

The Organic Regulations – Modernist Decisions with Major Impact upon the Romanian Principalities

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Abstract: Since 1848 great changes have occurred in Europe regarding the Church institution, its role and involvement in the social and political life. The Enlightenment ideas bring a new wind, a less religious one. The double-headed medieval government model fades away and finally disappears. The separation of powers in state becomes the directive. In such circumstances, the Romanian Principalities also witness a quite slow but firm process of removing the Church from the political decisional area. There occur new forms of dispute between the secular and the religious powers. The influences upon the ecclesial institutions have been diverse, both positive and negative. The Organic Regulations imposed in the Principalities shall help the Orthodox Church refine and mould certain organizational aspects and on the other hand they shall open the way to quite acute intrusions of the laity into the Church.

Keywords: the organic regulations; the union of Romanian Principalities; treaty of Adrianople; hierarch

At the beginning of the modern period, the Romanian Orthodox Church had already passed through successive changes during the previous century. Before 1848, the role of the Church in the political and social life was, if not important, somewhat close to its mission. It is also worth mentioning here the fact that the great revolutionary movements of Modern Romania had also been supported by the Church. The Revolution of 1821 originated from the movement of moral and national renaissance of the oppressed Greeks. The Greek Orthodox Church was at that moment in the first line of the revolt against the Muslim Ottoman rulers. Its echoes and consequences also had a decisive influence on the outburst of a revolt with similar claims in Wallachia. Before that period, during the entire Middle Ages, the State rule had often been divided between the State and the Church representatives. It was the case of a double-headed government. The great political

decisions of the Romanian Feudal States were usually made by consultation with the high hierarchs of the Church. The prestige of a Feudal State increased depending on the importance and the precedence of the greatest ecclesial institution of the country. (See here the case of Moldavia during the Musatin dynasty or Wallachia under the Bassarab dynasty). On the other hand, the intrusion of politics in the Church life was obvious. We could give tens, even hundreds of examples in this direction. Hierarchs invested as leaders of bishoprics by the firm desire of some rulers, and also the other way, rulers unseated or removed because of the interference of some influent churchmen. However, it should be noted that the general norm of the entire period was of good cooperation between the institution of the State and that of the Church.

The modernization perspective of the Romanian Principalities can be foreseen once with the enforcement and ratification of the Organic Regulation. We should refer to it as to a single law because, except for some small difference in the taxation and budget filed, it is a legislation jointly applied to the two countries.

The road was open by the Treaty of Adrianople. Signed on the 14th of September 1829, it ended the Russian-Turkish conflict which had seen its outburst during the previous year and it ratified inclusively a great part of the Convention of Ackerman on the 7th of October 1826. The Russian troops had entered our territory since the beginning of the conflict, in April 1828. The occupation lasted, including the missions of the three extraordinary and plenipotentiary governors, until April 1834. The official excuse had been the reception of war compensations from the Ottoman Gate. Meanwhile, when the Tsarist Russia annexed the Principalities de facto, the Organic Regulation was adopted.

“The revolutionaries of 1848 saw in this legislative act only an instrument of oppression and humiliation. Nevertheless, it was a factor of progress, a true Constitution, which set the basis for the institutions of modern Romania. The Regulation created the public services, it established their structure and competence, it initiated the organization of a body of permanent civil servants, it fixed the conditions of appointment, salary payment and retirement, it set up the national militia, it simplified and regularized the fiscal system, it appointed a Legislative Assembly, it introduced lifelong rulers and it regulated the relations between owners and bondmen. Summing up, the Organic Regulation gave to the Romanian Principalities institutions capable of favouring the development of capitalism and, by setting them up almost identically in both Principalities, it

prepared the shaping of the modern Romanian state, unified and centralized". (Oțetea, 1980, p. 229)

Certainly, all the functional institutions from the Principalities were influenced to a certain degree. We shall make reference here only to those which had an echo in the Church organization or opened the road to the involvement of various clergymen in the modern society of those times.

By the reform of the way in which the rulers were elected, as well as by the introduction of the principle of lifelong rule, it was assigned a bigger responsibility to those taking part to this act. The ruler was elected by the great boyars and by the clergy representatives. In addition, "the two superior Divans, an administrative one and a judicial one, comprised exclusively members of the high clergymen and of the great boyars". (Oțetea, 1980, p. 231)

Next to the cooptation to adopt the great decisions, the Church was also obliged to take part actively in helping the Orthodox people prosper. "The metropolitan churches and the episcopacies shall support from their revenues schools in the national language. Even the subordinated monasteries shall contribute." (Oțetea, 1980, p. 231)

We witness a decisive step with respect to the increase in the role of the ecclesial institution to the educational act. It is a paradox, as it came from the Russian sphere, and it put an end definitively to the major influence of the Slavic language in the Romanian culture and education and it opened the way to the future education mainly in the Romanian language and to total writing with Latin letters. Moreover, "it maintains the guardianship of schools, which have functioned since the 13th century under the presidency of the metropolitan, and it orders the setting up of primary schools in the capital of every county." (Oțetea, 1980, p. 238)

The right of foreign administration of the properties belonging to subordinated monasteries was also questioned, being justified by the spoliation of the generated revenues, which were in fact considerable amounts. Their activity was regulated by article 11 which imposed the creation of a *Direction*.

The Church, through its hierarchical representatives, took advantage of the aid that the new political realities had put to its disposal. In Wallachia, making use of the article in the Regulations which recommended the use of the national language in administration and education, metropolitan Veniamin Costache continued its work to create a modern pedagogical framework in the Romanian language. The

foundations had been laid by the establishment of a Romanian school next to the Greek one at Movromolu Monastery of Galati, and of the Romanian and the Greek ones at Focsani and Galati, by increasing the amounts given from the State budget for the support of schools (1800 lei), by the better organization of education and the acceptance of poorer students at the Greek Academy of Iasi (from 25 to 40) and the creation of the Trusteeship for public education under the presidency of the metropolitan bishop. In 1803 it had been set up at Socola Monastery a “school with Moldavian teachers, who should teach the sons of priests and deacons, who, at their time, should be the only one from among which the priests should be ordained, and all the income of that monastery should be allocated to pay the teachers and anything necessary for the school”. At Agapia, where the nuns of Socola had been moved, it was set up a “school in Greek and Hellenic” to teach the nuns. In the same place it was active a school for girls, the first of this kind in the Principalities. (Păcurariu, 1988, Vol 3, p. 11)

Actions continued more intensely during the following period though a thorough organization, from its foundations. In 1824, it was set up the “elementary school”, and in 1828, Gheorghe Asachi, together with his close collaborator, took the project a step further, by structuring education in three levels: elementary school (1 year), normal school (2 years) and gymnasium (4 years). Gymnasium was very important due to more perspectives. It was financed partially but consistently from the State budget, it included in the curriculum multiple specialties (Latin, religion, logics, rhetoric, history, geography, mathematics, natural sciences or economics), and especially it was intended to teach all the subjects in the Romanian language, thus giving priority to the national language in education before French and Greek which had been previously used. Moreover, “the Vasilian gymnasium”, as it shall be named later, would benefit in time from schoolbooks written by the former students that Vladica Veniamin had sent along time to studies abroad and whose unquestioned leader was Gheorghe Asachi.

On the 1st of February 1832, at Iasi, there were opened the courses for training the teachers who were to teach in the “county schools” beginning with the same year’s autumn. Those schools were set up one by one until 1842 in many Moldavian towns.

Year 1834 brought with itself the first “public school for town girls” and in November it was opened de facto the Mihailean Academy, essential foundation of

future University of Iasi (1860). For those who wanted practical training, it was created the “school of arts and crafts”.

All these were accomplished through the good cooperation of the Church with the State authorities, who funded together the whole educational system. The fact proves undoubtedly that where and when the two institutions had a joint interest and it was good understanding and will, all hardships could be overcome and there could be obtained results for the national benefit.

Metropolitan Veniamin Costache is a wonderful example of a hierarch who knew to combine magisterially the church rule and the social, cultural and political missions, bringing benefits at all levels. He was, at that time, a multilateral personality, being at the same time a hierarch, a politician (governor for two times in 1806-1807 and 1821, legal president of the People’s Assembly), a scholar (writer, translator and typographer), a philanthropist, a church builder and a high-class visionary teacher. (Păcurariu, 1988, Vol 3, pp. 8-23)

However, the Organic Regulations also acknowledge a tendency which shall perpetuate in time, that of the State’s intervention in many of the internal matters of the Church. The consequences are both positive and negative. As a synthesis, we remind that the church institution was integrated to social support and that it received an important role in the people’s prosperity in cooperation with the state institutions, sometimes – as in the case of education – with a preponderant role. It was set up for the first time the prototype of the ministry of cultures (home office or secretary of state’s office) and it was expressly stipulated that the metropolitan and Episcopal bishops should be native, they were legal members of the People’s Assemblies (rudimentary version of the future Parliament). The metropolitan bishop should be elected exclusively from among the local hierarchs, with the ruler’s approval, by an elective assembly comprising the People’s Assembly and the great boyars (not by a church synod), and the approval of the Patriarchate from Constantinople became only a formality. The deacons, priests and bishops would be appointed from then on only based on merits and training and were made only with the ruler’s approval, at the recommendation of the Church. The same happened with the appointment of monastery abbots.

There were created the consistories which should judge and solve the disciplinary and moral problems, where the final decision was still made by the ruler, and which from then on would also consist of laymen. The cases were usually approved

without any comments. The top-down hierarchical organization received institutionalized forms, following the model of laic administration.

The Church was entrusted with the great mission of involving the clergymen in the final law courts and handing the vital records to parishes, a new and useful situation in the Principalities.

The clergymen were exempt from most of the direct contributions to the state and from all the statute labour days, but they had to contribute, through episcopacies, to supporting the educational system, they received from boyars land for use and the widowed clergymen' wives were helped for a year and they were exempt from contributions.

The church fortunes entered under stricter state control, the leaseholds were bid through the People's Assembly and they were subject to the ruler's ratification. It was completely forbidden to contract credits on account of episcopacies or monasteries and year 1844 saw the first attempt to regulate the activity of monasteries subordinated to the Holy Places and to limit the tax avoidance phenomenon, unfortunately with modest results due to the opposition of Tsarist Russia used as an instrument by the Ecumenical Patriarchate. It was a timid attempt to partially secularize those fortunes.

Moreover, the Church had the legal duty to support the hospital at Saint Spiridon (Iasi) and the hospital at Neamt Monastery. (Păcurariu, 1988, Vol 3, pp. 25-29)

After metropolitan Veniamin left his position, ruler Mihail Sturza put entire state control over the administration of the church fortunes and their collection into a "central cash reserve" from where to discount all expenses. Unfortunately, that situation opened the way to new abuses and pressure from the state and its civil servants upon the Church and its hierarchs.

In Wallachia, the impact was weaker because the Church had been led by several hierarchs. Metropolitan Grigorie Dascalul, as the superior vestryman of schools, made all efforts to support the educational institutions, asked the subordinated bishop Chesarie of Buzau to set up, on the episcopacy's expense, two Romanian schools at Buzau and Focsani, closely supervised the activity of School at Saint Sava and militated in favour of opening rural seminars (fact adopted in the People's Assembly on the 2nd of November 1834).

Unfortunately, due to the conflict with the Russian governor - consul Pahlen - the metropolitan bishop was removed from his position on the 24th of January 1829 and exiled to Chisinau. He returned in the country, at Buzau, in February 1832, but he was restricted access to Bucharest on political grounds. General Kiseleff was afraid of the prestige that the high hierarch still had across the country and of the possible coagulation around him of a strong opposition. However, the high hierarch acknowledged the text of the Organic Regulations while he resided at Caldarusani Monastery, with some remarks concerning the Church, which general Kiseleff would include in the final text, probably as a sign that the situation started to improve. Among his most important achievements which resulted just as in Moldavia from the enforcement of Regulations, it is that he compiled two regulations, one concerning the organization and functioning of the unsubordinated monasteries – in order to bring them to a good material condition and to create a “reserve fund” for the good administration of funds, and the other one for setting up rural seminars. As a typographer, he supported – in memory of his youth-age occupation – the incorporation of one typography at Buzau and one at Caldarusani, where he printed four translations made during his exile and the Lives of Saints, in 12 volumes, respectively. (Păcurariu, 1988, Vol 3, pp. 41-46)

During the period when his follower, Nifon, was a metropolitan bishop, there were enforced several provisions of the Regulations. In 1840, the metropolitan domains were leased in a system similar to the one mentioned in Moldavia, and the money obtained was used for the needs of the patriarchal administration, to support the Seminar and metropolitan hospitals, for charity and to increase the reserve fund. Unfortunately, neither in Wallachia was succeeded the correct regulation of subordinated monasteries.

At educational level, he supported several valuable young men to study abroad, and when they returned he appointed them at the chairs of the seminars set up at his predecessor's will.

He was a weak and undirected politician, with frequent ambiguous reactions which in time derogated from his prestige and authority. As a result of his two-faced attitude during the Revolution of 1848, he requested the Ecumenical Patriarchate to be withdrawn from his position. Until the answer came, he resigned before ruler Barbu Stirbei on the 27th of July 1849.

“By destroying the old administrative, judicial and fiscal mechanism of the Romanian Principalities, the Organic Regulation hit in multiple interests and in

deeply rooted habits. Its provisions would have never been enforced if it were to depend on the will of those interested.” (Oțetea, 1980, p. 239)

In Wallachia and Moldavia, the revolutionary programs also had among their stipulations some ecclesiastic claims, thus being asked the “emancipation of the subordinated monasteries”. (Saeculare Valachorum, 1979, p. 247) It was a new step regarding the regulation of the administrative and economic situation of those domains which had arrived to control vast land surfaces and whose revenues did not contribute in any way to the financial-fiscal efforts of the Principalities. The issue shall be cleared during the rule of Alexandru Ioan Cuza. Unfortunately, the equivoque attitude of some hierarchs such as metropolitan Nifon had compromised the possibilities of the Church to take more advantage in its own interest from the revolutionary movements of 1848.

The ideals of 1848 still remained active after the repression of revolution and continued to uplift the consciousness of many Romanian patriots. Many of them, exiled or residents of the Principalities, as well as others, kept on developing by various channels at least some of the principles which had inspired the progressive-visionary spirits of the epoch. Outstanding personalities, such as Nicolae Balcescu, Vasile Alecsandri, Costache Negri or Alexandru Ioan Cuza collaborated during the years to come in order to fulfill an old ideal of the Romanian people – the union of Principalities. The Orthodox Church did not remain passive in front of such a challenge. By means of hierarchs or priests driven by deep and true patriotism, the ecclesial institution joined the efforts to accomplish that desideratum. Among those directly involved was also the archimandrite and future archbishop Melchisedec Stefanescu. On a public occasion, at the dedication day of the Episcopacy in year 1856, he declared: “everyone who opposes the union of the Romanian Principalities opposes God’s will, progress; he is both people’s enemy and God’s enemy, being dominated by an empty ambition”. (Vasile, 2010, p. 107)

The union was justified in the said sermon by arguments of logical, biblical, evangelic, theological, social, political, universal and national historical nature. Despite the opposition even inside the Church (archbishop Meletie complained at the Metropolitan Church for his instigating political activity and he even requested his suspension and punishment according to the church laws), he continued his activity, being one of the most active supporters of calling the representative assemblies and getting involved as a member of the Moldavian unionist committee. One year later, with the support and approval of the metropolitan church, he shall

make public, reading in public and printing under the form of a leaflet, the article of Neofit Scriban „Union or non-union of Principalities”.

Metropolitan Sofronie Miculescu was also one of those who suffered because of his attitude in favour of the union. His activity in this respect was synthesized by his contemporary, Victor Place:”the metropolitan listened to the importance of his duty and holiness of his mission. He felt that if it had been possible that the boyars, corporations, peasants be crushed, it was the duty of the Church leader to raise the voice, because its high dignity itself was not respected. He felt that when a government, in its insanity, dares to play with such courage with the will of the great Powers, it rested with him – as the president of the Divan and the one responsible in that quality for the authenticity and freedom of the decisions to be prepared – not to allow it to happen without any protest ... Therefore he took the word ... with a force, measure and lucidity worthy of a Church leader. In his voice there was the cry of the entire people, oppressed and abused despite the guarantees that Europe had given it, and that cry was even more touching as it was given by an old hierarch revitalized by the danger faced by his people.” (Vornicescu, Craiova, 1988)

In 1857, governor Vogoride denounced the metropolitan at the Ecumenical Patriarchate of Constantinople. This is the answer he gave to the accusations, despite the risk of being relieved of his position: “according to the country laws, in case I have really made a mistake, the law court to judge my case is the one in here, in Moldavia, not the one in Constantinople, and the one who wrongs against me secretly will have to be present and show the accusation personally at the law court in my country.” (Vornicescu, 1988, p. 199)

Around the Union moment, archimandrite Melchisedec gave in the same cathedral another speech in favour of union, on 18/30 December 1858, stating: “we are now very close to the Sinai where the future of the country shall climb, meaning that we are very close to forming the national assembly to whom we entrust our lives and the ones of our descendants. (...) Let the descendants of Stephen the Great know how to be great, let you, brothers, who are great defenders defend us and who are great deputies know what to do for their great country.” (Vasile, 2010, p. 115)

His opponents tried to remove him from the preliminary lists for the election of the future representatives in the elective assembly. The protest of the 18 priests from Iasi, addressed to the metropolitan church, proves the approval enjoyed by the archimandrite and his ideas. The metropolitan support did not let itself expected

either. Through the voice of Sofronie Miclescu, they protested against the illegalities and pressure exercised by the anti-union party: “We received numerous complaints from the clergymen concerning the elections made in conditions which are far from observing the respect owed to the will of the Great Powers signatories of the Treaty of Paris, whose rights are acknowledged to all the classes of the Moldavian population. Without having any means of making them justice and still considering that it should be taken into account very seriously, I believe that it is my duty to take part in defending the rights of a respectable body whose desires for the Country’s happiness have not been allowed to manifest themselves freely. I hope that the intervention of the high Commission shall not delay in adopting a sovereign remedy for the harm that has brought sufferance to Moldavia.” (Vornicescu, 1988, p. 200) The concentrated actions in which the metropolitan bishop was also involved led finally to firm and strict measures coming from France, Prussia, Sardinia and Russia who decided on the 23rd of July 1857 to break the diplomatic relations with the Ottoman Gate as a sign of protest for the refusal to invalidate the fake previous elections. On the 12th of August 1857, it was ordered the organization of new elections for the Ad-hoc assemblies, which were held on the 29th of August 1857 and which resulted in the nomination of the main activists in favour of union. Melchisedec Stefanescu was also among them. Metropolitan Sofronie was invited, according to the custom, to preside the sessions of the Assembly.

From the position where he was propelled, archimandrite Melchisedec defended the rights and interests of the Church, suggesting the strengthening of the social role of priests, the adequate support for the training of future attendants, the improvement in the material conditions of priests, the exemption of contributions, adequate salaries and the establishment of a canonic law court for the disciplinary offences of clergymen. All these were submitted to the Ad-hoc Divan, in the session of the 30th of September 1857. (Vasile, 2010, p. 117) He lived intensely the appointment of Alexandru Ioan Cuza as ruler in both Principalities.

The elections of the Ad-hoc Assembly of the 7th of October 1857 were approved, through the voice of the metropolitan president: “The union is proclaimed and voted by means of standing and sitting up, followed by the nominal vote” (Vornicescu, 1988, p. 201). He was also president of the session of the 5th of January 1859, which resulted in the election of ruler Alexandru Ioan Cuza in Moldavia.

A very important fact is that, in the session of the 4th of November 1857, among the first issues discussed and approved was the acknowledgement of the independence of the Romanian Orthodox Church from the Ecumenical Patriarchate of Constantinople and the establishment of a central synod-like authority of the Church. During the following years, the necessary steps were made and the decision of 1857 materialized in 1885, under the administration of metropolitan Calinic Miclescu, the first leader of the independent Romanian Orthodox Church.

The Union was accomplished in Wallachia also by the direct participation of the Church, represented in the Ad-hoc Assembly by metropolitan Nifon who, at the moment of the solemn proclamation of the double election, said the following: “Dear Lord, God of our Parents, look into our hearts and give strength to your sons! Unite them in one thought and one soul and make that all their hearts have the same beat for their country! Prince Cuza is Your anointed among us and we all swear to support him!” (Zăvoianu, 2009, p. 34)

On the 8th of February 1859, the newly elected ruler said in front of the sanctuary of the Metropolitan Cathedral of Bucharest: “I swear in the name of the Holy Trinity and in front of the country to defend the rights and interests of the United Principalities, that during my rule I shall look after the observance of laws for all and in all matters, and that I shall have in mind only the commonwealth and happiness of the Romanian nation. So help me God and my fellows!” (Zăvoianu, 2009, p. 96) The metropolitan’s answer matched the grandeur of the event: “Your Highness, as the one called by the Romanian people and sent by the Providence, give it your right hand, lift it up and lead it to the fields full of unfaded flowers; because only there it can regain the crown of glory and virtue that our ancestors had once worn; and, your Highness, may you long live so that you leave behind many pages of facts in the history of our sweet Country.” (Zăvoianu, 2009, p. 97)

Unfortunately, during the following years the former allies will often arrive to divergent positions. The tendencies of state interference into the domestic matters of the Church shall amplify even more after the union of Principalities. Ruler Alexandru Ioan Cuza, through the legislation promoted, on the one hand seeks to organize the system of internal organization of the Romanian Orthodox Church and to modernize it, but on the other hand he succeeds in limiting somewhat the almost dictatorial influence that some hierarchs had and implicitly the influence of the Church as an institution. There should be mentioned here several laws that the ruler promoted. As we said, they modified the internal organization of the Church but

they shall smooth the way to obtaining the independence of the Romanian Orthodox Church and its emancipation from the authoritarian control of the Ecumenical Patriarchate of Constantinople.

We could state that, during the rule of Cuza and during the following years, the Church lost and won at various levels. However, it could be noticed an obvious increased separation between the Church and the state. The Church shall not have the same role in the political life in the United Principalities. This could be considered as a double loss:

- firstly because it did not exist anymore influence at the level of the major state decisions.
- secondly because the institutional act did not comprise anymore that moral-Christian and philanthropic nature which characterized the legislation of Byzantine origin. Laws shall not be based anymore on the canonic and disciplinary Christian law. The models shall be different, fact found in the very tough pragmatism of some of the legal provisions following that moment.

Thus, the forces of the various political parties or boyars regrouped. It is not less true that the Church, from a local, national point of view, gained through the statute received that of independent Church. From a material-patrimonial point of view, we could state that the church was practically robbed of most of its assets, fact which shall contribute negatively to the fulfillment of its mission, both at liturgical and administrative, social, cultural and philanthropic level, as the material resources, and enough until that moment, were drastically reduced. The loss shall be even more dramatic through its repercussions at the level of perception in society

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