

**Rev. Prof. Dr. Nicolae Popovici,
Translator and Continuator of the Canonical Tradition**

Emilian-Iustinian ROMAN

*Rev. Lect. PhD.
Faculty of Orthodox Theology
Alexandru Ioan Cuza University of Iași, ROMANIA*

Abstract:

The study highlights the personality and the legacy of the canonical scientific work of Rev. Prof. Dr. Nicolae Popovici, the outcomes of the teaching activities he carried out at the Theological Institute / Academy (nowadays) of Arad, at “Ilarion V. Felea” Faculty of Orthodox Theology, “Aurel Vlaicu” University of Arad. The second part of the study sets out to analyze the term holy canons in the context of canonical tradition, concluding that we can state that, just as the laws of a state are binding for the citizens of that state, so are the canons and the current church law for its faithful as they mirror the practical way in which the problems of the Church were solved pastorally.

Keywords: *canon, canonical tradition, translation*

The year 2019 was declared “Homage year of the Romanian village (of priests, teachers and mayors)” and “Memorial Year of Patriarchs Nicodim Munteanu and Iustin Moisescu and of the translators of religious books” in the Romanian Patriarchate by the Holy Synod of the Romanian Orthodox Church.

In this context, this study will highlight both the personality and the legacy of the canonical scientific work of Rev. Prof. Dr. Nicolae Popovici, the outcomes of the teaching activities he carried out at the Theological Institute / Academy (nowadays) of Arad, at “Ilarion V. Felea” Faculty of Orthodox Theology, “Aurel Vlaicu” University of Arad.

He was born on the 6th /18th December 1883, in Bocșa Română, Caraș-Severin County, in a family of priests, Ioan Popovici Jr and Elisabeta. He started his studies in his hometown, namely primary and secondary school, then he continued his high school education in Lugoj and at “Andrei Șaguna” High School in Brașov.

Regarding his higher education, we notice that young Nicolae Popovici was equally keen on Law and Theological studies. Thus, he attended the courses of the Faculty of Law in Budapest, without graduating, and the courses of the Theological Institute in Caransebeş (1907). In 1909 he completed his theological studies at the Faculty of Orthodox Theology in Cernăuți, becoming a graduate in Theology while, in 1913, he obtained his PhD degree in Theology at the same faculty (Păcurariu 2002: 394; see also Rus: 1997: 223-237; Vesa 2013: 378-380).

In 1909 he got married, he received the Holy Sacrament of Ordination and was appointed parish priest; he settled in his hometown - Bocșa Română, where he carried out his pastoral mission from the 24th January 1910 to the 1st February 1912; afterwards, he transferred to Gătaia where he served from the 2nd February 1912 to the 30th August 1920 (Vesa 2013: 378).

In the political and social context of the time, in Gătaia, where the parish priest was Prof. Dr. Nicolae Popovici, a Great People Assembly took place on the 15th – 28th November 1918, which was to elect 5 delegates from the areas inhabited by Romanians, that is, the Romanian people and voters of the Rittberg area - Timiș county, for the National Assembly of the Romanian nation in Hungary and Transylvania to be held in Alba Iulia on the 18th November / 1st December 1918, convened by the Grand Council of the Romanian Nation in Hungary and Transylvania. Rev. Prof. Dr. Nicolae Popovici, who represented the Romanian Orthodox Church in Banat, was the first on the list of the elected ones, along with Damaschin Marian, professor in Deta, Ioan Mițariu, parish priest in Opațița, Ioan Ciucurel, economist in Șoșdea and Pamfilie Jurcovic, economist in Gherteniș (Munteanu, Zaberca, Sârbu 1992: 126).

For his pastoral activity and involvement in the process of union with Romania, demonstrating exceptional qualities as organizer, he was appointed director of the Orthodox denomination for the provinces united with Romania in the Ministry of Cults and Arts, a position he held from the 1st September 1920 to 1922.

He held for the second time the position of General Director of Denominations in the Ministry of Denominations, but for a shorter period, replacing Rev. Prof. Liviu Stan, between the 21st February and the 1st

July, 1941. Thus, on the 1st July, 1941, Iconom stavrofor Dr. Nicolae Popovici resigned from the Ministry of National Culture and Denominations and returned to Arad where he held the position of Rector of the Theological Academy of Arad. Iorgu D. Ivan, former assistant at the Department of Church Law at the Faculty of Orthodox Theology in Bucharest, was appointed in his place. The recognition of the merits of Dr. Nicolae Popovici's activity and professionalism were underlined by Radu Rosetti, the Minister of the National Culture and Denominations in the address sent, in which he stated: "I deeply regret the resignation of Your Holiness from the position of General Director of Denominations, a position in which you have shown so much competence that you have gained my full confidence. I remain grateful for the useful collaboration of Your Holiness" („Informațiuni" 1941: 230).

From 1922 until he passed away (March 20, 1956), except for 1941, Father Nicolae Popovici remained faithful to the Department of Church History and Church Law until his retirement in 1945. His experience and professionalism recommended him for managing the Theological Academy, as rector between 1938 and 1945 (*cf.* Vesa 2013: 379).

The scientific activity is very rich and diverse, consisting of *O mie de pilde pentru viața creștină* (*A Thousand Parables for the Christian Life*), Arad, 1929 (in collaboration with Bishop Grigorie Comșa and Fr. Gh. Popovici), *Opinii asupra proiectului de modificare a Legii și Statului pentru organizarea Bisericii Ortodoxe Române* (*Opinions on the Draft Amendment to the Law and Statute for the Organization of the Romanian Orthodox Church*), Sibiu 1936, *Primul Sinod ecumenic de la Niceea* (*The First Ecumenical Synod of Nicaea*), Arad 1925, *Manual de Drept bisericesc ortodox oriental cu privire specială la Dreptul particular al Bisericii Ortodoxe Române*, (*Handbook of Eastern Orthodox Church Law with Special Regard to the Private Law of the Romanian Orthodox Church*), vol. I, Arad 1925; translations: Milaș, Nicodim, *Canoanele Bisericii Ortodoxe, însoțite de comentarii. I, 1. Introducere, Nomocanonul în XIV Titluri și Canoanele Apostolice* (*Canons of the Orthodox Church with Comments. I, 1. Introduction, The Nomocanon in XIV Titles and the Apostolic Canons*, translated with Uroș Kovincici, The Diocesan Printing House, Arad, 1930, Milaș, Nicodim, *Canoanele Bisericii Ortodoxe, însoțite de comentarii. I, 2. Canoanele sinoadelor*

ecumenice, The Canons of the Orthodox Church, with Comments. I, 2. The Canons of Ecumenical Synods, translated with Uroş Kovincici, The Diocesan Printing House, Arad, 1931, Milaş, Nicodim, *Canoanele Bisericii Ortodoxe, însoțite de comentarii. II, 1. Canoanele sinoadelor locale (The Canons of the Orthodox Church, with Comments. II, 1. The Canons of the Local Synods)*, translated with Uroş Kovincici, The Diocesan Printing House, Arad, 1934, Milaş, Nicodim, *Canoanele Bisericii Ortodoxe, însoțite de comentarii. II, 2. Canoanele Sfinților Părinți și Canoanele întregitoare (The Canons of the Orthodox Church, with Comments. II, 2. The Canons of the Holy Fathers and the Supplementary Canons*, translated with Uroş Kovincici, The Diocesan Printing House, Arad, 1936, *Situația actuală de drept bisericesc a Bisericii ortodoxe răsăritene (The Current Situation of the Ecclesiastical Law of the Eastern Orthodox Churches, translated after Dr. Radovan Kazimirovici (with Uroş Kovincici)*, Arad, 1927; studies, articles and reviews in “Biserica și Școala” (“The Church and School”), Arad etc. (To complete the works of rev. prof. Nicolae Popovici, see: Vesa 2013: 370-380).

Hereafter, we shall focus on the translation activity of Fr. Prof. Popovici, especially on the translation of the canonical treasure, work that constituted and continues to be one of the most successful and important translations for the Orthodoxy. In this regard, the translators stated that

we tried to provide a most accurate translation of the original, but when translating the text of the canons we also compared it with the original Greek text from the Athenian Syntagma of G.A. Ralli and M. Potli and where, otherwise very rarely, I found some insignificant differences between the texts of N. Milaş and of the Athenian Syntagma, there we used the last one. We then added here and there an underlining note from us where we felt it was necessary for a more complete clarification of the issues (Milaş translated by Kovincici and Popovici 1930: VIII).

Moreover, the worthy of remembrance Grigorie Gh. Comşa masterfully describes their translation activity:

We have a great joy that the worthy fathers, Professor Dr. Nicolae Popovici from our Theological Academy in Arad and the Orthodox Serbian Archbishop of Arad Uroş Kovincici are currently translating the interpretation of the canons of the holy Apostles, of the ecumenical and private synods, as well as of the holy Fathers, according to the works of the famous canonist Milaş. May Almighty God abundantly bless the praiseworthy efforts of Father Popovici and Kovincici, and I

sincerely hope that their relentless work will fall like a blessed rain on the Romanian Orthodox Church (Milaş translated by Kovincici and Popovici 1930: IV).

The translation comprises 2 generous volumes, each volume comprising two parts. Volume I - Part I contains the text of the apostolic canons together with commentaries and an extensive introduction, as well as the Nomocanon in XIV titles, Volume I - Part II includes the canons of the ecumenical synods, volume II - part I includes the canons of the particular synods and volume II - part II contains the canons of the Holy Fathers and the supplementary canons, all accompanied by commentaries. For ease of search, the translators placed at the end of each volume an alphabetical index of the covered subjects.

The analysis of canons from a scientific point of view, with the tools specific to philology, historical analysis, textual criticism, philosophical context, based on the interpretation methods of law in general and taking into account the application of the canonical norm in time, space and people, its interpretation also requires the reference to their passing on through manuscripts, generally in Greek.

We consider Périclès-Pierre Joannou's observation in his collection – called *Fonti* – most appropriate:

The letter of the legal text is of paramount importance; it is also very normal, therefore, to find, in the innumerable manuscripts of these canonical collections, a very careful transcription made by a copyist familiar with the material, or with a transcription revised and corrected by a jurist. From one manuscript to another, we can expect to find very few versions that would seriously change the meaning of the text (Périclès-Pierre Joannou, *Fonti. Fascicolo IX*, *apud* L'Huillier 1996, translated by Stan 2000: 31).

Without undermining the efforts of other canonists to translate from the canonical thesaurus (For an analysis of the Romanian translation, see Perşa 2017: 41-58), the translation of the two, Uroş Kovincici and Nicolae Popovici, is the only modern translation of the canons that was published completely while their comments are still normative for Romanian canonists. In fact, the reviews (Editors 1931: 8; Editors 1936: 4; F.N. 1936: 7; Popovici 1934: 809) of the time emphasize the need and importance of the translation of the two theologians while, through bishops, the same review was published in several church periodicals, thus ensuring publicity and dissemination.

The Holy Canons and Canonical Tradition

The Orthodox Canon Law is a specialized discipline that is studied in all the Faculties of Theology, the Holy Canons being sources of law for church legislation, which means that they are studied by using modern scientific tools, namely philological, historical analysis, textual criticism tools etc. (*cf.* Viscuso 2011: 203).

Since the 4th century, the synods have met more often in order to address practical needs, which confirms the thesis according to which the Holy Canons appeared out of necessity and were sanctioned by ecumenical synods, either by local synods or by the Fathers. Church. Thus, all the holy canons that resulted from the ecclesiastical authority between the 4th and 9th centuries were compiled in an official collection of canons of the Orthodox Church and approved by the Endemic Synod of Constantinople in 920.

Without reviewing the collections of canons, we mention only those that were received by the Orthodox Church after the ecumenical synods, namely: The Nomocanon of Patriarch Photius (858-869; 878), considered the most important collection of the 9th – 10th centuries. Drafted in 883, modeled on the Nomocanon in 14 titles and using the previous nomocanons as sources, Photius' Nomocanon became the official collection of Orthodox Church legislation by a decision of the Synod of Constantinople in 920. Orthodoxy thus remained faithful to the nomocanon principle, so that, in 1335, the *Syntagma alphabeticum* appeared, compiled by the hieromonk Matthew Blastares, comprising 28 titles alphabetically arranged, being the last Byzantine nomocanonical compilation. After the fall of Constantinople (1453), under the Turkish rule, the nomocanon of Manuil Malaxos (that was the basis for The Great Code – Pravila – from Târgoviște, 1652), the nomocanon of the monk Iacob from Ioannina with the title *Toiagul arhiereilor* during the ecumenical patriarch Parthenius II (1644–1648). Then, in 1800, the well-known work *The Pedalion* or "The Rudder of the Metaphorical Ship of the One Holy Catholic and Apostolic Church of Orthodox Christians" was published in Leipzig, being compiled by hieromonk Agapie Leonardos together with Nikodemos the Hagiorite, 1790-1791, translated into Romanian by Metropolitan Veniamin Costache and published in Neamț in 1844. The Rudder is considered the largest annotated collection

of all the canons of the Orthodox Church and also the most popular because it is widespread in monastic circles, but from a scientific point of view, The Athenian Syntagma published between 1852–1859 by GA Rallis and M. Potlis, remains a reference in the academic environment today.

It contains 6 volumes: I. *The Nomocanon of Photius*; II. *The Canons of the Apostles and Ecumenical Synods*; III. *The Canons of Local Synods*; IV. *The Canons of the Holy Fathers - all these together with the commentaries of the Byzantine canonists from the 11th – 12th centuries Aristen, Zonara and Balsamon*; V. *Byzantine imperial laws and Constantinopolitan patriarchal decisions from 911 to 1835; the catalogue of Patriarchal, Metropolitan and Episcopal Sees*; VI. *Vlastare's Athenian Syntagma* (cf. Floca 1990: 96-100).

In the proper sense, in Greek, the term “κανών” meant the reed stick or, by extension, any straight line of wood of different lengths used for measurement (Rev. 21:16). In a metaphorical sense, the term was used as a rule, norm, model, type, principle, etc. Thus, in the Old Testament, the term in the proper sense appears in the book of Prophet Ezekiel 40: 3: “And he brought me thither, and, behold, *there was* a man, whose appearance *was* like the appearance of brass, with a line of flax in his hand, and a measuring reed; and he stood in the gate”, and in the New Testament we find the term “κανών” in the second epistle to the Corinthians 10, 13; 15; Gal. 6, 16; Filip. 3, 16 with the meaning of obedience, command, counsel (cf. M. Lalmant, „Canon” in Naz 1937: 1283-1284).

The term *canon* (κανών) underwent a semantic evolution in the church language, starting with synodal decision, then epitimy granted by the spiritual father, the list of recognized books of Holy Scripture etc. (cf. Grigoriță 2017: 155-186. See also Roman in Dron 2016: 23-46).

Father Professor Ioan N. Floca defines canonical norm as

a principle or a rule of conduct of a general and impersonal character, instituted or sanctioned by the Church whose observance is mandatory and guaranteed by the bodies of the ecclesiastical power and by the opinion of the common believers within the Church (Floca 1990: 45. We find the same approach in Rus 2000).

In another form, but in the same vein of thought, the other Romanian canonists argue. Thus, Rev. Professor Irimie Marga defines the

canon as “the extension of the Law of Christ over the positive law, which seeks to plasticize the perfect divine justice in the relative justice of people in the saving communion of the Church” (Marga 2009: 8), and Rev. Patriciu Vlaicu presents the canons as “a historical manifestation of revelation in Christ, also being an expression of the ecclesiastical consensus regarding the way in which faith meets life” (Vlaicu 2013: 45).

Last but not least, Rev. Professor Georgică Grigoriță defines the canon as

a rule issued by the ecclesiastical authority, under the action of the Holy Spirit, comprising disciplinary, administrative-organizational, doctrinal, moral and / or liturgical provisions necessary for pastoral care for guiding people to communion with our Lord Jesus Christ or for the elevation of ecclesial communion (Grigoriță 2017: 326).

So far, we can conclude that, in the ecclesiastical legislation of the Orthodox Church, the canons mean a standard of behaviour (*cf.* Viscuso 2011: 204). Thus, the canonical norms elaborated by church authority set the behaviour of the members of the Church so that their manifestations and actions are in accordance with its teaching of faith. That is why the canonists consider that the canonical norms are prospective, teleological, pastoral and pedagogical.

We say that they are prospective because “they foreshadow a future behaviour, outline the way of carrying out a future action and are based on a certain conception or doctrine about the success of an action” (Floca 1990: 43); they are teleological because they have “a certain well-defined purpose which cannot be other than the purpose of the Church, the salvation of the faithful” (Floca 1990: 43); they are pastoral in the sense that those who elaborated them, the Holy Fathers, answered practical problems without thinking at all about the legal aspect; and they are pedagogical because they are considered “milestones” that specify the balance between the teaching of faith and its daily experience (Roman in Dron 2016: 23-46).

We encounter the pastoral and pedagogical aspects of the canons in the case of the application of penances. Nowadays, the canons are more common in the Sacrament of the Holy Confession, where the spiritual father, in the seat of confession, must administer penances, which implies knowledge of canons, given that there is no record of canonical rules for

any situation or for the application of the penances from case to case. Moreover, all the basic canonical principles of the application of the penances are extracted from the canons, leaving to the clergyman this responsibility based on skill and experience as stated in canon 102 Trullo:

he who professes the science of spiritual medicine ought first of all to consider the disposition of him who has sinned, and to see whether he tends to health or (on the contrary) provokes to himself disease by his own behaviour, and to look how he can care for his manner of life during the interval. And if he does not resist the physician, and if the ulcer of the soul is increased by the application of the imposed medicaments, then let him mete out mercy to him according as he is worthy of it (Grigoriță 2017: 179-180).

A brief analysis of the canons requires nowadays a reconsideration of at least two issues: the first refers to the obligation of the canons, the second to their validity today. In regard to the obligation to observe the canons, the Christian Church includes all the people who believe in Christ and who lead a life in accordance with the precepts of His Gospel. Bearing in mind the purpose of each member of the Church, namely *salus animarum*, the faithful must improve spiritually, work out his own salvation. The canons are addressed to the faithful not only in order to observe their writing on paper, but above all, to respect, confess and live in order to strengthen the orthodox teaching of the Church and preserve church discipline, in particular, at the level of all ecclesial communities, deepening and transmitting the *canonical consciousness* (The phrase belongs to Afanasiev, translated by Fățan 2005) of the Church. However, to achieve our ultimate goal, we need “milestones” to keep our “trajectory” straight. Here is the place of the canon, certain guide to deification that should not be seen as a mere legal norm, because “every canonical norm, no matter how practical, must be based on theology, because it concerns the grace, the sanctification of the faithful” (Salachas 1991: 51).

Most canonists call the canons “holy”, considered to have been elaborated under divine inspiration, especially those of the Ecumenical Synods (L’Huillier 1996, translated by Stan 2000: 31). In this sense, in canon 1 of the VII Ecumenical Synod, it is stated that

we rejoice over them as he that has found great spoil, and press to our bosom with gladness the divine canons, holding fast all the precepts of the same, complete

and without change, whether they have been set forth by the holy trumpets of the Spirit (Milaş 1931: 490).

Canonist Dimitrios Salachas defines the sacred canons (it. *sacri canoni*) as a corpus of rules of highest authority, comprised in the Apostolic canons, in the decisions of the ecumenical synods, of the local synods and in the writings of the Holy Fathers, insofar as they have been confirmed by the 2nd canon of the Trullo Synod (691-692) and by the 1st canon of the VII Ecumenical Synod of Nicaea (787) (Salachas 1997: 13). Rev. Professor Irimiță Marga calls them “holy” because

they were accepted by the whole Church and because the Law of Life, through its perfection, perfects the imperfection of the positive law or, in other words, love, the essence of the New Law, floods selfishness as the greatest deficiency of the positive law (Marga 2009: 9).

The canons are still applicable today, even though more than one thousand five hundred years have passed because, as the canonist Patsavos argues, they “are the expression of the pastoral care of the Church for the salvation of its members” (Lewis J. Patsavos, *The Canonical Tradition of the Orthodox Church. A companion to the Greek Orthodox Church*, ed. de F. Litsas, (New York: Greek Orthodox Archdiocese, 1984), p. 144, *apud* Patsavos 2003, translated by Tăvală 2012: 47), despite the fact that “they contain technical terms and legal, their basis is theological, and their objective is pastoral” (Patsavos 2003, translated by Tăvală 2012: 47). Therefore, the canons respond to the pastoral needs of the Church, so they “do not represent the expression of a legalistic spirit, which tends to include everything in rules and to reduce the life of the Spirit to some legal norms” (Patsavos 2003, translated by Tăvală 2012: 47).

Church canons are milestones that must “guide the spiritual life of each of its members” (Patsavos 2003, translated by Tăvală 2012: 47). Moreover, Father Liviu Stan showed that the holy canons are not obsolete, but they compile the fundamental principles for the organization and functioning of the Orthodox Church. Therefore,

the interpretation and application of the holy canons are not done mot-à-mot or word for word, but by identifying the fundamental principles contained in them and their application in practice in the life of the Church (Grigoriță 2017: 353).

In conclusion, we can state that just as the laws of a state are binding for the citizens of that state, so are the canons and current church law for its faithful. We agree with the opinion of the canonist Georgică Grigoriță who states that “the Holy Canons are the mirror of the practical way in which pastoral problems of the Church were solved pastorally” (Grigoriță 2017: 177) and all these must “highlight both tradition and canonical doctrine and the pastoral-missionary attitude of ecclesiastical authority” (Grigoriță 2017: 177).

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