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The Synodality of the Romanian Orthodox Church in the Modern and Contemporary Period (from 1864 to Present)

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Abstract

The Orthodox Church is governed by synodality, which is one of its organizational principles.

Over time, the “synodality” of the Romanian Orthodox Church manifested itself before the modern epoch of the Romanian countries marked by the ascension to the throne of Alexandru Ioan Cuza. Through its reforms, the Church gained “unitary governance” legally (1864), not being dependent on any “foreign hierarchy”.

The same status was recognized to the Orthodox Church in Transylvania after the annexation of this principality by Romania (1918). Subsequent to the recognition of autocephaly (1885), the Church was raised to the rank of patriarchy (1925).

Nowadays, the Holy Synod of the Orthodox Church includes all the active hierarchs. Alongside the Holy Synod, the National Church Assembly functions as a mixed deliberative collegial body, made up of clergy and laymen from each eparchy. The specific attributions were stipulated in the Statute of the Romanian Orthodox Church in 1925, 1948 and 2008.

Keywords:

Modern Age, synodality, joint synodal governance, Holy Synod, National Church Assembly

I. Introduction

The synodic principle or the principle of sobriety consists in the rule that the superior governing bodies of the Church are constituted as synods, that is, in the form of collegial or collective bodies. Based on this principle, synods at various levels have superior authority in the Church. The gist of this principle is found in many texts in the Sacred Scriptures (Matthew 20, 25-26, Luke 22, 24-29, Acts 1, 15-26; 6, 1-28); but also in a number of canons (Canon 34, 37 apostolic, Canons 4, 5, 6 of the First Ecumenical Council, Canon 6 of the Ecumenical Council II, etc.), and also through the practice of the Ecumenical Councils and other types of synods. This canonical principle was given and is still given a broad expression in the laws of the Romanian Orthodox Church, by the manner of constitution and functioning of all the collective bodies of church leadership, starting with the parish and ending with the patriarchy. Thus, church power is held and exercised in forms determined by: assemblies, councils, committees, bishop synods and mixed synods that make possible the management of the affairs of each church unit, collectively of all members of the Church, headed by the clergy or hierarchy¹.

Today's Romania consists mainly of three major historical provinces: Wallachia or Ungro-Wallachia (to the south), Moldova (east) and Transylvania (to the west). The first two joined in 1859 forming Romania. Transylvania joined Romania in 1918, thus joining the Kingdom of Romania.

On the old territory inhabited today by Romanians there was church life starting with the first century of Christianity as a result of the sermon of Saint Apostle Andrew. Each province had a specific church organization, materialized in the existence of the clergy, first bishops and later metropolitans. To address the subject of the proposed theme I will refer to the judicial and canonical aspect before 1859, the year in which modern Romania is founded by the reforms of prince Alexandru Ioan Cuza.

¹ Ioan N. FLOCA, *Drept canonic ortodox. Legislație și administrație bisericească*, Editura Institutului Biblic și de Misiune a Bisericii Ortodoxe Române, vol. I, București, 1990, p. 197.

II. The Founding of the Romanian Metropolis

1. Establishment of the Metropolis of Wallachia (Ungro-Wallachia)

After the feudal state of Wallachia was founded (by uniting the principalities and voivodeships in one state) and after it became independent (1330), church unification followed. Prince Nicolae Alexandru Basarab asked the Ecumenical Patriarchate to recognize former Metropolitan Yachint of Vicina (town near today's Isaccea) as a metropolitan of Wallachia. In 1359, by the Decision of the Synod of the Patriarchate of Constantinople, Metropolitan Iachint of Vicina was recognized as Metropolitan of Ungro-Wallachia. The letter of Ecumenical Patriarch Calist I (1350-1354; 1355-1363) specified that after Iachint's death, the Patriarchate of Constantinople should choose and ordain the archbishop².

2. Establishment of the Metropolis of Moldova

After the state of Moldavia was founded (14th century) and according to the latest researches, the Metropolis of Moldova was established with canonical status recognized by the Ecumenical Patriarchate before September 1386, when it is documented for the first time in a "Byzantine Clerical Manual" entitled "*Ectesis nea*" (New Exposition) (1381-1386) during the reign of Prince Petru Musat and Ecumenical Patriarch Nil (1379-1388)³.

In other words, in these two Romanian provinces there was no synodic authority of its own, the Church being from this point of view under the jurisdiction of the Ecumenical Patriarchate.

3. The Voivodeship of Transylvania

Transylvania also had church organization attested by the presence of bishops and archbishops on its territory documented since 1205. In the case of this principality, we do not have an official recognition of any

² Mircea PĂCURARIU, *Istoria Bisericii Ortodoxe Române*, Editura Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, vol. I, București, 1997, p. 256.

³ M. PĂCURARIU, *Istoria ...*, vol. I, p. 277.

metropolis from the Ecumenical Patriarchate of Constantinople because Transylvania was long under the domination of the Hungarian Catholic kingdom. However, on August 13, 1391, Patriarch Antonie IV (1389-1390, 1391-1397) issued a decision through which Peri Monastery in Northern Transylvania was declared a patriarchal stavropegial at the request of its founders. By the same deed, he appoints hieromonk Simion of Peri on the vacant metropolitan seat of Halici. Thus, the Ecumenical Patriarchate acquires the right of patronage over the Romanian communities of believers in Northern Transylvania⁴.

The Orthodox Church of Transylvania, though not dependent on any other Church from abroad, was considered a “tolerated Church”. Its connection to the Ecumenical Patriarchate is explained by the fact that before 1401 the Metropolitan of Ungro-Wallachia had become the “Exarch of the Plains”, that is, he was the representative of the Ecumenical Patriarchate for these territories in Transylvania (Plains) where he could not impose his authority directly due to the Catholic domination present until 1541. Thus, the Metropolis of Transylvania, although it preserved its autonomy, its titular was ordained (until 1698) by the Metropolitan of Ungro-Wallachia and his suffragan in Wallachia ... After 1541, when Transylvania became an autonomous Principality, the election of the Metropolitan of Transylvania was made by a “synod” made up of the protopopes of the eparchy held in Alba-Iulia. The election was recognized by the prince of Transylvania, and then the chosen one was ordained in Wallachia⁵.

During 1698-1701 the Metropolis of Transylvania was abolished by the establishment of the Greek Catholic Church (the present “Greek Catholic Romanian Church united with Rome”). The Transylvanian Orthodox Church re-establishes itself (or more correctly is reactivated) initially in the form of an eparchy based in Sibiu (1848), but it remains under the jurisdiction of the Serbian Metropolis of Karlowitz. Starting with 1864 it is raised to the rank of Metropolis by separation from the Serbian Metropolis of Karlowitz.

Regarding the synodality of the Transylvanian Church, it should be noted that according to the “*Organic Statute of the Romanian Orthodox Church of Transylvania*” (1868) of Metropolitan Andrei Șaguna

⁴ M. PĂCURARIU, *Istoria ...*, vol. I, pp. 291-292.

⁵ M. PĂCURARIU, *Istoria...*, vol. I, pp. 359-360.

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(sanctioned by the state authority in 1869) the governing bodies of the Metropolis were: the Metropolitan Synod (National Church Congress), Metropolitan Consistory and Episcopal Synod⁶. The Metropolitan Synod consisted of 90 members (30 clergy and 60 laymen) coming from each of the three suffragan eparchies (10 clergy and 20 laymen from each eparchy). The episcopal synod of the hierarchs was responsible for the spiritual powers, and the other forms of mixed synodality were responsible for the administrative and economic obligations, as well as the election of hierarchs. The ratio of participation in these mixed synods was 1/3 clergy and 2/3 laymen. This proportion is preserved even today in the organization of the Romanian Orthodox Church.

The participation of the lay people in the “election of archierachs and hierarchs (...) is justified by Șaguna in that they are the members of the spiritual body of Christ, and as such are the subjective constituent part of the Church body”. The church is made of clergy and the folk, each with rights and duties specific to their status⁷. Through the participation of the lay people in the election of the hierarchs Andrei Șaguna prevented the latter from taking advantage of the positions they were to occupy⁸.

III. Church unification and establishment of central synodic authority

“The little union” between Moldova and Wallachia (1859) also led to the church unification of these two provinces. One of the many laws that Prince Alexandru Ioan Cuza gives is the one issued on 3rd December 1864: “*The organic decree for the establishment of a central synodic authority*”. It aimed to achieve church unification. The first article stated that: “The Romanian Orthodox Church is and remains **independent** of any foreign church authority in all matters of organization and discipline”. Article 2 provided for the formation of a general synod of the Romanian Church and of eparchial synods for each eparchy. The General Synod consisted of the eparchial metropolitans and bishops, of the Romanian titular archierachs,

⁶ Johann SCHNEIDER, *Ecleziologia organică a mitropolitului Andrei Șaguna și fundamentele ei biblice, canonice și moderne*, Deisis Publishing House, Sibiu, 2008, p. 234.

⁷ Andrei ȘAGUNA, *Compendiu de Drept canonic al unei Sfinte Sobornicești și Apostolești Biserici*, Ediția a III-a, Sibiu, 1913, pp. 170-171.

⁸ J. SCHNEIDER, *Ecleziologia...*, pp. 243-244.

the deans of the theological faculties in Bucharest and Iași (at that time not established) and of three deputies from each eparchy, for three sessions, chosen by the married clergy from among the married priests and laymen with theological studies. The synod was chaired by the Metropolitan of Ungro-Wallachia”⁹. The eparchial synods were made up of the local bishop, “of the three members elected to the General Synod and of the Rector of the Eparchial Seminary (in Bucharest and Iași of the Deans of the Faculties of Theology)”¹⁰.

Also on the basis of a princely ordinance dated January 11, 1865, the Metropolitan of Ungro-Wallachia received the title of “Primate of Romania”¹¹.

The organic decree was supplemented by the *Regulation for the election of the members of the General Synod of the Romanian Orthodox Church* and the *Rules of Procedure of the General Synod*. All three had the common name of the “*Synodic Law*”¹² and was issued in accordance with the proposals of “local councils” of each eparchy.

At the first meeting (1865) though, one of the bishops - Neofit Scriban - filed a protest contesting the synod as being non-canonical. The gesture was followed by two other archierachs: Filaret Scriban and Iosif Bobulescu. They were all excluded from the Synod. Ioanichie Evantias was removed from communion because he declared that he no longer wished to participate in the works because he considered the Synod to be anti-canonical and anti-orthodox. Priest Ioan Paunescu was defrocked on the same ground.¹³

Struggle for canonicity

On May 11, 1865, the same prince decreed the *Law for the appointment of metropolitans and eparchial bishops in Romania*, which had only three articles:

“1. The eparchial metropolitans and bishops of Romania are appointed by the prince, after a presentation of the Ministry

⁹ M. PĂCURARIU, *Istoria ...* vol. 3, p. 119.

¹⁰ M. PĂCURARIU, *Istoria ...* vol. 3, p. 119.

¹¹ M. PĂCURARIU, *Istoria ...* vol. 3, p. 119.

¹² M. PĂCURARIU, *Istoria ...* vol. 3, pp. 119-120.

¹³ M. PĂCURARIU, *Istoria ...* vol. 3, p. 120.

of Cults, following deliberation of the Council of Ministers. 2. The Metropolitans and bishops are appointed from among the Romanian monastic clergy, the metropolitans being at least 40 years old, and the bishops 35 years old, known for their piety, teachings and capacities. 3. Metropolitans and bishops are justifiable for spiritual offenses before the Synod of the country, and for any other offenses before the Court of Cassation.”¹⁴

Thus: the higher clergy were appointed and judged by a civil authority. Under this law, several archierachs were appointed on the vacant positions of episcopacies. Moreover, the princely decree issued on 17th November 1864 set up the Lower Danube Eparchy as Suffragan of the Metropolis of Moldova. These were the reasons triggering the “struggle for canonicity”. The Canonists claimed that by the appointment of bishops through princely decree the canons and the old church practices were disregarded. However, the appointment of bishops through this procedure was not new, because in ancient times rulers appointed whoever they wished. The law might have had an inadvertence: the recognition of those appointed by the Church was not required, although the recognition of the appointed ones had already been made by the Patriarchate of Constantinople.

Ecumenical Patriarch Sofronie III convened the patriarchal synod on April 15, 1865, which condemned the “Dacian” laws, as they were considered against church tradition. Cuza rejected “the anti-Canonical interference of any foreign synod, any foreign church or any foreign head of church in terms of the administration and succession of the autocephalous Romanian Church”¹⁵.

Concerning the synodality of the Romanian Church, the Constitution of 1866 was published immediately after the removal of Cuza (February 11/23, 1866)¹⁶. Article 21 stipulated:

“The Orthodox religion of the East is the dominant religion of the Romanian State. The Romanian Orthodox Church is and remains independent of any foreign hierarchy, yet preserving

¹⁴ M. PĂCURARIU, *Istoria ...* vol. 3, p. 121.

¹⁵ M. PĂCURARIU, *Istoria ...* vol. 3, p. 123.

¹⁶ Published in: *Monitorul Oficial al României*, no. 142/1 iun. 1866

its unity with the ecumenical church of the East as far as the dogmas are concerned. The spiritual, canonical and disciplinary affairs of the Romanian Orthodox Church will be governed by a single central synodic authority, according to a special law. The Eparchial Metropolitans and Bishops of the Romanian Orthodox Church are elected in a manner determined by a special law”.

In accordance with article 21 of the Constitution (1866) a draft law submitted to Ecumenical Patriarch Gregory VI (1867-1871) was initiated for observations, which later became the “*Organic Law of the Romanian Orthodox Church*” or the “*Organic Law*” of 1872. It institutionalised the establishment of the Holy Synod of the Romanian Orthodox Church¹⁷.

The synod consisted of the two metropolitans, 6 bishops, and 8 other titular archierachs on behalf of a town, one from each eparchy. They were appointed by the government, confirmed by the head of state, from among three candidates proposed by the Holy Synod. The “titular archierachs” (without a chair), however, came in contradiction with canon 6 of Ecumenical Synod 4 and the practice of the Romanian Orthodox Church. They were neither helper bishops nor hierarchs or vicar-bishops (like today). They lived in the two metropolitan centres of Bucharest and Iasi and were in fact professors at theological seminaries or faculties of theology, or seniors of monasteries. Their institution was necessary in order to have 12 members in the Synod¹⁸.

The same law also ruled that the hierarchs were chosen from among a board of Romanian bishops and all the Orthodox deputies and senators in office. The new hierarchs had to be Romanian, and at least 40 years old. The election was made with the majority of votes and was reinforced by the ruler.

On April 25, 1885 the Ecumenical Patriarchate gives the Orthodox Church of Romania the autocephaly recognized by *decision*¹⁹.

¹⁷ M. PĂCURARIU, *Istoria...*, vol. 3, p. 123.

¹⁸ M. PĂCURARIU, *Istoria ...* vol. 3, pp. 127-128.

¹⁹ The Decision of the Autocephaly of the Romanian Orthodox Church, published in Romanian translation in the magazine *Biserica Ortodoxă Română*, 1885, pp. 344-345, cf. Nicolae POPOVICI, *Manual de Drept bisericesc ortodox oriental*, Arad, 1925, p. 272-274.

Church Synodic Unification (1925)

After the unification of Transylvania with Romania (December 1, 1918), the Transylvanian archierachs also asked for the unification of the church. The decision was made on 23rd April 1919 at the Synod of the Metropolis of Transylvania.

The Romanian Constitution of 1923²⁰ through Article 22 kept the provision of the previous constitution and added the following:

“(...) In the entire kingdom of Romania the Orthodox Christian Church will have a unitary organization with the participation of all its constituent elements, clergy and laymen. (...) A special law will establish the fundamental principles of this unitary organization, as well as the manner in which the Church will regulate, manage and administer its religious, cultural, foundational and tutelary matters through its own bodies and under the control of the State”.

(The same principles were reiterated in Article 19 of the 1938²¹ Constitution issued by King Carol during his royal dictatorship [1938-1940]).

We must point out that on February 4, 1925, the Romanian Church is raised to the rank of Patriarchate, and the Primate Metropolitan becomes Patriarch of the Romanian Orthodox Church. It is true that this was done by a law issued by the state authority under the title “*Law for raising the archiepiscopate and metropolitan chair of Ungro-Wallachia as Primate of Romania at the rank of Patriarchal Chair*”²².

Therefore, it was envisaged that in Church leadership its synodality would be made up of clergy and lay men. This is how in the same year is issued the *Law for the organization of the Romanian Orthodox Church* and, at the same time, the *Statute for the Organization of the Romanian Orthodox Church*, published in the same Official Gazette of Romania.²³ Article 4 of the Law stipulates that

²⁰ Published in: *Monitorul Oficial al României*, no. 282 din 29 martie 1923.

²¹ Published in: *Monitorul Oficial al României*, no. 48 din 27 Februarie 1938

²² Published in: *Monitorul Oficial al României*, no. 44 din 25 februarie 1925.

²³ Published in: *Monitorul Oficial al României*, no. 97/6 mai 1925.

“According to canonical law and in accordance with the Constitution of the country, the Romanian Orthodox Church regulates, manages and administers its religious, cultural, foundational and epithelial affairs, through its own bodies and under the control of the State”.

Thus, the law referred to a synodic leadership of its own, requiring that it be in line with canon law and state law.

Moreover, the same law also provided in Articles 5 and 6, two central board bodies: the Holy Synod and the National Church Congress:

Art. 5 - “The Holy Synod is the head of the Romanian Orthodox Church, the highest authority for spiritual and canonical affairs and supreme power for church matters of any kind which, according to laws and regulations, are part of it.

The Holy Synod consists of all metropolitans, bishops and vicar-archierachs in office and is chaired by the Metropolitan of Ungro-Wallachia as Patriarch of the Romanian Orthodox Church”.

Art. 6 - “The representative central corporation for the entire church of Orthodox Romanians in administrative, cultural, foundational and epithelial affairs is the National Church Congress, made up of 6 representatives for each eparchy (2 clergy and 4 lay men) delegated by The Eparchial Assemblies (...), for a period of six years, from among their members or other believers from those eparchies.

The members of the Holy Synod are, by law, part of the National Church Congress.

The National Church Congress will have the right to establish, in the framework of the present law and its status, by regulation, binding norms for the whole Church”.

The articles cited are found in the same formulation in the *Statute of the Romanian Orthodox Church* of 1925, in art. 1. The *Statute* of 1925 details in Art. 5:

Article 5 - “The Convocation (of the Holy Synod – author’s note) is made by the President, after His Majesty the King is advised by the Ministry of Cults. It begins with the royal message. The Minister of Cults can attend the deliberations of the Holy Synod with a consultative vote. When the Minister of Cults has a different denomination than the Orthodox one, he will be replaced by one of his Orthodox colleagues. It begins with the royal message”.

As it can be seen, the Ministry of Cults did not participate in the works of the National Church Congress, as he could have done in the works of the Holy Synod.

If we look at the Church organizational structure in 1925, we can see that it consisted of 5 Metropolises with a total of 18 episcopates. Therefore, and in accordance with Article 6 of the law, the National Congress Church consisted of 36 clergy (priests) and 72 laymen, to whom were added the 18 archierachs together with the other members (Vicar Bishops) of the Holy Synod.

Interestingly, according to article 12 of the *Law of 1925*, this National Church Congress participated in the election of bishops:

Article 12 - “The election of bishops and metropolitan-archbishops is made by an electoral college composed of members of the National Church Congress and those of the Eparchial Assembly of the vacant eparchy²⁴.

The following will also take part in the election – as members – since they are Orthodox: the President of the Council of Ministers, the Minister of Cults, the President of the Senate, the President of the Assembly of Deputies, the Prime President of the High Court of Cassation, the President of the Romanian Academy, the Rectors of the Universities and the Deans of the Faculties of Theology.

The canonical examination of the elected is done by the Holy Synod and their confirmation, at the proposal of the Ministry of Cults, by His Majesty the King, then following the royal investiture, according to the country’s custom”. Article 119 of the *Statute 1925* further specified that after confirmation of the election, the new bishop, if he is not an archierachs, is sanctified by the local metropolitan, assisted by at least two bishops or archierachs, and is presented before His Majesty the King to receive the investiture according to the old traditions. Then the bishop is given the metropolitan certification so as to be seated on the episcopal chair on behalf of the local metropolitan or his delegate, in the presence of the representative of the Ministry of Cults.

“If the election of a bishop is not approved by the Holy Synod or by His Majesty The King a new election will take place, which will necessarily be

²⁴ According to article 129 of the Statute of 1925 for the organization of the Romanian Orthodox Church, the Eparchial Assembly was made up of 45 or 65 members, according to the territorial extent of each eparchy, in the proportion of 1/3 clergy and 2/3 laymen, 15 or 21 clergy and 30 or 44 laymen.

done within the term set by the Holy Synod for this purpose” (Article 120 of the *Statute 1925*).

Thus, the proportion of the laymen in the election of the hierarchs was clearly superior to the clergy.

This situation remained unchanged with the establishment of the Communist regime (1948) the Romanian Constitution of 1948²⁵ through art. 27 provided the following: “(...) The Orthodox-Romanian Church is autocephalous and unitary in its organization. The manner of organization and functioning of religious denominations will be regulated by law”.

Pursuant to this constitutional article, *Decree No. 177 of August 4, 1948, for the general regime of religious denominations* called in short, the “*Law of Cults*” of 1948 was issued. Article 12 ruled: “The recognized religious denominations will have a central organization representing the cult, regardless of the number of its faithful” and art. 21 specified that:

“The heads of the denominations, as well as the metropolitans, archbishops, bishops, (...) administrative vicars and others having similar positions, elected or appointed in accordance with the statutes of organization of the respective denominations, shall not be recognized in office unless approved by the Presidium of the Great National Assembly, given by decree, at the proposal of the Government, following the recommendation of the Minister of Cults. Prior to their entry into service, all of them will take the oath of faith before the minister of cults (...)”.

In the same year the 1948 *Statute for the organization and functioning of the Romanian Orthodox Church*²⁶ was issued. Article 3 of the *Statute of 1948* stipulated that:

“The Romanian Orthodox Church has hierarchical synodic leadership, according to the teaching and canons of the ecumenical Church of the East and Its Tradition and is administered autonomously through its own representative bodies, elected from among the clergy and the people (...)”.

²⁵ Published in: *Monitorul Oficial al României*, no. 87 bis/13.04.1948.

²⁶ Published in: *Monitorul Oficial al României* from 23.02.1949.

Alongside the Holy Synod, which was “the highest Church authority for all spiritual and canonical matters, as well as for the church matters of any kind within its competence” (Article 9 - Statute 1948), the National Church Assembly functioned as “the central representative body of the Romanian Orthodox Church for all economic and administrative matters, as well as for those which do not fall within the competence of the Holy Synod” (Article 19 of the Statute 1948).

The National Church Assembly was made up of “three representatives from each eparchy, a clergyman and two laymen, delegates of the respective eparchial assemblies for a four-year term. The members of the Holy Synod are legal part of the National Church Assembly” (Article 21 of the Statute 1948).

The Holy Synod included the patriarch, all the serving Metropolitans, bishops and vicars of the Patriarchate, as members (Article 11 - Statute 1948). The convocation was to be made by the patriarch of Romania “and will be brought to the attention of the Ministry of Cults” (Article 12 of the Statute 1948). “The opening and closing of the sessions of the Holy Synod shall be made by decision given by the Ministry of Cults” (Article 13 of the Statute 1948). “The Minister of Cults can be present and take part in debates” (Article 14, paragraph 3 of the Statute 1948).

So the presence of the Minister of Cults was not compulsory but optional, just like his participation in the debates.

Regarding the opening and closing of the sessions of the National Church Assembly, this was done by decree of the Presidium of the Great National Assembly of the People’s Republic of Romania (Article 23 of the Statute of 1948).

Concerning the members of the Holy Synod, the bishops and metropolitans were chosen

“from among the bachelors or doctors in theology, metropolitans, bishops, archierachs, monks, or first-class priests, widows due to death, who are Romanian citizens, meet the canonical conditions and are well trained for this step. The Patriarch is chosen from among the bishops, archbishops and metropolitans in office” (Article 129 Statute 1948).

Also,

“Bishops, Metropolitans and the Patriarch are elected by secret ballot by an Electoral College made up of members of the National Church Assembly and of the members of the Eparchial Assembly of the vacant Episcopate.

The members of the college are: the President of the Council of Ministers, the Minister of Cults or their delegates, a delegate of the Great National Assembly, as long as they are men and Orthodox, and the rectors of the Theological University Institutions” (...) (Article 130 - Statute 1948).

At the time the Romanian Patriarchate comprised 5 Metropolises with 12 episcopates and archiepiscopates (Article 5 of the Statute 1948). Therefore, the National Church Assembly consisted of 12 clergy and 24 laymen, to whom were added the members of the Holy Synod (12 titular archierachs, together with the vicar-bishops and patriarchal archierachs). It was also stated that:

“The canonical examination of the elected is made by the Holy Synod, and the confirmation is made by a decree of the Presidium of the Great National Assembly, as proposed by the Government, following the recommendation of the Minister of Cults. Enthronement and seating is done according to the country’s custom (...). If the chosen one is not an archierachs, he is sanctified by the local Metropolitan, assisted by at least two bishops or archierachs, only afterwards being allowed to receive the confirmation decree from the Presidium of the Great National Assembly and the seating certification”. (Article 131 of the Statute 1948)

“If the election is not approved by the Holy Synod or by the Presidium of the Grand National Assembly, a new election will be held, within the term set by the Holy Synod for this purpose”. (Article 131 of the Statute 1948)

Therefore, the texts of these normative acts allow us to see the interference of the state in the way the Church works, including as far as its synodality is concerned.

After the removal of the Communist dictatorship (December 1989) and the appearance of the new Constitution (1991), the Holy Synod brought certain amendments to the *Statute of 1948* which was republished with all these amendments in the “Official Bulletin” of the Romanian Patriarchate, the Magazine “*Biserica Ortodoxă Română*”, No.1-6 / 2003.

The changes made in this first stage concerned several Church life aspects, including its relations with the State, the new structure of the Metropolises, and the restraint of the attributions of the National Church Assembly; referring to the organization of the central and local church bodies, as well as to the election of the higher clergy.

Thus, the interference of the State in the internal affairs of the Church diminished, in the sense that it can no longer exercise its right of “absolute control” over the church institutions. It kept in contact with the Church through the Ministry of Culture and Cults.

This fact is consecrated by the amendments of several articles²⁷: The Presidium of the Great National Assembly of People’s Republic of Romanian can no longer be confirmed by a decree given at the proposal of the Ministry of Cults, the changes occurred in the organization of the church units, but the Church had the obligation to communicate these changes to “the State authority concerned” (Article 7 of the *Statute 1948*)²⁸; the convocation of the Holy Synod should no longer be brought to the attention of the Ministry of Cults, and the Ministry of Cults could no longer decide on the opening and closing of the meetings of the Holy Synod, these acts belonging only to “the President of the Holy Synod”, i.e. the Patriarch of Romania (Articles 12 and 13 of the *Statute 1948*)²⁹. At the same time, the Presidium of the Great People’s Assembly could no longer decree on the opening and closing of the sessions of the National Church Assembly, these attributes belonging to the same Patriarch “as the President” the respective Assembly (Article 23 of the *Statute 1948*)³⁰.

As regards the election of the higher clergy, the President of the Council of Ministers, the Minister of Cults or their delegates, as well as the delegate of the Great National Assembly, can no longer be members of the Electoral

²⁷ for a comparative analysis, see: Emilian Iustinian ROMAN, *Statutul pentru organizarea și funcționarea Bisericii Ortodoxe Române de la 1948 până la 2008. Prezentare comparativă*, Editura Performantica, Iași, 2009, pp. 23-24; 38.

²⁸ Article amended by National Church Assembly, *Decision no. 9084 / 26.09.1990*.

²⁹ Article amended by National Church Assembly, *Decision no. 9084 / 26.09.1990*.

³⁰ Article amended by National Church Assembly, *Decision no. 9084 / 26.09.1990*.

College appointed for the election of the higher clergy in the vacant eparchies (art.130, para.1 of the *Statute 1948*)³¹, and the confirmation of the elected hierarchs is no longer made by a decree of the Presidium of the Great National Assembly, as proposed by the Government following the recommendation of the Minister of Cults (Article 131, paragraphs 1 and 3 of the *Statute 1948*)³²; also in this context, the Presidium of the Great National Assembly can no longer oppose the election of the new hierarch (article 132 of the *Statute 1948*)³³.

However, in accordance with Decree no. 177/1948 The Government of Romania continued to issue, until 2006, Decisions on the proposal of the elected hierarchs with a view to their recognition by a decree of the President of Romania.

The last Constitution of Romania of 1991³⁴, by art. 29, paragraph (3) states that all "Religious cults are free and organized according to their own statutes, according to law". "The law", according to which any state-recognized cult functions in Romania, is "The Law of Cults" or "Law no. 489/2006 on religious freedom and the general regime of cults"³⁵. Regarding the organization and leadership of each recognized cult, including the Orthodox one, it is stated that:

Art. 8. - (1) "The recognized cults (...) shall be organized and function on the basis of constitutional provisions and the present law, autonomously, according to their own statutes or canonical codes".

Art. 14. - (1) "Each cult must have a national leadership or representation body".

According to these provisions, the current *Statute for the Organization and Functioning of the Romanian Orthodox Church (2008)*³⁶ states that:

Art. 3 - (1) "The Romanian Orthodox Church has hierarchical synodic leadership, according to the teachings and canons of the Orthodox Church and its historical tradition". **Art. 11** - "The Holy Synod is the highest authority of the Romanian Orthodox Church in all its fields of activity". **Art. 12** - (1) "The Holy Synod consists of: Patriarch and all the Metropolitans, Archbishops, Eparchial Bishops, Patriarchal Vicar-Bishops, Vicar-Bishops, and Vicar-Hierarchs in office".

³¹ Article amended by National Church Assembly, *Decision no. 8567/10.06.1973*.

³² Article amended by National Church Assembly, *Decision no. 9084/26.09.1990*.

³³ Article amended by National Church Assembly, *Decision no. 9084/26.09.1990*.

³⁴ Published in: *Monitorul Oficial al României*, no. 233/21 noi. 1991.

³⁵ Published in: *Monitorul Oficial al României*, no. 11/8.01.2007.

³⁶ Published in: *Monitorul Oficial al României*, no. 50/ din 22 ianuarie 2008.

In addition to this synodic body, the *2008 BOR Statute* preserves even the mixed body made up of clergy and laypersons: the National Church Assembly. It is:

“The deliberative central body of the Romanian Orthodox Church for administrative, social, cultural, economic and patrimonial issues. (Article 19); Article 20 - (1) The National Church Assembly is composed of three representatives of each eparchy, a clergyman and two laymen, delegated by the eparchial assemblies for a period of 4 years. They can be delegated for up to two terms. (2) The Hierarchs of the Holy Synod participate in the work of the National Church Assembly. (3) The President of the National Church Assembly is the Patriarch. (...). (4) The decisions of the National Church Assembly become enforceable upon ratification by the Holy Synod”.

Unlike the secular and church legislation so far, “the election of the Patriarch, Metropolitans, Archbishops and Eparchial Bishops is done by secret vote by the Holy Synod” after “consulting the clergy and the laymen of the church bodies ...” (Article 126, paragraph (1) of the Statute 2008). Thus, neither the lay members nor the priests from the synodic governing bodies at the eparchial or central church level no longer participate directly in the election of the hierarchs, but retain a “consultative vote” which the Holy Synod can or cannot take into account in choosing hierarchs. Thus, article 127 - (2) states that

“For the election of the Patriarch, the Holy Synod, presided over by the Metropolitan with the greatest seniority in the ministry of hierarchy, establishes, by open consultation followed by secret consultative vote, a list of 3 candidates from among the eligible hierarchs, giving reasons for each proposal.

(3) On behalf of the Holy Synod, the Permanent Synod³⁷ consults, in a special meeting, the clergy and laymen of the National Church Assembly, to whom are added the members of

³⁷ The Permanent Synod works between the meetings of the Holy Synod and consists of the Patriarch and all Metropolitans serving alongside three other eparchial hierarchs (one Archbishop and two bishops) appointed annually by the Holy Synod.

the Eparchial Assembly of the Archiepiscopate of Bucharest³⁸. Also attending the meeting are a dean of a faculty of theology and a principal of a theological seminary from each metropolis, appointed by the Metropolitan in consultation with the Suffragan hierarchs, among whom the dean and the principal representing the Archiepiscopate of Bucharest will not miss. (...).

(4) During the consultation, the list of candidates for the election of the Patriarch, presented by the Permanent Synod, can be supplemented, by open consultation followed by secret consultative vote, with two names from among the other eligible hierarchs. After the consultative vote, the list submitted by the Permanent Synod, completed with the first two eligible hierarchs who obtained the most votes, will be submitted to the Holy Synod”.

Similarly, for the election of the Suffragan bishops, the Metropolitan Synod consults “with lay members and laymen of the eparchial assembly of the vacant eparchy, attended by a dean and a principal from the theological institutes of the eparchy” (Article 130, paragraph 3 - Statute 2008). The Holy Synod, receiving the list of candidates for the election of the Archbishop and the eparchial bishop, may order it to be completed with two other candidates (Article 130, paragraph 3 - *Statute* 2008).

“Enthronement is done according to the canonical practice and custom of the Romanian Orthodox Church. The names of those elected shall be communicated to the President of Romania, the Prime Minister and the relevant ministry” (Article 133, paragraph (1) of the *BOR Statute*).

Thus, unlike the official state recognition by presidential decree at the proposal of the Romanian Government of the new hierarchs elected in various vacant positions and implicitly as members of the Holy Synod, the new Law of Cults (2006) no longer provides for this obligation. However, by article 4, paragraph (1), point 14 of the *Regulation on the Organization and Functioning of the State Secretariat for Cults* issued on the basis of *Decision of the Romanian Government no. 218 of 10th April 1995 on the organization and operation of the State Secretariat for Cults*, this institution

³⁸ The members of the Eparchial Assembly of the Archiepiscopate of Bucharest are consulted, since the Patriarch of Romania is at the same time Metropolitan of Muntenia and Dobrogea, as well as Archbishop of Bucharest.

“takes note of the election or appointment of the persons to be in charge of the management (...) in order to allocate financial support from the state budget for the remuneration of the religious staff, according to law”³⁹.

IV. Conclusions

In conclusion, in modern Romania, from the analysis of the above, it appears that the synodality of the Orthodox Church at central level takes two forms. It is, on the one hand, a synodality represented only by the hierarchs in service constituting the Holy Synod as a deliberative body and high authority of the Church in all its fields of activity, including the spiritual one; and, on the other hand, a mixed synodality constituted in the old National Church Council, and since 1948 in the National Church Assembly, made up of 1/3 clergy and 2/3 laymen from each eparchy of the Romanian Patriarchate, to whom are added the members of the Holy Synod “as a deliberative body for administrative, social, cultural, economic and patrimonial issues”.

If, during the period between 1864 and 2008, all the members of the Holy Synod were elected by the laymen from the specific bodies, the election of the hierarchs now belongs only to the Holy Synod, the mixed deliberative bodies having only a simple “consultation” role in this matter. Also, the official recognition of the newly-elected hierarchs is no longer an obligation of the state power as before, but only a notification by the church authority towards this temporal power.

³⁹ Published in: *Monitorul Oficial al României*, no. 71/19.04. 1995; <http://www.culte.gov.ro/legislatie/vrs/IDlegislatie/1>