Religious Jurisdictions and Pluralization of Legal Adjudication in Modern Romania

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THE ISSUE of religious courts of law activating in Romania is by no means an absolute novelty. Seen from the perspective of the history of law, their jurisdiction over *rationae materiae* and *rationae personae* dates back to the Middle Ages. Aside from the judicial duties they fulfilled in the royal courts as members of the royal entourage, metropolitans and bishops often received from the sovereign special powers to rule on certain civil and even criminal cases. At the same time, it is worth pointing out that the king was able to judge cases which would normally fall under the incidence of the Church and, at the same time, had the authority to retry lawsuits already settled by religious courts but appealed against. The lord of the land could, if he so chose, judge offenses committed by clerics and was even in the position to dismiss the leader of a religious court when it was proven that the leader in question had favored one of the parties in settling the action.

Romanian kings would often seek out the highest possible religious authority in order to rule on the most onerous cases. The mandates granted to representatives of the Orthodox Church to hear cases, take evidence and attest legal documents were much more numerous and made up a certain undisputed law of the land of the old practice. At times, religious leaders carried out their judicial duties with the help of certain noblemen and high public servants. On other occasions, the leaders of the Church would delegate clerics to complete some of their judicial duties. Given that religious leaders exercised judicial duties by royal mandate, their legal books were drafted very similarly to royal books and subject to royal approval, which was always granted. Cases judged by Church leaders were open to appeal to the royal court, unless the ruler decided otherwise.

Along the centuries, not only religious leaders and parish clergy exercised judicial duties, but monks also. Abbots and friars from monasteries performed, in the past, judicial duties, but this monastic justice had a certain patrimonial character. The ruler would grant monasteries the right to settle all legal issues brought before them by the dwellers of villages, towns and market towns ascribed to each monastery and these rights came as a culmination of material privileges they enjoyed over these communities.

All matters concerning marriage fell under the jurisdiction of ecclesial courts, as did all other civil cases for the trial of which the lord of the land granted, on a case-by-case basis, special powers to the leaders of the Church. The Church leadership was in a better position to hear and pass judgment because they brought to the case the Christian spirit of conciliation. Additionally, testimonies exist that the Church was granted and exercised its right to serve justice sometimes in an effort to protect the poor and oppressed. Stephen the Great, by rescinding the secular public servants' right to pass judgment over the downtrodden living in the villages and market towns of the metropolitan see, grants this right to the metropolitan, archpriest or the person delegated by the metropolitan to serve justice in his stead.

The *ratione personae* jurisdiction had always been granted by the king via a special empowerment bestowed on the religious leaders whenever he deemed it necessary, in order to settle conflicts arising between clerics or laymen, or via a charter granting a bishop or monastery the right to pass judgment over the inhabitants of certain villages and market towns.

Regarding the *ratione materiae* jurisdiction, it was also determined by the king. Documents of the time lead to the conclusion that pursuant to a royal mandate, the clergy was invested with the authority to rule on civil and criminal offenses. The documents through which the king would grant clergy, depending on the case, the authority to pass judgment in civil matters, paint a picture of metropolitans and bishops trying cases of testamentary succession, *ab intestat* succession, marriage and partition affairs and conflicts over borders, while seeking to appease the parties.

This historical presentation of the courts of law of the Romanian Orthodox Church is designed to help us better understand the current situation and the conflicts arisen in certain cases.

The Resolution of Disputes: The Practices and Norms of Religious Communities

In Romania, the relationship between state and religious organizations is regulated by the Constitution of Romania and by the Law number 489/2006. According to article 23(2) of Law number 489/2006 concerning religious freedom and the general regime of religious organizations,[1] "the personnel of religious organizations shall face disciplinary action for violating the doctrinal or moral principles of the faith, according to its own statutes, canonical codes or regulations."

Article 26(1) recognizes the religious organizations' right to "establish their own religious courts for internal disciplinary problems, in accordance with their own statutes and regulations." Pursuant to paragraph 2 of article 26 of the law, "For matters of internal discipline, statutory and canonical provisions are exclusively applicable." The following paragraph states that the existence of their own judicial bodies does not exempt religious organizations from the application of national legislation concerning misdemeanors and felonies (article 26(3) of the law).

The provisions in articles 23–26 of Law no. 489/2007 (situated in chapter II, section 3, bearing the name "Religious personnel"), as well as the regulations specifying the statute of each of the officially recognized religious organizations (regarding the legal work relationship of its personnel) constitute *special norms* of labor law, norms which are supplemented by the common labor law (the Labor Code, principally), under the conditions established by article 1(2) of the Labor Code ("This Code shall also be applicable to work relationships regulated by special laws, but only to the extent in which they do not contain specific derogatory provisions").

Courts of Law of the Romanian Orthodox Church

Pursuant to article 148 of Government Decision no. 53/2008 concerning the recognition of the organizational and functional Statute of the Romanian Orthodox Church,[2] the religious disciplinary courts and religious courts of law with jurisdiction over non-monastic clergy, priests and deacons, active or retired, as well as singers, in doctrinal, moral, canonical and disciplinary issues are:

a) *The Archpriestal Disciplinary Consistory*[3] and the *Archdiocesan Consistory*,[4] as a court of first instance;

b) *The Metropolitan Consistory*,[5] as a court of appeal, for pleas of appeal admitted, in principle, by the Metropolitan Council[6] and the Holy Council.[7]

c) *The Metropolitan Council*, which can, in principle, admit or reject appeals against judgments issued by an archdiocesan consistory for cases of deposition of title and the *Holy Council*, which admits or rejects, in principle, appeals to sentences of defrocking,[8] issued by an archdiocesan consistory, are the bodies that can rule on the admissibility of pleas of appeal. In cases where they do admit, in principle, the plea for appeal, these bodies instruct the forwarding of the case to the Metropolitan Consistory for trial.

Judgments issued by the Archpreistal Disciplinary Consistory and the Archdiocesan Consistory become definitive subsequent to their approval by the diocesan bishop, while judgments issued by diocesan disciplinary and trial courts only become enforceable after the diocesan bishop had ruled in favor of their enforceability.

Judgments issued by the metropolitan consistory are subject to the approval of the metropolitan of the land before they become final and enforceable. Decisions made by courts of appeal become enforceable subsequent to their approval by the metropolitan or Patriarch, depending on the case.

Article 156(6) of Government Decision no. 53/2008 stipulates that, by virtue of the religious autonomy guaranteed by the law and because of their specific competences, religious courts are charged with settling issues of internal discipline and therefore judgments issued by religious courts at all levels *are not subject to appeal before civil courts.*

Religious Disputes: The Approach of the State

The examination of the normative acts through which the aforementioned organizations, subject to this analysis, have been recognized, would lead to the conclusion that a member of a religious organization affected by sanctions enforced due to disciplinary transgressions is unable to take legal action in appeal before civil courts. Moreover, even in cases where the civil court could be seized by the plaintiff with a plea of appeal, the action would have to be rejected as inadmissible, because investigating such an action does not fall in its sphere of jurisdiction.[9]

The provisions contained in the aforementioned statutes are grounded in the text of article 26 of Law no. 489/2007 concerning freedom of religions and the general regime of confessions, whose entire content is as follows:

> *Article 26–(1) Confessions may have their own religious courts of law for matters pertaining to internal discipline, according to their own statutes and regulations.*
>
> *(2) For matters of internal discipline, the canonical and statutory provisions are the only laws applicable.*
>
> *(3) The existence of their own judicial bodies does not exempt them from the application of the national legislation in matters of misdemeanors and offences.*

In comparison to the provisions of the legal text quoted above, corroborated with the provisions of the statutes of the confessions recognized through Resolutions issued by the Government of Romania concerning disciplinary jurisdiction of clerical personnel, some clarifications—listed below—become necessary.

In cases where (recognized) confessions can be considered *public authorities* on grounds that, while they indeed count as private legal persons, according to the law, they enjoy a "public utility status"[10] and therefore all examined jurisdictions are unconstitutional because any special administrative jurisdiction[11] is, pursuant to article 21(4) of the Constitution of Romania, optional and, from an examination of all analyzed statutes, the mandatory character of the respective jurisdictions becomes apparent.

Furthermore, even if the different bodies of jurisdiction of (recognized) religions present in Romania were to be considered as forms (structures) of *private jurisdiction* (whose archetype is private arbitration pursuant to article 340 and a direct consequence of the New Code of Civil Procedure), *in this case also all jurisdictions mentioned would be unconstitutional.*

Indeed, in order to ensure that a form of private jurisdiction does not infringe on the fundamental right of *free access to justice* (article 21(1 and 2) of the Constitution of Romania, republished), it is necessary for the law to specify explicitly and unmistakably that such jurisdictions are predicated on the sine qua non condition of judging the litigations they had been invested to settle and that they function under an *agreement (consent)* of the parties, *granted for each litigation separately*, an agreement that is *unspecified (inexistent) in all examined statutes*, statutes which, in their entirety, establish the *mandatory* jurisdiction of the jurisdictional bodies examined in this paper.

It is implied that all statutes are a fortiori unconstitutional (except for that of the Reformed Church of Romania) which, directly or indirectly, deny the defendant the right to ultimately seek justice before state jurisdiction. Lastly, the unconstitutionality of jurisdictions under discussion also resides in the fact that the statutes of the recognized religions establish neither procedural norms, nor (certain) hearing time frames for issuing the disciplinary judgment.

The fact that Law no. 489/2006 stipulates, in article 26(2), that: "For matters of internal discipline, the statutory and canonical provisions are exclusively applicable" while the legislation of the Romanian state is only incidental "with regards to offenses and crimes" (article 26(3) of the same law) leads us inexorably to the conclusion that the statutory provisions are in compliance with Law no. 489/2006 but, at the same time, infringe on the provisions of the Constitution: article 21(4) or article 21(1–2), depending on the case.

All the aforementioned ideas, supported by certain members of the Romanian judicial system,[12] had been disproved by two consecutive rulings of the Constitutional Court: Decision no. 506/6 May 2008 and Decision no. 640 of 10 June 2008,[13] respectively. The Constitutional Court had overruled the exception of unconstitutionality of provisions of article 26(1–3) of Law no. 489/2006 on the following grounds:

a) The state does not exercise public functions in the field of internal activities of religious organizations and, therefore, "the legal rules issued by the state concerning labor discipline are not applicable to the personnel of religious organizations."

b) The existence of "individual statutes" does not deny the employees (to whom such statutes are applicable) the right to benefit from free access to the state legal system (article 21 of the Constitution), as religion cannot represent grounds for discrimination (article 4(2) of the Fundamental Law).

Free access to justice is regulated constitutionally as a fundamental right of every citizen. In this vein, article 21(1–2) stipulates that "any person may appeal to justice for defense of his legitimate rights, freedoms and interests," while "no law shall restrict the exercise of this right." Similarly, pursuant to article 6 of Law no. 304/2004[14] concerning judicial organization, republished, "any person may appeal to justice for defense of his legitimate rights, freedoms and interests in exercising his right to a fair trial. Access to justice shall not be restricted." That being said, justice is only served by the High Court of Justice and the other courts specified by the law.

The impossibility to appeal in the legal system against judgments issued by religious jurisdictional bodies may represent, in fact, a suppression of the imperative of access to justice. It is worth pointing out that certain statutes regulate the possibility of appealing against the decisions made by one religious body before a hierarchically superior one. One such example is the Statute of the Romanian Orthodox Church, recognized by Government Decision no. 53/2008, which stipulates the possibility to appeal against judgments issued by the Archpreistal Disciplinary Consistory and by the Archdiocesan Consistory before the Metropolitan Synod or the Holy Synod, respectively and paves the way for a new trial carried out by the Metropolitan Consistory, provided that the plea for appeal had been accepted. The Statute of the Old-Rite Orthodox Church, recognized

by Government Decision no. 398/2008, stipulates the possibility of appeal against judgments issued by the Archpriestal Judicial Court before its superior court, which is the Metropolitan Judicial Commission, or, by way of escalation, appealing against a judgment issued by the MJC before its superior court, which is the Grand Council—article 60 section a, article 66 and article 158(9); The Statute, recognized by Government Decision no. 58/2008, stipulates the right of the Council of the Union to settle appeals against judgments issued by the community of churches or by the Council of the Hungarian Baptist Convention; the Statute, recognized by Government Decision no. 186/2008, stipulates the possibility of appealing against judgments issued by the court of first instance before the hierarchically superior disciplinary commissions or appealing against a definitive decision which instructs the dismissal of a priest from the ranks of the clergy, before the Disciplinary Commission of the Synod; the Statute, recognized by Government Decision no. 399/2008, stipulates the possibility of appealing before the Executive Committee of the Union against judgments issued by the committees of conferences and by bodies subordinated to the Union—we consider these bodies to be neither independent and impartial, nor in the position to guarantee free access to justice, as its members are people subordinated to the leadership of the church or denomination, respectively. As mentioned in the European regulations, if a court of law counts among its members a person who is in a subordination position relative to one of the parties, the independence and impartiality of that person may, understandably, be questioned.[15]

Concerning the activity of religious courts of law in general and those of the Romanian Orthodox Church in particular, it can be said that the interdiction to seek justice before civil courts is supported from a canonical point of view, but cases exist where said interdiction infringes upon the rights and liberties of the defendants. As a case in point, we would like to mention abuses committed by bishops, who are evidently in control of these courts, as every plea for appeal against a judgment issued by an inferior court needs to be lodged with an exponentially higher court, which tends to consist exclusively of bishops, going all the way to the Supreme Court, which is made up of all active bishops of the Romanian Orthodox Church. An event worthy of being mentioned is the Tanacu case, where the priest and nuns of a monastery in Moldavia had stood trial for performing an exorcism ritual on another nun from the same monastery, subsequent to which she passed away. The courts of the Church had been surprisingly quick in issuing a ruling, defrocking the priest and dismissing the nuns from the monastery on charges of manslaughter, while the civil courts prosecuted them a lot later, but for other infringements, when it was determined that the death of the nun in question had occurred as a consequence of inadequate medication and epilepsy.

Doctrinal Disputes, Disciplinary Cases

Through Decision no. 640/10 June 2008, The Constitutional Court overruled the exception of unconstitutionality of article 26(1–3) of Law no. 489/2006. The argumentation supporting this decision qualified as unfounded the claim of un-

constitutionality on grounds of infringement of article 21 of the Constitution regarding universal access to justice, as the civil courts of law do not have the jurisdiction to pass judgment on religious matters concerning aspects of internal discipline, because judicial responsibility in said matters is not regulated by legal rules of common law, but by legal norms established by each confession. On the other hand, the Constitutional Court also ruled that the provisions of paragraph 3 of the article in question guarantee access to justice for all members of the clergy in case of committing offenses and crimes—in other words, in case of committing antisocial deeds, punishable by general rules. This ruling established that civil courts of law do not have the jurisdiction to carry out justice within religious organizations in matters of internal discipline and that it is just and equitable for religious courts to be charged with the discipline of the clergy, as they are the most fit to decide if a breach of discipline is compatible or not with the spiritual role of the church.

The Court of Appeal of Iaşi[16] ruled that the enforcement of disciplinary sanctions by confessional courts, for matters of internal discipline, bears effects onto the individual labor contract of the priest. In these terms, defrocking can be perceived as the withdrawal, by the competent body, of the authorization necessary in order to exercise the profession of priest, which, in turn, entails the termination of the labor contract, as stipulated by article 56, section h of the Labor Law.

Pursuant to article 26 of Law no. 489/2006, civil courts of law do not have the jurisdiction to settle litigations concerning disciplinary offenses perpetrated by the personnel of religious organizations.[17]

Civil sentence no. 247/7 March 2008, issued by the Court of Constanţa,[18] admitted the exception of general non-jurisdiction of civil courts in settling a claim concerning the annulment of a decision of transfer to another parish (the plaintiff dropped the case after the initial appeal).

Regarding the issue of admitting an appeal grounded on the provisions of the Labor Law against a disciplinary decision issued by superior religious bodies, the court had established that the provisions of article 26 of Law no. 489/2006 concerning religious freedoms and the general regime of religions are not subject to common, civil courts of law. For matters of internal discipline, the statutory and canonical provisions are exclusively applicable, as the faiths have their own bodies of religious judgment. Given that, upon taking the ecclesiastical oath, parish priests are aware of the possibility of disciplinary sanctions being leveled against them, sanctions against which no avenue of appeal is provided by the canonical legislation, yet they agree to serve as parish priests and undertake to obey and uphold the rules of the church included in its statutes and regulations, the civil court of law is of the view that this does not represent a violation of the right to free access to justice.[19]

In the context created by occurring work conflicts and the case of The Good Shepherd v. Romania, it is necessary to mention that, according to Romanian law, the legal relationship between the parties is an atypical one, stemming from the provisions of the Statute of the Romanian Orthodox Church.

The Constitution envisages free access to justice as the right of any individual to seek justice in matters of defense of his rights, freedoms and interests, while at the same time

it guarantees that exercising this right may not be restricted by any law. This method of regulating the free access to justice is in line with the European stance on the issue, as, in the understanding of the Convention, the exercise of the right of free access to justice implies precisely ensuring the access of every individual to a court of law, namely guaranteeing a judicial due process that would make possible the effective exercise of this right. The logical interpretation predicated on the *per a contrario* argument leads to the conclusion that the legal provisions in matters of sanctioning disciplinary offenses listed in the Labor Law are not applicable (and that only those present in statutes of canonical codes are). However, that would mean being oblivious of the fact that the provisions of the Labor Law are indeed applicable, but only for matters of offenses and crimes. Pursuant to the explicit provisions of article 26 of Law no. 489/2006, the Court of Appeal of Constanţa had ruled that the civil court does not have the authority to settle litigation concerning disciplinary offenses committed by the personnel of religious organizations.[20]

Bearing in mind the legal provisions and the jurisprudence of the Constitutional Court, of the ECHR, as well as the fulfillment, by the disciplinary procedure, of all jurisdictional stages, the Court of Appeal of Braşov had ruled that, given its position as a court of common law, it lacked the competence to settle the plea for appeal, as it was inadmissible. Consequently, considering the provisions of article 137 of the New Code of Civil Procedure, the exception of general non-jurisdiction of the court shall be accepted and, therefore, that of inadmissibility of appeal.[21]

Religious Perspectives on State Approaches to Religious Disputes

As it was made clear above, it is the religious organizations which cite legal and statutory provisions when dealing with appeals against disciplinary decisions before courts of common law. In the last few years, several complaints have been lodged by disgruntled priests, dissatisfied with judgments issued by ecclesiastic courts and the position of the religious organization in question had been to postpone a final ruling (at the Holy Synod, in the case of the Orthodox Church) until the civil settlement of the action. This fact may be due to the haste of certain bishops to request investigation of priests from this dioceses by the religious courts of their respective churches, as well as due to imposing drastic measures onto priests, who are often left defenseless before an ecclesiastical tribunal controlled by a bishop.

The position of the religious establishment can only be a negative one for cases where judgments contrary to those issued by religious courts are made, by citing the already-mentioned jurisprudence, as well as the principle of autonomous organization of religious organizations within the State.

Regarding the situations mentioned above, the mass media only gets involved when there is a scandalous or sensational story to report, more often than not siding with the priest in question and hardly ever with the religious organization involved. In case of a

sensational story, it is reported both on TV and in the newspapers. Regarding The Good Shepherd v. Romania, the mass media positioned itself against the ruling of the First Chamber of state authority, as did many representatives of the academic legal sphere. It is worth pointing out the lack of elementary knowledge of canonical law displayed by law professors, who sided with the first court of the ECHR, without considering the special position of priests who do not perform their duties based on a work contract, but based on a mission they freely accepted and consented to.

Criticisms leveled against the Orthodox Church (but not limited to it) are mainly due to the profound secularization of Romanian society, especially visible in the segment of population with a higher-than-average cultural level, but also due to the decisions made by the leadership of the Church, which are considered wrong by the vast majority of the population—who are, in fact, the believers (for instance, the decision to build the Cathedral of the Salvation of the Nation in full economic crisis, the constant construction of new churches, the increasingly contested association with politics etc.).

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Notes

1. Published in *Monitorul Oficial al României* (Official Journal of Romania), part I, 11 (8 Jan. 2007).
2. Published in *Monitorul Oficial al României*, part I, 50 (22 Jan. 2008).
3. Pursuant to article 150 of the Statute recognized by Government Decision no. 53/2008, the Archpriestal Disciplinary Consistory functions as a disciplinary and trial court for religious singers and as a reconciliatory body for all conflicts arisen among Church personnel, as well as between laypeople and their priest. Where the parties are not satisfied with the judgment issued by the Archpriestal Disciplinary Consistory, the case is ultimately transferred to the Archdiocesan Consistory. Decisions made by the Archpriestal Disciplinary Consistory regarding Church singers become definitive subsequent to their approval by the Diocesan bishop and cannot be appealed at the Archdiocesan Consistory, except for those cases where said decision orders their dismissal.
4. Such bodies are attached to every diocese and archdiocese.
5. Attached to every metropolitan see.
6. The Metropolitan Council, as a body ruling over the admissibility of pleas of appeal, deliberates under the leadership of the metropolitan of the land. This body receives and examines appeals filed by clergy deposed of title by an archdiocesan consistory belonging to the metropolitan see. Appeals admitted, in principle, by the metropolitan council are forwarded to the metropolitan Consistory for trial and the sentence is approved by the metropolitan (article 154 of the Statute recognized by Government Decision no. 53/2008).
7. The Holy Council, as a body ruling on the admissibility of pleas of appeal, receives and examines appeals filed by clergy defrocked by an archdiocesan consistory. Appeals admitted, in principle, by the Holy Council are forwarded to the metropolitan Consistory for

trial and its judgment is approved by the Patriarch (article 155 of Government Decision no. 53/2008).

8. Church sanctions must serve the same purpose as the Church itself, namely salvation. Among the punishments inflicted onto clergy, the last and most serious is defrocking, which entails the loss of the right to teach, sanctify and minister to the flock. According to the *Explanatory Dictionary of the Romanian Language*, *defrocking* represents the action of dismissal of a priest. This punishment is similar to the sanction of disciplinary termination present in the Labor Code.
9. As an exception, the Statute of the Romanian Reformed Church explicitly stipulates, in article 11(3), the right of a person with a vested interest to appeal before a court of common law against a definitive sentence issued by a church body.
10. Pursuant to article 2(1) section b of Law no. 554/2004, a legal person which, according to the law, was granted "public utility status" can also serve as a public authority. In this sense, article 8(1) of Law no. 489/2007 stipulates clearly: *All recognized religious organizations are legal persons of public utility.*
11. Pursuant to article 2(1) section e of Law no. 554/2005, special administrative jurisdiction is the activity performed by an administrative authority which has, according to the special organic law, jurisdiction over settling a conflict concerning an administrative document, following a procedure founded on the principles of contradictoriness, ensuring the right so self-defense and the independence of the administrative-jurisdictional activities.
12. See Gabriela Cristina Frenţiu, "Competenţa soluţionării acţiunilor promovate împotriva sancţiunilor disciplinare aplicate personalului cultelor religioase," *Dreptul* (Bucharest) 10 (2008): 56–77, where she presents all these aspects in an incomplete manner, without a minimal analysis and documentation concerning the jurisdictional competence of religious courts which function on the basis of the principle of religious autonomy stipulated in national and international legislation in the field. The article written by Mihail C. Barbu and Dana Barbu, "Posibilitatea clericilor ortodocşi de a-şi exercita drepturile în calitate de subiecţi de drept procesual în virtutea unor acte normative noi," *Noua Revista de Drepturile Omului* (Bucharest) 4, 2 (2008): 28–47, falls in the same category.
13. Published in *Monitorul Oficial al României*, part I, 506 (4 July 2008).
14. Republished in *Monitorul Oficial al României*, part I, 827 (13 Sept. 2005).
15. See Corneliu Bîrsan, *Convenţia europeană a drepturilor omului: Comentariu pe articole*, vol. 1, *Drepturi şi libertăţi* (Bucharest: C.H. Beck, 2005), 490.
16. The Court of Appeal of Iaşi, Decision no. 853/19 Oct. 2010.
17. The Court of Appeal of Constanţa, Civil Section, Civil decision no. 653/Labour Conflicts and Social Insurance of 20 August 2008.
18. The Court of Appeal of Constanţa, Civil Section, Closing no. 562/Labor Conflicts of 1 July 2008.
19. The Court of Appeal of Bucharest, VIIth Civil Section, Civil decision no. 4128/R/2009.
20. Court of Appeal Constanţa, Civil Section, Decision no. 653/CM/2009
21. Court of Appeal Braşov, Civil Section, Civil decision no. 810/R/2009.

Abstract

Religious Jurisdictions and Pluralization of Legal Adjudication in Modern Romania

The ecclesiastical courts of Wallachia and Moldavia had a rich activity especially in the field of family law, heritage and even criminal law. They have a long history since the 14th century and they are still active in modern Romania. They function on the basis of the autonomy principle and they were contested in their *rationae personae* and *rationae materiae* activity. We present here some cases and court decisions which actually recognize the existence and the competence of these courts, which are a sign of legal pluralism.

Keywords

ecclesiastical justice, Middle Ages, labor law, legal culture, legal pluralism