

Book review

Cătălin Raiu. 2021. *Libertatea religioasă între politică și politici - O analiză politică a standardelor internaționale, legislației naționale și practicii guvernamentale în pandemie*. Iași: Doxologia, 254 pag.

The beginning of 2020, marked by the much dreaded Coronavirus (COVID-19) left its mark of fear, panic, disease as well as death on us. In this context, most governments opted for physical (social) distancing, in varying degrees, by which they tried to reduce the close contact between people as much as possible and thus slow down the spread of the disease. These physical distancing measures taken by governments included quarantine, travelling restrictions, the closure of schools, churches, workplaces, stadiums, cinemas, theatres and restaurants. In Romania, on March 16, 2020, the President of Romania signed the decree regarding the establishment of the state of emergency on the territory of Romania for a duration of 30 days. The effects were immediate: closed schools, businesses, people being either sent into technical

unemployment or losing their jobs, their sources of income, etc.

In this context, in which revisiting the topic of religious freedom can never be redundant, the appearance of Professor Cătălin RAIU's *Libertatea religioasă între politică și politici - O analiză politică a standardelor internaționale, legislației naționale și practicii guvernamentale în pandemie*, published by Doxologia Publishing House, Iasi, in 2021, is salutary.

The reviewed volume includes the Foreword, a preface by Ján Figel', Special Envoy for the promotion of freedom of religion or belief outside the European Union (2016-2019), an Introduction, two consistent parts with a multitude of analysed topics and a rich scientific legislative and theological bibliography.

As the author himself claims: "This book advocates for a more democratic approach towards Freedom of Religion of Belief (FoRB) in accordance with the

European and American good practices, for the usage of international standards, commitments, recommendations and guidelines in order to apply the principles of Freedom of Religion or Belief; the joining of the Romanian Government to the International Alliance of Freedom of Religion or Belief launched by the US Department of State and which already includes almost all post-Communist countries from Europe; the establishment of the Romanian national mandate of Special Envoy for the Promotion of Freedom of Religion or Belief; the enhancing of collaboration with European institutions such as the Agency for Fundamental Rights of the European Commission and the Office for Democratic Institutions and Human Rights of OSCE which offers practical solutions for emergency situations, like the COVID-19 pandemic etc.; the advancement of the culture of Freedom of Religion or Belief in the public administration, at least on central level, starting from the minimal effort to religiously alphabetize at least the political decision makers" (p. 248).

Even if the pandemic is not eradicated, the author analyses, in Part I of the volume, the phrase "religious freedom" according to international standards and commitments, emphasizing the fact that "the government cannot suspend

Freedom of Religion or Belief (FoRB) during war or state of emergency. However, FoRB can be limited as an exceptional measure, to re-establish order and public security or, in the case of an epidemic, only as an exceptional measure and with the fulfillment of the following terms: 1. to be provided by law; 2. to serve purposes of the political body in its entirety (protection of security, public order, health, etc.); 3. to be non-discriminatory in language and application; 4. to strictly serve the purpose and announced period (ICCPR, art. 18 et al.)" (p. 246).

In subsequent sub-chapters, the author deals with subjects such as religious freedom and political parties in times of pandemic, emphasizing that "while religious denominations assume natural gestures of social responsibility, parliamentary political parties seem to have abdicated from their essential mission, that of being transmission belts between the state and society" (p. 31). Moreover, he proposes "the introduction of a culture of religious freedom in the public administration, at least at the central level, starting from the minimal effort to religiously educate at least the decision-makers" (p. 55), thus emphasizing the illiteracy in terms of religious freedom.

The fair and moderate understanding of religious freedom is another debated topic, the author

underlining that “in a democratic political regime and based on the rule of law, state policies in matters of religious life should not be generated by an excess of church protectionism or by exacerbated secularism, but by the principle of religious freedom” (p. 56), also explaining the juridical-political principles to be followed, namely: the principle of exercising religious freedom, the principle of state neutrality, the principle of non-discrimination, the principle of the rule of law, the principle of the autonomy of cults (p. 57-59).

Professor Raiu introduces *The US Report on religious freedom, between text and context*, in which Romania is also analysed, in 22 pages and in which “it is indicated that in general, in our country we have a good level of promotion of religious freedom” (p. 77). The author also presents the OSCE report, according to which “Romania is listed among the countries that have taken the harshest measures to restrict religious freedom since the beginning of the pandemic” (p. 87), mentioning that “the freedom of religion or belief (FoRB) has several dimensions: individual, collective, institutional, educational, etc., this being acknowledged as such in the commitments of the OSCE, the UN, the EU or the US State Department. According to art. 4 (2) and 18 (2) of the International Covenant on Civil and Political Rights and art. 9 of the

European Convention on Human Rights, freedom of religion or belief (FoRB) is not derogable even during the state of emergency” (p. 87).

The state-denominations dialogue “should have followed this institutionalized dialogue framework to democratically restrict religious freedom, but the dialogue should have also generated partnership opportunities between the state and denominations, especially in social areas where the denominations naturally get involved, according to the tradition and vocation of each individual: social assistance to those affected by the pandemic in terms of access to food, minimal socialization or even medical services, validation of doctors’ recommendations by co-opting local religious leaders as communicators at parish/community level. In a social context in which the fear of illness and death also requires emotional protection measures, in partnership with the state, the denominations would have provided much more effectively the dose of optimism and tranquillity we need when facing the pandemic” (p. 138).

Governmental intervention in the management of the pandemic consisted in a series of clumsy actions, through “restrictions camouflaged in recommendations stated as rules (sic!), transmitted abruptly and dryly through press releases and dubious

documents, without any presence on TV or in social media” (p. 139).

In the legal and theological sense, the phrase “the right to freedom of religious belief” refers to the manifestation of faith in a communal, therefore collective, and institutionalized manner, in this case within the Romanian Orthodox Church. The state legislative framework that regulates the relationship between the state and the denominations in Romania includes the *Constitution of Romania* and *Law no. 489/2006 regarding religious freedom and the general regime of denominations* while church legislation includes *The Statute for the Organization and Functioning of the Romanian Orthodox Church* and its implementing *Regulations*. Given the pandemic context and regulations, following endless efforts on the part of the Romanian Patriarchate, *The Agreement of the Romanian Patriarchate and the Ministry of Internal Affairs in the State of Emergency* was finally issued, an agreement which regulated strictly the service on the night of the Resurrection. Let us only briefly remark that the churches were fenced all this time during the pandemic while the markets, for example, could be attended, with more or less drastic preventive measures.

Moreover, Romania is the only state that issued liturgical

recommendations. Thus, the use of the spoon during the ritual of the Holy Eucharist raised a fierce public debate. In the Byzantine rite, it is used for the administration of the Sacrament of the Holy Eucharist. There was pressure for the Romanian Orthodox Church to give up the traditional way of administering Holy Communion and to adopt other ways such as the disposable spoon which is then burned, etc. This aspect strengthens professor Raiu’s argument, namely that “this was not done for theological reasons, but due to the lack of democratic culture”, the Church being seen as “a mere provider of ceremonial public services” (p. 246).

The interference of the Romanian authorities in the sphere of religious freedom occurred both during the state of emergency, through the content of Military Ordinances no. 1 (art. 2) and no. 2 (art. 9), which regulated the suspension of all religious activities, carried out in closed spaces, giving only the possibility of officiating liturgical rituals without the participation of the public, and liturgical/religious acts of a private nature (baptism, weddings, funerals), at which a maximum of 8 people could participate, as well as during the state of alert, Order no. 875/80/2020 for the approval of the rules regarding access to places of worship, the minimum safety distance and specific sanitary measures for the

conduct of religious activities, measures that strictly concern denominations. Also, in the case of the pilgrimage in Iași, the authorities issued additional measures that exceeded the legal framework, with negative effects on the social, legal and spiritual level (pp. 119-124).

The author concludes that “in the case of Romania, the executive decisions of the pandemic period have been ideologically inconsistent: there were, on one side, highly conservative gestures showing that the state wanted to be a super-warden of tradition. On the other side, the state denounced with Marxist rage the liturgical gestures considered all together dangerous to the health of the population, forgetting that religious manifestations are direct expressions of the private conscience and that they can only be restricted similarly with non-religious ones. The decisions were not made based on the “rule of law”, which is the base of standards and international legislation compatible with democracy, but on the “rule by law”, based on some made up ideological ad-hoc frustrations, pro or against the Church and indifferent to the demands of religious freedom and democracy” (p. 247).

Part II, called *Religion and politics*, constitutes a miscellany in which civil society, religious life and the democratic and constitutional regime

based on the supremacy of law are x-rayed (rule OF law, not rule BY law).

As the author informs us in the introduction, “the volume is about state and democracy, not about the Church and theology, about democratic not theological demands... It is rather about the state and the Church, than about the Church and the state”. Furthermore, “the volume does not deal with the restrictions in Romania compared to those in other states. Precisely for this reason, the comparisons that appear in the volume do not refer to the measures taken by different states during the pandemic regarding religious freedom, but to the manner of taking, implementing and communicating the measures. It is not necessarily about what measures were taken, but about the manner in which they were taken and communicated. The book does not discuss individuals, but rather attitudes, mentalities and especially pathologies of Romanian democracy from a political-administrative perspective” (p. 16).

We welcome the appearance of this remarkable work, which highlights the compatibility between democracy and religious faith. The relations between the state and denominations established by law, especially during the pandemic period, require the conjugation of efforts to overcome this difficult period, each in the perspective of its goal, the state

through its means to seek physical healing with the help of medical personnel and the health system and thus to fulfill its purpose, the wellbeing of the citizen, and the Church to fulfill its pastoral, spiritual-cultural, educational and social-philanthropic mission for soul healing, and the

ultimate goal, the salvation of the faithful.

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