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PhD. THESIS

**ORIGINS OF THE WRITTEN LAW IN THE SERBIAN
ORTHODOX CHURCH. A HISTORICAL-CANONICAL
STUDY**

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This PhD thesis is part of the efforts to present in an accessible, systematic and exhaustive manner, through a historical and canonical study, the development of Church Law in the One, Holy, Catholic and Apostolic Church.

In order to know the history of Church Law and in particular its development in the Serbian Orthodox Church as an integral part of the Universal Orthodox Church, it is necessary to know the history of the Serbian people with its main milestones. In this regard, as presented in “*Introduction*” to this paper, we have tried to explain what motivated us to choose to address this issue.

The beginnings of written law in the Serbian Orthodox Church are related to the Great Migration of the peoples of the fifth to seventh centuries, because the Serbian people was an integral part of the great Slavic wave that washed over the Roman Empire. The Slavs occupied vast territories, both in the Central-Western part, and especially in the South-Eastern part of the Empire, in the Balkan Peninsula.

In the first chapter of the paper entitled “*The General Historical Background*”, presenting the relationship between the State and religion in the Roman Empire, we have emphasized the very political, cultural and religious environment of the territories on which the Slavs would later settle. The foundation of Constantinople – the New Rome, the division of the Roman Empire into two, the Western and Eastern Roman Empire, the invasion of barbarian nations over the Roman world and the fall of the Western Roman Empire under barbarian rule were moments of overwhelming importance for the entire history of the world, as well as for the Slavs and, therefore, the Serbs.

In the second chapter entitled “*Christianity in the Balkan Peninsula and the Slavic Peoples*”, we set out to present one of the important moments that, we believe, has not been sufficiently highlighted to date, that is how Christianity was assimilated by the Romanian people, formed on its native land, on the Dacian-Roman

tradition in the Carpathian-Danubian area, and the Christianization of the Serbs, which, being a barbarian, polytheistic and migratory people, migrated from its native land northeast of Europe to the Balkan Peninsula. Perceiving Christianity as a foreign religion, thwarting the efforts of Christian missionaries, whether coming from Rome or Constantinople, the Serbs and the Slavs generally did not understand what was being preached, as they did not understand Greek and Latin. Another important aspect: *the Slavs did not have their own writing system*. Instead, and in comparison, the Romanian people, whose language formed with its peculiarities from the vulgar Latin and knowing Latin writing, was Christianized from the early centuries of Christianity through the missionary work of the Holy Apostles Andrew and Paul and Their Holy Disciples.

The organization of the church, the establishment of the first parishes, episcopates and metropolitanates, the elaboration of laws and practices specific to their functioning over time, and the state organization in the Roman Empire established a new perspective on the development of peoples in the Balkan Peninsula, based on the Christian faith. This new perspective brought an immeasurable civilization leap both in the native peoples, as is the case with the Romanian people, and in the migratory peoples who settled in the Balkans, including the Serbs. The political organization, whose model was used for the first organization of the church, also brought some issues of a jurisdictional nature. With the transfer of the capital from Rome to Constantinople, the importance of the bishop in the Emperor's city has obviously grown, as evidenced, for example, by the Third Canon of the Second Ecumenical Council, which gave the Bishop of Constantinople second place in honor after the Bishop of Rome. Over time, this advancement in honor came with jurisdictional advantages, which have also generated open conflicts between the Bishop of Rome and the Bishop of Constantinople, the bone of contention being, in particular, the territories of the old Prefecture of Illyricum.

The jurisdictional disputes over the Prefecture of Illyricum are important for our paper, because these are the very territories on which the South Slavs would later settle, and the area of demarcation between

the two jurisdictions will cut into two parts the Slavic peoples in the Balkan Peninsula with the north-western part belonging to Rome and the central-eastern part to Constantinople. This jurisdictional division of the Balkans and the peoples who lived or settled in these lands had a long-lasting historical projection, the causes of this division being visible even nowadays. In this context, we mention the relations between the Orthodox Serbian people and the Roman Catholic Croatian people, two peoples of the same nation, with the same proto-Slavic roots, whose tense relations throughout history are well-known.

The Christianization of the Slavs has been a difficult, staged and long-lasting process for many reasons, the first and most important one being language and writing. Since the Slavs did not have a writing system and did not understand Greek or Latin, they did not embrace the Christian faith en masse. In the sixth to the eighth centuries, we know of only a partial Christianization of the Slavs, with the majority of the population remaining adept of the old polytheistic-pantheistic religion. An eminently revolutionary action was needed, the invention of the Slavic-Glagolitic alphabet, which aided the missionary work of the Holy Brothers Cyril and Methodius among the Slavs, leading to the Christianization of the Slavic nation.

In Chapter III entitled “*The Slavic Nomocanon and the Written Church Law During the Time of Saints Cyril and Methodius*”, the effort of the missionaries sent by the Constantinopolitan Church for the Christianization of the Slavs is presented. The problems they faced were multiple: the refusal of the Slavs to accept the preaching of the Gospel in Greek or Latin, and consequently their perseverance in maintaining the ancient Slavic polytheistic religion, the jurisdictional disputes between Rome and Constantinople, the concept of Constantinopolitan universal theocracy and the new political current in the West – the crowning of the Western emperors by the Pope of Rome. All these issues and disputes have created a religious and political environment not favorable to missionary efforts. Prince Rastislav of Moravia, after centuries of attempts and the partial, staged Christianization of the Slavs, turned to Constantinople, asking for missionaries to be sent, capable of preaching the gospel to the Slavs, to

their understanding and in their language. This was the moment when two brothers, the illustrious people of faith and culture, tried missionaries, Constantine-Cyril and Michael-Methodius entered the history. They would complete one of the greatest missionary works throughout the history of the Church – the Christianization of the Slavs. The Brothers Cyril and Methodius, members of the Constantinopolitan clergy, experienced missionaries, travelled to Moravia in 863. Unlike the other missionaries who came either from Rome or Constantinople, the Holy Brothers had a great advantage: born in Thessalonica, they knew the Slavonic language, because the Slavs settled in great numbers around this Greek city, living in peace with the local people. The missionary experience gained among the Khazars prompted them to eliminate this last barrier, the linguistic one, which stood in the way of the Christianization of the Slavs, i.e., writing. Drawing up a Slavonic alphabet based on the Greek cursive letters, adding some oriental pictographs for certain Slavonic speech-specific sounds, the Holy Brothers Cyril and Methodius created the Slavic “Glagolitic” alphabet and translated the Gospels and Liturgy into Slavonic. Using the phonetic fund of the South Slavs and the elements of the proto-Slavic language, Cyril and Methodius laid the foundations to Slavonic writing, which, with minor changes made by their disciples, would become the “Cyrillic” writing of the Slavic peoples, used by some peoples of the Slavic nation in some Orthodox churches until nowadays.

The Holy Brothers had their first success in the Bulgarian Khanate, on their way to Moravia, using the new writing and the preaching in Slavic. In 863, Khan Boris was baptized, and with him all his subjects. The period during which Constantine and Methodius arrived in Moravia was a very troubled one in Western Europe. The civil war between Louis II the German, Lotar II and Charles the Bald laid waste to the provinces of the Franco-German Empire, the Slavs in Moravia, Pannonia and Carantania revolted against the Franks, and, using the favorable historical moment, founded the independent principalities. With political independence, a jurisdictional independence from Rome, Pope Nicholas I and Archbishops Adalvin of Salzburg, Germanicus of Passau and Hanon of Frasing was also

preferable. The Latin language, the Latin mass, the Gospels in Latin, all were foreign to the Slavs who did not understand anything from what the Latin missionaries were doing. They did not refuse Christian baptism but did not want service to be in Latin and did not want to pay taxes to the Latin bishops, because they and their service were foreign to them.

Taking with them the relics of St. Clement the Roman, Constantine and Methodius, on their way to Moravia, were also very well received by Prince Kocel' of Pannonia and Prince Svatopluk of Carantania. When the Brothers arrived in Moravia, they began their missionary work among Western Slavs, preaching the Gospel in the language of the Slavs and serving the Holy Liturgy in Slavonic from the books written in this language. A new Church was born in the West, a church independent of Rome's jurisdiction, which prompted the Archbishops of Salzburg and Passau to complain to Rome. After several years of missionary work, the two Brothers were summoned by Pope Nicholas I to Rome to justify their activity and exculpate themselves because the territories in which they were carrying out their work were under the jurisdiction of Rome. Prior to their arrival in Rome, Pope Nicholas died in 869 and was succeeded by Adrian II. Adrian was convinced of the orthodoxy of the two Brothers, approved the use of the Slavic language in the Church, and ordained Methodius as bishop, while Constantine became a monk in a Greek church in Rome, being given the name of *Cyril*. The great Cyril never returned to Moravia, as he died shortly after that. The date of Cyril's death is unknown, but it seems to have happened shortly after his ordination, which took place probably in February of 869, him passing probably on 14 February.

Bishop of Rome, Pope Adrian II, re-established the old Archbishopric of Pannonia as the first Slavic diocese that included Moravia and Pannonia, declaring it independent from the jurisdiction of the German bishops. Methodius was named Archbishop of the new Archbishopric. However, upon his return to Moravia in 870, the German King Louis and the German bishops summoned Methodius to a synod in Regensburg, where they deposed and imprisoned him. Pope

John VII released Methodius from prison and reinstated him as Archbishop of Moravia. Soon after, his orthodoxy was again questioned by the Germans, especially because of the use of the Slavonic language. Pope John VII approved the use of the Slavonic language in the Divine Liturgy, but with the first reading of the Gospel in Latin and then in Slavonic. With his health deteriorated after the long struggle with his opponents, Methodius died on 6 April 885.

With regard to the first monument of Church Law written in the land of the Slavs and hence the Serbs, we can mention the following: unfortunately, the original *Nomocanon* in the Slavonic language was not preserved, but the claim of its existence is incontestable today. The academia discusses only the year when this *Nomocanon* was written, the sources behind it and/or comments on the content of the original. In an old chronicle written in the town of Bar (in today's Montenegro) between 1167 and 1173, entitled "*Gesta Regum Sclavorum*", written by an author known only by his cognomen: "*presbyter Diocleas*" – *the priest of Duklja* ("*pop Dukljanin*" in Serbian, *Duklja* – a historical province in today's Montenegro), in the 9th chapter titled "**Methodius**", referring to him, *the first Slavic Nomocanon written by St. Methodius* is also mentioned: **Liber sclavorum qui dicitur Methodius**. Over time, there has been much speculation about the author of this Codex of Church Laws, as well as the year of appearance or the sources behind this Nomocanon, or discussions about its actual content. **Its importance, however, lies in the fact that this work marks the beginning of the written law for the Slavs and hence the Serbs.** The view of most canonists, both Orthodox and Catholic, is that *the main source underlying the Slavic Nomocanon is the Nomocanon of 50 titles of John Scholasticus*. We are inclined to adhere to this view, but we are convinced that this Greek Nomocanon was by no means the only source for the first Slavic *Nomocanon*, and here we may very well mention the *Dionysian Codex* as one of the important sources for translating the church laws into the Slavic language. It is more likely that, when he was ordained, as it was customary, Methodius also received a **canonical guidebook in order to independently organize**

church life in the new Slavic Archbishopric, and it is more than likely that this codex was the Dionysian Codex.

The most likely codex to have been the basis for the translation of the first Slavic Nomocanon is the *Codex of Dionysius Exiguus*, since it is self-evident that in the organization of the new Slavic Church, Archbishop Methodius, under the jurisdiction of Rome and a Roman prelate, would have also relied on canonical-judicial acts of Rome. At the same time, it seems plausible that at his ordination he would have accepted the official and most used Codex in the Patriarchate of Rome at that time, as one of the sources for the Slavonic translation, and this, as mentioned, was precisely the Codex written by Dionysius Exiguus. It is pertinent to suppose that the translation of the canons and church laws into the Slavonic language, made by Methodius, was also based on the Greek-Latin Codex of Dionysius. Of course, we cannot exclude the use of other sources that he could have had at hand for this enterprise, including, as the most important, *the Nomocanon of 50 titles of John Scholasticus*. In conclusion, we can argue that he was more likely to have written the Nomocanon in Slavonic when he was enjoying the favor of the Roman ecclesial power under whose jurisdiction he acted, rather than when he was persecuted, imprisoned, heard and abandoned by the rulers of the Slavs in the West. We opt for the period between 868 and 871, with the possibility, less likely in our opinion (with the prohibition of using Slavonic in service, not to mention in the writing of theological works) to have drafted the Nomocanon between 874 – 880, but in no case after this period.

In conclusion to this chapter, we can say that the first Monument of Church Law written in the language of the Slavs, and hence of the Serbs, was *the Nomocanon of Saint Methodius*, written in the second half of the ninth century. This Nomocanon would be transcribed, supplemented and disseminated throughout the Slavic Orthodox area. For nearly 350 years, this pioneering work of the Great Methodius in Church Law in Slavs will be the guide followed by both his disciples and the future generations of theologians and canonists of the Slavic peoples. The subsequent canonical-judicial works in the Slavonic language were only supplements or compilations based on this

first Nomocanon, until the days of Saint Sava Nemanjić, who would draw a new direction in the development of Church Law not only for Serbs but also for Romanians, Bulgarians, Russians for the following few centuries.

In the continuation of our paper, in the fourth chapter entitled “*The Nomocanon of Saint Sava Nemanjić*”, we presented, underlining the continuity of the legislative and ecclesiastic work in the Serbian Orthodox Church, the unrivaled personality and work of the person who was the spiritual father of the Serbian people, the founder of the Serbian autocephalous Church, the medieval Serbian state, Saint Sava Nemanjić.

The Balkan Peninsula was, for many centuries, dominated from a cultural, political and military point of view by the Byzantine Empire. The attempts of Romanians, Hungarians, Bulgarians, Serbs and other Balkan peoples to rise were systematically suppressed by the Byzantines. This was also the political situation at the end of the twelfth century when, playing upon the weakening of the Byzantine Empire caused by the internal struggles for the throne, the Balkan peoples benefited from this favorable historical moment. The first to begin hostilities was the Hungarian King Bela III (1172-1196), who conquered Dalmatia, Croatia and Srem, attacking Belgrade. In Bosnia, Ban Kulin declared independence from Constantinople, and in Duklja and Zeta emerged an anti-Byzantine movement headed by Prince Stefan Nemanja and his brothers, Miroslav and Stracimir. The Grand Prince Stefan Nemanja had set the goal of expanding borders, gaining independence and strengthening the young Serbian state. During his reign (1166-1196), Stefan Nemanja managed to create the first Serbian unitary state, preserve the Orthodox faith, root out the Bogomils, build churches and monasteries, among which the most famous and the most important being Studenica Monastery, and leave to his sons Vukan, Stefan and Rastko a powerful, centralized, independent state, recognized by all neighboring powers.

In this context, Sava Nemanjić (1175-1235) emerged, an unparalleled and unrepeatable personality in the entire history of the Serbian people. A prince and a monk, a saint and a diplomat, an erudite

and a confessor, he was and will remain the most important historical figure in the Pantheon of the Saints of the Serbian people.

Rastko Nemanjić was born around 1173, in the then capital of Serbia, in Ras. He was the third son of the Grand Prince Stefan Nemanja and Ana. As Domentijan mentions, one of his biographers, at birth he was given the name Rastko, after the great Moravian Prince Rastislav, the one who had the initiative to produce a Slavic alphabet, a name predestined for the first Archbishop of the Serbian Autocephalous Church.

At the age of 15, according to the custom of time, Rastko received the province of Hum to administer. Located at the intersection of Oriental and Western civilizations, at the crossroads of canonical and jurisdictional territories between Rome and Constantinople, in the vicinity of Bosnia, which had taken the path of the Bogomil heresy, Hum was not the place for the spirit of the young prince who was aspired to monastic tranquility. At the age of 17, accompanied by a few monks, Rastko Nemanjić fled to Mount Athos. This happened in 1191. The Serbian prince found his refuge in St. Panteleimon Monastery, where he remained until 1193 when he entered the Vatopedi Monastery.

This was the crucial moment for the entire history of the Serbian people. Rastko Nemanjić took the name Sava, after Sabbas the Sanctified of Jerusalem, and outlined his goals that would guide his monastic life. His desire was to organize the church life of his people. His first victory was when he persuaded his parents to take monastic vows. In 1196, the Grand Prince Stefan Nemanja abdicated in favor of Stefan, his middle son, and became a monk taking the name Simeon. St. Sava's mother, Ana, took monastic vows also in 1196 and was baptized Anastasia.

Sava and Simeon visited together all the monasteries on the Holy Mountain, making many donations. Seeing that all Orthodox nations have monasteries or sketes on Athos, they decided to bring an official request to the Emperor and Patriarch of Constantinople under whose political and ecclesial jurisdiction Athos was to allow them to erect a new monastery on the ruins of the former Greek monastery of

Hilandar. Sava went to Constantinople with this issue twice, in 1198 and in 1199, and eventually succeeded in fulfilling this mission, receiving permission to also erect some cells and sketes in Karyes.

At the beginning of 1199, the Hilandar Monastery was already habitable, and Sava and Simeon moved from Vatoped to Hilandar. Seeing his dream fulfilled, Simeon died in the arms of his youngest son on 13 February 1199. From now on, Sava would entirely devote himself to the organization, in the first phase, of the monastic life in Hilandar and Karyes, then to Studenica Monastery in Serbia, and later to acquiring the autocephaly and founding and organizing the Serbian Orthodox Church.

Sava Nemanjić began his fight for the autocephaly of the Serbian Church in very complicated and troubled times. With the fall of Constantinople and exile of the new Emperor Theodore I Laskaris (1204-1222) and Ecumenical Patriarch John X (1198 -1206), the exercise of the jurisdictional-canonical prerogatives of the Patriarch were heavily hindered, so much so that the authority of Archbishop of Ohrid, supported by the Doukas dynasty reigning in the Despotate of Epirus (autonomous), began to transform over time into church despotism. Knowing the canons of the Orthodox Church excellently, Sava was firmly committed to request the Serbian Church's autocephaly from the Ecumenical Patriarchate in exile in Nicaea. Lacking a national church, the Serbian kingdom was torn apart by the dissonance between the hierarchy and the people. The Greek bishops of the Archdiocese of Ohrid had no authority among the people, nor in front of the king, which is why Sava had to seek a swift solution to this problem. However, he necessarily wanted this solution to be in accordance with the canons of the Church. Sava travelled to Nicaea, rightly convinced, that this was the right place to go and seek autocephaly, not in Ohrid. Archimandrite Sava and his suite arrived in Nicaea in the autumn of 1219 and were well-received by Emperor Theodore I Laskaris and Ecumenical Patriarch Manuel I Saranten Haritopulos. Sava Nemanjić was ordained Bishop in Nicaea on the day of Saint Nicholas on 6 December 1219, becoming the first Archbishop of the Serbian Autocephalous Church. The canonical separation of the

new autocephalous Church from the Archbishopric of Ohrid, as well as the right of the Serbian Church to self-rule and to choose the Primate, was sanctioned through a *Tomos*. This act is the *birth certificate* of the Serbian Orthodox Church. All the later moments in history, such as the proclamation of the Serbian Patriarchate by Stefan Dušan in 1346, or the dissolution of the Patriarchate by the Turks after the fall of the Serbian state in the 1453, its revival under Macarius Sokolović in 1557, and again its dissolution in 1766, the autocephaly since 1879, the proclamation of the Patriarchate in 1920, all these events are due to the work of St. Sava.

Sava Nemanjić began his literary work in the Hilandar monastery, and it seems that his first written work was the “*Charter of the Hilandar Monastery*”, i.e., the founding charter of the monastery, in 1198. The first literary work, of which it can certainly be said that it was written by Sava Nemanjić is “*The Karyes Typikon*”, a liturgical-canonical work. This Typikon was written at the end of 1198 and early 1199, when Sava founded the Karyes cell for the monks of the Hilandar Monastery, being a guide for the future anchorites who would live there.

In order to regulate the monastic life of Hilandar, Saint Sava wrote a *Typikon* inspired by the Typikon of the Monastery of Our Lady Everghitida in Constantinople, and for the Karyes cell he wrote a *Typikon* that is unique in the Orthodox world. It states that the Psalter should be read every day during the Lent. After the Canonization of Saint Simeon in 1200 and the regulation of the monastic life in Hilandar, Sava returned to Serbia with the relics of his father, which he would solemnly bury in Studenica Monastery on 19 February 1207. In 1208, he became the hegumen of Studenica for which he writes a *Typikon* based on the one from Hilandar.

He ordered the monachal life in the Serbian monasteries by the *Ritual* from Studenita, thus transposing the Athonite model in Serbia. The rituals of Saint Sava prove his vast knowledge regarding the church Law, so the occurrence of the *Nomocanon* (a collection of ecclesiastical law), written by him, is no surprise.

Sava received what he demanded at Nicaea, he took holy orders as a bishop and he received the gramatas of acknowledgement of the Serbian Church as an independent Church and of him as the first Archbishop of this Independent Church, and this took place on the day of the St. Nicolae church festival, on the 6th of December 1219. But, the new Independent Church had to rule itself from that moment on. The first step was to elaborate a canonical-juridical support to lead the new Church. This was the need that led to the occurrence of the **Nomocanon** Sava Nemanjici was to compose and reproduce, so that each ordained bishop for the newly-founded bishoprics of the Serbian Church may go to his residence with a copy of the laws to rule his bishopric.

The objectors of Saint Sava, in his capacity of author of the *Nomocanon* state that Nomocanon would be just a compilation of the pre-existent Slavonian translations, making a mere addition of the Slavonian Nomocanon in the Xilurgos monastery (in 1142, a Slavonian Nomocanon is mentioned in the inventory of the books), with the comments of Aristen and Zonara translated and additions from other Slavonian codices already available. They state that Nomocanon of Saint Sava is nothing but the review of the Slavic-Bulgarian normocanon laws („*The Efrem Nomocanon*” in the 11th century) or the Slavic-Russian normocanon laws („*The Ustiuski Nomocanon*” in the 13th century), especially of the Nomocanon from Xilurgos that would have been written between 1071 and 1091 and which Saint Sava would have been able to know and copy on the occasion of his visit at the Saint Panteleimon monastery.

Concluding the debates about Saint Sava as author of the **Nomocanon**, Dimitrije Bogdanovici concludes that: there is no substantial ground that Serghije Troicki's paper be not accepted according to which the Nomocanon-Kormcija Knjiga, in its final form occurred by the hard work of Saint Sava in Tesalonic in the year 1220.

In the church tradition and in the specialized literature in our country, the Codex of laws in Slavonian, of Serbian review, whose author is Saint Sava Nemanjici, is known under the name of „*Kormcija knjiga*”. This name has been assigned after the Church was

compared with a large ship on which only a skilled steersman ("to steer") knows how to steer it towards its destination by the laws set. All those laws, collected in one place, are called the *Steering Book*, namely the book that teaches the steersman how to steer the ship he received to steer. Saint Sava took the name of *Nomocanon* either from the original paper of Sain Metodie in the 9th century, or from the hagiographical paper "Life of Saint Metodie". Once arrived in this collection in Russia by Iacov Sviatoslav in 1262, it was renamed *Kormciaja Kniga*. But, in old Slavonian, the word *korm* meant feed, food, and *kormiti*, by analogy, meant to feed, the Slavonian word *steer* also means the rear of a ship where the steer is located and thus it can be also mean to steer, to run a vessel.

According to the above, we believe that the Slavic-Russian name "Kormciaia kniga" or "Kârmcija", should be avoided, and that it is better to rather use the original name, also agreed by the author himself, Saint Sava, namely – *Nomocanon* (in Serbian *Zakonopravilo*, *nomos* = *zakon*, Laic law and *canon* = *pravilo*, church law, canon, code of laws).

In our country, two Slavic manuscripts must be particularly mentioned, which worth a special attention: the manuscript no. 21, kept in the episcopal Library in Arad and the Slavic manuscript 461, kept in the Library of the Romanian Academy. Following the comparative studies, it can be said with certainty that these manuscripts are copies of the *Nomocanon* of Vladimir of Volinia from 1286, which is based on the *Nomocanon* of Saint Sava, arrived in Russia through Bulgaria, at the request of the Metropolitan Cyril the 2nd in 1262.

The importance of the *Nomocanon* of Saint Sava was overwhelming regarding the development of the church Law in the orthodox countries. The pre-existent Slavic normocanon laws, which were circulating in Russia, shown by the *Kormjaja* of Efrem and of *Ustiuški*, were outdated from a canonical and technical point of view, first because they contained neither the *Nomocanon* of Frotie, nor the comments of Aristin or Zonara. That was the reason for which the

Metropolitan Kiril the 2nd requested Jacob Sviatoslav a new collection of laws, updated.

The authority of Saint Sava in Bulgaria was huge, and one should not forget that Saint Sava was the one who decisively contributed in 1235 to the raise of the Bulgarian Church to Patriarchy. We also should not forget that Saint Sava died at Târnovo, in Bulgaria, and its relics were hardly repatriated, being very special among the Bulgarians.

It is all the more possible that the *Nomocanon of Saint Sava* would have been in use in the Bulgarian Church, because it was the most complete canonical paper in Slavonic language at that time, and it was topical, compared to the pre-existing Slavic collections.

At the Synod in 1274 from Vladimir, the Nomocanon of Saint Sava, which was copied in 1262 from a manuscript that was the property of the Bulgarian Church, was promulgated as the binding Collection of laws for the entire Russian Church. The oldest transcription in Russia is that from Riazan (in 1284), a copy made after the Nomocanon kept at Kiev. The *Nomocanon* of Saint Sava retired the old Slavic copies, being the most used collection of laws for a very long period of time, so that in 1650 the first edition was printed, reissued in 1653, 1787, 1804, 1812, 1816, 1834. In Serbia, the *Nomocanon* had the statute of a **Holy Book**, its laws and canons not being possible to be amended by anyone, neither by the leaders of the church nor by those of the state. Its authority sprang from the person of the Saint Sava. The Code of laws of the emperor Stefan Dusan and the gramatas of the Prince Lazăr also based on the Nomocanon in 1380 and 1382. But with the passing of the time, even if the church canons remained unchanged, the civil laws became outdated and thus the text of *Nomocanon* had to be reviewed, based on the collocation of Mathias Vlastaras, from which were first excluded the articles on the Byzantine hegemony in relation to the Slavic peoples of the Balkans. The fact is that only the civil law part was newly included in the *Code of Laws of Stefan Dusan*, being rightly assumed that the Nomocanon of Saint Sava was inviolable, in terms of the church law.

We can conclude that throughout the centuries, by the person of the author - Saint Sava, and by the complexity and fullness of the juridical-canonical corpus, the *Nomocanon* was considered a Holy Book for Serbians, a book that underlies the existence not only of the Serbian Church, but also of the Serbian state and people.

The 5th chapter entitled "*the Code of laws of the emperor Stefan Uros the 4th Dusan (1308-1355)*", describes the period of the climax of the Serbian Medieval statehood, the reign of Stefan Uros the 4th Dusan. The emphasis is put mainly on his legal activity, particularly dealing with the Code of laws, and especially the "*Bistrița Manuscript*", executed in the original text, and translated in Romanian, with explanations and notes aiming historical and canonical aspects, relevant for the church Law.

Ever since their arrival in the Balkans, the Slavonians were deemed by the Byzantines to be tolerated and they were compelled to obey them. The occurrence of the new Slavic countries in the former Byzantine territories, due to the unfavorable political circumstances of the Byzantine Empire, caused by the internal struggles between different currents and claimants to the throne, with the termination of internal hostilities and the restoration of order in Constantinople, were immediately taken into account from the mere wish of the Byzantine people to bring those new state formations back to vassalage and obedience, or simply to invade and/or to destroy them.

We encounter this situation in the Balkan Peninsula and at the beginning of the 14th century when was born the one who was to become the greatest leader in the history of the Serbian people, the future emperor (tsar) Stefan Dusan.

The Serbian kingdom was ruled for more than one hundred years by the Nemanjici dynasty. Founded by the great Lord Stefan Nemanja (1113-1199), by the unification of the Serbian provinces Zeta (Montenegro of today) and Rașca (Serbia of today), the first Serbian unitary state was formed. Dusan was born in 1308, most likely at Constantinople. Son of Stefan Uros the 3rd Decianski, otherwise a tragic historical personality (blinded by his father, sent to

Constantinople as a prisoner-guarantor of the Byzantine-Serbian relationships, crown as king, and then dethroned by his son, ending murdered in the dungeon by the plot of the great nobility) and of Teodora, daughter of the Bulgarian emperor Smileț. Dusan spent his first seven years of life at Constantinople, a city he wanted to conquer. His family returned to Serbia in 1320, when the father and the son made peace, king Milutin and the future king Stefan Decianski. Milutin died on 29 October 1321, Stefan was crowned king with the title of Stefan Uros the 3rd of Nemanjici. Stefan Decianski was a godlike and a religious king, but not as great as his great-grandfather, Stefan Nemanja, or like his father, king Milutin, neither in the politics and arms, nor in the church. Once it tasted the power through the king Milutin, with the expeditions and expansions that brought new territories and richness, the great Serbian nobility had much greater expectations from a king, feeling that Serbia can rise upon Bulgarians and Byzantines. The chance that was to lead to the fall of the father and to the rise of the son occurred in 1330. The Byzantine Andronic the third headed for Serbia along with the Bulgarian tsar Mihail Şişman. The final battle took place on 28th of July 1330 at Velbujd. King Stefan based mostly on his generals and did not involve directly in the battle, when his son Dusan did it directly. This unexpected victory of Serbians led to the retreat of the Byzantine army and to the fall of the Bulgarian tsar.

The attitude of Dusan in the battle from Velbujd and the actions that brought him to the throne indulged both the nobility and the people. Growing up at Constantinople, he was dreaming of the imperial crown of the New Rome, but by the time he became one of the most powerful monarchs of Europe of the 14th century and made real demands on it, Dusan had to fight with the Hungarian mighty kingdom in the North, and with the Byzantine emperors in the South.

With the military campaigns in 1345, a very important stage of expansion of the Serbian country ended, especially attributed to the territories belonging to the Byzantine Empire. Following this stage, king Dusan decided to install himself as an emperor. The crowning as

emperor was to be performed several months later, on the 16th of April 1346, at Skopje.

Dusan called out a national-ecclesiastic meeting at Skopje on the Palm Sunday of the year 1346. At this synod came, besides the archbishop, the bishops, Serbian superiors and priests, the Bulgarian patriarch in Târnova, the archbishop of Orhrida together with his bishops, superiors and monks from Athos Mountain, also came the Greek bishops in their diocese. And all these representatives of the Church agreed together with their emperor and Serbian nobility on the Palm Sunday in 1346 that the Serbian Archdiocese be patriarchized, and the archbishop Joanichije, patriarchized of the Serbian Church. Joanichije was archbishop since 1338 to 1346 and patriarch since 1346 until 1354. On Easter 1346 (16th of April, at Skopje – n.n.), the Serbian patriarch Joanikije and the Bulgarian patriarch Simeon, in the presence of the entire synod crowned Dusan as emperor, and his son, Uros, as king.

It is well-known that Stefan Dusan had very good relations with the Church. First, with the Orthodox Church, with the monks on the Athos Mountain, with the hesychasts (even having a personal relation with the great hesychast churchman, Saint Grigorie Palama – it is also mentioned the meeting between them on the Athos Mountain in 1347), but also with the Catholic Church. The love of Dusan for the Church of Christ was great and also was the Church's answer to the emperor. This reflects the best in the permission granted, not just for the emperor, but also for the empress Elena to stay away from Black Death that was about the entire Europe, to take refuge on the Athos Mountain. The stay of the Serbian emperor and empress on the Athos Mountain took place in the last months of the year 1347 and it started in early 1348. With the Patriarchy and Monarchy of Constantinople, it is understood that he had no cordial relations, its representatives being devoted to the Greek Paleologu and Cantacuzino imperial families. The emperor Stefan Dusan did not pay much attention to the anathema of the patriarch Calist in 1350, but this anathema had a rather bad echo within the people.

There is little knowledge about the last days of the emperor. He suddenly died on Sunday, 20th of December 1355 and he was buried in the monastery founded by him, the monastery of the Holy Archangels near Prizren.

The 14th century brought with it the occurrence of some law codes in the Balkan Peninsula and in the Baltic Countries. Chronologically, the first code of laws occurred in the 14th century was *Corpus iuris Hungarici* (1351) promulgated by king Ludovic the 1st of Anjou (1342-1382), then we have the *Code of laws of the emperor Stefan Uros the 4th Dusan Nemanjici* in 1349, completed in 1354, in 1355 was promulgated the *Maiestas Carolina*, by emperor Carol the 4th of Luxemburg, and finally the *Statuta Vislicensia* of Cazimir the 3rd of Poland (1342-1382).

Regarding the emperor Stefan Dusan, he was a pretender to the throne and therefore, the Byzantine conception about the role and position of the emperor in the world was primordial in his initiative to order the things in his new Serbian-Greek state by developing a *corpus juris* as his great predecessors, Constantin and Iustinian, had done, whose rightful heir he thought to be. The great conquests of Dusan also bore with them the development of a great legislative work. As a first step in this regard [the familiarization with the Byzantine legislation] is the occurrence (most likely in the winter 1347-1348, during the stay of the emperor on the Athos Mountain) of a translation in Slavonian of the best and concurrently of the newest collection of Byzantine laws, of Matei Vlastares' *Alphabetical Syntagma in 24 parts*, which was written in Tesalonic in 1335. Yet, this collection was quite unpractical because it was very bulky and it included several strictly church laws, and therefore, most likely during the year 1348, a short version of the Syntagma was issued in Slavonian language *for the legal needs* (this short Syntagma does not exist in Greek). In this Serbian document of the Syntagma only remained about one third of the original content. Almost the entire part with the church laws and canons was eliminated, only remaining the laws of the Byzantine civil law. This short Syntagma was only known in Serbia, not in Bulgaria, the Romanian

Principalities or Russia. It is known that they have also circulated, being used during the kingship of Dusan, the "*Codex Iustinianus*", "*Nomos Georgikos*" [a Serbian compilation of only 33 articles for agricultural use], being used not only in the Greek Southern provinces, but also in the Serbian Northern provinces. For 150 years from the issuance of the Slavonian *Nomocanon* by Saint Sava, the Serbians learnt the translations and use of the Byzantine laws, adapting them to the specific needs in their country.

The process of drafting a Code of specific laws was not instantaneous or the product of one man. The code of laws was promulgated on the day of the Feast of the Ascension of the Lord/Holy Emperors Constantine and Helena on the 21st of May 1349, in Skopje. It's very hard to determine how many articles it had, because the original could not be kept. Most researchers believe that it had 135 articles following years, the emperor, like the great Justinian issued charters, novellas, donations, laws or judgements that had been subsequently introduced in a new Code promulgated at the national-clerical synod in Seres during the period the 1st of September 1353 and 31st of August 1354. The initial Code was supplemented by another 66 articles, finally counting for 201 articles. Unfortunately for the history of the church law and for the history in general, the original documents of the Codes of laws of Stefan Dusan of 1349 and 1354 have not been kept. A detailed scientific overview of the Code can be only made by analogy with the papers and documents of the time that had been kept and issued by the imperial chancellery of Stefan Dusan. In this category, on the first place are the charters to the great monasteries and the commercial contracts with the Dubrovnik. It is certain that the first state laws, as well as the church laws, which were brought by Saint Sava, were kept in the Archdiocese. It is absolutely certain that this also happened in the case of the Code of Laws of the Emperor Stefan Dusan. In the absence of the original document, we do not know how many original copies existed at the beginning. We assume that at least two would have been drafted, one for the Imperial Chancellery, and the other one for the Church, being kept in the Archdiocese. The problem

is that the original of 1354, the supplemented one, has not been preserved, and we do not know whether it was a copy of the Code of 1349 or just an addition to the already existing Code.

We can conclude: the original of the Code of laws of Stefan Uros the 4th Dusan Nemanjici had lost in the darkness of the tumultuous times. Thank God that we have the 26 transcriptions and manuscripts that can evoke the care ne pot greatness of the Court and the și grandeur of this great statesman.

”The Bistrița Manuscript” – contains the Code of laws of king Stefan Dusan, which was obtained by the monks of the Bistrița monastery for the needs of the learned founder of the monastery – ”Marele Ban” meaning the great governor of Craiova, Barbu Craioveanul and his brothers, Pârvu Vornicul, Danciu Armașul and Radu Postelnicul. We do not know how and when the manuscript that included the Code of laws of Stefan Dusan arrived at the Bistrița monastery, but we can certainly state that it was copied at Bistrița, because, as professor A. Soloviev states, it does not include the “românisme” – the specific Romanian words – characteristic to the Romanian copyists. Soloviev states that the transcription was made somewhere in Serbia, and then this manuscript arrived at the Bistrița monastery. The researchers St. Novacovici and T. Florinski did not succeed to see the original, so their descriptions (end of the 19th century) cannot satisfy a detailed scientific analysis. The publication of the translation the Code of laws of Stefan Dusan by professor Ion Peretz at the beginning of the 20th century, could not unfortunately have been made based also on the text of the manuscript from the Bistrița monastery, the learned professor being able to use only what P.I. Safarik, St. Novakovici or T. Florinski published, because he had no access to the original manuscripts, which once used to belong to our monasteries. It is certain that the manuscript became the property of the Russian professor Nikolai Ivanovici Nadejdin about 1840/1841, when he was travelling in the countries of the Balkan Peninsula. Nadejdin took this manuscript in Russia (as states Safarik in “Pamatky” vol. III). *“the Manuscript from Bistrița”*, was copied from a protograph of the

Code of laws of Stefan Dusan, the copy was probably made somewhere in Serbia, at the mid-14th century, then being brought and kept in the Bistrița Monastery in Oltenia for 400 years. In the end, we must specify that the Manuscript from Bistrița Monastery only has 184 articles compared to 201 in the most manuscripts found until present, therefore it may seem that the end is rather illogical, the Code ending with the provisions on tax collectors, fees and fines. We think that is very important for the Romanian canonists that we have succeeded to make a translation of the manuscript "Bistrița" of the Code of laws and this is for two reasons: the first is the very importance of the Code for the church Law and the history of its development in the Carpathian Danube space, and the second one would be the importance of studying a manuscript that was once the property of the Romanian Church, written for the Romanians and kept for four hundred years at the Bistrița monastery in Romania, alienated by the whirligig of the history, but which, we believe, is part of the cultural-historic native place of the Romanian people and it deserves to be known, researched and used in specialty studies by the Romanian canonists.

The 6th chapter titled "*the Church law in the Serbian Orthodox Church under Ottoman occupation*" describes a history period when the Serbian Church was carrying out its work and life under harsh conditions, in an unchristian village, which by the official, Islamic belief and the political concept, was completely hostile to the Christian-orthodox belief and to the Christian state concept.

The fall of the Serbian medieval state under Ottoman occupation has also inevitably caused an unwanted fundamental transformation in the church life. The Ottoman conquest of the medieval Serbian states brought with it the devastation of the church, both of its spiritual and material assets. In the current of wars or from religious revanchism, hundreds and hundreds of Orthodox monasteries and churches were destroyed, robbed or turned into mosques. The new political reality made the entire corpus of the Serbian people form again a new state, but this time in a state hostile for the people and the Church. The church was in a delicate situation, being the only

representative, somehow an institutionalized institution, of the people in the relationship with the new mastery. It is more likely that the Orthodox Churches that subsequent to the fall of Constantinople fell under the Ottoman oppression were inspired by the attitude of the hierarchy of the Patriarchate of Constantinople in relation to the new mastery. However, even though there were exceptions from the rule, we can conclude on the whole that: with the fall of the Ottoman medieval Serbian state, the church structure existent at that time did not disintegrate, and the Ottoman state allowed, in the first years following the conquest of the Balkan states, the Christians to go on with their cult life without attempting a forced Islamization.

After the fall of Constantinople in 1453 and the Ecumenical Patriarchy fell under the Ottomans, but the Archdiocese of Ohrida maintained its autonomy to Constantinople transformed into Turkish Istanbul. In exchange, both the Patriarchate of Ipek and that of Târnovo, or the metropolitan church of the Romanian Principalities lose their independence or autonomy and they are under the jurisdiction of the Ecumenical Patriarchy, whose hierarchy is appointed by the Porte and tended to replace the hierarchs of the place with the Fanariot hierarchs, subdued to the Ottomans. In order to better understand the newly created situation in which the Serbian Orthodox Church was found after the fall of Smederevo, and implicitly the dissolution of the Serbian medieval state, an aggravated situation and the death of the Patriarch Arsenije II (1453-1463), it must be mentioned that the territories of the Serbian church became border territories of the Ottoman Empire with the Occidental Christian World, being treated with a special interest by the Porte because of the extremely important strategic position. In 1557, with the support of the great vizier Mehmed-Paşa Sokolovici (of Serbian origin), a state of normality could have been reestablished in the Patriarchy, and the church life recommenced, regularly organized under the patriarch Macarie Socolovici (a close relative of the great vizier Mehmed-Paşa). The reorganization of the Patriarchy of Ipek was ample, because such jurisdiction had been also assigned the territories newly-conquered by

the Ottomans in Hungary, the Romanian Country, and the Principality of Transylvania.

Regarding the proper running of an Orthodox Church in the Ottoman Empire, one cannot speak of a uniform state policy towards all Orthodox people. The situation is different from case to case, at the discretion of the sultan or the great vizier or of any local pasha. In the Ottoman Empire, the Church had no right to build new worship places, and the repairs performed to the old ones could only be done after obtaining the approval from the power and only within the limits of the situation prior to the deterioration of the place of worship.

Besides the patriarch and the synod, an important role in the life of the Serbian Orthodox Church under the Ottomans was played by the national-church Assemblies ("Soboarele" namely "the councils" – n.n.). These councils were made up of the high hierarchy, clergy, monks, and people. The difference between the old councils (during the independent state) and the new ones (during the Ottoman occupation) is the gradual disappearance of the sanguine nobility, even though the documents on those councils still mentioned the "nobility" for a long period of time.

Reordering of the internal life of the Serbian Church synchronized with the dynamics of the juridical changes that came along with the Ottoman occupation. Changing the political borders brings about the inevitable change of the jurisdictional interferences. The idea of "nation" as we know it today, only occurs at the end of the 19th century during the "national revolutions", the awareness of ethnical affiliation. In the Middle Ages, the national identity was related to religious affiliation – "People of God", "Holy Faith", "Ancestral Faith", were elements of cohesion and unity. The difference in spoken language was not, did not represent the element of ethnic - national differentiation, the faith and the common values were significant. Therefore, once the authority in the Patriarchate of Ipek repositioned so that its jurisdiction could extend not only beyond the former territories of the Serbian medieval state of the Nemanjici Dynasty, but also further

to the North, North-East, over the Danube, almost covering the entire Carpathian-Danube Basin. The Patriarchate of Ipek of the Ottoman period, territorially speaking, far exceeded the borders of the Nemanjici dynasty. During its largest expansion, in the second half of the 16th century and in the 17th century, the Patriarchate had forty eparchies, of which 16 metropolitan churches and 24 bishoprics. Jurisdictionally, it included all the territories populated by Serbians, no matter where they were. Its jurisdiction crossed the borders of the Ottoman Empire, because its authority was also recognized by those Serbians who, after running from the Turkish people, migrated to the military border in Croatia. The position of the Serbian Church in the Ottoman Empire can be best seen by drawing a parallel between the position of the same Church in the Habsburg Empire and the Ottoman Empire. Between the Illyric Privileges and the rights of sultans is a huge difference between the essence and the civilization content.

Remaining the only representative of the people before the state, the Church gathered around it the most prominent representatives of the Serbian people, actually becoming the center of the actions for regaining the national independence and the carrier of the memory of the great past times. As the carrier and generator of this permanent conflicting situation, the Ottomans identified the Serbian Church with its hierarchy, clergy, and even its Saints. These tensions eventually led to the canonical anomaly of 1766, when the last patriarch of Ipek, a Greek national, Calinic II, resigned before the ecumenical Patriarch Samuil I Hanzaris (1763-1768), demanding the abolition of the Serbian Patriarchy and its attachment to the Ecumenical Patriarchy.

We can therefore conclude that during the Ottoman occupation, from 1389 to 1804, and since the Battle of Kosovo until the First Uprising of Karadjordje or better said until 1920, and the restoration of the Serbian Patriarchy, the Serbian Orthodox Church, for 500 years existed under Ottoman occupation. During this extremely long period of time, the church life had been passed different stages: from religious liberalism to harsh retaliation, culminating in the institutional dissolution.

In the 17th chapter entitled "*The Importance of the Law for the church life*", we tried to present the importance of the written and unwritten law alongside the Holy Scripture and the other worship books for the church life, illustrating the notion of law, namely the church Law and the scientific and theological-ecclesiological dimension, emphasizing the importance of written church law for human society.

The Church was endowed by its Founder with all the means necessary to reach its supreme purpose, salvation. Needless to say that the existence of Church in the world, in real, historical time and space, as a projection of the eschatological reality to come, generated the need to adopt certain rules, laws, or specific ordinaries, obviously in accordance with the Holy Tradition and Holy Scripture, but not included in the Revelation, but which were generated by the social-political environment in which the Church developed and lived. In the first centuries of its existence, the Church experienced different times of social-political environment. Thus, in the first centuries of its existence, the Church was predominantly guided more by the moral and religious laws that based on the revealed element, but in conjunction with such, some rules with a legal character issued by the very church pleroma, the church fullness, and not by a particular authority, they being the product of practical necessities and needs. The legal factor added to the strictly religious factors represented by the truths contained by the Holy Scripture and the Holy Tradition, and by the worship ordinaries, which were also somehow codified later on in the books of worship, so that, along with Holy Scripture and The Divine Liturgy, the earliest crystallized form of the worship, the Holy Code of Laws or the Collection of the Holy Canons has impose itself for some time.

With this study of the church Law, first of all we meet two distinct elements, namely "law" and "ecclesiastical". These two words refer to two concepts: the "law" as science and the "Church" as an object of study of the science of the church Law. Other sciences detail the meaning of Law, first of all the philosophy and the theory of law,

and then the encyclopedia of law in a broader sense. In the codex of laws, Matei Vlastaris's *Syntagma* (N. 7: At. sint. VI, 400) we find an almost canonical definition of law: "***Ius est ars boni et aequi***". In an older Serbian translation of Vlastaris's *Syntagma*, this definition is given as follows: "*The law is the understanding of the good and of the reasonableness/equality*", which in the modern language would mean: "*Law is the art of good and equality*". The most important property of law is the concept of equality. That is why, in the classical world, the scales, the balance signifies the symbol of law, being a means of weighting the equal things. In the field of law, the good is always weighted on the balance of our conscience. Another characteristic of the law derives from its social nature - the formal external nature. Morality embraces all our actions, both exterior and interior. All our conscious and free actions, desires or even our thoughts correspond or not to the moral rule. The law, however, only embraces our social actions, which are equivalent, equal to the actions of other people to us.

The law shows three characteristics that distinguish it from the moral: first, the law is based on the idea of equity, and the moral on the idea of sacrifice; second, the law has a bilateral or social character, while in the case of moral, except the social moral, there is also the personal moral; third, the law has an exterior character, both as it is and according to its sanction, while the moral has an interior character according to its nature and sanction. In the great corpus of sciences of Law we find several branches such as: Common Law, Roman Law, Byzantine Law, Jewish Law, Constitutional Law, Civil Law, Criminal Law, etc. and among them the Church Law. But what is very important to emphasize right from the beginning is that the Church Law has tangential points with all other branches of Law, which could not be said about any of them, and that is because the Church Law in itself is quite particular, because the subject of study of the Church Law is particular, namely the Church. That is why, in order to understand what the Church Law deals with, we must define its object of study. If we were to study the law of all religious societies - not only the Christian ones, but the Muslim, the Jewish and the Heathen - our science would

not be called Church Law, but it would have another name. In such case, it would be inherent to be called the law of beliefs, a religious law.

So, what is the *particular difference* between the Church and the other religious communities? The Slavonian word "υρκβα" or "υερκοβ", "υρκβα" "υερκεβ", like the German word "Kirche" or Anglo-Saxon word "Kirk", "Church", "Cyrice", is taken from the Greek word "κόνζλάκόν" (meaning "ολκςγ", and the home of God, the house of God), which is generally used in the New Testament (Tim 3. 15) as a synonym of the word "υρκβα" in the old church writers (i.e. Origen), like in the canons (Ancira 15; Neocesarea 5, 13; Laodicea 28). In Greek, Romans and other Roman people, this word is correspondent with the word "κκλγβιά", "ecclesia", "chiesa", "église", "iglesia", "biserică" in our country, which is also a derivation in essence. In ancient Greeks, this word meant an assembly of the free citizens called up for the settlement of political matters. We sometimes meet this word, with the same meaning, in the New Testament (Acts: 19, 39, 41). So, the term εκκλγβιά was not invented by Christians, because ecclesia existed in the political of the Greek people before Christianity. Lord Jesus Christ Himself uses this word with a new meaning, more special, more profound, indicating the communion with Him, a communion of people who confess that He is the Son of God and He is the Salvation (Mt. 16,18 și Mt. 18,17). The same do the apostles (Acts 5,II, 8,5; I Cor. 4,17; Fil. 4,15; 3 Ioan 6 et. al). These are the differences between the Church and the other religious societies. The perception of a Church, which is something else than a mere historic organization, is deeply rooted in the conscience of Orthodox people, the Orthodoxy preserving a strong relation with the cult life. These lead to confusion in determining the identity of Church.

If we were tempted to define the church Law as a theological science, we would state that: *the church law is all the rules of law which regulate the organization and the life of Christian churches*. On these lines, the science of the church law, as a subject of study, is a scientific and systematic representation of this organization and life.

Sometimes, the science of the church law is called canonic law. Yet, there is a difference between the phrase "church law" and "canonic law" because of which they cannot be used *promisque*. The canonic law idiom is narrower than the church law. In the Orthodox Church law, like *terminus tehnicus*, the canon word, according to canons 1 and 2 Trulan, means a church law decision, adopted by the competent body of the ecclesiastic justice. As theological science, the church Law is in close relation with the theological sciences, because it is ecclesiastic, and with the law sciences, because the law is in question. Among the theological sciences, the Dogmatic theology mainly creates prerequisites for the church Law, because in that science the church Law takes the fundamental concepts, such as the Church, the hierarchy, the Mystery, etc. Among the other sciences of law, a special help for the church law is provided by the Hebrew, the Roman and the Byzantine law, as well as by the history of the national law. The church law is like science, the oldest of one according to the Roman Law, had a great influence on the development of the Laic law. It influenced an entire range of law sciences.

In the end, in the "**General Conclusions**", we emphasized that the church laws had and still have an extraordinarily favorable influence on the development of Laic law in Christian peoples. The influence of the written church laws and of the social development of the barbarian, and, among them, of the slave peoples was broad. Church laws had also a great importance in the history of Serbian people. Suffice it to say that the Serbian writing is precisely due to the Church, holy books and church laws. The Glagolitic Alphabet, then the Cyrillic alphabet, the Missionary Work of Saints Cyril and Methodius, and the first monuments written in Slavic, the Gospels, and then the *Nomocanon* of the Saint Metodie, are also due to the Christian Church. Let us remember that the *Nomocanon* of the Saint Metodie had for centuries, until the middle of the fourteenth century, the role of *corpus iuris utriusque* for the medieval Serbia. It was subsequently supplemented by Emperor Stefan Dusan's Code of Laws and by

Vlastares' Syntagma, remaining the main source of law for the Serbian people until the 19th century.

We can conclude by emphasizing that: The Serbian Orthodox Church occurred on the Byzantine Christian-Orthodox legacy, its theology, especially the church Law being impregnated with this legacy, but being at the crossroads of civilizational roads, between the East and the West, the canonical corpus of the Serbian Church also knew influences of the Latin World. This very confluence allowed the Serbian theology to deeply and steadily anchor into the Orthodox Tradition. We should not forget that the very canonical corpus of the Serbian Church allowed the Balkan peoples to preserve their hierarchical organization and to have a common liturgical Slavonic language, and a formed canonical-legal corpus, the Orthodox Churches of the Balkan Peninsula not only succeeded to survive during the Ottoman oppression, but they managed to keep unaltered the flame of Orthodoxy through their hierarchs and clergy.