

A Case Study of State and Law in the Interwar Period: The Three Historic Criminal Trials of Bishop of Paphos Leontios during the British Rule in Cyprus (1932, 1938, 1939)

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In 1932, 1938 and 1939 three criminal trials of Bishop of Paphos Leontios took place in Cyprus. There were not just three trials. There were the outcomes of a wide movement of Greek Cypriots against the British Rule. At first, we shortly refer to the 4.000 years history of Cyprus, the biographical elements of Bishop Leontios with a short notice on the three trials, and in detail the historic and political context of the Interwar Period in Cyprus. Then, we will analyse the three historical criminal trials of Bishop of Paphos Leontios.

Keywords: *British Cyprus; Interwar Period; Bishop Leontios; Criminal trials*

Introduction: Cyprus from 2nd Millennium BC to the 21st Century

Cyprus is an island country in the Eastern Mediterranean located south of Turkey, west of Lebanon, northwest of Israel, north of Egypt, and southeast of Greece.

Cyprus was settled by Mycenaean Greeks in two waves in the 2nd millennium BC who established twelve Ancient Cypriot Kingdoms¹ after the Trojan War. Cypriot Kings paid taxes to the heads of the empires of the Assyrians, Egyptians and Persians, from whom the island was seized in 323 BC by Alexander the Great. Subsequent rule by Ptolemaic Egypt, the Classical and Eastern Roman Empire (30 BC-323), the Byzantine Empire (324-1191), the French Lusignan dynasty (1192-1489) and the Venetians (1489-1571), was followed by over three centuries of Ottoman rule between 1571 and 1878 (*de jure* until 1914).

Cyprus was placed under the UK's administration based on the Cyprus Convention in 1878 (Berlin, June 4) and was formally annexed by the UK in 1914 (as a British Protectorate) and unilaterally annexed military occupation (1914-1922). From 1922 to 1960 Cyprus was a British Crown Colony. While Turkish Cypriots made up 18% of the population, the majority Greek Cypriot population and its Greek Orthodox Church had been pursuing Union with Greece (called 'Enosis'), which became a Greek national policy in the 1930s, 1940s, and 1950s. Following riots and armed revolutionary acts of the Greek Cypriots in the 1950s (under the Cypriot Organization called 'EOKA'), Cyprus was granted independence in 1960. On 15 July 1974, a *coup d'état* was staged by Greek Cypriot

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¹Stamelos (2019) at 121.

nationalists and elements of the Greek military junta in an attempt at *Enosis*, the incorporation of Cyprus into Greece. This action precipitated the Turkish invasion of Cyprus on 20 July 1974, which led to the illegal invasion and illegal capture of the present-day territory of Northern Cyprus in the following month, after a ceasefire collapsed, and the displacement of over 150,000 Greek Cypriots and 50,000 Turkish Cypriots. A separate Turkish Cypriot state in the north was illegally established by unilateral declaration in 1983; the move was condemned by the international community, with Turkey alone recognizing the new state. These events and the resulting political situation are matters of a continuing dispute.

The Republic of Cyprus has *de jure* sovereignty over the entire island, including its territorial waters and exclusive economic zone, with the exception of the UK Sovereign Base Areas of Akrotiri and Dhekelia, which remain today under the UK's control according to the London and Zürich Agreements. However, the Republic of Cyprus is *de facto* partitioned into two main parts: the area under the effective control of the Republic, located in the south and west, and comprising about 59% of the island's area; and the north, administered by the self-declared illegal and not recognized Turkish Republic of Northern Cyprus, covering about 36% of the island's area. Another nearly 4% of the island's area is covered by the UN buffer zone. The international community considers the northern part of the island as territory of the Republic of Cyprus occupied by Turkish forces. The occupation is viewed as illegal under international law, amounting to illegal occupation of EU territory since Cyprus became a member of the European Union.

The Republic of Cyprus has been a member of the Commonwealth since 1961 and joined the European Union on 1 May 2004. On 1 January 2008, the Republic of Cyprus joined the Eurozone.

Bishop of Paphos Leontios (1896-1947) and a Short Introduction on His Three Trials

Before we examine the historic facts of the era of the three criminal trials of Bishop Leontios² (1932, 1938, and 1939) and the specific data of the trials, we should first mention the biographical data of Leontios in order to reveal his background and a short notice on his three criminal trials.

Leontios³ was born in Limassol in 1896. At the age of 17, he became a monk and at the age of 23, he was ordained a Cypriot Greek Orthodox Deacon in Limassol. He went to Athens, studied at the Theological School of the National and Kapodistrian University, and received his degree in Theology at the age of 27.

²Bishop Leontios was *Locum Tenens* for the Archbishop's Throne/See (Acting Archbishop). We refer equally to Bishop Leontios or *Locum Tenens* or defendant or Acting Archbishop hereinafter.

³Leontios, whose full name was Leontios Savvas, was Bishop of Paphos in Cyprus from 1930 to 1947. One should not mix him with another Bishop Leontios, who was the Bishop of Neapolis in Cyprus at the first half of the seventh century. See. Hadjichristodoulou (2004).

He then returned to Cyprus where he was appointed Professor of Theology at the Pancyprian Christian Cypriot Greek Orthodox Theological School (Seminary) in Larnaca, while he was a Preacher in Church Area called 'Metropolis' of Paphos.

In 1927 he continued his studies in the USA at the Theological Academy in New York, where he received his master's degree in Theology.

In 1930, while still in the USA, he was elected Bishop of Paphos at the age of 34 and, returned to Cyprus, where he was ordained Presbyterian in Nicosia and took office as Bishop of Paphos thereafter.

Leontios represented Cyprus in important theological Conventions in Lambeth in 1930, in London in 1931 and in Bonn in the same year.

When the Greek Cypriot riots against the Britons broke out in October 1931, Leontios was out of Cyprus. Following those riots, the British colonial government with difficulty and after much hesitation finally allowed Leontios to return to Cyprus.

Upon the death of Archbishop Kyrillos of Cyprus on 16 November 1933, Leontios became the *Locum Tenens* (Acting Archbishop) of the Archiepiscopal See, whilst on 13 September 1933 he had already become an Acting Bishop of the Church Area 'Metropolis' of Kition due to the death of the exiled Bishop Kition Nicodemos Mylona.

In November 1941 Bishop Leontios led the Cyprus mission in Athens and in London. Five years later, in 1946, at the age of 50, he moved to London, at the age of 50 years, where he called for the Union of Cyprus with Greece ('*Enosis*'). The British government denied Leontios any chance for the Union of Cyprus with Greece⁴.

Bishop Leontios was elected Archbishop of Cyprus on 20 June 1947. On 16 July 1947, he addressed the Greek Cypriots and was asked to abstain from the Consultative Assembly convened by the Government.

Bishop Leontios died on 26 July 1947, at the age of 51 years, thirty-seven days after he had been elected as Archbishop. There were rumours that his death was not of natural causes, but the true cause of death was never investigated.

Before becoming Archbishop of Cyprus, Bishop Leontios had been prosecuted and sentenced three times for acts that the British colonial government considered to have created *the possibility* of 'disfavour' against the UK King and the Local government (1932), and the public peace (1938 and 1939). Leontios indeed made a strong effort to prevent government intervention in the ecclesiastical issues of Cyprus and his tireless stance resulted in the abolition, after post-war, of the laws of 1937 concerning the election of an Archbishop.

Bishop of Paphos Leontios, an advocate ('*Enosist*'⁵) of the Union of Cyprus with Greece ('*Enosis*'), was tried during the British domination by the British courts in Cyprus in 1932, in 1938 and in 1939.

Initially, in 1932, pursuant to the Defence for Certain Possessions Order, he was tried for a breach of peace and was ordered to pay 250 British Pounds as a warranty, whilst he *was not ordered* to mandatorily stay in Paphos, in the sense of his compulsory residence in Paphos, as later.

⁴Pafitou (2010) under Sec. 1946.

⁵Ioannides (2019) at 230.

In 1938, pursuant to Law 30/1935 provisions, Leontios was ordered by the court to mandatorily reside in Paphos.

In 1939 (May 15), pursuant to Law 30/1935, Deputy Marshal Ashmore who was the Prosecutor, accused Bishop of Paphos Leontios as follows, asking for his trial before the appropriate Court⁶:

‘The police officer submitted an application on behalf of the police and requested a court order to be issued against Leontios Sava, Bishop of Paphos who is an English national. An affidavit is issued and attached a bulletin containing the actions and behaviour of the accused’.

The position among the clergy of the accused and his past, as his words and phrases referred to in the attached bulletin, bring out the purpose of Bishop of Paphos, which is to breach of the peace⁷ and also to corrupt the youth⁸.

Article 2 of Law 30/1935 prohibited the breach of the peace or the possibility that a person could cause the breach of the peace (this was left to the discretion of the judge to decide on whether there was such a possibility), whilst article 15 provided for the penalty of mandatory residence in a specific city or town by a court order.

It was the era of ‘Palmerocracy’ (1933-1939), when there was lack of freedom in Paphos and in Cyprus in general. The constitutional (civil) rights were an unknown notion, and any voice raised, either as protest or as contrary to the British Rule in Cyprus, was concerned not only as disturbing but also as an illegal act that was being prosecuted criminal proceedings.⁹

However, in British Cyprus of the Interwar Period and the era of ‘Palmerocracy’ there were no civil rights or freedoms.

The Historic, Political and Legal Framework of the World War I, the Interwar Period, and the Era of Leontios’ Trials (1914-1939)

The historic facts from 1914 to 1939 in short were the following.

⁶Machlouzaridis (1979) at 68.

⁷In England, Wales and Northern Ireland, breach of the peace is descended from the [Justices of the Peace Act 1361](#) which refers to riotous and [barratous](#) behaviour that disturbs the peace of the King. Modern English authority defines a breach of the peace as ‘when a person reasonably believes harm will be caused, or is likely to be caused, to a person or in his presence to his property, or a person is in fear of being harmed through an assault, affray, riot, unlawful assembly, or some other form of disturbance’ (*R v Howell* (1982) QB 416).

⁸These accusations (‘breach of the peace’, ‘youth corruption’) remind us of the ancient Greek criminal case of Socrates who was tried in 399 BC and was then accused of ‘youth corruption’. Stamelos (2018) at 81-101.

⁹In the USA, for example, the [US Supreme Court](#) based on the [First Amendment](#) to the [US Constitution](#) held in 1965 that a state government cannot employ ‘[breach of the peace](#)’ [statutes](#) against protesters engaging in peaceable demonstrations that may potentially incite violence. Therefore, it held that such laws were unconstitutional violating the individual right to protest *Cox v. Louisiana*, 379 US 536 (1965). Though the facts were similar in both cases the British Cyprus court found the Bishop guilty in 1930 while the US Supreme Courts acquitted Cox.

The British government formally annexed the Mediterranean island of Cyprus, which had been a British protectorate since 1878, on November 5, 1914. The leaders of the Turkish Cypriot community on the island of Cyprus declared their loyalty to Britain during the First World War. Sir John Eugene Clauson was appointed as British High Commissioner on January 8, 1915. Archbishop Kyrillos II died on July 19, 1916, and Bishop Kyrillos was elected Archbishop of Cyprus as Kyrillos III on November 11, 1916. British High Commissioner Sir John Eugene Clauson died on December 31, 1915, and Sir Malcolm Stevenson was appointed as Acting High Commissioner.

Greek Cypriots convened an assembly on October 10, 1921, demanding the union of Cyprus with Greece (*Enosis*). Cyprus was proclaimed a British crown colony on March 10, 1925. Sir Malcolm Stevenson was appointed British Governor on the island of Cyprus on March 10, 1925.

Sir Ronald Storrs was appointed as British Governor on the island of Cyprus on November 30, 1926. Elections for the Legislative Council were held in October 1925. On November 28, 1929, British Colonial Secretary Lord Passfield rejected demands that Cyprus be unified with Greece. Elections for the Legislative Council were held in 1930.

Cyprus in 1931

As a result of grievances with the British colonial government, several Turkish Cypriots convened “a national congress (*Milli Kongre*) in the town of Söz on May 1, 1931”¹⁰. In response to the national congress, the British colonial government stated that ‘it had come to the attention of the government that some people belonging to the Islamic community had gathered in the form of an assembly, which they call the National Congress, and that they elected a person among themselves as mufti’ and that the election of a mufti was against ‘the law, the traditions and the precedents, and thus it would on no condition be recognized by the government’.

Beginning on October 17, 1931, the Greek Cypriot members of the Legislative Council, including Bishop Nicodemus Mylonas, resigned in protest of the enactment of a tariff law (import duties) by the British colonial government. The *National Radical Union of Cyprus* (*Ethnike Rizospastike Enosis Kypriakī – EREK*) was established on October 18, 1931.

Bishop Nicodemus Mylonas called for ‘disobedience and insubordination to the illegal laws of this immoral, vile, and shameful regime’ during a speech in Lemesos (Limassol) on October 20, 1931.

Greek Cypriots rioted against the British colonial government throughout the island of Cyprus beginning on October 21, 1931.

Governor Storrs declared martial law on October 21, 1931¹¹.

¹⁰Rappas (2008) at 362-363. This chapter “Cyprus in 1931” is *mainly* based on Rappas (2008) and his references.

¹¹For the Education System of the British Administration from 1878 to 1931 see Heraclidou (2017) at 7-36.

The rebellion was suppressed by British security forces on October 27, 1931, resulting in the deaths of six Greek Cypriots.

The British colonial government abolished the Legislative Council and banned political parties. Several Greek Cypriot leaders, including George Hajipavlou, Dionysios Kykkotis, Theofanis Tsangarides, Theofanis Theodotou, and Theodoris Kolokassidis, were deported to Britain and Gibraltar on November 3-6, 1931.

In 1931, an uprising of Greek Cypriots proclaiming '*Enosis*' (political union of Cyprus with Greece) dominated the island of Cyprus, then a British colony. Rapidly recovering from the initial shock, British authorities seized the opportunity to abolish representative institutions (long considered an impediment to the sound administration of the island) and impose limitations on freedom of expression. Under Governor Sir Richmond Palmer, an era of authoritarian rule began. The broader aim of British rule in the 1930s was to reshape Cyprus as an ideal polity, whose inhabitants would thrive materially and civically; however, the two preconditions for the establishment of such a polity—the neutralization of local politics and the international isolation of the island—would be rendered unattainable owing to the activity of Greek Cypriot notables who seized the opportunity of a vacancy in the Throne of the Orthodox Archbishop of Cyprus to restructure a political arena with international ramifications¹².

A little after midnight, on 22 October 1931, all that was left of Government House in the capital city of Nicosia, Cyprus was a smouldering pile of rubble. Some hours earlier, a procession of approximately five thousand Greek Cypriots, mostly young male students, but also priests and notables, had marched from Nicosia, shouting for *Enosis* (union with Greece) and the end of British colonial rule. After a siege of nearly three and a half hours and heavy stone-throwing, the crowd managed to set fire to the colonial governor's residence before the police dispersed them. The event, which occurred in a context of heightened political frustration and economic hardship, sounded the alarm of an island-wide revolt, with Greek Cypriots of different social origins and ages raiding public offices, stripping them of symbols of British authority and substituting, where possible, the Greek flag for the Union Jack¹³.

The 1931 revolt, or *Oktovriana* ('events of October') as it was later called, constituted, in the words of Robert Holland, the 'most humiliating blow sustained by the British in any of their Crown Colonies in the years between the two World Wars' (1998, 4–5). The Governor, Sir Ronald Storrs, whose career was permanently stained by this incident, had to appeal to the British military headquarters in Egypt for help in crushing the uprising. By early November, law and order prevailed throughout the island, at the price of seven Cypriots killed, thirty wounded, ten deported for life, and 2,606 convictions resulting in fines and prison terms for sedition. Repression was swift and thorough, and all Cypriots, including the large community of Turkish-Cypriots who had not taken part in the revolt, were stripped of both their liberal rights and representative institutions

¹²Rappas (2008) at 363.

¹³CO 67/240/13, 1931.

which had been gradually granted when the island, after three hundred years of Ottoman rule, became a British dependency in 1878.

The elected Legislative Council, founded in November 1882, was abolished; municipal elections were suspended; and village authorities, hitherto elected, were to be directly appointed by the governor¹⁴. Advocating *Enosis* was declared illegal and flying foreign flags were forbidden; assemblies of more than five persons, without the prior authorization of colonial authorities, were prohibited¹⁵; and censorship severely curtailed the freedom of newspapers to discuss ‘matters of public policy or general interest’¹⁶.

Year 1931 marked a radical turn in relations between Cypriots, especially Greek Cypriots, and British colonial authorities in the continuation of the Great Depression¹⁷.

It was a traumatic experience for the actors of the time and it became a foundational myth for future administrations in Cyprus, as both the spectre of professional infamy and a blank check for the implementation of new policies. Prior to the uprising, the bubbling activity of Greek Cypriot prelates, members of the Legislative Council, and editors of newspapers promoting the cause of *Enosis*, had been viewed by colonial authorities with either bemused contempt or, when they believed it impaired the efficient administration of the Island, the orderly discharge of their duties, or even their prestige, with irritation. In a well-known passage in his memoirs, Governor Storrs wrote that the Legislative Council ‘proved an exasperating and humiliating nuisance’.

After 1931, this passive, but confident derision gave way to a more alarmist vision of politics, what Ranajit Guha has called a ‘prose of counterinsurgency’ (1996), which had serious implications for the decision-making process of the colonial administration and its policies. Impressions of a rather folklorist genre on the identity of the Cypriots and academic debates questioning the island’s links with Greece and Turkey had hitherto been very much confined to personal writings, travellers’ accounts, private correspondence, or memoirs of retired officials¹⁸. “In the wake of the uprising, these impressions flooded official documents as the identity Cypriots claimed for themselves, and the way they conceived their relations to the space they inhabited, became the keystone of official colonial policy¹⁹”.

The period between 1931 and the beginning of World War II has been called *Palmerokratia* (Palmerocracy)²⁰, a derogatory term coined by Cypriots after the

¹⁴CO 67/242/8, 1931.

¹⁵*The Cyprus Gazette* 1932, at 743–745.

¹⁶Rappas (2008) at 363.

¹⁷The Great Depression started in 1929 in the US and lasted until the late 1930s in many countries in the world. Alecou (2016) at 11: ‘In Cyprus, collapse of agricultural products’ prices in the early 1930s led to the bankruptcy of export companies in Larnaca, the General Motors dealership and textile mills in Nicosia and Paphos.’

¹⁸Rappas (2008) at 363–364.

¹⁹Rappas (2008) at 364.

²⁰For the British Atmosphere in Cyprus 1931–1935 see Heraclidou (2017) at 37–56.

name of Governor Sir Herbert Richmond Palmer (1933–1939) as “a metonym for the most authoritarian phase of British rule on Cyprus, both preceding and exceeding Palmer’s own mandate”²¹.

Sir Reginald Edwards Stubbs was appointed British Governor on the island of Cyprus on October 20, 1932.

Cyprus in 1933-1939

Sir Herbert Richmond Palmer was appointed British Governor on the Island of Cyprus on November 8, 1933 (till 1939). Archbishop Kyrillos III died on November 16, 1933 and after twenty seven years Cyprus formally achieved its independence from Britain on August 16, 1960. Let us examine in detail the historic, political and legal framework from 1933 to 1939.

Sir Herbert Richmond Palmer assumed his governorship on the 21st of December 1933, at the age of 56²².

A lawyer by training, he had spent most of his colonial career in the Northern Provinces of Nigeria (1904–1930) where he reached the position of Lieutenant Governor (1923) before assuming the governorship of Gambia in 1929²³.

Surprisingly, very little research has been conducted on Cyprus in the 1930s, and thus scholars are (quite wrongly) left with the impression that nothing of consequence happened in the Interwar Period and in specific between 1931 and World War II, and that the repressive measures enacted in the wake of the *Oktovriana* left the country in a state of political and social torpor.

The regime in Cyprus during this time did not confine itself to denying Cypriots the means to claim publicly national identities or debate government policy.

The ambitions of successive Governors went much further and repression was considered ‘merely’ as a necessary step for laying the foundations of a polity purified from what they perceived as ‘petty politics’. They dreamt of instilling, in the words of Governor Stubbs, ‘public spirit’ in the minds of Cypriots²⁴ and providing them with a ‘civic education’, in the words of his successor Palmer²⁵.

These aims were definitely envisaged by colonial administrators as a constructive counterpoint to the repressive measures currently in force; they gave meaning, even a cause, to their work and were certainly intended to legitimize colonial rule both locally and abroad. As such, they need to be taken into account to get a fuller understanding of the nature of Palmerocracy.

Another problem with portraying Palmerocracy as a ‘black authoritarian decade’ is that it obscures the sophisticated ways Cypriots were able to circumvent censorship and surveillance and establish ‘niches’ within which political activity

²¹Georghallides (1981–1982) at 277.

²²*The Cyprus Civil List*, 1934, 6. Rappas (2008) at 363-365. This chapter “Cyprus in 1933-1939” is mainly based on Rappas (2008) and his references.

²³*The Colonial Office List*, 1935, 747.

²⁴CO 67/254/4, 1933. CO abbreviates ‘Colonial Office, Cyprus Original Correspondence, National Archives, London’. WO abbreviates ‘War Office, Registered Files, National Archives, London’.

²⁵CO 67/264/10, 1936.

could re-emerge and function²⁶. Despite the use of Palmerocracy to describe it, the regime was shaped gradually over a period dating from both before and during the Palmer regime.

Scrutiny of three official documents published in the early 1930s, along with the circumstances responsible for their conception and their intended use, suggest that colonial authorities distanced themselves from the relative inertia that characterized the first years of British rule in Cyprus and sought to penetrate local society and shape it into an ideal polity. To account for all the instances of Cypriot opposition to colonial rule, individual and collective, would be impossible, so only one such instance is explored here—the vexing question of the archiepiscopal elections from 1933 onwards.

During Palmer's governorship, part of the Greek Cypriot elite transformed the Church into a niche where political activity could re-emerge with the goal of denying the political ambitions of the colonizer²⁷.

Three major texts provided the general framework of policymaking in Cyprus during the 1930s: *The Survey of Rural Life in Cyprus* (1930) by Brewster Joseph SurrIDGE, District Commissioner of Larnaca; Sir Reginald Edward Stubbs's *Memorandum* (1933); and Sir Ralph Oakden's *Report on the Finances and Economic Resources of Cyprus* (1935)²⁸.

Each one of these documents was designed for its own purpose in its own specific context, but under the rule of Governor Palmer they became the administration's primary references, often both inspiring and informing specific policies.

SurrIDGE's *Survey* provided the social, Stubbs's *Memorandum* the political, and Oakden's *Report* the economic and financial backdrop against which official policies were decided and implemented.

The *Survey of Rural Life in Cyprus* was the product of extensive socio-economic research over a two-year period, coordinated by SurrIDGE who mobilized close to 30 investigators—government officials, retired officials, lawyers, and merchants.

They were sent to 569 of the island's 641 villages to interview the people. The resulting document is much more than a mere compilation of statistics and figures; indeed, it can be characterized as the first comprehensive ethnographic survey of the island²⁹.

Its predominant concern was the grim conditions in which the overwhelming majority of the island's population lived; most were small-proprietor peasants, crippled with debts. 82% of the island's 59,175 peasant-proprietors owed money, either to urban merchants, lawyers, or thriving farmers. Consequently, SurrIDGE strongly advocated for the development of cooperatives and cooperative credit societies as well as for a reform of the agricultural bank in order to bolster the cultivators' financial (and political) autonomy³⁰.

²⁶Ioannou (1948).

²⁷Rappas (2008) at 365.

²⁸Rappas (2014) at 25

²⁹Rappas (2008) at 365; SurrIDGE (1930) at 7, 78-90.

³⁰Rappas (2008) at 365-366; SurrIDGE (1930) at 36, 37, 45-46, 47-50.

The *Survey of Rural Life in Cyprus* depicts a lively, integrated, and cohesive image of Cypriot society which contrasted with the dry, factual, and disjointed reports which district commissioners and other officials regularly sent to the colonial secretary's office or the headquarters of their departments.

By contrast, Oakden's *Report on the Finances and Economic Resources of Cyprus* deals more extensively with the colonial administration rather than local society.

Oakden, a retired Indian Civil Service official and former Senior Member of the Board of Revenue (Lucknow), was appointed Financial Commissioner for Cyprus by the Secretary of State for the Colonies in March 1934. He spent a little over four months on the island, visiting the headquarters of administrative and technical departments (secretariat, health, agriculture, police, education, forestry, etc.) as well as rural areas, where he met the peasantry and members of cooperative societies³¹.

The Financial Commission's duty was twofold: to suggest ways to curb the colonial administration's expenditures and to propose the most cost-effective government-sponsored financial, legislative, and institutional incentives to stimulate the local economy. The document produced by Oakden at the term of his mission, signalled a clear intention to bolster the government's 'initiative in the matter of development,' opening an era of increased state interventionism, particularly in the domain of agriculture. This contrasted starkly with the limited measures the Cyprus government had hitherto taken, mainly through frequently unenforceable laws.

Unsurprisingly, Surridge's *Survey of Rural Life in Cyprus* is specifically mentioned by Oakden in his own *Report*, in which he proposed the appointment of 'special extra-legal Courts or Committees' to investigate cases of rural indebtedness and impose arbitration between creditors and debtors. He further suggested the transformation of the existing Agricultural Bank into a state bank as a part of the colonial administration's treasury department and its disentanglement from the cooperative credit societies³².

The *Memorandum* by Stubbs was intended for internal circulation only and is of an entirely different nature. Written on 16 October 1933, it is a review of Cyprus's constitutional situation following the abolition of the Legislative Council in 1931. The *Memorandum* is founded on a radical mistrust of Cypriots. 'I know of no community which is so utterly unfit to take any responsible part in the Government of its native country as is that of Cyprus', Stubbs wrote. Cypriots would have to go through a 'considerable period of training in western civilization' before any kind of representative government could be reintroduced.

An essential starting point for this training was the reform of secondary education 'by the introduction of an English atmosphere'. "The second objective of the administration in Cyprus should be to 'take steps to crush the bad leaders of people', of which Stubbs distinguished two 'species', the Communists and the Greek-Orthodox Church"³³.

³¹Rappas (2008) at 365-366; Sir Oakden (1935) at 5.

³²Sir Oakden (1935) at 113, 58.

³³Rappas (2008), 366.

Stubbs was confident that the penal laws enacted since the beginning of his governorship in December 1932 would suppress altogether the former. The Church's activism on behalf of *Enosis* on the other hand, constituted a more serious threat. Stubbs felt that the immediate concern of the colonial administration should be to put an end to the interference in politics of an institution depicted as thoroughly corrupt, which derived power from its extensive land holdings. Within this newly defined authoritarian regime, the only possibility of Cypriot participation in the official policy that Stubbs envisioned was through the establishment of an Advisory Council composed of official and unofficial Cypriot members, all 'nominated by the Governor and approved by the King'. Beyond his recommended policies, Stubbs also set the tone by which Cyprus was thenceforth to be ruled, what may be called the discursive framework of the regime; he introduced new, or simply ossified old, colonial categories, distinguishing between the 'respectable' or 'better-class Cypriots' as opposed to self-serving 'demagogues'. He further reintroduced and gave official credence to a representation of Cypriots as 'Orientals' or 'Asiatics' which served only to buttress the perception of their alleged political inaptitude.

Unsurprisingly, the term 'Greek' was to be banned from official correspondence when referring to Greek Cypriots, favouring instead the clumsy categories of 'Non-Mohammedans' or 'Orthodox-Christians'.³⁴

In their efforts to devise a framework for the new regime, these three documents, drafted in the first half of the 1930s, illustrate a much more interventionist drive on the part of colonial authorities. They show a determination to penetrate the local society and understand its inner workings. At the same time, however, they contributed to the sanctioning and reification of the representation of Cyprus as a peasant society exploited by self-serving and politically-minded usurers.

In spite of this, the three surveys constituted the blueprints for new experimentations in the creation of an ideal polity in a decade when Europe was brimming with ideas about social engineering. In this respect, the failed uprising of 1931 had indeed been a 'godsend' for colonial authorities.

It had been roundly and publicly condemned by Greece's Prime Minister, Eleftherios Venizelos, in the name of his country's friendship with Britain, and this condemnation seemed to guarantee, officially at least, Greece's non-interference in Cypriot politics. Moreover, it had allowed colonial authorities to abolish representative institutions considered major impediments to the sound administration of the Island³⁵.

The ground was seemingly clear for the colonial administration, under the governorship of Palmer, to undertake a thorough reformation of Cypriot society.

To shape his policies in Cyprus, Palmer relied heavily on the three official texts discussed above. He asked officially for the dispatch of a Financial Commission at the beginning of his governorship in early 1934 and subsequently assigned Surridge the duty of writing a critical view of Oakden's yet-unpublished

³⁴CO 67/254/4, 1933.

³⁵Rappas (2008) at 367. The author refers to others sources and authors, such as Markides, Georghallides, and Richter.

report³⁶. (Palmer's administration carved a policy along three complementary axes: the reorganization of the colonial administration in terms of decentralization, the development of agriculture, and the reform of education.

Perhaps nothing illustrates better the new governor's eagerness to break with pre-1931 administrative practices than his systematic insistence (very much in line with Stubbs's suggestions) on the need to avoid the prompt restoration of any representative institutions and even of the elective principle.

This was consistent with legislation enacted in the wake of the 1931 revolt as successive revisions of the Cyprus Criminal Code made political activity a criminal offense. 'Political agitators' were often viewed as being on par with 'criminals' and labelled as such in official reports³⁷.

Moreover, their activities were monitored by the police's criminal investigation department³⁸. Elective politics in Cyprus, according to Palmer and some of his correspondents at the Colonial Office, amounted to 'professional Levantine politicians'³⁹ promoting their own vested interests through 'bribery'⁴⁰ under the guise of (manufactured) 'popular demand'⁴¹.

The abolition of elections in Cyprus, whether at a central (Legislative Council) or local (Municipal Councils and Village Commissions) level, went hand-in-hand with censorship of the press. Their intent was to drive influential Cypriots (often those closely linked to, or even owners of, widely-read newspapers) away from the public stage. 'In the Near East,' wrote Palmer, 'freedom of the press means suppression of free speech or at least honest free speech: it puts a premium on corruption, intimidation and fraud'⁴².

English Laws 36/1935, 30/1935 and 26/1936 in Cyprus

Under Law 36 of 1935, which provided for an overhaul of the entire judicial department and a significant decrease in its permanent staff, the Governor assumed the right to appoint, suspend, or remove the presidents and judges of the district courts, a prerogative heretofore reserved for the King-In-Council⁴³.

Moreover, under Law 30 of 1935, executive officers obtained the right to intern or even commit to prison for a term up to one year 'any person [. . .] upon a statement on oath being made that such person is *likely* to commit a breach of the peace'⁴⁴.

³⁶CO 67/255/1, 1934.

³⁷CO 67/277/15, 1937.

³⁸WO 32/2405 1934. See also Rappas (2008) at 367.

³⁹CO 67/264/10, 1936.

⁴⁰CO 67/256/7, 1934.

⁴¹CO 67/284/1, 1938.

⁴²CO 67/274/6, 1937. See also Rappas (2008) at 367-368.

⁴³CO 67/269/14, 1935.

⁴⁴CO 67/269/14, 1935.

Finally, Law 26 of 1936 handed jurisdiction to the district commissioners for the settlement of certain petty criminal offenses⁴⁵.

Laws enacted in 1932, 1933, and 1934⁴⁶ “postponed municipal elections for one year, while Law 16 of 1934 extended the period to five years”⁴⁷. Palmer preventively brushed aside any possible criticism concerning the lack of representation under such a system by stating that ‘government itself cannot nominate as Mayor or Muktar any man who cannot reasonably be expected to function satisfactorily and has some support’⁴⁸. In fact, the mayors of the Island’s six major towns-Nicosia, Limassol, Larnaca, Famagusta, Kyrenia, and Paphos-had all been elected prior to the 1931 revolt and their mandate was consequently merely extended by the aforementioned laws. Moreover, the powers of municipal councils were considerably enhanced, and assumed a police character as mayors had the power to grant or revoke licenses and permits to coffee shops, those incontrovertible places of sociability and vectors of politicization in Cypriot life, or to require hotels ‘to keep a special register with the names of every person staying together with other particulars as may be prescribed’⁴⁹. The success of decentralization in its triple ambition-to facilitate cooperation between government and society, to secure a more efficient control of the country by pre-empting the formation of any centralized political movement, and to ‘educate and train’ the Cypriots to be ‘good citizens’⁵⁰ depended on two closely intertwined prerequisites: the material and social improvement of the Cypriots’ lives and the thorough reform of schools and the educational system.

This double correlation was clearly established by Palmer, who in 1938 stated that he wanted to wait another ten years before reintroducing the elective principle at the local level; namely, ‘a period by which the boys and girls now at school would have grown up, and the present method of administration would possibly have matured and produced further results in greater well-being and economic prosperity’⁵¹. With regard to education, the administration’s most immediate concern was to put an end to the dissemination of nationalist ideas in Cypriot schools, both Greek and Turkish. According to a 1932 report of the Director of the Education Department, the curriculum of Greek Cypriot and Turkish-Cypriot schools was exactly that devised by the Ministries of Public Instruction of Greece and Turkey respectively; likewise, ‘the whole internal organization of these schools-books, timetable, examinations, etc.-was arranged in accordance with instructions and circulars’ from these ministries⁵². In 1933, the Cyprus government enacted a law making the governor ‘the central authority for all matters relating to elementary education’. It gave him the power to control, approve, or veto ‘the

⁴⁵Rappas (2008) at 368. Rappas refers to the newspaper of that time ‘Eleftheria’ which in Greek means ‘Liberty’.

⁴⁶CO 67/256/7, 1934, Rappas (2008) at 368-369. Rappas refers to the newspaper ‘Eleftheria’, the Cyprus Gazette 1932, 101, 102 (Official) and to Greek Cypriot author Aimilianides.

⁴⁷CO 67/256/7, 1934.

⁴⁸CO 67/264/10, 1936, Rappas (2008) at 369.

⁴⁹CO 67/284/1, 1938.

⁵⁰CO 67/264/10, 1936, Rappas (2008) at 370.

⁵¹CO 67/284/1, 1938.

⁵²CO 67/246/13, 1932, Rappas (2008) at 370.

books to be used in schools and school libraries; the classification, examination, registration and promotion of teachers . . . the curriculum, syllabus, and courses of instruction to be followed in schools'⁵³.

Education Reforms by the British in Cyprus (1935-1939)

In March 1935, Arthur Mayhew, Joint Secretary to the Advisory Committee on Education at the Colonial Office, was sent to Cyprus to discuss with the governor the means for carrying out reform of the secondary education. The report he produced in early April of that year recommended five main courses:

- a) The government would cease to assist financially institutions which depended on 'alien governments' (i.e., Greece and Turkey) for their functioning;
- b) The funds thus liberated would partially be allocated to the English school, which was to be transformed into a training institution for future Cypriot colonial civil servants;
- c) Special attention should be given to the education of girls because, as the report read, 'politically the home influence of women cannot be overlooked';
- d) 'The question of suitable Greek and Turkish reading books ought now to be taken up without further delay'; and
- e) Mayhew, concurring with Oakden's own conclusions, recommended that the government 'experiment[ed] with one or two Rural Middle Schools, intended essentially for future small landholders and aiming generally at the improvement of village life'⁵⁴.

Church of Cyprus, Bishop Leontios and the relations with the British in Cyprus (1935-1939)

When Leontios Savva, Bishop of Paphos and *Locum Tenens* (Acting Archbishop) of the Archiepiscopal See, protested against Law 25 (CO 67/260/3 1935e), a principal secretary at the Colonial Office commented:

The Acting Archbishop is naturally perturbed by our new educational policy. The object of that policy is to strike at the root of the political ideas which he represents [enosis]. The influence of the Church on education has been a powerful lever in its hand. ... The issue is between Western ideas and enlightenment and the reactionary obscurantism of a corrupt hierarchy'⁵⁵.

⁵³CO 67/249/13, 1933.

⁵⁴Sir Oakden (1935) at 79-84. CO 67/259/15, 1935. For the end of Palmerocracy and the British Educational Policy in Cyprus from 1936 to 1939 see Heraclidou (2017) at 57-68.

⁵⁵CO 67/249/13, 1933, Rappas (2008) at 371.

Relations between the Autocephalous Greek Orthodox Church of Cyprus and the colonial authorities had been brittle from the very beginning of British rule in 1878. Specifically, British authorities remained steadfastly opposed to any intervention of the Church in temporal affairs; thus, from the outset, they distanced themselves from the *millet* system that prevailed during the Ottoman administration (1571–1878) under which the Archbishop served as *Ethnarch* (leader of the Nation) and Orthodox prelates were granted wide temporal powers over their followers.

From late 1933 onwards, under Palmerocracy, this complicated relationship would be further strained by the vexing question of the election of the Archbishop of Cyprus.

Archbishop of Cyprus, Kyrillos III, died of pleurisy on 16 November 1933 at the age of 74⁵⁶.

Immediately, the Bishop of Paphos, Leontios Savva, assumed the position of *Locum Tenens* (Acting Archbishop) of the Archiepiscopal Throne, pending the election of a permanent successor to Kyrillos. At the time, the Greek Orthodox Church of Cyprus was in an awkward position.

Two of the island's three Bishops-Makarios of Kyrenia and Nicodemos of Kition-had been deported in the wake of the uprising of October 1931 due to the British regime's perception of them as ringleaders of the *Enosis* movement⁵⁷.

In these circumstances, the holding of the Holy Synod in Cyprus was rendered all the more problematic since the colonial administration systematically refused to authorize the exiles' return. In response, the exiled bishops and the *Locum Tenens* decided to postpone the elections until these 'non-canonical restrictions' were lifted⁵⁸.

From the colonial government's point of view, the question of the filling of the Archiepiscopal Throne stretched far beyond a simple ecclesiastical matter. Thus Governor Stubbs would remind the Colonial Office, just a few weeks after the Archbishop's decease, that the bishops 'and their supporters within and without the Church desire[d] their return [...] in order that they may continue their political activities and pursue (with renewed authority, were one of them to be elected Archbishop) their work of sedition'⁵⁹. The 'Archiepiscopal Question' was deemed to be politically freighted as it was likely to pull out of the shadows personalities deemed dangerously evasive since, as religious leaders, they constantly blurred the boundaries between the realms of the sacred and the secular and persisted in impinging upon the latter. In Cyprus after 1931, however, the colonial administration's priority was order, and this redefined 'reason of state' called for a clear-cut allocation of roles; specifically, as Palmer would put it, 'we

⁵⁶Rappas (2008) at 371 refers to the newspaper "Phoni tis Kyprou, 1933" which in Greek means "Voice of Cyprus".

⁵⁷Rappas (2008) at 371.

⁵⁸Rappas (2008) at 371-372 refers to newspapers of that time, "Phoni tis Kyprou", "Chronos", which in Greek means "Time" and also to Apostolos Barnabas of 1935.

⁵⁹CO 67/252/13, 1933, CO 67/252/13, 1933, Rappas (2008) at 372.

should make it very plain that there will be no more ‘Ethnarchy’ or politics so far as we can help’⁶⁰.

In contradistinction to this position, the *Locum Tenens* appealed to a different level of legitimacy. The practical impossibility of holding an election was attributed to the fact that, though exiled, Makarios and Nicodemos remained, from the standpoint of the Orthodox Church of Cyprus’s regime, rightful bishops. As such, they maintained their full rights, both ‘synod’ and ‘pastoral,’ guaranteed by the ‘Ecclesiastical Law of the Eastern Orthodox Church,’ namely the resolutions of the seven Ecumenical Councils applying to all Eastern Orthodox Churches. If elections were not held ‘canonically,’ they would amount to a denial of the Church’s divine legitimacy and thus deprive it of its ‘influence on the life of its flock’⁶¹.

In other words, the order of legitimacy to which the *Locum Tenens* appealed was at once de-territorialized (it applied to all Eastern Orthodox Churches), timeless (it was rooted in the venerable resolutions of the seven Ecumenical Councils), and immaterial (or divine). This legitimacy was in contrast to the ‘state decree,’ which was territorial (confined to the colony of Cyprus), circumstantial (linked to one event, the 1931 uprising), and material (i.e., human-made and thus revocable)⁶².

Meanwhile, in Cyprus, resistance to the Cyprus government’s policy took a new turn and gathered momentum as the Church appeared strengthened and legitimized in its struggle. Closely watched by the colonial state, the *Locum Tenens* multiplied his tours and speeches around the island, attracting increasingly larger crowds whose public displays of allegiance encouraged him⁶³.

The confrontation between the Church and the colonial authorities culminated in 1939, when the government brought charges against the *Locum Tenens*, leading to his conviction⁶⁴.

The Three Criminal Trials of Bishop of Paphos Leontios (1932, 1938, 1939)

In 1932, Leontios, then Bishop of Paphos, had been convicted for breach of peace seditious by the Limassol Assize Court, because of his public criticism of those who had testified against Greek Cypriots in the aftermath of the 1931 revolt.

In April 1938, the *Locum Tenens*, Acting Archbishop Leontios was again prosecuted for delivering seditious speeches, and was found guilty of seeking to disturb the tranquillity of the colony. He was placed under police supervision for one year, ordered to mandatorily reside in the municipal limits of Paphos, and forbidden to leave the district without written authority of the police, under the 1935 Prevention of Crime Law.

⁶⁰CO 67/262/18, 1935, Rappas (2008) at 372.

⁶¹Rappas (2008) at 372 refers to the newspaper “Phoni tis Kyprou” and also to Meyendorff of 1979.

⁶²Rappas (2008) at 372-373.

⁶³CO 67/251/12, 1938, Rappas (2008) at 372-373.

⁶⁴Kalantzopoulos (2015) at 82. For the end of Palmerocracy and the British Educational Policy in Cyprus from 1936 to 1939 see Heraclidou (2017) at 57-68.

Exactly a year later, in April 1939, based on information given by an informant, a party of fourteen policemen raided the Archbishopric looking for guns and seditious documents. This raid, which took place on Orthodox Easter Monday, as well as the fact that the priests were body-searched and the sacristy opened, caused an outcry. Bishop Leontios protested to the Governor that the search at the Archbishopric was not only a violation of the immunity of the Church (thus, an impious act), but also contrary to the promise given by the first British High Commissioner back in 1878 that the Government would respect the rights of the Church.

Bishop Leontios forwarded his complaints to the Secretary of State, and sent letters to the Ecumenical Patriarch, the Patriarchs of Jerusalem, Alexandria, Antioch, Romania and Serbia, the Archbishop of Athens, the Heads of the Autocephalous Churches of Georgia, Albania and Poland and, of course, the Archbishop of Canterbury. The raid on the Archbishopric was intensely criticized by the Colonial Office, as it brought only negligible results, while eliciting severe criticism from the Anglican Archbishop and considerable local reaction⁶⁵.

A few weeks later in May 1939, Bishop Leontios was summoned to the District Court of Limassol for what was to turn into a three-day trial (15-17 May) that would again lead to his conviction. Leontios' alleged subversive activity from mid-1938 to mid-1939 led to accusations of disturbance of the peace in the colony, and actions against British sovereignty over the island.

Leontios was further accused of corrupting the minds of schoolboys, claiming to represent the Cypriot people and delivering sermons and speeches of political nature – that is, claiming Ethnarchy.

What is of particular interest is that these accusations did not take the form of charges against Bishop Leontios, but constituted grounds for determining the 'general circumstances' of the case, and for proving his 'known character' and the 'likelihood of disturbing the public tranquillity' to the Court.

The 1935 Prevention of Crime Law, under which Leontios was convicted, allowed the police to summon and then arrest an individual deemed likely to breach the peace, without the obligation to prove that they were guilty of any particular act that showed such intent.

As the President of the Court, Justice Thomas Wilkinson, noted at the opening of the trial, 'there could be no strict evidence that a person is likely to do something. What is likely to happen must be a matter of opinion'.

On the final day of the trial, explaining his argumentation for making an order, he stated:

I do not have to decide, and I do not decide, whether the Respondent has committed any offence. The Prevention of Crime Law [...] is not penal, [...] it is [...] preventive: what I have to decide is whether or not an Order is to be made – and one of the considerations I have to bear in mind is, the likelihood [...] of any disturbance of the public tranquillity – not whether any such disturbance has taken place. I have

⁶⁵Kalantzopoulos (2015) at 83.

to look to what may happen in the future than make any ruling as to what has happened in the past⁶⁶.

The First Trial of Bishop of Paphos Leontios (1932)

In 1932, Leontios was tried for the first time by the British authorities in Cyprus. The amendment to the Penal Code did not leave much room for ‘national’ action. However, soon the Bishop began preaching, which, according to the British authorities, aimed to preserve the unionist movement, thus being called by the Governor of Paphos R. Browne in his office.

Leontios writes about the meeting:

The commander from my handwriting said that I might ignore that circumstances have been exchanged and that the penal law has been denied and that propaganda is forbidden. That government knows that in my sermons I try to keep this feeling lively, despite the people and that I want to hold on to the torch of the Union.

The Bishop said he was sure that he did not infringe the new Penal Code, since he did not refer to the Union, nor did he attack England. At the same time he stressed that he was doing his duty as a bishop against his flock and that if he wanted the government to displace him he was able to do so.

Despite close police surveillance, Leontios continued his anti-British speeches. Thus, in early November 1932 he was led to the court, accused of ‘inter-insurgency speech’. The extensive indictment drafted by the colonial authorities included eight categories, related to speeches by the Bishop in the previous two months in three villages and at the Paphos estate, where he used phrases that were likely to cause ‘*dissatisfaction whether or disfavour between the nationals of a Majesty or the inhabitants of the colony*’. In fact, the accusation that was burdening Leontios was that he had sharply criticized the pulpit of those Greek Cypriots who had given testimony against their fellow villagers—specifically in Pissouri village riots against the British in the Limassol district—for participation in October 1931 riots. At the same time he praised the sentenced persons and held a memorial for the dead of the rebellion, he called them saints and martyrs of the nation.

The trial began on 14 November 1932 at the Criminal Court of Limassol.

President of the Court was Court of Appeal Justice Tomas, along with two judges, Justice Green, President of the District Court of Limassol and Justice Halet. Public Prosecutor was W. B. Blackall, defendant’s advocates were Ant. Triantafyllides, I. Klerides, K. Tornaritis, T. Michaelides, E. Ieropoulos, and the translator was Bairamian.

Leontios acknowledged all the accusations, but explained that he criticized only those from personal motives who gave false testimony against their fellow villagers and denied that he intended to cause anti-government actions.

He testified that he understood ‘now’ that such preaching (sermons) were a violation of the law of the country, which he was obliged to obey.

⁶⁶Kalantzopoulos (2015) at 84.

In a new statement to the court, Bishop Leontios undertook the obligation not to make sedition in the future, giving the opportunity to advocate General W. B. Blackall to emphasize that any speech related to the Union was considered sedition.

The advocate of defendant A. Triantafyllides requested that the judgment be postponed, with the obligation on the part of the defendant to be presented to the Court, whenever he would be called.

Finally, on the second day of the trial, Leontios submitted his statement.

By that statement by Bishop Leontios, he promised to the Court and he was bound not to make speeches or sermons which could possibly cause ‘displeasing against the government of Cyprus or among the inhabitants of the island or to publish a change in the sovereignty of Cyprus.’

The Court accepted the statement of Bishop Leontios and ordered him to pay 250 British Pounds for a period of three years as a warranty (bail) for not repeating the same offences⁶⁷.

The outcome of the trial and the declaration of Leontios particularly satisfied the British Authorities who saw the accusing Bishop suffering a loss in his prestige and reputation (albeit temporarily).

The Second Trial of Bishop of Paphos Leontios (1938)

In 1938 Leontios was tried for the second time by the British authorities in Cyprus. Six years later, after his first trial, Leontios, as the *Locum Tenens* (Acting Archbishop), was brought to the courts for the second time.

In particular, in April 1938, Bishop Leontios was summoned to appear before the district Court of Limassol, pursuant to aforementioned Law 30 of 1935 ‘on the Prevention of Crimes’, after police information for his speeches in various temples, which were judged that they were likely to breach the peace, causing interferences with public order and security.

The trial was held on Holy Wednesday, April 20, 1938, causing great interest, as noted by the newspaper ‘Eleftheria’, which described the process extensively. Public Prosecutor duties performed by the Deputy Chief of police Officer Ashmore (Prosecutor Ashmore), who pointed out that the police complaint was submitted ‘to put an end to the subversive propaganda and ensure the serenity to the territorial’. As stated in the summons, for sixteen months the defendant publicly supported the change of the English regime.

Reading the indictment at the beginning of the trial before the Court, Prosecutor Ashmore cited the various controversial speeches and sermons of Bishop Leontios, even his prayers, in which the Greek King George II was quoted as ‘Our King’⁶⁸. As Prosecutor Ashmore argued, after the enactment of the

⁶⁷Papageorgiou (2008) ar 471-480.

⁶⁸*Ibid.*

Ecclesiastical Laws of 1937⁶⁹, the defendant ‘broke the campaign to humiliate the government of the colony’ and ended up stressing:

*Cyprus is a British Colony and will remain so.
Our King is George VI and no one another, no British citizen is subject to any other King except the one, King George VI.
This must be understood by all in Cyprus and the subversive propaganda of the accused must stop immediately.’*

Consequently, Prosecutor Ashmore called for the issuance of a Court Order, which would have placed the Bishop of Paphos Leontios under police supervision for one year, as well as the identification (restriction) of the municipal boundaries of Paphos and the non-movement without police permission.

Bishop Leontios admitted the charges and the President of the Court concluded that the words and phrases used by Bishop Leontios ‘could influence the ignorant and illiterate people’, accepted the statement of Prosecutor Ashmore, and the President of the Court ordered that Bishop Leontios should be in police custody and also ordered the defendant Bishop Leontios to mandatorily reside in Paphos.

As Governor Palmer informed the Minister of the Colonies, according to reports from the provincial governors, the condemnation of Bishop Leontios was acceptable to the population as a logical and inevitable measure, while the public was indifferent to the hierarch and his action (apparently, the opposite was the case, public opinion was interested in Leontios and followed every step of his and every sermon). For his part, the exiled Bishop Makarios continued the surveyor for his dignified stance in court-considering, moreover, that the trial stimulated and raised the national morale of the people-but noting that with this legal prosecution was given valuable Argument to the colonial government to justify its policy on the archdiocesan issue that beset the Church of Cyprus from 1933.

This and the Greek side constituted to Leontios through the Kyrenia to abstain ‘all provocation’ towards the government.

The trial of Leontios caused the discomfort of the Anglican archbishop, who asked through the Bishop of Thyation Germanos the mediation of the Ecumenical Patriarch to indicate to the surveyor the damage that his action caused to the issue of Archbishop elections.

The Third Trial of Bishop of Paphos Leontios (1939)

In 1939, Leontios was tried for the third time by the British authorities in Cyprus.

⁶⁹These government laws related to the election of an Archbishop, and reversed the current normal order and constituted interference in the internal affairs of the Church of Cyprus, as they ruled out the candidacy of certain persons for the See and the governor’s approval of the person elected. For the Autocephalous of the Church of Cyprus and its legal status, see Stamelos (2018) at 220-224.

The Commissioner of Larnaca, the first official to propose the enactment of the law, argued that it would allow the government to control subversive activity and restrict the freedom of movement of suspect individuals.

In fact, the law was introduced, as we explain above, because the emergency Defence Regulations that had been enacted after the 1931 revolt to prevent political agitation would have to be eventually repealed. The debate that accompanied the amendment of the law in 1931, as well as the relevant discussions for the introduction of the new Peace and Order (Preservation) Law, make clear that the goal of the authorities was to repress ‘the expression of political opinions’ by criminalizing ‘utterances, publications or conduct [...] likely to disturb public tranquillity or [...] prejudicial to good government’.

The law seems to have been modelled on the Palestine Prevention of Crime Ordinance of 1933, which had amended a 1929 Ordinance for the Prevention of Crime, and shared a similar objective with the Cypriot legislation. The most controversial provision of the Palestine Law was the barring of the public and representatives of the Press from judicial proceedings under the Ordinance, which indicated that the expected trials would not deal solely with ordinary civil crime. The repressive character of the law was made clearly manifest in the trial of the *Locum Tenens*, four years after its enactment. According to the provisions of the Cyprus 1935 Prevention of Crime Law, a Commissioner or a President of a district court could act against an individual, upon information that they were likely to breach the peace.

The accused was required to prove that their intentions were peaceful, or the judge could order that the person post bond or be restrained within the limits of a district, town or village. Moreover, the law stated that the prosecution was not required to prove that a person committed any particular act in court, or even intent of purpose. A case could be made simply based on circumstantial evidence or even the ‘known character’ of the accused. On a first level, the law introduced the criminalization of intent. As stated in sections 2 and 5(4b), it was not the criminal act itself that was prosecuted, but the likelihood of its being committed.

Although similar provisions had been introduced into the United Kingdom’s legal system as early as 1871, and its logic had been partially maintained in the 1908 Prevention of Crime Act, the political dimensions of their application in Cyprus institutionalized the suppression of freedom of expression, especially in relation to nationalist and anti-colonial positions.

At a second level, the provisions concerning the evidence that would determine the guilt or innocence of the accused were clearly arbitrary.

The ‘circumstances of the case’ and the ‘known character’ of the accused were seen as sufficient for a person’s conviction, and were at the absolute discretion of the Court. Although similar provision had been present in the 1824 Vagrancy Act, the 1871 Prevention of Crimes Act (section 15), and the 1908 Prevention of Crime Act (section 10)⁷⁰, in Cyprus, the law also provided the Governor and commissioners with the ability to exercise judicial powers. And

⁷⁰Section 15 of the 1871 Prevention of Crimes Act and section 10 of the 1908 Law, which replaced it, provided that reputation, character and circumstances were to be considered as evidence in a criminal trial. Kalantzopoulos (2015) at 85.

taking into consideration the pro-rogation of the Legislative Council after the 1931 revolt and the permanent ability of the government to legislate with Orders in Council, the law represented the final blow for the separation of powers on the island. This feature made the law all the more advantageous in the eyes of the government and the Colonial Office. Similar legislation had existed in other colonies and dependencies, such as Palestine, Kenya, Ireland and the Channel Islands⁷¹.

As Governor Palmer stated, [T]he Law [...] has been enacted as an exceptional measure in *terrorem maleficorum* and for the preservation of the security of the law-abiding citizen. By associating members of the Administration and judicial officers in a common procedure for its application, it serves to impress upon the public mind the fact, sometimes liable to be obscured, that Administration and Judiciary are both equally and alike functions of the same Government and inspired by a single purpose to maintain the 'King's Peace'. Such a utilitarian approach to the legal system was seen as natural by all ranks of the colonial administration. Commenting on the law, district commissioners and colonial office officials admitted that its restricting provisions were oppressive and illiberal. Yet, as Arthur Dawe, a senior official in London, stressed, such legislation might be reasonably applied in Cyprus, given that it had worked well in Palestine. He further stated:

[O]bjections to this type of legislation from the standpoint of British legal principles are obvious. But principles which will work here will not equally work in the special conditions of Cyprus [...]. [W]e must let the Governor have his way. He is evidently quite conscious of the unusual nature of the provisions [...]. But he is satisfied that no less drastic powers are necessary. As had been expected, the Prevention of Crime Law was welcomed not only by the village authorities, who had called for its introduction, but also by part of the rural population, which, in contrast to the townsfolk, suffered from petty crimes on a constant basis. "From the Shepherds' Licensing Law to the Goats (Amendment) Law, and from the Juvenile Offenders Law to the Prevention of Crime Law, the colonial authorities introduced a series of legislative initiatives in 1935 against rural crime. Along with the reorganization of the police and the intensification of patrols in the countryside, the number of minor offences in rural areas dropped during the first half of 1936. Mukhtars, azas and rural constables expressed their satisfaction with the deterrent effect of the law, as well as its ability to decrease the cases of animal-stealing, housebreaking and burglary. This led the Governor to note with satisfaction that the law was not perceived as arbitrary and extra-judicial by the rural population⁷².

In 1939, the trial of the Bishop Leontios would test the effectiveness of the law in handling political questions. Most importantly, the trial illustrated the

⁷¹In Ireland, the 1882 Prevention of Crime Act provided the Lord Lieutenant with the power to prohibit meetings and to order searches for documents. As the Chief Secretary for Ireland stated, commenting on the Law, its objective was to prevent political crimes and meetings as well as control subversive speakers and publications, even when an immediate breach of the peace was not expected. In the Channel Islands, the 1908 Prevention of Crimes Act provided that a dishonest or criminal life was admissible as evidence. Similar legislation was enacted in Kenya. *Ibid.*

⁷²*Ibid.*

significant role of the Church in Cypriot politics, with Leontios personifying the conflict against the colonial authorities.

His defence consisted of ten advocates from all across Cyprus, all of them important individuals within the Greek Cypriot community and prominent in the struggle against the colonial government. The team included Criton Tornaritis, Alekos Zenon, Lefkios Zenon and Pheidias Kyriakides from Limassol; Vias Markides from Nicosia; Christodoulos Galatopoulos and Sotiris Markides from Paphos; George Vassiliades from Larnaca; Andreas Gavrielides from Famagusta; and Savvas Christis from Kyrenia. In other words, the defence represented different generations and cut across political divisions within the Greek Cypriot community⁷³.

Some, like Gavrielides and Lefkios Zenon, both members of right-wing party EREK, were ardent nationalists. Alekos Zenon and Sotiris Markides had fought in the Balkan Wars as volunteers with the Greek army, while Kyriakides had been one of the leaders of the demonstration that attacked the government house in 1931. Others were affiliated to the Left, such as Kyriakides and Vassiliades, who would become founding members of left-wing party AKEL in April 1941, and Galatopoulos, who had been elected deputy at the legislative council with communist support and were later imprisoned for his role in the revolt. It is of particular interest that the defence team did not attempt to persuade the Court that the various speeches and sermons of the *Locum Tenens* – which constituted the main body of evidence offered by the prosecution – were innocuous and unthreatening. No attempt was made to reject the accusations, apart from that of promoting anti-British feelings. Throughout the cross-examination of the witnesses and in their addresses to the Court, the advocates focused on the historically Greek character of Cyprus and on Leontios' 'ethnarchic' (ethnic leading) role⁷⁴.

According to the defence, these points made the actions and discourse of the *Locum Tenens* natural, if not imperative.

Even during cross-examination, the advocates attempted to highlight the links with Greek culture that the witnesses enjoyed. The defence argued that the dedication of Leontios to his ethnarchic duties, that is, the promotion of Greek culture and Orthodox faith, was not incompatible with loyalty to the British. It seems that the growing tensions in Europe and especially in the Eastern Mediterranean had caused concerns among Greek Cypriots that a potential departure of Britain from the island could only pave the way for the occupation of Cyprus from a different foreign power. In his own statement, the *Locum Tenens* defined himself as the 'Ethnarch' (Ethnic Leader) of the Greek Cypriot community, the defender of its holy and national traditions and the promoter of Greek education ['*παιδεία*'].¹³⁸ Like his defence team, Leontios professed his loyalty to Great Britain, and, at the same time, his readiness to sacrifice himself for the sake of his congregation. At the same time, he invoked his spiritual role, refusing to take the oath and speak from the dock, while he employed a number of Biblical extracts in his address. His whole presentation seems to have been

⁷³Kalantzopoulos (2015) at 86.

⁷⁴*Ibid.*

carefully prepared. When Leontios arrived at court on the first day of the trial, he was accompanied by 200 clerics and a clique of supporters⁷⁵.

During the course of Leontios' address to the court, many in the audience - and at least four of the advocates - were men, women and children gathered every day in the vicinity of the courthouse, and as the proceedings lengthened the crowds became larger. According to the report of the Deputy Commissioner of Police: On every appearance of the Bishop and his attendant priests in the streets long cheering and [...] clapping was heard [...]. One school in the vicinity of the Bishopric [...] broke out of class and rushed on to the street to applaud the Bishop on his way to Court. The Bishop responded to the applause on all occasions by waving his hand and blessing the people [...]. Occasionally cries of 'Zeto e Enosis' [Long Live Enosis] [...] were heard in the crowd. Large crowds gathered outside the Limassol Metropolis after the Bishop had returned there following the decision of the Court [...] and remained there until his departure at Paphos.

The trial had offered Leontios a great opportunity to restore the prestige of the Church, which had been greatly diminished by the archiepiscopal question and the issue of Church property. As such, the objective of the *Locum Tenens* and his defence team was not to secure acquittal, but to attach a political significance to the trial that would confirm the claim of the Church to Ethnarchic Leadership. Indeed, the trial highlighted the political unity of the Greek Cypriot community, under an emerging leader who could convincingly appear as the defender of its national interests. The *Locum Tenens*' persecution would, it was hoped, come to be inscribed as a symbolic sacrifice for the good of his congregation. In this sense, the trial developed into an absolute success for Leontios and a failure for the government. The British had only managed to restrict his physical movement within the municipal limits of Paphos, at the cost of enhancing his prestige. They would repeat the same mistake in 1956, with the exile of Archbishop Makarios III. Most importantly, all sides involved in the trial (the colonial authorities, the Church, the secular Greek Cypriot elite) regarded the process as a challenge to the political role of the Church. Because the accusations revolved around the political and secular, or ethnarchic, dimension of Leontios' activities, the British implicitly recognized the Church itself as a partially secular institution. The accusations, as well as the argumentation provided by the public prosecution and the Court, did not address the religious and spiritual authority of the accused. The British had seized an opportunity to further curtail the secular activity of the Church, after the successful measures against religious participation in the Greek Cypriot board of education and its local branches⁷⁶.

The Court was mainly preoccupied with the content of Church discourse, not the presence of such activity – after all, the Muslim religious elite had also traditionally enjoyed a longstanding secular role, which the government sought to reinforce.

Conversely, the trial offered the Church an opportunity to secure its prominent political position on the island. The confrontation between the Church

⁷⁵*Ibid.*

⁷⁶*Ibid.*

and the government urged all Greek Cypriot political forces to support Bishop Leontios, creating a consensus among the previously competing factions.

That new understanding was made manifest in the composition of the defence team and the extensive coverage of the trial in most newspapers of the island, including those controlled by the secular elite and the left-wing Anexartitos (The Independent). In the following years, Leontios would successfully expand on his position as a prominent anti-government political figure and leader of the Greek Cypriot community⁷⁷.

At the end of the hearings, the Court's President Wilkinson, issued a Court Order to mandatorily enforce the residence of Bishop Leontios within the municipal boundaries of the city of Paphos for a period of twelve months during which Bishop Leontios had to be under police surveillance.

After the Court Order was announced and Bishop Leontios' exited from the Court, many Greek Cypriots gathered around the Bishop and cheered for him. A strong police force intervened to dismantle the gathered people as illegal, because there had been a decision by the colonial authorities prohibiting any concentration within the municipal boundaries of Limassol. However, the crowds of hundreds of Greek Cypriots marched on the streets to Paphos, beyond the municipal boundaries, to salute Bishop Leontios who, in the meantime, after a brief rest in Metropolis, started travelling to Paphos. The Greek Cypriot residents of the suburbs of Kolosiou, Ypsonas, Erimi and Episkopi, went down to the main street to support him by handshakes and warm supportive words. Moreover, the Turkish Cypriot residents of the village Paramali shouted 'Yasasin' ('Long Live'). Near the village Ypsonas, students of the High School of Limassol and Nuns, offered to the Bishop Leontios flowers. And so, Leontios, having the support of both Greek Cypriots and Turkish Cypriots of village Paramali, headed again to Paphos, to mandatorily reside there for twelve months.

Final Brief Remarks

Bishop Leontios wanted and sought the Union of Cyprus with Greece. He fought for the Union, was tried three times and sentenced by the English courts mainly for his efforts to achieve the political union of Cyprus with Greece ('Enosis') and establish the Greek Orthodox religion in combination with the Greek education for Greek Cypriots. His efforts were continued by Archbishop Makarios III, and also by the members of the EOKA Struggle (1955-1959)⁷⁸ to overthrow British rule from Cyprus until the establishment of the independent Republic of Cyprus in 1960.

*'... From a psychological standpoint, the Englishman appeals to his material interests and his sense of law, but not to his heart or his imagination.
The Cypriot may respect the Englishman, but he cannot love him.*

⁷⁷Kalantzopoulos (2015) at 87.

⁷⁸McDonough (2018).

That is why he (the Cypriot) can never feel that he is a member of the British Commonwealth, while he feels he is a member of the Greek-speaking world. London may be the commercial capital of Cypriots, but their intellectual, cultural and professional capital is Athens. The Cypriots feel Greeks and therefore want to be Greeks. This is the psychological foundation of the Unification'.⁷⁹

It is clear that the policy of the colonial Government abstained in the spirit of the fourteen Points of US President Woodrow Wilson as they were formulated in 1918, where there was a clear positive stance on self-determination and autonomy and the Protection of the rights of small countries. Two years after the last trial of Theodoros, in 1941, in the Atlantic Charter the President of the United States Fr. Roosevelt and British Prime Minister Winston Churchill will report on the right to self-determination of the people. What Leontios had been convicted of, two years later, would be proclaimed by the British Prime Minister as one of the basic principles governing the organisation of the international community after the end of World War II.

It should also be noted that six years later, on 26 June 1945, the UN Charter, which constitutes 'the ideological crystallization of the principles governing the post-war International society', was signed, where, in particular, article 1 (2) of the UN Charter has since been enshrined Principle of the self-determination of peoples.

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