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Administration of the Goods of the Orthodox Church according to the ecclesial regulations and state legislation from the 15th century to the present day

PhD Thesis Summary

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PhD Thesis Summary

Administration of the Goods of the Orthodox Church According to the Ecclesial Regulations and State Legislation from the 15th Century to the Present Day

Church properties remain the most debated ecclesial subject in the media. A rather poor knowledge regarding the canonical provisions and civil law in the matter of property and church property are the main factors of misunderstanding the fundamental role of the ecclesial patrimony.

The theme of my PhD thesis, bearing the title "*Administration of the Goods of the Orthodox Church According to the Ecclesial Regulations and State legislation from the 15th Century to the Present Day*", is intended to analyze and bring into consideration all the church provisions (canonical, nomocanon/the Pravila, statutory and regular) and the norms of the state civil law (constitutional, organic and ordinary) governing the acts and deeds relating to the acquisition, possession, administration and alienation of property by the Orthodox Church throughout the territory of our country.

Up to nowadays, no canonical study has been carried out regarding the administration of church goods in the perspective of the Romanian legislation, starting with the first testimonies of the Romanian written law history. So, through my thesis, I have brought to light and put into the scientific circuit all the texts of the law governing the administration of the Church's goods that have been applied throughout the territory of our country since the 15th century until now .

We believe it to be a necessary and welcome theme, as it fills a gap in the historiography and has the role of clarifying various aspects regarding the church goods encountered in the studied law codes. On the other hand, putting together historical sources that contain references to the above mentioned issues, this study may also become a useful working tool that might facilitate further studies of the canonical church law.

In our research, we took into consideration those legal provisions that brought to light the movable and immovable properties of the Church, their type, acquiring modality, provisions regarding their succession, in order to highlight their administration by the Church.

We found it absolutely necessary to define all operating terms, concepts and legal notions. Thus, we started our work with the definition of the concept of goods in Roman

law and Byzantine law, canon law and common law, in order to have from the beginning a clear and comparative image of this notion. Therefore, our thesis has a historical side, concerning the sources and their comparative and critical research, as well as a theoretical one, of analysis and definition of the terms encountered in the sources.

As a structure, we considered the work in six major chapters, divided into subchapters. In a first phase, we naturally focused on defining the terms. From the second chapter, we went back to the 14th century to identify and study the references regarding the church goods found in old Slavonic nomocanon/the Pravila in the Romanian territory. In this regard, we have studied *Pravilele de la Targoviste (*The Nomocanon of Târgovişte), from Neamţ, Bisericani, Putna, Bistriţa in Moldavia and Bistriţa in Oltenia.

Starting with the third chapter, we focused our attention on the nomocanon written in Romanian, in the 16th and 17th centuries, and we analyzed the *Pravila ritorului Lucaci (* The Nomocanon of Lucaci the Orator), *Codex Negoianus*, *Cartea românească de învăţătură* (The Romanian Book of Education) drafted during the ruling period of Vasile Lupu, *Pravila de la Govora* (The Nomocanon from Govora), *Îndreptarea Legii* (The Law Enforcement) written in the time of Matei Basarab, to list only a few of the studied old legal codes.

In the fourth chapter we took into consideration the laws of the premodern and modern epoch within the Romanian space, from the 18th to the 19th centuries, and we thoroughly studied *Pravilniceasca Condică* (The Nomocanon Register) from the time of Alexandru Ipsilanti, *Codul Callimah* (The Callimah Code), *Legiuirea Caragea* (The Caragea Legislation), *Regulamentele Organice(* The Organic Regulations) and the *Civil Code* of Cuza. As it may be seen, we used codes of laws both from Wallachia and Moldavia, the Organic Regulations which, given for both Principalities, had the main role of uniformizing the legislation and we reached with our study the time of Cuza's reign, therefore in the time of the Unification of the Romanian Principalities. It was during this period that the secularization of the monasteries properties had taken place.

We have not forgotten to analyze as well the information about the ecclesiastical goods found in the historical documents, old writs (*hrisoave*), that is to say deeds issued by the Prince/Ruler, having an official character, documents, acts of sale-purchase and exchange between individuals, as well as judgments issued by different courts. We consulted edited and unpublished documents, which we transcribed from Cyrillic,

documents owned by the Manuscripts, Rare Book Department of the Romanian Academy Library, the Central National Historical Archives and the Bucharest History Museum. These observations obtained from the analysis of historical documents were included in the fifth chapter of our paper.

The last chapter, structured into several subchapters, with their sub-divisions, considered the legislation in force in Romania regarding the administration of the goods of the Romanian Orthodox Church. Here we investigated the statutory and regulatory provisions regarding the administration of these goods, as they appeared in the *Statutul pentru Organizarea şi Funcţionarea Bisericii Ortodoxe Române* (Statute for the Organization and Functioning of the Romanian Orthodox Church). We have emphasized in this respect also the definition and enumeration of the ways of acquiring these goods and we have laid the stress upon the inheritance, testament, accession, occupation and court decision.

Regarding the Old Nomocanon Rules (Pravilele vechi), we want to mention that we have only considered the codes of laws operating in the Romanian space, analyzing them comparatively, from the first known to the present ones. We did not mention those that, although found between the manuscripts in the Romanian libraries, were written in other areas, such as the Byzantine Empire, Russia, Serbia, as our main intention was to present the *modus operandi* of the Orthodox canonical norms applied within the Romanian space. This is the reason why a chapter with Greek Nomocanon /Pravile is not found in the present paper, but their provisions circulated in Slavic or Romanian form in the Romanian Principalities, in various translations or in miscellanies. However, we mention that there is a similarity between the canonical provisions regarding the Church goods in the entire Orthodox area, both of Slav or Greek language, for, according to D. Obolensky, the Byzantine Orthodox world was a true Commonwealth. On the other hand, we have chosen to study exclusively the Nomocanon /Pravile within the Romanian territory because they reflect both the application of the rules and the local custom.

We used the existing sources and noticed that until the eighteenth century or even until the secularization of the church properties initiated by Alexandru Ioan Cuza in 1863, the legislative, secular and church legal aspects were to be found in the same code of laws because, according to the nomocanons of Byzantine model, going down to Justinian, there was no separation between them. In the Byzantine world, the state and

the Church lived in harmony, and the codes adopted by the Byzantine emperors took over, as legislation of a Christian state, the canons of the ecumenical and local Councils and the Holy Fathers, without being ashamed of them or disregarding them. The Romanian lawyers who studied the code of laws in the Romanian space insisted that the influence of the Byzantine nomocanons upon them remained strong and evident until the 19th century. In particular, G. Fotino[1] and Gh. Cronţ[2] insisted on the importance of Byzantine legislation, including Justinian's well-known *Corpus Juris Civilis* upon the Romanian laws.

Therefore, the study we are proposing covers the medieval and premodern period, in particular the provisions of these codes of laws over time, compared between them, and not between secular and ecclesial norms, for at that time the codes of laws were unique, but with double provisions, proof of a Christian state that preserved its autonomy also while under Ottoman suzerainty. We continued our research in the nineteenth century when the secularization of the monasteries properties took place, but also of the society, institutions and mentality, under the influence of the ideas of the French Revolution and the Enlightenment of the previous period. A secular state becomes now evident. At the same time, there are still present, since the 17th century, influences of the Italian law.

We were able to compare, for the modern and contemporary period in particular, both the common law and the canon law, as from now on the codes of law have been separated.

The first testimonies in the history of the Romanian written law are the Church Nomocanon / Pravile. They appeared in the 15th century and were written in Slavonic, with Cyrillic characters. The oldest Romanian Church Nomocanon is considered to be *Pravila de la Târgovişte* (Nomocanon/Pravila from Târgovişte), dated from 1452, a Slavonic translation of the Greek Nomocanon of Matei Vlastares. In addition, six other translations of Vlastrares Nomocanon have been made over two centuries. We refer to *the Pravila of Neamt (1472), the Pravila of Bisericani (1512), the second Pravila from Neamt (1557), the Pravila from Putna (1581), the Pravila from Moldavian Bistriţa (1618), the Pravila from Oltenia Bistriţa (1636).* The fact that all these legal works have common

[1] G. Fotino, „Justinian în lumina vechii culturi juridice româneşti" („Justinian in the Light of the Old Romanian Legal Culture "), exerpt from *Anuarul Facultăţii de Drept din Bucureşti*, II, 1940, no. 2-4, p. 9-12.
[2] Gh. Cronţ, „Influenţa creştinismului asupra dreptului scris"(„The Influence of Christianity on Written Law"), exerpt from *Revista Cursurilor şi Conferinţelor*, II, 1937, no. 2-4, p. 6-9.

sources, nomocanon-like content, the same canonical provisions of the church fathers, articles borrowed from the Byzantine state law, as well as church organizational regulations, demonstrate the canonical and dogmatic unity manifested with the Romanians spread in all three countries, through the Byzantine Christianity.

The most common form of acquiring goods is the donation. It is an irreversible act by which the donor yields, together with the physical good, all patrimonial rights upon that good. Thus, in all legal rules /Pravile there is the provision stipulating that the goods donated at the admission into a monastery can no longer be claimed by the novices, in case they wish to return to the secular life.

Also, a common aspect of all the nomocanon rules is related to the sin of simony seen under its many forms and interpretations. Laws sanction clergy enrichment practices by exploiting the divine grace they received as a gift (according to Matthew X, 8). Not only is simony regarded as an illicit means of enrichment, but also other illicit deeds such as theft, usury, perjury, trade, complicity and involvement in financial crimes, and even the desire of the clergy to move into wealthier Christian communities (parishes or eparchies). For such a crime like perjury, committed for money, the priest shall be forbidden to practice the divine service for a period of three years, which he shall spend in abstinence, poverty and obedience to the abbot in a monastery chosen by the bishop, according to *Pravila a doua de la Neamț (*the Second Nomocanon of Neamt).

The administrator in right of the property of the eparchy is the bishop, without the blessing of whom no movabel or immovable property can be alienated. Thus, mercy acts towards the poor must be done in an organized and fair manner, to the glory of God. In the *Pravila de la Neamț* (the Nomocanon of Neamț) it is presented the gravity of a monk's sin that would steal goods from the monastery's property in order to help his relatives.

The Second Nomocanon of Neamt, and of Moldavian Bistrita mention a custom of throwing away the unjustified money found on a monk or in his cell, saying: "Your silver coins shall bring only damage and none, upon fear of God, shall take any of them, for everything shall be consumed by the everlasting fire. " (and it goes on) And he shall be buried without having a memorial service performed. After that, the abbot or the confessor, together with the brethren (those living there) of the monastery, shall fast for forty days in repentance, and each monk shall make twelve rosaries per day. After forty days of fasting, the memorial service shall be performed according to the canons. All the

money gathered by that monk shall be given to the poor and „nothing shall remain in the monastery, "says the Nomocanon. This gesture shows that more important than material goods are honesty and nobility.

*Pravila de la Putna (*the Nomocanon of Putna), written in Slavonic, contains a fragment in Romanian written, of course, in Cyrillic. There are two provisions identified in establishing a physical supplication that consists of being publicly beaten with a rod for those who would unfairly appropriate property belonging to the Church. Therefore, it is stipulated that "all who steal from the church shall be given 30 rods on the back, and on the womb 20 and 4" and "the one who steals the candle or the deacon who shall take without the priest's knowledge, has to fast for 40 days".

In line 283r, in the text, the Orator (Ritor) Lucaci introduces the following interpolation: "Nomocanon provision (regulation)", that is, he does not write from the Pravila he copies, in which there is presented the 3rd apostolic canon. It can be assumed that the author had at his disposal another collection of laws (canons) entitled Nomocanon and not the Pravila of the Holy Apostles.

The important Pravila texts drafted in the Romanian language that we have studied are the *Pravila de ispravă oamenilor* (The Pravila of Men's Deeds -16th century), *Pravila diaconului Coresi (*the Pravila of the Deacon Coresi 1563), *Pravila de la Putna a ritorului Lucaci* (the Putna Pravila of the Orator Lucaci – 1581) which contains only one fragment in Romanian, the rest being in Slavonic, *Pravila aleasă (*The Selected Pravila 1632), *Pravila cea Mică de la Govora (*the Small Pravila from Govora 1640-1641), *), Pravila lui Vasile Lupu (*The Pravila of Vasile Lupu 1646), *Pravila cea Mare a lui Matei Basarab(*The Great Pravila of Matei Basarab 1652), which are kept as manuscripts in the Romanian Academy Library , old and modern prints.

Our attention has been directed, in particular, to those provisions governing the acquisition, possession, administration and alienation of goods in the patrimony of the Church, but also to those from criminal law which establish sanctions for deviations in the process of administering the Church patrimony. The Romanian church nomocanons / Pravile, inspired or translated from the Byzantine Nomocanon collections, contain many norms concerning the administration of the Church's wealth. The organization of administrative work facilitates the efforts of church property administrators.

If during the fifteenth century the written laws applied to the Romanian population were the church canons and the Byzantine laws, the purely Romanian law

represented by what was called the Law of the Country, became, in time, in the written form, increasingly complex.

The most common means of acquiring goods by the Church was the donation. This was usually done by princes (rulers) and boyars, a fact attested by the donation deeds, through which the monasteries and other church units were endowed with estates, mills, villages, agricultural and forest lands, as proved by the edited and/or unpublished documents existing and studied by us in the Library of the Romanian Academy and the National Historical Central Archives. From the incomes of these properties, the Church maintained priests and clergy, cult sites and cult edifices, and carried out cultural activities, book printing and school maintenance, philanthropic social activities by helping poor people, hospital maintenance and sick people care, and pastoral missionary activities through spreading of guidance in spiritual life. Not only the high social strata donated, but also ordinary people, in the form of the charity and products offered directly in the places of worship. Other means of acquiring goods were the act of purchase, inheritance, usucapion, accession.

As the Church goods are in the service of the community, serving the cult and the right of the person to religious freedom, the Romanian legislators have given them a special regime so that they can not be alienated, traced or prescribed.

The first legislative documents attest to the fact that sanctions for deviations against church patrimony consist of physical blows, sentencing to convict prison or hard labor, and even capital punishment by various means. The criminal norms that we found in *Cartea românească de învăţătură* (The Romanian Book of Education - 1646) provide hard sanctions for theft and extreme sanctions for aggravating circumstances such as the theft of sacred possessions stolen from places of worship. Whether the offender was at first offense or not, for this crime he was sentenced to capital punishment by hanging, decapitation, burning or forking (killed with a fork).

*Pravila aleasa a lui Eustratie Logofatul (*Selected Pravila of Eustratie, the chancellor -1632*)* presents recommendations for the drawing up of the bishops' wills. They were supposed to provide, in the testamentary deed, which regarded only their personal goods, means for the funeral expenses and the memorial services in accordance with the tradition. The same rules are to e found the *Pravila of Govora (1640).*

Pravila of Govora - 1640 is similar to the other Pravile from Neamt, Bisericani and Bistrita in Oltenia. One important thing stipulated by a Pravila/Nomocanon regards the procedure that a future founder of a worship place should follow. If a founder wishes to build a new church, he shall ask the eparchy bishop to visit the place where he wishes to build the new church in order to approximate the dimensions of the building. At the beginning, in the shape of a tent, enough candles shall light up the whole ensemble. The number of torches needed to illuminate the interior of the church should correspond to the financing power level of the founder, the latter being obliged to ensure the illumination means of the church during the divine service. Usually 3, 6, 8, 9 or 10 torches were required. After the measurements and the execution of these calculations, prayers were made, the signs were drawn and the cross placed where the altar of the church was meant to be.

A criminal sanction mentioned in the *Pravila of Govora* states that half of the property of the person who kills his wife's lover enters the patrimony of the Church (eparchy), this form of sanction discouraging violence and the revenge desire against human injustices.

Îndreptarea Legii (The Law Enforcement) states that it is not allowed to build a tomb in the altar or nave of the church, a place sanctified by the eucharistic sacrifice, but also through the relics of the martyrs; the founders, if they wish, can be buried in the narthex or porch.

The church, as a sacred building, has nothing in common with parties and celebrations, with drinking and sins that accompany these customs, therefore it is forbidden to organize festive events both inside the church and in the courtyard that surrounds it, according to Glava (Chapter) 139. If it is forbidden to organize certain temporary activities, the more those permanent activities that encourage immorality have to be avoided. The entire text of Glava (Chapter) 139 puts interdiction on pubs or any other worldly commercial activity in the "holy gardens", that is, in the churchyard or in the buildings next to the church, within the enclosed courtyard.

A quite unusual thing that I encountered in *Îndreptarea Legii* (The Law Enforcement) is a letter template that the bishop may address to the clergy and laity of his eparchy, with the urge to provide financial or material aid to a monastic community facing financial or staff difficulties. At the same time, it provides us with a text template for the act of sanctification of the church.

Pravilniceasca Condică a lui Alexandru Ipsilanti (The Small Pravila Register of Alexandru Ipsilanti- 1775*), Manualul juridic al lui Andronache Donici (*Andronache Donici's Legal Handbook 1814*), Codica ţivilă a Moldovei/ Civil Coding of Moldova (*Codul Calimah - *1817), Legiuirea lui Caragea (*The Caragea Legislation), *Regulamentele Organice* (The Organic Regulations) *Regulamentele Organice ale Valahiei şi Moldovei* (The Organic Regulations of Wallachia and Moldavia 1831-1832*)* are collections of printed laws that reflect the evolution of the Romanian people over the centuries in all organizational aspects of the society. Eache prince (ruler) in Wallachia and Moldavia, on his throne, wanted to bring a series of improvements in the most important fields of the society. Justice has always enjoyed a great deal of attention from both political authorities and the Church, which, through prominent representatives, have always intermediated the producing of new, up-to-date and clear collections of laws to regulate the new and ever more complex social relationships. Without deviating from the principles of the Roman law, the Romanian legislation, having the specifics of the Romanian people, has always experienced processes of renewal and updating.

Church property has benefited from laws meant to protect it from abuses and vicious management by its Romanian or foreign administrators.

We notice that with the passage of time, the physical sanctions for crimes against the public goods of the Church are reduced or even eliminated and replaced by detention, fine or hard labor. Sometimes, severe physical sanctions, such as cutting hands or removing the eyes of the grave robbers or for the theft of sacred goods, which are extraordinarily inalienable, imprescriptible and unattachable, are kept in direct relationship with the divine worship.

An important aspect is close related to the form of legal deeds, but also to their certification and registration by the church staff (bishops or abbots). In Alexandru Ipsilanti's *Pravilniceasca Condică* (1775), it is stipulated that dowry, diatas, loans, and actions linked to epitropy are to be authenticated by bishops or abbots, signed by witnesses and preserved at the metropolitan churches, episcopates or monasteries.

In the *Manualul juridic al lui Andronache Donici* (The Legal Handbook of Andronache Donici - 1814) the administration of the monasteries lands and their buildings is regulated, establishing time limits for rents, in order to protect the goods and to avoid their alienation. Thus, it is forbidden to rent the property of the Church or

lease it for more than 30 years, and the payment term should not exceed 2 years, one year less than in the case of individual properties.

Codul Calimah (Calimah Code) of European influence, concerns only civil laws inspired by both the Basilicales and the French and Austrian Civil Code. It provides as a form of sanctioning the proven infidelity of a wife, her sending to a monastery for a period of two years. Before the ending of this two years period, the spouses could reconcile and the woman returns to the family. If after this period of penance, which should not exceed two years, the spouses do not reconcile and do not agree to resume their lives together, or if the husband dies, the code provides that the woman should remain at the monastery for the rest of her life. Thus, the woman's property consisting of dowry and "wedding goods" passed into the possession of the sons, and in the absence of children, the husband received everything. Out of the goods acquired by the woman in other forms, two-thirds passed to her sons, and a third to the monastery where she lived. At that time, it was customary that the legal act, called legatum or danie/donation, a testamentary transfer of the ownership right upon goods was to be made in honor of a saint, or in favor of the church having as patron that saint. Article 842 provides that if someone makes a gift in the name of Jesus Christ, the goods become the property of the church where the testator has his home. The goods left by testament to the "pious causes" (social causes), such as monasteries, churches, schools, hospitals, orphanages or poor people, has to come to their possession through the care of the other heirs provided in the testamentary act. *Codul Calimah* (Calimah Code) stipulates that the alienation of the Church's possessions, such as estates and other immovable property, as well as valuable movable goods, is entirely forbidden to be accomplished by the archbishop, the ecumenists or the epitropes of the churches.

As far as *Legiuirea lui Caragea* (Caragea's Legislation) is concerned, first of all, our attention has been drawn by art. 2 of the first chapter which states that "Only men become archbishops, priests and deacons". Therefore, we understand that the administrators of the Church's wealth can only be men. It is recommended that the administrators of others goods, such as the epitropes, may lend "with interest the money of an underage person, lending it to the metropolitan church, the bishops, the monasteries, and if lent otherwise, to lend it with double pledge for the price." Thus, it is established that the interest rate applied to individuals for the goods of another person is of 100% and the same interest applied to the monasteries is lower. The

offender convicted of theft shall be subject to three sanctions: a physical punishment received in public; return of the stolen goods and 1 year of imprisonment. For those who steal from places of worship, the law provides a sanction valid also for the ordinary thieves, "but more terribly and for their hosts as well; and the stolen and sold goods, where they might be found, to be taken away without any payment ", unlike the usual theft, where the stolen and sold item was paid back if the buyer completely ignored that the seller was a thief or that the item purchased in good faith was, in fact, stolen. In the following article it is stated that "the thieves of princely things and public things should be condemned as the thieves of holy things." Regarding the content of the provisions of the Organic Regulations, we noted art. 73 stipulating that priests and deacons are exempt from taxes and their names shall not be mentioned in the census registers (kataghrafi register). As a consequence, the number of clerical posts of priest or deacon was rather limited, and the requests for ordination were addressed to the great Chancellor (Logofat) of Church Matters in order to obtain the approval of the Prince. The official, state ordination approvals shall be granted after "establishing their necessity in accordance with the old ways" and only after graduating theological seminar courses. The tax exemption privileges for clergy shall not exempt church institutions, such as the metropolitan church, bishoprics and monasteries, from payment of customs fees for the goods they export or import from and into the country, contributing to all the expenses set up for the cities where they live. At the same time, the Church shall not be taxed on immovable or domestic mobile goods. It is established that the incomes of the estates and other property belonging to the metropolitan Church, the Moldavian bishoprics and monasteries shall be exempt from taxation due to the philanthropic and missionary activities of the Church.

The right of private property is, under art. 555, the New Civil Code, the right belonging to natural persons, legal persons, state or administrative-territorial units upon any property, except those exclusively under public property, goods over which the holder exercises possession, use and disposal in his own power and own interest, but within the limits of the law. Private property right has three legal attributes or legal prerogatives: possession, use and disposal.

Possession allows the possessor of the good to hold the property and exercise a material power upon it.

The use allows the owner to use his property as he thinks fit, but within the limits set by the law, for example, raising livestock must be done under human conditions and not to submit them to inhuman cruelty and suffering, an act that constitutes an offense under art. 25 of Law no. 205/2004 on the protection of animals.

The disposal provision is of two kinds, the material disposal and the legal disposal.

The material disposal allows the owner to bring any damage to the personal good even its destruction, but within the limits determined by the law. For example, the destruction of personal property must not create public dangers and harm the life, bodily integrity or other property of individuals, otherwise the person responsible for such behavior shall be liable for the crime of destruction under art. 253 of the New Criminal Code. Also, the destruction of own property, which is part of the national cultural heritage (movable or immovable property) without a prior authorization given by state organs, constitutes the crime of destruction (Article 253, paragraph 3 of the New Criminal Code). The legal provisions allow the owner to alienate the property or even the dismantling of the property by creating legal dismantling (superficia, usufruct, use, etc.).

Regarding the acquisition of private property, the ways of acquiring it are provided by art. 557 and 985 The New Civil Code: the donation, the convention, the legacy or testamentary legacy, the admission, the uzucapion, through the effect of the goodwill possession in the case of movable and fruitful goods, the tradition, the court ruling when it is translatable by itself, the administrative act in the cases provided by the law. Other ways of acquiring ownership may also be regulated by law.

Thus, possession as a legal prerogative of property is not confused with *possession as a state of fact*: possession as a state of fact combined with good faith is a legal means of acquiring private property.

Also, possession as a state of fact combined with bad faith is also a legal means of acquiring private property but only after a certain period of time (for example, the possession of a movable asset is acquired by a bad-faith possessor, informed that the property was not transferred to him, after a period of 10 years, leads to the acquisition of private property on the movable good - art.939 New Civil Code).

As regards the alienation of private property, its alienation modalities are correspondingly identical to the ways of acquiring private property. The property legal

status is important for the alienation and acquisition of property. On the one hand, there are the common church goods which are alienable, attachable and prescriptible in accordance with the common law, the New Civil Code, so that their alienation and acquisition is free and unconditional. There may be, however, special cases where the alienation and acquisition of the goods can be done only subject to certain conditions (such as the authentic form of the sale and purchase contract and the registration of the contract in the land book if the land and /or construction is registered with the Land Book).

On the other hand, sacred goods are divided into two categories: a) sacred goods which are destined exclusively and directly to the cult, b) sacred goods which are not exclusively and directly intended for the cult (Article 27 of Law 489/2006 and art. 170 from the Statute for the Organization and Functioning of the Romanian Orthodox Church).

Sacred goods, which are destined exclusively and directly to cult, are inalienable, unattachable and imprescriptible.

While sacred goods which are not exclusively and directly destined to the cult, are alienable, attachable and prescriptible.

Therefore, common church goods and sacred church goods that are not exclusively and directly intended for worship can be acquired and alienated.

With regard to property management, this is a prerogative of use, and thus the owner can decide to manage alone his own property (own property management) or turn to the help of another (managing the property by another).

As art. 169 of the *Statute for the Organization and Functioning of the Romanian Orthodox Church, all the assets* belonging to parishes, hermitages, monasteries, deacons, vicariates, bishoprics, archbishoprics, metropolitan churches and patriarchy, associations and foundations established by the Church, funds destined for a church purpose and the assets of the foundational churches make up together *the church patrimony belonging to the Romanian Orthodox Church*, and its regime is governed by this statute. The goods in use are also part of the ecclesiastical patrimony and are administered according to the acquisitions documents and the provisions of this statute.

Therefore, administration of ecclesiastical goods benefits from a dual administration. On the one hand, Orthodox Church units (parishes, hermitages, bishoprics, archbishoprics, etc.) and, on the other hand, the Romanian Orthodox Church.

In case of misunderstanding regarding the administration of church goods, the Statute establishes in clear terms that the Romanian Orthodox Church, the holder of the ecclesiastical patrimony that includes all the church goods, has the final decision power.

This thesis was elaborated by studied and analyzing the historiographical and legal works, as well as the edited and original historical sources, the latter being capitalized by us from archive and library books funds.

We have accordingly researched manuscripts and old prints and we have put into the scientific circuit for the first time historical documents still unreported and unsigned dossiers, present at the Manuscripts, Rare Book Department of the Academy Library in Bucharest and the National Historical Central Archives. The latter contained norms of canon law relating to church goods from the 17th to the 19th centuries, but highlighted as well through various case studies, the application of the provisions of the laws and norms to the examples of concrete life.

The Pravile (nomocanons) studied by us, critically and comparatively, have brought to light, beyond the various accents and different influences they contained and which gave them a certain specificity, a unity and continuity of norms, for they were based on Byzantine nomocanons, spread all over the Orthodox world, throughout the "Byzantine Commonwealth", after Obolensky's expression, which in turn supported the decisions of the ecumenical and local councils, Holy Scripture, the writings of the Holy Fathers, and the tradition of the Church.

During the modern period, removing certain provisions that came back from the Oriental-Byzantine world, the new established codes, with the new influences of French or Italian law, kept the basic ideas of the administration of church goods and brought them to contemporary times. Their validity is preserved today, as the principles of Roman law have not become obsolete, but have always been the basis of modern legislation.

Thus, we have analyzed the provisions concerning the acquisition, administration, testing, succession and valorization of church goods, which were contanined by the Romanian laws of the 15th century until today, discovering the continuity of Byzantine Orthodox thinking and the validity of the writings of the Holy Fathers, the ecumenical councils and the tradition the Church relies upon. The church goods have enjoyed special attention and protection from both the Church and the

authorities, being seen as necessary for the earthly life and means for philanthropic actions, and not as goals in themselves.

At the same time, beyond the interesting aspects of the administration of ecclesiastical goods brought to light by these historical sources, we also noticed many terms that were used to name institutions or types of properties or things but which are no longer in use or are used with another different meaning. From this point of view, the historical documents have also been of real use to us for the linguistic aspect of the evolution in time of the property types.

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