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## **Constitutional Systems of Serbia and Greece on the Eve of the World War One**

*To ignore the history means to renounce the perception  
of our political institutions<sup>1</sup>*

The enthusiasm of the democratic constitutionality that marked the political development of the Western Europe after the remarkable civil revolutions, had also its authentic expressions in the Balkan countries. That fact proves the national and state development of Serbia and Greece during the 19th and in the beginning of the 20th century, which was similar to the processes in the West European countries. After the struggle for liberation, struggle for the state sovereignty and the international recognition, followed hard but persistent struggle for the establishment of the modern legal-political order, that reached its culmination on the eve of the World War One<sup>2</sup>.

Serbia and Greece took a step in the 20th century with their own constitutional systems as the democratic states: Serbia with its Constitution from 1903, and Greece with its own one from 1911. In that regard, these countries shared the similar historical fate. It was the result of the World War One that split up their experience further, ways of development. Therefore, it is now necessary to present the thing which bound them as the infant states, while they were searching for their places within the European policy. That connective tissue of these two

1. J. Barthélemy et P. Duez, *Traité de Droit Constitutionnel*, Librairie Dalioz, Paris 1933, p. 6.

2. The modernization of the Serbian and Greek society did not have the gradual, rectilinear and rising stream. It more had the characteristic of a row of ups and downs, that were under the influence of many factors like: the hard burden of the Ottoman cultural and political inheritance, fierce fights between opposite political groups that sometimes had the characteristic of real oriental clashes, influences of the Great Powers that had always a decisive importance on their international status and internal organization.

Balkan and orthodox countries was the idea of establishing a modern state based on: the people's sovereignty, human rights, representative government and classification of power. The idea of the modern state institutionalized itself through the already mentioned constitutions of Serbia and Greece. Therefore, the comparative analysis of these constitutions will be discussed in the following lines<sup>3</sup>.

Both constitutions belong to the category of the people's constitutions because they were passed by the People's Assembly as an incarnation of the people's sovereignty principle.

In Serbia, this decision was passed by the Assembly and the Senate as the integral parts of the bicameral representative body, convoked on the basis of the octroyed Constitution from 1901, that was formally in power in the period after the May Coup. This representative body decided to return to power the Constitution from 1888 and also all the political laws that regulated the organization of power and constitutional rights of citizens, based on it<sup>4</sup>.

A different pattern was used in Greece. The Constituent Assembly from 1911 passed fifty amendments on the current Constitution from 1864, and in that way, established a new constitutional order.

Regardless of the evident differences in historical and legal-political circumstances that existed when the constitutions of Serbia and Greece were passed, it cannot be disputed a fact that the constitutions were passed in a regular procedure, within the people's assembly's authorities.

Both constitutions had got a very similar legal-technical structure. They contained chapters on the most important constitutional and political issues. Notable are the chapters dedicated to: constitutional

3. The following resources will be used in this work: for the Constitution of Serbia from 1903: *Устава и Кнежевине у Краљевине Србије (1835-1903)* [Constitutions of principality and kingdom of Serbia (1835-1903)], Beograd 1988, pp. 199-233. For the Constitution of Greece from 1911: *Конституции буржуазных стран II, Средние и малые европейские страны* [Constitutions of bourgeois countries II, middle and small countries], Moskva - Leningrad 1933, pp. 108-125.

4. These are the following organic laws: *Law of people's envoy election* from 1890, with changes and amendments from 1891; *Law of office's order in People's Assembly* from 1889, with changes and amendments from 1891; *Law of ministry's responsibility* from 1891; *Law of Main Control* from 1892; *Law of administrative classification of Kingdom of Serbia* from 1891 (with changes and amendments); *Law of public assemblies and associations* from 1891, and *Law of press* from 1891.

rights of citizens, the structure of the state's power, as well as chapters on the most important constitutional factors: the King, People's Assembly, ministers, and on the courts. The Serbian Constitution also contained a chapter on the local self-government, and a separate chapter on the State Council. On the other hand, the Greek Constitution contained only one article on the local self-government. It was located in the chapter on the General decisions, as the last part of the Constitution. The Norms of the State Council were also located in the chapter on the ministers. In the end, there was a special chapter dedicated to the change of the Constitution. At the same time, norms on the constitutional revision in the Greek Constitution were located in the chapter on the General decisions. The analysis of the Serbian and Greek constitution will be done in this sequence:

### *Constitutional rights of citizens*

Under the influence of the School of the natural law, both constitutions proclaimed a number of rights and freedoms of citizens, as were: equality of citizens in front of law and prohibition of giving and recognition of aristocrat titles to citizens<sup>5</sup>; personal freedom<sup>6</sup>; inviolability of private property<sup>7</sup>; legality of punishment<sup>8</sup>; freedom of assembly, allying and gathering<sup>9</sup>; freedom of conscience and religion with a strict prohibition of proselytism<sup>10</sup>; right of citizens to be trialed exclusively in front of an authorized court<sup>11</sup>; right of submitting petitions to state organs<sup>12</sup>.

5. Articles 7 and 8 of the Constitution of Serbia from 1903, p. 200; Article 3 of the Constitution of Greece from 1911, p. 109.

6. Article 9 of the Constitution of Serbia from 1903, p. 200; Article 4 of the Constitution of Greece from 1911, p. 109.

7. Article 16 of the Constitution of Serbia from 1903, p. 202; Article 17 of the Constitution of Greece from 1911, p. 111.

8. Article 12 of the Constitution of Serbia from 1903, p. 201; Article 7 of the Constitution of Greece from 1911, p. 110.

9. Articles 24 and 25 of the Constitution of Serbia from 1903, p. 203; Articles 10 and 11 of the Constitution of Greece from 1911, p. 110.

10. Articles 18 and 19 of the Constitution of Serbia from 1903, p. 201; Article 1 of the Constitution of Greece from 1911, p. 110.

11. Article 10 of the Constitution of Serbia from 1903, p. 201; Article 8 of the Constitution of Greece from 1911, p. 110.

12. Article 26 of the Constitution of Serbia from 1903, p. 203; Article 9 of the Constitution of Greece from 1911, p. 110.

Constitutional norms were of special importance that guaranteed three very important constitutional rights, as essential assumptions for establishing the rule of law and modern democracy. Those were the next rights: legality of arrest<sup>13</sup>, abolition of the death penalty for perpetrators of political crimes<sup>14</sup>, and freedom of press<sup>15</sup>.

Except these similarities, there were some differences not being of an essential characteristic. However, they should also be mentioned. The Serbian Constitution from 1903 explicitly banned persecution of Serbian citizens<sup>16</sup>. A norm with the identical content did not exist in the Constitution of Greece from 1911, but, it can be concluded that the same rule was used in practice, if we systematically try to interpret the law norms from the chapter dedicated to human rights.

According to the article 4, which contained a norm about personal freedom of citizens, the article 18 explicitly banned torture, confiscation of property and civil death<sup>17</sup>. Since civil death was strictly forbidden by the highest legal act, it consequently meant that the exile of citizens, being a similar practice, was also forbidden.

We get under the impression that both constitutions ensured the use of the proclaimed rights, to the extent which the living conditions of the period when they were in power allowed.

13. Article 9 of the Constitution of Serbia from 1903, p. 200; Article 5 of the Constitution of Greece from 1911, p. 109.

14. Article 13 of the Constitution of Serbia from 1903, p. 204; Article 18 of the Constitution of Greece from 1911, p. 112.

15. Freedom of speech, letters and press also got its institutional form within the constitutional system of Serbia and Greece. They explicitly banned censorship and all other preventive and supplemental measures that were in opposition with the free press. (Article 27 of the Constitution of Serbia from 1903, pp. 202-203; Article 14 of the Constitution of Greece from 1911, pp. 110-111).

16. Article 31 of the Constitution of Serbia from 1903, p. 204.

17. Civil death represented an institution of excommunication of an individual from a political community concerning with determinate criminal or political reasons in times passing by. This measure meant that an individual would temporarily or permanently lose constitutional rights, with the prohibition of any form of public appearance, but contemporaneously he would not be banished from the state territory. Essentially, the civil death was not the same thing as the persecution, but from the legal and technical aspect, resulted with almost identical legal consequences.

### *The governing bodies of the state*

It was opted that the Serbian Constitution from 1903 and the Greek Constitution from 1911 were to be based, like other democratic states, on the principle of classification of power, which was in compliance with the Montesquieu's principle.

The legislature power was shared between the King and the People's Assembly<sup>18</sup>. The right of legislative initiative and the official interpretation of the constitution and laws, also belonged to these constitutional factors<sup>19</sup>.

The executive power was also bicephal and belonged to the King and the ministers<sup>20</sup>.

The judicial power belonged to courts. They pronounced and executed verdicts in the King's name<sup>21</sup>.

### *King*

The legal status of the King can be perceived in two ways: through an analysis of the function of the state's chief and through an analysis of the prerogatives that he possessed as a constituent factor of the bicephal legislative and executive bodies, respectively. It is evident that the King's authorities in both bodies were limited.

As the state's chief, King had a very similar legal status and authorities in both Serbian and Greek constitutional systems: he was an untouchable individual, he was not law-abiding<sup>22</sup>, he represented the country toward foreign states, announced wars, signed contracts of alliance, peace contracts and commercial agreements<sup>23</sup>. The King was

18. Article 33 of the Constitution of Serbia from 1903, p. 204; Article 27 of the Constitution of Greece from 1911, p. 112.

19. Articles 34, 35 and 37 of the Constitution of Serbia from 1903, p. 204; Articles 23, 25 and 26 of the Constitution of Greece from 1911, p. 112.

20. Article 38 of the Constitution of Serbia from 1903, p. 204; Article 27 of the Constitution of Greece from 1911, p. 112.

21. Article 39 of the Constitution of Serbia from 1903, p. 205; Article 28 of the Constitution of Greece from 1911, p. 112.

22. Article 40 of the Constitution of Serbia from 1903, p. 205; Article 23 of the Constitution of Greece from 1911, p. 112.

23. Article 52 of the Constitution of Serbia from 1903, p. 206; Article 32 of the Constitution of Greece from 1911, p. 113.

obliged to inform the People's Assembly about his activities, and the representative body, which was authorized to ratify or deny all signed contracts<sup>24</sup>. The King was also a commander of the armed forces, he awarded soldier's ranks and other medals according to law<sup>25</sup>. He was authorized to appoint all judges, to bring acts of abolition, pardon, revision of sentence and amnesty<sup>26</sup>.

One other institution can be noticed, taken over from the English parliamentary tradition, that represented a significant mechanism for limiting the King's power. This institution limited a complete power of the monarch, but its results were the most visible in the field of the King's authorities issuing from his status of a state's chief. That was a civil list. The civil list represented a financial-legal act that determined all the monarch's incomes and expenses in a particular period. The monarch did not have a right to avoid the civil list, i.e. to acquire sources of income that were not allowed by the list. In this context, this institution presents an important lever of control over the King's power. It means that the monarch was averted to exceed the limit put by law<sup>27</sup>.

As a constituent of the bicephal legislature, the King possessed the legislative power and the right of legislative initiative, to the same extent as the People's Assembly. Afterwards, he signed and declared laws. No bill could become a law until the King signed it<sup>28</sup>. Except that,

24. Article 52 of the Constitution of Serbia from 1903, p. 206; Article 32 of the Constitution of Greece from 1911, p. 113.

25. Articles 46, 47 and 48 of the Constitution of Serbia from 1903, p. 205; Articles 32, 34 and 40 of the Constitution of Greece from 1911, pp. 113-114.

26. It is important to emphasize that the Serbian Constitution allowed the King the authority for such an undertaking. This authority was not limited by any special rule. In contrast to the Serbian King, the Greek King had a limited right of amnesty. He could pass an act of amnesty only in case of a political crime, and only in a cooperation with an authorized ministry (Articles 154, 50 and 51 of the Constitution of Serbia from 1903, p. 223; Articles 87 and 39 of the Constitution of Greece from 1911, pp. 122, 114).

27. The Serbian Constitution contained a general formulation that the civil list was to be determined by law, and neither could it be increased without an assent from the People's Assembly, nor reduced without an assent from the King (Article 66 of the Constitution of Serbia from 1903, p. 208). The Constitution of Greece from 1911 also determined that the civil list was to be defined by law, but at the same time, it precisely specified an amount of 1.125.000 drachmas, including an amount specified by Ion's Assembly. That amount could be increased in 10 years (Article 42 of the Constitution of Greece from 1911, p. 124).

28. Article 43 of the Constitution of Serbia from 1903, p. 205; Article 36 of the Constitution of Greece from 1911, p. 113.

he convoked, opened, closed, delayed and disbanded the People's Assembly<sup>29</sup>. These monarch's prerogatives could be an important factor in the legislative power, especially in case of disturbance in relationships between the People's Assembly and the Ministerial Council. In that case, the King could really have a role of a corrective and pacifying factor which had the ability to bring the whole system of the governing bodies into balance.

As a constituent element of the bicephal executive body, the King shared the executive power together with the responsible ministers. First, he appointed the ministers and the President of the Ministerial Council, and then he would bring lower legal acts that enabled the execution of the laws. He also had a right to forge money according to the law<sup>30</sup>. There was an important instrument in this branch of the state's power, also taken over from the English parliamentary tradition, whose purpose was to limit the King's power and to establish the minister's responsibility. That was the institution of a countersignature. This institution imposed an obligation that every King's act had to carry a signature of the minister who advised the King to bring an act on a particular case. In that way, the King's responsibility was moved to a minister who would accept all the consequences of the advice given to the Crown. From such relationships between the monarch and the adviser i.e. minister, did the institution of the minister's responsibility appear. It represented an essential basis of the parliamentary system<sup>31</sup>.

It can be concluded that the King's authorities in the constitutional system of Serbia and Greece (although very large in the first view) were very limited. They were in accordance with the frame of mind of that time, and in accordance with the parliamentary system established by these two constitutions which were the object of this analysis.

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29. Article 54 of the Constitution of Serbia from 1903, p. 206; Articles 36, 37 and 38 of the Constitution of Greece from 1911, pp. 113-114.

30. Articles 131, 52 and 49 of the Constitution of Serbia from 1903, p. 219; Articles 31, 35 and 41 of the Constitution of Greece from 1911, p. 113.

31. The Constitution of Serbia from 1903 prescribed that none of the King's acts was to be in power until an authorized minister put his countersignature on it (Article 56 of the Constitution of Serbia from 1903, p. 207). The Constitution of Greece from 1911 also contains a similar rule (Article 50 of the Constitution of Greece from 1911, p. 113).

### *People's Assembly*

The most important mechanism of the legislative power is the People's Assembly.

According to the Serbian Constitution, there were: the Common Assembly and the Great People's Assembly which was twice bigger than the Common one. The Great People's Assembly was in session in cases defined by the Constitution (when the question about the Throne, election of deputies, changes and amendments of the Constitution, reduction or exchange of a part of the state's territory had to be discussed, and when the King considered it was necessary to hear the Great People's Assembly)<sup>32</sup>.

The Common Assembly did its jobs as a regular legislative body. It had both regular and extra sessions<sup>33</sup>. The Assembly brought all laws, annual legal acts like budget, and all other financial acts that enabled the application of the budget's entries. However, the budget law of the People's Assembly was limited by some important prerogatives of the State Council.

In contrast to the Serbian Constitution, the Greek Constitution defined only one Assembly, i.e. the Common People's Assembly, which also had a regular and extra sessions<sup>34</sup>. It had some important prerogatives both in the regular and financial legislation. Its budget right was not limited by an exclusive right of an other institution as it was in Serbia, which helped in creation of a basis for its full affirmation in carrying out authentic authorities.

Both constitutions prescribed that the People's Assembly was to consist of representatives elected by direct and secret voting<sup>35</sup>.

Active and passive right of voting were limited by a defined criterion, which was more strict in Serbia than in Greece.

The active right of voting belonged to every Serbian citizen who was 21 and older, and paid 15 dinars as a direct tax per year, including a

32. Article 129 of the Constitution of Serbia from 1903, p. 218.

33. Articles 101 and 102 of the Constitution of Serbia from 1903, p. 214.

34. Articles 37, 54, 57 and 60 of the Constitution of Greece from 1911, pp. 113, 116, 117.

35. Articles 77 and 78 of the Constitution of Serbia from 1903, p. 210; Article 66 of the Constitution of Greece from 1911, p. 118.

regular state surtax<sup>36</sup>. The passive right of voting belonged to every citizen who was 30 and older, and paid 30 dinars as a tax per year<sup>37</sup>. The Constitution also prescribed the existence of qualified representatives. At least two people's representatives with a university-level specialist's training or an advanced specialist's training had to be elected from the total number of representatives in every electoral district<sup>38</sup>. Likewise, the Constitution precisely defined categories of persons who did not have a right to vote and who were temporarily deprived of this right<sup>39</sup>.

It can be noticed that active and passive right of voting were limited by the criterion of sex, age, property criterion and partially by education criterion. In spite of this, the democratic order was not seriously damaged, because a great number of Serbian citizens was able to satisfy all the requirements defined by the criteria<sup>40</sup>.

The Greek Constitution defined conditions for the acquisition of the right of voting by a general formulation, not separating an active right from the passive one. It means that the same conditions were defined for both active and passive right of voting. The People's Assembly consisted of people's representatives, elected on the principle of the *general* right of voting<sup>41</sup>.

People's representatives could only be Greek citizens (males) who were 25 and older and who fulfilled their civil obligations in accordance with the Greek Constitution and laws<sup>42</sup>. This Act prescribed criteria regarding sex, age, but no property. It was a great step forward in the democratization of the Greek political institutions.

At the end of this discussion, we could mention some important

36. Article 84 of the Constitution of Serbia from 1903, p. 211.

37. Article 95 of the Constitution of Serbia from 1903, p. 213.

38. Article 99 of the Constitution of Serbia from 1903, p. 214.

39. Article 86 of the Constitution of Serbia from 1903, p. 211.

40. The requirements from the criteria could only be a mechanism for restraining of a political will and omnipotence of a parliament, elected in the ambient of the society of peasants, which did not seriously take a step into the industrialism. In that sense, the defined conditions from the criteria could only contribute to further democratization of Serbia.

41. Article 66 of the Constitution of Greece from 1911, p. 118. It is important to say that the principle of the general right of voting should be interpreted in the mind of political, legal and sociological parameters of that age. It means that the principle of the general right of voting did not have the meaning it has today, but the meaning that nowadays could be qualified as the limited right of voting.

42. Article 70 of the Constitution of Greece from 1911, p. 119.

elements that were present in both Constitutions. These are: a characteristic and length of the representative's term.

The both Constitutions opted for an imperative representative's term which lasted 4 years. That can be concluded from the stylization of the articles 82, 83 and 100 of the Serbian Constitution, and the articles 67 and 69 of the Greek Constitution. In this context, constitutions opted for the proportional electoral system, based on the election of the parties's candidate lists, with the use of an electoral quotient when the representative's terms were distributed. In that way, both constitutions established their electoral systems enabling thus the real democratic competition of political parties, in conditions present in the Balkans at the beginning of the 20th century.

### *Ministers*

The ministers shared the executive power together with the King. They formed the Ministerial Council which had its President. The ministers held a more important part of the executive power than the monarch. Every minister was the head of the particular department in the government, but he could also be without a concrete responsibility, i.e. without portfolio. As a constitutional factor, the ministers stood under the King and the People's Assembly. Their legal status showed that both constitutions opted for a parliamentary government. That can be concluded on the basis of the followed facts:

- the ministers could not be members of the Royal house<sup>43</sup>;
- the ministers could be selected from the people's representatives<sup>44</sup>;
- the ministers had the access to the People's Assembly and could ask to be heard, but they could vote only if they had a representative's term; The People's Assembly could ask ministers to give an account of their work, and could invite them on a session at any time<sup>45</sup>.

43. Article 133 of the Constitution of Serbia from 1903, p. 219; Article 77 of the Constitution of Greece from 1911, p. 120.

44. Article 134 of the Constitution of Serbia from 1903, p. 219; Article 78 of the Constitution of Greece from 1911, p. 120.

45. Article 134 of the Constitution of Serbia from 1903, p. 219; Article 78 of the Constitution of Greece from 1911, p. 120.

— the constitutions established both criminal and political responsibility; the ministers were responsible to the King and the People's Assembly<sup>46</sup>; The People's Assembly had a right to charge every minister at the special court in situations, defined by the law (in Serbia, the charge could be initiated by the King himself)<sup>47</sup>;

— the King could neither suspend nor reduce a punishment to a minister, sentenced at the special court, without an assent of the People's Assembly (in Serbia, the King could not stop an investigation, initiated against an accused minister)<sup>48</sup>.

### *Courts*

Courts possessed judicial authority. They were completely independent concerning the pronouncement of justice—they stood neither under the legislative nor the executive branch of the government. Courts judged in accordance with the Constitution and laws<sup>49</sup>. Their organization and competence were regulated exclusively by legal acts<sup>50</sup>. There were the following courts in Serbia and Greece: courts of original jurisdiction, appellate courts and the Court of cassation<sup>51</sup>. Apart from them, there were also special courts where the ministers who were accused by the representatives of the legislature, were trialed<sup>52</sup>. There was also an institution of the jury<sup>53</sup>. Judges were permanent and unchangeable<sup>54</sup>. The

46. Article 135 of the Constitution of Serbia from 1903, p. 219; Article 80 of the Constitution of Greece from 1911, p. 120.

47. Articles 136 and 137 of the Constitution of Serbia from 1903, p. 219; Article 80 of the Constitution of Greece from 1911, p. 120.

48. Article 139 of the Constitution of Serbia from 1903, p. 222; Article 81 of the Constitution of Greece from 1911, p. 120.

49. Article 146 of the Constitution of Serbia from 1903, p. 222; Article 87 of the Constitution of Greece from 1911, p. 122.

50. Article 147 of the Constitution of Serbia from 1903, p. 222; Article 89 of the Constitution of Greece from 1911, p. 122.

51. Article 149 of the Constitution of Serbia from 1903, p. 222; Article 88 of the Constitution of Greece from 1911, p. 122.

52. In Serbia, that was the State Court which consisted of the members of the State Council and the Court of cassation. In Greece, that was a special Court under the presidency of the President of the Court of cassation, and twelve members from the courts of original jurisdiction, appellate courts and the Court of cassation (Article 137 of the Constitution of Serbia from 1903, p. 219; Article 80 of the Constitution of Greece from 1911, p. 120).

53. Article 81 of the Constitution of Serbia from 1903, p. 222; Article 94 of the Con-

independence of the judiciary was, thus, strengthened, and the possible influence of the two other governing bodies on it was reduced to a minimal level. These norms enabled both Serbia and Greece to set the path to the establishment of an ideal of the rule of law.

### *Local self-government*

The Constitution of Serbia from 1903 also constituted the system of the local self-government. At the same time, it established both the state institutions and the institutions of the local self-government in the districts, and confided some state duties to the self-government institutions in the boroughs<sup>55</sup>.

In contrast to the Serbian Constitution, the Greek Constitution did not regulate in detail this question. It contained only one article about the local self-government which was situated in the chapter on General decisions. It was the Article 105 which only shortly stated that the elections for the municipal government (town, borough) were to be organized according to the principle of the general right of voting<sup>56</sup>. This question was left to be resolved by the legislative body.

### *State Council*

The constitutions of Serbia and Greece defined the existence of one more institution of the state government. It was the State Council. The Serbian Constitution dedicated a separate chapter to it, and the Greek Constitution located law norms about its status, structure and function in the chapter on the ministers. The State Council had almost the identical legal nature in both Serbia and Greece. It had a twofold function: on the one hand, it had a characteristic of a higher institution of the government which was close to the Ministerial Council; in that sense, it worked as an administrative institution (for example, it made and studied bills on the request of the Ministerial Council, bills of administrative commands, it resolved conflicts between administrative

stitution of Greece from 1911, p. 123.

54. Article 157 of the Constitution of Serbia from 1903, p. 224; Article 88 of the Constitution of Greece from 1911, p. 122.

55. Articles 160, 161 and 164 of the Constitution of Serbia from 1903, p. 225.

56. Article 105 of the Constitution of Greece from 1911, p. 125.

institutions, inspected complaints on minister's decisions etc.)<sup>57</sup>. On the other hand, the State Council also had a characteristic of a court. As a court, the State Council worked as a disciplinary court (for example, it put on trial the clerks who committed an offence in the service, it had a disciplinary control over clerks, in accordance with the law etc.)<sup>58</sup>. This institution had yet another important function concerning the passing of the budget in Serbia. If the People's Assembly had been disbanded or delayed before the budget was passed, then the King could prolong the last year's budget into the next four months only with an assent of the State Council<sup>59</sup>.

### *Change of the constitution*

The Constitution of Serbia from 1903 defined a procedure for its own revision. A suggestion for a change of a constitutional norm could be submitted by both factors of the legislative body<sup>60</sup>.

The Greek Constitution banned a complete revision of its constitutional norms. These norms could be changed after 10 years from the moment when the Constitution went into effect, under one condition. That condition required that the original meaning should not be changed<sup>61</sup>.

Legal quality of the norm from the article 108 is highly doubtful. It is more likely that this norm rather carried a moral and a political message, than it contained obligatory rules. That is why, the rule of the prohibition of the fundamental revision of the Constitution was only of relative importance, and it should be interpreted with a serious reserve. The constitutional history of Greece in the 20th century shows that this constitutional system was often fundamentally changed.

57. Article 144 of the Constitution of Serbia from 1903, pp. 221-222; Article 82 of the Constitution of Greece from 1911, pp. 120-121.

58. Article 144 of the Constitution of Serbia from 1903, pp. 221-222; Article 82 of the Constitution of Greece from 1903, pp. 120-121.

59. Article 174 of the Constitution of Serbia from 1903, p. 227.

60. Article 200 of the Constitution of Serbia from 1903, pp. 231-232.

61. Article 108 of the Constitution of Greece from 1911, p. 125.

### *Conclusion*

The comparative analysis of the Constitution of Serbia from 1903 and the Constitution of Greece from 1911, shows that these two countries managed to establish the democratic system based on the values of the idea of the modern state, in spite of many difficulties. Their order was not perfect, but it was an impressive project, if we consider the conditions present in the beginning of the 20th century. That is what makes the historical value of these constitutions, which were the object of this analysis.