

A canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866

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Abstract

The study presents a synthetic canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866. The reign of Alexandru Ioan Cuza was a period of crisis of Romanian monasticism. “With the middle of the 19th century, our monastic life enters a period of crisis and the dominance of the secular spirit. It is true, in the meantime, some attempts were made to get out of the impasse, but the fruits did not always correspond to the efforts” (Viața monahală în ultimii 10 ani: 510). The crisis does not originate in church regulations. The crisis was fueled by the modernist reforms that Alexandru Ioan Cuza initiated. Actually, the period between the election of the Moldavian colonel Alexandru Ioan Cuza as ruler of both principalities, on January 5, 1859 in Moldova and on January 24, 1859 in Wallachia and the moment on February 11, 1866, when Cuza is forced to abdicate, is a time of extensive civil reforms, which did not bypass the Church and, therefore, monastic life. The regulations of the Cuza regime impose the State as absolute authority regarding the organization of monasticism, especially regarding economic and administrative aspects. The consequences of the regulations from 1859-1866 will affect Romanian monasticism until the 1930s.

The main factor that determined such a reaction from the civil authorities during the Cuza period was the historical context, which highlights a series of problems with sometimes legal content, regarding the functions and rights of some Greek monks and hierarchs in Romanian monasteries.

Keywords: *Romanian Orthodox Church, canonical analysis, monastic life.*

Introduction

After the period of the ecumenical councils, the nomocanonical tradition spread and was taken up and applied in numerous ecclesial communities. Referring exclusively to the Romanian space, we can affirm that, at least until the beginning of the modern period, through rules and other legal collections, the entire nomocanonical tradition related to monastic life was transmitted, a fact that justifies the reality that, until 1859, monastic life in the Romanian Orthodox Church was carried out in accordance with the canonical and nomocanonical rules known throughout the Orthodox East.

In the period up to 1859, we find numerous testimonies that affirm the faithfulness of Romanian monasticism to the orthodox canonical principles regarding monastic life. As an example, I recall that in the 18th century, part of the reforms of the ruler Constantin Mavrocordat looked at monasticism. The most important document in this regard was the *Settlement for Wallachia* (February 7, 1740). In the content of *Article I*, the ruler regulated that all monasteries in Wallachia, without exception, be exempted from paying taxes and duties. The second article of *Mavrocordat's Constitution* refers to the situation of the clergy in the monasteries.

From the contents of these articles we find some information about the historical and legal-fiscal order. We are interested, however, in the fact that the ruler places special emphasis on the preservation and good administration of the monastic patrimony, especially in the conditions where, as we observed above, they were exempted from the payment of taxes. In this sense, the name of the savings was recognized, which contributed to the preservation and correct administration of the patrimony of a monastery, both in terms of results and in terms of expenses. The purpose of such a regulation is twofold, as it appears from the text of the law itself: on the one hand, the aim is to increase the revenues of the monasteries; on the other hand, the ruler's objective was to discourage those monks who, pursuing their own material interests, affected the well-being of the monastery. Entrusting the administration of monastic patrimony to persons with responsibilities in this regard is not a new aspect from a canonical point of view.

In the second half of the 18th century, Alexandru Ipsilanti, through a charter (*Hrisov*) given in 1776, referred to the monasteries in Wallachia. The normative act was promulgated by the ruler with the aim of “*putting order in the monasteries in the country*”. Regarding the monasteries, the charter (*Hrisovul*) ordered the election and obligations of the treasurer, the administration of the monastery's patrimony, the appointment of the abbot, the rules imposed on the monk upon entering the monastery.

At the end of the document, it is specified who exactly had the duty to respect the rules decided by the ruler of Ipsilanti:

...these rules will apply to all monasteries. He also thinks of those to whom [monasteries] are worshiped ... mountains. He consulted Metropolitan Grigorie and the writings of a Basil, Teodor Studitul, Ephrem the Syrian. (Danielescu, 2011, pp. 87-89)

Because of these last clarifications, in which reference is made to the sources that were the basis for the elaboration of the charter (*Hrisovul*), we note the

A canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866

influence that the patristic tradition church had in the elaboration of the normative act that was the subject of the presentation above.

It is not by chance that I mentioned these two normative documents. They indicate that the monastic life in the Romanian Orthodox Church was carried out respecting the canonical principles imposed by the canons and the nomocanonical or rule law, especially that, towards the end of the 18th century, through the efforts of the Pious Nicodemus Aghioritus and the hieromonk Agapios Laonardos, the *Pidalion*, also entitled *Rudder of the ship of the Church*, which included the entire canonical *corpus* of the Orthodox Church, according to the original Greek text, had been popularized and circulated in Romanian space as well (Ioan I. ICĂ jr., p. 229)

The fact that, in the ecclesiastical space, with regard to monastic life, the canonical ordinances were taken into account is also demonstrated by the *The Testament of Saint Pious George (Testamentul Sfântului Cuvios Gheorghe)* (1730-1806), abbot of the Cernica and Căldărușani Monasteries. The *The Testament of Saint Pious George (Testamentul Sfântului Cuvios Gheorghe)* is important both for its extent (Danielescu, 2011, pp. 106-134) and for the rules it contains. We consider it an important source of church legislation from the beginning of the 19th century, because it also refers to some important legal aspects. Thus, the author of the will finds it appropriate to appoint and leave, after his death, a responsible steward in the monastery.

We note, once again, from this text of the testament, the important role that the treasurer had within the monastery, as well as the fact that, regardless of the organization, the monastery remained in obedience to the local hierarch and the metropolitan of Wallachia, as the first hierarch of the Church Orthodox from Wallachia.

The will does not refer to any civil law or any State authority but is based exclusively on the church's canonical tradition (as can be seen from its contents). For the most part, in addition to the administrative aspects that I mentioned above, the document contains many ordinances with a liturgical and typical regime. Nevertheless, it remains a reference document of the Phanariot era, less for its content and more for the fact that, in the context of such a complex period in the history of Wallachia, it determined some legal effects. This aspect constitutes an additional testimony to note the influence that the canonical tradition, so cultivated by the rules of those times, had in the Phanariot era, especially in terms of preserving the autonomy of the Church.

Bearing witness to these few civil and ecclesiastical texts with normative value presented above, we are convinced by the fact that the application of canonical and nomocanonical principles was also applied in the period 1859-1866, even if in this period of only seven years we do not have a set of ecclesiastical regulations regarding Romanian monasticism.

The reign of Alexandru Ioan Cuza – a period of crisis of Romanian monasticism.

With the middle of the 19th century, our monastic life enters a period of crisis and the dominance of the secular spirit. It is true, in the meantime, some attempts were made to get out of the impasse, but the fruits did not always correspond to the efforts. (Viața monahală în ultimii 10 ani, 1958, p. 510)

The crisis does not originate in church regulations. The crisis was fueled by the modernist reforms that Alexandru Ioan Cuza initiated. Actually, the period between the election of the Moldavian colonel Alexandru Ioan Cuza as ruler of both principalities, on January 5, 1859 in Moldova and on January 24, 1859 in Wallachia and the moment on February 11, 1866, when Cuza is forced to abdicate, is a time of extensive civil reforms, which did not bypass the Church and, therefore, monastic life.

From an ecclesiastical point of view, however, during this period there were no reforms regarding monastic life, a fact that encourages the idea that monasticism in the Romanian space conformed to known canonical rigors.

From the contents of the research works we learn that, during this period, some bishops were interested in the culturalization of the monks. Thus, as bishop of Buzău, Dionisie Romano opened, in 1861, the monastic school at the Nifon hermitage (Buzău), where the abbots sent brothers and young monks, responding warmly to the call made by the bishop. In the same year, at his own expense, he founded, in the Rătești-Buzău hermitage and then at the Cotești-Râmnicul Sărat monastery, the school for the enlightenment of monks and girls from neighboring villages. At the urging of the bishop, the abbots and abbesses each set up a small school in their monasteries for the education of both the young and the elderly. Also during this period, schools appeared sporadically at the Putna Monastery, Slatina, etc.

Regarding Transylvania, for this period, we have the testimony of Onisifor Ghibu, who says that:

...in the entire metropolis we have only one monastery, at Hodoș-Bodrog, near Arad, with about five monks. According to the organic statute, the monastery, on the one hand, has the qualities of an ecclesiastical commune, on the other hand, it is

A canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866

coordinated by a deanery and, as such, is directly subject to the diocesan authorities. The monastery is led by the monastic synod, which consists of the hieromonks and hierodeacons of the monastery. Of these, the former have a decisive will, the latter a consultative one. The president of the synod is an abbot. The hegumen is chosen by the synod, under the leadership of the bishop, and the bishop strengthens and ordains him. (Ghibu, 1915, p. 46)

Legal provisions regarding the organization of monastic life, in the Romanian Orthodox Church, in the period 1859-1866

In matters of monastic life, the period 1859-1866, known in Romanian history as the period of Alexandru Ioan Cuza's reign, is characterized from a legal point of view by the reforms carried out by the executor of the Union of 1859. These reforms cannot be viewed separately from the political and social context of the time:

...another open wound in the body of the Orthodox Church in the Romanian Principalities was represented by the monasteries dedicated to the Holy Places and administered by Greek monks, who took their income abroad, often even for their own benefit. This issue was resolved only during the time of Alexandru Ioan Cuza, the first ruler of Romania. (Cotan, 2021, p. 116)

It is understood that the position of ruler Cuza towards Romanian monasticism, in the period 1859-1866, does not concern the background of monastic life, based on canonical and nomocanonical principles, but rather a series of practices carried out by foreign monks or bishops (usually of Greek origin), practices that were seen as harmful to the country. This perspective regarding the situation of Romanian monasteries until Cuza's reforms is often indicated in specialized studies. Thus, in a study from 1902, reference is made to both consecrated Romanian monastic places that depended on monasteries and hermitages in the East, as well as non-consecrated ones. The wills that the donors made stipulated that the monasteries and acaretries on their estates were to be kept in good condition, that poor girls should be married from their wealth, that help should be given to the needy, the infirm, the travelers, and only if there was something extra outside of these benefactions, to be sent as aid to the holy places.

The Greek abbots sought to destroy these wills, most documents of this kind were burned, as did Nectarius, the last Greek metropolitan. In this state were the monasteries from the 15th century, until after 1822. It is also remembered that after Tudor Vladimirescu's Revolution, calling themselves earthly lords in the Principality, they sought to cleanse the holy places of worship of Greek gangrene. Thus, all the Greek priests were kicked out and replaced by Romanian ones. Most of the non-consecrated monasteries had epitropos and received from the Phanariot

lords charters and renewals of charters for various privileges, and the consecrated ones had founders. In the 19th century, during the reign of Alexandru Moruzi, abbots were appointed to unconsecrated monasteries, by the lord, on the recommendation of the bishop or the metropolitan. Later, this recommendation became dispensable for the gentleman (Stănescu, 1970, pp. 82-86).

For his part, the historian Ștefan Berechet mentions a letter that was published in the former magazine of the Theological Academy in Saint Petersburg, *Hristianscoe citenie*. This letter appeared in the magazine mentioned above, in the article entitled “Letters of ecclesiastical and lay persons to Metropolitan Filaret of Moscow”. The article reproduces the letter of Nicolae Roznovanu to Filaret of Moscow. From this letter we learn that the issuer wanted to get the throne of Moldavia with Russian help. The author of the letter presents to the Metropolitan of Moscow the abuses committed by the government in the period 1860-1864, with the help of the Metropolitan of Moldova, Sofronie, namely: the expulsion of Greek monks, the cessation of the Holy Liturgy in Greek, the introduction of the study of Latin and French in schools, measures that he qualifies as anti-Orthodox (Berechet, 1925, pp. 75-78).

Cuza “...comes with radical reforms in the ecclesiastical field as well. Following the coup d'état of May 2, 1864, he ruled the country on the basis of the plebiscite Statute, which ensures extensive rights, assisted by a State Council” (Mateiu, 1922, pp. 131-132). Before proceeding to the actual presentation of the text of some normative acts incident to monasticism, in the period 1859-1866, I consider it important to specify that Alexandru Ioan Cuza in 1859 took the assets of several Chinovian monasteries – Agapia, Adam, Neamț, Secu, Vărătic and Vorona. These monasteries had their assets taken, their workshops were abolished, their cattle, beehives and other assets were sold, their documents and things related to the church administration of their assets were taken away, they were instituted in addition to each abbot an administrative committee, and their properties were placed under the administration of the Ministry of Religion.

As a result of this measure, Metropolitan Sofronie of Moldova protested. On August 16, 1860, the monasteries of Doljești, Zagavia and 31 other hermitages were abolished – their churches being transformed into churches of myrrh, hospices for beggars, settlements for invalids, etc. And this measure sparked the protests of Metropolitan Sofronie Miclescu. After returning from a visit to Constantinople, ruler Alexandru Ioan Cuza delivered a speech in front of the other state authorities, in which he showed that Metropolitan Sofronie Miclescu opposed progress, urged the people to anarchy and abused spiritual power. We also learn from this speech that Sofronie opposed the dismissal of the abbot of the Neamț

A canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866

Monastery. The Metropolitan of Moldova was forced to withdraw, after which he reconciled with the state authorities. In 1861 Sofronie died, being buried at the Neamț Monastery. On December 15, 1859, the Cuza government abolished catechetical schools. These schools were merged with the primary schools.

In 1860, the University of Iași was established, within which a Faculty of Theology also functioned. It operated until 1864, when it was abolished due to lack of funds. Alexandru Ioan Cuza decided that the Seminaries should come under the administration of the Ministry of Cults, and a regulation for the Seminaries was also issued. In 1864, the Law of Instruction was given, a normative act that provided for the unification of seminary education in Romania and the equalization of programs. Another measure of Alexandru Ioan Cuza, taken in 1863, was for the divine service to be performed only in the Romanian language. The only churches where divine service was allowed in Greek were: Saint John the Great Monastery in Bucharest (monastery that was demolished in 1893), Dancul Monastery in Iasi and the Church of the Holy Archangels (cathedral) in Brăila (where the service was held mixed).

The law of the secularization of monastic assets given by the Cuza regime was prepared through several measures: the inventory of the odors of the churches of the consecrated monasteries, the establishment of the revenues of the consecrated monasteries, etc. On December 13, 1863, the Government presented the bill for the secularization of monastic assets to the Chamber, a bill that was voted on unanimously. The law was promulgated on December 17, 1863, and aroused enthusiasm among the population.

In early 1864, the government wanted to introduce the Gregorian calendar. Under the presidency of Metropolitan Nifon, the Council for the Calendar – made up of hierarchs – met to debate whether the calendar represented a dogmatic or a scientific problem. On January 18, the Calendar Council rejected the idea of introducing the new calendar. Anyway, this idea of introducing the Gregorian calendar generated wide protests in the country. On March 27, 1864, the Law on Burials was issued. A little later, the Communal Law was passed, by which the Church was deprived of the right to draw up civil status documents; this law also stipulated that divorces would only take place in civil courts.

On December 6, 1864, the Organic Decree for wearing the monastic scheme was given, which contains regulations regarding entry into monasticism. Also, on December 6, 1864, a decree was issued regarding the establishment of a central synodal authority. The decree also provided for the non-dependence of the Church on any foreign authority. Also, in 1864, the law was passed for the appointment of

metropolitans and diocesan bishops in Romania. This law generated the struggle for canonicity. Alexandru Ioan Cuza defended his reforms and the autocephaly of the Romanian Church, entering into conflict with the Patriarchate of Constantinople.

Romanian monasticism during the Cuza regime

During this period, Romanian monasticism was subjected to extensive reforms, the purpose of which was, according to the thinking of the time, the “*improvement*” of monastic life.

In chronological order, the main normative acts regarding monastic life adopted by the civil authorities in the period 1859-1866 are the following:

Legea pentru secularizarea averilor mănăstirești (*The law for the secularization of monastic assets*) (1863) (Costescu, p. 595) According to the normative act, “*all the assets of the monasteries in Romania are and remain assets of the State*” (art. 1). However, the legislator does not distinguish between consecrated and non-consecrated monasteries, nor does it make additional specifications regarding the categories of assets concerned, which is why including “*the income of these assets was included among the ordinary revenues of the State budget*” (art. 2). In the content of art. 3, the normative act regulated the allocation of aid to the holy places to which some earthly monasteries were dedicated:

A sum is allocated to the holy places to which some of the earthly monasteries were dedicated, and this is only under the title of aid, in accordance with the intention of their dedication. This amount will be limited to a maximum of eighty-two (no. 82) million lei, the rate from Constantinople, once and for all, including the 31, i.e. thirty-one million, which the holy places owe to Romania, according to previous stipulations.

Art. 4 establishes:

The religious communities of the lower places will be obliged to give annual accounts about the use of the income above the said capital.

In the text of Art. 5 stated that the only reason for which the religious communities were allowed to use the income obtained was for the maintenance of the church and its annexed establishments.

According to Art. 6, the Government

took back, from the Greek abbots, the ornaments, books and sacred vessels, with which the piety of our ancestors had endowed these settlements, as well as the documents that were entrusted to the said abbots, and this according to the inventories found in the country’s archives.

Art. 7 and Art. 8 regulated the construction, in Constantinople, of a school and a hospital for Christians of all rites. The last article established the

A canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866

responsibility of the Government “*taking the necessary measures to guarantee the capital of 51 million, as well as regarding the use of the income of this capital*” (art. 9). The normative act has been criticized on many occasions for its provisions.

In this regard, I recall the study ***, *Secularizarea averilor monastirești. Biserica și Școala (Secularization of monastic assets. Church and School)*, II (1891, no. 10, pp. 255-270). According to the study, among Romanians, donations to the Church were higher than among other nations. Our ancestors did not build schools, but churches. Although the assets of the Church have always been respected, the time also came when some who moved away from the ancient virtues, wanted to transfer these assets to state property, without understanding that they would be used in favor of those in need. Instead of proceeding to the secularization of these assets, it would have been better to impose a control over them, so that there are no abuses. If the assets were transferred to the state patrimony and a better use than the Church would have been found, the right of the donor would have been attacked.

The state did not need these fortunes, because the expenses could be covered by public donations. The church money is to be used for non-Christian purposes, such as the support of other religions, the payment of foreign language teachers for Dobrogean schools. The secularization of wealth leads to their misuse due to the ignorance of ministries to identify the needs of churches, estates and the poor. Then it is not possible to know exactly what a certain ministry does with the respective assets.

After secularization, the bishops must wait for the acceptance of the civil power, if someone wants to donate to the church. Instead, if a monastery or church was asked to be restored, the ministry replied that it had no money.

After secularization, sometimes even the bishops damaged the Church. The biggest harm done by secularization was that it discourages people from making such donations. A damage to the state was the loss of the monastic domains in Bessarabia. Through this study from 1891, it is stated that it would be good to return the assets of the church and to put control over them. The estates of the monasteries should be exploited, and the fruits should be used for the maintenance of the edifice, and the surplus should be used for the maintenance of churches, schools, hospitals. Charitable settlements made willingly are more carefully supervised and it is easier to observe the needs of everyone. Selling state estates means depriving future generations of the benefits that our ancestors left us. The

material thus highlights that the initiative to secularize monastic assets was not exactly the most inspired reform.

Codul civil (The Civil Code) (1864) (Hamangiu, 1903, pp. 123-411) regulated that legal persons or moral persons enjoyed rights and freedoms only if they were recognized by the State, by law (art. 2 and art. 811).

Decretul organic nr. 1703 din 3 decembrie 1864 pentru înființarea unei autorități sinodale centrale pentru afacerile Bisericii Române (Organic decree no. 1703 of December 3, 1864 for the establishment of a central synodal authority for the affairs of the Romanian Church) (Bujoreanu, 1873, pp. 1789-1791), in art. 18, lit. e), stipulated that among the Central Synod's powers was the authorization of applications for entry into monasticism.

Also in 1864, was adopted the *Regulamentul pentru alegerea membrilor sinodului general al Bisericii Române (Regulation for the election of members of the general synod of the Romanian Church)* (Bujoreanu, 1873, pp. 1791-1792). In art. 1 established that “members of the General Synod are electors ... c) superiors of monasteries”. In art. 5 stated:

Two months before the day of the elections, the lists of priests and superiors of electing monasteries are drawn up by the deacons. The lists drawn up by the deacons are sent to the Ministry of Justice, Cults and Public Instruction, which publishes them through the Monitor.

So, the superiors of the monasteries had the right to vote regarding the election of the bishops.

Decretul organic nr. 1678 pentru reglementarea schimei monahale (Legea călugăriei) (Organic decree no. 1678 for the regulation of the monastic scheme (Monk Law)) promulgated on December 6, 1864, establishes the following throughout the 9 articles:

Art. 1. No male individual will be able to become a monk in the future if he does not meet the following characteristics: a. That his piety and monastic vocation be recognized by the general synods through the canonical religious temptation; b. To be at least 60 years old or younger, invalid, incurable person; c. To give up the boarding house he would have from the state.

Art. 2. However, those juniors who, passing the higher semester studies, will have this vocation, and from whom the high clergy will be able to be formed, will be received into the monastic order.

Art. 3. No woman will be able to wear the monastic scheme, who does not meet the following characteristics: a. Not to be married and to be recommended by the General Synods for her piety, religiosity and moral vocation; b. To give up the boarding house he would have from the state; c. To be at least 50 years old.

Art. 4. They can be nuns even without reaching the age from lit. c.

A canonical analysis on the organization of monastic life in the Romanian Orthodox Church, in the period 1859-1866

Art. 3: a. Invalid and incurable women, who have no means of living in the world; b. Women who, out of a humanitarian sense, would decide to devote themselves to hospitals, schools, and any other welfare institutes of the state. However, they cannot be younger than 30 years; c. Women released from a penitentiary, with the recommendation of the General Synod. No monasticism will be done in the future at monasteries and hermitages other than those in Romania, which will be decided by special regulation.

Art. 5. No ecclesiastical authority will be able to give a monastic haircut to any man or woman if it does not present: a. Authorization from the General Synod, and b. Authorization from the Ministry of Cults.

Art. 6. For the maintenance of monks and nuns, the Ministry of Religious Affairs provides annual amounts in the budget based on their number.

Art. 7. These amounts are not personally released to individuals but placed at the common endowment of the monastery; the savings from them belong to the state. A special regulation for the economic administration of quinoa will be drawn up by the Ministry of Religion.

Art. 8. Monks and nuns, who will have dedicated their wealth to the monastery with certain conditions regarding the maintenance of people, will enjoy those conditions in the future as long as they live". Finally, the Decree repeals "all contrary provisions, laws, and regulations. (art. 9).

Decretul nr. 1619 din 29 noiembrie 1865 (Decree no. 1619 of November 29, 1865) promulgated the Regulamentul interior al Sinodului general al Bisericii Române (Internal Regulations of the General Synod of the Romanian Church) (Bujoreanu, 1873, pp. 1792-1795). In chapter VI (art. 51-55), the Regulation also referred to the competencies of the Synod regarding "monk petitions". In Art. 2 of the Law for the appointment of metropolitans and diocesan bishops in Romania, it was regulated that "metropolitans and bishops are appointed from the Romanian monastic clergy; having the metropolitan at least 40 years old, and the bishops 35 years old, known for their piety, learning and capacity".

Conclusions

The regulation generated an extremely strong reaction in the Church, called the fight for canonicity, for the preservation of the canonical tradition and the Orthodox Christian heritage. The Patriarch of Constantinople himself reacted and sent the ruler a letter. Cuza responded to the Patriarch in a long address in which he sought to justify his church reforms with canonical and historical arguments. The regulations of the Cuza regime impose the State as an absolute authority regarding the organization of monasticism, especially regarding economic and administrative aspects. The consequences of the regulations from 1859-1866 will affect Romanian monasticism until the 1930s.

The main factor that determined such a reaction from the civil authorities during the Cuza period was the historical context, which highlights a series of problems with sometimes legal content regarding the functions and rights of some Greek monks and hierarchs in Romanian monasteries.

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