



THE AUTOCEPHALY OF THE ROMANIAN ORTHODOX CHURCH BETWEEN CANONICAL ORDER AND CONSTITUTIONAL FRAMEWORK¹



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Abstract. *This study examines the process through which the Romanian Orthodox Church attained the status of an autocephalous Church, a process brought to completion by the Synodal Tomos of the Ecumenical Patriarchate of 25 April 1885. Romanian autocephaly operated both as a canonical ecclesial institution, grounded in synodality, the territoriality of jurisdiction, and the principle of aligning ecclesiastical organisation with that of the state, and as a legal expression of Romanian statehood, asserted through an internal act, elevated to the rank of a constitutional norm, and incorporated into organic law before being recognised by the Mother Church. The study also establishes a distinction of principle: autocephaly is the canonical system governing the organisation and functioning of the Church, in conjunction with synodality, rather than a form of ecclesiastical sovereignty; likewise, patriarchal dignity does not constitute a higher degree of independence, but rather the highest administrative title held by the primate of an autocephalous Church. Reconstructing the period from 1857 to 1885, the analysis shows that domestic law preceded ecclesiastical law and that the two normative orders ultimately converged through a gradual process of accommodation, in which the synodal act of the Mother Church recognised the status of autocephaly—the one quality that the state itself could not confer.*

Keywords: *Autocephaly, Synodality, Primate, State Sovereignty, Ecclesiastical Law, Constitutional Law, Article 21 of the 1866 Constitution, the 1885 Tomos, Ecumenical Patriarchate.*

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1. Introduction

Few institutions of the Orthodox East place the researcher as insistently at the boundary between two normative orders as autocephaly does. For the scholar of Orthodox canon law, autocephaly is a category of ecclesiastical order, a form of positioning a local Church within the communion of Churches, grounded in the canons of the Ecumenical Councils and in centuries-old practice. For those who approach the same historical developments through the conceptual framework of public law, autocephaly appears closely connected to the existence of a sovereign state and as coinciding with the process through which that state asserts its sovereignty. Neither of these perspectives, taken in isolation, fully accounts for the phenomenon.

The argument advanced in the pages that follow is that, in the Romanian case, these two perspectives are not mutually exclusive but complementary. The attainment of autocephaly by the Romanian Orthodox Church in the nineteenth century was simultaneously a canonical act and an act concerning status: the projection into the ecclesiastical order of a new reality of public law and, at the same time, the canonical expression of that reality. It should, however, be stated from the outset that this complementarity allows neither the conflation of the two planes nor the interpretation of autocephaly as a form of ecclesiastical sovereignty. Autocephaly remains a category of ecclesial organisation, grounded in the ecclesiology of Trinitarian communion and in the sacred canons, rather than a transposition into the Church of the categories of public law (Grigoriță, 2025, pp. 161, 192, 317).

The starting point of this analysis is the observation that, within the Orthodox world, the relationship between Church and state cannot be reduced to the Western model of separation. Rather, it is shaped by a distinct canonical principle, namely that of adapting ecclesiastical organisation to the organisation of the state.

The chronological framework extends from the demands formulated by the ad hoc Divans in 1857 to the patriarchal tomos of 25 April 1885. Within this temporal arc fall, in sequence, the Union of the Principalities in 1859, the secularisation of monastic estates in 1863, the synodal reform of 1864-1865, the constitutional recognition of independence in 1866, the Synodal Law of 1872, the achievement of state independence in 1877-1878, the consecration of the Holy and Great Myron in 1882 and, finally, canonical recognition. The sequence of historical events reverses the order that ecclesiastical law would otherwise have required.



2. Autocephaly as a system of church organisation

The first task of any inquiry into Romanian autocephaly is to clarify precisely what was requested, proclaimed and, ultimately, recognised. Without such clarification, any discussion of the acts of 1864, 1866, 1872 and 1885 remains little more than a chronological enumeration of dates.

2.1. Definition and canonical foundations

Contemporary Orthodox canonical theology defines autocephaly as the canonical status of a local Church organised within a clearly delimited socio-political, geographical-territorial and ethnic framework, enjoying the highest degree of ecclesiastical autonomy and possessing the right to elect its own protohierarch, without any external interference, by decision of its synod of hierarchs (Grigoriță, 2025, pp. 192, 197). This definition brings together, in a single formulation, all the constitutive elements of the institution, while its principal criterion—the unrestricted election of the protohierarch by the Church’s own synod—will make it possible, as shown below, to determine the precise nature of the Romanian claims.

The classical definition in Romanian canonical theology, formulated by Father Professor Liviu Stan, proceeds in the same direction, describing autocephaly as the administrative and jurisdictional independence of an ecclesiastical unit constituted on a synodal basis within a sovereign state, in relation to another unit organised in the same manner within universal Orthodoxy (Stan, 1956, pp. 369-396; Roman, 2025, p. 328). The difference in emphasis between the two formulations is not insignificant: the former places at its core the right to elect one’s own protohierarch, while the latter links autocephalous status to the existence of a sovereign state. Both are necessary for the present analysis.

From the outset, a distinction must be made which the jurist cannot avoid. Autocephaly concerns governance, not faith. An autocephalous Church does not possess a faith of its own, but professes the faith of Orthodoxy as a whole; what is proper to it is solely self-government through independent synodal authority, together with the obligation to remain in dogmatic, canonical and liturgical interdependence with all its sister Churches (Grigoriță, 2025, p. 193; Floca, 1981, p. 104). This distinction between the organisational and dogmatic planes will, as we shall see, be reflected in the Romanian constitutional text of 1866 itself, indicating that its drafters were well acquainted with the Eastern canonical order.



The canonical foundation of the institution lies, first, in Apostolic Canon 34, the earliest text to bring together primacy and synodality: the bishops of each nation are required to acknowledge the first among them and regard him as their head, undertaking no matter of major importance without his consent, while he, in turn, may do nothing without the consent of the others (Grigoriță, 2025, p. 204; Milaș, 1931, Apostolic Canon 34). According to canonical theology, this is also where the etymological root of the concept may be found, since the terms that form the word autocephaly, namely self and head, appear together here for the first time. From this foundation follows a consequence of central importance to the present analysis: autocephaly is not a self-standing canonical principle, but exists only within synodality (Grigoriță, 2025, pp. 197, 199-200).

The second foundation is Canon 8 of the Third Ecumenical Council, by which the synod of the hierarchs of Cyprus was recognised as having the right to elect and consecrate its own hierarchs, including its protohierarch. The canon does not use the word autocephaly, but describes precisely its substantive content; moreover, the Council of Ephesus did not create a new status, but confirmed an existing state of affairs that had remained undisturbed until the intervention of Antioch (Grigoriță, 2025, p. 197; Vlaicu, 2025, pp. 353-354, 357).

The third foundation is territorial. Canon 2 of the Second Ecumenical Council prohibits bishops from extending their authority beyond the boundaries of their dioceses, while Canon 8 of the First Ecumenical Council requires that there should not be two bishops in one city; to these may be added Apostolic Canons 34, 35 and 37; Canons 4, 5 and 7 of the First Ecumenical Council; Canons 2 and 8 of the Third Ecumenical Council; Canons 12, 17 and 28 of the Fourth Ecumenical Council; and Canons 38 and 39 of the Sixth Ecumenical Council (Grigoriță, 2010, pp. 237-238; Neacșu, 2025, p. 135).

The fourth foundation is the very one that connects directly with the subject of this study. Canons 17 and 28 of the Fourth Ecumenical Council and Trullan Canon 38 establish the principle that ecclesiastical organisation should correspond to the organisation of the state: if the ordering of cities is altered by imperial authority, the ecclesiastical arrangement should likewise be adapted to the political one (Daniel, 2025, p. 18; Constantinescu, 2025, pp. 411, 414; Gârdan, 2025, p. 648). This principle, referred to in canonical literature as the principle of adaptation, does not subordinate the Church to the state; it merely indicates that ecclesiastical organisation naturally follows political organisation, while each of the two orders retains its



own source of legitimacy. Without this principle, the Romanian process of the nineteenth century cannot be interpreted canonically.

2.2. Autocephaly and autonomy: The test of the protohierarch

Autocephaly differs from autonomy in degree rather than in nature. Canonical theology even describes it as the highest degree of ecclesiastical autonomy, while some authors regard it as an extended form of autonomy, since the ecclesiological foundations of both are the same (Grigoriță, 2025, p. 316; Șelaru, 2025, p. 71). In practice, therefore, the highest degree of autonomy enjoyed by a local Church is termed autocephaly.

The criterion that distinguishes the two, however, concerns one specific matter: the appointment of the protohierarch. An autonomous Church governs its own internal affairs, but its protohierarch is elected, consecrated or confirmed by the Mother Church, upon which it remains dependent in this essential respect, while the name of the protohierarch of the Mother Church is commemorated during divine services. This arrangement is clearly reflected in the tomoi of autonomy issued in the previous century: the tomos granted to the Orthodox Church of Moldova on 2 December 1994 provides for the election of the protohierarch by its own synod, but subject to subsequent confirmation by the Patriarch of Moscow and to the commemoration of his name during divine services; the same applies to the tomos granted to the Orthodox Church of Estonia on 26 April 1993 (Grigoriță, 2025, pp. 180-181, 187; Daniel, 2025, p. 17). An autocephalous Church, by contrast, elects and installs its own protohierarch without external confirmation.

Applied to the Romanian case, this criterion has decisive implications. The demand for the free election of its own hierarchs, formulated as early as 1857 in the petitions of the ad hoc Divans and repeatedly asserted until 1885, was, in essence, a demand for autocephaly rather than merely for autonomy. Likewise, among the rights of an autocephalous Church, the right to elect its own hierarchs, including its protohierarch, without confirmation by an external ecclesiastical authority, is the decisive criterion for determining its status (Daniel, 2025, p. 16).

2.3. The system of organisation and administrative titles: The protohierarch

At this point, a distinction must be made that is essential to understanding the entire history that follows, although it is often overlooked in public discourse. Autocephaly is a system governing the organisation and functioning of the Church; patriarch, metropolitan and archbishop are administrative titles. The two planes do not overlap and cannot be measured by reference to one another.



The first among the hierarchs of a synod is termed, in canonical language, the protohierarch, that is, the $\pi\rho\omicron\tau\omicron\varsigma$ or primus. Apostolic Canon 34 requires that he be acknowledged by the hierarchs of the synod to which he belongs and that he remain in uninterrupted communion with them; the first among the hierarchs, although recognised as head, never exists apart from his synod, just as a head cannot exist without its body (Grigoriță, 2025, p. 204). It follows that synodality cannot be subjected to a singular primatial authority, but may only be presided over or coordinated by the first among the hierarchs, irrespective of his administrative rank (Grigoriță, 2025, p. 200).

Historically, these ranks developed according to the political importance of episcopal sees and the missionary and pastoral activity of their hierarchs. Initially, dioceses were autocephalous; later, with the establishment of the metropolitan system, metropolitanates became autocephalous, their synods electing their own protohierarch, namely the metropolitan. Subsequently, with the emergence of exarchates and patriarchates, the same system of autocephaly was extended to these larger ecclesiastical structures, whose synods elected their own patriarchs (Grigoriță, 2025, pp. 197-198, 317). The term itself clarifies the matter: patriarch means the foremost father of a patria, that is, of a people permanently organised as a unified body (Grigoriță, 2025, p. 198; Daniel, 2025a, pp. 5-6). Autocephalous Churches are therefore either metropolitanates or patriarchates, while patriarchal ministry represents, at the administrative level, the fullest expression of the autocephaly of an ethnically organised Church.

From this follows a consequence to which we shall return in relation to 1925: patriarchal rank does not constitute a higher degree of independence, but rather the highest honour accorded to the protohierarch of a Church that is already autocephalous. There is no difference in degree or rights among the protohierarchs of autocephalous Churches, nor among their synods; only primacy of honour is recognised, referred to in the canons as $\tau\alpha\ \pi\rho\epsilon\sigma\beta\epsilon\iota\alpha\ \tau\eta\varsigma\ \tau\iota\mu\eta\varsigma$, that is, the precedence of the firstborn among brothers, which concerns good order and place within the order of precedence of the diptychs, rather than any privilege of power (Grigoriță, 2025, pp. 204-206; Roman, 2025, p. 336).

2.4. The state framework: Canonical correspondence rather than identity of nature

Precisely because the present study advances the thesis of convergence, it must also indicate where that convergence ends. Autocephaly does not derive from state sovereignty and is not acquired through civil law; it derives from the ecclesiology of Trinitarian communion and is acquired through a synodal act. The distinction is not merely one of nuance: sovereignty



presupposes an independence that is, in principle, unlimited, whereas autocephaly is an independence limited by dogmatic, liturgical and canonical-disciplinary norms that are equally binding upon all autocephalous Churches (Gârdan, 2025, p. 650; Roman, 2025, p. 329).

What may instead be affirmed, without departing from the canonical order, is that a unitary, independent and sovereign state constitutes the socio-political framework required for the granting of autocephaly to an ethnically organised Church (Grigoriță, 2025, p. 192). As a rule, therefore, autocephaly is granted to a Church organised within a sovereign state. The convergence between the assertion of state sovereignty and ecclesial reorganisation in the nineteenth century does not amount to an identity of nature, but to a correspondence required by canon law: the establishment of a unitary, independent and sovereign Romanian state fulfilled the contextual condition that ecclesiastical law requires for autocephaly, while the Church within that state, which had for centuries conducted itself as autocephalous, sought and received recognition of this status through the synodal act of the Mother Church. The state provided the framework; canon law provided the foundation; the synod provided the act.

It is also necessary to note, in this context, the terminological confusion that frequently marked nineteenth-century discourse: the identification of political independence with ecclesiastical autocephaly. Political independence concerns the state and its borders; autocephaly concerns the manner in which a territorial Church relates to the other Churches and, first and foremost, to the Mother Church.

2.5. Autocephaly and ethnic identity

Apostolic Canon 34 refers to the bishops of each nation, and the ethnic principle is therefore one of the fundamental canonical principles of ecclesiastical organisation. It can, however, never constitute the sole basis for granting autocephaly and must always be considered together with the other principles, particularly autocephaly itself, synodality and the territorial principle; likewise, autocephaly cannot be granted to an ethnically organised Church within a state in which another autocephalous Church with the same ethnic identity is already active.

The issue became contentious in the nineteenth century following the decision of the synod convened in Constantinople in 1872, which condemned the ethnic principle as heresy under the name of ethnophyletism and declared the Bulgarian Orthodox Church schismatic. Contemporary canonical theology argues, on the basis of the acts of that synod, both that there was no specific dogmatic or canonical argument for condemning the ethnic principle as heresy



and that the decision was shaped by the particular circumstances in which it was adopted; moreover, the decisions of that synod were not received by the Orthodox Church as a whole (Grigoriță, 2025, pp. 251-252; Brusanowski, 2025, p. 606). The Romanian request was based on the identity of a people organised within a state, rather than on the assertion of an ethnic criterion at the expense of the territorial one. The dividing line therefore lies not between the national and the universal, but between the territorial and communional organisation of a Church, which is canonical, and the exclusive use of the ethnic criterion, detached from territory and synodality, which is not.

3. Conditions and procedure for the attainment of autocephaly

Orthodox canonical theology has systematised the conditions for the attainment of autocephaly by grouping them according to the three subjects involved in the process: the Daughter Church, the Mother Church and Orthodoxy as a whole (Grigoriță, 2025, p. 220; Brusanowski, 2025, pp. 616-617; Ciobotea, 1987, pp. 273-274).

The Daughter Church must demonstrate steadfastness in the teaching of the faith and in the observance of liturgical and canonical order; maturity in its own administration, meaning the capacity to govern all its ordinary affairs independently; a synod composed of at least four hierarchs of its own, so that it may elect and consecrate a hierarch without external assistance, even where one see is vacant; evidence that the desire for autocephaly is expressed not only by the hierarchy but also by the faithful; and, finally, the submission of the request in canonical form, on behalf of the clergy and the faithful, addressed to the Mother Church and setting out all the elements that justify it. Once autocephaly has been attained, the newly autocephalous Church is required to notify all the other autocephalous Orthodox Churches and, by letter, request that they enter into communion with it (Grigoriță, 2025, pp. 220-221; Șelaru, 2025, p. 79).

The Mother Church, for its part, must issue a synodal tomos proclaiming the autocephaly of its Daughter Church, setting out the grounds that led to its granting and specifying the rights and responsibilities of the new autocephalous Church; it must also notify the other autocephalous Churches and request that they receive the new Church into communion (Grigoriță, 2025, p. 221; Roman, 2025, pp. 333-335; Ioniță, 2025, pp. 629-630). Orthodoxy as a whole is responsible for recognition through *consensus Ecclesiae dispersae*.



The right to grant autocephaly belongs to the Mother Church from which the Daughter Church separates, while the claim of any particular see to be the sole authority entitled to grant or recognise autocephaly is compatible neither with the ecclesiology of communion nor with the very principle of autocephaly itself. Autocephaly granted in accordance with canon law is valid from the moment of its proclamation, while recognition by the other Churches is declaratory rather than constitutive in character (Grigoriță, 2025, p. 223; Vlaicu, 2025, p. 358). Recognition of autocephaly declared unilaterally, that is, without the consent of the Mother Church, is precluded, because recognition must follow from a freedom attained through agreement, not through rupture (Grigoriță, 2025, p. 223; Ciobotea, 1985, p. 81; Neacșu, 2025, p. 136).

An autocephalous Church independently organises its mission, pastoral activity, internal structure and relations with other institutions, but it cannot decide independently on matters of doctrine, sanctifying life or apostolic ministry; no autocephalous Church may alter, add to or remove anything from Orthodox dogma, just as no local Church may celebrate the Eucharist in deliberate separation from the others (Șelaru, 2025, pp. 80-81). Autocephaly does not make a Church self-sufficient, but rather open to communion with its sister Churches: it is not freedom in isolation, but freedom in communion.

4. The pre-modern foundations: The de facto autocephaly of Ungro-Wallachia and Moldavia

The convergence of the nineteenth century was not an innovation created overnight, but the culmination of a long-standing tradition. The Christianisation of the Daco-Roman population was consolidated following the recognition of freedom of worship, with the bishopric of Tomis placed, from as early as the fourth century, under the direct jurisdiction of the Patriarchate of Constantinople and, from 535 onwards, under that of the Archbishopric of Justiniana Prima (Floca and Hanga, 1980, p. 366). The memory of an original independence, associated with the apostolic character of the Church of the Lower Danube, would be invoked centuries later as a historical argument in support of formal recognition (Grigoriță, 2025, p. 230; Popescu, 2010, pp. 85-100).

With the establishment of the medieval Romanian states, the Church acquired an increasingly important political role. In Wallachia, the first metropolitanate was established in 1359 and recognised by the Patriarchate of Constantinople; in Moldavia, the rulers, beginning with Lațcu, sought to free the Church from foreign dependence, while during the reign of Alexander the



Good the patriarch formally recognised both the Metropolitanate of Moldavia and Metropolitan Iosif. Contemporary canonical theology regards these two metropolitanates as having functioned, in practice, as autocephalous Churches: that of Ungro-Wallachia from 1359 and that of Moldavia from 1401. Alongside the Russian Church and the Orthodox metropolitanates of the Habsburg Empire, they are counted among the few local Churches which, remaining outside the Ottoman Empire, exercised *de facto* autocephaly, supported in this respect by the political authorities of their respective states (Floca and Hanga, 1980, pp. 366-367; Grigoriță, 2025, pp. 230, 258, 317; Roman, 2025, p. 342).

This *de facto* autonomy manifested itself in clear ways. The Metropolitan of Wallachia also bore the title of Exarch of the Plaiuri, acting as the representative of the Patriarchate for the Orthodox Romanians beyond the Carpathians, while the patriarchal grammata of 10 October 1776 further bestowed upon him the honour of *locum tenens* of Caesarea. When certain hierarchs sought complete subordination, however, the local authority resisted without hesitation: in 1631, the council of the country resolved that the Patriarch of Constantinople should no longer have the authority to send metropolitans, bishops or abbots into the country, but only to grant his blessing, in accordance with the ancient order (“Contextul istoric...”, 1985, p. 294). This long-standing practice would, two centuries later, make possible the formulation of the thesis that Romanian autocephaly was an ancient right requiring only recognition.

A second underlying foundation, at least equally important for understanding the state-centred character of modern reorganisation, lies in the pre-modern relationship between princely authority and the Church. Orthodoxy was the state religion and formed part of the ideology of the feudal state, while the metropolitan, as head of the Church, was theoretically regarded as the second-ranking person in the state after the ruler. In practice, however, the ruler had both the first and the final say: he had the right to reprimand and punish the metropolitan and the bishops, could rehear cases decided by ecclesiastical courts, and his intervention in the election of hierarchs was often decisive. The rulers based this right of protection and supervision on the Byzantine conception of emperors as protectors of the Church, while the reception of Byzantine law, both secular and canonical, through the Romanian law codes established within the Romanian lands the very canonical system of the Ecumenical Church of the East (Cronț, 1980, pp. 369-376; Georgescu, 1980, pp. 222-232; Pippidi, 2001).

This pattern-the *de facto* supremacy of secular authority over ecclesiastical organisation, legitimised through the tradition of the sovereign as protector-is crucial to understanding what



followed: the modern Romanian state did not invent control over the Church, but rather secularised and constitutionalised an already existing model. The process of administrative subordination accelerated during the period of the Organic Regulations, through the establishment of the Logofeția Credinței in Wallachia in 1831 and the Vornicia Credinței in Moldavia in 1844, but especially through the creation of the Central Ecclesiastical Houses in 1834 in Wallachia and in 1835 in Moldavia, through which the state gradually assumed control over the administration of ecclesiastical revenues (Brusanowski, 2010). The legal consequence was precise: the hierarchs lost their exclusive right to administer and control diocesan property, paving the way for a Church that became increasingly materially dependent on the state.

5. Union, secularisation and proclamation by domestic legal act (1857-1865)

The year 1857 marks the point at which the historical premise was transformed into a political programme. Among the demands of the ad hoc Divan of Moldavia was the unequivocal request for recognition of the independence of the Orthodox Church in the United Principalities from any external ecclesiastical jurisdiction, while preserving the communion of faith with the Ecumenical Church of the East (Vasilescu et al., 2008, p. 192; Brusanowski, 2010). The wording is particularly significant: in essence, it encapsulates the entire doctrine of autocephaly-jurisdictional independence combined with the preservation of communion in faith-and places it within the very act that expressed the national will for union. Alongside this, demands were made for the election of hierarchs by the General Assembly, the adjudication of clerics in accordance with canon law, and the settlement, in full autonomy, of the contentious issue of the monasteries dedicated to the Holy Places. The ecclesiastical dimension thus did not appear as a separate chapter, but as an integral component of the project of state modernisation.

The double election of Alexandru Ioan Cuza, on 5/17 January 1859 in Moldavia and on 24 January/5 February 1859 in Wallachia, created, through personal union, the foundation of a single state. The ecclesiastical consequence was immediately apparent: a unitary state required a unitary Church, governed by its own synodal authority, rather than two separate metropolitanates nominally dependent upon a foreign ecclesiastical jurisdiction (Vasilescu et al., 2008, p. 192; Grigoriță, 2025, p. 254). From this point onwards, the logic of the national state and that of the national Church began to converge. Contemporary canonical theology records this very development, noting that the Romanian Orthodox Church was constituted through the union of two Churches which had in practice functioned as autocephalous and that,



from the outset, it was organised and functioned as an autocephalous Church, being legally recognised as such by the authorities of the Romanian state.

The first major act in which the assertion of sovereignty and ecclesiastical emancipation openly converged was the secularisation of monastic estates. It was preceded by a series of administrative measures directed initially at the monasteries dedicated to the Holy Places, which were administered by Greek abbots and had, in practice, been removed from the authority of the Romanian state; the abolition of the Administration of the Holy Sepulchre on Romanian territory, by the princely ordinance of 31 May 1863, gradually transferred control over revenues to the state. The decisive step was the law proposed by Mihail Kogălniceanu and adopted on 13/25 December 1863, the first two articles of which provided that all monastic properties in Romania were and would remain property of the state (*Legea pentru secularizarea averilor mănăstirești*, 1863, arts. 1-2; Bujoreanu, 1873, pp. 1796-1797).

From the perspective of public law, secularisation was, above all, an act of patrimonial sovereignty: through domestic legislation, the state disposed of a substantial body of property, in defiance both of the claims of the Eastern Patriarchates and of the protests of the Ottoman Porte. Extending the measure to all monasteries, rather than only to those dedicated to the Holy Places, was a matter of legal technique intended to remove allegations of discrimination at the international level. From the perspective of ecclesiastical law, the same measure severed a long-standing economic dependence upon the Greek East. One detail noted by canonical theology is particularly significant: although the Romanian civil authorities appeared, through their secularisation policy, to be acting against the Church, they publicly maintained that the Romanian Orthodox Church was autocephalous and should therefore be recognised as such by Orthodoxy as a whole (Grigoriță, 2025, p. 254; Merticariu and Grigoriță, 2010, pp. 210-225).

A second wave of measures concerned internal organisation. In his address opening the Legislative Assembly on 3 November 1863, the Ruling Prince announced, among the proposed laws, a law concerning the union of the Romanian Church, which, owing to the structure of its hierarchy, remained in a state of separation. The wording is revealing, as ecclesiastical unification appears as the natural consequence of political unification. The decisive act was the Organic Decree establishing a central synodal authority, promulgated on 3 December 1864, Article I of which states unequivocally that the Romanian Orthodox Church is and shall remain independent of any foreign authority in all matters concerning its organisation and discipline (*Decretul organic nr. 1703*, 1864, art. 1; Roman, 2025, p. 343; Vasilescu et al., 2008, p. 192).



Specialist studies regard this text as the first political legislative act formally enshrining the autocephaly of the Romanian Church.

Emphasising the nature of this act is essential to the present analysis. Autocephaly was first asserted through an act of the state's domestic law, before it was recognised by a canonical act of the Mother Church. The state did not await the consent of Constantinople; through its own normative instrument, it declared the independence of its Church, thereby exercising an attribute characteristic of sovereignty. The decree also provided for the unification of the Church in the two former Principalities, the establishment of a General Synod and diocesan synods, and the preservation of dogmatic unity with the Ecumenical Church of Constantinople. The institutional consequences followed immediately: on 11 January 1865, by princely ordinance, Nifon, Metropolitan of Ungro-Wallachia, was proclaimed Metropolitan-Primate, thereby establishing a single centre of hierarchical authority for the entire state (Ordonanța domnească nr. 34, 1865; Vasilescu et al., 2008, pp. 192-193).

Taken together, these measures transformed the Church into an institution of the state: the Ruling Prince personally appointed the hierarchy, established a Holy Synod as the supreme ecclesiastical authority, and deprived the Church of its extensive estates, while the General Synods convened in 1865, 1867 and 1869 combined legislative, administrative and judicial functions (Leuștean, 2007, p. 717; Brusanowski, 2010). Here, the structural tension inherent in the entire process becomes most apparent. The measures intended to assert the independence of the national Church from Constantinople were adopted through means that ran counter to the canonical principle prohibiting political authority from interfering in ecclesiastical organisation, as established by Apostolic Canon 30 (Milaș, 1931, Apostolic Canon 30; Grigoriță, 2025, p. 317). Autocephaly was being proclaimed, but by instruments that contradicted it internally: the state demanded freedom for its Church from any external authority precisely at the moment when, internally, it subjected that Church to its own authority. The events of 1864-1865 demonstrate that the state could, on its own authority, decree ecclesiastical reorganisation, but it could not confer canonical legitimacy.

6. The struggle for canonical legitimacy and the reaction of the Ecumenical Patriarchate (1864-1866)

The response of the Ecumenical Patriarchate was swift and, significantly, linked the secularisation of monastic estates to the proclamation of autocephaly. On 8 February 1864,



Patriarch Sophronius III wrote to Metropolitan Nifon, describing secularisation as an act of audacity beyond all human and divine law (Patriarhul Sofronie al III-lea, 1864). The patriarchal synod, convened in Constantinople in April 1865, condemned the three draft laws concerning the Synod, monks and monasteries, together with the provisions governing the election and trial of bishops (Deliberarea Sfântului și Marelui Sinod, 1865; Brusanowski, 2010).

The charges conveyed through the patriarchal delegate, Archimandrite Eustathios Kleoboulos, brought together the principal innovations that were being contested: the unilateral proclamation of autocephaly, the admission of laymen to the Synod, the convocation of the Synod by the Ruling Prince, the appointment of bishops by princely decree, and the restrictive measures concerning monks. At their core, all these objections concerned a single issue: the intervention of state power in the organisation of the Church. The response of the Ruling Prince, contained in his letter of 26 June 1865, was unequivocal, maintaining that one Church had no right to interfere in the internal, administrative and disciplinary affairs of another independent and autocephalous Church (Cuza, 1865; Merticariu and Grigoriță, 2010, pp. 210-225). Thus, the state invoked autocephaly precisely in order to reject external canonical interference, while the means by which it did so themselves amounted to political interference within the Church.

Internally, these measures divided the episcopate into two camps. On the one hand, the hierarchs appointed by the Ruling Prince supported the princely ecclesiastical policy; on the other, those referred to as the canonists, including the brothers Neofit and Filaret Scriban and Iosif Bobulescu, called for the observance of the canons and for bishops to be elected rather than appointed (Drăgușin, 1957, pp. 86-104). The situation amounted to a crisis of legitimacy: in 1865, only two hierarchs in the two metropolitanates outside the Carpathian arc were regarded as canonical-Metropolitan Nifon and Bishop Calinic of Râmnic-the others having been installed by princely decree.

The conflict reached its culmination with the response of the Ecumenical Patriarchate of 8 October 1865, issued by a synod convened in an unusual manner specifically in response to the princely letter, which condemned the Romanian legislation as uncanonical. The dispute did not remain confined to Bucharest and Constantinople: the Patriarchate consulted the other Churches, and the responses of the Patriarchs of Jerusalem, Alexandria and Antioch, the Archbishop of Cyprus, the Holy Synod of the Russian Church and the Synod of the Church of Greece brought the matter before Orthodoxy as a whole. The intention to proceed as far as anathema was moderated by domestic political developments, especially the forced abdication



of the Ruling Prince on 11 February 1866, with the result that the Patriarchate limited itself to breaking communion with the hierarchs regarded as uncanonical. This moment reveals the limits of the policy of the *fait accompli*: proclaimed through acts of state authority, autocephaly could only be consolidated through the restoration of canonical communion.

7. The constitutionalisation of independence and the Synodal Law (1866-1872)

The change of regime in 1866 shifted the debate onto the terrain of constitutional law. The draft organic law presented to the Constituent Assembly in March 1866 contained, in Article II, the broadest formulation: the Romanian Orthodox Church is and shall remain autocephalous, free and independent of any foreign Church in all matters concerning its organisation and discipline. The wording retained in the Constitution promulgated in the summer of the same year was more measured, but no less firm. Article 21 established that the Eastern Orthodox religion was the dominant religion of the Romanian state; that the Romanian Orthodox Church was and would remain independent of any foreign ecclesiastical jurisdiction, while preserving its unity with the Ecumenical Church of the East in matters of dogma; and that its spiritual, canonical and disciplinary affairs were to be governed by a single central synodal authority, in accordance with a special law (*Constituția României*, 1866, art. 21; Muraru and Iancu, 1995, p. 35; Roman, 2025, p. 344).

An analysis of this text from the perspective of constitutional law reveals a particularly noteworthy construction. First, independence from any foreign ecclesiastical jurisdiction constitutes a formulation of autocephaly in the language of public law: the national Church is removed from any external jurisdiction, just as the state itself sought release from Ottoman suzerainty. Second, the reservation concerning unity in matters of dogma translates into constitutional language the canonical distinction between administrative independence and communion in faith; without naming it as such, the text reproduces the twofold structure of autocephaly, which consists of internal independence and external communion (Grigoriță, 2022; Grigoriță, 2025, p. 194). Finally, the reference to a single central synodal authority grants constitutional recognition to the synodal unification initiated in 1864, transforming it from an act of political authority into a fundamental legal norm.

Significantly, the constitutional provision itself contains the canonical limitation. In the very act by which it asserts independence, the state acknowledges that autocephaly cannot amount to rupture. Yet the legal asymmetry underlying the entire issue is also apparent here. In 1866, the



Romanian state unilaterally recognised ecclesiastical independence at constitutional level, nineteen years before canonical recognition was granted. The fundamental law asserted as an accomplished fact a status that ecclesiastical law had not yet confirmed by means of a synodal act of the Mother Church. For the public lawyer, this means that Article 21 was not merely a provision governing the organisation of a religious denomination, but a norm of sovereignty through which the state claimed the right to define its national Church as independent of any external authority. For the canon lawyer, however, it remained an act of domestic law and could not substitute for the tomos.

This construction was completed at legislative level by the Law on the Election of Metropolitans and Diocesan Bishops and on the Constitution of the Holy Synod of the Holy Autocephalous Romanian Orthodox Church, adopted in 1872 and subsequently amended on several occasions (Legea pentru alegerea mitropoliților și episcopilor eparhioți..., 1872; Roman, 2025, p. 344; Brusanowski, 2010). The very title of the law, which described the Church as autocephalous thirteen years before the tomos, demonstrates that, in domestic law, autocephaly was regarded as an accomplished fact by virtue of the state's own normative will. Although not expressly stipulated as such, autocephaly was referred to as an existing status in several provisions of the law. The law established the Holy Synod as the single central authority, regulated the election of hierarchs, and defined the relations between state authority and the hierarchy; among other things, it also expressed the aspiration that the Metropolitan-Primate should receive the rank of patriarch, several decades before that aspiration was fulfilled.

An internal comparison clarifies what was at stake. Unlike the Metropolitanate of Transylvania, which enjoyed an organisational statute possessing the character of an ecclesiastical constitution and exercised de facto autocephaly until 1925, the Church in the Old Kingdom had no comparable statute, but rather a succession of parliamentary laws and synodal regulations approved by the government and brought into force by princely sanction (Brusanowski, 2025, pp. 614-618; Bălan, 1910; Moldovan, 1921). This difference-constitutional-synodal autonomy beyond the Carpathians and a statist framework within the Kingdom-would, decades later, become a source of internal tension. The statist model produced the characteristic tension of the period: between proclaimed autocephaly, which presupposed self-government, and state control, which constrained it.



8. State independence, the consecration of the Holy and Great Myron, and the Synodal Act of 1882

The proclamation of state independence on 9/21 May 1877, its achievement on the battlefield and its international recognition through the Treaty of Berlin in 1878, followed by the proclamation of the Kingdom in 1881, fundamentally altered the terms of the issue (Vasilescu et al., 2008, p. 194; Daniel, 2014). A fully sovereign state, soon to become a European kingdom, now fulfilled beyond doubt the contextual condition required by ecclesiastical law for autocephaly: the existence of a unitary, independent and sovereign state. The logic of adapting ecclesiastical organisation to state organisation made the asymmetry all the more apparent: full political independence called for a corresponding, canonically recognised autocephaly. The independence achieved in 1878 therefore provided the political impetus for the final stage of the process, transforming canonical recognition from an ecclesiastical request into a matter of consistency with the status of the state.

Against this background came the developments that hastened the outcome. On 25 March 1882, Maundy Thursday, the hierarchs of the Romanian Church consecrated the Holy and Great Myron at the Metropolitanate in Bucharest, without the prior consent of the Ecumenical Patriarchate and solely through the ministry of the Romanian hierarchs. (Rus, 2025, p. 365; Săsăujan, 2025, pp. 510-511) By this act, the Church was exercising in practice a prerogative regarded, according to the practice of the time, as belonging to autocephalous Churches, even before formal recognition had been granted. A substantive qualification must, however, be added: within Romanian Orthodoxy, the practice of consecrating the Holy and Great Myron was far older and is regarded in the specialist literature as a particularly significant expression of autocephaly throughout the centuries (Grigoriță, 2025, p. 254; Dură, 1981, pp. 39-51; Dură, 1985, pp. 549-561). Likewise, the close association between the consecration of the Myron and autocephalous status did not fully correspond to the older canonical tradition, since Canon 6 of the Council of Carthage had considered it sufficient for a bishop to consecrate the Myron; in later practice, receiving the Holy Myron from the Mother Church came instead to signify the status of an autonomous, rather than an autocephalous, Church (Radu, 1986, pp. 519-530).

The reaction of the Patriarchate, set out in the epistle of 10 July 1882, opened a new round of correspondence (Patriarhul Ioachim al III-lea, 1882; Săsăujan, 2025, pp. 511-516; Rus, 2025, pp. 364-366). Far from being merely a matter of protocol, the consecration of the Myron constituted the exercise of an autocephalous prerogative. Rather than halting the process, the



conflict accelerated it: it compelled both parties to move from unilateral faits accomplis to genuine canonical negotiation.

The Romanian institutional response displayed a degree of canonical maturity that merits particular attention. At its meeting of 23 October 1882, the Synod established a commission chaired by Metropolitan Iosif Naniescu of Moldavia and entrusted one of its members, Bishop Melchisedec Ștefănescu of Roman, both a theologian and a scholar of ecclesiastical law, with drafting a canonical and historical memorandum unequivocally requesting recognition of autocephaly. Adopted by the Synod on 23 November 1882 under the title Synodal Act concerning the Autocephaly of the Romanian Orthodox Church and Its Relations with the Patriarchate of Constantinople, the document based its argument on two sets of grounds, canonical and historical, and clearly affirmed that the Romanian Orthodox Church was autocephalous (Act sinodal..., 1882; Rus, 2025, p. 367; Săsăujan, 2025, pp. 516-521; Ioniță, 1987, pp. 433-478). Among the arguments reiterated was the thesis of the ancient character of Romanian autocephaly, previously advanced by Metropolitan-Primate Calinic Miclescu in his memorandum to the Patriarchate (“Contextul istoric...”, 1985, p. 294). The legal significance of this construction deserves emphasis: it shifted the issue from the creation of a new right to the declaration of a pre-existing right, thereby altering both the burden of proof and the nature of the act expected from Constantinople.

The act of 1882 also fulfilled the canonical requirement as to form: the request was made synodally, in the name of the Church, addressed to the Mother Church, and contained the grounds that justified it. What in 1864 had taken the form of a princely decree now became a synodal act—that is, an act proper to the Church itself.

9. The tomos of 25 April 1885 and its reception

The Synodal Act was sent to Constantinople on 1 February 1883 through the Ministry of Foreign Affairs, accompanied by a letter from Metropolitan-Primate Calinic Miclescu. The memorandum initially remained unanswered, while a change of patriarch opened the way for the initiative to be resumed. In February 1885, an assembly of the country’s hierarchs was held at the Metropolitanate in Bucharest; the preparatory work for the letter to the patriarch was entrusted to Bishop Melchisedec of Roman and Bishop Iosif of the Lower Danube, while negotiations were conducted through the Romanian Legation in Constantinople. The request was therefore advanced through both ecclesiastical and state channels: by the letters of 20 April



1885 sent to Patriarch Joachim IV by the Minister of Religious Affairs, Dimitrie A. Sturdza, and by the Metropolitan-Primate (Rus, 2025, p. 380; Săsăujan, 2025, pp. 521-523).

On 25 April 1885, the Ecumenical Patriarchate issued the synodal tomos by which the Romanian Orthodox Church was canonically declared autocephalous (Tomosul de recunoaștere formală..., 1885; Grigoriță, 2025, pp. 254-255). This date, borne by the document itself and preserved in the consciousness of the Church, follows the Old Style calendar; recent canonical literature also cites the same act as dated 7 May 1885 according to the New Style calendar, the twelve-day difference corresponding to the divergence between the two calendars in the nineteenth century (Grigoriță, 2025, p. 254; Daniel, 2025a, pp. 5, 7; Roman, 2025, p. 342).

The tomos of autocephaly of the Romanian Orthodox Church contains no reference or allusion to the Holy and Great Myron, precisely because the practice of consecrating it within Romanian Orthodoxy pre-dated the act itself. Moreover, this tomos is the only act of its kind issued by the Ecumenical Patriarchate in the nineteenth century that contains no limitations upon autocephaly (Grigoriță, 2025, pp. 254-255, 318). This conclusion, drawn from the most recent canonical literature, changes the position of the Romanian case within the series of nineteenth-century autocephalies: it is not the latest case, but the most complete one.

The tomos establishes, as the primary condition of recognition, the preservation of the unity of faith within the bond of love, stating that, provided this unity remains intact, matters of ecclesiastical administration and the ordering of ecclesiastical dignities may change in accordance with the circumstances of individual countries. It then declares the Church in Romania independent and autocephalous, governed by its own Holy Synod, presided over by the Metropolitan of Ungro-Wallachia and Primate of Romania, and recognising in its internal administration no other ecclesiastical authority apart from the Head of the Church. In its final part, it sets out the obligations of the new autocephalous Church: the commemoration of the protohierarchs of the other Churches in the diptychs, and cooperation and agreement with them in all canonical and dogmatic matters of common importance. The recognition of the autocephaly of a local Church therefore entails recognition of its canonical authority on an equal footing with that of the other sister Churches, while the synod of the newly autocephalous Church is referred to as a sister synod in Christ (Daniel, 2025b, pp. 19-21).

The document was brought to Bucharest by the Romanian representative in Constantinople, and was formally communicated to the Holy Synod at its meeting of 1 May 1885 by the Minister of



Religious Affairs, Dimitrie A. Sturdza, who also read the message of King Carol I. It is noteworthy-and essential to the argument advanced here-that the canonical act was presented to the Synod not by a hierarch but by a representative of secular authority. The very form of its communication reveals the interweaving of the two normative orders: canonical recognition was received and formally acknowledged through the channel of state authority.

Its reception within Romania was marked by a solemnity that demonstrates the awareness of the legal significance of the moment. At the solemn meeting of 6 May 1885, the tomos was read in Romanian translation; Metropolitan Iosif Naniescu of Moldavia, speaking on behalf of the Synod, expressed gratitude for the fulfilment of this great act, while the Minister of Religious Affairs used a formulation encapsulating the entire theory of the equality of autocephalous Churches, stating that our Church was becoming in all respects equal to all the other Churches (Sumarele ședințelor Sfântului Sinod, 1885, pp. 3-5, 15, 17; Săsăujan, 2025, pp. 524-531). On 7 May 1885, at the proposal of Bishop Melchisedec of Roman, it was decided that a letter of thanks should be sent to the patriarch and that the other autocephalous Churches should be notified; on 30 May 1885, the Metropolitan-Primate sent the letter communicating the event to the sister Churches (Sumarele ședințelor Sfântului Sinod, 1885, p. 25; Grigoriță, 2025, p. 221).

This final gesture was not a diplomatic formality, but the fulfilment of a canonical requirement: the newly autocephalous Church was required to notify all the other autocephalous Orthodox Churches and, by letter, request that they enter into communion with it. The Mother Church, for its part, fulfilled the corresponding obligation by notifying the autocephalous Churches through a synodal encyclical bearing the same date as the tomos. With the letter of 30 May 1885, the canonical procedure was therefore brought to completion. The responses of the sister Churches arrived during the course of the same year, all recognising the Church in Romania as autocephalous and self-governing (Scrisorile de recunoaștere a autocefaliei..., 1885).

10. The legal nature of the Act of 1885

The reconstruction undertaken thus far now makes it possible to address directly the central legal question: did the tomos of 1885 create the autocephaly of the Romanian Church, or did it recognise a state of affairs previously established through acts of the state?

Ecclesiastical law draws a precise distinction between the granting and the recognition of autocephaly, although legal scholarship often overlooks it. The granting of autocephaly is the responsibility of the Mother Church and takes the form of a synodal act known as a tomos of



autocephaly; recognition is the responsibility of Orthodoxy as a whole and is effected synodally, either by decision of a pan-Orthodox synod or through letters of consent from all the autocephalous Churches (Grigoriță, 2025, pp. 316-317; Neacșu, 2025, pp. 145-146). As regards this latter stage, Eastern ecclesiastical law makes clear that recognition cannot be understood as an act by which autocephaly is either confirmed or created, since autocephaly canonically granted is valid from the moment of its proclamation; recognition by the Orthodox Church dispersed throughout the world is therefore declaratory rather than constitutive in character (Grigoriță, 2025, p. 223; Stan, 1961, pp. 299-300).

Applied to the Romanian case, this distinction reverses the conventional manner of framing the issue. The constitutive act is found neither in the Organic Decree of 1864, nor in Article 21 of the Constitution of 1866, nor in the Synodal Law of 1872, but in the synodal tomos of the Mother Church of 25 April 1885; the letters of communion sent by the sister Churches following the notification of 30 May 1885 were declaratory in character. As regards the domestic legal order of the Romanian state, however, the same tomos had the nature of a confirmatory act: it did not bring into existence rights that had not previously been exercised, but acknowledged a long-established state of affairs that domestic legislation had already enshrined within the limits of its own legal order.

Formulated in these terms, the position advanced in this study differs from older scholarship in two respects. It does not regard the tomos as merely declaratory in relation to domestic law, because the synodal act alone produces effects within the order of ecclesial communion; nor does it locate the declaratory character where it does not belong, namely in the relationship with the Mother Church, but rather where canonical theology places it, that is, in relation to the other autocephalous Churches. What the state had proclaimed on its own authority received, through the synodal act, the one quality that the state could not confer upon it by itself.

This framework also clarifies a further question that might arise, namely whether, given its political origins, Romanian autocephaly should be regarded more as an act of state than as an authentic canonical institution. The procedure followed between 1882 and 1885 fulfilled the canonical conditions: the request was formulated synodally and addressed to the Mother Church; the local Church demonstrated steadfastness in the faith, administrative maturity, a sufficiently constituted synod, and the will of both the hierarchy and the faithful; its territory was clearly delimited and coincided with that of the state; and the Mother Church issued a synodal tomos without restrictive conditions. Recognition was then effected within synodal



communion, fulfilling the requirement that autocephaly cannot be claimed, granted or recognised outside synodality. The effect of the act confirms this: autocephaly did not produce separation, but closer integration, the Church acquiring new powers and responsibilities and becoming a co-sanctifier, co-teacher and co-governor alongside the other Churches (Pastorala Sfântului Sinod, 1985, p. 315).

The chronology further shows that Romanian autocephaly was constituted through a reversal of the order that ecclesiastical law would ordinarily have required. In the canonical order, autocephaly is granted by an act of the Mother Church and only thereafter enshrined in the domestic law of the state. In the Romanian case, the sequence was reversed: assertion through the legislation of 1863-1865, constitutional entrenchment in 1866, entrenchment in organic legislation in 1872, and only at the end, canonical granting in 1885.

This inversion was not an isolated anomaly, but the expression of a structural feature of the formation of nation-states in the nineteenth century. During this period, several local Churches sought and received autocephaly under the impetus of national movements and with the support of their states, thereby creating a new organisational reality within Orthodoxy; some had previously proclaimed themselves autocephalous through legislation enacted by the authorities of the states in which they were organised (Grigoriță, 2025, pp. 244, 256, 318).

Without reducing the two to an identity, a balanced parallel is useful, provided that it shows how the two categories operate. In the state order, the source of authority lies in the will of the nation and the constituent power; in the ecclesiastical order, it lies in the Church's own synod, as the supreme canonical authority for internal organisation. External independence means, in the state sphere, freedom from any foreign power, achieved in 1877-1878; in the ecclesiastical sphere, it means independence from any foreign ecclesiastical jurisdiction, formulated in 1866 and canonically enshrined in 1885. Self-organisation means, in the former case, the right to adopt one's own constitution and organic laws and, in the latter, the right to elect one's own protohierarch and to legislate internally through the synod. Recognition comes, in the former case, from the international order through treaty and, in the latter, from the Mother Church through the tomos and from the other sister Churches through letters of communion. Finally, the limit consists, in the former case, in membership of the international order and, in the latter, in maintaining dogmatic, canonical and liturgical unity with Orthodoxy as a whole.



The fundamental distinction, however, remains intact. Sovereignty is a category of public law, grounded in the political will of a community; autocephaly is a category of ecclesiastical law, grounded in the ecclesiology of communion and in the canons. The state may create or abolish institutions by law; autocephaly can neither be created nor abolished by civil legislation. This is precisely why the Romanian case is instructive: what the state could do was establish the framework and support the claim; what only the Church could do was issue the act.

11. A comparative perspective: Greece, Serbia and Bulgaria

The Romanian case becomes fully intelligible only when considered in relation to the other autocephalies established during the nineteenth century within the Orthodox world formerly under Ottoman rule. All followed a common pattern in which political reorganisation preceded ecclesiastical reorganisation, although with differing degrees of tension, canonical continuity and completeness of the final act.

The Greek case was the most contentious. On 15 July 1833, being organised within a sovereign kingdom, the Orthodox Church of Greece, constituted as a metropolitanate, proclaimed itself autocephalous at the initiative and with the support of the Greek public authorities, while the royal decree of 25 July 1833 approved both its autocephaly and its organisational statute. Recognition of this state of affairs by the Ecumenical Patriarchate came only in June 1850, through a synodal tomos requiring the Synod of the Church of Greece to receive the Holy Myron exclusively from the Church of Constantinople; moreover, the Metropolitan of Athens was not recognised as protohierarch, but merely as president of the Synod (Grigoriță, 2025, p. 245; Ioniță, 2025, p. 621; Tomosul Bisericii Greciei, 1850). For these two reasons, Orthodox canonists regard the autocephaly of the Church of Greece as incomplete, or even as a form of extended autonomy within the Ecumenical Patriarchate.

The Serbian case illustrates a form of conditional recognition. After a synodal grammata of 1831 had established autonomous status for the Church in the Principality of Serbia, with hierarchs elected by the ruler and the people but confirmed by the Ecumenical Patriarch, with his name commemorated during divine services and with specified payments due, the Synod of the Ecumenical Patriarchate recognised the autocephaly of the Serbian Orthodox Church through the synodal tomos of October 1879, shortly after the international recognition of Serbian independence. The tomos identified its protohierarch as the Archbishop of Belgrade and Metropolitan of Serbia, but expressly required the reception of the Holy Myron from



Constantinople (Grigoriță, 2025, pp. 249-250; Ioniță, 2025, p. 621; Tomosul Bisericii Serbiei, 1879). Romanian canonists have rightly observed that such a restrictive condition lacks a canonical foundation, since the right to consecrate the Myron does not belong to the essence of autocephaly; indeed, from the beginning of the twentieth century, the Serbian Orthodox Church began consecrating the Myron for its own needs.

The Bulgarian case assumed the most acute form. By the firman of 28 February/12 March 1870, a Bulgarian millet was created, taking ecclesiastical form in the Bulgarian Exarchate, while the synod convened in Constantinople in 1872 condemned the ethnic principle and declared the Bulgarian Orthodox Church schismatic, although, as noted above, the acts of that synod contained no specific dogmatic or canonical grounds for such a condemnation and its decisions were not received by Orthodoxy as a whole. De facto autocephalous from 1870, the Bulgarian Orthodox Church was recognised as such by the Ecumenical Patriarchate only on 22 February 1945, through a synodal tomos which, on that occasion, no longer included an obligation to receive the Holy Myron from Constantinople (Grigoriță, 2025, pp. 251-253; Brusanowski, 2025, p. 606; Tomosul Bisericii Bulgariei, 1945).

What, then, distinguishes the Romanian case? First, the degree of canonical continuity: unlike the Greek case, where the proclamation of 1833 constituted a direct rupture, the Romanian Church retained, even during periods of tension, its consciousness of belonging to Orthodox communion and consistently sought recognition rather than separation; moreover, in 1882 its request assumed the canonical form of a synodal act. Second, the importance of negotiation: the outcome of 1885 resulted from negotiations conducted through official channels in which state and Church acted together. Finally, and most importantly, there was the unconditional character of the act: the Romanian tomos is the only nineteenth-century tomos of autocephaly that contains no limitations upon autocephaly, unlike the Greek and Serbian tomoi (Grigoriță, 2025, pp. 255, 318).

The comparison also makes it possible to move beyond a false opposition between the national and the universal. The establishment of autocephalous Churches organised along ethnic lines does not stand in opposition to the unity of Orthodoxy, but expresses it through a plurality of equal sister Churches, each preserving unity of faith. The ethnic principle, provided for in Apostolic Canon 34, remains one of the fundamental canonical principles of ecclesiastical organisation, provided that it is considered together with the others, especially autocephaly, synodality and the adaptation of ecclesial organisation to state organisation.



12. From autocephaly to the Patriarchate: 1925

The Great Union of 1918 brought all the historic Romanian provinces within the same borders, so that, after 1918, the great majority of Orthodox Romanians were citizens of the modern Romanian state. Ecclesiastical unification followed political unification, in accordance with the same principle of adaptation: the Metropolitanates of Transylvania and Bukovina, established by acts of imperial authority in 1864 and 1873-1874 and until then exercising *de facto* autocephaly, relinquished that status, solemnly declaring this at the meeting of the Holy Synod of 18 November 1921 (Grigoriță, 2025, p. 255; Brusanowski, 2025, p. 617).

On the basis of these new socio-political realities, the Holy Synod of the Romanian Orthodox Church decided, on 4 February 1925, to elevate the Romanian Orthodox Church to the rank of Patriarchate, following a proposal by Metropolitan Pimen Georgescu of Moldavia. The decision was adopted unanimously, and the Act establishing the Romanian Patriarchate was drawn up at the same meeting (Daniel, 2025c, p. 23; Rușeț, 2025, pp. 456-457; Vicovan, 2025, pp. 550-551). The decision was communicated to the government for legislative enactment; after the bill had been adopted by the legislative chambers on 12 and 17 February 1925, the law was promulgated by King Ferdinand I on 23 February 1925 and published in the *Monitorul Oficial* of 25 February 1925 (Daniel, 2025c, pp. 23-24; Rușeț, 2025, p. 458; *Legea nr. 669*, 1925). The Ecumenical Patriarchate regarded the elevation of its sister Church in Romania to patriarchal dignity as both appropriate and justified, and the act of Ecumenical Patriarch Basil III, no. 1579 of 30 July 1925, canonically confirmed the patriarchal dignity of the Romanian Orthodox Church, with the Romanian Patriarchate assuming seventh place in the hierarchical order of the patriarchates (Daniel, 2025c, p. 24; Simedrea, 1926, p. 133; Chifăr, 2025, pp. 576-577; Rușeț, 2025, p. 458). Consent was nevertheless granted by *oikonomia*: the Ecumenical Patriarchate itself stated that, according to canonical *akribeia*, the elevation of a Church to patriarchal dignity required the decision of an Ecumenical Council, while the Archbishopric of Cyprus and the Church of Greece expressed the same reservation, regarding recognition as subject to confirmation by a future Ecumenical Council (Patriarhul Vasile al III-lea, 1925; Arhiepiscopul Chiril al Ciprului, 1925; *Biserica Greciei*, 1925). On 1 November 1925, the first Patriarch of Romania, Miron Cristea, was enthroned with the title Archbishop of Bucharest, Metropolitan of Ungro-Wallachia and Patriarch of Romania (Grigoriță, 2025, p. 255; Daniel, 2025c, p. 24; Rușeț, 2025, p. 459; *Decretul regal nr. 2964*, 1925).



From the perspective of the distinction established in Section 2, the events of 1925 must be interpreted with care. Elevation to the rank of Patriarchate did not increase the autocephaly of the Romanian Orthodox Church, because autocephaly admits of no degrees: it is the status acquired in 1885. What changed in 1925 was the administrative title of the protohierarch, who ceased to be Metropolitan-Primate and became Patriarch. Patriarchal ministry represents, at the administrative level, the fullest expression of the autocephaly of an ethnically organised Church, while the organisation of an autocephalous Church as a Patriarchate signifies recognition of the fullness of its pastoral, administrative and representative capacity (Grigoriță, 2025, p. 317; Daniel, 2025a, p. 6).

The relationship between autocephaly and the constitutional order has, moreover, remained relevant. The Constitution of 1923 retained the status of Orthodoxy as the dominant religion and the dignity of the Romanian Orthodox Church as the national Church, while the Law on the Organisation of the Romanian Orthodox Church, promulgated in 1925 together with the statute governing its organisation and functioning, completed the institutional framework by incorporating into the reunified Church the Churches of the historic provinces (Constituția României, 1923, art. 22; Muraru and Iancu, 1995; Costescu, 1925). Today, the statute currently in force of the Romanian Orthodox Church grounds ecclesiastical autonomy in religious freedom and in the right of religious denominations fully to exercise their autonomy, as guaranteed by the Constitution of Romania and by the legislation governing religious freedom and the general legal regime of religious denominations. The former relationship of subordination has given way to a model of cooperation in which the state recognises and protects the autonomy of the Church, while the Church aligns its own legislation with state law and preserves dogmatic, liturgical and canonical communion with Orthodoxy as a whole (Constantinescu, 2025, pp. 395-396, 410-415; Daniel, 2008).

13. Conclusions

The autocephaly of the Romanian Orthodox Church is, first and foremost, an authentic canonical institution. It is grounded in synodality, the territoriality of jurisdiction, and the Chalcedonian principle of adapting ecclesiastical organisation to that of the state; it took shape through acts proper to the Church, namely the establishment of a central synodal authority, the election and consecration of its own hierarchs, the consecration of the Holy and Great Myron, and the drafting of a canonical memorandum adopted synodally in 1882; and it was brought to



completion by the synodal tomos of the Mother Church of 25 April 1885, with the express preservation of unity of faith, followed by notification of the sister Churches. In its proper sense, autocephaly is the system governing the organisation and functioning of the Orthodox Church, considered together with synodality and grounded in the ecclesiology of Trinitarian communion, rather than a form of ecclesiastical sovereignty; patriarchal dignity, attained in 1925, constitutes the highest title of the protohierarch of an autocephalous Church, not a higher degree of independence.

Second, this same autocephaly was accompanied and prepared by a legal construction within domestic law. It was asserted through a domestic legal act in 1864, elevated to the rank of a constitutional norm in 1866, enshrined in legislation in 1872, and brought into correspondence with state independence through the canonical act of 1885, having been negotiated through official state channels and formally communicated to the Holy Synod by the Minister of Religious Affairs. Viewed from this perspective, the legal regulation of autocephaly represents the projection into domestic law of a long-standing ecclesiastical reality: a people attaining political sovereignty establishes, correspondingly, the framework within which its Church, long accustomed to governing itself, may obtain recognition of its status.

The two planes do not merely stand alongside one another; rather, they are connected through distinct foundations and mutual support. The state act of 1864 could not produce effects within the order of ecclesial communion; without the tomos, independence would have remained a matter of domestic law, vulnerable to the charge of schism. Conversely, the claim to autocephaly acquired its necessary contextual foundation precisely because there existed a unitary, independent and sovereign state and a Church organised synodally within its territory, as required by the canonical principle of adaptation: the state provided the legal framework, while the Church provided the act.

The convergence between the assertion of state sovereignty and ecclesiastical reorganisation was therefore neither a mere historical coincidence nor an identity of nature. It was a correspondence required by the canonical principle of adapting ecclesial organisation to state organisation, a principle that connects the ecclesiastical map to the political map without subordinating the former to the latter. Domestic law preceded the canonical act; the canonical act ultimately conferred upon it the one quality that domestic law itself could not provide.



A final observation from the perspective of ecclesiastical law concerns the distinction illustrated by the entire process: that between political independence and ecclesiastical autocephaly. The Romanian case demonstrates that, although the two belong to different conceptual and normative orders and derive from different sources, they were deeply intertwined in nineteenth-century practice. The proper articulation of this relationship—that is, the affirmation of the identity of a people without breaking communion—remains, to this day, a criterion of validity for any autocephaly. The fact that the tomos of 1885 is the only such act of the century to contain no limitations shows that, in the Romanian case, this approach succeeded.

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