

## A Conversation with Professor Spyridon Flogaitis

by

Lesley Dingle<sup>1</sup> and Daniel Bates<sup>2</sup>

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*This is the sixth interview for the Eminent Scholars Archive with an incumbent of the Arthur Goodhart Visiting Professor of Legal Science. Professor Flogaitis is Professor of Administrative Law at the University of Athens.*

*This interview was recorded, and the audio version is available on this website with this transcript of the recording. The questions and topics are sequentially numbered in the interviews for use in a database of citations made across the Eminent Scholars Archive to personalities mentioned therein.*

Interviewer: Lesley Dingle, **her questions and topics are in bold type**

Professor Flogaitis's answers are in normal type.

Comments added by LD, [*in italics*].

All footnotes added by LD.

**1. Professor Flogaitis, this is the fifth year that we've interviewed the incumbent Goodhart Professor for the archive and you've held this chair for the second half of the academic year 2012/13, and I hope we can briefly explore your personal academic and your professional career and also give you the opportunity to leave us with some thoughts on your time here at Cambridge. So, if we can start by learning something of your family background. You were born in Lefkas in Greece in 1950.**

Yes. I was born in the town of Lefkas, the capital town of an island in the Ionian Sea. The Ionian Sea is the sea overlooking Italy, which means the west of Greece and this is important if one wants to understand the way of thinking of someone like me, because that line of islands in the western part of Greece, in the centuries of the various occupations of the Greek land by various rulers, they belonged to Venice for about seven centuries and lately to the British, who took those islands in 1810. They created there a state under the protection of the British Crown. This was done through the Vienna convention of 1815 and lasted up to 1864. So, Lefkas, as well as the other islands of that part of the world, are the most, or were in those days, the more westernized societies, in terms of structure of the society, in terms of mentalities and in terms of being open to the west. 1950 was also a very interesting year, because it is just one year after the end of the civil war. We had a civil war in Greece after occupation from 1946 to 1949. So, I belong to the very first generation of Greeks who were born after ten years of war and this was important for the kind of years which one could have in an island of Greece in the fifties.

**2. Very interesting. Can you tell me a little bit about your family? You mentioned, when I spoke to you last week, that, in particular, an uncle of yours had a very illustrious career and he was involved in one of the uprisings.**

Right, I belong to a family which came to the island after the Venetian occupation. In our island, the Venetians came as late as 1684. In the other islands, they were there since the 14<sup>th</sup> century but, in our island, because of the proximity with the mainland, the Ottoman rule was there for more than two centuries. I will remind you that it was for four or more centuries in the rest of Greece. So, when the Venetians came, they restructured the society and, from what we know, my family came there at the beginning of the 1700's. Antonis

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<sup>1</sup> Foreign & International Law Librarian, Squire Law Library, Cambridge University

<sup>2</sup> Freshfields Legal IT Teaching and Development Officer, Faculty of Law, Cambridge University



Flogaitis was my ancestor who came to the island and I am very proud to say that, in every generation, my family was distinguished in education and for having played a role in the public life of my country. The legal tradition starts as early as 1766 with my ancestor, Dimitris Flogaitis, grand-son of Antonis, who was notary public and his elder brother Theodore, who went on to be one of the founders of Odessa. Actually, he was also notary public in Odessa and became the first elected mayor of Odessa in 1796. You may remember that in 1821 the Greeks took the arms against the Ottomans in the national revolution. This revolution was conceived in Odessa in 1814. My family was there, a very important family of Odessa, as I said before, to be part of this process. On the other hand, in 1819, in Lefkas, the Greeks took the arms against the British and my ancestor, Spyridon Flogaitis, I bear his name, was one of those who organized this. Eventually he was prosecuted, sentenced to death. His land and property were confiscated. He was notary public, son of Dimitris Flogaitis. Actually, they did not kill him. He escaped to the mainland and fought the war of independence with his cousin, who came from Odessa, Nicholas Flogaitis, and they fought the war of independence together. Then, in the 19<sup>th</sup> century, Theodore Flogaitis, who was the grandson of the first mayor of Odessa was a very important professor of public law and very prominent politician in my country. He died in 1905. He did not have family and so his line was extinguished, if I may say - 1905.

**3. So, you've come from a long line of illustrious lawyers. Was your father also a lawyer?**

My father, yes. My father [*Ioannis*] studied law and then political and economic sciences, in the twenties, in the University of Athens and got established in the town of the island of Lefkas. There were nine lawyers, in those days on the island, and there was a court and, because Lefkas is an island which was a county with full administration and court system. So, he did his career as a practicing lawyer in Lefkas. He was also involved in politics. He was politically in the centre, which was a capital crime in Greece in the forties or fifties, because, with the civil war, one should be either to the right or to the left. It was difficult to be in the centre. But he was the local secretary general of the National Agricultural Party of Greece, a non-Marxist agricultural party. He loved the people who were working in the villages and he was very active in supporting their needs and dreams. You know, it was another Greece for us in those days.

**4. Yes, fascinating. I noticed, from your CV that, once you'd done your initial degree at Athens, you went to Paris where you did diplomas and you were awarded a PhD and I wondered why you chose Paris?**

Actually, this is a question to which you cannot imagine the answer because the answer is very peculiar. I finished in June 1973 my undergraduate studies in Athens, and my dream was to come and do my post-graduate studies in Cambridge or Oxford; I wanted to study public law, especially administrative law but, as I was inexperienced, I needed to have some experienced advice. I went to see one of my professors, the person whom I would consider my mentor, Andreas Gasis, professor of civil law. After listening to me, he said, "You are making a great mistake because, if accepted, you are going to spend your years in a prestigious university but, when you will be back, everybody will tell you that our system of law has nothing to do with the English administrative law, because our system of law is a translation of French administrative law in this country. You should go to France". I said, "But I don't speak any French".

**5. I wondered about that.**



It was 24<sup>th</sup>, something like that, of March 1973. I said, “I don’t speak any French”. He said, “All right, you are going to learn”, and I said, “All right”. So, on April 1<sup>st</sup>, I started having private courses of French. In September, I went to Paris, after having had about 50 lessons. The first year, I was doing the DES, what you call here LLM; It was an atrocious year, because I was learning French by reading the legal books. But eventually I was successful; actually, I got it with the grade “passable”.

## **6. Grades.**

I got it with the least of the grades possible, which was 11 out of 20. The threshold was ten and one should say that, in those days in Paris, if you got 13 or 14 you were excellent. I mean, it’s not that it was that bad, but having my 11 is the drill in my diplomas because I was able to go to a PhD, which I obtained with *summa cum laude*<sup>3</sup>. A long story.

## **7. That is extraordinary.**

It’s extraordinary, yes.

## **8. Did you choose administrative and public law because of your family history?**

No because, when I was younger, I did not listen that much to my father when he was discussing our family history and, actually, my father objected to the idea of doing administrative law. He said to me, “You are the best student of our faculty. You are going to work in an area of law of second importance, like administrative law, who does administrative law? You should do commercial law or civil law”. I did administrative law because I liked public law, for some reason, but I don’t believe anyone can answer this. I liked it perhaps the professor who was my teacher in administrative law had grasped my interest. He was a person who created a magic for me. This is the power of professors, you know.

## **9. Yes.**

Without knowing, we influence the lives of young people and this brought me to administrative law and I never regretted it.

## **10. Interestingly, Professor Hepple<sup>4</sup> was also very attracted to administrative law, initially.**

Right.

## **11. Yes, but somebody else was doing it here when he came, so he switched.**

But we did a lot of administrative law with Professor Hepple in the United Nations Administrative Tribunal.

## **12. I’m very interested in that and hope to come to that. Currently, you are the Goodhart Professor. What courses did you teach while you were here?**

I taught a course in the LLM which we shared with Professor David Feldman<sup>5</sup> and the course brought on the concept of state and the birth, the life of states, after life of states. It was something which I always wanted to do, when I would come to this level of my life

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<sup>3</sup> 1978 *La notion de décentralisation en France, en Allemagne et en Italie*, Université de Paris II.

<sup>4</sup> Professor Sir Bob Hepple, (b. 1934). Emeritus Professor of Law, Master of Clare College (1993-2003). Professor of English Law UCL (1982-93).

<sup>5</sup> David Feldman, Rouse Ball Professor of English Law (2004-), Judge of the Constitutional Court of Bosnia and Herzegovina (2002-)



because I have written several books and articles during my life on several subjects, but every time and every study was having a hidden purpose to understand better the state and aspects of the state. So when I came to a more advanced age of my life, I could perhaps put them together into a comprehensive approach to the notion of state and I was very lucky to be elected as Goodhart Professor in this university. So, I thought this was the opportunity for me to work hard, to bring together my knowledge of up to now with my new knowledge and experience into a course in this university.

**13. Have you found the teaching methods here at Cambridge effective? Do you think that the teaching methods here are good?**

But this is the best teaching method we have today globally, I mean on Earth. The difference between my university and your university, there are many differences I'm sure there are, but a main difference is that we teach a big number of people and you teach a selective number of people. Having a small number of people around the table, and having the revision courses where you are perhaps one to one or one to two, this is a unique experience and a unique opportunity for every teacher because, when we teach, we also learn. Students ask questions or they make remarks and, this year, I profited a lot from their questions and the remarks of our students. They made me think again something or re-elaborate on an issue which I had not approached correctly before. I don't believe there is any other university, apart from Cambridge and Oxford, in the world doing that.

**14. I think that's true, yes, I think so. How did you find the college faculty set up here in Cambridge?**

Well, you know it is not my first time here; it is my third time. So, I knew the people and, together with famous members of this university, especially the late Bill Wade<sup>6</sup> and the late David Williams<sup>7</sup>, we created the European Group of Public Law in 1989 which led to the creation of the European Public Law Organization, of which David Williams was the president when he passed away. So I have known many of your people personally. I have been working with them and we are now working with many of them on those projects. So, I knew where I was coming and I should say that everybody knows what Cambridge is. I mean a famous university with a famous faculty.

**15. And the college system, as well?**

The college system is, again, another luxurious system that you have in this University. As you know, instead of going to the Goodhart Lodge, I preferred to go to college<sup>8</sup> and the college life is what the universities were in 1200. I mean, the idea that you advance knowledge, not only because you read and teach, but also because you live together with the others, because you have a nice lunch or dinner. You meet people whom you have not planned to meet, you exchange ideas, and you are exposed. This is a unique experience and I should say that, once more, I need to express my gratitude to the late David Williams, who brought me to Wolfson College in 1982, on 5<sup>th</sup> October 1982, and the environment, well, the unique environment which he had created in those days and I'm very happy to have been back there this year.

**16. To this college?**

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<sup>6</sup> Sir Henry William Rawson Wade (1918-2004), Rouse Ball Professor of English Law (1978-82).

<sup>7</sup> Sir David Glyndwr Tudor Williams (1930-2009), Rouse Ball Professor of English Law (1983-92), President of Wolfson College (1980-92), Vice-Chancellor, Cambridge University (1989-96).

<sup>8</sup> Wolfson College



Yes.

**17. And Professor Flogaitis, while you've been here, have you fruitful collaboration with some of the academics here?**

Right, of course, with everyone in the area of public law. I was happy when they accepted that I present a paper in the meetings of the Centre for Public Law<sup>9</sup>, on an issue which was decided upon in the times when I was presiding in the United Nations Administrative Tribunal. As you know, they meet every week, or every other week, and they discuss issues of public law. I was always there.

**18. So, looking back, would you describe your term in the Goodhart Professorship as a successful time?**

It was a successful time for me. Hopefully, it was a successful time for the university as well. I discovered this professorship when I was here in 1982/83, writing a book in French, "Administrative law et *Droit Administratif*"<sup>10</sup>. In those days, I read several items, articles, books, contributions, which were written by Goodhart Professors. I was 32, 33 years old and I was dreaming that perhaps sometime later in my life I could be capable to be invited to this. So, when this happened, it was sort of a dream come true, and I did my best to do my job and am still working hard to finish my book because I want to put my lectures together into a comprehensive study.

**19. So, you've had chance to further your research while you've been here?**

But of course. That's what I did. Because, as I said, the teaching is an opportunity to learn better what you think you know, that's the point. Every week I was producing about 20 pages which I distributed to my students as copy hand-outs, because the state is a very peculiar concept: Many of its ingredients come from England, but the concept comes from continental Europe. It needs a lot of bibliography and references in continental European languages and this made it difficult for me to suggest a bibliography to the students. Of course there is an important English bibliography as well, but there are very important contributions which have been written in German, in French, in Italian, in other languages and so I was trying, during the year, to put this through my words into the knowledge of the students and this helps me now to write my book.

**20. Very interesting.**

In English, of course.

**21. That brings us to your current position in Greece. You are Professor of Administrative Law at the University of Athens. What are your main teaching and research interests there?**

Well, I have changed, throughout the years, my research interests. I would say that, in every step of my professorial life, I did something different from the time before because I wanted to cherry pick, and learn more. So, my PhD thesis was in the area of local government, comparative theory of local government. Then, the next book was on economic interventions and new ways of doing that. Then, I introduced, to the French public, English administrative law. Then, I went to public contracts. Then I went to international administrative law because I was serving in the United Nations Administrative Tribunal<sup>11</sup> and

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<sup>9</sup> <http://www.cpl.law.cam.ac.uk/>

<sup>10</sup> 1986, Paris, L.G.D.J.

<sup>11</sup> [http://untreaty.un.org/unat/main\\_page.htm](http://untreaty.un.org/unat/main_page.htm)



I was exposed to something new for me. So, I tried to learn from this and put it in scientific terms for others, and now I would say that my teaching is, first of all, Greek administrative law for my students, but I also do comparative administrative law, European administrative law, international administrative law because I teach also in the LLM of my university. And I agreed with my faculty that, this coming year, I am going to teach what I taught your students this year because they said to me, “All right, whatever you did for the others, you are going to do it for our students as well”. I said I will do it. Actually, they asked me to teach in English. I said I would, whatever quality my English has, I will teach my Greek students in English. That’s more or less, yes.

## **22. You are also director of the European Public Law Organisation in Athens and you have alluded to this previously and I wondered what this entails.**

When I was here, in 1982/83, it was my first time to be exposed to English law and the English speaking world. Actually, the person who suggested to me that I come here was the person, exactly the same person who prevented me from coming here in 1973, Professor Andreas Gasis.

## **23. Your professor?**

My professor in Greece, yes. I have a photo of him now, I found it. He said, “Now you go to England”. I said, “You prevented me from going to England”. “Yes, but now you have been to France”, he said. When I came here, I discovered the importance of the togetherness, of being together, of living the collegial life, as I said before. The people truly meeting and that was a plus into my experiences. I also completed something which I had started understanding in my previous years, that there were, in Europe, islands of excellence in various parts of Europe; Perhaps they heard of each other, but they did not know, in those days, each other, and everyone was living in a splendid isolation. So, I started discussing this with Bill Wade, with David Williams, Tony Jolowicz<sup>12</sup>, and others, that perhaps something should be done to bring all those people of excellence together in order to create a new kind of education in legal science in Europe. Somewhere where we would coordinate our knowledge, we would exchange pieces of knowledge and we would create a Europe which will be more united than it was in those days, we’re now in the early eighties. I remind you that the Treaty of Maastricht was signed at the end of eighties and I was thinking that this could be useful to the political future of Europe because public lawyers serve public purposes and I was also thinking that this could be useful for a better radiation of European values through public law in the world. So I discussed this with people in France and Germany and Italy. You remember that I did my doctoral studies in France, Germany and Italy and I was lucky to have been under the teaching and the guidance of the best professors of my time. So, I said to them, “There is an issue here”, and so with a French Professor, Gérard Timsit<sup>13</sup> who, in those days, in the second half of the eighties, was vice president of the Sorbonne, we invited them to Athens in 1989, David Williams was there, and we created the European Group of Public Law<sup>14</sup>, a group of scholars of excellence. So, this is an idea which came to me because I was exposed to your realities here and then we discussed it over the years among ourselves. This European Group of Public Law produced several initiatives. One of them was the creation of the European Public Law Organization, which is an international

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<sup>12</sup> J. Anthony “Tony” Jolowicz (1926- 2011), Professor of Comparative Law (1976-93).

<sup>13</sup> Professor of Public Law, Université de Paris I, (Panthéon-Sorbonne).

<sup>14</sup> European Public Law Center (EPLC) was founded on 16 November 1995 in Athens

[http://www.eploacademy.eu/index.php?option=com\\_content&view=article&id=108&Itemid=84&lang=en](http://www.eploacademy.eu/index.php?option=com_content&view=article&id=108&Itemid=84&lang=en)



organization created by international treaty and which promotes knowledge and then expands it from Europe to the world in a dialog of civilizations. As I said, David Williams was the president of our European Scientific Council, when he passed away.

**24. You also have a position in the European Union as Vice President of the Appeals Board to the European Space Agency and I wonder what this role entailed?**

Well, you know, this is practically because of my service in the United Nations Administrative Tribunal where I was for nine years. Every international organization needs to offer a comprehensive legal protection to the employees because they cannot be protected by national courts as they are outside the jurisdictions of any national court. So, every international organization creates its own legal system and the European Space Agency thought I would be useful in their Appeals Board. This is the highest judicial authority in this institution and they made me Vice-President.

**25. So, is the work involved quite technical, or is it merely the law?**

It's the law.

**26. Right.**

It's the law. For example, you have not been promoted, you have been aggressed, you have been harassed, you have not been given a position which you believe you merited, but you need to have a court of law to do justice to you, and we are that court of law.

**27. Interesting. Given the recent political and economic problems of Greece and the Euro, could you summarize the overall situation as a constitutional administrative lawyer?**

Well, there is a lot of publicity about what is happening in Greece and a lot of confusion in understanding what truly is happening in Greece. I should also say that we, the Greeks, we are confused about what is happening, but I will remind you up of a few things, as a constitutional and administrative lawyer: First of all, that Greece is a country which was created from scratch in 1830. A protocol was signed in London and, on a piece of land which was liberated, the Greeks created a teeny state, small state, which did not have money, did not have institutions, did not have any training in what institutions are. Here you had evolution from the feudal times to the state, exactly what I taught this year to your students, we, had nothing. Everybody up to that time had lived by himself because we were ruled by a foreign ruler. We created a state from the beginning and we do not have tradition in understanding the public institutions. We transplanted them from your countries to Greece, and this state started little by little developing and then, not only it had to develop institutionally, but also we thought it was our historic task to incorporate in this state all the ancestral Greek land. So from 1830, when the state was created, up to 1947, our country became bigger and bigger and bigger. The last piece was the Dodecanese which was taken from the Italians after the Second World War. So, I'm trying to tell you that Thessaloniki, for example, or Macedonia or Thrace is part of our government only since 1912 or 1916 or 1922, and- then the Dodecanese 1947. This leads to a state with weak institutions, and Greece is also known for being a country which was never rich, not even in the ancient times.

More than that, Greece had a lot of adventures at a political level because all the weakness of the state produced several dictatorships. We had the big question between the monarchists and the anti-monarchists. Then we had the civil war between the Government and the communists from 1946 to 1949 and then we had dictatorship from 1967 to 1974. The dictatorship tried to introduce a dictatorship in Cyprus in 1974 in dates like these. Turkey



took this as an pretext to intervene in Cyprus and they occupy illegally, up to now, a big part of the island. All of this is Greece. I mean, all of this is a continuous crisis and, in this continuous crisis, despite everything, we were able to join the European Union, the European Communities in those days, to develop into the European Union, to join the Euro, and we believed that we became, for once, a normal state, but it seems that all the weaknesses were still there and they vindicated the dreams.

Now, what is happening in Greece is a societal crisis, a financial crisis, an institutional crisis and, unfortunately, the redress has not started yet. I'm not sure that it is an easy task. It is not an easy task because our partners in the European Union, when all of this started, some of them, or some media, used very harsh and unfair words against the people which may have suffered deficiencies, but we are an ancient people. We have offered to the world and, not only had we offered in the past, we have been victoriously part of two world wars. We have been devastated during the Second World War. No other country has been devastated the way we were devastated. Entire villages have been erased and on the top of it we lend money to a foreign power, you don't know that. Greece was obliged, by the Germans, by the Nazis, to give them the money of the state, and our Quisling government did not want to do it, despite the fact that they were Quisling but they accepted to sign a contract, a loan, which should be repaid after the end of the war. So, the Germans took every penny which was in Greece for their own purposes and, that year, thousands of people died of starvation in Athens and this money was never paid back. So, if it is to remember how good the Greeks are with spending more money than we have, we have a good memory, and we know what is owed to us. So, this creates an unbelievable situation of not being able to make a solution, you see, because a lot of rhetoric gets into that. Of course, if we have mismanaged our funds we need to put them in good order. I am personally known in Greece as the person who supports every reform prospect. I have presided or took part in my life in many reforms in my country. Greece needs very substantial reforms. This is true. However, whoever blames the Greeks on moral aspects had better read history from scratch.

**28. Fascinating, yes.**

That's how it is. My father was put in jail. Nobody paid for that. I mean, during the occupation.

**29. So, what are your predictions for the medium term for Greece? I mean, do you foresee that, perhaps, young Greeks will try to leave Greece?**

Young Greeks have already fled Greece. Some of them are part of my family and if you go into the teaching staff of British universities you will find many Greek names, and in France or in every part of the world. The Greek society will be much, much poorer because, when people leave the country, very often they don't come back because they create families, they create a way of living and I personally believe that what is happening in Greece is a very big mistake of everyone. I don't know how painful the redress will be, but the country, at the moment, is destroyed, destroyed. There is nothing. All the structures, no structure exists. It is an unbelievable situation. I don't know what is going to happen. Of course, the reforms were needed. I was one of those who were insisting on this, the reforms were not done, also because all of this rhetoric has made it impossible.

**30. Professor Flogaitis, you've had an illustrious career with many awards and honours and, perhaps in this section, we can touch on a few of these. First of all, you were a former judge of the Greek Supreme Court. What have been the highlights of your time in this position?**





Well, you know, perhaps I misled you to believe that I had an illustrious career. I don't believe I merit this phrase.

### **31. It's my phrase.**

Thank you. It is important for me that I was a member of one of our Supreme Courts, but it is not at the level of your imagination because, in my country, unlike other countries, under the Greek constitution we have a few Supreme Courts. In some Supreme Courts, in a number of them, the constitution foresees that they invite professors of law in order to enrich the composition of the courts. Of course, it's always important. You go there for one year or two, and then another is invited, but this demonstrates the perception the constitution has for the role of the law professors in our society. So, I was invited there because I was professor.

### **32. I understand. Now, most intriguingly, I see that you have been the Minister of the Interior twice in 2007 and 2009 and I wonder if you can tell me the circumstances of this?**

Right, in Greece, you know that we love politics. I mean, when you have two Greeks meeting, just five minutes later, they're going to start talking politics. This makes our politicians distrustful to each other, especially in times of elections. So, we have a constitutional convention. It's just a convention that, in times of General Elections, the Minister of Interior who is responsible for the elections and the minister spokesman of the government need to step down and two independent personalities are invited to occupy the posts; they have strange ways, the political parties, to discuss among themselves how and who is going to be that person. So, I was invited twice to be Minister under this constitutional convention.

Now, what needs to be said at this place is that, when you are appointed, you are appointed because of the elections, but the ministry does many other things apart from the elections, and the Ministry of the Interior of that political period of time was a huge ministry. So, the first time<sup>15</sup> I spend my time mostly fighting against fires, because the day I was sworn in all parts of Greece were burning<sup>16</sup>. It was a very, very difficult period of my life and I did my best to be at the level expected by the citizens. The second time was easier, in terms of fires, but we had all sorts of concerns in the area of terrorism and so it's an interesting experience, but everything depends on how lucky you are, you see, what will happen to you because the daily life does not know elections.

For example, the second time, I needed to receive in Greece the French Minister of Immigration, visiting Greece. I needed to do that, and discuss important aspects with him without giving the impression that I am involved in politics because I was this kind of a minister, and not in the political game. Some people who are appointed ministers under this constitutional convention prove later their interest in politics, but I'm very happy to have convinced everyone that I gave no sign for that. I am very happy where I am.

### **33. And, academically, you've been given many awards and honours, including the French Légion d'honneur, which was given to two of our faculties, as you know, Professors Hampson in 1976 and Jolowicz in 2002, and what were the circumstances of**

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<sup>15</sup> August 24, 2007 to September 19, 2007. On 18 September 2007, the Ministry of the Interior, Public Administration and Decentralisation was merged with the Ministry for Public Order to form the Ministry of Interior and Public Order.

<sup>16</sup> In 2007 Greece experienced the worst year on record for forest fires. Extremely hot and dry weather conditions in Greece, combined with strong winds led to a disastrous upsurge of forest fires and wildfires. [http://ec.europa.eu/echo/civil\\_protection/civil/forestfires\\_el\\_2007.htm](http://ec.europa.eu/echo/civil_protection/civil/forestfires_el_2007.htm)



### **this award to you?**

Actually, I remember that someday I received a telephone call from the number two of the Embassy of France, saying, “Would you send me tomorrow your CV”? I said, “All right, I will send you my CV”, and then, about a year, I don’t remember how much time later, he called me again and he said, “You know you’ve been awarded the Légion d’honneur”? I said “Oh, right, that’s important for me, but I will tell you a story. The Légion d’honneur was offered in 1862 to Theodore Flogaitis, the ancient professor and politician, for his participation into their bringing down the first King of Greece, King Otto of Wittelsbach<sup>17</sup> and he refused to take it because he said that how come a Greek politician could be honored by a foreign country and be able to persuade his people that he’s an independent Greek minded person”. So, the French diplomat said, “Spyros, please don’t do that to me”. Well, those were the circumstances. Actually, as you know, in order to get this distinction, or the same which I also had from the Italians a year later, you need a presidential decree, which is decided upon on the advice of one of the ministers and, in both cases, it was done for my work in promoting the European ideals through the European Public Law Organization, this project, and so it was a good surprise in my life.

### **34. In the course of your academic career, you’ve written many books in Greek on administrative law. Is this a flourishing topic in Greece?**

Very good question, very good question because the administrative law, up to 1980, had always been characterized by the passage of important personalities who, however, were not more than one or two in every generation. For example, Theodore Flogaitis wrote administrative law then, in the next generation one, in the generation of our professors, two. When I decided to study administrative law, my father was right in telling me that I was foolish. First, because the place of administrative law in teaching was very poor and also we were in dictatorship. However, many things happened. One year later, in 1974, the dictatorship collapsed. A new hope came to the country. We are going to re-build the country. It was enthusiasm and there was already a need for administrative law. When I came to Greece at the end of the seventies, we were only a few, four or five people, who had done studies in public law abroad and two or three in administrative law and we were needed. So, I had a career because of this change. Otherwise, perhaps, I would have been an unemployed person.

And something more happened. The professors who were there in the eighties, especially one of them, promoted a whole generation of students abroad for studies in administrative law. Today, our Faculty counts about 110, 120 people in law - subjects in all levels. Our Department of Public Law has about 25 members. We are the most dynamic part of our Faculty and the most known in the country from our Faculty. When I was student, you would have one professor of administrative law that was it. Nobody truly was taking him into serious consideration for administrative matters in the Faculty. The Faculty was of private law. The change came with the work of the professors whom we succeeded and, as well as with our work; they promoted people to come to your universities, especially to France and Germany, which are our traditional references. Today, many titles of comparative administrative law in France and Germany are written by our pupils and this is our contribution into the making of the new Europe, because the Greeks speak many languages and are exposed to many legal systems. So, when they do their PhDs in France, they bring German law. When they do them in Germany, they bring French law, and we continue to do

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<sup>17</sup> Otto von Wittelsbach (b. 1815, Salzburg - d. 1867, Bavaria). First king of the modern Greek state (1832–62). Governed autocratically until forced to become a constitutional monarch in 1843.



this. So, today, yes, administrative law is an important subject in Greece. There are many periodicals. I have founded three of them. The youngest one, which is five years old, is called *Journal of Administrative Law*. It is in the hands of very good young scholars and this is the reason why it can be published every two months. We're a small country. It needs a heroic diversion to be able to do that in a small country and, yes, it's an important subject.

**35. You mentioned journals which you've been on the editorial board and which you have founded and there have been several of these on a variety of topics, not just administrative law, also energy, environment, legal theory. Are you still involved with all of these journals and I wondered whether, perhaps, energy and the environment was of particular interest to you?**

It's a very pertinent question, actually. When I came to Greece from my studies in the late seventies, I was employed into the first unit, which was graded in Greece for the protection of the environment and urban planning. So, I was exposed to that and I understood the importance of it. This area had in Greece, very important case law in the Council of State, especially in the eighties. So, the moment came when I felt that this must have its own periodical publication and I invited others, who had worked more than me in the area, to join forces and we founded the environment and law [*as it is called*] in English.

Then energy. You see, I am someone who is exposed to many jurisdictions. So, it was not by coincidence that I understood quickly that energy is one of the important areas for the development of law. So, again, I invited others and we founded this periodical.

The most difficult was the publication of the *Journal of Administrative Law*, the concept was more difficult to realize. The idea of bringing [*out*] a periodical edition every two months, in a country where the publishers are very small - a handful of people - and where you have the case law reported and commented upon within the two months from the decision, this, for Greece, had never happened before, and now I'm happy because there is another law professor who took the same pattern with another editor. So, there are two periodicals that speak for the science.

Of course, I would be tempted to say one's the best. No, but as I said, this is because the professors of the generation of the eighties promoted, and we continued promoting, many people to study public law and administrative law. So, there is a critical mass. No-one can do miracles alone, you see. I belong to a very individualistic society, but I am not individualistic. I know that only if we are many together we can produce results and I am part of this philosophy. So, all three of them are very good periodicals, but the one which is deeper in my heart now is the *Journal of Administrative Law*. Actually, I copied the concept of the same Italian periodical created by Sabino Cassese<sup>18</sup> who came here the other day. He had developed the concept and then I adapted it into Greek realities.

**36. Thank you. Are the articles in this journal [*Journal of Administrative Law*] all in Greek?**

Those are all in Greek, yes.

**37. Well, that brings us to the end of our interview and all that remains is for me to thank you very much indeed, Professor Flogaitis, for a fascinating and very informative account. I'm very grateful to you, thank you.**

I'm very grateful to you.

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<sup>18</sup> Sabino Cassese (b. 1935), Professor of Administrative Law Scuola Normale Superiore, Pisa, Judge of the Constitutional Court of the Italian Republic

