



Citizenship in historical perspective / edited by Steven G. Ellis, Guðmundur Hálfðanarson and Ann Katherine Isaacs
(Transversal theme ; 1)



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The Formation of Greek Citizenship (19th century)

ΙΑΚΟΒΟΣ D. ΜΙΧΑΗΛΙΔΗΣ

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Το άρθρο αναλύει τη διαδικασία συγκρότησης νομοθετικού πλαισίου σχετικά με την απόκτηση της ελληνικής ιθαγένειας κατά τον 19^ο αιώνα. Ιδιαίτερα επικεντρώνεται στις σχετικές απόψεις κατά την επαναστατική περίοδο αλλά και τις πρώτες δεκαετίες του ελληνικού βασιλείου και διερευνά τη σύνδεσή τους με την πολιτική της Μεγάλης Ιδέας. Υποστηρίζεται πως η νομική διαδικασία απόδοσης της ελληνικής ιθαγένειας κατά τον 19^ο αιώνα υπήρξε εν πολλοίς αποτέλεσμα πολιτικών συγκερασμών, κατά κανόνα αντίθετων προς τις ιδέες του φιλελευθερισμού.

The outbreak of the Greek War of Independence in 1821 and the establishment of the independent Kingdom of Greece in 1830 caused the first breach in the Balkan unity of the Ottoman Empire. Inevitably, it also caused the fragmentation of the control exercised by the Orthodox Church by introducing into the Balkans, for the first time since the middle ages, terms (necessarily borrowed from western Europe) determinative of the inhabitants of the newly-created state.

Manifestly influenced by the European Enlightenment, the Greek revolutionaries endeavoured from the outset to create a modern state embodying the liberal ideas of the West. In the middle of the War of Independence the 1822 *Προσωρινόν Πολίτευμα της Ελλάδος* [Provisional Polity of Greece], one of the first constitutions of the insurgent nation, specified religion and place of origin as determinant elements of Greek citizenship. Article 2 stated that “native-born residents of the Hellenic state, who believe in Christ, are Greeks”. Similarly, Articles 4 and 5 provided that “aliens” who came to live in Greece could be invested with the status of Greek nationals by naturalisation. The insistence on religion was perfectly natural because the Greeks wanted to distinguish themselves in every possible way from the Ottoman Muslim conqueror by projecting their revolution as a national liberation. A separate law, however, provided that any Muslim who voluntarily adopted the Christian faith would be deemed to be Greek. This was obviously a political decision, judged to be in the interests of the Greek state, since in this way “failing the fathers, we shall at least have as good Greeks the children of those baptised”.

The National Assembly of Astros in 1823 added to the existing criteria of religion and place of origin that of language: Article 2 stated that “similarly those coming from abroad who speak Greek as their mother tongue and who believe in Christ are Greeks”. The Political Constitution of Troezen added the factor of parentage (article 6): “those living abroad who are born of a Greek father”. And as the Assembly of Salona (1824) stated: “Those Christians who flee from the enslaved provinces for refuge in the free parts of

Greece shall be accepted as brothers, receiving the same rights as the Greeks, and shall be treated on the national soil as nationals, paying and receiving the same as the native-born, and the word alien shall not be used between Greeks”¹.

The first law on Greek nationality after independence was promulgated in 1835. Greek citizens, according to this law, were those whose parents were Greek nationals (*ius sanguinis*)², philhellenes who had fought for at least two years in the Greek War of Independence and any Christians who had emigrated to free Greece following the Protocol of 16 June 1830. Also, anyone born in Greece of parents who are foreigners could acquire Greek citizenship after coming of age (*ius solis*). Lastly, anyone born abroad of a Greek father acquired Greek citizenship by right³. The 1835 law remained in force for the next twenty years, when all matters relating to nationality were codified in Articles 14-28 of Civil Law 301 of 1856. Since then, each successive Greek Constitution has reiterated the statement that “all persons possessing the qualifications for citizenship are Greek citizens”⁴.

Despite these limitations, however, it is certain that few Greek citizens of the day could have identified the nation with the citizen. At the beginning of the 19th century there was admittedly a general confusion about how to define the Greek nation. Neither language nor religion had proved to be a sufficient element. Theodore Negres, one of the principal architects of the Greek polity, held language to be an “imperfect” criterion, since freedom-loving Greeks from every region of the country had fought for its liberation: “Serbs, Bulgarians, Thracians, Macedonians, men of Epirus and Thessaly, of Aetolia and Phocaea, of Locris and Boeotia, of Athens and Euboea, the Peloponnesian and the Rhodian, the Cretan and the Cypriot, men of Psarros and Limnos and Samos and Kos, men of Tenedos and Mytilene, of Chios and Axios and Tinos, men from Antioch and Syria, Ephesus and Bithynia, Caesarea and Smyrna, and all the other Christians who for centuries groaned under the crushing weight of the Sultan’s heathen yoke”⁵.

The criterion of Orthodox Christianity created other stumbling blocks. What, for example, should be the status of the Greek Catholics of the islands of the Aegean who had played a role in the War of Independence? The revolutionary government of 1822 had made it clear that it considered them as Greeks, with exactly the same rights and obligations as the rest of their compatriots: “the islanders of the Western Church” were indisputably Greek, stated the relevant decree. Many Catholics, however, rejected Greek nationality, preferring the protection of France as better security⁶.

These were all legal and political matters, but most of all they were ideological issues that had to be clarified if the newly-created Kingdom of Greece was to take its place among the civilised nations of Europe. One further difficulty was the friction between native and non-native Greeks, defined respectively as those who were living within the narrow geographical boundaries of the first Kingdom of Greece in 1830 and those who had come to revolutionary Greece from other parts of the Ottoman Empire either to fight or to serve in the civil bureaucracy. The latter came mainly from the Phanar, the Greek quarter of Constantinople, and were a cultured and well-educated elite with a fondness for Western modes and manners, at least in comparison to their humbler and unlettered compatriots from the Peloponnese and the Greek mainland. In 1828, Ioannis Kapodistrias, the first President of Greece, thought that Greek citizenship should be extended to all who

fought against the Turks and settled in Greece. This, in his view, would strengthen the Greek population of the newly-liberated regions and increase the number of tax-paying citizens.

The question of native and non-native Greeks was hotly debated by the National Assembly in 1844, revealing another interesting aspect of the issue, namely, that the conflict between them was essentially a power struggle, since up until that time the non-natives had furnished the highest ranks of the public administration while the natives struggled to secure a place in the civil service. The non-natives insisted that the Greek War of Independence concerned the entire Greek race and the Kingdom of Greece should therefore recompense all Greeks, free or otherwise. The natives, on the other hand, argued in favour of a geographical limitation of the War meaning the specific region in the southernmost extremity of the Greek peninsula in which only they who lived within its borders had any rights. Dissension also arose with regard to the chronological end of the War of Independence. For the native-born Greeks, the War ended in 1827, when Ioannis Kapodistrias was elected as the first President of Greece. For the non-natives, the crucial date was 1829, when the boundaries of the newly-established kingdom were finally fixed after those two intervening years of negotiation. The essence of the dispute, however, lies in the fact that most of the non-natives who had come to Greece to staff the civil administration sided with Kapodistrias. These men, scornfully described by the native-born Greeks as “Frenchified”, were resented because, with their education and manners and language skills, they inevitably dominated Greek public life⁷.

In the end the Constitution of 1844 largely justified the positions of the native-born. There had been a proposal on the part of some of the plenipotentiary delegates that only native-born Greeks should be eligible for public office. Indeed, in a speech to the National Assembly Nikolaos Korfiotakis argued that those who came to live in Greece should first learn the customs of the place and the condition of the nation and only then assume responsible positions in Greek administration and political life. In the end, Article 3 of the new Constitution gave particular weight to place of birth in defining the qualification for citizenship; and thus, in compliance with the decisions of the National Assembly (Resolution B) [see Source], several dozen non-natives were dismissed from their posts.

These decisions, however, caused a great outcry and were described as one of the most shameful moments in Modern Greek history. “The nation has been shattered”, lamented General Makryiannis, one of the leading figures in the struggle for independence. Alexandros Soutsos commented that “this unjust resolution would, it was greatly to be feared, estrange the Greek nation as purportedly betraying an inherent hostility between the fortunate free Greece and the unfortunate and enslaved nation”, and he described the politicians of the Peloponnese, whose decisions had divided the nation in two, as “dwarfs”. Ioannis Kolettis, too, denounced his colleagues, whose inadmissible obsession had led them into vain distinctions between Greek and Greek, Christian and Christian⁸.

The decree of 1844 lies at the root of the conflict between the Helladic Greeks and the unliberated Hellenes. It was also responsible for the establishment of the patronage system that entrenched certain powerful native-born Greek families and enabled them to achieve great power within the kingdom after 1844. Nor was it by chance that the short-

sighted decisions of 1844 rapidly led to counter rassemblements and the promulgation of the doctrine of the *Μεγάλη Ιδέα* [Great Idea], since the “tiny kingdom of the native-born” could not satisfy the aspirations of all Greeks. Addressing the National Assembly on 14 January 1844, Greek Premier Ioannis Kolettis argued that the War of Independence had been fought by all Greeks and that any divergence from the line of the unity of the Greek nation was entirely foreign to the meaning of that struggle. “By her geographical position Greece is the centre of Europe. Standing with the East on her right hand and the West on her left, she was predestined by her fall to enlighten the West and by her renaissance the East”. The Great Idea was in its essence profoundly unifying between the enslaved and the liberated Greeks.

The political prevalence of the native-born in 1844 was based on an ideological view that held Greece to be limited to what was included in the Kingdom of the Hellenes in 1830. In that framework the newly established realm claimed only ancient Greece as its cultural heritage. By contrast, the histories of the Macedonia of Philip and Alexander and of the Byzantine Empire were considered as foreign, since they occupied territory that lay for the most part outside the borders fixed in 1830⁹.

In his *Ιστορία του Ελληνικού Έθνους* [History of the Greek Nation] (1860-1876) the historian Constantine Paparrigopoulos attempted to bridge the gap between the Greece within and outside those borders. With Paparrigopoulos Byzantium gradually recovered its place in the continuum of Greek history, re-establishing the triplex of antiquity – middle ages (Byzantium) – modern era. With Byzantium, Christianity too was restored to its former position, recovering all that it had been stripped of by the Enlightenment¹⁰. The Great Idea thus acquired the historical legitimacy necessary to claim the realm of the Byzantine Empire and present the Kingdom of the Hellenes as its sole legitimate successor. The claiming of the Byzantine heritage by the Greeks of the 19th century also made it possible to claim as Greeks thousands of non-Greek-speaking Christians living in the northern districts of Macedonia and Thrace, on the basis of their essential convictions and the Isocratic principle that anyone with a Greek education is Greek. The success of Greece’s irredentist policy was thus assured, and within just eight decades of the establishment of the first independent Greek kingdom in 1830, it had more than doubled the national territory and peacefully incorporated hundreds of thousands of non-Greek-speaking Christians, many of whom had fought selflessly for Greek rights. Paparrigopoulos’ *History* also functioned as a response to the work of the German historian Jacob Fallmerayer, who a few years before, in 1830, had argued that the Greeks of his time had no relation to the ancient Greeks¹¹. “For two thousand years nobody had questioned our material existence by claiming that the Greek nation had vanished from the face of the earth”, stated a Greek newspaper of the time, whereas another added that “the issue was not clearly scientific, namely the proof of our existence in the past, but mainly our current fortune”¹².

Another aspect of the conflict between native and non-native Greeks, which falls under the more general discussion on whether the country belongs to the East or West, is the debate regarding the Autocephalous Greek Church. In July 1833, Theoklitos Farmakidis, theologian and advisor of King Otto on matters of the church, led the secession of the Greek Church from the Ecumenical Patriarchate¹³. This move constituted a clear criti-

cism of the primacy of the Patriarch over the Christian Orthodox millet on the Balkan Peninsula. Farmakidis believed that the Greek nation identified with the national state that had been created after the Greek War of Independence, and considered the involvement of the Ecumenical Patriarchate in the internal affairs of Greece to be illegal¹⁴. Farmakidis' actions certainly derived from the liberal version of the Balkan Enlightenment movement, as expressed by Adamantios Korais, an ideology which undermined the Christian Orthodox world in the name of the national interests of the Balkan states¹⁵. His actions were also linked to the intention of the Bavarian rulers in Greece to control the proceedings in the sphere of the church and to prevent the further involvement of the Patriarch in the internal affairs of Greece¹⁶. This was due to the fact that during the 1830s, the Ecumenical Patriarchate's influence on the education of the free Greeks was determinative, and even more so because the official Greek state had not yet managed to create a reliable education system which would help lead the thinking of its subjects in the direction of its choice. Otto's Bavarian advisors also believed that for many years the Ecumenical Patriarchate had acted as a propaganda centre for Russia, which already, since the Treaty of Kioutsouk Kainartzi in 1774, had appeared as the protecting power of all Christian subjects in the Ottoman Empire. At the same time, King Otto failed to assert himself on the conscience of the Greek people, who frowned upon a monarch who did not adopt the Orthodox faith, but was Catholic¹⁷. Lastly, the absolute dependence of the Patriarchate on the stance of the Sublime Porte was considered to be an obstacle to the conduct of foreign policy. "Constantinople has been tainted by a lawless tyrant", wrote Korais, and therefore "it was a shame for the clergy of free and autonomous Greeks to obey the orders of the Patriarch, who was obliged to submit to the tyrant".

As was to be expected, Farmakidis' views caused a storm of reactions. The "Αιώνας" newspaper, for example, accused him of libelling and of attempting to "kill national unity", whereas, at the same time, he claimed that the 1821 War of Independence was a "national, Greek war, and not a local war of the Peloponnese, Roumeli and the islands". The newspaper's columnist also claimed that the struggle of 1821 did not aim at "the reign of Athens as a part, but of the empire of Constantinople as a whole", accusing the Bavarians of being the instigators of the whole situation¹⁸. Similar accusations against Farmakidis and his followers referred to the creation of obstacles in the attempt to approach other Balkan nations. According to the accusations of Αιώνας, the enemies of Orthodoxy prevented the Serbs, the Bulgarians and the Albanians from becoming fully Hellenised.

It is a fact however that Farmakidis' views formed part of the same climate that characterised the native Greeks who fought for the creation of a relatively homogeneous state, in terms of religion and language, thus opposing the catholicity of the Patriarchate, which condemned national racism and promoted the idea of re-establishing the Byzantine Empire.

Eventually, and despite the strong objections and reactions, Farmakidis' views prevailed. However, they provoked the angry reaction of the Patriarchate, which cut all spiritual ties with Greek hierarchs. It took almost two decades for the situation to settle down in 1850, when the Ecumenical Patriarchate, by means of the Synodic Volume, eventually recognised the autocephalous nature of the Greek Church. However, this was not done

in exchange for nothing, since the 1844 Constitution had already incorporated article 40, which stipulated that all successors to the Greek throne had to be Christian Orthodox¹⁹. Thus, the King of Greece would no longer be Catholic, an achievement which the Patriarch understandably considered to be his success.

The autocephalous nature of the Greek Church caused further harm to the cohesion of the enslaved Christian population of the Balkans, which remained loyal to the Ecumenical Patriarchate, especially in the geographic region of Macedonia. The creation of internal borders separating the Christian communities of the region was inevitable and was certainly the result of the conflict between warring Balkan nationalisms. In 1870 a decision was made, by means of the Sultan's firman that was issued by the Sublime Porte, to establish the Bulgarian Exarchate, which would henceforth no longer be subject to the Ecumenical Patriarchate²⁰. This development caused further harm to the authority of the Ecumenical Patriarchate. A second national church, the Bulgarian one, was created according to the Greek model, indeed fishing for followers in the same seas of the Sultan's Orthodox subjects. This created obstacles to the *Μεγάλη Ιδέα* policy, since Greece was forced to abandon the idea of ecumenism and rely on elements such as national conscience rather than on language for its territorial expansion.

The supremacy of the policy of the *Μεγάλη Ιδέα* and its adoption, with minor differences, by all Greek political parties after 1850 attenuated the differences in the opposition of free to unliberated Greeks. This rapprochement is evident in the Civil Code of 1856, which reflects a totally different point of view from the resolutions of 1844, establishing Greek parentage rather than place of origin as the primary criterion for Greek citizenship. This, with very minor changes, was to be the cornerstone of Greek policy for nearly a century and a half. In 1955, by means of Legislative Decree 3370, the New Greek Citizenship Code was enacted; however it did not differ discernibly from the corresponding Code of 1856²¹. Not until the early 1990s were any substantive changes made to the legal framework for the acquisition of Greek nationality; and they were made in response to the mass influx of new refugees and immigrants, manifestly a result of the different social and political necessities that Greek society was then and still is called upon to confront.

In conclusion, it can be argued that the process of forming a legal framework for the determination of Greek citizenship during the 19th century did not rest on a conscious ideological basis, but was the result of short-term political trade-offs. In my opinion these were coincidental political decisions which resulted, on the one hand, from the failure to impose on Greece a nation state on the Western European model, according to which the citizen's status prevailed in cases of granting citizenship. On the other hand, it was the consequence of swinging back and forth between the East-West pattern that for decades had troubled Greek political parties. The successful territorial expansion of Greece is undeniable; however it was not the result of consistent national policy, but rather the outcome of personal choices and diplomatic concurrences. That is why soon thereafter, as early as the beginning of the 20th century, Greek society entered a period of ideological rigidity by seeking internal enemies and marginalising minority groups, the very same people, that is, that Greece had keenly fought for in the 19th century.

NOTES

- ¹ I. Koliopoulos, *Ιστορία της Ελλάδος από το 1800, τεύχος Α' το έθνος, η πολιτεία και η κοινωνία των Ελλήνων* [History of Greece from 1800, volume I: The Nation, the State, and the Community of Hellenes], Thessaloniki 2000, pp. 68-70.
- ² A. Bendermacher-Gerousis, *Ελληνικόν Δίκαιον Ιθαγένειας* [Greek Law on Citizenship], Athens-Thessaloniki 1971, p. 14, P. Vallindas, *Δίκαιον Ιθαγένειας κατά τον κώδικα της ελληνικής ιθαγένειας του 1955* [Greek Law on Citizenship according to the Greek Citizenship Code of 1955], Thessaloniki 1957, pp. 36-37.
- ³ A. Svolos - G. Vlachos, *Το Σύνταγμα της Ελλάδος* [The Constitution of Greece], Athens 1954, p. 425.
- ⁴ E. Vogli, «*Έλληνες το γένος*»: *Η ιθαγένεια και η ταυτότητα στο εθνικό κράτος των Ελλήνων (1821-1844)* ["Greek by Birth": Nationality and Identity in the Hellenic Nation-State (1821-1844)], unpublished doctoral dissertation, University of Thessaloniki 2003, pp. 413-416.
- ⁵ E. Skopetea, *Το «Πρότυπο Βασίλειο» και η Μεγάλη Ιδέα. Όψεις του εθνικού προβλήματος στην Ελλάδα (1830-1880)* [The "Model Kingdom" and the Great Idea. Aspects of the National Problem in Greece (1830-1880)], Athens 1988, p. 25, Svolos - Vlachos, *Το Σύνταγμα της Ελλάδος* cit., p. 242.
- ⁶ Koliopoulos, *Ιστορία* cit., p. 69.
- ⁷ Skopetea, *Το «Πρότυπο Βασίλειο»* cit., p. 53.
- ⁸ Vogli, «*Έλληνες το γένος*» cit, pp. 416-423.
- ⁹ D. Tsaousis (ed.), *Όψεις της ελληνικής κοινωνίας τον 19^ο αιώνα* [Aspects of 19th-century Greek Society], Athens 1984, pp. 23-32.
- ¹⁰ K. Dimaras, *Ελληνικός Ρωμαντισμός* [Greek Romanticism], Athens 1982, pp. 422-427.
- ¹¹ M. Herzfeld, *Πάλι δικά μας. Λαογραφία, ιδεολογία και η διαμόρφωση της σύγχρονης Ελλάδας* [Ours Once More: Folklore, Ideology, and the Making of Modern Greece], Athens 2002, pp. 136-147.
- ¹² Skopetea, *Το «Πρότυπο Βασίλειο»* cit., p. 165.
- ¹³ On Theoklitos Farmakidis and the Autocephalous Greek Church see "Ιστορικά", 6 July 2000.
- ¹⁴ P. Matalas, *Έθνος και Ορθοδοξία. Οι περιπέτειες μιας σχέσης. Από το «ελλαδικό» στο βουλγαρικό σχίσμα* [Nation and the Orthodox Church. Adventures of a Relationship. From the Greek to the Bulgarian Schism], Herakelion 2002, pp. 106-111.
- ¹⁵ P. Kitromilides, *Η Γαλλική Επανάσταση και η νοτιοανατολική Ευρώπη* [The French Revolution and South East Europe], Athens 2000, pp. 82-86.
- ¹⁶ Vogli, «*Έλληνες το γένος*» cit, p. 167.
- ¹⁷ *Ibid.*, p. 171.
- ¹⁸ Matalas, *Έθνος και Ορθοδοξία* cit., pp. 111-112.
- ¹⁹ G. Kyriakopoulos, *Τα Συντάγματα της Ελλάδος* [Greece's Constitutions], Athens 1960, p. 137.
- ²⁰ Matalas, *Έθνος και Ορθοδοξία* cit., pp. 242-247.
- ²¹ Bendermacher-Gerousis, *Ελληνικόν Δίκαιον Ιθαγένειας* cit., p. 22.

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SOURCE

“Resolution B” of the Greek National Assembly (1844)

Υήρισμα Β'

Η Κυβέρνησις οφείλει αμέσως μετά την δημοσίευσιν του Συντάγματος να σχηματίση το προσωπικόν της δημοσίας υπηρεσίας διορίζουσα εκ των υπαγομένων εις τας εξής κατηγορίας:

- α) τους αυτόχθονας κατοίκους της Ελληνικής Επικρατείας και τους μέχρι τέλους του 1827 αγωνισθέντας εν αυτή, ή ελθόντας και διαμείναντας μέχρι του αυτού έτους. Προς δε και τους λαβόντας στρατιωτικώς και αποδεδειγμένως μέρος και εις τας μετά ταύτα, ήτοι μέχρι του 1829 κατά ξηράν και θάλασσαν γενομένας κατά των εχθρών μάχας;*
- β) τους μεταναστεύσαντας κατοίκους και τους αγωνιστάς των μερών της Στερεάς και των νήσων, των λαβόντων τα όπλα εις τον υπέρ ανεξαρτησίας αγώνα, ελθόντας μέχρι του 1837, και εγκατασταθέντας οικογενειακώς εις ένα των δήμων του Βασιλείου. Και τα τέκνα όλων των εις τας ανωτέρω κατηγορίας υπαγομένων;*
- γ) τους μη εμπειριλαμβανομένους εις τους ανωτέρω δύο παραγράφους η Κυβέρνησις οφείλει να μη διατηρήση, ουδέ να διορίση εις τας θέσεις της δημοσίας υπηρεσίας, ειμή τους μεν ελθόντας και εγκατασταθέντας εις την Ελλάδα μετά το τέλος του 1827 μέχρι τέλους του 1832 μετά δύο έτη από της δημοσιεύσεως του Συντάγματος. Τους δε μετά το τέλος του 1832 μέχρι τέλους του 1837 μετά τρία έτη, και τους μετά το τέλος του 1837 μέχρι τέλους του 1843 μετά τέσσαρα έτη.*

Resolution B

The Government must, directly after promulgation of the Constitution, staff its civil service, appointing persons from the following categories:

- a) native-born residents of Greece and those who fought in Greece before the end of 1827 or who had arrived and taken up residence in Greece by that year. Also those who demonstrably took part in land or sea battles against the enemy after that date, to wit up to and including 1829;
- b) those immigrant inhabitants and combatants of continental Greece and the islands who took up arms on behalf of the struggle for freedom and who had settled with their families in one of the municipalities of the Kingdom by the end of 1837. And the children of those in the above categories;
- c) those not included in the above two paragraphs the Government shall not retain in or appoint to positions in the public service, save for those who came to and settled in Greece between 1827 and 1832, after two years from the publication of the Constitution, those who came between 1832 and 1837, after three years, and those who came between 1837 and 1843 after four years.