

EXERCISING CONTROL AND ELIMINATING ABUSES IN THE ORTHODOX METROPOLITANATE OF TRANSYLVANIA AT THE TURN OF THE 19TH AND 20TH CENTURIES¹

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Abstract: During the Dual Monarchy (1867-1918), the Romanian Orthodox Metropolitanate in Transylvania and Hungary was organised according to a church constitution that was unique in the Orthodox World at the time, namely Statutul Organic [the Organic Statute] adopted in 1868 by the National Church Congress of the entire metropolitan province. Based on both the autonomy of the church from state authorities, as well as the separation of powers within the Church and a very liberal law, Statutul Organic managed to entail important consequences on church life in general. Based on this church constitution, several regulations were voted by church legislative bodies (synods), which demanded integrity and eliminated various possible abuses. This article analyses a series of protocols of church synods and provides examples of good practices being imposed in church administration.

Keywords: *The Orthodox Metropolitanate of Transylvania, Andrei Șaguna, Statutul Organic, church synods, church consistories, National Church Congress*

In 1879, at the opening of the Synod of the Archdiocese of Sibiu of the Romanian Orthodox Metropolitan Church of Transylvania and Hungary, so exactly one decade after the beginning of the constitutional era in the life of the Transylvanian Church (namely since the adoption of the Organic Statute as a constitution of the Romanian Metropolitan

1 This material is an English version of a chapter from Paul Bruszanowski's book, *Constitutional Reform in the Orthodox Church of Transylvania between 1850-1925*, Cluj-Napoca, Cluj University Press, 2007.

Church of the dualist Hungary) Metropolitan Miron Romanul presented the following balance sheet:

„However, at the end of the first ten-year period of our church’s constitutional life, I cannot help but stating, at least in general, the result of my experiences at this time, and even to be well understood, I say it in a few words: that I, therefore, congratulate our national Church because it succeeds in creating, ensuring and increasingly developing its liberal institutions, which the Organic Statute gives us; because they bring closer, I can say, bind the clergy and the people together, arouse in all classes of believers the living interest in the common good in church life, urge cooperation from all sides, for common goals, ensure morality, justice and fairness and are meant mainly to eradicate all abuses on the church grounds”².

The practical consequences of the Sagunian Organic Statute on church life were extraordinary, because we have no reason to question the truth and sincerity of Metropolitan Miron Romanul’s words. On the contrary, there is enough evidence that this Transylvanian church constitution has led to the correction of morals and the elimination of abuses in Transylvanian society, even on church grounds.

The Organic Statute was based on three fundamental principles: a) church autonomy (both of the Transylvanian Metropolitanate regarding the other autocephalous Churches, ie autocephaly, and of the Church towards the State and the parishes towards the diocese); b) church synodality, interpreted as solidarity between clergy and people, manifested as constitutionalism with the separation of executive power (parish/archpriest committees and diocesan / metropolitan consistories) from the legislative one (parish, archpriest, diocesan / archdiocesan synods and the National Church Congress at metropolitan level) and with a

² *Protocolul Sinodului arhiepiscopiei din anul 1879, Anexa B (Cuvânt presidial), p. 92.* The original text is: „Nu pot însă, ca la împlinirea primului period de zece ani din viața noastră constituțională bisericească, să nu constat și eu, cel puțin în general, rezultatul experiențelor mele din acest timp, și chiar pentru ca să fiu bine priceput, îl spun în puține cuvinte: că adevărat eu felicit Biserica noastră națională pentru că i-a succes a-și crea, a-și asigura și din ce în ce a-și dezvolta instituțiunile liberale, ce ni le dă Statutul Organic; pentru că acestea aduc mai aproape, pot zice, leagă împreună pe cler și pe popor, stârnesc în toate clasele credincioșilor interesarea vie pentru binele comun în viața bisericească, dau îndemn la cooperare din toate părțile, spre scopurile comune, asigură moralul, dreptatea și echitatea și *sunt menite, principalmente, a stârpi toate abuzurile de pe terenul bisericesc*”.

very liberal electoral right, by which the parish priests were elected by the people, and the bishops by the legislative bodies, also elected, in turn, by uninominal vote by all male believers in the parishes); c) the separation between the clearly episcopal, canonical attributes (exercised by the Episcopal Synod, the equivalent of today's Holy Synod) and the administrative, cultural and financial attributes (the last two of them being exercised by executive and legislative bodies in which the laity constituted a two-thirds majority).

The regulations voted by the Diocesan Synods and the National-Church Congress aimed not only to regulate and put in order the church organization, but also to make it impossible to follow a natural temptation, to which any human person has been, is and will be exposed, - to ensure a material gain in more or less dubious ways. In other words, the regulations elaborated by the Diocesan Consistories and voted after intense debates by the synodal deputies also aimed to eradicate corruption on the church grounds. The consistory and synodal advisers from 100-130 years ago were aware that the moral cleansing of society had to begin from within the Church, so that all church ministers could truly be what the Saguna wanted, namely "a beacon that always shines."

But what were practically the church legislative provisions that tried to remove the abuses from the church land?

First was the seriousness and vigilance of the church authorities, in all synodal legislatures, to defend the principle of separation of powers.

Secondly, there were various paragraphs that regulated the internal activity of all the executive bodies of the Church, which prevented possible situations of incorrectness.

1. The problem of nepotism

Paragraphs 112 and 162 of the Organic Statute prohibited the participation as members, in the same governing bodies (except the Archpriest's Committee), of persons related up to the sixth degree of blood and fourth degree of in-laws.

Of course, this provision was not to the liking of many. In fact, after the unification of the BOR in 1925, the prohibition of kinship was lowered to the fourth degree of blood and second degree of in-laws! The same goes for the BOR Organization Statute of 1948.

Indeed, the restrictive provisions *for grades VI of blood and IV of in-laws* were particularly uncomfortable. As a result, even from the first meeting of the Archdiocesan Synod, in 1870, the statutory provision was violated. But the constitutional life was precisely meant to report and correct these violations. As such, at the CNB in the same year 1870, one of the deputies (Ioan Popa) pointed out that:

„In the Archdiocesan Synod of the current year, Ioan Hannia and Petru Roșca were elected in the Archdiocesan Consistory, in the Epitropical Senate, while their in-laws were elected in the close ecclesiastical Senate, whose election is against par. 2 of § 112 of the Organic Statute. (...) Mr. Nicolea Gaietanu was also elected to the school Senate, without this person meeting the requirements of § 117 of the Organic Statute and ... against this election followed from the minority in the amounts of the law and to support the law a separate vote”³.

As a result, the deputy Popa asked the CNB to declare clearly whether “the Archdiocesan Synod followed the law or not at the election of Mr. Hannia, Roșca and Gaetanu in the Archdiocesan Consistory”. The issue was debated three meetings later:

„The presidium (Metropolitan Șaguna - n.n.) declares that truly, the law was not followed, but not out of disrespect for it, but out of necessity. So that for Gaetanu, that he does not meet the necessary qualities, the diocesan Synod is the only competent one in this case. Congress answers: As the law is quite clear, the Congress states to the question asked that the Archdiocesan Synod, at the election of Hannia and Roșca, deviated from § 112. But the election of Gaetanu, cannot be the object of deliberation of the Congress”⁴.

3 *Protocolul Congresului... 1870*, conclus 121, p. 81-82. The original text is: „în Sinodul arhidiecezan din anul curent, s-a ales în Consistoriul arhidiecezan, în Senatul epitropesc, Ioan Hannia și Petru Roșca, pe când socrii acestora fură aleși în Senatul strâns bisericesc, a căror alegere este contra alin. 2 din § 112 din Statutul Organic. (...) De asemenea, fu ales în Senatul școlar dl. Nicolae Gaietanu, fără a întruni această persoană recerințele § 117 din Statutul Organic și... în contra acestei alegeri au urmat din partea minorității în sumele legii și spre susținerea legii un vot separat”.

4 *Ibidem*, conclus 176, p. 128-129. The original text is: „Presidiul (mitropolitul Șaguna – n.n.) declară că adevărat, nu s-a urmat legea, însă nu din nerespect către ea, ci din necesitate. Încât pentru Gaetanu, că nu întrunește calitățile necesare, Sinodul dieezan este unicul competent în această cauză. Congresul răspunde: Fiind legea destul de clară, Congresul declară la întrebarea pusă că Sinodul arhidiecezan, la alegerea lui Hannia și Roșca, s-a abătut de la § 112. Însă alegerea lui Gaetanu, aceasta nu poate fi obiect de deliberare a Congresului”.

The CNB decision of 1870 had no consequences. However, it drew attention to this issue. The law being clear, there were enough amateurs who followed the extent to which it was observed. And otherwise, there was the possibility of anonymous brochures, which denounced, in a more than controversial tone, all the deviations. I will return to such brochures below. In any case, all the responsible factors in the Church have realized that *the law is not to be bargained with*.

Therefore, the only possibility left for those who wished to evade the principle that forbade nepotism was the nuanced interpretation of the law. This tactic was embraced by Partenie Cosma, married to the daughter of Metropolitan Miron Romanul's brother⁵. Mitropolitul a dorit ca Partenie Cosma să facă parte din Consistoriul arhidiecezan, ceea ce contravenea legii. The Metropolitan wanted Partenie Cosma to be part of the Archdiocesan Consistory, which was against the law. As a result, the Archdiocesan Consistory (the corporation itself, not a member of it) questioned CNB in 1886, asking for clarification whether the stop up to grade VI and IV, respectively, provided by the Statute should be understood as inclusive or exclusive. There were, of course, discussions, but

„After the vote, the proposal of the deputy Zaharia Boiu is received and, according to it, it is stated as conclusion: In paragraph 2 of § 112 of the Organic Statute, the sixth degree of blood and the fourth degree of in-laws are to be understood as inclusive”⁶.

But Partenie Cosma did not give up so easily, and returned with the same problem to the Archdiocesan Synod the following year. But, the outcome was the same, the one who opposed it was also Zaharia Boiu⁷. This is how the priest from Sibiu-Cetate parish, Zaharia Boiu, dared and was successful, in two different legislative forums, to openly oppose, based on the law, to some personal interests of his hierarchy.

But the metropolitan did not give up either. Eventually, he managed to include a relative of his in the Metropolitan Consistory, namely Archbishop Ioan Papiu. He had to face this time the vigilance of the episcopal

5 Mircea Păcurariu, *Cărturari sibieni de altă dată*, Cluj-Napoca, 2002, p. 174.

6 *Protocolul Congresului...* 1886, conclud 102, p. 48-49. The original text is: „Făcându-se votarea, se primește propunerea deputatului Zaharia Boiu și, conform acesteia, se enunță ca conclud: În aliniatul 2 al § 112 din Statutul Organic, gradul al VI-lea de sânge și al IV-lea de cuscrie sunt a se înțelege inclusiv”.

7 *Protocolul Sinodului arhidiecezan din anul 1887*, conclud 38, p. 21-22.

vicar from Oradea, Vasile Mangra, in the Congress of 1897⁸. However, the issue was left by the congressional deputies in suspension, which was equivalent to a tacit approval, which could become a case of precedence, as reported by Ioan de Preda:

„Consistorial assessors cannot be related to each other up to the degrees indicated in §. With the president of the Consistory and with the bishop, respectively, they can be related, as decided by the Congress through its conclusion under no. 114 in 1897; although this kinship, in our view, is far more dangerous to the interests of the Church than the kinship of the assessors among themselves. Because it makes it possible for the bishop to confine himself to the Consistor with his kin”⁹.

But here is another case of rejection of an election as a consistorial assessor due to nepotism. In 1894, the future bishop of Arad, Ioan Papp, was elected in the Oradea Consistory, as assessor in the Epitropical Senate. A protest was filed against this election, “because of the kinship with the council member Nestor Porumb from the school Senate”. The kinship was of the third degree of in-laws, and the Consistorial Plenum of Oradea proposed the acceptance of the election, because the kinship would have been stopped “only between members of the same Senate, not between members of various consistory senates.” The Synod of Arad in 1895 accepted the protest and invalidated Papp’s election, considering that, based on § 112 of the *Organic Statute*, as well as the conclusion 198 of the Metropolitan Consistory of August 22, 1894, the kinship of the consistory members “until the 6th degree of blood and 4th degree of in-laws is stopped not only between the assessors from a single senate, but between the assessors from the whole Consistory, be they those in any senate”¹⁰.

2. Establishing the incompatibility of functions

The principle of incompatibility in holding several positions was decided by the legislative bodies of the Archdiocese of Sibiu several times, for example in 1870, 1877 and 1884.

8 *Protocolul Congresului...* 1897, conclus 114, p. 90-91.

9 Ioan de Preda, *op. cit.*, p. 191-192.

10 *Protocolul ședințelor...* Arad, 1895, conclus 18, p. 28-29.

In 1870, the synodal deputy Zaharia Boiu asked the Synod “to decide first in principle, if the offices of the Consistory are compatible with other offices”. Of course, there was a heated discussion on the issue. Some demanded that only the functions of ordinary assessors be incompatible, not those of honorary assessors (ie unpaid), which was eventually voted on.¹¹ As a result, two assessors who were also archpriests, namely PanoVICIU and Badila, were forced to resign from the offices of archpriests. However, as we have shown above, nepotism was not removed from the Sibiu Consistory, a fact mentioned not only in the CNB in 1870, but also in several anonymous pamphlets published in 1873-1875¹².

Of course, Ilarion Pușcariu was right that through these polemical pamphlets “deeds of sad memory were perpetuated in the history of our Church”¹³. At the same time, they were an impetus for drafting regulations that would lead to the establishment of a more rigorous control. Just two years after the publication of the first brochure, the Archdiocesan Consistory itself presented a draft law on incompatibility to the legislature. The *law on the incompatibility of teacher and professorial offices*¹⁴ was voted unanimously at the last meeting of the Synod (12th).

According to it, the positions that the teacher and professor at the Gymnasiums and Seminar could not hold, simultaneously with that of teacher, were: a) “a stable state systematized office”, occupied by appointment or election, but which had to be in connection with the function of teacher; b) the functions of mayor or communal or circle notary, or president in the communal committee; c) during the lectures, the teachers could not deal with other public or private services either; d) could not deal “with such services and things, which could affect his image and honor.” It was also provided that the teacher and professor could not hold the

11 *Actele Sinodului Arhidiecezei greco-răsăritene din Ardeal*, 1870, conclus 47, p. 29-30.

12 Anticritica brosiurei anonime publicate asupra celor doue congrese nationale bisericesci din 1873 și 1874, de mai mulți deputați, ai majoritatiei congreselor dela 1873 și 1874, Tipografia lui S. Filtsch (W. Krafft), Sibiu, 1880, p. 39; Cele doue Congresse nationale bisericesci electorali din 1873 și 1874. De mai multi deputati congresual, In the authors' own publishing house. G. De Closius's heir printing house, Sibiu, 1875, p. 96-97. The second pamphlet was actually written by Ioan Borcia, the „prosecutor” or lawyer of the Metropolitan Church. (Eusebiu Roșca, Monografia Institutului seminarial teologic-pedagogic „Andreian” al Arhidiecezei Gr. Or. Române din Transilvania, Sibiu, 1911, p. 25).

13 Antonie Plămădeală, *Lupta împotriva deznaționalizării românilor din Transilvania în timpul dualismului austro-ungar (în vremea lui Miron Romanul, 1874-1898, după acte documente și corespondențe, Sibiu, 1986, p. 10.*

14 *Protocolul Sinodului arhidiecezan din anul 1877*, conclus 195, p. 124 și p. 177-178.

following church functions: a) parochial, archpriest or consistory epitrope; b) parish; c) archpriest or protopresbyteral administrator; d) consistorial adviser (diocesan counselor); e) secretary or fiscal at the Consistory.

But due to the acute shortage of qualified teachers, the *Law of Incompatibility* was soon disregarded everywhere. There were many denominational schools in which teachers, due to their particularly low salaries, were forced to find other sources of income. However, those directly targeted,

„the archpriests Ioan Hannia and Ioan Popescu, being also teachers at the Pedagogical-Clerical Institute, opting for the professorship, were forced to give up their functions as archpriests. Also, the vocal music teacher, Dimitrie Cunțanu, being at the same time parish priest and consistorial epitrope, opted for the professorship”¹⁵.

Also at the Synod of 1877, the issue of another kind of incompatibility was raised, that of a Consistory jurist and a public lawyer. In the second sitting, deputy Ștefan Păcurariu submitted an interpellation “about the private affairs of lawyer Borcia and in particular about the fact that the mentioned tax would be in some civil or criminal trial at the court in Sibiu”. Metropolitan Miron Romanul responded to this interpellation in the VIII meeting, declaring that he had no knowledge. The interpellant stated “that he is not satisfied with the answer and that he would have expected a separate answer to the only points”. And during the same meeting, he called for the establishment of a special synodal commission to present a detailed report on the matter¹⁶. In these conditions, Borcia sent a petition to the metropolitan stating that “from the incident caused by the interpellation of the deputy Dr. Ștefan Păcurariu, he can no longer participate in the synodal affairs, until he will have gained satisfaction by law”¹⁷.

So there was a need for even clearer regulations. The regulations for the internal affairs of the Archdiocesan Consistory of 1878 did not provide for any measures in this regard. But another regulation, from

15 *Anticritica...*, p. 40. The original text is: „protopresbiterii Ioan Hannia și Ioan Popescu, fiind totodată și profesori la Institutul pedagogic-clerical, optând pentru profesură, au fost constrânși de a renunța la funcțiile lor de protopopi. Asemenea, și profesorul de muzică vocală, Dimitrie Cunțanu, fiind totodată paroh și epitrop consistorial, a optat pentru profesură”.

16 *Protocolul Sinodului arhiepiscopesc 1877*, conclus 116, p. 72-73 și conclus 121, p. 75-76.

17 *Ibidem*, conclus 160, p. 98-99.

1884, was clearer: it forbade salaried assessors and the staff of the consistory chancellery (with the exception of the prosecutor, ie the lawyer of the Consistory) to hold lateral positions, “which would prevent the regular performance of their service or which are incompatible with their official position”. Thus, the officials of the diocesan Consistories could not: a) hold another paid office, either in the Church or in civil society; b) to become editors of periodicals; c) also holds the positions of teacher, parish priest, archpriest or lawyer; d) to run industrial or commercial business companies; e) to lease realities that constituted the property of the Church¹⁸. These provisions were also included in the Consistorial Regulation of 1901. As can be seen, the position of jurist was not declared incompatible with that of lawyer. Of course, there was a danger that the church executive body would be unable to hire a jurist.

As a result of the new regulation of 1884, Zaharia Boiu resigned, on January 1, 1885, from the position of parish priest of Sibiu Cetate, opting for the position of ordinary consistorial assessor in the close ecclesiastical Senate¹⁹. But the same Zaharia Boiu, in his capacity as parish priest of Sibiu, was a member of the Administrative Commission of the “Șaguna” Foundation, being appointed by the founding metropolitan himself. However, the synodal deputies from 1889 complained about the incompatibility²⁰. As a result, Zaharia Boiu, also considered as “the pride of the Romanian pulpit”, had to solemnly declare to the synods, in 1890, that he had resigned from the aforementioned Administrative Commission, and asked the Venerable Synod to take note of this²¹.

3. Prohibition of influence peddling

By the obligation to keep the “official secret”, the councilors were not only not allowed to reveal what was discussed in the Consistory, but they were not “forgiven to reveal to the parties their opinion on how to resolve the case”. At the same time, it was planned that the voting, during the

18 § 19 of the Consistory Regulation of Sibiu, from 1884, in *Protocolul Sinodului arhidiecezan din anul 1884*, p. 145.

19 He was elected to this position by the Synod of 1870– cf. *Actele Sinodului Arhidiecezei...1870*, conclus 80, p. 52.

20 *Protocolul Sinodului arhidiecezan din anul 1889*, conclus 123, p. 62-63.

21 *Protocolul Sinodului arhidiecezan din anul 1890*, conclus 104, p. 53. About Zaharia Boiu also see M. Păcurariu, *Cărturari sibieni...*, p. 130-136.

consistory meetings, would start with the youngest ones, so that they would not be influenced by the voting method of the older assessors²². The provisions of the Serbian Consistory System from 1782 were taken over²³.

Also in order to stop the influence peddling, the consistory assessors (including the hierarchy) were not allowed to participate in the discussion and decision of the following issues: a) their own causes or those that could be expected to gain harm or benefit from; b) the causes of blood relatives up to the 6th degree, or in-laws up to the 4th degree; c) the causes of the adoptive parents or children, as well as of those who were under their guardianship or care; d) the cases in which they were witnesses, mediators or investigative commissioners; e) cases appealed or dismissed *ex officio*, in whose decision they took part in the lower court²⁴.

4. Interpellations and immunity of synodal / congressional deputies

Synodal and congressional deputies enjoyed total independence from church authority, including their hierarchy.

First of all, this independence was ensured by the way in which the electoral circles were established. These included communes from several archdioceses, so that no archpriest could have any influence on the outcome of the election.

Secondly, the deputies enjoyed immunity. Thus, for example, at the Synod of Arad in 1903, deputy Aurel Halic addressed the following interpellation to Bishop Ioan Papp:

„Is The High Presidency aware that the President of the Consistory of Oradea Mare held accountable the priestly deputies from the parts of Bihor for exercising their right of synodal deputies in the second extraordinary session of the Synod of 1902, held on October 20, and thereby attacked the immunity of the synodal deputies? If it does not have it, I ask it to kindly inform

22 § 20 and 63 of the Consistory Regulation of Sibiu, from 1901.

23 Secțiunea II, § 2, apud Radici 1880, p. 119.

24 § 21 of the Consistorial Regulation from Sibiu, from 1901.

itself of the case, to disapprove of this fact and to take care that in future such cases do not occur.”²⁵.

The president of the Consistory of Oradea was none other than Vasile Mangra, who in the first meeting of the Extraordinary Synod in 1902 (June 12), was elected bishop of Arad (but was not recognized by the Hungarian Government).

Thirdly, the deputies had the opportunity to intervene during the synodal / congressional sessions with interpellations, drawing attention to certain irregularities in the church administration. Here are some examples to show how the church legislature has exercised effective control over the church executive, for the benefit of church life, even if to the detriment of councilors, or even the hierarchy.

1) During the archdiocesan synodal works in 1887, the deputy Augustin Nicoară presented the following interpellation, regarding some misappropriations of funds from the “Șaguna” Foundation’:

„Is the High Presidium of the Șaguna Foundation (ie the metropolitan - n.n.) aware that the aid voted by the Administrative Commission of the Șaguna Foundation in 1883, namely 3204 fl. for churches, and 1602 fl. for poor schools, - in 1884 2740 fl. for churches, and 1370 fl. 25 cr. for schools, - in 1885, 3241 fl. for churches, and 1620 fl. 50 cr. for poor schools, - in 1886, 3384 fl. for churches, and 1692 fl. for poor schools, as all these voted aids, as shown by the synodal acts, an amount of about 18,852 fl. not distributed at all? (...) What are the causes of the delay and what means did the High Presidium take to send the aid applications from 1883-1886? (...) What provisions has the High Presidium of the Șaguna Administrative Commission taken, what provisions has the High Presidium of the Archdiocesan Consistory taken, and what guarantee does Your Holiness, as our Archbishop, give us, that procrastination will no longer occur, that the Church and our schools all over will suffer no more, will its central organs function regularly? How to

25 *Protocolul ședințelor... Arad, 1903, conclus 40, p. 25.* The original text is: „Are Inaltul Prezidiu cunoștință că președintele Consistoriului din Oradea Mare a tras la răspundere pe deputații preoțești din părțile Bihorului pentru exercitarea dreptului lor de deputați sinodali în ședința a doua extraordinară a Sinodului din 1902, ținută la 20 octombrie, și, prin aceasta, s-a atacat imunitatea deputaților sinodali? Dacă nu are, îl rog să binevoiască a se informa în cauză, a dezaproba acest fapt și a se îngriji, ca în viitor, asemenea cazuri să nu obvină”.

reconcile the procedure of non-operation of the Şaguna Foundation with the intentions of the great founder?"

Metropolitan Miron Romanul gave an interesting answer:

„The interpellant produces in his interpellation concrete figures about the aid that would have been to be distributed, which proves that his Lordship took his information from a safe place, where the state of affairs is known in detail. He could, however, have also drawn all his insights from this point without addressing this question here (...). The Presidium replies that it is not authorized to make statements here on behalf of the Consistory. If the Presidium is convinced of the sad consequences of the procrastination, with the distribution of aid, the Presidium replies: that it is not convinced and does not see those dangers that the interpellant imagines, but the Presidium has its individual views on it, but does not want to say that the situation is fine, but on the contrary, regrets that it has not yet been able to meet the aid requests”²⁶.

It goes without saying that such an answer could not satisfy the synods. As a result, in 1889, deputy Ioan Mişu presented a detailed report of the Administrative Commission of the Şaguna Fund regarding

26 *Protocolul Sinodului arhiepiscopalian din anul 1887*, conclud 62, p. 31-33. The original text is: „Are cunoştiinţă Înaltul Prezidiu al Fundaţiunii Şaguna (adică mitropolitul – n.n.) cum că ajutoarele votate de Comisiunea administrativă a Fundaţiunii Şaguna la anul 1883, şi anume 3204 fl. pentru biserici, iar 1602 fl. pentru şcoli sărace, - la anul 1884 2740 fl. pentru biserici, iar 1370 fl. 25 cr. pentru şcoli, - la 1885, 3241 fl. pentru biserici, iar 1620 fl. 50 cr. pentru şcoli sărace, - la 1886, 3384 fl. pentru biserici, iar 1692 fl. pentru şcoli sărace, cum că toate aceste ajutoare votate, precum arată actele sinodale, o sumă cam de 18.852 fl. deloc nu s-a distribuit? (...) Care sunt cauzele târăgării şi ce mijloace a întreprins Înaltul Prezidiu pentru ca cererile pentru ajutoare din anii 1883-1886 să fie expediate? (...) Ce dispoziţiuni a luat Înaltul Prezidiu al Comisiunii administrative şaguniene, ce dispoziţiuni a luat Înaltul Prezidiu al Consistoriului arhiepiscopalian şi ce garanţie ne dă Înalt Prea Sfinţia Voastră, ca Arhiepiscopul nostru, cum că târăgării nu vor mai obveni, Biserica şi şcoala noastră peste tot nu va mai pătimi, organele ei centrale vor funcţiona regulat? Cum se împacă procedura nepunerii în activitate a Fundaţiunii Şaguna cu intenţiunile marelui fondator?” „Interpelantele produce în interpelaţiunea sa cifre concrete despre ajutoarele care ar fi fost de a se distribui, ceea ce dovedeşte că Domnia Sa şi-a luat informaţiunile de la loc sigur, unde este cunoscută în detaliu starea lucrului. Ar fi putut dar, tot de acolo, să-şi tragă toate desluşirile la punctul acesta, fără a se adresa aici cu această întrebare (...). Prezidiul răspunde că n-are autorizare a face aici declaraţiuni în numele Consistoriului. Dacă este convins Prezidiul despre tristele urmări ale târăgării, cu împărţirea ajutoarelor, Prezidiul răspunde: că nu e convins şi nici nu vede acele pericole care şi le închipuieşte interpelantul, ci Prezidiul în privinţa aceasta are vederile sale individuale, cu ce însă nu voieşte defel să zică că starea lucrurilor este în regulă, ci din contră, regretă că încă nu s-a putut satisface cererilor pentru ajutoare”.

the activity carried out between 1882-1889²⁷. The aid, which failed to be granted, was promised to be distributed next year. In 1890, it was found that the action had not yet been completed and it was again requested that the Synod insist that these aids reach the communes and schools that needed them²⁸.

2) In the diocesan synod of Arad, from 1900, the well-known intellectual Ioan Russu Șirianu submitted an interpellation, regarding the cumulation of functions of the abbot from the Hodoș-Bodrog monastery. He (Archimandrite Augustin Hamzea) held both the position of director of the Theological-Pedagogical Institute in Arad, and Abbot of the monastery²⁹.

In the next synodal meeting, Bishop Iosif Goldiș replied that he asked for explanations from the archimandrite³⁰. The synod agreed to leave the matter to the hierarch, who will "report on the arrangement at the next session." But in the Synod of 1901, the same Ioan Russu Șirianu did not wait for the bishop's report, but questioned him again about the resolution of the case. And Iosif Goldiș responded immediately that Hamzea had decided to retire from the position of professor-director of the Theological-Pedagogical Seminary, after his pension issue was settled³¹.

3) But the synods were not only concerned with high-level corruption issues, but also with moral issues, such as the collection by some clerics of a confession fee from schoolchildren. In the Arad Synod of 1908, deputy Alexandru Munteanu questioned the hierarch on this subject, and the bishop replied that he did not know of such procedures, but that he would investigate³².

4) One of the most radical interpellations was addressed to Metropolitan Miron Romanul by the venerable director of the Theological-Pedagogical Institute of Sibiu, Ioan Hannia, at the synod of 1885. The reason was the appearance in the press, (both secular, eg "Tribuna", as well as in the "Romanian Telegraph") of rumors that the metropolitan had declared to the Hungarian governmental authorities that he would

27 *Protocolul Sinodului arhidiecezan din anul 1889*, conclus 117, p. 60-61; The report was published on Anexa L, p. 131-142.

28 *Protocolul Sinodului arhidiecezan... 1890*, conclus 101, p. 50.

29 *Protocolul ședințelor... Arad, 1900*, conclus 67, p. 56.

30 *Ibidem*, conclus 81, p. 61.

31 *Protocolul ședințelor... Arad, 1901, 1901*, conclus 134, p. 64.

32 *Protocolul ședințelor... Arad, 1908*, conclus 93, p. 54.

retain his metropolitan dignity only on the condition of removing the constitutional organization of the Church, and this because there were some who opposed and plotted to remove it. Therefore, Hannia directly addressed the metropolitan³³, and he had to justify himself, denying all rumors. The Synodal Protocol noted that “The interpellants are fully satisfied with this answer, and the Synod takes acknowledges the answer with great satisfaction”³⁴.

5) Political issues were sometimes discussed in representative (legislative) forums, with deputies fighting the moderate position of their hierarchs on national politics. For example, during the memorandum trial, the Hungarian government asked the Consistory and Metropolitan Miron Romanul to punish the Orthodox priests participating in the memorandum movement (the councilor of the Church Senate, Nicolae Cristea, as well as professors Daniil Popovici Barcianu and Dimitrie Comșa). The Consistory Plenary, in its report addressed to the Archdiocesan Synod of Sibiu, presented the request of the Hungarian government, leaving it to the Synod to take the final decisions. The synodal meeting in which that report was discussed was confidential, the public being invited to leave the hall. The Metropolitan supported the request of the governmental authorities, based on canons 6 and 81 apostolic³⁵. Deputy Augustin Nicoară, in his separate vote written at the conclusion 34 of the Synod of 1895, condemned both the political surrender of the metropolitan and the reference to canons:

„The dogmatic canons, yes, those are strictly observed in our country as well; but the judicial, sanitary, moral, administrative ones,

33 *Protocolul Sinodului arhidiecezan din anul 1885*, conclus 31, p. 17-18.

34 *Protocolul Sinodului arhidiecezan din anul 1885*, conclus 41, p. 24-27.

35 Apostolic Canon 6 has the following content: „Episcopul sau presbiterul sau diaconul să nu ia asupra sa purtări de grijă lumești; iar de nu, să se caterisească.” And the apostolic canon 81 states: „Am zis că nu se cuvine ca episcopul sau presbiterul să se pogoare pe sine în ocârmuire obștești (publice), ci să se hărăzească (dedice) nevoilor (trebuințelor) bisericesti. Deci, ori să se supună a nu face aceasta, ori să se caterisească, deoarece, după povățuirea domnească (a Domnului), nimeni nu poate sluji la doi domni” (Ioan N. Floca, *Canoanele Bisericii Ortodoxe. Note și comentarii*, s.l., 1991, p. 11 și 46). Based on these two canons, the metropolitan had stated in the synod: militant politics “can be done between the margins of the law by people independent and free from commitments to public church and civil offices, but not church officials who by such a political role, respectively by its consequences, not only would be largely abstracted from their calling in the Church, for example, as in the concrete case with the officials mentioned above: but also would compromise the Church itself and endanger its institutions.” (*Protocolul Sinodului arb. din anul 1895*, p. 125).

etc. only because they match the progress of time and only out of historical piety do they not break, but remain aside, kept as holy relics ... The challenge to canons, therefore, to some relics not observed every day by His Holiness himself, the revered Consistory and the entire priesthood of the entire Greek Orthodox world and all Christian people with the same canons, - this challenge I say, when it brings great harm to the Church, is a psychological situation in the field of pathology, is the sanction of going from light in the dark, from the sweet sun of human Christian freedom, which gives us the ozone of the preservation and cultural development of the Church and nation; it means introducing a virus into the living body of our nation and our national Church, in order to become a corpse; it means giving from life to certain death. In the name of the life of the Church and of our nation, I forward this separate vote, as a solemn protest, so as not to be rebuked by the conscience of not having done my duty and to urge those who would still sleep, to be awake and to set to work”³⁶.

Thus, in the Diocesan Synods of the Romanian Orthodox Metropolitan Province of Hungary and Transylvania, both “abuses on church grounds” and then various issues of morality and even issues that could have negatively influenced church life were discussed. These could be signaled, brought into free debate, as openly as possible. Due to the constitutional organization of the Transylvanian Church, secrecy was unknown, and crises stemming from a lack of communication and open discussion could be more or less easily removed.

5. Printing the protocols of the legislative assemblies

The existing transparency in the church life in the Sibiu Metropolitanate can also be ascertained from the printing of the protocols of the

36 *Ibidem*, p. 121-122. The original text is: „Canoanele dogmatice, da, acelea se observă strict și la noi; dar cele justițiare, sanitare, morale, administrative etc. numai întrucât se potrivesc cu progresul timpului și numai din pietate istorică nu se cassează, ci rămân la o parte, păstrate ca niște relicve sfinte... Provocarea la canoane deci, la niște relicvii neobservate zi de zi de însuși Î.P.S. Sa, de veneratul Consistoriu și de întreaga preoțime din toată lumea greco-ortodoxă și de toate popoarele creștinești cu aceleași canoane, - această provocare zic, atunci când aduce un mare rău Bisericii, este o situațiune psihologică de domeniul patologiei, este sancționarea mergerii de la lumină la întuneric, de la soarele dulce al libertății creștine omenești, care ne dă ozonul conservării și dezvoltării culturale de Biserică și neam; însemnează introducerea unui *virus* în corpul viu al neamului și Bisericii noastre naționale, ca să devină un cadavru; înseamnă să dăm de la viață la moarte sigură. În numele vieții Bisericii și neamului nostru, înaintez acest vot separat, ca un *protest solemn*, ca să nu mă mustre conștiința a nu-mi fi făcut datoria și să angajez pe cei ce ar mai dormi, să fie treji și să se puie pe lucru”.

legislative corporations. The consistories, as executive bodies, were obliged to publish them and put them up for sale at diocesan bookstores.

These protocols included in the first part the discussion of the items on the agenda and the decisions taken in the form of conclusions concluded by the Diocesan Synods or CNB. The second part included, in the annexes, the presidential words (of the hierarchy), then the consistory reports (of the Consistorial Plenum and of the three senates), the general diocesan budget, then the budgets of the church foundations that were not under the administration of the Consistory, but of special epitropies, then any voted regulations, "representations" addressed to the Government or the Court, as well as "separate votes" of the deputies.

As a rule, each congressional protocol comprised 200-250 p., Sometimes even more (for example, the CNB protocol of 1886 366 p., that of 1909 337 p.). The protocols of the Archdiocesan Synods were less voluminous, of approx. 120-220 p. (The most voluminous being the protocol from 1882, of 305 p.; in fact, this protocol includes the most consistent consistory reports). In total, the Protocols of the Archdiocesan Synods between the years 1870-1918 amount to no more and no less than 7655 pages! And those of the National-Church Congresses 3668 pages!

And yet, in 1914, Ioan Lupaș lamented "that condemnable protocol laconicism that is practiced so much even today"³⁷. The well-known historian and archpriest of Săliște therefore considered that the information provided by the synodal and congressional protocols was in an insufficient number.

Vasile Mangra also considered that in 1885:

„Considering that the synodal protocols will serve as the annals of the diocese, from which each scholar and member of the Church can gather accurate information and knowledge about the progress of church, school and foundational affairs, I propose that the reports of diocesan councils here be published in full, as annexes to the protocol”³⁸.

37 Ioan Lupaș, *Interpretarea paragrafelor...*, p. 28

38 *Protocolul ședințelor... Arad, 1885*, conclus 102, p. 47. The original text is: „Considerând că protocoalele sinodale au să servească ca anele diecezei, din care să poată culege informațiuni și cunoștințe exacte fiecare cărturar și membru al Bisericii despre mersul afacerilor bisericesti, școlare și fundamentale, propun ca rapoartele consistoriilor eparhiale de aici înainte să se publice în toată extensiunea lor, ca anexe la protocol”.

From the above, we can see the special rigor regarding the separation between the executive and the legislative power in the Transylvanian Orthodox Church between 1868-1918. The existing electoral law in the Sibiu Metropolitanate has created a true representation; the internal regulations of the legislative corporations have transformed them into real parliamentary corporations, meant to exercise proper control over the Executive.

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