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ABSTRACT

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JURIDICAL AND CANONICAL INSTITUTIONS UNDER THE REGULATIONS ENFORCED BY THE ROMANIAN PRAVILAS PRINTED IN THE 17TH CENTURY

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The European historians remarked that the Westphalia Peace Treaty (1648) has also initiated *"a new epoch in the Occidental Culture. On the other hand, nevertheless, the Christian Republic has also been fallen apart"* [1]. Indeed, this new epoch, which was under the sign of the Illuminist ideological and cultural movement, has influenced the collapse of the Christian Republic founded by the edict issued by the Emperor Theodosius the Great in 380.

Whether The Westphalia Peace brought the end of the Occidental "Res publica Christian" (The Christian Republic), the Byzantine culture and The Christian Republic of that time were still present in The Romanian Countries, also proved by the enforcement and the translation of the Nomo-Canonical legislation.

Unlike the Western Europe, where the religion did not represent any longer the binding element for the State unity and played an important role in the separation dictated by the principle *"cujus regio, ejus religio",* in The Romanian Countries of that time The Orthodox Religion as sole religion of the two Romanian Principalities (Wallachia and Moldavia) represented the fundament of the spiritual and religious unity, on the one hand, and the political and state unity, on the other hand.

Therefore, the Romanian territory *in illo tempore* (of that time) did not face the problem of the religious freedom and *ipso facto* the human dignity, as the Western Europe countries and states did, because the Romanian people only acknowledged the Apostolic Religion, which preached the love for the humankind for whom our Saviour Jesus Christ embodied to bring them back to the initially created beings.

It was not earlier than the year 1700 when such facts have happened in The Romanian Countries, occasioned by the enforcement of the Uniate Churches Deed. Part of the Romanian population in Transylvania chose the Papal canonical jurisdiction, under the allurement of the social emancipation.

In the 17th century Romanian Countries numerous scholars strived for the promotion of the Humanist ideas. For example, Udriste Nasturel and the Metropolitan Priests Theophyllos and Stephan of Wallachia and Varlaam of Moldavia, etc. included in their activity preoccupations dealing with the canonical ideas. At the same time, a number of scholar rulers having Humanist-Christian orientation and attitude succeeded in bringing the Romanian population in line with the European religious, juridical, and social culture, merging the Byzantine culture with the Occidental one, as the three Pravilas printed in Romanian language during the 17th century prove. It is about The Pravila of Govora

[1] L. M. Ferrer, *La vittoria del principio cujus regio eius religio. Le clasole religiose della pace di Vestfalia (1648),* in Fontes. Documenti fondamentali di storia della Chiesa, Ed. San Paolo, Milano, 2005, p. 419.

(1640), The Pravila issued by Vasile Lupu (Iassy, 1646), and The Pravila issued by Matei Basarab (Targoviste, 1652).

The experts consider the Pravilas printed in Romanian language during the 17th century as "factor of European unity" [2] as regards the legislation. Indeed, amongst others the Pravilas succeeded in establishing the relationship "... between our juridical culture and the Italian and Glossators Renaissance" that "the common law was not able to establish at that time" [3]. The "jus positivum" (the written law) had already been in advantage against the juridical common law[4] as regards the prominence and resulted in including The Romanian Countries in the sphere of the European juridical culture, thus bringing an important contribution to the European legislative unity.

This reality has not only been omitted from the pages of The Romanian Law History and the ecclesiastic ones, but also by numerous historians of the ancient Romanian literature (excluding certain authors) that have excluded "the religious literature" from their research and investigation and, *ipso facto,* have omitted "the eternal keepers of our eternal land" [5], i.e. the founders of the Romanian culture, thus bringing severe prejudice to the real image of our national culture, which includes as integrant part the juridical-canonical culture of The Romanian Countries in the middle ages.

Beyond any doubt, the 17th century Pravilas printed in Romanian language belong to our cultural heritage, which is so divers and rich. Unfortunately, the historians of our culture – theologians, juridical and canonical experts, men of letters, philosophers, or sociologists, etc. - have only considered and analysed these documents through their own specialization. There are few exceptions and this situation explains why certain authors have intentionally excluded from their studies and works certain aspects and realities that were not included in the knowledge and preoccupation for the evaluation of the Romanian cultural heritage or did not comply with the criteria of ideological or party orientation of the specific time.

The above-mentioned authors have also failed in their approaches regarding the 17th century Pravilas printed in Romanian language in reaching the integrating synthesis

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2 Vl. Al. Georgescu, *Trăsăturile stilistice ale dreptului feudal românesc,* in vol. Istoria dreptului românesc, vol. I, Ed. Academiei RSR, Bucureşti, 1980, p. 225.

3 Ibidem, p. 225.

4 Emperor Constantin the Great (306-337) issued in 319 the famous Imperial Constitution, which stipulates that the common law was enforced to abrogate the opposite written law (cf. Codex Justiniani, 8, 52, 2)

5 G. Calinescu remarked that the literature historians have isolated "the cultural aspect from the artistic one" and subjected the whole documentary material "to the same strictly literary methods. Obviously, in such a way – G. Calinescu observed - «the religious literature» (Gospel Books, Psalters, Praxes, etc.) have almost been obliterated, and The Transylvanian School is overlooked" (G. Călinescu, *Istoria literaturii române de la origini până în prezent,* Ed. Semne'94, Bucureşti, 2003, p. 5, 9).

aiming at obtaining complete images of the juridical and canonical institutions of this century. Indeed, they were self-contented with carrying out partial reviews, which did not allow approaching the issues dealing with the juridical and canonical institutions and taking into consideration their intricacy and manifestation aspects.

In 1980 Professor Ioan Ceterchi remarked that the experts in charge with the preparation of the History of Romanian Law faced not only with the scarcity of the synthesis works resulted from the scientific research, but also the adequate monographs and analytical studies, because in certain fields of activity such works "were completely absent. Therefore, the authors have often been forced – the professor observed – to make «pathfinder's» work, i.e. to carry out analytical investigations completed with synthesis works" [6].

Nevertheless, the present-day experts in charge with the preparation of the above-mentioned History do not embrace the same opinion about the "pathfinder's work". For instance, one of them has recently formulated the idea that "despite the imposing signatures", the scholars that have made the presentation of the juridical institutions within the pages of such a work do not bring "an essential contribution" to the issue, "but limit themselves to the selective recording of the conclusions obtained from previous studies" [7].

The authors of the History of The Romanian Law (the only work that could be considered as synthesis in this field of research) were not the only ones who have reiterated or selectively recorded such conclusions emanated from the studies carried out by various authors in the long run of time. It is the same for the signers of other papers; hence, the lack of the primary documentation. Besides, the History itself only superficially quotes and analyse the text of the Pravilas; what is more is that when we have such inspired situation that mention the text of the Pravilas between quotation marks, the analyse is only based on the historian's or lawyer's points of view, and very rarely takes into consideration the canonist's or theologian's opinion, although the contents of such texts is eminently juridical-canonical and theological.

The considerations mentioned-above have convinced the authors of the present Project of PhD Thesis to consider as first step the lecture of the Pravilas text, which we integrally or partially reproduce whenever was needed; further on, we took into consideration the evaluations and conclusions proceeding from various scientific works, which we have approached and presented in the light of the canonical and Nomo-Canonical doctrine, generally in the light of the Orthodox Christian precepts.

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[6] Ioan Ceterchi, Foreword, at *Istoria dreptului românesc,* vol. I, …, p. 9.

[7] Florenţa Ivaniuc, *Instituţia hotărniciei în Ţara Românească. Secolele al XIV-lea al XVIII-lea,* Ed. Academiei Române, Bucureşti, 2003, p. 15.

The competent scholars of the present-day have remarked that stage of the contemporary investigation reveals "... numerous gaps that have remained unsolved in the Romanian law", which "could not be solved by simple joint action of the historians and lawyers"[8]; what we need is the inter- and multidisciplinary work, where the canonists and the theologians should bring defining contributions, because without their joint efforts the juridical and canonical institutions of the Romanian feudal epoch are incompletely investigated and presented.

As the text of our dissertation reveals, the subject has been approached based on interdisciplinary fundaments (theological, canonical, juridical, and historical). The investigation of the juridical and canonical institutions regulated by the Pravilas printed in Romanian language in the 17th century has been based on the knowledge of the Orthodox canonist and theologian, as well as and the historian that studies the Romanian middle ages institutions.

The Nomo-Canonical or Pravilas legislation is less studied and known by the juridical experts and historians of our time; *ipso facto,* it is the same for the juridical-canonical institutions that are under the regulations of such legislation. This reality has also been remarked during the scientific investigation of the juridical and canonical institutions mentioned within the pages of the Pravilas printed in Romanian language in the 17th century; hence, the pathfinder's character of this work, as the references found in certain studies, works, or documentations are either partial or poor in information, sometimes reduced to some recurring generalities. The information is incomplete as regards the documentation and the hermeneutic consistent analysis of the Pravilas text.

So far, there is no synthesis work aiming at obtaining an integrated vision of the juridical and canonical institutions included in the Pravilas printed in Romanian language in the 17th century. At the same time, there is no study that presents such institutions in the light of the text of the Pravilas or Nomo-Canonical Laws.

Some present-day jurists admit that "... the simple approach of the legislation ... is not sufficient, as we also need the historical perspective of the Law" [9]. Indeed, the lack of such a study about the Law and generally speaking about the legislation from the historical point of view refrains the scholar that aims at expounding and applying the law from the knowledge of its genesis and the evolution of the wording process of such a law. Hence, the imperative need that the jurist and the canonist have adequate knowledge (even a brief one) in the history of the law and its institutions from the origins until the present-day.

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[8] Ibidem.

[9] Vl. Hanga and M. D. Bocşan, *Curs de drept privat roman,* ed. a II-a, Ed. Universul juridic, Bucureşti, 2006, p. 13.

It is beyond any doubt that someone who did not study the Roman law, especially the Byzantine law, which is no longer studied in the Law Faculties in our country, except the Faculties of Theology that have reduced numbers of lectures within the discipline The Canonical Law, cannot understand and have poor representation of the stipulations included in the Byzantine legislation, on which the middle ages Romanian law was based, along with the poor understanding of the institutions that such legislation expressively deals with.

The Romanian current juridical literature includes numerous assertions about the Canonical or Nomo-Canonical Law that evince either the complete ignorance, or the superficial approach of the Byzantine Law, both ecclesial and state. For example, one of the courses of Compared Private Law erroneously states that "as soon as the 17th century the imperial legislation separates from the church canonical law" [10].

The Pravilas printed in Romanian language in the 17th century stand for the disaffirmation of such erroneous assertions, because the Byzantine Law is found in the Nomo-Canons within a unitary *"Corpus Juris",* applicable both in the civil law, and the religious one; hence the sui-generis juridical-canonical character of certain institutions stipulated by the Byzantine Pravilas Law, accepted and applied in the Romanian Countries.

This is why we consider that the investigation of the Nomo-Canonical Pravilas and the presentation of the juridical and canonical institutions that such legislation refers to bring an important contribution not only to the knowledge of the Byzantine Law, but also the study of the old Romanian Law, and *ipso facto* the juridical and canonical institutions. Leaving aside this knowledge we should never completely perceive the evolution process of the Romanian juridical understanding.

The Project of our PhD Thesis makes detailed analyses of the three Pravilas printed in Romanian language (i.e. Pravila Mica, Vasile Lupu's Pravila, and Pravila Mare), and also includes the presentation of the way that the scholars that wrote the texts have understood this legislation, reaffirmed, and reactivated the juridical and canonical principles on which the Pravilas were based on, and enforced punishments for various infringements taking into account the Divine Law, the canonical one, and the specific context of the epoch.

In order to obtain the integrating image of the genesis of the Nomo-Canonical legislation printed in Romanian language in the 17th century, especially in terms of understanding and applying its provisions, we have also made the presentation of the

[10] Aurel Bonciog, *Curs de drept privat comparat,* Ed. Universul Juridic, Bucureşti, 2010, p. 57.

Slavic-Romanian and Romanian Pravilas enforced in the previous (the 16th) century; we have also made quotations of these texts whenever we considered necessary.

Within the first pages of our PhD Thesis Project the reader (more or less acquainted with the text of the Pravilas legislation) has the possibility to become familiar with the stages of adapting the Byzantine Law to the particularities of the area the Romanian people was born in. At the same time, he or she has the possibility to understand the contents of the Collections of Byzantine legislations enforced on the Romanian territory, with provisions applied both by the rulers and the Church, i.e. the main two institutions of the Romanian medieval society.

The Thesis also offers the reader the possibility to review the history of the ancient written Romanian Law, of which the Canonical Law and the Pravilas have been and still are the basic constitutive elements. The regulations stipulated in the printed Pravilas are based on the norms provided by the canonical and Nomo-Canonical legislation along with the juridical and canonical institutions in the Romanian Countries.

For example, in the pages of our Thesis the reader would find out about the Ruler's Institution, which was the main juridical institution in the Romanian Countries of that time that the Byzantine Monarchy has represented the *topos* or the pattern of its structure. Based on the Byzantine pattern, the Romanian rulers adopted the feudal monarchy as state institution, as "... the Byzantine ideology and structure could help the centralization of the state and reinforcement of the independence" [11].

The juridical institution of the Ruler has assimilated numerous structural elements from the Byzantine monarchy; e.g. the dignity of the ruler, the theocratic conception of the absolute power, the enthronement based on divine judgement consecrated by the anointment with the Holy Chrism, the aggregation of the lay and ecclesial prerogatives, the associated rule, etc.

Amongst the prerogatives of the Ruler the legislation one was the prominent one, inspired by the prerogatives of the Emperor of The Eastern Roman Empire where the rulers of the Romanian Countries have also found their example as regards the legislative, judiciary, and executive power.

As sole juridical decision maker of the country, the Ruler applied his legislative power through enforcement of Ruler's Decisions known as "Charters", "Endowments",

[11] Petre Strihan, *Organizarea de stat. Structura generală,* în vol. Istoria dreptului românesc …, vol. I, p. 250.

"Testaments", etc., which conferred the Ruler institution "the advanced and complete juridical system that allowed the application of solutions for each lay and church issues" [12].

The legislative prerogatives attached to the powers of the Ruler "has not been denied even by the Turkish occupation itself", and has "usually been exerted by the Ruler after consulting the Ruler's Assembly, sometimes even after the consultation of the Common Assembly" [13]. Indeed, as regards the judging prerogative, the historical and juridical documents of that time certify that the Ruler has usually judged together with his Assembly, "but he was the one who took decisions, as he was entitled to judge by himself and sometimes he applied this prerogative as regards both civil and criminal cases, especially when judging betrayal deeds (cunning), where many times the rulers condemned and executed without proves and judgement procedures" [14].

The great noblemen have repeatedly and vehemently risen against such despotic Levantine attitude. They succeeded in taking the attestation issued on July 15, 1631 from the hands of the ruler Leon Tomsa who was entitled to pronounce the death sentence against them without the consultation of the Assembly. Another example is the document issued by Radu Leon, Leon Tomsa's son, on August 18, 1668 stipulating that the Ruler has "to judge together with the Noblemen Assembly, according to the law and manner in the country". Still, in spite of such interdictions enforced by the noblemen, the rulers of the Romanian Countries continued "to judge by themselves until the first half of the 18th century, e.g. Constantin Brancoveanu and Nicolae Mavrocordat" [15].

As regards the Church, as the second fundamental institution of the "Respublica Christiana" in the Western and Eastern Roman Empire during the first millennium[16] it is remarkable that the "Ecclesia" continued the application of the *"jure romano"* along with the *"jure bizantino",* with numerous provisions that have also been transferred into the Romanian Countries legislation through the Pravilas.

This legislation was deeply rooted in the Byzantine Law, either lay or ecclesial. It clearly included the provision that the jurisdiction of the Ruler only covered "the affairs outside the Church", as the Emperor Constantin the Great had declared long before in the Synod of Nicaea (the year 325). Matei Basarab, the Romanian Ruler of the 17th century,

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12 Ibidem, p. 253.
13 Ibidem.
14 Ibidem, p, 254.
15 Ibidem.
16 See N. V. Dură, *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^er millénaire*, Ed. Ametist 92, Bucureşti, 1999, p. 267-382.

also declared that the Metropolitan Priest and the bishops of the Country "prevail in this affair of faith" [17].

As regards the exertion of the prerogatives dealing with his position of head of the Church for its "outside" affairs, the ruler was entitled to: "a) decide the establishment of metropolitan churches, dioceses, monasteries, or changing the residencies; b) appoint or revoke the metropolitan priests, bishops, and abbots; c) regulate the judgement competence of the Church executives and ensure the coordination with the competence of the lay executives; d) regulate the activity of the foreign cults resident in the country; and e) decide or revoke the allegiance of a monastery to a specific religious establishment abroad" [18].

The documents certify that besides this prerogative the Ruler has always consulted the Noblemen Assembly and sometimes the Common Assembly. At least on principle level the appointment of the hierarchs has always been based on the common agreement with the Noblemen Assembly; yet, the Ruler himself performed the investment through the award of the Priestly Rod.

The Ruler has also been the one who interceded with the Turkish Government and the Ecumenical Patriarchy in order to obtain the blessing for the new Metropolitan Priest of the country. At the same time, when appointing or revoking the hierarchs "the Ruler's institution complies with the regulations of the canonical law: the canonical nomination *("ipopsifis")* preceded the Ruler's appointment and defrocking followed the revocation" [19].

Excepting some cases, the Rulers of the Romanian Countries have also been the ones who defended the old juridical-canonical status of autocephaly and autonomy of the Churches against the hegemonic claims of the Constantinople Patriarchy[20] even during the Ottoman Rule. For instance, although the Ecumenical Patriarchy had defrocked the Metropolitan Priest Luca in 1616, he remained enthroned "after the Ruler's Decision; in 1631 Leon Tomsa together with the Common Assembly decided that the metropolitan priest, the bishops, and the abbots are appointed inside the country and the Patriarch was only entitled to bless the appointment; and in 1732 the Metropolitan Priest Stefan noticed the Patriarchy about his appointment without asking any confirmation. In Moldavia, the historical sources stand for the same rule... Grigore Ureche noted that the Metropolitan

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17 Document of February 28, 1645, in The Library of The Romanian Academy, n. CCCXCVII/47.

18 Petre Strihan, *Organizarea de stat. Structura generală,* in vol. Istoria dreptului românesc …, vol. I, p. 256.

19 Ibidem.

20 See, N. V. Dură, *120 de ani de la recunoaşterea Autocefaliei (1885-2005) şi 80 de ani de la întemeierea Patriarhiei Române (1925-2005)*, in BOR, CIII (2005), nr. 1-3, p. 444-456; Idem, *Forme şi stări de manifestare ale autocefaliei Bisericii Ortodoxe Române. Mărturii istorice, ecleziologice şi canonice*, in vol. *Autocefalia, libertate şi demnitate*, Ed. IBMBOR, Bucureşti, 2010, p. 113-155.

Priest Teoctist was appointed by the Ruler Iuga (1399-1400) with the blessing of the Patriarch of Ohrid. The Ruler Dimitrie Cantemir mentioned that the metropolitan priest is not under the jurisdiction of any patriarch; after the *ipopsifis* in the country, the Ruler requires the *ecdosis* of the Patriarchy, which cannot reject the solicitation" [21].

Following the Byzantine regulations and practice the Ruler has also been the one who agreed the appointment of the abbots after the recommendation of the metropolitan priest or the local bishop, as stipulated by the Canon 4 of The 4th Ecumenical Synod (Chalcedon, 451), which still remains the real Constitution of the Orthodox monarchism[22].

The brief information revealed by the historical documents of that time and considered by the historians of the Romanian legislation reveal that the middle ages Romanian authorities were aware of the political and administrative independence of both their countries, and their Churches, which in terms of Canonical Doctrine is expressed as autocephaly. Therefore, the historians, theologians, and canonists of our Church should know, put into value, and promote this reality expressly attested by Pravila Mare whenever The Constantinople Patriarchy raises hegemonic claims that have in view the juridical-canonical status of the Papal Primacy[23], having nothing to do with the authentic spirit of the Orthodoxy of the first millennium[24], as confirmed by the canonical legislation[25].

The main juridical-canonical institution under the regulation of the Pravilas printed in Romanian language in the 17th century was the Metropolitan Church. This

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21 Petre Strihan, *Organizarea de stat. Structura generală,* in vol. Istoria dreptului românesc …, vol. I, p. 257.

22 See, N. V. Dură, *Monahii, al treilea element constitutiv al Bisericii*, în BOR, CXXI (2003), n. 7-12, p.469-483; Idem, *Monahismul în Dacia Pontică. „Călugării sciți (daco-romani) şi contribuția lor la afirmarea unității ecumenice şi la dezvoltarea culturii umanist-creştine europene*, in BOR, CXXII (2004), n. 3-4, p. 347-357.

23 As regards the Papal Primacy claimed by the Bishop of Rome certain Orthodox theologians consider that it is built on frauds (Donatio Constantini and the Decretals of Pseudo Isidor) and alteration of the synodal texts. (See, for example, Michael Whelton, *Papi şi patriarhi. O perspectivă ortodoxă asupra pretențiilor romano-catolice,* trad. V. Baidoc, Ed. Theosis, Oradea, 2010, p. 166-196). Other scholars asserted that "... what separates Rome from the Orthodoxy is the precise role played by the Pope in the leadership of the universal Church. The separation is more or less political dispute. Therefore, as soon as the Pope agrees to make concessions in his prerogatives, the Orthodox Church should be ready to recognize again the primacy of the Bishop of Rome, which would eliminate all obstacles." However, "the difficulty of such opinion resides in the fact that it is not and has never been the belief of the Orthodox Church" (Clark Carlton, *Adevărul ortodoxiei față de catolicism: ce trebuie să ştie fiecare romano-catolic despre Biserica Ortodoxă,* trad. D. Dâscă, Ed. Ecclesiast, Sibiu, 2010, p. 13).

24 See, N. V. Dură, *The "Petrine primacy": the role of the Bishop of Rome according to the canonical legislation of the ecumenical councils of the first millennium, an ecclesiological-canonical evaluation,* in The Petrine ministry: Catholics and Orthodox in dialogue: academic symposium held at the Pontifical Council for Promoting Christian Unity, ed. Walter Kasper, New York, Newman Press, 2006, p 164-184; Idem, *Episcopul Romei şi statutul său canonic. Scaunul apostolic al Romei şi procesul de refacere a unității creştine ecumenice,* in Ortodoxia, LVIII (2007), n. 1-2, p. 7-34.

25 Idem, *Le Régime de la synodalité selon la législation canonique, conciliaire, oecuménique, du I^er millénaire*, Ed. Ametist 92, Bucureşti, 1999, p. 287-382.

institution and the Metropolitan Priest play an important role and express the Byzantine ideology and mentality, as well as the Romanian realities of that time.

After the formation of the Romanian States and their recognition by the heads of the Byzantine Empire, i.e. the Emperor and the Patriarch, in the 14th century the Metropolitan Church and the Ruler were the basic institutions of the middle ages Romanian society.

In the Romanian feudal states the metropolitan priests represented the top positions of the ecclesial hierarchy. Whether the Ruler was the leader of the state, the Metropolitan Priest was the head of the Church; actually, this was the second person in the state after the Ruler. Certainly, this system reminds of the bi-cephalic leadership of the Bezant "though both down-there and in-here the first and the last words belonged to the Ruler" [26].

The documents of that time reveal that the metropolitan priests were in charge with anointing the Ruler, performing Eucharistic Canons, exerting judge attributions, and write Imprecation Books[27] within the juridical procedure of the border trials etc.; hence, the necessity that their residence was in the Ruler's city.

The 17th century documents certify that in Wallachia the Metropolitan Priest was the one who confirmed the legitimate statute of the Ruler of the country. Not only the noblemen asked for justice from the Metropolitan Priest, but also the common people when they considered themselves the victims of unfair trials, many times in connivance with the "Greeks" from "Tarigrad".

Besides the judicial activity, the Church also had judge competences, as the books of the old legislations assert. The texts of such books were usually placed in the custody of the Metropolitan Priests. Whether they only played consultative roles in the elaboration of various normative deeds, "sometimes having to express their agreement under the «blessing» form, which was more valuable as expression than fundament", as soon as the written legislation occurred "the promulgation of such laws covered two-folded aspects: lay and religious" [28].

As the analysis of the text of the Pravilas printed in Romanian language in the 17th century reveals, the institution of the Metropolitan Church and its representative - the

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[26] Gh. Cronţ, *Biserica şi statul feudal,* in vol. Istoria dreptului românesc …, vol. I, p. 370.

[27] In Wallachia the Metropolitan Priest Grigorie wrote in 1630-1632 the first Imprecation Book known until the present time regarding some frontier issues; it was addressed to the priests as well as the city inhabitants "young and old ot varoş Bucureşti", meaning from Bucharest. They were the only ones entitled to testify for a land plot belonging to Banu Monastery (Buzau Diocese) (DRH, B, XXIII, nr. 53).

[28] Gh. Cronţ, *Competenţa judecătorească,* in vol. Istoria dreptului românesc …, vol. I, p. 372.

Metropolitan Priest took advantage of the special attention of the scholars that prepared the texts. They found the fundament for their canonical and juridical status in the legislation of the ecumenical Church and the Byzantine Empire transferred in Collections known as Nomo-Canons or Pravilas.

The same Pravilas mention both the judicial and the judge competences of the Church, exerted by the hierarchs in accordance with the principles formulated by the canonical and ecumenical legislation of the first millennium, also abundantly mentioned by the Pravilas printed in Romanian language in the 17th century.

In the end of this abstract aiming at making concise presentation of our PhD Thesis we express our conviction that our work would be able to offer both the competent reader and the one who is not yet familiar with the canonical, juridical, and historical terms the possibility to discover that the information presented bring a real contribution based on first-hand documentary and rich literature sources, as well as the knowledge of the juridical and canonical institutions under the regulation of the three Pravilas printed in Romanian language in the 17th century, i.e. The Pravila of Govora (1640), The Pravila issued by Vasile Lupu (1646), and The Pravila issued by Matei Basarab (1652).

KEYWORDS :

The Pravila of Govora, The Pravila issued by Vasile Lupu, The Pravila issued by Matei Basarab, juridical and canonical institutions

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