

**GEORGE ANTONIU**  
**(1929 – 2014)**

On 10 August 2014, **Professor with the rank Multi Honoris Causa, GEORGE ANTONIU PhD.**, died; he was the Honorary Scientific Director of “Acad. Andrei Rădulescu” Institute for Legal Research of the Romanian Academy, its founding member (22 April 1994)<sup>1</sup> and the President of the Romanian Association of Criminal Sciences, the founder and director of the Criminal Law Journal, a famous expert in criminal and criminal procedural law, a remarkable legal adviser who dominated the criminal sciences in our country in the last 40 years, in his capacity as successor of the work performed by his late professor Vintilă Dongoroz, a high professional loved by all people who had known him for his professional vigour and verticality and for his special virtues.

He was born on 30 March 1929 in Brăila City, of Brăila County, where he graduated also the primary school (1935-1939), then he graduated high-school in Bucharest (1939-1947), afterwards enrolling in and attending the courses of the Faculty of Law of Bucharest University (1947-1951) which he graduated with the average grade 10 (Bachelor’s Degree Diploma no. 143045/1952), proving an obvious concern for study and self-improvement ever since that early period. Due to his education, in the third year of higher education he was co-opted as tutor within the Civil Law Department where he taught until he graduated from the Faculty of Law.

After having fulfilled military service (1951-1952), Professor George Antoniu chose to become an active serving military member and became a first-lieutenant within Military Academy of Bucharest.

Upon his request, starting from 1954, he was promoted as military judge, first at Bucharest Territorial Military Tribunal and subsequently, due to his exceptional professional results, he was promoted to the Supreme Court (1962-1971), with the mention that during the period 1961-1962 he was the Head Legal Advisor with the Ministry of Justice.

Meanwhile, under the supervision of Professor Vintilă Dongoroz, Doctor of Science, George Antoniu, in his capacity as judge at that time, worked out an exceptional PhD thesis, entitled “*The causality relationship in the criminal law*” („*Raportul de cauzalitate în dreptul penal*”), and for this work he received the title of Doctor of Legal Science (Diploma no. 1656 of 8 November 1967) and which appeared in 1968.

After a prodigious career of magistrate for almost 20 years, in 1971, when Professor George Antoniu occupied the position of Senior Scientific Researcher of 2nd rank by competition, within the Institute of Legal Researches of the Romanian Academy, he had the chance to work directly with his master, the late Vintilă Dongoroz, who at that time was the Head of the Public Law Division of the Institute, being also the person who influenced the work of our lovely professor in a substantial and irreversible way.

Starting from that moment, Professor George Antoniu dedicated the rest of his life to the researcher work, which he performed with special passion and efficiency for more than 40 years (1971 – 2014). Due to his exceptional professional qualities, starting from 1975, George Antoniu worked as Head of Division, and in 1990 he became Deputy Scientific Director, being promoted as Senior Scientific Researcher of 1st degree; he retired in 2009.

Starting from 1990 the Senior Scientific Researcher of 1st degree George Antoniu had been certified as *PhD theses scientific coordinator* in the matter of criminal law and criminal procedural law and he was recertified by the Order of the Ministry of Education no. 4794 of 16 April 1993, and in 1994 he was certified as *Professor* in criminal law and criminology subjects, and we benefited

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<sup>1</sup> For more details, see A. Filipaş, *Incorporation of the Romanian Association of Criminal Sciences (Constituirea Asociației Române de Științe Penale)*, in “Journal of criminal law” („*Revista de drept penal*”) no. 1 of 1994, p. 156-157.

from his lessons and broad knowledge, as students, just from this year, for the criminal law subject – general part.

In his capacity as PhD. theses coordinator, the professor guided with maximum exigency (his tests became very known) no less than 38 *PhD. theses*, setting up around him a true school of criminal law, which we are proud to take part of (after a period of 9 years of candidature for PhD.), adjusted to the social, economic and political realities of the period after December 1989 in Romania, but also with a great openness to other patterns of criminal law of countries which have a rich expertise in the matter, such as Germany, Italy, France, Spain or United States of America, which our master requested us to know from the desire to offer us other solutions than those promoted by the Romanian criminal law.

Likewise, the late professor George Antoniu significantly contributed to more than the professional development of several young academic staff and of tens of thousands of students or Master's students of the Faculties of Law of Bucharest University, Romanian-American University of Bucharest, "Alexandru Ioan Cuza" Police Academy of Bucharest and of Spiru Haret University of Bucharest, in all his 20 years of academic activity.

In 1973, the researcher George Antoniu had become *editor-in-chief* of the journal of the Institute (*Romanian law studies (Studii de drept românesc)*), position which he held until 2009.

Likewise, in the year 2009 he became the founding member of the Romanian Society of Authors and Publishers of Scientific Works - Pergam and member of the Scientific Council of the Romanian Journal of Intellectual Property Law.

However, no matter the perspective from which we examine it, his most voluminous work is found in the Journal of criminal law (*Revista de drept penal*), which, at the initiative of the specialists within "Alexandru Ioan Cuza" Police Academy, he founded on 22 January 1994<sup>2</sup> with other remarkable experts in criminal law of that time, in order to follow-up the similar publication appeared during the period 1922-1943 ("Journal of criminal law and penitentiary science" („Revista de drept penal și știință penitenciară”)<sup>3</sup>.

Therefore, within the period 1994-2014, in the pages of the Journal of criminal law, whose editor-in-chief he had been from its creation and until 2009, when he became its manager and we had the honour, upon the warm recommendation of professor Ovidiu Predescu, to be appointed first Deputy Editor-in-chief and then Editor-in-chief of our famous journal, after I had held the position of editor for six years, no less than **86 studies** dedicated to criminal sciences went out, of those **197 studies, articles, comments of certain case decisions** achieved by the professor within the period 1956-2014, representing true benchmarks in the matter and sources of inspiration for the Romanian criminal lawmaker during the period after December 1989 (we recall as example, *Error of criminal law, System of cases which eliminate guilt, Mediated author or improper participation, Error of fact, Reflections on the future criminal reform, Criminal reform at its first stage, Reflections on the organized crime, Typical character and anti-judicial attitude, Contributions to the study of essence, purpose and functions of punishment, Reflections on the structure of the criminality rule, New contributions to the investigation related to criminal causality, Unity of offence, Reflections on the plurality of offences, Criminal participation (Eroarea de drept penal, Sistemul cauzelor care înlătură vinovăția, Autor mediat sau participație improprie, Eroarea de fapt, Reflecții asupra viitoarei reforme penale, Reforma penală la primul pas, Reflecții asupra crimei organizate, Tipicitate și antijuridicitate, Contribuții la studiul esenței, scopului și funcțiilor pedepsei, Reflecții asupra structurii normei de incriminare, Contribuții noi la cercetarea cauzalității penale, Unitatea de infracțiune, Reflecții asupra pluralității de infracțiuni, Participația penală). Study of comparative law, Offence and punishment between appearance and reality, Criminal law and the European integration, the New Criminal Code and the previous Criminal Code, (Studiu de drept*

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<sup>2</sup> For more details, see Ilie Pascu, "The foundations have been laid for a new legal journal: The Journal of criminal law" ("S-au pus bazele unei noi reviste juridice: „Revista de drept penal”, in "Journal of criminal law" („Revista de drept penal”) no. 1 of 1994, p. 154-155.

<sup>3</sup> See George Antoniu, *Foreword (Cuvânt înainte)*, in "Journal of criminal law" („Revista de drept penal”) no. 1 of 1994, p. 9-12.

*comparat, Infrațiunea și pedeapsa între aparență și realitate, Dreptul penal și integrarea europeană, Noul Cod penal și Codul penal anterior*)), which gather more than 10,000 pages.

Of course, we should not omit those **29 treaties, commented codes, monographs, collections of judicial practice or of studies** achieved by the professor George Antoniu, within a period of more than 60 years of scientific activity, among which we mention the papers: *Commented and annotated Criminal code (three volumes)*, *Guidelines in the Plenary Meeting of the Supreme Court and the new criminal law*, *Theoretical explanations of the Code of criminal procedure (two volumes)*, *Offences provided in special laws*, *Criminal judicial practice (five volumes)*, *Attempt, Criminal guilt, Reform of the criminal law*, (*Codul penal comentat și adnotat (trei volume)*), *Îndrumările date de Plenul Tribunalului Suprem și noua legislație penală*, *Explicații teoretice ale Codului de procedură penală (două volume)*, *Infrațiuni prevăzute în legi speciale*, *Practica judiciară penală (cinci volume)*, *Tentativa, Vinovăția penală, Reforma legislației penale*), achieved by himself as single author or as co-author, being the coordinator of some of these, together with the late Costică Bulai.

The papers written by professor George Antoniu, full of ideas and arguments, are distinguished by the thoroughness of the author's thinking, his exegetical, but also critical study of the rules of positive criminal law, the style he used and various references he made to criminal law systems, the doctrine and case-law of other states, circumstances which determined the professor Costică Bulai to state, in relation to the monograph *Criminal guilt (Vinovăția penală)*, that it represented "the first complete research at the high scientific level of the institution of guilt" and that he found himself "in front of one of the greatest achievements of the Romanian legal science".

Among his numerous papers, those dedicated to the comment of the *offences provided in special laws* particularly draw the attention, a field which is investigated to a little extent in our criminal science, due to the large number of the criminality rules provided in these regulations and to their great mobility, as well as those five volumes dedicated to the *analysis of the criminal and procedural criminal judicial practice*.

Analysing the controversial solutions ruled by the courts according to the previous Criminal Code, the professor George Antoniu revealed both positive, constructive orientations, but also the deficiencies of many of these solutions which he commented in a nuanced way, with some approving or critical notes, as the case may be.

Unfortunately, death prevented the professor to bring to an end two of his fundamental papers which remained uncompleted: *Preliminary explanations of the new Criminal Code (Explicațiile preliminare ale noului Cod penal)* (a paper for which he was awarded Vintilă Dongoroz Prize by the Union of Romanian Legal Advisers in 2010), of which three volumes had appeared and another two volumes were going to appear and also a *Treaty of criminal law. General part*, to which, on our suggestion, the professor had been working for more than 10 years and which was going to appear in at least two volumes, based upon the studies published by him in the *Journal of criminal law*.

However, this time fortunately, considering the professor's will, at the commendable initiative of the director of "Acad. Andrei Rădulescu" Legal Research Institute of Romanian Academy, Professor Mircea Duțu, the paper will be soon completed, based upon the analysis model established by the professor, under the auspice of the Institute and enjoying the coordination of Professor Tudorel Toader, the dean of the Faculty of Law of Iași University, under the name *Theoretical explanations of the new Criminal Code (Explicații teoretice ale noului Cod penal)* (five volumes).

As regards the second fundamental paper which remained uncompleted, in order to fulfil one of the last wishes which Master shared us in the evening of 8 August 2014 (the last meeting we had with our professor in the presence of our assistant professor, Niculae Gament), with the approval of the members of his family, and with the support of the management of "Acad. Andrei Rădulescu" Legal Research Institute of Romanian Academy, of the management of the Romanian

Association of Criminal Sciences and of Universul Juridic Publishing House, the 1st volume of the Treaty of professor George Antoniu appeared in the spring of this year<sup>4</sup>.

As a sign of recognition of his scientific value, in the year 2001, Professor George Antoniu was appointed the president of the Drafting committee of the first Criminal Code, adopted by Law no. 301/2004<sup>5</sup>, and for this activity he was decorated by the President of Romania with the National Order The Star of Romania in the Rank of Knight (Decree no. 575/2004).

Although it has never come into force, many of the professor's ideas, turned into rules of criminal law under Law no. 301/2004, were appropriated by the Drafting committee of the second new Criminal Code of the year 2009 (see, to this end, the prior sentences and the explanatory memorandum of the new Criminal Code), recently entered into force.

Thus, the new criminal legislation *took over* from Law no. 301/2004, but especially from the preliminary draft drawn up by Professor George Antoniu<sup>6</sup> which served as the basis for working out the draft of the respective law, a series of elements in compliance with the current trends of the European criminal laws (the supplement of the principle of criminality legality and of the sanctions of criminal law with the rule of prior legal provision in relation to the concrete offence and with the punishment or the educational measure or safety measure which would be applied for committing the concrete offence, waiving the institution of the social danger, the distinct regulation of the supporting causes as opposed to those which eliminate guilt, the introduction of certain new supporting causes, the victim's consent etc.).

In relation to the new social and political conditions which have been in place in Romania, after 1989, the papers written by professor George Antoniu represented a firm reply and scientifically well established for a deep reform of the criminal and procedural criminal law, achieved by those two new codes entered into force as at 1 February 2014, where many of the suggestions *de lege ferenda* formulated by the professor, can be found.

That is why we assert, without the fear to be in the wrong, that by his work, Professor George Antoniu met the expectations of his predecessors Ion Tanoviceanu and Vintilă Dongoroz, whose theses he shares to a great extent, however, there were some theses from which he draw away or in relation to which he expressed some reservations, whom sometimes he left behind due to his valuable ideas exposed and to the reasoning used in order to substantiate his solutions *de lege ferenda* promoted, thus contributing decisively to the development of the criminal sciences in Romania and to a better drafting of the rules of criminal law so that they should be correctly applied in practice. Therefore, we consider that from now on, we can discuss about three major benchmarks in the science of the domestic criminal law: Tanoviceanu, Dongoroz and Antoniu. As regards the contribution which the latter brought to the development of the criminal law in our country, we will achieve a major study which will be published in the Journal of criminal law.

In parallel with the didactic, practical or publicist research activity, Professor George Antoniu, in his capacity as the President of the Romanian Association of Criminal Sciences and of the Romanian National Group related to the International Criminal Law Association, maintained *intense international relationships* with various doctrinaires or professionals from other states, participating in almost all the events of the International Association of Criminal Law of France, Spain, Italy, Germany, Turkey, Hungary and others, as well as to those of the International Society of Comparative Law.

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<sup>4</sup> George Antoniu, *Criminal Law Treaty (Tratat de drept penal)*, vol. I. *Introduction to criminal law. (Introducere în dreptul penal). Enforcement of criminal law (Aplicarea legii penale)*, Universul Juridic Publishing House, Bucharest, 2015.

<sup>5</sup> Published in the "Official Gazette of Romania", part I, no. 575 of 29 June 2004. Its entry into force was however postponed successively by: The Government Emergency Ordinance no. 58/2005, published in the "Official Gazette of Romania", part I, no. 552 of 28 June 2005; The Government Emergency Ordinance no. 50/2006, published in the "Official Gazette of Romania", part I, no. 566 of 30 June 2006 and the Government Emergency Ordinance no. 73/2008, published in the "Official Gazette of Romania", part I, no. 440 of 12 June 2008), until 1 September 2009. Pursuant to art. 446 paragraph (1) and (2) of the Law no. 286/2009, the Law no. 301/2004 was repealed without having ever entered into force.

<sup>6</sup> Published in "Journal of criminal law" („Revista de drept penal”) no. 3/2002, p. 127-156.

**Professor George Antoniu**, a remarkable theoretician and practitioner, actually dedicated his entire life to the criminal law science. His ability to analyse the legal issues was unanimously recognized, his oral arguments (he was also a lawyer in Bucharest Bar starting with the year 1994), his comments and professional consultancy were genuine mastery examples in the construction of the criminal law and which reflects a rich experience and high professional competence.

His colleagues and also all people who knew him in other various circumstances, admired both the **professional**, and the **man George Antoniu**, his calm, patience, modesty, moderation, force of justifying the defended theses, his extraordinary capacity of analysis and synthesis, his professional honesty, his generous heart and warm, friendly soul.

**President of the Romanian Association of Criminal Sciences**  
**Editor-in-chief of the Journal of criminal law**  
**Associate Professor** *CONSTANTIN DUVAC, PhD.*