

Religion and the Public Sphere

Transitional (Post-communist) Representations of the Uniate Community of Cluj-Napoca, between Religion and Politics

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In this paper I tried to focus on the very moment of the emergence of civil society, on the initial forms of manifestation and expression of the Romanian public sphere.

Introduction

THIS PAPER aims to bring into discussion a case study regarding the use of the public square both in the process of seeking official recognition for the Greek-Catholic Church and of (re)constructing, starting with the 1990s, the religious identity of Greek-Catholics from the Transylvanian city of Cluj-Napoca, and for the purpose of initiating a public sphere in post-communist Romania. If using public squares as venues either for the reinforcement of a group or of a religious minority, for the manifestation of new religious phenomena, for religious renewal or for the articulation

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of religious identity was not a singular undertaking in the recent past, the struggle led by the Uniate religious community for acquiring legitimacy in post-communist Romania, the need to compete for the right to practice their religious traditions in spaces considered sacred such as churches, demanding, thereby, the legal recognition of their community interests and properties, stand, in my opinion, as a unique feature in the panorama of public sphere reconstruction within post-communist, transitional societies. As I have shown in a number of previous works,¹ the status of private (group) interests and property is critical to the emergence of modern—especially liberal—model of the public sphere. Private interests and property represent, basically, the foundation not only of any modern public sphere, but they are also intimately linked to any type of democracy. In this respect, it is quite simple to frame the Uniate struggle for the public recognition of their property rights in the broader post-communist Romanian crusade over the issue of private property,² and consequently, over the adoption of a (liberal) type of democracy.

Therefore, the history of the Uniate community of Cluj-Napoca during the first ten years towards transition or of post-communism shows the thorny Romanian path towards understanding and internalizing democracy. For the Romanian framework, it is as if this tortuous path from communism to democracy had been artificially conceived, with the purpose of initiating the neophyte into the practice of the “power of the people,” i.e. in the techniques of either building, or (re)constructing a public sphere. Such a manifestation of the power of the people, a certain form of democracy, seems to have been affirmed and practiced also by the Uniate community of Cluj-Napoca starting with the 1990s. The entire Romanian Greek-Catholic Church, but especially the Uniate community of Cluj-Napoca, by daring to perform their religious rituals and by demarcating “sacred” spaces right at the core of the urban public space, went beyond the mere assertion of their religious meanings and significance. These religious rites and “sacred” appropriations of the public space represent, in my view, a peculiar form of social construction of spaces such as the public sphere. As I see it, even though the main focus of the Romanian Greek-Catholic Church after the fall of the communist regime was to reinforce its own position among the other Christian denominations and to regain official recognition, by being forced to celebrate their masses into public square(s), was challenged by the eventual slight transformations of the religious rites and practice into a type of democratic creed and ideology. Thus, the specific location/square in which the Uniates were compelled to gather ended up by guiding and transforming their “private,” religious interests and purposes into rather public, political/ideological ones.³ Moreover, the case of the Uniate community of Cluj-Napoca also seems to me unique in that it ended up by “using” religious means—which had become extremely powerful, especially within the Romanian post-communist context—in order to assign almost “sa-

cred” meanings to the idea of the public sphere. Hence, the Uniate community of Cluj-Napoca highlighted the role of religion in effecting changes of mentality. Paradoxically, the space/square used by this community with the cardinal aim of gaining religious significance eventually brought about rather symbolic landscape transformations. In what follows, I will try to bring in a few arguments that defend my thesis that the Uniate community of Cluj-Napoca represented a miniature prototype or a layout of the Romanian post-communist public sphere.

The Argument of Recognition

AS ROMANIAN history shows, on 23 August 1944 Romania was invaded by the Soviet army and on 6 March 1945, the communist government gained all the political power. The conflicts between the Greek-Catholic Church and the authorities started ever since the first months of the pro-communist government, and sharpened during the election campaign of 1946, due to the fact that in the local organizations of the National Peasant Party there were many Greek-Catholic priests. The dissolution of the National Peasant Party in July 1947 had a negative effect on the evolution of the Greek-Catholic Church. It was at that particular moment that the number of priests who were arrested increased significantly. If the process of concentrating “all public authority in the hands of a self-appointed and self-perpetuating corps of the elect who call themselves a *party*”⁴ was to be accomplished together with the annihilation of the last political enclaves of opposition to communism through the trial of the National Peasant Party, which had begun in October 1947, and the dissolution of the National Liberal Party in November 1947, the establishment of the communist regime had to include two more steps: to prevent any possibility of group resistance and to control the country’s economic resources. In this equation, with its number of believers, its cohesive force and its properties, the Greek-Catholic Church was, among all other denominations, the most feared by the communist regime of the time. Therefore, the setting up of the communist regime led to the reunification of the Orthodox Church in Transylvania. The atheistic totalitarian state dissolved the Greek-Catholic Church through Decree no. 358 of 2 December 1948,⁵ transferring its assets to the Romanian Orthodox Church.

Thus, before the fall of the communist bloc, the Uniate Church suffered a major marginalization: the Uniate community was under-privileged and its property, its entire institutional space was confiscated and given to the Orthodox Church. By transforming such a religious property into possession contingent on satisfactory service to the ruling party,⁶ the Romanian communist regime took one of the major steps towards the “ideal propertyfree society”⁷ and towards the concentration of the entire authority and control in its already “almighty”

hands. For the Romanian Communist Party, this “satisfactory service to the ruling party” was (at least for a short while⁸) represented by the Orthodox Church.

Yet another reason for making this decision to outlaw the Greek-Catholic Church⁹ and to marginalize other religious forms of manifestation as well, besides that of following the path of a proprietyfree society, was that, from the perspective of the communist regime of the time, it was clearly easier to control *only* one great institution. Religious pluralism, which stands, in fact, as one of the founding principles of democracy, had also been rejected.

Thus, during communism, the Greek-Catholics had to hide their religious identity and had to find ways to resist. The representatives of the Uniate Church, the priests and the believers had to express their religious affiliation in hidden, rather private spaces. A certain process of “privatization” of religious feeling and expression would be the most appropriate way to describe the case of the Uniate church and communities during communism. So, even though officially this problem had been solved through the “reunification” of the Greek-Catholic Church with the Orthodox Church, the many Uniate communities, through the clergy and believers that had clung to their faith, endured in the years that followed, even without a “recognized” identity. A sort of “underground,” dissident religious movement was developed during Romanian communism by the Uniate Church, which was therefore called the “Church of the catacombs.” The fact that part of the Greek-Catholic clergy, along with some of believers who abided by their faith, manifested a form of resistance either by carrying out, during the Romanian communist period, several clandestine religious activities, or simply by respecting the truthfulness of their unalterable inner faith, or even by merely treasuring the hidden hope that there would come a time when the age of terror that started with 1948 would come to an end, made possible the sudden Uniate exit from the “underground,” from the “catacombs” right after the 1989 Romanian Revolution. Thus, one of the first decisions that had to be made in order to begin the application of the principles of democracy in Romania was that of officially recognizing the denominations that had been marginalized under the former totalitarian rule. Thus, Decree-law no. 9¹⁰ of 31 December 1989 issued by the Council of the National Salvation Front nullified Decree no. 358 of 1948 and legally recognized the Romanian Greek Catholic Church. Moreover, not long after the Vatican had named the heads of the five Greek-Catholic Dioceses and anointed Alexandru Todea as Metropolitan on 14 March 1990, and not long after the hierocracy had been recognized by the Romanian state by means of a Presidential Decree, another Decree-law concerning the return of the properties of the Uniate Church was issued.¹¹ Yet, as one can easily notice from the legal text, the Romanian state did not entirely assume the responsibility of an ultimate decision concerning the buildings of the Uniates, generating interpretations and discussions between the Orthodox Church and

the Greek-Catholic one. This decree was even more ambiguous, if not paradoxical, controversial, for, ultimately, it left it to the “will of the communities to which these buildings belonged”¹² to decide over these properties. Such a Decree-law was, thereafter, merely contextually applicable. It would be a crude simplification to believe in the innocence of such a Decree-law and generally of the Romanian post-communist state. It would be naive to believe that by issuing such decrees and/or laws, the Romanian post-communist state only intended to apply the idea of democracy by literally or etymologically interpreting it as the “power of the people” or as the “will of the majority.” For even if it were so, when confronted with the open conflicts between Orthodox communities and the Greek-Catholic ones in the years that followed, the state should have assumed at least a mediating role. Yet, not even this happened. The “silence” of the post-communist Romanian state, especially with regard to property rights, but also concerning other acute problems which challenged the Romanian society in the transition from communism to what followed, was simply a sign of the lack of the state’s willingness to enforce democratic principles and values. Unfortunately, as I will try to show in what follows, leaving things unsolved in the Romanian post-communist framework was not equivalent to encouraging groups and/or small communities to become vocal and, thereby, to stimulate the creation and preservation of a vivid public sphere. This kind of silence was not the sign of constructive listening and submission of the state to the voices of the people; on the contrary, it was only a symptom of the dumbness of a post-communist state, which still mirrored the totalitarian one.

Surfacing from the “underground,” from the privacy of homes, where mass had been performed for forty years, stepping out of the “catacombs” of illegal religious manifestation, the Greek-Catholic Church and community found itself adrift. Thus, it turned to the light of the public gatherings and actions, seeking proper recognition of its religious identity, fighting for the return of its entire property and for the permanent, i.e. legal, irrevocable, confirmation of all their property rights.

The Argument of Legitimacy

THE PUBLIC recognition of group/community identity and the legitimacy of a group’s (expression of) interests and will represent the pillars of any modern public sphere. The two were essential among the requirements of the Romanian Uniates after the fall of the communist bloc. Even though according to Article 2 of the Decree, the Orthodox Church was obliged to retrocede all the churches which had belonged to the Greek-Catholic Church, the

Orthodox Church took advantage of the contradictory Article 3 of the same Decree and ended up returning only a very small number of them. But in spite of the very fact that, for a long period of time, the Orthodox Church had held most of the churches in Romania, the Uniate Church, which was no longer a banned Church, considered itself bereft of its proper spaces of religious manifestation. In these conditions, the Greek-Catholic clergy and community were forced to challenge and take unilateral action against the contradictions and vagueness of the Decree's provisions and sought to gain official recognition of their property and, consequently, of their identity rights. But this rather "private" endeavor, this cry for justice, this reclamation of the entire Uniate patrimony according to the *restitutio in integrum* principle, represented only one of the many warning signals—yet to come—that the legislative provisions of post-communist Romania, confusing and blind as they were, were inappropriate for a democratic legitimacy of the state. A clearer formulation and a better i.e., non-discriminatory implementation of the legal system were the priority of the Romanian Uniate Church and communities all throughout the first ten years of transition. Placing religious requirements as subsidiary to legislative regulations, hence taking political action, the Romanian Uniate clergy, together with its community, revealed itself as one of the first—and very few—avatars of the Romanian public sphere.

On 23 February 1996, priest Matei Boilă, who at that time was a senator in the Romanian Parliament, introduced a draft law¹³ concerning the church buildings that had been confiscated by the state in 1948 and handed over to the Orthodox Church, which had used them up to 1989. A rational solution was offered within this draft law: taking account of the number of churches within each community, two possibilities emerged: if the population within a certain community was split, belonging either to the Orthodox Church, or to the Greek-Catholic Church, and in case there was only one building which historically belonged to the Uniate Church, the believers should share¹⁴ the same church for religious purposes. If, on the contrary, there were more buildings, out of which at least one belonged to the Uniates, this should be handed over to the newly re-established Greek-Catholic Parish for its exclusive use. Moreover, when it comes to the alternative use of the church or buildings returned to Greek-Catholics, this draft law said that the Orthodox Church would not be required to pay any rent; the maintenance payments were to be shared according to the size of the two communities. Thus, within each village or town, a dialogue between the two denominations should have been immediately established, irrespective of the number of believers that represented each of them.

Unfortunately this draft law had a tortuous trajectory from the very beginning, being first rejected by the Romanian Senate in 1996, and receiving the same institution's approval as Law no. 312/1997 only one year later. After a

few years, in September 2001, this draft law was rejected by the Chamber of Deputies; it was irrevocably rejected by the plenum of the Senate in December 2001.¹⁵

Thus, no uniform juridical approach to the requests and contestations coming from the Greek-Catholic Church was reached until 2005. At the same time, confronted with the pressure to respond to the increasing number or requirements for returning the nationalized buildings¹⁶ the state had to immediately issue a law to set up rules for the restitution of religious buildings.

Through Law no. 182/2005,¹⁷ the Romanian Parliament adopted the Emergency ordinance no. 64/2004, regarding the summoning of a joint dialogue committee and sending to the courts all those litigations that could not be solved by an agreement between the parties involved. In the same year, in order to ensure a unitary practice, the High Court of Cassation and Justice expressly established the legal character of the cases/court actions initiated by the Romanian Greek-Catholic Church against the Romanian Orthodox Church, canceling, thereby, all the sentences that rejected the claims of the Greek-Catholic Church and sending them back to the lower courts.

Even though there are churches that have been recovered by the Greek-Catholic Church, as a result of a dialogue between the two denominations, the recovery of most of them comes as a result of legal action. In addition to the 2005 legal provisions mentioned above, gaining the buildings through the courts was possible because these buildings were not officially registered as the property of the Orthodox Church and the Greek-Catholic Church still had the deeds to the church buildings. It is important to notice that the Greek-Catholic Church claimed only the proprietaries that were legitimately and legally its property.

The Argument of Visibility

THEREFORE, IN the absence of a space in which Greek-Catholics could express their identity and denomination, left without churches, the Greek-Catholic clergy, together with the Uniate community, decided to practice and organize openly their religious activities in squares, parks, show rooms, classrooms, or even, as they used to, in private homes.

Confronted with a paradoxical situation in which, in spite of the repeal of the 1948 Decree, and even though the Uniates were no longer considered a marginal denomination, the Greek-Catholic community barely had spaces where to gather. Most emblematic for the challenges that confronted the Greek-Catholic communities within the Romanian post-communist framework was the dialogue between Orthodoxy and Greek-Catholicism in the Transylvanian city of

Cluj-Napoca. The beginning of this dialogue was a negative one of mutual denial. The lack of a prompt new law meant to guarantee the “right to property,” in conjunction with the right to religious freedom, generated a particular phenomenon: representatives of the Uniate Church, in the absence of churches or parishes in which they could perform the religious service, decided to resort to the most central public square of the city of Cluj-Napoca. For 11 years (1990–2001), the Uniate inhabitants of the city gathered regularly, each Sunday or on holidays in the city center, in the public square called Piața Unirii (Union Square). This represented a sort of a political manifesto, for the Uniate Church had to regain its churches, in order to gain its ultimate formal and official recognition. Surely enough, regaining their own churches, parishes and other buildings from the Orthodox Church and/or from the state was not only a task of great political importance, one that could have had an impact upon all legislative matters concerning the idea of property in post-communist Romanian framework, but it was also critical for the reconstruction of the Greek-Catholic religious identity. As well as in other Christian denominations, such as Orthodoxy, certain inchoative rituals of the Holy Mass are to be performed respecting the rules of concealment, hidden from the sight of the churchgoers. Of course, on the improvised, stage-like, spectacular “altar” of the Uniate community of Cluj, everything was exposed to the public eye. Similarly, the Way of the Cross, which represents a special piety in the praying life of a Greek-Catholic believer, is also bound to the physical space of a Church.¹⁸ Therefore, if only churches and monasteries can harbor and protect such pieties, in the absence of these sacred spaces the expression of Uniate faith and feeling of denominational belonging remained critically challenged throughout the first decade of transition from communism to what followed.

Still, oddly enough, besides all inconveniences, performing religious rituals in the “publicness” of the central square also had a positive role: that of bringing the Uniates together, in a strong and vivid community. The openness defining any urban public square—and offered profusely by the European architectural elements of the medieval city center—enabled the inclusion of everyone who wished to participate in the religious practice, irrespective of their religion or denomination. Thus, another essential condition for the idea of public sphere was fulfilled. Public approval—yet another prerequisite of adequacy to the emergence of any modern public square—of the majority of the inhabitants of Cluj, including the approval of city authorities, was implicitly granted by allowing these public performances in the city center.

Also, as the presence in the public squares had become an increasingly important—if not the singular—instrument in fostering Romanian democracy in early post-communism, this religion-oriented type of political action pursued by the Uni-

ate community of Cluj-Napoca allows us to count the Greek-Catholic clergy and believers of that time among the first civil movements which represented a rough attempt at setting up a post-communist Romanian civil society and/or public sphere.

The Argument of Continuity

THE PUBLIC reconstruction of the religious identity, together with a permanent struggle for legitimacy and recognition, represent two axes which are essential to turning the Uniate community from the city of Cluj-Napoca into a real civil movement that contributed to the emergence of Romanian post-communist public sphere. The main traits of this metamorphosis of the Uniate community of Cluj-Napoca into a civil movement became noticeable when a real conflict occurred among the representatives of the two Christian denominations, following the Orthodox Church's refusal to give back one of the buildings that had been regained by the Greek-Catholic Church as a result of a legal trial.¹⁹ On 13 March 1998, the Orthodox believers opposed the execution of the court ruling, blocking the access of Greek-Catholic believers to the church. On the same day, after the intervention of the police, the officer of the court applied the court ruling and constrained the Orthodox Church and believers to return the church to the Bisophric of Cluj-Gherla.

The Greek-Catholic community represents an atypical case in the general manifestation of religious minorities within the early Romanian post-communist context. Due to the steadfast manifestation of its religious creed in the public square, due to its fight for a proper separation between church and state and for the affirmation of religious pluralism, due to a relentless demand for legitimacy and resistance when faced with the state's disregard of their claims, the Transylvanian Uniate Church and community is atypical in that it is the first visible web of human relations which developed into a specific, local, "religious" public sphere. Due to the assiduous affirmation of its identity and rights, it stands, in my view, as the first occurrence of a long-lasting enclave of public sphere expressing itself in post-communist Romania. Its continuance in the negotiations for *public*—when challenged by other denominations such as the Orthodox one—and/or *official*—when confronted with state's refusal of its claims—approval represents the concluding, but decisive argument in describing the Romanian Uniate community and especially the Greek-Catholic community of Cluj Napoca as a public sphere in nuce. Its uncompromising will and action during the first ten years of transition that followed the collapse of the communist block makes this community uncharacteristic when compared to the other religious minorities of post-communist Romania.

Conclusions

IN THIS paper I tried to focus on the very moment of the emergence of civil society, on the initial forms of manifestation and expression of the Romanian public sphere. I have tried to argue that the use of urban public squares for expressing religious identity and for gaining public/official recognition for the religious minorities has transformed, within the Romanian post-communist framework, these urban public spaces into social constructs, into public spheres which are no longer used “as a passive arena, a context in which takes place the social interaction, but as a social construct which is used for generating discourse, redefining social interaction.”²⁰ Particularly, I have tried to demonstrate that in the case of the Greek-Catholic community from the Transylvanian city of Cluj-Napoca, the appropriation of the urban public square for religious purposes does not coincide with the setting up of certain divisive boundaries, but on the contrary, it represents the foundation of an agora, of an open, real, public space, imposing no conditions for attendance and participation. In the case of the Uniate community of Cluj-Napoca, the challenge to revive its religious identity coincides with the emergence of a germinal civil movement contesting and attempting to diminish the monolithic influence of a majority religious group over the state. I have brought about the four main arguments (the argument of recognition, of legitimacy, of visibility and that of the continuity of negotiation) to demonstrate that the Uniate community—and especially the one in Cluj-Napoca—represented a cohesive force in the creation of the Romanian post-communist public sphere. The proper recognition of the principle of religious pluralism, the acknowledgement that “healthy” democracy requires clear legislative resolutions and the rule of law are only a few of the amendments brought forth by the multiple and constant challenges raised by the Uniate Church against the Romanian post-communist state.



Notes

1. Cf. Codruța Liana Cuceu, “Sfera publică, tehnologie și democrație transnațională,” *Symposion, revistă de științe socio-umane* (Iași) 9, 2 (18) (2011): 401–414. See also id., *Spațiu public și spațiu privat: o perspectivă românească* (Cluj: Eikon, 2013).
2. In spite of its slow uptake within the Romanian post-communist political and legal framework, the idea of private property has been seen by the Romanian people, ever since the days of the 1989 Revolution, as a critical issue. The Xth amendment of the Proclamation of Timișoara stands as an early milestone among the claims for the recognition of the right to private property: “Although we advocate for the re-Europeanization of Romania, we do not plead for copying the Western capitalist systems, for they all have their shortcomings and inequities. But we are definitely in

favor of private initiative. The omnipotence of state property stood at the economic foundation of totalitarianism. Yet, political pluralism is unconceivable without economic pluralism. There are, however, voices which, in keeping with the communist line, (mis)take private initiative for ‘exploitation’ and for the danger/‘catastrophe’ that some may turn up wealthy. These voices only cry out the envy of the lazy and the fear of labor of one who has been used to privileges in the communist enterprises. The proof that the people of Timișoara are not afraid of privatization lies in the fact that several companies have already announced their intention to convert into joint-stock companies. However, in order to control the way in which these shares are to be purchased, in order to guarantee and certify that these purchases are made with clean money, every city should establish commissions with the purpose of taking stock of the assets of the former protégées of power, of those corrupted and those who kept the people in poverty. Moreover, the shares of each company ought to be first offered for purchase to its workers.

We consider that, albeit radical, the idea of privatizing these state companies by first offering their workers an equal number of shares—and, consequently, by reducing the shares held by the state to a small percentage of funds which are needed only in order to insure its minimum control over the activity of a certain company—is constructive. In this way, equal chances of prosperity would be offered to all workers. If the lazy ones miss their chance, they would not be entitled to complain about being discriminated.” For an extended Romanian version of this Proclamation, see <http://proclamatia.wordpress.com/>, accessed on 2 December 2012.

3. Lily Kong, “Geography and religion: trends and prospects,” *Progress in Human Geography* 14, 3 (1990): 355–371.
4. Richard Pipes, *Property and Freedom* (New York: Vintage Books, 1999), 211.
5. “Article 1. Following the return of the local Greek-Catholic communities (parishes) to the Orthodox denomination and according to article 13 of the Decree no. 177 from 1948, the central and statutory organizations of this denomination such as: the metropolitan, the bishoprics, the chapter, the organs, the congregations, the archpriesthoods, the monasteries, the foundations, the associations, as well as any other institutions and organizations, under whatever name, shall cease to exist.

Article 2. The movable and immovable assets belonging to the organizations and institutions mentioned in article 1 of the present decree, with the specified exception of the former bishoprics’ assets shall return to the Romanian state, which shall take them over immediately.

An interdepartmental commission composed of delegates of the Ministries of Denominations, Finances, Internal Affairs, Agriculture and Domains and Public Education, shall decide the purpose of those assets, and assume the prerogative to distribute part of them to the Romanian Orthodox Church or to its different branches.” This decree is a follow-up of Decree no. 177 of 1948, which concerns restraining measures regarding all religions and Christian denominations.

6. “Property which by its very nature sets limits to state authority is either abolished or transformed into possession contingent on satisfactory service to the ruling party.” Cf. Pipes, 211.

7. Here, we deliberately use the term “propertyfree society” so as to distinguish it from the concept of a “propertyless society” as it was largely discussed by Richard Pipes. Richard Pipes’ book represents an endeavour to demonstrate “that acquisitiveness is universal among humans as well as animals and that it involves a great deal more than the desire to control physical objects, being intimately connected with the human personality by promoting a sense of identity and competence” (ibid., 65). Consequently, Pipes sets up an entire conservative system of arguments on the idea that a society which lacks something essential to people’s desires, i.e. a propertyless society, is an artificial one, or that it rather represents a “mirage.” Whereas the communist ideology is rather oriented towards the achievement of a “propertyfree” society, that is, a society which has surpassed, through rational arguments and through a-posteriori conclusions, any desire or need for private acquisitiveness. Within the communist ideology, private property emerges together with the division of labor, and it represents eo ipso an unequal distribution of labour and, consequently of its products. Cf. Karl Marx, *Die Deutsche Ideologie*, in Karl Marx, *Die Frühschriften* (Stuttgart: Alfred Kröner Verlag, 1971), 346.
8. At the end of the 1940s, this “reunification” could have been viewed by the high Orthodox clergy as a sign of the communists’ acceptance of the “national” Orthodox Church. Therefore, this “reunification act” could have been easily interpreted as a sign of the Romanian Orthodox Church’s subservience to the communist authorities. Yet, by the beginning of the 1950s, the Romanian communist regime decided to expand the oppression and, consequently, thousands of Orthodox priest and monks were imprisoned or exiled from monasteries, thus sharing the fate of the Greek-Catholic priests and bishops who had not agreed to sign this return to the Orthodox Church.
9. Cf. Decree no. 358 issued on 2 December 1948, concerning the legal status of the former Greek-Catholic denomination. For the Romanian text of the Decree see <http://www.legex.ro/Decretul-358-1948-127.aspx>, accessed on 3 December 2012.
10. For the entire text, see the *Official Journal* no. 9 of 31 December 1989.
11. Decree-law no. 126 of 24 April 1990 regarding certain measures concerning the Romanian Uniate (Greek-Catholic) Church:
 Issuer: The Interim National Union Council;
 Published in the *Official Journal* no. 54, of 25 April 1990
 The Interim National Union Council decrees:
 Art. 1. Following the abrogation of Decree no. 358/1948 through Decree-law no. 9 issued on 31 December 1989, the Romanian Uniate (Greek-Catholic) Church is officially recognized. The Romanian Uniate (Greek-Catholic) Church shall be organized and function according to the general juridical regime for the Romanian religious denominations.
 Art. 2. The assets that had been taken over by the state as a consequence of Decree no. 358/1948, which have been part of the state’s patrimony, with the exception of the estates, are to be returned, in their present state, to the Romanian Uniate (Greek-Catholic) Church. In order to identify, to take stock of these assets and hand them over, a commission formed by the government’s representatives and the repre-

sentatives of the Romanian Uniate (Greek-Catholic) Church's shall be appointed by government decision.

Art. 3. The juridical situation of the religious buildings and parochial houses which belonged to the Romanian Uniate (Greek-Catholic) Church and were taken over by the Romanian Orthodox Church shall be established by a joint committee, formed of ecclesiastical representatives of the two religious denominations, taking into account the wishes of the believers from the communities that hold these assets.

Art. 4. In the localities in which the number of religious buildings is insufficient in regard to the number of believers, the state shall support the construction of new buildings for religious purposes, by offering, to the respective denominations, land for construction, in the case in which these communities do not possess such land and by contributing with money to the raising of the necessary financial resources.

President of the Interim National Union Council, Ion Iliescu

The Romanian version of this Decree is available at http://www.cdep.ro/pls/legis/legis_pck.htp_act_text?idt=11179, accessed on 2 December 2012.

12. It is important to notice that, within this decree, there is no reference to the procedure and criteria through which such a decision can be made.
13. See the draft for the Law no. 243/1996. If, for example, in a village there is a single church and there are two communities, an Orthodox one and a Greek-Catholic one, the church should be used alternatively. In the villages where there are two churches, one of those should be exclusively used by Greek-Catholics, in the case that it was taken over by the Greek-Catholic Church, and in so far as, in that particular locality, the Greek-Catholic Parish is to be refunded. When it comes to the Orthodox Church, this draft law states that this institution owes rent neither for the exclusive use, nor for the alternative use of the building or buildings that are the property of the Greek-Catholic Church. Moreover, maintenance payments are to be shared proportionally to the number of members of the two communities.
14. If, for example, there is a single church in the village/town, but both the Orthodox and a Greek-Catholic denominations claim their rights, the church should be used alternatively; one community should use it in one Sunday, the other in the next one.
15. Until Law no. 10/2001 was adopted, the general juridical restitution procedure of the goods and assets which belonged to the religious denominations was provided in the Government's Emergency ordinance no. 94/2000. The latter treated the restitution problem within a limited approach, because it allowed for the restitution of only 10 buildings for each religious denomination. Cf. *Cu jumătate de măsură: Raport privind procesul retrocedării proprietăților care au aparținut cultelor religioase din România*, report made by Ethno-cultural Diversity Resource Center, Cluj-Napoca (March 2004), 8. The whole Romanian text of the report can be consulted at <http://www.edrc.ro/docs/docs/provocdivers/010-032.pdf>, accessed on 3 December 2012.

Moreover, Law no. 501/2002 and Government Decision no. 1167 issued on 17 October 2002 constitute a step forward in solving the restitution requests, but were still far from solving the problem entirely.

16. "On 4 March 2003, when the first deadline for filing requests for the return of religious buildings expired, the following statistics resulted: of the total number of

7,568 requests registered at a national level, the Greek-Catholic Church registered 2,207, the Jewish community 1,809, the Roman-Catholic Church 992, the Reformed Church 899, the Orthodox Church 770, the Evangelical Church 690, other religions and denominations 201.” Cf. *ibid.*, 21.

17. For the entire text, see the *Official Journal*, no. 505 of 14 June 2005.
18. This devotion symbolizes the reiteration of Jesus Christ’s Calvary path. It is performed by stopping for reflection and prayer in 14 different places, which are usually suggestively marked by crosses or icons that illustrate the Way of the Cross, representing the main stops on Jesus Christ’s Calvary path. In the absence of a proper space/building to shelter these symbolic icons, performing this piety becomes almost impossible.
19. The refusal of the Orthodox Archbishopric of Vad, Feleac and Cluj to return one of the religious buildings from the center of Cluj-Napoca, namely the church called “Schimbarea la Față” (the Transfiguration), which had belonged to the Bishopric of Cluj-Gherla since 1924, led to an eight years-long lawsuit which was assigned to several Romanian courts. Eventually, based on the suspicion that Courts from different cities in Transylvania had apparently favored, throughout this trial, the Greek-Catholic Church, the file was assigned to the Ploiești Court of Appeal. The Ploiești Court of Appeal decided that the Greek-Catholic Bishopric of Cluj-Gherla owned the building and ordered the immediate restitution of the building.
20. Sam Beck, *Opposition and Dissent: The Romanian Opposition’s Symbolic Use of Space in June 1990* (Ithaca, New York: Mario Einaudi Center for International Studies, 1990), 3.

Abstract

Religion and the Public Sphere: Transitional (Post-communist) Representations of the Uniate Community of Cluj-Napoca, between Religion and Politics

The aim of this article is to highlight the way in which the Greek-Catholic Church, following its legal recognition immediately after the fall of the Romanian communist regime, has contributed to the emergence of the Romanian public sphere. Through its visible manifestation within the public space, the Uniate community of Cluj-Napoca offered, in the last decade of the 20th century, a model for the setting up of the Romanian democratic public sphere. By bringing forth and discussing four specific arguments (the argument of recognition, the argument of legitimacy, the argument of visibility and the argument of continuity), the study aims at demonstrating that this religious-based protest helped increase the Romanian state’s accountability with respect to the fairness of its justice system and, consequently, to the accomplishment of democracy.

Keywords

Greek Catholic-Church, Uniates, Romanian public sphere, post-communism, democracy, legal system, retrocession of property, identity reconstruction, Cluj-Napoca