

The Juridical-Canonical Basis of the Management of Movable and Immovable Ecclesiastical Property

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Abstract

For the understanding of the management of the ecclesiastical goods, we have to take into consideration both the State laws and Church laws, enacted during the entire period of the two millennium. Hence the necessity to be familiarized both with Roman and Byzantine laws, and with canonical legislation, that serve as a legal-canonical basis also for the management of movable and immovable ecclesiastical assets.

Taking into account the most relevant aspects of the subject of our paper, we tried to help its readers to have an outlook not only about the mode in which are administrating the movable and immovable ecclesiastical goods (res), classified by Roman law in res sacrae, res religiosae and res sanctae, but also a good knowledge about the juridical-canonical basis of the management of the ecclesiastical assets.

Key words: church assets, managerial activity, material goods, canonical legislation

J.E.L. classification: K11, K15, K19

1. Introduction

According to Roman law, *goods (res)* are of two types, namely „goods which are in our ownership” (in nostro patrimonio) and „others which are not in our ownership” (extra nostrum patrimonium) (*Justiniani Institutiones*, lb. II, 1, Praefatio).

The same Roman jurists affirmed that, „pursuant to the natural law (naturale jure), some things are common to all (communia sunt omnium), others are public (publica), others belong to a corporation (universitatis), and others belong to no one (nullius). But most things belong to individuals, being acquired by various titles” (*Justiniani Institutiones*, lb. II, 1, Praefatio).

Regarding the goods that belong to no one, Roman jurists were keen to specify that these ones were *sacred goods* (res sacrae), *religious goods* (res religiosae) and *holy goods* (res sanctae). The goods which are not the property of anyone (nullius in bonis est) are *subject to divine law* (divini juris) (*Justiniani Institutiones*, lb. II, 1, 7).

The first testimonies about these goods, which are not the property of anyone, can be found in *Jus papirianum* (Papyrian law), a collection of laws with an eminently religious content compiled before the year 509 BC, i.e., before the founding of the Republic.

Testimonies about this Roman religious law was left to us by the famous jurists from the classical era of the Roman law (1st-3rd centuries), as well as by the jurists of the last Roman emperor and the first Byzantine emperor, i.e. Emperor Justinian.

The three categories of goods, i.e. sacred, religious and holy goods, are also mentioned in the text of the canonical legislation of the Ecumenical Church of the first millennium (Dură, 1999, p. 287-382), which has been, in fact, the subject of a hermeneutic analysis in order to provide the readers of this research – which has an interdisciplinary content (legal, canonical-ecclesiological, historical, etc.) – with the opportunity to know not only the way in which the Church managed its immovable and movable property, but also the juridical-canonical bases of its managerial activity.

The current Romanian law mentions both church assets and the managerial activity of each Religious Cult carried out in accordance with the provisions of their own Statutes of Organization and Functioning (according to Law no. 489/2006, Art. 31, para. 3) .

The Romanian legislator, who also makes mention of the syntagm *sacred goods*, defined as the goods which are *directly and exclusively related to worship, established according to their own Statutes* (Art. 27, para. 2 Law no. 489/2006), stipulated the right of the Church (Religious Cults) to *reacquire sacred goods confiscated in an abusive manner by the state during the 1940-1989 period* (Art. 27, para. 3).

2. Theoretical background

In the Romanian-language literature, such a topic has never been tackled before and, as such, this is a pioneering work. For this reason, we have sought to familiarize the reader with both the canonical legislation of the Orthodox Church and the statutory and regulatory provisions of the Romanian Orthodox Church, whose principles are rooted in that canonical legislation, that, in turn, has appropriated many of the basic principles of Roman law, hence our references to *jus romanum* on *jus bonorum* (the law of property).

3. Research methodology

As a work with a broad interdisciplinary content, it was natural to use different research methods appropriate to each field (legal, ecclesiological, historical, etc.). As the results of our research work - concretized in the pages of this study - attest, we first of all used the method of hermeneutic analysis of the Roman, canonical and statutory legal text to show that the management of the movable and immovable property of the Romanian Orthodox Church (R.O.C.) has a legal and canonical basis, which makes the way of managing church property part of an ancient tradition of *jus papirianum*, *jus romanum civile* and *jus canonicum*.

However, the text of our work also clearly shows that we have used other methods of scientific research, such as the historical method, the comparative method the expository method etc. The use of these methods facilitated our research of the texts provided by the legislation of Roman law and canon law, as well as the statutory and regulatory provisions of the Romanian Orthodox Church.

4. Findings

From the text of our work, it can be easily observed that the legislation of the Romanian Orthodox Church has taken over from Roman law and canon law not only the basic principles concerning the administration of church property, but also its classification, which is provided for both in the Statute of Functioning and Organization of the Romanian Orthodox Church and in Law 489/2006 (Law on Religious Cults in Romania).

From researching the text of the canonical legislation of the Orthodox Church, we have also been able to ascertain that the bishop is the *de jure* manager of the movable and immovable property of the Church. Indeed, regarding the goods belonging to the Church, the Synod of Ancyra (314) decided that their alienation could not be done without the consent of the bishop, *since it lies in the thoughtfulness of the bishop* even to determine the price of their sale (can. 15 of Synod of Ancyra) (Floca, 1991, p. 79).

This principle provision stated in the year 314 made it so that if „during the episcopal vacation the presbyter concluded such an act (author's note: of sale) it would be declared null and void, the newly appointed bishop having the right to reclaim the property or to withhold the price” (Floca, 1991, p. 179-180).

A Synod of the Church in Proconsular Africa disposed that church assets should not be alienated, however, in case that *a great need would compel it*, only the Synod of that Church could decide on its alienation (according to can. 26 Council of Carthage) (Floca, 1991, p. 237). Therefore, the alienation of a property of the Church can only be done in the case of urgent and obvious necessity, and with the consent from its Synod.

Another Synod of the Church in Africa Proconsularis decided that before the ordination of the clerics (bishops, priests and deacons), a clear distinction should be made between the Church's property and the personal property that they possessed prior to receiving the sacrament of ordination (cf. can. 32 Carthage) (Floca, 1991, p. 239).

In accordance with the provisions of the legislation of the Eastern Orthodox Church of the first millennium, the bishop is the one who „has control over the church's goods (τῶν τῆς ἐκκλησίας πραγμάτων ἐξουσίαν)” (Rhalli and Potli, 1853, p. 168) (can. 25 Synod of Antioch). For example, the Synod convened in Antioch, in the year 341, - which reaffirmed the principle provisions stated by some apostolic canons (according to can. 35, 38, 40 and 41) - decided that the bishop is *de jure* the owner of the church property, and, ipso facto, the one who administers or manages the movable and immovable property of the Church (Dură, 2011, p. 396-400; Mititelu, 2011, p. 815-820).

In their commentary on canon 25 of the Synod of Antioch, the Byzantine canonists pointed out the fact that the bishop is not an absolute master of church assets since he also cannot do anything without „the knowledge of his clergy” (ἀνευ γνώμης τοῦ κλήρου) (Rhalli and Potli, 1853, p. 168).

The ecumenical canonical legislation of the first millennium (Dură, 1999, p. 287-382) confirms to us the fact that, although the administration of church assets was *de jure* within the sphere of duties of the bishop of every local Church, nevertheless, its management was entrusted to an *oeconomus*, whether a cleric or a layman. Since the first centuries, he was, in fact, „the general administrator of episcopal assets ... He corresponds to today's economic adviser” (Floca, 1991, p. 87). Canons 2 and 26 of the IV Ecumenical Council and canon 11 of the VII Ecumenical Council represent an eloquent testimony about this reality.

Pursuant to canon 2 of the IV Ecumenical Council, it was forbidden to acquire the position of *oeconomus* through money, and if „any bishop, ..., for money should advance (appoint, assign) an *oeconomus*”, he would be punished by deposition or defrocking (can. 2, IV Ecumenical Council).

The fourth Ecumenical Council (Chalcedon, 451) disposed that each Church should have an *oeconomos*, because the bishops cannot administer its *goods* without an *oeconomos*. Therefore, they established the obligation *that each and every church that has a Bishop, should also have an oeconomos selected from its own clergy to manage the ecclesiastical affairs of that particular church in accordance with the views and ideas of its own Bishop, so as to prevent the property of the same church from being wasted* (can. 26, IV Ecumenical Council).

Putting into practice the guidance provided by the Holy Apostles (according to Acts VI, 2), since the apostolic era, the Bishops appointed „... *oeconomi* from among the deacons, and this was done - stated prof. Liviu Stan - in order not to make themselves administrators of material goods, an activity which is not only unspiritual, but would also greatly hinder them in fulfilling their duties as ministers of the word and administrators of God's gift and would bring inconvenience, as well as serious damage both to themselves, personally, and to the institution which they served” (Floca, 1991, p. 87-88).

Since even after the IV Ecumenical Council there were still bishops who did not appoint *oeconomi*, as had been stipulated in the principle provision stated in canons 2 and 26 of this ecumenical synod, the Fathers of the VII Ecumenical Council (Nicaea, 787) instructed that *oeconomi* be appointed - in case of lack thereof - by the local metropolitans, by dint of their right of devolution.

According to the canonical legislation of the Eastern Orthodox Church, the property (movable and immovable) of the Church is, therefore, managed by the bishop of each Diocese, who is their *de jure* its administrator; but *de facto* its administrators are the bishop's delegates (vicars, abbots, *oeconomi*, etc.).

The Romanian Orthodox Church (R.O.C.), that is a Church of *apostolic origin and autocephalous and unitary in her organisation and pastoral, missionary and administrative work* (Art. 2, para. 1 and 2 Statutes R.O.C.), *is administrated autonomously through her own representative bodies, made up of clergy and lay, according to the Holy Canons, the provisions of the current statute, and other regulations issued by the competent ecclesiastical authority* (Art. 3, para. 2).

About the management of the movable and immovable property of the Romanian Orthodox Church, it should be mentioned that, under the country's constitutional law, *Religious Cults are autonomous from the state, and they enjoy its support* (Art. 29, para. 5, Constitution of Romania), and they are *free and organize themselves according to their own statutes* (Art. 29, para. 3).

Naturally, Law no. 489 of 2006 (republished) (The Law of Cults) (Dură, 2008, p. 37-54; Mititelu, 2010, 36-43) expressed a similar view recognizing the religious Cults as *legal entities of public utility*, which *organize themselves and operate autonomously* (Art. 8, para. 1). However, precisely this juridical-canonical status of the autonomy of the Church, stipulated in the canonical legislation of the ecumenical Church of the first millennium (according to apostolic canons 34 and 37; 4 and 6. II ec. council; 2 and 3 III ec. council), reaffirmed over the centuries in the Statutes of organization and functioning of every local Orthodox Church (Mititelu, 2016, p. 275), was the one which also defined the relations between the State and the Church since the Roman-Byzantine era (Dură and Mititelu, 2014, p. 923-930).

Regarding the assets of Cults (Dură, 2016, p. 67), Law no. 489 / 2006 stipulated: *recognized cults and their cult institutions may own and acquire, for ownership or administration, movable and immovable property, which they can make use of in accordance with their own statutes* (Art. 27, para. 1).

Church assets also include *res sacrae*, which - in accordance with the canonical norms of the ecumenical Orthodox Church - cannot be alienated. Regarding these sacred goods, Roman law expressly stipulated that they „belong to divine law (divine juris est)” (*Justiniani Institutiones*, lb. II, 1, 7).

According to Law 489/2006 (republished), *Holy assets are: those devoted directly and exclusively to the faith, as established through a denomination’s own Statutes based on its traditions and practices, cannot be seized and are not subject to a statute of limitations, and can be disposed of only in accordance with the statutory provisions specific to every Cult* (Art. 27, para. 2).

The laws of the Romanian state (The Constitution of Romania and The Law of Cults) foresee that the Church can, therefore, acquire and administer movable and immovable property, including sacred goods, and, in accordance with the provisions of its canonical legislation and under the statutory conditions stated in the provisions of its own Statute of Organization and Functioning, the Church can manage its own property.

The manner of administration of this movable and immovable property is stipulated in the Statute for the Organization and Functioning of the Romanian Orthodox Church, its Regulations and the Decisions of the Holy Synod.

This right of administration or of *management* - understood in the ecclesiastical world only in the sense of organization, leadership and administration of its economic-administrative activity - „...is directly related to the property right that the Church has over its goods” (Harosa, 2011, p. 422).

As far as the administration of the movable and immovable property of the Church, the canonical legislation of the Eastern Church stipulates the obligation of the diocesan Bishop to take care of them and to manage them *as if God were watching over him* (apostolic can. 35, 41; 12 VII Ecumenical Council; 24, 25 of Synod of Antioch and 2 of St. Cyril of Alexandria).

The same canonical legislation stipulates that the *assets* of the Church must be inventoried (according to apostolic canon 40; 33 Synod of Carthage; 24 Synod of Antioch; 1 I-II Council of Constantinople, etc.), so as not to be confused with that of the clergy (according to apostolic canon 40; 24 Synod of Antioch), and administered by the Bishop with the help of a cleric (according to can. 26 IV Ecumenical Council; 11 VII Ecumenical Council), who fulfills the function of *oeconomus*. He also has the obligation to keep *unharmd the income of the widowed Church*, through the death of its former Bishop (according to can. 25 of the IV Ecumenical Council).

The canonical legislation forbids the bishop from alienating church assets without the knowledge of the Synod and its presbyters (according to canon 33 of Synod of Carthage). Moreover, the cleric who steals from the Church’s assets is punished by defrocking (Dură, 1987, p. 84-135) (according to apostolic canon 25; 42 of St. John the Faster).

In order to exemplify and better understand what was stated above, we will make reference to the text of the canonical legislation interpreted in the spirit of the canonical doctrine of the Orthodox Church.

Based on apostolic canon 38, the bishop is the one who is responsible for *all ecclesiastical matters, and he has to manage them on the understanding that God is overseeing and supervising. Let him not be allowed to appropriate anything therefrom or to give God’s things to his relatives. If they be indigent, let him provide for them as indigents, but let him not trade off things of the Church under this pretext* (can. 38 ap.).

The bishop has, obviously, complete freedom in terms of the administration of the movable and immovable property of the Church; however, he is not a direct administrator of the church's goods, rather he is the guide and the person responsible for this administration, since, *according to the parable of the Holy Apostles, it is not appropriate for the bishops to deal directly with the economic issues, rather to steer them through their subordinates* (Floca, 1991, p. 28).

Indeed, the apostolic canon 41 stipulated that the diocesan bishop is the one who has „... authority over the property of the Church”, and, therefore, he has the legal right to do control over the goods of the Church and to command *over the goods, so that everything is governed by his rule (authority), and those who lack thereof let them be given (granted) through presbyters and deacons* (can. 41 ap.).

The same apostolic canon attests to the fact that, at that time, the assets of the Church were destined both for the maintenance of the bishop and of the servants of the altar (cf. 1 Cor. 9, 7, 13), as well as for the travelers, those who lack (the needy) and foreign guests, for whom, *in illo tempore*, xenodochia already existed (houses for the reception of foreigners), etc.

According to the provisions of the canonical legislation of the Eastern Orthodox Church, the bishop who does not manage the episcopal assets correctly must be judged by the Synod, but, according to canon 25 of the Synod of Antioch in 341, if a bishop *have need thereof (if he should have any need) for his own necessary wants, and for those of the brethren he has under his hospitation, lets him have it. If he should not be content therewith but should convert property (of the church) to the needs of his own household and should fail to handle the revenue of the church, he shall be held accountable to the Synod of the province* (can. 25 Synod of Antioch), that – at that time – it was the supreme authority of the eparchy (cf. can. 5 I ec.).

The IVth Ecumenical Council (Chalcedon, 451) categorically forbade that, after the perishing (death) of the bishop, the goods of the Church be alienated by its clergy (according to canon 22). Moreover, according to the canonical rule imposed by the canonical custom - which has the force of *Jus positivum* - the goods of the local Church have to be managed and administered - until the election and enthronement of a new Bishop by its Metropolitan - by dint of *the oeconomys of that Church* (can. 25 IV Ecumenical Council).

The VIIth Ecumenical Council (Nicaea, 787) also forbade the alienation - in whatever form it may be - of Church's goods. Thus, according to the provision of canon 12 of this Ecumenical Council, the goods of the Church must not fall into the hands of worldly rulers, i.e., of the powerful persons of the day. Moreover, the Synod forbade the Church's lands from being sold to them; however, should it be necessary, they can be alienated only to the clerics or farmers who work for a living.

Reiterating ad-litteram the text of apostolic canon 38, the VII Ecumenical Council decreed that the alienations *in the hands of a ruler* of the goods of the bishopric or monasteries should *be without force*. Furthermore, if *some bishops or some abbots ... would find fault (pretext) that the land brings trouble and is of no use, even in this way they should not give the place (the land) to the local rulers, rather to the clergy or the plowmen (farmers)* (can. 12 of the VII Ecumenical Council) (Floca, 1991, p. 162).

The same canon of the VII Ecumenical Council stipulates that such land cannot be sold by a cleric or a farmer to a (local) ruler. Such a *sale is without force* and, as such, the land must „be returned (restored) to the bishop or monastery, and the bishop or abbot who did this must be banished; the bishop from the bishopric, and the abbot from the monastery, like some who squander badly what they have gathered” (can. 12 VII Ecumenical Council).

The jurists also noted the fact that, according to the R.O.C. Statute, „...dioceses are the only legal heirs of the hierarchs, with the removal of all legal heirs stipulated in the state civil law; moreover, in the case of the existence of a will, the diocese has - professor Liviu Pop stated - a forced heirship consisting of half of the deceased's (de cuius) assets”, to which the „estate left by the monks” is added (Harosa, 2011, p. 17-18).

Regarding the management of movable and immovable ecclesiastical property (Brașoveanu and Lisievici, 2010, p. 379), the canonical legislation also stipulated the juridical-canonical status of the monk, who - in accordance with the provisions of this legislation can make use of his assets before entering monasticism, thus being free to legally pass it on to anyone he chooses (according to can. 22 and 81 of Council of Carthage).

The Byzantine state legislation expressed in a similar manner, for example Emperor Justinian stipulated in one of his Imperial Constitutions that the one who wishes to enter monasticism is entitled to divide his wealth among his children, and whatever remains to enter the property of the monastery (according to Novel 123).

Based on this legislation of the Byzantine State, the Constantinopolitan Council convened in the year 861 decreed that *those who desire to become monks are permitted, but, with regard to their possessions, they have to make prior arrangements and transfer their assets to whomever they wish, provided that there are no legal prohibitions. Once they become monks, the monastery has authority over all their belongings, and they are not allowed to manage or dispose of their property* (canon 6, Synod I-II Constantinople) (Floca, 1991, p. 287).

The appropriation or desecration of sacred places or goods was severely punished by the canonical legislation of the ecumenical Church of the first millennium, which is also in force at present in the Orthodox Churches. For example, the one who takes sacred objects from the Church in order to use them at home is punished by excommunication (condemnation) (according to apostolic can. 73; 10 of the I-II Council of Constantinople), whereas the one who uses them for improper purposes is defrocked (according to canon 10 of the I-II Council of Constantinople).

As far as the sacred, religious and holy goods, the same canonical legislation also proves that, since early times, the Church has developed its own canonical legislation, in which we find numerous canons regarding the administration of such church goods. In this regard, apostolic canons 38, 40 and 41 and the canons 24 and 25 of Synod of Antioch, 2 of Saint Cyril of Alexandria and 8 and 11 of Saint Theophilus of Alexandria remain as peremptory testimonies.

For example, Archbishop Cyril of Alexandria († 444) stipulated that the *sacred objects and immovable property should be kept unalienated from the Churches; moreover, the administration of the expenses which arise should be entrusted to those who, according to the times, govern the divine priesthood* (can. 2) (Floca, 1991, p. 392). In other words, the Church's sacred goods and immovable property cannot be alienated. Furthermore, the bishop was exclusively responsible for the management of the money coming from the Church's assets.

His predecessor, Saint Theophilus of Alexandria († 412), had made an express reference to the need by the *decision of the whole priesthood to appoint an oeconomus, so that ... the assets of the Church can be spent profitably* (can. 10) (Floca, 1991, p. 390). The oeconomus, therefore, had to be chosen with the unanimous consent of the priests of the diocese, and with the approval of the bishop. His duties *consist in spending the Church's goods usefully* (Floca, 1991, p. 390). This canon of Saint Theophilus of Alexandria deals with not only the act of appointing the oeconomi, but also their role in the administration of the Church's assets.

The role of the oeconomus in the life of the Church was also highlighted by the IV Ecumenical Council, since it was absolutely necessary that, during the vacancy of the Episcopal Sees, *the income of the widowed Church should be preserved unharmed by the oeconomus of that Church* (can. 25) (Floca, 1991, p. 87). Therefore, in accordance with the principle provision stated by the IV Ecumenical Council, the Church's oeconomus also had *the obligation to keep intact the goods of the vacant hierarchical Sees* (Floca, 1991, p. 87). Moreover, the IV Ecumenical Council stipulated the obligation that *each Church, which has bishops, should also have oeconomi from among its own clergy* (can. 26, IV Ecumenical Council) (Floca, 1991, p. 87).

Pursuant to canon 11 of the VII Ecumenical Council, every metropolitan must appoint an oeconomus in his Church, and the metropolitans must assign an oeconomus in each bishopric *if the bishops do not wish to do so* (can. 11 VII Ecumenical Council). In the case of the metropolitans, this was, therefore, a devolutionary intervention, i.e., one by which the „higher authority descends ... to the level of the lower authority. However, not only does the higher authority descend to the level of the lower one, but it also replaces it, fulfilling the law of the place” (Floca, 1991, p. 161).

5. Conclusions

From what has been presented in the pages of our research work, it has been found that both the testimonies of Roman law, and the canon law (*jus canonicum*), confirm to us the fact that we cannot speak of *jus bonorum* (the right of goods) - stipulated in *jus romanum* - without making mention about the goods which – according to *Jus papirianum* – belong to the divine law (*jus divinum*).

From the text of the New Civil Code, implemented by Law no. 171 of 2011, whose content is largely based on the Civil Code of 1864, that was primarily influenced by Napoleon's Code, which, in its turn, reproduced the norms of the Roman civil law by the agency of the Justinian Code published in 533, we find out that the goods are *corporeal and incorporeal, which constitute the subject matter of patrimonial rights* (Art. 535), and that *property is either public or private* (Art. 552), as explicitly stated in Article 136 of the Constitution of Romania.

According to the statement of some jurists who have commented on articles from Book III of the New Civil Code, entitled *On Goods*, „corporeal goods are those goods that have a material existence. Incorporeal goods are economic values that have an ideal, abstract existence” (Atanasiu et. al., 2011, p. 171).

Therefore, in the opinion of these jurists, the incorporeal goods are economic values that have an ideal and abstract existence, and not a sacred and religious one, as it is stipulated by *jus divinum* and *jus ecclesiasticum*.

Certainly, only such opinions could explain the fact that the authors of this New Civil Code didn't make any mention of goods provided by *jus divinum*, *jus romanum* and *jus canonicum*, that is *res sacrae*, *res religiosae* and *res sanctae*, and they have chosen to classify the goods in *movable and immovable* (Article 536) (Atanasiu et. al., 2011, p. 171-172).

And, yet, a Romanian law in force makes express reference also to the goods which belong to the Divine Law, i.e., to the *sacred goods*, which according to the provisions of Law no. 489 of December 28, 2006 are *those directly and exclusively related to worship*, and are *established according to their own Statutes in accordance with the tradition and practices of each Cult* (Art. 27, para. 2).

Regarding these sacred goods, Roman law stipulated that they are not the property of anyone, since „they are dedicated to God” (*Dei dedicata sunt*) by the *bishops of the Church (Pontifices)* (*Justiniani Institutiones*, lb. II, 1, 8).

The norms of *jus divinum* (divine law) regarding the right of goods, whose principle provisions were reaffirmed by *jus naturale*, were expressed in the conceptual terms of Roman law, i.e., of *jus bonorum*, whose norms were also a source of inspiration and legal basis for the canon law of the ecumenical Church of the first millennium.

The fact that *jus romanum* was a *fons*, i.e. a source also for canon law, is also confirmed by the fact that, in the legislation of the Eastern Orthodox Church, we find numerous provisions of principle stated by Roman patrimonial law, which makes it possible for the ecclesiastical management of movable and immovable property to also claim a legal basis.

The text of this research, with an interdisciplinary content, also shows the fact that the management of ecclesiastical property, movable and immovable, has its juridical-canonical grounds in the text of the legislation of Roman law (religious and civil) and in the canonical legislation of the Ecumenical Church of the first millennium, which, in turn, served as a source and grounds for the statutory and regulatory provisions of the local Orthodox Churches, including for the Romanian Orthodox Church, in which we find express provisions regarding the assets consisting of all the goods which are owned by the Church.

Both the *acquisition, alienation, encumbrance and administration of church assets*, and the *control and administrative verification* of these goods, are carried out in the Romanian Orthodox Church in accordance *with the statutory and regulatory provisions in force* (according to Art. 179, para. 1, Statute R.O.C.). Thus, *legal acts which have as their object the goods from the church's property, concluded in violation of the provisions of this statute, are struck by absolute nullity* (Art. 179, para. 2).

These statutory and regulatory provisions are based on the principles stated, *in the holy canons of the Orthodox Church* (Art. 204, para. 1, Statute R.O.C.), which attest to the fact that the management of movable and immovable ecclesiastical property has its canonical grounds in the text of the ecumenical canon legislation.

Hence the necessity for the jurists and economists of our days to go *ad fontes*, i.e., to the sources, which are none other than the documentary sources of Roman law and of *Jus canonum*, since only in this way we can know the evolutionary process of the sacred patrimonial right, whose origins go back to *jus papirianum*, and which, regarding the right of goods, it was and it remained the main source for the Christian law of Europe, i.e. for the canon Law, whose *father* was one of our

forefathers, namely Dionysius Exiguus († 545) (Dură, 1993, p. 279; Dură, 2010, p. 33), born and educated in the Roman province Scythia Minor (Romanian Dobruja of our days).

And, lastly, we could say that grace to the Collection of canons made up by Dionysius Exiguus at the request of the Roman Pontiffs, *jus canonicum* remained the main juridical and canonical source of the Western Europe also for the management of movable and immovable goods. In fact, in his quality of an outstanding expert both in Roman law and in Canon law, Dionysius Exiguus contributed to the development of a Christian European law, which has had a decisive impact over the *jus bonorum* of the *Christian Republic* of the first millennium, hence his influence on contemporary European law (Brașoveanu, 2012, p. 25; Lisievici and Brașoveanu, 2010, p. 432) as well.

6. References

- Atanasiu, A.G. et. al., 2011. *Noul Cod Civil [New Civile Code]*. Bucharest: C.H. Beck Publishing House.
- Brașoveanu, F. and Lisievici Brezeanu, A. P., 2010. The Free Movement of Goods, Persons, Services and Capital. *Ovidius University Annals, Economic Sciences Series*, X (2), pp. 379-382.
- Brașoveanu, F., 2012. Authorizing the Activities With Significant Environmental Impact. *Ovidius University Annals, Economic Sciences Series*, 0 (1), pp. 25-27.
- Dură, N. V., 2011. Accounting, Institution of the Economic Liberal System, and the Great Religions of the World. Prolegomena. “Ovidius” *University Annals, Economic Sciences Series*, XI (2), pp. 396-400.
- Dură, N. V., 1993. Denis Exiguus (Le Petit) (465-545). Précisions et correctifs concernant sa vie et son oeuvre. *Revista Española de Derecho Canonico*, L, pp. 279-290.
- Dură, N. V., 1999. *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^{er} millénaire*. Bucharest: Ametist 92 Publishing House.
- Dură, N. V., 2008. Law no. 489/2006 on Religious Freedom and General Regime of Religious Cults in Romania. *Dionysiana*, II (1), pp. 37-54.
- Dură, N. V., 1987. Precizări privind unele noțiuni ale Dreptului canonic (depunere, caterisire, excomunicare, afurisire și anatema) în lumina învățaturii ortodoxe. Studiu canonic [Specifications regarding some notions of the Canon Law (deposition, defrocking, excommunication, condemnation and anathema) in the light of the Orthodox teaching. A Canonical Study]. *Orthodoxia*, XXXIX (2), pp. 84-135.
- Dură, N. V., 2010. The ‘Scythian Monks’ (Daco-Roman) and their Contribution to the European Christian Humanist Culture. In: D. Muskhelishvili ed. *Dialogue of Civilizations*. New York: Nova Science Publishers, pp. 33-42.
- Dură, N. V., 2016. The Patrimonial Right of the Religious Cults. In: *The current Statutes for the organisation and functioning of the Romanian Orthodox Church. Tradition and Innovation*. Cluj-Napoca: Presa Universitară Clujeană Publishing House, pp. 67-86.
- Dură, N. V. and Mititelu, C., 2014. The State and the Church in IV-VI Centuries. The Roman Emperor and the Christian Religion. In: *Political Sciences, Law, Finance, Economics & Tourism*, I. Albena, pp. 923-930. *es, Law, Finance, Economics & Tourism*, 1, pp. 923-930. <https://doi.org/10.5593/sgemsocial2014b21>
- Floca, I.N., 1991. *Canoanele Bisericii Ortodoxe [Canons of the Orthodox Church]*. Sibiu.
- Harosa, L. M., 2011. *Bunurile temporale ale bisericii. Regimul juridic al bunurilor aparținând Bisericii [The temporal goods of the church. Legal regime of goods belonging to the Church]*. Bucharest: Universul Juridic Publishing House.
- Lisievici Brezeanu, A. P. and Brașoveanu F., 2010. Legal Restrictions and Freedom of Decision of the Administrative Authorities in Some European Countries. *Ovidius University Annals, Economic Sciences Series*, 0(2), pp. 432-435.
- Mititelu, C., 2010. Legea nr. 489/2006 și relațiile dintre Stat și Biserică [Law no. 489/2006 and the relations between the State and the Church]. In: *The 1th Global Conference on RO-RUS-NIPPONICA*. Craiova: Universitaria Publishing House, pp. 36-43.
- Mititelu, C., 2011. Regulations Regarding the Organisation and the Governance of the Accounting by the Legal Persons without Patrimonial Purposes. “Ovidius” *University Annals, Economic Sciences Series*, XI (2), pp. 815-820.
- Mititelu, C., 2016. The Autonomy of Religious Denominations in Romania. *Ecumeny and Law*, 4, pp. 275-296.
- *Σύνταγμα τῶν θείων καὶ ἱερῶν κανόνων (Syntagma of the divine and holy canons) 1853*. Rhalli G. A. and M. Potli ed. Athens.