Grigorios D. Papathomas (dir.), *Droit canonique et ecclésiastique de l'Église orthodoxe: sources, histoire, institutions et particularités,* (Société, droit et religion – Avant-propos de Francis Massner), Strasbourg, Presses universitaires de Strasbourg, 2024, 394 pp.

This book aims to fill a gap: in the Romanian literature, there was not yet a book presenting the Orthodox canonical tradition with its most essential elements, such as the work *Orthodoxes Kirchenrecht*, written by two academics from Vienna, Richard Potz and Eva Synek, published in 2007 and which had a second edition in 2014. This volume, however, adopts a different approach. It brings together contributions from several Orthodox authors, mostly Greek; two Romanians and a Russian who also collaborated. Then, it focuses on various dimensions of Orthodox canon and ecclesiastical law.

After "Prolégomènes" (pp.15-18), the book has three parts. The first part presents the protocanonical sources. In this part, Chrysostom Symeonidis, in "L'Ancient Testament en tant que source du droit canon" (pp. 21-33), briefly mentions the importance of the law for the Jewish people in relation to worship and moral life. After a detour through the Sermon on the Mount, tradition and the Apostolic Council, and the view of the law in patristic texts, he finally touches on the content of the Mosaic Law as a source of the holy canons.

Grigorios Papathomas, in "Les voices bibliques du droit canon" (pp. 35-62), attempts to demonstrate the organic link between the Bible and the canons. He focuses on four types of law: the law of obedience, the law of blood, the law of circumcision, and the law of the Sabbath, taking into account both the Old and New Testaments. Finally, he identifies the new elements brought by the Apostolic Council of Jerusalem in the year 49 in order to make a bold proposal to add a new canon to the *corpus canonum*

of the Church of the first millennium, making it possible to highlight this organic link between the biblical and canonical traditions.

The second part touches on the canonical and nomocanonical sources according to the different periods and the characteristics of the "canonical economy". Pavlos Ménévissoglou, in "Le Corpus Canonum de l'Église orthodoxe (temps apostoliques – 883)" (pp. 65-75), describes the *Corpus Canonum* of the Orthodox Church from Apostolic times until 883, when the Nomocanon in fourteen titles was completed. The eminent canonist Nicodemus Milash, in his work "The Ecclesiastical Law of the Eastern Orthodox Church", states, on the one hand, that the Nomocanon in 14 titles (as completed in 883), "was officially approved in 920, at the meeting of a great council in Constantinople, in which representatives of the whole Church participated, bearing authority and value in the whole Christian Church spread throughout the universe" and, on the other hand, that the canons contained in this Nomocanon "today constitute the fundamental canonical collection of the Eastern Orthodox Church". This is the council convened in Constantinople during the second patriarchate of Nicholas I the Mystic (912-925), under the reign of Emperor Constantine VII Porphyrogenitus (913-959), in order to appease the scandal caused by the fourth marriage of Emperor Leo VI the Wise (886-912), celebrated in the year 906.

Grigorios Papathomas presents "Sources nomocaniniques du droit canon (IIe-VIIe siècle)" (pp. 77-100). Written and unwritten ecclesial tradition (custom), as well as ecclesiastical praxis, are the fundamental *non ad hoc* sources of canonical tradition or, more precisely, of the "canonical economy" of the Church. However, due to the expansion of Christianity and the multiplication of Christian ecclesial communities, that is, local Churches (τοπικαὶ) and (locally established) territorial Churches (κατὰ τόπους), practical problems (missionary and pastoral) concerning them increasingly arose, but these problems could not be resolved with the data available in the body of canonical sources alone.

Sophie Kounavi's article, "Les deux collections canoniques officielles de l'Église Orthodoxe (XVIIIe et XIXe siècles): le Pidalion athonite et le Syntagma athénien" (pp. 101-110), is the subject of another contribution.

Nowadays, the official canonical collections in use within the Orthodox Church are two in number: the first, abridged, in a single volume, and translated from the original Greek into several languages, starts from the name of Athonite *Pidalion* (XVIIIth century) and is intended for pastoral and administrative fields, while the second, with the same content (of the canons) as the first, but more developed and enriched by canonical sources, in six volumes, called Athenian *Syntagma* (XIXth century), is used by the Greek-speaking academic and scientific community. Unlike the Roman Catholic Church, the Orthodox Church, which uses these variants as a whole, has not, to date, codified the ecclesiastical canons of the first millennium and does not possess a Code (of canon law).

This article is followed by a presentation with the title: "Les sources du droit canonique orthodoxe et du droit ecclésiastique du IXe au XVIe siècle", translated by Jessica-Maria Koulkovinis (pp. 111-132), by the regretted Professor Spyros Troianos of Athens, a great specialist in the field, who passed away in January 2024.

Also the regretted Professor Charalambos Papastathis of Thessaloniki published a contribution with the title: "Le droit byzantin et canonique de l'ère post-byzantine (1453-1821 pp. 133-136)". During the post-Byzantine era (1453-1821 and following), namely under the Ottoman Empire, three legal systems were in parallel force among the Orthodox Christians of Southeastern Europe, Asia Minor and the Middle East: a) Ottoman law, b) customary law, and c) Byzantine law, both secular and canonical. Orthodox Christians in the Ottoman Empire were also subject to two distinct judicial jurisdictions: a) the Ottoman-Islamic jurisdiction, namely the *qadi*; and b) the local ecclesiastical (episcopal) court. During the late post-Byzantine period, two new jurisdictions of the judicial order emerged: c) the jurisdiction of local communities; and d) that of professional corporations (the *isnafes*).

Then, Nikos Maghioros, a professor in Thessaloniki, highlights "Aspects de la relation entre le droit canon byzantin et le droit canonique romain" (pp. 137-149). The title does not seem entirely appropriate, since, in fact, the author compares the two laws on a number of points. It is therefore not so much a question of the relationship between the two legal

systems, but rather of the points of both convergence and divergence. It thus examines the soteriological dimension, the relationship to political power and the sources of inspiration of the two laws. It identifies the ecclesiology of each of the Churches as the fundamental factor that determined the relationship to political power and expresses the opinion that canon law can contribute to an ecumenical rapprochement between the two Churches "where other theological attempts have not had the desired success". This goal is a challenge that can certainly bear fruit. It will also require greater representation. We are not sure that all Roman Catholic canonists identify with Archbishop Eugenio Corecco's vision that every disciplinary norm is obligatory for salvation.

The third part of the book contains contributions devoted to "modern ecclesio-canonical peculiarities within the Orthodox Church". Charalambos Papastathis presents in particular the teaching of ecclesiastical law and canon law in Greece in the period 1821-2011 (pp. 153-159). In law schools, ecclesiastical law is considered a branch of public law and it is not systematically taught in theology schools; this seems to depend on the departments concerned.

Patriciu Vlaicu, professor at the University of Cluj-Napoca and holder of a joint doctorate from the Faculty of Canon Law of the Catholic Institute of Paris and the University of Paris XI (currently Paris-Saclay University), in "L'étude et l'enseignement du droit canonique et ecclésiastique en Roumanie post-byzantine et moderne" (pp. 161-178), presents the study and teaching of these two rights in Romania, very briefly for the post-Byzantine period, the major part of this chapter being devoted to the modern era. The legal obligation to have a theology Faculty in every Romanian University, in effect since 1910, gave impetus to the development of canon law, a process that has been more limited since the abolition of several Faculties by the communist regime. Only Bucharest and Sibiu remained as places of theological education. On the other hand, the canonical production of books and journals was very flourishing. Currently, there are thirteen Faculties of Theology with full professors of canon law and collaborations with other European universities. The author then reviews the topics taught before presenting some of them in more detail, such as

ecclesiastical organization, including autocephaly, relations with other Orthodox Churches or with other cults and with society.

The last contribution of this part, written by Iulian Mihai Constantinescu, lecturer at the University of Craiova, with title: "Le science du droit canon (canonistes orthodoxes) au cours des XIXe et XXe siècles" (pp. 179-247), sets out the state of the science of canon law in the XIXth and XXth centuries, notably through the thought and writings of Orthodox canonists. It contains, among other things, an inventory of a number of works by these canonists in Slavic, Greek and Romanian languages, with a brief annotation concerning the content. A deeper look at canonical contributions during the Austrian Empire period is presented in a development of about twenty-five pages on the work of the famous Romanian canonist and metropolitan, Andrei Șaguna (1808-1873), before the works of the Serbian bishop Nicodemus Milash (1845-1915), the Greek professor Michel Potlis (1812-1863) and the Austrian professor Joseph Zhishman (1820-1894) are touched on in six pages. In conclusion, the author expresses his opinion that these four authors are not sufficiently known in the Orthodox world.

All these contributions are followed by a very useful selective bibliography (pp. 249-270), most often in English or another Western European language; only a few works in Greek are included.

Numerous appendices follow. The first (pp. 273-292) contains references to canonical collections, information about other official legal acts organized by period, and explanations about the monasteries of Mount Athos. The second appendix includes a canonical and ecclesiastical glossary (pp. 293-354) with annotations relating to classical Orthodox terms, often of Greek origin, but also neologisms, such as "canoniférer", "canonislation", "canonologie", generally due to the pen of the director of the work. After a list of abbreviations (pp. 355-356), the fourth appendix includes several tables of canonical sources (pp. 357-369) with their title, place of origin, date, themes, and number of canons, or presented according to their nature: canonical or imperial sources, commentaries, local legislation. Several selective bibliographies of university textbooks, (pp. 373-388) structured according to the original language, Greek (pp. 373-382), Russian (pp. 383-386), or Romanian (pp. 387-388), complete

the work. Overall, these bibliographies and appendices represent more than a third of the work.

In our opinion, the usefulness of this work depends on the various dimensions it contains. A presentation of the sources of canonical and ecclesiastical law of the Orthodox Church, common to the different jurisdictions, can also be found, for example, in the work of Vlassios Phidas, *Droit canonique: Une perspective orthodoxe* from 1988. The glossary is very useful for those wishing to better understand the Orthodox tradition. We would have liked to learn more about the content of the two laws, their methodology, their evolution, and the specific standards established by each jurisdiction. What is sorely lacking are explanations regarding the origin of these contributions. Several factors suggest that the chapters are not recently written: the references often stop before 2010, one of the others (Charalambos Papastathis) died in 2012, which implies that both contributions date from before that year. Furthermore, these writings were not written specifically for this book, but are intended for other audiences. The work gives the impression of having been prepared quickly, using contributions already available elsewhere, in other languages, without any particularly reasoned selection. One gains insight into certain countries and authors, certainly not into the entire range of contemporary Orthodox diversity in the fields covered. In this sense, a clarification in the title of the work would have been useful.

In short, readers seeking to better understand the institutions and the details of the particularities of the Orthodox, canonical and ecclesiastical traditions, may be disappointed in their expectations. On the other hand, this important publication, Canon and Ecclesiastical Law of the Orthodox Church, thus provides theologians, canonists and any reader wishing to better understand Orthodoxy with an excellent manual, bringing together considerable documentation, very informative and very accessible in its presentation and organization.

Rev. Prof. Constantin Rus, Ph.D.