
THE CHALLENGES OF RELIGIOUS FREEDOM IN ROMANIA[†]

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Abstract

The nowadays Romanian law of religious freedom is confusing, due to diverse facts: the work in progress at the Constitution of Romania, the dominant role of the Romanian Orthodox Church in the public square, the reductionist understanding of freedom, and so on. Starting from these main points, the article tries to compare the voluntarist and quantitative ground of Romanian religious freedom, as it is stipulated by the Constitution of Romania and by the Law of Cults, with the qualitative and ontological basis of Christian Catholic freedom, described by the *Dignitatis Humanae*, i.e. the Declaration of religious freedom of the Vatican II Council. The result of this confrontation is the proposal of an enlarged freedom, a freedom in relational key, or an incarnated and educated freedom. In this case, freedom is understood in relationship with the truth, so not only qua absence of the coercion, but like option for values.

Keywords: religion, conversion, proselytism, church, state

1. Introduction

Religious freedom is guaranteed by law in Romania. Yet the legal classification of religious freedom is confusing, due to the fact that the legislator forced the harmony between the firm values springing from the dignity of human nature and the role that certain Churches and legal cults, more particularly the Romanian Orthodox Church, played in the national history of the Romanian people and in social life [The Law on Cults 489/2006, art. 7, paragraph 2]. This legal classification is once again confusing because the legislating authorities haven't paid attention to the fundament of freedom, namely to the dignity of human person. Therefore the law seems to be voluntarist, predisposed to legalism. Thirdly, the Romanian law of religious freedom is vulnerable because of the dominating concern to regulate the relation between state, religious cults and religious associations with a quantitative interpretation, not a qualitative one.

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Starting from these observations, in the present study I would like to point out the fact that, in order for freedom to truly be a fundamental right of any human being, it has to be understood not only as the absence of any coercion, but also as an option for values. The discourse on person and values is obviously referring back to Christian philosophy, according to which there is no freedom without truth. It seems that the Romanian legislator had these elements in mind, but nevertheless the final draft of the law reveals a defensive attitude, a rather closed, quantitative, collectivist one, as it sought to defend not only the interests of the human person, be it religious or areligious, but more particularly those of the majority Church.

Starting with a critique of the Romanian legislation on religious freedom (part I), I shall further present the manner in which the Catholic Church understands this freedom (part II) and conclude with some remarks on the need to enlarge and enrich the concept of religious freedom (part III).

2. Romanian freedom

The right to religious freedom is guaranteed by the Romanian state for all persons present on Romanian territory, even if some of them are not Romanian citizens [The Law on Cults 489/2006, art. 1, paragraph 1]. The universal character of this legal provision seems to be consecrated by the Romanian Constitution as well, which says: “No one can be *coerced* to adopt an opinion or adhere to a religious belief against his/her convictions” [The Romanian Constitution updated and republished in the Official Gazette 767/31st of October 2003, art. 29, paragraph (1)]. The other paragraphs detail the freedom of conscience: (2) Freedom of conscience is safeguarded; it has to manifest itself in the spirit of tolerance and mutual respect; (3) Religious cults are free and organise themselves according to their own statutes, on legal terms; (4) Any forms, means, acts or actions of religious denigration are forbidden in the relations between cults; (5) Religious cults are autonomous in relation to the state and enjoy its support, including by facilitating religious assistance in the army, in hospitals, prisons, asylums and orphanages; (6) Parents or legal tutors have the right to ensure, according to their own convictions, the education of the underage children they bear responsibility for.

The text of the Constitution is taken over almost *ad litteram* in the law on cults: “No one can be *impeded* or *coerced* to adopt an opinion or adhere to a religious belief against his/her convictions, *nor be subject to any discrimination*, pursued or placed in a position of inferiority due to his/her belief, affiliation or non-affiliation to a group, religious association or cult, or due to his/her exercise of religious freedom under the terms provided by the law” [Law on Cults 489/2006, art. 1, paragraph (2)]. An important specification is introduced in this last formulation, namely that everyone is free to manifest his/her religious belief, but “under the terms provided by the law”. Which are these terms and what does that limitation mean?

First of all, let us say that the limitations or ‘terms provided by the law’ should not in any way impair religious freedom, which means ‘*the right of any person to profess or adopt a religion, to manifest it individually or collectively, privately or publicly, through the practices and rituals specific to the cult, including religious education, as well as the freedom to keep or change one’s religious belief*’ [The Law on Cults 489/2006, art. 2, paragraph (1)]. In order to avoid any kind of abuse, the Romanian legislator defined the meaning of “the terms provided by law”, which are those “prerequisites for public safety, protection of public order, health, morals, or of human fundamental rights and freedoms” [The Law on Cults 489/2006, art. 2, paragraph (2)]. Thus, religious freedom entails the right to profess, manifest, adopt or change one’s religious belief, within the legal limits. Unfortunately, the eye lingers over ‘legal limits’, the state control and intervention, the restriction and coercion that might be exercised by law and in an abusive way. The experience of religious freedom in Romania in the latest 20 years shows that the state is not able to ensure the observance and safeguard of this right everywhere and at all times. Acts of deliberate or unintentional violation, abuse, neglect of this right have been recorded both at central, as well as at local level. How then can this situation be remedied?

First of all, by amending the law on cults and especially the Constitution, which, ever since its promulgation in 1991, up until today has already been revised 16 times. Indeed, at first sight the Constitution seems to be sound, because of being founded on strong values (legal, democratic and social state; human dignity; citizens’ rights and freedoms; free development of the human personality; justice and political pluralism) [The Romanian Constitution, art. 1, paragraph 3] and solid principles (unity of the people and solidarity of the citizens’) [The Romanian Constitution, art. 4, paragraph 1]. Yet, there is a paradox: despite having a sound Constitution, the Romanian state does not function or functions as a stuck engine. The potential change of the Constitution should grant more relevance to the principle of subsidiarity, promoting the growth of intermediary bodies in the society and allowing them more autonomy: from professional groups and associations or communities, to religious associations, family, school etc.

Next to this, by advocating an advanced concept of citizenship, in tune with the times and the globalized societies we live in, able to capitalize on the chance of social and religious pluralism. The Constitution states that “Romania is the common, indivisible homeland of all its citizens, *regardless* of race, *nationality*, ethnic origin, language, religion, sex, opinion, political affiliation, wealth or social origin” [Romanian Constitution, art. 4, paragraph 2]. Unfortunately, these words cannot become reality as long as the first article of the Constitution says: “Romania is a *national*, sovereign and independent, organic and indivisible *state*”. I am of the opinion that we should change the already obsolete notion of ‘nation’ with that of ‘homeland’, in Latin ‘*patria*’. I also believe that we should enlarge and enrich the notion of ‘citizenship’ with

more European and Christian values [1]. I refer here to the values and advantages of the dialogue between subjects with open identities.

Beyond these suggestions, there still remains a question that needs to be deepened again and again, concerning the religious choice and option and the passage from freedom of religion to freedom of conversion. The law on cults speaks about religious option, but only in the context of the parents' right "to *opt* for the religious education of their underage children, according to their own convictions" [The Law on Cults 489/2006, art. 3, paragraph (1)]. A little further down, the law on cults adds: "the religion of the child who is 14 years of age cannot be *changed* without his/her consent; the child who has reached the age of 16 has the right to *choose* his/her religion" [The Law on Cults 489/2006, art. 3, paragraph (2)]. But this option speaks of religion as matter of study or matter of life?

However, the question of option regarding religion should be linked to two other aspects, namely religious proselytism and religious education. By law, religious education has an optional character in Romania: "The curriculum for primary, secondary, high school and vocational education includes religion as a school discipline, part of the compulsory curriculum. The students belonging to the state-acknowledged cults, regardless of their number, are granted the *constitutional right to take part in the religion class*, according to their own denomination." [The Law on Education 1/2011, art. 18, paragraph (1)] The next paragraph states: "At the written request of the student who has come of age, of the parents or of the legal tutor respectively, assigned to the underage student, the student *may not take religion classes*. In this case, the school records do not list the discipline religion. The same goes for the student who, out of objective reasons, was not ensured the conditions to take classes for this discipline." [The Law on Education 1/2011, art. 18, paragraph (2)] As it can be seen, even the religion class has a bit confusing legal classification: on the one hand, it is part of the compulsory curriculum, while on the other the school records can be concluded without it. Thus, despite its optional character, the state ensures religious education up to the level of high education, where "there are theological faculties or such faculties *can be organized*, according to the provisions of article 15, and institutes of theological research in accordance with the international ecumenical and irenic perspectives and the legal provisions" [The Law on Education 1/2011, art. 118, paragraph (4)]. The Constitution seems to be even clearer in this respect: "The state ensures the *freedom* of religious education, according to the requirements specific to each cult. Religious education is organized and guaranteed by law in state schools" [The Romanian Constitution, art. 32, paragraph (7)]. This constitutional right is exercised by every cult: "The cults have the *right* to establish and administer educational institutions to train the cult personnel, religion teachers, as well as other specialists needed for the religious activity of every cult, under the terms provided by the law. Every cult is *free* to establish the form, level, number and curriculum for its own

educational institutions in accordance with the legal requirements.” [The Law on Cults 489/2006, art. 32, paragraphs 1 and 2]

Concerning religious proselytism, the Romanian legislator is even more deficient, because it states only in the law on education that “the activities that infringe on moral norms (...) and *religious proselytism* are forbidden to take place in the educational institutions and in all places intended for education and professional formation” [The Law on Education 1/2011, art. 7, paragraph (1)]. The Romanian state does not seem to show any concern for this question, as, in my opinion, it relies on the religious commonsense of the Romanians, who are not easily to be deceived in this respect.

Thus, the Romanian state guarantees the religious freedom of any person on its territory, yet this freedom is limited and controlled by the law of democratic values. While defining religious freedom as the absence of impeachment or coercion in adopting or changing one’s religious belief, the Romanian legislator displays a protectionist, quantitative, restrictive and coercive mentality about the role of religion in society. It appears to be more concerned about the relation between cults than about the person’s well-being, a relation it defines in the following terms: “The relations between cults, as well as those between religious associations and groups are based on mutual respect and understanding” [The Law on Cults 489/2006, art. 32, paragraph (1)]. Between the common good and the person’s good, the legislator emphasizes the common good. This perspective is amendable by promoting the principle of subsidiarity.

3. Catholic freedom

The teaching of the Catholic Church on religious freedom is founded on the principle according to which the order of things, social order and its progress must be subordinated to the order of persons and not the other way around. Dictators of all times have preferred the reverse of this principle of natural wisdom. Being superior to all things, the dignity of the human being is the source of inviolable and universal rights and obligations [2]. The right to live a truly human life, the right to freely choose one’s state of life, the right to act according to the right norm of conscience, as well as the right to a just freedom, including the one regarding religion are counted among these rights [Vatican Council II, *The Pastoral Constitution on the Church in the Modern World Gaudium et spes*, 1965, no. 26].

From a historical point of view, the Catholic teaching about religious freedom is rooted in the first Christian centuries. The Church has always demanded religious freedom for its faithful and for others, but we have to admit that there were moments in history when putting this principle into practice was distorted by political and power interests. I will not insist on this aspect, as it is well-known. Pope John Paul II asked for forgiveness on behalf of the Catholic Church for all the mistakes made by its sons regarding the compliance with the religious beliefs and convictions other than the Catholic

ones [3]. Among others, the Pope said: “As the Successor of Peter, I asked that <in this year of mercy the Church, strong in the holiness which she receives from her Lord, should kneel before God and implore forgiveness for the past and present sins of her sons and daughters>. [...] Let us forgive and ask forgiveness!”

In modern times the demand for freedom, including religious freedom was first promoted by the lay movements inspired by the Enlightenment. As proof of it we have the *Declaration of the Rights of Man and of the Citizen* of 1789 (art. 10), the *Universal Declaration of Human Rights* of 1948 (art. 18) and, more recently, the *European Convention for the Protection of Human Rights and Fundamental Freedoms* of 1950 (art. 9). Stimulated by the lay search for freedom, the Sovereign Pontiffs joined the cause [4]: Leo XIII spoke about ‘tolerance’, Pius XI claimed the right to live and manifest one’s own religious belief for each human person, Pius XII pleaded for tolerance and religious freedom for the faithful and Pope John XXIII handed down to us a testament that can be summed up by the words: “Man has the right to govern himself according to the right norm of his conscience” [Pope John XXIII, *Pacem in terris*, no. 8-9].

In our times, the most important document about religious freedom is the *Declaration on Religious Freedom* adopted at Vatican Council II (*Dignitatis humanae*, DH) in 1965, signed by almost 2, 300 Catholic bishops from all over the world. The strongest statement in this document is the following: ‘the human person has the right to religious freedom. This freedom means that all men are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that no one is to be forced to act in a manner contrary to his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits’ (DH 2). In order for this freedom to be true and efficient, the document suggests in the subtitle ‘On the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious’ that the legal enforcement of freedom is necessary. Indeed, the subtitle says, on the one hand, that the demanded freedom is not only religious freedom, but freedom in religious matter, that the state is guarantor of freedom, that public life is open to the free manifestation of religious beliefs, and on the other hand that the Catholic Church needs a legal and political recognition in order to enter the free, democratic and pluralist game of society. On these terms, the state should promote respect for full, social and civil citizenship, whereby each person and community, albeit different, could have the right to peacefully cohabitate. As for the Church, it should be in dialogue with any movement of thinking and action legitimately recognized in public life, yet without exposing itself to the risk of losing its identity. Paying attention to the emerging religious indifference, Vatican Council II pointed out two things. First that “God Himself has made known to mankind the way in which men are to serve Him, and thus be saved in Christ and come to blessedness. We believe that this one true religion subsists in the Catholic and Apostolic Church [...]”. Second, that “all men are bound to seek

the truth, especially in what concerns God and His Church, and to embrace the truth they come to know, and to hold fast to it” (DH 1). Thus, the Catholic Church propounds a relation with the state and with the other religious and intellectual communities of public life in the spirit of the search for truth, convinced that “truth cannot impose itself except by virtue of its own truth, as it makes its entrance into the mind at once quietly and with power” (DH 1).

The right to religious freedom is a fundamental right, yet the foundation of this right is human reason (right reason) and the revelation (which enriches human reason). On the human, natural dignity as the foundation of the right to religious freedom, Vatican Council II states that it can be “known through the revealed word of God and by reason itself” (DH2). It goes on adding that this dignity lies in the fact that “as persons - that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility - all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth. However, men cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom.”

If human dignity can be reached by reason as well, this means that the right to religious freedom “has its foundation not in the subjective disposition of the person, but in his very nature” (DH 2). That is why this right must have legal relevance in society and ‘become a civil right’. In other words, believers and non-believers cannot be considered second-hand citizens, that is, deprived of civil or political rights and rights of professional promotion in society, just because they adhered to a certain religious or areligious creed.

The fact that the doctrine of religious freedom has its roots in the divine revelation is an additional challenge for Christians to remain faithful to it (DH 9). Indeed, revelation says that religious freedom is in full agreement with the freedom of the act of Christian faith: the answer of faith man gives to God must be out of his own free will. Indeed, no one can be coerced to embrace faith against his conscience, but a regime of freedom is a great chance for man, as he can freely have access to faith, that is, he can accept it or not, freely embrace it and confess it fervently his entire life (DH 10).

For people believing in the Gospel, the freedom of faith is first of all visible in the conduct of Lord Jesus Christ. He was gentle and humble in heart (Mathew 11.29), performed miracles in order to strengthen the faith of those who believed, but not in order to constrain anyone to believe (Mathew 9.28-29); he did not want to be a political Messiah dominating by force, but the Son of Man (Mark 10.45), the suffering Servant, the Servant of God (Isaiah 42.1-4, Mathew 12.20); he recognized the civil power and its rights (Mathew 22.21); testified about the Truth, yet did not want to forcefully impose it (John 18.36) (DH 11).

Being taught by the words and example of Christ the Redeemer, the apostles followed the same path. The first Christian converts were not coerced

by, but drawn by the power of God's Word (1 Corinthians 2.3). Following in the Saviour's footsteps, they preached and witnessed to the Truth with much courage; they did not impose it, but put it forward by announcing God's Word (1 Timothy 2.4, Ephesians 6.19-20); next, they did not oppose, but obey the legitimate civil authority (Romans 13.1-3) (DH 11). Thus, the Church "recognizes and gives support to the principle of religious freedom as befitting the dignity of man and as being in accord with divine revelation". It also keeps alive the teaching that "no one is to be coerced into faith" (DH 12).

The right to religious freedom is demanded for any human being, as by its character, religious experience resides, above all, in inner, voluntary and free acts whereby man orients himself to God. Such religious acts can neither be imposed, nor forbidden by any human power (DH 3). Taking into account man's social nature, religious experience seeks to express itself outwardly, so that the witness of one's religion takes on a community form as well. To the extent that religious communities comply with "the just demands of public order", they have the natural right "not to be hindered in their public teaching and witness to their faith, whether by the spoken or by the written word. However, in spreading religious faith and in introducing religious practices everyone ought at all times to refrain from any manner of action which might seem to carry a hint of coercion or of a kind of persuasion that would be dishonourable or unworthy, especially when dealing with poor or uneducated people. Such a manner of action would have to be considered an abuse of one's right and a violation of the right of others." (DH 4) Of all religious communities, the first is the family that has its original right "to live its own domestic religious life under the guidance of parents. Parents, moreover, have the right to determine, in accordance with their own religious beliefs, the kind of religious education that their children are to receive." (DH 5)

Finally, "the care of the right to religious freedom devolves upon the whole citizenry, upon social groups, upon government, and upon the Church and other religious communities" (DH 6). However, the state power has the essential duty to efficiently protect the religious freedom of all citizens and to create favourable conditions for practicing religion. As for the Church, it demands religious freedom both in public life and before any state power, in its quality as spiritual authority and society of people enjoying the right to live according to its own religious belief in civil society (DH 6, 13).

4. Enriched freedom

Ever since the law on cults was issued in 2006 until today, one can say that the general tendency of the Romanian government was to respect and safeguard religious freedom. This has been confirmed by all national and international reports. In certain cases, however, there have been recorded complaints regarding bias towards the Romanian Orthodox Church and against the minority churches concerning the financing of structural and religious education projects. The Romanian state has been similarly criticized for not

taking efforts to return the properties belonging to the Greek-Catholic or Roman-Catholic Churches or for restricting the free exercise of religion in society by various legislative interventions. For example, within the Roman-Catholic Archdiocese of Bucharest there are at present 8 court trials on claims over former properties, and in the diocese of Jassy, four such similar court trials. Their settlement has, for a long time already, been delayed.

In its official statements, the government has always spoken about its intention to solve these situations of showing bias towards or against recognized cults, but behind its delays there seems to lie the politicians' fear of disturbing the majority Church, still obsessed by the proselytism of the Catholic and neo-Protestant cults. Unfortunately, there is not much talk about conscience, conversion, objective truth, either within ecumenical or inter-denominational dialogue, or in the Romanian society. It seems that there is fear of the exercise of freedom in truth, or of any possible conversion.

From this viewpoint, it seems to me that the Romanian Orthodox Church is similar, in its attitude towards conversion, to the Catholic Church before Vatican Council II. In the modern age before Vatican Council II, the Catholic Church has in fact tolerated, but not accepted religious freedom in principle, as an inviolable right. It is somewhat in the same way that some of the servants and faithful of the Romanian Orthodox Church behave nowadays. Obviously, that also includes some of the servants and faithful of the Romanian Catholic Church, who erroneously think that religious freedom means renouncing the objective truth of faith and its public confession, or that, religious freedom gives way to relativism and religious indifference. Such a perspective should therefore be banned, as the Orthodox and/or Catholic Church seeks to be the religion of truth, of the one and only saving truth.

The Vatican Council II has however moved into another direction, following in the steps of the American experience of religious freedom and stating that religious freedom does not mean renouncing truth. The reason is the principle according to which rights, including the right to religious freedom, belong to persons and communities, and not to ideas, be them true or false. Thus, both teachings about the Christian Church being the only true religion and about each person having the right to religious freedom remain valid. The truth of Christianity cannot be forcefully imposed; instead, the freedom of persons is propounded. The Vatican Council II insisted on this very important aspect: religious freedom finds itself on the dignity of the human person, yet the relation between the person's conscience and the truth manifested to it and which it has to morally embrace cannot be legislated by the state through social or civil relations [5]. Thus, every time the Romanian state showed bias towards one cult or another by means of laws, favors, and privileges and so on, it did not comply with the deeply personal and relational sense of religious freedom. Unfortunately, this still happens nowadays [6].

The reasoning adopted by the Vatican Council II on religious freedom relies on the fact that freedom and democracy are not founded on the relativism and uncertainty of our knowledge, but on the value of the human

person as such. In virtue of his/her dignity, any person has the quality and the right to express himself/herself about the choices that concern all the others in the society. Therefore, freedom has a relational character, involving responsibility towards the others. But the understanding of freedom in a relational key presupposes the person's formation by education, discipline (sacrifice, hard work), assuming the limit. A society in which the sense of discipline and limit is abolished is on the verge of dissolution [5, p. 185-192]. The need for strong personalities is the symptom of this type of society. But such valuable personalities cannot be trained without a long and solid education. This is the greatest challenge of the Christian churches (Orthodox, Catholic, and Protestant): to show the world that the Christian religion is the religion of freedom. For that to happen the concept of freedom needs to be enlarged in order to include the sense of discipline, of the limit (of the cross) and of responsibility.

The religious freedom the Vatican Council II speaks about has nothing to do with the wrong idea that man can choose, to taste, out of some kind of a religious supermarket, the religion that suits him [7]. Religious freedom means the right/duty to search for truth, without any coercion or impediments. A state that wants to respect and guarantee religious freedom must not narrow religious beliefs down to a private fact, assuming a neutral attitude, but must promote the edification of a public life wherein religions respect and listen to one another. In close relation to life, religions are subject to cultural interpretations and formulations. Conflicts can also arise between them, as it happens nowadays between social and mystical Christianity. The social formulation arrives at considering Christianity a kind of civil religion, a coagulant of democracy which has won too few real adepts in Romania. The mystical formulation regards Christianity as a kind of pure announcing of the paschal mystery, with no anthropological, social and cosmological consequences. None of these two cultural versions correctly expresses the true nature of Christianity and its relation with the world, both being reductionist. Between these two there is a third way, that of the integral Christianity that interprets the Jesus Christ event – *Verbum caro factum* – taking into account both the universal and the concrete aspects. Here is an example of this new interpretation. The one who believes that man is created in God's image and likeness has a special conception about human dignity, about the relation between man and woman, believers and non-believers, the individual and the universal. This conception makes him respect the pluralist nature of society and the different religious cultures and take part in building a better public life.

There is no freedom without truth (John 8.32). In the case of religious freedom, truth does not exclude the freedom of conversion; on the contrary, it supports it. The Catholic Church insists on the absolute right/duty that religious freedom entails to embrace truth, with a just, objective conscience. Obedience mediated by conscience represents the foundation of religious freedom, which is not confined solely to the possibility of freely exercising one's own religious belief, but it also includes the right to change one's

religion. The Catholic Church does not however want to imply that any choice is good in this respect. Error in itself has no rights, and the person who consciously falls into it is responsible. Certainly not before God, but before the others, before the society and the state. In this respect, God alone can be the judge of any person. God alone knows what lies in man's heart and what his reasons are to decide to leave aside one religion in order to embrace another. One might object here that the state is interested in preserving the cohesion of the community, even if it cannot have access to man's heart. There is a certain amount of truth in this; as such, the fathers present in the Vatican Council II stated that religious freedom must be recognised for individuals and communities "provided the just demands of public order are observed" (DH 4). Yet, one cannot avoid the question: what is more useful for the cohesion of a community, formal adhesion or the explicit withdrawal from the community?

The relation between freedom and truth for the Christian churches of Romania needs a new arrangement of the elements that religious freedom implies: freedom of conscience and freedom of conversion. I believe that this openness of religious freedom to conscience and conversion is the greatest challenge of the Churches in the years to come. But whether we are ready for it or not, the assent to truth will cause an existential tumult in one's life and in that of the community, because embracing the truth is always dramatic; man decides in freedom and his decision becomes objective in a practical and theoretical witness. It is based on this witness that a new cultural interpretation of the assumed religious faith builds itself.

5. Conclusions

It is my belief that in order to efficiently guarantee and respect religious freedom in Romania it is equally necessary to change the conception about the citizen in the sense of leaving behind the individualist idea to adopt the personal-community one. This is the foundation of the recognition of social pluralism which is articulated through the principle of subsidiarity at the level of public life [7, p. 67]. It is obvious that this hypothesis is closely related to the anthropological turn in the post-secular or post-Communist societies in which a new basic human experience configures itself. This experience shows that relations, especially primordial relations are unavoidable for the subject's growth and the emergence of self-consciousness. The self is relational, community-oriented. As Pope John Paul II was saying, birth is not just a biological event, but first of all a genealogical one; it is not just a beginning, but firstly origin ('the person's genealogy is inscribed in the biology of its birth') [8]. When a child speaks for the first time, he witnesses to the promise inherent to the primordial relations with his father and mother, who show him his origin that precedes him and opens before him the way to life.

Starting from here, we should purge the category of witness and of those offering witness of its moralist heritage that reduces it, in the best case possible, to the coherence of a self-referential subject [7, p. 90]. Witness is

much more than that. Witness is a method of practical knowledge and of communicating truth, and also a primordial value in relation to any other form of knowledge and communication (scientific, philosophical, theological, etc.). Practically, for a Christian witness means the objective following of Jesus, full of the courage of acknowledging him before the world. Only the witness worthy of faith moves, *e-motions* the other's freedom and strongly invites him to take a decision.

On 7th of May 2000, during the homily delivered on the occasion of the Commemoration of the Witnesses to Faith in the XXth century, Pope John Paul II was saying: "the precious heritage which these courageous witnesses have passed down to us is a patrimony shared by all the Churches and Ecclesial Communities. It is a heritage which speaks more powerfully than all the causes of division. The ecumenism of the martyrs and the witnesses to the faith is the most convincing of all; to the Christians of the twenty-first century it shows the path to unity." [9] Carrying on Pope John Paul II's thought, I would say that the same was the spirit of religious freedom lived by our Catholic, Orthodox, Protestant martyrs, who died in the Communist prisons. The feelings animating them in their resistance against the persecutors of faith and of the Christian Church can be assumed as a testamentary message: when lived in truth, religious freedom is not a factor of division, but one of unity.

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