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The Freedom of Expression under Assault in Contemporary Greece: Instances of Prohibition and "Public Courts"

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Abstract

Many instances of censorship in art have been recorded in contemporary Greece which may be attributed to various reasons: the arbitrary behaviour of institutional bodies, such as the police, the fanaticism of individuals, acting either separately or collectively, and, lastly, the misinterpretation of provisions of the Constitution and the laws. In Greece, a democratic country at the core of the European Union, freedom of expression is safeguarded in every possible way. Nevertheless, censorship, a phenomenon with legal, moral, and societal aspects, is also present, and it is difficult to describe the contradictions emanating from either the State and its institutions or collective bodies, acting in a manner that undermines the freedom of creators to express themselves on the basis of inspiration and talent. It is also difficult to reason with people moving in unclear political, cultural, national, and religious circles; more generally, it is difficult to understand the reasons for their reaction which provokes the collective sentiment. Setting aside many categories of reactions involving censoring behaviour, this paper focuses on instances in which organised groups of citizens have intervened, in a forceful and repressive manner, disregarding the law, in order to impose their own will as the correct one. This is brutal and, by definition, unlawful conduct by persons acting in the name of religion or nation, and it falls under the provisions of criminal law. The aim of these persons is to prevail on the public at large and to create another form of law. The Greek experience shows that the results are troubling, although particularly interesting from a historical point of view.

Keywords: Censorship, Greek experience, freedom of expression, public courts, forceful repression of art

Introduction

Greece is the only country in Europe which, following the end of World War II, found itself in the throes of a civil war (1946-1949). It was the start and at, the same time, the culmination of Cold War, where the conflict between two worlds was reproduced in a country already devastated by Nazi atrocities. "The civil war had polarised Greek culture to such an extent that the monopoly of the victors was reinforced by the intransigence of the defeated. The appearance of a new generation has been necessary to overcome the impasse", wrote Konstantinos Tsoukalas in his book *The Greek Tragedy* (1974, p. 93). This resulted in an ideological confusion which has reigned for several decades and whose impact can still be noticed to this day.

Seventy years after the end of the civil war, Greece was again faced with a dictatorship (1967-1973) and then the financial crisis (2010-2018), in spite of being a fully-fledged member of the European Union since 1981 and of the Economic and Monetary Union since 2001.

In the meantime, at the intellectual level, the country has adapted its laws to the European *acquis* on the freedom of expression recognising art as a public good to be protected by all means available (Constitution of Greece 2010, pp. 29-30; Article 19(2)(3) of the International Covenant on Civil and Political Rights; Article 10 of the European Convention on Human Rights).

However, preconceptions of the past soon reappeared, and freedom of speech and artistic expression has been one of their victims. Many incidents occurred in those seventy years. Setting aside those addressed in pacific ways, i.e. through the intervention of the courts and other State institutional bodies, we will focus on those dealt with in a violent and repressive manner by groups of citizens having "weird" ideas about the notions of "nation", "religion", and "morality". According to Bourdieu (1984), fields such as the arts are places of symbolic confrontation between social classes seeking to consolidate the legitimacy and, mostly, the power of their cultural symbols. However, he argued that "aesthetic disposition" towards art, as well as its distinction from "emotional charge" by what is displayed, is the result of the upper social class' education which leads to lack of sexual desire, moral offence, aversion, or ethnic reactions. He also noted that advocates of censorship have limited economic and "cultural capital" which results in their hostile attitude towards the "aesthetic disposition" to art (Bourdieu 1984, p. 53-55; Beisel 1993, p. 159-160).

It is well known that there are many forms of censorship, such as political, moral, religious, racial, nationalistic, ecological, aesthetic, feminist censorship (see Dubin 1992). In Greece, the most recurrent forms of censorship include religious, national, and moral censorship, religious censorship representing the lion's share of all incidents (cf. Ziogas et al. 2008; Christopoulos 2013), given that the provisions of Articles 198 and 199 of the Penal Code, criminalising blasphemy, are still in force in the country (*Lawspot* 2019). To this day, there exist, in large cities, groups operating either independently or under the guidance of religious, political, and nationalistic circles, that intervene, using the vehicle of fanaticism, in an organised and unexpected manner in artistic events with the purpose of preventing, for example, projection of a movie, interrupting the presentation or release of a book, and proceeding to burn such book, or taking down a sculpture from its pedestal and vandalising it. The term "public courts" in this paper's title is used to identify the actions and behaviours of societal groups operating outside any concept of law applicable in contemporary democracies.

Censorship may be a constant societal phenomenon, but is also an indication of a country's and its inhabitants' culture.

From Martin Scorsese to Dan Brown

In Greece, censorship as a means for controlling and restricting ideas, views, and conceptions having contents that offended the intertemporal values of Hellenism has been a phenomenon that has existed since the creation of the Greek State. It was a means of defence for the dominant class and ideology against tendencies challenging its power. This was also the nature of the prohibition of certain "ideas" in the post-war period. In spite of the legal support provided to "freedom of expression", there exist certain flagrant incidents of "mass" reaction, which are considered by contemporary critics to go beyond any concept of law (Green & Karolides 2005, pp. 210-214).

Some flagship examples are cited below. In October 1988, Martin Scorsese's film *The Last Temptation of Christ* was played for the first time in Greek movie theatres, its scenario being based on the novel by Greek author Nikos Kazantzakis (1883-1957). It is a work of fiction referring to Christ's dual nature. From the first day of the release of the movie, crowds of zealots congregated outside movie theatres proceeding to all kinds of vandalisms and protests intended at preventing projection of the movie, which they deemed to be offending to their religious sentiment. Protests degenerated into unruly demonstrations (**Image 1**,
Image 2). In the end, the matter was brought before the courts, after an injunction petition was filed with the view of preventing projection of the movie. Ultimately, the court issued a ruling prohibiting projection of the movie on the grounds that: "religion is not a purely personal matter, an entirely internal relationship between the soul and god, which the State may ignore, but it is the basis of the State" (Argyropoulos 2008, p. 98). The one time that a private TV channel attempted to show the movie, the Archdiocese of Athens intervened and cancelled its projection. Since then the movie has never been shown in Greece, either at the movies or on TV. It is worth noting that there had also been similar strong reactions in 1953, when the book, on which the scenario of the film was based, was released for the first time. The Church had then reacted strongly and requested that it be banned, whereas it threatened to excommunicate Kazantzakis, which it did not dare do in the end (Andreou 2002, p. 38). The Vatican's response to Kazantzakis' book was harsher, since it included it in the Index Librorum Prohibitorum, receiving Kazantzakis' reaction in a telegram containing the phrase attributed to Christian apologist Tertullian "Ad tuum, Domine, tribunal appello" (Kazantzakis 2008).

Theatrical plays have also been the victim of fanatical reactions by various church organisations. Rather recently, in June 2012, Terence MacNally's *Corpus Christi* was performed in Athens at the "Chytirio" theatre, by the Artisan theatre company. The play is about the life of Christ from a homosexual standpoint. Before its performance in Greece, it had already been characterised as blasphemous by the Catholic and Anglican Churches. In turn, the Greek Church also had a strong reaction. However, the initiative for cancelling the play was taken by ultra-religious and nationalistic organisations which organised strong protests outside the venue every day, preventing the public from entering the theatre (
Image 3). In the end, they attained their goal and performances were interrupted earlier than planned, while in the meantime the play's main contributors had been charged with reviling religion (*Kathimerini.gr* 2012).

In addition, very recently, in February 2018, many violent protests were directed at the *Jesus Christ Super Star* play, performed in Athens at the "Acropol" theatre. This is Andrew Lloyd Webber's famous musical. It is a rock opera about the last week of Jesus' life. The play focuses on the human aspect of Jesus' life, his mother, Mary, and Mary Magdalene, and it was therefore considered scandalous, leading a crowd of dissenting citizens to gather outside the theatre everyday hurling abuse at the actors and causing all kinds of damage to the theatre premises. The area outside the theatre became a venue for demonstrations (
Image 4). Lastly, a metropolitan filed a criminal complaint against the contributors of the play for "blasphemy and revilement of religion" (*TVXS - TV Without Frontiers* 2018).

Cinema, being one of the most popular mass culture media, is at the crosshairs of these "circles", a mixture of religious and political groups that identify nation and religion. This time, they targeted the film *The Da Vinci Code* directed by Ron Howard, based on Dan Brown's book with the same title, played in Greek movie theatres in 2006. These organisations immediately attacked the film. They filed a petition before the courts to prevent projection of the firm alleging an "offence to religious sentiment". The Athens Single-member Court of First Instance dismissed the injunction petition against the film. In the meantime, the members of such organisations were strongly protesting outside the courthouse, holding religious banners, flags, and crosses, i.e. the usual and standard symbols, in an effort to confer authority to their unlawful actions (
Image 5). Although the movie continued playing in movie theatres without any problems, several years later, when one of the largest TV stations played the movie, a criminal complaint was filed anew (*in.gr* 2006; *LawNet* 2006).

In spite of the fact that artistic freedom is enshrined in the Constitution of Greece (Article 16 of the Constitution), it would appear that the coexistence of law and art involves a natural animosity, given that art identifies with breaking with conventions and rules, reflecting the exception, whereas law is intertwined with rules (Theodosis 2000, p. 21). However, the problem lies with organised, ideologically fanaticised, groups which are guided by specific ideological centres and have absolutely no intention of obeying rules and laws.

In terms of statistics, such reactions originate from religious issues, they start by simple protests and criminal complaints, and they end up in particularly violent actions that ultimately bring about the results sought after: cancellation of films and plays. It is worth noting that "public courts" are set up, as a rule, on the occasion of events characterized by "live" performance, i.e. plays or films. For obvious reasons, these are the events that mostly provoke this particular "audience", possibly because of their broader appeal to the general public. For the most part, these groups adopt the role of society's "keepers of morality", since, where demanding that a work of art be banned, they are not so much concerned about their own morality being affected by such work of art but about the morality of the rest of society that does not enjoy the same strong "moral barriers" as they do (Tsakirakis 2008, p. 14; Christopoulos 2013, p. 14-15).

Visual Arts and Literature at the Crosshairs

There exists no artistic genre (from drama to music) which, because of its provocative contents, has not caused reactions of this kind, in a manner manifestly contrary to the rules of a modern democracy. If we could classify the reactions and the genres that mostly provoke the public concerned, following drama and cinema, literature is the next victim followed by visual arts. The reasons are obvious. Both the readers of "heretical" books and the enthusiasts of "provocative" art are relatively numerous, although literature and visual arts are not considered mass forms of art.

Nonetheless, the reactions caused by the release of Mimis Androulakis' (born 1951) book *Mn* (feminine anti-novel) in 2000 brought back to memory dark periods of the past. The book refers to the life of Christ and his relationship with Mary Magdalene, a subject that has been dealt with by authors all over the world from time to time.

However, this time reactions were unprecedented. In addition to complaints filed before the courts by those always dissenting in such cases, the incidents that took place in various cities in Greece were dramatic. In particular, "spontaneous" events were organised with the purpose of burning copies of the author's book, and this happened only a few days into the new millennium. During these days, cameras caught unprecedented images (Image 6). In the end, the court permitted the release of the book (although the first court ruling had banned its release) on the grounds that the book was a work of fiction and that it was not capable of offending the religious sentiment (Tsakirakis 2005, pp. 49-62).

An unfortunate outcome also awaited another work of literature, a satirical cartoon by Austrian author Gerhard Haderer (born in 1951) entitled *Life of Jesus* (2003). This is a humoristic story of the life of Jesus, emphasising Jesus' relationship with incense and its "responsibility" for miracles. Following the reactions by certain newspapers, the book was seized and the author was sentenced to six months in jail for the criminal offence of "revilement of religion". In the end, two years later, in 2005, the outcome was positive for both the author and his book (Ziogas et al. 2008, pp. 269-276).

With regard to the prohibition of non-likeable music, the list is long. In this case, the reasons are mostly political. The list is, nevertheless short, as regards art, and it is true that there have never been instances of preventive censorship, evidently because of its limited appeal to the public and its ability to contain implied messages (Petsini & Christopoulos 2016, p.87). In the case of visual arts, the provocation was mostly due to the perceived obscenity or indecency of the image, i.e. outraging public decency, or to the perceived blasphemy of the image.

Nevertheless, given that the boundaries between art and other values may be hard to discern, recent instances in which reactions have been extreme and have harmed freedom of expression, being a value common to all humans, have been recorded. At the forefront, we find again offence to religious dogma and offence to the nation. These "values" and art have had a long-standing and intertwined relationship. In fact, the history of Western art has been based on, and has developed in, this national and religious context. However, the rules governing this relationship have been questioned during the period of Modernism and thereafter. Therefore, for the aforementioned reasons there have always been many instances of popular reactions and vandalism toward works of art.

In 2003, Athens hosted the largest international exhibition of contemporary art as part of the Cultural Olympiad, under the title *Outlook.* Exhibits included a small (45x40 cm) work by Belgian artist Thierry de Cordier (born in 1954) entitled *Dry Sin* (*Asperges Me*), depicting a penis ejaculating on a cross. The image at issue became known to the public at large through newspapers. The result was to be expected: the courts intervened, the Hellenic Parliament debated the issue, politicians demanded that the work be removed threatening to otherwise do so themselves. In addition to politicians, the Church also became involved. Indeed, Archbishop Christodoulos stated that "we believe that you too, [politicians], just like every other sensible person, recognise some limits to art, which in this case have exceeded every margin of good-faith tolerance" (Ios 2003).

The work of art was ultimately withdrawn from the exhibition, whereas its curator, Christos Ioakimidis, was brought before the courts, actually following an intervention by the prosecutor of the Supreme Court (*Areios Pagos*). Given that blasphemy and obscenity are the strongest motives for censorship in Greek society, the *Outlook* exhibition has been one of the most serious instances of censorship in Greek post-war art, for displaying an art that was deemed to be both blasphemous and obscene (Tsakirakis 2008, p.91). In the ensuing trial, once the dust had settled, the curator was finally acquitted. Nevertheless, the discussions that followed the removal of the work of art and the trial have been particularly enlightening, useful, and fruitful for defining the boundaries between law, art, human rights, intellectual freedom, and all kinds of offences.

One of the most recent incidents, where extreme reactions and "public trials" once again came to the forefront, involved the public sculpture by artist Kostis Georgiou (born in 1956) named *Phylax*, erected on the seafront of Palaio Faliro, Athens, in 2017. This is the most ancient port in Attica, from where the mythical hero Theseus left for his voyage to Crete, to free the young men and women of Athens from the terrible Minotaur. In this case too, there was underlying religious censorship. As soon as the sculpture was erected, reactions were very strong. There followed litanies, exorcisms, demonstrations, abusive communications about the artist and the local mayor, questions in the Hellenic Parliament, as well as other actions, such as vandalism, because of the perception that the sculpture did not represent the ancient mythical guard Talos, as claimed by the artist, but satan, due to its red colour and its semi-abstract form (*News.gr* 2018). This "finding" appears to have sufficed, since one night (on 18 January 2018) the sculpture was taken down from its pedestal by some eager people who believed in their "visions" (Image 7).

According to one of the statements made at the time, "the purpose of those who committed these acts of vandalism is to make themselves the rules of a game, whose rules the do not know nor wish to learn", their aim being to gag freedom of expression (*Vimaonline.gr*, 2017).

The sculpture no long exists, only the pedestal has remained in its place, like a visual remnant of an unfinished performance, like a reminder of the power of reactionary positions against art and its symbolisms (cf. Tsichla 2019).

Conclusion

Censorship in Greece remains a significant societal phenomenon, irrespective of its legal and judicial dimension. There exists a certain "public" that has grown with obsolete ideologies and that is easily influenced by marginalised organisations and easily falls prey to fanaticism. Public interventions by these groups are both silly and dangerous with regard to freedom of expression. Their acts are by definition unlawful and aimed at imposing, in a forceful manner, their own law. The quality of such groups is not so much defined by their members' level of education as it is by their relationship with ultra-religious and extremist political circles. Incidents of this kind are still common to this day and they can be intense. The reason for these reactions is that perpetrators take advantage of the apparent "conflict" between freedom of expression, enshrined in the Constitution, and laws protecting human rights, which also benefit from legal protection. This is why the matter is often settled before the courts of the country, and at times by the local police. In most cases, these incidents involve religious offences and offences to national symbols, and this implies that, for some people, the concepts of "nation" and "religion" are not only identical but also above every other concept. Statistically speaking, these reactions are primarily directed against theatrical plays and films, due to their mass nature and to their broad appeal to the public at large.

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Images

Image 1 Demonstrators protesting projection of the film *The Last Temptation of Christ*, 1988

Image 2 Violent clashes outside the "Embassy" movie theatre playing the film *The Last Temptation of Christ*, 1988

Image 3 Violent incidents outside the "Chytirio" theatre, 2012

Image 4 Protesters demonstrate outside the "Acropol" theatre, 2018

Image 5 Protesters gather outside the Athens Single-member Court of First Instance to demonstrate against projection of the film *The Da Vinci Code*

Image 6 Organised burning of copies of *Mn* in Thessaloniki outside the bookstore where the book was presented, 2000

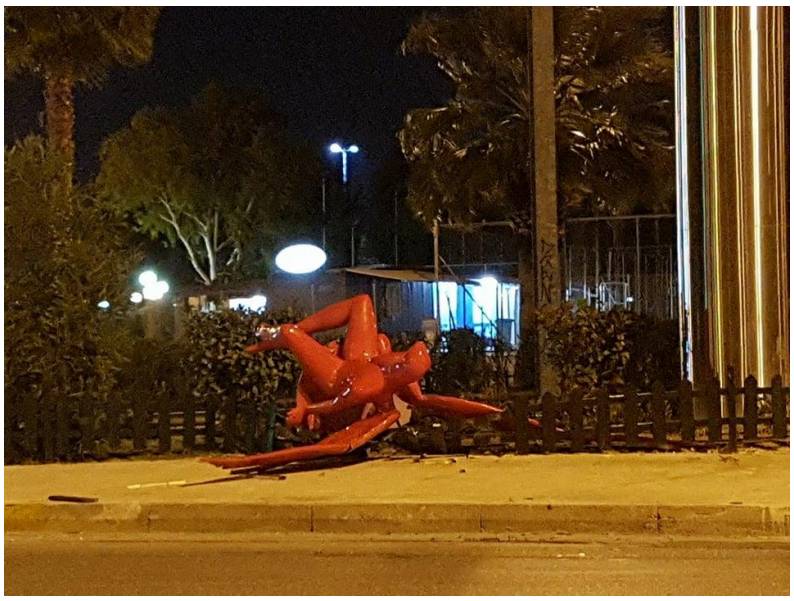

Image 7 The sculpture *Phylax* after it was taken down, 2018