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Contemporary Challenges in Romanian Religious Education: Values – Norms – Legislation

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Abstract

Religious education is a decisive unit of education in general. In Romania, religious education is part and parcel of a Christian born nation, that is why Religion, as an educational discipline, occupies a well-deserved place among the other disciplines. Historically speaking, Religion and religious education are part of the Christian Europe’s common heritage. Therefore, with all the legislative problems that arise, sometimes caused by those who want to eliminate Religion and God out of the hearts of children, religious education can’t and shouldn’t become an optional discipline.

Religious education is a means of promoting human rights, based on the values and the attitudes that it promotes. It has to build new paths for hope, through the formation of more flexible frameworks, of capacities and behaviors capable of dealing with permanent changes, and of accustoming the student to uncertainty and complexity.

Keywords:

religious education, Romania, schools, law, values, European Union

Catechumenate institution¹ is a first form of organization of religious education in the Church. Christian baptism cannot be done anyway. It was needed a period of penance and also of training during which the catechumen was initiated in the mysteries of Christian life. Studying closely the institution of catechumenate, one can notice that education is closely related to the life of the Church, of the ecclesial community, subjected to authorities or norms and inscribed in the effort to become aware of the demands imposed by Christian authority.²

For those who are the true teachers have a duty to know very well the teachings of faith. The first ones who need to know the Christian doctrine are those who guide people and the right faith so that through them the Church can grow, and the number of those who accede it will multiply by preaching the word of true faith to as many believers as possible.³

The authority of Christian education (*didascal*⁴, as it was called in antiquity) was considerable. But the authority of the teachings preached by them was legitimated by their ecclesial experience which allowed them to assume concretely the truth of the taught faith. Such a *didascal* was far from being just a good theology professional, from being a searcher of crafted words, by means of which to fascinate the audience.⁵

¹ Rev. Prof. Phd. Dumitru Călugăr, *Catehetica*, Renașterea Publishing House, Cluj – Napoca, 2005, p. 36; about the history of this institution that will last a few centuries, see Michel Dujarier, *A History of the Catechumenate: The First Six Centuries*, Sadlier, 1979, 143 p.

² We mention the following canons: 58 of the Apostles, 26 of the Laodicea, 10 of the Seventh Ecumenical Council etc; also see Rev. Phd. Nicolae Dură, *Învățarea dreptei credințe după canoanele Bisericii Ortodoxe*, in “Biserica Ortodoxă Română” 5 – 6 (1980), p. 663 – 670 and *Norme canonice referitoare la îndatorirea învățătoarească și omiletică a preotului*, in “Mitropolia Banatului” 3 – 4 (1983), p. 155 – 170 etc.

³ Rev. Phd. Miron Erdei, *Fundamentul teologic și pregătirea educatorilor pentru lecția de religie în învățământul primar și gimnazial*, in “Orizonturi Teologice” 2 (2004), p. 5 – 16.

⁴ “Didascal” was in Roman-Greek antiquity the teacher, the schoolmaster of a community. Ethimologically speaking, the nowadays “teacher” comes from the Greek word *διδάσκαλος*, cf. Anatole Bailly, *Le Grand Bailly: Dictionnaire grec - français*, Hachette, Paris, 1935, col. 500.

⁵ Andreas Schwab, *From a Way of Reading to a Way of Life: Basil of Caesarea and Gregory of Nazianzus about Poetry in Christian Education*, in Ilinca Tanaseanu-Döbler and Marvin Döbler (eds.), “Religious Education in Pre-Modern Europe”, Brill, Leiden, 2012, p. 147 – 163.

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The true teacher was not the one who impressed by the vastness of information and the rhetorical capacity, but the one who realized that the struggle for learning must lead to a spiritual gain. In this sense, I believe that a distinction can be made between the Christian teacher of the Gospel's teachings in a religious context, in immediate relationship with the life of the Church, and a theologian according to the norms of academic acre, imposed by a secular mechanism that has nothing to do with the Church.⁶

Once with the transition from the traditional to the modern paradigm, we witness significant mutations in education as well. In the XVIIth century a new modern culture, objectified in a new way of thinking, of feeling, and relating to world begins to impose itself. Even though the first modern thinkers (Grotius, Descartes, Galilei) did not want to separate from Christianity, they departed from the core of this religion. The effects of modernity will gradually influence European civilization in all its aspects, including Christian Church.⁷

In the XVIIth century, as an expression of modernity in education, we are also witnessing an increase in the prestige of the scientific academies (with a strong impact on the formation of revolutionary ideology).

England was the first in terms of scientific research. During the same century, the Royal Society will give up the primacy to the French Academy of Sciences, subsidized with great generosity by Louis XIV (1643 – 1715). Paris turns into the capital of the scientific and academic environment, the center of attraction for any scholar lusting for academic renown.

In 1787 Lagrange (1736 – 1813) was not wrong when, at the well-reasoned request of the new Piemontess scientist Victor-Amedeo III (1773 – 1796) to return to Turin, he replied that he cannot turn down the offer from the Paris Academy of Sciences: “The academy attracts me very much”, wrote Lagrange, “because for science, it is the first tribunal of Europe”. The Royal Academy of Sciences, the keystone of the entire French edifice, emerged in 1666, with the important contribution of scholars such as Huygens (1629 – 1695), Theveout (1620 – 1692), Sorbiere (1615 – 1690), trained by Galileo (1564 – 1642) Descartes (1596 – 1650) and Bacon (1561 – 1626).

⁶ Rev. D. Opris, *Forme de organizare a educației Bisericii din primele veacuri creștine*, in “Altarul Reîntregirii” 1 (2010), p. 202 – 205.

⁷ Irina Horga, *Educația religioasă în școală – abordări și tendințe europene*, in Adrian Leameni and Bogdan Dedu (eds.), “Învățământul religios și teologic în România”, Techno Media Publishing House, Sibiu, 2006, p. 23 – 38.

In 1770, Coudercet (1743 – 1794) becomes the secretary of the French Academy of Sciences, and seriously questioned the issue of scientific reorganization so that science would be subordinated to the new philosophy of Enlightenment. In *Reflections on Atlantis*, Coudercet imagines a new Atlantis built on science supremacy, with a unifying and centralizing role, around the ideas of the Enlightenment philosophy's force, achievable through a vast network of scientific societies and organizations involved in the effort of building the new Atlantis: a world in which religion is dethroned, assisting thus to a religious sublimation of science. In the second half of the XVIIIth century, in the West, there were already about 70 state academies and more than 100 private ones.⁸

Like this, an international scientific community is emerging that takes over the cosmopolitan and universal values of the scientific movement of the XVIIth century, with an extremely important role in the development of the ideology that triggered the outbreak of the French Revolution (1789). Academies have greatly contributed to the fracturing of education, making a clear dissociation between education centered on values and religious criteria, and an education centered on eminently secular foundations. With material support, especially from the secular authorities, academies will severely damage religious authority, including in the field of education. Through Academies, a new culture (dominated by secularism) will be infused. For example, in Russia, *Scientarum Imperialis Petropolitana* Academy, founded in 1724, was the origin of the whole process of inculturation by decree, inaugurated by Peter the Great (1682 – 1725) and continued by Ecaterina II (1762 – 1796). Disastrous effects are known in terms of distorting and undermining the Orthodox Religious Tradition in Russia at that time. The Russian Academy was established with the arrival of Western scholars (most Germans and Swiss) such as Euler (1707 – 1783), Blifinger (1693 – 1750), Bernoulli (1700 – 1782), and others in Moscow.⁹

In Italy we have the Torino Academy of Sciences, founded in 1783 following the Parisian model. In England, the scientific communities

⁸ For a more detailed presentation of the history of European education, we recommend the book of Prof. Ph.D. Ion Gh. Stanciu, *O istorie a pedagogiei universale și românești până la 1900*, Didactică și Pedagogică Publishing House, Bucharest, 1977, 395 p.

⁹ *** *Istoria lumii*, RAO Publishing House, Bucharest, 1997, p. 64.

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became more numerous (Manchester, Derby, Newcastle and Birmingham). There were several Academies in Germany (Munich, Leipzig, Gottingen and Erfent). In Prague, Brussels and Mantua we are witnessing the birth of important provincial academies. The cores of some representative scientific communities emerge in USA.

Religious education is gradually substituted this way, even before the French Revolution. These academies connected in a vast and complex international network will be a determining factor in shaping a new mentality represented by secularism. We can speak of a true academic and unitary ideology. We clearly note the existence of a unitary set of values, of language, and practices. The *New Atlantis* appears as a kind of cultural community with incomprehensible features if we do not take into account the strength and the growing success of the entire academic movement of the XVIIIth century. If in academies, the cultural legitimacy of authority was first celebrated, it is also there that an unusual ideal of civic service, a ritual sublimation of class conflicts capable of reconciling social heterogeneity and cultural and spiritual homogeneity came into being.

In order to guarantee the solid foundations of this cultural community, there is only a belief system based on an ideology of progress promoted by the social utility of science and its values, like this, we observe the religious valences of secular ideology. Choosing secularism becomes a real creed, legitimized by the philosophy of Enlightenment, which is of great importance in undermining the education anchored in a religious tradition.

The truth imposed (especially through the gazettes) will be a secular one as the religious truth is considered an absurd claim of a world that was about to decline.

Until the XIXth century, we can't speak of school as an institution as it is known in its present meaning.¹⁰ The school was closely linked to the parochial house, and the teacher was a person who enjoyed the priest and the community's trust. The approval to become a teacher was given by the priest. The school was not a fixed building specifically for the classes; it could be substituted by a dependence of the parish house or the teacher's home. If until the XIXth century the teacher had a strong

¹⁰ Vasile Gordon, *Învățământul religios românesc la cumpăna dintre milenii. Repere ale unui scurt excurs istorico-pedagogic*, in "Ortodoxia" 3 – 4 (2000), p. 178.

ecclesial conscience, after the French Revolution would settle on the secular sacredness of religious education.¹¹

The transition from an education based on religious tradition, under the tutelage of the Church, to an education oriented towards modernity, organized by the state is decisive after the French Revolution. We will exemplify this by means of presenting the XIXth century education of Wallachia. In this century most schools were under the patronage of Church.¹²

Books with an educational message from Wallachia, before importing the textbooks from the West influenced by the revolutionary ideology, were written in the spirit of the Orthodox faith's piety. They are inspired by the Byzantine schools, where educational training required a sound foundation in the Orthodox faith. This influence persists including after the fall of Constantinople (1453). Moreover, the Romanian rulers will try to continue the activity of Christian *basileus*, as most provinces of the Byzantine Empire will be turned into pashalics. The principle of the symphony between the Church and the Empire in the case of Byzantine theocracy is well known.¹³

The traditional Romanian education was based on an *ethos* specific to the people rooted in this earth. The Romanian folklore constituted an educational factor, a way of expressing our cultural identity. At a time when for the West education means academies and universities, in Wallachia, folklore is a true school of the people, expressing belonging to a religious tradition.

Towards the middle of the XVIIIth century, the Transylvanian School contributes decisively to the revival of the school theaters (inactive for a time because of the Reformation's victory in Transylvania).¹⁴ Some of

¹¹ Rainer Lachmann, *History of religious education until the beginning of the 20th century – didactical highlights*, in Gottfried Adam, Martin Rothgangel, Rainer Lachmann, Thomas Schlag and Friedrich Schweitzer (eds.), "Basics of Religious Education", V&R unipress GmbH, 2014, p. 45 – 63.

¹² Rev. Prof. Phd. Mircea Păcurariu, *Istoria Bisericii Ortodoxe Române*, Andreiană Publishing House, Sibiu, 2007, p. 362.

¹³ Related to this subject, which is of an extreme importance in the history of the relation between church and state, and also related to religious public education subordinated to Church, see the study of Phd. Bogdan Popescu, *Simfonia bizantină*, in "Orizonturi Teologice" 4 (2002), p. 171 – 196.

¹⁴ Daniel Sularea, *Școală și Societate. Învățământul elementar confesional în Episcopia Greco – Catholică de Gherla (1867 – 1998)*, Presa Universitară Clujeană Publishing

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these performances were encouraged by the officials of the time, Joseph II (1764 – 1790) and Maria Theresa (1740 – 1780), who wanted to introduce cultural measures in order to achieve their own political goals.¹⁵

Sometimes these cultural manifestations are coquetting with cultural political goals in contradiction with the Romanians' faith. For example, on August 23, 1761, a performance of the schoolchildren from Blaj was presented, but in honor of the Austrian government. Baron Adolf von Buccow (1712 – 1764), came to inspect the schools in Blaj, but also brought several regiments to resist the oppressed Romanian's revolts. The event is called "the Academy", a name borrowed from the end of the XVIIth century.¹⁶

Thus the influence of the philosophy of Enlightenment developed in Transylvania at the Transylvanian School will be transmitted both in Wallachia and Moldavia, becoming known both in religious and social life, and in education. Western influences became present in the Church, but also in school and society, the first artistic associations being born in the main Transylvanian cities. They preserved connection with the West and brought instrumental music, which was also cultivated by Moldavian and Wallachian boyars.¹⁷

Education in the Romanian Principalities will gain a laic tendency, especially once with the arrival of French or German collectors, which formed a rather extensive private education network. In the countryside and in the city, most boyars have educators for their children. For Romanian language and religious education are used priests or monks, for old Greek and modern Greek, teachers. But more and more teachers will come from the West. Thus we meet in the Romanian Lands Francois Zinchon, Jean Baptiste (his son, Philippe, a great treasurer will be one of the country's great capitalists in the nineteenth century), Jean Louis Carra and others.¹⁸

House, Cluj – Napoca, 2008, p. 4.

¹⁵ Paul Brusanowski, *Învățământul confesional ortodox român din Transilvania între anii 1848 – 1918*, vol. I, Presa Universitară Clujeană Publishing House, 2010, p. 17 – 43.

¹⁶ For further details, see Onisifor Ghibu, *Școala Românească din Transilvania și Ungaria*, Bucharest 1915.

¹⁷ Nicolae Iorga, *Istoria Învățământului Românesc*, Didactică și Pedagogică Publishing House, Bucharest, 1971, p. 117.

¹⁸ Mihai Bordeianu, *Învățământul Românesc în date*, Junimea Publishing House, Iași, 1971, p. 10.

In Transylvania, however, religious education is experiencing an extraordinary revival during the time of Metropolitan Andrei Șaguna (1848 – 1873) when the number of elementary schools in the Archdiocese of Sibiu amounted to almost 800. In 1882, in the entire Orthodox Metropolitanate of Transylvania there were 1578 public schools¹⁹, with 1722 teachers (most priests from those villages), with about 150000 pupils.²⁰

A remarkable moment in the history of Romanian religious education is the adoption of the *Law of Public Instruction*, dated 25 November/7 December 1864²¹, during the reign of Alexandru Ioan Cuza (1859 – 1867). By the Law of Public Instruction in 1864, religion held an important place both in primary education, where *Catechism*²² was taught (Article 32), and in secondary education, where it was taught the discipline then called *Religiunea*, from the French “religion” (Article 116).²³

The situation of religious education in Romania remained unchanged after this time until 1948, when the atheist totalitarian regime that had settled in the country ordered the removal of Religion as a discipline from public education.²⁴ This was due to the Marxist-Leninist atheist ideology that wanted the abolition of all that was spiritual and moral, so of the Church and of Religion in the first place. Under the Communist regime, with a rather diabolical perseverance, the power tried, in part and succeeded, to limit the vocation of the Church to its liturgical work.²⁵ However, the atheist

¹⁹ The archaic appellation for the nowadays primary schools; for further details, see Rev. Traian Nojea, *Învățământul confesional ortodox din Bihor în perioada dualismului austro – ungar (1867 – 1918)*, Episcop Nicolae Popoviciu Publishing House, Oradea, 2012, p. 13.

²⁰ Rev. Prof. Phd. Mircea Păcurariu, *Istoria Bisericii Ortodoxe Române*, p. 369.

²¹ Prof. Phd. Ștefan Bârsănescu and Florela Bârsănescu, *Dicționar cronologic. Educația învățământului. Gândirea pedagogică în România*, Științifică și Enciclopedică Publishing House, Bucharest, 1978, p. 186.

²² A *catechism* (from Greek *κατηχέω*, “to teach orally”) is a summary or exposition of doctrine in the form of questions and answers and serves as a learning introduction to the Sacraments traditionally used in catechesis, or Christian religious teaching of children and adult converts.

²³ Rev. Dorin Opreș, *Societate, educație și religie în textele fundamentale ale statului român, din perioada 1859 – 1965*, in Dorin Opreș, Monica Opreș (eds.), “Religia și educația de mâine. Cercetări pedagogice”, Eikon Publishing House, Cluj – Napoca, 2013, p. 55.

²⁴ Dennis Deletant, *România sub regimul comunist*, Fundația Academică Civică Publishing House, Bucharest, 1997, p. 69.

²⁵ † Daniel, *Dăruire și dănuire. Raze și chipuri de lumină din istoria și spiritualitatea*

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regime failed to completely remove God from the heart of the Romanians, a people born Christian.²⁶

After the revolution from December 1989, things took a whole new direction. For both the Church and the Romanian School a lot of opportunities emerged. But the one who “took advantage” the most at this period was the Church, who, along with all its faithful, has campaigned for the reintroduction of the discipline of Religion into the Romanian public education.²⁷

In this sense, a first official step in the process of introducing religious education in schools was the signing of a protocol, shortly before the beginning of the 1990 – 1991 school year, between the Ministry of Education and the Romanian Orthodox Church. By protocol, “Moral – religious education” was officially introduced into the curriculum of public schools in the country as optional discipline, with an ecumenical content, taught by graduates of theological institutes in the country. Through its language, especially through the granting of dual status (facultative and optional discipline) to moral and religious education classes, the protocol brought a series of ambiguities that would affect the status of Religion in Romanian schools to this day.²⁸

Only in 1995, with the adoption of the long delayed Education law, religious education became official in schools. In art. 9 (1), *Law no. 84/1995* provided the following:

“The curriculum of primary, secondary, high-school and vocational education include Religion as school discipline. In primary education, religion is a compulsory discipline, in gymnasium is optional, and in high school and vocational education it is facultative. The student, with the consent of the

românilor, Trinitas Publishing House, Iași, 2005, p. 349.

²⁶ Constantin Galeriu, *Ora de religie în trecut și astăzi*, in *** *Îndrumări metodice și didactice pentru predarea religiei în școală*, IBMBOR Publishing House, Bucharest, 1990, p. 10.

²⁷ Pavel Cherescu, *Însemnări, note, comentarii*, in “Revista Teologică” 1 (1990), p. 106; where the author brings arguments against the statement that “The Church replaces Marxist dogmas with the ones of religion”.

²⁸ Lucian Turcescu and Lavinia Stan, *Educația religioasă în România*, in “Studii Comuniste și Post-comuniste” 38 (2005), p. 381 – 401. For more up-to-date pieces of information about this subject, we recommend the book of the mentioned above authors: *Religie și politică în România postcomunistă*, Curtea Veche Publishing House, Bucharest, 2009, 432 p.

parent or legal guardian instituted, chooses to study religion and confession”.

The reintroduction of Religion after 1990 into the public education system, where it was removed by the communist regime in 1948, forcibly and contrary to the Romanian tradition, represents an act of moral reparation and not a “novelty” or a hasty decision. Thus, after 1990, it was restored to an eminently religious people the right to educate the youth according to its identity and innate culture.

Probably, the last fundamental moment in the history of religious education in the public schools of Romania was represented by the *Emergency Ordinance no. 36/1997* of the Government of Romania, the authorities’ response before the pressures to amend the Education law. Article 9 (1) transformed as it follows: “(1) The curriculum of primary, secondary, high-school and vocational education include Religion as a school discipline, part of the common trunk. The student, with the consent of the parents or the legal guardian, chooses to study religion and confession; (2) At the written request of the parents or the legal guardian, the student may not attend religious classes. In this case, the average of grades will be calculated without this discipline. Similarly, it is also the case for the student who, for objective reasons, has not been provided with the conditions for attending classes in this discipline”. Therefore, since this date, the discipline of Religion becomes a compulsory subject of study in the pre-university education in Romania.

By *Law no. 489/2006* on religious freedom and the general regime of denominations²⁹, in art. 32, it is specified that: “(1) In public and private education, the teaching of religion is ensured by law to cults; (2) The teachers who teach religion in public schools shall be appointed with the consent of the worship they represent, according to the law; (3) If a teacher commits serious misconduct from the doctrine or the morals of the cult, the cult may withdraw his agreement to teach religion, which leads to the dissolution of the labor contract; (4) Upon request, if the school leadership cannot provide religious teachers belonging to the cult of the pupils, they can prove their own religion study with a certificate from the cult to which they belong”.

²⁹ Nicolae Dură, *The Law no. 489/2006 on Religious Freedom and General Regime of Religious Cults in Romania*, in “Dionysiana” 1 (2008), p. 37 – 54.

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The integration of our country into European structures on January 1, 2007 cannot be a reason to exclude Religion from public education under the pretext of harmonizing Romanian legislation with Community norms.³⁰ Firstly, religion is part and parcel of European culture. Without the knowledge of this field, we cannot understand the history and culture of this continent and we cannot cherish the cathedrals, monasteries, churches, visual and musical works of art, largely inspired by religious belief. It is not right to erase, in the name of laity, centuries of history and culture inspired by religious belief. We cannot mutilate the soul of Europe, ignoring the masterpieces of architecture, painting, sculpture, literature, or music to sustain an alleged emancipation based on the spiritual *vacuum* of secularization.³¹ We can never replace the constant values of religion with ephemeral models of self-sufficient and anti-religious humanism.³²

This explains why in the vast majority of European countries Religion is taught within the public education system, having a recognized and appreciated role in society, with profound implications for socio-cultural development. In Romania, a “Romanian model”, incompatible with European legislation, has not been promoted.³³ According to the *Romanian Constitution*, art. 32 (7), “In public schools, religious education is organized and guaranteed by law”, as is the case in most of the European Union states. Education has a confessional character in Austria, Greece, Italy, Poland, Spain and Germany, and a general one in the Netherlands, Sweden, Norway or Denmark. According to the former *Education Law no. 84/1995*, art. 9 (2) and the current Education Act in force (*Law no. 1/2011*), art. 10 (2), (3), pupils in Romania have the right not to attend Religious classes, a situation also found in Italy, the Czech Republic, Greece or Austria, but Religion is proposed as part of the curriculum. Thus, the

³⁰ For a careful analysis of this aspect, simultaneous with the rejection of the arguments against the Religion class from European education, see *** *Apostolat educațional. Ora de religie – cunoaștere și devenire spirituală* Basilica Publishing House, Bucharest, 2010, 84 p.

³¹ Peter Schreiner, *Religious Education in Europe*, in Gottfried Adam, Martin Rothgangel, Rainer Lachmann, Thomas Schlag and Friedrich Schweitzer (eds.), “Basics of Religious Education”, p. 161 – 179.

³² Rev. PhD. Miron Erdei, *Religia și cultura în contextul integrării europene*, in “Omul de cultură în fața descreștinării”, Reîntregirea Publishing House, Alba Iulia, 2005, p. 380 – 404.

³³ *** *Apostolat educațional. Ora de religie – cunoaștere și devenire spirituală*, p. 36 – 39.

Romanian legislation respects the European norms and promotes a system of education comparable to that existing in the majority of the European Union states.³⁴

Moreover, confessional religious education is a rule in most European states³⁵. Thus, in the reasoning of the decision of the *European Court of Human Rights* (ECHR) from June 29, case “Folgero v. Norway”, it is mentioned that states have the right to disseminate information or knowledge through education or training with a direct or indirect religious or philosophical nature (paragraph 84).³⁶

Also, the ECHR does not regard the confessional character of the Religion classes a problem, as it states that “in Europe, religious education is deeply connected with secular education”. Of the 46 member states of the Council of Europe (in 2007) only in three states religion is not taught in public schools (France, Albania and Macedonia); the Religion class is compulsory in 25 states, while in the others is optional or facultative (as the ECHR states on October 9, 2007, in “Hasan and Eylem Zengin v. Turkey” case, paragraph 30³⁷); and in most countries the teaching of Religion has a

³⁴ Monica Opreș, *Statutul Religiei ca disciplină de învățământ în școala românească*, in Mușata Bocoș, Ioan Albușescu, Vasile Chiș and Cristian Stan (eds.), “Tradiții, valori și perspective în științele educației”, Casa Cărții de Știință Publishing House, Cluj – Napoca, 2009, p. 235 – 238; Nicolae Dură, *Statele Uniunii Europene și cultele religioase*, in “Ortodoxia” 2 (2009), p. 49 – 72; Rev. Constantin Rus, *Constituția europeană și religiile*, in Rev. Viorel Sava, Rev. Dan Sandu and Emilian Iustinian Roman (eds.), “Învățământul universitar vocațional la ceas aniversar – 2010. Studii și cercetări”, Doxologia Publishing House, Iași, 2010, p. 427 – 446.

³⁵ Peter Schreiner, *Religious Education in Europe*, p. 162: “An introduction to the situation of Religious Education as a school subject in Europe can start with the observation that Religious Education is a common issue in more or less all European states (exceptions are parts of France, Albania, Montenegro and Macedonia)”.

³⁶ A. Gianfreda and A. Caraccio, *Il caso Folgero contro Norvegia. Libertà religiosa, pluralismo educativo e margine di apprezzamento statale*, in *** “Diritto e religione in Europa. Rapporto sulla giurisprudenza della Corte europea dei diritti dell’uomo in materia di libertà religiosa, (Alessandria, 22 – 23 October 2010)”, Il Mulino, Bologna, 2012, p. 147 – 177.

³⁷ Zafer Celik, Sedat Gümüş and Bekir S. Gür, *Moving Beyond a Monotype Education in Turkey: Major Reforms in the Last Decade and Challenges Ahead*, in Yun – Kyung Cha, Jagdish Gundara, Seung – Hwan Ham and Moosung Lee (eds.), “Multicultural Education in Global Perspectives: Policy and Institutionalization”, Springer, 2016, p. 111 – 112.

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confessional nature (paragraph 31).³⁸ The European Union encourages the principle of “unity in diversity” to preserve national identity, local traditions and values built over the centuries and not to pursue artificial and sterile leveling, a destruction of the cultural specificity of this continent.³⁹ Thus, the year 2008 was proclaimed, within the European institutions, the year of intercultural dialogue. In this context, we note that, without exception, religious worship and religious social morality have marked the culture of all European peoples.⁴⁰

As far as European primary law is concerned, the *Treaty on the Functioning of the European Union* (TFEU), as amended by the *Treaty of Lisbon* in 2007, states that the European Union carries out only a supportive policy complementary to the national policy of each Member State (see Article 6 TFEU). Education is therefore not part of the areas where the Union has exclusive competence (see Article 3 TFEU), nor in areas where the Union and the Member States have shared competences (see Article 4 TFEU).

According to Article 165 (1) TFEU,

“The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity”.⁴¹

Thus, the exclusive competence of Member States to determine the content and organization of national education systems is not yet under discussion from the point of view of the Union’s primary law.

As far as European secondary legislation is concerned, it is often heard in mass media that the European Union has decided on either or that measure that Romanians have to apply (especially when there is some

³⁸ Rev. Sorin Șelaru, George Vâlcu, *Studiul Religiei în școlile publice din statele membre ale Uniunii Europene*, in “Studii Teologice” 1 (2012), p. 229 – 252.

³⁹ Rev. Prof. PhD. Constantin Rus, *Religia în jurisprudența europeană a drepturilor omului*, in Nicolae Răzvan Stan (ed.), “Biserica Ortodoxă și Drepturile omului: Paradigme, fundamente, implicații”, Universul Juridic Publishing House, Bucharest, 2009, p. 312 – 326.

⁴⁰ Irina Horga, *Educația religioasă în școală – abordări și tendințe europene*, p. 38.

⁴¹ Article 165 TFEU (the article 149 TCE before The Treaty of Lisbon) was introduced by The Treaty of Maastricht, 1992.

interest!). However, it should be mentioned that the European secondary law differences between regulation, directive, decision and recommendation or notification.⁴² The acts of secondary law through which the Union can exercise its support in the field of education, are the “encouraging actions” and the “recommendations” (see Article 165, line 4, TFEU). As it can be noticed from their names, these acts are not mandatory. The Article 288 TFEU, which regulates the secondary legal acts of the Union, only statutes, directives and decisions are binding; but the Union does not have the power to adopt such mandatory education instruments. Of course, European recommendations and programs can support and indicate a direction towards which education in Europe is intended, but so far with regard to the presence of the study of Religion in public schools, this is a matter of national sovereignty of each EU Member State.⁴³

The contribution of the Romanian Orthodox Church to the formation and development of the national cultural treasure cannot be denied or considered a “counterfeit of history”⁴⁴, but was clearly recognized *Law no. 489/2006*, art. 7 (2). The first schools and prints in Romania were the result of Church work, and the representative artistic works and crucial historical moments highlight the role of the Church in creating, preserving and transmitting national values of spiritual, moral and cultural values.⁴⁵

The struggle against the Religion class in the Romanian school manifests in 2014 when, at the request of an atheist professor of philosophy,

⁴² Article 288 TFEU: “To exercise the Union’s competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions. A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States. A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them. Recommendations and opinions shall have no binding force”.

⁴³ Rev. Sorin Șelaru and George Vâlcu, *Studiul Religiei în școlile publice din statele membre ale Uniunii Europene*, p. 232.

⁴⁴ Vlad Bondre, *Educația religioasă: responsabilitatea Bisericii față de noua generație*, in Rev. Prof. Phd. Mihai Himcinschi (ed.), “Misiune și educație religioasă”, Reîntregirea Publishing House, Alba Iulia, 2016, p. 80 – 81.

⁴⁵ Vasile Timiș, *Religia în școală. Valențe eclesiale, educaționale și sociale*, Presa Universitară Clujeană Publishing House, Cluj-Napoca, 2004, p. 77. For more details about the cultural impact of teaching Religion in schools, see Constantin Cucuș, *Educația: dimensiuni culturale și interculturale*, Polirom Publishing House, Iași, 2000, 283 p.

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the *Constitutional Court of Romania* (CCR) ruled with a majority of votes an interesting decision. It's Decision no. 669 of 12 November 2014, which, on the one hand, recognizes the role and status of Religion as mandatory in school and provided by the state, on the other hand, the optional nature of the class.⁴⁶

In its argumentation, the Court draws attention that by adopting its regulations in the field of education, the legislator must take into account the fact that Article 29 (6) of the Constitution guarantees the right to religious education and not the obligation to attend religious courses. Therefore the free choice necessarily implies the person's own initiative in the sense of attending the class of Religion, and not the tacit consent or express refusal. Expressing an opinion from the point of view of the constitutional provisions about freedom of conscience and religion, applicable in the field of religious education must always have a positive meaning (the person chooses to study religion) and not a negative meaning (the person chooses not to study religion) in the second hypothesis, the person is alleged as willing to study, having to act later for his/her exclusion from the study group. Such regulation is nothing more than a coercion of the person in the manifestation of an option, which is contrary to the freedom of conscience enshrined in the Constitution.⁴⁷

As a result of this "discriminatory and humiliating decision for the religion class", as the Romanian Patriarchate⁴⁸ calls it, the Ministry of Education issues *Order no. 5232 of September 14, 2015*, in force today, approving a new "Methodology of organizing the teaching of Religion in pre-university education".⁴⁹ According to it, the state is obliged to provide students who want Religion classes. In this sense, these pupils must enroll in the Religion class by a written request addressed to the school unit throughout the school year (Articles 3 to 6). Organizing the teaching of religion is regulated by Articles 7 to 9.

⁴⁶ https://www.ccr.ro/files/products/Dec_669-dos_537_ADMITERE_RELIGIE.pdf (accessed 12.01.2017).

⁴⁷ It is art. 29 alin. (1) from the *Constitution of Romania*: "No one can be compelled to adopt an opinion or adhere to a religious belief contrary to his beliefs"; see Nicolae Dură, *Religious Freedom in Romania*, in "Theologia Pontica" 3 – 4 (2012), p. 9 – 24.

⁴⁸ <http://patriarhia.ro/o-decizie-discriminatorie-si-umilitoare-pentru-ora-de-religie-7684.html> (accessed 12.01.2017).

⁴⁹ <http://www2.edu.ro/index.php/articles/23550> (accessed 13.01.2017).

The novelty is in Articles 10 to 12, namely “Organization of the activity of pupils who do not study the discipline of Religion”, in which, at art. 10, it is stipulated that:

“For pupils who do not require attending Religious classes or who have not been provided with the conditions for attending classes in this discipline, the schools establish through their own rules of organization and functioning the activities they can carry out, the areas in which the activities are carried out, as well as the responsibilities for ensuring the supervision and safety of pupils while the others are at the class of Religion”.

From what has been said so far, it seems that the interference of the secular in religion also influences education. The manipulation of religion by politics is a real danger, a distortion of the religious education’s message of religious. Including in the contemporary society, we find this dangerous tendency of using religion in order to legitimate political interests. Not a few times religion was used in international relations to justify hierarchies, supremacy, economic, political and military decisions.⁵⁰ Wars and internal conflicts also involve a religious aspect. A religion can be used by a political, economic, judicial, educational force, becoming an *ancilla*, a simple instrument for *hic et nunc* purposes. The use of a religion in a less honorable way, in order to generate, to strengthen personal or institutional power, is a real danger that both clergy and faithfuls must know.

Although modernity (especially after the French Revolution) has accused the separation of education from religious tradition and, although we live in period that encourages a pedagogy anchored in the secular, it is recognized by contemporary educators that religious education can confer artistic axiology to education, at a time when value descentration persists and deepens, rethinking the components of education and their weight is more than necessary.⁵¹ An integrated education implies, besides the moral, intellectual and aesthetic components also a religious one.⁵² Religious education contributes to the formation of the individual, to his responsible

⁵⁰ See the collective volume edited by Oliver Brennan, *Critical Issues in Religious Education*, Veritas Co. Ltd., 2005, 124 p.

⁵¹ Rev. Prof. PhD. Gheorghe Petraru, *Logica religiei și educația creștină*, in ”Teologie și Viață” 9 – 12 (2016), p. 47 – 48.

⁵² Related to the importance of religious education as part of education in general, see Constantin Cucos, *Educația religioasă. Repere teoretice și metodice*, Polirom Publishing House, Iași, 2009, 376 p.

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involvement in active and social life.⁵³ Religion is a teaching about truth, “the truth that shall set you free” (John 8, 32)⁵⁴ and actively influences all components of education, in intellectual, emotional and behavioral terms.⁵⁵

We do not have to pursue an annulment of the education’s modern dimensions, but it is not desirable to indulge in a harmful complacency that proclaims the superiority of modern education to the detriment of the traditional one. An authentic dialogue that forces us to overcome a obtuse and univalent position is essential. In this respect, the contemporary French historian I. Marrou states: “The fecundity of historical knowledge lies predominantly in the dialogue that establishes within us the same and the other”.

The mission of the Religion teacher is not only that of teaching pupils but also that of forming and cultivating their religiosity, of setting in their souls a profound religious conviction that invites to reflection, fortifies the conscience of their duty towards God, towards people, and towards themselves.⁵⁶

The process includes the setting up of the informative-formative framework of religious education, establishing the goals of religious education in school, an inspired selection of the strategies that provide active classroom learning and assessment techniques that determine the knowledge level reached by students during the Religion lesson.⁵⁷

⁵³ Laurențiu D. Tănase, *Educație religioasă și responsabilitate socială – comportamente și tendințe contemporane*, in Rev. Ion Vicovan, Rev. Cezar Hârlăoanu and Emilian Iustinian Roman (eds.), “Teologie și pedagogie. Identitate specifică și responsabilitate comună în actul educației”, Doxologia Publishing House, Iași, 2016, p. 287 – 301.

⁵⁴ Răzvan Brudiu, *Tinerii și educația religioasă creștină în societatea contemporană*, in Rev. Prof. PhD. Mihai Himcinschi (ed.), “Misiune și educație religioasă”, p. 41.

⁵⁵ Rev. Florin Negruțiu, *Statutul Religiei în școala românească*, in “Dascălul creștin” 1 (2010), p. 5.

⁵⁶ Rev. D. Opreș and M. Opreș, *Challenges of Religious Education in Contemporary Romanian Schools. An Orthodox Perspective*, in “Review of Ecumenical Studies” 2 (2013), p. 231 – 232; related to the Religion teacher’s mission, see Carmen Maria Bolocan, *Profesorul de Religie între profesie și apostolat social*, in Rev. Ion Vicovan and Emilian Iustinian Roman (eds.), “Laicii și misiunea creștină. Realitate istorică, vocație personală, necesitate eclesială”, Doxologia Publishing House, Iași, 2014, p. 155 – 183 and *Competențele profesorului de religie în procesul de predare-învățare-evaluare, în context contemporan*, in Rev. Ion Vicovan, Rev. Cezar Hârlăoanu and Emilian Iustinian Roman (eds.), “Teologie și pedagogie. Identitate specifică și responsabilitate comună în actul educației”, p. 307 – 335.

⁵⁷ Cristian Sonea, *Confessional Religious Education or Ecumenical Religious Educa-*

The ideal of religious education is an integrative one, promoting all the forces that man possesses as a psychophysical being, as well as the values meant to inspire the first ones and to direct them⁵⁸; In other words, education will continually aim at achieving excellent values and active idealism. Therefore, religious education must be an active presence in education in general.⁵⁹

tion?, in "Review of Ecumenical Studies" 2 (2013), p. 192; see also: Carmen Maria Bolocan, *Educația religioasă este doar sarcina Religiei sau trebuie să devină un obiectiv și pentru celelalte discipline?*, in "Teologie și Viață" 1 – 4 (2009), p. 54 – 68.

⁵⁸ See also Wanda Alberts, *Integrative Religious Education in Europe: A Study-of-religions Approach*, Walter de Gruyter, Berlin, 2007, 442 p. (about the integrative function of Religion at p. 1 – 2).

⁵⁹ Monica Opreș, *Considerații privind necesitatea educației religioase în școală*, in "Review of Ecumenical Studies" 3 (2010), p. 83; Kristina Stoeckl, *Knowledge about religion and religious knowledge in secular societies: 1 introductory remarks to The future of religious education in Europe*, in Kristina Stoeckl (ed.), "The Future of Religious Education in Europe", European University Institute, 2015, p. 1 – 7; Prof. PhD. Constantin Cucuș, *Educația religioasă – expresia unei conlucrări responsabile dintre Școală și Biserică. Prezent și perspective*, in Rev. Ion Vicovan, Rev. Cezar Hârlăoanu and Emilian Iustinian Roman (eds.), *Teologie și pedagogie. Identitate specifică și responsabilitate comună în actul educației*, p. 125 – 145.