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THE ROMANIAN CHURCH UNITED WITH ROME (GREEK-CATHOLIC)  
UNDER PRESSURE:  
THE ROC'S BAD BEHAVIOR AS GOOD POLITICS

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**Abstract:** The study discusses the paradox of the failure of the Romanian Church United with Rome, Greek-Catholic (RCUR) to assert itself after 1990, in the context of a revival of the life of all other religious communities. The significant decrease in the number of Greek-Catholic believers and the difficulties in exercising their rights are germane to the limits of democracy in Romania. No other vulnerable communities, neither immigrants, gays, Roma, nor Jehovah's Witnesses, have been denied, all this time, the protection of the Romanian state, as Greek-Catholics have been. The systematic denial of the rights of the Romanian Church United with Rome (Greek-Catholic) is explained by the feature which distinguishes RCUR faithful from the members of other vulnerable communities: their organisation is perceived by the Romanian Orthodox Church (ROC) as an adversary. The Romanian Orthodox Church constantly proclaimed the illegitimacy of the RCUR in the first half of the twentieth century, and participated in its dissolution when the opportunity arose in 1948. It holds today the same explicit goal. The societal circumstances, specific to anarchic democracy, allow a major player like the ROC to impose its policy of undermining the RCUR. In accordance with Bruce Bueno de Mesquita and Alastair Smith's concept, the material and symbolic competition between the RCUR and the ROC is interpreted as an example of "bad behavior as good politics". The ROC strategy finds an optimal framework for maximizing gain in the circumstances of the Romanian anarchic democracy.

**Key Words:** Romanian Church United with Rome (Greek-Catholic), Romanian Orthodox Church, anarchic democracy, procedural democracy, religious violence, religious minority, freedom of religion

## Introduction

The dissolution of the Romanian Church United with Rome (Greek-Catholic) – abbreviated RCUR – in 1948, the coercion of Greek-Catholics into converting to Orthodoxy, the repression that followed and the difficulties encountered by the RCUR after 1989 in recovering its property and conducting a normal religious life, have all been described mainly from a factual-descriptive perspective, and one of ethics and norms. Despite their relevance, these paradigms do not explain why, despite the heroism of Greek-Catholic faithful and of their religious leaders, Greek-Catholics have been gradually marginalized after they received official recognition. It is unclear why the pressure on the RCUR has led to a decline of this church, while the hostility constantly directed toward other religious minorities, in particular Jehovah's Witnesses, did not prevent the strengthening of their numbers. There are reasons to wonder why, after 2007, when the accession to the European Union should have indicated a higher level of functioning of Romanian institutions, the latter did not show their efficiency in their handling of the Greek-Catholic issue. And it is a paradox that, in Romania, there is no official recognition, until now, of the evidence for the discrimination against the RCUR, despite the well developed EU regulatory framework for combating discrimination. This paradox reflects another – the lack of effect of international criticism about the infringement on the rights of Greek-Catholics although, in the case of other minorities (Hungarians, Roma, LGBT, Baptists, Jehovah's Witnesses), international pressure led to results.

To answer these questions, we will highlight the developments in the situation of religious minorities, the Greek-Catholic minority among them. We will connect these developments to a general explanatory framework – the political regime in Romania, defined as an anarchic democracy, a political system that allows the promotion of the interests of some private actors even when they are contrary to public values, without thereby infringing the limits of procedural democracy.<sup>1</sup> Among the private actors benefitting from Romania's anarchic democracy, one of the most powerful is the Romanian Orthodox Church (ROC). And, the ROC is in a long-standing competition with the RCUR. The confrontation between the two "Romanian churches" became dramatic during the communist regime, following the involvement of the ROC in the dissolution of the RCUR, with the support and in the interest of the Soviet Union. The rivalry between the RCUR and the ROC is historic, radical, and persistent, in spite of the inclusive character of contemporary democracies. After 1990, the competition between the two "Romanian" churches has strengthened, rather than lessened, gaining new dimensions in addition to the symbolic one: an authority dimension and a material dimension. In this context, the ROC's political performance, of promoting its interests through a

systematic and comprehensive policy of coalitions, was decisive. The typology of “bad behavior as good politics”, in the sense defined by Bruce Bueno de Mesquita and Alastair Smith, finds an optimal framework for maximizing gain in the circumstances of an anarchic democracy.<sup>2</sup> Since the ROC sees any losses of the RCUR’s as a gain from its point of view, the success of the ROC has resulted, over time, in a decline of the RCUR.

### The Fall of a Church

The 1992 census, held about two years after the Romanian Church United with Rome (Greek-Catholic) – abbreviated BCUR – was re-authorized to function, recorded 223,327 Greek-Catholics. 10 years later, in 2002, the census would record 191,556<sup>3</sup> Greek-Catholics, a sharp decline, of about 14%.

No other denomination has registered after 1990 a negative variation of such magnitude. Most religious minorities have retained their faithful or have even grown in numbers during that decade: Pentecostals grew from 220,824 to 324,462; Adventists, from 77,546 to 93,760; Baptists, from 109,462 to 126,639. As for the numbers of the Orthodox majority, they did experience a decline, from 19,802,398 to 18,817,975. But this difference must be seen in the context of the decrease in the country’s population, from 22,810,035 to 21,680,974. In fact, the proportion of Orthodox faithful has remained approximately constant.

One question arises whether the data on the evolution of Greek-Catholics numbers might not reflect a possibly vitiated census process. The BCUR memorandum of 2002 blames the non-disclosure of denominational identity on “the hostile policy of the Romanian state towards the Romanian Church United with Rome, Greek-Catholic, the many acts of intimidation, the threats of losing one’s job; the fear to declare oneself Greek-Catholic persists among the faithful.”<sup>4</sup> This assumption is shown to not be artificial by the fact that the Greek-Catholics were not the only ones to claim a manipulation of identity during the censuses. So did the Csangos, and investigations appear to confirm the manipulation of the numbers.<sup>5</sup>

However, even if we take into account the vitiation of the censuses, it does not explain the decrease of the number of Greek-Catholics between 1992 and 2002, since the difficulties in reviving the community life and the pressure on Greek-Catholics were even greater in the early `90s compared to the 2000s.<sup>6</sup>

The historical significance of the figures becomes apparent when we contrast them to those of the 1930 census. The proportion of Greek-Catholics as a percentage of the population of Romania had declined during those 62 years from 7.9% to 1.0%, while the percentage of Orthodox faithful had risen from 69.9% to 86.8%. There exists no other decrease in denominational numbers, within the ethnic Romanian population, of such

magnitude, in the modern history of the country. Larger decreases occur only where some or all believers belonged to other ethnicities. The percentage of Roman-Catholics fell between 1930 and 1992 from 6.8% to 5.0%, and the numbers of believers in Judaism, which reached 4.2% of the population in 1930, are today at 6179. But these declines are almost exclusively explained by the en masse departure from the country of German and Jew ethnics and the significant decrease of the proportion of Hungarians in Romania. The decline of Muslims from 185,486 (1%) in 1930 to 55,928 (0.2%) in 2002 is also explained by an en masse departure from the country, for political reasons.

After the 1989 revolution, the life of religious communities has undergone a major revival. On December 31<sup>st</sup> 1989 the decree dissolving the BCUR was abolished, and the Church became legal again. It would have been expected that the Greek-Catholics would also follow a numerical upward trend, similar to that of other religious groups. This did not happen. Not only was it not within the BCUR's power to restore its previous stature, but the BCUR followed a downward path. The hostility towards Greek-Catholics, as a religious minority, does not provide a sufficient explanation for this trend.

The decrease in the number of Greek-Catholics in Romania in the 42 years following the ban of the BCUR was the result of the will of Communist authorities to eliminate Catholicism, as far as possible. But a particularity of the BCUR case was the involvement of the Romanian Orthodox Church in this undertaking. Other former denominations were banned during the years of communism, such as Jehovah's Witnesses.<sup>7</sup> But only Greek-Catholic believers were made, under duress, to seek conversion to Orthodoxy; only the BCUR religious assets were taken by the ROC. The official recognition of the BCUR on December 31<sup>st</sup> 1989 and the natural demands of the Greek-Catholics were perceived in these circumstances to directly and radically threaten the interests of the ROC. Everything that happened after this date reflects the determination of the Orthodox Church to eliminate a denomination seen as an adversary.

### **Anarchy and democracy. Hostility and violence towards religious minorities after 1990**

The first years that followed the fall of the communist regime reflect the radical struggle for political power and the weakness of the rule of law. Nationalism was a privileged instrument of the competition for power<sup>8</sup>, following the logic of what has happened in the former Yugoslavia.<sup>9</sup> The tension between Romanians and Hungarians reached a threshold, culminating in the conflict of 19 to 21 March 1990, in Târgu-Mureş. Until 1997, when the authorities put an end to the system of collective justice, about 35 violent incidents took place

between Roma and their Romanian neighbors, resulting in the burning of Roma houses and the eviction of the inhabitants.<sup>10</sup>

This anarchic nature of social life – the weakness of the coercive power of the state, which resolves disputes and enforces the law in the name of justice and public interest<sup>11</sup> – is the more general framework in which the interests of religious groups had to interact. Everything that happened was influenced by the will of the majority church, the ROC, to dominate the religious affairs in Romania.

The harassment of religious minorities was a sustained policy during the communist regime. Protestant believers were subjected to a control system more severe than that experienced by Orthodox believers. The NCSA archive, as well as many testimonies, are a convincing evidence of this asymmetry.<sup>12</sup> After 1990, Baptists, Pentecostals, Adventists, have been targets of a hostile attitude, which sometimes came to violence, involving the Romanian Orthodox Church and the authorities. Violent behavior was justified up to the highest hierarchical levels of the ROC. The assaults in Ruginoasa of a group of Baptists by Orthodox believers led by their priests was legitimized by the Metropolitan See of Moldavia and Bukovina. No one was made responsible for what happened in Ruginoasa, although the people molested have lodged complaints.

There is one religious minority that has faced systematic acts of discrimination throughout its history: Jehovah's Witnesses. In 1937 it was banned, but on 11 July 1945 it was registered again under the name „Asociația Martorilor lui Iehova din România”. On 8 August 1949, its Bucharest office was closed and its properties were confiscated. Till the end of the communist regime, the Romanian Jehovah's Witnesses suffered persecutions, and many suffered punishment on charges of refusing to enroll in the military service, public instigation, conspiracy against social order, dissemination of forbidden publications, as well as through administrative decisions sending them to labor camps.<sup>13</sup>

Jehovah's Witnesses have faced obstacles in carrying out their religious life immediately after the revolution. On June 24, 1996, when Jehovah's Witnesses were preparing for a world congress to be organized in Bucharest, Teoctist, the Patriarch of the Romanian Orthodox Church, sent the press a declaration vocally criticizing Jehovah's Witnesses and their intention. Some days later, the General Secretariat of the Romanian Government interfered, stating that the attempt to organize such a manifestation of international proportions in Bucharest in the month of June or at any time in the future is utterly inopportune.

On 25.03.1997, the State Secretariat for Denominations sent to all town halls a letter requesting that they annul already issued building permits and refuse to issue such permits to religious organisations that have not been officially recognized. Local town halls in Satu Mare, Radauti, Avrig, Hunedoara, Petrosani and Bucharest annulled Jehovah's Witnesses

building permits on the basis of the governmental request.<sup>14</sup> The chief of the State Secretariat for Denominations was an Orthodox theologian.

To these actions aimed at Jehovah's Witnesses as a community, acts of harassment of groups of believers were added beginning with 1990. Investigations confirm the cooperation of the representatives of the State with the Orthodox priests in their attempt to prevent Jehovah's Witnesses from exercising their faith in Rosu (June 27, 1997), Bobicesti and Lalosu (June 1997), Tantareni, Gorj County (June 1997), Cluj-Napoca (June 1997), Pitesti (July 1997) etc.

These series of events are a convincing argument for the anarchic nature of Romanian society. Relations between Greek-Catholics and the Orthodox after 1990 prove the same. In the early years, a period of institutional confusion, the recovery of RCUR property happened not through the application of Decree-Law no. 246/1990, but through conjectural acts of justice. The recovery of former places of worship was the result of the fait accompli policy of some of the more enthusiastic Greek-Catholic faithful.<sup>15</sup> The Metropolitan Cathedral of Blaj was obtained by having Greek-Catholics physically occupy it, following the conversion of the Orthodox priest back to the faith of his parents. In their confrontation, the ROC and the RCUR used everything they could: political relationships, bribes, and threats.<sup>16</sup>

The communities faced each other, while state institutions refused to intervene, or sided with the strongest. Given the disproportion in numbers between Greek-Catholics and the Orthodox, the "success" rarely belonged to the former. Quite the opposite: the fight between the RCUR and the ROC led to the systematic assault of Greek-Catholics: in January 1991, in Filea de Jos; October 1991, in Visuia (Bistrița-Năsăud); October 1991, in Turda; December 1991, in Mărgău (Cluj); February 1992, in Ceaba (Cluj); July 1992, in Târșol (Satu Mare); December 1992, in Hodac (Mureș); November 1993, in Hopârta (Blaj); January and July 1993, in Salva (Năsăud); January 1994, in Romuli (Bistrița-Năsăud) and Bicazu-Ardelean (Neamț); May 1994, in Pârâul Frunți (Neamț); August 1994, in Breb (Maramureș).<sup>17</sup>

The continuation of acts of violence into the 2000s, despite the improvement of the institutional system in Romania, is unique to the interactions between Greek-Catholics and the Orthodox. On the night of 16 to 17 March 2002, a group of Orthodox faithful led by their priests used crowbars and iron bars to gain access to the local church, Saint Nicholas, and evicted those present inside the place of worship. At the moment of the eviction of Greek-Catholics from the Saint Nicholas church, the latter was legally owned by the Greek-Catholic Parish of Ocna Mures, in accordance to a final and irrevocable court decision. Not only did the state institutions fail to defend the aggressed, but the police and gendarmes, led by the Commander of the Police in Ocna-Mureș, actually took part in the events. None of the aggressors faced justice, although the seriousness of what happened needs no explanation.<sup>18</sup>

The harassment of Greek-Catholics took many forms, including the prevention of their burial in local cemeteries.<sup>19</sup> However, in the 2000s, the ROC chose to replace, as a general policy, the physical assault on Greek-Catholics, which was harder to defend in court, with the destruction of the community's property of symbolic relevance. The ROC supported the tearing down, the dismantling and the burning of centuries-old buildings. The 2010 Memorandum of the RCUR points to a continuation, after 1989, of the communist-period practice of building Orthodox churches by incorporating a Catholic church building.<sup>20</sup>

Greek-Catholics are one religious minority among others which have encountered in their attempt to fully exercise their religious freedom systematic pressures: to public denigration, including in public education settings, through textbooks<sup>21</sup>; to a limiting of their access to mass media, etc. Due to systematic campaigns against religious minorities, the attitude of the majority of the population has remained essentially hostile. The case of Jehovah's Witnesses again stands out. In 2003, when the Gallup Institute investigated the issues of intolerance, discrimination and authoritarianism of public opinion in Romania, people showed more intolerance toward this religious minority than towards any other group. Gays were the only minority more unpopular with the majority.<sup>22</sup>

However, during the same year, Jehovah's Witnesses were officially given denomination status, thereby allowing them access to the important benefits of this religious categorization. In subsequent years, the number of instances of abuse on the part of local authorities against the Romanian Jehovah's Witnesses has decreased significantly. Jehovah's Witnesses not only have not experienced a numeric decline, but the community has grown significantly. As shown by internal reports, the number of members increased from 17,000 in 1990 to 35,000 in 1996 and 38,544 in 2007.

This fact proves Jehovah's Witnesses have managed to make alliances that mattered for their protection.<sup>23</sup> But also that the ROC, in connivance with the State, did not consider the stopping of the activity of this community an important stake where its interests were concerned. In the past 20 years, Greek-Catholics have been on the lists of the same international organizations that had shown concern for the fate of Jehovah's Witnesses: the US State Department, the European Union, the Council of Europe, the International Helsinki Federation, Human Rights Without Frontiers etc. In the case of Greek-Catholics, international support was not enough.

### **Building a coalition of interests in an anarchic democracy**

The successful defeat of Greek-Catholics, a 200,000-strong community of national significance, would not have been possible without the cooperation between the Orthodox hierarchy and the state. The

interaction between the religious and the nonreligious actors in the Romanian context was defined by Stan and Turcescu as "the managed quasi-pluralistic model". Following them, the process of negotiating between 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 endorsing a privileged partnership with the Orthodox Church.<sup>24</sup>

At the relevant, and more general, level of the (democratic) form of government, a possible explanation for the state of facts is the combination of binomial strong churches and weak states.<sup>25</sup>

The model with greatest explanatory power, in our estimation, of what happened to the BCUR after the revolution is the anarchic democracy.<sup>26</sup> In an anarchic democracy, minority interests dominate over the common good without forcing the system outside of the realm of democracy. This relationship is an invariant of electoral transitions, which nevertheless ensure the real expression and aggregation of the will of the citizens. In Robert Dahl's terms, an anarchic democracy is a polyarchy working in the interest of a few privileged groups. In an anarchic democracy, the big loser is the public good, while the beneficiaries are various interest groups.

Given the manipulation of the transfer of power from the elites of the communist regime to the new post-revolutionary elites, we can think of the issue of Romania entering an anarchic democracy only after the second round of election, which took place in the fall of 1992. The specific conditions for the advancement of privileged minority groups in a manner consistent with procedural democracy were created in about four to five years, after Romania's accession to the Council of Europe (1993), after ensuring the immovability of judges (1995), and several other steps of this kind. At first, a generalized battle was fought over resources. It did not involve solely the underworld of the transition; but also - for example - associations of participants to the 1989 Revolution that have provided their members a certain access to various resources of the state. With the exception of the real victims among them, participants to the Revolution were not entitled to goods kept from the general circuit. They could claim in their favor neither moral nor material damages, nor social assistance, nor a forward-looking social benefit.

The example of the participants to the Revolution shows that, in an anarchic democracy, privilege is not automatically associated with state power. The people who have parasitized the public budget through the creation of and membership in bodies such as the Romanian Institute for Human Rights, and later the Academy of Scientists in Romania and the Institute for the study of the Romanian Revolution of December 1989, etc. had no executive power.



Occupying a formal position of power is still an important asset, as shown by the institution of the presidency: between 1990 and 1992, President Ion Iliescu received three consecutive terms, contrary to the Constitution, which allowed at most two; between 1990 and 1996, the President made the Government its subordinate, despite the distribution of powers established by the Constitution.<sup>27</sup>

Another significant case study for the thesis of an anarchic democracy is provided by law and order, and intelligence institutions. All of them used their status to maintain a privileged position in terms of employee benefits, a position they got a year after a uniform and equitable pension system was established. Their ascendancy over other professional communities, such as doctors, teachers, those in commerce, etc., did not derive solely from their institutional affiliation. Military personnel have fought successfully for special pensions, subsidized from the national budget, even after leaving the institutions. They have proved effective also as a group, and not only as holders of formal powers.

In an anarchic democracy privileges have a force of attraction, and thus lead to the extension of the model to any other community able to fight for privileges. In 2004 magistrates won the right to employer-financed pensions in the amount of 80% of the gross income in the last month of employment. Representatives and senators voted similar privileges for themselves in 2006.

The power of the "model" can be seen also in what happened after the parties in Parliament achieved, in 2002, a monopoly on political life, by amending the Law of Political Parties. Cultural unions that were members of the Council of National Minorities demanded and were granted the adoption of a monopolistic electoral law, by following in detail what political parties had done.

One of the biggest beneficiaries of the anarchic character of the Romanian democracy, perhaps the biggest, is the Romanian Orthodox Church. There is no other case of a private social actor having obtained resources from the central budget of the State to such an extent and with such consistency. Through the State Secretariat for Religious Affairs and the ministries, through decisions of local, governmental or parliamentary authorities, especially before elections, hundreds of transfers of goods or financial subsidies to the ROC are taking place.<sup>28</sup> Considerable amounts are transferred indirectly in the form of salaries of Orthodox clergy, or for the purpose of supporting religious education, and religious assistance in prisons, the military, hospitals, etc. The systematic transfer of goods has turned the ROC into a private actor of conspicuous wealth, of sometimes extravagant proportions. Journalists have begun to expose the phenomenon, describing the ROC's luxurious monastic compounds, hotels and villas, and the church fairs dedicated to luxury products.<sup>29</sup>

The Romanian Orthodox Church was the beneficiary of not only material goods, but also of "empowerment assets" explicitly and formally

assigned. In this category we include church-state partnerships<sup>30</sup>; positions of authority within the school and university<sup>31</sup> systems; an informal recognition of its role and expertise in fashioning social and cultural policies; and special relationships between the ROC and the political class.

The evolution of the RCUR can only be understood while considering the status of the ROC. Public material goods and empowerment assets are obtained in an anarchic democracy through a complex game of confrontation, formation of coalitions, and negotiation of interests. What is specific to an anarchic democracy is that it allows the ascendance of some group interests over the general norms or values of modern democracy, in particular those of equality of chances and State neutrality and impartiality. This is the background on which the ROC has managed to create a sophisticated system of relationships with other private or public actors. Some of which may hinder their interests, and some of which may serve them. The result was a dynamic that transformed the ROC into the biggest beneficiary of the Romanian anarchic democracy, while the RCUR became the big loser of the post-revolution democracy.

### **The symbolic competition between the RCUR and the ROC during the interwar period and its end**

The role of the Orthodox Church, unlike those of other religions, is determined by its image as a church with a national dimension.<sup>32</sup> Although there are first-rate Orthodox philosophers who contested the nationalistic temptation, the main trend of Orthodox thinking follows this line. The mixture of nationalism and religion engenders significant sources of tension with other confessional and ethnical minorities, and therefore, the Orthodox churches introduce a cultural factor that poses substantial difficulties for the modern state.

Thinking of itself as a national church, "the church of the people", the ROC assumes a duty to fight their denominations or sectarian groups that might "corrupt" the religious identity of Romanians. This vision of the world is deeply rooted in the mentality of ROC clergy, which granted the status of leading thinker to somebody like Dumitru Stăniloae, "the most important Romanian theologian." For Stăniloae, "a people is an irreducible ontological space. It is the ultimate specific unit of humanity. It is the basis of explaining individually and the medium of living. Humanity does not exist as a continuum or an uniform discontinuum. God's creation can be found no other place but in the expression of ethnic communities."<sup>33</sup> Christianity, which in the Romanian context is Orthodoxy, is "a necessary path towards nationalism, and nationalism, in turn, is a necessary path to Christianity."<sup>34</sup>

According to the foremost author of Orthodox Theology Departments, "Orthodoxy is the only authentic representation of

heaven on earth."<sup>35</sup> While, for the ROC, Protestantism and Catholicism are inferior to Orthodoxy, the other religious movements are real dangers. Dumitru Stăniloae welcomed the measures taken by the legionary government to remove from public office Masons and prohibit all sects: "...masonry and sects on the other hand were like worms consuming the body of our State, bringing apathy into souls and decay of our national unity, pouring the winning corrosive over the love of nation. Between all of them there is a connection, all of them were united by the malicious conspiracy to lead this nation to the grave."<sup>36</sup>

By this dogmatic background, the Romanian Orthodox Church has justified its role of assistant to the communist state in the harassment of other denominations and religious groups. In the 70s and 80s, ROC representatives were active in the international ecumenical movement, but not because they were supporters of ecumenism. It was done solely in order to penetrate the West for intelligence purposes and disseminate the regime's propaganda.<sup>37</sup>

Although the ROC sees in all other religious groups an intruder on this "orthodox land" that would belong to it confessionally, only one church is seen as threatening its rule: the RCUR. The competition between the two churches has become central to the life of the Romanian state with the formation of Greater Romania. The integration of Transylvania within Romania at the end of World War I led to the addition of 1,427,391 Greek-Catholics, representing 31.1% of the population of the province, compared with the 27.8% percent represented by the Orthodox (according to the 1930 census).

The constitutions of Greater Romania of 1923 and 1938 took note of the historical reality: the Romanian Orthodox Church was named "the dominant religion in the Romanian state", and the Romanian Church United with Rome (Greek-Catholic) was named "a Romanian church." Despite this formal recognition, during the interwar period the ROC has made efforts to abolish the RCUR in the name of a confessional "reunification" of the churches. In 1923, Metropolitan Nicolae Bălan made a bellicose statement in the Romanian Senate, saying that "the people who has achieved its national unity will not tolerate its sons being torn apart by the Church, but will also establish its old unity of the churches."<sup>38</sup> For Onisifor Ghibu, political leader and member of the High Council of Transylvania, "Romanians are left only with declaring as broken the seals put in 1698 by the emissaries of the Habsburgs on the decision that, confessionally, tore into two the Romanian people of Transylvania, and, by any means, realizing in an exclusively oriental sense the religious unity of the Romanian people..."<sup>39</sup>

The campaign launched after World War I by the ROC against Greek-Catholics was summarized in the November 1937 General Report of the "Agru" Central Committee, in the following terms: "An intense and tireless propaganda on behalf of Orthodoxy has monopolized Romanian nationalism. Moreover, an equally continuous, and often heated, campaign has depicted

the United Church as a national danger, a foreign object in the body of the nation. Nothing was spared in spreading this idea. Facts are reversed, evidence is distorted. Our leaders are attacked in unworthy ways. History is falsified with amazing boldness. The city of Blaj and its schools, the great teachers who awakened the Romanian soul and made of the people of serfs of yore a nation aware, no longer exist; Clain, Șincai and Maior were <alienated from the core of the nation> (...) Orthodox publications put forward this message of hatred and enmity in all its forms. Large organizations, created for other goals, like the For, the Romanian Anti-revisionist League, the Association of Romanian Clergy, put themselves in the service of this false ideal of pure negationism. Access to important media outlets, like *The Universe*, was possible through them. Furthermore, the state powers themselves were continually exposed to these temptations.<sup>40</sup>

Between the two world wars, destroying the RCUR was never a possibility. The ROC also failed to prevent the signing of the joint Concordate with the Holy See, despite its vocal opposition to the event.<sup>41</sup> The competition between the two "Romanian churches" stayed in the dogmatic and symbolic realm and eventually in attracting believers to the denomination. With regard to any ownership conflicts, they were regulated by Law no. 79/1929 for the ratification of the Concordat between Romania and the Holy See. There were some situations in which the conversion of some Greek-Catholic villages to Orthodoxy generated lawsuits regarding church property, but those cases were exceptions, and the case law was not consistent.<sup>42</sup> A relevant change, in its financial implications on the relationship between the RCUR and the ROC, could have been brought by the Decree-Law no. 620/1943.<sup>43</sup> But the decree was adopted too late to play a significant role in the relationship between the two denominations.

A major source of discontent for the ROC was the moral ascendancy of Greek-Catholics. The Romanian Church United with Rome (Greek-Catholic) played a central role in creating the national consciousness of Romanians in Transylvania, which led to the annexation of Transylvania to Romania. In relation to the "national ideal" of bringing the provinces with a Romanian majority within the borders of a united state, the hierarchs of the ROC were compromised. They had aligned themselves before 1918 as opposing the creation of Greater Romania, and when Romania entered World War I the Orthodox bishops expressed their solidarity with Hungary.<sup>44</sup> Such a famous blemish was another factor in the ROC's hostility.

After the Soviet occupation of Romania, the ROC took advantage of Romania's transition to a totalitarian regime to achieve its historic dream: the annihilation of the RCUR. The attitude of the ROC was a logical consequence of its entire prior behavior. However, in the historical context of the establishment of the communist regime, the ROC was itself threatened. The specific policy carried out against the Romanian Orthodox Church was the usual mixture of 'carrot and stick' techniques.<sup>45</sup> The success of the Romanian Orthodox Church against the RCUR was possible

because the aspirations of the ROC perfectly matched the anti-religious and anti-Western policy of the communist power in Moscow. Greek-Catholic churches were banned throughout the Soviet Union and throughout the countries of Orthodox majority that found themselves under Soviet control, such as Romania and Ukraine.<sup>46</sup>

Orthodox churches in Eastern Europe were forced to collaborate in this undertaking, once the USSR communists realised their value for „propagating the superiority of communist ideology in the Orthodox commonwealth.”<sup>47</sup> The Russian Orthodox Church sent a delegation to Romania in May 1945. But the connection had been established beforehand. Metropolitan Nicolae Balan had requested the intervention of the USSR in achieving a confessional "unification", shortly after August 23<sup>rd</sup> 1944. Here are the terms of the request: "If Romania has made her political mistakes in the past, if it has fought alongside the Germans in the war against Russia, it has done so only because of the weakness of the Romanian people, stemming from the fact that, from 1700 onwards, [the people] is divided into two, by the existence among Romanians of a church in communion with the Church of the Popes of Rome".<sup>48</sup>

The letter of Metropolitan Nicolae Balan shows that the communists had promised the ROC help in getting rid of the RCUR in exchange for its aid in bringing Communism to Romania immediately after Romania switched sides in the war. The Romanian Orthodox Church cooperated from the beginning with the communists because "the totalitarian state freed it from competition – dangerous because it was taking place in the realm of national merit – with the Greek-Catholic Church, and guaranteed its security in exchange for a partial withdrawal from the public sphere."<sup>49</sup>

On September 3<sup>rd</sup>, 1948 Decree-Law no.177 came into effect; it legislated the absolute control of the communist regime over religious life in the country. In early October 1948, a Greek-Catholic Synod made up of blackmailed priests, and without the power to represent the RCUR, announced its adherence to the Romanian Orthodox Church. On October 3<sup>rd</sup>, the ROC Synod took note of the event and validated the incorporation of the RCUR within the Romanian Orthodox Church by an act of the Synod. On December 1<sup>st</sup> 1948, Decree no. 358 sanctioned the ban of the RCUR. The rapid succession of steps proves that the suppression of the RCUR was part of a scenario that involved the communist institutions and the ROC hierarchy working side by side. Dr. Petru Groza, at the time prime minister of a government that considered religion "the opium of the people", delivered a speech to the Synod of the ROC, stating that: "we are no longer inclined to accept that, through Catholicism and under the guise of a certain faith, we would be troubled in our work to build a country with a spirit of social justice, in our work to reunite our forefathers' Church after it had been torn apart two and a half centuries prior by foreign interferences coming from Rome and Vienna, to the

benefit of other interests than those of the people and our ancestral law."<sup>50</sup> In their turn, prestigious hierarchs and theologians of the ROC, such as Dumitru Stăniloae, outdid each other in legitimizing the abolition of the RCUR.

### **The competition for authority, material and symbolic, between the RCUR and the ROC after 1990**

Following the dissolution of the RCUR, its possessions were confiscated by the state. In 1948, more than 2030 churches and chapels, 6 cathedrals and one Vicariate Church, 22 monasteries, 9 religious orders with 28 convent houses, 1504 parish houses, 700 school buildings, 1662 social, cultural, economic, etc. buildings, 4 large retirement homes and orphanages, 34,446 tracts of agricultural land, 31,007 tracts of forest, the money in the accounts of various dioceses, deaneries, parishes, or other associations active within the RCUR, 10 large libraries and several hundred libraries of deaneries and parishes, other movable property assets – religious objects, collections of paintings, icons, stock in different companies, 5 printing presses – were all taken over from the Greek-Catholics.<sup>51</sup> Shortly after confiscating the RCUR assets, the State gave the RCUR's buildings and other religious assets to the ROC, thereby making the Orthodox hierarchy an accomplice to the theft.

The revolution changed the context of religious life to its roots. Former Greek-Catholics that had converted to Orthodoxy, sometimes as a whole village, announced a desire to return to their old faith. Greek-Catholic parishes demanded the return of their property. In the days following the sentencing to death of Elena and Nicolae Ceausescu, it was impossible for anyone to defend the repressive measures inherited from the communist regime. On December 31<sup>st</sup> the decree to reestablish the RCUR was adopted. From then on, the competition between the "Romanian churches" increased on a symbolic level, and this time took on new dimensions materially and in terms of authority.

The RCUR had acquired a surplus of honorability in comparison to its opponent. The aura of "the martyr church" of the communist era, during which the ROC had acted as a "collaborationist church", was added to the historical prestige of the RCUR. Greek-Catholic bishops had preferred dying in prison to denying their faith, while the senior hierarchs of the Orthodox Church had acclaimed and assisted the communist authorities.<sup>52</sup> Even the nationalism of the ROC appeared compromised by its integration within the ideology of the Ceausescu regime. The ROC Patriarch, Teoctist Arăpașu, had to step down for a while as head of the Church. From January to November 1990 he found refuge at the Monastery of Sinaia.

Symbolic relationships were accompanied, this time, by important material and authority interests. According to Decree-Law no. 246/1990, the

legal situation of places of worship and parish houses that had belonged to the RCUR and had been taken by the ROC was to be established by a Joint Commission composed of religious representatives of the two denominations, "taking into account the wishes of the faithful in the communities owning such property" (art. 3).

It should be noted that in the matter of the right to protection of private property, an area in which states have significant discretion, the situation of assets nationalized during the communist regime could have been treated in several ways. A *restitution ad integrum* type of vision was chosen, that led to the disintegration of production cooperatives (Law on land reform no.18/1991), the restitution of buildings to the communities of the national minorities (1999), the return of assets to all denominations except the RCUR (2000), the change in legal status of properties abusively taken between March 6<sup>th</sup> 1945 and December 22<sup>nd</sup> 1989, etc. As for Greek-Catholic property, the Romanian state made an exception that appears strongly divergent from the general approach of respecting property rights. The provisions of the Decree-Law no. 126/1990 prove even more artificial in the case of goods that, according to the land registry system in Transylvania, were registered as belonging to the Church as a legal entity. This fact makes irrelevant the more or less speculative discussion of whether the place of worship belongs to the community, and hence whether the community should be asked about its ownership.<sup>53</sup>

Finally, a purely contextual element explains the initial competition for authority between the RCUR and the ROC: the leadership positions within the Christian-Democratic National Peasants' Party (CDNPP) of a significant number of former Greek-Catholics (Corneliu Coposu, Ioan Moisin, and others). This ensured that the RCUR, during the '90s, had a certain political stature. It even happened that, in 1998, when the CDNPP was the main ruling party, Senator Boilă was able to introduce in Parliament the Draft-law regarding the use of some worship places by the Romanian Church United with Rome (Greek-Catholic). The Draft-law was a soft compromise applicable to mixed communities of both Greek-Catholic and Orthodox faithful. The reaction of the ROC was to threaten: "If you want to maintain the relative tranquility in Transylvania, do not vote in favor [of this bill]. [...] The proposed draft would generate many conflicts."<sup>54</sup> Therefore the legislative initiative was not adopted. After the elections in the autumn of 2000, when the CDNPP was marginalized in Romanian political life, the prevalence in the Parliament of orthodox interests as opposed to Greek-Catholic interests became overwhelming.

### **ROC`s bad behavior as good politics**

Now I'd like to go back to the question of why other religious minorities managed to overcome their vulnerabilities and even prosper

after 1990, while the RCUR did not. Why did international support prove insufficient in the case of Greek-Catholics? To answer these questions, we must look at the convergence of the understanding of Romania's political system as an anarchic democracy, and Bruce Bueno de Mesquita and Alastair Smith's concept of "bad behavior as good politics". The imposition of the ROC's interests at the expense of the RCUR is a consequence of the weakness of the coercive power of the state that is no longer able to resolve disputes or enforce the law (the anarchic dimension)<sup>55</sup> at a time when the ROC makes use of its power to increase the numbers of essential supporters and to strengthen their loyalty by negotiating a fulfillment of their interests.

The most visible coalition that considerably empowers the ROC is the one involving the leaders of political parties. The high level of "people's confidence" in the ROC, as opposed to the lack of confidence in all other social actors, the Parliament in particular, stood at the basis of this coalition. The research of the Public Opinion Barometer program of the Soros Foundation shows the following values for the confidence in the Church and The Parliament in the years 1996-2007:

Level of confidence (% of the population) between 1996 and 2007<sup>56</sup>:

<i>Institution</i>	<i>Oct. 1996</i>	<i>Sept. 1997</i>	<i>June 1998</i>	<i>May 1999</i>	<i>May 2000</i>	<i>1998- 2007 Average</i>
<b><i>The Church</i></b>	<b>83</b>	<b>86</b>	<b>85</b>	<b>88</b>	<b>85</b>	<b>84</b>
The Parliament	23	38	19	20	28	18

For the period after 2007, IMAS polls find a similar evolution of the ROC's position in the people's imaginary. While in January 2009 the confidence in the ROC had reached 89.3%, in 2010 it fluctuated between 82.3% and 85.1%. The decrease in January 2011 to 81.9% was recouped in February, when confidence levels returned to 85.4%.<sup>57</sup>

There is no correlation between confidence in the church and political preference. Regarding the importance of the religious factor in the Romanian electoral context, recent studies show a real gap between the two dimensions. In 2010, 81% of Romanian citizens disapproved of priests advising people how to vote, and 82% of Romanians thought the church should not be involved in politics.<sup>58</sup>

Such details available only to the informed have mattered little compared to the impression left on politicians that their political future depends on the support or opposition of the ROC. From



1990 to 2012 most politicians felt compelled to exhibit their religious fidelity. When campaigning for the 1996 elections, all the presidential candidates went to see the relics of Saint Andrew that were brought to Iași. The list of political personalities who attended the funerals of the Metropolitan of Transylvania, Bartolomeu Anania, on February 3<sup>rd</sup>, 2011, includes the president, the prime minister, the minister for foreign affairs, the minister of culture, the prefect of Cluj, the County Council president, etc.<sup>59</sup>

In turn, the Orthodox hierarchs and other ROC spokespersons took care to support the stereotype, through the repeated threat that members of Parliament will be punished by the electorate if they take decisions opposed to the wishes of the ROC. In 1998, when the ROC was trying to force political parties to pass a law formally recognizing the ROC's National Church status<sup>60</sup>, an Orthodox theologian threatened the Romanian members of Parliament: "By yielding eventually to the extortion of the logic of equality at all costs and consequently rejecting the phrase National Church, the Parliament will demonstrate its incapability to convey a long-term political will, independent from the result of the elections held every four years."<sup>61</sup> Another example: On the 13<sup>th</sup> of September 2000, the Synod appealed against the decriminalization of homosexuality, debated at the time by Parliament, concluding that the legislative should hear about the needs of the Romanian people who will give their vote during the autumn elections.

The Romanian Orthodox Church was able to combine demonstrations of force with demonstrations of flexibility. The Orthodox hierarchs have suggested repeatedly that they would lead national riots if their interests are harmed. Metropolitan Andrei of Alba Iulia's warning, that widespread conflicts would erupt in Transylvania if the Boilă Law is adopted, has been mentioned already. Another example: on March 20<sup>th</sup>, 1998, a march of approximately 2,500 priests and seminarians was organized as a protest against the retrocession of the "Schimbarea la față" (The Transfiguration) Episcopal Church to the Greek-Catholic Church following a court sentence. At the end, the Archbishop of Vad, Feleac and Cluj, Bartolomeu Anania, threatened the state authority not to take advantage of the Orthodox humility.

When its plans did not succeed, the ROC knew how to adapt to the situation. The ROC initially opposed, publicly, the Pope's visit to Bucharest, a visit extensively promoted by President Constantinescu, as part of his strategy for European accession. After Patriarch Teoctist received assurances of the authorities' support for the construction of the National Redemption Cathedral, he changed his position. The Pope visited Romania in May 1999, and in 2002 the ROC Patriarch visited the Holy See, a gesture which enjoyed international exposure.

The Romanian Orthodox Church signed the May 2000 Declaration of Religious Denominations concerning Romania's accession to the European Union, which asserted the need for special attention to be paid to guarantee freedom of thought, conscience, belief and religion. On June 13<sup>th</sup>, 2001, Patriarch Teoctist Arăpașu joined King Mihai I and President Ion Iliescu in an "Appeal to all Romanians in the country and abroad" to support Romania's integration into the European Union and NATO. At the "Churches and Euro-Atlantic values" conference on 2-3 June 2002, the Metropolitan of Moldova and Bucovina, Daniel, equated the Euro-Atlantic zone with the Judeo-Christian tradition.<sup>62</sup> Despite the contradiction between the principles promoted by the Orthodox Church in Romanian public life and Euro-Atlantic values, the ROC leaders have responded positively to political requests and have negotiated their political support in exchange for various benefits.

The Romanian Orthodox Church realized over time that cooperation with politicians and state institutions brings more advantages than the opposition to their actions. An invention of the '90s, that has recently gained considerable proliferation, is the partnership between the ROC and state authorities. A protocol between the Ministry of Justice and the Orthodox Church was signed in 1993 and reviewed in 1997.<sup>63</sup> According to the protocol, each prison would have an Office for religious assistance run by a chaplain, who would also be the spiritual advisor of the Governor.<sup>64</sup> The result was a sort of monopoly of the Romanian Orthodox Church over religious life inside prisons, that has limited the religious freedom of detainees from other denominations – including Greek-Catholics.<sup>65</sup>

According to the Protocol between the ROC and the Romanian Government for providing help to the disadvantaged, finalized in October 2007 and spanning 10 years, the government commits itself to request the ROC's views on draft legislation in the field of social inclusion. The government has also committed to cooperating with the ROC in joint projects and programs regarding the national social services. Public social services providers are required to provide adequate workspace to those sent by the Romanian Patriarchy to provide spiritual assistance.

In July 2008, a protocol was signed between the Romanian Patriarchy and the Ministry of Public Health. The Ministry of Public Health and all subordinate institutions committed themselves to involving the ROC in projects and programs for the support and development of the health care system. In their collaboration in providing spiritual care to patients, the Ministry for Public Health committed itself to ensuring appropriate workspace is available to the ROC. The Ministry would also assign, all the way down to county and local level, individuals responsible for liaison with the ROC.

The partnerships with the Romanian Orthodox Church were criticized for affecting the relationships between ministries and the citizens perceived by the ROC as opponents of orthodoxy.<sup>66</sup> The criticism

led to an interesting inclusive approach, like the Law for a partnership between the state and religious denominations in the field of social assistance. Although the ROC is behind its development, and the ROC is to be its beneficiary, the partnership formally covers all existing denominations. The strategy of an inclusive appearance was an attempt to preempt the many complaints that were immediately raised.<sup>67</sup> The civic coalition that opposed a monopolization by the religious denominations (in fact, the ROC) of social services failed to defeat the coalition of interests in support of the law.

Law no. 195 of November 6<sup>th</sup>, 2000, on the establishment and organization of the military clergy, has a denominationally-neutral title. But the chief of the Department for religious assistance is appointed by the minister<sup>68</sup>, on the proposal of the Romanian Orthodox Church (Article 11 (1)). The law put the burden of building places of worship inside military compounds on the shoulders of the military. Most military units now have, within their compounds, their own chapels or churches, and all are Orthodox. The entire military community is under the pressure of Orthodox symbols and manifestations.

### **Denying the independence of the courts, denying the existence of discrimination against the RCUR**

The key test for the Romanian democracy in the management of the confrontation between the RCUR and the ROC was the behavior of the courts. The Romanian Orthodox Church consistently tossed resounding criticism and intimidating actions at any judge who decided in court in favor of Greek-Catholics. The refusal of the ROC to obey judicial decisions unless something was received in return was an attitude insulting to the rule of law. After the Cluj-Napoca Court decided, on September 4<sup>th</sup>, 1996, to return the "Transfiguration" Episcopal Cathedral to the RCUR, the Archdiocese of Vad, Cluj and Feleac announced that it refuses to leave the Cathedral until a church is built near the statue of Mihai Corvin.<sup>69</sup>

On February 12<sup>th</sup>, 2002, the Patriarch of the ROC sent a letter to the Minister of Justice following a decision by the Dej Court to retrocede a church to the Greek-Catholic parish in Chiuiești. The Patriarch called the decision of the court an abuse, and an expression of the constant pressure the ROC is subjected to in the courts, at all levels. The Patriarch asked, on behalf of the Synod, for the ministry's intervention with the court to support the wishes of the ROC. On February 19<sup>th</sup>, 2002, the Ministry of Justice forwarded the Patriarch's letter to the Courts of Appeal. When analyzed in constitutional terms, lawyers regarded the measure as an interference with judicial independence.<sup>70</sup> However, in many cases, the courts took into account the support given by the Ministry to the ROC.

ROC complaints against the courts' decisions that allotted places of worship to the Greek-Catholics were made periodically. In its September

29<sup>th</sup> 2009 statement, the Patriarchate of the ROC requested a legal ban on restitution of former property to the RCUR. It also announced the submission of memoranda to the Presidency, Parliament and Government for the annulment of decisions already rendered.<sup>71</sup>

The issue of court behavior in cases concerning the return of property formerly belonging to the RCUR and currently owned by the ROC acquired a new dimension when the first decisions on the subject were rendered by the European Court of Human Rights (ECtHR).

On April 7<sup>th</sup>, 2009, the ECtHR ruled that the Romanian state violated the right to a fair trial and the right to an effective remedy in the case of the Sfântul Vasile Polonă Greek-Catholic parish.<sup>72</sup> The complaint of the Greek-Catholic parish in Țicvaniul Mare, filed with the ECtHR on July 23<sup>rd</sup>, 2001, appeared to be heading in early 2010 for a successful solution.<sup>73</sup> In these circumstances, the government arranged a mutually agreeable settlement with the parish, that the ECtHR took note of on April 27<sup>th</sup>, 2010.<sup>74</sup>

The most important decision of the ECtHR was in the case of the Greek-Catholic Parish Sâmbăta Bihor v. Romania, rendered on January 12<sup>th</sup>, 2010.<sup>75</sup> The plaintiff had requested to be allowed to conduct the religious service in its former church, that had become the property of the local Orthodox parish, but the Joint Commission had only met once on the issue, without resolving the dispute. Decree-Law no. 126/1990 and the idea of involving a joint commission in solving the litigation were evaluated by the Court for the first time, and found to be violating the right to a fair trial. The fact that a solution to the conflict depended on the will of the opposing party was seen by the Court as absurd. For the first time, the ECtHR acknowledged a parish was subjected to differential treatment, to its disadvantage, based on its allegiance to the Greek-Catholic religion. As a result, the Romanian state was guilty of religious discrimination of the parish.

Thus, the ECtHR added the authority of an international court to the repeated criticism in the U.S. State Department reports on discrimination against the RCUR. Immediately after the ECtHR decision in the Greek-Catholic parish Sâmbăta Bihor v. Romania case was rendered, the National Council for Combating Discrimination initiated investigations on discrimination cases against RCUR that had come to the attention of international bodies.<sup>76</sup> On January 28<sup>th</sup>, 2010, about two weeks after the ECtHR decision, the Steering Board of the NCCD self-notified on a range of situations presented in the 2009 U.S. State Department Report on religious freedom in Romania.

In a case regarding the restitution of land in Feleacu and Morlaca, the Steering Board of the NCCD argued that it had no legal jurisdiction because the land is owned by private individuals, and hence the case was within the exclusive jurisdiction of the courts. But the NCCD Board had previously rendered decisions in similar situations.

The self-notification on January 28<sup>th</sup>, 2010, was concerned with a more general statement from the 2009 State Department Report on discrimination against the RCUR by the Special Restitution Commission: "Since 2003 the Special Restitution Commission returned only 125 of the 6,723 properties other than churches that the Greek-Catholic Church claimed under the restitution legislation, and decided to grant compensation in 25 additional cases." Public authorities had surrendered most properties formerly owned by the RCUR to Orthodox parishes, at the expense of Greek-Catholic ones.

The National Council for Combating Discrimination denied in this case also the existence of any discrimination. The dissenting opinion of one member of the NCCD Board, Haller István, highlights key issues avoided by the NCCD analysis: the enforcement of the restitution legislation cannot depend on the position of the Romanian Orthodox Church, as already established by the ECtHR; failing to resolve approximately 80% of the RCUR requests represents a religion-based differentiation; the NCCD has not applied "the change of the burden of proof" procedure specific to cases of discrimination.<sup>77</sup>

## Conclusions

The recent decisions of the NCCD go against the position of the State Department on the matter of the discrimination against the RCUR and, more importantly, against the meaning of the ECtHR decision in the Greek-Catholic parish Sâmbăta Bihor v. Romania case. Thus, the NCCD appears to be the latest institution to enroll among those who assist in the discrimination of the RCUR for the benefit of the ROC. The Vice-President of the Steering Committee of the NCCD is an Orthodox theologian, a fact that raises issues of incompatibility in relation to the powers granted to the Board of the NCCD.<sup>78</sup>

Between 1990 and 2007, Romania adopted all relevant international treaties aimed at protecting human and minority rights. After Romania's official request to join the Council of Europe and until its accession to the EU, the evolution of rule of law in Romania was watched by international institutions responsible for the good faith implementation of these treaties. International intervention was effective. Today, the standards of the Romanian democracy are considerably different from the realities of the early 90s.

In light of these developments, the systematic denial of the rights of the Romanian Church United with Rome (Greek-Catholic) seems an exception. No other vulnerable communities, neither immigrants, gays, Roma, Jehovah's Witnesses, nor others, have been denied, all this time, the protection of the Romanian state, as Greek-Catholics have been. A single feature distinguishes RCUR faithful from the members of other vulnerable communities: they are part of an organization perceived by the ROC as an

adversary. The Romanian Orthodox Church, which constantly proclaimed the illegitimacy of the RCUR in the first half of the twentieth century, and participated in its dissolution when the opportunity arose in 1948, holds on today to this explicit goal.<sup>79</sup> The power achieved by the ROC in the past 22 years, through an exceptionally efficient policy, and the limits of Romania's democracy, still found at the anarchic democracy stage, have created a unique situation: an inability of domestic and international institutions to ensure conditions for the free expression of the faith of Greek-Catholics in Romania.

### Notes:

<sup>1</sup> I.e., the minimal requirement that must be met by a political regime in order to be included among "democracies".

<sup>2</sup> The title of this study is the paraphrase or the title used for their book by Bruce Bueno de Mesquita and Alastair, *The Dictator's Handbook: Why Bad Behavior Is Almost Always Good Politics* (PublicAffairs, 2011). Therefore, it is meant in the non-labeling manner employed by the two political sciences scholars.

<sup>3</sup> For the results of the 2002 census:

<http://www.insse.ro/cms/files/RPL2002INS/vol4/tabele/t5.pdf>.

<sup>4</sup> The memorandum cites, in its support, the 2001 Report of the Bureau for Democracy, Human Rights and Labor of the American Government and the U.S. State Department Report on religious freedom in Romania (the Memorandum addressed to the Romanian State by Greek-Catholic believers in Romania and around the world available online at <http://www.greco-catolica.org/memorandum.aspx?id=introducere>).

<sup>5</sup> See Gabriel Andreescu, Smaranda Enache, „Report on the Exercising of Linguistic Rights by the Hungarian Csangos in Moldavia”, în Medgyesi Emese, *We like to live here*, (Editura Studium, Cluj, 2011), 402-428.

<sup>6</sup> See details in Ovidiu Palcu, *Renașterea Bisericii durerii. Cartea Albă a Bisericii Române Unite cu Roma, Greco-Catolică, după 1990*, (Târgu-Mureș, 2011).

<sup>7</sup> Repressive actions intensified from 1933 to 1944. In 1937, the activity of Jehova's Witnesses was made illegal (Corneliu Pintilescu, Andrada Fatu-Tutoveanu, „Jehova's Witnesses in Post-Communist Romania: The Relationship Between the Religious Minority and the State (1989-2010)”, *Journal for the Study of Religions and Ideologies*, vol. 10 Issue 30 (Winter 2011)).

<sup>8</sup> Gabriel Andreescu and Renate Weber, "Nationalism and Its Impact upon the Rule of Law in Romania", *International Studies*, 1.1 (1995): 49-64.

<sup>9</sup> For an analysis on the subject of "Why Romania did not follow the Serbian model", see Gabriel Andreescu, *Ruleta. Români și maghiari, 1990-2000* (The Roulette. Romanians and Hungarians), (Iași: Polirom, 2001), 324-329.

<sup>10</sup> In Mihail Kogălniceanu (Constanța) 32 houses were burned and another 4 were torn down on October 9<sup>th</sup>, 1990; in Bolintin Deal (Giurgiu), between April 6<sup>th</sup> and 7<sup>th</sup>, 1991, 22 houses were burned and 2 were torn down; in Ogrezeni, 16-18 May 1991, 21 burned houses; in Bolintin Vale, 18 May 1991, 13 burned houses; in Găiseni, 5 June 1991, 3 burned, 6 torn down houses. In September 1993, in Hădăreni, 17 homes were destroyed, and the Roma owners were forced to leave

(Haller István, "Cazul Hădăreni" – available online at <<http://www.proeuropa.ro/hadareni1.html>>).

<sup>11</sup> This is the sense in which we use the term "anarchic" in this text, just one meaning among several used in normative sciences – see for example Kathryn Gay, Martin Gay, *Encyclopedia of Political Anarchy* (Santa Barbara: (ABC-CLIO, 2006).

<sup>12</sup> See written letters in Gabriel Andreescu, Mihnea Berindei (eds.), *Ultimul deceniu comunist. Scrisori către radio Europa liberă. 1979-1985* (Iași: Polirom, 2010).

<sup>13</sup> Corneliu Pintilescu, Andrada Fatu-Tutoveanu, 197.

<sup>14</sup> APADOR-CH Report 1997: available online at: <<http://www.apador.org/en/index.htm>>.

<sup>15</sup> The case of the Greek-Catholic Theology Department in Blaj (Ovidiu Palcu, *Renașterea Bisericii durerii. Cartea Albă a Bisericii Române Unite cu Roma, Greco-Catolică, după 1990* (Târgu-Mureș, 2011), 58-70).

<sup>16</sup> The case of the Theology Institute in Blaj (Ovidiu Palcu, *op.cit.*: 81-82).

<sup>17</sup> Anton Moisin, *Mărturiile prigoanei contra Bisericii Române Unite cu Roma, Greco-Catolice, între anii 1990-1995*, (Sibiu, 1995), 315-316.

<sup>18</sup> See the APADOR-CH statement release on March 20<sup>th</sup>, 2002, on the eviction of Greek-Catholic faithful from the Saint Nicholas Church in Ocna-Mureș, available online at <[www.apador.ro](http://www.apador.ro)>.

<sup>19</sup> The Pesceana case (Crișu Popescu, "Scandal printre morminte, la Vâlcea" – available online at <http://www.indiscret.ro/300/special/9471/scandal-printre-morminte-la-valcea.html>).

<sup>20</sup> The church in Ungheni (Mureș), stone, built in 1858; the church in Urca (Cluj), stone, 1862 ș.a.

<sup>21</sup> Gabriel Andreescu, „Manualele: discriminare ori îndoctrinare?”, in *Noua Revistă de Drepturile Omului* no. 4, (2007): 28-37.

<sup>22</sup> Institutul de Politici Publice, „Intoleranță, discriminare și autoritarism în opinia publică”, 2003, București: 79.

<sup>23</sup> Corneliu Pintilescu și Andrada Fatu-Tutoveanu explain the granting of denomination status to Jehovah's Witnesses as being influenced by the requirements of both NATO and the EU (Corneliu Pintilescu, Andrada Fatu-Tutoveanu).

<sup>24</sup> Lavinia Stan, Lucian Turcescu, *Religion and Politics in Post-Communist Romania* (New York: Oxford University Press, 2007).

<sup>25</sup> Gabriel Andreescu, „International Relations and Orthodoxy in Eastern and South-Eastern Europe” in *International Studies* 4, (1998): 3-35.

<sup>26</sup> Gabriel Andreescu, “Douăzeci de ani de democrație anarhică”, in Vasile Boari, Natalia Vas, Radu Murea (coord.), *România după douăzeci de ani* (Iași: Institutul European, 2011), 73-107.

<sup>27</sup> Corneliu-Liviu Popescu, “Romanian Presidential Powers in Foreign Affairs”, *International Studies* 3 (1997): 15-35.

<sup>28</sup> Only part of the resources coming from the public budget can be easily traced as allocated „to religious denominations”. Until 1998, around 3 million dollars were allocated annually from the national budget for this purpose. The amount increased to 10 million dollars in 1999, 40 million Euros in 2007, 100 million Euros in 2008 (Gabriel Andreescu, “Douăzeci de ani de democrație anarhică” ..., p. 100).

<sup>29</sup> Ruxandra Hurezean, „Biserica a pierdut calea spre turmă: Straie bătute cu cristale Swarovski și clopote cu telecomandă”, *Cotidianul*, 17 octombrie 2009.

<sup>30</sup> The Protocol of Cooperation between the Ministry of Justice and the ROC on religious assistance in prisons, The Protocol of Cooperation between the Romanian Government and the Romanian Patriarchy on social inclusion, The Protocol of Cooperation on the Partnership "Health and spiritual care" between the Ministry of Health and the Romanian Patriarchy, the Law on the state-Church partnership in the area of social services; the latter was adopted in Spring 2011 after protests by civic organizations in the field.

<sup>31</sup> Liga Pro Europa, „Promovarea interesului superior al copilului în educația religioasă. Monitorizarea educației religioase în școlile publice din România” – available online at <http://www.proeuropa.ro/educatie.html>.

<sup>32</sup> The most dramatic example of the effects produced by the mixture between religion and state is Yugoslavia. The overlap of the ethnicity and religion, typical for the Serbians, was embraced by Bosnians and Croats: “Both the churches and the nationalists have labored mightily to get close to a 100 percent fit between religion and ethnic identity among Serbo-Croatian speakers and have tended to reinforce nationalism rather than any sort of ‘catholic’ universalism. The churches are indeed both militant and national in former Yugoslavian lands. The two identities thus reinforce each other.” (Bogdan Denich, *Ethnic Nationalism: The Tragic Death of Yugoslavia* (Minneapolis: University of Minnesota Press, 1994), 30)

<sup>33</sup> Dumitru Stăniloae, “Biserica românească” (1942), in Dumitru Stăniloae, *Națiune și creștinism* (București: Elion, 2004), 145-146.

<sup>34</sup> Dumitru Stăniloae, “Creștinism și naționalism” (1940), in Stăniloae, 117-118.

<sup>35</sup> Dumitru Stăniloae, “Ortodoxia și viața socială” (1940), in Stăniloae, 109.

<sup>36</sup> Dumitru Stăniloae, “Restaurarea românismului în destinul său istoric” (1940), in Stăniloae, 114-115.

<sup>37</sup> The ROC was part of the World Council of Churches (Comisia Prezidențială pentru Analiza Dictaturii Comuniste din România, *Raport Final* (București: Humanitas, 2007), 277).

<sup>38</sup> Dr. Nicolae Bălan, *Evangelhia și Democrația. Ortodoxia și Neamul. Biserica și Statul. Vorbire rostită cu ocazia discuțiunii generale asupra Constituției, în ședința dela 12 Martie 1923 a Senatului român* (Sibiu: Tiparul Tipografiei Arhidiecezane, 1923), p.21.

<sup>39</sup> Onisifor Ghibu, *Catolicismul ungiuresc în Transilvania și politica religioasă a statului român* (Cluj: Institut[ul] de Arte Grafice “Ardealul”, 1924), 274.

<sup>40</sup> Report presented at the November 1937 General Congress in Satu Mare (Buletinul AGRU București, nr. 8-9, iulie-august 2002.)

<sup>41</sup> See "The Declaration of the Episcopate of the Romanian Orthodox Church" during the Parliamentary debate: "In virtue of its dignity and lofty patriotism, ROC rejects any restriction or constraint upon the national sovereignty. (Ioan Vasile Leb, "The Orthodox Church and the Minority Cults in Inter-War Romania (1918-1940)", *Journal for the Study of Religions and Ideologies*, Vol. 1 Issue 3 (Winter 2002): 135). A note on the title of the article: Romanian translators often make the mistake of translating the Romanian word "culte" as "cults". However, the word "culte" means "denominations".

<sup>42</sup> Ioan-Daniel Chiș, „Problema restituirii lăcașurilor de cult ce au aparținut cultului Greco-catolic”, *Studia Universitatis Babeș-Bolyai Iurisprudentia*, (2004) (available online at <http://studia.law.ubbcluj.ro/articol.php?articolId=147>).

<sup>43</sup> According to this law, local religious communities lose their right of ownership and possession of relevant assets when the majority of their faithful joins the local community of another denomination.



<sup>44</sup> Circular Letter of the Romanian Orthodox Bishops from Ardeal no. 2602 of 8/12 September 1916, Oradea Mare.

<sup>45</sup> Stuart Mews (ed.), *Religion in Politics: A World Guide* (Harlow: Longman, 1989).

<sup>46</sup> One exception was Bulgaria, where the number of Greek-Catholics was small. The church was not banned, but their religious life was severely limited (David Little, *Ukraine: The Legacy of Intolerance*. Series on Religion, Nationalism, and Intolerance (Washington: United States Institute of Peace Press, 1991).

<sup>47</sup> Lucian N. Leustean, „Construing Communism in the Romanian People, Republic. Orthodoxy and State, 1948-49”, *Europe-Asia Studies*, 59.2 (Mar. 2007): 304.

<sup>48</sup> Cristian Vasile.

<sup>49</sup> Daniel Barbu, “Subsidiaritate, democrație creștină și ortodoxie”, *Provincia*, nr. 5, septembrie 2000.

<sup>50</sup> Speech on October 19<sup>th</sup> 1948 (Cristian Vasile)

<sup>51</sup> Memorandum on the discrimination against RCUR, 2002.

<sup>52</sup> Greek-Catholic bishops Valeriu Traian Frențiu, dr. Alexandru Rusu, Iuliu Hossu, Vasile Aftenie, Ioan Bălan and Ioan Suciu were among the 400 to 600 arrested clergy (Comisia Prezidențială pentru Analiza Dictaturii Comuniste din România, *Raport Final* (București: Humanitas, 2007), 278).

<sup>53</sup> Ioan-Daniel Chiș.

<sup>54</sup> Andrei, Bishop of Alba-Iulia, *Domnilor deputați, vă rugăm: nu sfâșiați cămașa lui Hristos* (Messrs. Deputies, please do not tear the shirt of Christ), "Renașterea" (Rebirth)–official magazine of the Orthodox Archdiocese of Vad, Cluj and Feleac, no. 3 (1998): 6.

<sup>55</sup> Although it is not as weak as to endanger the requirements of procedural democracy (the democratic dimension).

<sup>56</sup> BOP 1998-2007: Romania – țara de nemulțumiți optimiști - available on line at <<http://www.soros.ro/ro/publicatii.php?cat=2#>>.

<sup>57</sup> Valentina Deleanu, Mariana Bechir, "Sondaj IMAS: Românii au tot mai puțină încredere în poliție", *Adevărul*, (March 2<sup>nd</sup> 2011).

<sup>58</sup> Ovidiu Voicu (coord.), Raluca Popescu, Mirel Paladă și Claudiu Tufiș, "Religie și comportament religios. Implicarea Bisericii în politică" – available online at <[http://www.soros.ro/ro/program\\_articol.php?articol=305](http://www.soros.ro/ro/program_articol.php?articol=305)>.

<sup>59</sup> Mircea Marian, "Harul sfânt pare să se fi pogorât asupra președintelui PNL, Crin Antonescu" *Evenimentul zilei*, (31 August 2011).

<sup>60</sup> Sandu Frunză (coord.) *Pași spre integritate. Religie și drepturile omului în România* (Cluj: Limes, 2004), 115-116.

<sup>61</sup> Radu Preda, *Biserica în stat. O invitație la dezbateri* (București: Scripta, 1999), 53-54.

<sup>62</sup> Î.P.S. Daniel, "Valorile creștine și valorile euro-atlantice – temelia viitorului", *Securitate și Cooperare*, no. 4 (6), Bucharest, (September 2002): 16.

<sup>63</sup> The prison system in Romania has received, symbolically, an orthodox "identity": Saints Peter and Paul are the official protectors of the Romanian prison system.

<sup>64</sup> Among several other competences, one can notice those having nothing to do with the divine service: keeping and periodically updating the list of prisoners by denomination, being part of the parole board, or endorsing the appointment of room supervisors (APADOR-CH Report 2006 – available online at <http://www.apador.org/en/index.htm>).

<sup>65</sup> Hence, in 2006, the protocol was modified by Order no. 610/17.02.2006 of the Minister of Justice, which introduced new Regulations on religious assistance in

detention. Order no. 610/17.02.2006 fell short of denouncing the protocol between the Ministry of Justice and the Romanian Orthodox Church, and the offices for religious assistance remained in function (*Idem*).

<sup>66</sup> Gabriel Andreescu, "Ocuparea spațiului secular. Libertatea de conștiință versus limitele <libertății de religie instituționale>", in *Revista Română de Drepturile Omului*, 13.29 (2005): 4-14.

<sup>67</sup> See petition available online at <[http://www.petitiononline.ro/petitie/proiectul\\_de\\_lege\\_pentru\\_stabilirea\\_parteneriatului\\_dintre\\_stat\\_si\\_biserica\\_in\\_domeniul\\_asistentei\\_sociale\\_trebuie\\_retras\\_-\\_p19897064.html](http://www.petitiononline.ro/petitie/proiectul_de_lege_pentru_stabilirea_parteneriatului_dintre_stat_si_biserica_in_domeniul_asistentei_sociale_trebuie_retras_-_p19897064.html)>.

<sup>68</sup> The Ministry of Defense, the Ministry of the Interior, the Romanian Intelligence Service, the Foreign Intelligence Service, the Protection and Guard Service, the Special Telecommunications Service and the Ministry of Justice – the General Directorate of Prisons.

<sup>69</sup> APADOR-CH, "Din nou despre religie, toleranță, drept la proprietate", *Revista Română de Drepturile Omului* 5. 15 (1997): 50-51.

<sup>70</sup> Corneliu-Liviu Popescu, "Competența instanțelor judecătorești în soluționarea litigiilor patrimoniale dintre Biserica Ortodoxă Română și Biserica Română Unită cu Roma (Greco-Catolică)", *Revista Română de Drepturile Omului* 10.24, (2002): 9.

<sup>71</sup> "COMUNICAT: Poziția Bisericii Greco-Catolice față de intenția declarată a Bisericii Ortodoxe Române de a susține legiferarea epurării culturale și religioase în România" – available online at <<http://www.bru.ro/blaj/pozitia-bru-fata-de-intentia-bor-de-a-sustine-legiferarea-epurarii-culturale-si-religioase/>>.

<sup>72</sup> The parish had started the process of reclaiming its property in 1992. Because 9 years later the case was still not moving forward, the Greek-Catholic parish petitioned the ECtHR in January 2001. In the mean time, at the end of 2006, it recovered the property under dispute.

<sup>73</sup> The parish claims the Romanian state violated its right to a fair trial, freedom of thought, conscience and religion, the right to an effective remedy, the prohibition of discrimination and the protection of property.

<sup>74</sup> Requête n° 2534/02 présentée par PAROISSE GRECO-CATHOLIQUE ȚICVANIUL MARE contre la Roumanie.

<sup>75</sup> Affaire Paroisse Greco Catholique Sâmbata Bihor c. Roumanie (Requête n° 48107/99).

<sup>76</sup> The National Council for Combating Discrimination, established in 2002, gained in prestige and influence after 2005, with the nomination of a new Steering Board headed by Csabo Astalos, who was supported by the Democratic Union of Hungarians in Romania.

<sup>77</sup> The National Council for Combating Discrimination gave central preeminence to the procedure of „changing of the burden of proof” in a case involving the failure to return property belonging to the Jewish Community, solved two weeks previously.

<sup>78</sup> The special relationship between State Secretary Dragoș Tiberiu Niță, the vice-president of the NCCD, and the ROC hierarchy is suggested by his inclusion in the Delegation if the Romanian Patriarchate that went to bring the Holy Light from Jerusalem on Easter in 2010 (Dana Humoreanu, "Delegația care aduce Lumina Sfântă, condusă de Arhiepiscopul de București", *Monitorul de Suceava*, (30 martie 2010).

<sup>79</sup> See the statement of the Metropolitan See of Cluj, Alba, Crișana and Maramureș: "The major problem of the United Church is its equivocal and ambiguous position on the Romanian scene after December 1989" The Metropolitan See of Cluj, Alba, Crișana and Maramureș (Cluj-Napoca: Renașterea Publishing House, 2006).

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