





### 3. I digress. The Assembly of Epidaur

really bandits – klephts. Their relationship with the prosperous civilian leaders was – how shall I put it? uneasy, and at times adventurous. Thirdly there were what Brewer calls the westernisers: merchants, officials, and professionals of the Greek diaspora. Of these the most prominent wa

Peloponnesian hinterland. The Greeks abandoned the Acrocorinth, so that was taken. But Kolokotronis was appointed commander of the forces resisting Dramali. He inflicted a crushing defeat on Dram .

Korais' head on the old red 100 drachma note, before the advent of the Euro; and if you go to the island of Chios, you can see his magnificent library.

8. Nor was this the lim

two lists, the first a list of the early members of the Committee and then a list of the full membership. Bentham is in both lists. The great majority of the politicians who joined were Whigs, Radicals or Inde

budget. The Executive of five members, appointed by the Senate, would in turn appoint departmental ministers. The Senate and Executive could however each veto acts of the other. In reality, therefore, they shared the legislative power.

There was also to be an independent judiciary, but part of its function was



powers favoured by Locke and Montesquie

obligations and duties. The rule of recognition affords, both for private persons and for officials, authoritative crite

them when it came to the *Observations*. An example is his reservations about the constitution's exclusion of non-Greeks – essentially the Muslim and Jewish populations – from the enjoyment of political rights. This was an important issue for Bentham, but he dealt with it very guardedly in the *Observations*<sup>12</sup>.

15. What was Bentham's objection to the split or sharing of legislative power in the Constitution of Epidavros? It was by no means merely the vice of latent negatives, the possibilities of a stalemate which, seemingly, were real enough. Bentham's objection was an over-arching one. He believed that the relevant provisions violated a crucial principle, the principle of popular sovereignty. Legislative power belonged, or should belong, to the people. The will of the electors should be thwarted to the minimum possible extent by the institutions of government. This would be best achieved by a single legislative chamber elected by secret ballot on the basis of a virtual universal suffrage. Moreover the executive and legislative branches of government should, as Rosen puts it<sup>13</sup>, "be as dependent upon the will of the legislature as the legislature was dependent upon the will of the electorate". As for the judiciary, the judges should be appointed by the Justice Minister, but should be liable to be dismissed by the electorate. ▮

16. The Constitutionudi



each one's will is by every other individual seen or thought to be conducive to his own greatest happiness the will of each one finds a support and coadjutor in the w

ironic, since Rawls was opposed root and branch to the greatest ha

but only in or

elections – are a brake not an accelerator: they inhibit bad policy; they do not necessarily promote good policy.

23. A constitution whose single overriding principle is the will of the majority expressed by a representative unicameral legislature suffers no restraint in the promulgation of bad policy save the restraint of the ballot box, and that I think is insufficient. A second chamber, at least if constituted on a different basis, may make up some of the deficiency; but Bentham was a unicameralist. The rule of law will make up a good deal of the deficiency; but as I have said Bentham thought the judges should be dismissible by the electorate. Fundamental constitutional rights may make up a good deal more; but as everyone knows Bentham regarded natural rights as nonsense, and if they were said to be unalterable – “imprescriptible” is Bentham’s word – they were “nonsense on stilts”. I have no brief for natural rights in any metaphysical sense, but I certainly think there is a vital place for constitutional rights whose source is by no means merely the will of the majority.

24. A democratic system of government is sound if it is based on the principle of the will of the majority.







approval of the Constitution, and I have discussed some of his criticisms of its substance. Another question is: how far was it actually seen as a practica

29. In this context Rosen refers<sup>21</sup> to the view of an early philhellene called Thomas Gordon, who wrote a *History of the Greek Revolution*, to the effect that the Greeks generally were “unfi

the constitution which Bentham thought objectionable). No; the storm of history  
blew much s

the arguments on either side of that debate. It is that the interpretation and application of any constitution depend upon principles that are logically and morally prior to the constitution itself. Constitutions are necessarily cast in general terms. The more general any provision of

Spyridon at Nafplion, we can see that throughout their modern history the Greeks have had one written constitution or another. A lot of the time they had monarchy, of which Bentham would have disapproved. In two periods they had di

he was of course a famous elder statesman of the Enlightenment. His support of the Greeks must have been grist to the mill of their aspirations.

35. Should they have been grateful? It was often said, apparently, in these times that the Greeks were ungrateful for foreigners' hands across the sea. I will give the last word to Lord Byron, in the *Notes to Childe Harold's Pilgrimage*:

“They are ungrateful, notoriously, abominably ungrateful’ – this is the general cry. Now, in the name of Nemesis! For what are they to be grateful? Where is the human being that ever conferred a benefit on Greek or Greeks? They are to be grateful to the Turks for their fetters, and to the Franks for their broken promises and lying counsels. They are to be grateful to the artist who engraves their ruins, and to the antiquary who carries them away; to the traveller whose janissary flogs them, and to the scribbler whose journal abuses them. This is the amount of their obligation to fore0 0 0 5 347 0 Tm (t) Tj 50 00 1Tm (ng ) 0 50 1319 0 Tm (nd(on ) Tj 50 0