

Byzantine ecclesiology in a new member state of the European Union: The Romanian case

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Among the few volumes with collected studies on the broad and vague topic of Church, Society and State in Romania that have been edited during the last years none would call for a critical review. Taken together, they express the need for a thorough discussion of issues regarding the role of religion in post-communist Romanian society, but they contain not much more than that. Most of these volumes are the result of workshops and summer schools, participation to which seems to have been dictated more by political/religious considerations than scholarly interests. My invited contribution will consist in a short overview of these publications, in the course of which I will privilege discussion by topic, rather than by volume, and will refer to the various contributions contained therein according to the degree to which I considered them representative of the dominant tendencies in Romanian society.

The question formulated immediately after 1989 was how to organize religious freedom in a society that had just shaken off a regime of militant atheism, the main goal of which was to root out religion. The main players in the field of religion considered that the first step should be to abolish the very restrictive act of 1948, which regulated the activities of religious institutions in communist Romania. In spite of the genuine interest in producing a new regulation, it took more than 17 years to replace the framework established by the communist regime. A provisional framework based on the principle of individual freedom was provided by the Romanian Constitution of 1991 and by reference to the Marzescu law of 1924 regarding the general regime of associations and foundations in Romania (updated by the Government Ordinance 26/2000). After several failed attempts to create a consensus among political parties, religious institutions and social constituents regarding the conditions of religious freedom in Romania, only in 2005 did the Romanian parliament achieve to thoroughly debate a substantial law on

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religious freedom and the general regime of religions. At the moment of this review (October, 2006) this law passed in the Senate and awaits debate by the Chamber of deputies. As author Radu Carp observed, whatever legislation from the prewar period the Romanian State might have applied to regulate religious freedom, or whatever new legal forms were produced in the post-communist period, the Romanian legal conditions for the exercise of religious freedom can, compared with those in most European states, be characterized as liberal. A number of issues delayed the promulgation of a new law detailing the principle of religious freedom stipulated in the Constitution of 1991. Among them, I will focus on the relation between the Romanian Orthodox Church and the Romanian State and introduce a historian's view into what is, ultimately, a political debate. A very pragmatic political approach to outlining the relation between Church and State in Romania today will unavoidably be influenced by the interests vested in this process. Nevertheless, the debate gains depth only by recourse to history. Simply put, the question one can ask of history is whether there exists an Orthodox theory of Church-State relations and, if so, whether it could offer an answer relevant to contemporary Romanian society.

According to authors like Alexandru Stan, Ioan-Vasile Leb, Irimie Marga¹, or even the witty introduction by Metropolitan Daniel to the volume *Libertatea religioasa in context european* [Religious freedom in European context], and others, mostly members of the orthodox clergy and faculty of the Theological Seminaries, the answer to this question is a resounding "yes". Their contributions in the various publications under review systematically begin with references to Constantine and Justinian; the word "concord" (quoted as a Greek technical term: *symphonia*) between Church and State appears in every phrase and the usually very superficial overview of bi-millennarian Christian history ends, of course, with the concept of "National Church" or "Church of the nation" ("Biserica nationala" or "Biserica a neamului"). This concept corresponds to a legal term formulated in the 19th century and aiming to legitimize the ecclesiastical reorganization of the Orthodox Churches in the newly independent nation-States that emerged in the European part of the disintegrating Ottoman Empire. It amounted to declaring the Churches within each of these States independent (the ecclesiological

¹ Irimie Marga in his article "Biserica majoritara si provocarea coabitarii in societatea romaneasca" in Ioan-Vasile Leb, Radu Preda (eds.), *Culte si statul in Romania, (Renasterea, Cluj-Napoca, 2003)* p. 61 considers that the participation of Church representatives in the parliament is a element of the Byzantine tradition, as if clergymen were not members of the parliament in early modern monarchies in the West. On the contrary, clergymen were never members of the senate in Byzantium.

term is “autocephalous”) from its ecclesiastical head, the patriarch of Constantinople, then still capital of the Ottoman Empire. This new Church organization was initially rejected as heretical by the Patriarchate of Constantinople and accepted later as a matter of fact under conditions of tremendous political pressure.

At the moment of writing this review, it seems already outdated to take this topic into consideration, since the representatives of the Orthodox Church agreed to drop their ambitions for recognition by the Romanian State as a “National Church” in the present draft-law. However, we cannot but note the fact that this change of attitude is, sadly, the result of international pressure meant to protect the interests of other religious organizations active on Romanian territory, interests that would have been jeopardized by what they considered as an unduly privileged status offered to the Orthodox Church. In this context, it is still important to examine the solution proposed by a mature reflection within the Orthodox Church. Nevertheless, it is necessary to mention that the concept of a “National Church” as it appeared in previous drafts and projects was devoid of any legal consequences and was limited to the status of honorary title. Two discordant views within the Orthodox camp deserve a full attention in this respect: those of Ioan Ica Jr. and Radu Preda, both professors at the Theological Institutes in Sibiu and Cluj-Napoca. In the volume edited with G. Marani, *Gândirea socială a Bisericii* [The Social Thought of the Church] (Ed. Deisis, Sibiu, 2002), which, in more than six hundred pages brings together an important number of texts pertinent to social thought from both the Western and the Eastern Christian tradition, Ioan Ica jr. published an outstanding analysis of the historical burden carried by the Orthodox Church through concepts such as “National Church” or “Serving Church”, developed by theologians under the communist regime to define the role of the Church under the severe restrictions and political control exercised by the communist party. Calling for a debate addressed to Christianity in the third millennium, Ioan Ica jr. welcomed those clergymen who, inspired by ecumenical tradition and in convergence with the ecclesiastical social practice of the Catholic Church, would be able and eager to surmount the obstacles posed by this recent past.

Radu Preda, in his book *Biserica în Stat: o invitație la dezbatere* [The Church within the State. An invitation to debate] (Editura Scripta, Cluj-Napoca, 1999), offers a very useful outline of the legal systems applied in Europe (French, English and German models) and attempts to develop what he calls the “post-Byzantine” model of Church-State relations.

It still seems necessary to remember that the noun “Byzantium” and the adjective “Byzantine” hardly cover a uniform historical reality. During

the more than thousand-year-old history of the Empire whose capital was Constantinople, Church-State relations evolved or were transformed by the historical context to such a degree that the various stages of their evolution certainly do not represent a single model. It is even more problematic to use the term “Byzantine”, even in the form “post-Byzantine”, to describe the historical conditions of the Orthodox Church under the Ottoman Empire. Whether or not, and to what extent, the new Nation-States in the Balkans used “Byzantium” as a constituent of political ideology that closely linked the Church to the State, is a research topic in itself, on which Romanian historiography has not yet conducted any systematic comparative research. Still, it is safe to state that Byzantium was hardly present in the Romanian rhetoric about the Nation-State. My main criticism regarding the understanding of Church-State relations by authors like Alexandru Stan, is that terms like “*symphonia*” (“condord”) or references to the 6th Novella of Justinian for the description of specifically Orthodox relations between the Church and the State have no real juridical or theological relevance. In fact, the problems raised by modern Church-State relations are identical in Eastern and Western Europe. Both the Orthodox and the Catholic Church possess a long legal tradition (i.e. the tradition of Canon Law) and present the same difficulty for the modern State: they require that the State recognize and award them a sphere of juridical autonomy, in other words a sphere of social relations in which the only applicable law is that of the Church. The fact that the Churches claim such an autonomy amounts to a realization and acceptance, on their part, that the modern State is not a Christian State any more and that a unified nomo-canonical system (a system which combines Church and State laws) is no longer possible. In this context, the only possible goal for the Christian Churches is to obtain their autonomy.²

Despite the misleading title of his chapter, “the post-Byzantine model”, Radu Preda partly avoids my critical remarks regarding the use of the term Byzantium by occasionally introducing a sense of historical perspective in his discussion.³ He advocates that in a State where the Church still counts a majority of citizens as followers, it is necessary for the State to establish a partnership with this Church. However, if we may submit a suggestion to the author, such a partnership could only metaphorically be called “neo-Byzantine” and under no circumstances “post-Byzantine”, as he termed it. The text of Radu Preda, with its rhetorical ups and rational and analytical downs, involuntarily conveys the grace of Dostoyevsky’s famous 5th chapter of book 2 in *Brothers Karamazov* about Church and State. Confusion or separation of Church and State, integration or rejection of the Church by the State or of the

State by the Church, any point of view can be argued, when history is summoned to furnish a panoply of arguments. At any rate, the political actors of contemporary Romania are as prepared to solve this problem as Ivan, Miousov or father Paissy.

Last but not least, any debate about Church and State faces the same *aporia*:⁴ can the State be neutral in religious matters? Isn't "neutrality" itself a religious choice? The dynamic between the social and political forces involved in the process of defining the State's "neutrality" in religious matters unavoidably generates answers particular to a given historical moment.

2 See also my article, Petre Guran, "Relația dintre Stat și Biserică" in *Caietele Institutului de Studii Liberale* 1-2 (2001) 57-62.

3 Radu Preda, *Biserică în Stat: o invitație la dezbateri* (Scripta, 1999) 121.

4 Gilbert Dagron, *Empereur et prêtre. Etudes sur le césaropapisme byzantin* (Paris, 1996) 28, 329.

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