

TEO, ISSN 2247-4382
78 (1), pp. 118-132, 2019

The Legal Status of the Church during the Union of Romanian Principalities

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Abstract

As an institution or organisation autonomous from the State, the Church has always drafted and adopted its own laws through its own bodies. It organises and manages itself according to these laws, without State interference. Having its own autonomous management, the Church has acquired the freedom to widely and without hinder use its canons, so that its Founding Statute states that the main foundation of the hierarchical synod leadership is represented by the Synods of the Ecumenical Church. The Church and the State may have a relationship based on cooperation, as they both aim at ensuring what is best for the citizen and believer respectively. The State is very well aware of its mission, namely to provide its people with a life based on the principle of good and justice, and to give society material and spiritual welfare. In the Romanian Principalities, the relationships between State and Church have always been characterised by positivity and mutual assistance. The State was organised by the Princes together with the country's clerics and the Church was organised by the clerics together with the Prince and the nobility.

Keywords:

Romanian Orthodox Church, State, unity, union, regulations, laws, confiscation

I. Introduction

From the very first centuries of its existence, the Church has been applying religious and moral standards, laws and customs specific by nature and norms with a legal value found in the social and political environment in which the Church itself was set up and developed¹. Church legal custom was another important lever in the organization of the Primary Church. The canonical nature of Church order, that is of a way of organization and management was based, in the Primary Church, on religious and moral texts, as positive laws, and on customs confirmed through longstanding practice², which have given it the power of written law, and on specific habits and norms emerging in the IInd and IIIrd centuries.

Customary law was the norm that gave a canonical nature to all organization principles existing in the primary Church. "Church laws and customs of a universal nature, drafted during the pre-Nicean period were assumed, adjusted and then translated by each local church into the national language"³. The basic elements for the organization of all Christian communities, local Churches, were thus the religious, moral, canonical and legal norms of the Universal Church and the canonical tradition of the respective church, to which "the written and unwritten customs and the legal norms imposed by the social and historical framework in which the respective Church was formed" was added⁴. Thus, the law appears as a code of conduct for the public life and the canons as a code of conduct for the personal, ecclesiastic and moral life.

In statutory law, customs have their own role, whereas in Church law, they depend on tradition or at least preference is given to tradition, and they are presented as a way of expressing truth kept through tradition⁵. Thus,

¹ Diac. Asist. Ioan N. FLOCA, "Originile dreptului scris în Biserica Ortodoxă Română (Origins of Written Law in the Romanian Orthodox Church)", in: *Mitropolia Ardealului*, XIV (1969) 1-3, p. 46.

² Prof. dr. Iorgu D. IVAN, "Preocupări și studii de drept canonic (Matters and Studies of Canon Law)", in: *Studii Teologice*, XX (1968) 5-6, p. 416.

³ Diac. Asist. Ioan N. FLOCA, *Originile dreptului scris...*, p. 42.

⁴ Pr. Asist. Nicolae V. DURĂ, "Biserica creștină în primele patru secole. Organizarea și bazele canonice The Christian Church in the First Four Centuries. Organisations and Canonical Bases", in: *Ortodoxia*, XXXIV (1982) 3, p. 457.

⁵ Diac. Dr. Petre Gh. COMAN, "Problema obiceiului de drept în sfintele canoane (The Matter of Legal Customs in the Holy Canons)", in: *Studii Teologice*, XXI (1969) 5-6, p. 401.

customs are also the source of the secular, statutory law and of canon, church law. Nevertheless, if customs don't rely on truth, if they are not supported by the teachings and the canonical tradition of the Church, even if they have existed for a long time, they have no value for the Church, and all the more so, no legal value. Acts carried out in accordance with custom must be repeated time and time again before they become a rule observed by all. The Church has always found inspiration in the law of the State, in the civil laws that it has taken in its possession, and then it adopted the legal system of the State, and afterwards created its own legal system, based on Ecclesiastical Legal Codes or Nomocanons. The Church took over from the laws of the State or Empire (*nomi*), only those laws that were not in contradiction with the commandments and prescriptions of the Gospel, it created its own ecclesiastical laws (canons), and because of the tight connection between the State and the Church (the model of the Byzantine *symphonia*), the collections of laws, Nomocans or Codes were born, according to which the State and the Church were governed for many centuries.

II. The Relationship between the State and the Orthodox Church

In general, the relationship between the Church and the State is essentially the main reason for the presence of Christianity in history. The basic difference that has been made between what is heavenly and what is earthly in terms of political matter, a difference achieved through the Trinitarian person, Jesus Christ, man and God, will lead to the attitude of the Christian who, at first sight, seems detached and also prays for those forms of non-Christian rule. Our holy Church did not shape its teachings of faith according to the times, not did it form a norm about the institution called State or about the relations it has with it. The teachings of Christian faith obviously result from its work, its positioning in, and contribution to history and time. There is no teaching about the State or the relationship between the Church and the State, neither in the Holy Scripture, nor in the Holy Tradition, or in the Holy Canons of the Church.

With respect to the State, the Holy Scripture speaks of the power of dominion that it has in general, and of the attitude that the believers and the Holy Church must have and adopt towards this institution.

However, the Church had a rather clear attitude towards the State over time, which was mainly reflected in its public form of worship, and in special prayers for political leaders and State rulers. The cooperation between the State and the Church benefits the Church, citizens and, above all, society as a whole.

The Christian Church has never had a fixed concept on the State to offer and instil in its believers. The Church teaches that the State is an institution of divine origin, guided by a well-defined political system. All this stems from the teaching of Our Savior that the Church follows closely: "Render to Caesar the things that are Caesar's; and to God the things that are God's" (Matthew 22, 21). The Apostle Paul chooses to follow the counsel of God, even if it is not a commandment. He decides to act in this manner because he thinks that those who follow Christ will live their lives on this earth in State-governed societies, societies through which God will be able to carry out His plan in history. Thus, Saint Paul regards the State as an instrument of divinity that is necessary for public order to be maintained and for the principles of law that spring from God's righteousness to be applied. Statutory functions of the State must not be assumed by the Church, but the latter may require the State to use its power in certain cases.

The State cannot and must not interfere with the life of the Church, in the practice of priesthood, in the transmission of faith, and especially in liturgical life. The Church's expectations of the State are for it to respect canonical norms and laws and its internal statutes. Therefore, the conditions for the good functioning of the Church-State relationship are "the correlation of the Church's participation in the efforts of the State, in accordance with the nature and calling of the Church, the absence of State overbearance in the work of the Church, and the non-involvement of the Church in certain spheres of activity of the State, where it may not act for canonical reasons or of another nature"⁶.

The Byzantine Symphonia is the defining model for the Orthodox countries. According to Orthodoxy, the Church has an obligation to embrace the whole world, "it is the intimate being, its measure, a source of grace, but not of power. It is bestowed on kings and governors. It is through this vision that we must try to understand why the Orthodox sought to influence

⁶ Prof. Ioan I. Ică, Jr., Germano MARANI, *Gândirea socială a Bisericii (The Social Thinking of the Church)*, Editura Deisis, Sibiu, 2002, p. 200.

the Emperor, without opportunism or ambition being a reason in itself. But the drama of the East was that the project proved impossible, and the attempts to put it into practice had quite often unfortunate consequences”⁷.

The interaction of the church and the state has been a topic of discussion for centuries but it assumes new dimensions in the multicultural and multiethnic societies in which we live today. To what extent do church doctrine and religious belief continue to influence our ethical judgments, political decision making, laws and the implementation of policy, and to what extent is such influence both consistent with and desirable for a secular society?⁸

III. The Relationship between Church and State during the Union of the Romanian Principalities (1859)

The Revolution of 1848 left a deep mark in Romanian history, as would later the Union of the Romanian Principalities, Moldavia and Wallachia in a unitary State that would bear the name of Romania, and which will represent the moment when the foundation is laid for the Romanian nation State.

The union of Moldavia and Wallachia is a fulfilled dream of the Romanian people that had endured for centuries, a people who wanted to take their fate into their own hands and become a free and independent State.

It can be said that the accomplishment of the union can be credited to certain representatives of the Orthodox Church, from Moldavia and Wallachia.

An important stage without which Romania could not have evolved as a unitary and independent State was, as I have said, the Union of the Romanian Principalities which was carried out under the rule of Prince Alexandru Ioan Cuza. The Paris Convention imposed certain conditions for this union to take place, so that in the first years it was only accomplished

⁷ Florea ȘTEFAN, “Pluralismul în relație Stat-Biserică în Uniunea Europeană (Pluralism in State-Church Relationship in the European Union)”, in: *Almanah bisericesc*, Editura Arhiepiscopiei Târgoviștei, Târgoviște, 2007, p. 165.

⁸ L. SKENE, M. PARKER, “The role of the church in developing the law”, in: *Journal of Medical Ethics*, Volume 28, Issue 4, p. 215.

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through the existence of a single ruler. Alexandru Ioan Cuza was a very skilled politician, so it was easy enough for him to obtain diplomatic recognition from Europe after being elected Prince ruler in both provinces. As for the life of the Church after Alexandru Ioan Cuza's dual election, it is worth mentioning that there have been a series of reforms that have led to great changes, but which were required by those times.

Relations between State and Church in the Romanian Principalities have always been characterized by positivism and mutual help. It is understandable why these relationships could not be otherwise, because the Romanian people are a Christian people from birth. We will never be able to separate the formation of the Romanian people from Orthodoxy, nor its existence and development. The orthodox faith and its Latin origins are two pillars that ground our national existence and make the Romanian people unique among the other peoples of the world.

The State and the Church have cooperated from the earliest of times, and the most important social centers and universities developed under the Church. It is known that most rulers and voivodes of Romania have been close to the Church trying to help and support Orthodoxy overcome its problems over time. As a testimony we have the multitude of churches built under those rulers, as well as the great donations they made to churches and monasteries.

The Organic Regulations are laws that mark an important stage both in the development of the organization of the State and that of the Church. They illustrate very well the way in which the State and the Church were organised in our country in the past, as well as the general characteristics of our evolution through history.

In the past, the State and the Church were organized in parallel, in close dependence. The State was organized by the Lord together with the hierarchs of the country, and the Church was organized by hierarchs together with the Lord and the boyars, in the synods or even in the Divan (high governmental body). So the clergy was represented in State affairs and the State was involved in church matters. The State's involvement in religious affairs was inherited from Byzantine times, and it was present in all Orthodox Churches tributary to Byzantium. According to this legacy, the "State regulated on behalf of the Church, took measures related to its organization and took care of both the material and spiritual matters of the

Church. The boundaries of this interference were not fixed by any law, and often it was only limited by the respect for the Church and the clergy”⁹.

The organization of our Church and State has developed not only under the influence of the Byzantine tradition but often under other external influences. “Caught in the struggle of the great Empires of centuries past, we have often been included in international treaties, which more than once provided for our internal organization”¹⁰.

The Organic Regulations appeared under these conditions of our historical development. They are laws that regulate both the organization of the State and that of the Church, they are adopted following international conventions and contain a set of organizational principles borrowed from those countries more advanced than us.

The Organic Regulations were of great importance for the development of the State and Church, which is apparent from the fact that the organizational principles introduced by them stood the test of time. They did not only reflect the existing organization and conditions, but also introduced new organizational principles. They bring order and stability to the chaos, abuses, disorder and uncertainty that had been brought during the Phanariot era. Through the Regulations, the first step was taken towards the modern organization of the State with its entire complex of functions.

The Regulations also bring about a change in the organization of the church and the relations between the State and the Church, they mark the beginning of a new era. The State, now on a legal basis, is beginning to legislate more and more on behalf of the Church, a practice culminating under Alexandru Ioan Cuza.

Another area covered by the Organic Regulations is the financial situation of the clergy and their maintenance. The Wallachian regulation provides that priests and deacons shall be exempt from taxes, with the exception of those released from duty¹¹. Through the Organic Regulations,

⁹ Sever BUZAN, “Regulamentele Organice și însemnătatea lor pentru dezvoltarea organizației Bisericii Ortodoxe Române Organic (Regulations and their Importance for the Development of the Organization of the Romanian Orthodox Church)”, in: *Studii Teologice*, VIII (1956), 5-6, p. 374.

¹⁰ Andrei RĂDULESCU, *Centenarul Regulamentului Organic al Țării Românești (Centenary of the Organic Regulation of Wallachi)*, Tipografia F. Göbl, București, 1931, p. 5.

¹¹ Nicolae IORGA, *Istoria Bisericii Românești și a vieții religioase a românilor (The History of the Romanian Church and the Religious Life of the Romanians)*, vol. II, Tipografia „Neamul Românesc”, București, 1932, p. 77.

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the Wallachian priests were totally exempted, while Moldovans only partially.

As for the actual financial maintenance of the clergy, the Regulations contain new and significant provisions. On the one hand, the priests were allowed to keep the donations received for their services (the so-called epitrachelion-related income) , and on the other hand, by law, they were entitled to a plot of arable and grazing land, as well as a plot for a home and garden. The members of the clergy did not have to pay any tax to the owner of the land¹².

In principle, it was understood that priests had to deliver the sermons without expecting payment from the people, and they would be content with whatever parishioners had to offer. However, the Regulations also stated that taxes for christenings, weddings and funerals would be set by a regulation drafted by the church authorities along with the political ones. The salaries of the protopopes and the administrators would also be fixed by such a regulation.

The provisions of the Organic Regulations in relation to the material subsistence of the clergy bring forth a new stage in the organization of our Church, by granting land to the clergy and fixing incomes. In 1864, the pay of the secular priests¹³ was charged to the communes, and in 1893, salaries were set according to education, the payment of salaries being done by the tax collectors in villages and the city halls in towns and cities.¹⁴ The epitrachelion-related taxes were decided later and remained uncertain, whereas the salaries of the protopopes were specified in Moldova only in 1844.

The most important moments in the life of Alexandru Ioan Cuza are well known. On January 5/17, 1859, he was elected Prince of Moldova, and on January 24/February 6, 1859, Prince of Wallachia; on 11/23 February 1866 he was deposed; between 1866 and 1873 he lived in the West, dying on May 3/15, 1873, in Heidelberg, Germany, from where he was brought and buried on his estate in Ruginoasa village (now in Iași county). Today his earthly remains rest in the Three Hierarchs Church in the city of Iași, after they were brought from Curtea de Argeș, where they had been taken during the last World War, when for a while the front line passed through

¹² Nicolae IORGA, *Istoria Bisericii Românești...*, p. 79.

¹³ Married priests (TN)

¹⁴ Sever BUZAN, *Regulamentele Organice...*, p. 373.

Ruginoasa¹⁵. Cuza's reign was short, of only seven years, but it was one of the most fruitful of our history.

The Union Prince, unlike others, also had also an ecclesiastical policy of excellence, seeking to bring some renewal also in this area. Before presenting these novelties, it is worth pointing out the situation of the Romanian Church under the two Principalities in 1859, that is when Alexandru Ioan Cuza began to reign.

This important date in the history of our homeland found in each Romanian principality a stand-alone Church with its own organization and hierarchy. In Wallachia, besides the Metropolitan Church of Ungro-Wallachia, headquartered in Bucharest, there were the bishoprics of Râmnic, Buzău and Argeș, and in Moldova, apart from the Metropolitan Church of Iași, there were the bishoprics of Roman and Huși. Towards the end of 1864, somewhat alongside the historical and church tradition, a new diocese was established through princely order, that of the "Lower Danube".

The proposal for its establishment was first made on 29 October 1864, when Nicolae Krețulescu, Minister of Justice, Religious Affairs and Public Instruction, submitted it to the Council of Ministers. On November 3, 1864, in a meeting chaired by Alexandru Ioan Cuza, the Council of Ministers adopted the proposal and, following publication in the National Gazette no 6/1864, the new episcopate was founded. After Minister N. Krețulescu submitted a new report to the Prince, on November 17, 1864, the latter issued the Princely Ordinance no. 1617/1864, approving the establishment of a new Orthodox Diocese in Romania under the name of the Lower Danube Episcopate and at the same appointed Melchisedec Ștefănescu as "bishop Lieutenant"¹⁶ who took office on January 6, 1865.

Metropolitan Nifon (1850-1875) was the head of the Metropolitan Church of Hungaro-Wallachia, and Metropolitan Sofronie Miculescu (1851-1860), was the head of the Metropolitan Church in Iași.

On the occasion of the movements that took place among the hierarchs of the country, the first measure was taken against the practice and tradition of the Church, according to some, during the reign of Cuza. Through the

¹⁵ Vasile POP, *Cuza-Vodă (Cuza-Voivode)*, Editura Antet XX, București, 2005, p. 94.

¹⁶ Constantin C. DICULESCU, *Episcopul Melchisedec, studiu asupra vieții și activității lui (Bishop Melchisedec, a Study on His Life and Activity)*, Tipografia Cărilor Bisericești, București, 1908, p. 3.

Decree of June 1859, against the will of Metropolitan Nifon, archimandrite Dionysius Romano was appointed bishop in Buzău, replacing Philoteus who suffered from a severe illness. The Churches of the two Principalities were autonomous. In terms of dogma and discipline, however, they recognized the canonical authority and jurisdiction of the Patriarch of Constantinople. Inside the countries, the bishops depended on the Metropolitan bishop as the highest local ecclesiastical leader who, in turn, exerted canonical supremacy over his respective diocesans. Each diocese was administered independently and its dicastery (church consistory) also heard trials in matrimonial matters (divorces).

Priests could be found in high numbers in villages, as for some bishops, ordinations had no limit. Their maintenance was mainly at the hands of the landowners, and their training was done either in catechetical schools or in seminaries set up by some dioceses. Some churches still delivered sermon in Greek.

Many of the monasteries were subordinated to the Holy Places and their income drained to where they were dedicated. The acceptance of new people in the monasteries was not governed by any special law¹⁷.

Besides, the Church did not have a central governing body, it was not autocephalous by law, and some gaps could be noted in its organization. All these encouraged an intervention from Alexandru Ioan Cuza's reforming spirit in this area as well, in the attempt to bring some renewal. Through this, according to his own confession, he did not want to do anything but good to the ancestral Church; which seems to be true, because many of the measures also had positive parts¹⁸.

Some of Cuza's attempts at renewal were made through direct, special provisions; others, through some measures aimed at drawing the attention of Church leaders to the situation of the Church and preparing the field for laws to follow; and others have been inserted into some of the decrees he adopted for the young Romanian nation State.

Thus, among the laws drafted by the Prince Cuza to regulate a new State life that was in line with the evolution of the political vision of that time, there are also some ecclesiastical laws. Dictated by both the internal and the external political situation, they have proved, beyond the

¹⁷ Augustin FAUR, "Monahismul românesc și reorganizarea lui (Romanian Monasticism and Reorganization)", in: *Studii Teologice*, II (1950) 3-6, p. 297.

¹⁸ Vasile POP, *Cuza-Vodă*, p. 47.

misinterpretation given at that moment, to be absolutely necessary in a period of transition, organization and consolidation of modern Romania. Some of them were in close connection to solving some pressing State problems: the confiscation of monastic estates, the Synod Law and the law on the appointment of Metropolitans and Bishops, and others, which, even though they caused quite a commotion in the ecclesiastical life of the time, proved to be absolutely necessary at that political moment, when State leaders were pursuing the political and religious independence of the country.

During the very year he was elected, Alexandru Ioan Cuza and his government in Moldova, on the grounds of poor administration, ordered the confiscation of assets of some Moldovan monasteries. A committee was set up for the discovery of such irregularities and, in the summer of 1859, they controlled the cenobitic monasteries of Agapia, Adam, Neamț, Secu, Văratec and Vorona, targeted by the respective order, and carried out an inventory of their property. The findings were unfavorable to their management. For this reason some of the assets were seized, together with the deeds and things related to church administration, their workshops were dismantled, some of their property was sold, an administrative committee was set up next to the hegumen, and their property was transferred under the administration of the Ministry of Religious Affairs, or of other monasteries¹⁹.

As expected, in September 1859, the Metropolitan of Moldova, Sofronie Miclescu, wrote to the Prince protesting energetically against the arbitrary act of the government, which, by seizing monasteries' assets, was damaging the Church's rights. However, the letter was returned to him by the Ministry of Religious Affairs, who also warned him that if he did not limit himself, the head of the State would treat him as a common monk. In spite of this attitude, the Metropolitan did not give up. In March 1860 he addressed his protest to the National Assembly, showing all the violations, which, in his opinion, had so far been committed the government against the Church²⁰. But this encounter did not bring about the result desired by its initiator.

¹⁹ Veniamin MICLE, "Despre monahismul ortodox român (On Romanian Orthodox Monasticism)", in: *Glasul Bisericii*, XXXVII (1978) 3-4, p. 300.

²⁰ Nicolae DOBRESCU, *Studii de Istoria Bisericii Române contemporane, (1850-1895) (Studies of the History of the Contemporary Romanian Church)*, Tipografia „Bukarest Tagblatt”, București, 1905, p. 99.

Moreover, on August 16, 1860, the Doljești and Zagavie Monasteries, as well as 31 other Moldovan hermitages, were dissolved by royal ordinance. Two months later, on October 19, 1860, Alexandru Ioan Cuza promulgated the law on the transfer fee on the properties of the places of worship, which inter alia provided for the government to charge a 10% per annum tax on the net income from “immovable properties... of the Metropolitan churches, episcopates, the dedicated and independent monasteries and their means, cenobitic monasteries and churches under different guardianships... of seminaries, as well as of any other charity institutions”²¹. It seems that at the outset this measure was applied only in Moldova. By the Law of 31 March 1862, its effects were extended to the immovable properties on both sides of the United Principalities.

In this context, an important religious problem, which was of high concern to both Cuza and the government and public opinion, was that of the monasteries ‘dedicated’ or subordinated to the Holy Places. This issue was finally settled in 1863, when the confiscation of monastic property was undertaken. This major achievement of Cuza’s reign with significant consequences for the country was only the natural and necessary conclusion of a process that had begun decades before, which had intensified in his time, and especially in the year of 1863.

The law on monastic estates confiscation, so enthusiastically voted, was decreed and promulgated on December 15/27 and December 17/29, 1863, and in its first article it unequivocally stipulated that “All monastic assets of Romania are and remain the property of the State”²². By its effect, 26%, or more than a quarter of the entire surface of the country, came into State possession. Its effects were felt, especially in 1864, when Alexandru Ioan Cuza and his government granted peasants right of ownership over land. The monastic properties the State had seized on December 13/25, 1863, were instrumental in the accomplishment of this act of major importance of Cuza’s reign²³.

²¹ Constantin URECHE, “Despre administrarea averilor Bisericii creștine (About the Administration of Christian Church Assets)”, in: *Biserica Ortodoxă Română*, XLII (1924)10, p. 605.

²² Nicolae ȘERBĂNESCU, “Biserica Ortodoxă Română în timpul domniei lui Alexandru Ioan Cuza (1859-1866) (The Romanian Orthodox Church During the Reign of Alexandru Ioan Cuza)”, in: *Glasul Bisericii*, XL (1981) 1-2, p. 159.

²³ Constantin C. GIURESCU, “Suprafața moșiilor mănăstirești secularizate la 1863 (The Surface of the Seized Monastic Estates in 1863)”, in: *Studii*, revista de istorie, XII (1959) 2, p. 155.

Through them, even indirectly, the ancestral Church also participated in one of the great deeds in Romania's modern history.

Approved almost unanimously by the nation, the act of confiscation also had to be recognized by the Guarantor Powers. From the beginning, Cuza stood his ground when faced with protests from some of them, defending the ordinance as an act of wisdom and of high necessity, a public order measure. The talks between the Guarantor Powers, where we had strong support from France, took a long time, but, in the end, they acknowledged the act of property seizure in principle, and their representatives, assembled at a conference in Constantinople, advised Greek hierarchs and monks to accept the compensation offered to them by the Romanian State. This indemnity in 1864 was as high as 150 million piasters, 6 million of which had been deposited in advance at an Ottoman bank in Constantinople²⁴.

The Greek hierarchs and monks, however, considering the indemnity offered as an insult to their Church, denied it, and so the conclusion was drawn that, after all, nothing had to be paid, and the matter was considered closed²⁵.

As for the financial situation of the clergy, they were exempted from taxes, as was the nobility; in practice, this exemption will be full for the higher clergy and only partial for the common clergy, with some differences between Wallachia and Moldavia²⁶. Also, in the same vein, it is stipulated that in the future, through a special regulation, priests' salaries should be fixed, and until that time, priests were allowed to claim payment from believers only for special services (christenings, funerals).

It is also to be noticed that the Organic Regulations²⁷ of Cuza's time contained provisions referring to the salary of the secular priests; but they were not fully applied. Although the priests received land, the villagers could barely plough it, which is why the priests themselves were forced to go to the field, neglecting their priestly mission. This is why seminar graduates did not have enough reasons to ordain themselves. Thus, over

²⁴ Dan BERINDEI, *Românii și Europa - istorie, societate, cultură (sec. XVIII-XIX) (Romanians and Europe - History, Society, Culture (18th-19th centuries))*, vol. I, Editura Museion, București, 1991, p. 145.

²⁵ Constantin C. GIURESCU, *Istoria Românilor (The History of Romanians)*, Editura Cugetarea Georgescu Delafras, București, 1943, p. 149.

²⁶ Nicolae ISAR, *Biserica-stat-societate în România modernă (1821-1914)*, Editura Universitară, București, 2014, p. 22.

²⁷ Sever BUZAN, *Regulamentele organice...*, p. 365.

the course of time, measures were taken to improve the financial situation of the lower clergy.

Thus, in Wallachia, the Law on managing eparchy estates (1847) provided for ordained secular priests to be given an area of land twice as big as that received by the villagers who had four oxes²⁸.

In Moldavia, for the same reason, in 1853, Prince Gregorie Alexandru Ghica (1849-1853 and 1854-1856) gave an order to all local administrative bodies to implement the provisions of the Regulation in connection with the financial support to lower clergy.

As a consequence of monastic estate confiscation, some places of worship that been very wealthy, were transferred under State administration, who now was also in charge of priests' salaries. The same did not apply to less wealthy churches which stayed under communal administration, and which were regulated through the Communal Law of 1864.

Unfortunately, for about 30 years, the rules regarding the salary of priests serving churches that were in the care of local communities were not implemented, a situation deplored not only by priests, but also by Bishop Melchizedek Ștefănescu, who sent a memorandum to the Holy Synod in 1888.

Some really poor villages found it hard to guarantee the income of their priests. But in many communes there were more than enough funds, so wages were not paid not out of scarcity of funds, but out of the bad will of local authorities.

Because of this difficult situation for the priests, the Holy Synod of the Romanian Orthodox Church decided to take several measures to regulate the salary of the lower clergy through various internal steps and acts and regulations, but also by sending letters to the Romanian State.

V. Conclusions

Until the reign of Alexandru Ioan Cuza, the Organic Regulations had a great significance for the development of the State and Church organization, which is also apparent from the fact that the organizational principles they

²⁸ Ioan C. FILITTI, *Domniile române sub Regulamentul Organic, 1834-1848 (Romanian Governments under the Organic Regulations)*, Editura Academiei Române, București, 1915, pp. 350-351.

introduced stood the test of time. They bring order and stability in the chaos, abuses, disorder and uncertainty that had been brought by the Phanariot era. Through the Regulations, the first step was taken towards the modern organization of the State with its entire complex series of functions.

After the Union of the Romanian Principalities under the rule of Alexandru Ioan Cuza, the confiscation of a large share of monastic estates brought about great difficulties in the realization of the social mission of the Church in the Romanian society, and in the proper functioning of healthcare, educational, charitable institutions, which were mostly under the protection of the Church. In Transylvania, Banat and Bucovina, as constituent parts of the Habsburg Empire, the confiscation of Church property did not occur. Similar problems were encountered during the period when Romania was a kingdom, and especially in the Communist era, to the present day.

Therefore, relations established between the Church and the State over time in one era or another, should not only be viewed from the point of view of legality but the starting point must be the connection with the religious phenomenon, which the Christian lives and feels. From this perspective, religions have always had a social dimension, and have manifested their influence on society. From this perspective, worldwide, religious culture is a very important part of culture in general.

The relationship between Church and State must be understood in such a way that they are recognized as being part of different power structures. It is rightly considered that postmodernism leads to a new type of interaction between the Church and the State. This is obviously due to new postmodern considerations.

The fundamental distinction between the State and the Church is based on the fact that the legitimacy of the State's power is conventional and therefore passing, secular, while the Church's power is divine. If the State has the role of restricting the consequences of social sin, the Church has the mission of leading man into the kingdom of God. Both the State and the Church are power structures, but the fundamental difference is that the Church has the supreme argument of Christ Himself as its ruler.

The Church, with the right of its office and its competence, can in no way be confounded with the political community and is not tied to any political system, as it is first and foremost the proof and testimony of its own transcendent character offered to the human being.