

# **IN SEARCH OF 'TWIN TOLERATIONS': MODELS OF CHURCH-STATE RELATIONS IN ROMANIA**

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The collapse of the communist regime allowed Romania not only to launch a double political and economic transformation, but also to redefine the relationship between religion and politics. The redefinition was called for by both political leaders and church representatives, each feeling that new church-state relations were needed after the authoritarian communist state gave way to a democratic state, and new, mostly Western-based, religious denominations had entered the country to compete with old, more established religious groups. Thus the interplay between religion and politics had to change because both terms of the 'religion and politics' equation had transmogrified substantially, and old management mechanisms, communication channels, state commitments and church objectives could no longer adequately reflect post-communist realities.

While all sides realized the need to place church-state relations on new foundations, agreement has not yet been reached as to what kind of model the country must embrace. As different actors pursued various goals, the shape and content of the proposed church-state models differed substantially, depending on the initiators, which all sought to gain the maximum scope for unfettered activity. Note also that Romanian actors have made constant references to the experience of Western European countries, but were reluctant to prefer one single model over all others. For example, rather than adopting the German model in its entirety, the Romanian Orthodox Church leaders have selectively endorsed some of its elements, while silently discarding others. Their proposed model has blended German and British elements, although several factors recommend Greece as a more appropriate model. A Balkan country which for years has fulfilled all requirements for democracy, and the European Union's only predominantly Orthodox country, Greece has also faced the divide between two main religious groups (the Orthodox majority and Islamic minority), and could offer Romania inspiration for addressing the outstanding tensions between its Orthodox majority and Greek Catholic and other religious minorities. Interestingly enough, Romanians have stubbornly ignored Greece and preferred to set their eyes on more remote, but prosperous and consolidated, democracies.

This chapter surveys the managed quasi-pluralist model of church-state relations proposed by the Romanian political class, and the established

church model advocated by the Orthodox Church leaders. Rather than following the twists and turns of the local debate which exposed the merits and demerits of each model, this article explains and then compares these models with Alfred Stepan's 'twin toleration' model, which outlines the minimal requirements for religion and politics in democracy, the political system Romania aspires to consolidate.<sup>1</sup> Our discussion surveys church-state relations before and during communist rule, emphasizing the principles and institutions which have been retained over time, and concludes with some recommendations as to what kind of policies both Romanian players (state and Church) could adopt to make sure that church-state relations in the country are conducive to democracy.

Theoretically, our discussion owes much to Monsma and Soper's comparative study *The Challenge of Pluralism: Church and State in Five Democracies*, which convincingly spoke of patterns of church-state relations at the level of entire countries, instead of examining a particular government's attitude toward each religious denomination active in the country.<sup>2</sup> They did so by looking at church-state relations primarily from the point of view of the state, with the implicit assumption that, while a government might assume different positions toward individual religious groups, all these positions must converge in a coherent model of church-state relations. In the *strict church-state separation* model used in the United States "religion and politics are seen as clearly distinct areas of human endeavor that should be kept separate from each other."<sup>3</sup> Religion is a private matter on which the state should remain neutral. No religion is funded from public money. The *established church* model used in the United Kingdom, Norway, Sweden and Germany is the opposite of the first model.<sup>4</sup> Under it, "the state and the church form a partnership in advancing the cause of religion and the state." The state grants recognition and financial support to the church, which in turn grants the state "legitimacy and tradition, recognition and a

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<sup>1</sup> See **Alfred Stepan**. Religion, Democracy and the 'Twin Tolerations'. – *Journal of Democracy*, 4/2000, pp. 37–57, and **Alfred Stepan**. *Arguing Comparative Politics*. Oxford: Oxford University Press, 2001.

<sup>2</sup> **Stephen V. Monsma** and **Christopher Soper**. *The Challenge of Pluralism. Church and State in Five Democracies*. Lanham: Rowman and Littlefield, 1997, pp. 10–12. For an example of an examination of the Romanian state's bilateral relations with each religious group, see **Sabrina P. Ramet**. *Church and State in Romania before and after 1989*. – *Romania since 1989: Politics, Economics and Society*. Henry F. Carey (ed.) Lanham: Lexington Books, 2003, pp. 275–296.

<sup>3</sup> **Monsma and Soper** 1997, p. 10.

<sup>4</sup> According to some researchers, Germany would also fit the bill for that particular model because its Roman Catholic and Lutheran churches enjoy an informal established status, and the government collects public taxes on their behalf.

sense of national unity and purpose.”<sup>5</sup> The Netherlands, Germany and Australia use the *pluralist* or *structural pluralist* model, which sees society as made up of competing or perhaps complementary spheres like education, business, the arts, the family, religion. Each sphere enjoys autonomy in its attempt to fulfill its distinct activities or responsibilities, and the government recognizes each of them as distinct, funds and supports them.<sup>6</sup>

Not surprisingly, Monsma and Soper’s taxonomy of relations between religious groups and democratic states does not perfectly fit the case of Romania, a Balkan former communist country whose historical experience with democracy remained limited, and as such we had to construct new categories based on the experience of that particular country. As the following sections explain, neither during the communist nor during the post-communist period did Romania belong to the established, strict separationist or pluralist models of church-state relations proposed by Monsper and Soper, and therefore new categories had to be constructed.

## I. Church-State Relations before 1989

The single most important redefinition of church-state relations was launched during 1859–1866 by Alexandru Ioan Cuza, the pro-Western Masonic ruler of the principalities of Wallachia and Moldova, as part of a comprehensive reform program touching on all aspects of life. At the time the dominant religious denomination was the Orthodox Church, while smaller Roman Catholic, Jewish and Muslim groups were present in central Moldova, the large towns and Dobrogea, respectively. Cuza’s choice of a religion and politics pattern that allowed the state to strictly control religious affairs was determined by his desire to champion the independence from the Constantinople Patriarchate of the local Orthodox Church in order to subordinate the latter to his political projects. The political leader thus hoped to take advantage of the Church’s traditional policy of accommodation with the rulers of the day and silent submission to them, co-opt the Church into the larger project of nation and state-building, and end the massive loss of revenue to Mount Athos and Constantinople. Wallachian and Moldovan rulers had previously bequeathed vast lands to the Church to the point that, by the time Cuza assumed the reign, one-fourth of Wallachian and Moldo-

<sup>5</sup> **Monsma and Soper** 1997, pp. 10–11.

<sup>6</sup> The third model is inspired by **Carl H. Esbeck**. A Typology of Church-State Relations in Current American Thought. – Religion, Public Life, and the American Polity. Luis Lugo (ed.) Knoxville: University of Tennessee Press, 1994, pp. 15–18, and **John G. Francis**. The Evolving Regulatory Structure of European Church-State Relationships. – Journal of Church and State, 34/1992, p. 782.

van agricultural land, orchards and vineyards were listed as property of the Orthodox monasteries. Monasteries 'dedicated' to Mount Athos routinely directed their wealth and revenues abroad, a process which seriously crippled the financial strength of the principalities and their ability to fund much-needed infrastructure, social, educational and cultural programs.<sup>7</sup>

Following a clearer delimitation of the roles and responsibilities of both church and state, and the creation of a national organizational structure, the Church eventually emerged in 1925 as an autonomous, self-governing patriarchate in the Orthodox world. A year before Cuza was ousted from power the local Orthodox Church declared its independence, which it finally received twenty years later in 1885, seven years after the principalities, by then organized as the Romanian Kingdom, won their political independence from the Ottoman Empire. Cuza nationalized the land controlled by foreign monasteries and stopped the transfer of funds abroad, improved the educational standards of the clergy, made Romanian the liturgical language, and pledged state financial support for church activities and clergy salaries. At the same time the Orthodox Church was brought under regular government control, thus succumbing to the politics of the day and losing its autonomous decision-making power in areas ranging from control over monastic revenues to the nomination and removal of its head.<sup>8</sup> Little recognition was given to religious minorities, which continued to be merely tolerated (the Roman Catholics and the Muslims), when not openly persecuted (the Jewish and the neo-Protestants).

German King Carol I of Hohenzollern-Sigmaringen, who was invited to assume the leadership of the newly independent country by the anti-Cuza group of Liberals and Conservatives, converted to Orthodoxy and thus allowed that Church to continue to serve as an important legitimizing factor for the country's political leadership. When national consciousness emerged in Eastern Europe, this traditional role was complemented by that of

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<sup>7</sup> **Mihai Barbulescu, Dennis Deletant, Keith Hitchins, Serban Papacostea and Pompiliu Teodor.** *Istoria Romaniei*. Bucharest: Corint, 2004, pp. 310–311. Also **Paul E. Michelson.** *Romanian Politics 1859–1871. From Prince Cuza to Prince Carol*. Iasi: Center for Romanian Studies, 1998.

<sup>8</sup> **George Ursul.** *From Political Freedom to Religious Independence: The Romanian Orthodox Church, 1877–1925.* – *Romania between East and West: Historical Essays in Memory of Constantin C. Giurescu.* Stephen Fischer-Galati, Radu Florescu and George Ursul (eds.) Boulder: East European Monographs, 1982, pp. 217–244. During the 16<sup>th</sup> and 17<sup>th</sup> centuries half of the Moldovan and Wallachian metropolitans were removed from office by the country's political rulers or the Constantinople patriarch, a pattern continued after the principalities came under Russian influence in 1812. See **Mircea Pacurariu.** *Istoria Bisericii Ortodoxe Romane*. Bucuresti: Editura Institutului Biblic si de Misiune Ortodoxa, 1981, Vol. 3, pp. 516–526.

promoter of 'Romanianism', a shared identity supposedly superseding Wallachian, Moldovan and Transylvanian regional allegiances. The church portrayed itself as the unifying force which helped the people to confront their troubled history and the modern nation-state to bring within its borders the predominantly Romanian lands. Orthodoxy was presented as central to Romanian ethnic identity, to the point that leading intellectuals argued that "we are Orthodox because we are Romanians, and we are Romanians because we are Orthodox."<sup>9</sup> In short, religious conformity became a badge of political loyalty and belonging.

By borrowing, and eventually monopolizing, the Transylvanian Greek Catholics' nationalist discourse centered on the Latin character of the Romanian language and descent, the Orthodox Church acquired growing moral and political legitimacy in the eyes of the people, and more recognition from the state. After the creation of the modern state following Transylvania's incorporation into the Romanian Kingdom, church-state relations were redefined, but the 1923 constitution, which Romanians still hail as one of the most liberal in Europe at the time, did not provide for a democratic system permitting all religious groups to worship freely and the state to treat them equally. Article 22 of the constitution read that "the Orthodox and the Greek Catholic Churches are Romanian churches. The Romanian Orthodox Church, being the religion of a majority of Romanians, is the dominant church in the Romanian state; and the Greek Catholic Church has priority over other denominations." While this privileged position fell short of full autonomy from the secular power, it granted the dominant national church important privileges, including government subsidies for priest salaries and pensions. As we shall see, after 1989 the Orthodox Church insistently called for a return to inter-war arrangements.

Romania's option for the established church model was never seriously questioned, though it was neither the only choice, nor particularly fitting reality. Whereas the Romanian Kingdom was relatively homogeneous religiously and ethnically, the Greater Romania included several provinces once part of different empires (the Ottoman, Russian and Austro-Hungarian), and a mixed religious and ethnic population (Greek Catholic and Orthodox Romanians, Roman Catholic and Protestant Magyars and Germans, Muslim Turks and Jews). Instead of embracing a pluralist model recognizing the country's religious diversity, the new constitution underscored the national character of the new state by elevating the two Churches of the Romanian majority above all other religious denominations. Through the registration process, the government limited the activity of the religious and ethnic groups through which the Ottoman and Austro-Hungarian Empires had

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<sup>9</sup> **Nae Ionescu**. *Indreptar ortodox*. Wiesbaden: no press, 1957, p. 91.

previously asserted control over the Romanian provinces (the Roman Catholic Magyars in Transylvania and the Muslim Turks in Wallachia and Moldova). Through financial support schemes privileging the Orthodox Church, the government tried to strengthen the country's Romanian, and by extension Orthodox, character. The state's partnership with the Orthodox Church was apparently inspired by both the politicians' desire to co-opt the dominant Church as an electoral ally and the latter's autocephalous statute, which deprived it of the support of a leadership residing abroad able to challenge the hegemony of the Romanian state.

State control over religious affairs was effected through the Ministry of Religious Denominations, a new governmental structure Cuza created in 1859 to grant official recognition to religious groups, disburse public funds, oversee relationships between the government (the ministries and their subordinated departments) and the denominations as well as among religious groups, and enact governmental policy pertaining to religious affairs in general. In one form or another, this structure was retained by all subsequent Romanian governments, irrespective of their ideological or policy orientation. From 1867 to 1921, it was organized as the Ministry of Religious Affairs and Public Education, which oversaw the important network of confessional schools through which the Romanian Kingdom offered public education. From 1921 to 1930, Greater Romania set the Ministry of Religious Affairs and Culture apart from the Ministry of Public Education, but in 1930 it again brought together religious affairs and education under one roof, and a decade later reorganized religious affairs, education and culture into a single ministry. Political instability and political corruption meant that from 1881 to 1944, Romania had as many as 59 different ministers overseeing religious affairs, sometimes for less than two weeks. Over the same period, only three individuals fulfilled a four-year mandate, and probably as many went down in history as able administrators. The overwhelming majority of the individuals appointed as ministers were Orthodox believers.<sup>10</sup>

After World War II Romania became part of the communist block. Like its East European counterparts, the Romanian Communist Party saw religion as a capitalist remnant expected to wither away as its social basis disappeared, but its religious policy was determined by practical more than ideological considerations. The Law on Religious Denominations of 4 August 1948 gave the Ministry of Religious Affairs full control over religious life. In 1957 the ministry was downgraded to the level of a department, to signal the communist state's belief that the "religious problem" was solved.

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<sup>10</sup> A list of all governmental officials responsible for religious affairs is available in **Secretariatul de Stat pentru Culte**. *Viata Religioasa din Romania*. Bucharest: Paideia, 1999, pp. 86–98.

At first the communists appointed Orthodox priest Constantin Burducea as minister, but after November 1946 only apparatchiks with unwavering commitment to the official ideology and policy line were given the post. Article 1 formally upheld freedom of religion and conscience, but ambiguous stipulations obliged practiced religion to conform to the constitution, national security, public order and accepted morality (Articles 6 and 7). The state continued to support financially the salaries of the priests and ministers representing officially recognized denominations, but “priests who voiced anticommunist attitudes could temporarily or permanently be deprived of their state-sponsored salaries” (Article 32), a stipulation invoked to curtail the activities of Baptist ministers, and to punish outspoken Orthodox priests in the 1980s. Groups had to be officially recognized, but the government could revoke the recognition for unspecified reasons at any time (Article 13). The state controlled the appointment of bishops and members of the Orthodox Church’s collective leadership, the Holy Synod, which was compelled to welcome a number of party members in its midst. The state further nationalized church property, severely restricted the training of priests, closed down confessional schools, ceased religious instruction in public schools, and banned public religious celebrations of Easter and Christmas.<sup>11</sup>

The communist religious strategy was multi-pronged, aimed to divide and conquer. Several waves of repression were launched to weed out church members who supported ‘retrograde’ anticommunist positions challenging official views and practices. A dedicated secret political police department was set up to thoroughly penetrate the rank and file of religious denominations and marginalize unreliable clergymen. Churches whose leadership resided abroad were the first to be targeted for persecution. After the Concordat with the Roman Catholic Church was revoked, the communist state was never again able to reach a compromise with that Church, which continued its activity in the country under serious restrictions. In 1948 the Greek Catholic Church was dismantled, its property being transferred to the Orthodox Church and its leaders being imprisoned if refusing to convert to Orthodoxy. Some 14 denominations historically present in the country were granted recognition, but no other group was registered until 1989. The state made efforts to let the faithful know that religiosity was not akin to the communist spirit. The autonomy of religious groups was reduced to nothing. In a symbolic gesture, in 1950 the authorities ordered the Baptists, Seventh-day Adventists, and Pentecostals to unite into the Federation of Protestant

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<sup>11</sup> *Barbulescu et al.* 2004, pp. 411–412.

Cults.<sup>12</sup> Threatened with obliteration, the groups in question could do nothing but obey.

Communist authorities persecuted but did not dismantle the Orthodox Church, recognizing instead that a Church respected by the bulk of the population could be useful for furthering the party's socioeconomic and political goals.<sup>13</sup> Until 1965 the state made considerable efforts to weaken the Church's role in society and to bring its hierarchy under control by legally depriving the Church of its national church status and the right to pursue educational and charitable activities. Once the last remnants of resistance were crushed, the state forged a special partnership with the Orthodox Church which allowed that Church to be enlisted as an unconditional supporter of communist policies in return for the government's toleration of a certain level of ecclesiastical activity (including the training of priests in the university-level institutes of Sibiu and Bucharest, and the publishing of selected theological titles).

The Communist Party controlled the Orthodox Church by appointing obedient patriarchs. The three 'red' patriarchs – Justinian Marina (1948–1977), Iustin Moisescu (1977–1986) and Teoctist Arapasu (starting in 1986) – only rarely had the courage to place the interests of their Church ahead of the interests of the party-state, and never openly defied the authorities or informed foreign governments of the plight of their Church. Instead of publicly denouncing religious persecution, they turned a blind eye to it and constantly denied any form of religious persecution, thus condoning the communist regime's actions against their Church.<sup>14</sup> Throughout his reign Patriarch Justinian, a former parish priest with socialist views, remained a staunch supporter of the communist regime but his cooperation did not spare the church several waves of persecution, including depositions and arrests of clergy, closure of monasteries and monastic seminaries, and strict control of its relations with foreign churches.<sup>15</sup> Shortly after his appointment, Patriarch Iustin rendered homage to President Nicolae Ceausescu for "securing

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<sup>12</sup> Art. Romania – Encyclopædia Britannica Online. 2006, available at <http://0-search.eb.com.mercury.concordia.ca:80/eb/article-42844> (retrieved on 27 January 2006).

<sup>13</sup> **Alexander Webster**. *The Price of Prophecy: Orthodox Churches on Peace, Freedom and Security*. 2<sup>nd</sup> edition. Washington, DC: Ethics and Public Policy Center, 1995, and **Ronald Robertson**. *The Church in Romania*. – *New Catholic Encyclopedia*. Vol. 19, supplement 1989–1995. Washington, DC: McGraw-Hill, 1996, pp. 331–337.

<sup>14</sup> **Robert Tobias**. *Communist-Christian Encounter in East Europe*. Indianapolis: School of Religious Press, 1956, p. 349.

<sup>15</sup> **Trevor Beeson**. *Discretion and Valour: Religious Conditions in Russia and Eastern Europe*. 2<sup>nd</sup> edition. Philadelphia: Collins, 1982, p. 368.



complete freedom for all religious cults in our country to carry out their activity among the faithful” and for his 45-year long activity “devoted to the progress of the Romanian people and fatherland.”<sup>16</sup> His successor, Teoctist Arapasu, a political activist long before assuming the position of patriarch, served as a Grand National Assembly deputy, a delegate to the Socialist Unity and Democracy Front congresses, and a key member of the Ceausescu-sponsored National Peace Committee.

During 1965–1977, there was a relative thaw in church-state relations. The state no longer saw a need to close monasteries, agreed to rehabilitate some formerly imprisoned clergy, and supported financially the restoration of churches of historical importance. In a series of shrewd calculations, Ceausescu used the church to gain independence from Moscow in order to ingratiate himself with the West, whose financial support he badly needed for his megalomaniac industrialization projects. At the same time he sought to strengthen his position domestically by appealing to nationalism, which the Church considered its turf. In 1968 Ceausescu acknowledged the role of the Orthodox Church in the development of modern Romania, and in April 1972 he allowed his father’s funeral to be conducted according to Orthodox ritual and be broadcast live on national radio. Ceausescu also tacitly tolerated the use of the baptism, marriage and burial services by communist officials who privately considered themselves Orthodox Christians. In May 1974 Marina in turn brought the Orthodox Church into the Socialist Unity and Democracy Front, a national advisory organization totally controlled by the Communist Party. His death in 1977 coincided with the revival of an East European civil society and the onset of a new anti-church campaign in Romania.<sup>17</sup>

By 1979 religious persecution in Romania was on the rise again, and the Ceausescu regime continued its anti-religious policies unabated until December 1989. In contrast to the pre-1965 crackdown on religious activity, this time several voices stood up against Ceausescu’s blatant infringements on religious freedom. The best known dissenter was Orthodox priest Gheorghe Calciu-Dumitreasa, sentenced in 1979 to prison and later banished into exile for preaching sermons labeling atheism as a philosophy of despair. Moisescu allowed the Synod to defrock Dumitreasa and other priests later arrested for anti-communist opposition. Between 1977 and 1989, 22 churches and monasteries were demolished and 14 others were closed down or moved to disadvantageous sites. Arapasu also struggled with Ceausescu’s desire to demolish the Bucharest patriarchal complex and transfer the see to

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<sup>16</sup> Webster 1995, p. 111.

<sup>17</sup> Lavinia Stan and Lucian Turcescu. *The Devil’s Confessors: Priests, Communists, Spies and Informers*. – *East European Politics and Societies*, 19/2005, pp. 655–685.

the northeastern town of Iasi.<sup>18</sup> This did not prevent him from sending the dictator a telegram of support days after the first popular anti-communist uprising started in Timisoara in December 1989.

The Church's collaboration with the communist authorities included attempts by some of its prominent members to reconcile Orthodox theology with the country's dominant ideology. In his *Apostolat Social*, a collection of essays and sermons spanning his mandate, Patriarch Justinian promoted the concept of "social apostolate," which blended together Marxist-Leninist social analysis and Christian Orthodox theology. The doctrine, whose intrinsic contradictions were never fully resolved, had a major influence on contemporary Romanian theologians who determined the curricula of the theological seminaries and university-level institutes training the priests. Orthodox theologians further justified collaboration by resorting to the Byzantine concept of *symphonia*, cooperation between church and state in the fulfillment of their goals, each supporting the other and neither being subordinated to the other. To accommodate a hostile atheistic state, the Romanian version of *symphonia* entailed some theoretical ingenuity and considerable compromises on the part of the Church. The concept bound the state and the church so closely together that the latter thought of itself as a state church, while by comparison other Christian and non-Christian religious denominations enjoyed considerably fewer rights. Compared with other denominations the Orthodox Church had a privileged position, but remained only a privileged servant of the state. Collaboration helped the Church to avoid obliteration, but failed to prevent its persecution, and more importantly entailed a church-state partnership which was no contract between equals but a state-dominated marriage in which church leaders could seldom, if ever, negotiate where the boundaries of religious activities and freedom were to be drawn. Not surprisingly, the Church became morally compromised in the eyes of many Romanian Orthodox faithful and intellectuals, international church and ecumenical circles, and Western governments by its refusal to serve as a center of anticommunist opposition.

## 2. Models of Church-State Interaction in Post-Communism

Since 1989, two models of church-state interaction have been advocated as solutions compatible to democracy by the politicians, who set the policy agenda, and the dominant Orthodox Church, which claims the allegiance of

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<sup>18</sup> **Lavinia Stan** and **Lucian Turcescu**. *Politics, Salvation and the Romanian National Cathedral*. – Europe-Asia Studies, in press.

some 86 percent of the population. For now, only the model proposed by the political class has managed to bridge the gap between theory and practice, inspiring the legislative agenda and the overall mission of the State Secretariat for Religious Denominations, the revamped governmental agency overseeing religious activity in the country. In 1999 it looked like a sympathetic Christian Democrat government would allow the vision of the Orthodox Church to prevail and inspire a new Law on Religious Denominations, but opposition from minority religious groups, civil society and foreign governments killed the proposal before parliament could debate it.

To date, no model was presented as a unified document officially endorsed by its authors, and as such some readers might take issue with our effort to piece together two coherent bodies of principles and prescriptions. Post-communist Romania has been governed alternatively by center-left and center-right governments with different policy preferences toward political and economic reform. The Petre Roman (1990–1991), Theodor Stolojan (1991–1992) and Nicolae Vacaroiu (1992–1996) center-left governments leaned toward incremental change, whereas the Victor Ciorbea (1996–1998), Radu Vasile (1998–1999) and Mugur Isarescu (1999–2000) center-right cabinets opted for more sustained reforms. Similarly, from 2000 to 2004 the Social Democrat cabinet of Adrian Nastase emphasized social protection, while since 2004 the center-right team of Calin Popescu-Tariceanu has endeavored to fulfill the European Union accession requirements for reforms in the administration and the judiciary. But these cabinets' religious policy has not sufficiently varied to suggest commitment to different church-state models. As different Orthodox Church leaders expressed preference for different church-state models, we identified below only those proposals which have been most popular with Church leaders. Let us turn to each of these models.

## **2.1. The Managed Quasi-Pluralist Model**

When it comes to religion and politics, the Romanian post-communist political class has tried to find the middle ground between winning and maintaining the electoral support of its mostly Orthodox constituencies, enjoying autonomy from all religious groups in the policy making process, and complying with the requirements of religious toleration and even-handedness imposed by European Union accession. The process of negotiating between such competing goals has turned proposals coming from political quarters into variants of the managed quasi-pluralist model by which the centralized state retained control over religious affairs through registration and fund allocation, while at the same time relaxing communist-

era restrictions on religious activity, and endorsing a privileged partnership with the dominant Orthodox Church. Individual parties and politicians have forged close ties to certain religious groups, but the state has refused to formally elevate any church above all others. From the viewpoint of the authorities, religious groups formally belong to the civil society.<sup>19</sup>

The product of a largely secular society and self-declared atheistic politicians, the 1991 constitution sounded a clear pluralistic tone in its provisions relevant to religious life.<sup>20</sup> References to religion and religious life were made in Article 29, which guaranteed the freedom of thought, opinion and religious beliefs when manifested in a spirit of tolerance and mutual respect, allowed religions to be "free and organized in accordance with their own statutes," and prohibited "any forms, means, acts or actions of religious enmity." The article further upheld religious denominations' autonomy from the state and pledged state support for religious assistance in the army, in hospitals, prisons, orphanages and elderly care homes. To steer the churches away from pernicious political influences, the legislators stipulated that statutory rules of religious denominations were organic laws passed by the majority vote of each of the two chambers of parliament (Article 72). Religious groups could set up confessional schools, and religious instruction in the public school system was guaranteed (Article 32). A number of other pieces of legislation expanded religious freedom. According to the Law on Preparing the Population for Defense 46 of 5 June 1996, priests and theology graduates were exempted from military training. Decree-Law 9 of 31 December 1989 recognized the Greek Catholic Church, and Decree-Law 126 of 24 April 1990 returned to that church its assets which had been in the care of the communist state. In December 1991, the government annulled Decision 810 of 1949, which had banned Roman Catholic orders and congregations. In 1996, Easter and Christmas as celebrated by the Orthodox Church were listed among national days of celebration, but at the same time faithful of religious minorities were allowed to take alternative days off work.<sup>21</sup>

Despite the pluralistic tone sounded for the benefit of the international community, the mandate of the State Secretariat remained unchanged, an

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<sup>19</sup> For a similar example on Russia, see **Perry L. Glanzer** and **Konstantin Petrenko**, Religion and Education in Post-Communist Russia: Making Sense of Russia's New Church-State Paradigm, paper presented at the Church-State Relations in Post-Communist Eastern Europe symposium, Iasi, Romania, 5–8 October 2005.

<sup>20</sup> The 1991 constitution was amended in 2003 through referendum by the Social Democrat government of Adrian Nastase, but stipulations regarding religious life remained unchanged.

<sup>21</sup> **Governmental Decision** 831 of 13 December 1991, and the **Law on Legal Off-Work Celebration Days** 75 of 12 July 1996.

oversight which signaled the post-communist state's desire to retain its grip over religious activity. Through the Secretariat, the government continued to require religious denominations to win official recognition according to criteria which were never fully spelled out, and could be changed unilaterally at will. The 14 groups registered by the communist regime retained their status and the reconstituted Greek Catholic Church was recognized in late December 1989. But after 1989 only the Jehovah's Witnesses won recognition as a religious denomination, after intense pressure from the local civil society and the international community more than as a result of the government's commitment to fairness and evenhandedness. Romanian authorities also registered 385 faiths, organizations and foundations as religious associations. But these groups do not enjoy a series of financial advantages, the right to build churches and houses of worship or perform rites of baptism, marriage or burial, and the guarantee of state (largely police) non-interference in the religious activity, or protection against public stereotypes and negative media campaigns.<sup>22</sup> This is important since not all non-recognized groups can worship freely and openly in Romania. For example, in 2004 the government vigorously pursued the Movement for Spiritual Integration into the Absolute, a New Age, Hindu-inspired, Tantra-practising yoga group led by Gregorian Bivolaru, on charges of human trafficking, sexual exploitation of minors and tax evasion. A year later Sweden granted Bivolaru political asylum, admitting that the spiritual leader was persecuted in Romania.<sup>23</sup>

More importantly, the Romanian state continued to treat the Orthodox Church preferentially. Instead of reversing by law the communist-era transfer of Greek Catholic Church property to the Orthodox Church, the authorities accepted the Orthodox Church's view that the matter was a purely religious dispute which had to be settled not by parliament but by the two denominations. This position allowed the Orthodox Church to control the process by opposing and delaying the restitution, even when ordered by the courts. More importantly, the Orthodox Church has de facto dominated the State Secretariat. After 1989, all but one secretaries were Faculty of Orthodox Theology graduates, and there is no evidence that any post-communist government contemplated the possibility of appointing a non-Orthodox to the post. Through the secretaries the Orthodox Church was allowed to influence the distributions of governmental subsidies to religious groups. The Secretariat has insisted that fund allocation among recognized groups has been proportional to group membership, but time and again the

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<sup>22</sup> SEIA Newsletter, 40/1999, p. 7.

<sup>23</sup> The case was discussed by Gabriel Andreescu in a series of articles published in the Ziua daily (available at [www.ziua.ro](http://www.ziua.ro)) and Revista Romana de Drepturile Omului.

Orthodox Church received financial support above its rightful share from special governmental funds. The Social Democrat Vacaroiu government granted Orthodox priests bonuses, and in 1994 decided to cover differentially the wages of the heads of recognized religious groups.<sup>24</sup> The Orthodox patriarch was offered 4.5 times, whereas other leaders only 3.9 times, the average salary.<sup>25</sup>

Through the secretaries, the Orthodox Church was also able to delay the adoption of a draft Law on Religious Denominations not recognizing it as a national church. As Parliament has yet to pass a new Law on Religious Denominations, the Decree 177 of 1948 on the general regime of religious groups and the August 1948 Law on Religious Affairs remain effective but hardly appropriate for the new times, since they both define the relationship with a repressive state. Eager to improve its relationship with the Orthodox Church, the post-communist state did not avail itself of some of its legislative prerogatives such as the rights to appoint the patriarch and to control the Church's property, pastoral letters and public statements, and its relationship with churches abroad. But while allowing the Church's emancipation from state appointments and reviews, the state representatives continued to confirm nominations to senior positions in the hierarchy, and to attend the Synod sessions and the National Church Congress meetings.

## 2.2. The Established Church Model

Although it has de facto dominated the country's religious landscape and enjoyed the support of formations on all sides of the political spectrum, the Orthodox Church has downplayed its privileged position and instead has asked for additional privileges to be codified into law, as protection against the whims of future governmental teams less disposed in its favor. Church leaders have shown preference for an established church model combining British, German and Romanian historical elements, and allowing it to receive government favoritism and to serve as part of both the state establishment and the civil society.

With an eye to the Church of England and its established church status, the Romanian Orthodox Church has claimed the position of national church on the basis of its sheer numbers, its historical contribution to state and nation-building, the inter-war precedent, and the model's compatibility with democracy suggested by the British example.<sup>26</sup> It has been claimed that, if

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<sup>24</sup> **Radio Romania**. 10 October 1996.

<sup>25</sup> **Governmental Ordinance** 225 of 19 August 1994.

<sup>26</sup> This was revealed by the then Secretary of State for Religious Denominations, Dr. Laurentiu Tanase, in an interview with Lucian Turcescu (9 June 2004).

communism had never taken hold of the country, Romania would have retained the established church model while attempting to consolidate its democracy, a contention difficult to challenge. For many Orthodox clergy, changing the constitution to recognize the Church as the national church would set the clock back to the inter-war period and redress communist-era injustices by granting the Church its historical right and reflecting *de jure* a position which the Church has occupied *de facto* in the post-communist period. Numerically, the Church has been the dominant religious denomination, and its political clout has been unmatched by other religious or non-religious groups. As such, the legal changes would merely recognize the state of affairs, rather than grant the Orthodox Church unwarranted additional privileges. Church leaders were disappointed that the 1923 constitution was not used as a blueprint for the 1991 basic law. Aware that its calls fell on deaf ears, and encouraged by its increased hold over the population and politicians alike, in 1994 the National Church Congress declared the Orthodox Church “national, autocephalous and united in its organization,” thus a national church.<sup>27</sup> The move was strongly criticized by other religious groups fearful that the self-granted new status placed them on lesser footing. In September 1999 the Orthodox Church moved one step closer to being officially recognized as the national church when the Prime Minister Vasile amended the new draft Law on Religious Denominations in its favor. After the cabinet turned down the proposal, Patriarch Teoctist went on ‘strike’ and relations between the ruling center-right coalition and the Church cooled down significantly. The proposal was set aside, and never revisited to date.

With an eye to the British ‘Lords Spirituals’, the 26 senior bishops of the established Anglican Church appointed to the upper House of Lords, the Romanian Orthodox Church has demanded that leaders of officially recognized religious groups be accepted as life-time members of parliament. During the early 1990s constitutional debates the Church repeatedly called on state authorities to appoint all Synod members (the patriarch, metropolitans and senior bishops) to the upper Senate. Bold as it seemed, the idea was not completely new to Romania, but part and parcel of pre-communist constitutions. The 1923 basic law granted the same right to Greek Orthodox leaders as well. As local mass media revealed, in July 1990 the Orthodox patriarch and metropolitans met then President Ion Iliescu to discuss what was laconically described at the time as “the Church’s representation in parliament.”<sup>28</sup> When Iliescu rejected the proposal, the patriarchate presented the Synod with amendments ‘improving’ the 1991 constitution. The changes related to Article 58.1, which the Church wanted to read: “The Orthodox

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<sup>27</sup> See **Daniel Barbu**, *Sapte Teme de Politica Romaneasca*. Bucharest: Antet, 1997, p. 119.

<sup>28</sup> **Biserica Ortodoxa Romana**, 7–10/1990, p. 26.

patriarch, metropolitans and archbishops or their representatives, together with the leaders of the other churches recognized in Romania, are senators *de jure*.<sup>29</sup> The drafters of the constitution disregarded the suggestions, but the Church did not give up on the proposal.

In 1998 Archbishop Bartolomeu Anania of Cluj reissued the request. Orthodox clergy overwhelmingly endorsed the Church's political involvement as natural since, as one clergyman put it, "the Church was actually never separated from the state. Where the ruler was, there the prelate was too."<sup>30</sup> Church leaders did not conceal their disappointment when politicians ignored the proposal, especially since Orthodox leaders believed that their tacit support had brought the center-right government to power. Bishop Ioachim of Husi insisted that a Church legislative presence was nothing short of a moral obligation for the state authorities.<sup>31</sup> Critics pointed out that, if adopted, such a proposal could bring considerable damage to the fragile Romanian democracy. These senators (whose number has constantly increased<sup>32</sup>) would be lifetime senators, since Orthodox leaders are not required to retire, and a formidable parliamentary faction with unmatched political influence given by the Church's moral standing and unparalleled village and town penetration, and the growing loss of popularity suffered by political parties and politicians as a result of their perceived inability to solve the country's transition problems. In 1999 a group of legislators prepared a draft law allowing Orthodox leaders to become senators, but with general elections around the corner parliament did not discuss the draft, and credible politicians either kept silent on or refused to support the proposal. The theme was later revisited by Fr. Irimie Marga, an Orthodox canon law professor at the Sibiu Faculty of Theology.<sup>33</sup> For Marga, it is legitimate for Orthodox bishops with episcopal sees to be *de jure* senators, as this way they would participate in national politics as opposed to party politics, which the synods

<sup>29</sup> **Biserica Ortodoxa Romana**, 10–12/1991, p. 235.

<sup>30</sup> **Alina Mungiu-Pippidi**. The Ruler and the Patriarch. The Romanian Eastern Orthodox Church in Transition. – *East European Constitutional Review*, 7/1998, p. 88.

<sup>31</sup> **Evenimentul Zilei**. 4 April 1999.

<sup>32</sup> Immediately after the collapse of the communist regime the number of Orthodox bishops who would qualify for such positions stood at 27. By 2004, it had jumped to 30. In early 2006 the Metropolitanate of Transylvania was split into two after Fr. Lucian Streza was elected to replace the late Antonie Plamadeala. The Senate includes a total of 140 members. Information available on the official website of the Romanian Orthodox Patriarchate at

<http://www.patriarhia.ro/BOR/organizareabor.php> (retrieved on 23 January 2006).

<sup>33</sup> We thank Fr. Marga for making his unpublished paper available to us. See **Irimie Marga**. *Biserica si politica din perspectiva canonica* [The Church and Politics from a Canon Law Perspective] unpublished manuscript, 2005, pp. 5–6.



condemned. In his view, the bishops' involvement in national politics is not only acceptable but required, as all citizens (including the bishops) should be concerned about the country's well-being. Marga justified the proposal in terms of the precedent set by the 1866 and 1923 basic laws and the communists' willingness to anoint the patriarch as a Grand Assembly deputy.<sup>34</sup>

The British model did pose a challenge to the Romanian Orthodox Church, because it assumed that the state granted no financial support to religious groups, but rather expected them to raise funds for their activity through fees and donations. Thus, when it came to governmental subsidies, the Church turned toward Germany, and asked for the introduction of a state-collected church tax.<sup>35</sup> Unless they elect to pay a nine percent surcharge to their tax bill and thereby officially become a member of a religious denomination, German taxpayers do not have the automatic right to be baptized, married or buried in their denominational church or in some cases may find it difficult to gain access to the Roman Catholic or Protestant hospitals and care homes for the elderly. As a result, the vast majority of German citizens choose to pay the church tax. The Romanian Orthodox Church has praised the German model for allowing religious groups to receive state financial support, while turning the process less political. The church tax would make the link between contributing taxpayers and their denomination more evident, and ensure that the total level of governmental subsidies reflected taxpayers' high levels of religious self-identification more than the whim of the governing party.<sup>36</sup> Its historical dependence on state funds has made the Orthodox priesthood a salaried bureaucracy, but the Church needs governmental subsidies. Despite aggressive private fundraising, state financial support remains crucial to Church activity, covering the salaries and pensions of the priests and public-school religion instructors, and the costs of running dioceses abroad, building new places of worship and maintaining the old ones.

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<sup>34</sup> Cf. Article 76 of the 1866 Constitution, Article 72 of the 1932 Constitution, Article 64 of the 1938 Constitution. See **Ovidiu Ținca**, *Constituții și alte texte de drept public*. Oradea, 1997, pp. 18, 33, 52–53.

<sup>35</sup> The German model was proposed by Metropolitan Daniel Ciobotea of Moldova, because of the presence of state support and religious education in public schools, as he indicated in an interview with the two authors of this article on 6 October 2005.

<sup>36</sup> The Church hopes that levels of tax collection would reflect formal church membership more than levels of religiosity, which are much lower and similar to Western European levels. But it is possible that some Orthodox faithful would default on the tax church. For levels of religiosity, see **Ronald Inglehart** and **Pippa Norris**, *Sacred and Secular. Religion and Politics Worldwide*. Cambridge: Cambridge University Press, 2004.

Note that what the Orthodox Church has sought was the possibility to maintain a strong *formal* presence in politics. Informally, the Church has been a powerful political actor, so much so that the post-communist state often had to react to developments initiated by the Church without consultation with, and often in contradiction to, the political class.<sup>37</sup> The Church offered religious instruction in public schools before parliament could legislate the issue, and hampered attempts to decriminalize homosexual behavior at the risk of endangering Romania's European Union integration. Church direct and indirect involvement in politics at all levels has been endorsed by powerful Synod members, both conservative and reformist. In 1998 Archbishop Anania proposed that the Church select candidates for parliamentary mandates and priests urge believers during sermons to vote for people whom the Church trusted. Metropolitan Nicolae Corneanu further explained that the Church "can neither be apolitical, as some fear, nor involved in political partisanship, as some wish," since it "must have a word to say in what goes on in the world, society and daily life."<sup>38</sup> Many Romanian intellectuals suggested that the Church should stick to religious affairs.

### 3. In Search of Twin Tolerations?

As the preceding section argued, two different church-state relations models have been publicly debated in post-communist Romania: managed quasi-pluralism (the government's choice) and the established church (the Orthodox Church's choice). Are these models compatible with democracy? To answer this question, let us turn to Alfred Stepan and his 'twin tolerations' model, which defines the necessary boundaries of freedom for elected governments from religious groups, and for religious individuals and groups from government. Stepan argues that democratic institutions must be free, within the bounds of the constitution and human rights, to generate politics. This entails that religious institutions should not have "constitutionally privileged prerogatives" to mandate public policy to democratically elected governments. At the same time, individuals and religious communities "must have complete freedom to worship privately" and "must be able to advance their values publicly in civil society and to sponsor organizations

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<sup>37</sup> **Lavinia Stan** and **Lucian Turcescu**. Religious Education in Romania. – Communist and Post-Communist Studies, 3/2005, pp. 381–401, **Lavinia Stan** and **Lucian Turcescu**. Religion, Politics and Sexuality in Romania. – Europe-Asia Studies, 2/2005, pp. 291–310, and **Lavinia Stan** and **Lucian Turcescu**. The Romanian Orthodox Church and Post-Communist Democratization. – Europe-Asia Studies, 8/2000, pp. 1467–1488.

<sup>38</sup> **Evenimentul Zilei**. 17 April 1998.

and movements in political society, as long as their actions do not impinge negatively on the liberties of other citizens or violate democracy and the law.”<sup>39</sup> According to these criteria, neither the managed quasi-pluralistic model advocated by the political class nor the established church model proposed by the Orthodox Church fulfills democratic standards. While both models represent major improvements over the communist-era strict control over religious affairs, they are in need of some revising in order to pass the democratic threshold.

The major criticism which can be levied on the state’s managed quasi-pluralistic model is its failure to guarantee that religious groups not officially recognized as such can conduct their activity freely and openly. The Western European experience suggests that the democratic state is entitled to ask religious groups to officially register, but it must also allow unregistered groups to worship freely, as long as they do not advance violence and hatred and do not endanger public order. In other words, registration can be accompanied by privileges, but non-recognition should not turn into punishment and persecution, especially when authorities systematically refuse registration to all new groups across the board, as in the Romanian case. In that country, unrecognized groups cannot build places of worship and even the recognized Greek Catholics have no access to their former churches in some localities, and thus do not have “complete freedom to worship privately.” Stepan further posits that the judiciary, not the executive, should decide on whether or not a religious group violates democracy and the rule of law. But, as the Bivolaru case suggests, the Romanian judiciary remains far from being independent from the government. Without naming names, Bivolaru repeatedly claimed that his arrest and the persecution of his group were launched at the command of a high-ranking Social Democrat government leader. As Swedish authorities indirectly admitted when granting asylum to Bivolaru, the Romanian courts failed to give that religious group the benefit of the doubt, and instead tried to demonstrate a guilt that the government had already established.

By themselves none of the Orthodox Church’s requests raise major problems for democracy, but taken together they might. The Western European experience shows that democracies are compatible with the established church model, whereby the state favors the dominant religious group. The Scandinavian states (Norway, Denmark and Sweden) traditionally fostered strong ties with the dominant Lutheran Church, while the United Kingdom recognized the Church of England and the Church of Scotland as established churches.<sup>40</sup> The Greek example suggests that a

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<sup>39</sup> Stepan 2000, pp. 39–40.

<sup>40</sup> The model has recently come under attack as a result of increased pressure from immigrant groups and secularization. In the most dramatic move, in 2000 the

predominantly Orthodox country can consolidate democracy while adopting an established church model. The democratic task requires not church disestablishment, but the elimination of non-democratic domains of church power that restricted democratic politics, and the possibility for the religious majority to argue its case in the public arena. In Romania, the dominant church seeks to impose British and German elements which, when brought together, make for an extremely powerful established Orthodox Church, which presents problems to the country's democratic institutions that neither the United Kingdom, nor Germany face. These problems include a senate with some 30–50 life senators belonging to one church alone would be problematic for the legislative decision making process; a large church with many bishops, priests and ministers all paid from the state budget raises issues about what say, if any, the taxpayers have in the allocation of their contribution to the common purse; and a publicly funded religious education taught by Orthodox theology graduates in a sectarian, not ecumenical spirit.

In short, the Romanian democratic project seemingly requires amendments to the vision on church-state relations proposed by both the political class and the dominant Orthodox Church. Contrary to civil society representatives who, in the name of pluralism and secularism, see only the need to impose limits on the activity of the Orthodox Church, we argue that the post-communist state must relinquish some of its control over religious affairs, and recognize the country's increasing religious diversity. Contrary to nationalists who, in the name of the nation, its sovereignty and its perpetuation, denounce any criticism of the Orthodox Church, we argue that it is high time for the dominant church to admit that a model of church establishment adopted when Romania was religiously homogeneous fails to reflect post-communist reality.

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Swedish state cut its umbilical cord to the Lutheran Church and pledged to treat all religious denominations as equals. In Denmark, a special committee voted against stripping the local Lutheran Church of its privileged status. In the United Kingdom, recent proposals to reform relations between the state and the established church were shelved for lack of consensus but the issue of the dominant church as a leftover from less pluralistic and democratic times remains.

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