

Romanian Culture and Spirituality in the Phanariot Era
რუმინული კულტურა და სულიერება ფანარიოტთა ეპოქაში

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Abstract: Regardless of the field it refers to, the history of the Romanian nation cannot be presented, analyzed and commented separately from the past and the bimillennial experience of Romanian Christianity. In art, the Church is present through its places of worship and iconography; in literature, the bibliographical roots from which today's Romanian language has developed were planted with much hard work, faith and diligence by hierarchs and writers of the Church; in education, the hallway of the churches still remains a point of reference for the evocations of many consecrated Romanian writers; in the sphere of social assistance, the Church has been present, in one form or another, since the beginning of its spread in Romania; in the field of thought and ideas, teachings, exhortations and doctrines on life and society belonging to prominent hierarchs and theologians of the Church; even in politics and administration, at least until the beginning of the modern period, many of the Orthodox hierarchs who have pastored over the centuries have been the protagonists of events and initiatives about which chroniclers have written significant pages of history. Such testimonies are evidence of the fact that history cannot make an initial distinction between Christianity and Romanianism, because there is an organic fusion between Orthodoxy and the Romanian soul. We appear in history simply as a Romanian people.

Consequently, in the Phanariot era (1716-1821), we can say that the culture and spirituality of the Romanians people have the same common denominator: the confession of the Orthodox faith by deed and word.

Keywords: Romanian culture, spirituality, Phanariot era, Orthodox Church, Romanian identity, Christianity, Ottoman Empire, western culture, influences of secularisation.

ტიუდორ კოშმინი

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აბსტრაქტი: მიუხედავად იმისა, თუ რომელ სფეროს ეხება, რუმინული ერის ისტორია ვერ იქნება წარმოდგენილი, გაანალიზებული და განხილული ცალკე, რუმინული ქრისტიანობის ორიათასწლოვანი გამოცდილებისა და წარსულის გარეშე. ხელოვნებაში ეკლესია წარმოდგენილია თავისი სალოცავი ადგილებით და ხატწერით; ლიტერატურაში – ბიბლიოგრაფიული ფესვებით, რომლებითაც დღევანდელი რუმინული ენა განვითარდა, რისთვისაც დიდი შრომა, რწმენა და გულმოდგინება ჩადეს ეკლესიის იერარქებმა და მწერლებმა; განათლებაში – ეკლესიების გალერეა კვლავ რჩება საკვანძო ობიექტად მრავალი გამოჩენილი რუმინელი მწერლის ხსოვნაში; სოციალური დახმარების სფეროში ეკლესია ერთგვარი ფორმით წარმოდგენილია თავისი გავრცელების დასაწყისიდანვე რუმინეთში; აზრისა და იდეების სფეროში კი – ცხოვრების და საზოგადოების შესახებ ეკლესიის ცნობილი იერარქებისა და თეოლოგების მოძღვრებებით, შეგონებებითა და დოქტრინებით; თუნდაც პოლიტიკასა და ადმინისტრაციაში, სულ მცირე, თანამედროვე ეპოქის დასაწყისამდე, მრავალი მართლმადიდებელი იერარქი, რომლებიც საუკუნეების განმავლობაში მწყემსავდა ხალხს, მნიშვნელოვანი მოვლენებისა და ინიციატივების მთავარი მოქმედი პირები იყვნენ, რომელთა შესახებაც მემატიაეებიც გვამცნობენ. მსგავსი ცნობები ცხადყოფს, რომ თითქმის არ არსებობს განსხვავება ქრისტიანობასა და რუმინულობას შორის, რადგან მართლმადიდებლობასა და რუმინულ სულს შორის ძალიან დიდი ორგანული კავშირია. ისტორიაში ჩვენ ვჩანვართ, როგორც ერთი მთლიანობა – რუმინელი ხალხი.

შესაბამისად, ფანარიოტთა ეპოქაში (1716-1821), შეგვიძლია ვთქვათ, რომ რუმინელი ხალხის კულტურასა და სულიერებას ერთი საერთო მრიცხველი აქვს: მართლმადიდებლური რწმენის აღსარება როგორც საქმით, ისე სიტყვით.

საკვანძო სიტყვები: რუმინული კულტურა, სულიერება, ფანარიოტთა ეპოქა, მართლმადიდებელი ეკლესია, რუმინული იდენტობა, ქრისტიანობა, ოსმალთა იმპერია, დასავლური კულტურა, სეკულარიზაციის გავლენები.

Introduction. Etymologically, the term *culture* originates in Latin, where the noun *cultus*, *-us* has a variety of meanings, including those of cultivating, educating, caring for, or honouring the gods[1]. The Romans used this term in its original sense of *cultivating the land*. Of the Latin writers, Horace and Cicero used the term *cultus*, *-us* also in the sense of cultivation of the spirit. In Cicero we find a parallel between *cultura agrorum* and *cultura animi*, by the latter expression he means an effort of education, of training, whose main purpose is the fruition of the intellect,

which is not limited to instruction, to the accumulation of knowledge, but includes education in the broad sense, obtained through education and through the personal experience of the individual.

Many centuries later, humanist thought highlighted the role of *culture* as a form of human education and intellectual development. At the beginning of the 20th century, the Irish writer William Butler Yeats (1865-1939) said that culture is the sanctity of the intellect. In the work entitled *Encyclopedia Concisa Britannica*, culture is defined as "the totality of human knowledge, beliefs and behaviour which is both the result and a component of the human capacity to study and pass on knowledge to succeeding generations. Thus, culture consists of language, ideas, beliefs, customs, taboos, codes, institutions, tools, technologies, works of art, rituals, ceremonies and symbols. It has played a crucial role in human evolution, enabling human beings to adapt the environment to their own purposes, rather than depending solely on natural selection. Every human society has its own culture or socio-cultural system. Differences between cultures are attributed to factors such as: different physical habitats and resources; the range of possibilities inherent in areas such as language, ritual and social organisation; historical phenomena such as the development of links with other cultures. Individual attitudes, values, ideals and beliefs are largely influenced by the culture (or cultures) in which the person lives. Cultural change occurs as a result of ecological, socio-economic, political, religious and other fundamental changes affecting a society"[2]. From the contents of the definition, it is noted that religion or religious beliefs and the symbols, ceremonies and rituals inspired by them are an integral part of a people's culture. The link between Christian religion and culture is also highlighted in the *Dictionnaire encyclopédique d'éthique chrétienne*, which states that "religion has always occupied a special place in cultural analysis. Religious practice is closely linked to the cultural sphere as a whole and contributes, through artistic, literary and architectural creations that enrich the culture of an entire society, even in the eyes of those who do not adhere to a religious tradition. The symbolic richness of Christianity has made possible a vocabulary and styles that cannot be ignored if we are to understand the forms and content of the cultural heritage"[3].

The close connection between culture and faith in God is a particular note in the history of the Romanian people. The great theologian, Dumitru Stăniloae, notes this specificity of Romanian culture, which developed on the shoal of faith, and mentions that "our Latin character is not foreign to the antiquity of our being as Thracians, who never moved from this middle space between the West and the East, but also from the combination in it of the Latin character and Orthodox Christianity"[4]. The national poet Mihai Eminescu also notes the communion and the luminous fruitfulness of the faith and culture of the Romanian people, when he

says that the Orthodox Church is "the spiritual mother of the Romanian nation, who gave birth to the unity of the language and the ethnic unity of the people"[5]. Also, for the philosopher Emil Cioran, if "we did not have Orthodoxy, we would be tabula rasa. Orthodoxy has never been dynamic; instead, it has never ceased to be national. It has done nothing but shut us up within ourselves and watch over our silence or our mourning"[6].

During the Phanariot period, which lasted throughout the 18th century, the culture of the Romanian area retained this particularity of resonating with the spirituality of the Romanian people. There is a very close relationship between culture and spirituality, each expressing itself through the other. On the other hand, it must be said that in the context of political and social changes, a strong influence of Western humanism was also noticeable in this period, to which was added the presence of elements from the Ottoman and Greek traditions.

1. Romanian cultural identity and spirituality until the invasion of the Phanariots

Father Dumitru Stăniloae speaks of Orthodoxy as "a particular way of living and expressing Christianity, which has helped man to find answers to the passing questions of the ages"[7]. For almost two thousand years, the Romanian people have lived this authentic Orthodoxy, transposing it throughout its history: in thought, in deeds, in ethnography, in folklore, in customs, in behaviour, in laws, etc. Where appropriate, Orthodox values and principles have also influenced Romanian culture and socio-legal specificities. The pravilnic tradition that developed in Romanian countries in the second half of the second millennium is a good and pragmatic example of this. In the 18th century, "Romanian culture was still maintained in the firm and with the characteristics of a feudal culture, with the predominance of literature and ecclesiastical spirit, with the control of lords and boyars over schools and printing houses"[8].

An important testimony proving the symbiosis between culture and religion can be found in the legal history of Romania. In Romanian countries, written law or *ius positivum* included canonical norms and Byzantine *nomocanonical* legislation, developed along Slavic lines. "In the Romanian Orthodox Church, until the middle of the 17th century, *nomocanons* circulated in the original, written in the *Paleo-slavonic language*" [9] and less frequently in Greek. Gradually, because the Greek and Slavonic languages were understood only by Slavs and Greeks, the *pravile* were translated into Romanian. Thus, in the period before the Phanariot era, the *pravilnik* tradition flourished both in Wallachia and in Moldavia. Representing written law, "established through the collaboration of the Byzantine state with the Church, the *nomocanons* had a certain official use in countries where the Orthodox

Church formed the ideological and political support of feudal society. In such countries, the nomocanons were not considered a right brought in from outside, since they constituted, by their canonical content, the very written law of the Church, whose hierarchs had judicial and disciplinary powers recognized by the Patriarchate of Constantinople"[10].

Thus, pravileas were the main forms of legal culture until the great initiatives of codification of Romanian law, which began with the second part of the Phanariot era. "Pravila was not a foreign law, because of its link with the church, with the empire, because of its universalist character (*ius gentius, nomoi ethnilcoi*), its content and because of the final ideological reference to its source. Also, the Pravila was not a right of occupation, which was installed in place of Romanian law, banishing it. Pravila was an element of the legal pluralism indispensable to the state and feudal society. We should also add feudal culture. It was applied alongside local law, sometimes being identical to it, or in cases where there was no local law, the replacement of local law by pravila was exceptional, but for superior interests or class interests, or individual interests, preference could be given to pravila solutions"[11]. However, it should not be forgotten that pravile were also forms of cultivation and development of the Romanian language over time, as well as references according to which the arts or social life or many of the Romanian socio-legal institutions and principles were developed.

Analyzing and talking about the presence of the idea of law and justice in Romania, historians of ancient Romanian law have concluded that, before it can be researched in pravile, hrisoave, zapise, court decisions, etc., it must be sought in "the treasury of Roman folklore: fairy tales, proverbs, folk poems, for in them the life of the people is better reflected"[12]. It should not be understood that, in Romania, culture is limited to the legal element. What should be emphasised is that any form of concretisation of culture, including in the legal sphere, was founded on a solid Christian foundation. Among the Romanians, Roman law was characterised by a co-growth and development with the Orthodox faith. For this reason, in both customary and pravilnic law, law "is related to moral values, to which the Roman jurists - in their definitions - expressly referred, that is, to Goodness, Truth and Equity"[12]. The association of law with the religious element and its development in the ecclesial space encouraged the development of nomocanonical culture. The old Romanian law was original, elastic and receptive, at the same time it was resistant and durable. With the advent of the pravile, the notion of written law also appeared and developed. The Moldavian lord himself, Dimitrie Cantemir, in his work, *Descriptio Moldaviae*, states that two kinds of judgment were applied in the divan of the lords: *ius non scriptum*, that is, an unwritten law, and *ius scriptum*, a written law, which had its roots in Greek (rather Byzantine) laws and in the

canonical ecclesiastical tradition.

Another defining aspect of the legal culture prior to the establishment of the Fanariote reigns is that the legislator did not impose a separation between the secular and the ecclesiastical. Until the great reforms of the 19th century, Romanian legal culture was characterised by a clear influence of the religious element. The Church and the culture of Byzantium have been dominant in Wallachia and in Moldavia since the first political organisations of this principality. The presence of the Church and, therefore, of the religious element in Romanian legal life and culture cannot be disputed. "Among the Romanians, the authentically Romanian law implies first of all the observance and application of the Christian-moral law, as it was laid down in the New Testament Revelation. In the past, in the Romanian countries, the rulers had only God and the law, that is to say, the Godly (religious-Christian) law, and the human, nomocanonical (State and ecclesiastical) law, both of them, however, from a synergistic (divine-human) will" [13]. The ruler Caragea noted this fact, namely that "the Romanian Country had from ancient times canons (i.e. laws) for the rights of its inhabitants" [14]. This perspective was most probably due to the fact that, in a Romanian society that was predominantly rural and less receptive to non-native elements, the moral law preached by the Church set behaviours that the community could not go beyond, as it risked undermining sacred values. "What is the State without the Church? A natural power, confined within the time and space conditions of earthly life. The Church, on the other hand, prepares man for the other order of existence" [15].

Referring to the impact that the religious element has had in the legal sphere and in the development of Romanian legislation, some scholars have noted that "for Romanians, religion served not only as a garment, but, above all, as an important organ, as the most important organ of life: as the heart, which spreads healthy blood throughout the body and sustains life. More than 80% of the acts of public life have the seal, approval or disapproval of the Church, in a past which for the eternity of history is not too much"[16].

It was remarked at one point that "the spiritual life of a people is reflected in its writing and in its printing"[17]. On the background of this statement, we would also add that Romanian legal culture and, why not, Romanian culture in general, until its modernisation, reflects the presence of the religious element. With regard to this influence of the religious element, it should be recalled that in the culture of the Middle Ages, religious literature, as far as it was present, was the norm for the spiritual formation of scholars and even of the other manifestations of feudal cultural creation: history, pravile, plastic arts were influenced by the theological conception. Religious literature in Slavonic, which circulated in manuscripts in the

Romanian countries, was read by a small number of connoisseurs, but not so small as to be limited to monks and priests. In this Slavic language the first pravile appeared in Romanian countries. The Slavic language was the cultured language of the ruling class and religious writings formed the spiritual food of this class; they were not only copied for the closed circle of the clergy, but were also addressed to large and small nobles, rulers, wealthy townspeople who were interested in learning Slavic.

Undoubtedly, when it comes to the religious characteristic of the old Romanian law, the pravile plays a determining role. The idea of fate played an overwhelming role in the thinking and daily life of medieval man; "life in its flow has good aspects and difficult moments, but all are trials from God. Man's whole life was observed and organised around a central axis represented by Almighty God, according to whom everything has a role. He is the absolute judge, good and evil are, both individually and collectively, manifestations of the divine will. Such attitudes, which are attested to have been found first in the collective mind, were later fixed in the writings of the 16th century and in the Romanian pravils of the following century. Pravileas (or nomocanons) - which originated in the geographical area of the Byzantine Empire - were also regarded as laws of divine will, like the old Roman laws. These Byzantine laws - which circulated in Greek under the title of nomocanon and in Slavonic as pravile - laid down the principles of a law with a pronounced humanist character, of Christian origin, and expressed the monotheistic faith, namely that of a God in Three Ipostases'[10]. If we are allowed to make a comparison, then we note that the Christian humanism present in Wallachia differed radically from Western humanism precisely in the way society was observed, as well as in the difference in emphasis and values: in the first case, the centre and axis of the law was God, in whom man believed; in the second case, the centre and measure of all things was man. This peculiarity has had a strong influence on culture.

Obviously, the presence of the religious element and influence in ancient Romanian law was also due to the fact that the main cultural pole of medieval Romanian society was the Church. It was in the Church that education, arts, printing and culture developed. It was also in the Church that the first collections of laws were published. Nicolae Iorga, speaking of a Romanian literary tradition, noted the role that the Church played in the formation of a religious language, which was also transmitted to the legislative sphere: "I have spoken of the religious character of the language, in which the service of the Church has left such deep traces, even if it is a question of some words taken from elsewhere for notions we did not have and which, with all their sometimes unpleasant character, despite our efforts to harmonize them, have remained to this day like a ballast added from elsewhere, which all the efforts of the

United Church of Transylvania and of the Orthodox reformers here could not remove. But we find the same religious element in the origins of that tradition, that historical element that nothing can remove and nothing can make it forget, which is the second normative element for Romanian writing" [18]. This religious element, which seems to be inherent to the Romanian people, was, until the modern period, a determining factor for any form of cultural manifestation, including in the sphere of culture and legislative tradition.

Until the arrival of the Phanariots, the pravilnic legal culture did not separate the social sphere from the Church. In the 17th century, the sphere of ecclesiastical translations of popular books belonging to the heritage of Byzantine-Slavic literature was considerably enlarged, without, however, leaving the religious sphere altogether. The translations, most of which were made in church printing works and undertaken by clerics, the only ones with the necessary erudition, were increasingly addressed to the popular masses, with a twofold purpose: firstly to educate them morally, and secondly to instruct them. The popular book is intended, as the philosopher Engels said, to help the peasant and the peasantry in particular, along with the Bible, to clear their moral sense, to make them aware of their power, their rights, their freedom, to awaken their courage and patriotism.

In conclusion, in Romanian countries, culture in general and legal culture in particular can be characterized as being permeated by the presence of the religious element. This reality should not be seen as contrary to modern thinking. For the Byzantines, humanism was centred on the idea of God. On the contrary, the presence of the religious element reveals important aspects of the Romanian legal tradition and, moreover, of the Romanian creed. The Romanian people instinctively went towards the Church, like the plant towards the sunlight. Therefore, religious influence is not a new element in the field of culture. In other words, until the Phanariots' reigns and, as we shall see later, even during the Phanariots' period, culture is dependent on spirituality, it draws its sap from the religious domain, the very identity of Romanian culture is given by the spiritual element, by the Romanian creed. Gradually, in the Phanariot century, this Romanian culture with a profoundly religious specificity will meet with a series of influences coming from several directions.

2. Western influences in Romanian culture in the Phanariot Age

At the beginning of the 18th century, the West was fighting for progress, for freedom and tolerance, for social equality and freedom from all forms of constraint. The English Revolution at the end of the 17th century (1640-1688) was the major event that marked and determined the beginning of the modernisation of society. "The

history of individual liberty began, in the modern age, with the example of England"[19], the philosopher Hayek recalled. The American Revolution (1763-1791) followed the English example, which was embodied in the American War of Independence or American Revolutionary War (1775-1783). In Europe at the end of the 18th century, the high point was the French Revolution (1789-1799), emblematic (over the centuries) in its dictum: "Liberté, égalité, fraternité", but also because it became the symbol of modern society and modern thought.

If we follow the same line of legal culture, we note that in the 17th-18th centuries, humanist culture was particularly strong in the liberalist doctrine of the frenchman Montesquieu (1689-1755) and the italian Beccaria (1738-1794). For example, inspired by Beccaria's criminal doctrine, the Phanariot ruler Mihai Șuțu organized the Criminal Department of the two Romanian countries, requesting the elaboration of files with evidence for each trial[20]. To the two thinkers mentioned above were added philosophers such as Denis Diderot, David Hume, Comte de Buffon, Claude-Adrian Helvétius, who developed the subject of the importance of man in society and cultivated a secularist philosophy.

During the Phanariot period, this cultural trend of humanist origin penetrated the Romanian space, especially through the Phanariot rulers and through the children of the Romanian nobles who studied abroad. Most of the jurists who were responsible for drafting the main codes of law in the Romanian provinces also played an important role in this direction: Toma Cara, translator of Armenopulos' Hexabibl (1804) and author of the Pandectelor (law of persons), Andronache Donici, author of the Legal Manual (1814), Christian Flechtenmacher, who was part of the group of jurists who drafted the Calimach Code (1817)[21]. The Phanariot rulers, who were educated in the important university centres of the time, particularly in Italy, in Bologna, came into contact with the ideas of the humanist philosophers and, in one way or another, tried to apply these bold ideas to the Romanian Country. Thus, in an unfavourable political context, Constantin Mavrocordat decided to liberate the peasants from the ruminant, bringing the rights and freedoms of the individual to the fore. Later, rulers such as Alexandru Ipsilanti or Ioniță Caragea promulgated laws containing principles of the humanist doctrine, such as the separation of powers in the state, the elimination of social differences, the affirmation and guarantee of individual rights, the prevention of discrimination, social and economic emancipation by regulating the status of the legal person, the transparency and autonomy of the courts, etc.

An important role in the presence of humanist ideas in Romania was also played by French and Italian works or books, which reached Romanian countries through the royal libraries. Ideas about man, society and the state are spread in a wide variety of

writings, from political texts proper, such as the reform projects, to literary, legal, historical and theological texts, where political allusions are very numerous. For example, in the early part of the Phanariot era, the Library of the Mavrocordians played a fundamental role in the cultivation of Western humanism. Towards the end of the 18th century, French influence led not only to the progressive ideas of the rationalist philosophers, but also to the adoption of French as a noble language by the aristocratic class, in a desire to distinguish themselves from the people. One can speak of a rivalry between the French-speaking element and the Greek-speaking element, which developed along the lines of the Phanariots, but also of a development of capitalist thinking to the detriment of the feudal reality, which was beginning to lose more and more ground. The historian Nicolae Iorga reminds us about the Phanariot rulers that "there is nothing national about them. Politically, they are Ottomans; culturally, coming from the Italianism of Padua, they are philosophers of French fashion, creators of settlements and desirous of Parisian acclaim"[22].

Under the leadership of such people, the French influence in Romanian society (in the 18th century) was a reality and not just a challenge. This fact is also confirmed historically. Although, at the beginning of the Phanariot era, French literary and social influence had not penetrated the two principalities, nevertheless, by the middle of the Phanariot century, it was possible to speak of diplomatic relations between the principalities and France, made possible by the Greek rulers of the Phanariot of Constantinople. Nicolae Mavrocordat, the first of the Phanariots, was known at the French embassy for his constant inclination towards the French-speaking world. He frequently received crates of books from Paris for his famous library. Historical accounts also recall that the Phanariot rulers made a habit of using French secretaries for all dealings with foreigners. In addition, Italian had ceased to be the usual language of French correspondence for the Orient and the Levantines themselves, half-Greek Genoese, had to submit to the newly emerging necessity of learning French if they wished to play any role or hold any post in Ottoman diplomacy. The influence of the French spirit was also felt in literature. After 1770, in particular, there is mention of the "revival of contact with the West"[23]. What was now sought in the West was that "French spirit, or, as it was called a little later, the French spirit, which reigned even in Constantinople, and in us, and everywhere, up to the court of Catherine. The period of philosophical gentleness will be followed by that of revolutionary achievements; and the Marseillaise and Carmagnola will be sung here too, or the Hymn of Rhigas, who stayed for a while in Bucharest in the house of the nobleman Brâncoveanu... what they were looking for above all was criticism, negation, satire of Voltaire, which the Greeks in particular were looking for and imitated [...] the Greeks, much more

fond of new things than the Romanians, immediately caught in the air the new current that we caught later"[23].

The field that was most influenced by the humanist current coming from the West was the legal one. Under the influence of the humanist current, the legal culture of the Phanariot era was influenced by ideas and guidelines of French origin, and there were numerous initiatives to codify custom and old Romanian law. In the Phanariot era, without overturning the legal tradition that had existed until then, humanism brought about a cultural renaissance in Romania and, only towards the end, a development and renewal of ideas about law and its social function. In any case, it can be said that the Phanariots contributed to the modernisation of legal life in the Romanian provinces, even if this renewal of the law was only just beginning. All the more so after the French Revolution, the forerunner of the Declaration of the Rights of Man and of the Citizen, one can speak of a reform of Romanian legal culture, first through the Caragea Law (in Wallachia) and the Calimach Code (in Moldavia), then through the Organic Regulations and, finally, through the Constitution and the codes of Alexandru Ioan Cuza, who was remembered as having, "in his thirst to break with the past and to give the United Principalities civilised laws, translated from French the Romanian codicils, which had contributed so much to pushing Romania along the path of progress. Therefore, the idea of modern Romanian law must also be sought in France, for it was borrowed from there, as the laws were borrowed"[14].

Another element that should be mentioned is the fact that, starting with the rulers Constantin Brâncoveanu and Dimitrie Cantemir, i.e. from the end of the 17th century and the beginning of the 18th century, more and more links with the West were developed, especially since many scholars were sent from Wallachia and Moldavia to Western countries, particularly Italy[24]. Even more so, such relations were developed in the times of the Phanariots, for whom the West, with its ideological charms, was not an enigma. The intertwining of these cultures led to a broadening of the horizon on which legal studies would later spring. This discovery of Western legal doctrine was overlapped (temporally) by the great Phanariot legal reforms. That humanist legislation and doctrine were (to a certain extent) a source of inspiration for the Romanian legislator is also attested to by the fact that specialist works published in the West, either in France or in Italy, were brought to and translated in Wallachia. Some historical sources mention Amfilohie Hotiniul (1735-1800), former bishop of Hotin, who visited and revisited Italy, during which time he purchased books from Rome, effectively contributing to the secularisation and modernisation of Romanian education at the end of the 18th century. In the same context, it should also be noted that, towards the end of the 18th century, various works published in the West were translated into Romanian. One example

is the first translation from English literature, which belonged to Ioan Cantacuzino (1757-1828), who in 1807 translated into Romanian the work of the Enlightenment scholar A. Pope: *An Essay on Man*. Ioan Cantacuzino also translated some of the works of the philosophers Montesquieu and J.J. Rousseau. Iordache Golescu (1776-1848) also turned to the legal philosophy of the French Montesquieu, who translated the work *Persian Letters*, at a time when the activity of Romanian jurists was flourishing.

Thus, it can be seen that the humanist influence in Romanian countries did not suddenly take the form of a legislative reform, but first had an impact at a cultural level, after which it began to impose itself in various branches of culture, the legislative field being, as we have seen, the most vulnerable. The interest of the Romanian rulers in modernising the legal culture of Romanian countries was also reflected in the fact that many noblemen who held important positions at court were sent abroad to observe trends in legislation. This was the case of Dinicu Constantin Golescu (1777-1830), who was in turn ispravnic, vel agă, hatman and, from 1821, grand logofat of the Low Countries. At the beginning of the 19th century, he was sent to Paris as an observer on a mission of the nobleman Nicolae Dudescu to Napoleon Bonaparte.

As I mentioned before, the influence of Western humanist culture in Romania was also made possible by the libraries of the time. Among these libraries, a determining role was played by the Mavrocordats Library, which was the source of many revolutionary works and ideas of the time. In the first half of the 18th century, the Mavrocordats Library possessed a number of Western prints, including Armenopol's Exabiblu. The nomocanonical codes in their Byzantine form and the humanist doctrine of the time are two such sources that the Mavrocordatilor Library placed at the disposal of the legislator in Wallachia. The Mavrocordats Library is known to have been the result of the efforts of three people: Alexandru, Nicolae and Constantin Mavrocordat (father, son and grandson). The collection has been admired in the West. It was housed in two places: in Constantinople, in a specially designed building, and in Wallachia, in Bucharest, in the building of the Văcărești monastery[25].

Historical sources provide more information about the size, wealth and fame of this library, which was owned by the Mavrocordats family in the 18th century. For example, it is mentioned that the so-called Mavrocordats Library was so large and valuable that requests were received in Wallachia from the West (from countries such as France and Italy) for copies of manuscripts from the library's collection. The historian Nicolae Iorga mentions, in his works, about a certain "Bignon, who recommended to Sevin, another researcher of rare works, to see the Lord, to search

the catalogue of his library, to find out if they are not duplicated and what could be given, to ask at least for permission to take copies of the most interesting and rare writings; the Lord could be asked if he did not want to print one of his manuscripts. Let him be shown how much better it would suit him if he gave some of them to the Royal Library, a much safer repository than his poor country, which is constantly threatened by the greatest dangers"[26]. The same Nicolae Iorga recalled that the works that the Mavrocordats Library contained were written in Greek, Latin, French or Italian and were grouped by subject. These fields included medicine, philology, geography, history, philosophy, morality, politics, law, rhetoric, grammar, theology, economics, etc. This was the cultural impact of such a library in a predominantly Christian cultural area.

The role of the Mavrocordats Library in the modernization of Romanian culture, in the Phanariot era, is also proved by the fact that, in Wallachia, the state libraries, including that of Nicolae Mavrocordat at Văcărești, famous throughout Europe, were also based on classical, humanistic education; they contained mostly writings of the ancient classics, in Greek and Latin, as well as writings of the church fathers, in addition to which some foreign chronicles or histories were also included. This impressive collection of books therefore had the (historical) role of mediating and bringing to the Romanian area the sources and resources needed for the later reforms. This aspect is all the more evident as, in his library, Nicolae Mavrocordat succeeded in synthesising the concepts of Greco-Latin antiquity with the modern views drawn from the works of Rochefoucauld, Francis Bacon, Machiavelli, John Locke, Montesquieu, all thinkers whose works were present in his library. In his writings there is, for the most part, a theoretical representation of this political system which he succeeded in putting into practice to a lesser extent than his son Constantine. Through the holdings of the Mavrocordats Library, Western culture and thought, interwoven with Byzantine thought, reached Wallachia, where, in the midst of the Phanariot era, it contributed to shaping the existing culture by cultivating Renaissance ideas in medieval Romanian society.

Returning to the legal culture of the Phanariot period, we cannot fail to notice that the humanist influence was embodied, at the beginning of the 19th century, in the text of the two codes of law, the Caragea Code and the Calimach Code. In one of his works, Iorga states that "the great revolutionary movement started in France in 1789 did not have an immediate and serious influence on the inhabitants of the Principalities [...] the main reason was that in the Danube countries there was no middle class, as in the West, that could have proclaimed the new principles and fought to ensure their victory [...] the influence of the French Revolution was to be felt in law and in law later, with the adoption of the French Civil Code"[27].

It is a fact that the ideas and doctrine of the Renaissance penetrated the Romanian area later. The reasons for this delay were, on the one hand, the strong national consciousness combined with a feudalism well anchored in Romanian reality and thinking, and, on the other hand, the Ottoman policy and sovereignty, which deliberately avoided any form of modernization of Romanian culture and society precisely because such a reform would have inevitably led to an amplification of the ideas of national liberation and autonomy.

In spite of such realities, on the cultural level we can speak of a pre-Enlightenment since the beginning of the 18th century, whose protagonist was the philosopher of Moldavia, Dimitrie Cantemir. Over time, with the reign of the Phanariots, the Enlightenment culture also took root in Romanian society and mentality, and, in terms of legislation, at the beginning of the 19th century, with the adoption of the civil codes that were representative in Europe, many of the principles found in such normative acts were taken up by Romanian jurists educated abroad and included in the draft codes that formed the basis of the main Romanian legislative reforms of that period.

The French Civil Code and the Austrian Civil Code influenced the legislative reforms in the Romanian principalities after 1810. In 1818, the Caragea Legislation, the first code of laws of the Romanian Country, and, in 1817, the Calimach Code, the civil code of Moldavia, included in their text a number of aspects that are also found in the French and Austrian codes. The French Civil Code in particular contributed to the shaping and development of modern civil law, in which private property and personal freedom were legal institutions that played a decisive role. The influence of the two foreign codes, and especially of the two schools of law (French and German), which at that time enjoyed a special prestige in the West, should not seem an exaggeration in the Romanian context. I say this because, at the beginning of the 19th century, the legal culture in Wallachia was quite pronounced, and many noblemen and children of noblemen had been educated at the prestigious law schools in the West. During this period the nobles began to send their children to study in Western schools. In an anaphora dated 22 July 1774, the Romanian landed gentry and the Metropolitan of Wallachia presented to Alexandru Ipsilanti a request to allow the children of the landed gentry to go "to other countries for learning"[28]. Therefore, the people of culture in Romania were aware of the European legal culture, which is why they also preferred to apply modern legal principles and to regulate legal institutions as in countries such as France or Austria. About the legal culture existing in the Romanian Country, during the period of the elaboration of the Caragea Law, we have the following account: "at the beginning of the 19th century [...] law began to be taught not only in the noble houses, but also in public schools. Young people were sent abroad to

learn law, some to Italy, then to France, and in the third decade a real school of law was founded at St. Sava, which almost functioned continuously. The two pravas, Caragea's and Calimach's, had been drawn up, but, under the influence of the Apusian culture, even from the second decade of application, there was talk of modifying them to bring them closer to the new European codes. Both in Wallachia and in Moldavia, commissions were appointed to work on transforming Romanian laws in line with the ideas of the Apus, without losing their Romanian character. In the reign of Știrbei and Grigore Ghica, the influence of the West, especially of France, in the legal field became very strong"[29].

About the influence of the French element in Romanian law, the reputed Romanian jurist Ion Peretz recalls that it was "the last and the newest foreign influence exerted on our law"[14]. The French influence in written Romanian law increased since the reign of Cuza, when the French code was translated into Romanian.

Therefore, the main normative acts elaborated during the Fanario era, which took over particularities of the French and Austrian civil codes, were the Caragea Law and the Calimach Code. Until these two drafts, Fanario legislation only reflected ideas of the Enlightenment doctrine. At the same time, it is necessary to point out that the influence of the two codes should not be understood in a pejorative sense, i.e. that these foreign laws were translated and imposed on the Romanian society, cancelling the legal tradition of that time. Caragea had borrowed various solutions from French law, but had not gone so far as to abandon the old Byzantine law, which also represented written reason for the Romanian principalities. In Moldavia, Calimach had turned to the Austrian code, itself derived from Roman law, and to the Basilicas. The French and Austrian codes served as an inspiration for Romanian jurists, particularly as regards the codification of law, which, in the midst of legal reform and modernisation, was a *sine qua non* for the consolidation of legislation. Only in a secondary way, the two civil codes served as a model for the development of civil institutions and other aspects of law, such as the affirmation and guarantee of rights and freedoms, the development of the institution of the family, the development of court procedure and the assurance of legislative transparency. The fact that the Caragea Legislation and the Calimach Code were only a stage in the development of Romanian law and legislation and not a faithful copy of French or Austrian legislation is also proven by the fact that the two Romanian codifications of the early 19th century were not generalised, but, shortly afterwards, they were replaced by the Organic Regulations, which testifies to the fact that the process of modernisation of Romanian written law was still in progress and consolidation, and that the codes adopted by the Phanariot rulers were steps towards the shaping of a modern Romanian legislation.

From what has been mentioned so far, it can be noted that, in the Phanariot period, from a cultural point of view, the Romanian area was influenced by humanist culture, which was particularly evident in the legal field. The latest legislative reforms of the Phanariot era reflected the legal culture and reality existing in France and the Austrian Empire. We are only talking about an influence in this sense, more precisely about a model of approach that Romanian jurists borrowed. However, this influence did not cancel out the originality of Romanian legal thought. Once again, we emphasise that, in Romanian countries, the modernism brought about by the Phanariot reforms should not be understood in an absolute sense, but as a long process (the 18th century is only one stage in this process), which did not entirely cancel out the specific Romanian legal character. In this regard, the erudite Professor Nicolae V. Dură observes the following: 'during the Phanariot era, codes of law continued to appear on the Byzantine model, as attested by the Hrisov of Constantin Racoviță (1754), concerning foreigners, which prohibited marriages between foreigners and citizens of the country. Likewise, the drafts of the general code drawn up by Mihail Fotino (1765-1777), which served as legal or law manuals, all have a pravilnic or nomocanonical structure and content. In their contents, we find not only excerpts from the Vasilicals or their Synopses, from Justinian's *Novelle*, but also the original *scolias*'[21]. Therefore, the legislative culture of the Romanian provinces, despite the current of renewal, continues to preserve its specific originality. In our country, against the background of the specific historical heritage - characterized by political and economic instability, instability caused by successive foreign invasions and/or domination and causing serious institutional shortcomings and delays - we have moved directly to codifications that were developed in other ways and generated by other pre-eminent causes than Western ones. The shortcomings concerned not scientific skills and scholarly effort, but two other matters: the necessary respite of historical tranquillity and, perhaps, experience in orienting ourselves as much as possible in our own interests in the given situation. In the end, by consulting the two legislative codes, Romanian society responded to Western challenges, more specifically to those ideas popularised by philosophers and applied at the end of the 18th century by the revolutionaries in America. We support the idea that what led to the westernisation of Romanian law, at the confluence of the 17th and 19th centuries, was, first and foremost, the culturalisation of the Romanian space. Many Romanian jurists and politicians came into contact with the Enlightenment and humanist ideas of the West, having studied in France, Germany and Austria. Thus, they consulted and familiarized themselves with the ideas of modern law and with the Western European legal doctrine of that time, including the ideas of the school of natural law, and, back in the country, they put those ideas into practice, opting for an increasingly comprehensive reform of Romanian law and for its renewal.

However, once these humanist ideas and theories had penetrated Romanian space and thought, they were to influence not only Romanian legal culture, but Romanian culture in general.

3. Cultural influences from the Ottoman and Greek traditions

In addition to the humanist influence, during the Phanariot period there was also an Ottoman influence and, at the same time, a Greek one, which left their mark on Romanian culture. And since we have so far referred mainly to legal culture, in what follows I will follow the same line, because it seems to me to be the most suggestive in the context of the subject we are dealing with.

An important fact is that the period between 1660 and 1821 was characterised, in Europe, by a fervent expansionism and a rapid territorial and political rise of the Ottoman Empire. Historically, the Turks were not a new presence. Their conquest of Constantinople in 1453 propelled them to the pinnacle of history and established their fame as conquerors. However, in the 17th-18th centuries, as well as increasing the influence of the Ottoman Empire in south-eastern Europe, the presence of the Turks significantly influenced the evolution of international relations and the social transformation of some European states. Scholars have called this Ottoman deployment of forces the "Oriental renaissance"[30]. This imperialist expansion of the Turks also had (political-administrative) repercussions on the extra-Carpathian Romanian provinces: Wallachia and Moldavia, which, according to historical testimonies, were familiar with such expansionist intentions and claims as early as the beginning of the 15th century. The capitulations are testimony to this.

Following complex political conflicts over Ottoman authority in the extra-Carpathian Romanian regions, from 1716 in Wallachia and 1711 in Moldavia, the Ottoman Porte appointed rulers from among the Greek *dregarii* who were part of the Sultan's administrative apparatus. These were those who held the office of *dragomani*, i.e. officials who were responsible for the maintenance of international diplomatic relations between the Ottoman Empire and other states at that time. Since these *dragomani* were residents of the Phanar district, a region of Constantinople, they were called Phanariots, and the period during which they reigned in the Romanian countries has been remembered by historians as the Phanariot era.

The Phanariot era spanned a generous period of over a century. More precisely, 105 years. However, what is more important to note is not the Ottoman domination itself, with which, unfortunately, the Romanian provinces interacted long before, but the fact that the presence of the Phanariots in Wallachia and Moldova

overlapped with a period of transformation in Europe. Referring to the Phanariot era, Nicole Iorga sees the Phanariots as a form of new synthesis, of which we in this south-eastern part of Europe were not without. Throughout the 18th century, this synthesis was translated, among other things, into a process of reform of thought and culture and, why not, of Romanian society as a whole. It goes without saying that, under Ottoman rule and authority, Romanian legal culture also acquired certain features of Turkish legal culture. The literature speaks of Ottoman influences on the Romanians in the Principalities, but historians unanimously agree that the Phanariot century left only a Levantine imprint on Romanian society and legal thought. This view can be easily proved by the fact that during the great Phanariot legal reforms, the Turkish language was either unknown or not used by Romanian jurists. Also, in the context of a growing desire for political autonomy and national liberation in the Romanian provinces, the taking over of Ottoman elements was merely a matter of circumstance and less of an intention to achieve an ideal. It is relevant to state that "la pensée politique dans les Principautés tendait essentiellement à se dissocier des valeurs turco-phanariotes. Il en résulta jusqu'en 1821 un regrettable manque de collaboration politique entre les mouvements nationaux des deux peuples, quoiqu'il y ait eu des formes d'entente sur d'autres plans, notamment sur le plan culturel"[31].

In the period 1711-1821, in the Romanian provinces, the rulers were chosen from among the friends of the sultan or among the employees of the Ottoman court. This is a testimony to the fact that in the Phanariot era, indirectly, there was an awareness (at least at the level of central state institutions) that the sultan's authority had to be accepted (including legally). The Phanariot rulers belonged to that category of people who formed the *âyân* (*âyânlik*) group and who constituted a special social category in the Ottoman capital. Therefore, enjoying this privileged position, they could not deceive the Sultan's expectations regarding the policy of governing the Romanian provinces, otherwise they would be punished either by execution or death.

The general conclusion is that, in the Phanariot era, the Ottoman influences on Romanian written law were exclusively administrative, especially through the appointment of Phanariot rulers and the careful monitoring of politics in the principalities (through Ottoman commissioners). The *hatserifs* granted by the Ottoman emperors to the voivodships of the Romanian countries contained relations of suzerainty and vassalage that were quite light compared to the Polish and Hungarian claims and guaranteed the integrity of the Romanian territory against the fierce ambitions of the Christian kings. It is possible to speak of the preservation of an autonomy, admittedly more restricted, which the Romanian countries enjoyed under Ottoman authority. No mosques were built in our

countries, which is the greatest sign of the worthy and the slovenly. Most probably this autonomy contributed decisively against the Turco-racism and the Turkification of Romanian culture in general. Historians mention a long patience of the Romanian people, which can be spoken of in the 15th-19th centuries, a patience fuelled by two major coordinates: the preservation of faith in God in the face of all foreign expansionist challenges, and resignation in the face of Turkish occupation, towards which the idea of bravery and honour developed.

It can be said, however, that a touch of Orientalism was preserved in the Romanian provinces, particularly in the cultural sphere. Many words and terms of Turkish origin were preserved, describing the presence of the Ottoman element in Romanian society: the *shalvarii*, *ciacșirii*, *ilicele* and *anteriile*, *ișlicele* or *papucii* indicated the snobbery of the Romanian nobles who tried to copy the clothing of the Sultan's court; the feasts, the *ziafetele*, the *ciorba* and the *pilaful* were also testimonies of the way the Turks carried out their daily activities, and the examples could go on. In the field of law, the Turkish influence was particularly evident in the administrative and fiscal field. New rulers such as *aga*, *caimacan* and *binbaşaua* appeared. In the fiscal sphere, various duties were paid, including *havaet*. In the context of corruption in Turkish society, the tip expanded its sphere of influence. As I mentioned, all these aspects specific to the Phanariot era were conjunctural, which is why, immediately after the weakening of Turkish influence (particularly after the Kuciuck-Kainardji moment in 1774), their presence in Romanian society either perverted or weakened, to the benefit of national cultural emancipation.

Alongside the Turkish influence, there was also a Greek influence during the Phanariot period. Nicolae Iorga, who noted that "the Fanariote reigns, once established, brought about a revival of Byzantine influence (not only scripturally), but also through politics and ideas"[32]. The main form through which the Byzantine element made its presence felt in the legal culture of the Romanian area was the *pravila* or *nomocanon*. If until the Phanariots, Byzantine influences penetrated through the Slavic route, with the arrival of the Phanariots to the rule, Byzantine law became, once again, a source for the legislation of Wallachia, this time, however, along Greek lines. Thus, "as the Slavic culture weakened, the Greek culture strengthened, so the current for laws developed, because the Greek language allowed access to the legal monuments of Byzantium"[33]. Regarding the Byzantine influence on culture and, therefore, on legal thought in Wallachia (as far as one can speak of legal thought in the Middle Ages), it should also be mentioned that the lords sent their children to Byzantium, a great cultural centre, for education [...] also, the monks sent to administer the monasteries' wealth brought with them Greek books and manuscripts, which were then translated into the local language. A Byzantine legal culture also led to an organisation of Romanian society

according to Byzantine principles.

Perhaps more than the Ottoman coordination, the society and legislative culture of the Romanian provinces were influenced in the Phanariot era by Greek thought and elements. Historians recall a real and profound Greekization of the Romanian space, prior to the Phanariot period, which left its mark even in the administrative organization of the state, as well as in the relationship between state and church. Iorga recalls that "the Greeks came to us as merchants as early as the 14th century. Also, after the conquest of Constantinople, the Greeks arrived in the Romanian countries, all and all entered the Romanian order from us and we collected from them all that they could give us. However, what Iorga himself points out, and what I consider to be the most important aspect of the presence of Greek influence in Romanian Phanariot society, is that it was the Phanariot Greeks who buried Slavonicism, an aspect which, at least from a cultural point of view, is extremely important.

With the arrival of the Phanariots, the influence of Ottoman rule was also doubled by a genuine Byzantine influence. This is not to say that the Romanian countries were not familiar with Byzantinism. The existing pravilnic tradition in Wallachia and Moldavia is by far the most important testimony to the fact that the two extra-Carpathian provinces were familiar with Byzantine thought and culture, including in legislative terms. However, unlike Constantinople, the homeland of the Byzantines, and later the Phanar district, the last Byzantine stronghold, the Romanians retained an element of originality alongside the Byzantine influence. The customary or customary legal culture, which was applied together with the pravilinear or nomocanonical rules, indicated the maturity and experience of the Romanians, who, over time, had the discernment to carve out their own perspective on law, social life, administration, religion and other aspects of human life.

As the Ottoman authority increasingly reduced the autonomy of the Romanian provinces, the Phanariot era, in that it brought to Romanian territories rulers brought up in Byzantine culture, also led to a grecianisation of Romanian culture and institutions. This Greekisation was also helped by the fact that, along with the Greek rulers appointed by the Sultan, whole families of nobles arrived in Wallachia and Moldavia, to whom the Phanariot rulers were indebted and who, on account of this debt, brokered their occupation of important offices and positions in Romanian society. In this way, a Hellenization of all fields of activity was produced: education, administration, legislation. For example, Greek schools were opened in the major cities of Wallachia; the legislative reform carried out by some rulers resulted in the adoption of laws written exclusively in Greek. In the monasteries too, the Phanario era

led to a Greekisation of monasticism. The jurist Ion Peretz also mentions the Greek influence, insisting that "with the enthronement of the Phanariots, a new series of Greek nomocanons, syntagms and prochyrons began, replacing the old Slavonic prayers"[14]. The statement of the reputed professor of the history of Romanian law confirms that the Phanariot rulers brought pure Byzantine legal culture to the Romanian countries, which they did not delay in using in an area which, at least historically, was familiar to them.

Under this influence of Greek thought, a change, as important as it was interesting, took place in Romanian society in the 18th century, which was materialized in the fact that, in the full feudal mentality, the leadership of the country was no longer taken over by the leading landowners, recognized by name, by wealth or by influence, but, through the Phanariot rulers, a period of scholars, of Greek culture, began. This led, of course, to the diversification of Romanian culture in the extra-Carpathian area, to the promotion of new social, moral and religious works, which required the spirit of the chancellery, of the office. The Greekisation of the Romanian Country began with Mavrocordat, the son of a famous physician-philosopher, the Sultan's first dragoman, who is said to have been appointed precisely because, for the Sultan, the guarantee of a loyal reign of the Porte was the family of the ruler, which was in Constantinople and which, if need be, could easily be used to persuade the ruler. "With this Mavrocordat, son of the Phanar, this class of men of condescension, who, with all their contribution, so important, to our culture, had hitherto played no part in our public life, also arose among us"[34].

Concluding what has been mentioned so far, we can say that, in the Phanariot era, more than in any century before, the Romanian countries in general, and the Romanian Country in particular, experienced and faced an important wave of influences from abroad. In one way or another, each of these influences left their mark on Romanian culture and society and, implicitly, on the formation of Romanian law and legal thought, contributing to what, very beautifully and comprehensively, the jurist Ion Peretz concluded: "Romanian law developed from Roman law adopted en bloc by the indigenous population of the province, received Slavic grafting and Byzantine coating. In time, it experienced small, temporary and marginal influences and the new overwhelming influence, brought by French law and thought, which almost drowned Romanian law"[14].

Conclusions

From the issues we have outlined and developed above, the following general conclusions emerge:

1. Until the Phanariot period and even after the Phanariot period, the Romanian culture, regardless of its field of manifestation, is distinguished by the fact that it is Orthodox. This Orthodox creed played a significant role in affirming and preserving Romanian identity and even in establishing a specific national identity. It has been stated that "in the Eastern Church, faith cannot be learned through intellectual study, but only through living, and this is not found in the science of theology, but in the divine services, in the monk's cell, in the prayer of an ordinary woman [...] in short, in everything that lives"[35]. Although it has interacted with various forms of government, political ideologies, and even foreign cultural forms, Romanian culture, supported and developed primarily by the Church, has preserved its fundamental values and principles, accommodating itself, each time, to historical gaps and modernist challenges.

What is even more important to note is that, at least at its origins, Romanian culture cannot be separated from the spirituality of the Romanian people. It is a form of witnessing to the Orthodox creed, a form of cultivating the beauty of Christian life. There is a close, complementary, even confusing, link between culture and spirituality, because Christian life [36, 37], in its complexity and beauty, is a form of culture, of valuing and cultivating the sublime, eternity and salvation. That is why, at least until the Phanariot era, culture in Romania was identified with spirituality, in that it was built on the foundation of faith and authentic Christian values.

2. In the history of Romanian law, the Phanariot era plays a significant role. Historians have called it the period of reforms, stressing that, through their policies, the Phanariot rulers encouraged the penetration of foreign cultural influences which led to a modernisation of Romanian thought and the establishment of a period of Romanian Enlightenment with its own characteristics. All these foreign influences, although they imposed themselves in the legal sphere, did not succeed in changing the cultural specificity of the Romanians. Romanian culture has retained this religious element of identification; it arose through the combination of Dacian vitalism with the Roman need for clarity, a conjunction of ethos and logos. What influenced the development of this culture was, for the most part, the spirituality of Christianity. Romanian customary law sprouted and developed on this Orthodox religious vein, which had been planted in Romanian territory since the apostolic age. Numerous Christian precepts were an integral part of this customary law, a true Gospel of traditional Romanian justice, which was reflected, over time, in many important Christian aspects, on which the basic institutions of society were founded: the preservation of monogamy and the affirmation of the importance of the family, the devilish property at the level of the community, the court procedure with its system of evidence, the role of the Church in the

enthronement of the ruler and, after that, the State-Church symphony. Despite the vicissitudes of the time, all this reality had a unified character, both in Wallachia and in Moldavia.

Although they have not yet changed the religious background of Romanian culture, all these influences, whether we are talking about the humanist, the Ottoman or the Greek ones, have at least a statistical value, contributing in time to what has been called the modernization of Romanian culture.

3. However, one can also speak of a renewal of Romanian culture during the Phanariot period. And this renewal can be observed mainly in the legal sphere. In the Romanian countries, the legislation of the Phanariot period is notable for its originality. This originality is due to the context in which the Fanario regulations were drawn up, the training of the jurists who drafted them, and the humanist legal culture that permeated them in one form or another. This originality should not be seen as being in contradiction either with the old Romanian law or with the modernism of the Fanariote style that specialists in the history of Romanian law refer to. The originality of Fanariote legislation comes from the fact that it creates a balance between the Romanian legal tradition of the time and the innovative legal currents coming from the West. In other words, the legislation of the Fanariots, drawing on canonical, pravillian and state law sources, offers modern, i.e. up-to-date, regulations useful to the context of the time. The modernity of these regulations stems from the skill and interest of the Phanariot jurists in finding solutions to contemporary problems: rumination, the literacy of priests, the establishment of court procedures, the establishment of clear competences for public officials, the establishment of clear competences in administrative matters for the lower and higher clergy, etc. Modernisation is not achieved by changing canons or nomocanons, but by using these resources in such a way that they meet the needs of the time. This is the originality of the Phanariot legislation, in that it manages to harmonise tradition with the elements of innovation without changing the substance and, above all, ensuring continuity.

This renewal, which characterises the legislation of the Phanariots and which does not take the form of a change in the substance but rather of an enhancement of the substance in the light of the challenges of the time, is intended to place the canonical and legal institutions of the Church in a new, more favourable light. Thus, without annulling the canonical foundations of the Church's organisation, the Phanariot legislator advocates improving the work of the Church, in particular through a series of reforms that are absolutely necessary for the smooth running of the Church. Since, however, the life of the Church was closely linked to culture, these reforms also made their mark in this area. All these reforms not only affirm

the quality of canonical, nomocanonical and state legislation as sources for the Phanariote regulations, but also affirm the importance of the Church in Romanian society. In this first stage of the modernization of Romanian law, the canonical-legal institutions of the Church are highlighted and, along with them, the role of the Church in the cultural space is also highlighted.

At the same time, it is not an exaggeration to mention that, apart from the political perspective, the legislative reforms carried out during the Phanariot era were important for the maturation, development and modernization of Romanian legal culture, and were a primary stage in this regard. With these reforms, new rules emerged, targeting the major areas of society: property, which now acquired a contractual character; legal persons, called *tovărășii* in the main codes of Wallachia or moral persons in the Calimah Code; obligations arising from law and *tocmeli* (contracts), as well as from delicts. The area of contracts also acquires new regulations, of particular importance in the context of the growing importance of trade in goods and money at that time. Many of the institutions regulated by the Phanariot legislation can be found in Romanian law today, whether in the civil or criminal field. This is a clear indication of the fact that, during the Phanariot period, Romanian culture basically retained its own originality in the face of external influences. This originality contributed to the transmission and cultivation of the old Romanian ethos, which is indispensable to Romanian thought and work.

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