BOOKS OF CURSES AND NORMATIVE CODES IN THE 18TH CENTURY[1]

"People agree they are being well governed (…) when they acknowledge three things:
plenty of bread in the marketplace, enlightened justice
throughout the country, and safety becoming a dominant feature everywhere,
so that people may walk in peace fearlessly and at ease".[2]

Abstract: *The present article proposes to highlight the circumstances which contributed to the transformation of books of curses into a juridical and probation act, decisive among the practices of the ruling authority. For this, we shall (1) describe the channel through which the juridical system valid in Transylvania, Walachia, and Moldavia buys the book of curses, at the same time pointing out (2) the social and political circumstances that contributed to an unprecedented dissemination of books of curses in the 18th century.*
Keywords: *book of curses, consuetudinary law.*

0. Studies show that questions regarding books of curses have a long history. A course of maieutics, *sine ira et studio*, starting from these books and reaching the history of mentalities, imagology, and anthropology could outline more clearly the shape of 18th-century Romanian society, a century during which books of curses increase in number in almost all the Romanian provinces. Functional due to the authority that issued them in order to discover the truth or safeguard evidence concerning a deed pertaining to juridical activity, books of curses assimilated a religious, imaginary realm of literary origin, centred on a doom falling under the spectre of damnation that drastically separates space (this world vs. the world after death) and time (the discontinuous future, projected as a *now* of physical punishment vs. the continuous future, described as a *then* subjected to implacable sanction). The evolution of the curse from an act of linguistic magic to a document endowed with juridical force occurred in the usual course of events, as an independent system of law, of advancing towards a law of jurisprudence or codified common law.

This process developed concurrently with another one, which on the level of collective mentality perceived the curse both in its aggressive and protective dimension.

Doubtless an analysis laying emphasis on the two processes would provide important data regarding the state of 18th-century society, if, statistically, one were to evaluate the cultural productions specialized on a certain type of issuer and a certain type of receiver, respectively. One should not forget that in the 18th century, being sentenced to curses became a regular occurrence even in the private documents that belonged to high representatives of the clergy. To prove this point, we quote two of the ending segments of the *Establishment of Antim Monastery*: "I hereby cast a grave curse on whoever shall administer the work being done in this house, whether it is done by a good or evil man; his pay must by no means be withheld for the while he has worked, whether he will quit the job by his own free will, in due time, or ahead of time, or

[1] Laura Bădescu, University of Piteşti, laura.e.badescu@gmail.com.
[2] *Sfaturi creştine-politice către…Io Ştefan Cantacuzino Voievod, de…Antim din Ivir* (=Christian-Political Advice to…I, Voivode Ştefan Cantacuzino, by… Antim of Ivir), translated by C. Erbiceanu, in BOR (Romanian Orthodox Church), XIV, 1891, pp. 333-355, 339, quoted by Ligia Livadă-Cadeschi, qv, p. 46

BDD-A5897 © 2011 Universitatea din Piteşti
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

whether his Superior will banish him, and that he must pay …' and 'I hereby cast a curse, and let the printer master the techniques of the trade of printing one by one; and in such a way that this trade does not die out in this country, and that books may continue to serve the country…"[1].

1.1. Attested on the canonical channel of promulgating official Christian curses[2], books of curses were proclaimed within the space of orthodoxy as early as 842[3], and their history later spanned more than a thousand years. The normative act entitled *Regulations for Instances of Casting Curses and Anathema*, promulgated in 1910 by the Holy Synod of the Romanian Orthodox Church may be considered as an obvious testimony of the perennial character of these practices in Romanian society in the past centuries.

If in codes of law issued by the church during the 17th and 18th centuries the curse was constantly circumscribed to the casting of an anathema, the normative codes of law showed a gradual specialization of the former, which was apparent at the beginning of the 19th century.

One should not forget that the 17th century was a witness of the representative cohabitation of church canons with secular codes of law. Thus, the synods' canons were published for the first time in Romanian in *Correcting the Law*, together with the other provisions contained by the *Athenian Syntagm* to which was added 'the entire contents of the Romanian Book of Learning, giving Walachia's code of law[4] a character of penal, clerical and secular code of law as well, a fact fittingly illustrated by the indication in its title: 'that has a comprehensive list of all judgments by bishops and emperors of all sins and crimes committed by clergymen and laymen'[5]

The activity of the judiciary in the first half of the 18th century was still regulated[6] by the *Codes of Law* of Matei Basarab and Vasile Lupu, *Vasilicale*, the summary of Roman and Byzantine law by Harmenopulo, the *Armenopol Code*.

---

[1] *Aşezământul mănăstirii Antim* (=Establishment of Antim Monastery, in *Works*, Antim Ivireanul, edited by Gabriel Ştrempel, Bucharest, Minerva, p 289, 290

[2] In the year of 325, the first official curse was cast in the Synod of Nicaea against Aries and his followers cf Ursăcescu, p. 509

[3] 'In the era of fighting heresies, those "acts" or "books of damnation", meaning anathema or books of curses, culminating with the formulas adopted for the "Sunday of Orthodoxy", the Synod of Constantinople – summoned in 842 – decided that each year, on the first Sunday of Fasting (Sunday of Orthodoxy), all the offences that were punished by anathema should be announced during the divine service', Dură, p 139, but see also Catrina, p. 581

[4] Subsequent printed editions appeared only two centuries later, the Blaramberg edition (1871) and the Bujoreanu edition (1884). A version of text translated into Latin in its entirety is extant in the form of manuscript (*Regula legis voluntate divinae accommodata*, 1722), and one other, fragmentary version translated into German was published in *Jahrbücher der Literatur*, 1824, see *Îndreptarea legii* (=Correcting the Law), pp 23-25

[5] *Îndreptarea legii* (=Correcting the Law), edited by Andrei Rădulescu, Bucharest, Editura Academiei Republicii Populare Române, 1962, p. 21

[6] See Nicolae Iorga, *Istoria literaturii române în secolul al XVIII-lea* (*1688-1821*) (=History of Romanian Literature in the 18th century, 1688-1821), vol. II, Bucharest, Editura Didactică şi Pedagogică, 1969, p. 359

BDD-A5897 © 2011 Universitatea din Piteşti
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

The legislative initiatives[1] of the century were motivated, among other things, by the necessity to norm the Romanian society, a society overwhelmed by the abuses caused not only by an alarming rise and diversification of crimes, but also by the faulty application of the local customs and foreign codes of law. This is the context in which the beginning of the 19th century sees the modification of the statute of books of curses issued on the very same principles as those stipulated in the case of the witnesses' taking an oath. The eloquent analogy was stipulated in *Caragea's Legislation*, subsequently included in the *Civil Legislations in Walachia*[2]: "The book of curse is given wherever, whenever, and in the same manner as the oath is being taken, in such a way that: Whatever laws we have decided for taking an oath, the same laws are to be applied for the book of curses".

1.2. As a rule, diplomacy critics mention the Greek channel for the provenance of Romanian books of curses, without forgetting to point out an apparent Serbian influence.

Thus, the presence of these documents was attested in the 16th century and was put in relationship with the growing authority that the ecumenical patriarchate in Constantinople started to exercise over institutions in Transylvania, Walachia, and Moldavia[3]. Our diplomacy noted the circulation of this category of documents from the 16th to the 18th century in Greek, as well as in Slavonic and Romanian.

In the courts of authority of the Romanian countries trials deciding the drawing of boundaries of estates[4] and divorce proceedings[1] were settled on the basis of books of

[1] The most representative legislative projects and codes in the 18th century belonged to rulers like Constantin Mavrocordat, Ştefan Racoviță, Alexandru Ipsilanti and were continued after 1800 through the activity of Ioan Gheorghe Caragea (in Muntenia) and Scarlat Calimah (in Moldavia)

[2] *Legiuirile civile ale Țării Româneşti coprinzând Legiuirea Domnului I. G. Caragea coordonată cu dispozițiile civile ale Regulamentului Organic*, *cu legiuirle mai nuoi*, *cu ofisurile domneşti*, *şi cu circularele departamentului dreptății prin care s-a complectat*, *s-a îndreptat şi s-a desluşit. Adunate pentru întâia oară şi clasificate de Cluceru C. N. Brailoiu judecătoru la Curtea Apelativă Criminală din Bucureşti*, *La Librăria lui Adolf Ulrich*, *1854* (=Civil Legislations of Walachia, comprising the Legislation of Ruler I. G. Caragea, co-ordinated with the civil provisions of the Constitutional Law, with the more recent legislations, the ruler's stipulations, and with the memoranda of the Department of Justice, which completed, corrected, and clarified it. Gathered for the first time and classified by Cluceru C. N. Brailoiu, a judge at the Criminal Court of Appeal in Bucharest, at Adolf Ulrich bookstore, 1854): p 196, for the taking of an oath, see also pp. 194-195

[3] Alexandru Elian, *Elemente de paleografie greco-română*, în vol. *Documente privind istoria României*, *Introducere* (= Elements of Greek-Romanian Paleography, vol. Documents of the History of Romania, Introduction), vol. I, Bucharest, Editura Academiei Republicii Populare Române, 1956, pp. 367-368. "Together with the intensification of the ecclesiastical links with the ecumenical patriarchate of Constantinople and, more generally, with the Greek Orient, the visits of patriarchs and metropolitan bishops are no longer made in order to collect charity donations, as before. Their increasing authority will in time determine both institutions and private persons from the Romanian countries to appeal to them in order that they issue books of curses or that they exercise certain judicial prerogatives".

[4] Alexandru Elian, qv, p 368: 'The Slavonic original of the book of curses of patriarch Ieremia III from the 7th March 1592 is extant for the boundary-drawing boyars of the Olteni and Bujoreni estates, with the Menologium in Greek, checked and approved by the patriarch. The document was summarized by N. Iorga, *Studii şi documente* (= Studies and Documents), vol. V, Bucharest, 1903, p 643, at no 13; see also p 433, no 1. The original is kept in the State Archives in Bucharest, with the pressmark: *Episc. Rimnic.*, XXXI/15. (…) The translation was published in *Documente*

BDD-A5897 © 2011 Universitatea din Pitești
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

curses even as early as then. The interconnection of the judicial cases[2] was explained by the presence in the divan of representatives of lay authority and ecclesiastical authority respectively. As it is known, the metropolitan bishop and the bishops "judged or participated in judging cases of any nature and between people belonging to any category: clergymen or laymen. Their competence comprised prerogatives of judging and passing sentences proper, as well as prerogatives of public notaries, in connection with the authentication or enforcement of juridical acts"[3].

2. In order to identify the grounds of institutionalized mechanisms that authorized the use of curses under the most diverse forms[4], we should describe the social and political conditions of the 18th century.

The hypothesis according to which the Phanariots deliberately permitted this practice, which consolidated the authority of the ecumenical church from Constantinople in Transylvania, Walachia, and Moldavia must be analyzed closely and its validation could be pronounced solely on statistical bases comprising data that is as exact as possible regarding the number of books of curses issued by the Greek hierarchs.

Our analysis on a corpus of judicial acts issued in the century mentioned above[5] emphasizes the constant use of books of curses, especially in proceedings of *in*

---

privind istoria României (= Documents of the History of Romania, B, XVI, pp 41-42, no 49. For an early copy, see also Pr. Teodor Bălăşel, *Trei cărţi de blestem patriarhiceşti* (=Three Patriarchal Books of Curses), in „Arhivele Olteniei", XV (1937), p. 113

[1] Val. Al. Georgescu et alia *Judecata domnească...* (=Judgment in the High Court): "In Walachia, on 6th January 1633, Matei Basarab investigated during a council meeting, together with the metropolitan bishop, bishops and Superiors, as well as boyars come from all over the country, "according to the holy code of law", the complaint lodged by a boyar's wife, called Maria, unjustly accused of debauchery by her husband, a sword-bearer by the name of Vasile, who had managed under Voivode Leon to gain possession of her dowry, as a sanction specified by the code of law. During the council meeting, the man granted Maria, who was armed with several patriarchal books of curses, the right to prove her innocence by having 12 women witnesses swear that she was innocent. It is a unique case of women standing as witnesses and taking an oath, in which the basic idea was that only women could possibly be knowledgeable as regards the intimate life of another woman. The practice of holding such meetings on leaving the church, and more than that, on a very significant and great Christian holiday (especially on Epiphany day), and often in conditions that became spectacular because of the litigants, is also found in the Byzantine world", p. 99

[2] The passing of sentences by the ruler's High Court was grounded both on civil codes of law and church or common-law codes

[3] The ecclesiastical implication increased whenever the cases involved trials of a canonical nature: marriage, separation, adultery, relatives engaging in sexual acts/and having offspring or when the cases concerned monasteries or clergymen. See Val. Al. Georgescu, et alia, pp. 119-120

[4] Among the moments when books of curses had a decisive impact on the collective mentality, we mention here only those due to which the entire society was subjected to excessive fiscal obligations, all made more serious by the spectre of being cursed. This is proven by the circumstances of the promulgation of *Obiceiului ţigănăritului* (= Law of Levying Tax on the Number of Gypsies Employed) in 1726 and *Obiceiuuil văcăritului* (= Law of Levying Tax on the Number of Cattle) in 1756, respectively.

[5] *Acte judiciare din Ţara Românească: 1775-1781* (=Judicial Acts in Walachia: 1775-1781), edited by Gheorghe Cronţ, Alexandru Constantinescu, Anicuţa Popescu, Theodora Rădulescu, Constantin Tegăneanu, Editura Academiei Republicii Socialiste România, Bucharest, 1973

BDD-A5897 © 2011 Universitatea din Piteşti
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

situ investigations aimed to establish the rightful owners of a property (estate, vineyard, house annexes, and so on)[1] or, in rare instances, to enforce a private settlement[1].

[1] We transcribe here from *Acte judiciare din Ţara Românească: 1775-1781* (=Judicial Acts in Walachia: 1775-1781) with the precise aim of illustrating the norm of using books of curses in a substantial number of eloquent examples: 'When this man, called State, was present, he was asked how he could account for his situation and, first of all, for the seven acres of vineyard, for which we see that this Voicilă went to court several times, as we understand from a book of Alcse, the High Lord Steward, who was at the time the sub-prefect south of Saac, in the year of 7250, in which it is stated that this very sub-prefect, going to that place himself, proved, by means of a book of curses, that Nedelco, the father "of" Voicilă, had sold all his part of the vineyard, as well as the orchards, and was left without an inheritance', p. 40-41. "Gheorghe Mavrodin was asked if the man was mixed up in his brother's businesses and if he was an heir, but no answer was forthcoming. With this in mind, a book of curses was used for what he knew about his brother, to make him confess everything he knew and he didn't say a thing about Mihaiu, only some things about Hristii", p. 49. "That is why we thought it well befits the order of your highness that they should go there themselves…where those estates are situated, and gather the neighbours in the area, together with a bailiff, and proving who the former owner was by means of a book of curses, to have the boundaries drawn, under the authority of Dedulescu, the cup-bearer, so that the man will know which estates he is a master of, and if some do not have stones laid on them, let them be covered with stones", p. 198; "…should chancellor Ioniţă lodge a complaint against the wife of the deceased man, that maybe the dowry was not what it was told to be and that something was shrouded under a veil of secrecy, then this entitles chancellor Ioniţă to cast a curse to show he is right, so that these matters we have shown here should be laid to rest. So, this is why we deem it worthy to announce your highness and may the years God gives you be many and happy years. Grigorie of Ungrovlahia", pp. 202-203; "So, even if their the honourable high judges decide that the defendants should own the house, since Bănică says that he had known nothing and that a curse will also be cast on him, though Bănică Greceanu should not be cast a curse against, and it is not for Ştefan Greceanu, the wandering Gypsy, to have them called defendants and to use a book of curses to prove that he had announced Bănică Greceanu beforehand, when the house was sold or when the written document was made up and Bănică did not want to sign it, and then Bănică was left to be tried at his own request. And Ştefan, the wandering Gypsy, being cursed because he had not told Bănică either when the hose was sold, or since then until last winter, when they came and pronounced Bănică a heretic, and Bănică was told and knew nothing more from Ştefan, the wandering Gypsy, thus Ştefan had a curse cast on him, and Bănică Greceanu is due to receive the money that Oprea bought that house for, and if he did some more work in that house, let that work be priced also and let him take ownership of the house, even if Bănică Greceanu had said before that he too would be cursed because he did not know of this until this winter, when he was informed by Ştefan, the wandering Gypsy, and after he was questioned we also wrote a letter to the holy bishop..." p. 329; "To this, the plaintiff answered that he was aware the goods had belonged to his father, not to his mother and said he would prove this more emphatically with his neighbours and a book of curses, and also asked for a written authorization from us to get a book of curses from the holy father, the bishop of Râmnic." pp. 749-750. "And since then it was not possible for this case to be settled, nor for any decision to be taken, so let the order of your highness be blessed in front of the sub-prefects south of Buzău, that they may seek knowledge from old people, old inhabitants of those estates and from their neighbours, namely from the estate of Sârbeşti, which has been the property of the commander of cavalry since old times, and the estate of Căldăreşti that he, the cup-bearer, had bought from his grandsons, Filişani, and through a book of curses against the inhabitants of that estate and the surrounding neighbours, investigating in detail the borders of the aforementioned estates, and after they discover the truth, let them choose an estate for each and every one, clarifying things with the help of their book, and, after they have found out what estate each man owns, let them prove how much money the cup-bearer had taken from the estate of the cavalry commander, and then let them, the sub-prefects, carry out the law. We hereby inform your highness of all this", p. 788

BDD-A5897 © 2011 Universitatea din Piteşti
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

The framework of issuing books of curses is a century of "natural cataclysms" during which "poor harvests, followed by food shortages or serious famine, epidemics (usually plague), the presence of foreign armies as well as the rigours imposed by repeated military occupations and the transformation of the territories of the principalities into a theatre of military operations accumulate, determine one another and interweave their consequences, creating chains of unfavourable circumstances, susceptible of producing phenomena of massive poverty[2], facilitated by factors such as the excessive fiscal regime, the weak metal-coin presence in the economy, the exercising of the Turkish monopoly in trade, the proliferation of criminality under the form of highway robberies and thefts[3] etc.

The plague[4] decimated a lot of what had previously escaped famine and it was understood by people as a "warning and divine punishment attracted by the permanent degradation of the human being and of the social mores"[5]. God's will was invoked in a context where preventive measures were lacking, which points to a generalized deficit of instruction and education. The setting of fire that followed this epidemic often led to the destruction of documents attesting the names of owners of property: "Referring to the plague of 1795 in Moldavia, Manolache Draghici wrote: "then a third of the old documents of boyars was burnt by the undertakers of people killed by the plague, who cleaned the dead men's houses, and after that countless families were left without their properties, because, since the old people died, the young children growing amongst strangers did not know who was the master of which inheritance left unproven by

[1] 'I, Alecsandru Ioan Ipsilantu, Voivode and Manager of the country of Vlahiscoiu.
A complaint being presented to my High Office by Maria, Ene's wife, who protests that her debtors are upsetting her again, asks that she should not be upset by them anymore, and I saw with my own eyes that even after this decision of the court, at the end, one of the debtors, more exactly the one I name below, summoned her also to give testimony and from them it was ordained and at the judgment she was cast a curse against at the Holy Metropolitan Church due to the debtors' suspicion regarding her goods and the dowry also, as we certify through the present court order, signed by the honourable boyars and the holy father, the metropolitan bishop, from which it is clear that she still has to regain possession of her missing dowry. So, I hereby order that this Maria should not be upset by her husband's debtors and I have given this certificate with the seal of power in my hand, in her defense, and when the debtors have proven that Maria has received all the rest of her missing dowry and even more than that, then let them show themselves in front of a judge'. p 801

[2] Ligia Livadă-Cadeschi, qv, p. 42

[3] See Ligia Livadă-Cadeschi, qv, pp. 41-69

[4] The natural fear of plague is reflected even in the legislation of the age. Thus, in the *Calimah Code* (critical edition Andrei Rădulescu et alia, Bucharest, Editura Academiei Republicii Populare Române, 1958, p 311), *The Last Wish and Testaments* comprises a list of the circumstances in which the witnesses may abstain from following the stipulated common law: (756) 'but when there is a fear of contagion, it is not strictly necessary that both parties be present, one facing the other', (758) 'Should the witnesses fear to approach the diseased man, lest they catch his sickness, then they ought to listen to him from a distance, take notice of his wish very carefully and certify his testament with their signatures, standing aside, or witness with their voice if the testament is not written or if they are afraid to touch that testament'.

[5] Ligia Livadă-Cadeschi, qv, pp. 53-54

BDD-A5897 © 2011 Universitatea din Pitești
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

written documents, and some of them ended up by becoming servants in other rich men's houses, in order to make a living by working as servants"[1].

We should add that even before 1795 'there were attempts to suspend the civil right of people who broke the law. We mention here just the initiation of the *Book of Con Artists*[2], after the enforcement of the order given by Alexandru Mavrocordat[3]. This book summed up the names of people who had falsified documents or had lied in courts as witnesses, and, having being proven guilty, were forbidden to be called as witnesses in other trials.

These observations on the social mutations[4] (demographic deficit, movements of the population fleeing excessive fiscal regimes, falling into a state of serfdom) and on the major political instability during the rule of the Phanariots, as well as on the Romanian juridical system allow, through gliding into the interstices formed at all these

---

[1] Manolache Drăghici, *Istoria Moldovei pe timp de 500 de ani până în zilele noastre* (=History of Moldavia Over 500 Years Up to the Present), tome II, Iaşi, 1857, quoted by Ligia Livadă-Cadeschi, qv, p 53

[2] See Teodor T. Burada, *Condica şireţilor: o veche instituţie juridică* (=Legislation against Con Artists: An Old Juridical Institution), Craiova, 'Sanitca' SA Institute of Graphical Arts, 1920

[3] We quote here from Teodor T. Burada, pp 13-14, the act issued by the ruler in order to have this Book of Legislation brought out: 'We, Voivode Alexandru Ioan Mavrocordat, with the will of God ruler of the country of Moldavia

Because for quite a while a lot of people who are totally intent on doing evil have developed the habit of doing unjust things, angering the community and damaging property, there seems to be no end to the cases of complaints they start and stir up in the Divan, which end by causing great poverty and suffering to both parties, which result in great disappointment being caused to the Divan. Therefore, in order to stop these bad deeds of swindlers and con artists, I, the Ruler, have decided, after receiving proper counseling from the community, that the Divan should prove that some men have unjustly testified against other people, and with slyness, with the intention of illegally getting hold of their estates, vineyards, orchards, Gypsies, shops, money, and so on, without any legal justification at all, but only employing the vilest of lies and cons meant to deceive people. Such men, after their guilt has been proven and their punishments have been carried out, which means after they have paid back the expenses and the damage they caused to the rightful party, are to provide a further example to others, by knocking with staffs against the ruler's Court, and the names of these devious and sly men should be written down in this Ruler's Book of the Divan. After the cause of their spite and shrewdness has been proven, then let everybody know they are devious, no-good swindlers, let their complaints and words no longer be listened to, likewise any testimony they may be called to give, for whatever reason, even if under oath, let no one take account of their words, and let everybody consider them worthless people, a sly and devious lot, mere thuds. After that, the accused men's guilt will be written down in this book, which will bear the signatures of the honourable boyars of the Divan, and with the Ruler's seal, let everything be done as has been shown. And should some of these people be at the hands of some dismissed dignitary or of any guild authority, let this be made known throughout the country, so that their descendants may supervise and prevent them from displaying their devious behaviour in future

Place of Ruler's Seal
1786, May 1st
Order of Great Chancellor

[4] See Ştefănescu, Ştefan, *Istorie şi demografie*, în *Studii* (=History and Demography, *in* Studies), 1967, 5, pp. 942 ff; Ligia Livadă-Cadeschi, *De la milă la filantropie. Instituţii de asistare a săracilor din Ţara Românească şi Moldova în secolul al XVIII-lea* (=From Compassion to Philanthropy. Institutions of Helping the Poor in Walachia and Moldavia in the 18th century, Bucharest, Editura Nemira, 2001, p. 45 ff

BDD-A5897 © 2011 Universitatea din Piteşti
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

levels, the understanding of the systems of inferential norms and taxonomies that led to the necessity of books of curses becoming an utterly relevant juridical act.[1]

Elements of a normative and institutionalized social mechanism, these documents reflect on a conceptual level the legitimacy of authoritative actions. The juridical statute they possessed both in the case of church courts and in civil courts of law (subjected to the authority of the ruler) indicate them as a standard of a pattern of thinking, expression and pressure that had a permanent relationship of an instrumental type with the social.

The diachronic description of the institutional framework, articulated distinctly as a propensity of a civic and religious culture brings to light important facts about the appearance, dissemination, legality, and necessity of books of curses in Romanian society in the period of the Phanariot rule[2], supplying important data on the conservation/deterioration of the idea of justice, fear, aggressive magic, death, etc. in the collective mentality.

Simultaneously, the books of curses' attaining a status of inter-individual and collective practice subordinated to a social universe in which values are contextual and poly-semantic facilitates the perception of the mechanisms that contributed to the functioning of 18th-century Romanian society.

On the basis of this system, reconstituting the social behaviours and specifying the individual and collective sensibilities explain the durability and prestige that the books of curses have enjoyed for approximately two centuries[3].

Bibliography

Acte judiciare din Țara Românească: 1775-1781 (=Judicial Acts in Walachia: 1775-1781), edited by Gheorghe Cronț, Alexandru Constantinescu, Anicuța Popescu, Theodora Rădulescu, Constantin Tegăneanu, Editura Academiei Republicii Socialiste România, Bucharest, 1973

Burada, Teodor T., *Condica şireților: o veche instituție juridică* (=Legislation against Con Artists: An Old Juridical Institution), Craiova, Institutul de Arte Grafice „Samitca" SA, 1920

Livadă-Cadeschi, Ligia, De la milă la filantropie. Instituții de asistare a săracilor din Țara Românească şi Moldova în secolul al XVIII-lea (=From Compassion to Philanthropy. Institutions of Helping the Poor in Walachia and Moldavia in the 18th century), Bucharest, Editura Nemira, 2001

Catrina, Aurelian, *Cărțile de afurisenie sau blestem folosite în trecutul bisericii noastre* (=Books of Anathema or Curses Used by Our Church in Ages Past), în „Studii teologice", XVII (1965), nr. 9-10, pp 581-592

Brailoiu Cluceru C. N., coord., Legiuirile civile ale Țării Româneşti coprinzând Legiuirea Domnului I. G. Caragea coordonată cu dispozițiile civile ale Regulamentului Organic, cu legiuirle mai nuoi, cu ofisurile domneşti, şi cu circularele departamentului dreptății prin care s-a complectat, s-a îndreptat şi s-a desluşit, Librăria Adolf Ulrich (=Civil Legislations of Walachia, comprising the Legislation of Ruler I. G. Caragea, co-ordinated with the civil provisions of the Constitutional Law, with the more recent legislations, the ruler's stipulations, and with the

[1] See Laura Bădescu, *Early History of Books of Curses in Romania – Between Ecclesiastical Common Law and Canon Law*, in the collective volume entitled 'Religious Text and Discourse', Iaşi, 2010

[2] See Georgescu, Valentin Al.; Strihan, Petre, *Judecata domnească în Țara Românească şi Moldova 1611-1831* (=High Court Judgment in Walachia and Moldavia: 1611-1831). Part I *Organizarea judecătorească* (=Organization of Courts of Law), vol. I (1611-1740), Editura Academiei RSR, Bucharest, 1979

[3] This paper was translated by Radu Trif, „Iorgu Iordan - Al. Rosetti" Institute of Linguistics, Romanian Academy

BDD-A5897 © 2011 Universitatea din Pitești
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)

memoranda of the Department of Justice, which completed, corrected, and clarified it.), Bucharest, Adolf Ulrich Bookstore, 1854
Codul Calimah (=Calimah Code), critical edition by Andrei Rădulescu et alia, Bucharest, Editura Academiei Republicii Populare Române, 1958
Condica lui Constantin Mavrocordat (= Constantin Mavrocordat's Code of Legislation), edited with an introduction, notes, index, and glossary by Corneliu Istrati, vol. I-III, Editura Universității „Alexandru Ioan Cuza", Iaşi, 2008
Cronograf, *tradus din greceşte de Pătraşco Danovici* (=Chronicle, Translated from Greek by Pătraşco Danovici), I, Editura Minerva, Bucharest, 1998
Dură, Nicolae, *Precizări privind unele noțiuni ale dreptului canonic bisericesc* (*Depunere*, *caterisire*, *excomunicare* (*afurisire*) *şi anatema*) *în lumina învățăturii ortodoxe. Studiu canonic* (=Explanations of Certain Notions of Church Canon Law – Dismissal, Defrocking, Excommunication (Cursing) and Anathema in Light of Orthodox Learning). Canonic Study), Part II, in „Orthodoxy", XXXVIII (1987), nr. 3, pp 105-143
Elian Alexandru, *Elemente de paleografie greco-română*, în vol. *Documente privind istoria României*, *Introducere* (= Elements of Greek-Romanian Paleography, vol. Documents of the History of Romania, Introduction), vol. I, Bucharest, Editura Academiei Republicii Populare Române, 1956
Georgescu, Valentin Al.; Strihan, Petre, *Judecata domnească în Țara Românească şi Moldova 1611-1831. Partea I. Organizarea judecătorească* (=High Court Judgment in Walachia and Moldavia: 1611-1831). Part I *Organizarea judecătorească* (=Organization of Courts of Law), vol. I (1611-1740), Editura Academiei RSR, Bucharest, 1979.

BDD-A5897 © 2011 Universitatea din Pitești
Provided by Diacronia.ro for IP 216.73.217.142 (2026-11-14 18:34:51 UTC)