

## ***Orthodox Canon Law at the Faculty of Theology in Sibiu***

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### **Abstract:**

The Theological School in Sibiu was founded on September 20, 1786, making it *the oldest institution of theological education in the country*, with continuous existence. From the beginning, an emphasis was laid on the practical training of future priests, through the study of Romanian ritual books, namely on acquiring canonical Orthodox knowledge. In addition, Prof. Gheorghe Lazar, after studying in Vienna, brought knowledge of the Western canon law as well. Canon Law courses increased after 1820, when the bishop Vasile Moga published a manual of theology which included a separate chapter on orthodox matrimonial law. Metropolitan Andrei Şaguna brings fundamental changes in the organization of the Transylvanian Orthodox Church and the theological school in Sibiu, reordering church structures on canonical models of the old church, rediscovering the principle of mixed synodality and the laity right to participate in the exercise of Church power. Metropolitan Şaguna constitutes *the first manual of canon law in our Church* and, since 1853, in Sibiu an independent academic subject was inserted: *Canon Law*. From then on this subject has been taught only by professors specialized in this matter until today. Among them, we may distinguish the most famous Romanian canonists: Rev. Prof. Liviu Stan, Prof. Iorgu Ivan, and Archd.Prof. Ioan N. Floca.

### **Keywords:**

canon law, canonists, theological school, history, contributions

Sibiu theological school<sup>2</sup> was founded on September 20, 1786 by the formal appointment of the first director in the person of *Dimitrie Eustatievici*. The school

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began as a "refresher course" or "re-classification" in modern terms, in order to guide the teachers how to act in school when teaching reading, writing, doing maths, memorisation and catechism.

### *1. Religious Law at Priest Training School, between 1786 – 1846*

At the priest training school in Sibiu, which aimed at the formation of future Church priests, one of the fundamental subjects of orthodox theology could not be missing, namely: *church law*<sup>3</sup>.

In the beginning, the first teachers sought to provide students with elementary theology knowledge, of a predominantly practical nature, to be of use in their pastoral mission. Certainly, among general knowledge that related to religious law was included.

The first teacher of the Priest Trainings School in Sibiu, Dimitrie Eustatievici, initiated the publication in Sibiu, through two of his disciples, of a book entitled *Preoția sau îndreptarea preoților (Priesthood or Correction of the Priests)* (16 unnumbered pages +79 pages, Sibiu, 1789), a book he also used for courses. This book had mainly liturgical content, but it also contained canonical content, because the liturgical type is one of the fundamental sources of religious law<sup>4</sup>.

The followers of Dimitrie Eustatievici, pew chanter Radu Tempea V, along with his brother Nicolae, together with Gheorghe Haines and Simion Jinariu, continued to use old and newer textbooks, emphasizing the liturgical aspects with canonical implications.

Although the term "canon law" is not used explicitly, we assume that the idea of using some nomocanons cannot be ruled out, especially since in Ardeal, in Brasov, the first nomocanon is published in Romania by deacon Coresi<sup>5</sup>, and at Govora monastery 1640-1641, a special edition for Transylvania of *Pravila Mică (the Abridged Ritual Book)*, is printed, with the foreword of the Metropolitan of Transylvania<sup>6</sup>.

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<sup>2</sup>For more details, see the most important work on the history of Sibiu orthodox theological education: Rev. Acad. Mircea Păcurariu, *230 de ani de învățământ teologic la Sibiu, 1786-2016, (230 Years of Theological Education in Sibiu)* Andreiana Publishing House, Sibiu, 2016.

<sup>3</sup> When presenting the evolution of religious law at the school in Sibiu, I used in particular the following work: Ieremia Marga, *Școala de Drept Canonic de la Sibiu (School of Canon Law in Sibiu)*, Theology thesis, Sibiu, 2017, mss. dact., 74p.

<sup>4</sup> Rev. Acad. Mircea Păcurariu, *230 Years...*, p. 31-32.

<sup>5</sup> Archd. Prof. Ioan N. Floca, PhD, *Originile Dreptului scris în Biserica Ortodoxă Română (teză de doctorat în teologie), (Origin of written Law in the Romanian Orthodox Church [doctoral thesis in theology])* in the journal "MA", 1969, no. 1-3, p. I-X + p.1-188;

<sup>6</sup> Archd. Prof. Ioan N. Floca, PhD, *Importanța canonic-juridică a Pravilei de la Govora (1640-1641), (Canonic-Legal Importance of Govora Ritual Book)* in the journal "MA", 1964,

The situation of the school of priests in Sibiu improves with the appointment of young Gheorghe Lazăr in charge. He uses new western manuals, translated in Romanian by him, as well as the knowledge of canon laws accumulated during his studies in Vienna.

In Gheorghe Lazăr's help, Moise Fulea is also called from Vienna, the one who also taught, among others, „*Manuarea protocoalelor matriculare*” (*Management of the Matriculation Protocols*), that is, notions of church administration, part of the religious law. This course was very useful for future priests, especially since the first protocols (or parish registers) for Baptisms, Weddings and Funerals were printed in Sibiu in 1811<sup>7</sup>.

After Gheorghe Lazar's departure, Ioan Moga was brought as a new pew chanter, who, together with Moise Fulea, continued to teach church administration.

The first courses of canonical law in the true sense of the word took place after 1820, when Bishop Vasile Moga published a book entitled: „*Învățătură theologhicească despre năravurile și datoriile oamenilor creștini. Pentru trebuința candidaților de preoție neuniți* (*Theological Teaching about the Habits and Duties of Christian People. For the Need of non-unified Priesthood Candidates*). Now printed for the first time, with blessing of His Holiness Vasile Moga, bishop of non-unified greek law in Transylvania, Sibiu, in the printing house of Ioan Barth, 1820”. This handbook contained, in the end, 21 pages about „*Spitele rudenii de sânge și de cuscrie*” (*Lines of Blood and In-law Relatives*), a chapter on Orthodox matrimony law. It is understood that this handbook has been printed and used in theological school so that the future priests have the necessary knowledge of the conditions and impediments to the Wedding<sup>8</sup>.

Another mention of canon law courses comes from a manuscript (manuscript 61) from the Library of the Faculty of Theology in Sibiu, which includes a course probably held by cantor Ioan Moga. Chapter IX of this course is entitled „*Despre*

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no. 6-8, p. 496-523; Stelian Marinescu, *Dispozițiuni de drept laic în Pravila de la Govora din 1640, (Provisions of secular law in Govora Ritual Book)* in the journal “BOR”, 1963, no. 3-4, p. 320-346

<sup>7</sup> Rev. Acad. Mircea Păcurariu, *230 Years...*, p. 48.

<sup>8</sup> *Ibid*, p. 57; Also see Gheorghe Soare, *Impedimente la căsătorie: Necesitatea asigurării unei practici uniforme în toată Biserica Ortodoxă, (Impediments to Marriage: Need to Ensure a Uniform Practice throughout the Orthodox Church)* in the journal „O”, 1961, no. 4, p. 576-589; Rev. Prof. Nicolae V. Dură, PhD, *Impedimente la căsătorie în lumina hotărâthrilor celei de a doua conferințe panortodoxe presinodale, (Impediments to Marriage in the Light of the Decisions of the Second Pan-Orthodox Presynodial Conference)* in the journal „MB”, 1984, no. 7-8, p. 404-416; Archd. Prof. Ioan N. Floca, PhD, *Impedimente la căsătorie și cununie, (Impediments to Marriage and Wedding)* in “TR”, 1989, no.19-20, p.2 and in the journal “ÎB”, Cluj-Napoca, 1989, p.94-100

taine peste tot” (*About Mysteries Everywhere*) having many canonical references to the Holy Mysteries<sup>9</sup>.

To this another manuscript, (manuscript 46) is added, entitled „*Scurtă îndreptare pentru preoții neuniți carii cugetă a luoa pre sine slujba cea grea a duhovnicii* (*Short Correction for the Non-unified Priests, who Think of Taking the Hard Work of Spirituality on Themselves*). Drawn up by Ioan Moga, the teacher of non-unified priesthood candidates”, which is a pastoral course of Ioan Moga, copied by a student in 1830. The course is structured in 46 paragraphs, on 99 pages. Paragraphs 28-43 contain guidelines for the confessor, and paragraph 46 refers to the secret of Confession, in other words, other clear elements of canon law. The course is also kept copied in another manuscript (manuscript 100) from 1844<sup>10</sup>.

Another book used at the school in Sibiu was the one entitled „*Despre datorințele presviterilor parohialnici din cuvântul lui Dumnezeu, a îndreptărilor sobornicești și a învățătorilor bisericești...*” (*About the Duties of the Parish priests from the word of God, of the clergy referrals and of church teachers*), printed in Buda, in 1817. It is the Romanian translation of the book written by Russian bishops Gheorghe Koninski and Partenie Sopcovski, printed in Petersburg in 1776. It is not known who made the Romanian translation, probably Dimitrie Țichindeal. An important chapter of the book refers to the commission of the Holy Mystery, with references to holy Canons. The book has been widely circulated, being of great use, that is why it was reprinted by Metropolitan Andrei Șaguna, under the title „*Teologia Pastorală pentru preoții de lege ortodoxă răsăriteană*” (*Pastoral Theology for Orthodox Eastern Law Priests*), Sibiu, 1857<sup>11</sup>.

From these succinct data it can be concluded that at the priest training school in Sibiu, attention was paid to the notion of canon law, so necessary in the pastoral work of the priests, especially the canonical knowledge of performing the Holy Sacrament, regarding spirituality and the epithemy in Confession, regarding kinship and, last but not least, the church administration through which the pastoral activity of the priests was mirrored.

## 2. Metropolitan Andrei Șaguna and the Rebirth of the Orthodox Canon Law

The work of providential metropolitan Andrei Șaguna is impressive and of great importance both for the history of the Romanian Orthodox Church and for the history of Romanian law, with implications in all fields of activity.

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<sup>9</sup> Rev. Acad. Mircea Păcurariu, *230 Years...*, p. 59.

<sup>10</sup> *Ibid*, p. 61.

<sup>11</sup> Alexandru Constantinescu, *Dreptul canonic în opera lui Andrei Șaguna*, (*Canon Law in Andrei Șaguna's Work*) in the journal „BOR”, 1973, no. 7-8, p. 872-876.

Metropolitan Andrei Şaguna made an impressive canonical work with the obvious purpose of offering the motivation of a canonical church organization, consistent with the canonical-dogmatic doctrine of the Orthodox Church. The transposition into practice of all canonical principles which he stated, argued and published in his canonical work, made Metropolitan Andrei Şaguna a unique personality in the history of the Romanian Orthodox Church.

After an insistent struggle with the opposition of the Habsburg authorities, the Serbian Church, the Hungarian governments and the Catholic hierarchy, Metropolitan Şaguna succeeded in re-establishing the Metropolitan Church of Transylvania in March 1868, and at the Congress convened at the end of the same year, he succeeded in approving „*Statutul Organic al Bisericei Greco-Orientale Române din Ungaria și Transilvania*” (*The Organic Statute of the Romanian Greek-Oriental Church in Hungary and Transylvania*)<sup>12</sup>.

Thus, Şaguna's dream was fulfilled only after 22 years of pastoral and continual fighting, prepared and sustained on all plans, including the publication of canonical works that would justify the correctness of his ideas.

The “novelty” brought by Metropolitan Şaguna is the reproduction of laity law to participate in Church leadership, respectively in the exercise of church power. This was, in fact, a “novelty” only for those who had a clerical vision of the church leadership, in fact Şaguna **was repositioning** church structures on canonical models in the old Church<sup>13</sup>.

In particular, Metropolitan Şaguna rediscovers the *organic principle*, that is, the principle of the organic leadership of the Church by all its members, clergy and lay. Şaguna's idea started from the conclusion that if into the Church one unilaterally emphasized the authority, respectively the hierarchical principle, one would fall into clericalism, and if only synodality was emphasized, one would fall into parliamentarism<sup>14</sup>.

Therefore, Metropolitan Andrei Şaguna did not want to repeat the mistakes of Catholicism or Protestantism. Only the organic principle avoids falling into the two extremes. According to this Statute the authority in the Church was held by the clergy (the metropolitan, the bishop, the archpriest, the priest), but who were making

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<sup>12</sup> The Sagunian organic status was approved by the emperor on May 28, 1869, acc. Rev. Prof. Mircea Păcurariu, PhD, *Istoria BOR...*, (*History of BOR- Romanian Orthodox Church*) p.96.

<sup>13</sup> About the role of the laity in the Church was to masterly write, demonstrating and continuing the canonicity of the Sagunian vision, almost a century later, Rev. Prof. Liviu Stan, *Mirenii în Biserică*, (*Laity in the Church*) Sibiu 1943, 816p.

<sup>14</sup> Rev. Associate Prof. Irimie Marga, PhD, *Mitropolitul Andrei Şaguna, omul providențial în istoria dreptului Bisericii*, (*Metropolitan Andrei Saguna, Providential Man in the History of Church Law*) in „Ziarul Lumina”, no.87/14 April 2011, p.15.

decisions, together with the synods around them (the metropolitan synod, the diocesan council, the deanery synod, the parish assembly)<sup>15</sup>.

At the same time, according to the organic principle, Metropolitan Șaguna has revived *mixed synods* of the old Church, in the well-known proportion of 1/3 clergy and 2/3 laymen<sup>16</sup>. In this way synodality and authority were harmonized in the ecclesial life of Transylvania and it resulted in a thriving church, cultural and national life unprecedented in the history of Transylvania<sup>17</sup>.

At the same time, in order to eliminate subjectivism or abuse of power, the Organic Statute also established the separation of deliberative, executive and judicial powers in the Church by the fact that they were exercised by different bodies that did not influence one another, but they were not completely separated, but were preserving the unity of church power, guaranteed by the authority of “protos”, under its various forms.

The problem of church power abuses only occurs where church authority breaks from the synodal life of the Church. On the other hand, the abuse of synodality, respectively the risk of falling into parliamentarism, can be removed only by the control of the competent episcopal authority, which determines and directs the entire church life in the eparchy. In this respect, the Sagunian Statute remains exemplary.

At the base of the changes and innovations in the Romanian Church and society in Transylvania, Metropolitan Andrei Șaguna laid a thorough, theological, historical and canonical training. That is why Metropolitan Șaguna left behind him, on one hand, a valuable canonical work of great value, as no Romanian hierarch did, and on the other hand, he transposed all this canonical knowledge into practice, into an authentic, canonical church structure founded on the holy canons and adapted to contemporary times.

### 3. *Orthodox Canon Law Teachers, between 1846 – 1938*

With the arrival of Metropolitan Andrei Șaguna, the situation of Sibiu Archdiocese and Theological Institute fundamentally changed. The old pew chanter

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<sup>15</sup> See also Johann Schneider, *Ecleziologia organică a mitropolitului Andrei Șaguna și fundamentele ei biblice, canonice și moderne, (Ecclesiology of Metropolitan Andrei Șaguna and its Biblical, Canonical and Modern Foundations)* Deisis Publishing House, Sibiu 2008, 305p.

<sup>16</sup> Rev. Prof. Liviu Stan masterly wrote about the role of the laity in the Church, demonstrating and continuing the canonicity of the Sagunian vision, almost a century later, in *Mirenii în Biserică (Laity in the Church)*, Sibiu 1943, 816p.

<sup>17</sup> See also K. Hitchins, *Ortodoxie și naționalitate. Andrei Șaguna și românii din Transilvania, (Orthodoxy and Nationality. Andrei Șaguna and the Romanians in Transylvania)* 1846-1873, Bucharest, 1995, p. 343.

Ioan Moga was followed, in 1846, by professor Ioan Hannia, then, in 1849, professor Grigorie Pantazi.

If until then the notions of canon law were taught in the context of other theological disciplines, starting with 1853, a new discipline is introduced at the Theological Institute: *canon law*. From now on, this discipline was standalone, either with substitute teachers or specialized in this subject.

The special interest showed by Şaguna for canon law was also seen in the classes of the Institute, because teachers taught by using textbooks and books published by Metropolitan Andrei Şaguna.

Teachers who taught this discipline to the students, between 1853-1938, are the following<sup>18</sup>:

- 1853-1854 Grigorie Pantazi
- 1854-1855 Sava Popovici Barcianu
- 1855-1870 Nicolae Popea
- 1863-1865 *subst. Nicolae Cristea*
- 1870-1891 Ioan Popescu
- 1891-1901 Petru Şpan
- 1901-1928 Eusebiu Roşca
- 1916-1917 *subst. Romulus Cândea*
- 1918-1919 *subst. George Proca*
- 1928-1929 Aurel Crăciunescu
- 1929-1938 Iosif Hradil

The first professor of canon law in Sibiu was protosinghel *Grigorie Pantazi* (1825-1854)<sup>19</sup>. He studied philosophy and law at Pesta, finished with doctoral degrees, then in Vienna. In 1848 he returned to Sibiu where he was appointed eparchial secretary, and in 1849, a teacher at the clerical school. He managed to teach canon law only for a year.

The follower at the chair was Rev. Prof. *Sava Popovici Barcianu* (1814-1879)<sup>20</sup>. He studied in Vienna, then he was a priest at Răşinari until he died. At the Theological Institute he was a teacher for only a year when he taught canon law.

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<sup>18</sup> Apud Rev. Acad. Mircea Păcurariu, *230 years...*, p. 471.

<sup>19</sup> Mircea Păcurariu, *Cărturari sibieni de altădată*, ( *Sibiu's Former Scholars*) Dacia Publishing House, Cluj-Napoca, 2002, p. 117-118. Axente Banciu, Dr. *Grigorie Pantazi*, in the journal „Țara Bârsei”, Braşov, no. 1/1930, p. 35-39.

<sup>20</sup> Rev. Prof. Mircea Păcurariu, PhD, *Dicţionarul teologilor români*, ( *Dictionary of Romanian Theologians*) Andreiana Publishing House, Sibiu, 2014, p. 41. Mircea Păcurariu, *Cărturari sibieni...*, p. 107-108.

Rev. Prof. *Nicolae Popea* (1826-1908) followed<sup>21</sup> at the canon law chair. He studied Law in Cluj, then Theology in Vienna. He was a professor of canon law until 1870.

Between 1863-1865 the canon law discipline was temporarily taken over by prof. *Nicolae Cristea* (1834-1902)<sup>22</sup>. With studies at Leipzig, he was a substitute professor at the Theological Institute, but his work was politically and nationally distinguished (he was convicted in the Memorandum trial).

The next professor of canon law was Rev. *Ioan Popescu* (1832-1892)<sup>23</sup>, who studied at Jena and Leipzig. He became a professor at the Theological Institute where he taught canon law for more than 21 years (1870-1891).

This was followed by the famous pedagogue *Petru Șpan* (1860-1911)<sup>24</sup>, who taught canon law between 1891-1901. He studied philosophy, history and especially pedagogy in Vienna and Jena where he obtained his doctorate in pedagogy. He was one of the most famous Romanian pedagogues, with works of great value.

Between 1901-1928, with two small interruptions, the canon law discipline was taught by Archimandrite *Eusebiu (Remus) Roșca* (1856-1944)<sup>25</sup>. He studied law at Sibiu (Academy of Law), Cluj and Budapesta, where he obtained a doctorate in law. He was practically the *first canon law professor with legal studies*<sup>26</sup>.

For one year, between 1916-1917, the canon law discipline was taken over by *Romulus Câdea* (1886-1973)<sup>27</sup>, a historian by profession, with studies in Sibiu, Chernivtsi and Leipzig.

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<sup>21</sup> Mircea Păcurariu, *Cărturari sibieni...*, p.119; Ioan Lupaș, *Episcopul Nicolae Popea (Bishop Nicolae Popea)*, Cluj, 1933, 15p.

<sup>22</sup> Eugen Lazăr, *Nicolae Cristea (1834-1902)*, in vol. „Repere sibiene”, (Highlights of Sibiu) II, 1980, p.145-153.

<sup>23</sup> Dr. Nicolae Terchilă, *Harbart și herbartienii români (Harbart and his Romanian Followers)*, in „Anuarul XVII al Academiei Teologice Andreiane din Sibiu, pe anul școlar 1940-1941” (*XVII Yearbook of the Andreian Theological Academy in Sibiu for the year of study 1940-1941*), Sibiu, 1941, p. 17-25.

<sup>24</sup> Rev. Nicolae Dura, *Dr. Petru Șpan – pedagog și profesor la Institutul teologic-pedagogic din Sibiu, (Dr. Petru Șpan - Pedagogue and Teacher at the Theological - Pedagogical Institute of Sibiu)* in the journal „Mitropolia Ardealului” (Mitropoly of Transylvania), no. 3-4/1983, p. 155-172.

<sup>25</sup> Mircea Păcurariu, *Cărturari sibieni...*, p. 299-303.

<sup>26</sup> Rev. Prof. Mircea Păcurariu, PhD, *Dicționarul teologilor...*, p. 564-565.

<sup>27</sup> Prof. Petru Dan, *Romulus Câdea (1886-1973), militant pentru libertatea și unitatea poporului român, (Romulus Câdea (1886-1973), Militant for the Freedom and Unity of the Romanian People)* in „Mitropolia Ardealului” (Mitropoly of Transylvania), no. 11-12/1980, p. 936-938.

Also for one year, between 1917-1918, canon law was taken over by Rev. *George Proca*<sup>28</sup>. He was born in Râșnov, Brașov County, and studied at the Theological Academy in Arad and at the Faculty of Theology in Chernivtsi. He was a professor at the Academy of Arad, then the *first professor at Sibiu Institute with his doctorate obtained in Chernivtsi*.

After the retirement of Eusebiu Roșca, between 1928-1929, canon law was taught by Rev. *Aurel Crăciunescu* (1877-1943)<sup>29</sup>. He studied in Arad and Chernivtsi where he obtained his doctorate in theology, specialized in the Old Testament. After 1918 he went to Bucharest where he was a patriarchal counselor and then secretary general in the Ministry of Religious Affairs (1931).

He was followed in the canon law department by Rev. *Iosif Hradil* (1892-1954)<sup>30</sup>, of Slovak origin. He studied philosophy in Turin and then Roman Catholic theology at Oradea. After converting to Orthodoxy, he studied at Chernivtsi where he obtained a doctorate in theology (1924). As he became a teacher in Sibiu he taught several disciplines, he mostly taught canon law, between 1929-1938.

#### *4. Rev. Prof. Dr. Liviu Stan and the Completion of the Șagunian Tradition (1938-1948)*

In 1938, Metropolitan Nicolae Bălan appoints the young Liviu Stan, his former scholar at the canon law department, after completing his studies at the major European university centers. With this teacher, a new period begins in the study of canon law as he was to complete the canonical thinking of the great Metropolitan Andrei Șaguna.

Rev. Prof. Liviu Stan is and remains the greatest canonist Professor of the Romanian Orthodox Church<sup>31</sup>. Through his entire profound theological work, through his high-school teaching activity, through the unscrupulous efforts of forming disciples, through his administrative-church activity dedicated to the survival of the Church in times of great difficulty, Rev. Prof. Liviu Stan was a unique personality in the Romanian ecclesial space.

Until today, and for a long time now, for any theologian who specializes in canonical Orthodox law, the references to Rev. Liviu Stan's work, vision, opinions are

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<sup>28</sup> Rev. Acad. Mircea Păcurariu, *230 years...*, p. 121.

<sup>29</sup> Rev. Prof. Nicolae Neaga, PhD, *Aurel Crăciunescu*, in the journal „Mitropolia Ardealului”, no. 1-2/1958, p. 141-143.

<sup>30</sup> Mircea Păcurariu, *Cărturari sibieni...*, p. 532-533.

<sup>31</sup> See especially: Rev. Associate Prof. Irimie Marga, PhD, *Concepția canonică a Pr.Prof.Dr. Liviu Stan*, (*Canon Conception of Rev..Prof. Liviu Stan, PhD*) in the vol. „Dreptul canonic în viața Bisericii. In memoriam Preot profesor dr. Liviu Stan (1910-1973)”, (*Canon law in the life of the Church. In memorial to Rev. Professor. Liviu Stan, PhD, (1910-1973)*) Alba Iulia – Deva, 2013, p.103-117.

first hand. If we were to make a comparison with the contributions of other canonists in the pan-Orthodox world, we believe that Rev. Prof. Liviu Stan's work can hardly be overcome. Unfortunately, his work, with his fundamental contributions, is only beginning to be translated into other languages of international circulation, that is why Rev. Prof. Liviu Stan is still not known outside the country, to his true value.

It is well known that the content of his studies was also possible due to his special language skills as he knew many foreign languages (French, German, Italian, Greek, Polish, Serbian, Czech, Bulgarian, Hungarian and Russian), with the help of which he was easily consulting foreign specialized literature. He also had contacts with numerous foreign teachers, he held lectures and conferences in several countries (Italy, Greece, Germany and Poland) and was the delegate of our Church to several international conferences<sup>32</sup>.

On the administrative-church level, it is a well-known fact that the author of the *Statutul pentru organizarea și funcționarea Bisericii Ortodoxe Române (Statute for the Organization and Functioning of the Romanian Orthodox Church)* in 1948, is Rev. Prof. Liviu Stan. His canonical-juridical skill, but also the ability to support the Church in a hostile period, have led to the creation of an effective *Statute* in a problematic context. Even if some provisions were imposed by the power of the time, his great achievement was that, through *the 1948 Statute*, the Șagunian canonical tradition survived communism.

It should be stressed that up to Rev. Prof. Liviu Stan, the Romanian canonical literature was very poor, so the distinguished Professor had to address the themes of canon law in an encyclopedic way and to open new ways for deepening and nuance. Unfortunately, his premature disappearance left a void in the study of canon law, which did not continue as probably Rev. Prof. Liviu Stan would have liked it.

Rev. Prof. Liviu Stan, between the years 1928-1932, studied at the Faculty of Theology of Chernivtsi where he enjoyed hearing a large throng of teachers of theology. He had as Professor of Church law and Roman law, the famous Rev. Prof. Valerian Șesan.

Between 1930-1932, along with the third and fourth years of study, he followed the Law School of Chernivtsi, but he did not finish it.

Returned to his native lands, he was easily noticed by Metropolitan Nicolae Bălan who offered him a scholarship abroad. Thus, between 1932-1934 he attended courses at the Faculty of Theology and Law in Athens, and between 1934-1935, he

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<sup>32</sup> Rev. Associate Prof. Irimie Marga, PhD, *Pr. Prof. Liviu Stan, canonistul șagunian al Ortodoxiei românești, (Rev. Prof. Liviu Stan, the Sagunian canonist of Romanian Orthodoxy)* in the vol. „Biserica și Dreptul. Studii de drept canonic ortodox”, (The Church and the Law. Orthodox Canon Law Studies), vol. I „Teologia Dreptului” (Theology of Law), Andreiana Publishing House, Sibiu, 2010, p. 6-19.

attended courses at the Faculty of Law, Theology and Letters of Warsaw. Between 1935-1937 he continued his studies in theology, law and philosophy at the Gregorian University of Rome and at the University of Munich. With his fund of knowledge earned at renowned European universities, the young scholar Liviu Stan has completed his famous PhD thesis, a true unparalleled canonical benchmark, entitled **”Mirenii în Biserică” (Laity in the Church)**<sup>33</sup>.

Following the training and the skills gained, in 1937, young Liviu Stan was appointed a university professor at the Andreian Theological Academy in Sibiu, where he completed his fundamental theology, and from 1941 he taught religious law as a teacher.

In a tumultuous and troubled historical context, in 1949 Rev. Prof. Liviu Stan was transferred to the Faculty of Theology in Bucharest. Here he continued his academic work as a professor, doctoral instructor and published the vast majority of his studies. It is also well known that his studies were possible due to his special language skills as he knew many foreign languages (French, German, Italian, modern Greek, Polish, Serbian, Czech, Bulgarian, Hungarian and Russian) through which he easily consulted foreign specialized literature. He also had contacts with numerous foreign teachers, he held lectures and conferences in several countries (Italy, Greece, Germany and Poland) and was the delegate of our Church to several international conferences.

In recognition and reward of his contributions in the field of canon law, in 1968 he was awarded the title of *Doctor Honoris Causa* of the Theology Faculty in Tesalonic, title that has been a corollary of his academic and church life.

Looking at the work of Rev. Prof. Liviu Stan, as a whole, his canonical view can be presented as having the following great characteristics<sup>34</sup>:

a. First, Rev. Prof. Liviu Stan developed his canonical view on the canonical-ecclesial background created by the great Metropolitan and Holy Andrei Șaguna. That is why a necessary distinction must be made: Metropolitan Andrei Șaguna remains the greatest *canonist hierarch* of our Church and perhaps of all Orthodoxy, and Rev. Prof. Liviu Stan is the greatest Romanian *canonist professor*, with panorthodox valences. There is no competition between the two, but an intrinsic link, a continuity link of thought and mission. It can be said that without Holy Andrei Șaguna the appearance and contribution of Rev. Prof. Liviu Stan would have been almost impossible.

b. The second characteristic is that Rev. Prof. Liviu Stan was the first Romanian theologian to write about the *theological foundation of law* in general, and of canonic

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<sup>33</sup> Rev. Liviu Stan, PhD, *Mirenii în Biserică. Studiu canonic-istoric*, (*Laity in the Church. Canon-Historical Study*) Sibiu, 1939, 816p.

<sup>34</sup> According to Rev. Associate Prof. Irimie Marga, PhD, *Concepția canonică a Pr.Prof.Dr. Liviu Stan...*, p. 103-117.

law in particular (*jus ecclesiasticum*). His reference work is *Ontologia juris*, a unique work that revealed the value and importance of the law itself, both in civil and church life. For the first time in our theological literature, all definitions and theories of law are brought to light in the teachings of the Church, showing that a philosophy of law cannot be separated from theology, and the Church in its theology cannot ignore the philosophies of the world.

Continuing with this book<sup>35</sup> Rev. Prof. Liviu Stan wrote a series of studies – the first of this type in the Romanian Orthodoxy – with reference to „*jus ecclesiasticum*”. Through all this, Rev. Prof. Liviu Stan proves to be the founder of “theology of law” in our Church.

c. The third characteristic of Rev. Prof. Liviu Stan's work is the great effort he made in *rediscovering Orthodox canonical principles*. In this respect, the famous canonist was involved in the presentation and explanation of these principles, he did not ignore the theological disputes of the times, nor the divergent theological views and conceptions. Following these studies Rev. Prof. Liviu Stan has presented the Orthodox conception of our Church, which he bases, and systematically argues, highlighting the deviations and mistakes of the authentic canonical vision.

For example, related to *the synodal principle* Rev. Prof. Liviu Stan emphasized the idea that synodality is not only a form or method of leading the Church but is a form of organizing the entire church life<sup>36</sup>. He stressed therefore not the act of leadership, but community life in Christ. In this context, he rightly emphasized that mixed synodality prevailed upon the synodality of the archbishops: “As it appears to us during the historical development of church life, the synods appear, in their structure, in a dual way: as mixed synods, made up of clergy and laity, and then as archdiocesan or episcopal synods, formed only by bishops of different stages. The first, namely the mixed councils, are the most numerous or more frequent, while the number of the second category was smaller, they reconvening only sporadically in the beginning, namely when the problems of faith were being discussed”<sup>37</sup>.

This was true even in the case of the ecumenical synods: “As regards the ecumenical synods, it is to be noted that although their mention even in some prayers

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<sup>35</sup>*Ontologia juris* was written in 1943, at the age of 33, before Communism, that is why Rev.Prof. Liviu Stan reminds and consistently combats "Marxist theory" on the law (p.140-167).

<sup>36</sup>Rev.Prof. Liviu Stan, *Despre sinodalitate. Actualitatea problemei, (About Synodality. The Actuality of the Issue)* in the vol. „Biserica și Dreptul. Studii de drept canonic ortodox” (Church and Law. Orthodox Canon Law Studies), edition coordinated by Rev. Associate Prof. Irimie Marga, PhD, vol.III „Principiile Dreptului canonic Ortodox” (Principles of Orthodox Canon Law), Andreiana Publishing House, Sibiu 2012, p.24 (according to ”Studii Teologice” (Theological Studies) Review, no.3-4/1969).

<sup>37</sup>*Ibid*, p.32.

of the Church is preserved by the number of bishops who participated in them, they were not archbishops' strictly synods, but mixed synods, in which also participated, besides a significant number of other clerics in the stage of the presbytery and deacon, as well as from other stages, later appeared in the life of the Church, many laymen, and also monks<sup>38</sup>.

Moreover, Rev. Prof. Liviu Stan considered the mixed synodality (councils) even superior to the archdiocese (synods): "By having a fair understanding of the relations in which the public liturgical ministry with public synod service is found in the life of the Church, in the Churches of Slavic language the word *council* is used both to designate the Church as a place of worship, where believers (*sobirati*) gather to liturgical service, and to appoint mixed synods that are also called *councils*, not synods, and which are rightly and traditionally considered to be the superior forms of synodality<sup>39</sup>".

Unfortunately, with great justice and timeliness, the author finds that even then Catholic influences existed in the Orthodox Church, leading to a camouflaged clericalism<sup>40</sup>. Is it only then?

Special attention was granted by Rev. Prof. Liviu Stan to *the Șagunian organic principle*, a principle that does not appear in many Orthodox canon laws. The organic principle starts from the idea that the Church functions as a human organism, in which all are in balance, a principle that does not allow the hierarchical structure of the Church to fall into clericalism, and synodality not to degenerate into parliamentarism.

All this correct vision of the Church, as an organic life in Christ, was unequivocally presented in the work „Mirenii în Biserică” (Laity in Church), a work unsurpassed until today<sup>41</sup>. The topic has always remained current, especially the problem of laity participation in bishops' election, of which Rev. Prof. Liviu Stan was noting: „As a choice to be perfect in the person of a bishop, it must coincide in the act of election, the will of the laity of the diocese with that of the competent episcopal council. The Synod of Bishops has the decisive word. In the act of election or censorship itself, it may, through the vote of its members, accept or refuse to propose to the diocese a candidate proposed by the laypersons. In the case of refusal, it must be thoroughly justified and only in the sense that the voice of God must be heard more than that of people; otherwise, the council is bound to follow the indicative will of the

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<sup>38</sup> *Ibid*, p.33.

<sup>39</sup> *Ibid*, p.37.

<sup>40</sup> *Ibid*, p.33and f.

<sup>41</sup> Rev. Liviu Stan, PhD, *Mirenii în Biserică, (Laity in the Church)* Sibiu, 1943, 816p. This book was also translated into German by Prof. Hermann Pitters, PhD, editor Stefan Tobler, *Die Laien in der Kirche. Eine historisch-kirchenrechtliche Studie zur Beteiligung der Laien an der Ausübung der Kirchengewalt*, Ergon-Verlag, Würzburg, 2011, 633p.

laypersons, against whom the bishops cannot impose anybody. As a corrective of *the eventual arbitrariness of the episcopal college*, people have the right to refuse to receive an unwanted and unloved bishop<sup>42</sup>. Who could say that Rev. Prof. Liviu Stan is still not right?

The scientific acrivia, documented in detail, also allowed Rev. Prof. Liviu Stan to have a critical spirit of the ecclesial realities of his time and to fight, with much courage, all the canonical deviations. For example, also in his work *Mirenii în Biserică (Laity in Church)*, the author noted: „The practice of the Church has often not been fairly canonical, as we have seen through many examples. In our Church, by the 1925 law, a deficient canonical practice was adopted (...), it is correct that *only the episcopal synod of the mitropoly in which the vacant diocese is included shall censor the election and not the synod of a country*”<sup>43</sup>.

A fundamental idea that Rev. Prof. Liviu Stan has highlighted is that the priest, as the holder of grace received at ordination, cannot be regarded as simply the “delegate” of the bishop. A delegate has no autonomy or freedom, and does nothing of what it is his own right: „The parish priest is an autonomous minister, like the bishop, and *is not at all a mere <permanent delegate> of the bishop*. He is only a partisan with the bishop at the apostolic succession of the priesthood he exercises in his dependence on the bishop, as the bishop exerts it in his dependence upon the synod. He is subjected to the bishop in a way more closely than the bishop is subject to the council, but this obedience or submission to which he is bound to the bishop does not annul him, but only limits his ministry autonomy”<sup>44</sup>.

This idea, transposed in practice by the Șagunian law, was also underlined by the canonist Bishop Nicodim Mițaș: „The service of the parish priest... exists in itself and *is not the efflux of a temporal empowerment of the bishop*. It is found in the organization of the Church and independently, although it emanates from the episcopal power and is subordinated to it. The bishop is and remains the supreme shepherd in his diocese with the right to exercise the office of supreme shepherd, but *the canons do not allow bishops to bother the parish in the regular exercise of the established rights*, to suspend him from work without significant and legal motives, to transfer him or to file him without a justified cause without a formal sentence. In the service of the parish priest, which is independent within the limits of any land, the

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<sup>42</sup>*Ibid*, p.608-609.

<sup>43</sup>*Ibid*, p.609. This quote takes us to what happened in Transylvania in 2005: is the election of a Metropolitan possible without the vote of the majority of the Sufragan bishops? The answer explains the division that followed.

<sup>44</sup>*Ibid*.

fullness of the spiritual power lies, that is, the parish has full spiritual power within the limits of his parish, according to the law granted to him by the eparchial bishop<sup>45</sup>.

The same idea was defended by Arhid.Prof. Ioan N. Floca: „The priest himself is a shepherd, possessing the gracious power and mission to sanctify the life of believers and lead to salvation, and this work of his own, he carries it on his own right, and not merely as a delegate of the bishop<sup>46</sup>.

The vision by which the priest is considered a delegate totally dependent of the bishop of the place, distorts the teaching of the Church about the three steps of ordination, steps that are in harmony, have their grace, their autonomy, their rights and duties, do not completely separate, do not totally subordinate, do not completely merge. Even from an administrative point of view, the priest as a parish must have some autonomy by which he responds of what he does, and from the spiritual point of view the priest binds and unleashes in his own name, not in the name of the one who has delegated him, moreover, no one, not even the bishop, can divorce what a priest can bind. Only monasticism one speaks of total obedience, but this is something else, something that is unrelated to ordination, because it also concerns the feminine monasticism<sup>47</sup>.

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<sup>45</sup> Nicodem Milaș, Former Bishop of Zara (Dalmatia), *Dreptul bisericesc oriental*, (*Oriental Church Law*) translated by Dim. I. Cornilescu și Vasile S. Radu, reviewed by I.Mihălcescu, Bucharest, 1915, p.333.

<sup>46</sup> Archd. Prof. Ioan N. Floca, PhD, *Canoanele Bisericii Ortodoxe. Note și comentarii* (*Orthodox Church Canons. Notes and Commentaries*), Sibiu, 1993, note to the commentary of the apostolic canon 39, p.30.

<sup>47</sup> Canonical obedience or submission has as its fundamental foundations freedom and faith, without these two canonical obedience becomes either constraint or non-sense. The liturgical sign of canonical obedience is the *trimming of the hair*, which the Church practices according to the biblical pattern (Fapte 21, 23-27), at baptism, ordination, and the submission of monastic votes. Thus, the canonical obedience is *gradual*, depending on the trimming that the Christian accepts and voluntarily obeys, namely: a) *canonical obedience of the layman* to the Church, based on the trimming of the baptism. It is the most lenient submission, free from any constraint, based on faith and the desire for salvation; b) *canonical obedience of the clergy* to their superiors, on the basis of the trimmings at the baptism and ordination. It is an increased obedience, conditioned by the covenant from ordination, but which cannot be total, since it cannot exclude the personal autonomy and personal responsibility of the clergy – each in his own step – in the church mission entrusted to them; c) *canonical obedience of monks* to their superiors (abbot, abbess), based on the trimmings at baptism, at the submission of the monastic votes and, where appropriate, at ordination. This canonical obedience is total, which goes as far as the complete cleavage of personal will. Canonical obedience cannot be invoked when church authority wants to exert through it the abuse of power. That is why the holy canons condemn the clergy who abuse the church power (canons 4, VII ec.), and those in obedience cannot be held accountable for canonical disobedience when they report the abuse, and even are urged to

The view of Pr.Prof. Liviu Stan was a harmonious view that did not put the priesthood episcopate in opposition or competition, so he did not tolerate either the episcopal autocracy or the priestly liberalism. He saw the bishop-priest relationship not one of condescension from the superior to the inferior (the priest does not make the epiclesis out of “delegation”), but one of parent-child relationship, in which love does not constrain, suffocate, separate, but unifies in the same mission of salvation in Christ.

d. The fourth characteristic of Pr.Prof. Liviu Stan's work is obviously his preoccupation to *return to the sources of religious law*. The canon law course he held for his students and doctoral students always started from the old springs, going to the present church law.

e. A last feature of Pr.Prof. Liviu Stan's work is that he was deeply concerned with the *current problems* the Church faced, that is why he sought and provided answers to the great contemporary problems of the great canonist and which – to our astonishment – have remained current even today.

Thus he has made numerous studies on Future Holy and Great Synod of Orthodoxy<sup>48</sup>, on diaspora<sup>49</sup>, mixed marriages<sup>50</sup>, Easter date<sup>51</sup>, intercommunion<sup>52</sup>, ecumenism<sup>53</sup> etc.

Going through the studies of the great canonist, you find today, current and competent answers, but also challenges that always make sense.

That is why we may say that the work of Pr.Prof. Liviu Stan is complex and profound, always based on the sources of law, and its exploitation is one of our future

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seek the help of superior courts (canon 125 Cart.). The monks, without being condemned as disobedient, can even leave their monasteries when the abbot no longer obeys church ordinances or becomes heretic (17 Nichifor Mărt.).

<sup>48</sup> Rev.Prof. Liviu Stan, *Pregătirea unui viitor sinod ecumenic și poziția Bisericii Ortodoxe Române*, (*Preparation of a Future Ecumenical Council and the Position of the Romanian Orthodox Church*) in the journal „Ortodoxia” (Orthodoxy), no. 2/1968.

<sup>49</sup> Idem, *Diaspora ortodoxă*, (*Orthodox Diaspora*) in the journal „Biserica Ortodoxă Română” (Romanian Orthodox Church), no.11-12/1950.

<sup>50</sup> Idem, *Căsătoriile mixte și ultimele măsuri luate de Vatican în privința lor*, (*Mixed Marriages and the Latest Measures Taken by the Vatican regarding them*) in the journal „Studii Teologice”, no.7-8/1968.

<sup>51</sup> Idem, *Pentru serbarea Sf. Paști la aceeași dată de întreaga creștinătate*, (*For the Celebration of the Holy Easter on the same date of all Christendom*) in the journal „Studii Teologice”, no.5-6/1970.

<sup>52</sup> Idem, *Iconomie și intercomuniune (Iconomia and Intercommunion)*, in the journal „Ortodoxia”, no.1/1970.

<sup>53</sup> Idem, *Mișcarea ecumenică sau Consiliul Ecumenic al Bisericilor*, (*Ecumenical Movement or the Ecumenical Council of Churches*) in the journal „Mitropolia Olteniei” (Mitropolis of Oltenia), no.5-6/1958.

missions. The new canonists generations, enjoying freedom and modern facilities, overcoming all temptations, including the one of church power, have the mission to continue and deepen the work of Pr.Prof. Liviu Stan.

The great canonist did not write simplistically, or superficially, but always scientifically, critically constructive, showing great courage and great responsibility, both to civil authority and to church.

*5. Prof. Dr. Iorgu D. Ivan, lay canonist of our Church (1948-1970)*

After the departure of Father Liviu Stan, to Bucharest, at the canon law department in Mr. PhD Prof. Iorgu Ivan followed, a lay canonist of great value to our Church<sup>54</sup>.

When we say the word “theologian” sau “canonist“ the thought generally leads us to a priest or other ordained person. prof. Dr. Iorgu D. Ivan, through his rich life and activity, directs this preconception by proving that the Church is made up of clergy, laymen and monks, and that each of them, in his position, can serve with devotion the Church and the race he is part of.

Renowned Professor Iorgu D. Ivan, who passed away on September 2, 2001, almost 102 years old, was one of the best lay canonists of our Church and the most long-lived Romanian theologian.

Prof. Dr. Iorgu D. Ivan was born on November 9, 1899 in Gostavăț commune, near Caracal, former Romanați county, today Olt county. After the primary school in his native village (1907-1912), the education and faith received at home led the young Iorgu Ivan to become, after the admission examination in 1912, a scholarship student at “Sf. Nicolae“ Seminary in Râmnicu-Vâlcea. He then went to the University of Bucharest in the same year, 1921, where he attended three faculties in parallel:

- *Theology*, where he obtained his degree entitled „Creștinismul și politica“ (Christianity and Politics), under the guidance of the famous professor Ioan Mihălcescu, in June 1927;

- *Law*, licensed in February 1926;

- *Philosophy*, licensed in 1927. During his studies he maintained himself as a scholarship student at the former theological boarding school and cantor at 'Spirea Nouă“, church, a position he held with interruptions until 1936<sup>55</sup>.

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<sup>54</sup>Rev. Associate Prof. Irimie Marga, PhD, *Prof. Univ. Dr. Iorgu D. Ivan, valoroscanonistlaic al Bisericii noastre, (Prof. Univ. Dr. Iorgu D. Ivan, Valuable Lay Canonist of our Church)* in ”Anuarul Facultății de Teologie Sibiu” (Yearbook of Sibiu Faculty of Theology), no. II/ 2001 – 2002, Sibiu, 2003, p. 481 – 484.

<sup>55</sup>Idem, *Cărturarisibieni de altădată, (Sibiu 's Former Scholars)* Cluj-Napoca, 2002, p. 679-684;

Immediately after graduating university studies in Bucharest, in order to better prepare for Canon Law, he was awarded a state scholarship to study in Paris. Here, between 1927-1930, he attended the courses of the Canonic Law Faculty within the Roman Catholic Institute in Paris, of Sorbonne Law Faculty and of “École Pratique de Hautes Études” with very good results.

In September 1930 he returned to the country where he was appointed a professor at the School of Church Cantors by the Mitropoly of Ungrovlahia, where he worked until 1940. He also worked as a lawyer at the Ilfov Bar for a while. Between 1932 and 1933 he received a scholarship from the University of Bucharest for further studies in Athens<sup>56</sup>.

On November 1, 1933, he was appointed a substitute assistant, then interim in 1939, and definitive in 1940, at the Religious Law Department of the Faculty of Theology in Bucharest, by the tenured professors Dumitru Boroianu (1904-1936) and Iacob Lazăr (1938-1948), a position in which he functioned until 1948<sup>57</sup>.

In 1937 he received the title of Doctor in Theology, with the thesis „*Bunurile bisericesti în primele șase secole. Situația lor juridică și canonică*“ (*Church Goods in the First Six Centuries. Their Legal and Canonical Situation*), a thesis that dealt with a topical issue for that time and which has become current today again.

Between 1941-1943 he also worked as a director in the Ministry of Religious Affairs and Arts, and between 1944-1949 he was a member of the Management Committee of the Bible and Mission Institute of the Romanian Orthodox Church.

On January 1, 1949 a new stage began in his life, being appointed tenured professor at the Church Law Department at the University Degree Theological Institute of Sibiu, the department left vacant by moving pr. prof. dr. Liviu Stan from Sibiu to București. Here, prof. dr. Iorgu D. Ivan worked, with a rich activity, until September 1, 1970, when he retired for “old age”.

In Sibiu he was elected several times as a member of the Diocesan Assembly of Sibiu Archdiocese, as well as in the National Church Assembly, as a delegate of Sibiu diocese. He also worked for a while as a lawyer-consultant of the Diocese of Sibiu<sup>58</sup>.

The long-standing Religious Law activity of prof. dr. Iorgu D. Ivan has resulted – pe besides the large number of graduates in Theology in Sibiu and Bucharest – also with a particularly rich bibliographic activity<sup>59</sup>.

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<sup>56</sup> *Aniversarea domnului profesor Dr. Iorgu D. Ivan la împlinirea vârstei de 85 de ani, (Anniversary to. Professor Dr. Iorgu D. Ivan at his 85th Birthday)* in ST, no. 9-10/1984, p. 728-744;

<sup>57</sup> Iorgu D. Ivan, *Catedra de Drept bisericesc la Facultatea de Teologie și Institut Teologic din București, (Church Law Department at the Faculty of Theology and Theological Institute of Bucharest)* in ST, no. 7-10/1981, p. 594-595 and no. 1-2/1982, p. 58-59;

<sup>58</sup> In 1927, prof. Iorgu Ivan, PhD, married teacher Ioana N. Mateescu, a faithful wife who gave him 3 children, but who soon went to the Lord in 1966.

<sup>59</sup> From this scientific activity we note the following works: *Bunurile bisericesti în primele șase secole. Situația lor juridică și canonică (Church Goods during the First Six Centuries. Their Judicial and Canonic Situation)*, Bucharest, 1937, XVI+167 p.; *Vârsta hirotoniei clericilor (The Proper Age for Priest Ordination)*, in BOR, no. 1-2/1937, p. 36-59; *Demisia din preoție. Studiu de Drept canonic (Priesthood Resignation. A Study of Canon Law)*, Bucharest, 1937, 48 p.; *Recăsătorirea soților despărțiți. Studiu de Drept canonic (Remarriage of Divorced Spouses. A Study of Canon Law)*, Bucharest, 1937, 96 p.; *Chestiuni de Drept bisericesc (Matters of Canon Law)*, Bucharest, 1937, 40 p.; *Câteva chestiuni în legătură cu proiectul Cod Penal. Eutanasia, adulterul, bunele moravuri (A Few Matters Related to the Penal Code Project: Euthanasia, Adultery, A Proper Moral Attitude)*, Bucharest, 1947, 16 p.; *Biserica și instituția căsătoriei (The Church and the Marriage Institution)*, în ST, no.2/1940, p. 127-165; *Mitropolitul Veniamin Costachi în lumina canoanelor (Metropolitan Veniamin Costachi in the Light of Canons)*, in BOR, no. 1-3/1947, p. 81-96; *Statutele de organizare a cultelor religioase din România (Organization Statutes of the Religious Cults in Romania)*, in ST, no. 3-4/1952, p. 216-240; *Principii de organizare și disciplina bisericească în canoanele Sinodului IV ecumenic (Organization Principles and Church Disciplines in the Canons of Ecumenical Council IV)*, in TR, no. 7-8/1952; *Pravila Mare de-a lungul vremii (The Unabridged Ritual Book along Times)*, in ST, no. 9-10/1952, p. 580-609; *Biserica creștină (sprijină și binecuvântează orice acțiune menită să întărească familia (The Christian Church – Supports and Blesses Any Action Meant to Make Family Stronger)*, in ST, no. 7-8/1953; *Telegraful Român și autonomia Bisericii (Telegraful Român and Church Autonomy)*, in „Ortodoxia”, no. 4/1954, p. 475-506; *Autonomia Bisericii în concepția IPS Mitropolit Nicolae Bălan (Church Autonomy in the Thinking of Metropolitan Nicolae Bălan)*, in the vol. „Omagiu IPS Mitropolit Nicolae Bălan” (Homage Paid to Metropolitan Nicolae Bălan), Sibiu, 1956, p. 155-172; *Sfințirea Sfântului și Marelui Mir (The Holy and Great Mhyrr Sanctification)*, in MA, no. 7-8/1966; *Nulitatea actului de caterisire a mitropolitului Antim Ivireanu (Nullity of the Defrocking Document in the case of Metropolitan Antim Ivireanu)*, in MA, no. 1-3/1967; *Perocupări și studii de drept canonic în „Biserica Ortodoxă Română” (Preoccupations and Studies of Canon Law in the “Romanian Orthodox Church”)*, in ST, no. 5-6/1968; *Viața internă a Bisericii Ortodoxe Române. Organizarea și administrarea. Considerații generale (The Internal Life of the Romanian Orthodox Church. Organization and Administration. General Outlines)*, in the vol. „Le monde religieux” (The Religious World), vol. 30, 45 p. (in German.); *Importanța principiilor fundamentale canonice de organizație și administrație pentru unitatea Bisericii (The Importance of Fundamentally Canonic Principles for Church Organization and Administration in Unity)*, in MMS, no. 3-4/1969, p. 155-165; *Statutul șagunian (The Șagunian Statute)*, in MA, no. 4-6/1969; *Embaticul în Dreptul bisericesc (The Priestly Annual Fee According to Canon Law)*, in MMS, no. 3-6/1970, p. 196-218; *Raporturile Bisericilor ortodoxe autocefale între ele și față de Patriarhia ecumenică după canoane și istorie (Autocephalous Orthodox Church Inter-Relations and with the Ecumenical Patriarchy According to Canons and History)*, in MMS, no. 7-8/1973, p. 465-478; *Organizarea și administrarea Bisericii Ortodoxe Române în ultimii 50 de ani (1925-1975) (Romanian Orthodox Church Organization and Administration during the Last 50 Years (1925-1975))*, in BOR, no. 11-12/1975, p. 1406-1420; *Aspecte canonice în discuția a doi mari ierarhi ortodocși*

As it can be seen, the scientific activity of prof. dr. Iorgu D. Ivan was very rich and his works will always constitute important works in the field of Religious Law<sup>60</sup>. This was also the result of the long-standing ability to write, because God gave him a long life as one rarely encounters.

All those who are to work and write in the field of Religious Law will not be able not to use the works of prof. dr. Iorgu Ivan, who has made significant contributions to the development of Romanian Orthodox theology. By earnestness and consistency of his writing, prof.dr.Iorgu D. Ivan has been and remains the reference in our specialty

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*români (Canon Aspects in the Conversation of Two Great Romanian Orthodox Hierarchs), in GB, no. 3-4/1975; „Oros” și „Kanon” in Dreptul bisericesc (“Oros” and “Kanon” in Canon Law), in „Ort.”, no. 3/1970, p. 365-372; Opera canonică a Sfântului Vasile cel Mare și importanța ei pentru unitatea Bisericii creștine (The Canonic Work of Holy Basil the Great and Its Importance for the Unity of the Christian Church), in the vol. „Sfântul Vasile cel Mare. Închinare la 1600 de ani de la săvârșirea sa” (Holy Basil the Great. 1600 years of Prostration from His Dormition), Bucharest, 1980, p. 353-377; Tălmăcirii și îndrumări ale Sfântului Vasile cel Mare pentru cei doritori de desăvârșire morală (Expounding and Guiding of Saint Basil the Great to Those Wishing to Obtain Moral Perfection), in GB, no. 1-2/1980, p. 54-67; Un episod mai puțin cunoscut din istoria scaunului de Constantinopol: caterisirea patriarhului Calist I (1353) (A Less Well-Known Episode from the History of the Constantinople See: Defrocking of Patriarch Calist I (1353), in GB, no. 3-5/1980, p. 259-280; Vechimea și formele raporturilor Bisericii Ortodoxe Române cu celelalte Biserici Ortodoxe (The Age and Relationship Forms the Romanian Orthodox Church Had with Other Orthodox Churches), in GB, no. 10-12/1980, p. 772-796; Spiritul canonic ortodox în concepția și activitatea Prea Fericitului Patriarh Iustin (The Orthodox Canonic Spirit in the Thinking and Activity of His Beatitude Patriarch Iustin), in MMS, no. 3-5/1980; Hotărârile canonice ale Sinodului II ecumenic și aplicarea lor de-a lungul veacurilor (The Canonic Decisions of Ecumenical Council II and Their Application along Times), in BOR, no. 7-8/1981, p. 821-866; Căsătoria – Sfânta Taină a Bisericii și instituție juridică a statului (Marriage – a Holy Church Mystery and Judicial Institution of the State), in BOR, no. 9-10/1983, p. 732-755; Autocefalia Bisericii Ortodoxe Române – un veac de la recunoașterea ei (The Autocephalia of the Romanian Orthodox Church – A Century From Its Recognition), in ST, no. 2/1986, p. 14-38; Etnosul – neamul, temei divin și principiu fundamental canonic al autocefaliei bisericești (The Ethnic Principle – The Nation, A Divine Foundation and A Canon Fundamental Principle of Ecclesial Autocephalia), in the vol. „Centenarul autocefaliei Bisericii Ortodoxe Române” (The Centenary of the Romanian Orthodox Church Autocephalia), Bucharest, 1987, p. 186-201; Câțiva termeni canonici. Înțelesul și explicarea lor în Dreptul bisericesc ortodox (A Few Canonic Terms: Understanding and Explaining Them in the Orthodox Canon Law), in ST, no. 4/1989, p. 78-101 and others.*

<sup>60</sup> For the entire work, see also the introduction to the re-editing of the book: Iorgu D. Ivan, *Bunurile bisericești în primele șase secole. Situația lor juridică și canonică, (Church Goods During the First Six Centuries. Their Legal and Canonical Situation)* Bucharest, Basilica Publishing House, 2014.

theological literature, and by his special teaching activity he is among the great theology teachers of Sibiu Faculty of Theology and, through it, of our Church.

*6. Arhid. Prof. Dr. Ioan N. Floca, Heir to the Forefathers (1971-1998)*

In 1971, after the retirement of Prof. Iorgu Ivan, Arhid. Ioan N. Floca, PhD, arrived at the religious law department.

He was born on April 3, 1928, in Răhău, Alba county, in the family of a priest. He first studied at “Aurel Vlaicu” High School in Orăștie (1939-1947), then at the University Degree Theological Institute in Sibiu (1947- 1951).

He attended the doctoral degree courses for Religious Law and Administration at the University Degree Theological Institute in Bucharest, between 1951-1954, having as a tutor the great canonist Liviu Stan. After that, he attended the Faculty of Legal and Administrative Sciences of the University of Bucharest, distance courses, between 1956-1961, obtaining the diploma in 1962.

He obtained the Ph.D. in Theology, in Bucharest, in 1969, with the thesis „Originile dreptului scris în Biserica Ortodoxă Română” (The Origins of Law Written in the Romanian Orthodox Church)<sup>61</sup>. He then attended PhD courses in legal sciences in Cluj where in 1980 he obtained his doctorate in law with a thesis on *The Abridged Ritual Book* (Govora, 1640-1641), as a source of civil law<sup>62</sup>.

In 1970 he became assistant professor at the practical department of the University Degree Theological Institute of Sibiu, then in the following year, tenured professor at the Religious Law and Administration Department.

The activity of Rev. Prof. Ioan Floca has been distinguished by a supportive teaching work, with the guidance of many thesis, with numerous studies published in specialized journals<sup>63</sup>. His scientific work was crowned with the publication of a

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<sup>61</sup> Archd. Prof. Ioan N. Floca, PhD, *Originile dreptului scris în Biserica Ortodoxă Română (Studiu istoric-canonice)*, (*Origin of the Law Written in the Romanian Orthodox Church (Historical-Canonical Study)*) Sibiu, 1969, XV+212 p. (extract from MA, year XIV, no. 1 -3, 1969, p. I-X, p. 3 – 188, doctoral thesis in theology);

<sup>62</sup> Rev.Prof. Mircea Păcurariu, PhD, *Dicționarul teologilor români*, (*Dictionary of Romanian Theologians*) Andreiana Publishing House, Sibiu, 2014, p. 246-247.

<sup>63</sup> Among the works published by Archd. Prof. Ioan N. Floca, PhD, we mention the following: *Originile dreptului scris în Biserica Ortodoxă Română (Studiu istoric-canonice)* (*The Origins of Written Law in the Romanian Orthodox Church [A Historical Canon Study]*), Sibiu, 1969, XV+212 p. (extract from MA, year XIV, no. 1 -3, 1969, p. I-X, p. 3 – 188, doctoral thesis in theology); *Drept canonic ortodox. Legislație și administrație bisericească (Orthodox Canon Law. Church Legislation and Administration)* , 2 vol., Bucharest 1990, 576 + 476 p.; *Canoanele Bisericii Ortodoxe. Note și comentarii (Orthodox Church Canons. Notes and Commentaries)*, Bucharest, 1991, 478 p. (second edition, Sibiu, 1993, 540 p.); *Din istoria Dreptului românesc. I. Dreptul scris (From the History of Romanian Law. I. Written Law)*,

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Sibiu, 1993, 94 p.; *II. Carte Românească de învățătură de la pravilele împărătești și de la alte giudețe – Iași 1646 (II. Romanian Book of Teaching from the Royal Rituals and from other Chapters – Iași 1646)*, Sibiu, 1993, 172 p.; *III. Concordatul, act diplomatic în slujba acțiunii catolice (III. The Concordate, A Diplomatic Document in the Service of Catholicism)*, Sibiu, 1993, 54 p. *Școlile teologice. Organizarea și jurisdicția asupra lor (Theological Schools. Their Organization and Jurisdiction Over Them)*, in ST, year VI, 1954, no. 5-6, p. 316 – 344; *Dispensa în Dreptul bisericesc (Dispensation in Canon Law)*, in ST, year VII, 1955, no. 1-2, p. 107-121; *Primul manual românesc de Drept canonic (Elementele Dreptului canonic de Andrei Șaguna, Sibiu, 1854) (The First Canon Law Romanian Coursebook [Elements of Canon Law by Andrei Șaguna, Sibiu, 1854])*, in MA, year II, 1957, no. 5-9, p. 479-489; *Molitelnicul ortodox (până la sfârșitul secolului XVIII) (The Orthodox Book of the Clergy [until the End of XVIII Century])*, in MA, year VII, 1962, no. 1 – 2, p. 93 115; *Legea românilor (Jus valachorum) și legislația de stat din Transilvania în epoca voievodatului și principatului (Jus Valachorum and State Legislation in Transylvania in the Eras of Voivodate and Principates)*, in MA, year VII, 1962, no. 7-8, p. 520-528; *Unitatea dintre pravilele folosite în Transilvania cu cele din Țara Românească și Moldova (The Unity of Ritual Books used in Transylvania, the Romanian Principate and Moldavia)*, in MA, year VII, 1962, no. 9 – 12, p. 686-710; *Pravila de la Govora din 1640-1641, (The Govora Ritual Book of the period 1640-1641)* in BOR, year LXXXI, 1963, no. 3-4, p.297 – 319; *Predica Fericitului Augustin (The Preaching of Blessed Augustine)*, in MA, year VIII, 1963, no. 7-8, p. 567-584; *Principii omiletice în opera Fericitului Augustin (Homiletic Principles in the Work of Blessed Augustine)*, in MB, year XIV, 1964, no. 4-6, p. 198-209; *Importanța canonică – juridică a Pravilei de la Govora (The Canonic-Judicial Importance of the Govora Ritual Book)*, in MA, year IX, 1964, no. 6-8, p. 496-523; *Canoanele Sinodului de la Sardica (The Canons of the Sardica Council)*, in ST, year XXIII, no. 9-10, 1976, p. 720-726; *Legislația bisericească una și aceeași de o parte și de alta a Carpaților (The Unique Legislation on One and the Other Sides of the Carpathian Mountains)*, in MA, year XX, 1975, no. 11-12, p. 846-864; *Autoritatea și actualitatea Sinodului ecumenic (The Authority and Current Topicality of the Ecumenical Council)*, in MA, year XXVI, 1981, no. 7 -9, p. 492-508; *Sobornicitatea (sinodalitatea sau catolicitatea, ecumenicitatea) Bisericii. Poziții critice (Sobornicity [Sinodality, or Catholicity, ecumenity] of the Church. Critical Positions)* in “Ortodoxia” (Orthodoxy), year XXXIV, 1982, no. 3, p. 408-414; *Faze și etape ale stărilor de independență de tip autonom și autocefal în Biserica Ortodoxă Română (Stages of Independence Statuses of Autonomous and Autocephalous Type in the Romanian Orthodox Church)*, in MA, year XXX, 1985, no. 5-6, p. 288 – 298; *Bazele canonice ale organizării și funcționării Bisericii Ortodoxe Române (The Canonic Bases of The Romanian Orthodox Church Organization and Functioning)*, in the vol. „Centenarul autocefaliei Bisericii Ortodoxe Române” (The Centenary of the Autocephaly of the Romanian Orthodox Church), Bucharest, 1987, p. 173 – 185; *Importanța și actualitatea hotărârilor șinodului VII ecumenic de la Niceea (787) (The Importance and Current Topicality of the Nicaea Ecumenical Council VII [787])*, in “Ortodoxia”, year XXXIX, 1987, no. 4, p. 10-22; *Caterisirea în Dreptul bisericesc ortodox (Defrocking in The Orthodox Canon Law)*, in ST, year XXXIX, 1987, no. 5, p. 82-90; and others.

## *Orthodox Canon Law* at the Faculty of Theology in Sibiu

religious law manual<sup>64</sup>, where he used and exploited the work of his predecessor, Rev. Liviu Stan. As it appears from the preface of this book, Father Liviu Stan has named Father Ioan Floca as a “soul son”, to whom he left the testamentary heritage „Library, books and scholarly elaborate”<sup>65</sup>.

In 1998 Archd. Prof. Ioan N. Floca, PhD, retired and in 2006 he passed away. He was followed at the religious law department of Sibiu University by Rev. Associate Prof. Irimie Marga, PhD, until today.

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As it can be easily noticed, the religious law school in Sibiu continued to send the work of the ancestors through the labour of the descendants, which many students in theology enjoyed. Without this toil of all religious law teachers in Sibiu, I mentioned in the above lines, the Romanian theology would have been very poor, and the training of the students would have been poor.

But reality has shown us that all the ancestors have struggled to rise to the demands and expectations of the time, and the descendants have sought to complete the work of the ones they have inherited. Through all these, the Faculty of Theology in Sibiu was, is and remains one of the best theological schools in all Orthodoxy.

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<sup>64</sup> Archd. Prof. Ioan N. Floca, PhD, *Drept canonic ortodox. Legislație și administrație bisericească*, (*Orthodox Canon Law. Legislation and Church Administration*) 2 vol., Bucharest 1990, 576 + 476 p.;

<sup>65</sup> *Idem*, vol.I, p. 9.