, the importance of this argument weakens in the presence of genetic shocks, where a new sovereign with different talents and tastes from his ancestors less suited for the post inherits the throne.

More generally, on doctrinal grounds opposition to the monarchy comes from its non egalitarian origin, that is, monarchy is based on birth privilege and therefore in contradiction with the principle of democracy. On grounds of political experience, when the king meddles in politics and acts in a partisan way the monarchy loses support and legitimacy. This was an accusation leveled at the Greek royal family ever since the schism that started in 1915.

### **3 A theoretical framework for a headcount measure of power relations**

#### **2.1 Head-count of power relations**

Imbeau (2009) and Imbeau and Jacob (2011) examine constitutional documents as

discourses that implicitly reveal whether at the time of adopting a constitution its framers were motivated by their private interests or they served the public interest. This is done by investigating what types of power are ascribed or restrained. To begin with, power is defined as the ability to produce intended effects. Two concepts of power are distinguished, namely, instrumental and social power. Instrumental power is the ability of an actor to do something in order to produce desirable outcomes, and social power is his ability to change the incentive structure of another actor in order to generate desirable outcomes. Social power implies instrumental power but the reverse is not true. Imbeau then explains that power originates from three types of sources, notably force or authority, wealth and knowledge. Power based on authority, or political power is the use (or threat of use) of force by an actor (typically the government) to make disobedience with his decision costly. Economic power refers to the use of wealth by a party in order to change the benefits of the counterparty in an exchange. Preceptoral is the capacity an actor has to influence another actor through persuasion. It is based on the knowledge of the influencing party that is then used to change the beliefs of the counterparty about the benefits and costs of his actions. Preceptoral power is manifested in a variety of circumstances including commercial advertising, religions teaching, expert advice, political propoganda, etc.<sup>15</sup> While each source of power can be used to acquire more of another form, all three types of power, political, economic and preceptoral, are distributed unequally across the members of the society.

At the constitutional stage, the constitutional framers are uncertain about their future position in the society, that is, whether they will be rich, or their preferences will conform to those of other members of the society, or whether they will benefit from the collective choice outcome. Behind such a “veil of ignorance”, rational constitutional framers will choose rules that attend to the interest of the many. They will adopt constitutional provisions that will not advantage any narrow interests (since the latter are not yet known), and fearing the worst, they establish rules that account for the preferences of the least privileged individual. When however the constitutional writers are relatively confident about their future positions they will try to adopt constitutional provisions that privilege their standing and interests. Imbeau hypothesises that there is considerably more

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<sup>15</sup> For further details see Imbeau (2007).

uncertainty about the future distribution of political power, especially in democracies where electoral majorities frequently fluctuate, than the other types of power. As a result, the constitutional framers are primarily concerned with the future distribution of political power rather than economic or perceptual power. The latter two tend to change slower and are therefore more stable and predictable. If so, he expects that (1) constitutional documents will be more concerned with political power than with economic or perceptual power, and (2) constitutional framers will tend to limit rather than expand the exercise of political power in order to insure that such power will not be used against them in the future.

Using the above methodology Imbeau and Jacob first calculate the head-count of power relations contained in the two most important Canadian constitutional documents, the British North America Act of 1867 and the Constitution Act of 1982 and then test the two hypotheses. They found that both documents contain a considerably larger number of instrumental than social power relations; remarkably, the percentages are 84% and 16% for both the 1867 and the 1982 Acts. Further in both documents the source of power is solely authority, a finding that is compatible with hypothesis (1) above. However, they further find that contrary to the second hypothesis, the 1867 Act tends to ascribe power (84% of the relations identified concern positive power), while in accordance with the hypothesis, the 1982 Act tends to limit power (73% of the relations identified concerned negative power). Imbeau and Jacob reason that the 1867 constitution ascribed instrumental and social powers because it founded a new federation, whereas the 1982 Act focused on limiting already ascribed powers.

## 2.2 Some problems of the headcount measure of power relations

The textual analysis of the constitutions based on aggregate power scores, informative as it may be, suffers from a number of unsatisfactory aspects relating to the importance of the powers of constitutional players and the balance of powers between different actors.

(1) The focus on quantitative aspects the headcount measure may miss important qualitative aspects of power. For example, the 1975 Greek constitution grants the

president the power to dissolve parliament and call elections if the “parliament is in obvious disharmony with the popular feeling” (Art. 41.1). As it does not explain what comprises disharmony and how the latter is ascertained, it provides the president with considerable discretion. On the contrary, the 1986 constitution prescribes the conditions for dissolving parliament removing the president’s discretion. Quantitatively, this is recorded as reducing the number of instrumental powers of the president by one, but by stripping the president of an important political role, its implication for the exercise of authority is broader. Similarly, in case of a hung parliament the 1975 constitution grants the president some freedom to choose the prime minister, but that freedom was taken away in the 1986 revision. The latter increases the count measure of powers, although in truth, there is less discretionary power exercised by the president. Nor can the quantitative measure reflect the strengthening of the power of party leaders after the 1986 constitution changed the parliament vote for the president from secret to roll call. Similarly, the headcount cannot reflect relaxation of constitutional constraints. For example, the 1952 constitution requires that a motion for constitutional revision requires a  $2/3$  parliamentary majority, while the 1975 the requirement was set at a less demanding  $3/5$  majority.

(2) By focusing on the aggregate number of powers expressed in the constitutional text, the cognitive perspective may miss important changes in the relative power of different political actors defined in the constitution. For example, according to the 1975 constitution the president may “call a referendum on crucial national matters” (Art.44.2). However, the 1986 constitution removes such independent power from the president and proclaims that he can do so only if the parliament passes a resolution proposed by the cabinet voted by an absolute majority of the parliament, or if it is decided by a  $3/5$  majority of parliament. This implies that the 1986 total score for instrumental power increases by one in comparison to 1975, but this masks a profound power shift away from the president and in favour of the parliament.

(3) Yet another disadvantage of the headcount measure is that it cannot discriminate between powers exercised by state actors against private individuals and powers

conferred to private actors for protecting their interests against infringements by the state. For example, the 1975 constitution stipulates that “The Public Administration shall be bound to comply with judicial decisions. The breach of this obligation shall render liable any competent agent, as specified by law.” (Art. 95.5) These provisions increase the number of powers enumerated by two. Yet, they do not signal an increase of the might of the state. Quite the opposite, they act as safeguards against abuse of power by state agents.

Such difficulties may be overcome by a more systematic and detailed comparison of the provisions of different constitutional texts. Space constraints prevent examination of entire constitutional texts. More modestly, and given the centrality of the actions of the king in the Greek political scene, the next Section analyses the powers granted to the head of state, king or president, by the different constitutional documents 1844 – 1986.

## **5 The powers of the Greek head-of-state under monarchy and republic**

Since for its most part the history of modern Greece revolves around the question of the form of the state, monarchy or republic, and a large part of the constitutional convulsions described above concerned how the king used his powers, we compiled a full list of the powers of the head of state (HS) as written in the seven constitutional documents 1844 – 1986 (the revision of 2001 and 2008 left unchanged the 1986 powers of the president). The list was drawn from the articles stipulating that the head of state may do something (like vetoing legislation) or may force another agent to do something (like suspending civil liberties). The former were coded as instrumental powers and the latter as social. Further, such powers were divided between positive and negative, the former indicating ability to exercise instrumental or social power, the latter lack or removal of such competence. Note that since all relations examined focus on the HS, the source of power is no longer a relevant consideration.<sup>16</sup> In addition, articles regarding the succession of the king and the appointment of a regent (when applicable) were ignored since they were

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<sup>16</sup> To be precise, all constitutions stipulate that the civil list of the HS is determined by law and, as per standard international practice, no tax can be imposed without an act of the parliament.

specific to monarchical constitutions and their inclusion would skew the count; so was the article banning members of the royal family from appointment to ministerial posts. In preparing the list some functions were aggregated in a single category; for example the power of the head of state to represent the state internationally, declare war, conclude treaties, act as commander-in-chief, confer ranks and decorations, and appoint and dismiss public servants, were all aggregated into a single category termed, figurehead functions of HS. Some powers may be of little direct benefit to the office-holder, while for others the direct input of the HS may be very limited indeed. An example of the former is that in monarchical constitutions court rulings are executed in the name of the king, while in republican ones they are executed in the name of the Greek people. An example of little direct input by the HS was the right of the king to issue national currency, while the president is not endowed with it. Although not directly translated into a tangible benefit for the king, such powers were indicative of a formal respect and deference to the king that was not conferred to the president and were taken included in the count.

<b>Table 3: Power relations involving the Head-of-State</b>									
<b><i>A. Percentage breakdown by Constitution</i></b>									
Constitution	Instrumental			Social			Yes	No	N
	Yes	No	Total	Yes	No	Total			
1844 – King	61	0	61	39	0	39	100	0	23
1864 – King	57	4	61	35	4	39	92	8	23
1911 – King	54	4	58	34	8	42	88	12	24
1927 – President	38	23	61	8	31	39	46	54	26
1952 – King	52	8	60	36	4	40	88	12	25
1975 – President	48	14	62	21	17	39	69	31	29
1986 – President	24	38	62	17	21	38	41	59	29
Yes: Positive powers. No: Negative powers. N: Total number of powers									
<b><i>B. Percentage period averages</i></b>									
	Positive		Negative		Total				
Instrumental	46.93		13.96		60.89				
Social	26.26		12.85		39.11				
Total	73.19		26.81		100.00				

The results of the analysis are presented in Table 2, while the full list of power relations appears on the Appendix. A total of twenty-nine categories of relations were identified. The following inferences are made

(1) In comparison to the 1844 constitution all other constitutions ascribe fewer positive powers to the head of state. Specifically, the 1844 constitution not only does it open with the sentence “Otto King of Greece by the Grace of God”, but it grants the king a wide range of competencies that according to the methodology of the present study are all classified as positive – 100% of a total of 23 powers. Citizens are granted a variety of rights but in our methodology these are excluded from the list of the powers granted to the king. Moreover, there are no formal constraints on him. The statement that the king has no other powers than those explicitly conferred to him by the constitution appeared first in 1864 and has been repeated for the HS ever since. This finding echoes the argument of Imbeau and Jacob that in founding the state the constitutional writers tend to assign positive powers, while in subsequent revisions they tend to restrict powers, those of HS in the present case.

(2) From the 1844 to the 1986 constitution the range of powers relations regarding the HS has been increasing from 23 to 29 obviously to account for new circumstances in a changing world. New powers have been added; for example the ability to declare a state of emergency and suspend articles of the constitution regarding personal freedoms (1911) and the right of the HS to call a referendum (added in 1975 but removed in 1986). Nevertheless, and in common with the Canadian findings, in all documents the number of instrumental power relations is larger than the number of social power relations and the relationship between the two has varied very little over time. For both monarchical and republican constitutions the relevant ratio is at an average of 61:39. That is, the HS is given more frequently the ability to act directly than to force other agents to act. The large number of functional and ceremonial duties of the HS accounts for the composition of powers noted.

(3) Republican constitutions ascribe fewer positive powers to the president than monarchical constitutions to the king. Abstracting from the 1844 constitution (since it is an extreme case assigning positive powers only), the three monarchical constitutions ascribe more powers to the HS than the three republican constitutions, on average 89% against 47%. The difference is highly significant as the relevant test yielded a  $\chi^2$  ratio of 24.72 with 1 degree of freedom, P-value < 0.001.<sup>17</sup> This confirms the a priori expectation that Greek republican constitutions shifted power away from the HS strengthening the other legislative and executive organs of the state.

(4) The 1975 constitution granted the president more positive powers than the 1986 constitution, 16 against 12 out of a total of 29. With a  $\chi^2$  ratio of 4.46 and 1 D.F. this difference is statistically significant at the 0.05 level. The constitution of 1975 promoted the president to a significant political actor and required a super majority for his election; failure to achieve such a supermajority precipitates parliamentary elections. Both C. Tsatsos, who drafted the 1975 constitution, and C. Karamanlis, who was prime minister at the time of its ratifications enjoying a more than 2/3 parliamentary majority, were conservative politicians who went on to become presidents. On the other hand, with a  $\chi^2$  ratio of 0.13 and 1 D.F., we cannot reject the hypothesis that the 1927 and 1986 constitutions legislated for similarly weak powers for the president. Both were products of socialist political thinking. The 1927 constitution was based on a draft prepared by the socialist politician A. Papanastasiou (the prime minister at the time of the 1924 repudiation of the monarchy). The 1986 constitution too was passed by the socialist government of A. Papandreou.

(5) In all cases, legislating for an indirectly rather than directly elected president may be explained by the wish to avoid partisan divisions, as well as avoiding the political and financial costs of a general election. There is, however, a more public choice oriented explanation for ruling out direct elections for the president, one that focuses on the interests of politicians: A directly elected president has an independent power base and may be better placed to challenge the parties represented in parliament, something that

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<sup>17</sup> If the 1844 constitution is included the  $\chi^2$  ratio rises to 34.77

both a conservative and a socialist prime minister would resist. On this account, there is ground to argue that constitutional framing has violated what Mueller calls “the first law of constitution writing – those who are likely to hold office under the new constitution should not be involved in its writing lest they draft a constitution to serve *their* interests and not those of the citizens” (2005, p.65). In addition, after the 1986 revision diminished the presidential powers, one may question the benefit of keeping the stringent supermajority requirements for electing the president.

## **6 Summary and Conclusions**

The present study examined the powers assigned to the head of state in modern Greece from the first constitution of 1844 that introduced constitutional monarchy to that of 1986 that established the current parliamentary republic. It described the convulsions of the Greek monarchy including the overthrow of king Otto and the tribulations of the dynasty of George I until its abolition. After an ill-fated start in the mid-1920s, the Greek republic came to being in 1975. The powers of the head of state have been a bone of contention throughout this history. The study documents that monarchical constitutions ascribed more positive powers to the king than the republican did to the president. This result accords well with the intuition that a founding constitution tends to endow agents with powers but subsequent revisions tend to limit them. It also implies that use of such powers by an unelected head of state may have contributed to the downfall of the monarchy. In addition, the study also found that the identity of the constitutional writer materially affects the powers assigned to the president with socialist writers granting fewer powers than conservative writers. This difference, along with, the short lifespan of the monarchical constitutions (with the qualified exception of the 1864 charter) seem to suggest that constitutional writing has not been the result of a consensus obtained behind a veil of ignorance but a reflection of the interests of whoever held the political advantage at that time.

## Appendix

<b>Table : Head of State Power</b>								
PROVISION FOR HEAD OF STATE		<i>CONSTITUTION</i>						
		<b>1844</b>	<b>1864</b>	<b>1911</b>	<b>1927</b>	<b>1952</b>	<b>1975</b>	<b>1986</b>
<i>The Head of State may</i>		<i>King</i>	<i>King</i>	<i>King</i>	<i>Pres</i>	<i>King</i>	<i>Pres</i>	<i>Pres</i>
1 Gain office without electoral contest	I	Yes	Yes	Yes	No	Yes	No	No
2 Gain office in a secret ballot	I	X	X	X	X	X	Yes	No
3 Face term limits	I	Yes	Yes	Yes	No	Yes	No	No
4 Be protected against an insult	S	Yes	Yes	Yes	No	Yes	Yes	Yes
5 Perform figurehead functions	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6 Exercise legislative power	S	Yes	Yes	Yes	No	Yes	Yes	Yes
7 Exercise legislative veto	S	Yes	Yes	Yes	No	Yes	No	No
8 Exercise executive power	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes
9 Issue decrees for the executions of statutes	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
10 Promulgate laws	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
11 Convoke parliament	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
12 Suspend parliament	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
13 Dissolve parliament	I	Yes	Yes	Yes	No	Yes	Yes	No
14 Appoint the Prime Minister	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
15 Choose the Prime Minister	I	Yes	Yes	Yes	No	Yes	Yes	No
16 Relieve the cabinet	I	Yes	Yes	Yes	Yes	Yes	Yes	Yes
17 Dismiss the cabinet	I	Yes	Yes	Yes	No	No	Yes	No
18 Chair cabinet	I	X	X	X	Yes	X	Yes	No
19 Commute sentences/ pardon/grant amnesty	I	Yes	Yes	Yes	Yes	Yes	No	No
20 Legislate in exceptional circumstances	S	X	X	X	Yes	Yes	Yes	Yes
21 Appoint legislators-senators	I	Yes	No	No	No	No	No	No
22 Call a referendum	I	X	X	X	X	X	Yes	No
23 Address the people	I	X	X	X	X	X	Yes	No
24 Suspend civil liberties (exceptionally)	S	X	X	Yes	No	Yes	Yes	No
25 Issue national currency	S	Yes	Yes	Yes	No	Yes	No	No
26 Bear no responsibility for his acts	S	Yes	Yes	Yes	Yes	Yes	Yes	Yes
27 Enjoy immunity from impeachment	S	Yes	Yes	Yes	No	Yes	No	No
28 Be the source of justice	S	Yes	No	No	No	No	No	No
29 Have court sentences executed on his name	S	Yes	Yes	Yes	No	Yes	No	No
<b>TOTAL</b>		23	23	24	26	25	29	29
X: Not mentioned I: Instrumental S: Social								

## References

- Bogdanor, V., 1996. *The Monarchy and the Constitution* Parliamentary. Affairs 36, 407-422.
- Clay, C., 2006. *King Kaiser Tsar: Three royal cousins who led the world to war*. John Murray, London
- Clogg, R., 1986. *A short history of Modern Greece*, Cambridge University Press, Cambridge.

- Congleton, R., 2007. From royal to parliamentary rule without revolution: The economics of constitutional exchange within divided governments. *European Journal of Political Economy* 23, 261-284.
- Congleton, R.D., 2011. *Perfecting Parliament: Constitutional Reform and the Origins of Western Democracy*. Cambridge University Press, New York.
- Gallant, T.W., 2001. *Modern Greece*. Hodder Arnold, London.
- Gilbert, F., Clay Large, D. 2002. *The end of the European era. 1890 to the present*. W.W. Norton & Company, New York.
- Greek Parliament. 2004. Thirty years from the 1975 Constitution. The Greek constitutions from Rigas to today. (In Greek)
- Imbeau, L.M., 2007. Leviathan or Geryon? Safeguards against Power Abuse in Democratic Societies. In: Marciano, A. Josselin, J-M. (Eds), *Democracy, Freedom, and Coercion: A Law and Economics Approach*. Edward Elgar, Cheltenham, pp. 171-191.
- Imbeau, L.M. (Forthcoming) Testing the “veil of ignorance” hypothesis in constitutional choice: A methodological note informed by a “walk-talk” perspective, *Journal of Public Finance and Public Choice*.
- Imbeau, L.M., Jacob, S., 2011. Is the “Veil of Ignorance” in Constitutional Choice a Myth? An Empirical Exploration Informed by a Theory of Power. In Marciano, A. (Ed) *Constitutional Mythologies. New Perspectives on Controlling the State*. Springer, New York, pp. 53-70.
- Kurrild-Klitgaard, P., 2000. The constitutional economics of autocratic succession. *Public Choice* 103, 63No84.
- Markesinis, B., 1974. Recent political and constitutional developments in Greece. *Parliamentary Affairs* 28, 261-277.
- Mueller, D. C., 1996. *Constitutional democracy*. Oxford University Press, Oxford.
- Mueller, D.C. 1997. Constitutional public choice. In D.C. Mueller (Ed), *Perspectives on public choice. A handbook*, 455-480, Cambridge University Press, Cambridge, 455-480
- Mueller, D.C., 1999. On amending constitutions. *Constitutional Political Economy* 10, 385No396.
- Mueller, D. C., 2003. *Public Choice III*. Cambridge University Press. Cambridge
- Mueller, D. C., 2005. Constitutional political economy in the European Union. *Public Choice* 124, 57-73
- North, D.C., 1981. *Structure and Change in Economic History*. W.W. Norton & Co, New York.
- Olson, M., 1993., Dictatorship, democracy, and development. *American Political Science Review* 87, 567No576.
- Rohac, D. 2009. Why did the Austro-Hungarian Empire collapse? A public choice perspective. *Constitutional Political Economy* 20, 160-176
- Rose, R., Kavangh, D. 1976. The monarchy in contemporary political culture. *Comparative Politics* 8, 548-576
- Tridimas, G., 2010a. Referendum and the choice between monarchy and republic in Greece. *Constitutional Political Economy* 21, 119-144.
- Tridimas, G., 2010b. Constitutional judicial review and political insurance. *European Journal of Law and Economics* 29, 81No101.
- Tridimas, G., 2012. How democracy was achieved. *European Journal of Political Economy*, in press, doi:[10.1016/j.ejpoleco.2011.11.001](https://doi.org/10.1016/j.ejpoleco.2011.11.001)
- Tullock, G., 1987. *Autocracy*. Kluwer Academic Publishers, Dordrecht
- Tullock, G., 2002. Undemocratic governments, *Kyklos* 55, 247-264.
- Voigt, S., 1997. Positive constitutional economics – a survey. *Public Choice* 90, 11–53.
- Voigt, S., 2011. Positive constitutional economics II – a survey of recent developments. *Public Choice* 146, 05-256