Academician Vasile Gionea – Life and Work

- EULOGY -

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Presenting the life and work of Academician Vasile Gionea is a difficult task, but a great honour for me. Compared to the complexity of his personality, such an approach cannot and should not be complete; the only one who could do it in this way would be Academician Vasile Gionea himself.

However, I will try to outline a few moments that I have considered as very important in the life and work of Academician Vasile Gionea, with the hope that they will define his personality, life and work as good as possible.

School and university

Academician Vasile Gionea was born on 21 February 1914 in Gârbovățu de Jos, Mehedinți County. He attended “Traian” High School of Drobeta Turnu-Severin, “C. Angelescu” High School of Cluj-Napoca and “Ion Meșotă” High School of Brașov.

In 1936, he graduated from the Faculty of Law of the “Babeș-Bolyai” University of Cluj. Then he moved from Cluj to Brașov, where he perfected his training and conducted an intense academic activity.

Between 1939 and 1942, he attended the law and economics doctoral programme at the Faculty of Law of the University of Cluj, which he graduated “Magna Cum Laude”, with the PhD thesis entitled “The civil liability of freelancers (doctors, lawyers, architects).” For the PhD thesis submitted he received the “Henri Capitant” award, which had been established by the French scientist with the same name in 1930, during his visit to Cluj, and which was awarded for the first time in the year of its establishment.

Academic career

After being granted the scientific title of Doctor of Laws, he joined the academic life in 1942, as assistant professor at the Department of Politics and Social Legislation of the Commercial Academy of Brașov, also moved from Cluj to Brașov. In 1948, he was promoted to lecturer, and, in 1952, he became associate professor, all these positions within the same Commercial Academy of Brașov.

In 1958, he obtained the scientific title of professor at the Commercial Academy of Brașov, under extraordinary conditions, being arrested on political grounds on 15 August 1949, for a short period of time.
In the same year, i.e. 1958, he was proposed by the Board of the Faculty of Law as member of the Senate of the Commercial Academy of Braşov, provided that he joined the Romanian Communist Party, which he refused, and the proposal remained without object.

Between 1962 and 1989, he taught postgraduate courses of labour law and business law within the former Ministry of Industrial Constructions.

In 1989, he was appointed professor of civil and constitutional law at the Faculties of Law of the “Atheneum”, “Spiru Haret” and “Hyperion” Universities, all in Bucharest, position which he held until his death, on 9 November 1999, in Bucharest.

In 1993, he was elected honorary member of the Romanian Academy.

Professional career parallel to the academic career

In 1939, he passed the confirmation exam for lawyers for the Bar Association of Braşov County, being the first on the list. Between 1937 and 1952, he worked as a barrister with the Braşov Bar Association and legal adviser for the National Bank of Romania, Braşov Branch, position occupied by open competition.

Between 1952 and 1966, he held the position of legal adviser-in-chief at the former Construction Factory of Bucharest, after which he worked at Aroconstruct and Arcom within the former Ministry of Industrial Constructions.

Political and State career

Academician Vasile Gionea was one of the few founders of the Christian Democratic National Peasants’ Party and a member of this historical party. At the elections of 20 May 1990, he was elected Deputy on its lists, in a constituency in Prahova County. As a Deputy of the first legislature, i.e. 1990 - 1992, of the first democratic Parliament after 1944, he was a member of the Committee for the Validation of the Terms of Office of the Deputies elected in 1990 and he was elected Secretary of the Legal Committee of the Assembly of Deputies.

For his outstanding contribution to the establishment and development of the Christian Democratic National Peasants’ Party, he shall be remembered by the party in its historical annals as a strong national - peasant personality and as one of its prominent leaders.

It is not rare that the personality of academician Vasile Gionea is highlighted and emphasized on various occasions in the activity of the Christian Democratic National Peasants’ Party, and his place is very well established both in the ideology and the achievements of the party and, in particular, in the places where the party operates. Moreover, his entire work followed the four national-peasant principles, namely: Christian morality, absolute democracy, enlightened patriotism and social justice.

In 1990, the Constituent Assembly elected him as Vice-president of the Committee Drafting the theses of the new Constitution, Basic Law approved by referendum on 8 December 1991. In this capacity, he had an important contribution in the drafting of many of the constitutional texts, contribution that was also underlined by the members of the Constituent Assembly and by the specialized doctrinarians.

After the adoption of Law no. 47/1992 on the organisation and functioning of the Constitutional Court, on 8 June 1992, he resigned from his position as Deputy (Ruling of the Assembly of Deputies no. 38/1992), being elected Judge of this Court for a term of 3 years.
The other judges elected him as President of the Constitutional Court of Romania for the same period of 3 years, i.e. until 1995.

Academician Vasile Gionea was the first president of the first Constitutional Court of Romania in the long, tumultuous and dense history of our country. Of course, this capacity should be seen as a brilliant culmination of a long and prestigious academic and professional career.

During his period as president of the Constitutional Court, the foundations of the Court’s case-law were laid down and the procedural rules on the organisation and functioning of the Court were improved.

The scientific and publishing activity

Of course, such a scientific and professional career was accompanied by a prestigious scientific and publishing activity that, until 1989, was focused on the publication of some papers and monographs in the fields of civil law and economy, while, after 1990, he also addressed the fields of constitutional law and political institutions, without abandoning his “first academic love”, civil law.

Over time, he participated in over 35 national and international meetings, reunions, symposia or congresses, where he presented important and clear scientific papers, published in Romania and abroad (Sofia, Belgrade, Trieste, Vienna, Berlin, Rome, Brussels, Amsterdam, etc). He was also the initiator of the already famous “French-Romanian Constitutional Days”, in which he also took part, and which had a great influence in guiding the legislation, the case-law of the Constitutional Court and the parliamentary and state practice, in general, in Romania.

At the same time, he was a member of the Romanian Lawyers’ Association, of the editorial board of the “Luceafărul” Magazine, alongside great personalities of the Romanian culture, and of the Romanian Scientists’ Association; corresponding member of the Tiberina Academy in Rome; permanent member of the Academy of Sciences of New York; member of the Associations of History of Law and Institutions in Austria, Belgium, Czech Republic, Germany, Poland, Greece, Italy, Netherlands, Slovakia and Hungary; President of the Association of History of Law and Institutions in Romania; Vice-president of the International Association of Law and Institutions in France.

Throughout his academic and professional career, he published over 300 papers, monographs and studies, especially in “Recherches sur l’histoire des institutions et du droit”, such as:
- Răspunderea civilă a liberului profesionist (medic, avocat, arhitect) (The civil liability of freelancers (doctors, lawyers, architects) – n.tr.), the first so far in the Romanian landscape and which was also his Ph.D. thesis;
- Protecția legală a minorului în câmpul muncii (Legal protection of working underage children – n.tr.) (1944)
- Confllicele colective de muncă (Collective labour disputes – n.tr.) (1945);
- Evoluția sindicală (Evolution of trade unions – n.tr.) (1945);
- Rolul contractelor în desfășurarea relațiilor economice (The role of contracts in conducting economic relations – n.tr.) (1974, co-author);
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- Contractele economice și rolul lor în îndeplinirea sarcinilor de plan (The economic contracts and their role in achieving targets – n.tr.) (1978);
- Tratat de drept economic (Treaty of Economic Law – n.tr.) (1980);
- Istoria dreptului românesc (History of Romanian Law – n.tr.), 2 volumes (1980, co-author);
- Studii de drept constituțional și istoria dreptului (Studies of constitutional law and history of law – n.tr.), 3 volumes (1993-1995);
- Curs de drept civil. Teoria obligațiilor (Course of Civil Law. Theory of obligations – n.tr.) (1995);

What we should also emphasize is the fact that Vasile Gionea has also had relevant literary preoccupations. Thus, he wrote important and unique literary works, such as:
- Antologia scriitorilor din Țara Bârsei (Anthology of Burzenlandian writers – n.tr.) (1945);
- Întâmplări din alte vremuri (Stories from the past – n.tr.) (1991);
- Femei vestite din trecutul neamului nostru (Famous women in the history of our nation– n.tr.) (1991);
- Doi mari creatori: Luchian și Brâncuși (Two great artists: Luchian and Brâncuși – n.tr.) (1991);
- Dragostea lui Tristan și a Izoldei (The love of Tristan and Isolde – n.tr.), novel (1992);
- Pași în deșert (Steps in the desert – n.tr.), novel (1992);
- Lungul drum al Golgotei (The long road to Golgotha – n.tr.), 5 volumes, novel;
- Nuvele istorice. Momente istoriografice și personalități de seamă ale neamului românesc (Historical short-stories. Historiographical moments and outstanding figures of the Romanian people – n.tr.), 3 volumes (1990, co-author);

It results from the content of his works and from what I have known personally that Vasile Gionea was an enlightened, educated, humble, respectful, professional, balanced, quiet person, gifted for story-telling, which is why I often compared him with his great predecessor Mihail Sadoveanu, even if they come from different regions of our country.

His literary writings translate the suffering generated by what he had to endure over time, but also by the difficult times that the Romanian people went through, on whose side he has always been. They show also the respect that he had for cultural personalities, ancestors of the Romanian people, “from other times”, “People that made his heart beat”, “outstanding figures of the Romanian people” and, last but not least, for the “famous women” in the history of ancient and medieval Romania and these were not few.

Thus, in “Doi mari creatori: Luchian și Brâncuși” (Two great artists: Luchian and Brâncuși – n.tr.), based on a rich bibliography, he analyses these two great Romanian artists, in two different parts in terms of biographical data and characteristics of their laboratory work.

In “Oameni pentru care mi-a bătut inima. Portrete și amintiri” (People that made my heart beat. Portraits and memories – n.tr.), he evokes leading figures of the Romanian history, namely: Miron Costin, Gheorghe Lazăr, George Enescu, Nicolae Titulescu, Tudor Vianu, George Vâlsan, for whom he also gives short biographies.
“Întâmplări din alte vremuri” (Stories from the past – n.tr.) is about Constantin Brâncoveanu, Dimitrie Cantemir, Constantin Cantacuzino, Lady Chiajna, Ion Cantacuzino, Ieremia Movilă and Vasile Lupu, in the form of short educational biographies.

It is impressive how he paid great attention to the love between an invader (Tristan) and the daughter of the invaded king (Isolde), a story which stands as a parable in the world history and which happened 900 years ago. The author retells the legend of the two lovers based on the poem by Joseph Bédier, preserving the beliefs full of meanings and symbols of the troubadour songs. It should be noted that the only thing that the author did was to transcribe the original text, but, at the same time, he obtained an “effect of linguistic delight by catching the meaning of true and pure love, replacing troubadours’ anachronisms with supernatural”.

“Lungul drum al Golgotei” (The long road to Golgotha – n.tr.) presents his feelings about the hard times that he went through, novel continued by another one, namely “Pași în desert” (Steps in the desert – n.tr.). The second novel describes the world of lawyers of Brașov, in the eve of WWII, including a young lawyer, the narrator himself. The novel includes anecdotes from the world of lawyers, their daily life, including the narrator’s, and the description of a trip to Italy.

All these show that, being as sensitive as he was, he was dominated by the memory of his own experiences or of those in the history of his people, which were not always pleasant ones.

For his long and fruitful career, with profound applications and implications in the Romanian social life, in 1995, Ioan Ivanovici and Paraschiv Marcu included Vasile Gionea amongst the “Immortals of the Romanian Academy”, Nicolae Andrei amongst the “Voievozi ai spiritului” (Princes of the spirit – n.tr.), George Crișan in the “Piramida puterii” (Pyramid of power – n.tr.). Likewise, “Dictionarul general al literaturii române” (Grand dictionary of Romanian literature – n.tr.) includes him amongst its “immortals”.