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Article

Legal Education Between The Rules Imposed by Canon Law And Today's Legislative System

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Abstract: Legal Education between the Rules Imposed by Canon Law and Today's Legislative System. This paper covers the evolution of legal education from its religious and cultural origins to contemporary influences, providing a broad framework for exploring the complexity between religious norms and modern legislation. The concept of "education" presents a range of information that we can view from a general perspective as a form of training for individuals, as well as for professionals who apply the law. Through our study, we propose an analysis of the concept of "legal education" as found in the fields of history and law, thus demonstrating the interdisciplinary approach of this endeavor. Starting from the general-specific connection, we initiated an analysis of the concept of legal education from the perspective of canon law and common law to outline a comprehensive opinion on the foundation we are presenting for discussion within our paper. The material we propose begins with the origin and evolution of the term "legal education" and continues with a brief terminological analysis. We further address the role of legal education throughout the ages, from antiquity to the present day, and the place, religious implications, and influence of religious texts on justice and legal education in each era. The chosen method is qualitative research through observation. In this context, we defined the subject of the research (legal education), analyzed the concepts (on the one hand, the concept of educating individuals about rules, norms, and justice, and on the other, the training of future professionals/public officials who interpreted and/or applied the law), and systematized the collected data to identify the utility of the concept of legal education in each era. By examining the information contained in this paper, we open up a topic that can be further developed by those interested in our subject.

Keywords: legal education; christianity; nomocanon; canon law; legislative system; public official

1. Introduction

Legal education¹ is one of the essential concepts in any society, especially if we refer to a society that aims to be democratic and functional. The concept itself pertains to the process by which individuals are informed and trained about the laws, rights, and responsibilities within a legal system, as well as the training of public officials for interpreting and/or applying legal norms. Through legal education, individuals are taught not only to know the laws but also to understand and respect them, to interpret and apply them, thus contributing to the promotion of justice and equity in society.

However, the term "legal education" has not always been perceived in this way. In this regard, we began with a historical analysis of this concept, starting from antiquity, moving through each era, and reaching the present day. We discussed the relevance of ancient legislation and the rules imposed

¹ Ioan-Gheorghe Rotaru, "Current Values of Education and Culture", in *Proceedings of the 23th International RAIS Conference on Social Sciences and Humanities*, August 15-16, 2021, Princeton, NJ, United States of America, pp. 87-92.

in subsequent eras through nomocanons, observed the transformation of the concept in the medieval period, the modern era, and finally, how legal education is viewed in contemporary times.

Thus, we talk about the idea of "legal education" starting from ancient times when social norms and conduct norms were discussed. Just as in the dawn of history, societal order was closely linked to the adherence to rules applied at that societal level, and evidently, a norm can only be adhered to if it is known by individuals – referring both to the individuals to whom the legal norm is addressed and to those who hold the special role of public officials vested with the responsibility of applying the legal norm. After all, public officials also need to conduct themselves in accordance with the law meant for them.

Legal education has evolved over time, so each era has marked this type of education² according to the level of social evolution, the way individuals were perceived, the social classes known in each era, how people viewed themselves, and how they viewed others. It is well-known that for a long time certain categories of people were equated with property or animals, and that there were periods when certain goods or animals were valued more than certain categories of people.

2. Antiquity and Early Forms of Legal Education

As mentioned earlier, legal education has its roots deeply embedded in antiquity, a period during which the first norms and legal codes were established to govern early societies. An example of this is the Code of Hammurabi, created around 1754 BC in Babylon. It represents one of the earliest successful attempts at legal codification.³ This collection of laws, inscribed on a stone pillar, not only established clear rules for various aspects of social and economic life but also reflected an early form of legal education, through which rulers and judges were trained to apply these laws correctly.

Ancient Greece. In Ancient Greece, legal education was closely linked to the development of philosophy and rhetoric. Contemporary scholars such as Socrates, Plato, and Aristotle extensively discussed justice, fairness, and laws in their works, laying the foundations of Western legal thought. Although there was no formal "law school", learning laws and rules of conduct was an integral part of Greek citizens' education, especially in the context of Athenian democracy, where participation in public life also involved a good understanding of the laws. It is also worth noting that one of the basic concepts, the concept of "democracy", emerged in ancient Greece, denoting the power of the people (δημοκρατία)⁴.

Ancient Rome and the Twelve Tables. In ancient Rome, legal education acquired a formal character with the advent of the Twelve Tables, which represented the "golden law" of Roman antiquity and the foundation of Roman law. Children were required to memorize the contents of this law, thus passing down rules of conduct from generation to generation, including as a form of legal education. In this regard, legal history mentions that the Twelve Tables were never abolished but rather became obsolete.

Over time, Roman antiquity developed a complex legal system, and legal education became a rigorous practice for those aspiring to become jurists or lawyers. The commentaries and interpretations of these laws by famous jurists, such as Gaius, Ulpian, and Justinian, constituted the basis for the formation of future legal practitioners, and some concepts from these Roman jurists have been preserved to this day.

² Ioan-Gheorghe Rotaru, "Valences of Education", in *Proceedings of the 23th International RAIS Conference on Social Sciences and Humanities*, August 15-16, 2021, Princeton, NJ, United States of America, pp. 190-196.

³ Ioan-Gheorghe Rotaru, "A look at how the concept of human rights has evolved over time", *Journal For Freedom of Conscience (Jurnalul Libertății de Conștiință)*, vol 11, no.2 (2023), pp.825-874.

⁴ Dafinoiu Cristina-Valentina, *Learn Greek without teacher*, Constanța, Steaua Nordului Publishing House, 2008, p. 236.

In Roman antiquity, terms such as "mora", "jus", "fas", and "lex" were used, each designating different notions, although each of them generally represented a rule of conduct (custom/behavior, legal norm/contract, religious norm, law).

Confucius and Legal Norms in the East. In China, Confucian thought profoundly influenced the conception of laws and justice. Confucius did not place particular emphasis on laws in the strict sense of the term, but rather on morality, ethics, and virtue as the foundations of good governance suitable for society. Nevertheless, his teachings indirectly shaped legal education in China, emphasizing the importance of self-control and adherence to traditions and social norms. In this context, legal education was more of a moral education, aiming to shape individuals who would respect social order.

Ancient Egypt. In ancient Egypt, laws were closely linked to religion and the will of the pharaoh, who was considered a god on Earth. Egyptian legal codes were not written in the same systematic way as those of the Babylonians or Romans, but legal principles were transmitted through oral tradition and the education of young scribes, who were trained in interpreting and applying these rules in daily life.

One of the most well-known Egyptian principles from antiquity, adopted by other peoples and transmitted through subsequent epochs, was the principle underlying the so-called "law of retaliation". Retribution or vendetta was based on the phrase "an eye for an eye, a tooth for a tooth", sometimes degenerating from individual responsibility/punishment to collective responsibility.

Clearly, these milestones of the ancient world only pave the way to the medieval era, where we will continue analyzing legal education in relation to the stage of societal evolution.

3. Nomocanons, the Impact of Christianity, and the Church Schism on Medieval Legal Education

The medieval world experienced various types of "law" in terms of societal norms. The classification of legal norms was based on certain criteria, depending on the specialization of the classifier or the interest represented by one classification or another in relation to the research or study to be developed.

In this regard, we can talk about feudal law, canon law, customary law, as well as unwritten law, non-specialized written law, and specialized written law. Each of these classifications contains at least one moral, religious, and/or ethical component, with the weight of these components determined by the evolution of society and the social categories to which the respective legal norms applied.⁵

With the spread of Christianity,⁶ legal education was also influenced by the new moral and ethical conceptions introduced by religion. Christianity promoted the idea of divine justice and emphasized the importance of forgiveness and mercy in the application of laws. The Church became a center of legal education, especially during the medieval period, when schools under the Church's patronage offered training in canon law, a legal system based on ecclesiastical laws. This paper does not aim to develop the influence of different types of religions or medieval justice systems.⁷

It is also noted that the Schism of the Christian Church in 1054 had a significant impact on legal education in Europe, as it created two major centers of influence: the Orthodox Church in the East and the Catholic Church in the West. In Western Europe, legal education developed within medieval schools such as the University of Bologna, where Roman and canon law were the main subjects of study.

⁵ Cernea, Emil; Molcuț, Emil, *History of the Romanian State and Romanian Law. Old Romanian law terminology*, Bucharest, Universul Juridic Publishing House, 2013, pp. 143-145.

⁶ Negoită, Florin, *History of the Romanian State and Romanian Law*, Bucharest, Universul Juridic Publishing House, 2013, p. 43.

⁷ Mitra-Niță, Mariana, *The New Dimension of Violence. Manifestations and Prevention*, Ovidius University Annals, Series Economic Sciences, vol. 14/2, 2014.

According to the consulted bibliographic material, we observe that the nomocanon represents an important concept in the history of canon law and ecclesiastical legislation, particularly in the Orthodox tradition. The term "nomocanon" comes from two Greek words: "nomos" (νόμος), meaning "law" or "norm", and "kanon" (κανών), meaning "rule" or "canonical norm".⁸ Thus, the nomocanon refers to a compendium or collection that combines civil laws and canonical rules.⁹

The origin of the nomocanon can be traced back to the period following the Council of Nicaea in 325 AD, when the first collections of ecclesiastical canons began to be compiled. These canons, which are rules or decisions made by ecumenical and local synods, governed religious life and discipline within the church. However, to ensure harmony between ecclesiastical and civil legislation, there was a need to gather these canons together with relevant civil laws into a single collection.

It is noted that at the aforementioned historical moment, we see the merging of religious norms with civil ones. In this sense, the nomocanons represented a synthesis between ecclesiastical canons (church laws) and secular laws issued by civil authorities, such as those of the Byzantine emperors. This merging influenced the legal system by incorporating religious norms,¹⁰ affecting both the social behavior of individuals and the training of public officials in the legal field. In legal education, this meant that jurists needed to understand and interpret both secular laws and religious canons, creating a unified legal approach.

According to some opinions, the first collections of nomocanons were created in the Byzantine Empire, where emperors played an active role in church matters, and the Orthodox Church and the state were closely intertwined. The first well-known nomocanon was compiled in the 6th century, attributed to the Byzantine jurist John Scholasticus, who brought together the civil laws applicable to the Church and the canons of the councils into a single code.

Throughout the Middle Ages, the nomocanon underwent several editions and revisions. The most significant revision was carried out in the 7th century, during the reign of Byzantine Emperor Justinian II. The Nomocanon in 14 Titles (Nomocanon in XIV Titles) became one of the most influential versions, widely used in the Orthodox Church for the subsequent centuries.

Nomocanons played an important role in maintaining order and discipline within the church institution while ensuring coherence between ecclesiastical rules and contemporary civil legislation. They were also fundamental for the subsequent development of canon law in autocephalous Orthodox churches.

The Church's role in legal formation was also realized through nomocanons, during which the Church became an important actor in medieval legal education. Public officials and jurists of that time often received training in theological schools, where they were familiarized with canonical norms. Additionally, the ecclesiastical court (sometimes called the "curia") was a major legal body, leading to the necessity of legal education that taught how to apply ecclesiastical canons alongside civil laws.¹¹

In the late Middle Ages and the modern era, nomocanons continued to be used, although their influence waned with the political and social changes in the Orthodox world. In some Orthodox traditions, nomocanons were gradually replaced with other forms of codification of ecclesiastical legislation, adapted to the new realities of the time.

Nomocanons remain an important part of the legal and spiritual heritage of the Church, especially regarding the legitimacy of authority and legal power. They strengthened the Church's

⁸ Dafinoiu Cristina-Valentina, *Learn Greek without teacher*, 3rd Edition, Constanța, Steaua Nordului Publishing House, 2010, p. 259.

⁹ Ioan-Gheorghe Rotaru, *Drept Bisericesc (Church Law)*, Cluj-Napoca, Editura Risoprint, 2014, pp.51-89.

¹⁰ Dură, Nicolae V.; Mititelu, Cătălina, *The Freedom of Religion and the Right to Religious Freedom*, SGEM Conference on Political Sciences, Law, Finance, Economics & Tourism, vol 1/2014, pp. 831-838.

¹¹ Tătaru, Oana, "The Dialectic of Self-Expression/Colloquy", *Journal for Freedom of Conscience*, vol 10/2, 2022, pp. 630-640.

legitimacy as the supreme authority in interpreting norms of moral and religious conduct. These collections of laws gave the Church the power to exert control over society, not only spiritually but also legally. In legal education, this translated into a deeper understanding of ecclesiastical power and how it intersected with state authority, contributing to the transmission of legal knowledge and the training of clergy with judicial functions.

4. Legal Education in the Modern Era

In the modern era, legal education evolved alongside the development of nation-states and distinct legal systems, the emergence of the concept of “separation of powers”¹², and the establishment of laws or collections of laws regulating human rights^{13, 14} and even citizen’s rights.¹⁵ The reference legal systems applicable in the modern era are known as the French legal system and the Anglo-Saxon legal system, which regulate, among other things, human dignity as a social value.¹⁶

In France, the Napoleonic Code, adopted in 1804, profoundly influenced legal education by establishing a model of legal study that emphasized codification and learning a clear set of rules of conduct in civil law (property law, family law, contracts, etc.).¹⁷ This led to the development of a formal legal educational system, where future lawyers were rigorously trained in the interpretation and application of laws, and it also enabled individuals subject to these legal norms to fight for the recognition of their rights.

The Napoleonic Code was designed as a clear and accessible set of laws intended to be applicable to all citizens without discrimination. It unified French civil law, which had previously been fragmented and governed by a multitude of local customs and regional laws. By codifying civil law, Napoleon facilitated not only the uniform application of the law but also its teaching in a more structured and systematic manner. This codification profoundly influenced legal education throughout Europe and beyond, establishing a model for other nations that adopted, either wholly or partially, the French civil code into their own legal systems.

Legal education prior to the Napoleonic Code was often fragmented and based on a combination of Roman law, local customs, and royal or feudal legislation. In many parts of Europe, Roman law, through the corpus of laws known as the *Corpus Juris Civilis*, constituted the foundation of legal teaching. This Corpus, compiled in the 6th century by the Roman Emperor Justinian, served as a central source of legal knowledge for students and practitioners during the Middle Ages and Renaissance. Canon law also played a significant role, particularly in the legal education of clerics and in matters related to the church and morality.

With the introduction of the Napoleonic Code, legal education began to focus more on learning legal codes, and universities and law schools started to adopt curricula that reflected the new legislative reality. Instead of relying on a mix of disparate legal sources, law students began to be trained in a much more systematic way, with an emphasis on understanding and applying the civil

¹² Ioan-Gheorghe Rotaru, “Aspects of the Relationship between Church and State”, *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, vol.10 (2022), no.2, pp. 585-595.

¹³ Brașoveanu, Florica; Anechitoae, Constantin, “Considerations on the International Protection of Human Rights”, *Journal for Freedom of Conscience*, vol 9/1, 2021, pp. 98-110.

¹⁴ Mititelu Cătălina, “The Human Rights and the Social Protection of Vulnerable Individuals”, *Journal of Danubian Studies and Research*, vol. 2/1, 2012.

¹⁵ Buzescu, Gheorghe, *The concept of human rights and freedoms*, The international scientific conference, 5th edition, communication, context, interdisciplinarity, Section Social sciences, Târgu-Mureș, 2018, pp. 325-332

¹⁶ Mitra-Niță, Mariana, *The legal-criminal protection of human dignity as a social value*, Bucharest, Universul Juridic Publishing House, 2023, pp. 149-156.

¹⁷ Marin, Marilena; Botină, Mădălina, *Ad validitatem and ad probationem forms in notice of real-estate sale*, Contemporary Readings in Law and Social Justice, Addleton Academic Publishers, vol. 5/2, 2013, pp. 618-624.

code. This model of legal education contributed to the formation of a professional class of lawyers and judges capable of applying the law in a uniform and predictable manner.

In England, the Anglo-Saxon legal system emphasized common law, a system based on judicial precedent and the previous decisions of courts, grounded in traditions and principles developed in medieval England. Legal education in this context developed differently, with a distinct structure and set of unique characteristics compared to other legal systems, having a more practical and less formalized character than in France.

Legal education within the Anglo-Saxon legal system places a particular emphasis on understanding and applying legal precedents, intensive practical training, and developing critical thinking and legal argumentation skills. This prepares future professionals to successfully navigate the complex framework of a dynamic and flexible legal system.

5. Legal Education from the Perspective of the Contemporary Era

In the contemporary era, legal education has been elevated to the status of a distinct field of study, viewed globally and interdisciplinarily. Law schools around the world offer programs that combine legal theory with practical training, preparing students to tackle the challenges of an increasingly complex and interconnected legal environment. Contemporary legal education also places growing emphasis on human rights¹⁸, ¹⁹, social justice, and globalization²⁰, reflecting the profound changes in global society.

Today, legal education continues to play a very important role in shaping professionals who uphold and apply the law in ways that protect and promote the fundamental values of justice and equity. However, we observe that legal education at the societal level is no longer overwhelmingly influenced by canon law or religious factors, though occasional involvement of religious factors may still be present.

One of the main goals of legal education is to develop civic competencies and encourage active participation of citizens in public life. Legal education provides individuals with the tools necessary to navigate effectively within their country's legal framework, helping them protect their rights and fulfill their legal obligations. At the same time, it contributes to fostering a culture of respect for the rule of law, which is fundamental for maintaining social order and preventing abuses of power.

In addition to the theoretical component, legal education also involves the development of practical skills such as critical thinking, logical argumentation, and the ability to make informed decisions. These competencies are essential not only for future legal professionals but also for any citizen who wishes to contribute to the well-being of society.

In schools, legal education can be integrated into the curriculum through civics classes, where students learn about the constitution, the judicial system, human rights, and other essential aspects of the legal framework. This type of education helps to create informed and responsible citizens who understand the legal implications of their actions and those of others.

Thus, in the contemporary era, legal education is not limited to the formal education system but can also be promoted through continuing education programs, public awareness campaigns, or non-governmental organizations engaged in raising awareness and educating the public. In this way, society ensures that all its members, regardless of age or social status, have access to the knowledge

¹⁸ Braşoveanu, Florica, *Considerations regarding the protection of human rights at european level*", "Constantin Brâncuşi" University of Târgu Jiu Annals, Legal Sciences Series, vol. 3/2015, pp. 27-34.

¹⁹ Buzescu, Gheorghe, *Centenary collective human rights*, Adrian Stoica (coordinator), international conference "A Century since the Making of Greater Romania, 140 years since the return of Dobrogea in the Romanian legal space", Constanta, October 2018, Bucharest, Universul Juridic Publishing House, pp. 98-109.

²⁰ Ioan-Gheorghe Rotaru, "Globalization and its effect on religion", *Jurnalul Libertăţii de Conştiinţă (Journal for Freedom of Conscience)*, Mihnea Costoiu, Liviu-Bogdan Ciucă, Nelu Burcea (eds.), Les Arcs, France, Iarsic, vol.1, nr. 1, 2014, pp.532-541.

necessary to properly fulfill their role as citizens in a rule-of-law state, which most countries aspire to achieve.

6. Conclusions

Analyzing the preceding information, we can say that legal education is a concept that can be viewed from two indisputable perspectives: as a form of training for professionals who are to apply the laws, but also as a means of understanding the rules of conduct and learning the conduct rules applicable at a given time in a society.

We note that in Antiquity, legal education was closely tied to the legal systems of various civilizations. In ancient Greece, for example, legal education was closely related to philosophy and rhetoric, aimed at developing citizens capable of actively participating in democratic life. In ancient Rome, legal education had a more formalized character, with systematic studies of laws and legal procedures, contributing to the development of a sophisticated legal framework that influenced the legal systems of many subsequent nations. Ancient Egypt contributed with a collection of laws that remained a legislative benchmark in legal history, while ancient China made a significant contribution to legal education based on morality and philosophy. These examples from antiquity, while not exclusive, show us that legal education had a dual purpose: preparing future legal professionals and fostering an understanding of the rights and duties of citizens.

Moving into the medieval period, we discover the *nomocanons*, which were collections of ecclesiastical conduct norms and civil laws that had a significant impact on legal education. Christianity introduced a moral and religious dimension into medieval law, influencing both secular legislation and legal education. After the schism of the church, two distinct legal traditions developed in Europe, one Catholic and one Orthodox, each with its own influences on legal education. The study of *nomocanons* was essential for the formation of medieval jurists, being an integral part of the educational curriculum and reflecting the complexity and interdependence between religious and secular laws.

The modern era brought about a significant reform of legal education, characterized by greater systematization and specialization in this field. National legal systems began to take clearer shape, and legal education became a rigorous professional training for the application of laws. In this context, true law schools were developed, introducing structured courses based on legal codes and modern legal principles. This system was aimed not only at training legal professionals but also at deepening the general understanding of law, an essential stage for the functioning of modern society.

In the contemporary era, legal education has continued to play an important role both in the formation of professionals and in understanding societal conduct rules. From a professional perspective, legal education focuses on developing the skills necessary for applying laws and solving complex legal problems. At the same time, legal education promotes awareness of citizens' rights and responsibilities, contributing to a better understanding of conduct norms and the role of laws in daily life. This dual role – professional training and civic education – reflects the ongoing evolution of law as a dynamic and adaptable system, essential for the proper functioning of society and the protection of fundamental values of justice and equality.

In conclusion, legal education is a vital component of society, contributing to the formation of well-prepared professionals and informed and responsible citizens, capable of actively participating in public life and contributing to the maintenance of a climate of justice and equity. With deep roots in human history, legal education remains a cornerstone of modern civilization.

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