

REVIEWS

Arhim. Casian Rușeț, Instanțele de judecată ale Patriarhiei Române în secolul al XX-lea: studiu canonic (The Ecclesiastical Courts of the Romanian Patriarchy in the Twentieth Century: A Canonical Study), Presa Universitară Clujeană Publishing House, Cluj-Napoca, 2018, pp. 437.

The work proposed by Archimandrite Casian Rușeț, *The Ecclesiastical Courts of the Romanian Patriarchy in the Twentieth Century: A Canonical Study*, equally emphasizes the necessity of church discipline by which we mean the order or the organization that must reign in the Christian Church, as canonist Constantin Dron asserted, and the importance of the organisms and courts in the practice of church life.

The reviewed volume includes a preface by His Grace Lucian, Bishop of Caransebeș, an introduction, where the author explains the choice of the subject matter and underlines the importance of the topic he analyses, and four comprehensive chapters, comprising a coherent and pertinent presentation of the issue.

In the first chapter, *Disciplinary Courts in the Romanian space until the Great Union of December 1918*, the author highlights the ecclesiastical courts as set up in the Romanian Orthodox Church in the Old Kingdom,

stating that “one can speak about a proper court only at the beginning of the nineteenth century. In 1803, the metropolitan dicasterium was mentioned, having presided a trial and having decided to defrock the accused priest. In 1840, the General Assembly of Wallachia approved a new church law, through which two distinct ecclesiastical courts were set up: the dicasterium and the consistory. The latter dealt with civil matters while the former handled matters of clergy discipline” (pp. 26-27). The author also presents the evolution of the ecclesiastical courts since the Organic Law of 1865 to the church crisis of 1909, with its effects on the higher rank clergy, and concludes with a case study.

The author then analyzes the ecclesiastical courts of law in the Romanian Orthodox Church in Transylvania, the Șaguna Statute and the discipline of the clergy, while also discussing a case study. He describes the structure of the church laws after the Great Union, recalling the views of some theologians on church unification, projects, laws, the role of the

ecclesiastical courts, concluding that “until the Great Union of 1918, the Romanian Orthodox faithful were divided into four separate church units, each having a certain specificity that made them different. The unification of 1918 changed the paradigm of nationality, stirring a "soul motion" within the Greek Catholics, who conceived a "unique Romanian Church", taking into account the fact that it is not appropriate to have "two Romanian Churches", a desire that had not been accomplished for various reasons” (p. 119).

The second chapter, entitled *The Ecclesiastical Courts in the Romanian Patriarchate between 1925-1948*, the author presents the context of the appearance of the Law and the Statute of the Romanian Orthodox Church of 1925, underlining three important historical moments: the War of Independence of 1877, the Great Union of 1918 and the establishment of the Romanian Patriarchate, the first two being of political nature and the latter of religious nature. The Law of 1925 comprised the inner and exterior position of the Church (Article 1), the canonical and administrative order (Chapters 2 and 3), the rights of the Church according to the Constitution (Article 4), the Holy Synod (Article 5), the National Church Assembly and the Central Council (Articles 6 and 7), the constituent parts of the Church and its bodies (Articles 8-11), the election of the bishops and archbishops - metropolitans - their goods (Articles 12-14), the goods of the monks and monasteries (art. 15), the disciplinary and judicial courts of the Church.

Thus, Article 16 of this law stipulates the following disciplinary and judicial courts for clergy: “*the Eparchial Spiritual Consistory* for each eparchy as a first ecclesiastical court; *the Metropolitan Spiritual Consistory*, as a court of appeal, in addition to the three historical Metropolitan Sees (in Bucharest - *Hungaro-Walachian Metropolitan Church*, in Iași - the *Metropolitan Church of Moldavia*, Bucovina and Basarabia and in Sibiu - the *Metropolitan Church of Transylvania*), *the Central Spiritual Consistory* of the Holy Synod, as a court of appeal and for the provision of jurisprudence unity. The appeals on dogmatic issues are exclusively within the jurisdiction of the Holy Synod”. *The Statute of the Romanian Orthodox Church* (1925) regulated the bodies and the courts of the church while the Holy Synod was to draw up a *Regulation of Procedure of the Disciplinary and Trial Courts*, which happened in 1926. As the author states, *The Regulation of Procedure of the Disciplinary and Trial Courts of the Romanian Orthodox Church* was voted in the session of the Holy Synod in June 1926, approved by the Royal Decree no. 4160 of 29 December 1926 and published in the Official Monitor no. 290 / 30 December 1926” (p. 171). Furthermore, the author analyses, on the one hand, the transgressions, the offences and punishments and the church courts and, on the other, their procedure, concluding with a case study for the consolidation of the consistory knowledge and practice.

In Chapter III, *The Ecclesiastical Courts of the Romanian Orthodox Church in the Communist period. The Statute of the Romanian Orthodox Church in 1948*, the author presents the new historical and social reality that leads to the adoption of new principles in the organization of the Romanian Orthodox Church, these being

materialized in *The Statute for the Organization and Functioning of the Romanian Orthodox Church of 1948*. In the new context, “with regard to the ecclesiastical justice, there is a reorganization by the establishment of three disciplinary and judging courts for the transgressions of the parish clergy and the clergy. This reduces the court panels from 5 to 3 courts. These are the Archbishopric Discipline Consistory, the Eparchial Consistory and the Central Consistory of the Church, not to mention the metropolitan and the superior consistories. Moreover, the reconciling courts can no longer find their place in the new statute. The Central Consistory of the Church was designated as court of appeal, for the decisions of the Eparchial Consistory, except for those in which defrocking was applied (see Article 151), and the Holy Synod for the latter cases (Articles 10 and 152), both courts of appeal have been designated as trial courts” (p. 232). *The Statute for the Organization and Functioning of the Romanian Orthodox Church* in 1948 statutorily regulated the bodies and church courts while, on the basis of Articles 145-158 of the Statute and of addresses no. 8237/1949 and 154/1950 of the Patriarchal Administration, of address no. 1045/1950 of the Ministry of Religious Affairs, approved by the High Presidium of the Great National Assembly, by Decree no. January 7, 1950, the new *Rules of Procedure* came into force in 1950, when published in the official bulletin of the Romanian Orthodox Church, “The Romanian Orthodox Church”, no. 1 of January 1950 (p. 233).

The author then presents the new *Rules of Procedure*, while making a comparative analysis with the old regulations, concluding, as in the previous chapter, with a case study for a more profound knowledge and for consistory practice.

In the fourth chapter, entitled *Changes and Evolutions in the Church Laws on the Ecclesiastical Courts after 1989*, the author presents the historical context, namely the fall of communism in 1989, which “caused major crises for clergy and serious stir among the faithful” p. 283). In this context “the drafting of a *Statute for the Organization and Functioning of the Romanian Orthodox Church* and of the annexed regulations was delayed, since the liberalization and reformation of an institution at a national level could not be accomplished so quickly. Confronted with this assumed reality, depending on the situation, the Church issued regulations to modify its statute and regulations. All these provisions were to be gathered in a volume published by the Publishing House of the Biblical Institute and Mission of the Romanian Orthodox Church, only in 2003, as *The Laws of the Orthodox Romanian Church - Extract*” (p. 283).

At the time of *Law no. 489/2006 regarding religious freedom and the general regime of denominations* and on the basis of constitutional provisions (Article 29, paragraphs 3 and 5), in its meeting on the 13th February 2007, presided by the worthy to remember Patriarch Patriarch Teoctist, the Holy Synod of the Romanian Orthodox Church adopted a set of measures for drafting the project of *The Statute for the Organization and Functioning of the Romanian Orthodox Church*, which was completed by the Holy Synod on a first meeting, on the 23rd -24th October 2007, Articles 1-89 of the Draft Statute; then, in

its meeting of the 27th-28th November, it completed Articles 90-205, adopting a number of 25 amendments to the text completed in the previous meeting. Finally, on the 28th November, 2007, the text of the new *Statute for the organization and functioning of the Romanian Orthodox Church* (205 articles) was unanimously approved, to be then published in 2008 by the Holy Synod under the chairmanship of Patriarch Daniel, at the Publishing House of the Bible and Mission Institute of the Romanian Orthodox Church (p. 331). Further, the author presents the new *Statute*, highlighting the statutory perspectives and renewals, the amendments to *The 2011 Statute for the Organization and Functioning of*

the Romanian Orthodox Church and the new *Rules of Procedure* in 2015.

The conclusions are pertinent and firm, the author underlining that “nowadays, the most exposed activity of the Church in society is the discipline of the clergy, so we can assert that the pastoral activity is based on the canonical and disciplinary requirements” (p. 348).

The interdisciplinary bibliographic abundance and the variety of documents presented in the Annexes are also to be taken into account.

We welcome the appearance of this remarkable work for the canonical research, as it reviews the ecclesiastical courts within a consistent time span, dealing with the issue both historically and juridical-canonically.

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