

## THE NATIONALITY OF THE MOUNT ATHOS MONKS OF NON-GREEK ORIGIN

By the article 10, parag. 1, verse 3 of the Greek Constitution, all monks and novices of Mt. Athos acquire the Greek nationality, without following the proceedings required by the Decree 3370/1955, concerning the enactment of the Greek Nationality Law.<sup>1</sup> This compulsory acquisition of the Greek nationality by an Athonite monk is the result of the sovereignty of the Greek state in Mt. Athos peninsula.<sup>2</sup> The Greek legislator made no innovation on the subject, but followed what was generally applied in the Byzantine and Ottoman empire in Mt. Athos, supplying moreover constitutional support to the matter.

During the medieval times, Mt. Athos was part of the Byzantine empire and completely under its sovereign power, which was not limited in any way by International Law. This meant that the Byzantine sovereignty over Mt. Athos was territorial and personal. The territorial ruling had as a result that the peninsula was considered as Byzantine "territorium;" the personal meant that all the residents of Mt. Athos, i. e. the monks and novices, were Byzantine subjects.<sup>3</sup> Therefore, whenever the Byzantine legislation referred

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1. See Em. Bendermacher-Geroussis, *Das Staatsangehörigkeitsrecht von Griechenland*, Frankfurt a. M. - Berlin, 1956.

2. See Nic. Antonopoulos, *Ἡ συνταγματικὴ προστασία τοῦ ἀγιορειτικοῦ καθεστώτος*, (The constitutional protection of the established form of government in Mt. Athos), Athens 1958, p. 164 ff.; idem, "La condition internationale du Mont Athos", in the volume published by the Monastery of Chevetogne *Le millenaire du Mont Athos, 963-1963*, Chevetogne 1963, vol. I, p. 381 ff.; St. Papadatos, *Αἱ σλαβικαὶ διεισδύσεις ἐν Ἀγίῳ Ὄρει καὶ αἱ ἐξ αὐτῶν πολιτικαὶ καὶ νομικαὶ συνέπειαι*, (The Slavs' penetrations in Mt. Athos and their political and legal consequences), Jannina 1961, p. 148; idem, "Ἡ ἰθαγένεια τοῦ ἀλλογενοῦς ἀγιορείτου μοναχοῦ", (The nationality of the alien monk of Mt. Athos), in *Ἐπιθεώρησης Δημοσίου καὶ Διοικητικοῦ Δικαίου*, Athens 1961, vol. V, p. 273 ff.; idem, *Ἡ πολιτειακὴ θέσις τοῦ Ἀγίου Ὄρους*, (The position of Mt. Athos in the state), Athens 1965, p. 80 ff.

3. *Contra* St. Papadatos, "Ἡ διοικητικὴ ἀνεξαρτησία τοῦ Ἀγίου Ὄρους ἐπὶ Βυζαν-

to subjects, it also included the monks of Mt. Athos, except if a legal obstacle arose from the legal system and the Canon Law. It results that the so much talked of "autonomy" (political independence) of Mt. Athos neither did, nor does constitute an International Law relation, but a kind of self-government based on privileges given at times and strictly bounded by the Internal Law of the sovereign Byzantine state. The above principles of territorial and personal sovereignty were also valid when Mt. Athos went under the ruling of other states, such as the Latin Kingdom of Thessaloniki, the Despotates of Epirus and Nicaea and the Serbian Kingdom of Stefan Dušan.<sup>4</sup>

The subjection of Mt. Athos to the Turks in 1430 did not produce any change to the old situation.<sup>5</sup> Mt. Athos was definitely a part of the Ottoman empire and under its territorial and personal (under the above meaning) ruling; consequently all the Athonites were Ottoman subjects.<sup>6</sup> This is confirmed by a "firman" (decree) of Sultan Orchan, which conceded privileges to the monks "... because before all the other rayahs they accepted to be His subjects".<sup>7</sup> The "de facto" acquisition of the Ottoman citizenship was in force through all the period of the Turkish occupation until the issue of the Law on Ottoman Citizenship of the 17th/19th of July 1869.<sup>8</sup> According to article 4, the Ottoman citizenship was conferred to foreigners considered by the imperial government as "worthy of the exceptional favor" to take it directly, without going through the proceedings presupposed by the article 3 of the same Law. In this category of the "worthy of exceptional favor" the Athonites were tacitly classified until the "Regulation concerning the Mt. Athos Monasteries, under the spiritual jurisdiction of the Ecumenical Patriarchate

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τινῶν", (The administrative independence of Mt. Athos in the Byzantine time), in *Ἐπιτη-  
ρίς Ἐταιρείας Βυζαντινῶν Σπουδῶν*, Athens 1963, vol. XXXII, p. 434; Nic. Antonopou-  
los, *The constitutional protection, etc.* does not give any solution on this question.

4. See Pan. Christou, "Τὸ Ἅγιον Ὄρος ἐν τῷ παρελθόντι καὶ παρόντι", (Mt. Athos in the past and present) in *Ἀθωνικὴ Πολιτεία*, Thessaloniki 1963, p. 44 ff.

5. See Nic. Pantazopoulos, *Ἀπὸ τῆς λογίας παραδόσεως εἰς τὸν Ἀστικὸν Κώδικα*, (From the purist tradition to the Civil Code), Athens 1947, p. 90 ff.; idem, "Τινὰ περὶ τῆς ἐννοίας τῶν προνομίων ἐπὶ τουρκοκρατίας", (Notes on the meaning of privileges during the Ottoman rule), in *Ἀρχαῖον Ἰδιωτικὸν Δικαίον*, Athens 1943, vol. X, p. 449 ff., where full bibliography on the subject can be found.

6. See P. Carolidis, *Ἡ ἐνεστῶσα κατάσταση ἐν Ἀγίῳ Ὄρει*, (The present situa-  
tion in Mt. Athos), Athens 1896, p. 41.

7. See Gerassimos Smyrnakis Esfigmenitis, *Τὸ Ἅγιον Ὄρος*, (Mt. Athos), Athens 1903, p. 109.

8. See the text in the precious collection of Dim. Nicolaidis, *Ἰθθαμανικοὶ Κώδικες*, (Ottoman Codes), Constantinople 1890, vol. II, p. 1555 ff.

of Constantinople”<sup>9</sup> were published on the 27th of December 1877 (20th of the month Zilhitse 1294). According to the articles 8 and 10 of this Regulation, all the non-Ottoman subjects when entering any Monastery as monks or novices: 1) Should desist at once from their citizenship, 2) Obtained immediately the Ottoman citizenship, and 3) When leaving from Mt. Athos could, if they wished, to keep the Ottoman citizenship. By article 146, all the monks were considered, originally, Ottoman citizens.<sup>10</sup> These very provisions were repeated in article 174 of the “General Regulation” of 1911.<sup>11</sup>

When the peninsula of Mt. Athos was occupied by the Greek navy on the 2nd of November 1912, a somehow temporary false legal situation occurred; on one hand, the London Conference of the Great Powers’ Ambassadors decided that Mt. Athos would have an autonomy independent and neutral towards all states, including consequently Greece, while on the other, the Bucarest Convention of July 28 / August 10, 1913, included Mt. Athos in the Greek state, without making any reserves, and the Athens Convention of November 1st/4th, 1913, not dealing directly with this question, ratified the decisions of the Bucarest Convention. After some years, the Treaties of Neuilly (1919), Sèvres (1920) and Lausanne (1923) fixing the new boundaries of the Greek state, acknowledged the Greek sovereignty on Mt. Athos and also the obligation of Greece “to recognize and preserve the traditional rights and liberties enjoyed by the non-Greek monastic communi-

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9. This Regulation drawn up by the Ecumenical Patriarchate, which never entered in force, consisted of 153 articles and “was imposed” (according to Ger. Smyrnakis Esfigmenitis, op. cit., p. 327) to the monks of Mt. Athos by the Patriarch Joakim II Kokodis. See the text of the Regulation in Dim. Nicolaidis, op. cit., vol. III, p. 2805 ff.

10. On general grounds, what has been said up till now on the nationality of the Mt. Athos monks is not different from what was decided by the Berlin Congress in 1878. Since there were no provisions for special treatment of the Russian origin monks concerning the acquirement of the Ottoman citizenship. It is therefore obvious that the Russian Embassy in Constantinople was violating the Ottoman Laws, as it is proved by a letter dated the 15th of July 1910 and signed by its secretary N. Kohmanskij, in which he tells the President of the Russian Cells Brotherhood of Mt. Athos Hieromonach Savva, that the Brotherhood must send back to the Embassy or the Russian Consulate in Thessaloniki the passport of any celliot, after his death. See Ch. Papastathis, “The Statute of the Athonite Russian Cells Brotherhood according to the constitutional laws of Mt. Athos,” in *Résumés des communications de Ier Congrès International des Etudes Balkaniques et Sud-Est Européennes*, vol. “Histoire XXe s.,” Sofia 1966, p. 141 f.

11. “All the monks indwelling in Mt. Athos and all those who come to Mt. Athos to become monks are considered as subjects of the Ottoman empire, of whatever nationality they may be.”

ties of Mt. Athos, according to the article 62 of the Treaty of Berlin of July 13th, 1878" (article 13 of the Treaty of Sèvres). Since November 2, 1912, when Mt. Athos was occupied by Greece, until August 10, 1913, when the Bucarest Convention began being in force, i. e. for a period of nine months, Greece did not exercise state sovereignty on Mt. Athos, but "occupatio bellica" and thus the monks and novices continued having their Ottoman citizenship.<sup>12</sup> But from the moment that the Bucarest Convention entered in force, the monks and novices acquired the Greek citizenship by the Athens Convention which ratified the Bucarest Convention. According to article 4 of the former Convention "Les individus domiciliés dans les territoires de l'empire Ottoman passant sous la domination de la Grèce deviendront sujets Hellènes." As a result, by the Athens Convention all the Athonite monks and novices of Greek origin became Greek citizens and those of non-Greek origin were naturalized in mass.

This way of acquiring the Greek citizenship was followed until 1926, when the Decree of the 10th/16th of September 1926 ratified the Statute of Mt. Athos, which was drawn up by a committee of monks in 1924<sup>13</sup> and which is now in force as a Law of the Greek state. According to article 6 of this Statute "All the monks dwelt in Mt. Athos, of whatever nationality they may be, are considered having acquired the Greek citizenship." This article constitutes the first legislative settlement of the question by the Greek state. Before that though, the compulsory acquirement of the Greek citizenship by the monks of Mt. Athos was provided for in article 106 of the draft Constitution of 1925. As this Constitution was never in force, this provision was literally contained in article 109 of the Constitution of 1927. When the latter was abolished and the Constitution of 1911 was again in force, this article was preserved by the Seventh Act of the Constituent Assembly of the 28th/29th of October 1935, until the Constitution of 1952 was enforced and which deals with the citizenship of the monks and novices of Mt. Athos in article

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12. Alex. Vamvetos, *Το "Άγιον Όρος και η ελληνική πολιτική*, (Mt. Athos and the Greek policy), Athens 1917, p. 7, note 11 (in fine), is of the same opinion; Léon Maccas, "Salonique occupée et administrée par les Grecs", in *Revue Générale de Droit International Public*, vol. VIII (Paris 1913), p. 220, supports the view that the inhabitants of Macedonia should keep their Ottoman citizenship according to the principle of the "droit d'option."

13. See Gabriel Dionissiatis, "Άγιορειτική ιστορία 55 ετών," (55 years Athonite history), in *Έπετηρίς Ἀθωνιάδος Σχολής*, Athens 1966, p. 59 ff.

103, paragr. 1, verse 3.<sup>14</sup> The basic difference between article 6 of the Statute of Mt. Athos and the respective articles of the Constitutions of 1927 and 1952 and the draft Constitution of 1925, lies in the fact that the Statute deals with the monks only, whereas the Constitutions extend the acquirement of the Greek citizenship to the novices also.

According to article 3, paragr. 3 of the Constitution of the Greek state "Citizens are considered those who attained or will attain the qualifications required to become a citizen according to the Laws of the state." The word "citizen" means the Greek subject. By this provision, the constitutional legislator entrusts the ordinary one the task to fix the conditions of acquirement and loss of the Greek citizenship.<sup>15</sup> An exception on this principle is article 103, paragr. 3, verse 3 of the Constitution, according to which "All persons leading a monastic life<sup>16</sup> (in Mt. Athos) acquire the Greek citizenship, when entering as monks or novices in a Monastery, without going through any other formalities". This article is an exception, because the Constitution itself fixes the formalities of the acquirement of the Greek citizenship for a restricted group of persons in a different way from those required in general. From the point of view of law technique the way the above mentioned verse is formulated, is not the right one, because the novices do not, properly speaking, have the rights and particularly the duties of a monk. The status of monks does not begin from the novice's stage in a Monastery, but since their tonsure. The time they spend as novices in a monastery is not considered as a period of monastic submission. The above mentioned article would be better formulated thus "All those leading a monastic life or preparing to...". The reason for which the constitutional legislator repeated literally the respective article of the Constitution of 1927 and the draft one of 1925, is that he wanted to give the acquirement of Greek citizenship by all Athonites an increased formal authority, by including in the Constitution the necessary provisions. Thus on the one hand the Athonites could have the rights deriving from their Greek citizenship and on the other the Greek state would be able to apply the Greek law to them personally. In this way the application of foreign law in Mt. Athos is averted, because the automatic (*ipso jure*) acquirement of the Greek citizenship by the monks and novices

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14. See the articles in the precious collection of El. Kyriakopoulos, *Tà Συντάγματα τῆς Ἑλλάδος* (The Constitutions of Greece), Athens 1960.

15. See Ar. Manassis, *Ἄι ἐγγυήσεις τηρήσεως τοῦ Συντάγματος*. (Guarantees for the observance of the Constitution), Thessaloniki 1960, vol. II, p. 114 ff.

16. i.e., in the Canonic sense of the word.

is not only a privilege, but in the same time the means by which the monks are submitted to the sovereignty of Greece. Thus the Greek state safeguards itself from any action of the monks and novices against the law, which were rather frequent during the last century and at the beginning of the present.

For the above reason precisely, the novices assumed the Greek citizenship. It has been supported though that this is not right for two reasons<sup>17</sup>: 1. Because the period of the novitiate (one to three years, by article 93 of the Statute) does not engage the Monastery, where the novice is tested, to make him a monk. There exists no legal limitation to the fact of not sending a novice away and it is up to the Monastery's discretion his tonsure. Consequently, it is possible to send away a novice before his tonsure and after assuming the Greek citizenship, without loosing his Greek citizenship. 2. Because the novice, after assuming the Greek citizenship, can leave the Monastery. This is quite easy since the novices are not bound even by oath to become monks. According to the above opinion, *de lege ferenda* the Greek citizenship should not be granted to the novices but only to the monks.

This opinion is wrong. The Greek state wanted to make the novices completely secure and rightly therefore granted to them the citizenship. If then a novice leaves the Monastery or is dismissed from it, the provisions of article 19 of the Greek Nationality Law are in force, as analysed hereafter.

In order that a monk or novice of non-Greek origin may assume the Greek citizenship, two general requirements must be satisfied:

1. Admission as a monk or novice (articles 6 of the Statute), and
2. Admission made by and in a Monastery of Mt. Athos only.

These two principles are analysed as follows:

1. The time and way in which admission takes place, is precisely stated by Ecclesiastical and Canon Law and particularly by the special rules concerning Mt. Athos, as for instance article 93 of the Statute. The automatic (*ipso jure*) acquirement of the Greek nationality granted by article 103 of the Constitution presupposes legal and canonic entrance in Mt. Athos. So, from the above principle two questions appear: I) the legal entrance, i.e. the keeping of certain rules set by the Greek state by orders of the Ministry of Foreign Affairs and the civil Governance of Mt. Athos, consisting in the fact that anyone wanting to become a monk should have certain certificates, and II) the canonic entrance.

We analyse these two questions.

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17. St. Papadatos, *The Nationality, etc.*, p. 285.

I) Legal entrance means that anyone interested to become an Athonite monk should bring certain certificates. This obligation has been enacted for the protection not only of the Greek state, but also of Mt. Athos from the coming in of persons susceptible to cause any religious, moral or national injure. Anyone coming to be a monk must have the following certificates:

- i) Birth certificate. This is necessary because article 93 of the Statute prohibits tonsure for anyone under the age of eighteen.
- ii) Certificate of the public Prosecutor's Office that the interested person is not pursued.
- iii) Certificate of the competent ecclesiastical authority that he belongs to the Orthodox Church from his birth. This is right, because by article 5, paragr. 2 of the Statute it is prohibited for anyone belonging to any other religion or to any other Christian community or to any schismatic Church to dwell as a monk in Mt. Athos, but it is wrongly prohibited for the non-Orthodox from birth. This item called for by the administration and not by the Statute, should be abolished.
- iiii) An affidavit of the petitioner for admission that he acts in full knowledge of the provisions concerning the established order of things in Mt. Athos.
- iiiii) In case the petitioner is a clergyman, he should bring the permission of the respective Bishop to leave the region he belongs to.

The Monastery submits the above mentioned certificates to the Holy Community of Mt. Athos, which sends them further to the Greek Ministry of Foreign Affairs (Ecclesiasticals' Direction), by means of the Governance of Mt. Athos. The Ministry approves or rejects them on the whole or partly and sends them back, in the same way, to the Holy Community, which finally submits the certificates to the Ecumenical Patriarchate of Constantinople.<sup>18</sup> The Patriarchate decides whether to permit the entrance or not only to the cases approved by the Ministry of Foreign Affairs. The papers are returned afterwards to the Holy Community, which in turn approves the admission to a Monastery. This tortuous bureaucracy comes to an end mostly after one and half year. In the meantime, the novice or monk who petitioned admission, dwells in the Monastery without having an officially acknowledged status. Consequently, during all the above period of time he has not attained the Greek citizenship because he is under the provisional approval of his admission by the Ministry of Foreign Affairs and the Ecumenical

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18. Mt. Athos belongs to the jurisdiction of the Ecumenical Patriarchate.

Patriarchate. The obligation to submit all these certificates has been set by various provisions of the administration. It would be though far better if all this procedure were settled definitely by a law. In practice, some Monasteries, before the second world war, have admitted monks and novices without proceeding as described above and obliged thus the Greek state to recognise their irregular acquirement of the Greek nationality.

II) Canonic entrance. It consists in the legal admission of a monk or novice in a Monastery, i.e. the novice's registration in the Novices' Register of the Monastery and his tonsure after the regular period of testing, and the monk's registration in the Monks' Register. If this requirement is not satisfied, the fact constitutes a legal defect, it is unconstitutional and must cause automatically the loss of the Greek citizenship, because by fraudulent action it was assumed by a person who was not a monk or novice.

It results from the above that a person being cityless (*Heimatlos*) cannot become today a monk or novice in Mt. Athos. The actual monastic life bears the undelible seal of the state's intervention and requires that the candidate monk proves that he has a nationality. The secrecy relating to the personality of the monk or novice that was established and respected in the Byzantine time belongs now definitely to the misty history of the Orthodox monasticism.<sup>19</sup>

2. The admission of a person as monk or novice should be made by the Monasteries of Mt. Athos and only in them, in the region fixed by article 103, paragr. 1, verse 1 of the Constitution,<sup>20</sup> and not by the various Orthodox Churches or by dependencies of Mt. Athos Monasteries, i.e. Skites, Cells, Mansions and Hermitages, in or out of the region of Mt. Athos fixed by the Constitution.

The above two general requirements being satisfied, the Greek nationality is attained automatically (*ipso jure*), by no other proceedings or action.<sup>21</sup>

Resuming the above, it can be said that the acquirement of the Greek

19. See examples in Cosmas Vlachos, *Ἡ χερσόνησος τοῦ Ἁγίου Ὄρους καὶ αἱ ἐν αὐτῇ Μοναὶ καὶ μοναχοὶ πάλαι τε καὶ νῦν*, (The peninsula of Mt. Athos and its Monasteries and monks, now and of old), Volos 1903, p. 263. For general information on the subject, see Pan. Panayotakos, *Σύστημα Ἐκκλησιαστικοῦ Δικαίου κατὰ τὴν ἐν Ἑλλάδι ἰσχὺν αὐτοῦ*, (Ecclesiastical Law System as it is applied in Greece), Athens 1957, vol. IV, p. 59.

20. i.e., from Megali Vigla and on.

21. See the official opinion of the Attorney of the Court of Appeal of Thessaloniki Nic. Anagnostopoulos in the law review *Θέμις*, vol. 52 (1941), p. 91.



nationality by a non-Greek origin person in Mt. Athos bears these main characteristics: 1) The acquisition is provided for by the Constitution and not by the Greek Nationality Law. 2) The acquisition is automatic and no action is required. 3) It differs from the other ways of acquirement provided for by the Greek Nationality Law as to the requirements. 4) The acquisition is the consequence of the state of being a monk or novice. Then, since assuming the status of monk is voluntary, it follows that the acquirement of the Greek nationality is voluntary too. Undoubtedly the statement of the candidate's intention to become an Athonite monk does not mean that he aims exclusively to assume the Greek nationality and it may be possible that he does not wish to acquire it. The Greek citizenship though constitutes an element of the state of the Athonite monk and an inevitable result. 5) It produces the legal effects that are produced when the nationality is attained by other ways, except for the obligation to enroll in the army for the period of time that he is a monk and except for all the rights and obligations which are considered by Ecclesiastical and Canon Law as incompatible to the status of a monk. 6) By assuming thus the Greek nationality, the monks and novices of non-Greek origin are naturalized individually, whereas those of Greek origin but of another citizenship are citizenized individually. Only when Mt. Athos was annexed to Greece were the monks and novices naturalized (the non-Greek origin) or citizenized (of Greek origin) in mass. 7) No law provision forbids to an Athonite monk or novice the maintainance of his nationality, previous to his entrance in Mt. Athos. But even if he keeps it, he appears in the eye of the Greek law as Greek subject.

The Constitution prescribes nothing in relation to the loss of the Greek nationality of the monks of Mt. Athos of non-Greek origin. Therefore two views have been sustained on the subject. According to the view of the Council of State, the loss of citizenship takes place as prescribed generally by the Greek Nationality Law.<sup>22</sup> According to another view the provisions of the ordinary law are not applied, though the loss of the citizenship takes place in another way.<sup>23</sup> This second view is based on the thought that the constitutional legislator considers the state of being a Mt. Athos monk as a *sine qua*

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22. Council of State (1309/1954), reporter M. Stassinopoulos, see in the law reviews 'Αρχαίον Ἐκκλησιαστικοῦ καὶ Κανονικοῦ Δικαίου, vol. IX, p. 252; Ἐφημερίς Ἑλλήνων Νομικῶν, vol. XXII, p. 268; *Revue Hellenique du Droit International*, vol. VII (1955), p. 303.

23. This view is followed by Nic. Antonopoulos, *The Constitutional Protection, etc.*, p. 167 and St. Papadatos, *The Slavs' penetrations, etc.*, p. 153.

*non* element for the maintainance of the Greek nationality, because, as it says, the latter is given to the monk on condition that he keeps having the state of monk or novice in Mt. Athos. The rules of Ecclesiastical and Canon Law must accordingly be taken first into consideration, and then only the rules on the loss of citizenship must be applied to the monk.

This view leads to absurd results. Thus, for instance, if a monk of Mt. Athos acts for the benefit of a foreign country, he cannot loose the Greek citizenship, as is prescribed on similar occasions by article 20, paragr. 1, verse 3 of the Greek Nationality Law, because he maintains the state of Mt. Athos monk, whose Greek nationality constitutes a basic element of his state. The view of the Council of State is therefore more logic, right and lawful. The Constitution remaining silent, accepts tacitly the competence of ordinary law on this matter. Any monk of Mt. Athos assumes the Greek citizenship and nothing forbids him to keep it if, abandoning the monastic life, he wishes to establish himself in Greece, after leaving Mt. Athos; at that time is the Greek Nationality Law only and exclusively applied. We must therefore accept the principle "semel civis semper civis," except in case that the loss of the Greek nationality occurs according to the provisions of the Greek Nationality Law. Thus the monk and the-novice of Mt. Athos looses the Greek citizenship: 1) If, being in a foreign country, he undertakes a public charge (article 20, paragr. 1, verse 1); 2) If he acts for the benefit of a foreign country (article 20, paragr. 1, verse 3); 3) If he is dismissed from his Monastery, according to the Canon Law rules and establishes himself out of the Greek territory.<sup>24</sup>

Once the monk has lost the citizenship he cannot assume it again by re-establishing himself in Mt. Athos (article 22, paragr. 2 of the Law 4310/1929), since by this article it is forbidden to any non-Greek origin person who had previously the Greek citizenship, but lost it because of emigration, to establish himself again in Greece. The Law 4310/1929 and all the amendments made ever since by other Laws, concern "the establishment and circulation of foreigners in Greece, the passport control, the expulsions and displacings", and are generally applied to all persons having lost the Greek citizenship and therefore to the Athonite monks too, who have lost once the citizenship.<sup>25</sup>

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24. See for general informations on the subject Dim. Petrakakos, *Tò μοναχικόν πολιτευμα τοῦ Ἁγίου Ὁρους-Ἄθω*, (The monastic form of government of Mt. Athos), Athens 1925, p. 106 ff.

25. This assimilation is a characteristic example of the Athonite monks' legal sub-

A married person can become a monk in Mt. Athos, by following the provisions of the Canon Law. Can his wife and children though assume the Greek nationality, by following the proceedings prescribed by articles 10 and 11 of the Greek Nationality Law?<sup>26</sup> A positive answer is suitable on the matter, even though, strictly interpreting the Canon Law, all monks have broken definitely their bands to lay life.<sup>27</sup> If then the married candidate does not bring the written consent of his wife to become monk and is, in spite of that, admitted in a Monastery of Mt. Athos (as is frequently the case), and if his wife, after that, asks to assume the Greek citizenship, according to article 11 of the Greek Nationality Law, we must admit that her petition contains silently her consent to her husband's action.

Even though the nowadays withering monastic life in Mt. Athos<sup>28</sup> leads

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jection to the Greek state, since Mount Athos has self-government but is not autonomous. This is also proved by the efforts made for the elaboration of the Statute, which is a Law of the Greek state. Many attempts were made since 1913 to change the General Regulations of Mount Athos without any final results. In 1918 the first committee of monks was convoked and drafted a Statute of a hundred articles, but this Statute was never in force because by the time the draft was finished, the Treaty of Sèvres was signed. For that reason, in 1921 another committee made a draft of Regulations which, by article 4, conferred the Greek citizenship to all the Athonite monks but not to the novices. In 1924 a new committee of five members made the draft of the Statute which is still in force in Mount Athos and Greece. See Chr. Ktenas, *Ἀπαντὰ τὰ ἐν Ἀγίῳ Ὄρει Ἱερὰ Καθιδρύματα*, (All the Sacred Establishments in Mount Athos), Athens 1935, p. 368 ff.; Pan. Panayotakos, "Ἡ ὀργάνωσις τοῦ μοναχικοῦ πολιτεύματος ἐν Ἀγίῳ Ὄρει," (The organisation of the monastic form of government in Mount Athos), in *Ἀρχεῖον Ἐκκλησιαστικοῦ καὶ Κανονικοῦ Δικαίου*, vol. IV (1949), p. 106 ff.

26. The wife can ask for the Greek citizenship in the period of one year since her husband's naturalization and the unmarried children, under the age of twenty, since their fathers naturalization.

27. See G. Rammos, *Στοιχεῖα Ἑλληνικοῦ Ἐκκλησιαστικοῦ Δικαίου*, (Elements of the Greek Ecclesiastical Law), Athens 1947, p. 36, where the opinions of professors Const. Rallis, Const. Triantafillopoulos Ch. Fragistas, G. Maridakis, and jurisdiction are exposed. Also for full bibliography on the subject Pan. Panayotakos, *Ecclesiastical Law System, etc.*, p. 253 ff.; An. Christofilopoulos, *Ἑλληνικὸν Ἐκκλησιαστικὸν Δίκαιον*, (Greek Ecclesiastical Law), Athens 1954, vol. II, p. 65 ff., where very appropriate remarks are exposed on the subject after the entering in force of the Civil Code of Greece (February 23rd, 1946).

28. See Protopresbyter Dr. Stefan Cankov, "Svetata Gora Aton i nejnoto savremenno polozenie", (Holy Mt. Athos and its present position), in *Godišnik na Duhovnata Akademiya Sv. Kliment Ohridski*, Sofia 1953-54, vol. III (XXIX), p. 303 ff.; also Archimandrite Ilianos, "Ἡ ἐπ'ἀνδρωσις τῶν ξένων Ἱερῶν Μονῶν τοῦ Ἁγίου Ὄρους," (The manning of the foreign Sacred Monasteries of Mt. Athos), in *Ὅσιος Γρηγόριος*, vol.

us to believe, without pretending to the fame of Cassandra, that all the discussion on the acquirement and loss of citizenship of the Mt. Athos monks will become useless in the future, it must be pointed out that the whole matter, as it stands nowadays, consists of a lot of insufficient provisions, of views getting across each other, of not well studied orders and especially of large gaps. The solution of this material and basic problem, not only for Mt. Athos and Greece but also for all the Orthodox countries, awaits the Greek legislator.

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III, Thessaloniki 1966, p. 536 ff.; *idem*, letter on the above article, in *Όσιος Γρηγόριος*, vol. IV, Thessaloniki 1967, p. 763 ff.; Chr. Ktenas, "Τι όφείλει ίνα πράξει ό άγιορειτικός μοναχισμός όπως σωθής και αύθις κλεισθής", (What the Athonite monachism has to do to be saved and become glorious again), in *Γρηγόριος Παλαμάς*, vol. VI (1929), p. 217 ff.