

# REFLECTIONS ON DIVORCE IN BESSARABIA IN THE FIRST HALF OF THE NINETEENTH CENTURY: THE ADULTERY

**Alina Felea**

Institute of History, State and Law  
of the Academy of Sciences of Moldova  
afelea44@yahoo.com

**Rezumat:** *Articolul se referă la un subiect insuficient tratat în istoriografie, ce ține de istoria familiei – divorțul. Bazat pe exemple concrete din Basarabia primei jumătăți a secolului al XIX-lea, demersul științific al autorului prezintă realitatea cotidiană în problema divorțului legat de adulter și modul în care canoanele bisericii au fost respectate. Ca surse de cercetare au fost utilizate preponderent documente din fondurile Arhivei de Stat a Republicii Moldova, care indică diverse cazuri de inițiere a proceselor de divorț de către reprezentanți ai diferitelor clase sociale: nobili, orașeni, țărani, soldați etc.*

**Abstract:** *The article covers a topic related to family history - divorce, insufficiently treated in historiography. In this study based on concrete examples from Bessarabia, it will be presented the daily reality in the problem of divorce granted for adultery and how the canons of the church were respected in the first half of the nineteenth century. As sources of research were used documents from the funds of the State Archives of Republic of Moldova, showing the fact of initiation of divorce processes by representatives of different social classes: nobles, townspeople, peasants, soldiers etc.*

**Résumé:** *L'article ci-joint fait référence seulement a une séquence abordée par les sources d'archive: le divorce, sujet insuffisamment recherché dans l'historiographie. L'article, basé sur des exemples concrets de la Bessarabie dans la première moitié du XIXe siècle, présente la réalité quotidienne dans le problème de divorce prononcé pour cause d'adultère, la façon dont les chanoines de l'église ont été respectés. La recherche est basée sur des documents provenant des fonds de l'Archive d'Etat de la République de Moldavie. Le divorce a été initié par les représentants de différentes classes sociales: les nobles, bourgeois, paysans etc.*

**Keywords:** *family, divorce, adultery, Bessarabia, Hexabiblos of Armenopulos, Russian Empire.*

The family problems and the institution of marriage in today's society are more frequent and discussed. Divorce ranks among them one of the most relevant aspects. The demographic statistics showed that across Europe the number of marriages decreased and divorces increased. In the family history this phenomenon is observed in according to the society development and it is studied by historians, lawyers,

demographers, economists, etc., as a component of family law, demographic development etc.

The analysis of divorce in the nineteenth-century is difficult and controversial, because it shows the mentality of the times. It influenced the subsequent position of the former couple, especially the position of the woman in society, and was having also an influence on children, tearing apart a common household etc.

The divorce in Moldavia, Wallachia and Transylvania until the twentieth century was examined in papers, studies and books signed by Violeta Barbu, Sarolta Solcan, Constanța Ghițulescu, Maria Magdalena Szekely, Lilia Zabolotnaia, Ioan Bolovan, Sorina Paula Bolovan, Mircea Brie etc., which present the divorce phenomenon in the context of family life or in terms of the position of the woman in couple's life<sup>1</sup>. However, until present, there is no work concerning the divorce in Bessarabia, as a part of the Russian Empire.

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<sup>1</sup> Violeta Barbu, „Ceea ce Dumnezeu a unit, omul să nu dispartă”. *Studii asupra divorțului în Țara Românească în perioada 1780-1850* ["What God has joined together, let not man separate". Studies about divorce in Wallachia in the period 1780-1850], in „Revista de Istorie”, 1992, III, 11-12, p. 1143-1155; Sorina Bolovan, Ioan Bolovan, *Contribuții privind divorțialitatea în Transilvania la sfârșitul secolului XIX și începutul secolului XX* [Contributions regarding divorce in Transylvania in the late XIX and early XX century], in C. Padureanu (coord.), *Studii de demografie istorică (secolele XVII – XXI)* [Historical demography studies (XVII – XXI centuries)], Arad, 2010, p. 99-114; Mircea Brie, *Divorțul ca formă de erodare a familiei în comitatele Bihor și Sătmar (a doua jumătate a secolului XIX)* [Divorce as a form of erosion of the family in the counties of Bihor and Satmar (the second half of the XIX century)], in *Studii de demografie istorică...*, p. 77-98; Eugen Ghiță, *Două cazuri de divorț în orașul Arad în secolul al XVIII-lea* [Two cases of divorce in Arad in the XVIII century], in *Studii de demografie...*, p. 63-68; Constanța Ghițulescu, *Familie și societate în Țara Românească (secolul al XVII-lea)* [Family and Society in the Romanian Country (XVII century)], in „Studii și Materiale de Istorie Medie”, vol. XX, 2002, p.110-113; Constanța Ghițulescu, *În șalvari și cu ișlic. Biserică, sexualitate, căsătorie și divorț în Țările Românești ale secolului al XVIII-lea* [In salwars and ishlik. Church, sexuality, marriage and divorce in the Romanian Countries of the XVIII century], București, 2004; Șarolta Solcan, *Divorțul în Transilvania la sfârșitul secolului al XVII-lea și în primele decenii ale secolului al XVIII-lea* [Divorce in Transylvania in the late XVII century and first decades of the XVIII century], in *Studii de demografie...*, p. 17-22; M. M. Székely, *Structuri de familie în societatea medievală moldovenească* [Family structures in the Medieval Moldavian society], in „Arhiva Genealogică”, IV (IX), nr. 1-2, Iași, 1997, p. 59-119; Lilia Zabolotnaia, *Statutul social și situația juridică a femeilor în procesul de divorț în țările românești (secolul al XVII-lea)* [Social status and legal status of women in divorce in the Romanian Countries (XVII century)], in *Studii de demografie istorică...*, p. 23-38; Lilia Zabolotnaia, *Femeia în relațiile de familie din Țara Moldovei în contextul european până la începutul sec. al XVIII-lea (Căsătorie, logodnă, divorț)* [Women in family relations in Moldova in European context of the early XVIII century. (marriage, engagement, divorce)], Chișinău, 2011.

### The Orthodox Church's view on divorce

According to Christianity, after God created Adam, He concluded that "It is not good for the man to be alone..." (Genesis 2, 18) and made Eve. When Adam saw her, he said: "This is now bone of my bones, and flesh of my flesh; she shall be called Woman, because she was taken out of Man. For this reason a man shall leave his father and his mother, and be joined to his wife and both shall become one flesh" (Genesis 2, 23-24). Thus, canonists asseverate that family unity is created by the power of the Holy Spirit, given through the sacrament of matrimony<sup>2</sup>. At the same time, a marriage which is terminated correctly in terms of state laws, and especially of the church ones, is valid and has a legal character<sup>3</sup>. A legal marriage can be ended by the death of one or both spouses and by divorce, although the Church does not permit divorce per se<sup>4</sup>. The researchers of the canon law and the historians have noted that Orthodox Church allowed divorce in certain cases, which are similar to death. Therefore, the Holy Books say: "What God has joined together, let not man separate" (Matthew 19, 4-6), and anyone who divorces his wife for a reason other than her adultery and marries again, commits adultery, and who shall marry the divorced woman also commits adultery" (Matthew 5, 32). According to *Biblical Encyclopedia* the right to divorce is given only for violation of conjugal fidelity and in other cases provided by the church. Any divorce granted by frivolous reasons, is considered a sin and can not be allowed<sup>5</sup>.

Adultery falls under the moral grounds for divorce. To note that preceding from religious canons, from the mentality of the society and from customs towards the end of the eighteenth century and early nineteenth-century, the grounds for divorce were classified as: I. Moral - **adultery**, abortion, attempt on husband's life, crime, venereal disease, leaving home, etc.; II. Religious - heresy, holding during the baptism their own child, violation of the rules of the marriage sanction; III. Physical - impotence, incurable disease, infectious disease; IV. Civil - disappearance of a spouse, taking the vow, etc.<sup>6</sup> This lead us to conclude that the marriage was considered sacred, and ecclesiastical authorities allowed divorce only in particularly serious cases.

### Legislation on divorce

In the early nineteenth century, Moldavian laws relating to family were contained in the *Hexabiblos of Armenopulos*, *Calimach Code*, and *Andronache Donici Code*. The *Calimach Code* provides that a couple cannot undo their marriage,

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<sup>2</sup> Nicolae Necula, "Glasul Bisericii" nr. 9-12/2001, p. 119- 120.

<sup>3</sup> Nicolae Fuștei, *Creștinismul pe înțelesul tuturor* [Christianity Explained], Chișinău, 2008, p. 284.

<sup>4</sup> *Ibid.*, p.284-285.

<sup>5</sup> *Библейская энциклопедия* [Bible Encyclopedia], [http://slovari.yandex.ru/~книги/Библейская\\_энциклопедия](http://slovari.yandex.ru/~книги/Библейская_энциклопедия).

<sup>6</sup> Nicolae Fuștei, *Creștinismul...*; Mircea Brie, *Divorțul ca formă...*; Sorina Bolovan, Ioan Bolovan, *Contribuții privind divorțialitatea...*

without obtaining the Dicastery<sup>7</sup> permission, and those who violated its provision would be punished by joining a monastery.<sup>8</sup>

In the early nineteenth century, in Bessarabia, the civil trials were based on local norms of law and custom. According to *Armenopulos*, Title 12, there were general reasons for divorce, ground for husband's divorce detrimental to his wife and vice versa. The encoder mentions that it has listed only those grounds "which are worthy of being noticed and... to recognize in this law, namely those after which the marriage was dissolved without punishment"<sup>9</sup>.

After the annexation of Bessarabia to Russia, the legislation of the empire was also introduced on this territory. While the general issues related to family relationships were included in *Kormseea Kniga* (Кормчая Книга), *Sobornoe Ulojenie* (Соборное Уложение), and *The decrees of the King, of the Council, and of the Senate*<sup>10</sup>, some family problems as divorce issue were within the Church's jurisdiction. In nineteenth-century Russia, the marriage was dissolved on the ground of a proven adultery, an inability of premarital cohabitation, absence of a spouse for more than five years, changed vows, or when one spouse was punished by deprivation of all rights or sent to Siberia. The divorce of spouses of different Christian denominations was considered by the judgment confession of the concluded marriage. On February 24, 1832 Nicholas I strengthened the Opinion of the State: "О судебном ведомстве бракоразводных дел между лицами разных христианских исповеданий", that the files were sent to the ecclesiastical court of the Russian Orthodox Church<sup>11</sup>. *Dictionary of History* claims that if the divorce was initiated by a wife, she could lose the right to provisions assured by her husband, but when the husband filed for divorce, he was obliged to give decent aliments<sup>12</sup>.

### Adultery in definitions and historiography

Adultery was one of the worst reasons for divorce. It implicated the breach of the marriage sanctity by having extramarital sexual relationship with a married or

<sup>7</sup> *Codul Calimah* [Calimach Code], București, 1958, p. 101.

<sup>8</sup> *Ibid.*, p. 111.

<sup>9</sup> *Manualul legilor sau așa numitele cele șase cărți adunat de pretutindeni și prescurtat de vrednicul de cinstire păstrătorul de legi și judecător în Salonic Constantin Harmenopulos* [The manual of laws or so-called six books everywhere gathered and short to honor worthy guardian of law and a judge in Thessaloniki Constantin Harmenopulos], București, 1921, Titlul XII.

<sup>10</sup> А. А. Дорская, *Гражданский развод в Российской империи: историко-правовой аспект* [Civil divorce in the Russian Empire: Historical and legal aspects], in *История государства и права*, 2007, N 6; Елена Белякова, *Брак и развод в России XIX в.* [Marriage and divorce in Russia in the XIX century], in «История» № 15, 2011 [http://his.1september.ru/2001/15/no15\\_01.htm](http://his.1september.ru/2001/15/no15_01.htm)

<sup>11</sup> *Полное собрание законов Российской империи* [The complete collection laws of the Russian Empire], 1832 г. Т. 7. , СПб., 1833, p. 98-99.

<sup>12</sup> Т.Г. Аркадьева, М.И. Васильева, В.П. Проничев, *Словарь русских историзмов* [Dictionary of Russian historicism], Москва, 2005.

unmarried person, regardless of whether the connection was once or permanent<sup>13</sup>. This fact is mentioned in *Кормчая книга*, which says that divorce is possible “аще жена блуд сотворит”<sup>14</sup>.

The definition of adultery was looked out in several encyclopedic works. Thus, in the *Dictionary* of Brockhaus and Efron, "adultery" is defined as carnal infidelity of a married person. In ancient times, when the wife was the property of her husband, adultery was seen as a violation of the husband's rights. In the Roman law, only women were punished for adultery. The canonic law considers the marriage as a sacrament, therefore adultery is considered a sin, and the punishment must be equal for both partners<sup>15</sup>. *The Complete Dictionary of Religious Terms* describes adultery as a sexual intercourse out of the wedlock<sup>16</sup>. According to the *Biblical Encyclopedia*, compiled by the archbishop Nikephoros, "блудодеяние – adultery" is synonymous with immorality, and it is described as body debauchery and infidelity towards God, which by analogy with marital infidelity, is a cheat and a criminal offense, that insults the love and mercy of God<sup>17</sup>. The *Explanatory Dictionary* of Ushakov gives the following definition: "Adultery - fornication, breach of conjugal fidelity of the spouses"<sup>18</sup>. The same meaning is given by the *Ojegov's Explanatory Dictionary*, specifying that it is a love affair; the *Explanatory Dictionary of the Russian Language* states precisely that it is an extra marital affair<sup>19</sup>. In the *Juridical Dictionary* adultery is regarded as marital infidelity; in some countries it is considered a criminal offense, which violates the family law and the public morality<sup>20</sup>.

In Romanian historiography, references to adultery were made especially in articles and monographs on the family history, marriage, divorce and women's role in society. Thus the *History of Romanian law* presents adultery or fornication as a part of the offenses against the family, punished with imprisonment in a monastery, by

<sup>13</sup> Sorina Bolovan, Ioan Bolovan, *Contribuții privind divorțialitatea...*, p. 103; В. В. Быховский, *Брак, раздельное жительство супругов и развод*, Москва, 1912, p. 58.

<sup>14</sup> *Кормчая, напечатанная с оригинала патриарха Иосифа* [Rudder, printed from the original of the Patriarch Joseph], Москва, 1912, p. 1117.

<sup>15</sup> *Энциклопедический словарь Ф.А. Брокгауза и И.А. Ефрона* [Encyclopedic Dictionary of F.A. Brockhaus and I.A. Efron], 1890—1907.

<sup>16</sup> *Полный церковнославянский словарь (с внесением в него важнейших древнерусских слов и выражений)* [Complete Dictionary of Slavon Church (with the most important ancient Russian words and phrases), Сост. свящ. Григорий Дьяченко, 1900, <http://dic.academic.ru/dic.nsf/churchslav/>

<sup>17</sup> *Библия. Ветхий и Новый заветы. Синоидальный перевод. Библейская энциклопедия* [The Bible. Old and New Testaments. Sinoidalny translation. Biblical Encyclopedia]. арх. Никифор, 1891. <http://dic.academic.ru/dic.nsf/biblerus/68669/>

<sup>18</sup> Д.Н. Ушаков, *Толковый словарь Ушакова* [Ushakov's Explanatory Dictionary], 1935-1940, <http://dic.academic.ru/dic.nsf/ushakov/968970>

<sup>19</sup> *Толковый словарь Ожегова. С.И. Ожегов, Н.Ю. Шведова. 1949-1992; Большой толковый словарь русского языка* [The Great Explanatory Dictionary of the Russian language], - 1-е изд-е, СПб, Норинт, С. А. Кузнецов, 1998.

<sup>20</sup> *Юридический словарь* [Juridical Dictionary], 2000. <http://dic.academic.ru/dic.nsf/lower/17486>

cutting-off the nose, or hair, beating, and exposing in the public square<sup>21</sup>. Speaking of Moldavia and Wallachia, Lilia Zabolotnaia states that “the laws differentiated adultery from concubinage, the first being a sexual connection between a man and a woman, when one of them or both are married with another person”<sup>22</sup>. Simultaneously, she concludes that in the Romanian society in the middle of the seventeenth century was harsh and rough to the adultery relations, the laws were clearly stressing that it was a crime against morality and dissolution of the marriage was to follow. In regards to divorce, Mircea Brie emphasizes that the Orthodox Church allows it only “when a marriage meets one of the *destructive impediments of the marriage*: carnal consanguinity, adultery”<sup>23</sup>. Thus, in medieval Moldavia, as Maria Magdalena Székely has mentioned, the divorce was permitted for adultery<sup>24</sup>; among the reasons of a couple separation in Wallachia, the researcher Constanta Ghițulescu listed adultery<sup>25</sup>. Matei Cazacu also claims that for a requested divorce, in the case of a religious marriage, the justice admitted as reasons for separation: adultery<sup>26</sup>. As for the Romanian family in Transylvania, S. Bolovan and I. Bolovan underline that: “The first canonical condition of the divorce was adultery, meaning the violation of marital fidelity by one spouse, or other acts of this kind”<sup>27</sup>.

In Russian historiography, Nicolai Glubokovski examined the adultery in terms of church and Christian morality, as well as the consequences of this sin<sup>28</sup>. Another article on the historical evolution of adultery and its reflection in the laws of different countries is signed by M. Abrashkevici<sup>29</sup>. These works have drawn attention to adultery as a ground for divorce, as an aspect of status and situation of women in society<sup>30</sup>.

<sup>21</sup> Lilia Zabolotnaia, *Femeia în relațiile de familie din Țara Moldovei...*, p. 188.

<sup>22</sup> *Ibid.*, p. 191.

<sup>23</sup> Mircea Brie, *Divorțul ca formă ...*, p. 78.

<sup>24</sup> M. M. Székely, *Structuri de familie în societatea medievală moldovenească...*, p. 16.

<sup>25</sup> Constanța Ghițulescu, *Familie și societate în Țara Românească...*, p. 110-113.

<sup>26</sup> Matei Cazacu, *La famille et statut de la femme en Moldavie...*, p. 12.

<sup>27</sup> Sorina Bolovan, Ioan Bolovan, *Contribuții privind divorțialitatea în Transilvania...*, p. 103-104.

<sup>28</sup> ГЛУБОКОВСКИЙ Николай Никанорович, *Развод по прелюбодеянию и его последствия по учению Христа Спасителя* [Divorce for adultery and its consequences according the teachings of Christ the Saviour], СПб., 1895, 100 с.

<sup>29</sup> Абрашкевич М. М., *О прелюбодеянии по русскому праву* [Adultery according the Russian Law], in „*А се грехи злые, смертные. Русская семейная и сексуальная культура глазами историков, этнографов, литераторов, фольклористов, правоведов и богословов XIX — начала XX века*” [Behold the evil and mortals sins. Russian family and sexual culture through the eyes of historians, anthropologists, writers, folklorists, jurists and theologians of XIX - early XX century], В 3 кн. / Отв. ред. Н. Л. Пушкарева. М., 1994. Кн. 2. Вып. 2.; Абрашкевич М.М., *Прелюбодеяние с точки зрения уголовного права. Историко-догматическое исследование* [Adultery in terms of criminal law. Historical-dogmatic study], Одесса: "Экон." тип., 1904.

<sup>30</sup> Загоровский, А. И., *О разводе по русскому праву* [Divorce in Russian Law], Харьков, 1884; Добровольский В.И., *Брак и развод. Очерк по русскому брачному праву* [Marriage and divorce. Essay on Russian marriage law], С.-Пб., 1903; Щапов Я.Н.,

### Adultery in documents

It is well known that according to church canons, only the innocent spouse can file a request for divorce. *Armenopulos* mentions adultery in an image involving a man who considers his wife as a “demon-possessed woman” and marries another one<sup>31</sup>. The husband could divorce his wife, laying hands on her dowry in order to keep it for the children. If adultery is proven and the names of both defendants are known, “marriage is dissolved without delay”. In this case, the husband “keeps the gift before the wedding and dowry, and above all, if they don't have children, some of other things of the woman, along with the third part of the dowry and had in his property as dowry as well a set fine; and if he had got children with her, then he had to take the dowry and other woman’s things for the children, as is determined by the previous laws”<sup>32</sup>.

Reasons for wife's divorce detrimental to her husband, with the right to take her dowry and the gift before the wedding, in order to keep them for her children were: 1. Attempt upon wife's honor, selling her for adultery; 2. Accusation of adultery, unproven by the husband. If she had no children “she received from her man a part of their property, along with a third of the gift before the wedding, and if they had children, then all assets are kept for their benefit”. 3. Adultery, after the second warning; “If the husband, disregarding his wife, was with another woman in the same house, where he was living with his wife, or in the same city, but in another house, which would be proved, and this being known once and twice by his parents or his wife's parents, as well as other witnesses worthy of trust, did not stop the debauchery, then the woman with these reasons was entitled to separate from him”. In this case, “the woman could take her dowry and the gift before the wedding, a part of the husband’s wealth “along with one third of the gift before the wedding”<sup>33</sup>.

Analyzing each document, we have found a combination of factors that cause a divorce. The couples were bringing mutual accusations, telling details of their family life. Archive sources show also various reasons and ways to solve this problem, and save the family. In this study based on concrete examples from Bessarabia, it will be presented the daily reality in the problem of divorce granted for adultery, and how the canons of the church were respected in the first half of the nineteenth century. As sources of research were used documents from the funds of the State Archives of Republic of Moldova, showing the fact of initiation of divorce processes by representatives of different social classes: nobles, townspeople, peasants, soldiers, etc.

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*Брак и семья в Древней Руси* [Marriage and Family in Ancient Russia], in „Вопросы истории”, № 10, 1970; Цатурова М.К., *Прекращение брака по русскому семейному праву XVIII в* [Termination of marriage in the Russian family law of the XVIII century], in „Вестник МГУ”, Право, № 5, 1990; Пушкарева Н.Л., *Русская женщина: история и современность* [Russian Woman: history and present], Москва, 2002.

<sup>31</sup> *Manualul legilor sau așa numitele cele șase cărți*, title XII.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

We will examine the cases of certain families such as Apostol and Ileana Șveț, Constantine and Maria Carp, Hristi and Vasilca Bulgaru, Fiodor and Eudochia Tcacenco. In all these cases the divorce petition was submitted by the husband. The spouses Ileana and Ioan Cebotari is a special case: the divorce petition was prepared by Ileana, on other reason than adultery – Ioan leaving his wife, but it was changed detrimental to the applicant; finally, she was accused and punished for adultery.

Any divorce represents a drama for the whole family. Once the reason for divorce was identified, an application was submitted (request) for dissolution of the marriage, thus a divorce was starting. The files from the National Archive funds allow following the steps in a process of divorce. The divorce process begins at the initiative of one spouse and is examined in the ecclesiastical court, which covers the area of residency of the applicant, if both of them are Orthodox, as well as if only one of them is Orthodox. The process of divorce had several steps: 1. Initiation of the civil action for divorce; 2. Attempt of ecclesiastical authorities to mediate the conflict; 3. Investigation and prosecution of the witnesses and parties involved; 4. Legal debates where the spouses must be present personally; 5. Court's decision. In the cases presented below, the up listed steps will be visible.

The mistake recognized by the defendant was not considered and not serve as grounds for divorce. The status of Ecclesiastical Consistories said that the main evidence of crime were: 1. testimonies of 2 – 3 eyewitnesses; 2. presence of the illegitimate children, extramarital, fact demonstrated in the extracts of metrical books; 3. letters, which would prove the affair; 4. depositions of indirect witnesses who knew the problem from reliable sources; 5. testimonies of the investigators of debauched or decent life of the defendant<sup>34</sup>. Very often in the courts there were witnesses with false testimonies<sup>35</sup>.

*The case of Apostol Șveț.* On February 15, 1813, Dimitri, the Bishop of Bender and Akkerman addresses the petition for divorce to the resident of Rașcov Apostol Șveț. The applicant claims that in September 1812 married the inhabitant of Bender, the widow Ileana Vasilieva, who committed adultery, and was caught in the act many times. The husband tried several times to turn her on the right way, but without success. It came to the point that he was hated by his wife, who wanted to poison him<sup>36</sup>. On December 16, 1813 the Exarch Dicastery of Chisinau addressed to high priest (*protoiereu*) Ștefan Șamraevschi from Bender to carry out the research for Șveț spouses, and to answer the following questions: 1. When Apostle Șveț married his wife and how they lived together. 2. Is it true that his wife "committed adultery" and wanted to poison him? What did she use and when? 3. How the spouses behave and how old they are. 4. Witnesses are to give depositions under oath. But after December

<sup>34</sup> Елена Белякова, *Брак и развод...*

<sup>35</sup> Idem, *Церковный суд и проблемы церковной жизни. Дискуссии в православной российской церкви начала XX века.* [Ecclesiastical Court and the problems of church life. Discussions on the Russian Orthodox Church at the beginning of XX century. Local Council of 1917-1918 and the preconiliar period], Поместный собор 1917-1918 гг. и предсоборный период, Москва, 2004, p. 238-239.

<sup>36</sup> ANRM, F.205, inv.1, d.305, f.1.

16, 1813, the priest Șamraevschii communicated that the spouses were not found<sup>37</sup>.

*The case of Fiodor and Eudochia Tcacenco spouses.* On January 2, 1814 the resident of Chilia, Fiodor Tcacenco submitted a petition for divorce, telling that his wife Eudochia indulged fornication after marriage, committed adultery and abandoned him. Witnesses confirmed Fiodor's words<sup>38</sup>.

*The case of Ileana and Ioan Cebotari.* On June 6, 1813 the Exarch Dicastery of Chisinau issued an order to consider the divorce petition of the inhabitant of the Seliște village, Ileana Cebotari, a wife whose husband left her<sup>39</sup>. On June 14, 1813 Ioan Cebotari (another name – Bilinschi) was interrogated and he confessed: he married Ileana about 28 years ago, at St. Dumitru Church of Orhei. In turn, he was accusing the wife in adultery with a certain Ștefan Mândru, with whom she had children. The witnesses from Akkerman told under oath that Ioan lived alone and he was a shoemaker<sup>40</sup>. After some researches, the results were given to the Dicastery: 1. Indeed, Ileana and John were married in 1790, by the priest Philip at St. Dumitru Church of Orhei. 2. Ioan was abandoning Ileana repeatedly, even after the first year of cohabitation 3. There are more than 13 years since no one knew where he was 4. Ileana had a document, since 1800, from Jacob, Metropolitan of Moldova, confirming that Ileana previously complained about her husband's behavior and was seeking him. 5. Witnesses confirmed that Ioan has left more than 17 years ago, that Ileana was continually looking for him. According to witnesses, Ioan was drinking constantly, and was taking money from the tavern, and Ileana returned them. After the departure of Ioan, Ileana lived with Ștefan Mândru with whom had got two children: Vasile 15 years old and the 8 years old Zamfira<sup>41</sup>.

Another case is that of Hristi and Vasilca Bulgaru's family from Vulcanesti village, Ismail District. The husband Hristea accused his wife of *depraved behavior*, as confirmed by neighbors and the sub-prefect, and demanded a divorce<sup>42</sup>. The wife filed a counter claim, mentioning that her husband was always seeking for a pretext to divorce her and often beat her. During an interrogation on October 4, 1818, the 38 years old husband confirmed that Vasilca liked to live in fornication and "ran riot" in indecent places. He accused her of frequent and constant drunkenness and theft not only from home but also from their neighbors. Therefore, he found it impossible to continue living together and insisted on being divorced from the "depraved". Neighbors have already confirmed that eight years Vasilca was stealing things and giving them in exchange for spirits in the pub<sup>43</sup>. In her testimony Vasilca, who was 32 years old, an ethnic Bulgarian, showed that she was married in 1798 by Father Iane Bolgar and for 12 years she lived peacefully with her husband. In the past eight years, according to her, the husband hated her, but admitted her weakness to alcohol, but no

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<sup>37</sup> *Ibid.*

<sup>38</sup> ANRM, F.205, inv.1, d. 685.

<sup>39</sup> ANRM, F.205, inv.1, d.309, f.5-5v, 40-40v.

<sup>40</sup> *Ibid.*, f.8.

<sup>41</sup> *Ibid.*, f.10-19.

<sup>42</sup> ANRM, F. 205, i.1, d.2391.

<sup>43</sup> *Ibid.*, f.6.

other vices were suspected. She was running in different places by stupidity and fear of Hristea, who used to beat her<sup>44</sup>.

In Bessarabia allegations of infidelity were not rare. In 1824 the noble Carp Constantin from the village of Ciobaccia, Ismail County, requested a divorce with Ciude Maria on grounds of adultery<sup>45</sup>. The applicant reported that on January 16, 1815 officiated his legitimate marriage with the daughter of Procopie Ciude, dweller of Hotin city, the widow Maria<sup>46</sup>. They were married by the priest Nikephoros and have been together for 7 years. Constantine said that several people warned him that his wife is cheating with another man, but he could not believe it, until he made sure of himself. He had the confirmation of the witnesses, respected people. Among the evidences is the one of the widow Chita, which asserted that she knew the cause of adultery: the wife hated her husband. It was decided that the case to be examined by the protopope Simeon Makovschi together with the police<sup>47</sup>. On June 6, 1824 the protopope notified the Exarch Dicastery of Chisinau that he acquainted the sub-prefecture of Bender about the seeking for Maria<sup>48</sup>. On January 23, 1826 the same protopope also reported that Maria Ciude together with her concubine, Armenian Mark Adjaloglî, left for Bulgarian colony Comrat. On June 19, 1826 Maria gives written explanation of the created situation, saying that she was 27 years old. She got married at age 13 with Fiodor Manicovschi, the resident of Hotin, and lived with her husband only for 10 months. After his death, she married Constantine Carp with whom she lived three years and had one child, Savelii, who died. But according to her, he began to consume alcohol and brought them in a state of difficult poverty, not having a stable place to live, and they had to live in the hamlet of Major Patarachie. On the advice of her husband, she entered the service of Armenian Adjaloglî Mark, who was the owner of Ciobaccia. After two years the Armenian man left for Leca village, Maria and her husband followed him. After two months her husband left her and wandered through Bessarabia. When he returned in Ciobaccia, Maria went to her husband, who said that he was not able to support her. The woman refused to go with Constantine in Moldova, the later threw the papers for divorce to her face and Maria returned to service to Armenian man. She claimed that she had no affair with aforementioned Marcar, no witness could confirm her infidelity, and she wanted to continue to live with Constantine, leaving the service for Mark Adjaloglî and returned to Hotin<sup>49</sup>.

### The punishment for adultery

The person guilty of adultery had no right to remarry. Besides, the wife guilty of adultery was punished morally and civilly. The moral punishment consisted in a seven years epithemy, one year being spent in the monastery. In Russia there were

<sup>44</sup> *Ibid.*, f.7-11.

<sup>45</sup> In documents „прелюбодеяние” and „блудодеяние”. *ANRM*, F. 205, i. 1, d. 6162, f. 1.

<sup>46</sup> *Ibid.*, f.1-1v.

<sup>47</sup> *Ibid.*, f. 2-3v.

<sup>48</sup> *Ibid.*, f. 5.

<sup>49</sup> *Ibid.*, f. 6-13.

cases of epithemy terms of 14 to 15 years<sup>50</sup>. In the Russian Empire in addition to epithemy it was practiced the following sanctions: a) exile for a life in monastery, b) work on spinning, usually replaced by banishment to Siberia, c) sentence to eternal work, d) relegation in their own villages, with no right to leave them till their death, d) whip penalty. Among the consequences of a divorce because of adultery can be emphasized also the inability to bear the husband's name, fact for which the guilty woman was giving a receipt. In the nineteenth-century the court was accepting less and less the divorces on grounds of adultery<sup>51</sup>.

In the case of Fiodor and Eudochia Tcacenco spouses, on February 13, 1814 the ecclesiastical authorities responded that according to the law, such a sin and behavior would bring on a divorce, but because they didn't know where she was, he had to wait for five years. But on December 10 Fiodor Tcacenco announced that Eudochia returned to him and they agreed to live together in peace, fact notified at the Dicastery by the priest Maleavimschi, on February 9, 1815<sup>52</sup>.

The decision in case of Ileana Cebotari was as follows: the marital infidelity is demonstrated. According to the legislation Ileana should be divorced, subject to epithemy and with no right to remarry. However, because Ioan gave a reason for adultery leaving her at a young age, and she did not commit any adultery until his departures, as well as the husband did not take any action to stop immoral actions, Ileana was sentenced to 7 years of epithemy, to atone the sins in Răciula convent. Ștefan Mândru was also subjected to epithemy. In addition, they had to go to church every Sunday and holidays and repent, four days in a row to make 100 worships, to fast every time and to confess, but not share, except for the death. Every year, then every six months they had to report the completion of epithemy. After serving her sentence Ileana and Ștefan had to live separately and not to commit adultery; if Ioan refuses to continue to live with Ileana, they are allowed to be separated. On December 3, 1814 Paisius, the Father-Superior of the monastery Saharna, reported that Ștefan was serving his sentence in Saharna. On May 15, 1815 Ștefan was released under the priests observation<sup>53</sup>.

In Hristi and Vasilca Bulgaru's case, on October 24, 1818 Hristi is handed the Decree no 3023 of 16 October in Chisinau from Exarch Dicastery, which is required to reconcile and live at peace. Already on 24 October, the couple signed a document committing to live "in peace and understanding"<sup>54</sup>: husband must be careful with his wife and respect her, and wife should behave with dignity and not to consume alcoholic beverages. As you can see from the above case, despite his wife's depraved behavior shown, plus drunkenness and theft, the divorce had been refused and it was resorted to the spouses' reconciliation.

In Constantin and Maria Carp's case, after some research it was found that

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<sup>50</sup> А. Загоровский, *О разводе по русскому праву* [Divorce in Russian Law], Харьков, 1884, p. 307.

<sup>51</sup> *Ibid.*

<sup>52</sup> ANRM, F.205, inv.1, d. 685.

<sup>53</sup> ANRM, F.205, i. 1, d. 309, f.16 -20v, 21-35.

<sup>54</sup> ANRM, F. 205, i.1, d. 2391, f. 11.

Constantin Carp was not at the indicated place they lived, so that the file was closed. From the examined case it is clear that the adultery accusation was thoroughly examined. Since her husband could not prove adultery, nor was at the place of his residency to combat testimony wife, divorce was not granted. The society was looking negatively at adultery, which was considered a sin, and the woman accused of adultery was to bear a negative attitude from the community members where she was living.

### **Conclusions**

Following the research and analysis of the files we can conclude that in Bessarabia in the first half of the nineteenth century the most common reasons for requesting a divorce, and also led to marriage dissolution were: adultery, attempted murder, drunkenness, violation of marriage norms etc. Some applications for divorce contain only one reason for divorce, others contain several reasons: adultery and drunkenness, beating, drunkenness and infidelity etc. Divorce was filed by both men and women, representing different social groups.

Adultery was a reason for divorce, therefore the process was lengthy and contained all stages of the process: submission of the application, initiation of the investigation, interrogation of the witnesses and persons involved, the sentence. The court's sentence was deciding the future of the spouses: their marriage was declared ended or they were forced to continue living together. With the verdict, the guilty one was denied the right to remarry, or both spouses were prohibited from remarriage, moral punishments were applied, epithemy, etc. Meanwhile, the ecclesiastical authorities did everything possible to keep the family, looking for various reasons and arguments to prevent the divorce, because it destroyed the foundations of family mental indispensability. Simultaneously, women were particularly affected by divorce, because the society as a whole was not going down well with a divorced woman.