

MIXED MARRIAGES IN THE ROMANIAN VILLAGE OF TRANSYLVANIA (1850-1918)

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Abstract: In the period at which we refer, during the Habsburg monarchy, Romanian village faced both problems that concerned a standard of living improvement and a cultural enlightenment (heighten), and problems related to law in case of denominational composite marriages. As we will see, the immixture of state in these issues stormed the supremacy of so-called national Churches (that is, in this case): the Orthodox Church (or Greek Oriental Church) and the Greek-Catholic Church (or the United with Rome Church).

Moreover, in the second half of the 19th century, in order to satisfy both Churches in the Empire, imperial administration remarked the necessity of law standardization with respect to marriage. Thus, even though they were accustomed to represent both people and laic state, these national Churches had to reconsider their positions.

Churches in Habsburg Empire gradually interpreted the matrimonial law of the state as part of the state's arsenal in his attempt to secularize the society and to intensify his control upon citizens, and as a denial of any agreements between State and Church, too. In the Romanian village from Transylvania, both laical authorities and churchdom faced a number of cases when communities changed their religion, often under the pressure of emotional factors, and seldom due to dogmatic reasons.

This is, in fact, what Metropolitan Andrei Șaguna stated hereto, namely he specified with no doubt which the churchmen attitude toward marriage should be: the state is able to handle only "the physical form of marriage, while under moral and canonic aspect a marriage may belong unquestionably the Church itself".

Keywords: the Orthodox Church, marriage, legislation, the Greek-Catholic Church, family.

Regarding the period we refer at, during the Habsburg monarchy, before and after the instauration of dualist regime in 1867, Romanian village faced both his own problems – concerning a standard of living improvement and a cultural heighten, and that of Romanians' position linked to law, that, regarding denominational marriages, stormed the supremacy of so-called national Churches, that is in this case: the Orthodox (or the Greek-Oriental) Church and the Greek-Catholic (or the United with Rome) Church.

Considered as a blithe exception, due to a plurality of beliefs manifestation, in the 18th century, immediately after its conquest, Transylvania was submitted to an offensive of Vienna, scilicet the strong Romano-Catholic Church tried to recover the position that it lost when Reform bloomed. During the 19th century, until the Revolution from 1848, considering a strong relationship between Rome and Vienna, this Church managed to impose upon Transylvanian space, including law with respect to marriage.

Since an evolution of Austrian state couldn't be stopped, in the direction of a liberalization of politic speech and that related to empire's beliefs and laic law, the second half of the 19th century obliged the imperial administration to remark the necessity of a law standardization – in this case, that one referring to marriages – in order to satisfy both nation's

churches in the Empire, which considered themselves entitled to represent people and the laic state, too.

At the end of the 17th century, and moreover, at the beginning of the next one, Romanian nation in the Empire knew an important and surprising process of denominational disunion, due to the occurrence of Greek-Catholic United to Rome Church, statutory through the well-known Leopoldian Diploma from 1701.

As a result, albeit they considered themselves parts of the same ethnic group – the Romanian one – both churches from Transylvania, the Orthodox Church – or Greek Oriental Church, as it used to be called in that times – and the Greek-Catholic Church got over a long process of necessary dogmatic and organizational disentanglement, required after the proclamation of these two metropolises, the United to Rome Metropolis from Blaj (Blasendorf, Balázsfalva) and the Orthodox Metropolis, with the headquarter in Sibiu (Hermannstadt, Nagyseben), in 1853, respective in 1864. The Greek-Catholic Metropolis had this configuration: Archdiocese of Blaj and Bishopric of Gherla, in Transylvania, Bishopric of Oradea-Mare and that of Lugoj, in Banat. The Orthodox Metropolis integrated the Archdiocese of Sibiu, in Transylvania, and the Bishopric of Arad and that of Caransebeș, in Banat.

Thereby, the second half of the 19th century was a period of standardization, in order to singularize the identity of both churches, especially with respect to the marital problem, which generated constant debates¹.

In this paper, we will try to draw together some markers, especially with respect to Orthodoxy, about:

1. how the state was in play with matrimonial law, including composite marriages;
2. the implication of the state in matrimonial military law;
3. the position of both Romanian churches central composite marriages;
4. the reception of the influences upon Romanian villages from Transylvania of the period 1850-1918, based on documents from the Archive of Transylvania's Orthodox Archdiocese from Sibiu.

This analyze refers to above-mentioned Orthodox Archdiocese, that consisted of 34 protopopal districts, with: Maramureș and the protopopal district of Dej, in the North; Szekler Land (Ținutul Secuiesc) and protopopal districts of Bistrița and Trei-Scaune [Three-Sees/Chairs], in the East; protopopal districts of Sibiu, of Brașov and of Bran, in the South; protopopal districts of Solnoc, of Zarand and of Câmpeni, in the West.

All this time, according to vital statistics that we have, Orthodox Romanian people from Transylvania counted 674.526 adult inhabitants, in 1877, and as many as 841.970, in 1914, from which: 425.944 were men and 416.025 were women (see Annex 2) and see Annex 3, for a comparison to entire population of Transylvania and of Banat.

¹ *Legislația ecleziastică și laică privind familia românească din Transilvania în a doua jumătate a secolului al XIX-lea* [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], Romanian Academy, Centrul de Studii Transilvane [Centre of Transylvanian Researches], introductory study and notes by: Ioan Bolovan, Diana Covaci, Daniela Deteșan, Marius Eppel, Crinela Elena Holom, Cluj-Napoca, 2009, p. 20.

According to the situations that these three metropolises presented in the Metropolitan Congress, Transylvania and Banat counted 1.498.197 adult Romanians, in 1878, and 1.885.173, in 1914.

Purely doctrinal, there were not great problems, since both Churches took out the legislative directions with respect to family from the writings that synthesized – in *Pravila* and *Pidalion* (guidance manual) – the most important codes, until the first part of the 19th century.²

In the above-mentioned period, there were some fundamental books: *Cunoștințe folositoare despre trebile căsătoriilor* [Useful Knowledge about the Affairs of Marriage] and *Compendiul de Drept Canonic* [Canonic Law Compendium] by Andrei Șaguna, in the orthodox landscape; works written by Iosif Papp-Szilagy, Ioan Rațiu and Tit Bud, in the Greek-Catholic landscape. It is recommended to mention that, beside a sometime difficult dialogue with Orthodox Church, the Greek-Catholic clergymen had to defer to Rome's direct indications.

On the other side, during the 19th century, the Austrian state and, from 1867, the dualist state coerced their own law. Until 1894-1895, they consulted Churches from the Empire, after which the celebrated “political-ecclesiastic laws” inclined the balance in favor of the laic state as lawgiver/legislator. Briefly, until the afore-mentioned moment, Vienna harmonized somehow with local dispensations, in a kind of armistice, like that represented by the Austrian Civil Code in Transylvania and Hungary, enforced in 1853.

Some other legislative acts with major importance for matrimonial law, including composite marriages, were *Instruction for marriage* from 1854³, *Law 53* from 1868, with respect to officially recognized religions, and *Law 48* from 1868, concerning the procedure of divorcement in case of composite marriages.

Law no.53/1868 imposed the principle of equality/equality in rights between Churches from the Empire, a principle insufficiently kept by those refusing to accept the Catholic Church's role of *primus inter pares*⁴. According to this law, in the case of composite marriages, the steps to complete the marriage and the accountability regarding religious education of children were established.

Hereby, in order to assure equilibrium, in the case of composite marriages, law stipulated that daughters will adopt mother's religion, and boys will adopt their father's one, which both Romanian churches agreed with. Also, children's age was in picture, that is, those children between 7 and 18 years old were allowed to adopt another denomination, if they got the approval of so-called authority for orphans.

At the end of the 19th century there were three laws by reason of which the state came into its own as laic power: law no.30, law no.31 and law no.32 from 1894, that were effective from 1895. They alluded to the indispensability of civil marriage, to the pronouncement of

² *Legislația ecleziastică și laică privind familia românească din Transilvania în a doua jumătate a secolului al XIX-lea* [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], p. 22.

³ *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], p. 22.

⁴ *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], pp. 28-31.

composite families' children' belief and to the ushering of civil registry book, so that Church's registers of baptized, married or buried people got a secondary importance in comparison to state's official registers. Many people that lived under those circumstances considered that Church's of Rome aggressive attitude and state's attempt to establish a *modus vivendi* between the laic law and the denominational law gave themselves the state an opportunity to move in – though both sides were accused of inconstancy and lack of responsiveness. At that date, in Orthodoxy – for example –, the state immixture in this case was condemned and considered a proof of false liberalism⁵.

Even though, chronologically and under the aspect of compulsoriness, civil marriage had priority by statal law, both Romanian churches continued to underline the importance of religious marriage, and so, that of religious divorce, too. *Instrucțiunea Consistorului Mitropolitan de urmat în provincia noastră mitropolitană față de noile legi politico-bisericești* [Instruction of Metropolitan Consistory with respect to new political-clerkly law in our metropolitan province] expressly mentioned that all these provisions were accepted *in extremis* and that only religious marriage had validity from Orthodox Church's point of view.

Compared to the precedent law, it was adequate to effectual law the civil marriage alone, so that the protopope risked losing one of his safest incomes as he used to get a part of the marriage ceremony tax. They were still filling up register books of Church, though they had no more functional charter. Just in case of serious illness, based on a voucher, a religious marriage was allowed to take place before the civil one.

A legal agreement between parents related to children' denomination was an important aspect also, since the article no.32 from a law in 1894 specified it. In the absence of such agreement, infants' (children under 18 years old) denomination was controlled under specification of the older law from 1868. Illegitimate children were affiliated to mother's religion, and children under 7 years old followed that in case that their mothers had adopted

⁵ *Legislația eclezistică și laică...*[Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], pp. 81-85, articles in the informally journal of Orthodox Metropolis from Sibiu. In 1894 and 1895, "*Telegraful Român*" [Romanian Telegraph] dilated on debates from House of Magnates and discourses of Romanian metropolitan clergymen that advocated the maintenance of religious marriage alone. Many articles signalized the motivation of the state, „the controversies between state and Church from dualist state”, in: *Telegraful Român* (T.R.), year XXXVIII,17/29.11.1890, nr. 121, p. 480; Church of Rome enjoined elusion of Law when it asked the Ministry of Culture and Public Instruction to give an Ordonance in 1890, by which state set an intermediar solution regarding children of diferent religions: they could christianize in a Catholic Church, and the priests would inform authorities of baby birth.In: T.R., year XXXVIII, nr. 107,11/23.10.1890, p. 425. A new disaffection brought the bureaucracy that appeared in cases of composite marriages, due to the occurrence of civil marriage. Thus, unlike the Law in 1868, civil marriage brought the compulsoriness that the future parents establish children' religion in the presence of a notary or of a civil servant, before they marry. In: *Instrucțiune a Consistoriului Mitropolitan de urmat în provincial noastră mitropolitană față de noile legi politico-bisericești* [Instruction of Metropolitan Consistory with respect to new political-clerkly law in our metropolitan province], in: T.R.,year XLIII, 5/17.10.1895, no.98, p. 390. As for the rest, there are not articles focused on this subject, because local conflicts made up by the time, and Orthodox authorities apprehended papal encyclicals, by which – they said – Greek-Catholic „angled for proselytes (in this way), too”. *Datele statistice pe anul 1897 de la Oficiul Central Statistic de la Budapesta* [Statistics for 1897 from Central Statistic Office in Budapest], in: T.R., year XLVI, 8/20.12.1898, no. 134, p. 539.

another one. This situation could change if father wished to recognize these children as legitimate, and formalities for this case could last up to 6 months⁶.

The second dimension of these discussions was represented by military matrimonial law, which added up to state's official law. This legislation was intended to fight against absenteeism from military recruitment on the reason of a family establishment and that of children care. As a result, a series of law were imposed and popularized, including with the help of priests from rural areas.

We mention here mainly the Military Order No.104 of 1852, and especially Law no.40 of 1868. According to this ordinance, due to a large number of young men that got married before they were 20 years old – probably to escape from compulsory military service – law set the minimal age for marriage from 20 to 22 years, and only if the young had a voucher for this problem.

Regarding Law no. 40 of 1868, the main provisions were: the minimal age for marriage remained that of 22 years old; for financial reasons, the military service was reduced from 8 to 3 years, followed by a period of 6 years as reservist, and recruitment classes were reduced from 7 to 3. Thus, the marriage was permitted if the youths had reached the third grade of recruitment and they had been transferred (in reserve). They set punishment for those who married out of law, a fine of 1000 florins or 6 months of imprisonment, and a fine of 500 florins or 3 months of incarceration for the young's family and for the officiant priest.⁷

Both Romanian Churches had a common, basic fundamental to stand for marriage as one of the major mysteries of the Church, dogmatically supported by Fathers, by the canons of the Ecumenical Councils and local councils, which – during the 17th century, in the Romanian territory – were all synthesized into *Pravila* or *Îndreptarea legii* [*Correction of law*].⁸

In Orthodox field of Transylvania, Metropolitan Andrei Șaguna governed matrimonial law, especially with three references: *Instrucțiunea pentru căsătorii* (1854) [Instruction for Marriages], *Cunoștințe folositoare despre trebile căsătoriilor* (1854) [Useful Knowledge about the Affairs of Marriage] and *Compendiul de Drept Canonic* (1864) [Canonic Law Compendium].

In Orthodox field, all of these works set the main steps to follow, including for composite marriages, but the Canonic Law Compendium [*Compendiul de Drept Canonic*] was considered a standard. Composite marriage was a baffled problem, liable to canonic mistakes, but Greek-Catholic Church broadly accepted the way in which the Compendium establish the steps for this situation: in case that the bride was Orthodox, marriage had to take place in an Orthodox Church; before the marriage ceremony, three announcements took place in both Churches, and two religious ceremonies could take place, but Orthodox Church did

⁶ *Instrucțiune a Consistoriului Mitropolitan de urmat în provincial noastră mitropolitană față de noile legi politico-bisericești* [Instruction of Metropolitan Consistory with respect to new political-clerkly law in our metropolitan province]: T.R., year XLIII, 5/17.10.1895, no.98, p. 390.

⁷ *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], pp. 51-54.

⁸ *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century] p. 21.

not grant any value the “passive assistance of the priest of another religion”; thus, the bargaining between these “contrahents” had to be clear.⁹

In the Greek-Catholic Church, through writings of Iosif Papp-Szilagy, of Ioan Rațiu and of Tit Bud they tried to harmonize with both Austrian (then dualist) state’s law and the status of papacy, especially. After First Provincial Council of the United Church from Blaj (in 1872), where debates about composite marriages took place also, these were canonical validated, but they saw them as bringing into danger the faith of the parishioner. Unlike the Orthodox perspective, the passive assistance of the priest of another religion was accepted, and blessing of marriage were electively between priests. This was a balanced attitude, but when discussing denomination of resulted children, “babies born in a rite composite family follows the denomination of their father, who is family’s head”.¹⁰

Tit Bud sympathized with this point of view, in a special work on matrimonial canon law, in 1875. In *Theological Lessons about Conjugality, Obstacles, Procedure with respect to Theory et praxa vigente in the Metropolitan Greek-Catholic Province of Alba Iulia* [*Prelecțiuni teologice despre matrimoniul, impiedimente, procedura cu respect la teoria et praxa vigente în provincial metropolitană greco-catolică a Albei-Iulia*], he details things stipulated in the above-mentioned Council, that is: composite marriages are rightful and “wrongful” in the same time, since the partner’s religion is dangerous and can represent a reason to abnegate your own denomination for that one.¹¹

From the analysis of the main laws, which were the basis for that approach – it’s about *Lamburschini Instruction* (1841) [*Instrucțiunea Lamburschini*], *Instruction of Pope Gregory the 16th to Archbishop of Freiburg* (1846) [*Instrucțiunea Papei Grigore al XVI-lea către arhiepiscopul de Freiburg*] and *Instruction of Pope Pius the 9th to bishoprics* (1858) [*Instrucțiunea Papei Pius al IX-lea către episcopate*] – we can deduce Rome’s influence in maintaining a certain supereminence and a balance required by new relationship with a increasingly powerful secular state.¹²

If we focus on implications’ reception in Romanian village in Transylvania, in the period 1850-1918, we will follow a series of coordinates along the period aforementioned. We consulted only sources from Archive of Orthodox Archdiocese of Transylvania from Sibiu, but we think that the analysis of some cases listed here is balanced.

⁹ Andreiu [Andrew], baron of Șaguna, *Canonic Law Compendium*, 2nd edition, Sibiu, 1885, p. 66. In addition, Instruction from 1854 stipulated some other requirements: the existence of baptismal certificate, the incumbency of the three announcements and procurance of “kinship licenses” in need of dispenses. In: A.A. Sibiu, no. 425/21.07.1854.

¹⁰ *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], Romanian Academy, Centrul de Studii Transilvane [Centre of Transylvanian Researches], Cluj-Napoca, 2009, pp. 64-65.

¹¹ *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century], , pp. 66-67.

¹² *Legislația ecleziastică și laică...*, [Ecclesiastic Law and Laical Law with respect to Romanian family from Transylvania, in the second half of the 19th century]. The problem of matrimonial law in Greek-Catholic field and debates with respect to divorce or dispenses (for instance) that even Rome required were treated by Ciprian Ghișa, too, in: *Biserica Greco-Catolică din Transilvania (1700-1850). Elaborarea discursului identitar* [Greek-Catholic Church from Transylvania (1700-1850). Elaboration of Identity Discourse], Editura Presa Universitară Clujeană, Cluj-Napoca, 2006, p. 320.

In this context, we shall analyze the statistics provided by leader forum of Orthodox Archdiocese of Transylvania, which joined in with the Archbishop and the Metropolitan at the Archdiocesan Synod – who had an annually meeting – and by Archbishopric Consistory, which addressed itself current issues between Synod’s sessions.

We are up against a lack of data for some parts of that period, for the simple reason that they were not collected detailed statistics on religious marriages that took place in 1877, and those referring to composite marriages began only since 1896.

Interestingly, the data transmitted at the metropolitan level (Orthodox Metropolis of Transylvania was recognized by Emperor Francisc-Iosif [Franz-Josif] in 1868, specifies that, unlike the Transylvanian area, in the other two bishops – of Arad and of Caransebeș – composite marriages were frequent, as they can see in the annexes.

We suppose that their number was relatively small, so that the Archdiocese of Sibiu no longer considered important to mention them. However, statistics change in 1894, when “political-religious laws” – including those referring to composite marriages – were published. The peak of the period 1896-1918 was the year 1911, when there were 883 religious composite marriages out of 7242, and the minimum realized in 1895, when 148 composite marriages took place, and there is a small value for the 1915 during the war, when 158 marriages out of 1679 were composite. According to the Annex, the numeral evolution of composite marriages in Transylvania can be set beside that in the other two bishops.¹³

Another relevant issue was the number of civil marriages after 1894. In case of religious divorces and of those which required the intervention of another authority, the data reveals that more than 95% of Orthodox Romanians married Romanians (usually) of Greek-Catholic faith, but any less in Transylvania than in Arad or in Caransebeș.

Since debating time is limited, I chose to introduce constants in terms of how Orthodox parishes and Catholic parishes – with their priests – have agreed to respect the law or tried to adapt it to their own mentalities. The first problem that we brought out was that – out of the issue of mixed marriages – common believers have not given dogma or canon a major importance, as a priest did.

Some of them have mistaken because they wanted to marry regardless of state law, that even Church accepted, and others were alive to their mistakes, because they were not exempted from enrollment lists. A typical case is that of Stremți (in Alba-Iulia County), in 1868, when an unattached Greek-Catholic priest celebrated marriages of some Orthodox soldiers. In his report, Alexandru Tordășianu, the administrator of Alba-Iulia (deanery) District makes a radiograph of this case: the parish priest cannot assert himself among believers, and the Greek-Catholic priest considered that he “has a power given by their bishops”. Some of the 10 complained marriages were committed at home; others were not celebrated because the priests refused to do so in the absence of military vouchers. According to an investigation, in 1868, some marriages have been celebrated in compliance with military law, but those who could not make it chose to live in concubinage for a while¹⁴.

In other cases, the source of problem was family pressures. For example, the family of a young of 17 years old – that could be recruited still – owed to accept a Greek-Catholic

¹³ Common Councils Protocols of Greek-Oriental Romanian Archbishop from Transylvania, Sibiu, 1880-1920.

¹⁴ A. A.Sibiu, 53/1868.

priest, even though both grooms were Orthodox. The 19 years old bride lived for a very short period with her husband, and the Orthodox priest brought her back home. The groom, Moșițiu Ioan from Cupșeni, admitted that he married Aristia Griguția from Stoiceni due to the pressure of his family and of his relatives, and that he could not live with his wife although he had paid a three florins celebration fee.¹⁵

Sometime, families divided because parents adopted another religion, but they did not the necessary formalities for their children also. In time of their marriage, baptismal certificates led to tense situations regarding their confessions; Orthodox priests and Greek-Catholic priests accused each other of violating jurisdiction. For instance, in 1899, in Vurpăr (Sibiu) parish, an Orthodox priest married three pairs, where brides were Orthodox. Complication arose when it brought out the fact that their parents became Greek-Catholics when girls were (under) 7 years old, so the Greek-Catholic priest considered the brides to be Greek Catholic and, as punishment, he demanded to be paid 52 crowns wedding fees. For material reasons, only a couple paid the tax and the other two said that “they will content the civil marriage alone”.¹⁶

Moreover, to discourage the increasing number of marriages between candidates to priesthood and Greek Catholic brides, in 1903, the Archdiocesan Synod from Sibiu set a very expensive fee of 400 crowns for theologians who wished to take a decision like that. Such a candidate to priesthood, Constantin Popovici, married Valeria Ghișoiu, a Greek-Catholic believer. Although she chose to move to Orthodoxy, the fee had to be paid and the candidate became a priest in a poor parish, so that he asked to be allowed to pay a yearly tax of 50 crowns for 8 years, instead of a yearly 100 crowns tax for 4 years.¹⁷

Many Greek-Catholic priests executed later the 1868’s Law of dualist state, by which the Orthodox Church came to equal entitlement to other denominations; they continued to apply the Decree no.4638 from 1862, that established alone for the Catholic (or Greek-Catholic) priest the right to celebrate denominational composite marriages. In most of these cases, aspects above-mentioned are encountered.

Marriages celebrated without clarifying all issues that could occur were fined also. Thus, Consistory of Blaj addressed a complaint to Consistory of Sibiu, because the Orthodox priest Ioan Samoilă from Cacova Erii (religious district of Lupșa) married Irina Morariu Gall to Lucian Onea, before crossing formalities that the bride switches over to Orthodoxy, so they denied the validity of that marriage.

The priest accepted an intermediate solution, which was also valid and was commonly used in rural areas, this is at least two witnesses could certify the existence of so-called “switch” documents. Afterwards, the witnesses denied their statement. Moreover, according to the investigation made by the dean of Lupșa, Nicolau Fodorean, local clerk made out a script certifying that the whole bride’s family adopted the Orthodox denomination. When the protopope (dean) had in the former witnesses, these have denied that they ever participated to that celebration. Caught in this dilemma, the dean couldn’t decide which statement may be

¹⁵ A. A.Sibiu, 243/1869.

¹⁶ A.A.Sibiu, III, 1899, 756/6394.

¹⁷ Valeria Soroștineanu, *Aspecte din istoria Bisericii Greco-Catolice* [Aspects from the History of Greek-Catholic Church], Editura Universității “Lucian Blaga” din Sibiu, Sibiu, 2007, p. 97.

considered and, finally, both Consistories abandoned the case while pending for state's intervention.¹⁸

There are many situations when priests eluded each other and gave no importance to present all the documentation before the marriage. This was often a cause for complaint, which they sent to the deaneries – the link between a parish and a diocese. Such a case is that of the priest Dimitrie Sigărțian from Negrilești (protopopiate of Ghurghiu), who complained to his superior, the dean Ioan Bodea from Ghurghiu, that the Greek-Catholic priest from the same parish – Ioan Gherb – had intruded into the internal affairs of the parish.¹⁹

The accused person was considered, too, especially if it was part of the local elite and occupied an important role there. For example, the elementary teacher Dimitrie Șova from Pianul de Jos (protopopiate of Alba-Iulia) – son of an Orthodox priest – married to Sofia Nicolașiu from Cetea (Orthodox believer, too) with the blessing of a Greek-Catholic priest, and no punitive action was taken.²⁰

A similar situation was that of Ana Pop from Farago (protopopiate of Ghurghiu), the daughter of a Greek-Catholic priest. The Consistory of Blaj refused her request of marrying to an Orthodox believer. Determined to marry like that, she had to formally appeal to the law of denominational composite marriages from 1868. Although she confessed a Greek Catholic priest her desire to adopt the Orthodox confession, “a certificate for denominational substitution was not released.”²¹

In the protopopiate of Mediaș, Ilarie Chendi did not agree with the way in which the Greek-Catholic priest from Mediaș celebrated denominational composite marriages, without giving any importance to the Orthodox side, including in cases of blood kinship of 6th grade. Achim Dăian, a Greek-Catholic believer, and Eftimia Limbășan, an Orthodox believer, both from Mediaș, asked for dispensation only from the Greek Catholics and paid 10 florins, considering they had not got enough money to pay two times the canon, even though, according to a written statement of the town hall from Mediaș, the priest that celebrated the marriage must receive a certificate from Sibiu, too. The marriage ended suddenly, the husband was the one who asked to draw out from a marriage he deemed to be unholy. Both priests troth to refuse to marry people of different denominations “in the absence of necessary documents”.

Subsequently, by an address, the Metropolitan Capitol from Blaj falls back on that case and announces the Consistory of Sibiu that a penalty tax was given the Greek Catholic priest who had married regardless of kinship grade and in the absence of a dispensation from the Orthodox authorities.²²

The problem of marriage dispenses demanded priests a careful tackling, since they had to be given from both Churches that attended those who were going to get married. In 1899, the protopope Teodor Ciortea from Trei Scaune (Three-Sees/Chairs) was directed by the Bishop Ioan Meșianu (1899-1916) to analyze and monitor such cases closely. For example, Vasiliu Simon, a Greek-Catholic believer, and Ana Sabău, an Orthodox, who were related in

¹⁸ A.A.Sibiu, 181/1869.

¹⁹ A.A.Sibiu, 141/1869.

²⁰ A. A.Sibiu, 745/1869.

²¹ A.A.Sibiu, 1458/1869.

²² A.A.Sibiu, 185/1870.

the 3rd grade, had gotten a dispense only from Greek-Catholic Church, then civil marriage took place, but the Metropolitan Mețianu asked “to bring into force certain means in order to stop this marriage.”²³

Another Orthodox priest, Vasile Pinteș of Goștila (protopopate of Solnoc) faced similar situations and he concluded that “united brothers have a great desire [in original: *with hands and feet*] to keep their rusty rights even today”, referring to their desire to prevail over others denominations, a practice eliminated with Act of 1868.²⁴

In many composite or neighboring parishes, there were communities that switched to Orthodoxy or to Greek-Catholicism, without necessary formalities, so that confused situations occurred and had different consequences from case to case. At the Vâlcele parish from Hunedoara, due to composite marriages, these two denominations came to loggerheads. Three marriages between Greek-Catholics and Orthodox believers took place with blessing of the Orthodox priest under the acceptance given by the Greek-Catholic priest, a fact that the entrant Greek-Catholic priest has not agreed. At this complication concurred also the declaration that family members gave, explaining that father and mother had chosen different religions. The problem might have solved when the wife decided that girls who would result in marriage should follow the Greek-Catholic denomination²⁵.

Conclusions:

1. Analyzing statistics, even though these are incomplete for some periods, it appears that more than 95% of composite marriages were concluded between Orthodox Romanians and Greek-Catholic Romanians, so that only a denominational cleavage is visible.
2. Churches in Habsburg Empire gradually interpreted the matrimonial law of the state as part of the state’s arsenal in his attempt to secularize the society and to intensify his control upon citizens, and as a denial of any agreements between State and Church, too.
3. In the Romanian village from Transylvania, both laical authorities and churchdom faced a number of cases when communities changed their religion, often under the pressure of store or that of emotional factors, and seldom due to dogmatic reasons.
4. Matrimonial law of military origin created a latent conflict, which sprung from the coincidence of the age that usually men get married and that age when they were liable to be enrolled in the soldiering.

After the avalanche of laws by which state took control of most important moments in the life of every individual, the priest of both Romanian churches equally continued to make people more aware of the importance and the purpose of its actions in private and in official field of his existence.

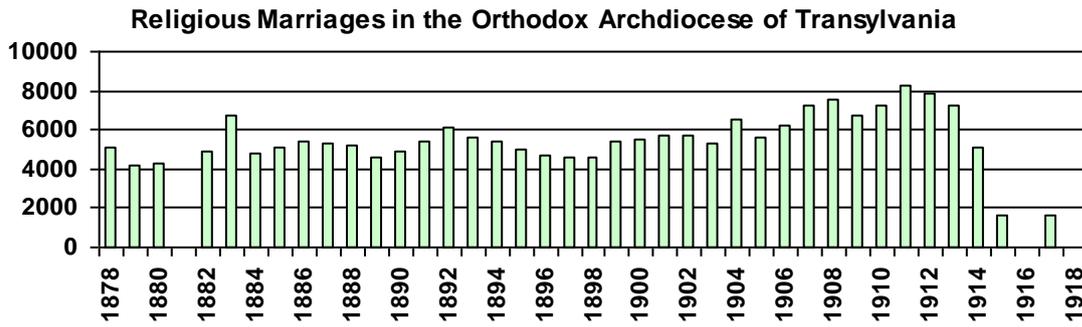
This is, in fact, what Metropolitan Andrei Șaguna stated hereto, namely he specified with no doubt which the churchmen attitude toward marriage should be: the state is able to handle only “the physical form of marriage, while under moral and canonic aspect a marriage may belong unquestionably the Church itself”.

²³ A.A.Sibiu, I, 5230/1899.

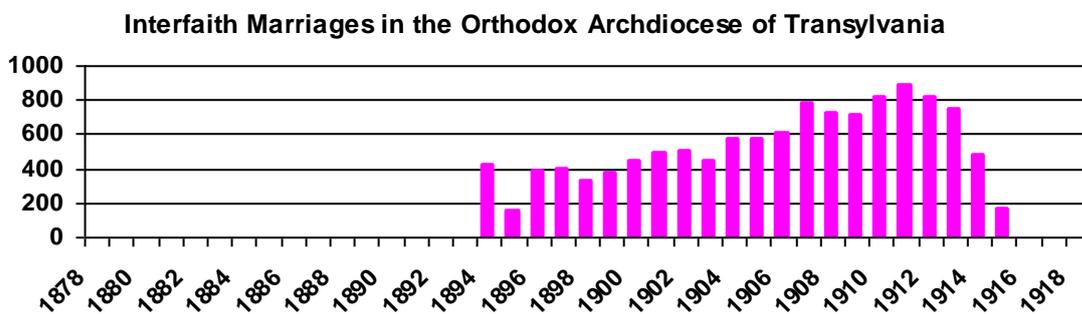
²⁴ A.A.Sibiu, 268/1870.

²⁵ A.A.Sibiu, 825/1869.

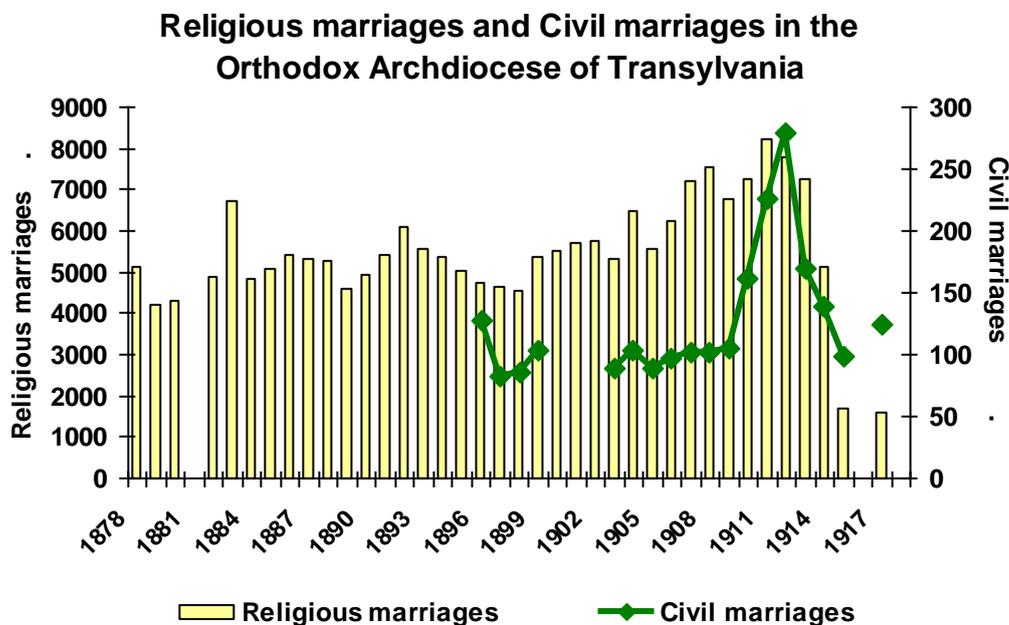
Annex 1



Annex 2



Annex 3



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