

THE CONSTITUTIONAL GUARANTEE OF FREEDOM OF RELIGION IN ROMANIA

DOI:10.47743/rdc-2023-2-0005

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Abstract

The Constitution, as the fundamental law of a state, describes in a general sense the political regime, the organization, and the functioning of state institutions, as well as the fundamental rights of citizens. The Constitution is the guarantor of fundamental rights and freedoms in the jurisdiction in which it operates. That is why the content of the Constitution is essential and special attention is needed in the formulation of the constitutional text.

This research focuses on one of the fundamental rights, namely, freedom of religion, more precisely on how this right is reflected in the seven constitutions of Romania, from the first constitution, the one from 1866, to the current constitution, the one from 1991. Romanian constitutionalism can be structured in three distinct periods, namely: a) the monarchical period, in which three constitutions were adopted; b) the communist period in which three constitutions were adopted; c) the democratic period in which it was adopted constitutes only one, which was subsequently revised. The purpose of this study is to provide an overview of how religious freedom was guaranteed in each Romanian constitution.

Keywords: *religious freedom, Constitution of Romania, freedom of conscience, human rights, Romanian constitutionalism.*

1. Preliminary aspects

Freedom of religion is one of the human rights, guaranteed and protected by international treaties and conventions, such as the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, but also by the national legislation of the states. The notion of human rights represents "that set of freedoms that are essential for the dignity of the human being and derive directly from the existence of the human being, being a

subjective right, i.e. a freedom, having a universal character"¹. Human rights provide the legal foundations for all branches of law, becoming a universal legal benchmark. The title used for this type of rights is quite diverse, being identified as: "human rights", "fundamental rights", "essential human rights", "rights and freedoms", "fundamental freedoms", and so on. The origins of the system of human rights are disputed, specialists in the field being divided into at least two camps, that of supporters that the source of these rights is in what is called "natural law", and the others who claim that their source, especially in its institutionalized form, it is in Western politics. The delimitation element of the two positions lies precisely in the way we understand the role of religion related to fundamental rights and freedoms, namely, their interdependence or independence. An attempt to reconcile the two positions lies in "the theory of 'social justice' through which social institutions could be seen as morally legitimate by attempting to combine the moral and legal element with the one related to power"².

Simply put, religion is belief in the supernatural, but the term also refers to an organized system of common beliefs and practices shared by a particular social group. Etymologically, the modern term religion comes from the Latin term *religiō*, whose etymology has been disputed, with some considering that *religio* derives from the Latin *relegere*, others that it comes from the Latin *religare*.

The Roman writer Cicero, an authority on the Latin language, stated in *De Natura Deorum* that: "Not only the philosophers but also our ancestors, distinguished superstition from religion. For those who used to offer prayers and sacrifices, during certain days, that their children might survive them [*superstites essent*], were called superstitious; a word which was afterward more widely applied. But those who meditated carefully, and, as it were, considered and reconsidered all those things which belonged to the cult of the gods, they were called religious, from exile"³. „Relegere” is a word composed of „re”, which means "again", and „lego”, which means "to read", being used with the meaning of "to review", "to choose" or "to consider carefully". Another line of interpretation is that which follows the conception of Lactantius, in his full name Lucius Caecilius Firmianus (250 - 325 AD), an early Christian author, who in *Divinae Institutiones* ("Divine Institutes"), a work defending Christianity in the face of pagan opponents, uses *religio* as derived from „religare"⁴. This „relegation” is also a compound word from „re”, which means "again" and „ligature”, which means "to bind" or "to connect." In this interpretation, religion is seen as a relegation of divinity.

¹ Daniel, FODOREAN, *Libertate Religioasă - fundamente teologice, juridice și filozofice*, în „Libertate și Credință între actualitate și necesitate”, Editura Universitară, București, 2012, pp. 61-84.

² Daniel, FODOREAN, *Libertate Religioasă - fundamente teologice, juridice și filozofice*, în „Libertate și Credință între actualitate și necesitate”, Editura Universitară, București, 2012, pp. 61-84.

³ Cicero, *De Natura Deorum*, publicat în „Biblioteca Clasică Loeb”, 1933, ii, 28.1.

⁴ Lactantius, *Divinae Institutiones*, 4, în capitolul XXVIII. Despre nădejdea și religia adevărată, și despre superstiții.

Religious freedom represents that person's freedom to choose and manifest religion individually or collectively, in public or in private. This definition corresponds to Article 18 of the Universal Declaration of Human Rights, but also to Article 9 of the (European) Convention for the Protection of Human Rights and Fundamental Freedoms. According to the Universal Declaration of Human Rights, „everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”. The text of the European Convention for the Protection of Human Rights and Fundamental Freedoms is almost identical to that of the Universal Declaration of Human Rights, and stipulates that „everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice, and observance”. On the one hand, religious freedom is associated with other freedoms that form the internal forum of the person, such as freedom of thought and conscience, thus highlighting the fact that religious freedom is intrinsic to the person. On the other hand, the text of the international regulations also highlights the external forum of freedom of religion, i.e. the right to manifest it. Thus, "it is not enough to protect only the internal beliefs of a person, but the externalization of faith in its multiple forms must also be explicitly guaranteed"⁵.

2. The reflection of religious freedom in the Constitutions of the monarchical period

According to constitutional law professor Marieta Safta, "there are several significant stages in the process of Romania's constitutional development, respectively: a) the pre-constitutional period (1740-1860), b) the period of the formation of the modern Romanian state (1860-1940), c) the period after the Second World War, d) the period of socialist constitutions (1948-1989); e) the period of constitutional acts (1989-1991)"⁶.

In the pre-constitutional period, the Development Statute of the Convention of 7/19 August 1858 was adopted, an act of constitutional nature, which had as its initiator Alexandru Ioan Cuza, the lord of the Romanian country, also called Cuza's Statute or Cuza's Constitution. This constitutional text was submitted to popular approval by Decree no. 517 of May 2, 1864, and the voting results were published in

⁵ Daniel, FODOREAN, *Libertate Religioasă - fundamente teologice, juridice și filozofice*, în „Libertate și Credință între actualitate și necesitate”, Editura Universitară, București, 2012, pp. 61-84.

⁶ Marieta, Safta, *Drept constituțional și instituții politice*, Vol. I. *Teoria generală a dreptului constituțional. Drepturi și libertăți*, ediția a 4-a, revizuită, Editura Hamangiu, București, 2018, p. 121.

Monitorul - Official Journal of the United Romanian Principalities no. 114 of 22 May/3 June 1864. This Constitution of Cuza regulates the election and organization of public powers, without referring to the fundamental rights and freedoms of citizens the text does not make any reference to religious freedom. Cuza's Stut is not the only act with a constitutional nature of the Romanian Principalities, but also can be mentioned: the Constitution of Prince Mavrocordat (February 7, 1941), Supplex Libellus Valachorum from 1792; The Constitution of the "Cărvunalar" from 1822; The Organic Regulation of Wallachia from 1831; Organic Regulation of Moldova from 1832; The Draft Constitution elaborated by Ion Câmpineanu in 1838; The Draft Constitution for Moldova elaborated by Mihail Kogălniceanu in 1848⁷.

The history of constitutional evolution in Romania records the fact that seven Constitutions were adopted, the communist period being as intense as the monarchical period, in the elaboration and adoption of constitutions, three of the seven constitutions being adopted during the communist period (1948, 1952, 1965).

The 1866 Constitution and Religious Freedom

The Constitution of 1866, the first constitution of the Romanian State, in articles 21 and 22, makes explicit reference to freedom of religion, using the concept of freedom of conscience. It is interesting that until the last constitution that we have today, the provisions regarding religious freedom are placed under the name of "freedom of conscience", giving the impression of a slight avoidance regarding the direct reference to religious freedom.

As stated, "freedom of conscience is absolute", referring to the fact that it could not be conditioned and restricted by anything. From the perspective of the domestic forum, this freedom cannot exist fully, it is conditioned only by the person himself. But, to avoid extremes in the collective manifestation of this freedom, "the freedom of all religions is guaranteed as long as their celebration does not affect public order or good morals". So, the main limits in the collective manifestation in the form of a cult can be established when public order and good morals are affected.

Most of Article 21 deals with regulations regarding the Orthodox Church. According to this constitutional text, "the Orthodox religion of the Resurrection is the dominant religion of the Romanian State". Probably, to eliminate any confusion regarding the religious cult referred to, the mention "of the east" is added, thus avoiding confusion with the Catholic Church, but possibly also with other Orthodox churches, in addition to the Romanian one. The reference to the Orthodox religion as a dominant religion may refer to the fact that it dominates numerically, that is, it is the majority religion. The association of the Orthodox religion with the Romanian state in the text can lead to the understanding that the Orthodox Church enjoyed

⁷ Ștefan, Deaconu, *Drept constituțional*, ed. a 2-a, Ed. C.H. Beck, București, 2013, pp. 84-106.

special recognition from the state or the fact that it was considered the state religion. By the fact that the state offers, through this constitutional text, to issue certain special laws that regulate the activity of the Orthodox Church regarding the elections of metropolitans and bishops, as well as regarding the right of a single central authority of the Orthodox Church to regulate the entire activity, are indications of conferring the status as a state church. No matter which of the interpretations we adopt, that of special recognition or that of the State Church, by its wording, the text does not support equality between different religious denominations, regardless of the number and size of those that existed at the time.

The article also emphasizes the autonomy enjoyed by the Orthodox Church, both about the other Orthodox Churches, by the fact that "the Romanian Orthodox Church is and remains unaffiliated by any foreign hierarchy while maintaining the unity with the ecumenical church of the resurgence in terms of dogmas". as well as in the relationship with the state, by the fact that it has the right to self-governance, in the sense that "the spiritual, canonical and disciplinary affairs of the Romanian Orthodox Church will be regulated by a single central synodal authority, according to a special law". However, the Church cannot replace the state in issuing civil documents, with direct reference to the conclusion of marriage. The procedure for concluding the marriage concerns, first, the conclusion of civil acts, and then the specific religious service, as specified in article 22, namely: "civil status acts are the attribution of the civil authority. The preparation of these documents will have to proceed with the religious blessing, which will be mandatory for marriages, except for the cases that will be provided by a specific law".

The 1923 Constitution and Religious Freedom

In Article 22 of the 1923 Constitution, there are clarifications regarding freedom of conscience. The article has the following text: "Freedom of conscience is absolute. The State guarantees all religions equal freedom and protection because their exercise does not affect public order, good morals, and the State's organizational laws. The Orthodox Christian Church and the Greek Catholic Church are Romanian churches. The Romanian Orthodox Church, being the religion of most Romanians, is the dominant church in the Romanian State; and the Greek-Catholic one is more advanced than the other religions. The Romanian Orthodox Church is and remains independent of any foreign hierarchy, maintaining its unity with the Ecumenical Church of the East in terms of dogmas. Throughout the Kingdom of Romania, the Orthodox Christian Church will have a unitary organization with the participation of all its constituent elements, clerics, and laymen. A special law will establish the fundamental principles of this unitary organization, as well as how the Church will regulate, lead, and administer, through its organs and under the control of the State, its religious, cultural, foundational, and epithropic matters. The spiritual and canonical matters of the Romanian Orthodox

Church will be regulated by a single central synodal authority. Metropolitans and bishops of the Romanian Orthodox Church will be elected according to a single special law. The relations between the different denominations and the Council will be established by law".

As in the 1866 Constitution, the title assigned to religious freedom is freedom of conscience. This freedom is absolute, in the sense that it cannot be limited by anything, except under the conditions of the law. For the second time in a Romanian constitutional text, the idea of "all religions" appears, in the sense that "the state guarantees all religions the same freedom and protection as their exercise does not affect public order, good morals and organizational laws of the State". The State has the right to limit the manifestation of religious denominations when their activity affects public order, good morals, and the State's organizational laws. Compared to the Constitution of 1866, the element of novelty in the possibility of limiting religious exercise is given by the violation of the laws organizing the Statute.

In this constitutional text, the names of two cults are expressly mentioned, namely, the Orthodox Church and the Greek-Catholic Church, a mention argued by two aspects, namely: nationality, "they are Romanian churches", but also prominence resulting from the number of believers belonging of this cult ("The Romanian Orthodox Church, being the religion of the vast majority of Romanians, is the dominant church in the Romanian State") and from the primacy assigned by the state, in the case of the Greek-Catholic Church ("the Greek-Catholic Church has precedence over the other religions"). Both statements introduce a differentiated and preferential approach of the state toward the two religions to the detriment of the other religions that existed during the period when this Constitution was in force.

A large weight in this article is given to the provisions regarding the Orthodox Church, the other religions being mentioned, provisions that emphasize, on the one hand, its organizational autonomy, but also the state's interference in the life of the church, in the sense that the organization will be made by the governing bodies of the Orthodox Church, but "under the control of the State". In support of the realization and regulation of the organization and ecclesial activities of the Orthodox Church, as in the text of the Constitution of 1866, the State offers to issue several special laws.

The novelty element in this constitutional text consists in the fact that, for the first time in a Romanian constitutional document, it is mentioned that "the relations between the various denominations and the Council will be established by law".

In Article 23, in the same idea as in the text of the 1866 Constitution, "civil status acts are the attribution of civil law; The preparation of these documents must always precede the religious blessing". The difference with the previous Constitution is that the text mainly aimed at marriage, first the civil wedding and then the religious one, but here the wording is much more general, referring to any religious act of blessing that must be preceded, where appropriate, of the conclusion of civil acts. This fact could also be applied to the baptism or blessing of newborns.

The 1938 Constitution and Religious Freedom

The 1938 Constitution, „adopted during the reign of King Charles II, was based on an authoritarian conception; it no longer emanates from the nation, but from the executive power; it was thus passed from the parliamentary-constitutional regime, based on political parties, to the regime of monarchical authority”⁸.

Religious freedom, mentioned, as in the other previous Constitutions, under the title of freedom of conscience is affirmed in article 19 as follows: "Freedom of conscience is absolute. The State guarantees all religions equal freedom and protection if their exercise does not affect public order, good morals, and State Security. The Christian Orthodox Church and the Greek Catholic Church are Romanian churches. The Orthodox Christian religion is the religion of most Romanians, the Orthodox Church is the dominant church in the Romanian State, and the Greek-Catholic one has precedence over the other religions. The Romanian Orthodox Church is and remains independent of any foreign hierarchy, but maintains its unity, in terms of dogmas, with the ecumenical church of the East. The spiritual and canonical matters of the Romanian Orthodox Church belong to a single central synodal authority. The relations between the different denominations and the State are the domain of special laws".

This text is an almost identical takeover of the text of Article 22 of the 1923 Constitution, but slightly modified. For the first time the expression "state security" appears when referring to the possible criteria for limiting the expression of religious freedom of worship. The 1923 Constitution referred to this aspect in the following wording: "the organizational laws of the State".

The text of the 1923 Constitution preserves the express mention of the two religions, the Orthodox Church, and the Greek Catholic Church, perpetuating in a certain sense, by emphasizing the prominent role of the two churches, a discriminatory situation about the other religions existing in Romania in that period. As for the reference in this constitutional text to the autonomy of the Orthodox Church, it rather follows the wording from the text of the first constitution of Romania, the Constitution of 1866, abandoning the more detailed description of the Constitution of 1923. At the same time, in the current text, the state's control over the modalities according to which the Orthodox Church regulates, leads, and administers its religious activity, as it was in the Constitution of 1923, as well as the possibility that certain aspects in the organization and management of the life of the Church may be regulated by special laws (see the Constitution of 1866 and 1923 Constitution).

The idea that "the relations between the various religions and the State are the domain of special laws" was maintained from the text of the 1923 Constitution.

Article 20 refers to the fact that "civil status acts are the attribution of the civil law; the drawing up of these documents will always have to precede the religious blessing, which is mandatory for all cult members".

⁸ Marieta, Safta, *Drept constituțional și instituții politice*, Vol. I. *Teoria generală a dreptului constituțional. Drepturi și libertăți*, ediția a 4-a, revizuită, Editura Hamangiu, București, 2018, p. 127.

3. The reflection of religious freedom in the Constitutions from the communist period

In the period 1947-1989, Romania was under the so-called communist dictatorship, in which state institutions, as well as the entire socio-economic life, were subordinated to the Romanian Communist Party. However, three Constitutions were adopted during this period – 1948, 1952, and 1965, each of which included specific provisions regarding religious freedom. It is noted that "as far as fundamental rights are concerned, they were widely regulated, but the way of implementation and guarantee was deficient"⁹.

Constitution of the Romanian People's Republic from 1948

The constitution of 1948, which institutes socialist thinking and order, recognizes, in Article 2, the fact that "the Romanian People's Republic came into existence through the struggle of the people, led by the working class, against fascism, reaction and imperialism". As for religious freedom, Article 27 describes this right as follows: "Freedom of conscience and religious freedom are guaranteed by the State. Religious cults are free to organize and can operate freely if their ritual and practices are not contrary to the Constitution, public security, or good morals. No denomination, congregation, or religious community can open or maintain general education institutions, but only special schools for the training of cult personnel under the control of the State. The Romanian Orthodox Church is autocephalous and unitary in its organization. The way of organization and functioning of religious cults will be regulated by law".

The constitutional text marks freedom of conscience and religious freedom as two distinct notions, both of which are guaranteed by the state. The autonomy of the organization and operation of the cults is guaranteed, and there is no statement supporting the state's interference in the organization of the cults. As for the possibility of limiting the exercise of the freedom of religion of a cult, it is based on three fundamental criteria, namely, that "their ritual and practice are not contrary to the Constitution, public security or good morals". The element of novelty compared to the previous Constitutions aims at reporting to the Constitution, that is, the religious manifestation should not be contrary to the

Constitution. It is the first time that the Constitution has become a textual benchmark for restricting religious freedom, if necessary. The present Constitution includes a restriction that was not found in the previous Constitutions, namely the fact that "no denomination, congregation or religious community can open or maintain general

⁹ Marieta, Safta, *Drept constituțional și instituții politice*, Vol. I. *Teoria generală a dreptului constituțional. Drepturi și libertăți*, ediția a 4-a, revizuită, Editura Hamangiu, București, 2018, p. 132.

education institutions, but only special schools for the training of religious personnel under the control of the State". The communist authorities established control over the education of church clergy, eliminating, at least on a theoretical level, control over the organization and functioning of worship. Controlling the education of cultic personnel, indirectly, facilitates the possibility of controlling the activity of cults, when the graduates will become ministers of the churches.

It can also be noted that the granting of a differentiated state to the Orthodox Church and the Greek-Catholic Church was abandoned, with the Orthodox Church only mentioning its autocephaly and organizational unity. The 1948 Constitution states that the organization and operation of religious cults in Romania must be regulated by law.

Constitution of the Romanian People's Republic from 1952

The second Constitution of the Romanian People's Republic was adopted in 1952 and preserves "for the most part the provisions of the 1948 Constitution, but it reflected the spirit of obedience and submission to the Soviet Union". Article 84, which refers to freedom of conscience, abandoning the use of the expression religious freedom, is much shorter than in the other Constitutions and expresses as follows: "Freedom of conscience is guaranteed to all citizens of the Romanian People's Republic. Religious cults are free to organize and can function freely. Freedom of religious worship is guaranteed to all citizens of the Romanian People's Republic. The school is separated from the church. No denomination, congregation, or religious community can open or maintain general education institutions, but only special schools for the training of cult personnel. The way of organization and operation of religious cults is regulated by law".

In the text of the article, any reference to the Orthodox Church or the Greek-Catholic Church was given up, considering all religious cults. Another change in the text, but also the paradigm, is that "freedom of conscience is guaranteed to all citizens of the Romanian People's Republic". This association between freedom of conscience and persons, citizens, has not been found in Romanian constitutional documents until now. It is a reparative act and an alignment with the international regulations that support that religious freedom is an intrinsic right of the person and not of institutions, not even of religious institutions, they are, in fact, associations in which individual religious freedom is expressed in common.

In addition to the 1948 Constitution, which restricted the right of "cults to general education institutions, but only special schools for the training of cult personnel", is the introduction of the principle that "The school is separated from the church".

Constitution of the Socialist Republic of Romania from 1965

The 1965 Constitution was a step forward during the communist period on the road to totalitarianism in that "this constitution gives the Romanian state a clear

communist totalitarian character, as it affirms the leading political role of the communist party and specifies that the economy is based on the ownership of state". Freedom of religion is regulated in article 30 as follows: "Freedom of conscience is guaranteed to all citizens of the Socialist Republic of Romania. Anyone is free to share a religious belief or not. Freedom of religious worship is guaranteed. Religious denominations organize and operate freely. The mode of organization and operation of religious denominations is regulated by law.

The school is separated from the church. „No denomination, congregation or religious community can open or maintain educational institutions other than special schools for the training of worship personnel".

The sure element of novelty in this constitutional text is that "everyone is free to share a religious belief or not". This wording recognizes the right of people to have or not have a religious belief, i.e. to be an atheist or agnostic. No one can be forced to adhere or not to a religious belief. It is the first time that such freedom is mentioned in a constitutional text. Apart from this new element, the content of the article reproduces almost entirely the text of the Constitution of 1952. Instead, it no longer states that the way of organization and functioning of religious denominations will be regulated by law. One of the possible arguments why it was not considered necessary to have such a clarification is that there was already a law on denominations, namely, DECREE No. 177 of August 4, 1948, for the general regime of religious denominations.

4. The reflection of religious freedom in the Constitution from the post-revolutionary period

Immediately after the anti-communist revolution of December 1989, the need to draft and adopt a new Constitution was felt, but time was needed to achieve this goal. Thus, until December 8, 1991, when the Romanian Constitution was approved by referendum, as transitional measures, "a series of normative acts with a constitutional character were adopted, respectively: Decree-Law no. 2 of December 27, 1989, regarding the establishment, organization, and functioning of the Council of the National Salvation Front and the territorial councils of the National Salvation Front; Decree-law no. 8 of December 31, 1989, regarding the registration and functioning of political parties and public organizations in Romania (currently repealed); Decree-law no. 10 of December 31, 1989, regarding the constitution, organization, and functioning of the Government of Romania (currently repealed); Decree-law no. 81 of February 9, 1990, regarding the Provisional Council of National Union; Decree-law no. 92 of March 14, 1990, for the election of the Parliament and the President of Romania (currently repealed)"¹⁰.

¹⁰ Marieta, Safta, *Drept constituțional și instituții politice*, Vol. I. *Teoria generală a dreptului constituțional. Drepturi și libertăți*, ediția a 4-a, revizuită, Editura Hamangiu, București, 2018, pp. 132-133.

The Constitution of Romania from 1991, in article 29, bearing the title "Freedom of conscience", enshrines religious freedom in a much more complex way and aligned with the Universal Declaration of Human Rights and the Convention for the Defense of Human Rights and Fundamental Freedoms. As in most previous Romanian constitutions, the wording of "freedom of conscience" is preferred and not that of "religious freedom". A certain structure can be noted in the six paragraphs of Article 29: a) the manifestation of freedom of conscience, paragraphs (1)-(3); b) relations between cults and between cults and the state, paragraphs (4)– (5); c) the education of minor children, paragraph (6).

The manifestation of freedom of conscience implies that: "(1) Freedom of thought and opinions, as well as freedom of religious beliefs cannot be restricted in any way. No one can be forced to adopt an opinion or adhere to a religious belief, contrary to his convictions. (2) Freedom of conscience is guaranteed; it must manifest itself in a spirit of tolerance and mutual respect. (3) Religious cults are free and are organized according to their own statutes, under the conditions of the law". Freedom in the manifestation of religious beliefs must be done without constraints and limitations, in a spirit of tolerance and mutual respect, as well as together with others within cults, cults that may have their own organization.

The reporting of cults to each other, as well as to the state, according to article 29, should be as follows: "(4) In the relations between cults, any forms, means, acts or actions of religious enmity are prohibited. (5) Religious cults are autonomous from the state and enjoy its support, including by facilitating religious assistance in the army, in hospitals, in penitentiaries, in asylums, and, in orphanages". Religious enmity is prohibited, i.e. that manifestation which results in enmity, i.e. "enmity, hatred, enmity, division, strife; quarrel"¹¹. As for the relationship between the state and religions, it must be guided by two principles, namely: autonomy and support. Autonomy represents the fact that religious cults can be administered according to their own religious beliefs stated in official documents, Confession of Faith, or Canons, as well as their own organizational and operating statutes. The state undertakes to support the cults in facilitating their religious assistance in institutions with a special regime and in social assistance institutions.

The last paragraph of article 29 states the right of the parents to decide on the religious education of the minor, as follows: "(6) Parents or guardians have the right to ensure, according to their own convictions, the education of the minor children whose responsibility rests with them". The constitutional text has no precise references on how parents can provide their children with such an education.

Article 30 refers to freedom of expression and includes references to freedom of religious beliefs, in the sense that "freedom of expression of thoughts, opinions or

¹¹ Dicționarul explicativ al limbii române (ediția a II-a revăzută și adăugită), Academia Română, Institutul de Lingvistică, Editura Univers Enciclopedic Gold, 2009.

beliefs and freedom of creations of any kind, through live speech, through writing, through images, through sounds or other means of communication in public, are inviolable (paragraph 1)". Also "defamation of the country and the nation, incitement to war of aggression, national, racial, class or religious hatred, incitement to discrimination, territorial separatism or public violence, as well as obscene manifestations, contrary to good morals, are prohibited by law. (paragraph 7)".

In 2003, a constitutional referendum was organized to approve the Law revising the Romanian Constitution adopted in 1991. The revision of the 1991 Constitution did not include Article 29 regarding freedom of conscience. So, starting from 1991 until now, in Romania, we have the same constitutional text regarding the freedom of religious beliefs.

5. Conclusions

From the first Romanian Constitution to the current Constitution, religious freedom has been mentioned in every constitutional text, the most preferred title for the section intended to guarantee and protect this right being "freedom of conscience". In the process of affirming this right, other expressions were used such as: "religious freedom" and "freedom of religious beliefs", these being associated, specifically in the 1991 Constitution, with freedom of thought, freedom of opinion, and freedom of expression.

The constitutions from the period of the monarchy approach the religions in Romania differently, with the Orthodox Church and the Greek Catholic Church having a more prominent role compared to the other religions. The constitutions from the communist period equally address the cults in Romania but bring restrictions on the relationship between religion and education. They exclude from the constitutional text any express reference to any specific cult. Also, during this period, with specific reference to the 1965 Constitution, individual freedom about religion allows the possibility that someone does not share a religious belief. The text of the 1991 Constitution aligns the references to religious freedom much better with international regulations in the field of human rights, but without explicitly providing the possibility for someone not to have a religious belief.