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## **A short presentation of the history of legal education in Romania**

### **SUMMARY**

#### **A short presentation of the history of legal education in Romania**

In Romania, the history of legal education dates from ancient times. The historical records show that legal education had appeared on the territory of countries that have later entered into the composition of the Romanian State, after enactment of the first written laws (pravile – or codices), and long before the enactment of legal codes on branches of activity. Thus, the preliminary of legal education in the Romanian countries can be traced back to the practice of writing laws (pravila – or codex) that emerged in the 17th century: in Walachia this was the Govora Code of 1640 and the Matei Basarab's Code (also known as the reshaping of laws) in 1652: in Moldavia it was the Vasile Lupu Code (also known as the Romanian book of learning) of 1646. However, there are historians who claim that since 1400, an Academy of law or, at least, a course in law, would have been organized at the School of Alexander the Good in Suceava. The first educational institutions were established in monasteries and churches and teachers had a western and Byzantine educational background. In Moldavia in 1648, during the reign of Vasile Lupu, the Great Princely School was founded at Trei Ierarhi Monastery in Iasi. In 1694, under the reign of Constantin Brâncoveanu – in Walachia, the Princely Academy was founded in Bucharest. Thus were laid the bases of Romanian higher legal education. In 1777 in Transylvania, the Romanian territory which for a long time was under Austro-Hungarian domination, by an imperial document called *Ratio educationis imperial*, an Academy of law was established in Oradea together with another in Bratislava. Over the years, the study of juridical sciences in Romanian countries developed and received systematic organization – especially after the Union of the Romanian principalities in 1859 – being influenced as much by historical realities as by the political, economic and social conditions of the country. This paper aims to provide an overview of the development of legal education in Romania and the contributions to the development of the science of law of the most prestigious Romanian jurists.

**Key words:** Romania, legal education, history of legal education

**Słowa kluczowe:** Rumunia, edukacja prawnicza, historia edukacji prawniczej

## 1. General considerations

Because of political vicissitudes, the Romanian nation was forced to live for centuries in several distinct territories, under different leadership, domestic and foreign. Due to these circumstances Romanian law, and by default, the Romanian school of law, had, up to the beginning of the XXth century, developed under multiple influences. However, in spite of some obvious local differences – the three historical provinces inhabited by Romanians: Wallachia, Moldavia and Transylvania, having rules of conduct contained in separate bodies of law as a result of the separate state status of these territories, legal life on the whole had always found common ground. The principles of law were unique, having developed under the influence of Roman law, reaching inside Romanian territories on the path of tradition, by perceived Byzantine laws and by influences which stemmed from western countries<sup>1</sup>. The emergence and development of the science of law has been produced in accordance with each historical era, but also in concert with the economic, social and political conditions relevant to each stage, the roots of legal education being very old. Thus, the historical records shows that legal education has appeared on the territory of countries that have entered later into the composition of the Romanian State, following enactment of the first written laws (pravile – or codices)<sup>2</sup>, long before the enactment of legal codes on branches of activity.

## 2. The preliminary of legal education in the Romanian countries

The preliminary of legal education in the Romanian countries can be traced back to the practice of writing laws (pravila – or codex) that emerged in the 17th century: in Walachia this was the Govora Code of 1640 and the Matei Basarab's Code (also known as the reshaping of laws) in 1652; in Moldavia it was the Vasile Lupu Code<sup>3</sup> (also known as the Romanian book of learning) of 1646<sup>4</sup>. The first educational institutions were established in monasteries

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<sup>1</sup> Al. Herlea, *Studies of history of law*, Dacia Publishing House, Cluj-Napoca, 1997, p. 80; 16; 82.

<sup>2</sup> The pravile were made up of the rules of conduct without being separated by branch of activity, being an amalgam of rules of criminal law, civil law and canonical law, with mutual intervention by the procedure. (E. Molcuț, E. Cernea, *The history of Romanian law and state*, "Șansa" SRL Publshing House, Bucharest, 1996, p. 128; Al. Herlea, op. cit., p. 69).

<sup>3</sup> Al. Herlea, op. cit., p. 124.

<sup>4</sup> However, there are historians who claim that, since 1400, an Academy of law or, at least, a course in law, would have been created in Suceava at the School of Alexander the Good. Also, historical documents certify that, at Cenad, in Banat, in the XII–XVI centuries, the School of Cenad was created which necessary staff for churches, as well as for different institutions: writers of papers, jurists, tax collectors etc. (O. Iucu, *Legal Education in Romania – historical and methodical approach*, University of Bucharest Publishing House, Bucharest, 2005, p. 14).

and churches and the teachers had a western and Byzantine educational background. Initially lessons were given in the Slavona and Romanian languages but later, in the 18th century, schools were established in which lessons were conducted in Greek and Latin<sup>5</sup>.

In Moldavia in 1648, during the reign of Vasile Lupu, the Great Princely School was founded at Trei Ierarhi Monastery in Iași<sup>6</sup>. In 1694, under the reign of Constantin Brâncoveanu – in Walachia, the Princely Academy was founded in Bucharest which was to form the cornerstone of Romanian higher legal education. The schools historical documents certify that many celebrated professors from different European countries – Spain, Prussia, Russia, as well as Constantinople – taught there<sup>7</sup>.

### 3. Legal education in the Romanian Countries – Wallachia and Moldavia – in the 19th century

During the rule of Constantin Mavrocordat in the middle of the 18th century, higher standards for the study of law began to appear, and, during the time of Ion Voda Caragea (1812–1818), recognition of the need for scientific legal studies to be conducted in Wallachia, is highlighted by the measures taken by the ruler, who, on reorganisation of the Princely Academy in 1816, appointed as professor of law one of the great scholars of the time<sup>8</sup> – Nestor Craiovescu, who provided a course of law studies very much appreciated by his contemporaries<sup>9</sup>.

In Moldavia, by way of the Constitution of 1822, a “School of Law” was established at the College of Trei Ierarhi Monastery in Iași (which in the future was also to host the Academy of Iasi until it found its own offices). The school was inaugurated on 3 June 1830, when the first course of law conducted in the Romanian language was held by the Moldavia state solicitor – Christian Flechtenmacher<sup>10</sup>.

Subsequently, in 1835, the Mihaileana Academy (named after the ruler Mihail Sturza) was established in Iasi where supported courses were provided in history, philosophy, law, theology, chemistry, mathematics, engineering, agronomy and architecture<sup>11</sup>.

<sup>5</sup> Al. Herlea, op. cit., p. 125.

<sup>6</sup> In this superior school shall be taught in Latin language, as in western universities, along with religion, philosophy, art, medicine and the law. (L. Marcu, *The history of Romanian Law*, Lumina Lex Publishing House, Bucharest, 1997, p. 144).

<sup>7</sup> Al. Herlea, op. cit., p. 125–128.

<sup>8</sup> <http://studentladrept.blogspot.ro/2009/01/lucreia-dogaru-teoria-general-dreptului.9286.html>

<sup>9</sup> L. Marcu, op. cit., p. 177.

<sup>10</sup> <http://laws.uaic.ro/istoric.html>

<sup>11</sup> <http://150.uaic.ro/istorie/>

By organic regulations adopted in 1831 in Wallachia and, in 1832, in Moldova, usage of the Romanian language in public education became official<sup>12</sup>.

As a result of the school reform introduced by Petrache Poenaru, in 1832, the National College St. Sava in Bucharest created upper-level legal and scientific courses<sup>13</sup>.

Higher education in Wallachia extended over a period of three years and the legal subjects taught were Roman Law (professor C. Moroiu<sup>14</sup>), Commercial Law (professor Al. Racovita), Civil Law (professor Șt. Pherekyde), Criminal Law (professor C. Brailoiu), history of law and of political economy<sup>15</sup>.

In 1836, Grigore Ghica Voda set up in Iasi, the Faculty of Law, where, among others, the historian, philosopher and jurist Simion Barnutiu taught "Natural and Gentium Law" (in the years 1856–1864), followed by other distinguished scholars who taught the Philosophy of Law and the Legal Encyclopedia<sup>16</sup>.

In 1850 the ruler Barbu Stirbei Voda accomplished in Wallachia the education reform and developed higher legal courses at the National College St. Sava<sup>17</sup>.

Thus, in 1851 this college established a special school of law, a real faculty of law, which introduced a curriculum of seven legal disciplines: Roman Law, Civil Law, Criminal Law, Commercial Law, Administrative Law, History of Law, Political Economy, supplemented by courses in the purpose and basis of industry and the basis of property<sup>18</sup>. Among those who graduated from these courses in 1854 were some of the first jurists to be promoted<sup>19</sup>.

It should be noted that during the 19th century the legal training of students who would later become responsible for the application of law was organised at a higher level than in the Romanian provinces, and, in parallel, a practice was maintained of sending selected students abroad for legal training (France, Italy etc.)<sup>20</sup>.

<sup>12</sup> Al. Herlea, *op. cit.*, p. 126.

<sup>13</sup> <http://www.unibuc.ro/n/despre/istoric.php>

<sup>14</sup> In 1825, Constantin Moroiu, doctor (PhD) of the University of Pisa, inaugurated at the College St. Sava in Bucharest a course in Roman Law and in 1835–1836 he taught a course in Criminal Law after the course in Criminal Law given by professor Carmignani from Pisa, and Commercial Law after the course given by professor Augustino Reale, printed at Pavia (Al. Herlea, *op. cit.*, p. 85).

<sup>15</sup> *Ibidem*, p. 126.

<sup>16</sup> <http://studentladrept.blogspot.ro/2009/01/lucreia-dogaru-teoria-general-dreptului.9286.html>

<sup>17</sup> <http://www.unibuc.ro/n/despre/istoric.php>

<sup>18</sup> Al. Herlea, *op. cit.*, p. 127.

<sup>19</sup> <http://www.unibuc.ro/n/despre/istoric.php>

<sup>20</sup> E. Molcuț, *op. cit.*, p. 171.

Over the years, the study of legal science in the Romanian countries was developed and systematically restructured. In particular, after the union of the Romanian principalities of Wallachia and Moldavia in 1859, its development was influenced by historical realities and the social, economic and politics conditions within the country.

Thus, in 1859, the ruler Al. I. Cuza decided to separate the school of legal sciences from the College St. Sava in Bucharest and turn it into a single institution – The Faculty of Law, with its first dean being Constantin Bosianu, and which four years later was integrated, together with other faculties, into the University of Bucharest<sup>21</sup>.

Therefore, during the reign of Al. I. Cuza two universities were established, the University of Iasi in 1860<sup>22</sup> and the University of Bucharest in 1864, both having a faculty of law with an almost identical organization and with each playing a prominent role in their university's framework.

Romanian legal culture was established long before the creation of the two universities, and it was from the ranks of those who had become prominent in legal education that the rectors of these institutions were selected; G. Costaforu from the faculty of law in Bucharest<sup>23</sup> and I. Strat from the faculty of law in Iasi.

The organization of the two faculties was modelled on those in France, with courses having a duration of three years<sup>24</sup>.

According to historical documents relating to establishment of the two universities, it has been ascertained that the leadership of each was to be ensured by a rector assisted by the university Senate and that the faculties were to be governed by a Dean who was elected by the teachers and assisted by the Board of the faculty, an internal organization which has been preserved with little changes until this day<sup>25</sup>.

#### 4. Legal education in Transylvania

In Transylvania, the Romanian territory which for a long time fell under Austro-Hungarian domination, the Jesuit College in Cluj Napoca, was, by the Decree of 15 May 1581, to be established as the basis for the University of Cluj Napoca. In 1774, it was reorganized under statute as an academy having in structure three departments: theological, philosophical and legal. In this way it became the first organized structure of higher education in the

<sup>21</sup> Al. Herlea, *op. cit.*, p. 127.

<sup>22</sup> <http://150.uaic.ro/istorie/>

<sup>23</sup> L. Marcu, *op. cit.*, p. 178.

<sup>24</sup> Al. Herlea, *op. cit.*, p. 129.

<sup>25</sup> <http://www.drept.unibuc.ro/Istoric-s13-ro.htm>

field of legal sciences in the region of Transylvania, with a program of education similar to that of the European universities at that time<sup>26</sup>.

Thus, at the Faculty of Law the subjects, delivered in Latin, were: Natural Law, Civil Law, Public Law, International Law and Logic<sup>27</sup>.

In 1777, through a document called *Ratio educationis imperial*, an Academy of Law was established in Oradea together with another in Bratislava, the courses in both institutions being conducted in Latin, Hungarian and German<sup>28</sup>. Other institutions of higher education in which legal profile courses were instructed had also been established in Sibiu and Brasov. Courses of law in the Romanian language were organized in Transylvania only within theological higher schools which, prior to introduction of the laicize law, taught canonical law. However, it must be said that the Romanian population in Transylvania continually expressed the desire to have a national law school<sup>29</sup>.

## 5. Legal education in Romania in the postwar period

After the union of all Romanians into a single nation-state on 1 December 1918, intense legislative activity was initiated in order to ensure a basic and a unified form of law. In the first decade following unification the faculties of law of the three universities of Iasi, Cluj-Napoca and Bucharest retained their own organization. In Bucharest and Iasi, the bachelor degree studies were conducted in 13 subjects taught by professors such as: Nicolae Titulescu, Matei Cantacuzino and George Plastara (Civil Law), George Meitani and Nicolae Daşcovici (International Law), Ioan Tanoviceanu and Vespasian Pella (Criminal Law), Eugen Herovanu (Civil Procedural Law) and Paul Negulescu (Administrative Law), all assisted by lecturers and administrative staff. In Transylvania following unification, some of the professors of the Faculty of Law from the University of Cluj went to Szeged, and in these circumstances it was necessary to establish a new faculty of law with new teachers, but at the Academy of Law in Oradea the vast majority of teachers continued to work until retirement<sup>30</sup>.

In 1908 the Faculty of Law of the University of Bucharest awarded the first doctors degree and, according to historical statistics, in the period 1921–1933, 43.1% of all Romanian law students were enrolled at this Faculty<sup>31</sup>.

<sup>26</sup> O. Iucu, op. cit., p. 18.

<sup>27</sup> Ibidem, p. 26.

<sup>28</sup> Al. Herlea, op. cit., p. 130.

<sup>29</sup> Ibidem, p. 131.

<sup>30</sup> În 1928 the Faculty of Law in Oradea was embedded in the Faculty of Law of Cluj Napoca. (Al. Herlea, op. cit., p. 132).

<sup>31</sup> <http://www.drept.unibuc.ro/Istoric-s13-ro.htm>

For a period of time some differences existed between the faculties of law in the three Romanian provinces relating to the number of years of study, the order and distribution of study subjects, routes to graduation and award of academic titles, etc.<sup>32</sup>

The development of legal education generally also opened the perspective of legal science development. In both public and private law some outstanding works appeared, while in the field of legal education personalities such as Constantin Bosianu, George Costaforu, Vasile Boerescu, Al. Şendrea, *et al*, achieved prominence with some actively participating in the development of various codes<sup>33</sup>.

As regards the legal education system itself, in 1924 the duration of studies in the field of law was three years for a bachelors degree plus a further two years for a doctors degree. In 1936, the initial course of studies was increased from three years to four years and with major changes occurring in the study subjects (e.g. Civil Law was to be studied in all four years of the curriculum, Criminal Law and Roman Law were to be addressed thoroughly and with a focus on comparative studies)<sup>34</sup>.

During the postwar period, Romanian lawyers proceeded to create a legal system based on its own theoretical principles covering Family Law (Professor I. Filipescu), Criminal Law (Professor V. Dongoroz) and Economic Law (Tr. Ionaşcu). Up to 1990 there were only three faculties of law in Romania (those of the universities of Bucharest, Iasi and Cluj Napoca) that used unique programs and where the legal disciplines were structured on the three groups of: General Theory of Law, Historical Legal Sciences and Branch Legal Sciences<sup>35</sup>.

The changes implemented since 1989 have opened new perspectives for Romanian education. The reconstruction process was radical and involved all fields of activity: structure, curriculum, communication systems, human resources. A new school legislation was elaborated as well as a new statute for the teaching staff. University autonomy, decentralization, freedom of decision has led Romanian higher education towards new horizons<sup>36</sup>.

Thus, now in România, bachelor studies in the field of law are organized both within the framework of state universities as well as within the framework of private institutions<sup>37</sup>.

<sup>32</sup> Al. Herlea, *op. cit.*, p. 134.

<sup>33</sup> L. Marcu, *op. cit.*, p. 216.

<sup>34</sup> *Ibidem*, p. 263.

<sup>35</sup> L. Marcu, *op. cit.*, p. 312.

<sup>36</sup> <http://150.uaic.ro/istorie/>

<sup>37</sup> Among state universities in Romania in whose framework there are law programs for bachelor degree studies accredited or authorized to temporarily function, are: the University of Bucharest, the "December 1<sup>st</sup>, 1918" University of Alba Iulia, the Transilvania University of Braşov, the Babeş-

However, universities who want to establish such a study program, must first go through the procedure of internal and external evaluation the latter being conducted by *Argentia Română de Asigurare a Calității în Învățământul Superior (ARACIS)* – the Romanian Agency for Quality Assurance in Higher Education. Both evaluations are carried out in accordance with the methodology, standards and performance indicators listed by ARACIS<sup>38</sup>. To meet ARACIS standards in the basic field of juridical sciences, the bachelor degree course is required to consist of eight semesters (4 years)<sup>39</sup>.

In the educational plan for bachelor degree studies, regardless of whether they are organized within the framework of state universities or private institutions, inclusion of the following subjects is compulsory:

- Basic subjects: Constitutional Law and Public Institutions, General Theory of Law, Roman Law, Civil Law, Criminal Law,
- Specialty subjects: Civil Procedural Law, Criminal Procedural Law, International Private Law, Commercial Law, International Trade Law, Work and Social Security Law, Administrative Law, International Public Law, Criminology, Intellectual Property Law, European Union Law, European Law of Competition, Environmental Law,
- Complementary subjects: Financial Law, International Protection of Human Rights, Criminology/Juridical Sociology.
- General subjects: foreign languages and physical education.

In addition to these mandatory subjects, each university may introduce other juridical subjects or subjects of close scientific fields (for example, Organizing the Judicial System, Diplomatic and Consular Law, Mediating Conflicts, International Organizations and Relations, Civil Execution Law, International

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Bolyai University of Cluj the Napoca, “Ovidius” University of Constanța, the University of Craiova, the “Dunărea de Jos” University of Galați, the “Alexandru Iona Cuza” the University of Iași, the University of Oradea, the University of Pitești, the “Lucian Blaga” University of Sibiu, the “Ștefan cel Mare” University of Suceava, the “Valahia” University of Târgoviște, the “Constantin Brâncuși” University of Târgu-Jiu and the Western University of Timișoara. Among private universities in Romania in whose framework there are law programs for bachelor degree studies accredited or authorized to temporarily function, are: the “Dimitrie Cantemir” University of București, the “Titu Maiorescu” University of București, the “Nicolae Titulescu” University of București, the Romanian-American University of Bucharest, the “Danubius” University of Galați.

<sup>38</sup> ARACIS is an autonomous public institution, of national interest, with a juridical personality whose mission is to accomplish the external evaluation of the education quality provided by higher education institutions and by other organizations supplying study programs specific to higher education that operate in Romania in order to: test, based on quality standards, the capacity of the organizations supplying education to satisfy the beneficiaries’ expectations; contribute to the development of an institutional culture of the quality of higher education and to provide the protection of the direct beneficiaries of study programs from the level of higher education by producing and disseminating systematic, coherent and credible, publically accessible information on education quality; (<http://www.aracis.ro/despre-aracis/misiune>)

<sup>39</sup> For details see L. M. Trocan, *How to Become a lawyer in Romania* in: I. Krasnicka, M. Petrowska, *How to become a lawyer?*, Peter Lang, Berne, 2013, p. 91–96.



Humanitarian Law, International Criminal Law, Matrimonial Systems, Legal Medicine, Theory and Practice of Notarial Activity, Victimology, Juridical Protection of Human Rights, Compared Law, Bank and Exchange Law, Accounting Elements, Micro and Macro-economy Elements, Transports Law, Juridical Logics, Protection of Personal Data, Law Philosophy, Political science, Rhetoric, History of Romanian Law, History of European Construction, Latin, etc.).

Regarding the sequence of subjects in the educational plan, ARACIS standards require that:

- In year I, General Theory of Law, Constitutional Law and Roman Law will be taught,
- International Public Law will be studied after completing the class of Constitutional Law and Public Institutions,
- Financial Law will be studied after completing the class of Administrative Law,
- Romanian Commercial Law will be taught after completing Civil Law in its entirety,
- Competition Law will be taught after completing Commercial Law,
- International Trade Law will be taught after completing Commercial Law and European Union Law,
- International Private Law will be studied after completing Civil Law, Family Law, Civil Procedural Law,
- Criminology, and also Legal Medicine, may be studied after completing Criminal Law and Criminal Procedural Law.

Universities offering bachelor degree courses should have informatic and criminology laboratories, and also judicial clinic laboratories<sup>40</sup>. All subjects, especially the basic subjects, should be accomplished by qualified teachers in higher education having a PhD degree or by postgraduates (in the case of dons developing seminary activities). However, didactic activities for the program of bachelor degree studies may also be conducted by associate teachers possessing a PhD who have at least 5 years experience in a juridical field compatible with the profile of the subject being taught.

It needs mention that in Romania the Bologna system has been implemented. This commenced at the beginning of the university year 2005/2006 and, according to Law no. 288/2004 regarding the organization of university studies, it regulates the organization of university studies on three cycles, respectively: bachelor degree studies (corresponding to a number contained between a minimum 180 and a maximum 240 transferable study credits), masters degree studies (corresponding to a number contained between a minimum 60

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<sup>40</sup> The specific standards in the basic field *Juridical Sciences* of ARACIS (<http://www.aracis.ro/proceduri/>).

and a maximum 120 transferable study credits) and doctorate degree studies (usually for 3 years). In juridical higher education in Romania, we also organize masters degree studies for 1–2 years and doctorate degree studies by the institutions of higher education, accomplishing the conditions established by valid normative documents relating to the organization of such studies<sup>41</sup>. In the educational plan for masters degree studies, there should be, depending on the masters profile, subjects such as: Public Law, Private Law, Criminal Sciences, Non-Contentious Administrative Procedure, Administrative Law and Administrative Contentious Law, Community Law and European Institutions, Financial and Bank Law, International Protection of Human Rights, Environmental Law, Environmental Community Law<sup>42</sup>.

We cannot finish this short presentation of the history of legal education in Romania without mentioning some of the Romanian teachers which have contributed to the development of legal science not only at national level, but also at international level. Among others these include: Nicolae Titulescu, Demetru Negulescu, George Meitani, George Plastara, Vespasian V. Pella, Constantin C. Angelescu, Dimitrie Alexandrescu, Matei B. Cantacuzino, Victor Onișor, Tudor Drăganu, Nicolae Dașcovici, Mihail-Vasile Jakotă, Octavian Traian Loghin, George Sofronie, Grigore Geamănu, Alexandru Bolintineanu, Dumitra Popescu, Raluca Miga – Beșteliu, Nicolae Mateescu Matte, Victor Duculescu, Ion M. Anghel, Ionel Cloșcă, Marțian Niciu and Dumitru Mazilu.

In the words of the Faculty of Law of Iasi University, “...the tasks facing teachers of law are many and complex. In the main they relate to the adaptation and improvement of the teaching process in relation to new social and economic phenomena reflected in legal regulations in force or pending promulgation”. Throughout its long history, the legal education system in Romania has met these challenges and in so doing has justified its existence<sup>43</sup>.

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<sup>41</sup> The Law Faculty of the University of Bucharest organizes the following master degree studies: Judicial Career, Community Law, International Law, Advanced Private Law, Public Law, Business Law, Professional Master of European and International Law, Industrial and Work Relations. (<http://www.unibuc.ro/facultati/drept/>). The Law Faculty of the Babeș-Bolyai University of Cluj-Napoca organizes the following master degree studies: Criminal Sciences and Criminology, Private Law Institutions, Compared Private Law, European Law and National Business Law, Private Law of the European Union. (<http://admitere.ubbcluj.ro/master-drept.html>). The Law Faculty of the “Alexandru Ioan Cuza” University of Iași organizes the following master degree studies: Criminology, European Law, Criminal Sciences, Business Law. ([http://laws.uaic.ro/admitere\\_master.html](http://laws.uaic.ro/admitere_master.html)).

<sup>42</sup> The specific standards in the basic field *Juridical Sciences* of ARACIS (<http://www.aracis.ro/proceduri/>).

<sup>43</sup> <http://laws.uaic.ro/istoric.html>

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