

# RELIGIOUS FREEDOM IN COMMUNIST ROMANIA REGARDED BY THE GENERAL STATUS OF RELIGION DECREE OF 1948

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## **Abstract:**

Freedom of religion and conscience are one of the fundamental human rights, enshrined in human nature, but also legally established over the years through various laws, treaties and international conventions, to which Romania is a party. An analysis of the General Status of Religion Decree of 1948, which established relations between the state and the denominations for more than half a century, will highlight the state's desire to promote the idea of religious freedom, which the same state will not apply. The discrepancy between legislative speech and daily reality has often been accused in times by those who felt the law's failure.

**Keywords:** *legislations, freedom, religious denominations, decree, communist regime.*

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## **1. Argument**

The full establishment of the communist regime in Romania, on December 30, 1947, as well as the transformation of the country from the Kingdom into the People's Republic, required a new law<sup>1</sup> on the general status of religions to be adopted on August 4, 1948<sup>2</sup>. This was intended, on the one hand, to replace the old one (promulgated in 1928) and, on the other,

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1 This article is based on a more detailed article on all three Romanian religious laws: Bogdan Emanuel Răduț, *Legea cultelor și libertatea religioasă în România. Aspecte comparative și evolutive*, în „Jurnalul Libertății de Conștiință 2014”, *Lucrările Conferinței Științifice Internaționale „Legislație, religie și libertate. O abordare în contextul globalizării”*, București, Palatul Parlamentului, 22 octombrie 2014, Mihnea Costoiu, Liviu-Bogdan Ciucă, Nelu Burcea (coordonatori), Editura IarSic, Franța, 2014, pp. 254-265.

2 *Decretul Nr. 177 pentru regimul general al cultelor religioase* în „Monitorul Oficial al României”, Nr. 178 din 4 august 1948, pp. 2-6 (6392-6396). It was also published in *\*\*\*, Legea și statutele cultelor religioase din Republica Populară Română 4*, București, Editura Ministerului Cultelor, 1951, pp. 7-16.

to establish the relationship between the state and the denomination in the new political regime, emphasizing three principles: freedom of religion, equality of all religions and autonomy from the state<sup>3</sup>.

The decree (law) contains 62 articles, structured in 7 chapters, and has been in force for more than half a century (1948-2006). However, during the communist regime, the expressions such as „public security”, „social order” and „good morals”, found in the text of the law, left room for interpretation, which led to misactions that have led to numerous abuses. This led the law to demonstrate „the religious policy of the Soviets and how they were to apply the principles of Yalta”<sup>4</sup>, leading to the imposition of new „limits [...] to the freedom of action of churches”<sup>5</sup>.

The first victim of the new law was the Romanian Church United with Rome (Greek Catholic Church), abolished by Decree 358 of December 1, 1948. Then the Roman Catholic Church was regarded, until 1989, as „a denomination tolerated with a decapitated elite”<sup>6</sup>. The evangelicals denominations, only four in number, were also legal, but closely supervised by the state, and their activities often restricted by it.

Beyond the legislative speech, the daily reality showed that religious freedom was well-presented but tendentiously applied. This is probably one of the reasons why, at the December 1989 revolution, „real freedom of all religious denominations”<sup>7</sup> was called for. But the law was not replaced until late, and in the 1990-2006 void, „the state issued several laws and government decisions governing certain parts of religious life in Romania”<sup>8</sup>.

From the content of the law, in the key to religious freedom, the articles on the recognition of religious denominations and their work will be followed.

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3 Bogdan Emanuel Răduț, *Statul și Biserica în România comunistă (1948-1965), Între demnitate și compromis*, Craiova, Editura Sitech, 2010, p. 54.

4 Ben-Oni Ardelean, *Libertatea religioasă: o abordare normativă*, București, Editura Didactică și Pedagogică, R.A., 2011, p. 296.

5 Dennis Deletant, *Teroarea comunistă în România. Gheorghiu-Dej și statul polițienesc*, Iași, Editura Polirom, 2001, p. 77.

6 Carmen Chivu-Duță, *Culte din România între prigonire și colaborare*, Iași, Editura Polirom, 2007, p. 17.

7 Daniela Osiac (coordonator), *Revoluția din decembrie 1989: Mesaj pentru România. Proclamații, apeluri, manifeste ale Revoluției Române din Decembrie 1989*, București, Editura IRRD, 2010, p. 18.

8 Ben-Oni Ardelean, *op.cit.*, p. 337.

## 2. Aspects concerning the recognition of denominations

The principle of religious freedom was laid down in the first Article of the law: „The state guarantees freedom of conscience and freedom of religion throughout Romania. Anyone can belong to any religion or embrace any religious belief if its exercise does not run counter to the constitution, to public security and order, or to good morals.”<sup>9</sup> This Article is supplemented by Article 6: „Religious denominations shall be free to organize themselves and may function freely if their practices and rituals are not contrary to the Constitution, to public security or order and to accepted morals.”<sup>10</sup> From the two articles, we note that „such vague wording introduced limitations in the legislation on the exercise of a religious faith or the functioning of a religious denomination”<sup>11</sup>. The state was playing in double, on the one hand, affirming the guarantee of religious freedom, and on the other, securing the levers to supervise and control religious denominations, of any confession they may be. The state has been involved, through public policies, in establishing, recognizing or withdrawing the religion status. The Law established that „every religious denomination shall submit, through the Ministry of Religious Affairs, for examination and approval, its organizational and operational status, including the system of organization, management and administration, together with the confession of faith” (Article 14), stating that they were to be „recognized by decree of the Presidium of the Great National Assembly, On a proposal from the Government following a recommendation from the Minister of Religious Affairs” (Article 13)<sup>12</sup>. Therefore, under the law, only fourteen denominations were recognized or tolerated, within certain specific limits for each: Romanian Orthodox Church, Roman Catholic Church, Reformed Church, Evangelical Church C.A., Evangelical Lutheran Church, Unitarian Church, Armenian Church Diocese, Old-Rite Orthodox Church, Baptist Church, Brethren Assemblies, Pentecostal Church, Seventh-Day Adventist Church, Islam, Jewish Communities<sup>13</sup>.

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9 *Decretul Nr. 177 pentru regimul general al cultelor religioase*, p. 2 (6392).

10 *Ibidem*.

11 Marius Silveșan, *Bisericile Creștine Baptiste din România între persecuție, acomodare și rezistență*, Târgoviște, Editura Cetatea de Scaun, 2012, p. 74.

12 *Decretul Nr. 177 pentru regimul general al cultelor religioase*, p. 3 (6393).

13 \*\*\*, *Legea și statutele cultelor religioase din Republica Populară Română 4, passim*.

The law required religious denomination to prove that their activity, doctrine and organization do not in any way conflict with the interests of the State. But she allowed only the existence of religions, compared to her predecessor and his successor, who also allowed the existence of religious associations. Consequently, a number of religious groups were considered to be „sects” (Jehovah’s witnesses, Nazarinans, reformist adventists, spiriții) or „anarchic groups” (Oastea Domnului, stiliștii, betaniștii, pentecostals dissidents, treziții), „and their activity has been banned throughout the communist period”<sup>14</sup>. Despite this ban, however, these groups worked clandestine with the tacit consent of the state, because they will be found after comunist period also. Even the disbanded Greek Catholic Church continued to exist in clandestine<sup>15</sup>. But it was the state that established, in an arbitrary manner, whether or not a denominatio falls within the framework of the operation established by the law which he himself had drawn up.

### 3. Aspects of denominations activity

As for the denomination-state relationship, the latter was the one which approved the existence of denominations, before which they were theoretically equal, and the legislative requirements universally applicable to all. The law forbids the „organization of political parties on a confessional basis” (Article 16)<sup>16</sup>, because the communist regime did not allow the existence of a multi-party. Then the religious leaders had to be „Romanian citizens, enjoying the full exercise of civil and political rights” (Article 20)<sup>17</sup>. Although they were „elected or appointed in accordance with the statutes of organization of the denomination in question shall not be recognized in service except on the basis of the approval of the President of the Grand National Assembly, given by decree, on the proposal of the Government,

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14 Carmen Chivu-Duță, *op.cit.*, p. 18.

15 For details see Ioan Boilă, *Biserica Română Unită. Vocație, destin, responsabilitate*, Cluj-Napoca, Editura Viața Creștină, 1997; Cristian Vasile, *Istoria Bisericii Greco-Catolice sub regimul comunist 1945–1989. Documente și mărturii*, Iași, Editura Polirom, 2003; Idem, *Între Vatican și Kremlin. Biserica Greco-Catolică în timpul regimului comunist*, București, Editura Curtea Veche, 2004.

16 *Decretul Nr. 177 pentru regimul general al cultelor religioase*, p. 3 (6393).

17 *Ibidem*.

following the recommendation of the Minister of Religious Affairs” (Article 21). And „before the entry into service, all these will take the oath of faith before the Minister of Religious Affairs” (Article 21), in which, in a triple capacity (servant of God, man and citizen) they swore to be faithful to the People, to defend the Romanian People’s Republic, against enemies from outside and inside and not allow the „subordinates” not to obey the laws of Romania or to take „actions that would prejudice the public order and the integrity of the Romanian People’s Republic”. And „the other clergy members of different denominations, as well as the presidents or leaders of local communities, will take the oath of faith before their entry into office before their hierarchical heads [...]”. During the communist regime, religions denominations were often mobilized in state orchestrated actions (peace conferences, Consiliul Consultativ al Cultelor/The Council of Denominations Colaboration, disarmament statements etc.). The State also imposed control over all denominations, exercised through the Ministry (later called the Department) of Religious Affairs. All events, pastorals, internal circulars and finances and stamps were also controlled by the State (Article 25).

Relations between denominations, at least declarative, were based on mutual respect, so that the actions of one religious denomination did not affect another or other denominations. But, as far as the foreign ones are concerned, the law established that the relations of religious denominations with their ancestry „would be of a religious nature only” and any foreign links required „the approval of the Ministry of Religious Affairs through the Ministry of Foreign Affairs” (Article 40)<sup>18</sup>. Moreover, the aid received or sent by the religious denominations was „State-controlled” (Article 42)<sup>19</sup>. The area of external relations has not escaped state control and security supervision.

Finally, religious education was allowed, the denominations being „free to organize their education for the training of the staff of the denominations” but „under State control” (Article 44), which was involved in the approval of the composition of the teaching staff (Article 45) and of the school curriculum (Article 44). But the law established a defined number of such institutions. As a result, the Orthodox Church was entitled to two

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18 *Ibidem*, p. 5 (6395).

19 *Ibidem*.

theological institutes, while the Catholic and Protestant churches were entitled to one institute each (Article 49)<sup>20</sup>. But here too the teaching staff had to be approved by the Ministry (Article 52)<sup>21</sup>.

#### 4. Conclusions

Despite the emphatical statements that there was freedom of religion and conscience in communist Romania, the gloomy reality was that religious life was carefully supervised and often restrained by the atheist policy of the state. The observance and enforcement of the General States Religion Decree (Law) was often arbitrary, and the Ministry/Department of Religious Affairs was the instrument of state control and surveillance in relation to religious denominations.

Therefore, looking at the General States Religion Decree (Law) and the issue of religious freedom, it can be seen that Romanians have learned on the move what freedom of religion and conscience means and implies.

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20 *Ibidem.*

21 *Ibidem.*

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