

RELIGION AND PUBLIC EDUCATION IN ROMANIA

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PREAMBLE – HISTORICAL BACKGROUND

Traditionally, Church-State relations in the predominantly Orthodox countries were based on the Byzantine principle of *symphony*, that is of harmony, understanding and cooperation between two distinct institutions: a spiritual one and a political one, which were, however, united by the common social life of Church believers and of State citizens.

However, in the Romanian Principalities (Moldavia und Walachia) the symphony of the Byzantine Empire was adapted to the realities of the Principalities and then of the modern Romanian State, influenced by the secularised Western spirit.¹

Historically, the first schools in Romania were organised near churches or monasteries and that is why religion was the main discipline of the educational system. Furthermore the first education laws were elaborated in Romanian Principalities in the 18th century and these were drawn up by the bishops of the two countries. In Transylvania, the laws of education were those of the Habsburg Empire, as the “*Allgemeine Schulordnung*”, dating from 6 December 1764. In the Romanian Principalities the first law of the 19th century was made in August 1818 by Gheorghe Lazăr, the reformer of the school system in these two countries (former professor at the Theology Faculty from Sibiu, created in 1786).² The next reforms in the two countries (after 1859, the Romanian Principalities) focussed on religious education. Religion was a discipline in the general curriculum of public schools until 1948, when the communists decided that the discipline, along with the Church, had no place in Romanian society and churches had to continue their activities in a so-called “liturgical ghetto” (only in churches).

1989 offered the chance to reintroduce Religion into the curriculum of all public schools.

I. GENERAL BACKGROUND

1. Facts and Figures

According with the Constitution from 2003, Romania is organised as a Republic. It is a country situated in South-East Europe and has a surface of 238,392 km². Since the 1st of January 2007 it has been one of the 27 member states of the European Union. The population

¹ Daniel Ciobotea, *State-Church Relationship in Romania. Tradition and Modernity*, in Adrian Lemeni, Florin Frunza, Viorel Dima, *Religious Liberty in Romanian and European Context*, Ed. Bizantina, Bucuresti, 2005, p. 18. Furthermore, the Church-State symphony was nowhere symmetrical in the sense of equality of similar forces, but almost always asymmetrical and uneven. The Church was permanently praying for the State, and often it was also entreating the State to help it. The State, in its turn, supported the Church, but it was also often tempted to subjugate the Church. In this sense, in all its history, the symphony between Church and State was marked by the tension between ideal and insufficiency, between the tradition of *continuity* and the tendency of *renewal*.

² In the school system introduced by Lazăr, religious education was present at all levels, related to writing (for the primary schools) or Philosophy and Law (for the superior levels).

is about 21.7 million citizens,³ but we should mention that many of them emigrated and work now in other EU countries (like Spain or Italy). The majority of population are Romanians, 89.5%, 6.6% are Hungarians, 2.5% Gipsies and 0.3% Germans. Speaking about religion, 86.7% declare themselves to be Orthodox Christians, 4.7% belong to the Roman-Catholic Church, 3.3% to the Reformed Churches and 0.9% to the Greek-Catholic Church. The country is organised in 41 counties and the capital is Bucharest.

According to Education Law, the Romanian educational system is organised by the *Ministry for Education, Research and Innovation*. Education begins in Romania with the kindergarten (3-6 years old), which is optional, but the last kindergarten year is now compulsory on the basis of a new law (February 2011). The basic comprehensive school consists of 8 years (1-4 primary level and 5-8 lower secondary level). The upper secondary level is from grades 9-12 and is divided into high-schools and vocational training/professional schools. Schooling in Romania is compulsory until the 10th grade.⁴

After the events of 1989 private schools have also been allowed, provided they respect the general curriculum applicable to public schools. We should mention that the private school system is well-developed especially with regard to kindergartens, but there are also private schools opened by private investors or by the Church.

On figures from last year, the school system had approximately 4.4 million registered pupils, from which 650,000 attended kindergartens (even though this is not compulsory) and 3.11 million (approx. 14% of the total population) attended primary and secondary schools. The education given in the public schools is free of charge, but for some activities the schools can take money provided the conditions foreseen by the law are met.⁵

Today in Romania there are approximately 12,000 religion teachers and the material resources, which come from the state budget, cost approximately 500 billion lei for one school year. The number of pupils who attended the Religion classes in the last school-year was approximately 3 million.

It is useful here to refer to the German system of Protestant religious education. In the period between the two World Wars of 365.000 Protestants there were 342,869 children of school age (it was a unique situation in the East European context).⁶ From 100,000 Church members 60,000 left in 1990. German schools survived largely due to Romanian Orthodox children, who represent 85% of all pupils today.⁷ In the last school year 4,756 pupils took part in Protestant religious education, delivered by 65 teachers, out of which 50% are pastors.⁸ Only 3 are fully employed by the schools - the others work on the basis of an hourly wage.

³ According with the last population census from 2002.

⁴ Stefan Cosoroabă, *Religious Education in Romania*, in Peter Schreiner (ed.), *Religious Education in Europe. A collection of basic information about RE in European countries*, Comenius Institut, Münster, 2000, p. 135.

⁵ Valer Bel, Vasile Timiș, *La mission par l'activité didactique religieuse*, in *Studia universitatis Babeș-Bolyai, Theologia Orthodoxa*, Nr. 2/2005, p. 22.

⁶ Stefan Cosoroabă, *Religious Education in Romania*, p. 137.

⁷ In Sibiu/Hermannstadt there are 1718 Church Members and 1702 pupils in Protestant religious education, this because at the German High School there was for a long period of time no Romanian Orthodox teacher for this discipline who could speak German too.

⁸ Stefan Cosoroabă, *Religious Education in Romania*, p. 140.

2. Religion as a Subject of Instruction and Its Substitutes

• Religious Instruction (i.e. Confessional Teaching)

The Church had to fight a great deal to secure a place for Religion classes, which should have been accepted in public schools alongside the other disciplines. A first step was made in 1990 when the Minister for Education and State Secretariat for Cults signed an agreement to reintroduce moral-religious education into public schools. This agreement stipulated that:

- beginning with the school year 1990/1991, religious education is introduced in public schools for the primary classes and second classes, for an hour every two weeks;
- Moral-religious education is an optional and facultative discipline. It is present in the timetable and is taught in public schools.
- Moral-religious education emphasises ethical and cultural historical elements. The teaching-plans are designed by each Church in agreement with the State Secretariat for Cults and are approved by the Education Ministry. The content of the teaching plan and the teaching should be realized in an ecumenical spirit, taking into consideration the main principles of common life in a modern state.
- Moral-religious education is taught by teachers from the public schools, priests or theologians. These lessons can be taught by teachers of primary schools and for all of them the Churches should give their agreement.
- Moral-religious education is subject to Romanian laws like all disciplines.⁹

In the new 1991 **Romanian Constitution** religious freedom is the object of Article 29.

Article 29 – Freedom of conscience

(1) Freedom of thought, opinion, and religious beliefs shall not be restricted in any form whatsoever. No one shall be compelled to embrace an opinion or religion contrary to his own convictions.

(2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.

(3) All religions shall be free and organized in accordance with their own statutes, under the terms laid down by law.

(4) Any forms, means, acts or actions of religious enmity shall be prohibited in the relationships among the cults.

(5) Religious cults shall be autonomous from the State and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages.

(6) Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them.

⁹ Vasile Timiș, *Religia în școală. Valențe ecleziiale, educaționale și sociale*, Ed. Presa Universitară Clujeană, Cluj, 2004, p. 29.

From the perspective of the legislator, freedom of religious beliefs is one of the constitutive elements of liberty of conscience, the latter comprising *freedom of thought and opinion, as well as the freedom of religious beliefs* (paragraph 1). Freedom of conscience deals both with the freedom of individuals (*freedom of thought, opinion and religious beliefs*) and the freedom of religious communities (*all religions shall be free and autonomous*).¹⁰

The fundamental law ensures religious freedom by guaranteeing equality, non-discrimination and the absence of restrictions and constrains in the realm of religion, provided that this “must be manifested in a spirit of tolerance and mutual respect”. Concerning relations between Church and State, the Constitution does not assert a secular state or the separation between the Church and the State, nor does it make any reference to any religious organisation as the official or privileged church.

The Constitution recognizes also *the right of parents and legal guardians to provide the education of minor children*, whose responsibility devolves on them, according to their own convictions. Regarding par. 6 of article 29, we may say that *religious liberty emerges as factor of spiritual communion within the family, the parents having the right, but also the obligation, to raise and educate their children*.¹¹

Article 32, par. 7 of the Constitution guarantees the freedom of religious education as a component of the fundamental right of education.¹² Thus, “*the state secures the freedom of religious education, according to the specific requirements of each religious group. In public schools, religious education is organized and guaranteed by the law*”. Two aspects are worth mentioning: On one hand, the state commits itself to ensure freedom of religious education by providing the legal framework in which it is possible for religious groups to establish schools for religious education and training of their personnel, and offers material support for this type of education. On the other hand, religious education or the teaching of religion finds its place in public schools. As to religious education in public schools, the provisions of article 32, par. 7 are to be corroborated with the provisions of Article 29, par.6.¹³ That is why I have presented both these article – to clarify the position. In implementing the obligations of ensuring religious education in public schools, the state must secure the parents’ right to educate their children according to their own beliefs.

Religious Liberty in Education

¹⁰ The major principles of religious freedom, equality and autonomy, are found in this article in terms comparable with the provisions of European constitutions, as well as with the international standards. The freedom of conscience, including the freedom of religious beliefs is guaranteed and can not be restricted in any way, as no one can be compelled to embrace an opinion or religion contrary to his own convictions.

¹¹ Viorel Dima, *Freedom of Religion in the Romanian Legislation*, in Adrian Lemeni, Florin Frunza, Viorel Dima, *Religious Liberty in Romanian and European Context*, Ed. Bizantina, Bucuresti, 2005, p. 272.

¹² Many discussions took place about religious education, especially because the new Constitution was the first after the events from 1989 following the communist period. There were many proposals for this article. Some (members of Parliament) proposed that programmes at all levels should have religious education. (*The study of the Bible should be obligatory, including for universities, and the study of Christian thought and the history of the Christian faith should be also part of the curriculum*). In opposition to this proposal came another one, for religious education to be “*optional*”. For more information see the *Commentary on the Romanian Constitution*, Ed.All.Beck, Bucuresti, 2004, p. 123.

¹³ Viorel Dima, *Freedom of Religion...*, p. 274

The religious rights in education are regulated basically by article 9 of the Law on Education¹⁴, which stipulates that:

1. Religion is a school class included in the “*common root*” (that is, part of the obligatory classes) within the school curriculum for primary, secondary, high school and vocational/ professional education.
2. The pupil, with the consent of the parents or legal guardians, chooses the religion and denomination to be studied.
3. Based on the written request of the parents or legal guardians, the pupil may choose not to attend the religion class. The student who, for objective reasons, is not provided with adequate conditions for attending the religion class is exempted from attending it.

The officially state-recognized religions have the right to organize two types of education:

A type of education within the theological public education system, tailored for the training of clerical personnel and for the mission activities of the churches. This right is not ensured equally and non-discriminatorily, it being provided only for the officially state-recognized denominations and proportionally with the numerical weight of each denomination, according to the updated official census.

A private personal education system: Due to the lack of other provisions in the text, we may understand that this type of education could be for all levels and sections (not only theological). However, in practice, the school authorities also request compliance with the same conditions for this type of education, so that rarely and with difficulty religious groups obtain permits to establish and administer educational units for other sections than the theological ones or those dedicated to the training of personnel for social and missionary activities. Despite the difficulties, private kindergartens are very numerous and the Church has also organised private schools - and the process continues.

The former Education Law (1995) established that for primary school (I-IV) religious education is compulsory, for secondary school (classes V-VIII) it is optional and for high-schools it has the status of a facultative discipline. The law was in accordance with the decision of the Constitutional Court (nr. 72/18.07.1995) about introducing religion as a discipline in the educational system with the possibility of choosing religion and confession.¹⁵

Article 18 of the new law (1/2011) stipulates that Religion is to be obligatory in the general curricula of all study years, but alongside the choice of religion and confession.

In recent history, after 1990, in the school year 1990/1991, “*moral-religious education*” was introduced as a compulsory discipline for primary schools, as optional for secondary schools and as facultative for high schools. At the beginning it was for 1 hour every two weeks, and it was confessional teaching. After having seen the positive impact of the new discipline, the Minister ordered (Order nr. 9176/01.02.1991) “*moral-religious education*” to be provided in public schools for 1 hour every week. For the 1992/1993 school-year, the

¹⁴ Law Nr. 84/24 July 1995 modified, republished in the Official Monitor, Part I, nr. 1 from 5 January 1996.

¹⁵ Vasile Timiș, *Religia în școală...*, p. 33

Ministry established (in Directive nr. 10447/07.09.1992), in accordance with the former documents, the status of “moral-religious education” for primary and secondary school as well as the situation of teachers. As from 17 August 1993 by virtue of Ministerial Order nr. 10306 “moral-religious education” was called “Religion”.¹⁶

The Romanian Orthodox Church asked for changes to art. 9 of the law. The Church had undertaken a private initiative by collecting 1 million signatures for this change. They asked for a clearer status of religious and theological education in Romania. After accepting the initiative, the Romanian Government elaborated the OUG¹⁷ 36/1997 to change the education law from 1995, Art. 9, Paragraph 1, to the form set out above.

An enhanced status for religion in the public schools was provided by Order 3670/17th of April 2001 on the implementation of the religion teaching-plan in high schools – this began with the school year 2001/2002. Art. 5 of this order provides that the pupil may not attend religion classes but should attend another class instead - namely an optional discipline but one not mentioned in the order.¹⁸

The two instruments, the Education Law and Order Nr. 3670, set religion as a school discipline, part of the common curricular area “*Man and society*”. In this situation, religion no longer has the status of an optional discipline, but becomes an optional alternative.

In Note nr. 37609/26th of August 2001 the Ministry established that in all teaching plans, for all schools and at all levels, religion is introduced as a scholarly discipline, beginning with the school year 2001/2002. Through the Order 5723/23rd of December 2003 of the same Ministry, religion is included for all specialities of the pre-university school system.¹⁹

The Teachers’ statute, Art. 136 par.1, provides that religion may be taught only by specialist teachers, in accordance with the agreements between the Education Ministry and those Churches which are officially recognised by the state.²⁰

The Orthodox Church re-acted immediately. Taking into account that religion is for all classes, the Church was looking for unity and continuity in the teaching programmes for all classes and levels. June 1999 saw the approval for the necessary teaching programmes for classes 1st-8th, in June 2000 for the 9th grade and in September 2000 for 10th- 12th grades.²¹

The process of printing the necessary books for religion began at the same time as the formulation of programmes. For the first eight classes the books were set by the religion teachers from Iasi, and for the other classes by teachers from Transylvania. Experienced teachers were given the opportunity to make their own manuals and then these should have been approved by the Synod of the Orthodox Church for Orthodox religion classes.

¹⁶ Stefan Cosoroabă, *Religious Education in Romania*, p. 140.

¹⁷ OUG- Government’s Urgency Order.

¹⁸ Vasile Timiș, *Religia în școală...*, p. 33.

¹⁹ Vasile Timiș, *Religia în școală...*, p. 34.

²⁰ Berthold W. Köber, *Das Recht der Religionsgemeinschaften in Rumänien*, in Wolfgang Lienemann, Hans Richard Reuter (ed.), *Das Recht der Religionsgemeinschaften in Mittel-, Ost- und Südosteuropa*, Nomos Verlag, 2005, p. 377.

²¹ Vasile Timiș, *Religia în școală...*, p. 41.

At the beginning of 2008, a new law for education was proposed and this is still being debated publicly after it was declared by the Constitutional Court as contrary to the Constitution. Initially, religion was no longer to be seen as part of the common body of all other disciplines which are obligatory for high schools (Article 10, paragraph 1). The decision whether or not to take part in religion classes as a facultative discipline is given exclusively to the pupil once he/she attains the age of 16 (Art. 10, par. 2).²²

The Romanian Patriarchate expressed its disappointment with the new proposed law, especially because of the character of religion in high-schools, and it coordinated a national campaign called “*We want no high school without God*” which was successful. As a result, religion remained part of the core curriculum for high schools too.

In Romania, therefore we may speak of *religious instruction in public schools*, even if it is orthodox, catholic or protestant. If the pupils do not want to attend these classes they have the right to opt out, and in this case they have no grade in it. There is (still) no alternative discipline instead of religion, such as ethics, history of religions or ecumenical teaching.

Given the religious factors, as shown before, in a society where the Church and the State have always collaborated, it is difficult for religion not to have a place in other subjects such as Literature, History, Arts or Language.

It would be impossible not to mention in Literature or History classes the 16th century translations and works of *deacon Coresi* or metropolitan Dosoftei of Moldavia who translated and printed “*The lives of the Saints*”, which were also used in schools. Later, other books appeared which were especially printed for school use, such as “*The Calvinistic Catechism*” (Sibiu/Hermannstadt, 1544) which is understood to be the first book in Romanian. Such catechisms were printed after 1544 by the Orthodox Church²³ and are known as “*Bucoavna*”²⁴

Also, at the beginning of the 16th century, Prince Neagoe Basarab (1512-1521) wrote, in Slavonic, “*The teachings for his son Theodosius*” which contained a number of rules for the time when his son succeeded to the throne. The book contains many references to the Christian faith and is studied today in literature or history classes nowadays.

The first school to use Romanian as the language of teaching was in Braşov (Germ. *Kronstadt*) in 1490. This school had 2 cycles: an elementary one, to prepare those aspiring to be tradesmen or merchants and a second one, for those aspiring to become priests. This is very important for the history of Romanians and represents a feature of study as well as the involvement of the Church in the different important moments of the Romanian history.²⁵ The formation of the Romanian States cannot be properly understood without reference to the

²² The minister of education said, at a public conference that for him Religion is a beautiful story, like a myth which should be related until the age of 14 and after this age the pupil should be free to choose after his own thought what the pupil thinks will be good and useful for the future. The Church sees in high school children those mature persons for whom the Church should fight to keep them on the right path, especially after the age of 14, when temptations in the spiritual field are very great.

²³ There is another book printed by the Orthodox Church in 1544, also a Catechism, but it is lost today.

²⁴ The one printed at Alba Iulia in 1564 has a specification in the title that it is for the use of pupils as an introduction into the Christian faith. See also Mircea Pacurariu, *Geschichte der Rumänischen Orthodoxen Kirchen*, Oikonomia 33, Erlangen, 1994, p. 567.

²⁵ Vasile Oltean, *Configurația istorică și bisericească a Braşovului (sec. XIII-XX)*, Ed. Andreiana, Sibiu, 2010, p. 497.

Church and its organisation. Also, the 1848 revolution cannot be understood without the portraits of the active religious personalities involved. The Church was always close to the State in all its difficult and important moments and these aspects cannot be forgotten.

When we speak of the language, the Church was the first institution to introduce Romanian as an official language. When we speak of art, painting, sculpture or architecture, anywhere in the country, first and foremost we find the best examples in churches.

II. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

Even using the concept of symphony to describe the relations between State and Church, the principle according to which religious groups “*enjoy its support that includes providing of religious assistance*” has as a consequence the fact that there is a close connection between churches and the Romanian State, not a union or total separation.²⁶ Despite these facts there is no religious influence within the framework of working conditions of teachers and other staff. I would mention that there were several cases when some of the teachers (female) wore head-kerchiefs, though they were not very well-received in the schools but were rather identified with an exaggerated piety – however, there were no court cases on such problems. In any event, it is not compulsory for male or female teachers of Religion to wear religious dress.

- **Religious Symbols at School (e.g. Crucifix Case in Italy)**

Four years ago, in the summer of 2006, Romania “had a taste of its own war over religious symbols.”²⁷ The case concerned religious icons. On 12 August 2006 the philosophy teacher Emil Moise, whose daughter attended the Fine Arts High School in the city of Buzău, requested the National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării, CNCD) to stop an act of discrimination allegedly constituted by the display of religious symbols in the aforementioned public school. Moise claimed the displays in question discriminated against atheists, agnostics and persons belonging to minority faiths. He also referred to the symbols’ negative effect on the development of children’s personal and creative autonomy, particularly since Romanian Orthodox symbols also transmit “values of subservience”.²⁸

The Legal Resource Centre (Centrul de Resurse Juridice) filed an *amicus curiae* with the CNCD in support of professor Moise. This document interpreted the display of religious symbols in schools as a violation of religious liberty and freedom of conscience. On 13 November 2006, several non-governmental organizations and other public intellectuals published an open letter in which they underlined the importance of the case for Romania’s democratization and noted that the coming hearings “concern a tremendously important issue with wide-ranging national implications.”²⁹

²⁶ Daniel Ciobotea, *State-Church Relationship...*, p. 20.

²⁷ Gabriel Andreescu, Liviu Andreescu, *The European Court of Human Rights’ Lautsi Decision: Cotext, Contents, Consequences*, in *Journal for the Study of Religions and Ideologies*, 9,26 (Summer 2010), p. 47-74, here p. 56.

²⁸ Emanuel Tavală, *Reînțoarcearea la iconoclastism?*, in *Saeculum*, Nr. 3/2006, Sibiu, p. 3.

²⁹ Gabriel Andreescu, Liviu Andreescu, *The European Court...*, p. 58.

In its decision of 26 November 2006 the College of Directors of the National Council for Combating Discrimination found for the plaintiff in his central claim that the display of religious symbols in public schools constituted a form of discrimination against agnostics and minority faiths, and ordered that such displays be present only during classes of religious education.³⁰ The Council recommended that the Ministry of Education and Research adopt, within a reasonable time-frame, regulations designed to safeguard the proper exercise of children's right to learn under fair conditions, as well as the right of parents to educate their children in conformity with their religious and philosophical worldviews and, further, to ensure the principle of state secularism and the autonomy of religious *cults* (acknowledged religious denominations) and of children's religious freedom.

While the College of Directors avoided some of the more sensitive issues raised by Moise – such as the question of the “values of subservience” allegedly promoted in schools by some Orthodox practices – its decision was thoughtful, carefully crafted, and of remarkable significance. The decision was greeted with a fiery debate involving parliamentarians, two ministries (the Ministry of Education and Research and the Ministry of Culture and Religious Affairs), religious groups, secularist and fundamentalist NGOs, public intellectuals, and militant journalists.³¹

The Orthodox Patriarchate's press office released a communiqué in which it called any decision to remove religious symbols a “brutal, unjustified measure restricting religious freedom.”

Alone among the *cults*, the Seventh Day Adventist Church saluted the CNCD decision, noting that the state and its institutions, public schools among them, should not be “involved in promoting and supporting the teachings and values of a particular religion or religious faith.” The Ministry of Education and Research and, respectively, two BOR-friendly non-governmental associations (the Civic Media and the Pro-Vita for the Born and the Unborn), appealed the National Council's decision in two separate cases. After the lower-court decisions, on 11 June 2008 the High Court of Cassation and Justice (Înalta Curte de Casație și Justiție, ICCJ) declared the appeals admissible and overturned point 2 of the CNCD decision recommending that the Ministry of Education elaborate and enforce regulations concerning the display of religious symbols in public institutions. The Bucharest Court of Appeals, on the other hand, ruled in the second case that the National Council decision was legal and upheld it. As the latter ruling was not appealed, it is now binding and definitive. Consequently, there are, at the present time, two distinct court decisions in Romania concerning the display of religious icons in public schools – and they contradict each other. After the ICCJ decision, Moise complained to the European Court of Human Rights.³² Not long after this appeal, the ECtHR issued its *Lautsi* judgment.

Benediction of School Buildings

³⁰ Jürgen Henkel, *Ikonen stören den Zeitgeist in Rumänien*, on the web page www.cbrom.de of the Romanian Ecclesial Center München

³¹ Jürgen Henkel, *Ikonen stören...*

³² Gabriel Andreescu, Liviu Andreescu, *The European Court...*, p. 59

The case against the icons (religious symbols) in school rooms was and is considered to be a singular or at least a rare one. The general position is in favour of such symbols in public spaces, probably because of the Christian tradition which was not totally interrupted in the communist period. In favour of this situation comes the special service performed by priests at the beginning of the new school year. They bless the children, teachers and parents with holy water and read a special prayer for the new school year. I would say that the beginning of the new school year would be unimaginable without this service conducted by the priests.

This is not the only such moment in the life of pupils during the school year. Prayers might be used during religion classes as well. Before the important religious holydays (Easter or Christmas) the pupils are invited to go together with the religion teacher to the local Church for confession and to take communion.

Priests are also invited to bless newly-built schools or parts affected by renovation works.

In small communities (villages) the pupils take part in public worship on the holy day of Jesus' Ascension when Romanians also commemorate the heroes of all times. The pupils sing songs in honour of those of their ancestors who died for in the cause of liberty and they listen to the speeches of churchmen and laymen about their heroic events.

These actions of the Church probably stimulated the authors of a book for religion classes to explain to the pupils that if they do not respect their teachers and parents, they might annoy God who could punish them for not listening.³³

III. OPTING OUT OF SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

According to Romanian law (Law Nr. 53/2003, art. 134, par. 1) there are legal holidays in Romania some of which are religious holydays, namely: the first and second day of Christmas, Easter and Pentecost and the day of 15th of August (*Assumption of Mary*). The day of Pentecost and the 15th August were added by the Parliament on 30 October 2008, because there were not enough official holidays in the country in comparison with other European countries. We should mention that these days are free days for most of the workers in the public and private sectors. The remainder of religious holidays are not free and there is no possibility for the teachers and pupils to take time off for them, probably because a plan for the school year has been settled at the beginning and taking off such a day would require the teachers and pupils to recuperate that day on a Saturday or a similar day.

What we should mention is that those persons who are not Christians and do not celebrate Christmas, Easter, Pentecost or Mary's Assumption, may have two other free days instead of those prescribed by law. What is interesting is that those persons are free both on the Christian religious holydays and on two other days, because when more than 95% of the population is free, then others belonging to other religions are obligatorily free, since they do not have the possibility to work in a company where 99% of the workers are free on the 25th of December.

³³ Camelia Muha, Maria Orzetic, Elena Mocanu, *Manualul de Religie pentru clasa I*, Editura Sf. Mina, Iasi, 2003. Under the title *Disobedience is punished*, a little girl is carelessly playing on the street and she gets admitted to hospital. The moralized poem is: *My mate Alina/ For a week is she in the hospital/ Playing without care/ She fell and broke her arm.*

If we should speak about options which pupils have for religion classes, the single option is whether or not to attend such classes. As said before, there is no other discipline for those who do not (for different reasons) want to attend these classes. This lack could be explained by the small number of pupils who do not attend the classes. I would not say that this is only a problem of conscience, but is also a practical one. The grades for this discipline are good and very good and this means that the final grade could be better than if the pupil did not attend the class. The education law originally proposed that those children who do not attend religion classes could study other disciplines, such as History of Religions, History of Culture and Arts or other important disciplines for ethical and social behaviour. All these disciplines were foreseen in the law “instead of Religion classes”. As we have seen, the Romanian patriarchate expressed its disapproval of this proposal, and the MPs changed the formulation with the result only Religion remained as a study discipline without other optional disciplines. But, as said before, the law was declared un-Constitutional.

The Romanian education system is not as developed as systems in Western Europe. For example, *Physical education* consists of only one class in the designated sports room (if the pupils are happy and the school has such a place). The same argument would be made out for religious classes, though also for example Muslims in Romania represent only a small minority in Dobrukscha (South East Romania). But there are no cases on this. The same situation pertains in the case of *biology classes* or other such disciplines which might be in contradiction with any religious principles of any confession or religion.

A new trend in some European countries is religiously motivated *home-schooling*.³⁴ In the case of Romania this type of education was never religiously motivated – the motive is economic. Only some amongst the Romanian bourgeoisie enjoyed the privilege of home-schooling during the 17th and 18th century – but they were motivated by differences in social class between (1) the pupils in public schools and (2) those belonging to a higher social class.

³⁴ The Swiss initiative for example, of parents who live in the Zürich Canton and would like their children educated in such a school system is a well-known case.