

# WHERE ARE THE LIMITS OF THE LEGISLATIVE SYSTEM IN THE AREA OF RELIGIOUS DENOMINATIONS?

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**ABSTRACT: Where are the Limits of the Legislative System in the Area of Religious Denominations?**

Our research focus is on contemporary Romanian society. The religious structure of the country observes the existence of numerous religious denominations, numerically minority, in the context of the presence of the Romanian Orthodox Church, a numerical majority church of over 85%. The Romanian Orthodox Church is closely linked to the history, culture, and ethnicity of the Romanian people. Romania is a member of the European Union and respects all the principles specific to democratic and democratic modernity and human rights.

The Law of Religious Freedom, number 489, was voted by the Romanian Parliament in 2006. This law was considered a new and balanced act at that moment. Since then, almost 15 years have passed. By carefully analysing this period, we asked ourselves whether the Law of Religious Freedom promoted interreligious Dialogue and social Dignity. How can this be expressed in the context of contemporary religious pluralism and globalization? What are the limitations but also the benefits of this approach? We will use research on the official documents of religious denominations, press reports, and academic analyses. We will interpret our analysis from the historical and sociological perspectives but also from the view of the legal and political sciences.

**Keywords:** *Romanian society, religious freedom, inter-religious dialogue, religious dignity, religious denomination.*

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## **1. Can the Law of Religious Freedom in Romania promote inter-faith dialogue and social dignity? Limits and benefits**

Just a few months ago, I had a series of meetings with the representatives of the community of Jehovah's Witnesses in Romania at the highest level. I

talked with the president of the organisation, Dumitru Oul, with the vice presidents<sup>1</sup> of the organisation and the press correspondent<sup>2</sup>, and I asked them a series of questions that define the dynamics and presence of the Jehovah's Witness religious community in the context of Romanian society and how it relates to from culture as a whole.

This opportunity to meet with the representatives of Jehovah's Witnesses and with the leadership of the Organization in Romania was motivated by the fact that I had very little information from the press about their activity, and I wanted to clarify a series of ambiguities directly with the authorised source.

I was very pleasantly impressed by the way the inner courtyard of their residence was organised and looked like a kind of open patio, with alleys and very well-kept green areas (Str. Orzari, 29 Bucharest;), and the area of the entire headquarters was almost three times the one I had known in the past. In the reception hall of the headquarters office, I discovered a small book exhibition representing different historical Romanian editions of the Bible. In those editions of 300 years ago, the word *Jehovah* was used to name *God* (*Dumnezeu, în limba Română*).

I also appreciated that they had set up a few rooms as a small museum of the organisation's history in Romania, especially insisting on how they carried out their missionary activity clandestinely during the communist period. The museum contains original documents and artefacts of great importance for their recent history in Romania. In conclusion, since I had not visited the headquarters of Jehovah's Witnesses, things had changed a lot.

I want to specify that almost 20 years ago, I also had frequent meetings<sup>3</sup> with representatives of the Organization of Jehovah's Witnesses on the occasion of an administrative step to implement a decision of the High

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1 Tibor KOVACS – Vice-president of the Organization of Jehovah's Witnesses from Romania; *Qualitative interview*, Sept. 14th. 2022, at the headquarters of the Organization in Bucharest, Str. Orzari nr. 29-31; sector 2; RO-021552 București; România; tel: +40 21-302-75-00; adresa site Organizației: <https://www.jw.org/ro/>

2 Mihaita PINTEA - press correspondent of the Organization of Jehovah's Witnesses in Romania; *Qualitative interview*, 14th sept. 2022, at the headquarters of the Organization in Bucharest, Str. Orzari nr. 29-31; sector 2; RO-021552 București; România

3 Laurentiu TĂNASE was Secretary of State for Religious Affairs (2001-2004), within the Ministry of Culture and Religious Denominations coordinated by Acad. Răzvan Theodorescu, during the Government led by Adrian NASTASE, Prime Minister.

Court of Justice in Romania, which, in a board of nine judges, the Court decided that the Organization of Jehovah's Witnesses must be recognised with the legal status of a religious cult having all the rights that all the other Cults which operated legally in Romania, as being recognised by the communist State (14 denominations) in the past, and who regularly benefited from a series of fiscal privileges or subsidies from the Romanian State<sup>4</sup>.

But before continuing my presentation, I would like to deconstruct the research object to better understand what we mean when we talk about *interreligious dialogue and the social dignity* of religious communities.

The title that I propose is a doubt, a question that I asked myself, *where are the limits...*, to understand the applicability and value of the legislation specific to religious life in Romania in the context of democratic pluralism. More precisely, *I wonder if the law on religious freedom can promote inter-religious dialogue and social dignity in Romania. I try to identify the limits and benefits of this situation* and how they manifest themselves in Romania. De-structuring this subject allows us to more clearly understand the meaning and importance of the concept of interreligious dialogue and the social dignity of religious communities.

So, what do we mean by interreligious dialogue? What is the meaning of the word conversation? The word dialogue comes from combining two Greek words, *dia* - through and *Logos* - word.

So, *through the help of words*, unclear aspects that generate tense situations could be clarified, or information can be transmitted between dialogue partners *through words*. To understand the meaning of *social dignity*, we have taken into account that the term is of Latin origin - *Dignitas*, and defines as an abstract term, the quality of a person, or a group, his reactions, his moral attitude and the prestige that an entity has.

I am interested, therefore, from an academic perspective, in how religious freedom works and, in particular how existing legislation protects the functioning of religious liberty and religious pluralism. But also, I would like to understand if the laws protecting religious freedom can promote dialogue and social dignity<sup>5</sup>. As I mentioned before, religious dialogue and

4 The religious organization „Jehovah's Witnesses” - brief legal history; <https://lege5.ro/Gratuit/he4daojs/organizatia-religioasa-martorii-lui-iehova-decizie?dp=gmytqojxgiztm> (accessed 18.09.2022)

5 *Dialog*: meaning - a conversation between two or more people; a discussion between representatives of parties to a conflict that is aimed at resolution (Cf. Merriam-webster dictionary: <https://www.merriam-webster.com/dictionary/dialogue> 22.09.2022) ;

social dignity are the aspects that, from the perspective of religious communities, we consider to be *very closely related to the law on the protection of religious freedom*.

This hypothesis has a rhetorical aspect, of course, because everybody can understand very clearly the link between promoting legislation protecting religious freedom in support of pluralism, interreligious dialogue and social dignity.

However, a working hypothesis starts from the socially accepted fact that a dignified and respected presence in society can be built on a favorable framework. Reciprocity denies this principle. *In other words, the non-existence of a legal framework that protects human rights and, in particular, freedom of religion and conscience could create a situation in which social dignity is affected and, implicitly, inter-religious dialogue is labelled as ineffective.*

## 2. Theoretical, conceptual and academic aspects

I have been interested to understand the functioning of legislative aspects in the sphere of religious rights for an extended period of time because, first of all, I teach courses on the sociology of religion, secularism, pluralism and the relationship between the State and the Church, from the perspective of the sciences of faith, the sociology of religion.

But equally, I have been monitoring for more than 20 years how the laws regarding the protection of freedom of conscience, religious freedom and religious pluralism work. I am interested in these aspects because, at one point in my professional career, I also fulfilled the responsibility in the government of being State secretary for religious affairs<sup>6</sup> between 2001 - 2004 in the Government led by Adrian Nastase as Prime Minister. In this position of public dignity, I had the critical task of drafting a modern law that would protect the rights and freedoms of religious denominations and Religious Freedom.

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*Dignity*: meaning = Dignity from Latin dignitas - dignified is an abstract term that indicates the quality of a person's reactions, behavior. The quality of being dignified, dignified attitude; moral authority, prestige; the quality or state of being worthy, honored, or esteemed: high rank, office, or position (Cf. Merriam-webster dictionary: <https://www.merriam-webster.com/dictionary/dignity> 22.09.2022).

6 Laurențiu TĂNASE was Secretary of State for Religious Affairs (2001-2004), within the Ministry of Culture and Religious Denominations coordinated by Acad. Răzvan Theodorescu, during the Government led by Adrian NASTASE, Prime Minister.

The field of religious life was operating in a legislative vacuum because after the fall of the communist regime in 1989, no law had been adopted to protect religious rights, and this situation needed to be resolved. The totalitarian regime had still adopted the existing rules for the supervision and control of religious denominations<sup>7</sup>, and the existence and application of those laws represented a negative aspect of Romania's European democratic evolution.

It was the period 2001-2004 when I had this critical task. I want to remind you that during the 2000s in Romania because I am talking about the social and legislative realities in Romania from *that* period, *the strong influences of the communist totalitarian period could still be observed*. A strong adverse reaction to religious freedom was still perceptible in public, even if it was not clearly expressed publicly. And towards religious pluralism and religious otherness, society's general attitude *was intolerant*.

On the one hand, all religious denominations, the entire religion the entire social life were carefully monitored, supervised and censored by the security system of the communist regime. But equally, it was cultivated as a kind of state policy, a nationalist mentality based on promoting a cultural approach regarding religious exclusivity, in our case, the Romanian Orthodox Church<sup>8</sup>. In this way, the communist regime strengthened the nationalist policy, relying on the authority of the majority Church. This relationship of religious nationalist collaboration offered a reduced framework for the manifestation of the other existing religious denominations. The unofficial relationship between the Communist State and the Orthodox Church was presented as a symphony between the State and the Church. Both in common interests in preserving Romanian national identity and dignity<sup>9</sup>.

The communist regime proposed this agreement to the Orthodox Church, especially after the 70s, when it was considered to have ended the so-called "Stalinist-type" terror that manifested through the persecution of religious dissidents in prison. In this way, the Orthodox Church received greater freedom of movement in the specific area of spiritual life. The total-

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7 Dr Verginia VEDINAS, *Libertatea credințelor religioase*, Bucuresti, Ed Lumina Lex, 2003, pp. 81-98

8 Paul NEGRUT, *Biserica si Statul, o interogație asupra modelului "simfoniei" bizantine*, Oradea, Ed Institutului Biblic Emanuel, 2000, pp. 135-137.

9 *Ibidem*.

itarian regime benefited from the prestige that the Orthodox Church had among the faithful<sup>10</sup>.

Such a mentality generated 1996 a strong wave of protests, especially in Bucharest, against the intention of Jehovah's Witnesses to organise a Faith International congress in Romania. Many forms of institutional disagreement have been expressed regarding the choice of Jehovah's Witnesses to organize an international congress in a predominantly Orthodox country.

The witnesses were accused in the press and by other representatives of religious life as being sectarian and dangerous for the life of Romanian society. Even the Patriarch of the Romanian Orthodox Church at the time, Patriarch Teoctist, publicly requested the mayor of Bucharest and the Romanian State not to grant authorisation to organise the congress in Bucharest because it represented a danger to Romanian Society. I mention that 87% of the country's population declared themselves in the 1992 National Census as belonging to the Orthodox Church.

The disgrace was so great that Congress was not authorised to organise. The Jehovah's Witnesses, outraged by this situation, used the opportunity to ask in court to be recognised with the legal term of Religious Cult, which was also used by other state-recognized denominations, including the Romanian Orthodox Church or the Roman Catholic Church, stating that in this way they would all the risks of intolerance towards them disappear and they will be able to carry out their religious activity freely and without administrative obstacles from the State.

The processes that analyzed the request for recognition by the Romanian state of the status of a religious cult for Jehovah's Witnesses lasted four years, and the last court decision in March 2000 at the High Court of Justice demanded that the Romanian State recognize the legal status of a religious cult for the Witnesses of Jehovah. The Minister of Culture and Religious Affairs at the time, academician Răzvan Teodorescu, implemented the decision of the High Court of Justice in 2003, 22 of Mai.

Three years later in 2006, Law 489 on Religious Freedom in Romania was voted by the Romanian Parliament, which had clear mentions regarding the aspects of the organization and functioning of religious life

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10 Florin, ABRAHAM, *Romania since the second world war*, Ed. Bloomsbury, 2017, p. 85.

in Romania and the conditions for the recognition of religious Denominations<sup>11</sup>.

The years passed and the religious tensions gradually decreased. The Law 489 of 2006 had managed to regulate all the unclear aspects that prevented the manifestation of human rights and especially those related to freedom of religion and conscience in full accordance with the legislation of the European Union, of which Romania was part of it.

### **3. Establishment of the Consultative Council of Religious Denominations in Romania**

On April 14, 2011, at the initiative of Patriarch Daniel of the Romanian Orthodox Church, 16 Cults among the 18 recognised by the Romanian State with this legal identity - Religious Cult, a neutral and non-offensive legal term, met to constitute the civic structure that expresses the will and the official voice of the religious denominations in Romania.

Patriarch Daniel's initiative to create bridges of dialogue and collaboration between religious denominations had been announced in Strasbourg just one day earlier, on April 13, 2011, when the Patriarch of the Orthodox Church mentioned in his speech at the Council of Europe that: "a dialogue does not it must become an imposed political ideology, but a state of mind and a culture of living together." and, "in the spirit of intercultural and interconfessional dialogue, at the initiative of the Romanian Patriarchate in Bucharest, a meeting of the 18 officially recognised Denominations in Romania will take place on April the 14th". Following this meeting, a Consultative Council of the Religious Denominations in Romania will be created, Patriarch Daniel announced in his speech.

Patriarch Daniel's speech in Strasbourg focused on the religious dimension of intercultural dialogue. It was presented during the plenary session of the Parliamentary Assembly of the Council of Europe on the 13th of April 2011.<sup>12</sup>

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11 Florin FRUNZA; Stefan IONITA; Gigel STIRBU; MINISTERUL Culturii si Cultelor, *Legea privind libertatea religioasa si Regimul general al Cultelor*, Buzau, Tipogrup Press, 2008.

12 Iolanda BĂDILIȚĂ, *Patriarhul Daniel la Adunarea Parlamentară a CE; Patriarhul a ținut un discurs despre rolul religiei in dezvoltarea dialogului intercultural in Europa*. Radio, Romania Actualitati, 13 Aprilie 2011, (<https://www.romania-actualitati.ro/emisiuni/>)



Jehovah's Witnesses did not participate in the Bucharest debate on establishing the *Consultative Council of Denominations*. We will not know more details about the correspondence sent by Patriarch Daniel to the representatives of the other religious denominations until the Church Archive is accessible for research.

*Were they sent an invitation to Jehovah's Witnesses?* We will not know details about the correspondence to participate in the ceremony sent by Patriarch Daniel to the representatives of the other religious denominations until the Church Archive is accessible for research.

*But we know from Jehovah's Witnesses, officially, that no invitation was received, and they did not know about establishing this associative body*<sup>13</sup>.

The Consultative Council of Cults in Romania is an "ethical, social, autonomous, apolitical, non-governmental organisation, without legal personality and non-profit".<sup>14</sup>

Among the primary objectives of the Consultative Council of Denominations in Romania, we mention: "the promotion of faith in God and its importance in the life of the person and society; the defence and promotion of the human being and his dignity, the promotion of respect for the divine creation (man and the surrounding nature), the adoption of common positions and attitudes towards important problems of society, the manifestation of solidarity and cooperation between Cults in the spiritual, cultural, educational and social fields, the prevention and mediation in the solution of possible inter-confessional and inter-religious differences, including the rejection and discouragement of any form of extremism, etc." (idem).

From 2011 until now, the Council has met several times and presented several important official communiqués.

Jehovah's Witnesses were not invited to any meeting, and they do not even know the reasons why they were not sent an invitation to partici-

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lumina-credintei/patriarhul-daniel-la-adunarea-parlamentara-a-ce-id24320.html 10.10.2022)

13 Tibor KOVACS – Vice-president of the Organization of Jehovah's Witnesses from Romania; *Qualitative interview*, Sept. 14th. 2022, at the headquarters of the Organization in Bucharest,

14 SECRETARIATUL Consiliului Consultativ al Cultelor, *Constituirea Consiliului Consultativ al Cultelor din Romania, 14 Aprilie 2011*, CrestinOrtodox.ro: <https://www.crestinortodox.ro/stiri/crestinortodox/constituirea-consiliului-consultativ-cultelor-romania-124430.html> 11.9.2022).



pate. When I asked them if they would have experienced it if an invitation had been sent to them, the answer was evasive, which leads me to believe that the Organization of Jehovah's Witnesses does not encourage such public associative collaborations.

## Conclusions

What can be observed is that there is still some reserve of collaboration with the representatives of Jehovah's witnesses on the part of the other Religious Denominations. But equally, Jehovah's Witnesses do not seem to make efforts to promote an associative relationship of collaboration with the other religious Denominations for everyday purposes regarding promoting *Religious Freedom of religious rights and freedoms*.

Jehovah's Witnesses believe that their *public prestige and social dignity* are given by the *praiseworthy deeds of their believers and not by their administrative and legal identity*<sup>15</sup>.

Regarding our research so far, we can conclude that the Legislation regarding the protection of religious freedom and the right to have a religion *does not bring a position of social dignity or social appreciation*. But it is a crucial, mandatory stage to recognise and appreciate the actions of the respective religious community and to grant the appreciation of social dignity.

*Therefore, the legislation in religious life is not a creator of dignity. Still, it is the necessary support based on which each religious actor builds his own social and institutional satisfaction based on believers' deeds and civic involvement in society.*

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