Early History of Books of Curses in Romania – Between Ecclesiastical Common Law and Canon Law

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The article proposes to outline a multiple interconnection of social, political, economic and cultural factors through which the books of curses gained juridical autonomy in the 18th century, both within church courts and princely (*civilian*) *courts.*

The appearance, dissemination, legality and necessity of books of curses in Romanian society during the Middle Century bring important information on the preservation of the idea of justice in the collective mindset, maybe undermined by fear and uncertainty, but nevertheless protected by the power of the word invested with sacred potentials, which however is not fully sheltered from the reflexes of a type of aggressive witchcraft. Against this background of institutional and folk creeds, books of curses acquire a character of juridical evidence, and this is what we intend to show by means of legislative texts and diplomatic records.

Using a succinct inventory of the texts that circulated in Romania and contain or mention norms of employing and promulgating the anathema, we have considered it significant to separate them into normative ecclesiastical texts and texts of civil law. We have not neglected the fact that in the 18th century the ecclesiastical and princely authority had specific institutional organisms for promulgating the canonical and penal punishment, respectively. From the perspective of old Romanian diplomacy, the primary form of the books of curses may be considered as *sanctio* – a subdivision present in princely and ecclesiastical documents that became *common place* in almost all documents made up by those who wielded power (see *sanctio spiritualia*, *sanctio materialia*).

Issued by authorities either with the aim of discovering the truth in the research of certain causes[1] or of offering an immutable and unassailable character to the right obtained and specified in the contents of the document, books of curses bring comprehensive information about the way Romanian society functioned during the Middle Century.

[1] See Constanța Ghițulescu, p. 81-83.

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1. Anathema[2] in Normative Ecclesiastical Texts

The anathema[3] finds its foundation in the Old and the New Testament (see Dură, p. 120, 136 ff) as well as in the Sacred Canons of the Orthodox Church (http://www.canoaneortodoxe.net/can_apost.html). The reasons behind issuing such a sanction are stipulated in the *Legislation of the Romanian Orthodox Church* and transmitted until today to almost all *Canonical Guides* (see Dură, p. 129 ff).

The adjudication of the anathema, according to canon 81 Cartagena from the year of 401 referred to both clergymen and laymen[4], and not only the living, but also the dead, whose impiety was discovered after their death (Dură, p. 137).

According to some sources, the writing and the legitimacy of books of curses were sanctioned by the Synod in Constantinople in 842[5]. Others cite 325 as the year of the first official Christian damnation, pronounced by the Synod in Nicaea against Arius and his followers[6]. It must be noted that those who were entitled to issue an anathema, according to the Sacred Canons, were the country's hierarchs or the Patriarchs of Constantinople[7] and they were also the only authorities that could repeal the punitive act[8]. The abuse in issuing books of curses made the Sacred Synod of the Romanian Orthodox Church promulgate in 1910 a *Set of Regulations for Cases of Damnation and Anathema*. 'In this *Set of Regulations* the Romanian Orthodox Church clergy is forbidden to apply this extreme measure of damnation in the name of the church without the prior approval being given by the Sacred Synod'[9].

2. Anathema in Texts of Civil Law

Speaking of sanction in texts of civil law, we cannot exclude the acquisitions of *common*, *unwritten* or *ordinary* law, especially since it served as a basis for delivering sentences in cases where the written law was absent[10].

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[2] The discussions that one may have in canonical language about terms such as *anathema*, *damnation*, *curse*, etc., popular as they are, do not constitute the object of our research. We only refer to the general significance that presupposes the existence of a synonymic relationship between the specified terms. See also D.H. Mazilu, p. 88 ff.

[3] Cf. Dură, p. 36, the term was first used by the Fathers of the Synod in Elvira (in the year of 330), in the text of canon 52.

[4] As regards the adjudication of anathema in the case of laymen in the period of the Byzantine emperors and, in our country, later on, in the old and pre-modern periods, this punishment often implied resorting to a civilian legislation.

[5] 'The era of the fight against heresies saw the writing of „documents" or „books of damnation", namely of anathema or curse, culminating with the formulas that were adopted for the „Sunday of Orthodoxy". The Synod in Constantinople decided – during a meeting held in 842 – that each year, on the first Sunday of Fasting (Sunday of Orthodoxy) all the offences that have been punished by anathema should be made known during the divine service', Dură, p. 139, see also Catrina, p. 581.

[6] Ursăcescu, p. 509.

[7] Catrina, p. 581. See this also for the division of books of curses into three categories, depending on the authorities that issued them: Episcopal, Metropolitan, and Patriarchal, p. 584-586.

[8] D.H. Mazilu, p. 188 ff.

[9] Catrina, p. 589.

[10] See *Correcting the Law*, chapters *On Unwritten Habits of the Great Church. And the States' Habits Are Called Customs*, p. 661; *Wherever There Are No Written Laws, One Must Defend the Local Custom*, p. 662 etc.

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In fact, the existence of common law and severe punishments applied as a sign of civilian degradation is registered even in some curses used as late as the 18th century. Among these, the mutilation of the hand[11] appears as significant. This punishment is referred to in books of curses or in curses of accompanying and protecting goods, notably in relationship to property on books, in an indirect manner, by distinguishing between 'good hand,' 'empty hand,' 'full hand'[12] etc.

A series of curses nowadays circumscribed to folk literature and folklore may be considered as remnants of common law, although they result from the principles of progressive pastoral common law and from reparatory invocations made by the local group of lads or likewise.

The main juridical texts written in Greek[13] in the Romanian Principalities under the command of Phanariot rulers recommended the punishment of damnation for the most diverse cases. In this respect, we have considered as relevant *The Juridical Manual*[14] (1766) written by Mihail Fotino from Hios (see fragment Vulcănescu, p. 275-7), the *Law* of 1765 (see fragment Vulcănescu, p. 277-80), the *Nomocanon* of George of Trapezunt (1730) and the *Pandects* of Toma Carra (1806).

Mention must be made here, among the principal juridical texts that are based on Byzantine sources and refer to the adjudication of the anathema, to Alexandru Ipsilante's *Code of Law*[15] (1780), to Kalimah[16] Code (1816) and *Caragea's Legislation*[17] (1818).

Correcting the Law or *The Main Code of Law* offers however the richest source of testimonies about the circumstances in which the anathema had to be pronounced, by making reference to the issuer and the *punished* person, to reason and repercussion.

In *Correcting the Law* the validity of the sanction is supported by the competence of the issuer/issuers-bishop or clergymen making up a synod ('however, there is many a place where, since no bishop is to be found, the

[11] Vulcănescu, p. 199-202.

[12] Vulcănescu, p. 200.

[13] We have used the translations of these texts and not the original version.

[14] 'The bishops in the area shall curse and punish such superstitions and stop them, while the high officials who see that after having been cursed some people still cling to their nefarious ways, they shall catch them in order to decide under princely rule what punishment is to be delivered.', p. 277.

[15] 'I have made my ruling stauncher, but from among the things that are more necessary to the advice for judgments and from among the customs I have chosen those that are most popular within the country…the judge must pass judgment according to the code of law and to the habits of the land' quoted by Ursăcescu, p. 506.

[16] After two centuries the unforgettable man named Vasile, also known as the Albanian, made the most appropriate use of everything that was needed from the book bearing the same name…printed …that book of laws which comprises several laws…together with the customs of the country, Ursăcescu, p. 506.

[17] Which (see chapter 54) – establishes the role of the Church in the practice of sharing justice to everyone, a role that we do dot encounter in earlier codes of law, although it actually existed in real life, namely that of giving: books of curses.' Quoted by V. Ursăcescu, p. 507.

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clergymen make up a synod, as deputies of their bishop, and together research the cause for which they want to carry out the adjudication of the damnation. Thus they agree upon this decision and adjudicate the damnation', p. 691).

Exceeding the alleged issuers' competencies becomes in itself an opportunity for pronouncing further punishments: 'And whichever priest should damn a Christian against or without the will of his bishop, he shall be deemed responsible on the second coming of our Lord Jesus Christ, for they separated the Christian believer from the glory of God, as damnation is separation from God. This is also held true in canon 39 of the holy apostles: it is not given to priests, it says, to prevent, to cast curses at will, to damn whomever they wish or to undo a curse or absolve sins, since this power is given to bishops, not priests; and if the latter are not given permission to do so by the former, then they are not free to do so'. (*Correcting the Law*, p. 92)

Undoing the damnation is accepted: 'Let it be known here that where there was a man who was cursed and the bishop reads the prayers of forgiveness for him mentioned above, and the soul and body of that man does not heal from its damnation, you can rest assured that he did something wrong. And that is why the damnation will not be undone before he mends his ways or returns whatever he took unlawfully to the rightful owner; and after he has done so, he shall receive forgiveness and the damnation shall be undone' (*Correcting the Law*, p. 693). Thus, damnation is by no means definitive. 'And if they come to repent, receive them with open arms, because our Lord Jesus Christ, who has come down from heaven for our confession, says: I am come to call not the righteous, but the sinners to confess (*Correcting the Law*, p. 90).

Once applied, the anathema accompanied the punished beyond death, standing as a strong testimony, due to not undoing the cursing of the bones, of the force and duration of the punishment. It is the violent imaginary that will borrow from here – or maybe the transfer was converse – sordid pictures of bodies tied by damnation, depending on the seriousness of the confessed sins, and these were punished differently by distinct authorities. Chapter 37, *For the Man Who Has Been Cursed, How to Recognize by His Death Where the Damnation Came From*, 'If a man has a damnation cast against him, namely a curse, then he is barely able to keep his body from falling apart. Whoever has the anathema has a yellow complexion and his fingers are puckered up. And let it be known that the one whose skin looks blackened has been cursed by the bishop. And the man whose skin looks white was cursed by the Godly codes of laws.' p 92). We must note the persecution-minded conception as regards the notion of evil that appears in juridical texts, formulated on ethno-juridical basis specific to traditional societies[18].

3. Ecclesiastical Courts, Princely Courts and Placing Under a Curse

The interconnection between the grounds of judgment and the identity of judicial attitude is explained by the make-up of the divan, which brought together

[18] Ofrim, p. 143.

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secular authorities and church hierarchs. The metropolitan bishop and the bishops 'judged or participated in the judgment of cases of all nature and between people of all categories: clergymen or laymen. Their competence comprised both judgment functions proper and public notary-office functions, in connection with the authentication or enforcement of certain juridical acts'[19].

In certain situations, after hearing the cause the hierarchs were asked what the stipulations of the code of law were. Records attest numerous cases in which the ruler delegated juridical authority either to certain high officials or to church hierarchs. The individual competence of church hierarchs was discernible in the case of judging a trial of civil or penal law that had canonical implications: marriage, separation, inheritance, adultery, mixing of blood lines or in cases where the trials involved monasteries and clergymen[20].

During council and divan meetings, curses could also be pronounced against certain fiscal habits. An instance of this is the *Habit of Gypsy Professions*, promulgated in 1726 and the *Habit of Cattle Breeders*, promulgated in 1756.

Undoing a curse[21], an exclusively ecclesiastical competence, was carried out in public and communicated during public meetings in which categories other than boyars and clergy also participated[22]. The refusal to undo a curse is attested in history and it actually indicates the consolidation of the ruler's power (see the case of the metropolitan bishop Iacov – Jacob – who had to accomplish *paretisis* precisely because he refused to undo the curse that forbade the habit of taxing cattle breeders[23]).

The juridical prestige enjoyed by books of curses appears to have reached a climax in 1817, as is proved by Caragea's *Code* where, in chapter 54, these books were acknowledged as irrefutable evidence on the road to finding out the truth. However, considering the circumstances and conditions that existed at the beginning of the 19th century in society at large, we agree with the opinion that this was in fact a belated gesture, as 'the Romanian religious sensitivity had begun to mitigate the tone of ecclesiastical interventions in the cases that courts dealt with'[24].

4. Sanctio in Romanian Diplomacy

In the typical diplomatic act that was specific to old Romanian documents, *sanctio* (sanction) is one of the subdivisions that ensure the carrying out of the act's

[19] Georgescu *et al*, p. 119.

[20] Georgescu *et al*, p. 120ff.

[21] '…in Romanian Orthodoxy those books that undid damnation or a curse […] did not exist and thus books in Greek were made use of (*sygharitiria*), written by the hierarchs of the East who were passing through the Romanian Countries…' D.H. Mazilu, p. 141.

[22] 'The placing under a curse could be reversed by the church, and at the same time the evil fiscal habit could be reintroduced by the same ruler or by another one. The limitative function of the habit became rather relative and elastic, since the ruling authority and the dominant class could subject the limits of their power to such censorship,' Georgescu *et al*, p. 46.

[23] D.H. Mazilu, p. 267.

[24] D.H. Mazilu, p. 268.

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stipulations, usually comprising the threat/punishment for cases where the conclusion of the act is not respected. Depending on the court being invoked, the sanction was formulated either as a spiritual punishment or, in more rare cases, as a material punishment.

The spiritual punishment was the 'sanction customary of ecumenical synods,' present in 'patriarchal and papal acts, whence it moves to Western royal diplomas, where it however disappears during the 17th century'[25]. It is attested under different forms in solemn acts and documents and is made up of two distinct parts: 'in the first part the formula fixes as a norm the urging of future rulers to abide by the object of the act, after which follows, in case it is carried out, the reward that will come from divinity or, when it is not respected – and this is where the second part of the formula lies, which in fact constitutes its very essence – the curse'[26].

Top-notch researchers of Romanian diplomacy have noted the utilization of the formula[27] both in solemn and private documents only in those cases that concerned monastery matters[28] or when the issuers belonged to the clergy[29]. One may thus infer the formula's customary status, virtually subscribed to the ecclesiastical space. (Nevertheless it should be reminded here that there existed certain periods when Romanian diplomacy gave up using the imprecatory formula[30].)

Material punishment is not as frequent as spiritual punishment[31] – alongside which it is necessarily given consideration – probably also due to the fact that it is always absent from private acts[32] and it is only attested in solemn documents issued in Walachia[33] or, more seldom, in Moldavia[34].

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[25]Damian P. Bogdan, p. 103.

[26] Damian P. Bogdan, p. 105.

[27] In Walachia the first attestation of the sanction, in a simple form, that of curse, is found in an act dating from 1406 'whoever among the higher and lower boyars shall dare to break this order issued under my ruling, then let that man be cursed by the Holy Virgin, mother of God, and all the saints and God-fearing parents and may he live under the curse of Nicodimus' Damian P. Bogdan, p 105. In Moldavia, spiritual punishment is attested for the first time in a solemn document from 1399. Damian P. Bogdan, p. 106.

[28] In simple documents, the formula of spiritual punishment does not usually appear in other acts than those destined for monasteries and even there it does not appear as frequently as in solemn documents, as shown by the fact that out of 105 documents from the 15th century, the formula only occurs in 19,' Damian P. Bogdan, p. 105.

[29] Damian P. Bogdan, p. 106.

[30] After 1409, 'damnation seldom appears in Moldavian acts, since it regularly only appears in some of the acts destined for monasteries, and after the first half of the 16th century it is safe to say that the absence of damnation is habitual in acts destined for monasteries and written on paper.' Damian P. Bogdan, p. 107.

[31] 'while from the 15th century solemn documents there are but 12 that do not include the formula of material punishment, in simple documents, on the contrary, the formula appears only in acts destined for monasteries, though rarity may be invoked here as well since out of 45 simple documents, the formula appears just in 15.' Damian P. Bogdan, p. 108.

[32] Damian P. Bogdan, p. 108-109.

[33] 'whosoever shall dare among the boyars under my command who are sent under my rule to share in the charity work, to hinder the villagers in the least, even with a strand of hair, as long as I am alive and rule or as long as my son, Mihail Voievod, is alive, then they shall suffer great harm and

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In Transylvania, the spiritual punishment[35] appears as such in Latin diplomacy between the 12th and the 15th century, without the 'well-known amplitude of the «great curse» present in Slavic-Romanian documents'[36]. Here the insertion of *sanctio* is determined by the authority that issues the act and less by the question that leads to its writing, as this is the clergymen's privilege, rather than the lay authorities'[37].

Present in Romanian diplomacy in texts of Slavic and Latin expression, *sanctio* will be transferred to Romanian documents, whether these were solemn or simple documents, deeds of donation, legal documents, books of property sales, etc. in other words in almost all the documents that presented the enunciation of a decision in mandatory terms followed by a *prohibitive clause*.

5. From Sanctio to Books of Curses

Although books of curses started to circulate in the Romanian Countries and Transylvania[38] as early as the 16th century[39], it seems that their standardization only occurs in the 18th century[40].

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wrath from me, the ruler, as shall people who are law-breakers and unfaithful to this document I sign.' Damian P. Bogdan, p. 108.

[34] 'In Moldavian acts, material punishment is rare: it only appears in acts destined for monasteries and it was first mentioned in acts towards the end of the first half of the 15th century. […]: '«and whoever from our ruling high officials shall dare to destroy all of the above written, in however small a measure, then that man shall receive great pain and wrath from me, the ruler»', p. 109.

[35] 'The punishment may be temporal (*pena temporalis*) or spiritual (*pena spiritualis*). The former comprises a «worldly» sanction: the threat of receiving the «royal judgment, » the «deserved punishment» delivered by the king. But most of the times, punishment takes the form of a fine (*pena pecuniaria*) in acts dealing with enforcement...' 'Spiritual punishment threatens with sanctions of a religious order. In papal acts (littere de iustitia, littere executorie), which order the carrying out of various inquiries, the notion of «punishments by the church» is generally made refence to with regard to those who would not obey the proxies or the «judges» delegated by the Pope'. Francisc Pal, p. 301.

[36] Francisc Pal, p. 301.

[37] 'In the acts issued by the Pope and the ecclesiastical dignitaries (papal delegates, bishops, etc.), spiritual punishment also appears – as is also shown by the Transylvania series – in the form of the threat of being excommunicated from the ranks of the Catholic church, a sanction otherwise frequently used in connection with very worldly things: conflicts of jurisdiction, invasion of church-owned estates by laymen, failing to pay the ecclesiastical métayage, etc. In royal documents and even in certain lay acts issued between the 12th and the 14th centuries, we sometimes come across formulas or mere mentions of cursing (anathema, excomunicatio). However they are very rare, as is the case for Western Europe too, where such stipulations gradually disppear from profane acts in the course of the 12th century, after a period when they were used in excess.' Francisc Pal, p. 302.

[38] 'There is a marked difference as regards contents and aim between books of damnation and books of curses used in Walachia and Moldavia and those used in Transylvania. Thus, in Transylvania these books were used for people who victimized the Orthodox believers or who complained about being subjected to some evil deed and did not know who precisely was to be blamed. […] These books were not a part of the rite books but circulated from one priest to another and in order to increase their importance, they were pigeon-holed under the name of a hierarch, generally under the name of Moldavia's metropolitan bishop' Catrina, p. 589.

[39] Ursăcescu, p. 508.

[40] D.H. Mazilu, p. 273.

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Apparently having originated on a Byzantine channel, just like their counterparts in Serbia[41], books of curses possess a diplomatic act with a similar pattern to that of acts and documents issued in princely and ecclesiastical offices in the Romanian Countries.

Amplifying the traditional subdivision of *treating – sanctio*, books of curses constitute a resumption of it, unquestionably owing to their united origin (Byzantine channel), as well as to a semantic unity.

In books of curses – issued by the church at the request of a litigant and often sold for a price not at all negligible[42], since this was a mirror that reflected the rank of the issuer[43] – *sanctio* partially or totally takes over the *formulas* from other categories of documents. The operation of amplification is carried out in its entirety on the plane of negativity through an impressive ceremonial, summoning all the terrorizing means of applying pressure that an individual could not possibly cope with in the Middle Ages.

From the perspective of the 18th century, a period witnessing a maximum circulation of books of curses, the literature has noted not only the diversification of the formulas inherent to spiritual sanction, but also the change of tonality, which has now become vehement, frightening[44] etc.

Lexically, the newly-coined words that enter synonymic series with the terms *anathema* or *damnation*, etc. denote the circulation of and appetence for this genre of literature ('…and may our devoutness pronounce the anathema and the amaranafta' (D.H. Mazilu, p. 272) or 'may he be cursed and damned by my bishop' (D.H. Mazilu, p. 273) or 'through our blessing we curse and damn the wicked guys who ruin this most beneficial of habits that is written in this code of laws and we say let them be anathema, fully deserving of anaftima and maranafta and cursed by…', *Book*…p. 565 or ('Who has the power or a catara, that is, of cursing…', *Correcting the Law*, chapter 37).

Synonymic pairs will also be borrowed in titles in the literature of the era – we only cite from the chronographs[45].

In books of curses, *sanctio* makes use of the rules of Byzantine eloquence, with the dominant trait *movere* being placed in the imagistic veterotestamentary space, one populated by repugnant figures such as Avel, Aviron, Arie, Cain, Ghezie (that

[41] Ursăcescu, p. 510.

[42] The price of such a book 'increases in parallel with the reputation of the person proper. In 1805, boyar Mihai Bărbătescu pays 3 dollars and a half to chancellor Mihalache from the Metropolitan church when the latter hands him a book of curses'. Constanța Ghițulescu, p. 81.

[43] Constanța Ghițulescu, p. 81-83.

[44] See Catrina, p. 586.

[45] See, for example, *Chronograph*, p. 264: 'And the overt[ly] Christian and Orthodox emperor Theodosius already sent there books to all the patriarchs, all the metropolitan bishops and bishops and wrote these words to them thus: Whichever of you will not be in Ephesus on the Sunday of the Holy Triptych, may he be abhorred by God and by my empire and may he not be worthy of the sacred archiepiscopate.'p. 265. 'And the accursed Nestorie the liar has been damned and excommunicated and his priesthood has been cut short and great peace will be restored to the sacred church' etc.

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is, Ghehazi), Judas and so on, with terrible punishments that decompose and infect, but which leave people's bones still bound to the curse and thus not rested in the afterlife, with symbolic numbers[46] that parade swaggeringly from biblical passages, etc.

Everything that is stipulated in the juridical texts of the ecclesia or in civil law is to be found transposed in the abundant formulas of cursing of the 18th century: keeping the body bound to the curse after death[47], the possibility of the curse being undone[48], and so on.

We consider the scope of the formulas as a distinct sign of canceling the sacred character, of putting an insistent emphasis on aggressive witchcraft, which contributed to the degradation and elimination of the authority of the act. The introduction in the books of curses of certain lay yardsticks[49], in relation to certain

[46] See D.H. Mazilu, p. 321-366 passim.

[47] '…Likewise, may the curse and damnation be cast upon them by our devoutness, by us, the bishops who sign this paper: let the stone, iron, wood, let everything fall to pieces and let the curse never be reversed from their bodies and let them never find forgiveness.' (1715), *Book*…, II, p. 540; '…we wish that this arrangement and decision should be strengthened, as has been promised above, and may his soul be forever blessed. And whoever will be tempted to impede upon this smallest of charities that has been bequeathed to those villages by the monastery of Hangului, whether he be a ruler, or a bishop, boyar, or whatever rank he may hold and should their advice and urging lead to corruption and depravation, then let people like that never be forgiven, let them be excommunicated and cursed by God, our Holy Father and by the Holy Virgin and by the 12 sacred apostles, and let them be placed under a curse and damned by the 318 fathers from the Council of Nicaea and by all councils throughout the world, likewise by us, the bishops that here undersign. And in their life let them experience the quake of Cain and the strangulation of Judas who betrayed Christ and let Christ's angel chase them with great wrath all the days of their life and let all their good fortune be burnt by fire. The stone, iron, wood, let everything fall to pieces and let their bodies be forever under the curse, damned, let them never find forgiveness and in the afterlife let them be anathema and may they forever and ever toil in labor, amen.' (Written by Ruler's Secretary, Axinte Uricar, u las, year 7224 [1715] September) *Book*…, II, p. 539.

[48] 'And I beg of you, my love, do your best to undo the curse placed upon us with the book by that woman named Manu, do your utmost to have the curse undone, for we mustn't live with this sin lingering above our heads,' D.H. Mazilu, p. 275.

[49] We transcribe here one of the most graphic passage: 'and our approval goes towards cursing and damning those spoilers of this good habit that is written in this code of laws and we say let them be cursed and excommunicated and anaftima and maranafta and cursed by our God the maker of the sky and the earth and everything seen and unseen, by Jesus Christ and His Holy Mother, the Holy Virgin and by saint John the Baptist and the 12 saintly apostles and by the 318 holy fathers who were in the first Council in Nicaea and by all the saints and at the frightening judgment by our Holy God, Jesus Christ, let our sacred, all-pious mother Paraschevia, the saintly commander of the undertakers, accuse them. And let the evil ghost enter their bodies, on their death bed, crush and break them, let them run naked, like madmen, on the roads of the town of Focşani, completely naked, screaming and yelling, let the undertakers get hold of them, tie them up and when they die a horrendous and horrible death let them not benefit from the holy service and presence of priests, but let them they die like outcasts, like pagans. And after their death, let their body be bound to the curse and their soul doomed, let their bodies forever be under the curse and let the curse never be reversed, not even in the afterlife, not this century, not the next one; iron rusts, stone catches mold, wood rots, but let the bodies of these foes not rot, not decompose, let them be whole and unmoved, black, dried up and stinking, let them be damned. And after the frightening judgment by God, may their anguished souls

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circumstances and/or mentalities supports among others the multiplication of the number of people who considered themselves as competent in writing this type of acts. It is very likely that this customarily promoted abuse occurred around the time the *Correcting the Law* was printed, since otherwise the solely preventive role of introducing chapter 38 would have been exaggerated (Chapter 38, *If the Priests Curse Someone Against the Will of the Bishop*).

It is not unimportant to note that during the 17th and 18th centuries, 'most of the clergymen did not belong to an aristocracy, but almost exclusively to the rural and city classes'[50] and were in contact with an environment that allowed them, in the least, access to a well-illustrated folkloric culture on the level of negativity, developed as an aggressive form of witchcraft through words.

At the same time, the increase of the number of books of curses can be explained in a historical context. Thus, the instability caused by the fluctuations that occurred on the political stage (the era of the Phanariots' rule brings in the short span of the years 1711/ 1716 – 1821 no fewer than 31 rulers on the thrones of the Romanian Principalities, coming from 11 different families) and also by the changes of a social nature brought about by a demographical depression that was remedied towards the end of the 18th century and the beginning of the 19th century, due to a wave of immigration from Transylvania (Ștefan Ștefănescu, pp. 942 ff) laid the ground for permissive justice[51].

Circulating between the two courts, books of curses took over the common law established by the ecclesia and validated by the power of the *princely council*. The mechanisms that led in the 18th century to the juridical legitimacy of these acts in the highest Romanian institutional forums have been put in relationship with the normative texts, the diplomatic practice, but also the specific political vagaries that would later be reflected emphatically on a social and cultural level.

Paradoxical compositions that aimed to discover or protect the truth by means of malefic imprecations, books of curses remain generous sources for a study of the realm of the imaginary, confirming the diachronic prevalence of the religious register among the nine registers of violent language characteristic of the Romanian mindset[52].

The structures, within which these elements may be found today, albeit only partially, serve as a proof that they are deeply ingrained in the collective memory,

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together with their punished bodies be sent to toil in hell, to stay alongside Satan, in the pitch-dark holes, in the eternal fire, with the sleepless worms, together with the accursed Judas and Arius the excommunicated, forever and ever there let them toil, amen,' *The Book*…, vol. II, p. 565.

[50] Duțu, p. 375.

[51] 'At the end of the 18th century and the beginning of the next century, one notices that justice is an institution that functions in disarray, the cases are judged either by lay courts, or by church courts, or even more often, by both at the same time, without there existing a record of these cases. This will encourage the litigants who are not satisfied by the sentence they have received to appeal to both courts.' Constanța Ghițulescu, p. 25.

[52] Ruxandra Cesereanu, p. 9-10.

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capitalizing on individual responsibility through the insertion of eternal punishment.

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