

***OPPRESSION OR TOLERANCE? CASE STUDY: ROMANIAN CHURCH UNITED WITH ROME DURING THE POST-COMMUNIST PERIOD***

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**Abstract:***The article presents an analysis on the evolution of relationships between authorities of Romanian State and Greek-Catholic Church from Romania, along different institutional levels, by dealing with this church as tolerated institution within the State. Yet, discrimination and compelling actions undertaken by certain authorities against the Greek-Catholic Church from Romania led to the assumption of the oppressive report between State and Church, tolerance being the bright side of oppression. Analysis places the Church between these two perspectives, making a parallel between de facto situation and theoretical situation, both being generated by limits of national and European legislative pattern. Conclusion of the paper underlines a state of affairs, existent even after 20 years from the events from December 1989, altering of relation between State and Church being a slay process, yet continuous, manifested through a diversity of actions.*

**Keywords:** *State, Church, Presidency, Government, local administration, Justice, Police.*

#### Introduction

International Religious Freedom Report<sup>1</sup>, published by U.S. Department of State, on September 13, 2011, indicates that the Greek-Catholic Church is the most discriminated denomination from Romania. Report given to public comprises the results of monitoring 198 countries, amongst which also Romania, between July-December 2010. For the Romanian analysts, results of the report do not represent a novelty, year by year, this Church being the main subject of the report for Romania.

Knowing development of relations between the Romanian State and Romanian Church United with Rome, Greek-Catholic<sup>2</sup> during the last 20 years, we tried to subsume this Church under 4 gradual markers: total freedom, officially accepted denomination, oppressed denomination and forbidden denomination. The four markers were defined according to freedom of manifestation itself of the denomination. Thus, by total freedom, we understand possibility of expressing and manifesting the denomination, equally with the other officially acknowledged denominations in Romania in compliance with the law, without human,

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<sup>1</sup> International Religious Freedom Report, [http://www.state.gov/g/drl/rls/irf/2010\\_5/168333.htm](http://www.state.gov/g/drl/rls/irf/2010_5/168333.htm)

<sup>2</sup> Sorin Valer Russu, *Evoluția relației dintre Statul Român și Biserica Greco-Catolică din România* (Evolution of relation between the Romanian State and Greek-Catholic Church from Romania), International Symposium *Secularizarea și Europa contemporană – particularitățile Europei Centrale și de Est* (Secularization and contemporaneous Europe – particularities of central and eastern Europe), Oradea, 4<sup>th</sup>-6<sup>th</sup> March 2011

patrimonial or legislative constraints. Obviously, the Greek-Catholic Church does not enjoy this degree of freedom. Trying to define the forbidden denomination, we identified two manners of forbidding applied in Romania until present. The first concerned the Romanian State expressing negative opinion about a group, association, organisation that requests acknowledging the Status of legal religious denomination. A second manner assumes enacting a law on forbidding an existent denomination that was legally acknowledged until that date. In a democratic regime, enacting such law assumes demonstrating flagrant infringement of the law on functioning of religious denominations, while in a totalitarian-dictatorial regime enacting of the law is only a formal issue, decided by the momentary interests of the respective regime or whims of dictator. The communist regime from Romania enacted two such laws, Decree-Law no. 177/1948<sup>3</sup> and Decree no. 358/1948<sup>4</sup>, by which was followed not only forbidding the Greek-Catholic denomination, but also its physical destruction. After the events from 1989, the Romanian State abrogated these laws, by Decree-Law no. 9/31.12.1989<sup>5</sup>, the Greek-Catholic denomination enjoying illusorily the perspective of total freedom. Thus, we cannot identify the Greek-Catholic Church either with this marker. Eliminating the two extremes of the followed markers, forbidden denomination and total freedom of the denomination, we notice the possibility of subsuming the Church only under oppression and officially accepted denomination. From this point of view, the analysis becomes complex, necessitating providing in favour of and against arguments for each marker.

Not to be accused of subjective interpretation in defining the two indicators, we resorted to the Explanatory Dictionary of the Romanian Language<sup>6</sup>, which offers the following explanations: tolerance = clemency, indulgence; to tolerate = to allow the existence, presence, practice, or act of without prohibition; disregard; tolerable = acceptable, passable. For oppression, we have the following explanation: persecution, subjugation, tyranny. Starting from these definitions, we will analyse and categorise different types and forms of actions taken by the State and some state institutions, apparently independent in relation with the Greek-Catholic Church.

### 1. Presidency.

Presidency of the last 20 years had as main actors the three presidents: Ion Iliescu, Emil Constantinescu and Traian Băsescu, each of them manifesting in their own style in relation with the Church. In continuation of the analysis, by Church, we understand the Greek-Catholic Church, for each other Churches being used the title or dominant characteristic of each Church.

<sup>3</sup>Decree-Law no.177/1948 on General conditions of religious denominations, Official Gazette no.174 / 4.08.1948

<sup>4</sup>Decree no.358/1948 on Establishing de jure situation of the former Greek-Catholic denomination, Official Gazette no.281 / 2.12.1948

<sup>5</sup>Decree-Law no. 9/31.12.1989 on Abrogation of some regulatory documents, Official Gazette no.9/31.12.1989

<sup>6</sup>Romanian Academy, „Iorgu Iordan” Institute of Linguistics, Dicționarul explicativ al limbii române (Explanatory Dictionary of the Romanian Language), second edition, Univers Enciclopedic Publishing House, Bucharest, 1998

1.1. President Ion Iliescu was definitely the most active president in relation with the Greek-Catholic Church, influencing negatively the subsequent development of relations between institutions of the State and this Church, setting a precedent followed consequently during the last 20 years. The Decree-Law no. 9/31.12.1989 that abrogated a series of communist laws, amongst which also those concerning the Greek-Catholic denomination, was issued during his mandate, under the pressure of the street and especially foreign diplomacies. Had it been own initiative, product of expressing national conscience, that decree would have been a sign of openness of the new regime to freedom and justice. In fact, the new regime, without defined political identity at that moment, took into account the will of a religious minority, with the conviction that the 45 years of communism succeeded to attain their goal, that of total extermination of this Church.

Definitely, information of the Securitate did not coincide with the realities from the country, number of believers and especially of priests being above expectations of Iliescu regime. This situation obliged the new regime, shortly after release of the first decree, to issue a new one, Decree-Law no. 126/ 24.04.1990<sup>7</sup> on Some measures referring to Romanian Church United with Rome, Greek-Catholic that encompassed practical actions of recuperating the heritage of the Church. This time, demand of the Church was more thoroughly analyzed, falsity of the text of the new decree taking effect until present, state of affairs of retrieved heritage being comparable to that 20 years ago. Practically, the text of the decree comprised exoneration of the State from any responsibility, at the same time changing both the rules of the game and not at all surprising introduction of a new player, the majority Church, by mixed statutory committees of dialogue. It is David against Goliath. Unfortunately, the Greek-Catholic Church got caught in the toils of legislation, shifting heritage claim from the area of the State to the area of majority Church, without having a long term vision on consequences of this action.

Although, throughout the first years of mandate, president Iliescu assumed the role of mediator between the two Churches, result of all meetings was one predictable, the dice being already thrown, yet at another table.

Different types of actions undertaken by president Iliescu.

- promulgation of some laws against the natural course of history, significantly favourable to the majority Church;
- favouring other Churches at the expense of the Greek-Catholic Church;
- occasional speeches that focused on minimalizing the role of this Church in the history of Transylvania and subsequently Romania;
- refusing some invitations to participate in major events from the life of the Church;
- tacit approval of some compelling actions, taken against Greek-Catholic priests and believers involved in religious disputes over heritage;
- influencing justice;

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<sup>7</sup>Decree-Law no.126/ 24.04.1990 on Some measures referring to Romanian Church United with Rome, Greek-Catholic, Official Gazette no.54/ 25.04.1992

We did not insist within this paper on particular cases, we only followed to present those types of actions that subsequently became principles, applied even nowadays. Retrospectively, we may assert that the 10 year mandate of the first president from after the events from December 1989 were characterised, at the beginning, by tolerant actions, throughout they transforming into evident oppressive actions.

1.2. President Emil Constantinescu. Regarded as the great reformer of Romania from after December, president Constantinescu will prove to be nothing but the continuator of anti Greek-Catholic policy, remarking by the cynical attitude adopted towards the Church. Illustrative on this line is the meeting between the Major Archbishop Lucian Mureşan and presidential candidate Emil Constantinescu, to the headquarters of Blaj Metropolis, little before elections, where electoral support was asked for by virtue of historical affinity between the Greek-Catholic Church and the National Peasants' Party, in exchange of solving the ecclesiastic patrimonial issue. After winning the elections, the new president refused any meeting with the representatives of the Church, mimicking uniform attitude towards all religious denominations from Romania. If in the case of president Iliescu, we may refer to man president-government-party, with indubitable decision-making power in all these structures, capable of influencing one decision or other, in the case of president Constantinescu things are different. He was only a pawn, architects of the new Christian Democratic National Peasants' Party (P.N.Ț.C.D.) having the decisional power, inclusively that concerning the president's actions. Definitely, tolerant attitude, bordering on indifference towards the Greek-Catholic denomination characterized the mandate of president Constantinescu.

Conclusion: we may position the Church, within our analysis, at the marker of officially acknowledged denomination.

1.3. President Traian Băsescu. In his case, the situation is simpler, following the principle „I did not promise-I did not make”, the electoral stake bringing him nearer to majority Church. Interesting is also the fact that the claims of the Greek-Catholic Church were and are still faded, lacking force and enthusiasm of end of such actions. Paradoxically, if in 1948, the majority Church was the main beneficiary of the heritage belonging to the Greek-Catholic Church, nowadays, the roles are reversed, of course at a different level, the Greek-Catholic Church being the indirect beneficiary of consequences of some laws dedicated to the majority Church. Without the risk of making a mistake, we may characterise the mandate of president Băsescu as being one of tolerance in relation with the Greek-Catholic Church.

We will conclude enumerating several types of actions encountered in the mandates of the three presidents, as arguments of our analysis in favour of positioning the presidential office either in the spirit of tolerance or oppression:

- promulgation of some laws on freedom of manifesting the Greek-Catholic denomination;
- promulgation of some laws whose content explicitly records immunity of the Church from their applying;

- assuming the role of mediator between Churches, with propagandistic purposes, without realistically following to solve disputes;
- tacit approval of some compelling actions taken against priests and believers of the Church;
- minimalizing the role of the Church in national history, by speeches and attitudes;
- influencing justice;
- refuse of participating in all important events from the life of the Church. I mention here the fact that, throughout the 21 years that passed from the events from December 1989, none of the presidents participated in religious ceremonies of the Church, yet recording presence of president Constantinescu, after his mandate expired.

Thus, presidential office showed tolerance toward the Greek-Catholic Church, the Greek-Catholic denomination being regarded and treated as tolerated denomination amongst the other denominations from Romania, consequence of the reduced number of believers and implicitly of voters. The electoral factor was and is the essential argument of such behaviour.

## 2. Government of Romania.

We will not stage our analysis according to succession of post-December governments, but we will have in view legislative instruments issued throughout the 21 years. 34<sup>8</sup> legislative acts that regulated activity and functioning of denominations officially acknowledged by the Romanian State existed in Romania, until March 1, 2011. Out of the 34 legislative acts, only 4 concerned the Greek-Catholic Church and out of these, only one had immediate applicable effects. We refer to Decree-Law no. 9 from December 31, 1989<sup>9</sup>. The other three laws, Decree-Law no. 126/24.04.1990<sup>10</sup>, Law no.178/2002<sup>11</sup> and Law no.182/13.06.2005<sup>12</sup> were and are still applied only in particular, for certain cases and situations, without being able to apply the main principle of a law, that of uniform applicability throughout the whole territory pointed by the law. It must be underlined the fact that the last 2 laws, Law 178 and Law 182, referred also to the two existent laws, which are supplements or modifications of them. Inexplicably, or only maybe an omission of the Government is Law 178 which encompasses abrogation of only one article, art.7 from Law 177/1948, law whose content had been totally abrogated by Decree Law no.9/31.12.1989.

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<sup>8</sup> Sorin Valer Russu, *Evoluția relației dintre Statul Român și Biserica Greco-Catolică din România* (Evolution of relation between the Romanian State and Greek-Catholic Church from Romania), International Symposium *Secularizarea și Europa contemporană – particularitățile Europei Centrale și de Est* (Secularization and contemporaneous Europe – particularities of central and eastern Europe), Oradea, 4<sup>th</sup>-6<sup>th</sup> March 2011

<sup>9</sup> Decree-Law no. 9/ 31.12.1989 on Abrogation of some regulatory documents, Official Gazette no.9 / 31.12.1989

<sup>10</sup> Decree-Law nr.126/ 24.04.1990 on Some measures concerning the Romanian Church United with Rome, Greek-Catholic, Official Gazette no.54/ 25.04.1992

<sup>11</sup> Law no.178/ 2002 on Abrogation of art.7 from Decree-Law no.177/1948, Official Gazette no. 258 / 17.04.2002

<sup>12</sup> Law no.182/ 2005 on Approval of Government Ordinance no.64/2004 to supplement art.3 from Decree-Law no.126/1990 on some measures regarding the Romanian Church United with Rome, Official Gazette no.505 / 14.06.2005

Practically, we are still at the moment 1990, when the Church faces the same consequences of laws adopted by Iliescu between 1989 and 1990. Only the different approach of the Church from the last 10 years partially succeeding to restore ecclesiastical heritage, by construction of new cult buildings and not at all by retrocession, such as the Governments tried to misinform public opinion. Beside these 4 legislative acts, other 21 laws, decisions, ordinances exist, they referring to all denominations officially acknowledged by the Romanian State, the Greek-Catholic Church being the beneficiary, beside the other denominations, of different forms of financial support focusing on:

- remuneration of the clergy;
- remuneration of non-clerical staff;
- cult buildings with small revenues or without revenues;
- maintenance and renovation of some cult buildings;
- construction of new churches
- activity of denominations that carry out their activity in diaspora.

It is certainly not the case of oppression on behalf of the governments, irrespective of their political orientation, on the contrary, we would be tempted to believe that at this level things returned to normality. In reality, statistics of Blaj Archdiocese and Metropolis indicate the following:

- underfinancing in relation with the other denominations, in the majority of cases not even being respected the principle concerning the number of believers; we refer to financing of under 1 % from the State Budget allocated to denominations;
- number of clerical positions partially financed by the State are insufficient, by comparison with the number of parishes;
- number of non-clerical positions approved and financed by the County Councils is, with few exceptions, comparable to that from 10 years ago, although the number of parishes increased;
- the amounts of money from the State Budget allocated for construction of new churches are extremely small and discriminatory in relation with other denominations.

List might be continued, yet we are stopping now. Our analysis clearly indicates attitude of the governments from until now, as being tolerant, the Greek-Catholic Church being treated as a tolerated denomination in relation to the other denominations.

3. Local authorities. Reality of the last 20 years indicates beyond doubt, that the main responsible for obstruction and non-application of laws regarding the Greek-Catholic Church, is the local authorities. By local authority, we understand the tandem mayor-town hall, local council and county council. Practices used by the local authorities, throughout the years, were decisively influenced by absence of any reaction from upper levels of the State – ministries, government, presidency, bordering on the unacceptable, and sometimes even beyond it. We will enumerate types of actions performed by the local authorities, characteristic of the period between 1989 and 2000:

- refuse of registering parishes reactivated in the special register of town halls;

- threatening believers that returned to the Greek-Catholic Church, recorded by parochial lists;
- blackmailing some believers with losing their jobs;
- threatening older persons with withdrawing or diminishing the pension;
- threatening some priests with death;
- fining some priests with amounts that exceeded the maximum limit in compliance with the law;
- instigation to execution of some priests and their followers;
- instituting legal proceedings against a priest and parochial committee under the charge of organising a mafia-like group and undertaking actions against national security; worth remembering here is that priest is assimilated to gangster, the parochial committee to a mafia-like group, and liturgical celebrations to actions undertaken against national security;
- attempts to intimidate priests and believers;
- obstructing of applying some verdicts having the force of law;
- refuse of granting some terrains, in compliance with the regulations, to build some cult buildings;
- refuse of applying the Land Law;
- refuse of issuing some archive documents;
- discrimination, by comparison with the other denominations, as for financial support. Diversity of actions as well as their character indicate an oppressive attitude of local authorities in relation with the Church. We may refer to positioning the Church to the marker denomination under oppression.

Following 2000, it is registered a radical change in attitude, compelling actions being encountered only in isolated cases, without the extent of previous cases. Improving relations with local authorities was firstly owed to ever smaller number of claims made by the local Churches, majority of active parishes building also new parochial centres. The immediate effect meant a relaxation of the existent tensioned state of affairs. We cannot assert that the situation returned to normality, even nowadays existing cavils of the local authorities as the following:

- the streets of a whole district are pitched in a city, except for the road in front of the church;
- modernisation of public utility network, without including the church in the project;
- delaying application of Land Law or its application in a discriminative manner;

- not inviting the representatives of the Greek-Catholic denomination to participate in different official ceremonies within the local community;
- discriminatory granting of financial support for the denominations.

List of examples might be continued, yet the goal of the analysis itself is revealing major change in attitude, the element of normality being encountered nowadays in the majority of localities. How do we define normality in the actual context? The answer may also be offered by examples, positive this time, by which, the local authorities exercised authority to the spirit of justice and equality amongst denominations:

- treating all denominations in a non-discriminatory manner;
- cordial relations between authorities and representatives of all denominations;
- grant financing according to real necessities of each denomination, to the limit of the town's possibilities;
- meeting works with the representatives of all denominations;
- mediations between denominations, with valid results, applicable immediately.

Obviously, we put ourselves the question, what did determine the change of attitude?

The answer is connected heavily with withdrawing pressure of the majority Church, exerted over some authorities dominated by electoral interest. Dropping, at least temporary, to majority of patrimonial claims, by either new constructions or inability itself of identifying a valid manner of returning the goods to Greek-Catholic Church, resulted, in a relatively short period, in settling some conflicts and returning to a relatively normal state of affairs. We may assert that overall, local authorities manifest certain tolerance towards the Greek-Catholic denomination, this falling within the marker of tolerated denomination, with isolated excesses, in favour of and against the matter.

4. Justice. The only institution remained as potential means of solving the patrimonial dispute was justice. We remembered at the beginning of the paper the trap that the Church fell into, once with accepting the conditions of Decree 126/1990, that of redirecting the claims towards majority Church. This fact determined an endless range of trials, a waste of human and invaluable material energies, without having the guarantee of favourable solving. We identified two types of verdicts delivered by law courts:

a) verdicts favourable to the Greek-Catholic Church, that recorded either restitution in the actual form of parochial heritage, or its common usage; these verdicts have several common features:

- they are encountered especially in counties from Transylvania;
- magistrates knew authentic history as regards the fate of the Church;
- motivations of the verdicts fall the respective causes within the historical context;
- judges had no political orientation;

Number of these verdicts was relatively small, the majority not being imposed due to the above mentioned reasons. We mention here also the fact that the Attorney General of

Romania annulled a great part of favourable verdicts, given at the higher courts of justice, by the method action for cancellation.

b) unfavourable verdicts, that recorded maintaining the actual form of ownership; these verdicts are encountered throughout the whole territory of the country, having varied motivations, from case to case.

The majority of trials fell within the political direction of each electoral mandate, defining for this type of trials being the period of president Iliescu, with an evident communist feature. Attitude of justice may be considered as subjective, judging times and not facts, the verdicts being at least arguable.

5. Police. In the case of Police, it is necessary analysis of the two levels of action, that urban and rural. For the actions of the Police in the urban area, we may assert that they focused on certain policy of equidistance in dealing with heritage issues, having the role of maintaining public order, without excesses, sometimes even mediating. Yet, in the rural environment, things are very different. The historical binomial mayor-priest-police man is found also in the XXI<sup>st</sup> century, functioning better on criteria of personal relation, and lesser on that of position of each. Reactivation of the parishes from the rural environment was regarded not as a form of free expression of religious convictions of a part from the population, but as an attempt of penetrating and destroying this tandem. The reaction was accordingly, police performing the following types of actions:

- intimidating priests and believers;
- threatening and blackmailing believers;
- fining the denomination for public nuisance; in itself, the fine regarded the liturgical songs;
- investigation of priests and believers out of different reasons;
- compelling the representatives of the church to forward to the Police an application for each liturgical service, that recorded place and time where the „religious event” took place, people appointed to keep order, the route followed by believers, etc.

I mention that most actions of rural Police were on their own account, without consent or the knowledge of superiors.

### Conclusions

On analysing the actions of the five institutions of the Romanian State, we hold the set of overall conditions by which the Greek-Catholic Church was obliged to manifest its religious convictions. These actions had as main goal limitation and eventual inherent dissolving of this Church, permanently omitting that above all these earthly institutions, irrespective of their type, is Divine institution, God. Two decades have passed from events occurred in December 1989, decades by which the Church developed, to some people’s surprise or dissatisfaction, partially recuperating the heritage, according to its valid needs.

Although nowadays the voice of claims makes itself heard more rarely and rarely and faded, these remain actual by justice and historical truth, the only real facts capable to re-establish the normal state of affairs with the Romanian State and the majority Church. Throughout this analysis, we have used the term of majority Church, not as an offence to the Romanian Orthodox Church, but from personal conviction of necessity of approaching a new strategy, which to exclude the majority Church and to bring together again, as only partner of negotiations, the Romanian State.

To answer to the question addressed in the title of the paper, I will assert based on the analysis, that the attitude of tolerance manifested by the institutions of the State in relation with the Greek-Catholic Church is nowadays characterised by clemency, indulgence, supportability, admission and disregard. Maybe this last feature is the most illustrative for the relation of the State with the Church. Definitely, strains of oppression still exist yet isolated, but at national level, the principle of tolerance, mutual respect and co-operation becomes more evident in relation with the church. As for justice and historical truth, we will definitely hear of them over another 20 years similar to those of Mr. Brucan.

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