An Insufficiently Cleared Chapter from the History of the Romanian Print: the Case on Stoica Iacovici - an Approach from the Perspective of the Canon Law

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The evolution of the old books had been pre-established ever since the times of the first Synods which settled the canonic rules that later influenced its development, but the correct reports of censorship to the canon law were not made. Considering the enforcement of the canon regulations in the case of an insufficiently cleared chapter in the history of the Romanian print whose main character was Stoica Iacovici, a priest and printer, it results that the assumptions saying that he introduced censorhip in Wallachia are wrong.

Key words: canon law, censorship, Romanian printing, Stoica Iacovici.

As the book is a product of the Church, the correct understanding of its history entails relating to the adequate cultural and historical context, or the evolution of the old book had been pre-established by the first church Synods which settled the regulations that established its development and place in the society. For example, the local 8th Synode from Carthage in 419 decided that all books regarding faith and morality should be analysed and approved by the church authority, so as to hinder the spreading of pernicious writings. The consequence was the appearance of ecclesiastic censorship with a spiritual basis in regulation 103 from this Synod. The 6th Trulan or Quinisext Synod (from 691-692), in regulation 2 a decided to publicly condemn all the books which included false ideas and regulation 63 disposed their burning. The 7th ecumenical Synod (year 787) established punishments for those who might use or hyde books officially banned by the ecclesiastic authority and the approved books were nominated around the middle of the 4th century by regulation 59 and 60 issued by the local Synod of Laodicea.

The trajectory of the old book was influenced by other Roman-Byzantine rules and regulations from the first millennium of existence of the Church which should be known as they influenced the creations, creators, circulation and consequently the readers.

Obviously, these regulations were known and enforced on the Romanian territory as well. Amongst the collections of church law, the most complete and widely used until the middle of the 19th century was *Îndreptarea legii / The Great*

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Set of Rules, printed in Tîrgovişte in 1652. It was only in 1844, at Neamt Monastery that *Pidalion / The Rule of the Church* translated by Metropolitan Veniamin Costachi was published and replaced it. Even more, such canonical rules are in force even today, as the canonical doctrine does not know the mechanisms which cease the sanction of a profane law, but nowadays the enforcement of laws is mostly based on the *spirit*, not on the *letter* of the regulations[1].

The above-mentioned topic is important for the history of the Romanian book as the correct relation of censorship to the canonical law has not been made. As a consequence of half a century of aggressive atheism expressed after the second world war, the topic is dominated by the expression of historiographical clichés regarding only the political facet, ignoring the essential aspect that later, at the beginning of the 19th century, in Wallachia and Moldavia culture was reigned by the Orthodox theology and the leading institutions were the Principality and the Church. Last but not least we have to keep in mind that the evolution of the Eastern Church was different from that of the Western Church, even before the Great Schism from 1054 (we mention that out of the 102 regulations of the Trullan Synod, the Roman Church approved of only the first 60) and after the break-up from 1054 the Orthodox Church no longer held ecumenical synods, remaining with the norms issued until that date. (It is considered that in the Eastern Europe, the canonical law had been coded by 883, when the *Nomocanon in 14 Titles* appeared and the different rules issued after this date by each Orthodox Church were no longer called canons, but together they create church laws). For these reasons, the instruments from the western historiography cannot be applied *tale quale* in the history of the Romanian book, as it has been wrongly done lately.

This topic is included in our wider research theme which has not yet taken the shape of a written paper. In a previous presentation we have partially probed the use of some canonical regulations both in the field of the Romanian printing production and in the case of the printer called Stoica Iacovici[2]. In what follows, after a few mentions related to the religious terms required to ensure coherence, we shall continue the analysis of the chapter which is wrongly deemed to have generated the introduction of censorhip in Wallachia and whose protagonist was the priest and printer Stoica Iacovici between 1740 – 1742.

The documentary sources include Orthodox canonical papers, on the history of the church, printing and the book. As a consequence of acquiring information ever since, we have been researching into the history of the book, we shall highlight nuances and corrections on some of the hypotheses we made in some former papers.

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[1] N. Milaş, *Canoanele Bisericii Ortodoxe însoţite de comentarii*, vol. I, partea I, Arad, Tipografia Diecezană, 1930, p. 47 şi 435; idem, *Dreptul bisericesc oriental*, Bucureşti, Tipografia „Gutenberg”, 1915, p. 62 – 64 and 363 - 364; Z. Târâlă, H. Popescu, *Pidalion cu orânduire nouă şi tâlcuri*, Bucureşti, Institutul de Arte Grafice „Speranţa”, 1933, p. 147-156.

[2] International Conference on Library and Information Science BIBLIO 2012, Braşov, 06 – 08 iunie 2012.

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1. Mentions regarding the canonical terms

According to Canons 38 and 40, Apostolic, 24 and 25 of Antioch and 26 / 34 and 35 / 41 of Carthage, each local church is independent and acts as a legal body in relation to other churches, having all the rights of an owner and according to the decrees made by emperor Justinian, church goods cannot be transferred from one to another. Under the influence of Roman law, the mobile and immobile ecclesiastic goods were shared according to the outer life purpose of the church, namely: accomplishing the divine service, spreading the Christian learning and keeping the order in the institution of the church. More precisely, the church goods were to be shared as follows: the goods aimed directly and exclusively to the divine cult constitute *res sacrae* – sacred things: the church, the altar, palls, holy dishes, icons; the goods aimed indirectly to the cult constitute *res benedictae* – holy things: clothing, books, flags, the cemetery, the church garden, so on; the goods aimed to support persons and things form the category *res ecclesticae*: religious funds, priest's house, lands, money, candle manufacture, printing house, so on. The church goods abide by the legal principle of indefeasibility and the canons of the primary church as well as the Roman-Byzantine laws include very harsh decrees on the issue of keeping to the purpose of the church goods and avoiding their alienation (canon 38 Apostolic, 15 Ancira, 24 Antioch, 24 IV Ecumenic Synod , 26 / 36 and 33 / 41 Carthage and canonul 12 of the VII Ecumenic Synod[3].

The canons stipulate punishments for the Church members who break the established behaviour rules. From the point of view of canonical law, any deviation is given a religious and moral judgement and only then a legal one and as regards constraints, the Church uses only spiritual means. Due to this fact, all the deviations are considered a sin, traditionally called "out of the law" or "a breach of the law". In case of the clergy, the first punishment is *defrocking*, namely being forbidden to act as priest as well as losing the title and dignity of a clergyman. The defrocking can be temporary (small mistakes the guilty party can amend) or final (big mistakes). On the second step of punishments is *excommunication***,** namely being cut off from all communication with the church when the offender will not obey his superiors or disregards the church learning out of ill-will. Excommunication includes being temporary forbidden to take the holy sacraments or from *communication - ex-communicatio* – and it is exerted only by the bishop and the Synod, who have the right to call it off when the offender has made amends.

The hardest religious punishment that could be given to a clergyman as well as to any believer is *anathema*. In case of the clergymen, anathema is called upon after defrocking and excommunication, but the Church used this punishment only for the most serious offences and only in extreme cases, should no other means

[3] I. N. Floca, *Canoanele Bisericii Ortodoxe. Note şi comentarii*, 3rd improved edition by Sorin Joantă, Sibiu, 2005, p. 31-32, 190-191, 237, 279-280; idem, *Drept canonic ortodox. Legislaţie şi administraţie bisericească*, vol. I, Bucureşti, Editura Institutului Biblic şi de Misiune al BOR, 1990, p. 450, 472, 493.

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have any influence on bringing the offender on the righteous path. It was an equivalent to the capital punishment nowadays and it was applied by casting a curse on the guilty one. None of the church punishments is given for ever, unless the offender stubbornly continues to be out of the law. The temporary punishments are ceased when the time elapses or if the sinner changes his ways for the better and it was an exclusive right of the bishop or the synod to change or call off any church punishments decided upon by the juries. Finally, seen from the point of view that we focus on in this paper, according to canons 73 Apostolic, 13 of the VII Ecumenic Synod and 10 of the ninth Local Synod from Constantinople (year 861 – 862), the clergymen who alienate or steal the ecclesiastic goods are punished with defrocking and the laymen are excommunicated. Saint Basil the Great, in Canon 61 decides upon the punishment of one year out of Holy Sacraments for the thief who confessed his deed or two years when the deed was proved by someone else. This is because the theft of objects from the church goods is not an usual theft, but a severe one, called *sacrilege* and Balsamon the canon writer shows that the thief, even if he confessed and expressed sorrow and returned the stolen thing is not relieved from being called a thief, as we might say nowadays, he still has a record of punishments[4].

2. The enforcement of Canon law regulations in the history of the Romanian printing – the case of Stoica Iacovici, priest and printer

From the perspective of the above mentioned, it is required to state again the opinions according to which at the end of 1741, Prince Mihail Racovita imposed civil censorship in Wallachia[5]. Between 1741 and 1742, this prince issued a few norms related to the printed documents which should be seen in the context of the age, studied exhaustively and in chronological order.

Towards the end of the reign of Constantin Mavrocordat, priest Stoica Iacovici, a printer from Bucharest was found to have made his own several materials belonging to the Metropolitan church and with their use he printed some palls to be sold for his own profit, without the Church knowing. There is known a paper issued on the 20th of October 1740 in which the printer confessed in the presence of a priest assembly led by Metropolitan priest Neofit Criteanul that he purloined two engravings and printed with their help 107 palls and sold part of them "for his profit". According to the regulations of canonical law, he was judged and punished with defrocking on the 4th of November 1740. A close reading of the defrocking resolution proves that the printer was punished "*for the sin of stealing holy things*". Then there is a canonical argument, according to the list we have presented above:

[4] Milaş, *Canoanele Bisericii Ortodoxe*, p. 296, 343–344, 508–509; Floca, *Drept canonic ortodox,* vol. II, p. 238–244; 12, 240 –241; idem, *Canoanele Bisericii Ortodoxe*, p. 14–15, 47; 9, 115–116, 163.

[5] T. Simedrea, *Tiparul bucureştean de carte bisericească în anii 1740–1750*, in "Biserica Ortodoxă Română", year LXXXIII (1965), issue 9–10 (sept.–oct.), p. 856-857, 872; G. Buluţă, *Scurtă istorie a editurii româneşti*, Bucureşti, Editura Enciclopedică, 1996, p. 73; D. Simonescu, G. Buluţă, *Pagini din istoria cărţii româneşti*, Bucureşti, Editura „Ion Creangă", 1981, p. 64 – 65.

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"Canon of Holy Apostles 72 and 73 punishes with excommunication those who steal from the church. The first and the second priest assembly, the tenth regulation: he who steals any holy thing for his profit, *as priest Stoica confessed he did, made palls without our knowledge in order to win money*, he will be defrocked and deprived of the gift of priesthood. For this, our humble person decided to punish priest Stoica and his whole family with a church punishment, according to the holy canons, after he himself had confessed"[6].

Despite the severity of the curse which accompanied the punishment, this was temporary; having confessed his deed, according to canon 61 of Basil the Great, he was probably under interdiction only one year. A supplementary argument is offered by *Îndreptarea legii / The Great Set of Rules* (Tîrgoviste, 1652), which mentions in chapter 368 the conditions under which a judge can lessen a punishment and in evangelical text 1 it is said that someone's punishment can be diminished "for his skills and worthiness; should he be able to prove a skill, so beautiful and precious that no other is known, then, if he makes a mistake, he will be less reprehended"[7]. Or, priest Stoica Iacovici was a very skilled printer and the Romanian Metropolitan Church could not do without his services.

Nevertheless, priest Stoica continued to ignore the canonical regulations while working in the printing house, not the Metropolitan one but the one from Vacaresti School, at Saint Sava Monastery in Bucharest, founded by Constantin Brîncoveanul and Metropolitan Antim Ivireanul in 1714, at the request of Bishop Hrisant Notara. This monastery, dedicated to the Holy Tomb, was residence for the Bishops of Jerusalem in Wallachia and the printing house was used to print books in Greek and Arabic for the Orthodox Christians in the Ottoman Empire, at that time, threatened by the Catholic or Protestant proselytizing zeal. Only that, still from the times of Bishops such as Dositei but especially Hrisant Notara, the Metropolitan Church of Wallachia entered a conflict with the Patriarchy of Jerusalem, which had exaggerated demands on the church canons and laws on the serving monasteries from Wallachia and had the tendency to ignore the hierarchy of the land.

One way of disobeying the authority of the Metropolitan of Wallachia was to use the printing house from Vacaresti School in order to print books aimed to be sold on the Romanian territory, under the jurisdiction of the local church, with the help of a local printer, punished by this Church. On the other hand, printer Stoica Iacovici, a priest under canon obedience from Metropolitan of Wallachia, not only did he work in a monastery which proved to be outside the jurisdiction of the latter, but also printed three books without the approval given by Neofit Criteanul (*Întrebări bogoslovesti / Theological Questions, Învătătura bisericească / Church*

[6] T. Simedrea, *op. cit.*, p. 922 – 923.

[7] *Indreptarea Legii*, Tirgoviște, 1652, critical edition by Andrei Rădulescu, Bucuresti, Editura Academiei, 1962, p. 346.

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Learning and *Liturghie / Liturgy*)[8], but he also purloined printing materials from the Metropolitan church and brought them to the disobeying monastery. Even more, the dating method used on one of the books suggests that the priest was working in the printing house called "The Holy Tomb" at the same time as being under canon surveillance and later under punishment. The book *Întrebările bogoslovesti* is dated after the Byzantine age, "year 7249 after the creation of the world", without any mention on month and there is considered by most specialists to have been printed in 1741, which is not correct. According to the laws of Medieval chronology, the year from the creation of the world is estimated by different subtractions for the months of January - August (5508) and September - December (5509). Consequently, they were printed between September 1st, 1740 and August 31st, 1741; or, the confession paper on the theft of the engravings was dated October 20th, 1740, and the defrocking was issued on November 4th, 1740.

During the first days of September 1741, Prince Constantin Mavrocordat was replaced by Mihail Racovită, who, at the request of Neofit Criteanul, on December 3rd, 1741 forbade the printing of any book without the approval of the Metropolitan priest and the ones already printed should not be distributed unless checked by him. Even more, he was given the right to check any printing devices belonging to the Metropolitan Church and confiscate, if necessary. This measure was justified by the regulations of the Canon law mentioned above, according to which each local church is independent and acts as a legal body in relation to other churches and its goods cannot be given away (the printing house is *res ecclesiastice*). The correct interpretation of the document is to see that it was issued due to canonical disobedience – on one hand from Anania, Metropolitan of Caesarea in Palestine, who administered Saint Sava Monastery in Bucharest in the name of the Holy Tomb, which he considered independent from the Romanian Metropolitan Church and on the other hand, to the indiscipline of printer Stoica Iacovici, who ignored the judgement of Metropolitan priest Neofit Criteanul. This is the text analysed by the historians, systematically leaving aside the canonical arguments, in order to reach only the political interpretation of the issue, in agreement with the Marxist requirements of the time, when they had to write: "*since according to the holy canons, the souls of the Christians in each diocese are in the hands of the priest who received ordination in that diocese, it is right that the same priest should see the means and ways in which the Christian souls make amends. The means to the redemption of the soul are also the ways.* Hence, from now on we command that no church book is to be printed without the approval of the local priest, *as the habit was here in the country*. And the number of books that had been printed before without the knowledge of the priest and not given, no one should dare give any book before the priest sees upon them. We also command the Metropolitan priest be allowed to check in detail and wherever he might find a tool, letters or any other

[8] I. Bianu, N. Hodoș, *Bibliografia românească veche*, vol. II, București, Editura „Socec", 1910, p. 54 – 55.

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object which had been previously owned by the printing house of the holy Metropolitan Church, be taken away and put where they were"[9].

It is noticed that the princely letter reaffirms a situation already known (no book should be printed without the knowledge of the Bishop, ("*as the habit was in the country*"), and under no circumstances issue a new rule. As a consequence, the opinions that Mihail Racovită introduced censorhip in Wallachia are wrong, since this censorship had always been applied, as it can be deduced from the words of the Prince himself. The stament without any possible intepretation was to be made by the following Prince, Grigore Ghica, on April 3rd 1749, in the document which testifies that the printing house from Coltea Monastery in Bucharest was given to the same Metropolitan priest Neofit Criteanul: "*even before the old times, during the reign of other princes, since the printing house started to work without the approval of the Metropolitan priest, it was impossible to print books, and this can be seen in all the books, old or new, Slavic, Romanian or Greek, as it was written on the first page that it was printed at the command and approval of the Metropolitan priest. Even if some priests and boyards desired to print books and paid the expenses of the printing house, it was not possible without the will and approval of the Metropolitan priest, not even in the case of the books from the Greek printing houses*"[10].

If the measures established in the document from December 3rd 1741 amended deeds which had already been made, the following year, in the document from July 20th 1742, Mihail Racoviţă corrected the future situations. As for the papers analysed herein, this one should be also included in the context of the rivalry between Saint Sava Monastery and Metropolitan Church of Wallachia, as the first part of the document restates the same principles of canonical law disobeyed by the Greek monks from Saint Sava Monastery. The document restates the fact that only the Ecumenic Patriarch has the right to call a monastery under the orders of the Ecumenic Patriarchy; the other patriarchies have the right only to the services and liturgical honours awarded by the Metropolitan priest of the country ("canon XX of the Holy Synod, first and second Ecumenic Synod from Constantinople: *no bishop should be allowed to study in public in another town, which is not his.* And the wise Valsamon, who explained canon XX of that Synod says: *it is not possible to give ordination to a priest without the approval of the Bishop in the region. So, His Holiness Metropolitan Neofit has the power over this diocese and the holy churches in it, together with all their goods,* except the monasteries considered under the order of the Ecumenic Patriarchy"[11]. The charter continues the arguments with the comments made by Byzantine canon writer Balsamon, offering a supplementary explanation for the measures undertaken by Mihail Racovită: "Valsamon, in the interpretation of canon 31, Apostolic, says: no patriarch is allowed to call under orders any church in the diocese of another patriarch, nor *take*

[9] T. Simedrea, *Tiparul bucureştean*, p. 931–932.
[10] *Ibidem*, p. 937.
[11] *Ibidem*, p. 928–929.

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any clergymen of his, so as not to confuse the rights of the churches"[12]. Thus, it was also disapproved of the fact that printer Stoica Iacovici was hired in a printing house which functioned in a monastery under orders, despite the fact that he was obeying the orders of the Metropolitan of Wallachia, who, even more, had punished him.

From the canonical point of view, Saint Sava Monastery, as a metochion of the patriarchy in Jerusalem, should abide the regulations of canon 12 of Synod from Sardica: "*the other monasteries under order, as metochions of other* patriarchy or local monasteries will benefit *only from the results and incomes on their estates.* And the church rights which are due first to the local bishop can also be fulfilled, *but also with his knowledge and approval*, as wise Valsamon decides in the interpretation of canon 12 of the Holy Synod of Sardica: *the local bishop enforces the canon laws on the immobile goods of foreign churches*". Even so, there was an obligation "to mention his canon name in all sermons to *carry in deed* the right to serve for the skills of learning"[13]. This note is not meaningless, since printer Stoica never abode this canon regulation: without the approval of Metropolitan Neofit Criteanul to work in the printing house from Vacaresti School, he did not mention him on either of the books printed there.

After the reinforcement of these canon regulations, Mihail Racovită notices the relationship with the printing production: "the useful skill of printing church books should be accomplished in the care and surveillance of the Metropolitan Priest, in order to maintain the right order, should not occur any deviation from the right path and the truth, instead of bringing use to the Christians who read and listen and could bring any harm"[14].

This first part of the charter has been systematically avoided by the researchers on old books, who have analysed only the part regarding the great number of printing houses gathered around the Metropolitan Church or bishoprics. Even we, in our first papers[15], although we did not approve of the opinions regarding the introduction of censorship during the reign of Mihail Racovită, we highlighted only partially the core of the issue, namely the aspect related to the incomes a printing house offered to the princely institution and church: "the benefit brought by the printing house should be given to His Holiness, a *benefit not to be made his own for any reason by any person,* for he who would dare take a right of the Church, is responsible according to the law"[16].

In conclusion, the correct interpretation of the part in which printer Stoica Iacovici is the main protagonist is to be made in the knowledge of canon law, seeing the relationships between the history of the church and the history of the

[12] *Ibidem*, p. 930.
[13] *Ibidem.*
[14] *Ibidem.*
[15] E. Chiaburu, *Carte și tipar în Țara Moldovei pînă la 1829*, Iași, Editura Universității „Al. I. Cuza", 2005, p. 69.
[16] T. Simedrea, *op. cit.*, p. 930.

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Romanian print and after the thorough study of the documents which refer to this character. Metropolitan Priest Neofit Criteanul enforced the regulations of the canon law in order to revigorate the authority of the Wallachian Church over Saint Sava Monastery; to bring the printing house under its orders, thus protecting the incomes brought by this activity; to punish a priest who ignored the church hierarchy and stole from the ecclesiastic fortune, thus avoiding the circulation of certain religious objects not yet consecrated (palls) and of some books under doubt from the canonic point of view. On another side, Prince Mihail Racovită sanctioned the deeds of the Metropolitan Priest without hindering the functioning of the printing houses and without imposing neither the ecclesiastic censorship (which already existed), nor the civil censorship (enforced as late as 1784 by Mihai Suţu).

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