



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

ACCEPT
PLURALISM

TOLERANCE AND CULTURAL DIVERSITY DISCOURSES IN ROMANIA

Sinziana-Elena Poiana
Ioana Lupea
Irina-Madalina Doroftei
Alina Mungiu-Pippidi

Romanian Academic Society

2012/33

**5. New Knowledge
Country Synthesis Reports**



Funded under Socio-economic Sciences & Humanities

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

Tolerance and Cultural Diversity Discourses in Romania

**SINZIANA-ELENA POIANA
IOANA LUPEA
IRINA-MADALINA DOROFTEI
ALINA MUNGIU-PIPPIDI**

ROMANIAN ACADEMIC SOCIETY



WP5 Comprehensive Country Report

**D 5.1 Country Synthesis Report on Tolerance and
Cultural Diversity Concepts and Practices**

© 2012 Romanian Academic Society

This text may be downloaded only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the author(s), editor(s). If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the research project, the year and the publisher.

Published by the European University Institute
Robert Schuman Centre for Advanced Studies
Via dei Roccettini 9
50014 San Domenico di Fiesole - Italy

**ACCEPT PLURALISM Research Project,
Tolerance, Pluralism and Social Cohesion:
Responding to the Challenges of the 21st Century in Europe**
European Commission, DG Research
Seventh Framework Programme
Social Sciences and Humanities
grant agreement no. 243837

www.accept-pluralism.eu
www.eui.eu/RSCAS/

Available from the EUI institutional repository CADMUS
cadmus.eui.eu

Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe (ACCEPT PLURALISM)

ACCEPT PLURALISM is a Research Project, funded by the European Commission under the Seventh Framework Program. The project investigates whether European societies have become more or less tolerant during the past 20 years. In particular, the project aims to clarify: (a) how is tolerance defined conceptually, (b) how it is codified in norms, institutional arrangements, public policies and social practices, (c) how tolerance can be measured (whose tolerance, who is tolerated, and what if degrees of tolerance vary with reference to different minority groups). The ACCEPT PLURALISM consortium conducts original empirical research on key issues in school life and in politics that thematise different understandings and practices of tolerance. Bringing together empirical and theoretical findings, ACCEPT PLURALISM generates a State of the Art Report on Tolerance and Cultural Diversity in Europe, a Handbook on Ideas of Tolerance and Cultural Diversity in Europe, a Tolerance Indicators' Toolkit where qualitative and quantitative indicators may be used to score each country's performance on tolerating cultural diversity, and several academic publications (books, journal articles) on Tolerance, Pluralism and Cultural Diversity in Europe. The ACCEPT PLURALISM consortium is formed by 18 partner institutions covering 15 EU countries. The project is hosted by the Robert Schuman Centre for Advanced Studies and co-ordinated by Prof. Anna Triandafyllidou.

The EUI, the RSCAS and the European Commission are not responsible for the opinion expressed by the author(s).

The Romanian Academic Society (SAR) aims to further the ideas of freedom, democracy and good governance in Eastern Europe. Starting with our own region we seek to raise the public awareness level of policy issues, contribute through research and advocacy to informed policy formulation and assist administrative reform through performance assessment.

Alina Mungiu Pippidi, the president of SAR, is Professor of Democratisation Studies at the Hertie School of Governance. She studied political science at Harvard University after completing a PhD in Social Psychology in 1995 at the University of Iasi in Romania. She taught at the University of Bucharest and SNSPA Romania, and was a Visiting Scholar at Stanford, Harvard, the European University Institute and St. Antony's College of Oxford University, among others. She is a board member of the International Forum of Democracy Studies and the Journal of Democracy. She has consulted for Freedom House, UNDP and World Bank on issues of state building in the Balkans and former Soviet Union. She has authored and co-authored several books and academic articles on nationalism and minority-majority relationship such as *Nationalism after Communism. Lessons learned from nation and state building*, (edited with I. Krastev New York and Budapest: Central European University Press, 2004), *Romania after 2000. Threats and Challenges* (Ed., Bucharest: UNDP, 2002), *Subjective Transylvania. A case study of ethnic conflict* (Bucharest: Humanitas, 1998).

Ioana Lupea, Sinziana – Elena Poiana and Irina-Madalina Doroftei are researchers within the ACCEPT PLURALISM Romanian team.

Contact details:

Irina – Madalina Doroftei, Research Assistant
Romanian Academic Society
61 Mihai Eminescu, Bucharest
Romania 020071

Tel: +40 212 111 424; Fax: + 40 212 111 477
E-mail: madalina@sar.org.ro

www.sar.org.ro

For more information on the Socio Economic Sciences and Humanities Programme in FP7 see:
http://ec.europa.eu/research/social-sciences/index_en.htm
http://cordis.europa.eu/fp7/cooperation/socio-economic_en.html

Table of Contents

Executive Summary	2
Keywords	4
Introduction	5
Chapter 1: Ethnic Diversity Challenges in Romania: Tolerance Discourses and Realities	6
National identity: Romania is.....	7
Balkan	7
Not Western: Modernization as Rape	8
But European... ..	10
Cultural diversity challenges in the past 30 years in Romania.....	12
Challenges post – 2000: Orthodoxy as identity standard.....	13
Hungarian minority.....	15
The Roma: the ignored challenge	19
The discourse and definitions of tolerance in Romania	23
Individual versus collective rights: The language battles	23
The policy of tolerance	24
The war of political symbols: Catholic versus Orthodox.....	25
The economics of ethnic diversity	25
Concluding remarks	28
Chapter 2: The Embodiment of Tolerance in Discourses and Practices Addressing Cultural Diversity in Romanian Schools.....	29
Methodology and research design.....	32
Case study 1: Alleged Discrimination against Roma	33
Background information	33
Analysis of the field research.....	37
Case study 2: On the right to an education environment that is free of religious symbols	42
Background information	42
Analysis of the field research.....	45
Concluding remarks	52
Chapter 3: Acceptance or Lack of Tolerance towards Minorities in Romanian Public Administration.....	54
Methodology and research design.....	55
Background information.....	55
Analysis of the field research	59
Concluding remarks and recommendations	70
Conclusion.....	74
References	82

Executive Summary

The research materialised in the main three chapters of the report explores the Romanian identity and the tolerance discourses towards ethnic and religious minorities in Romania. It presents tangible situations out of which valuable findings give us a practical key to understand what shapes the current situation of minorities in Romania, the acceptance or lack of tolerance towards them in schools or political life.

Drawing on the political discourse built around state formation since the mid-19th century, Chapter 1 argues that despite incentives to dismiss a possible association, **Romania is beyond any doubt Balkan**. Historical evidence is used to support the theory of the legacy of social and political (Ottoman and Byzantine) institutions. **Romania is not Western**. The mid-19th century political discourse of Romanian elites, which rejected the idea of transplanting Western forms of development onto profoundly Oriental societies such as those in the Romanian kingdoms, marked the Romanian national discourse for the next 150 years. In fact, the idea of “modernization as rape” resurfaced in the interwar and post – 1990 national discourses. Moreover, the Oriental was exceptionally defined by the religious legacy of the Byzantine Empire that made Christian Orthodoxy deeply embedded into the idea of “being Romanian”. This deemed to create a series of challenges to the creation of a plural post-communist Romanian society, especially in relation to the state’s separation from church in the past 20 years. **Romania is European**. Like in all countries in Eastern Europe, the fall of the Berlin wall was seen as Romania’s long awaited opportunity to return to Europe. In fact, the promise of the European Union influenced the public discourse to such extent that no anti-European political discourse would find its place in the national public debate.

After reviewing the main national identity components, we continued in Chapter 1 to identify the main challenges to cultural diversity relevant for the current situation in Romania and taking an in depth look at the main challenges posed by the discourse towards the largest ethnic minorities in Romania – Hungarian and Roma. Since immigration does not present relevant challenges for Romania up until now, the focus is placed on historical minorities. The Hungarian and the Roma minorities stand out, representing significant proportions of the Romanian population, and having brought their issues on the public agenda in the past 20 years, in comparison to other minority groups.

By looking at the way that the tolerance discourse is built in Romania, the **political dimension**, which is best illustrated by the fight of the Hungarian minority to gain collective rights, can be debated in regards to access to education in minority language and right to representation. Even though some advancement in granting representation rights had been made through the Public Administration Law, the debates on education exposed the deep cleavage in the battle for using the maternal language in school. Romanians were not prepared to accept Hungarian as a second official language. This possible source of tension lost momentum for almost 10 years, up until an initiative to allow students in Hungarian to choose whether they wanted to study Romanian in school or not, reached the current debate agenda. The arguments around which the discourse was constructed tend to indicate that tensions still exist, betraying thus (in)tolerance towards self determination rights.

The conclusion is that while the public discourse cannot be so easily changed, policy efforts should precede in addressing the issues of the Hungarian and Roma minorities, as well as the state’s separation from the Church. Racist remarks of Romanian public officials are not acceptable, and nor is their lack of accountability for taking public positions as such. The search for grand explanations for Romanian exceptionalism, rather than that for ways to comparatively analyze it and deconstruct it, must end. Moreover, this is an effort that needs to be made from the top down, in order to avoid the gloomy bottom-up option.

When considering religious or ethnic tolerance issues, one must observe that the pre-1990 equality philosophy assumed that there are no groups that should be treated differently, either negatively or positively, and religious expressions were prohibited altogether in any form. But, in the context of administrative reform and decentralization in education, accompanied by the increased pressure from ethnic and religious minorities to gain access to rights, a number of issues related to tolerance towards ethnic and religious diversity in schools became more visible in the past 20 years of transition to democracy. This was the result of the work done by assertive advocacy groups, of the unexpected media support or stronger political representation. For these issues policy solutions were found and are successfully being implemented, while others are only recently reaching the agenda, despite being deeply rooted into long-standing social problems.

Ethnic toleration. The policy discourse and the public discourse are significantly divided on the issue of segregation of Roma children in school. The debate has been ongoing, fluctuating up and down on the public agenda, however it had never reached so high up on the agenda as it did when a Romanian Court of Appeal decided on penalizing a primary school teacher with a 10,000 Euro fine for not allowing a Roma child to attend her class. While the policy discourse was building around ensuring the right to education of the child, the public discourse was slightly skewed towards the teacher's position. It proved to be a case that inspired many in Romania, making people more sensitive to the Roma pupils' needs and to the problems these pupils are confronted with. On the other hand, the condemnation of the teacher who had refused a Roma pupil in the class was seen as an exemplary punishment meant to discourage discrimination in schools.

Roma activist groups are still reporting cases of Roma children who are still denied enrollment in mainstream schools. These have not reached the agenda and have not been addressed before in any way in the national policy discourse. The first case analyzed in Chapter 2 has had the effect of a break in the wall, and showed that what is registered as discrimination can and will be sanctioned as such, creating the effect of uninviting the perpetrators of long established practices, and challenging them, rather than perpetrating the status quo, into re-examining their well-established ways. It shows that a court decision might have the effect of stimulating and even forcing the birth of public policy and national standards where unfortunate practices are being comfortably perpetuated. Whether this challenge will be taken further, to building a solid policy discourse, remains to be seen.

Religious toleration. The interwar discourse on Orthodoxy as a fundamental element of the Romanian self resurfaced in the public discourse in the mid '90s, mostly in connection to the fight against the communist atheism. Despite the presumed separation between state and church, excepting the select few, the main discourse has been in favor of the state's actions to support the Romanian Orthodox Church, in the virtue of the absolute Orthodox majority of the Romanian population and the public function that the Church is thought to fulfill. Even though the debate on teaching religion in schools had been ongoing since it became a mandatory subject in January 1990, talking about displays of Christian representations in school seemed a rather progressive debate topic. However, the second case study in Chapter 2 documented that in 2006 Mr. Emil Moise, a philosophy professor, filed a complaint with the National Council for Combating Discrimination (CNCD) claiming that paintings of Christian figures that hanged on the school's walls were a breach of the non-orthodox students' right to free choice of confession and impeded the free development of the spirit of the rest of the students. After the case reached the public agenda, Mr. Moise was literally harassed by media, politicians and the Orthodox Church. His civil lawsuit against the Romanian Government had reached the High Court of Cassation and Justice two years ago. But it became clear that there is a newly established tradition pushed to the public agenda by representatives of the Orthodox church to great success, and that the state policy supports the promotion of Orthodox values in schools to the detriment of other confessions.

Political Representation, Ethnicity and Tolerance. In Chapter 3 the research tackled the issue of the acceptance or the lack of tolerance towards Hungarian minority in Romanian Public

Administration. On the occasion of the Hungarian Revolution Day on March 15 2010, Mr. Barna performed a public show in the streets, which portrayed Avram Iancu on trial and later sentenced to death for crimes against the Hungarians during the 1848 Revolution. Csibi Barna's protest, an ethnic Hungarian, Romanian civil servant and keen promoter of a Hungarian ethnic autonomous region Szekler Land who hanged a doll representing a Romanian national hero, was a test of tolerance for the society and a challenge for the Romanian political elite and the relevant public institutions. This event, with its many implications and developments, is a tolerance boundary conflict case between the majority and the minority. While the Hungarian minority, unaccustomed to its minority status, intends to move the tolerance border by requesting a new public status through the recognition of collective rights, for the majority of ethnic Romanians, the limit is much lower. The majority is intolerant when it comes to the institutionalization of any ethnic differences, which would require the public presence of ethnic diversity (Robotin, 2002). Through the Romanian media, political representatives and state institutions, the majority asks the minority to display a civic loyalty beyond the formal-legal obligations, and expresses its intolerance towards what it considers to be the lack of loyalty toward the Romanian state, through its national symbols.

Csibi Barna's protest was a test of tolerance for the society and a challenge for the Romanian political elite. The Romanian politicians were in the position to choose how to approach the case of Mr. Barna: either as an isolated example that needed to be dealt with by the relevant criminal institutions, to decide whether the action represented an instance of instigation to discrimination, or not, or, as it happened, as an event of epic importance, to be voiced loudly in the political and public discourse. As it happened, important parties' leaders and state office holders such as the prime minister stated their indignation and claimed immediate and firm measures against the office holder. Opposition Parliament members filed a petition whereby they requested from the manager of the Tax Authority where Csibi Barna was employed, to promptly dismiss him.

The case of Csibi Barna case showed the capacity of the Romanian political elite to cynically instrument the identity competition of the two communities for electoral purposes. The two groups have separate and opposite views of entitlement, grounded in different interpretations of history. Despite the strong centralization of the Romanian school curricula, the two groups are socialized into two antagonistic versions of history. Amplified by the political entrepreneurs, this leads to an environment of intolerance and distrust manifested on every occasion.

In conclusion although diversity is carefully regulated, the existence of intolerance entrepreneurs, of the type of Barna, trigger a chain of intolerant responses. Tolerance is higher when the majority is not fundamentally challenged, either by secularists or by Hungarian secessionists. Any engineering of a feeling of threat leads to defensive discourses and brings an end to acceptance. The case studies from Romania presented in this research highlight a development which might prove more general for countries under Europeanization. Although the policy infrastructure of tolerance exists, there are numerous groups which promote their self-interest or values through intolerant, even provocative behaviour. Most of what could have been done at the level of rights was done: what seems to be missing is more general education at the level of behaviour control, of teaching self-restraint in situation when others, particularly minorities, might be hurt.

Keywords

Eastern Europe; minorities' policy; tolerance discourse; transition; Roma minority; Hungarian minority; Roma segregation; religious tolerance; acceptance; respect; school life; Romanian-Hungarian relationship; dual loyalty; mythological blockage; autonomy for Szekler Land; regionalization; tolerance; recognition.

Introduction

The main diversity challenges that Romania faces nowadays can be accounted by looking at the main traits that defined national identity and their influence on the tolerance discourse towards ethnic and religious minorities. There are three such challenges – the Roma issue, the role that Orthodoxy plays in defining the tolerance discourse towards ethnic and consequently religious minorities and the situation of the Hungarian minority.

The report tackles the issues mentioned above through the results of the research conducted in Romania and described in the three main chapters of the report. By looking at what exactly Romanian national identity claims to be and how it got there, the main challenges posed by ethnic diversity in Romania and the consequent public discourse on tolerance towards it are reviewed in Chapter 1 “ Ethnic Diversity Challenges in Romania: Tolerance Discourses and Realities”.

The next chapter, The Embodiment of Tolerance in Discourses and Practices Addressing Cultural Diversity in Romanian Schools debates two case studies which revealed the functioning of an important institution “National Council for Combating Discrimination” and the public’s feedback towards discrimination. The first one - *The “racist teacher” and Roma segregation in Romanian schools (Alleged Discrimination against Roma)*- analyzed how the situation mentioned above concerning a Roma child influenced the public agenda, even though there was no evidence in the end that the teacher was discriminating on grounds of ethnicity. The second case, *On the right to an education environment that is free of religious symbols*, is relevant for public policies regarding the display of religious symbols in classrooms.

Chapter 3 discussing Acceptance or Lack of Tolerance towards Minorities in Romanian Public Administration – gives insights to the Hungarian issue and the paradoxical situation of Romania, where a strong legislative and institutional framework against discrimination does exist, but without any substantial effect because of the intolerance towards the other community’s views and interpretation of historical events, which in turn are used to justify the current political designs.

Finally, the concluding remarks highlight the new knowledge acquired during the overall work of the project and the findings relevant at both national and European level.

Chapter 1: Ethnic Diversity Challenges in Romania: Tolerance Discourses and Realities

To understand the Romanian discourse on identity one needs to take a step back. As the whole Romanian culture after communism returned to the inter-war ideology and debate, any review will have to survey the twentieth century as well. Political culture was and is still conceived to a great extent as identity. American anthropologist Aaron Wildavsky (1987, pp. 3-22) labeled Romania a “fatalistic” culture on the basis of the Romanian folk ballad, *Mioritza*.

Mioritza is the story of a shepherd who reacts to the news that his envious fellows plan to kill him in order to steal his herd with perfect indifference, preparing for death and a cosmic wedding with the Universe. Wildavsky cross-tabulates the strength of group boundaries with the nature of prescriptions binding the groups. Whether prescriptions are strong and groups are weak – so that decisions get frequently made for them by external factors – the result is what he calls a “fatalistic” political culture (Shafir, 1985, pp. 133 - 134), dominated by distrust on all levels. The individual citizen sees no point in neither exercising his free will”, nor trusting his fellow citizens to try engaging some collective action. The others are perceived as envious and distrustful, the self as victim. It is true that Romania belongs to the part of the world where foreign influence is the most important agent of political change. In 1940 the constitutional monarchy was reversed by domestic fascism due less to the strength of the Iron Guard than to the Molotov-Ribbentrop Pact. The pact deprived Romania of important territories, which dealt a mortal blow to the legitimacy of the monarch. The subsequent communist regime was entirely Soviet sponsored; the fall of Ceaușescu, who was betrayed by the Army and the *Securitate* in front of a yet manageable popular uprising in late 1989, has also been attributed to a plot led by Moscow.

In the context of this article, ‘culture’ or ‘discourse’ refers to the prevalent elite social representations of identity, the political order and the norms derived from them. By social representations I understand “not simply widespread beliefs, but theories or branches of knowledge in their own right that are used for the discovery and organization of reality”, organizing principles that provide common reference points for individuals and communities at a given point in time, thus enabling communication among members of a community by providing a code for naming and classifying the various aspects of their world and their individual and group history (Moscovici, 1993). Most of the social representations of the Romanian intelligentsia in the twentieth century were defined in connection with, and more often than not, in opposition to these modernization endeavors imposed from top down by an enlightened, Western oriented oligarchy grouped around the constitutional monarchy.

For most of modern Romania’s history until the advent of the Second World War, except for brief moments; and despite many setbacks, the ruling elite has incessantly pursued a modernization project mainly inspired by the French model. The remarkable continuity of this project, despite the controversy surrounding it, may be attributed to the uneven distribution of power, which allowed this group enjoying the consent of the monarch to carry on with little investment in building some societal consensus over the target pursued. Whenever Romanian Liberals pushed ahead with democratization as a natural consequence of their overall modernization project, they discovered that widespread participation was very likely to endanger the modernization project itself. On several occasions, this prompted the Liberals to make a full stop and go back on their commitments in an attempt to regain control of the process, which in turn generated strong anti-Liberal resentments leading up to a confrontation with, at times an outright rejection of, the modern political system that had emerged after the adoption of the franchise.¹

¹ The Iron Guard, an Orthodox nationalist movement with grass root support, was the very embodiment of this kind of anti-system opposition.

Most of the interwar discourse that we will present in this paper has therefore never become part of the official discourse;² but its radical taint is at least partly due to its development in contrast to, or dissent from, an ever-patronizing liberal bourgeois oligarchy running the country. Many radical voices in this discourse also had roots in Western Europe, where radical rightwing ideology in various forms and shapes had been growing constantly since the end of the First World War. Romanians were part of the European intellectual environment; Romanian doctoral students were generally enrolled in West European institutions of higher learning, most notably in Paris, Berlin and Vienna, and translations from *en vogue* authors such as Oswald Spengler or Georges Sorel flourished in Bucharest.³

Along the lines of the interwar national discourse, what is and is not Romanian today? Further more, what were the political solutions that the postcommunist Romanian government found for accommodating ethnic minorities' demands? Was the consociationist governance solution a lasting one in the case of the Hungarian minority? What are the challenges posed by the large Roma minority in Romania and what was the evolution of the tolerance discourse towards them? To answer all these questions, the paper will first go through the main national identity components, as determined by Romania's geographical location, its institutional heritage, its cultural identification and its new status of EU member state. Further on, we will look at the main challenges posed by the discourse towards the largest ethnic minorities in Romania – Hungarian and Roma – and review the current status of tolerance in public discourse and government policy towards them, in terms of individual and collective rights, cultural differences and access to public resources.

National identity: Romania is...

Balkan

Along with other neighboring countries, Romania has long disputed its placement in South Eastern Europe, as the Balkan Mountains are not even close to its territory and its language is Latin-based. In studies of nineteenth and twentieth-century nationalism and nation-building, the custom has indeed spread to use the term “Balkan” as a negative, albeit poorly defined, attribute, in relation to ethnic diversity, mass violence and intricate wars. The legitimacy of such definitions came recently under attack as they clearly reflected less geographical or socio-economic realities and more cultural stereotypes (Todorova, 1997; Wolf, 1994), but they are still prevailing in journalism and best-selling travel books. What remains uncertain is if, East to Trieste or South to the Dniestr, there was (and still is) a community of some coherence, to which Romania draws on. If yes, then what are the legacies that being part of this community leaves to Romania as a modern nation state and the Romanian identity?

There is a common historical background to South-Eastern Europe, which can stand to justify the ranging of Romania alongside the rest of the Balkans. The Ottoman Empire not only granted religious autonomy to the Balkan peoples, but it also adopted many of the Byzantine political practices making them its own. This means that Balkan societies were left behind on two accounts. On one hand, they followed passively the Ottomans in their stagnation and decline, being both politically and economically subordinated; on the other hand, institutions such as the Church remained suspended to the late Byzantine Empire, an abstraction passed beyond time, therefore beyond evolution. The legacies with a lasting impact for the Balkans present political institutions and culture can therefore be summarized as follows:

² Except for the short-lived government of the Iron Guard between September 1939 and November 1940.

³ Equally influential were the French Catholic right with authors like Charles Maurras and Hermann Keyserling, the White Russian radical right (A. Soloviov, Léon Chestov [Lev Shestov], Nikolai A. Berdiaev) and Italian fascists like Benito Mussolini. Edmund Husserl's and Martin Heidegger's classes were also frequent-ed by students in philosophy. Carl Schmitt seems to have been largely unknown. *Romanian Political Culture in the 20th Century*

1. *Social*. Due mostly to sharing the Ottoman pattern, which was at the heart of the Empire's organization, the Balkans emerged from pre-modern times with small peasant holdings as main form of property in rural areas and no autonomous cities, the Ottoman city being state-centered and state-managed. Unlike Bulgaria and Serbia, the Romanian principalities enjoyed limited autonomy, so they used to have large estates, but they adopted the small holdings property model at the end of the First World War due to populism and pressure of the model existing in neighboring countries. The scarcity of political and professional elites is the third central element of the model.
2. *Political. Byzantine tradition*. The Byzantine model was indeed followed, in its grandeur and ambition, by rulers from the Balkan Peninsula to Muscovy, but as historians showed, more in the conception of monarchy and its exterior appearance than in anything else (Pippidi, 2001 pp. 23 – 77, pp. 151 - 164). Some essential features were enough salient, however, to matter for pre-modern and modern political culture of the Balkans. Those were, in brief, three. The first is the historical inferiority of the Church to the ruler, missing the historical tension among the two which created the first source of power polarity in Western Europe. The second feature of the model, the autocracy of Byzantine despots, to some extent dependent of the first, was inherited by the flock of would-be followers in the Balkans. Finally, the third Byzantine inheritance is the absence of the Germanic, later continental, model of one son inheriting all.
3. *Political. Ottoman tradition*. The absence of autonomous cities meant the absence of civil society and balance of the power of the landowners in the principalities. The absence of a domestic aristocracy throughout the Balkans meant the absence of equilibrium between the central government power and the periphery, which further allowed for arbitrariness of appointments and dismissals, and consequently central interventionism and developed informal devices to keep them and their families afloat. The overwhelming presence of a hyper-regulatory state in the life of these provinces led therefore to a generalized behavior of rules avoidance. The need to act evasively, if not dishonestly, became a necessity when the well organized and governed Ottoman state was transformed into a chaotic and corrupt polity.
4. *Demographic. Ottoman legacy*. Historians agree that the most resilient Ottoman legacy, and the one causing most problems presently is demography. The Ottoman rule induced intentionally, on one hand, and prevented unknowingly, on the other hand, that natural process of ethnic homogenization which took place in most of Western Europe, leaving, as Ernest Gellner (1983) keenly observed, the burdensome task of ethnic cleansing for the modern times to carry out.

Not Western: Modernization as Rape

The social representation of modernization as a violation of the traditional self has a history stretching far beyond the First World War, and beginning in the late 19th century with conservative group of "Junimea" [Youth], who opposed imported Western institutions and considered them "forms without content". Later on, both Nicolae Iorga, the most influential intellectual of the generation of founding fathers, and his disciple Nae Ionescu, who was to become a professor and intellectual advisor of Mircea Eliade and Emil Cioran, resented the import of modern political institutions and were skeptical not only of the compatibility of Romanian traditional society with these novelties but also, and more importantly, about their suitability in the Romanian setting. Ionescu was completely against any form of Westernization. Iorga, a historian, was more moderate, and confined himself to warning that domestic institutions must not be overlooked. He was very critical towards the two modern Romanian constitutions, that of 1866 and of 1923, and to the idea of importing ready-made constitutions altogether. Iorga warned that such imitations made in total disregard for unwritten laws embedded in Romanian society would remain confined to paper.

The 1866 Constitution was made by an excellent tailor, used, however, to cut clothes for different bodies than ours, so we have lived since with our body somewhere and the foreign suit elsewhere [...] with no other effect on our

political life than more hypocrisy. (Iorga, N. in the *The Romanian Constitution of 1923 Debated by Contemporaries* 1990, pp. 25 – 53 and pp. 25 - 56)

While this is an obvious exaggeration and specific policies should have helped the institutions defined by the 1866 Constitution become engrained in Romanian soil, Iorga hit a sensitive nerve when drawing attention to the distance between formal and informal rules. His point was that establishing formal rules in ignorance of or disregard for unwritten traditional rules would compromise the Romanian project of political modernization from the very onset. The traditional ideas that he considered part of the unwritten Romanian "Constitution" over a variety of past regimes were the national character of the state, the limits to and defense of a "traditional" territory and above all the state as an expression of the peasant society, whereby the oligarchy did not serve as an intermediary between the ruler and the ruled. Iorga strongly disliked the 1866 Constitution, which practically excluded all peasants on grounds of both illiteracy and poverty. He clearly idealized peasant society and was instrumental in the adoption of the franchise during the war. On many points he was right: an imposed introduction of many new institutions, with little by way of internal synchronization among themselves and not followed up by sensible policies of implementation, was already generating a culture of omitting laws. Later on this helped Romanians endure the communist institutional revolution, but nowadays it seriously hinders the process of adjusting to new European institutions. This phenomenon is typical of forced modernization. Imperfect and flawed pieces of legislation are "corrected" in the sense that people do not abide by them and the state does not enforce them (Ledeneva, 2001)⁴. In Iorga's own words:

Let it be a lesson to all reformers of today and tomorrow [...] to all those who come to the government with pockets full of bills which get passed but are never applied, because the poor nation lives much better on its customs than on all the laws; it turns a good law into a custom, leaving aside the bad ones. (Chimet ed., 1993, p.93)

At the end of the First World War, which Romanians fought almost to the destruction of their state side by side with the *Entente*, Romania enjoyed the full support of France at the Trianon and Versailles Peace Conference. This made it possible for Romania to negotiate a deal fulfilling the political and military objectives long pursued by the Brătianu family: the unification of all Romanian-speaking lands, including Transylvania. Romania lost over half a million soldiers in the war, roughly 15 % of the total population, and the social structure of the old Kingdom was shaken to the bone by land reform and political liberalization. A couple of years later, after unification with the former Habsburg provinces of Transylvania and Bukovine, and with former Tsarist Moldova, Romania entered the age of "Greater Romania" and became a large European country, doubling its population to 18 million. Gratitude towards France and the need for an elite stratum large enough to manage modernization on this massive scale led to a flow of students into Western countries. Paris alone counted over 3000 Romanian students by 1920. The economic crisis of the early thirties and the disappointment with agrarian reform (which had a negative impact on economic performance, as land was divided into slots too small for a profitable exploitation) gradually gave birth to a counter-reaction. As summarized by a contemporary liberal author:

We finally have a "querelle des anciens et des modernes" [...]. (Ralea in Chimet ed., 1993 p. 231)

The same with Russia, our country, at the crossroads between Europe and Asia, faces out of the sudden two ways forward [...] through the Western or the Eastern model, through consciousness, civilization and reason, or through Byzantine Orthodoxy, illegitimately and arbitrarily turned into autochthonous nationalism. For seventy years now the same problem has surfaced again and again in every decade. (Ralea in Chimet ed., 1993, p.317)

The Liberals believed that the difference between the East and West was simply one of development and was due to different historical evolution. It would have been difficult for the Brătianu family to think otherwise, considering they had ruled the country for two generations—through the war of

⁴ Ledeneva describes contemporary Russia in similar terms. See Alena LEDENEVA, *Unwritten Rules: How Russia Really Works*, London: Centre for European Reform, 2001

independence with the Ottoman Empire, to the creation of the nation state and through the adoption of the first two modern constitutions. These steps had taken almost 50 years, in which literacy levels and urban development skyrocketed. However, the Brătianu family's opponents, whether left or right, believed that structural differences separated the West from the East. Nae Ionescu would reduce the antinomy to the opposition between Catholicism and Orthodoxy. Nationalists and pro-Westerners alike identified Orthodox Christianity as the heart of the matter.

[There is] an antagonism between modern culture and Orthodoxy. Orthodoxy did not embody the capacity to create a culture in the earthly sphere of the daily life. It is no coincidence, nor is it due to inauspicious historical circumstances, that Orthodox people have not been at the forefront in promoting modern culture. If it abides truthfully by the Orthodox law, an Orthodox people either resists modern culture or is at best not interested in it. Such a nation simply stands by its religion but with no contact with one another, and without understanding [...] the history of Orthodoxy is a series of opportunities lost beyond recovery. (Florian in Chimet ed., 1993, pp.259 – 272, and pp. 271 - 272)

The author of these lines therefore considered it "too late" to switch from Orthodoxy to other historical forms of Christianity. Such a choice had been offered in the past but turned down, and now belonged to the realm of lost opportunities. Other authors, such as literary critic Eugen Lovinescu, went even further, blaming Orthodoxy for most of Romania's historical failures. Nationalists such as Nae Ionescu, Nichifor Crainic and most of the "New Generation", however, exulted Orthodoxy. Crainic wrote that Western civilization might very well have attained its limit, while for the Christian East "the future is present" (Crainic in Chimet ed., 1993, p.53). The leading representative of the self-proclaimed "New Generation", the historian of religion Mircea Eliade, considered that the national project had been accomplished by the previous generation in 1918. For him, the only thing left to accomplish was an inner revolution, the creation of the "New Man". The New Man was necessarily Orthodox, as other confessions had lost their purity and spiritual power throughout history.

But European...

As in Central Europe, the first vote against communist parties in free elections signified also and mostly 'a return to Europe'. The prospect of joining the European Union has, from the very beginning, been the engine of democratization and transformation which has taken place in our countries. A "Return to Europe" was what our citizens voted for in the first free elections' (Havel et al., 2002). After the fall of Slobodan Milosevic, no significant political leader in the region dares to be openly anti-European: former nationalists convert overnight under the pressure of popular enthusiasm for European accession and lure of European funds. While millions of Balkan inhabitants cross daily the Western border legally or illegally to work in the European Union, technocrats, experts and selected politicians in Western as well as Southeastern Europe struggle to bring Europe to the battered Balkans. There is no alternative project, neither on the table, nor in the social imagination.

A return to Europe, but whose? When comparing Eastern and Western European histories the temptation is to explain individual countries' poor performance in the region by what Emil Cioran's *bon mot* would summarize as: '*Nous sommes mal placés!*' And indeed local elites indulge frequently in blaming geopolitics for the present state of their societies. Historical facts, such as the resistance of local princes to the Ottoman advance in Europe are turned into full explanatory and justifying myths: the Balkans are backward compared to Western Europe because they defended Western Europe at the cost of their own Europeanness. Only exceptionally the opposite argument is found, that the Byzantine tradition is *not* European, and its legacy of autocracy and synthesis of powers in the person of the monarch is completely different from the Western story of competition among various powers (Iorga in Todorova, 1996). The story of Southeastern Europe as told by its inhabitants is one of nostalgia for the brief time when the Balkans were nearly European - between the two world wars.

A return to Europe, but to what Europe? While ordinary people started to have some grasp of current EU due to cheap cable TV and temporary labor migration, which had exploded in Romania and Bulgaria since 2003, intellectuals are the ones left behind. They are slow to understand that Europe is

now EU. If the new Europe is to be uniquely the product of economy and Brussels' bureaucracy, will its labyrinths created at the beginning of the new century put into practice Kafka's labyrinths from the beginnings of the last century?' (Michnik, 2001, p.6) What made EU's strong initial attraction, the identification with Europe, was later revealed as an important source of misunderstandings and reciprocal disillusionment (see Rupnik, 2003).

Political elites, those who keep winning elections on the count of their openness towards European values, have quite a different stance. While fully unaware of cultural affairs, and truly committed to Europe as a development dream, most of them remain fairly ignorant in European affairs. A TV crew scorned Romanian MPs after the publishing of the European Commission highly publicized Progress Report on Romania and Bulgaria in 2003 because few were able to name the organization which produced such reports or even place it in Brussels. Prior to 2007, party position papers on European accession produced by individual parties in Romania and Bulgaria remained the exception rather than the norm. The discourse on Europe was fairly general and nonspecific. The few technocrats who had some knowledge on Europe were all involved in negotiations on both sides, either the domestic government or the local EU delegations that represent the European Commission. Most of the local expertise, which was both quantitatively and qualitatively limited was mobilized by EU- funded agencies like the European Institutes. The purpose of such agencies was to inform policy by producing impact accession studies, but actually the few good studies that were occasionally produced originate from independent think-tanks.

Cultural diversity challenges in the past 30 years in Romania

There are three main cultural diversity challenges in Romania. Two of them are related to the rights and situation of the Hungarian and Roma minorities, while one has to do with the religious identification of the Romanian majority. In this section we will discuss each of these three main challenges. According to the results of the latest Romanian Census (2002), the distribution of recognized ethnical minorities in Romania is synthesized in the table below.

	Number	Percentage of total
<i>Population total</i>	<i>21698181</i>	<i>100</i>
Romanian	19409400	89,5
Hungarian	1434377	6,6
Roma	535250	2,5
Gernams	60088	0,3
Ukrainians	61091	0,3
Russian	36397	0,2
Turkish	32596	0,2
Tatar	24137	0,1
Serbian	22518	0,1
Slovak	17199	0,1
Bulgarians	8092	<0,1
Croats	6786	<0,1
Greek	6513	<0,1
Jewish	5870	<0,1
Czech	3938	<0,1
Polish	3671	<0,1
Italian	3331	<0,1
Chinese	2249	<0,1
Armenian	1780	<0,1
Macedonian	731	<0,1
Albanian	520	<0,1
Slovenian	175	<0,1
Other	15537	<0,1
Undeclared	5935	<0,1

Table. Main ethnic minorities in Romania, 2002.

As opposed to Western European countries, immigration does not yet impose cultural challenges in Romania. According to the data provided by the National Immigration Bureau, around 1% of the Romanian population is represented by immigrants. Most of them come from neighboring countries – Moldova, Ukraine and Turkey – while a very small percentage is represented by non-European immigrants. Immigration of Asian workers (China, North Korea) reached its peak in 2007 and 2008, in response to a labor market deficit in the sectors of the economy booming at the time – constructions and textiles. In 2009 and 2010 the number of work permits decreased significantly. The short period of increased Asian immigration led to the creation of small ethnic enclaves in Bucharest and few other major Romanian cities. Due to their small numbers, immigrants in Romania still do not have enough visibility and even though reports of rights' violations have been made by various non-governmental

organizations, their issues have not yet reached the agenda. For this reason, we do not consider immigration to raise major diversity challenges in Romania yet, and we focus the report on the challenges faced by historical minorities.

Challenges post – 2000: Orthodoxy as identity standard

Orthodoxy as the fundament of Romanian identity, deeply embedded in the nationalist thought, was associated to a high extent with the fight against communism, being thus prone to resurface again and again after 1989, when a sort of religious revival indeed took over the Romanian intellectual life. The communist regime was tolerant, and to some extent even supportive of the Orthodox Church, but the fundamentalist Orthodox laic tradition was censored due both to its doctrine of prevalence of spiritual over material life, and its historical association with the Iron Guard. Despite this, after 1989 intellectuals rediscovered Orthodox fundamentalism through the works of Nae Ionescu and Mircea Vulcănescu, which were reprinted in mass editions together with translations from the White Russian tradition by A. Soloviev, L. Chestov, V. Volkoff, N. Berdiaev. The main Romanian publisher, Humanitas, came under attack from the French intellectual Left for these reprints,⁵ but the publishing house was merely adapting to the market trend. Fundamentalist civil society groups, such as *Anastasia*, founded their own publishing houses, which became extremely successful putting out this type of literature.

This intellectual climate led to the insulation of many anti-communist intellectuals from the debates of the early nineties about transforming Romania into a modern liberal democracy. Painter Sorin Dumitrescu, the leader of *Anastasia*, captured this well during a press conference in 1990 organized after founding the first would-be civic movement in Romania, baptized the *Civic Alliance*, with other intellectuals. While he was being harassed by journalists with questions related to the immediate debate on the new Constitution and economic choices facing post-communist Romania, Dumitrescu declared that "*The questions by the media do not correspond to our obsessions*" (Mungiu – Pippidi, 1994) Christian organizations such as ASCOR and the Foundation *Anastasia* pushed the often silent or inert Orthodox Church to take a public stand in matters such as homosexuality. After years of silence on the matter, Patriarch Teoctist finally gave in to pressure and used a public address to the Parliament as a platform for an appeal to the MPs to vote in favor of preserving the Communist Penal Code article branding consensual homosexual sex a felony. Anti-Communist intellectuals of *Anastasia* also made an important contribution towards restoring the legitimacy of nationalism and fundamentalism that was preached by former communist prelates who had cultivated a rather low profile in 1990. By and large, the interference of civil society, initially inspired by a desire to help the Church reform itself, finally helped the Church to return to its anti-modern, anti-Western position of the interwar era.

A much milder position within the framework of the same ideological heritage can be found in the magazine *Cuvântul* (originally the name of a rightwing newspaper run by Ionescu until its suppression by King Carol 2nd). In this publication the essayist Dan Ciachir, had a regular Ionescu-style "Orthodox column" throughout the nineties, and chief editor Ioan Buduca reinterpreted contemporary events such as the Malta meeting between Bush and Gorbachev into Ionescu's conceptual framework. In addition to these anti-Communists, a large number of communist agitators had reconverted to nationalism during the last ten years of Ceaușescu's rule, and nowadays are drawing upon Ionescu and his ideology for their scribbling, be it in new nationalistic party programs, editorials or books.

The influence of the interwar fundamentalist Right made itself felt well beyond the overt political discourse during the first post-communist decade. The *Museum of the Romanian Peasant* [Muzeul

⁵The debate included also some Jewish non-French authors, such as Michael Schafir, but it revolved around the polemic between Gabriel Liiceanu, director of Humanitas and his defenders and a few French journalists from *Le Monde* and *L'Esprit Moderne*. Michael SHAFIR, "The Man They Love to Hate", in: *East European Jewish Affairs*, 31 (2000) 1, pp. 60–81, provides a summary of the debate.

Țăranului Român], initiated and designed by painter Horia Bernea, who himself was the son of a leading Iron Guard intellectual, retrospectively fulfilled Eliade's programmatic vision of "a people living entirely under the sign of the Cross". Bernea returned the former museum of the Communist Party to its original destination as a folk art museum, blowing it up into a glorification of peasant Christian metaphysics very much along the lines of Blaga. Thanks to his artistic vision and dedicated team, the museum eventually became a faithful image of traditional orthodoxy as pictured by interwar intellectuals, although a not-so-true, idealistic, representation of peasant imagery and life. Bernea's personal qualities – he was a charismatic figure and among the few intellectuals not tainted by collaboration with the communist regime – helped to make the museum of folk art into a success story. This museum completely eclipsed the *Museum of the Romanian Village* [Muzeul National al Satului "Dimitrie Gusti"], designed by the old Romanian Social Institute, even though the latter features the most extraordinary collection of old houses, mills and churches brought from all over Romania to Bucharest on the occasion of an interwar exhibition. This testifies to the infatuation with tradition, Orthodoxy and peasant life among Romanian post-communist intellectuals.

According to the latest Romanian Census (2002), 86,7% of the Romanian population defines itself as Orthodox. This percentage is followed at great distance by other Christian confessions, among which Catholic (4,7%) and Reformed (3,2%). The Romanian Orthodox Church has currently under its supervision a total number of 15,218 churches, which makes for an average of one church per 1,500 inhabitants who declared themselves orthodox. To get a sense of this number, we will take the example of the Catholic Church, the largest in the world. For its registered 1,163 million members, the Catholic Church administers worldwide 408,637 local churches and missions, counting for an average of one church per approx. 2,800 registered Catholics. That is almost less than double the concentration of Romanian Orthodox Churches per registered member. The argument of larger number of churches in Romania due to lower density of Orthodox Church members is not valid, as the countries that were considered when assessing the concentration of Catholic Churches are also majoritarian Catholic, ranging from 76% (Spain) to 91% (Italy) of population registered as Catholic, with an average similar or even lower population density.

The issue of separation between State and Church has reached the Romanian public agenda on various occasions in the past decade. One of the biggest issues, still in debate, was building the National Redemption Cathedral, a project that would have been financed out of public money, the construction of which would have lasted for 20 years and destroyed one of Bucharest's parks on the way. The Romanian Orthodox Church still claims its request for public funds is legitimate, since the issues related to restitution of church property seized under Communism has not been solved yet. Due to strong public opposition, the project is currently postponed. The economic crisis has raised the issue of Church financing once again. Since financing religious activities out of public money is equivalent to sponsoring the Romanian Orthodox Church, more and more voices are asking not only for financial self-sustainability for Churches, but taxing their activity. How does that play into the notion of the Romanian traditional self as being inseparable of the Orthodox values, it is yet to be seen.

Meanwhile, one of the quick public administration reforms deemed to ease the effects of the crisis – decentralization or de-concentration of administrative tasks to middle tier governments – seems to have had an adverse effect. Instead of leading to higher efficiency in the use of public funding – as decentralization is thought to bring – funds were allocated discretionary to Orthodox churches. Under Romanian legislation, Romanian Churches are considered public utility NGOs, fulfilling, among other tasks, social assistance to local communities. Once county governments got to be fully responsible with social services (financial allocation included), some of them chose to support church activities at local level (Pintea, 2010). This local policy seems to be supported by the central government as well. As stated by the Romanian Finance Minister, the activity conducted by churches needs to be supported by public funds, as there is no other source of financing they can access.

Hungarian minority

Despite some still unsolved issues, the fight for rights of the Hungarian minority in Romania came a long way and not without a turnout. The victory in November 1996 elections of the centrist coalition in Romania – the only alternative to the post-communist and nationalist alliance which had ruled since 1990 – brought an area premiere that remained if not unnoticed then little analyzed. As a consequence of the victory the ally - since 1991 - of the winner Democratic Convention of Romania (CDR), the Hungarian alliance (DAHR) joined the new-formed government. The event has a twofold importance: in broader European terms, since DAHR was at the time the largest ethnic party in Europe, representing the 1.7 million Hungarians and enjoying almost 7 % of the total seats in the Romanian Parliament, and in the Balkan area, where such collaboration was rarer and rarer.

One would have expected such a move to appease nationalists in both camps. However, the presence of DAHR in the government proved to be a daily struggle, of the government with the media and a rebellious Parliament, of the DAHR leaders with various discontent wings of their party, of the Romanian coalition leaders with their MP and followers. Although the major improvements in the Hungarians' self-government promoted by the government (such as appointment of Hungarian prefects in Hungarian dominated-areas of Transylvania) brought no popular discontent, the debate on what the status of the Hungarian community in Romania should be, was only reopened. The major conflict was between those who saw the Hungarians' participation in government as an end in itself, while others, notably the Hungarians, saw it as a means towards their program of full self-government. The President of DAHR, while on one hand strongly keeping its party together and in the ranks of the larger coalition was then describing the post-1996 situation as a 'Catch 22' one. In short, despite the major achievements of those two years, nationalists on both sides found good reason to claim the experiment had failed.

Beyond any doubt, Romanian nationalism of the 1990s was targeting the Hungarian population. However, that does not mean that the nationalist outburst has a unique form of manifestation. The data collected in a previous study (Mungiu – Pippidi, 1998) revealed at least three types of nationalist elite manifestations.

1. **Professional nationalists.** It is always difficult to discern between the real problem of the national or ethnic group, mirrored by leaders or elite, and the problems the leaders help subsist in order to take advantage on them and consolidate their position. Some politicians can be described as **professional nationalists** as they are directly interested not to solve an ethnic conflict on whose behalf their career is made.
2. **Crusaders.** Other persons with political ambitions denied by their position in society –such as priests and journalists- also discover nationalism as a 'cause' they pretend to embrace in a non-political and non-partisan manner, in order to gain primarily political influence. These are the voluntary soldiers of nationalist causes, **the crusader nationalists**. Their cause is most of the times a language – but they can also focus on a minority religion or denomination, even on the genetic heritage threatened by mixed marriages.
3. The third and the largest category of nationalists are, however, the **conformists**. Many influential people in a community would never have nationalist initiatives or would support personally such a movement, but since they are dependent of the group/community they are willing to pay to have their identity as good group members confirmed by nationalists who speak in the name of the group. This leads to the subordination of elites which otherwise have both the money and the wit to do their own politics to the nationalist leaders. Many middle-class and business characters find themselves passive supporters of nationalism due to this mechanism, although they are disinterested by the nature of their occupation in linguistic battles and prestige wars, favoring communication over extreme differentiation.

Each of these three categories could be found among the elites of both ethnic groups – Romanian and Hungarian. The situation was obscured even further by the absence in Romania of a class of professional politicians. The people serving as politicians in those times of 'transition' were either

lawyers, or, quite often, intellectuals and priests, so exactly from categories aspiring to reach political influence by nonpolitical means. It is a well known fact that writers tend to be nationalist leaders in the first stages of a nationalist movement: in the former USSR Republics Popular and National Fronts were mostly lead by writers in the late 80s and early 90s, and so was DAHR (the Democratic Alliance of Hungarians Romanian). The supreme office of DAHR, the presidency, passed from one writer, Domokos Geza, to another, Bela Marko. The most popular DAHR character is still the Bishop Laszlo Tokes. The most notable characters of Romanian nationalism were poets such as Adrian Paunescu, Grigore Vieru, Leonida Lari, Corneliu Vadim Tudor, priests such as Bartolomeu Anania, literary critics such as George Pruteanu. And these are only the famous ones: Transylvania is full of people like them, but least known, school principals, union leaders, history professors and librarians, all guided by the ambition of being protectors and leaders of their community, all voluntary at the time to share with me their view on the essence of the national problem in Romania.

The self-identification of the Hungarian minority as a group is reflected in the form that their political representation took. DAHR is indeed a political alliance, as its name shows. It was never recorded as a political party according to the Romanian parties' legislation. In fact it included parties, NGO's, and cultural associations as well. Although ideological trends within DAHR vary from Christian Democrats to Liberals, DAHR acts and is perceived more as an ethnic party. Its constituency is either 'centre', or cannot say what it is (41%, UBB poll). The Hungarian community lacked an ideological orientation even more than the Romanian community, quite disoriented itself and having as only political option a party with a national more than a political program. A large body of literature in Romania and abroad, mostly written by journalists, point to the existence inside DAHR of a 'radical' and a 'moderate' group. This discussion, combined with the pressure created by the government alliance at the time (social – democrats and nationalists), left Hungarians no hope their claims can be resolved in the framework of the Romanian political system. During this time DAHR adopted important documents such as the Cluj Statement (1992) and the Statute of Personal Autonomy (1996). These documents proclaimed Hungarians in Romania as a separate 'political subject' and asked for the internal 'self-government' and 'self'-determination' of the Hungarians as a political community. In 1996, after becoming partners of the government coalition with their long times allies, Romanian center-right parties, DAHR abandoned this language and pursued their claim for cultural autonomy via general laws (amendments to the laws of Education, Local Government). This history helps us emphasize a distinction, which may prove instrumental to classify trends within DAHR.

The DAHR itself did not express a single common position on whether the Hungarian minority should be treated as an ethnic or a national one. Two views stand out. The 'moderates' - DAHR leaders who seek the fulfillment of the Hungarian community problems in the adoption and enforcement of the legal provisions comprised in the framework of European institutions such as the Council of Europe and the European Union minority and minority language regulations. This group sees Hungarians in Romania as a minority and considers its problems can be resolved without a reform of the Romanian political system or the state structure, only by the establishment and protection of individual and derivative rights (rights deriving from the appurtenance to a community). Frunda Gyorgy and Verestoy Attila were the most outspoken representatives of this group until now.

The second view, the nationalist or 'radical' one, is represented by Hungarian politicians or ideologues that look upon Hungarians in Romania as a 'nation', or a separate political subject as it is specified in the Personal Autonomy Statute. They dislike DAHR being treated as a minority only; its rhetoric makes from the large number of Hungarians a decisive issue and they consider a difference should be made between Hungarians and other minorities in Romania and this difference should be embodied in the recognition of Hungarians as political subjects. The political system must be reformed in order to accommodate this separate 'political subject', either by creating a special status region on the model of South Tyrol in Italy or a federal state instead of a unitary one with Transylvania as a federal unit. This policy line was never very much agreed by the other minorities, who have presented their own draft for a minorities' law, in which, needless to say, treatment of minority group is non-differential.

Since DAHR became a member of the governing coalition (1996), incentives for a consociative formula increased and most of DAHR's MP and establishment became 'moderate'. The attempts to discuss DAHR's leadership in critical terms and ask for a change in its policy failed as most of the Hungarian political establishment boycotted them. However, the Hungarian nationalists were influential enough back in 1996 to have the Personal Autonomy Statute approved. Despite the general radical tone of the Statute, the project for minorities' law drafted by the Department of Minorities in the summer of 1998 rested more upon a consociative logic, securing positions for minorities inside government offices. On the other hand, the official position expressed by the president of the DAHR was that the autonomy program was not abandoned, its participation in the government being seen as a gradual approach towards it (Romanian daily *Romania libera*, 6/02/97). Along the years an approach trying to balance between the two wings of the party seemed the best policy to keep the party united around its current leaders. Despite scandals and temporary setback of symbolic issues, most of the Hungarians' claims from 1996 were resolved via participation in government. Local government appointees were now Hungarian; the Hungarian language could be used in justice and administration; local communities were better financed. All these positive developments were possible only by amending general laws such as education and Local Administration law, and by passing new laws (such as Financing of Local Governments). The mere idea of having a Hungarian prefect in Hungarian majority areas was viewed as heresy in 1996, so important steps forward were possible through consociationism.

It is difficult to speculate who had the majority inside DAHR at the time, nationalists or moderates. Votes' results in 1998 on whether to continue in the governing coalition⁶ showed the moderate trend grew since 1996. Despite some differences, agreement was reached on one thing - the entire Hungarian political class in Romania wished that Romania would give up seeing itself s a nation-state, and consequently remove this expression from the 1991 Constitution. The DAHR leader of Tirgu Mures, Attila Szondi, explained:

The Romanians have to give up the phrase from the Constitution saying Romania is a nation-state. We're more than 2 millions, the Gypsies are 2-3 millions, what kind of nation-state has more than 30 % minorities?

The 2002 census recorded approximately 1.5 million Hungarians and around 550.000 Roma (although other estimations suggest 1 000. 000 may be closer to truth), relatively close to the numbers in the 1991 census. Despite this fact, fantastic exaggerations like this one are necessary in order to make the point. The nationalist argument for self-government relies on the numbers when stating we cannot treat Hungarians as a minority, but as a nation. The Romanian political system is however a democratic one. Allowing Hungarian representation in Parliament and bringing them in a close alliance with Romanian parties was worth, since at all times, when DAHR was dominated by nationalists as since it was dominated by moderates the national problem remained in the framework of the law. Only once in ten years did DAHR asked for civil disobedience, when requesting parents to boycott schools to protest against the 1995 Education Law. It was the opportunity for them to measure the ethnic mobilization. Passive mobilization had been a success: 400000 Hungarians signed for modifications to be made in the Education law. However, very few followed the appeal to civil disobedience. The Law allowed for teaching in maternal language and more recently it has been amended to allow for curriculum development specific to minority education. The implementation of the legal provisions is still far from perfect. While the privatization of manuals' development and distribution was supposed to lead to supply diversification, after a few trials, it turned out to be more profitable for editorial houses not to print manuals in minority languages. Thus, for schools that chose to teach in Hungarian, structuring the curriculum depended on the availability of imported teaching materials. Most of the times, this means access only to Mathematics and Hungarian Language manuals for primary school children.

⁶ The nationalist wing of the leadership was pushing for a more radical approach to party policy, which has led to a vote on whether the party should withdraw from the governing coalition in 1998.

Was there an inter-ethnic conflict in Transylvania? Since the 1990s and up until now, both political parties and ordinary citizens in Romania dismissed the idea of an ethnic conflict in Transylvania. Foreigners, ranging from organizations to citizens pointed out usually that at least during the 1990s there was a serious amount of ethnic competition going on, but refrained themselves from qualifying it as 'conflict'. In mid 1990s the connection with a country neighboring Yugoslavia the use of this term risked being politically explosive. Ordinary people showed even more restraint. In a research conducted in Transylvania in the end of the 1990s, the first reaction in all the focus groups was similar to this line of a Hungarian peasant in Covasna : 'It's only the bosses, they make the trouble, the bosses and the television, we ordinary people get along fine'.

But the 'bosses' are there and so is the media, always ready not only to show nationalist speeches, but to amplify all kinds of incidents, real or fictitious, bringing the national problem daily in the house of every Romanian or Hungarian and therefore prompting a further need of security. People who discarded easily the idea of an 'ethnic conflict' imagine a conflict is necessarily and always violent. In fact it is not: many ethnic conflicts, from Quebec to Belgium, from South Tyrol to Slovakia are not violent. But they are nevertheless conflicts, that is, fights to attain objectives and simultaneously to neutralize, affect or eliminate rivals (Horowitz, 1984). Ordinary people feel that you can have a conflict without violence: 75 % Hungarians and 45 % Romanians (absolute and relative majorities) consider a conflict exists between Hungarians and Romanians (UBB poll, 1997). Why then in every group people were reluctant to admit it? Because the logic of the group discussion was centered on one's community. To admit an ethnic conflict exists would have been to accept it exists in the close vicinity, therefore to assume some kind of personal involvement. Asked for a global evaluation Transylvanians admit the conflict, asked for a personal one they reject it and attribute the responsibility to elites. This is a national conflict, centered on national symbols at the scale of the two communities as whole, and not a daily communitarian conflict for small rewards or resources. From this point of view it is indeed an elite-engineered conflict. Romanians and Hungarians did not fight in Saturday night discos and pubs: instead they were reminded via media by their leaders that they belong to a group and should act as such. Youths who should be the most susceptible to engage in daily aggressive conduct were in fact the most disinterested.

Why did more Hungarians feel a conflict exists than Romanians do? We can think of two complementary answers here. One answer is the minority status of Hungarians; being in minority Hungarians feel more easily threatened by nationalist and xenophobic speeches constantly made in the Romanian Parliament. The other is that Hungarians are dissatisfied with the status-quo and want more rights than the Romanian state is willing to grant them so it is natural they feel more than Romanians a conflict exists. Romanians being satisfied with the situation at the time they tended to react only at the excessive publicity of nationalist statements by some DAHR leaders. For the rest they considered there would be no problem at all if DAHR does not make one. It is clear, however, that the public debate around the problem feeds the problem. This is why people considered in polls that the relations between Hungarians and Romanians degraded after 1989, although the problems of the Hungarian community were greater before: but before it was clear Ceausescu was the cause and any public discussion of the matter was impossible. According to IMAS only half of the Hungarians, compared to a large majority of Romanians shared this view. This only strengthened the idea that Romanians were in fact ignorant of the problems of the Hungarians so they considered there was no problem at all. However, a majority of both Hungarians and Romanians considered that improving the relationship between the two groups is an emergency (IMAS poll, 1996). The relationship between the groups is only the tip of the iceberg in the equation of the conflict. The relationship would be good if Hungarians ceased to ask for more rights, Romanians believed. The relationship would be good only if Romanians grant the rights the Hungarians desired, Hungarians thought. And it was not easy for an observer to say who was right. Was bilingualism and self-government going to solve problems, or create others? Was it going to bring together the two communities or was it only going to estrange them further?

The Roma: the ignored challenge

Having escaped the wave of nationalistic backlashes that most of the other new EU member states had experienced in 2005/2006, with a nationalistic party that did not make it to the Parliament in 2008, Romania found its new national enemy in the Roma as the shame inflicting non-Romanian ethnic group that jeopardizes the legitimacy of its newly gained European status. In fact, increased freedom of movement seems to have placed Romanian authorities in the uncomfortable position of not being able to shove the garbage under the mat anymore. The old news of poor access to services of Roma children and segregated communities is finally coming out, creating a spur of reactions, limited for the time being to better advice from the Western democracies that are currently expulsing ethnically Roma Romanian citizens back to their home country.⁷

It was just in late September 2010, in the midst of the European wide scandal related to Roma expulsions from France, that a Romanian MEP announced his intention to push for a piece of European legislation meant to change the politically correct term of “Roma” into “Gypsy”, as Roma can be confused to the capital city of Italy, while Romani – the name of the spoken language of a part of the Roma groups – can too easily be mistaken for Romanian. The idea of regulating the right of the ethnically Roma European citizens to potentially make a claim on Romanian identity has at least three interpretations. The first one is straightforward: “Romanians are not Roma”, wherefrom the absolute denial of Gypsy heritage as part of the Romanian national identity. Secondly, the Roma are not one people, therefore their entitlement to collective rights within the EU should be kept within national borders, judged case by case, and not in terms of a broader participation to European decision making. Thirdly, the Romanian state has no responsibility in solving the Roma issue, no more than it does towards the rest of its 19 legally recognized and politically represented national minorities. Each of these reveals a different set of challenges, which will be discussed in the following section.

Romanians are not Roma. The lack of a written history is not to be underestimated. The few historical records scattered from modern Northern India, through Central Asia and Northern Africa, all the way to Western Europe and to some extent the Americas, have allowed for politically half-inexistent Romanian nationalists, such as Corneliu Vadim Tudor, to mockingly respond to the issue of expulsions with “Why not consider sending them to their real home country: India!”, in reference to the Sinti branch of the Roma. The “they are not Romanian, nor Roma, but Gypsies” debate cannot be more straightforward when it comes to national identity claims: Romanians are not Roma. Therefore, no association, cultural or otherwise should be made between the two groups. But how legitimate is that claim? We analyze it further on.

The rejection of Roma culture as part of the Romanian one might be even more deeply rooted than one might think. Making a claim on Roma culture identification would mean identifying with a transnational group which would once again prove the non-European Romanian inheritance. What is more, it would strengthen the ties between Romanian identity and the Balkan one. Upon Dayton (1995), the internationally broadcasted Bosnian war drama reached the movie industry. With it, movies that were portraying the bitter sweet tragedy of war adjustment of this jolly transnational ethnic group – the Gypsies – started gaining ground all throughout Europe. Their Serbian born Bosnian director, Emir Kusturica, and soundtrack composer, Goran Bregovic, teamed up to create a series of internationally awarded movies the comic of which was almost entirely relying on Gypsy fetishes as ironical war survival techniques, with the underlying message of peace promoting residing in the international character of this ethnic group, that has no state allegiance, and in fact, no allegiance towards anything or anyone besides its own community. While the Balkans had already been ravished by ethnic conflicts, the Roma were left between battling camps. However, Kusturica’s 1995 “Underground” or 1998 “Black Cat, White Cat”, made it almost unavoidable for the Eastern

⁷ “Italy to ask EU for permission to expel Roma”, Euractiv. Com, online: <http://www.euractiv.com/en/social/europe/italy-ask-eu-permission-expel-roma-news-497050>

European public not to relate to the heritage that the Gypsy travel across Europe had created. Despite the fictional nature of these movies, in the particular case of Romanian national identity, the fear was and still is that “Gypsy meaning Balkan” would eventually translate into “Romanian not being European”.

Truth is there was no need for romantic reveries from Serbian directors in order to acknowledge the impact that the transnational cultural link of the Roma had on Romanian culture. The proof of anthropological claim on Roma culture as our own can be found in the most hidden places, carrying with them the charge of the inter-ethnic relation and most of all of the majority – minority power relation. For example, a small “anthropologically *sauvage*” territory in Eastern Romania, in the middle of the historical province of Moldova, takes pride on having conserved an unique New Years masque ritual, otherwise conceptually encountered all across Romania: at midnight the ritual of taming bears is performed by men dressed in real bear skins on the sounds of drums and lyrics which are meant to help the tamer enslave the bears. Playing out the “Bear’s Dance” requires intense planning and the effort of the entire community. Those performing it today will be the first to offer a foreigner the front seat to the show, as this New Years’ ritual will help him understand Romanian culture and identity. However, what they have seem to have forgotten, if they ever knew, is that this is a ritual performed by Gypsy slaves. The initial ritual was performed using bear cubs that were placed on a heated metal platter or burning pieces of charcoal while the tamer would play the drum. The moves currently in the ritual are just an imitation of the squabbling moves of the tortured bear cubs, and what is actually preserved in this particular region better than in others, is that real bear skins are used. This particular case stands only as a mere example of a heritage that was realistically unavoidable given the interaction between these two cultures.

‘Roma should not be called Roma’ is a violation of collective rights. The denial of the right of this group to identify itself as “Roma” carries an even greater symbolic value and is far more aggressive than it might seem. As social anthropologists argue (McGarry, 2008), this ethnonyme was institutionalized as a politically correct reference to an Eastern and Central European minority that identified *itself* as being “Roma”. Thus, it is an ethnical identity ascription that marks the common traits, ethnic or otherwise, that different minority groups in different countries have in common, despite their well known but fully embraced internal heterogeneity. According to McGarry (2008) and Klimova-Alexander (2005), the institutionalization of one term - “Roma” – to describe all that belong to this group regardless of national territory, allowed for the Roma social movement to occur, as the emergence of transnational organizations that would defend the minority’s rights and promote its cultural heritage in Europe. The existence of an organized Roma civil society would fundamentally change the status of this minority into one that is entitled and able to make a claim on public space, internationally, regionally and nationally. If this thesis is indeed true, denying self-ascription as “Roma” is equivalent to denying the right of this minority to representation and participation in public decision making, as it has happened before in history.

The thought of stripping this group of their right to choose their own name, especially one that refers to a trans-border group, has mainly two targets. On one hand, it shifts the responsibility from international/regional level to nation states, while, on the other, it secures the power of the nation state and eases the pressure that a transnational movement would put on it for access to more rights. If as McGarry and Klimova – Alexander argued, a Roma social movement does exist, and it is crucial for the defining the Roma ethnical identity and placing Roma issues on national and international policy agenda, then its success would depend to a large extent on the quality and effort of its elites. However, the internal divisions, which in Romania generally overlap with clan belonging, stay strong. Sides have their own political and civil society representation that it is neither able nor willing to coordinate in order to put in effect coherent action.

They are Gypsy not Roma, as government responsibility waver. “The Romanian Gypsies are a minority the problems of which need to be addressed just as those of the rest of the minorities,” the Romanian government would argue. Moreover, “they need to obey rules if they want to be respected”,

as a recently interviewed mayor answered. The latest census data (2002) indicate that currently in Romania live 550,000 ethnically self-identified Roma people. Independent estimates placed them at around 1,5 – 2 million people, which would mean approximately 7,5% to 10% of the total Romanian population. Since a part of the Roma do not carry official documents, it is extremely difficult to know their exact number. A recent report issued by the Open Society Foundation (McDonald and Negrin, 2010a) as a mid-term evaluation for its Decade of Roma Inclusion program shows that independent estimates tend to indicate a number of Roma that is 45% to 99% higher than the official figures in Eastern European countries (McDonald and Negrin, 2010(a), p.29). In fact, the lack of data is a real obstacle in formulating coherent and viable policy responses to the Roma issue. However, what the Romanian government – as others in the region – does not take into account is that lacking data is not the same thing as not knowing what the issues are. Those are well known, but for some reason they still do not make it very high on the policy agenda.

The discrimination against the Roma in Romania is the highest out of all other possible vulnerable groups. A survey issued by the Romanian National Council for Combating Discrimination (CNCD) as early as 2004 showed that out of all vulnerable categories, the Roma and the poor are perceived to be the most discriminated. In fact, a study conducted by the National Agency for the Roma in 2008 indicated that higher discrimination towards poor people leads to even a greater degree of discrimination against the Roma who are poor and live in ethnically mixed communities. According to the same study, the only other Roma category that encounters the same high level of discrimination is that of average-wealth Roma living in segregated communities.

The overlap between ethnic based discrimination and the economic one is not a coincidence. In 2007 41,9% of Roma declared that in the past month their family had not had any source of income (Fleck and Rughinis, 2008, p.131), as compared to 20,2% of the non-Roma control sample. Segregation is a crucial factor, as the chances of a Roma family to have access to at least one source of income increase by 20% in mixed communities as compared to segregated ones. The distribution of the primary source of income for the rest of 58% who declare to have at least one is presented in Chart 1.

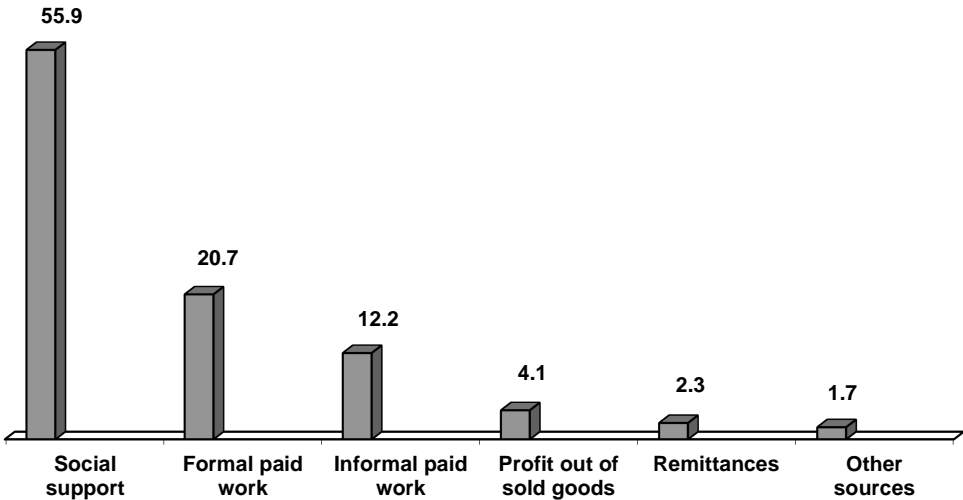


Chart. Main source of income for the Roma minority in Romanian.
Source: Fleck and Rughinis (2008:133), based on 2007 survey data on the Roma community in Romania.

As it can be seen in Chart 1, the main source of income is social support, including minimum guaranteed income, child support, disabled pensions and social support, unemployment benefits and other types of social benefits. This disproportionate structure of income reflects how deep in the

“poverty trap” the Roma are caught. Most of those who take some form of paid work have low skill jobs, in agriculture (32,4%), constructions (18,8%) or services (29,6%).

The lack of skills is the direct consequence of the low access to education. Even though the number of Roma children of school age who are not in school is not known, previous research has identified communities in which the percentage of Roma children who attend school is as low as 10% (Fleck and Rughinis, 2008, p.148). After all, it comes down to an economic choice. A report issued by the National Statistics Institute (2010, p.5) based on 2002 census data showed that the fertility rate of Roma women is 2,5 times higher than those of non-Roma women, which accounts for a lower average age within the Roma group as compared to non-Roma. Currently, the costs incurred by the parents to send their children to school, especially when child support might be the family’s only source of income, are much higher than the short term benefits they can account for. Child labor, most encountered in Roma families, can be an additional source of income, meaning an additional set of disincentives for parents to send their children to school. A significant amount of factors contribute to the perpetuation of this situation. Poor access to education is probably one of the most relevant, as it affects the long term chances of this community to escape poverty, but spatial segregation and imposed habitation pattern, cultural differences and few and incoherent mediation initiatives fuel the current policy challenges related to the Roma community.

Romanian Roma are Romanian, or at least the statistics seems to prove that. The Roma Inclusion Barometer (2006) showed that the majority of Roma (80%) define themselves as having two ethnicities; 45% declare themselves as Romanian Roma, 32% that they belong to Roma subgroups, while only 23% say they are Roma alone (Fleck and Rughinis, 2008, p.58). As such, the costs of Roma exclusion are felt at national level. A World Bank analysis estimates that the losses of Roma exclusion from the labor market rise up 887 million Euro in terms of annual productivity, and 202 million Euro in terms of fiscal productivity (de Laat, 2010). According to the same World Bank report, investment in the education of Roma children is the most profitable investment that governments can make in order to alleviate the situation of the Roma minority. It is estimated that ensuring transition of Roma children from primary to secondary education alone can lead to a 144% increase in earnings.

The discourse and definitions of tolerance in Romania

Individual versus collective rights: The language battles

Despite several discussions on the topic, Romania has not yet adopted a minorities' law. The life of the ethnic minorities and their entitlement to a public sphere of their own is regulated by the 2003 Constitution, the Law of Public Administration, and the Law on Education. The Ciorbea government coalition, of which DAHR was a member, proposed in 1997 amendments to the public administration law (Ordinance 22/1997) and the Education Law (Ordinance 36/1997). Amendments to the administration law legalized for the first time the use of minorities' language in the state administration, although its practice, especially in Hungarian dominated regions, was widespread. The law also specifically required all mayors in regions where minorities make more than 20 % of the population to display signs carrying denominations of towns or other important notices in the Hungarian language also.

The debates on education exposed the deep cleavage in the battle for bilingualism. Romanians were not prepared to accept Hungarian as a second official language. Hungarians did not present their claim as such, being aware of this fact.. The language battles were the toughest of the 1990s. The diabolization of the Education Law 84/1995 as an instrument of 'cultural genocide' for introducing a test of Romanian at the admission exams in the University was however an exaggeration. It was a poor law, making steps back, which could only lead to revolt. The Hungarian political elite decided at the time to make it an example. People were instigated to civil disobedience, white flags hanged above Hungarian schools and 420 000 signatures gathered to support DAHR amendments to the law. However, a referendum of the boycott of schools was dropped because DAHR had clear signals there would be no mass following on this issue. Hungarian leaders went so far as to ask Hungarians to go on hunger strike in order to obtain the amendments debated. Although few registered as required as strikers the protest form is no less radical. The protest also showed the deep alliance between Hungarian educators, politicians and Church - the Church lead the Crusade against the education law recording people who decided to strike and encouraging people to take part in the protest. A group of youngsters marched on foot across Europe to protest in front of the Council of Europe at Strasbourg. The Education law was a mistake of the Vacaroiu government. But the debate and the unrest surrounding it only worsened the daily, usual relations between Hungarians and Romanians. Romanians mention always with fear this exceptional mobilization of the Hungarian community.

Political representation back in discussion

When most had already proclaimed victory of the consociationist governance model, the issue of collective rights and the way they play out in minority – majority relations is suddenly back on the agenda. In early October 2010 a massive toxic spill in Western Hungary, near the Romanian border, caused 7 casualties and destroyed 40 sqkm of land. The wave of toxic waste is estimated to reach the Danube and affect flora and fauna on the course of the Danube all throughout Romanian territory. It so happens to be that the Romanian Minister of Environment – Laszlo Borbely – is a representative of the DAHR. The Minister is assuring the Romanian public that the wave of toxic wave will not jeopardize the health of Romanian citizens, as the debit of the Danube is high enough on Romanian territory. Since news of the toxic spill broke out, the public opinion has been fueling suspicions on the true intentions of the Minister of Environment, which would not go within Romanian interests, but the Hungarian ones. The media remind a similar case of a spill taking place on Romanian territory at the end of the 1990s, which had affected Hungarian waters and that had led to a sentence for Romania to pay Hungary 100,000 million EUR in damages. The Minister defends himself, saying that he only wants to present things as they are and not scare people without any use, since regular tests are made

on the water of the Danube when it enters the country and no dangerous concentrations of toxin was encountered. The situation is in full development, and its outcome is yet to be seen.

The policy of tolerance

Negotiating the accession of minority groups to public space and the way in which it would be regulated was never an easy task. The National Minorities' Bill spurred intense debates each time it reached the government's agenda. Since the mid 1990s when it was first drawn up and forwarded for debate by the DAHR, up until 2005 when it was blocked in the Parliament again, the adoption of a legal statute for national minorities in Romania seems to be more difficult than it looks. As mentioned earlier in the report, significant developments on the rights granted to minority groups were made since the beginning of the 1990s. Most of them had to do either with the ratification of UN Conventions into national legislation, EU accession negotiations and, later, transposition of EU Directives.

A lot has changed in the past 10 years alone, however not enough to put into question the very need for an official minority statute. Romania is the only country in Eastern Europe to give the constitutional right to organized and recognized ethnic minorities. Now there are 18 of them, besides Roma and Hungarian, and they occupy one seat each in the lower chamber of the Parliament, regardless of the vote turnout, as stipulated by Art 62 (2) of the Romanian Constitution of 2003. An UN - CERD official report issued in August 2010 as a response to a request coming from the still active Hungarian nationalist branch of the DAHR to grant territorial autonomy to the Hungarians in Transylvania, recognized the progresses made by the Romanian government for the past 20 years. Decentralization of public service provision and financing (e.g. social services, health, or education management) was seen as a form of autonomy and recognition of the right to self determination. Moreover, it is argued that the right granted to local administration in general through the Public Administration Law covers the collective rights that should be granted to any national minority as imposed by the ratification of the International Convention on the Elimination of all Forms of Racial Discrimination. CERD recommends the Romanian Government for the rights to cultural self identification to be indeed supervised by a National Council for Cultural Autonomy and that an official national minorities' statute be adopted.

Despite considerable developments, institutionally, the protection of ethnical minorities tends to remain rather obscure. The National Council for Combating Discrimination (CNCD), setup in 2000, is in charge with overseeing regulation on discrimination against minorities, including ethnic ones. CNCD can mediate discrimination cases or can recommend the case for a judicial settling. In case it takes its own resolutions it can apply fines of up to approximately 2,000 EUR, as it did in mid-October 2010 with the case of the Romanian Sports' Ambassador – the tennis player Ilie Nastase – after stating that Romania needs to take its Roma back from France and needs to relocate them in Harghita, one of the three majoritarian Hungarian counties in Romania. The remark was taken as discriminatory and offensive to both Roma and Hungarians.

In charge with promoting ethnic diversity, is another state institution which only few people have heard of – the Department for Interethnic Relations of the Romanian Government. Its main task is to coordinate the Council for National Minorities, which brings together representatives of all ethnic minority groups in Romania. Judging by the information posted on the institution's website, nothing much seems to have happened since 2008. However, in 2009 and 2010 the Department sponsored small outreach projects on cultural diversity. There is no way of knowing who got them and how they were used.

In recognition to the challenges posed by the large size of the Roma community in Romania, the Government setup in 2004 the National Roma Agency (ANR). The Agency's mandate is stated to be that of "representation of the Roma minority in Romania". Nonetheless, ANR is part of the Center of

Government, being directly subordinated to the General Secretariat of the Government (GSG), as most sector regulatory agencies in Romania. The financial information available on their website is a good indicator for the well known problem of Roma organizations – low capacity of spending. For 2007, 2008 and 2009, the ANR was able to spend up to 85% of the total amount of funds allocated. Thus, even though theoretically funds for Roma integration are available, the low capacity of spending is preventing them for reaching their purpose.

The ANR is also responsible with overseeing the implementation of the governmental “Strategy for improving the conditions of the Roma”. From 2000 to 2005 UNDP and the GSG financed 17 programs that targeted infrastructure development – roads, energy supply infrastructure and school network rehabilitation in specific Roma communities. Each project was worth in average 750,000 EUR. Another 200 million USD were made available by the World Bank and the Open Society Institute in order to include Romania in their Decade for Roma Inclusion Program (2005 - 2015), which mainly aimed at increasing access to education and health for Roma, labor market integration and discrimination combating. The recently released mid-term evaluation (McDonald and Negrin, 2010, pp.61-66) points out the obvious: the data collection problem that prevented governments in elaborating policies targeted to Roma to begin with persisted, thus preventing the efficient impact evaluation of the Decade for Roma Inclusion.

The war of political symbols: Catholic versus Orthodox

The East – West cultural divide is real and seems to be here to stay. Thus, the limits of tolerance to which non-Romanian identity can be culturally tolerated and to which it cannot, go back as far as the mid 19th century. The argument of “modernization as rape” was reshuffled to be radically transformed by Nae Ionescu and his students Mircea Vulcănescu and Emil Cioran, who portrayed modernization as the annihilation of the Romanian "essence" independently on whether this was good or evil. The father of this argument is Ionescu, the most charismatic intellectual leader of 20th century Romania. For him, the rejection of modernization is only a part of an overall refusal of the West identified with "Catholicism"; it is an active and transforming orientation towards the outside world that he identified as alien to the Orthodox spirit.

Young Emil Cioran, who considered populism "a shame", denounced it in violent terms. Had Romania followed the path of anti-modernism preached by populists, he wrote, "Romania would have been today like Asia, a land to be visited by ethnographic expeditions" (Petreu, 1999, p.141 and p.227). Unlike the rest of the "New Generation", Cioran saw modernization as a necessary rape and considered that the regime must "squeeze" the Romanian nation to cut its "unhistorical sleep" and force it into transformation and history. He was also quite unique in his generation, which embraced a sort of fundamentalist Christian Orthodoxy, in looking for a shortcut to modernity through a massive conversion to Catholicism, a belief that was influenced by his professor Nae Ionescu, who taught that Orthodoxy and modernization were incompatible.

The economics of ethnic diversity

Resource distribution is one of the core issues in minorities’ politics, and hence the construction of the public discourse on tolerance towards ethnical minorities’ issues. When discussing the spectrum of ethnic diversity tolerance there are three main issues that need to be addressed: (1) the minority dimension of the property restitution issue, (2) local self-government and unequal distribution of resources across geographical areas with clear cut and compact ethnic majorities and (3) the special case of the ethnically Roma Romanian. This section will address each one of these dimensions in relation to the tolerance discourse in recent Romanian history.

First, it is no secret that Romania has an outstanding number of ECtHR complaints on property restitution issues. In fact, there are so many that in the beginning of October 2010 the Court gave Romania an 18 months deadline to solve its issues before it addresses the property restitution complaints against the country. When expropriations began, in 1945, the Jewish, German and Hungarian minorities were severely affected. Even before the official nationalization of property had started (1948), once declared enemies of the state (1945), property belonging to these three minorities was seized, on and off the record (EP, 2010, pp.99-100). In the beginning of the 1990s, the adopted property restitution laws restricted the eligibility of claimants to Romanian citizens, disregarding the equal right to property of the Romanian national minorities that had been unlawfully expropriated, who had their properties confiscated in return of unjust compensations, or were simply forced to donate their properties to the State.⁸ Foreign plaintiffs became eligible only in 2003, following a revision of the Romanian Constitution that allowed foreign citizens and stateless persons to own property in Romania.

Second, the ethics of redistribution under the centralized administration was one of the core issues of the public discourse on the Statute of Autonomy in the case of the Hungarian and Szekely minorities. The argument of higher productivity of the administrative units that had a local Hungarian or Szekely majority, which would have turned illegitimate the redistribution of revenues collected in this region to poorer regions of Romania, seems now to be a false one. Various factors can account for the differences of development between counties in Transylvania and the ones in the rest of the country (except for Bucharest and Constanta). However, what data tends to suggest (ADR Center, 2007) is that while prior to the start of decentralization reforms this might have been partially true, with Harghita having one of the highest GDPs in the country in 1999, by 2004 it had become far from reality. Covasna, Harghita and Mures, the counties with the highest proportion of Hungarians in the country (see map below), had a GDP below their macroregion's average, while Alba and Sibiu, counties with very diverse ethnic composition, were 30 and respectively 10 percentage points above the regional average (ADR Center, 2007, p.21).

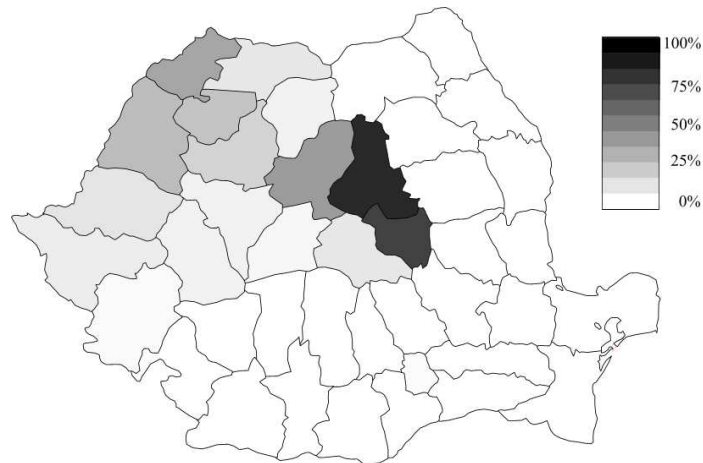


Figure. Distribution of the percentage of Hungarian population out of total county population, across Romanian counties and regions. * In the center, the three counties – Mures, Harghita, Covasna – that have a Hungarian population close to 100%.

⁸ Property was seized from national minorities in three waves: (1) immediately after the the 2nd World War, when they were declared “enemies of the state” and stripped of their right to own property in Romania, (2) along with the nationalization of property during communism and (3) when they would leave the country, representatives of the German and Jewish minorities would be forced to donate their property to the state. The property restitution laws adopted in the past 20 years address only the mainstream nationalization, while cases (1) and (3) that had minorities as a direct target were not not addressed in any way.

The “area of benefit” financial allocation argument did not work one way alone. The results of the Ethnic Relations Barometer (2002, p.26) showed that a large percentage of Romanians in Transylvania (67%) and outside (61%) considered that the rights minorities enjoyed at the time of the survey sufficed. Similar percentages were registered for Hungarians (64%) and Roma (61%) who thought that minorities in Romania enjoy too few rights. One thing was certain: granting further rights to the Hungarian minority without further decentralization would have not come in too cheap for the central government. With decentralization (or de-concentration, for some services) the financial costs of minority rights remained unobvious. Some were completely externalized, as was the case of manuals in maternal language for primary education. The failure to provide manuals in Hungarian, or German for all school subjects (except maybe for mathematics and literature) is entirely placed on the market, and not on the government for not being able to intervene and correct this natural effect of competition among manual editors. The situation persists.

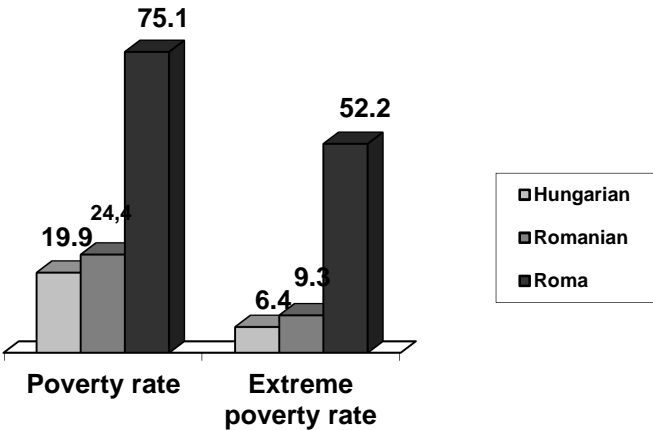


Chart. Poverty and extreme poverty rates distribution across Romanian, Hungarian and Roma ethnic groups in Romania, 2002
Source: Ethnic Diversity Research Center, Ethnic Relations Barometer 2000 – 2002

Third, there are major discrepancies in terms of access to resources between the Roma and the other ethnic groups in Romania. For the Romanians, Hungarians and Roma the 2002 Barometer of Ethnic Relations (MMT, 2003) identified the distribution of intra-ethnic rates of poverty and extreme poverty (see Chart 2).

The question is what proportion of this discrepancy can be structurally explained and how much can be placed on discriminatory policies or attitudes. In a previous section we briefly touched upon the vicious cycle that the Roma are caught in: low access to education has made labor market integration difficult for Roma ethnics, which accounts for high differences between employment rates within the

Roma and non-Roma populations. Not being able to access the labor market, means finding other sources of income. For a large percentage of the Roma (55,9%) this means some form of social support, while for others is staying on the black market. The problem is as real as it gets, and even though enrollment rates for Roma children were slightly increasing since 2000, the enrollment rate for Roma in primary school still remained significantly lower (by 25%) than that of non-Roma children (UNICEF, 2006).

Discriminatory practices, especially in relation to the Roma, aggravate the situation. A survey run in 2005 (CURS, 2005, p.9) showed that the Roma population perceives itself as being the most discriminated as compared to the main ethnic groups (Romanian and Hungarian), as much as in comparison to other marginalized groups – HIV positive people, gay people or the elderly. Out of the situations when discrimination can be more pervasive the one at hiring stands out, with 68% of Roma considering themselves discriminated when they tried to get a job. Once hired, 63% of them feel discriminated at the workplace. The other two situations that come close are in school (60% of Roma children considering themselves discriminated) and in public places (50%). On the other hand, in the Eurobarometer on Perception and Experience of Discrimination (2008), only 40% of the Romanian population declared that they believe that discrimination on ethnic origin is fairly or very widespread, as compared to the 62% EU average. The same survey showed that Romanians are generally favorable towards ensuring equal opportunities at employment through affirmative action measures targeting

minorities. However, they are the least favorable towards granting them to ethnic and sexual minorities.

Concluding remarks

Today it is still fashionable to search for grand explanations for Romanian exceptionalism rather than try to make comparative analyses and deconstruct it. Why would post-1989 intellectuals continue a tradition shared equally by the far right and the far left? One answer is obvious: because most intellectuals, after Stahl's death, are those who attacked him two decades ago. Another answer is scarier: because young intellectuals seem to follow more in the steps of Cioran and Eliade than those of Stahl and Gusti, mostly for reasons of cognitive convenience. Why? Well, since it is still easier to bolster one's self-esteem by easy rather than by hard means. The problem remains the lack of self-esteem one seems to get from being a part of a "minor culture" and the great ambition to surpass it fast and with little investment. The golden trio not only managed to achieve some fame for themselves, but they wrote hundreds of pages that may be seen as prescriptions of how to get cured from being a "cultural minor".

One of the challenges that need to be surpassed in order to set the premises for a truly plural Romanian society is the equivalence between Romanian and Orthodox. Is there anything wrong with Orthodox spiritualism, one could ask, besides its failure to contribute properly to the much-needed modernization? The sad answer is yes. The link between Orthodoxy and non-democratic attitudes is neither random, nor spurious. When left alone by intellectuals, Orthodoxy is far removed from practical life: it does not teach individualism or promote quests for justice and morality like Protestantism (Radulescu – Motru, 1904), nor does it endorse any political action of the kind recommended by Eliade or the Iron Guard. It can be accused of failing to provide the basis for democratic education, but no more. In the hands of the intelligentsia and nationalist clergy, however, more often than not it supplied the grounds and legitimacy for anti-liberalism.

The policy discourse towards the two main ethnic minorities in Romania – Hungarian and Roma – needs severe revision, which would hopefully be followed by a change in the public discourse as well. Two Romanian foreign ministers in a row, both selected from amongst these typical intellectuals (a historian and a theologian) made in recent years outrageously racist remarks concerning Roma. The whole Romanian policy towards the Romanian citizens begging and stealing in Western European capitals is to portray them as Roma, a group culturally unrelated to Romania. In contrast, Hungarians from Transylvania have always been seen as equals, despite not allowing them to call Hungarian the second official language (it is legal to use it in Courts and administration though). But there is no real communication between these groups. Nationalism, very popular in the early 1990s, has been to some extent tamed by EU entry. While the dominant discourse remains identity centered, policy is rather ambiguous. Moldovans born in Romania are granted citizenship, although in smaller numbers than they would wish, and the recent decision of FIDESZ in Budapest to grant citizenship to Hungarians living in neighboring countries was received with perfect indifference in Bucharest.

The general problems of tolerance and acceptance of ethnic and religious minorities in Romania can and will be better exemplified in the next chapters of the report, through the case studies approaching school life and political life. Thus, the general theoretical issues discussed above will be illustrated by concrete relevant situations to the research questions.

Chapter 2: The Embodiment of Tolerance in Discourses and Practices Addressing Cultural Diversity in Romanian Schools

Midway between the equalitarian institutional inheritance and the continuing reforms, the Romanian education system seldom made it to the public agenda for religious or ethnic tolerance issues. Furthermore, the "education reform" meant, in most cases, superficial changes, such as the reconfiguration of the national exams or the baccalaureate, and only recently, more profound changes have been implemented - the introduction of efficient financing systems and decentralization.

Romania ranks among the last EU countries for the PISA tests, which measure the efficiency of education systems - in 2009, we ranked 49 of the 65 countries participating (in reading), and in 2006, we were the 47th of 59 (in science). Today, the Romanian educational system and the structure of compulsory education are governed by Law no.1/2011. According to the law, state education is generalized and free, "In Romania, education is a national priority."(Art.2, paragraph 7) and "Lifelong learning is a right guaranteed by law" (Art. 13, paragraph 1). Moreover, Art.2, paragraph 4 mentions that "The state ensures equal access of Romanian citizens at all levels and forms of primary, secondary and higher education and lifelong learning, without any form of discrimination." and "The same rights are ensured for citizens of other EU Member States, Members of the European Economic Area and Swiss Confederation." (Art.2, paragraph 5).

The law requires compulsory general education to be 10 classes (ages 6-16), including primary level (preparatory class and classes I-IV) and lower secondary level (classes V-IX), this obligation ending at age 18, while upper secondary education (classes X-XII/XIII) is optional. By 2020, upper secondary level will become compulsory, as well. The age for enrollment in the preparatory class is 6 years old until the school year starts, but children who reach the age of 6 by the end of the calendar year may be enrolled if the parents or legal guardians make a formal written request. The transition from 9th grade to 10th grade takes into consideration an assessment portfolio that includes three written tests on subjects of Romanian language and literature, mathematics and sciences and foreign language (four for the minorities – including mother language) and two tests held during the year (evaluating the use of computer and the civic and social competences).

When considering religious or ethnic tolerance issues, one must observe that the pre-1990 equality philosophy assumed that there are no groups that should be treated differently, either negatively or positively, and religious expressions were prohibited altogether in any form. But, in the context of administrative reform and decentralization in education, accompanied by the increased pressure from ethnical and religious minorities to gain access to rights, a number of issues related to tolerance towards ethnic and religious diversity in schools became more visible in the past 20 years of transition to democracy. This was the result of the work done by assertive advocacy groups, of the unexpected media support or stronger political representation. For these issues policy solutions were found and are successfully being implemented, while others are only recently reaching the agenda, despite being deeply rooted into long-standing social problems.

According to the 2002 Romanian Census, 535.140 persons declared themselves as Roma (about 2.5% of the total population), although their real number is considered to be much higher: around 1.5 million/ 6.7% of the total population. Moreover, the Roma population is young compared to the general population, approximately 50% being under 24 years old, and many Roma suffer from poor education, lack of qualification, high unemployment rate, poverty etc. the results of the 2002 Census stating that 25.6 % of the Roma population aged over ten years old was illiterate (as compared to 2.6 % of the total population of same age). Also, the Roma children drop-out rate was over ten times higher than the one recorded for the general population (11.6% compared to 0.8%) and data from the 1998-1999 school year proved that the drop-out rate was higher in segregated Roma schools in comparison with the education system as a whole.

A recent study concludes that as the percentage of Roma children in schools increases, the quality of the material endowments (specialized laboratories, gyms, libraries etc.) available in the respective schools decreases. The schools in which there is a significant number of Roma pupils have qualified teachers and school counselors in a smaller degree. Furthermore, the teachers' knowledge regarding the topics of discrimination, intolerance and racism is poor, requiring continuous training focused on changing their mindset about Roma persons. Also, there is poor awareness of the ethnicity discrimination to which the Roma minority in Romania is subjected, and along with it, a lack of strategies to prevent and combat discrimination in the schools. In the schools surveyed, 76% of students who failed the exams in 2008-2009 are Roma, confirming the inadequacy of educational and teaching strategies in an environment of intercultural and interethnic.

The right to education in minority languages was the main ethnic debate issue in school life before 2000. The 1995 Education Law granted the right of education in minority languages as a result of prompt and massive pressure from Hungarian parents. The issue was long debated in the mid-'90s, and it got to be included in the Law only following prompt and massive mobilization of Hungarian parents. Today, Law no. 1/2011 embodies different articles regarding cultural diversity in schools. Art. 3 states that the educational system has to respect a number of principles, including "the principle of recognition and guaranteeing the rights of persons belonging to national minorities and the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity" and "the principle of freedom of thought and independence of ideology, religious dogma and political doctrine;". Another important specification is that "Persons belonging to national minorities have the right to study and receive instruction in their mother language at all levels, types and forms of university education, according to the law." (Art. 45, paragraph 1)

The 2002 Romanian Census revealed that 86,7% of Romanian population is Christian Orthodox, while another 11% declared themselves as belonging to other forms of Christianity (among which, Catholic – 4,7%). Thus the issue of non-Orthodox Romanian identity has always been a controversial one, especially in the midst of the post-90's debate that was placing actions against the public expression of Orthodoxy as equal to the former communist system, atheism and repression of the right to freely express one's confession.

The Romanian Constitution ensures the state's separation from church. However, the display of orthodox religious paintings in schools was not reflected in the discourse as a breach of the rights of non-Orthodox students. On the contrary, it opened the door for a number of core debates related to the connection between the Romanian Orthodox Church and the government. The debate was divided between the need to restrict the benefits that the Romanian Orthodox Church currently enjoys (to the detriment of public interest) and the public role that it presumably fulfills. The rights of other religious minorities to study in an environment that enables their free development and choice of religious identification soon became marginal.

Immediately after the fall of communism, Religion became a mandatory subject to be taught in primary and secondary schools. Religion was considered a promoter of the moral values that communism had destroyed. In most of the cases this was taught by Christian Orthodox priests, while the content was limited to Orthodox dogma and philosophy. In practice, some leeway did exist and communities that had a non-Orthodox majority were able to decide on the content of the class. However, even though the topic of teaching Orthodoxy in schools surfaced the public debate during the '90s, it was only in 2001 that Religion became an optional subject. Today, the class headmasters are required to inform parents and students on the optional character of Religion. However, a study conducted in 2006 showed that only 7.8% of Romanian students knew that they can opt out of the Religion class, reflecting the general pro-Religion trend of the public discourse.

Special education still exists in Romania. Legally, this is a form of education addressed to students with severe disabilities. However, after 1989, with the reform of the social assistance system, special schools were enrolling children with different disabilities, independent of the type of disability or their

specific needs, children from former communist orphanages and Roma children. This is an issue that reached the agenda in the beginning of the '90s following reports made by Western European human rights activists. As a result, children without families were placed in families, most of the children with severe disabilities remained enrolled in special schools, while others – mostly those who did have families – were enrolled in regular schools, or opted for home schooling. Even though none of these issues have made it to the agenda in the past 20 years, there are three severe tolerance related aspects that arise from this institutional arrangement.

First, the degree of intolerance towards disabled children in mainstream school is significantly high: from the school policy not to enroll these children in their classes, to parents' pressure not to have them studying along their children and architectural barriers, there is a high disincentive for disabled children to attend mainstream schools. Second, the transition to secondary mainstream schools of post-institutionalized teenagers has proven to be extremely difficult, as they are tolerated but still fail to get respect. Third, the Roma issue has not yet been solved. Roma activist groups are still reporting cases of Roma children who are denied enrollment in mainstream schools and are sent by school principals to pursue special education. These cases have not reached the agenda and have not been addressed in any way in the national policy discourse.

The policy discourse and the public discourse are significantly divided on the issue of segregation of Roma children in school. The debate has been ongoing, fluctuating up and down on the public agenda, however it had never reached so high up on the agenda as it did when a Romanian Court of Appeal decided on penalizing a primary school teacher with a 10,000 Euro fine for not allowing a Roma child to attend her class. While the policy discourse was building around ensuring the right to education of the child, the public discourse was slightly skewed towards the teacher's position.

Therefore the first case, The civil rights movement that never happened: The "racist teacher" and Roma segregation in Romanian schools (Alleged Discrimination against Roma), analyzed how the situation mentioned above concerning a Roma child influenced the public agenda, even though there was no evidence in the end that the teacher was discriminating on grounds of ethnicity.

Roma – non-Roma segregation in Romanian schools is widespread and generally accepted as such. It was only in May 2010 that the issue was pushed up on the public agenda by the decision of a Romanian Court of Appeal to fine a teacher who denied a Roma child attendance to her class, allegedly due to her ethnical identification as Roma. Discrimination complaints of Roma children in school had been filed before, but never before they had found such a radical solution. The newspapers that reported on the situation were divided between "justice was served" and "a bigger injustice was committed" by fining the teacher with 10,000 Euro. By looking at this particular case, identifying the forms of tolerance and their expression in daily school life according to the stakeholders and analyzing the official reaction versus the public discourse, we were able to reflect on the structural issue of Roma segregation in schools, the evolution of the public discourse towards this issue, as well as the education policy that should address it.

The second case in this chapter, *On the right to an education environment that is free of religious symbols*, is relevant for public policies regarding the display of religious symbols in the classrooms. The debate on the public display of religious symbols in schools was pushed up on the agenda in 2006 when a high school philosophy professor accused his employer of breaching the rights of the non-orthodox students by hanging on the walls representations of Christian figures.

The interwar discourse on Orthodoxy as a fundamental element of the Romanian self resurfaced in the public discourse in the mid '90s, mostly in connection to the fight against the communist atheism. Despite the presumed separation between state and church, except for some few public voices the main discourse has been in favor of the state's actions to support the Romanian Orthodox Church, in the virtue of the absolute Orthodox majority of the Romanian population and the public function that the Church is thought to fulfill. Even though the debate on teaching religion in schools had been

ongoing since it became a mandatory subject in January 1990, talking about displays of Christian representations in school seemed a rather progressive debate topic. However, in 2006 Mr. Emil Moise, a philosophy professor, filed a complaint with the National Council for Combating Discrimination (CNCD) claiming that paintings of Christian figures that hanged on the school's walls were a breach of the non-orthodox students' right to free choice of confession and impeded the free development of the spirit of the rest of the students. After the case reached the public agenda, Mr. Moise was literally harassed by media, politicians and the Orthodox Church. His civil lawsuit against the Romanian Government had reached the High Court of Cassation and Justice a year ago. Mr. Moise is hoping for a favourable decision of the ECtHR, where he is convinced he will obtain a ruling such as the one that forced Italy to stop displaying crucifixes in its schools. By analyzing this case it should be clear if there is a state policy for the promotion of Orthodox values in schools, and if so, then how tolerant this is toward other confessions.

Methodology and research design

The current report encompasses desk research and fieldwork as research methods in order to thoroughly study the problems of tolerance embodiment in discourses and practices addressing cultural diversity in Romanian schools. Firstly, the desk research contributed to collecting the information on which it was decided which case studies are best suited in the ACCEPT framework. It also provided relevant literature on the subject, statistical data and important legal texts, as well as relevant newspaper articles and news, outlining the background of the cases. Secondly, the fieldwork was organised in two separate activities, according to the two different case studies, and consisted in interviewing persons who could provide valuable information and insights. Thirdly, a discussion group was held with 10 Ph.D. students specialized in Roma issues, contributing with comments related to the case study regarding Roma segregation in Romanian schools. Critical discourse analysis was used as research method in order to analyse the materials and interviews.

The case study *Alleged Discrimination against Roma* is mostly based on the qualitative interviews held in Mehedinti County, in different villages and Turnu Severin city, between 21st and 25th of March 2011. Court decisions on the discrimination of Roma child in school were also analyzed and a considerable amount of mass-media articles covered the subject (around 40 articles- news stories from national and local newspapers, news websites- generating online comments), completing the overall picture for the case study. There were 8 interviews taken in Mehedinti county, especially in the villages where the alleged discrimination against a Roma child happened (the village of origin and the one in which the little Roma girl was transferred to school), ranging from the victim, her father and her lawyer, to 3 school directors from the schools involved and one county inspector involved in the case or one journalist who investigated the case. Therefore, the interviewees were all directly connected to the case, and of relevance for it, helping to shed light on the case. The problems encountered comprised in the refusal of three additional officials directly involved in the case to make public their opinion in the present report, accepting only to have an informal discussion with the researcher.

In the second case study, *On the right to an education environment that is free of religious symbols*, there were used for the desk research documents from (a) international institutions: European Parliament; European Court for Human Rights; (b) international NGOs: European Humanist Federation, Center for Inquiry; (c) Romanian institutions: Romanian Parliament, National Council for Combating Discrimination, Ministry of Education, Research, Youth and Sport; (d) private sector: the Romanian Orthodox Church, the Adventist Church, NGOs. Also, published field reports of NGOs such as the ones of Solidarity for the Freedom of Conscience, Pro Europa League were taken into account when the case study was written.

In terms of fieldwork, there were 5 interviews taken in order to complete the second case study. The interview questions took into account the fact that such a small number of questionnaires (and

answers) cannot provide any information on subjects of a statistical nature like: social tolerance/intolerance, mentality, public respect for religious diversity. Instead the study focused on circumscribed information concerning certain educational contexts and educational categories that vary from the situation of the majority. Accordingly, the researcher did two interviews in a region (Mures) with a representative religious diversity (a) with the mother of a primary school little girl who understood the nature of the issue of the presence of religious symbols in schools; (b) with the leader of an organization involved in research on the issue of religious education. The other three interviews, taken in Buzau county, involved (i) one student who had requested to not attend religious education classes; (ii) one adventist parent; (iii) Emil Moise, who found himself in the center of the debate on the presence of religious icons in public schools. The questions were meant to elicit as much information as possible on the manner in which those concerned thought of the situations they faced and, conversely, the reactions to their unusual attitudes. Given the purpose of the interviews, the questions varied from case to case. They have been reproduced as part of the dialogues.

Therefore three interviews were taken in Buzau, the place from where the complaint started and where the issue aroused. The other two interviews were taken in Mures county, because on one hand one can find there a variety of denominations (it is a multiethnic, multicultural and multi -religious county) and talk to parents whose children study in schools with various denominations. On the other hand, the leader of a NGO researching in the area of religious education who could bring valuable insights to the ACCEPT research of religious tolerance/ intolerance/acceptance in schools is based there.

Case study 1: Alleged Discrimination against Roma

Background information

On March 21, 2007, Rahela Ciurescu, a 9 years old girl, was denied access into the classroom by Elena Daba, teacher at Voloiac school (a remote village in Mehedinti county). Three years later, Elena Daba, meanwhile sued by Rahela's father, who accused the teacher of discriminating against his daughter for being a Gypsy, was condemned by a Romanian court to pay 10.000 Euro as compensation for the moral suffering endured by Rahela. Provoking numerous debates in Romania, this case was highly visible and its final verdict was highly celebrated both in the Romanian and the international mass-media, by numerous Roma NGOs, as a significant advance in the struggle against ethnic discrimination in schools⁹.

The public debates around Rahela's case were about discrimination and segregation and about the acceptance of the Roma children in school. These debates proved to be very interesting as they speak of the presence or absence of adequate treatment for a girl who should be respected as a child irrespective of her ethnicity.

The discriminatory attitude towards the Roma minority is widespread in Romania¹⁰ and the school attendance rate of the Roma children is smaller than that of the rest of population¹¹. Consequently, it might appear that Roma discrimination, the lower rate of school attendance among the Roma children

⁹ 'Romania court orders 10,000-euro payout for barred Roma girl (<http://www.eubusiness.com/news-eu/romania-minority.4w0/> , accessed 2011.4.11)', (2010.5.27): Some Roma NGOs hailed this verdict „as a blow against segregation in a country which has one of the largest Roma communities in Europe, although many hide their ethnic origin fearing discrimination. [...] Roma rights nongovernment organization Romani Criss praised the court's decision. "The amount is a first. This decision must become a signal for all those using discrimination and segregation in education, which is a fundamental right".

¹⁰ Bogdan Păunescu and Delia Bobîrsc, *Fenomenul discriminării în România. Raport sintetic*, București: Consiliul Național pentru Combaterea Discriminării, 2010, p. 27.

¹¹ Cătălin Zamfir and Elena Zamfir, *Țiganii între ignorare și îngrijorare*, București: Alternative, 1993, p. 93-100; Mihai Surdu and Judit Szira, *Analysis of the Impact of Affirmative Action for Roma in High Schools, Vocational Schools and Universities. Working Paper No. 3*, Roma Education Fund, GALLUP, 2009, p. 24

and that specific refusal to accept Roma children in schools appear somehow interconnected. This is what the public debates generated by the Rahela's case concentrated on.

Still, the situation of the alleged discrimination against Rahela proved to be different. On the one hand, the teacher's refusal to accept a child in the classroom was damaging to the child, and neither the local authorities (school administration directorate and mayor's office in Voloiac) nor the County School Inspectorate Mehedinti (Inspectoratul Scolar Judetean, hereafter ISJ) could solve this problem in due time, prolonging the embarrassing situation for weeks. But on the other hand, it was uncertain whether ethnic discrimination was the real cause for this case or just a pretext.

In order to better explain this case, the case study is divided into two main parts.

The first part briefly describes the general situation of the Roma, the measures taken in the last years against school segregation, and the debates generated by the case in the media, while the second part presents in more detail the case of young Rahela.

According to the official census of 2002, in Romania, 535,140 people declared themselves as Roma (about 2.5% of the total population¹²). However, their real number is considered to be much higher: around 1.5 million/ 6.7% of the total population¹³. In Romania, the Roma population is young compared to the general population: approximately 50% of the Roma are under 24 years old while the general population of the same age is approximately 25%.

Many Roma suffer from poor education, lack of qualification, high unemployment rate, and poverty. For instance, according to the 2002 census, 25.6 % of the Roma population aged over ten years old was illiterate (as compared to 2.6 % of the total population aged over ten years old). According to the same census, out of the general population aged over 10 years old, only 5.6% had not graduated any school as compared to 34.3% of the Roma¹⁴. Much more Roma children drop out of school than non-Roma (at least this was the situation 13 years ago¹⁵): in 1998, the drop-out rate recorded for the general population was 0.8% while 11.6% of Roma children stopped going to school (ten times higher) and data from the 1998-1999 school year proved that the drop-out rate was higher in segregated Roma schools in comparison with the education system as a whole¹⁶.

When discussing the issue of Roma school segregation, some researchers classify as segregated those schools where the Roma children are concentrated in other classes than the non-Roma children or where the Roma children constitute most or even the entire population of the school. Although in Romania, similarly to other Eastern European countries, there were few Roma children in the special schools for children with intellectual disabilities one could encounter residential segregation: not the consequence of a public policy, but of the geographical isolation of the Roma (usually poor) communities concentrated in slums and neighborhoods, sometimes far away from the center of the village.¹⁷ Such segregated schools are within or close to the Roma neighborhoods. Many of these segregated schools were described as overcrowded, registering high drop-out rates and not having

¹² <http://recensamant.referinte.transindex.ro/?pg=8>, accessed 2011.4.12.

¹³ Marian Preda, 'Estimarea numărului de romi din România în anul 1998', in Cătălin Zamfir and Marian Preda, eds., *Romii în România*, București: Expert, 2002, p. 13.

¹⁴ Mihai Surdu and Judit Szira, *Analysis of the Impact of Affirmative Action for Roma in High Schools, Vocational Schools and Universities. Working Paper No. 3*, Roma Education Fund, GALLUP, 2009, p. 24.

¹⁵ Unfortunately more recent data only refers to specific groups and communities.

¹⁶ *Equal Access to Quality Education for Roma. Romania. Volume 1: Bulgaria, Hungary, Romania, Serbia. Monitoring Reports 2007*, Budapest: Open Society Institute/EU Monitoring and Advocacy Program, 2007, p. 342-350.

¹⁷ Mihai Surdu, 'Educația școlară a populației de romi', in Cătălin Zamfir and Marian Preda, eds., *Romii în România*, București: Expert, 2002, p. 121-122.

enough qualified teachers¹⁸. The buildings where the schools function are improper for study, most of them lacking running water and heating.

The geographical segregation is not the only reason for school segregation. One could observe among some non-Roma parents the phenomenon of “white flight”: withdrawal of their children from the schools with many Roma pupils in order to have them enrolled at other schools.¹⁹

In April 2001, the Romanian government adopted the Roma Strategy which aimed at the improvement of the condition of the Roma through social inclusion measures and in April 2004, the Ministry of Education and Research issued a notification²⁰ (29.323/20 April 2004) on the School Segregation²¹ stipulating the following: “Segregation is a very serious form of discrimination [...] segregation in education involves the intentional or unintentional physical separation of Roma from the other children in schools, classes, buildings and other facilities, such that the number of Roma children is disproportionately higher than that of non-Roma compared to the ratio of Roma school-aged children in the total school-aged population in the particular area [...] the Ministry of Education and Research prohibits the setting up of pre-school, primary and lower secondary classes comprising exclusively or mainly Roma students. This way of setting up classes is deemed a form of segregation, irrespective of the explanation called upon”²². Seen as a mere recommendation, not as an order, the notification was not carried out.

It is worth mentioning that 2007 was the year when Rahela’s case received a lot of attention from the media and more people in the public space became aware of the segregation of Roma children in schools.²³ There was no other case that was so actively debated in the mass-media as Rahela’s case, and the debates it caused led to a series of legislative measures taken by the public authorities.

In May 2007, the public attention brought to this case led to the opening of an ex-officio investigation of the National Council for Combating Discrimination into Rahela’s case (the mass-media articles made lots of people express their sympathy for Rahela. For instance, readers of „Adevarul” sent presents and letters to encourage her, and the school director got indignant letters from citizens criticizing E.Daba for not allowing a child into her class etc. Besides, some high-ranking officials from the Ministry for Education continued to show their intention to solve this case as soon as possible and sent the Ciurescu siblings to a seaside resort and provided them with free school supplies etc²⁴). The Council pronounced its decision concerning the reported discrimination in October 2007. Also later in 2007, after the adoption of the Ministerial Order nr. 1540/19 July 2007 which prohibited any form of segregation in the educational system, the Ministry of Education adopted, an internal regulation which demanded that the schools identify and eliminate any segregation practices.

Amongst the positive measures stipulated in the 2007 regulations of the Ministry of Education, it is worth mentioning that starting with the 2007-2008 school year, the classes with a majority of Roma

¹⁸ Mihai Surdu, 'Educația școlară a populației de romi', in Cătălin Zamfir and Marian Preda, eds., *Romii în România*, București: Expert, 2002, p. 121-122.

¹⁹ Claude Cahn and Dimitrina Petrova, *Stigmata. Segregated Schooling of Roma in Central and Eastern Europe*, Budapest: European Roma Rights Center (ERRC), 2004), p. 12.

²⁰ internal norm targeting school inspectorates, kindergarten and schools.

²¹ *Equal Access to Quality Education for Roma. Romania. Volume 1: Bulgaria, Hungary, Romania, Serbia. Monitoring Reports 2007*, Budapest: Open Society Institute/EU Monitoring and Advocacy Program, 2007, p. 377-378.

²² *Equal Access to Quality Education for Roma. Romania. Volume 1: Bulgaria, Hungary, Romania, Serbia. Monitoring Reports 2007*, Budapest: Open Society Institute/EU Monitoring and Advocacy Program, 2007, p. 358.

²³ <http://www.ziare.com/articole/discriminare+fetita+rroma>

http://86.124.112.57/actualitate/Doamna-primeste-clasa-tigani-prosti_0_40197307.html

²⁴ 'Prima vacanta la Mare din viata elevei Rahela (<http://stiri.kappa.ro/actualitate/18-06-2007/prima-vacanta-la-mare-din-viata-elevei-rahela-138086.html>, accessed 2011.3.20)', (2007.6.18).

children were forbidden and the schools were encouraged to hire Roma teachers²⁵ in order to offer positive models to the Roma pupils.

The Roma enrollment in schools increased over the last two decades. One of the reasons for the increase, among others, seems to be the conditioning of the school allowance benefit on school attendance (stipulated in the Law no.61/1993); another reason could also be the possible increase in the self-identification of Roma as a result of the affirmative measures for Roma²⁶, and the shift in the public policy related to eradicating the segregation of Roma children, born by active public debates like that generated by Rahela's case²⁷, that although it was considered not to be a case of discrimination on ethnic grounds, it brought a lot of media attention, it generated intense public debates and has put pressure on the public authorities to bring the desired public policy change through active measures like the Ministerial Order nr. 1540/19 July 2007.

School year	Pupils who identify themselves as Roma
2008/2009	266.673
2007/2008	263.409
2006/2007	260.105
2005/2006	243.008
2004/2005	220.000
2003/2004	183.176
2002/2003	158.128
1989/1990	109.325

Table Gheorghe Sarau (21.3.2011)²⁸

The Rahela case has helped increasing the acceptance towards Roma children in schools, has helped diminish the segregation, and had actively brought in a public policy change that was long expected, by common efforts of mass-media (through the huge coverage this case had, from 2007 to 2011), state authorities like the National Council for Combating Discrimination (though their ex-officio investigation and their formal decision), School Inspectors (through their multiple inspections into the matter), the Ministry of Education (through their adopted measures against segregation that occurred the same year, 2007), and not lastly through the input of the Courts²⁹ (by taking the case to court).

It is to believe, by the noted timely public policy change, that public debates generated by the Rahela case as an alleged discrimination case against Roma children, have played a very important role in the development of the policy against segregation of Roma in Romania. It is for the future monitoring of the policy to note if the implementation of the public policy adopted in 2007 will have a real impact on decreasing the segregation of Roma, and if other cases are equally treated in terms of attention in the media, promptitude of the public authorities and legislative response if case may be, or lack thereof.

²⁵ <http://www.legex.ro/Ordin-1540-19.07.2007-82075.aspx> accessed 2011.4.19.

²⁶ *Equal Access to Quality Education for Roma. Romania. Volume I: Bulgaria, Hungary, Romania, Serbia. Monitoring Reports 2007*, Budapest: Open Society Institute/EU Monitoring and Advocacy Program, 2007, p. 347-348.

²⁷ <http://ziarero.antena3.ro/articol.php?id=1180130255>

http://www.adevarul.ro/actualitate/Doamna-primeste-clasa-tigani-prosti_0_40197307.html

<http://www.gds.ro/Eveniment/2011-04-27/Fetita+de+etnie+roma+scoasa+afara+de+la+ore+castiga+din+nou+in+instanta>

²⁸ Gheorghe Sarău, 'Realizările MECTS și ale partenerilor săi in anii 2009 și 2010, privind învățământul pentru romei, activități de viitor, propuneri', 21 martie 2011 [unpublished manuscript].

²⁹ The details of the court cases are presented at page 17 of the Report.

Analysis of the field research

General context

Both Butoiesti and Voloiac are two communes located in the eastern part of Mehedinți county, near Strehaia, an area with a relatively dense Roma population (Caldarari and Rudari sub-groups). In Butoiesti, the village with a more important community of Rudari is Jugastru (with its own school which has the first four grades)³⁰, and its counterpart in Voloiac is Cotoroia (the same system)³¹. The school attendance among the Rudari children is appreciated by the school directors as good. Furthermore, all the Rudari children from Jugastru graduate the first four grades of their village school and then they attend the main school in Butoiesti (grades one to eight), which only few manage to graduate. This failure is due to the fact that most of Rudari children begin to work to support their families.³² A certain interest in enrolling the Rudari children is expressed by the teachers themselves. In the mid 1990s, because of the diminishing birth rate, it became more difficult for teachers to preserve their jobs unless the number of children forming a class reaches a certain rate. Consequently, the teachers became more interested in the Roma children whose school attendance was traditionally limited.³³

The Ciurescu family

In March 2007, Pompiliu Ciurescu, a Pentecostal Rudar³⁴ from Butoiesti (Jugastru village), left for Greece for a few months as a seasonal agricultural worker. His wife, F.G., had died in 2006, leaving him with three minor children. Having no relatives left in Butoiesti who could look after his children during his absence, he decided to transfer them to Voloiac (about 20 km away) where his aunt, M.V., promised to take care of them. Pompiliu Ciurescu contacted the heads of the Butoiesti and Voloiac central schools and informed them about his situation and intention to transfer his three children.³⁵ Although such transfers take usually place during school holidays, both the Administration Council of Butoiesti school (March 19)³⁶ and of Voloiac school (March 21) accepted immediately this transfer. P.C. went to Greece leaving his children in Cotoroia (a village in Voloiac) in his aunt's care.

On Wednesday, 21 March, 2007, the three children went to the central school in Voloiac for the first time. Daniel (ten years old, student in the fourth grade, assigned to teacher Sabina Draghici's class), Iosif (seven years old, student in the first grade, assigned to Valentina Firuleasa's class) and Rahela (nine years old, student in the third grade, assigned to Elena Daba's class). If Daniel and Iosif were immediately accepted by their new teachers, the situation was surprisingly different for their sister, Rahela, whose access into the classroom was denied by Elena Daba. The efforts made by the local school directorate and by ISJ Mehedinți to convince Elena Daba were in vain.

Refusal

The reasons for Elena Daba refusal to accept Rahela into her class seemed to be, according to the statements of the parties expressed during interviews, the following: 1) the competition between two families for the position of director of the main school in Voloiac, augmented by 2) financial interests,

³⁰ (<http://recensamant.referinte.transindex.ro/?pg=3&id=1706> accessed 2011.5.11)

³¹ (<http://recensamant.referinte.transindex.ro/?pg=3&id=1755> accessed 2011.5.11)

³² Interview with Vasile Ghebauer, school director in Butoiesti, 25th of March 2011

³³ Off the record discussion with Ion Tufis (deputy school inspector), 22nd of March 2011; Interview with Violeta Jozsa, school inspector, 23rd of March 2011.

³⁴ A „Roma” subgroup known otherwise as Baiesi, or Lingurari who, although do not speak Romanes, are mainly heteroidentified as Gypsies.

³⁵ Interview with Pompiliu Ciurescu, father of Rahela Ciurescu, on the 25th of March 2011, Butoiesti.

³⁶ See the minutes of the Butoiesti School Administrative Council, 2007, p. 102-104.

3) the alleged racism (invoked against Daba) and 4) the alleged illegal transfer (invoked by Daba against the school director).

Working hypothesis:

- A. link between racism - racially motivated refusal and condemnation of discrimination,
- B. the refusal to accept a child in class turned to be later explained by racist prejudices against Roma.

Possible scenarios following the hypothesis formulated:

- 1) Hypothesis A: it was ethnic discrimination, Rahela was confronted with a racist teacher;
- 2) Hypothesis B: it was not ethnic discrimination; that refusal remains an abuse but was nevertheless due to other reasons than ethnic discrimination.

Gradually, the research conducted pointed towards the verification of the second work hypothesis, that racism was not necessarily the trigger for the refusal, but the rivalry between the teacher that refused Rahela's access into the classroom and the director of the school³⁷.

Simultaneous teaching

There was another more specific reason which made E. Daba refuse Rahela Ciurescu into her class in March 2007: the supplement for simultaneous teaching. Because certain schools, especially in the countryside, do not have enough qualified teachers or enough pupils for the first four grades, sometimes teaching is carried out simultaneously. The teachers that perform simultaneous teaching get a certain salary supplement of 5-7%. Daba was unhappy because she lost her supplement of 5-7%. If the number of pupils had decreased, then the school should have given up the third position, Valentina Firuleasa should have left the main school and Elena Daba could have had again those two classes simultaneously (with supplement). Both the deputy school inspector³⁸ and the school directors from Butoiesti (Vasile Ghebauer³⁹) and Voloiac (Gheorghe Danciulescu, director in 2011⁴⁰) admitted that in addition to the family disputes, it was that supplement and not the alleged ethnic discrimination that triggered Daba's refusal. Even Valentin Draghici, the director of the Voloiac school in 2007 (seen by Daba as a personal enemy), recognized the importance of this supplement in the refusal.⁴¹

Alleged illegal transfer

When the three Ciurescu children were transferred on 21 March 2007, Daba claimed that the transfer was illegal and did all she could to prove it, by appealing to school regulations which seemed to work in her favor. She first of all claimed that the transfer should take place only during school holidays and not in the middle of the school year (as it happened), and secondly, she tried to show that it was not an exceptional transfer (which could have been admitted during the school year) because it did not respect the article 148 of the School Rules, which regulated such exceptional transfers (neither did the

³⁷ Daba and Draghici families: The Draghici family: its members: Constantin (mayor and teacher), Valentin (school director in 2007) and their wives, Cornelia and Sabina Draghici (teachers). The Daba family: Elena Daba, who refused accepting Rahela in her classroom and her husband, Ion, retired math teacher and former director of the school.

As revealed during the interviews, there was a strong rivalry between Daba and Draghici long before March 2007. Elena Daba did not accept the replacement of her husband and consequently she did not recognise Valentin Draghici's authority as director .

³⁸ Off the record discussion with Ion Tufis (deputy school inspector), 22nd of March 2011.

³⁹ interview with Vasile Ghebauer, school director in Butoiesti, 25th of March 2011.

⁴⁰ Interview with Gheorghe Danciulescu, school director in Voloiac (2010-up to the present), 23rd of March 2011:

⁴¹ Interview with Valentin Draghici, school director in Voloiac (2005-2010), 24th of March 2011.

childrens' parents officially⁴² change their address, nor was there any decision of a medical authority recommending it etc.)⁴³. Furthermore, when accepting that transfer, the Administration Council of Voloiac school should have consisted of more persons. Elena Daba also claimed that the father's signature was false, and that she was intrigued by the fact that although the three children lived with their aunt in Cotoroia, a village of Voloiac, where there was a school which the children could have attended, they were transferred to the central school in Voloiac.

On Wednesday, March 21, 2007, she refused to accept Rahela into her class. Focusing exclusively on the treatment suffered by Rahela, the distinction is made between two periods:

1) March 21 – middle of April 2007⁴⁴: although Rahela came to school, she had to spend her time in her brother's classroom because she was not accepted by her teacher.

2) Middle of April - June 2007 (end of school semester): after unsuccessful attempts to convince the teacher to accept Rahela, the girl was transferred to another school in Cotoroia, where her aunt lived. In July 2007, her father came from Greece and transferred all his three children back to Butoiesti.

Ethnic discrimination

Taking into consideration that the premise of the study is the manifest racism of the teacher, the distinction should be made between two notions: 1) the abuse which was not explained by ethnic discrimination – explained in the previous paragraphs ; 2) the ethnic discrimination.

2) Since May 24-up to the present.

On May 24, 2007, the mayor of Voloiac sent a letter to C.N.C.D. presenting that E. Daba had refused Rahela's presence into her class because of her ethnic origin and two days later, on May 26, an article was published in a national newspaper, „Adevarul”. Both the letter sent by the mayor and the article signed by Gogonea reached the C.N.C.D.⁴⁵. Soon after receiving the mayor's letter and the article, the C.N.C.D. started its investigation asking Elena Daba, the mayor, the school directorate and the School Inspectorate to present their own arguments. On October 15, 2007, the C.N.C.D. board analyzed the case presented by its investigators, admitted the existence of an abuse, but decided unanimously that there was no circumstantial evidence supporting the ethnic discrimination⁴⁶.

Prior to the C.N.C.D. decision, the teacher had already faced other charges. In July 2007, Pompiliu Ciurescu came home and sued against Daba claiming his daughter had been discriminated against for being a Gypsy and accused the teacher of racism. Consequently, in September 2007, the Strehaiia court decided that E. Daba was to pay 1000 lei (250 euro) for abuse of office (article 246/ Penal Code)⁴⁷, but

⁴² Father left for Greece but did not formally change his address.

⁴³ Daba made use of the article 148 of the Ministry Order nr. 4925/08.09.2005 „Rules of organization and functioning of the school” where it was specified that : „The pupils may be exceptionally transferred during school year, in compliance with articles 136-145, in the following situations: a) if their parents address is changed for another locality; b) if a transfer recommendation is issued on the basis of a medical examination conducted by the Department of Public Health”; see the interview with Violeta Jozsa, school inspector, 23rd of March 2011.

⁴⁴ After the Easter holiday (8-15 April 2007).

⁴⁵ CNCD was created in 2002. Its tasks are to investigate and sanction cases of discrimination.

⁴⁶ For their investigation, C.N.C.D. made use of the ECHR (article 14, and the 12th Protocol, 1st article), of the Romanian Constitution (article 16 on equality), and of the Romanian Government Ordinance nr. 137/2000 on Prevention and Combating of all forms of Discrimination.

⁴⁷ (<http://legeaz.net/cod-penal-actualizat-2011/art-246-cpen>, accessed 2011.4.16) Art. 246 Abuse of public servant [clerk] against public interests of persons. The deed committed by the public servant who, in the exercise of his duties, with knowledge, does not fulfill a duty, or fulfills it improperly and thereby causes injury to a person's legal interests, shall be punished with imprisonment from six months to 3 years.

without being able to prove that the abuse was motivated by discrimination (the article 247/Penal Code)⁴⁸.

If initially, in July 2007, P. Ciurescu claimed 10.000 lei (about 2.500 Euro)⁴⁹ only a few months later, in December 2007, he claimed 100.000 Euro from both the teacher and from the School Inspectorate which he accused of not having more firmly intervened against the teacher to help his daughter. He based his action on article 998, 999 and 1000 of the Civil Code, on the ECHR (articles 1, 14) and on the 2nd article of the first Protocol of ECHR (education rights).

In January 2009, the Strehăia Court decided partially in favor of his action. Without taking into account the ethnic discrimination, the court admitted that the teacher's refusal produced damages to the pupil by infringing her education rights. The teacher's argument on the illegality of the transfer was declared invalid because the teacher was not entitled to censor the decision of the Administration Council of the school. Consequently, both the teacher and the School Inspectorate were sentenced to pay 1500 RON (about 400 euro) compensation to the victim of the abuse.⁵⁰ All these three protagonists appealed against the decision: 1) Elena Daba (no racial discrimination); 2) the School Inspectorate Mehedinți (refused to accept any penal solidarity with E. Daba, stressing that the work contract was only between the teacher and the school) and 3) Pompiliu Ciurescu (derisory amount of money compared to the suffering endured by his daughter).⁵¹

In November 2009, the Court of Appeal Craiova admitted the appeal of ISJ, excluding its responsibility and in February 2010 the Mehedinți Court found the teacher guilty of provoking psychological damage to the pupil, infringing upon her education rights. The court stated that Daba did not have the right to deny a child's right to schooling, censoring the decision of the Administration Council, and if she had doubts on the transfer she should have complained to the authorities. Her refusal produced damages which were compensated according to the impact on the involved persons, to the importance of the affected values etc. Because the initial compensation was declared not to correspond to the principle of proper compensation, Daba was sentenced to pay 5000 Euro.

Daba appealed against this sentence but she lost (May 2010). The amount of money she had to pay as compensation was increased to 10.000 Euro. The Court ignored the C.N.C.D. decision (according to which there was not ethnic discrimination). Gheorghita Stoian, the lawyer of the Ciurescu family, managed to win the case by focusing on the general infringement of the right to education and downplayed the tensions within the school as possible trigger of the case while insisting on the ethnic discrimination as main reason for the refusal.⁵²

The final court decision in Rachela's case stipulated that the teacher would pay 10.000 EUR compensation and motivated its verdict by referring to both the infringement of the fundamental right to education and to the discrimination against Rachela, although the references to the ethnic discrimination were rather vague as the lawyer herself admitted: "I think you'll find in the court decisions few references to the principle of ethnic discrimination. I think they avoided making such references. They are [mentioned] in the witness testimonies... In the end, the court mentioned the effect, the infringement of her education right, and not the cause, that she refused to accept her because she was a Gypsy. There were vague references to this situation."⁵³

⁴⁸ (<http://legeaz.net/cod-penal-actualizat-2011/art-247-cpen>, accessed 2011.4.16) Art. 247 Abuse of public servant [clerk] consisting of rights infringement. The limitation by a public servant of a person's rights or creating a situation of inferiority on the grounds of race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion, political affiliation, belief, property, social origin, age, disability, non-contagious chronic illness or HIV/ Aids infection, is punished with imprisonment from 6 months to 5 years.

⁴⁹ "Când am citit în «Adevărul», am plâns" (http://www.adevarul.ro/actualitate/citit-Adevarul-plans_0_38397579.html , accessed 2011.2.18), *Adevarul*, (2007.7.26).

⁵⁰ Strehăia Court, file 2088/313/2007, Decision nr. 143, 29th of January 2009

⁵¹ Mehedinți Court, file 2088/313/2007, Decision nr. 210/A, 1st of June 2009.

⁵² Interview with Gheorghita Stoian, the lawyer of the Ciurescu family, on the 24th of March 2011.

⁵³ Interview with Gheorghita Stoian, the lawyer of the Ciurescu family, on the 24th of March 2011.

The Court started with the consequence (the refusal in the classroom) but ignored the context which produced it: “The court is not bound to consider the chronology of the conflict that exists in that school, but to assess whether the defendant caused to the pupil mental trauma and whether the refusal to accept the pupil is objectively legitimated by the alleged unlawful transfer made between the two education units”⁵⁴. The Court also stated that the defendant had violated two articles of the Romanian Constitution: article 16 which guaranteed the right to equality and article 32: “the right to education is ensured by the compulsory general education system”, the article 26 (paragraph 1) of the Universal Declaration of Human Rights (hereafter UDHR): “Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory” and the article 14 on discrimination of the European Convention on Human Rights (hereafter ECHR): “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”⁵⁵

Because that child was Roma, the abuse fell under ethnic discrimination: “discrimination in this case was caused by the defendant Daba Lenuta as a teacher and the victim of discrimination [...] whose right to education was denied. [...] Violating the right to education of the child for a period of two to three weeks will be sanctioned. [...] We appreciate that the scene witnessed by the child whose access to education was denied had a negative impact on the child psyche, left a scar on her soul. [...] The refusal of that pupil by the defendant, her exclusion in relation to other children, shook the confidence of this Roma child in the education system and consequently she will see her future with disbelief. [...] She placed the child in a position of inferiority to the other pupils who perceived her in accordance with the attitude expressed by their own teacher”⁵⁶.

This decision is important not only because the Court showed sensitivity to the needs of a Roma child but even more important because the trial was seen as setting an important precedent for dealing with similar cases. In the end, the reasons for which that teacher had denied a pupil’s right to be in the classroom years ago counted less. Both the Court and the Romanian mass-media made a very visible example of that teacher accused of racism. Soon after the verdict had been pronounced, the ethnic discrimination became the only reason for that refusal mentioned by the mass-media. The mass-media was interested especially in the novel aspects and simplified the whole case, labeled Daba as a racist teacher which was condemned to pay for discrimination⁵⁷, she was said „to have refused a pupil in the classroom merely because the pupil was a Roma and because she would not accept Roma in her classroom”⁵⁸ etc. (author’s note).

This case is used to discourage ethnic discrimination. From this point of view it is appreciated as useful and having a dissuasive effect; the lawyer of the Ciurescu family stated that “as a result of solving this case, I believe it will stop in Romania any other tendency to act similarly [...] It is very

⁵⁴ Appeal Court Craiova, file 8011/101/2009, Decision nr. 706/19th of May 2010.

⁵⁵ Appeal Court Craiova, file 8011/101/2009, Decision nr. 706/19th of May 2010.

⁵⁶ Appeal Court Craiova, file 8011/101/2009, Decision nr. 706/19th of May 2010.

⁵⁷ Cristina Popescu, 'Eleva de etnie romă, umilită la școală, a primit despăgubiri

(http://www.adevarul.ro/scoala_educatie/clasele_primare/Eleva_despagubita_pentru_ca_a_fost_umilita_0_242376180.html?commentsPage=1, accessed 2011.2.18)', (2010.4.12); 'O profesora din Mehedinti va plati daune de 10.000 de euro unei fetite rrome (<http://www.ziare.com/articole/discriminare+fetita+rroma>, accessed 2011.2.18)', (2010.5.21); 'O profesora va plăti 10.000 de euro daune pentru că nu a vrut să primească în clasă o elevă romă (VIDEO) (<http://www.antena3.ro/romania/o-profesora-va-plati-10-000-de-euro-daune-pentru-ca-nu-a-vrut-sa-primeasca-in-clasa-o-eleva-rroma-video-99777.html>, accessed 2011.2.18)', (2010.5.21); 10.000 Euro Entschädigung für Rassismus (http://www.punkto.ro/articles/10.000_Euro_Entschaedigung_fuer_Rassismus-516.html, accessed 2011.2.28)', (2010.5.21); Alin Ghiciulescu, 'Învățătoare amendată pentru rasism (<http://www.gds.ro/print/151076> accessed 2011.2.18)', (2010.5.22); Cătălin Căruntu, 'Învățătoarea rasistă i-a fentat pe executori (http://www.adevarul.ro/actualitate/eveniment/Invatatoarea_rasista_i-a_fentat_pe_executori_0_341966214.html, accessed 2011.2.18)', *Adevarul*, (2010.9.25).

⁵⁸ 'Invatatoarea din Mehedinti, care nu a primit o eleva roma la clasa, si-a vandut casa (<http://www.asinfo.ro/index.php?module=Pagesetter&func=viewpub&tid=5&pid=5541>, accessed 2011.2.18)', (2010.9.27).

important to promote tolerance among teachers. And punishing intolerance is equally important.”⁵⁹ The journalists were equally impressed: “It is unique in the history of education, I think! To pay 10.000 Euro for not accepting a pupil in the class. And this is a lesson for others: do not act like her!”⁶⁰. Consequently, the numerous articles on this case provoked animated debates among readers, many of them showing sympathy for Rahela and for the Roma pupils in general. They became more sensitive to the Roma pupils, seen as helpless and innocent. The public’s tendency was to condemn this kind of discrimination in schools, mainly because the school was generally seen as a solution to the Roma integration. Practically, discriminating against the Roma children was seen as compromising such expectations: “justice was done, she shouldn’t have humiliated her like this, even if she is a Roma, she is a child. [...] As a teacher, she shouldn’t have differentiated between the children”⁶¹ and “basically the teacher deserved her fate. No matter what you have against the Gypsies, she was a girl, a child. Although just a poor Gypsy, still she came to school to get educated, not to steal”⁶².

Actually, not only the current research, but also CNCD’s own investigation led to the conclusion that the Rahela Case was not one of ethnic discrimination. There was indeed an abuse against the child for which the culprit was fined with a considerable amount of money (10 000 euro). But the real reasons didn’t involve the fact that Rahela was a Roma. And although the official institutions stated the lack of ethnic discrimination or didn’t mention it as influencing their decision, the public perception was that the teacher received her punishment for being unjust to a Roma child. Thus, the entire case raised an entire debate in the public agora regarding discrimination against Roma in schools, bringing out, as a result of these discussions, a higher awareness towards Roma issues.

Therefore this case is not to be measured in terms of the anti-discrimination laws. It did not contribute to the appearance of new laws dealing with the ethnic discrimination. Instead, it proved to be an interesting and useful case because it inspired many in Romania, making people more sensitive to the Roma pupils’ needs and to the problems these pupils are confronted with. On the other hand, the condemnation of that teacher who had refused a Roma pupil in the class was seen as an exemplary punishment meant to discourage discrimination in schools.

Case study 2: On the right to an education environment that is free of religious symbols

Background information

Religious symbols have started appearing in Romanian public schools at the beginning of the year 1990. At the same time, the Romanian Orthodox Church had promoted religious education classes, after making the appropriate request to the Ministry of Education, pledging that classes would have ethical and informative content, and the financial needs would be covered by the church. The Constitution adopted in December 1991, upholds the right to religious education for religious denominations in Romania, according to each denomination’s specific needs. In public schools, religious education was to be organized according to the law.⁶³

The Education Law, which would regulate these details, was passed in the year 1995. It established classes with confessional content within the public education system. „Religion” became a school

⁵⁹ Interview with Gheorghita Stoian, the lawyer of the Ciurescu family, on the 24th of March 2011.

⁶⁰ Interview with Iulian Gogonea, the „Adevarul” journalist, 21st of March 2011.

⁶¹ Comment nr. 5, in Alin Ghiciulescu, ‘Rămâne fără casă dacă nu achită despăgubirea’ (<http://www.libertatea.ro/stire/ramane-fara-casa-daca-nu-achita-despagubirea-289177.html>), accessed 2011.2.18), *Libertatea*, (2010.5.24).

⁶² Comment nr. 52, in Alin Ghiciulescu, ‘Rămâne fără casă dacă nu...

⁶³ Article 31 (7), Romanian Constitution, 1991.

subject, part of the curriculum, starting in primary school and up to high school. According to the law, „Religion” was a required class in primary school, and optional in secondary school, high school and vocational school. Following a complaint by 57 members of the Chamber of Deputies, the Constitutional Court⁶⁴ decided that the provisions of the law should be understood as “requiring” only that religion be included in the curriculum.

One can note, at that moment, the attempt to make religion, in its confessional form, a central and mandatory element of students' education, contrary to the principles of religious freedom.⁶⁵ At the same time, religious icons became ubiquitous in schools. The purpose and implications of the presence of religious symbols have not been publicly addressed until the year 2006, and no evaluation of the situation was conducted by the Ministry of Education.

In Romania, 86.7 percent of the population declare themselves as orthodox. Today, the Romanian Orthodox Church has an overwhelming presence and power in influencing the religious education system. Even though the provisions concerning religious education in the Romanian Constitution cover all 17 recognized (religious) denominations⁶⁶, in essence, the presence of religious symbols is basically the case concerning religious icons. Where great confessional diversity exists, religious symbols are not displayed. Investigations taking place in Tirgu Mures show that in schools where Catholic, Orthodox, and neo-Protestant believers exist in comparable numbers, religious symbols are missing. However, the subject of students' participation in religion classes has been raised by some parents. Parents are often in situations where they have difficulties in dealing with problems that arise from the teachers' dogmatic attitude. In one of the cases under investigation in Tirgu Mures, a first grade girl was traumatized by the public ridicule she was subjected to by her roman-catholic teacher. Everything started from the different way in which Protestants versus Catholics cross themselves.⁶⁷

Emil Moise's petition to the National Council for Combating Discrimination

Although (religious) icons have invaded schools, having an overwhelming visibility in the corridors, the religion laboratories and the classrooms, the implications of the presence of religious icons within the educational institutions have not been noticed at the level of decision makers and public opinion. Some understanding of the issues existed only within several NGOs involved in promoting tolerance within ethno-culturally diverse communities. The Pro Europa League pointed out as early as the beginning of the `90s the discriminatory potential of the religious education classes and the display of religious symbols in public educational establishments.⁶⁸

On August 12th 2006, Emil Moise, who taught philosophy at high-school level, father of a student at the „Margareta Sterian” Arts High-School in Buzau, sent a petition to the National Council for Combating Discrimination (NCCD) in which he requested, as a representative of his daughter, „a repeal of the discriminatory situation created by the presence of religious symbols in public schools”.⁶⁹ Mr. Moise had two arguments: (a) the discrimination against agnostics and people of a different confession than that represented by the religious symbols affects the children's autonomous and creative personality development; b) acceptance of religious symbols, and specifically of Christian-Orthodox ones, can enforce the idea of the inferiority of women, and hence infringes upon equality of chances.

64 Complaint of June 25th 1995.

65 Including religion classes that are both mandatory and confessional infringes, according to the European Court of Human Rights (ECtHR) jurisprudence, the provisions of art. 8 of the European Convention on Human Rights.

66 Beginning with 2003, the Jehova's Witness organization has also become a recognized (religious) denomination.

67 Interviews with J.K.

68 Interview with S.E.

69 Considers their presence lawful only in religion laboratories, or during orthodox religion classes.

Emil Moise had previously researched the issue of religious education in public schools and had published his results.⁷⁰ Moreover, he was at the time the chair of the Buzau office of the Solidarity for Freedom of Conscience, organization dedicated to promoting the separation between church and state. Hence he was privy to the discussions among the leaders of several NGOs aimed at starting a petition regarding the discriminatory effect of the presence of (religious) icons. Emil Moise requested that action be taken in this respect, but a petition addressed to the National Council for Combating Discrimination (NCCD) was postponed because some of the leaders were concerned about finding an auspicious time. In 2006, a proposal to amend and extend the Ordinance no. 137/2000 regarding the fight against discrimination was to be debated in Parliament, in which context the status of the National Council for Combating Discrimination was to be strengthened. The situation seemed unfavorable to a courageous decision by the NCCD, which could have had large effects on a public opinion manipulated by the main religious and political actors interested in conferring a confessional character to religious education. Practically, at the time of his petition addressed the NCCD, Emil Moise also had to stand against the opinions of colleagues involved in several non-governmental organizations. The Buzau teacher explained his position as arising from his personal experience in school, which showed him the grave consequences of religious education as it is taught in Romania. The "dissidence" of Mr. Moise underscores the importance of addressing the issue of religious education, and the way in which it relates to the issue of religious icons, while giving priority to the actual circumstances in schools over the theoretical arguments.⁷¹

The decision of the National Council for Combating Discrimination from November 2006

The Steering Committee of the NCCD, convened on November 21st 2006, ruled unanimously that the presence of (religious) icons in the public institutions constitutes discrimination according to Romanian law. Among the arguments of the Steering Committee is the notion that public education establishments must be "neutral" (excerpt from the Steering Committee). The State, through the creation of public education establishments, ensures the right to education and access to culture, as well as fulfills the requirement for organizing mandatory education. Neutrality requires the state to elaborate the curriculum in a way that conveys information about religions and science to the students *objectively and critically, and guarantees a pluralistic approach*. The state recognizes and finances confessional education and ensures the access to religious education in public schools in answer to the wish of the parents. But the unlimited and uncontrolled presence of religious symbols in public educational establishments can infringe upon the establishment principle and the freedom of conscience, leading to discriminatory effects. The unlimited and uncontrolled presence in public educational establishments of religious symbols like the religious icons amounts to an infringement on the principle of religious neutrality of the State. The Ministry of Education and Research, through omitting to provide regulations on this issue, does not fulfill its *positive obligation* to create a framework that ensures the defense of pluralism of beliefs.

Religious symbols should be displayed in public educational establishments only within areas assigned to the teaching of religion. *The lawful purpose* is to create and support public educational establishments that ensure the right to education and access to culture, as well as the requirement for organizing mandatory education.

The Steering Committee of the NCCD recommended that the Ministry of Education and Research drafts and implements, within a reasonable period of time, regulations regarding the presence of religious symbols in public educational establishments. The norms should ensure the equal right to education and access to culture; should respect the right of parents to ensure their children are educated according to their religious and philosophical views; should respect the non-religious, neutral character of the State and the autonomy of religious denominations; should ensure the freedom of

70 Emil Moise, "Church-State Relation in the Religious Education in Romanian Public Schools", *Journal for Studies of Religion and Ideologies*, no. Spring 2004, vol. 3, no. 7, pp. 77-100.

71 Interview 3: E.M.

religion, conscience and beliefs of all children equally; should display religious symbols only during religion classes or within areas assigned exclusively to the study of religion.

Analysis of the field research

The day of November 21st 2006, on which the NCCD decision was made public, was the beginning of a fervent public debate, with accusatory inflections that explain the „scandal of the religious icons” moniker.⁷² The debate also took place at the institutional level. The Ministry for Education and Research announced the submission of the NCCD document for debate within the education commissions of the Romanian Parliament. On January 22nd 2006, the Education Commission of the Chamber of Deputies argued that the presence of religious symbols and icons in schools falls under the competence of local communities and parents. Hence, it recommended that the Ministry of Education and Research not make any decision supporting their removal from schools.

On November 23rd 2006, the Romanian Patriarchy expressed its concern over the NCCD decision, describing a possible measure to ban the presence of religious icons in schools as „a brutal and unjustified measure to restrict religious freedom” that „would lead to a discrimination of believers in Romania.”

Other religious denominations, although obviously concerned about the overwhelming presence of Orthodox icons, did not make public statements regarding this issue, with the exception of the Seventh-Day Adventist Church, which on November 30th 2006 publicly stated the following: „Religious symbols are a form of expression of belief and a statement of religious identity, with an important role in the education of children. [...] However [...], the use of religious symbols in public schools, while minority churches encounter difficulties in teaching religion, could amount to harming the religious feelings of students belonging to minority denominations and to discrimination. [...] the State and its institutions, including public schools, should not be involved in promoting and supporting the teachings and values of any particular religion or religious confession...”

Well-known civic personalities and leaders of NGOs who supported the idea of a petition regarding the discriminatory effect of the presence of religious icons expressed, in a press release, their support for the NCCD decision of November 21st 2006. A few days prior to the decision, on November 13th 2006, they had sent NCCD an open letter that argued their position in detail, to conclude: „The secular, neutral and equidistant character of public education in Romania should be guaranteed, and the right of religious denominations to educate their believers, in places of worship or confessional schools, according to the precepts of the cult should be recognized.”⁷³

The stakes behind the presence of religious icons in public educational establishments in Romania lead to a relatively new phenomenon: the mobilization of NGOs closely linked to the Romanian Orthodox Church. They tried to hijack the „civic society” symbol traditionally promoted by democratic NGOs and to use it against liberal democracy. The Civic Media Association announced that, together with over 100 other NGOs, it appealed the NCCD decision in court.⁷⁴

Public personalities also became involved. The public statements in favor of keeping religious icons in schools of several members of the Academy: Mariana Nicolesco, Constantin Bălăceanu Stolnici, Dinu C. Giurescu, Eugen Mihăescu, Florin Constantiniu, Augustin Buzura, Virgil Căndea, Dan Berindei,

⁷² The frequent use of this phrase can be checked using Google.

⁷³ Among the signatory NGOs are: Centrul Educația 2000+, Societatea Culturală Noesis, Asociația Pro Democrația, Asociația Jurnaliștilor Independenți din România, Centrul Român de Studii Globale, Centrul de Studii Internaționale, Asociația Culturală și Amicală Română de la Strasbourg, Asociația Hyde Park, Asociația D Media, Centrul pentru Jurnalism Independent, Centrul de Resurse Juridice, Miliția Spirituală, Agenția de Monitorizare a Presei, Solidaritatea pentru libertatea de conștiință, ACCEPT, Centrul Parteneriat pentru Egalitate, Liga Pro Europa. Also signing in their own name: Ion Bogdan Lefter, Liviu Andreescu, Mihaela Miroiu, Mircea Toma, Renate Weber, Ruxandra Costescu.

⁷⁴ See: <http://www.salvati-icoanele.info/category/stiri/>.

were highly publicized.⁷⁵ Voices demanding a nondiscriminatory manner of using religious icons in the public arena were visibly numerically inferior.⁷⁶

The scandal of religious icons was a front-page topic for the press for months after the NCCD decision. The vast majority of TV shows discussing the event and of newspaper and periodicals articles had a militant character. Not only nationalist-orthodox mass media, but also mass media previously categorized as pro-democratic, expressed its support for the presence of religious icons in schools.⁷⁷

Following his endeavor, the teacher Emil Moise became the target of a public smear campaign. In Buzau he was harassed in various ways by his school's administration, the local school inspectorate and the Buzau and Vrancea Episcopate.⁷⁸

The Confrontation in the courts

Court appeals against the November 21st 2006 decision of the NCCD Steering Committee have been submitted by the Ministry of Education and Research (MER) and by the Bucharest branch of the "Pro-Vita for the Born and Unborn" Association. On June 11th 2008, the High Court of Cassation and Justice (HCCJ) accepted the MER appeal. On May 22nd 2009, HCCJ, according to this precedent, also accepted the Pro-Vita Association appeal against the decision of the Bucharest Court of Appeals, who decided as follows: „[...] it is the protection of freedom of conscience of other person itself that is the foundation of the NCCD decision to recommend banning the display of religious icons in the public schools, institutions that are not only accessible to all, but, moreover (...) the students that do not share this belief are not in a position to choose to evade the presence and the message of this religious symbol.” Based on these arguments, the Bucharest Appellate Court found the NCCD decision to be entirely legal and thorough.⁷⁹ However, the decisions by the High Court of Cassation and Justice maintained the status quo of the presence of religious icons in public education establishments.⁸⁰

In these circumstances, in February 2010, Emil Moise sent to the European Court of Human Rights a petition against the infringement, by the Romanian State, of the Protocol 2 of ECHR (right on education) and of Art. 9 of ECHR regarding the freedom of thought, conscience and religion. The issue of religious icons in Romanian schools thus became a European issue. On March 18th 2011, the Moise vs. Romania case suddenly increased its significance.

The lesson of „Case of Lautsi” for the issue of religious icons in Romania

The essence of the Grand Chamber's message in the Case of Lautsi vs. Italy is that the presence of religious passive symbols in public schools, when these don't affect the children's critical mind and are not associated with intolerant practices, is acceptable and within the margin of appreciation of the state. Obviously, the meaning of the ECtHR decision is not one of support for the religious life, and even less one of lowering standards of fundamental rights and freedoms in the face of religious pressure.

However, Churches are certain to use the ECtHR judgement as an opportunity to legitimize an increase of their role within the state. The Grand Chamber decision could have extensive

⁷⁵ <http://stiri.kappa.ro/social/23-03-2007/consiliul-discriminarii-dat-in-judecata-in-urma-scandalul>.

⁷⁶ See Ion Bogdan Lefter, Renate Weber, Alina Mungiu-Pippidi, Smaranda Enache ș.a.

⁷⁷ Of interest is the involvement in the for-religious-icons-in-schools campaign of periodicals like *Revista 22*, *Idei în Dialog*, *Dilema veche*.

⁷⁸ Interview 3: E.M.

⁷⁹ See Gabriel Andreescu, „The Bucharest Appellate Court on Freedom of Religion”, *NRDO* nr. 3, 2008, pp. 55-65.

⁸⁰ Unlike in Italy, there is no law requiring the display of symbols of the religion of the majority in schools.

consequences on the presence of religious symbols and religious actors in the public space. Therefore, a clarification of the boundary between what is acceptable and what is not acceptable in the use of religious symbols and practices in public schools is necessary.

The new context considerably raises the stakes of „the case of Moise”. Giving intolerant Churches authority over students within public education institutions affects the European Convention aspiration „of the foundation of justice and peace”.⁸¹ The stake in this case is to recall the European Convention guarantees when the state supports religious actors unfriendly towards human rights and the rights of the child.

Religious icons on the schools walls are not “passive symbols”

(Religious) icons are routinely used in Romanian public schools as elements of religious services and other religious ceremonies. These kinds of events are organized on the first day of the academic year, and on other occasions as well. There are cases when project applications for European funds are blessed by the religious-education teachers before submitting it. Teachers of religion roam around the school several times every year carrying a religious icon and sprinkling around holy water. Students, teaching staff, members of the administration are asked to kiss the icon during the procession. In this context the presence of (religious) icons is not comparable to that of crucifixes (see the Grand Chamber argument at §72), since “an icon on a wall is contrary to the nature of a passive symbol” and “it is strongly deemed to have an influence on pupils as much as didactic speeches or participation in religious activities.”

Here is a testimony about an academic year opening ceremony showing the close connection between the presence of religious symbols and religious militancy in schools:

His Holiness Archbishop Casian, the Bishop of the Lower Danube, was invited to the school opening service. After having blessed the school and the pupils attending it, after having displayed religious symbols, he held a discourse on the evil nature of religious sects, on the serious harm that they do to a religious society, and on their unfortunate impact on children so easily swayed. For approximately 30 minutes, students waiting to enter their classroom had to be present during the Bishop’s monologue, without being able to object or go away, since they were supposed to enter their classrooms accompanied by their teachers.⁸²

A teacher of history and civics in the county of Braila was forced to resign and quit the locality after his refusal to kiss an Orthodox icon at an academic year opening ceremony. Pressures were exerted on the teacher, who identified himself as an Evangelical, through the school and through the family hosting him as well. Kissing the icon would have represented an act against the values and practices of the teacher’s own religion.

These are random examples. Using (religious) icons in schools or other circumstances with the purpose of orthodoxizing the educational environment is common practice all over the country.

Icons, part of an intolerant Orthodox religious education

Investigations proved an undeniable connection between racial and ethnic stereotyping and Orthodox religious education. Religion teachers blame Jews for “having eventually turned their backs on Christ”, for having left the ranks of the “truly faithful”. The Orthodox faith has the “truth”, unlike the Jewish faith, which “does not know the truth”. In invoking the Apocalypse, some religion teachers

⁸¹ The European Convention on Human Rights, “Preamble”.

⁸² Interview 3: the opening ceremony was taking place in a school in the county of Galati.

argued that “during the final days, the Jews will atone for their mistakes and will return to the true faith, to Christianity, and this will signal the end of the world.”

The Religion teachers’ opinion of Hungarians was expressed as follows⁸³:

I had a colleague in the army who was a Hungarian, suffering from imaginary wounds. They’re like this, always thinking they are underprivileged in our country and asking for a lot of rights, but in fact they’re the chauvinistic ones ... because they don’t have such rights in their country, they never give them to their own minorities...

As for the gypsies and their religious beliefs,

They’re afraid of curses and are superstitious, many of them say they work spells, but in fact what they’re doing is they play tricks. They ask you for your wedding ring for some spell and then they give it back to you and within a few days you realize it’s not real gold anymore and they’ve changed it. However, there are some gypsy women who work real spells ... but they’ve sold their souls to the devil. You may not believe me, but I have heard of cases and I know how dangerous these women are; so you should be cautious about them.

Gypsies are in general regarded as criminals.

On the other hand, we should also speak up and say openly that most of the gypsies are criminals; they break in, panhandle, rape, traffic in persons, or they practice robbery outside the country. Who do you think spoiled our image abroad? And then how can you look at a man who harmed you and who made people outside the country look at you suspiciously?

[...]

Roma are difficult to educate ... you cannot trust them ... they’re insolent and therefore one must occasionally set them straight.

The intolerance of the religious education in Romanian schools also takes the form of punishment of students who show their respect for scientific ideas. A student received a warning for asking his Religion teacher which theory was the true one: the theory of evolution, that he was taught in Biology, or creationism, that he was taught in the teacher's class. In the end the Religion teacher told the student he would meet with trouble in his subject, and that turned out to be the case.⁸⁴

Religious education, icons and children’s trauma

Facts that point to the use of threats and aggression towards children by teachers of Religion, so that the children pay attention to or wear orthodox religious symbols, are particularly serious. In one case,⁸⁵ students were told that, “unless you come to school with a little cross around your necks, the devil will come out and bad things will happen to you”.

The mother of a first-grade student complained that her daughter would wake up at night crying. The reason was that her Religion teacher had drawn the devil on the blackboard. Another mother had to take her daughter to the psychologist as a result of one of the stories told by the teacher during a religious education class.⁸⁶

⁸³ See Solidarity for the Freedom of Conscience investigations.

⁸⁴ Interview 4: S.Ş.

⁸⁵ The Fine Arts High School: interview 3.

⁸⁶ Primary and Lower-Secondary School no. 1.

In the same school, during religion classes at primary education level, a Religion teacher told his students that “on your right shoulder you’re carrying a little angel, and a devil on the left. So pay attention to how you make the sign of the cross. If you start with the left, you’re praying to the devil.” Children in the first forms were also told that “if you enter an Adventist church, you’ll be run over by a tractor.” A prayer house of the Seventh Day Adventists is located in the immediate neighborhood of the school.

In one high school,⁸⁷ a teacher told his students during religious education classes that some of the non-Orthodox religious groups are “sects”.⁸⁸ For instance: Adventists are “a group of unbelievers who separated from the Church on the basis of mistaken teachings.”

The places of worship of other minority groups are identified as a danger to those entering them, and the religious groups in question as anti-Orthodox enemies, as in the following cases: “Adventists speak ill of the Orthodox Church ... to them the church is run by the devil and the only shelter is their home.”⁸⁹ Or: “The Jehovah’s Witnesses are one of the most dangerous sects ... and a form of religious fanaticism...”⁹⁰ The same Religion teacher urged her pupils not to talk to members of the “Witnesses’ sect” and under no circumstances let them enter their homes. In the same school a Religion teacher told the children that God only loves the Orthodox.

Religious education: optional by law, compulsory in practice

The fact that religious education has a confessional nature is a facet of the Romanian case. Hence, religious icons highlight an essentially confessional meaning. On the other hand, according to ECtHR jurisprudence, confessional religious education can only be optional. But the Orthodox educational system is compulsory in practice, forcing the students to relate to (religious) icons in a religious manner. Also, religious symbols cannot be passive because their presence in schools happens in the context of a transformation of the informative religious education into a confessional one, and the optional confessional religious education into a compulsory one.

The academic year opening ceremony is usually performed, on the first day of school, during the times normally allocated to regular classes. This schedule is obligatory for everybody, including students, who are not asked about their opinions on participating in the religious events organized by the school.

The above situation gives rise to a specific concern in Transylvania, where an important religious diversity exists. As a human rights activist states: “At the beginning of the 2000s, campaigns that announced triumphantly the inauguration of orthodox chapels, which was happening within multi-confessional environments, had started. At the same time, parents came to the Human Rights Office of the Pro Europa League to explain that they did not wish a religious education for their children. The campaign indicated the development of a new front in the area of discrimination.”⁹¹

Solidarity for the Freedom of Conscience investigations in a number of schools and high schools in the county of Buzau found that approximately 9 out of 10 of the interviewed students do not know that the subject Religion is an elective and that they may pass the academic year without choosing another subject instead.⁹² Neither are teachers aware of the provisions of the Education Act and other norms in this respect.

⁸⁷ The Contactoare Industrial High School, Buzau.

⁸⁸ Even in the case of religious groups which are in fact acknowledged by the Romanian state.

⁸⁹ Contactoare Industrial High.

⁹⁰ Fine Arts High.

⁹¹ Interview 2: S.E.

⁹² Interview 3: E.M.

Local inspectorates promote this idea of the “compulsory religious classes”. In an article concerning religious education in Romanian public schools, the author, a School Inspector for Religious Education, states that religious education as “not an elective, but obligatory”.⁹³

Education teachers who are also priests ask their students to speak in class about the sermons delivered in one of the Orthodox churches on the previous Sundays.⁹⁴ There are cases when priests declared on the occasion of the academic year opening ceremony, that all school days should start and end with a religious prayer.

Students are often pressured to go to church, especially in rural areas. Students are graded low in Religion if they miss the Sunday service.⁹⁵ In one school the teacher forced children, on penalty of being considered truant, to go the Orthodox service in a local church during the religious education class.⁹⁶ In some cases, children are forced to purchase candles.⁹⁷ In the school in Joseni, the teacher-priest punished a 4th form student by keeping him standing throughout the 50-minute class, with the others watching, simply because around Easter he had watched a movie shown in the locality by members of an Evangelical group.⁹⁸

Some teachers asked their students to say the Lord’s Prayer in order to earn a grade in a discipline different from Religion.⁹⁹

There is a real difficulty for parents to oppose the pressure of the school administration when their children are enrolled in religious education against their will. This is valid particularly in overwhelming orthodox environments, with regard to non-orthodox believers. Parents have a psychological difficulty to get knowledge about the true rules, and care to not harm their children when fighting for their religious rights.¹⁰⁰

We stress all these empirical details because they point out important differences between the „crucifixes case” and the „(religious) icons case”. The examples given above are signs that religion can become a matter of judging educational performance - dividing children, creating prejudice among them – in spite of being isolated cases. The complaint sent to ECtHR by high-school teacher Emil Moise regarding the presence of religious icons in educational institutions in Romania could lead, given the difference in circumstances, to a different decision by the European Court of Human Rights. It could be even said that the stakes on the issue of the presence of religious symbols in public educational institutions moved from the „case of Lautsi” to the „case of Moise”. The main points of difference between the two cases are the following:

- (a) The Romanian State, in exercising its functions with regard to education and teaching, infringes on the duty of an objective, critical and pluralistic manner, and touches the critical mind particularly with regard to religion;
- (b) Religious education, which is optional by law, proves to be compulsory in practice;
- (c) Icons are not “passive religious symbols”, but play a central role as part of the religious education which is meant to pursue the aim of the Orthodoxy indoctrination. This implies:
 - (i) The large system of rights stated by law concerning other religious denominations from Romania does not limit the hate speech against them;

⁹³ The article was published in the magazine *Glasul adevarului*, no. 140/2005.

⁹⁴ Schools and high schools in the county of Buzau: Plescoi, Cindesti, Costin Nenitescu and GSI Bercea schools.

⁹⁵ See Mihaela Jigau, ed., *Invatamintul rural din Romania: conditii, probleme si strategii de dezvoltare*, Bucharest: MarLink, 2002, p. 114.

⁹⁶ A school in the city of Buzau: interview 3.

⁹⁷ See the commune of in Candesti/Buzau: interview 3.

⁹⁸ Interview 3: this statement of the pupil was corroborated by his class mates.

⁹⁹ Interview 3: the case at the Hasdeu National College.

¹⁰⁰ Interview 5.

- (ii) During Orthodox religious classes, teachers express intolerant opinions about people who believe in other religions;
- (iii) Religious classes in which icons have a central symbolical role are a source of children's trauma.

Under these circumstances, "the case of Moise" becomes a theme of considerable significance for the interpretation of the European Convention guarantees.

The reactions to the decision by which the NCCD required the removal of religious icons from public schools, with the exception of religion classes and laboratories assigned to that subject, is representative for the high level and wide spread of religious intolerance in the Romanian public space. The long list of public figures and institutions that had criticized Moise's initiative is not the only noticeable thing, but especially the aggressivity of the negative opinions, and the language used. Mr. Moise had felt discriminated against and had done the normal thing of addressing himself to the institution responsible for offering him justice. The following is however the terms in which his initiative was judged.

One of the leaders of the Romanian Orthodox Church (ROC), Mitropolitul Clujului, Bartolomeu Anania, called Emil Moise and his supporters "an aggressive minority", "atheist zealots" that intend to "remove religion from public education". Many priests followed his "example" on national and local televisions by using invectives against Emil Moise.

One of the active members of the Academy, the historian Virgil Căndea, purported that the whole story is built on a basis of confusion on the side of people without a basic religious education, unaware of the fundamental religious components of human life: "I think however there is another thing also. There exists a conviction of the smatterer according to which an antireligious attitude is a sign of intellectual eminence. It is one of the stupid person proud that he has a personal opinion, and that is that he is an atheist. He has the gall to blaspheme, to strike at certain holy things. This is what gives the stupid person a feeling of being a man of quality. You can realize what kind of people we are talking about/they are by their excessive reactions. The miserable that slides into an exaggeration of this type feels that there is something to him."

Another member of the Academy, Constantin Balaceanu Stolnici, called Emil Moise and the supporters of removing religious icons from schools "enemies from the inside and the outside of the country, committed against our faith, our parents, grandparents and forefathers".

Public intellectuals joined the members of the Academy. The president of the Romanian Cultural Institute derided Moise, describing him as an „untreatable militant, an agitated activist, a meticulous grumpy person and a well-organized maniac. He finds intolerable violations of one principle where ordinary people see, maybe, deficiencies of cohabitation." In the same logic and style, the director of the Dilema veche magazine asserts that Mr. Moise has "a juvenile arrogance". The magazine Idei în dialog and the weekly 22 gathered criticisms of the same nature.

Populist politicians burst forth against Emil Moise. The party leader Gigi Becali insulted the teacher determinedly in the electronic and written press. Well known television shows, like "Nasul", have been directed to demonize the teacher who had the "courage" to question the preponderance of some religious symbols in public schools.

The "Moise Case" led to the solidarity of highly diverse human and professional categories: leaders of ROC, members of the Academy, public intellectuals, opinion leaders, NGOs, the press, members of various denominations. The attitude and the language, converging, showed that what was bridging their differences was a pronounced religious intolerance.

Concluding remarks

The two case studies presented focused on analyzing challenges of existent practices, rather than national traditions, because a customary practice reaches a widespread national dimension perchance by negligence and perpetuating old ways and lack of clear policy rather than by implementing coherent traditional values and national policy discourse thereof.

So far, the cases analyzed show that the policy discourse and the public discourse are significantly divided on the issue of segregation of Roma children in school. The debate has been ongoing, fluctuating up and down on the public agenda, however it had never reached so high up on the agenda as it did when a Romanian Court of Appeal decided on penalizing a primary school teacher with a 10,000 Euro fine for not allowing a Roma child to attend her class. While the policy discourse was building around ensuring the right to education of the child, the public discourse was biased towards the teacher's position. However, it never reached the status of a consolidated public policy.

Therefore the first case, The civil rights movement that never happened: The "racist teacher" and Roma segregation in Romanian schools (Alleged Discrimination against Roma), analyzed how the situation mentioned above concerning a Roma child influenced the public agenda, even though there was no evidence in the end that the teacher was discriminating on grounds of ethnicity.

Roma activist groups are still reporting cases of Roma children who are still denied enrollment in mainstream schools. These cases have not reached the agenda and have not been addressed before in any way in the national policy discourse. They rather had the constructed effect of a novelty. The case analyzed has had the effect of a break in the wall, and showed that what is registered as discrimination can and will be sanctioned as such, creating the effect of uninviting the perpetrators of long established practices, and challenging them, rather than perpetrating the status quo, into re-examining their well-established ways. Whether this challenge will be taken further, to building a solid policy discourse, remains to be seen.

The second case, On the right to an education environment that is free of religious symbols, is relevant for public policies regarding the display of religious symbols in the classrooms. The debate on the public display of religious symbols in schools was pushed up on the agenda in 2006, when a high school philosophy professor accused his employer of breaching the rights of the non-orthodox students by hanging on the walls representations of Christian figures.

While in the first case study presented the reference is made to an unfortunate practice that got out of hand especially because of the lack of vision, policy and national standards, the second case examines a challenge to a newly founded national tradition. Despite the presumed separation between state and church, the main discourse has been in favor of the state's actions to support the Romanian Orthodox Church, by virtue of the absolute Orthodox majority of the Romanian population and the public function that the Church is thought to fulfill. Even though the debate on teaching religion in schools had been ongoing since it became a mandatory subject in January 1990, talking about displays of Christian representations in school seemed a rather contentious topic for debate. However, in 2006 Mr. Emil Moise, a philosophy professor filed a complaint with the National Council for Combating Discrimination (CNCD) claiming that paintings of Christian figures that hanged on the school's walls were a breach of the non-orthodox students' right to free choice of confession and impeded the free development of the spirit of the rest of the students. By analyzing this case, it became clear that there is a newly established tradition pushed to the public agenda by representatives of the Orthodox Church to great success, and that the state policy supports the promotion of Orthodox values in schools to the detriment of other confessions.

While the first case proves useful because it shows that a court decision might have the effect of stimulating and even forcing the birth of public policy and national standards where unfortunate practices are being comfortably perpetuated, the second one shows that carefully built policy and

tradition could be deconstructed if infringing on the duty of an objective, critical and pluralistic education system.

The research conclusions were that the institution in charge of assuring a non-discriminatory environment for ethnical or religious variety/differences – the National Council for Combating Discrimination – is efficient and capable of discerning and taking the right decisions. It correctly concluded that the Roma child was not discriminated against (as the researcher had the opportunity to discover during the field work) and that religious icons have a place in religion laboratories, not in everyday school life. What made a difference were the public opinion and their reaction and lobby with other state institution.

Furthermore, the research revealed that in Mehedinti county, where the alleged Roma segregation in school had taken place, the Roma children were encouraged to come to school, without being separated from the Romanian children. This happened especially in villages where teachers were in the position of losing their job if their classes hadn't reached a certain number of pupils.

Therefore, there are many cases of schools that function in a multiethnic environment without discriminating against minorities. There is no need for new legislative proposals (the law is very clear and comprehensive) but the recommendation is to popularize best practices and implement them in other schools across the country.

As regards to religious education and the presence of religious icons in schools, the law is also clear: religious diversity is accepted and pupils can study their own denomination, or not study at all religion after primary school. But the research found cases of intolerance towards religious diversity in schools (in some parts of Romania these are isolated cases, but in other parts they can be encountered more often – only a more detailed research devoted to this issue could be able to determine the real situation). One can consider that the presence of religious icons in classrooms is a sign of disrespect towards non-Orthodox pupils and that the public mobilization against the CNCD decision was preaching for minimal tolerance of religious minorities. But in fact, the situation is much more nuanced and the real issue at stake is the teaching of religion (compulsory in primary school) versus teaching the history of religions. The same moral values can be passed on in an abstract way, without the involvement of Religion as a school subject. The general recommendation is the separation of state and church, and more particular, replacing in the school curriculum the Religion discipline with History of Religions.

Chapter 3: Acceptance or Lack of Tolerance towards Minorities in Romanian Public Administration

The Csibi Barna episode, the Hungarian Szekler who hanged a doll representing Avram Iancu, a 19th century Transylvanian fighter for Romanians' rights, was the first from a series of four chained events, which dominated the public debate in the spring of 2011. The scandal on the "execution" of Avram Iancu's icon was followed on March 16th by a session of the Romanian Parliament where a letter sent on Hungary's National Day by the Hungarian Prime Minister Viktor Orbán to the Hungarians living in Transylvania was subject to debates and considered by the opposition as "irredentist". By the end of April, the national press informed that the authorities in Harghita, Covasna and Mures wanted to open a commercial representative office of the Szekler Land in the European Parliament on May 31st. Exactly two weeks after Csibi Barna's dismissal from the Tax Authority on May 5th, the president of Romania, Traian Basescu revealed, in an interview for the Romanian Television, his intention to initiate the country's administrative – territorial reform. The head of the state did not hesitate to make his take on things public: the replacement of the 41 counties with 8 regions, with the counties from the Szekler region, i.e., Harghita, Covasna and Mures (Figure 2), going to become part of two different regions where the majority population was Romanian. All the four actions converged to the same point, namely, the creation of a special status autonomous area in the Szekler Land, claimed by Romanian Hungarians politicians.

Csibi Barna was on several occasions the protagonist of an action considered offensive towards the Romanian people, as well as anti-semitic or racist. His action became well known after Csibi Barna himself posted on youtube a 3-minute recording of the entire performance. In the film, Csibi Barna pronounced the following sentence to death "Avram Iancu, who committed crimes and incited to crimes is found guilty for the accusation of betrayal and sentenced to death. The sentence shall be immediately executed. May God have mercy of his soul and of the persons who oppressed the Hungarians and the Szeklers". Then, Csibi Barna hanged the doll representing Avram Iancu. According to a survey conducted by the Romanian Institute for Evaluation and Strategy – IRES – between March 17th and 19th, 2011, his action became known by 57% of the Romanian citizens within a few days only.

Csibi Barna's protest was a test of tolerance for the society and a challenge for the Romanian political elite. The Romanian politicians were in the position to choose how to approach the case of Mr. Barna: either as an isolated example that needed to be dealt with by the relevant criminal institutions, to decide whether the action represented an instance of instigation to discrimination, or not, or, as it happened, as an event of epic importance, to be voiced loudly in the political and public discourse. As it happened, important parties' leaders and state office holders such as the prime minister stated their indignation and claimed immediate and firm measures against the office holder. Opposition Parliament members filed a petition whereby they requested from the manager of the Tax Authority where Csibi Barna was employed, to promptly dismiss him.

Mr. Barna's action exposes the conflict between historical narratives of Romanians and Hungarians. Over the last 20 years, Romania was the scene of many scandals which had to do with statues as national symbols of an exclusionary nature, which raise specific challenges to both Romanians and Hungarians, challenges defined by historian Lucian Boia as a "mythological blockage". The presence in opposing camps of Romanians and Hungarians in the 1848 revolution is still resented today, and widespread social representations exist of each group as the victim of the other (Mungiu-Pippidi, 1999).

The following case study is meant to answer the following questions: Is the action of the civil servant Csibi Barna a case of conflict between ethnic and civic loyalty? Was the answer of the Romanian politicians and mass-media to his protest immoderate and intolerant? Was Csibi Barna, as member of a minority, discriminated by the public state authorities following his political protest? Is the

Romanians' resistance to offer special administrative status to the 'Szekler region' as one autonomous region a proof of intolerance towards cultural difference? What solutions can there be as to avoid reigniting intolerant behavior of both sides in 2012, once conflicting projects of territorial organization are advanced by the two groups?

Methodology and research design

The analysis based on the case of Csibi Barna draws on interviews with relevant individuals from Bucharest and Covasna county, discourse analysis (media and public declaration made by public officials) and archival research. The authors conducted seven interviews, with the following people: Csibi Barna, high ranking officials from local and national Romanian administrative institutions, a historian, a sociologist and a journalist who covers issues regarding interethnic relations. Discussions with representatives of Covasna County Administration managed to obtain information regarding the share of jobs held by the Hungarian minority in the local and county State institutions, the stories behind their experience as ethnic Hungarians holding high public positions, and a thick description of the case and the general theme if interest. The media coverage analysis focused on the narrative of Csibi Barna's case; news articles from all print and online newspapers with high circulation, and recordings of TV shows were considered. The politicians' response to Mr. Barna's case, both Romanians and Hungarians was studied on the basis of official transcripts of the dedicated parliamentary hearing of March 16, 2011, newspapers articles, agencies news and recordings of TV shows. The official response was traced through the decisions that what taken, and analyzed in terms of their consistency with the legislation, and in combination with the public justification provided by the relevant actors.

Background information

Summary of the events

Romanian tax service employee Csibi Barna, an ethnic Hungarian inhabitant of Harghita county and keen promoter of a Hungarian autonomous region Szekler Land, drew Romanians' anger after hanging an effigy of Romanian 1848 revolution hero Avram Iancu in a mock trial in Miercurea Ciuc, during the Hungarian Revolution Day commemoration on March 15th, 2010. Mr. Barna showcased the trial and sentence to death of Avram Iancu for his crimes against the Hungarians during the 1848 Revolution. Both party members of the ruling coalition in the Romanian Parliament, as well as those in the opposition parties, denounced the gesture, and 200 people gathered at Avram Iancu's grave in Tebea, Hunedoara County, as a sign of protest. Soon after, Tax Authority director Sorin Blejnar decided to transfer Mr. Barna from Miercurea Ciuc, Harghita county to Abrud, Alba County, where Avram Iancu grew up. In response, Romanian cultural organizations, local counselors and mayors from Alba county made an appeal to the prime-minister to withdraw the transfer and dismiss the director of the Tax Authority, accusing him of instigating an inter-ethnic conflict through his decision. The parliamentarians in the opposition parties urged members of the ruling coalition to sign a joint petition addressed to the Tax Authority Director, asking him to dismiss Mr. Barna. As a consequence of further protests, Sorin Blejnar transferred him again, this time to Bucharest, far away from Miercurea Ciuc, and eventually fired him on grounds of absenteeism. During the same period, Mr. Barna was under investigation by the General Prosecutor's Office, following the accusation of instigation to discrimination, assault and disturbance of public order. In addition, the decision of the Tax Authority to transfer him, and later his dismissal, were under investigation by the National Council for Combating Discrimination, following the complaint of Mr. Barna.

Transylvania, a border region - historical considerations

Hungarians represent the largest ethnic minority in Romania. 1,431,807 ethnic Hungarians were registered at the 2002 census, which meant 6.60% of the country population, 200,000 less than the previous census, i.e., 1992. The loss of almost 200,000 ethnic Hungarians registered is due to migration, between 55,000 and 67,500 ethnic Hungarians have emigrated, mainly in Hungary. Some investigations cited by Levente Salat claimed that at least half of the registered loss (approximately 100,000) was caused by the negative natural increase, various forms of assimilation being included (Salat, 2007). The remaining part of the loss is attributed to the changes in the methodology of the 2002 census as compared to the one in 1992 (Salat, 2007).

The largest Hungarian community lives in Transylvania, especially in Harghita (84.61%), Covasna (73.81%) and Mures (39.26%) counties, the former Szekler Land in Middle Age (see map below, Figure 2)

Counties	Total	Hungarians	%	Romanians	%
Covasna	222,449	164,158	73,8	51,790	23,3
Harghita	326,222	276,038	84,6	45,870	14,8
Mures	580,851	228,275	39,3	309,375	53,3

Table . The Romanian census of 2002

Historically, Transylvania, a region inhabited mainly by Romanians, Hungarians and Germans, was at times an autonomous principality, or it belonged to different national or supranational units. Levente Salat notices that, during the first half of the 20th century, Romanians and Hungarians exchanged three times the role of majority and of minority within Transylvania.

Image: The map of the Szekler Land



After the Second World War, the ethnic Hungarians in Romania made an attempt to obtain the individual and collective rights they were promised on the occasion of the 1918 Union, when Transylvania became an integral part of Romania. The coming to power of an international Communist regime brought about hope, and in 1952, the Romanian Popular Republic designated, under the pressure of Moscow's autonomous policies, the Hungarian Autonomous Region, which was later abandoned in 1968 as a result of an administrative-territorial reorganization. After Bucharest abandoned Moscow's policy favorable to minorities, and turned towards Nationalism – Communism, ethnic Hungarians living in Romania became "cohabitant nationalities" or "Hungarian-speaking Romanians", a kind of second-

ranked citizens. Although the Hungarian leaders continued to be part of the Communist Party leadership until 1989 (Mungiu Pippidi, 2000), this did not spare the community from persecutions. The clustering and cancellation of Hungarian schools, the mandatory assignments after graduation from university, the change in the ethnic composition of Transylvania through the industrialization process and the transfer of population, are all policies and tactical measures which supported Ceausescu's assimilating project (Andreescu, 2004, Gallagher, 1999).

The start of the Romanian revolution against the Communist regime in Timișoara in 1989 with the persecutions of the secret police against a Hungarian pastor created a new window of opportunity for Hungarians to negotiate their status as a community and to define the institutional framework meant to protect and administer their identity (Robotin, 2000). The first and last violent Romanian – Hungarian inter-ethnic conflict burst-out in March 1990 in Targu Mures, during the post-revolutionary confusion. Although the Parliament set up a special investigation committee, so far no coherent and unitary explanation was found for what had happened..

The disputes between the Romanian and Hungarian political elite concerning the rights of the minorities were constant during post-Communist politics. The intention of the Romanian political elite, of whom some former communist partisans and former members of the historical nationalist parties, was to continue the Communist and inter-war nationalist tradition: the construction of the nation state by imposing the domination of the majority over the minority (Andreescu, 2004). In spite of this, the international context - Romania's aspiration to become a member of the European Union and NATO, as well as in-country political events, sabotaged the process. One step a a time, the Hungarians living in Romania gained significant political, cultural and linguistic rights.

Political representation of Hungarians in Romania

Hungarian minority is mainly represented by the Democratic Alliance of Hungarians in Romania (DAHR). The organization was established in December 1989 for the purpose of "defending and representing the Hungarian community's interests". As a party in the Parliament, often member of the ruling coalition, DAHR initiated and contributed to the law-making process that resulted in the improvement of the status of Hungarians and of other minorities in Romania. The Hungarians, as well as the other minorities, obtained the right to association, to participation in and to political representation at central and local level, the right to signage in mother tongue in the localities and counties where their number reached or exceeded 20%, of the overall population, to use their mother tongue in the local public administration, in Court, and in relation to the state institutions from the localities where their number reached or exceeded 20% of the overall population, the right to education in their mother tongue on all education levels, including universities.

DAHR was accused of no longer representing the community's interests, but the interests of its leaders. As a result, it split into two different political parties: the Hungarian Civic Party and the Hungarian People Party. They both act at local level, especially in the counties where Hungarians represent a significant share of the total population and they both promote the right to territorial autonomy for the Szekler Land within the borders of the three former Szekler shires from the Middle Ages (Figure 2).

DAHR has been running for the Parliament since 1990, and the Hungarian community has been constantly represented in Parliament since. In 1990, DAHR obtained the largest share of seats, i.e., 40, representing 7.34%, and in 2008, the fewest, i.e. 30, representing 6.39 %. DAHR has also participated in the local elections, winning seats in the local administration in the counties and localities inhabited by Hungarians. In 2008, DAHR occupied 4 positions of County Council President in Harghita, Covasna, Mureș and Satu Mare, from a total of 42 positions (including the municipality of Bucharest), 89 county counselors positions representing 6.41% of the mandates, 184 mayor positions representing 5.78% of the mandates and 2195 local counselors positions representing 5.44% of the mandates.

DAHR is part of the Romanian government since 1996, except the period between 2000 and 2004 and the year 2009. It held ministerial offices, positions of State Secretaries and of directors of ministries, prefects in the counties with Hungarian population, management positions in other public institutions. DAHR obtained these positions because of a distribution algorithm used among the parties forming the Government coalition to decide upon the nomination of the management of the Romanian central and local administration, and not because of any ethnic criteria. Hungarian leaders have called many times for proportional representation for Hungarians in sub-state institutions, but in vain. At the moment, no public information with respect to the representation of Hungarian minority in the public administration is made available. The Civil Service Agency does not collect data on the ethnic affiliation of civil servants, since this would be seen as a violation of the individual liberty to not declare one's ethnic affiliation.

To this day, the ethnic Hungarians living in Romania are not permitted to hold decision-making positions in the defense, public order and national security institutions. In 2009, during his electoral campaign in the Szekler counties, the president of Romania, Traian Băsescu, stated that he was in favor of hiring Hungarians in the national security system and of promoting them to command the Romanian army. Yet, the president's declarations were not followed by actual measures. Under DAHR's pressure, which became again part of the government in 2010, the police education institutions published open competitions dedicated to ethnic Hungarians.

Departments for the protection of minorities operate within the government and the ministries where Hungarians hold the largest number of management positions, by appointment. The main institutions for the protection of minorities are the National Council for Minorities, the Department for Interethnic Relations, the Institute for the Study of Minority Issues and the National Council for Combating Discrimination. The organizations of the national minorities represented in the Parliament receive financing from the state in the same way the political parties do. However, in order to promote ethnical, linguistic, cultural and religious diversity, the government grants special funds for the projects dedicated to minorities, through the Department for Interethnic Relations.

Literature review: when ethnicity and citizenship clash, the concept of "dual loyalty"

Mr. Barna's action was perceived by Romanians as a confirmation of their historical suspicion that Hungarians are not 100% trustworthy citizens, being more attached to their own ethnicity than to the State. Dual loyalty arises when a citizen or group of citizens holds political allegiance to another state or entity which could challenge their loyalty to the state, according to Ilan Zvi Baron. Conflicts between loyalty to a national state, on one hand, and solidarity with an ethnic community, within or outside the boundaries of that state, on the other, may lead to accusations of "dual loyalties" (Smith, 1986). Transylvania, nowadays, a border region between Romania and Hungary (see Figure 1), has long been an area of conflicting nationalisms (Mungiu-Pippidi, 1999). Romania's EU integration, supported by neighboring Hungary, was the most important common goal for both the Romanians and Transylvanian Hungarians, and sidelined for a short period of time the historical rivalries. Following Romania's EU accession in 2007 there were hopes that the "Transylvania issue" will lose salience. But once the common goal was achieved, the old adversity reappeared, largely due to politicians in both Romania and Hungary. Three recent political events had once more brought it to the fore: the adoption, of a new citizenship-law by the Hungarian government in 2010, which enables any Romanian citizen of Hungarian ethnicity to also acquire Hungarian citizenship; in 2011, the escalation of demands by an active minority of local Romanian politicians of Hungarian ethnicity for the designation of a special status-area comprising the counties of Harghita, Covasna and Mureș, an area vaguely matching the medieval Szeklers Land; in 2011, the initiative of the Romanian government, backed by Traian Băsescu, the president of Romania, to undergo a territorial-administrative reorganization policy, based on the European NUTS II regions, proposal which clashed with the DAHR demands .

Ethnicity is defined as a sense of common ancestry based on cultural bonds past linguistic heritage, religious affiliations, claimed kinship, or some physical traits (Michael, 2011). Ethnicity is perennial, "once formed tend to be exceptionally durable under normal vicissitudes and to persist over many generations, even centuries" (Smith, 1986). It has in his core a sort of engine, the "myth-symbol complex" (Smith, 1986). The "mythomoteur" diffuses the myths, memories and symbols through the ethnic group and across generations, preserving, maintaining the form of the group, and the distinct and separate content of its identity in the long term (Githens-Mazer, 2007). The most emotionally potent and conflict driven social representations are those of disaster, tragedy, massacre and defeat (Githens-Mazer, 2007).

Many studies suggest that people see groups as providing them with security, safety, status and prestige in return for their loyalty (Druckman, 1994). Allport asked if one's loyalty to the in-group automatically implied disloyalty, or hostility, toward the out-groups. But, it is the authors' opinion that concentric loyalties need not clash. Civic loyalty, as defined by Anthony Smith, as a loyalty to the political unit, the state, and expressed in terms of citizenship rights and obligations, operates with different myth-symbol complexes than does ethnic loyalty. This can indeed lead to conflicts. According to Linklater, the nation-state continued to be "an engine of exclusivity" using the "myths of national unity and idealized conceptions of political loyalty as it sought to secure and to maintain its monopoly powers".

A potential area of tension between ethnic and civic loyalties exists when the civic loyalty arrangements claimed by state are beyond the formal-legal obligations and reach to include cultural considerations belonging to the ethnic loyalty such as language, traditions and customs (Soreanu, 2005). Also, in-group loyalty can conflict with political obligations to the state when there are normative judgments that challenge the reasons for one's political loyalty to the state (Baron, 2009).

Baron draws attention that dual loyalty can function as a security risk: firstly, when the minority community fears the accusation of dual loyalty; secondly, when the state or the majority perceive a minority to be guilty of dual loyalty, or as posing a risk of dual loyalty. This second discourse assumes the potential of a minority to become disloyal, subversive, and possibly even treasonous against the society (Baron, 2009). Some practices seen to be different from those of the majority, the behaviors that are not up to the expectations of the majority, or the demands for special rights for the preservation of the minority identity could constitute a potential indicator of dual loyalty and , consequently, a risk to the identity of the majority.

The concept of dual loyalty entails another concept, that of the "societal security" dilemma. Paul Roe describes it as follows: "the security dilemma defines a situation whereby one actor, in trying to increase its security, causes a reaction in a second, which, in the end, decreases the security of the first. As a result, a spiral process of action and reaction is manifest in which each side's behaviour is seen as threatening". Roe believes that the threats to societal security exist when a society believes that its "we" identity is being put in danger, whether this is objectively the case or not. One of the cases analyzed by Roe refers to the Transylvanian Hungarians.

Analysis of the field research

Media-coverage of the events

The video posted by Csibi Barna on youtube became the main news of the national press in Romania within just a few hours. Bucharest's main press paid a lot of attention to the event, making it "hot" news for three months, until Csibi Barna's dismissal from the Tax Authority on May 5th. Adevarul, counting 194, 000 readers per edition, was one of the newspaper that allocated most space for this event. On March 15th, Adevarul published the information in news about the festivities dedicated to the Hungarians' National Day whose headline was: "The Hungarian extremists killed Avram Iancu".

In the same news, illustrated with images of the symbolic execution, the journalists from "Adevarul" reminded that the presidents of Harghita, Covasna and Mures county councils (the counties that represent the former three Szekler seats) all took the oath to obtain Hungarian citizenship on Hungary's National Day. In the same news, the newspaper's online edition referred to an interview from the previous year of the National Szekler Council's president when he claimed the autonomy of the Szekler Counties. The daily online newspaper, Gandul, included the information on Csibi Barna in the news on the three presidents of the Szekler County Councils taking the oath for the Hungarian citizenship under the headline: "Hungary's National Day: an extremist hanged Avram Iancu in Miercurea Ciuc. Several UDMR leaders took the oath towards Hungary". On March 23rd, Jurnalul National, counting 149 000 readers per edition, tells its readers how Csibi Barna appeared before the prosecutors: "Csibi Barna appeared accompanied by his father and, lacking respect for his Romanian fellows, he answered the journalists' questions in Hungarian. We could say that he had some nerve to act like he did, considering that he is a public servant within (DGFP) Harghita Public Finance Directorate. By the way he behaved yesterday, Csibi Barna proves that he does not regret for a second his action at the celebration of Hungary's National Day". The same newspaper attached to the press release a music video with a ballad on Avram Iancu's mystical mission. Historia Magazine dedicated an entire issue to the Romanian fighter, and Evenimentul Zilei (the thirdly ranked newspaper) made a dossier on Avram Iancu. The televisions Antena 3 and Realitatea TV broadcast nonstop the movie with Csibi Barna hanging the effigy of Avram Iancu, news and debates on this topic. Both television stations invited as special guest commentator Corneliu Vadim Tudor, member of the European Parliament and president of the ultranationalist party "Romania Mare", without seats in the Parliament. Vadim Tudor criticized in his inflammatory speech the Hungarian revisionism that would not give up Transylvania.

According to the persons interviewed, the attention paid by the national press explains the reputation of the case. "The national press paid too much attention to this event, trying to create an artificial conflict between the Hungarian and the Romanian community in Transylvania and trying to generalize this isolated event to create the impression that all Hungarians act like this" (Antal Arpad, Mayor of Sfantu Gheorghe, Antal Arpad's interview). "The press exaggerated this singular event (because there was only one participant, not a crowd) amplifying the phenomenon with its mirrors" (Vlad Mixich, Hotnews journalist, Vlad Mixich's interview). "A predictable reaction that multiplies the prejudices of the masses" (Sabina Fati, historian, Sabina Fatis's interview)

It is relevant that only 37.9% of the Hungarians asked by IRES declared they knew about Csibi Barna's action. The Hungarian press paid little attention to this event, most of them just told what had happened on March 14th in Miercurea Ciuc, the institutional effects of the event and the reactions of the Romanian and Hungarian politicians, taking declarations from the Romanian politicians for the national televisions and newspapers. The Hungarian newspapers from the Szekler region, Haromszek and Szekler Hirmondo, underlined that Csibi Barna's action was rash, condemnable, stupid, foolish, theatrical and irresponsible and that the incident was used as pretense to revive the Hungarian accusing-discourse. The Hungarian journalists commented more on the Parliament's session where the opposition brought the case of Csibi Barna in the debate about the letter addressed by the Hungarian Prime Minister Orban Viktor to the Hungarians in Transylvania. The Hungarian daily newspaper Haromszek (Three Seats referring to the three Szekler historical 'seats' (fiefdoms), published in Sfantu Gheorghe, Covasna county commented on March 22nd: "the many politicians who worry for their country proved how deep is the Romanian political elite's fear - close to paranoia - with respect to the permanent prophecy of losing Transylvania. (...) The area is covered by hatred, obsessions and fears that are easily and irresponsibly used by politicians and public speakers".

Political discourse: from regional autonomy to the prospect of a national-security threat

This prophecy of losing Transylvania is present in the Romanian political discourse since the early '90s. The issue was introduced immediately after the revolution from December 1989 by the first post-

communist president of Romania, Ion Iliescu, who in a televised speech spoke publicly about certain separatist tendencies in Transylvania, just one month after the Ceausescu's fall. Iliescu was a trend setter by invoking the separatist threat. At that time, his intentions was to mobilize the masses around him and also to block requests for granting and guaranteeing the rights of Hungarian minority (Gallagher, 1999). In time, the separatist threat lost its privileged place in the Romanian political discourse, but it is revived whenever politicians believe that by nationalism can win votes, as it happened in the analyzed case.

But this fear of separatism still exists, and the Romanian Constitution is the proof. Article 30 designates the limits of the freedom of expression: "the law prohibits the country's and the nation's defamation, instigation to an aggression war, to hatred based on nation, race, class or religion, instigation to discrimination, to a territorial separatism or to public violence, as well as obscene, indecent manifestations".

The main parties' leaders and state office holders such as the prime minister stated their indignation and claimed immediate and firm measures against the office holder. Opposition's Parliament members filed a petition whereby they requested from the president of the tax authority to promptly dismiss Csibi Barna. The opposition approached this subject in the Parliament's plenary session on March 16th. The loyalty for the Romanian state of the head of the government part of which DAHR used to be was questioned. One of the opposition's leaders, the head of the National Liberal Party, Crin Antonescu, asked the prime-minister right in front of the Parliament whether he represented "Avram Iancu's halter effigy" or "the new head of Romania who was no longer the president Traian Basescu, but Viktor Orban". Another liberal politician proposed the adoption of a declaration by the Romanian Parliament to express its astonishment and indignation over the content of the "irredentist and anti-Romanian" message of the Hungarian Prime Minister Viktor Orban, sent on March 15th to the Transylvanian Hungarians, who "unleashed the ghosts of the past". One of the senators of the Social-Democratic Party accused the Romanian Government of being supported by the Hungarian who symbolically hanged Avram Iancu. He linked the declarations of an ethnic Hungarian politician, Laszlo Tokes that he was happy to obtain Hungarian citizenship on the day celebrating the Hungarian Revolution, to Avram Iancu's hanging. The social-democrat senator also blamed the DAHR politicians for commemorating, not celebrating the Treaty of Trianon, although they are Romanian citizens. (Parliamentary debate of March 16, 2011) A PSD Parliament member who represented Harghita county accused in the same Parliament session, Csibi Barna's provocative gesture, showing that this was not the first time he acted this way. He criticized the presidents of Harghita, Covasna and Mures County Councils because "they glorified the obtaining of the Hungarian citizenship" and wondered which Constitution they shall respect, the Romanian or the Hungarian? The Parliament member discussed the autonomy of the Land, claimed by UDMR and supported by Viktor Orban, although it is against the Constitution of Romania which "clearly states that Romania is an indivisible, unitary and national state" (Parliamentary debate of March 16, 2011)

DAHR leaders condemned Csibi Barna's "extremist" action and specified that it did not represent Hungarians. They also answered to the wave of indignation in the media and to the Romanian politicians' accusations of Hungarians' lack of loyalty. DAHR's President, Hunor Kelemen asked for mutual respect between communities and underlined that "if there was no DAHR, we would go 20 years back. DAHR's presence in the Parliament confers a feeling of safety to the Hungarian community". Commenting on the Parliament's session, DAHR's Harghita senator, Verestoy Attila, stated that the opposition lit the "nationalist fire" in order to create diversion in the ruling coalition and that "that Hungarians are part of this country is not merely an election cry, they are loyal and useful citizens, which is almost unanimously accepted at the Romanian people".

Dealing with the Csibi Barna case: procedural fairness and the response of the public institutions

On March 15, the prosecutor's office of Harghita Court referred the matter to itself and announced that it shall investigate Mr. Barna's action, otherwise authorized by the City Hall, for instigation to discrimination. Art. 317 of the Criminal Code provides that "instigation to hate based on race, nationality, ethnicity, language, religion, sex, sexual orientation, opinion, political affiliation, convictions, fortune, social origin, age, disability, non-contagious chronic disease or HIV/ AIDS infection is punished by prison from 6 months to 3 years or by fine". On March 21st, 2011, the case was transferred to the Romanian General Prosecutor's Office and the number of charges was growing with two new counts: crime of indecent exposure and of disturbing public order and peace. March 23rd, Csibi Barna was heard at the General Prosecutor's Office where he was informed on the charges brought against him. Additionally, according to his own statement, in this case, the prosecutors searched Csibi Barna's home and evidence was taken, the accused's computer inclusively (Csibi Barna's interview). In his defense, Csibi Barna invoked the right to freedom of expression provided by the Constitution of Romania.

On March 18, the Tax Authority, where Csibi Barna was employed by contest, made public a press release which showed, in the following order, that he violated the public servants' code of conduct and that the institution's director, Sorin Blejnar, decided to send him before the Discipline Committee and transfer him for six months to the Public Finance Administration of Abrud locality, Alba County. According to the press release, Mr Barna has violated the rule which required the civil servant to put the public interest above the personal interest, when exercising its attributions. Mr Barna was also accused that he has violated its loyalty obligations toward the institution which impose to the public servant to defend "the prestige of the public authority or institution where they perform their activity, as well as to refrain from any action or act that could cause harm the image or prejudice its legal interests". The press release established that Mr Barna breached the Code of Conduct before the Discipline Committee rendered a decision to this effect.

The decision to transfer to Abrud aroused protests among the citizens and the politicians. Representatives of Abrud public administration, as well as thousands of locals, met at the city hall and signed an open letter to the Prime Minister of Romania where they protested against Csibi Barna's transfer to Abrud and they asked him to revoke the Tax Authority order. The Mayor of Abrud, member of the government party, publicly asked the dismissal of his party colleague, the Tax Authority director because "an anti-national action should not be administratively sanctioned" and because if the transfer is not withdrawn, this could generate inter-ethnic conflicts. March 24, approximately 500 inhabitants of Muntii Apuseni along with 12 mayors of the same area gathered in Piața Avram Iancu of Câmpani locality, where they adopted a decision whereby they requested from the President, the Government and the Parliament "to analyse the irredentist and xenophobe actions, regardless who undertook them".

Csibi Barna's transfer to Abrud, Alba county, has two arguable elements. The first element has to do with legality and the second with morality, because Avram Iancu, whose doll was hanged, spent his childhood in Abrud, and during the revolution of 1848 had one of his general headquarter there. In one of its articles, the online publication Hotnews underlined that the transfer is not a disciplinary sanction, as Law 188/1999 on the Public Servants Statute shows. The law stipulates that "the transfer is ordered in the interest of the public authority or institution", only based on his written consent, which was not the case in this situation. The fact that the head of the Tax Authority acted outside the rules of the institution was proved by his own justification for the transfer decision. Sorin Blejnar said in a television show that he wanted to personally teach Csibi Barna a lesson of tolerance not mentioned in the job description.

Due to the hostile reaction of citizens and mayors from Abrud area, Tax Authority decided that the public servant shall be transferred to Bucharest, 200 km away from Csibi Barna's home town and again without his consent. Once again, the institution's president, Sorin Blejnar publicly explains his

decision, in an ironic style, saying that this is an appropriate measure, because Csibi Barna should be able to promptly respond "to the prosecutors' request whenever necessary ", given that he is investigated by the General Prosecutor's Office. On May 5, Sorin Blejnar announced that the Discipline Committee proposed Csibi Barna's dismissal on the ground that he was absent at his work in Bucharest without leave (Art. 77, par. 2, c of the public servants' statute law) and that he ordered that Barna's employment contract be terminated. Csibi Barna's dismissal for a reason other than its action of March 14, 2011 finds its explanation in the legal provisions. According to the public servant's statute (Art. 77, para. 6), "if the action was notified as disciplinary misconduct and crime, the procedure of triggering disciplinary liability is suspended by the date the court of law orders the discharge or the termination of the criminal trial".

Tax Authority's decisions were analysed by the National Council for Combating Discrimination (NCCD), notified by Csibi Barna on April 2011. Mr. Barna considered that he was "discriminated against based on ethnicity, because in the action of 14 March 2011, the events that occurred during the 1848 revolution were presented from the Hungarian and Szeklar ethnics' opinion". The claimant considered that he was discriminated against based on his political affiliation, his right to express or manifest his political convictions or to participate to public life being limited. ANAF, the institution against which the complaint was filed, communicate to the NCCD an opinion where it held that the notification of the discipline committee and Csibi Barna's transfer were legal, that they did not represent sanctioning measures, and that they did not have the effects that Mr. Barna claims, as the petitioner's ethnicity or political opinions were not taken into account.

On 6 July 2011, NCCD issued decision 278 adopted by five votes for and two votes against, which finds that neither the disciplinary investigation nor the transfer represent discriminative actions because the two measures applied by the Tax Authority are not in a causal relation with Csibi Barna's ethnicity or political opinions. A separate opinion was filed to the decision where the authors considered that the transfer from Miercurea Ciuc to Abrud represented a discrimination based on opinion, instead of ethnicity: "the transfer occurred further to the expression of an opinion. Ethnicity is not relevant, because other persons within Harghita GPF, of Hungarian ethnicity, were not transferred to Abrud Public Finance Administration". The separate opinion authors' find that Csibi Barna was applied a different treatment, because the Tax Authority did not provide any objective and reasonable justification, according to the case law of the European Court of Human Rights.

Both criminal and administrative institutions have acted in Csibi Barna's case with a unusual promptness and turned it into a state issue. The head of Tax Authority, a controversial politician of the main governing party, has made of Csibi Barna's case a personal cause in hopes he will get more public sympathy if he will act firmly even with violation of the institutionale procedures. The decisions of the Tax Authority's head and of the institution in Csibi Barna's case were considered by the interviewed persons an abuse and instigation as big as Csibi Barna's action itself. The journalist Vlad Mixich believes that "the decision to transfer Csibi Barna in an area very much attached to Avram Iancu's mythical image had the same meaning as Csibi Barna's action, both can be considered an instigation" (Vlad Mixich's interview). "

The president of the NCCD Csaba Asztalos, who abstained from NCCD voting because he expressed in public its opinion on the case, believes that "the institutional reactions proved that Csibi Barna ethnicity was not favourable to him": "We must note that Csibi Barna action had an ethnical meaning, in the sense that it referred to a moment of the history of the relations between the two communities". NCCD's president Csaba Asztalos believes that the institutions' reactions were more visible than in other cases due to the "excessive debate in the media and manipulation" and explains them by the intention to prevent "the escalation of the subject and its expression by verbal violence or of other nature". Csaba Asztalos mentions that "the actions of a national minority are much more harshly appreciated and even publicly sanctioned".

NCCD's President Csaba Asztalos draws attention on the fact that the criminal institutions act differently in similar situations. He supports this affirmation on the profanation case of the statue

representing the Hungarian revolutionary Gabor Aron of Chichis commune, Covasna county. A young Romanian satisfied his physiological needs on the revolutionary's monument, and another one mimed their satisfaction, the episode being recorded and posted in May 2010 on YouTube under the headline "for Hungarians". The Prosecutor's Office of Covasna Court decided not to initiate criminal proceedings against the persons who profaned the monument of the 1848 revolutionary Gabor Aron. "If Hungarians are victims and Romanians aggressors, the public authorities minimize the cases" stated the NCCD's president Csaba Asztalos (Csaba Asztalos's interview).

Interpretation of the findings: how dual loyalty and a mythological blockage inflame the public and lead to intolerant public and political behavior

Clashing interpretations of autonomy: cultural diversity and the fear of segregation

Transylvania's history as border province, where the Romanians and Hungarians represented at times the majority or the minority in the population, determined both communities to develop competing identities (Mungiu, 2000, Salat, 2007). This is proved by all polls conducted after 1990 in connection with the way in which both groups define their identities. Romanians choose legal – formal criteria to define both identities (place of birth, citizenship, language) and self-identify as belonging to the civic in-group, in which they include Hungarians as well. However, they refuse to include Hungarians in their ethnicity stating that, in order to be Hungarian, you must be born in Hungary. Hungarians opt for self-revising subjective-cultural criteria (mother tongue, feel Hungarian, be born in a Hungarian family, be baptized in a Hungarian church) and the legal-formal criteria that help define the identity as Romanian. Romanians expect Hungarians to assume their civic identity the way they see it and give up ethnicity, whereas Hungarians put to value ethnic identity and self-exclude from the civic in-group.

Highlighting the ethnic dimension of identity leads to a lack of trust and suspicion between the majority and the minority. 13% Romanians consider Hungarians a threat and 19% a problem, if not a threat (TNS-CSOP, 2007). This situation is due to the fact that DAHR made more visible, by its presence in the government, the claims of the Hungarian community for granting more rights, including cultural and territorial autonomy to the Szekler Land. Since early 90s, the Hungarian elite came up with models of autonomy, programs and legal initiatives meant to support Szekler Land's autonomy. The Hungarians' leaders initiated people's consultations and local referenda in the counties inhabited mainly by Hungarians, which were dismissed in court. The theme is maintained on the Hungarian political elite's agenda mainly for electoral purposes, in order to determine the Szekler Hungarians to go to vote, votes which are significant for the existence of ethnic parties.

The majority is concerned that the legal rights obtained by ethnic Hungarians might lead to separation/segregation. The suspicion that behind the claims for autonomy lie actually intentions of secession has been frequently expressed in public, and the international recognition of Kosovo's independence intensified this anxiety. The fear of secession is also enhanced by the official stand adopted by Hungarian prime-minister Orbán Viktor, a nationalist populist politician beloved among the Transylvanian Hungarians. Orbán managed to convince the Parliament to change the Hungarian Constitution, whose preamble now refers to the "Hungarian nation". Budapest supports the autonomy of Hungarians living in Romania, and the new pro-autonomy parties competing against DAHR. It has recently granted Hungarian citizenship to the Hungarians outside state-borders. The Romanian political elite dismisses even discussions on autonomy. The president Traian Basescu publicly stated that the Szekler counties would have as much autonomy as Galati county and that the Hungarians would never obtain territorial autonomy. The Romanian government views autonomy as a matter of national security, fact proven by the existence in the 90s of an anti-irredentist division within the Romanian Intelligence Service.

Symbols and rituals as triggers of intolerant behavior

The sense of injustice felt by both Romanians and Hungarians throughout history and whose instrument of oppression was the other community, emerges through political rituals and "reify perceptions that an opponent is holding back" the development of the nation, respectively the ethnic, as Githens- Mazer observed. This is also the engine of the myth of "Great Hungary Golden Age" for Hungarians, on one side, and of the myth of Hungary as the potent enemy of the Romanian state, on the other. In the second case, the actors are the Hungarian minority and their international lobbying, which is considered to have subordinated all the major Romanian developments, as Lucian Boia pointed out. Both of these myths have an exclusionary effect and are generating mutual intolerance.

The most powerful symbols of the Romanian majority, the National Day and the national Anthem, are about two moments of the common Romanian-Hungarian history who signify for the Hungarian minority huge defeats and implicitly rank Hungarians as the enemy of ethnic Romanians. As Irina Culic noted "both represent the struggle of national emancipation from Hungarian domination". The National Day, the 1st of December, marks the Union of Transylvania with the Kingdom of Romania in 1918 and represents one of the greatest tragedy in the history of the Hungarian nation, the end of the Great Hungary through the Treaty of Trianon which confirmed the union. The Romanian national anthem "Awake, Romanians" symbolizes the 1848 Romanian national revolution in Transylvania carried out against the Hungarian domination (Culic, 2001). Mirrored, the political rituals of the Transylvanian Hungarians are related to the Revolution of 1848 and to the Treaty of Trianon, the peace agreement signed in 1920, at the end of World War I, between the Allies and Hungary, one of the successor states to Austria-Hungary.

For the Hungarian politicians, but also for the Hungarian people in general, the Peace Treaty of Trianon is still a trauma and is considered to have been a huge injustice. After the Trianon Treaty, over 1,600,000 Hungarians who were living in Transylvania became Romanian citizens and, thus, a minority community. As Githens Mazer noted, the ritualised commemoration of defeats are emotionally loaded with the collective memories of "suffering and anxiety about one's fate and the fate of one's family". This types of ritualised commemoration "can form some of the most potent and inflammable bases for political action"(Githens Mazer, 2007).

The claims made during the recent years by Hungarian representatives, including that of the right to self-government, are based on Romania's commitments to the Hungarian community from Transylvania, as expressed in 1918 in Alba-Iulia. The Proclamation of Union of Alba Iulia guarantees "Full national freedom for all co-inhabiting people. Each people will educate, administrate and judge cases in its own language, with its own people, and each people will receive representation rights in all legislative bodies and in the government of the country, in proportion with the number of individuals". For the Romanian majority, the event from Alba Iulia has the opposite meaning: the repair of a great historical injustice, that of the split of Romanian living in multiple states. The union of all Romanians was in fact the foundation myth of the Romanian modern state, and it was inscribed in Article 4 of the Constitution. Many scholars believe that this constitutional provision, alongside the one which states the unitary and national character of the state, has an exclusionary nature, and also that it has more than a symbolic meaning, by restricting the legal possibilities of obtaining and practicing self-government by the national minority (Culic, 2001, Salat, 2007). The same historical moment is considered by Hungarians to be the foundation for their claims for special rights, including some form of cultural and political autonomy. But it is the majoritarian Romanians argument interpretation that Alba-Iulia stands as an argument against these rights, on behalf of the unity of all Romanians and of that of the Romanian territory.

By hanging Avram Iancu, Csibi Barna made a direct reference to the 1848 revolution, when the Hungarians fought for the unification of Transylvania with Hungary, against the Austrian Empire supported by Romanians, who fought for their national rights against the Hungarians. The ritual

performed by Csibi Barna is also "metonymic", in the sense described by Gitens Mazer: "using one entity to refer to another that is related to it and aiding in the social determination what events from the past are important" (Githens Mazer, 2007). The performance was related metonymically to the autonomy of Szekler Land, a region who existed as a legal entity in the medieval times, and by virtue of the right to "full national freedom for all co-inhabiting people", promised to the minorities in 1918.

The reason for which Csibi Barna's action on Hungary's National Day had such an impact on the public is highly dependent on the choice of the "victim": the Romanian national 1848 revolutionary Avram Iancu. He was a fighter for the rights of Romanians from Transylvania during the revolution of 1848, a traumatizing moment for both communities involved in a direct conflict, that made many victims among the civilians as well, and that was used by Romanian and Hungarian politicians in their struggle to construct a more convincing identity profile of the community they were addressing. After the revolution of December 1989, Tebea, the city where he was buried, was a place of pilgrimage for Romanian politicians. Their presence at the commemoration of Avram Iancu is a test of patriotism and a rite of legitimacy as Romanian true patriots.

Avram Iancu is a historical character turned into myth for ideological reasons, and both Romanians and Hungarians know him from the history school books, folklore and the political propaganda. The Hungarians in Transylvania have more information on the 1848 revolution due also to the fact that Hungary's National Day is the anniversary of March 15th, 1848, while Romanians know only their legendary hero Avram Iancu (Mungiu-Pippidi, 1999). For the average Hungarian, he was a traitor of the 1848 Revolution in favor of imperial interests (Mungiu-Pippidi, 2000). Thus, Csibi Barna justified his choice of Avram Iancu: "He was the leader of the hoards of criminals who ethnically cleansed Central and Southern Transylvania, the carnages in Aiud, Roşia Montana, Abrud, Zlatna are thoroughly presented in his written memoires" (Csibi Barna's interview). Csibi Barna's opinion is not singular. At a City Council meeting in Miercurea Ciuc, Zoltan Szondy Hungarian Civic Party councilor conducted an investigation related to the symbolic hanging of Avram Iancu by Csibi Barna. The councilor said that although most Romanians felt offended by what Mr. Barna had done, it must be said that this is not a matter of opinion because "Avram Iancu was a criminal", as the Hungarian-language newspaper the Szeklerhon.ro reported (apud ziare.com).

The Romanian folklore mentions Avram Iancu as the "little prince of the mountains", as he was praised in popular songs, one of which is today a jingle in the Transylvanian railway station. The National Bank of Romania issued a banknote with Avram Iancu's portrait on one side. Avram Iancu was also included, on political grounds, in the national pantheon by King Ferdinand, the ruler who unified the Romanian state, and later by the fascist legionary movement during the period between the two world wars, by national Communists, and by the Transylvanian nationalist parties after the revolution of December 1989 (Boia, 1997). In the early 90s, Avram Iancu's character was subject to one of the most important political and media confrontations that took place in Cluj, a city from Transylvania inhabited by Romanians and Hungarians. The former mayor of Cluj, Gheorghe Funar, an outspoken nationalist, raised in 1993, in the middle of the town which was then dominated by the statue of the King of Hungary, the Transylvanian Matthias Corvinus, a huge Avram Iancu statue, with an inscription saying that 40.000 Romanians were killed during those battles suggesting that they were killed by Hungarians (Mungiu Pippidi, 2000).

All interviewed persons agreed that the image of Avram Iancu hanged stirred many emotions. "Avram Iancu is a historical character, revealed to Romanians as national myth since the secondary school. The history books from primary school do not describe him as a real character (this does not happen only in Romania). Thus, Avram Iancu is not perceived in Romania at his actual historical dimension, but as the hero icon. Any nation is built on a story where the main roles are played by true heroes. Avram Iancu is such hero" (Vlad Mixich, journalist, interview). "Avram Iancu's hanging would have a public impact almost as great even if it was made by a Romanian. In the collective memory, Iancu is a fighter, a hero, a savior. History textbooks do not explain too clearly why he would be a hero. Legends were given more weight in textbooks, but the facts could possibly consecrate him as a defender of the

Romanians against Hungarians. Perhaps if Csibi Barna had "hanged" Emil Boc (a Romanian politician, former prime minister n.a) , that would not have had any ethnic connotation"(Sabina Fati, journalist).

The threshold of loyalty for the majority and the minority

Both Romanian and Hungarians living in Romania have naive expectations from each-other, as Irina Culic observed. Hungarians expect Romanians "to acknowledge their existence as a national minority" with specific needs and interests. As for the Romanians, they expect that "Hungarians should feel and relate to institutions, processes and symbols in a similar way" (Culic, 2001). For example, the Romanians expect the Hungarians to celebrate the National Day of Romania, even if for them the union of Transylvania with Romania meant the lost of their majoritarian status and the separation from the mother country. The lack of joy of the Transylvanian Hungarians on the 1st of December, especially if it is manifested by the Hungarians politicians, is seen by the majority as a sign of disloyalty. Both Romanian media and politicians have publicly expressed, in the context of Csibi Barna's case, doubt on the loyalty toward the Romanian state of the ethnic Hungarians officials who received Hungarian citizenship, although the Romanian law does not prohibit dual citizenship. The same suspicion was expressed by politicians concerning DAHR' demands for the autonomy of the Szekler land, a claim against the provisions of the Constitution they vowed to uphold (Parliamentary debate of March 16, 2011).

The problem of Hungarians' loyalty towards the state dates back to the debates taking place inside the Hungarian community by intellectuals between the two World Wars, and it has been raised numerous time since then. After Transylvania became part of Romania and the Trianon Treaty was concluded, the Hungarian minority had to come up with strategies that were appropriate to their new status, i.e., as minority within the Romanian state. Two competing movements developed within the Hungarian community: that of a conditional loyalty towards the Romanian state, and that of integration on its own terms and separation from the Romanian state and non-cooperation with Romanians, while waiting for Transylvania to reunite with Hungary. "Hungarians believed it was a temporary situation. (...)Their expectations made Hungarians refuse to sign the required loyalty oath to the Romanian State. Thus many public servants and State employees were fired. An emigration wave of Hungarian population from Romania to Hungary was recorded between 1918 and 1923, about 70,000 Hungarians left the country in 1920" ("Hungarians of Romania", Center for Documentation and Information on Minorities in Europe - Southeast Europe).

Providing more substantive rights to the Hungarian minority, including certain forms of autonomy, as a condition for loyalty was made known by many Hungarian intellectuals, after Transylvania became part of Romania and the Trianon Treaty. This integration strategy is illustrated the best by a text of the writer and Transylvanian politician Karoly Kos, published for the first time in Cluj: "Loyalty (...), provided that the new situation gives us that minimum of our national culture, old customs, the conscience of a nation, social feelings, economic development, the knowledge that we acquired over our history of one thousand years, as they are all indispensable to us (...) We, citizens of Romania, Hungarians by ethnicity, faith and language want a national autonomy, and if you obtain it, Romania shall win us as trustworthy citizens" (Nastasa, Salat, 2003). All conditions invoked by Karoly Kos are still applicable, so is loyalty. As the NCCD's president stated: "I am a good citizen, patriot and loyal to the Romanian state if I can be a Hungarian in Romania, in the sense that I can keep and develop my national minority identity (Csaba Asztalos's interview).

Most often the majority expects more from the minority than from itself, in terms of loyalty. In one of the Romanian volumes dedicated to the theory of national minorities, Ion Diaconu, law professor and rapporteur representing Romania in the UN's Anti-Discrimination Committee, exposed a thesis on regarding the minorities' obligation of loyalty, shared by most of the Romanian politicians and by the Romanian majority. His book "Minorities. Statute, perspectives", published in 1996 by an institution

subordinated to the Parliament, distinguishes between the majority members, whose political loyalty towards the states they live in is not questioned, and the minority members, for whom the loyalty or fidelity towards the country they live in" is a specific obligation (Andreescu, 2004).

The president of the National Council for Combating Discrimination, Csaba Asztalos pointed out that Hungarians are generally asked additional evidence of loyalty toward the Romanian state compared to ethnical Romanian citizens, even more so they are persons of high official positions (Csaba Asztalos's interview). Csaba Asztalos alleged that both he and some of his other Hungarian colleagues were often put to "tests of patriotism" by their colleagues: "My loyalty towards the Romanian state was often questioned, I was the witness of certain declarations according to which "a Hungarian can never be the president of a public institution such as the National Council for Combating Discrimination. Any national minority-related incident generates conducts and attitudes that question my loyalty towards the Romanian State due to the fact that I hold this position. Tests of patriotisms are very common, from linguistic skills related to the State's official language to the positions that I adopt when I settle claims or I officially represent the Romanian institution. I can state that the minority developed in time a protection system towards these expectations, with respect to such stereotypes respectively, namely, by the belief that a Romanian citizen belonging to a national minority, generally Hungarian, is suspect of treason. (historical stereotypes – Hungarian danger, scary Hungarians who refuse to sell bread to the non-Hungarian speaking Romanians, taking Transylvania etc.)" (Csaba Asztalos's interview). The others interviewed highly ranked Hungarian officials declared that the Romanian colleagues asked them for proofs of loyalty towards the state (Tamas Sandor's Interview, Arpad Antal's interview). The reasons why Romanians would question the loyalty of Hungarians are historically constructed, as Irina Culic pointed out. In the collective memory of the majority is still present the past of Hungarian political and cultural domination and of symbolic territorial claims (Culic, 2001).

The dual status of ethnic Hungarian and public servant of Csibi Barna contributed to the public impact of his gesture, and raised the question of double loyalty. The national media presented Csibi Barna as a "public servant who symbolically hanged Avram Iancu". A Hungarian who hanged Avram Iancu "is guiltier than a Romanian that would make the same action, just because the hero's legendary aura is related to fights against the Hungarians. Avram Iancu lost the battle, even if the whole liberal revolution of 1848 was turned to defeat. The fact that Barna was a public servant of the Romanian state adds an aggravating circumstance in terms of Romanian observers, accustomed to the nationalist rhetoric under Ceausescu's rule" (Sabina Fati, journalist). Sabina Fati believes that the deed is not a proof of lack of civic loyalty, but that such thing can be symbolically perceived by the public opinion (Sabina Fati's interview).

Legally, according to the Code of Conduct, the civil servants are required, on behalf of the principle of loyalty to the Constitution and to the law, to observe the Constitution and to comply with the legal provisions on restricting certain rights, due to the nature of their public duties. Also the civil servants can participate in activities or public debate, with the obligation to make known that their opinion does not represent the official views of the public authority or institution in which they operate. Csibi Barna did not made this statement when he hanged the effigy of Avram Iancu, expressing in this way his opinion about the Revolution of 1848. Unfortunately, the way in which state institutions have acted in this case made it impossible to formally decide whether or not Csibi Barna violated its duty of loyalty provided in the Civil Servants Code of Conduct.

The quest for autonomy as a tool in the political discourse

Central media and the Romanian politicians have liked Mr. Barna's action, who promoted himself as the exponent of a movement supporting the independence of the Szekler Land, with the DAHR' request to grant autonomy to the Szekler Land, goal endorsed by the Hungarian government led by Viktor Orban. The linguistic rights obtained by DAHR through negotiation with Romanian parties actually meant almost nothing for Szeklers, because those rights existed de facto. For example, the

Szekler Hungarians used Hungarian in administration before the enactment of certain laws to this effect, because they represented the majority. Although the Szeklers in Romania face the same problems as most Romanians, i.e., of economic nature, the autonomy is promoted by politicians and by the Hungarian media in the Szekler Land as a solution both for community's economic development and for its cultural survival.

Specificity of the Szeklers has been used as a political instrument between the two world wars. The Hungarian populist ideology idealized the Szeklers who were seen "as the pure and unbroken keepers of the Hungarian spirit" (Tamás Szilágy). The Hungarian Autonomous Region, which survived for a short period of time, established by the Soviet ruler after the Second World War, had a significant impact on the self-image of the Szeklers who became a "nationality in majority" provided with extensive cultural rights. (Bottoni, 2003). The autonomist idea seems to be the only one with a potential of ethnic mobilization of the Szeklers, who are the most ethnocentric Hungarians. The Szeklers identified themselves as Hungarians from Transylvania (35.5%) or Szeklers (28.6%) (Lazar, 2000, Mungiu-Pippidi, 1999). The conducted studies show that "the more the primordial ethno-territorial identity prevails upon modern state identity, the higher the demands for political autonomy" (Arriba, Morreno, 1996). This is exactly what happens in the case of autonomy of Szekler Land: representatives of Hungarians, from the State institutions and the majority, relate the recognition and institutionalization of ethnic differences through the granting of collective rights, to the idea of cultural and territorial autonomy.

Central authorities did not even accept the official use of the name "Szekler Land", although many official government documents refer to other geographical regions as "country": Barsa Country, Hateg Country, Almaj Country. For example, Barsa Country is found in the name of an institution subordinated to the Ministry of Interior: the Inspectorate for Emergency Situations - Territorial Unit - ISU "Barsa Country" Brasov. The Romanian politicians try to avoid at all costs to discuss the autonomy of the Szekler Land, rejecting the possibility from the start. Some scholars believe that by granting more rights to the minority, including some form of autonomy, the outcome could be more loyalty toward the Romanian state, as Karoly Kos pointed out at the beginning of the 20th century. But the experiment of the creation of Hungarian Autonomous Region by the Romanian Stalinist regime after World War II did not make the Hungarians more loyal toward the Romanian state (Bottoni, 2003). As Romanians, they probably will feel that granting autonomy for Szekler Land meaning Harghita, Covasna and Mures counties is a curtailment of their idealized projection of the national territory and as an act of aggression.

The mayor of Sfantu Gheorghe, Covasna, Antal Arpad believes that "certain interests in Bucharest used Csibi Barna's action to compromise Szeklers' autonomy, and tried to create a false image that when the Hungarians talk about autonomy, they actually want the independence of the Szekler Land" (Antal Arpad's interview). The historian Sabina Fati believes that Mr. Barna's action could establish, in the conscience of the general public, a connection between the symbolic violence he performed, on one hand, and autonomy, on the other, the latter actually being a goal formally acknowledged by the Hungarian minority's political leaders (Sabina Fati's Interview.).

Although Csibi Barna's case did not directly influence the public debates on Romania's administrative territorial reorganization, the perceptions it aroused, as discussed by Antal Arpad and Sabina Fati, did have an impact. Traian Băsescu, Romanian president, opened the debate in May 2011, two weeks after Csibi Barna was dismissed from office. Without support from any technical or impact analysis, the public discussions were carried out around the status of the three Szekler counties, Harghita, Covasna and Mures, that the ruling party wanted to separate, by integrating them in two regions with a Romanian majority, whereas DHAR wanted to reunite them in one single region.

The psychology of communication describes the cognitive detonator process: "if i get to use the aggressiveness concept to think in T1 on the conduct of a person X (he beats somebody who did not do anything), I shall use the same concept of aggressiveness easier when faced in T2 with the conduct of a person Y who shall only say something unpleasant about somebody" (Beauvois, Rainaudi, 2008).

The Csibi Barna event represented the cognitive detonator for the debate concerning Romania's administrative-territorial reorganization in relation to the autonomy of the Szekler Land.

DAHR and other Hungarian organizations threatened to organize street protests and civic disobedience because they considered that the proposal of the ruling party would force "the dissolution of the Hungarian community ". Certain political Hungarian representatives reminded the revolts after the Hungarian Autonomous Region was dissolved during the Communist period. The government of Hungary supported the Hungarian politicians from Transylvania, through the vice-prime minister Zsolt Semjen, who declared that the administrative reorganization would pose a threat to the Hungarians in Transylvania and the Szekler Land, whose reality must be respected. He said that the project resembles the policy implemented in Transylvania by the former dictator Ceausescu.

The main ruling party accused DHAR that it opposes the state modernization, and a leader from Covasna, from the governing party, showed that an inter-ethnic conflict could be generated: "If a future Kosovo is wanted, then, it should be clearly stated from the very beginning that this is the goal and we all know what we have to do: either we all take our weapons or we all leave to more peaceful other areas of the country or of the world". According to a survey conducted by a national television using the CATI method, 72% of the Romanians declared that they do not want the current delimitation of the counties to be changed, and 69% declared to be against DHAR's proposal to create the Szekler Land region.

Concluding remarks and recommendations

Csibi Barna's action to hang the effigy of the Romanian revolutionary Avram Iancu exposed the extraordinary intolerance at the level of political elites of the Romanian present state, the identity fears, self-victimization and mutual blame of Romanians and Hungarians. The case of Csibi Barna proves the paradoxical situation of Romania, where a strong legislative and institutional framework against discrimination exist, but do not have a substantial effect because of the intolerance of the others' view on history, used to justify present-day political designs. As Mungiu-Pippidi stated (1999) the two groups have separate and opposite views of entitlement grounded in different interpretations of history. Despite the strong centralization of the Romanian school curricula, the two groups are socialized into two antagonistic versions of history. Amplified by the political entrepreneurs, this leads to an environment of intolerance and distrust present on every occasion.

The Csibi Barna case-study, with its many implications and developments is a tolerance boundary conflict between the majority and the minority. It has to do with the minority condition and the ethnic loyalty, as well as to a historical ethno-nationalist ideology which puts emphasis on the superiority of ethnic identity. Salat considers that Hungarians failed to self-revise their status within the Romanian State, to find the alternative forms of "self-assertion" that would have been more appropriate to the minority's current situation. The self-pity for the loss of majority status after the separation of Transylvania from Hungary due to the 1920 Treaty of Trianon, the self victimization as a people who suffered throughout history, "the attempts of institutionalized "separateness" within the state" (Salat, 2006), the misuse of the dominant position in regions where Hungarians are in majority by excluding Romanians from the decision-making process at the local level, these are all evidence supporting the argument. The Hungarian political elite, supported by Budapest, makes use of ethno-symbolism and keeps alive the traumatic memory of Trianon, the cancellation of the Hungarian Autonomous Region, and the fear of assimilation. The rhetorical exercises of certain Hungarian politicians, from within and outside Romania, multiplied by the Hungarian media, contribute to the consolidation of ethnic identity, as means of protection against a potentially aggressor state, to the detriment of the civic identity. Although the Romanian state and the majority had a bigger responsibility, the minority nationalism, whose extremist exponent is Csibi Barna as well, contributes to the creation of a vicious circle in terms of identity fears and mutual incriminations. The young Hungarian Csibi Barna, as well as the young Romanians who profaned the statue of Gabor Aron, did not come from out of nowhere,

their hard feelings were fed by media and the politicians. The Hungarians' failure to assume civic identity also relates to the way the state and the Romanian majority formulate it (Salat, 2006). The recognition of the multiethnic character of the Romanian state was dismissed by the Romanian political elite and by the Romanian majority. Constitutionally, Romania is a nation-state, and this nature cannot be changed by revision, the 1991 Constitution states. The constitutional text is considered by Hungarians as an "exclusion agent" (Salat, 2006).

While the minority intends to move the tolerance border above fundamental rights such as the use of mother tongue, requesting a new public status through the recognition of collective rights, considered to confer some form of autonomy, for the Romanian majority the limit of tolerance is much lower. The majority is intolerant towards the institutionalization of any ethnic differences, which would require the public presence of ethnic diversity (Robotin, 2002). It opposes the DAHR's mandatory cooptation to government, the use of mother tongue in public, giving extended rights to the Hungarians who are living in majority in some counties such as hiring minority ethnics in police (M.W, 2006). The majority, through the Romanian media, political representatives and state institutions, claims to the minority a civic loyalty beyond the formal-legal obligations. It shows intolerance towards what it considers to be the lack of loyalty toward the Romanian state with its national symbols, The National Day and Anthem, the national heroes. Csibi Barna's case showed the capacity of the Romanian political elite to cynically instrument the identity competition of the two communities for electoral purposes. The arbitrary decisions of the Tax Authority's president, a pro-eminent member of the ruling party, were investigated for discrimination and they were about to generate an actual inter-ethnic conflict by transferring Csibi Barna to Abrud, a city historically connected to the life of Avram Iancu. The objectivity of the public institutions, reacting differently in similar cases, such as the hanging of Avram Iancu's doll and the profanation of the monument representing Gabor Aron, is also questionable.

The Hungarians' claims for collective rights, including cultural autonomy and autonomy for Szekler Land, expressed in the language of the historical contest between two nations, and not in the rational language of the benefits of the self-administration of one's own ethnic group (Culic, 2001), revive the memories of the majority and their fears of Hungarians domination, as it was cultivated by the political elite. The autonomy issue can be construed as a "societal security dilemma" as Paul Roe described. Autonomy viewed by the Hungarian elite as an instrument meant to preserve the community's identity and security, or, in its rhetorical use, a piece of discourse meant to mobilize the ethnical electorate, is perceived by the majority as a threat to national identity, to the state's sovereignty and unity. In its defense, the majority can resort to counter-measures. Such a counter-measure could be DAHR's marginalization, thinking, naively, that once the organization disappears from the political scene, the agenda will no longer include Hungarians' ethnic issues. According to the same theory, i.e., "societal security dilemma", DAHR's disappearance from the political scene could result in the radicalization of Hungarians who live in the Szekler area and in higher insecurity among the general population. Csibi Barna is the exponent of such a radical movement that appeared in the recent years in the Szeklers counties area, one that feels that DAHR actions are not enough.

The debate regarding the administrative-territorial reorganization was initiated by Traian Băsescu at the worst possible moment, and failed by turning into a nationalist hysteria, after Csibi Barna's case and the chain of events that followed it. If Traian Băsescu's regionalisation project will a tone point be adopted, the new territorial organization shall result in the significant reduction of the share of Hungarians, and thus a reduction of their representation and participation on a local/ regional level, and the forfeiture of rights, such as the use of mother tongue because of their reduced percent from the total of the population. In terms of "security dilemma", it is the authors' opinion that the adoption of this proposal to reorganize the country under these conditions would have produced a dramatic result.

Recommendations

In order to address the more profound causes of intolerant public and political behavior between the Hungarian and the Romanian living in Romania, we put forward the following recommendations:

- **Common projects** Most Romanians know the Hungarians only indirectly, through the historical narratives they were taught in school or they were exposed to through political discourse. Hungarians are visible in the public space primarily on the occasion when they make their claims for identity rights, although minority representatives have held over time positions in the Romanian government that would have allowed them to link to the image of the Hungarian community to projects which are beneficial for both groups. Except for some small scale programmes implemented by non-governmental organizations from both communities, and which are meant to address the whole society, no important joint projects were implemented. At the time when the Romanian society considered its national objectives to integrate into the European Union and NATO integration, Hungarians, through their public representatives, were perceived as promoters of state modernization. After the objectives of NATO and EU integration were achieved, Romanians and Hungarians were left without a common project to mobilize both communities and to reduce mutual distrust and intolerance. The Romanians and the Hungarians returned to the old historical rivalries, the case of Csibi Barna being a proof.

Promotion of such common projects, on micro and macro-level, could have the effect of de-stigmatization of the minority claims and strengthening civic identity of Hungarians. State's modernization through regionalization can be a major common project as long as this would happen through a process of negotiation between the majority and the minority, and by balancing the economic development goal with the needs of maintaining the cultural identity of the minority. As Alina Mungiu Pippidi suggested, the risk of nationalist mobilization in this process can be controlled by introducing incentives for inter-ethnic cooperation in the evaluation process of European Union funds which are administrated by regions.

- **Proportional representation** Although DHAR is a ruling party or is collaborating with the government since 1996, the hope espoused by scholars like Alina Mungiu Pippidi and Levente Salat on the gradual development of a consociationist model, based on mutual agreement and power-sharing, is still an intellectual project. Although UDMR is one of the ruling parties, the Union has a position that became vulnerable due to the political competition inside the Hungarian community and to the Romanian parties' power game. The principle of proportionality of the electoral system has also been disputed for a few years and a bill for a majoritarian system, who will probably substantially reduce the minorities from parliamentary representations, was proposed in Parliament. The proportional representation of minorities in the public administration did not even get to be subject to public debate, although DHAR's local leaders proposed such a project.

The proportional representation of minorities in the public administration from the government level to the sub-state institutions is the solution recommended by several consociationism adepts as a solution to the fear of the minorities of "the numerical superiority of the dominant group", "to promote citizens' identification with the state" and as "a tool to buy loyalty and to make disloyalty expensive" (Bangura, 2005, Steven Van de Walle and Zoë Scott, 2009). In order to promote autonomy, for which there is no consensus between the minority and the majority, it would be advisable that the representatives of the Hungarian community mobilize in order to to encode the principle of proportionality. The proportional representation would solve the matter of purging of DHAR's representative from the local and county public institutions, if the Union were no longer part of a ruling coalition, or it did not manage to secure seats in the Parliament. Additionally, it could facilitate the access to public offices and positions in the public administration of ethnic Romanians who are a minority in Harghita and Covasna counties, given that they declared that they felt discriminated because they did not speak Hungarian, and also filed petitions to the National Council for Combating Discrimination.

- **a new National Day** A small but meaningful gesture meant to help the two communities to overcome, in time, historical trauma and mythological blockage, could be the change of the National Day of Romania. In the recent year, there has been a debate around this proposal, because the nowadays date for celebration has an exclusionary nature, and it was criticized by scholars from both

communities. The suggestion would be the celebration of the National Day around a historical event that would reflect the interests of the two groups, Romanian and Hungarians. Two alternative options were put forward: the celebration of the anti-totalitarian revolution in 1989, date when Romania became a member of the European Union.

Conclusion

Romanian national identity can be explored well beyond the surface by looking at the history of the institutions that led to the assignation of certain features that are now defining what is Romanian and what not. Drawing on the political discourse built around state formation since the mid-19th century, the WP1 report argues that despite incentives to dismiss a possible association, **Romania is beyond any doubt Balkan**. Historical evidence is used to support the theory of the legacy of social and political (Ottoman and Byzantine) institutions.

Romania is not Western. The mid-19th century political discourse of Romanian elites, which rejected the idea of transplanting Western forms of development onto profoundly Oriental societies such as those in the Romanian kingdoms, marked the Romanian national discourse for the next 150 years. In fact, the idea of “modernization as rape” resurfaced in the interwar and post – 1990 national discourses. Moreover, the Oriental was exceptionally defined by the religious legacy of the Byzantine Empire that made Christian Orthodoxy deeply embedded into the idea of “being Romanian”. This deemed to create a series of challenges to the creation of a plural post-communist Romanian society, especially in relation to the state’s separation from church in the past 20 years.

Romania is European. Like in all countries in Eastern Europe, the fall of the Berlin wall was seen as Romania’s long awaited opportunity to return to Europe. The alleged mismatch between the expectations that new EU member states had from Europe and those that the EU had from them, which caused nationalist backlashes in some of the Central European countries, was felt only in the very small circles of the Romanian elites. In fact, the promise of the European Union influenced the public discourse to such extent that no anti-European political discourse would find its place in the national public debate.

After reviewing the main national identity components, as determined by Romania’s geographical location, institutional heritage, cultural identification and its new EU membership status, the WP1 report continued to identifying the main challenges to cultural diversity relevant for the current situation in Romania and taking an in depth look at the main challenges posed by the discourse towards the largest ethnic minorities in Romania – Hungarian and Roma. Since immigration does not present relevant challenges for Romania up until now, the focus is placed on historical minorities. The Hungarian and the Roma minorities stand out, representing significant proportions of the Romanian population, and having brought their issues on the public agenda in the past 20 years, in comparison to other minority groups.

Starting with the interwar national discourse, and moving on to the political solutions that the post-communist Romanian government found for accommodating ethnic minorities’ demands, a series of questions that have significant policy implications are raised. Was the consociationist governance solution a lasting one in the case of the Hungarian minority? What are the challenges posed by the large Roma minority in Romania and what was the evolution of the tolerance discourse towards them? What are the implications of the Orthodox cultural heritage and why is the separation of the State from the Church so difficult to achieve?

The Hungarian minority. Beyond any doubt, the Hungarian minority, currently representing 6,6% of Romanian nationals (Census 2002), was the main target of post-communist nationalism. It is interesting to analyze the power struggles within the Democratic Alliance of Hungarians in Romania (DAHR) – the main party representing this minority – and the way that they reflected onto the public position adopted by the Alliance on certain government policies, as well as the nationalist outbursts on both sides – Romanian and Hungarian. The WP1 report finds that three main categories of nationalists can be encounter in both groups – professional nationalists, crusaders and conformists. The DAHR

itself did not express a single common position on whether the Hungarian minority should be treated as an ethnic or a national one. Two views stood out on this matter: the first promoted the rights of the Hungarian minority as an ethnic one (the moderates' view), while the second, promoted by the radical wing of Hungarian nationalists, advocated that the Hungarians in Romania should be treated as a national minority, the rights and liberties of which would be regulated by a Personal Autonomy Statute. Even though the conflict between Romanians and Hungarians was not a violent one, the controversy created by nationalist views within the two ethnic groups, lead us to believe that at least through the '90s Transylvania was the scene of an ethnic conflict. However, a previous study suggests that while 75% of the Hungarian population thought the conflict was real, while only 45% of Romanians would have supported the statement. There are two possible reasons for this discrepancy. By looking at the way that the demand for rights worked in the case of the Hungarian minority, one can assess the importance that consociationist governance, with the participation of the members of DAHR in virtually all governments after 1996, had for keeping the inter-ethnic conflict non-violent.

The Roma. Having escaped the wave of nationalistic backlashes that most of the other new EU member states had experienced in 2005/2006, with a nationalistic party that did not make it to the Parliament in 2008, Romania found its new national enemy in the Roma as the shame inflicting non-Romanian ethnic group that jeopardizes the legitimacy of its newly gained European status. In fact, increased freedom of movement seems to have placed Romanian authorities in the uncomfortable position of not being able to shove the garbage under the mat anymore. The old news of poor access to services of the Roma living in segregated communities is finally coming out, creating a spur of reactions from Western European governments. The challenges imposed by the tendency to build the current Romanian national discourse along the "Romanians are not Roma" statement, which seems to be the prevalent position among Romanian public officials, bring three main views of this discourse: (1) the rejection of the Roma cultural heritage, (2) the attempt to deny the self-identification of the Roma as Roma (as opposed to Gypsy) as a form of aggression towards this minority group, and (3) the non-exclusive character of Roma issues, which released the government from responsibility to take targeted actions in order to solve them.

Orthodoxy as the fundament of Romanian identity, deeply embedded in the nationalist thought, was associated to a high extent with the fight against communism, being thus prone to resurface again and again after 1989, when a sort of religious revival indeed took over the Romanian intellectual life. The communist regime was tolerant, and to some extent even supportive of the Orthodox Church, but the fundamentalist Orthodox laic tradition was censored due both to its doctrine of prevalence of spiritual over material life, and its historical association with the Iron Guard. After 1989 intellectuals rediscovered Orthodox fundamentalism. According to the latest Romanian Census (2002), 86,7% of the Romanian population defines itself as Orthodox. This percentage is followed at great distance by other Christian confessions, among which Catholic (4,7%) and Reformed (3,2%). The Romanian Orthodox Church has currently under its supervision a total number of 15,218 churches, which makes for an average of one church per 1,500 inhabitants who declared themselves orthodox. The issue of separation between State and Church has reached the Romanian public agenda on various occasions in the past decade. One of the latest debates regards Church financing. Since financing religious activities out of public money is equivalent to sponsoring the Romanian Orthodox Church, more and more voices are asking not only for financial self-sustainability for Churches, but taxing their activity.

By looking at the way that the tolerance discourse is built in Romania, the **political dimension**, which is best illustrated by the fight of the Hungarian minority to gain collective rights, can be debated in regards to access to education in minority language and right to representation. Even though some advancement in granting representation rights had been made through the Public Administration Law, the debates on education exposed the deep cleavage in the battle for using the maternal language in school. Romanians were not prepared to accept Hungarian as a second official language. This possible source of tension lost momentum for almost 10 years, up until an initiative to allow students in

Hungarian to choose whether they wanted to study Romanian in school or not, reached the current debate agenda. The arguments around which the discourse was constructed tend to indicate that tensions still exist, betraying thus (in)tolerance towards self determination rights.

Touching upon political symbolism, the implications of the discourse based on (in)tolerance towards the non-orthodox, as reflected in the works of interwar intellectual elites and revived in the post-1989 period deserve attention. The debate on whether Western modernization is a model of development that fits Romania, transgressed into the debate revolving around European Union membership. In the light of regional integration, the discourse of tolerance seems now to be shadowed by the rights of Romanian migrants in Western Europe, while diversity at home still seems difficult to accept.

During the 1990s the National Minorities' Bill spurred intense debates each time it reached the government's agenda. **Policy wise**, a lot has changed in the past 10 years alone, even though it is still not enough to put into question the need for an official minority statute. Romania is the only country in Eastern Europe to give the constitutional right to organized and recognized ethnic minorities (currently 18 besides Roma and Hungarian). They each occupy one seat in the lower chamber of the Parliament, regardless of the vote turnout.

Despite considerable developments, institutionally, the protection of ethnical minorities tends to remain rather obscure. The National Council for Combating Discrimination (CNCD), setup in 2000, is in charge with overseeing regulation on discrimination against minorities, including ethnic ones. In charge with promoting ethnic diversity, is another state institution which only few people have heard of – the Department for Interethnic Relations of the Romanian Government. Its main task is to coordinate the Council for National Minorities, which brings together representatives of all ethnic minority groups in Romania. In recognition to the challenges posed by the large size of the Roma community in Romania, the Government setup in 2004 the National Roma Agency (ANR). The Agency's mandate is stated to be that of "representation of the Roma minority in Romania".

The **economics of tolerance** have a high impact on the public discourse as well, three main issues influencing the discourse on tolerance towards minorities in the past 20 years: (1) the discriminatory policy of property restitution, (2) local self-government and unequal distribution of resources across geographical areas with clear cut and compact ethnic majorities and (3) the special case of the ethnically Roma Romanian.

The conclusion is that while the public discourse cannot be so easily changed, policy efforts should precede in addressing the issues of the Hungarian and Roma minorities, as well as the state's separation from the Church. Racist remarks of Romanian public officials are not acceptable, and nor is their lack of accountability for taking public positions as such. The search for grand explanations for Romanian exceptionalism, rather than that for ways to comparatively analyze it and deconstruct it, must end. Moreover, this is an effort that needs to be made from the top down, in order to avoid the gloomy bottom-up option.

Tolerance and Diversity Challenges in School Life

When considering religious or ethnic tolerance issues, one must observe that the pre-1990 equality philosophy assumed that there are no groups that should be treated differently, either negatively or positively, and religious expressions were prohibited altogether in any form. But, in the context of administrative reform and decentralization in education, accompanied by the increased pressure from ethnical and religious minorities to gain access to rights, a number of issues related to tolerance towards ethnic and religious diversity in schools became more visible in the past 20 years of transition to democracy. This was the result of the work done by assertive advocacy groups, of the unexpected media support or stronger political representation. For these issues policy solutions were found and are

successfully being implemented, while others are only recently reaching the agenda, despite being deeply rooted into long-standing social problems.

Ethnic toleration. According to the 2002 Romanian Census¹⁰¹, 535.140 persons declared themselves as Roma (about 2.5% of the total population), although their real number is considered to be much higher: around 1.5 million/ 6.7% of the total population¹⁰². Moreover, the Roma population is young compared to the general population, approximately 50% being under 24 years old, and many Roma suffer from poor education, lack of qualification, high unemployment rate, poverty etc. the results of the 2002 Census stating that 25.6 % of the Roma population aged over ten years old was illiterate (as compared to 2.6 % of the total population of same age). Also, the Roma children drop-out rate was over ten times higher than the one recorded for the general population (11.6% compared to 0.8%) and data from the 1998-1999 school year proved that the drop-out rate was higher in segregated Roma schools in comparison with the education system as a whole.¹⁰³

The policy discourse and the public discourse are significantly divided on the issue of segregation of Roma children in school. The debate has been ongoing, fluctuating up and down on the public agenda, however it had never reached so high up on the agenda as it did when a Romanian Court of Appeal decided on penalizing a primary school teacher with a 10,000 Euro fine for not allowing a Roma child to attend her class. While the policy discourse was building around ensuring the right to education of the child, the public discourse was slightly skewed towards the teacher's position. It proved to be a case that inspired many in Romania, making people more sensitive to the Roma pupils' needs and to the problems these pupils are confronted with. On the other hand, the condemnation of the teacher who had refused a Roma pupil in the class was seen as an exemplary punishment meant to discourage discrimination in schools.

Roma activist groups are still reporting cases of Roma children who are still denied enrollment in mainstream schools. These have not reached the agenda and have not been addressed before in any way in the national policy discourse. The case analyzed in the WP3 report has had the effect of a break in the wall, and showed that what is registered as discrimination can and will be sanctioned as such, creating the effect of uninviting the perpetrators of long established practices, and challenging them, rather than perpetrating the status quo, into re-examining their well-established ways. It shows that a court decision might have the effect of stimulating and even forcing the birth of public policy and national standards where unfortunate practices are being comfortably perpetuated. Whether this challenge will be taken further, to building a solid policy discourse, remains to be seen.

Religious toleration. The Census of 2002 revealed that 86,7% of Romanian population is Christian Orthodox, while another 11% declared themselves as belonging to other forms of Christianity (among which, Catholic – 4,7%). Thus the issue of non-Orthodox Romanian identity has always been a controversial one, especially in the midst of the post-90's debate that was placing actions against the public expression of Orthodoxy as equal to the former communist system, atheism and repression of the right to freely express one's confession.

The Romanian Constitution ensures the state's separation from church. However, the display of orthodox religious paintings in schools was not reflected in the discourse as a breach of the rights of non-Orthodox students. On the contrary, it opened the door for a number of core debates related to the connection between the Romanian Orthodox Church and the government. The debate was divided between the need to restrict the benefits that the Romanian Orthodox Church currently enjoys (to the

¹⁰¹ Available at <http://www.edrc.ro/recensamant.jsp?language=0>

¹⁰² Marian Preda, 'Estimarea numărului de romi din România în anul 1998', in Cătălin Zamfir and Marian Preda, eds., *Romii în România*, București: Expert, 2002, p. 13.

¹⁰³ *Equal Access to Quality Education for Roma. Romania. From Vol. 1: Bulgaria, Hungary, Romania, Serbia. Monitoring Report 2007* Open Society Institute, 2007, p. 342-350.

detriment of public interest) and the public role that it presumably fulfills. The rights of other religious minorities to study in an environment that enables their free development and choice of religious identification soon became marginal.

Immediately after the fall of communism, Religion became a mandatory subject to be taught in primary and secondary schools. Religion was considered a promoter of the moral values that communism had destroyed. In most of the cases this was taught by Christian Orthodox priests, while the content was limited to Orthodox dogma and philosophy. In practice, some leeway did exist and communities that had a non-Orthodox majority were able to decide on the content of the class. However, even though the topic of teaching Orthodoxy in schools surfaced the public debate during the '90s, it was only in 2001 that Religion became an optional subject. Today, the class headmasters are required to inform parents and students on the optional character of Religion. However, a study conducted in 2006 showed that only 7.8% of Romanian students knew that they can opt out of the Religion class,¹⁰⁴ reflecting the general pro-Religion trend of the public discourse.

The interwar discourse on Orthodoxy as a fundamental element of the Romanian self resurfaced in the public discourse in the mid '90s, mostly in connection to the fight against the communist atheism. Despite the presumed separation between state and church, excepting the select few, the main discourse has been in favor of the state's actions to support the Romanian Orthodox Church, in the virtue of the absolute Orthodox majority of the Romanian population and the public function that the Church is thought to fulfill. Even though the debate on teaching religion in schools had been ongoing since it became a mandatory subject in January 1990, talking about displays of Christian representations in school seemed a rather progressive debate topic. However, in 2006 Mr. Emil Moise, a philosophy professor, filed a complaint with the National Council for Combating Discrimination (CNCD) claiming that paintings of Christian figures that hanged on the school's walls were a breach of the non-orthodox students' right to free choice of confession and impeded the free development of the spirit of the rest of the students. After the case reached the public agenda, Mr. Moise was literally harassed by media, politicians and the Orthodox Church. His civil lawsuit against the Romanian Government had reached the High Court of Cassation and Justice two years ago. But it became clear that there is a newly established tradition pushed to the public agenda by representatives of the Orthodox church to great success, and that the state policy supports the promotion of Orthodox values in schools to the detriment of other confessions.

Tolerance and Diversity Challenges in Political Life

The victory in November 1996 elections of the centrist coalition in Romania – the only alternative to the post-communist and nationalist alliance which had ruled since 1990 – brought an area premiere that remained if not unnoticed then little analyzed. As a consequence of the victory the ally - since 1991 - of the winner Democratic Convention of Romania (CDR), the Hungarian alliance (DAHR) joined the new-formed government. The event has a twofold importance: in broader European terms, since DAHR was at the time the largest ethnic party in Europe, representing the 1.7 million Hungarians and enjoying almost 7 % of the total seats in the Romanian Parliament, and in the Balkan area, where such collaboration was rarer and rarer.

One would have expected such a move to appease nationalists in both camps. However, the presence of DAHR in the government proved to be a daily struggle, of the government with the media and a rebellious Parliament, of the DAHR leaders with various discontent wings of their party, of the Romanian coalition leaders with their MP and followers. Although the major improvements in the Hungarians' self-government promoted by the government (such as appointment of Hungarian prefects in Hungarian dominated-areas of Transylvania) brought no popular discontent, the debate on what the status of the Hungarian community in Romania should be, was only reopened. The major

¹⁰⁴ http://www.proeuropa.ro/norme_si_practici.html

conflict was between those who saw the Hungarians' participation in government as an end in itself, while others, notably the Hungarians, saw it as a means towards their program of full self-government.

The 2002 census recorded approximately 1.5 million Hungarians and around 550,000 Roma (although other estimations suggest 1,000,000 may be closer to truth), relatively close to the numbers in the 1991 census. The self-identification of the Hungarian minority as a group is reflected in the form that their political representation took. DAHR is indeed a political alliance, as its name shows. It was never recorded as a political party according to the Romanian parties' legislation. In fact it included parties, NGOs, and cultural associations as well. Although ideological trends within DAHR vary from Christian Democrats to Liberals, DAHR acts and is perceived more as an ethnic party. Its constituency is either 'centre', or cannot say what it is (41%, UBB poll). The DAHR itself did not express a single common position on whether the Hungarian minority should be treated as an ethnic or a national one.

This leads us to the following event. On the occasion of the Hungarian Revolution Day on March 15, 2010, Mr. Barna performed a public show in the streets, which portrayed Avram Iancu on trial and later sentenced to death for crimes against the Hungarians during the 1848 Revolution. Csibi Barna's protest, an ethnic Hungarian, Romanian civil servant and keen promoter of a Hungarian ethnic autonomous region Szekler Land who hanged a doll representing a Romanian national hero, was a test of tolerance for the society and a challenge for the Romanian political elite and the relevant public institutions. This event, with its many implications and developments, is a tolerance boundary conflict case between the majority and the minority. While the Hungarian minority, unaccustomed to its minority status, intends to move the tolerance border by requesting a new public status through the recognition of collective rights, for the majority of ethnic Romanians, the limit is much lower. The majority is intolerant when it comes to the institutionalization of any ethnic differences, which would require the public presence of ethnic diversity (Robotin, 2002). Through the Romanian media, political representatives and state institutions, the majority asks the minority to display a civic loyalty beyond the formal-legal obligations, and expresses its intolerance towards what it considers to be the lack of loyalty toward the Romanian state, through its national symbols.

Csibi Barna's protest was a test of tolerance for the society and a challenge for the Romanian political elite. The Romanian politicians were in the position to choose how to approach the case of Mr. Barna: either as an isolated example that needed to be dealt with by the relevant criminal institutions, to decide whether the action represented an instance of instigation to discrimination, or not, or, as it happened, as an event of epic importance, to be voiced loudly in the political and public discourse. As it happened, important parties' leaders and state office holders such as the prime minister stated their indignation and claimed immediate and firm measures against the office holder. Opposition Parliament members filed a petition whereby they requested from the manager of the Tax Authority where Csibi Barna was employed, to promptly dismiss him.

Mr. Barna's action exposes the conflict between historical narratives of Romanians and Hungarians. Over the last 20 years, Romania was the scene of many scandals which had to do with statues as national symbols of an exclusionary nature, which raise specific challenges to both Romanians and Hungarians, challenges defined by historian Lucian Boia as a "mythological blockage". The presence in opposing camps of Romanians and Hungarians in the 1848 revolution is still resented today, and widespread social representations exist of each group as the victim of the other.

The case of Csibi Barna proves the paradoxical situation of Romania, where a strong legislative and institutional framework against discrimination does exist, but without any substantial effect because of the intolerance towards the other community's views and interpretation of historical events, which in turn are used to justify the current political designs. The two groups have separate and opposite views of entitlement, grounded in different interpretations of history. Despite the strong centralization of the Romanian school curricula, the two groups are socialized into two antagonistic versions of history.

Amplified by the political entrepreneurs, this leads to an environment of intolerance and distrust manifested on every occasion.

Salat considers that Hungarians failed to self-revise their status within the Romanian State, to find the alternative forms of "self-assertion" that would have been more appropriate to the minority's current situation. The self-pity for the loss of majority status after the separation of Transylvania from Hungary due to the 1920 Treaty of Trianon, the self victimization as a people who suffered throughout history, "the attempts of institutionalized "separateness" within the state" (Salat, 2006), the misuse of the dominant position in regions where Hungarians are in majority by excluding Romanians from the decision-making process at the local level, these are all evidence supporting the argument. The Hungarian political elite, supported by Budapest, makes use of ethno-symbolism and keeps alive the traumatic memory of Trianon, the cancellation of the Hungarian Autonomous Region, and the fear of assimilation. The rhetorical exercises of certain Hungarian politicians, from within and outside Romania, multiplied by the Hungarian media, contribute to the consolidation of ethnic identity, as means of protection against a potentially aggressor state, to the detriment of the civic identity. Although the Romanian state and the majority had a bigger responsibility, the minority nationalism, whose extremist exponent is Csibi Barna as well, contributes to the creation of a vicious circle in terms of identity fears and mutual incriminations. The young Hungarian Csibi Barna, as well as the young Romanians who profaned the statue of Gabor Aron, did not come from out of nowhere, their hard feelings were fed by media and the politicians. The recognition of the multiethnic character of the Romanian state was dismissed by the Romanian political elite and by the Romanian majority. Constitutionally, Romania is a nation-state, and this nature cannot be changed by revision, the 1991 Constitution states. The constitutional text is considered by Hungarians as an "exclusion agent" (Salat, 2006).

The majority, through the Romanian media, political representatives and state institutions show intolerance towards what it considers to be the lack of loyalty toward the Romanian state with its national symbols, The National Day and Anthem, the national heroes. Csibi Barna's case showed the capacity of the Romanian political elite to cynically instrument the identity competition of the two communities for electoral purposes. The arbitrary decisions of the Tax Authority's president, a prominent member of the ruling party, were investigated for discrimination and they were about to generate an actual inter-ethnic conflict by transferring Csibi Barna to Abrud, a city historically connected to the life of Avram Iancu. The objectivity of the public institutions, reacting differently in similar cases, such as the hanging of Avram Iancu's doll and the profanation of the monument representing Gabor Aron, is also questionable.

The Hungarians' claims for collective rights, including cultural autonomy and autonomy for Szekler Land, expressed in the language of the historical contest between two nations, and not in the rational language of the benefits of the self-administration of one's own ethnic group (Culic, 2001), revive the memories of the majority and their fears of Hungarians domination, as it was cultivated by the political elite. The autonomy issue can be construed as a "societal security dilemma" as Paul Roe described. Autonomy viewed by the Hungarian elite as an instrument meant to preserve the community's identity and security, or, in its rhetoric use, a piece of discourse meant to mobilize the ethnical electorate, is perceived by the majority as a threat to national identity, to the state's sovereignty and unity.

In conclusion...

The last two decades were characterized by a continuous development of human rights infrastructure and import of EU institutions of tolerance. As the first case study from chapter 2 shows (the Roma case study) these institutions work: rights are enforced in practice when active citizens demand them, Courts apply the law without discrimination and problems stem rather from the extreme politicization of each and every situation. However, as it is shown in the first two chapters, such positive

developments at the level of the state are only partially mirrored by the society, where considerable intolerance persists.

The main driving causes of intolerance seem to be nationalism (both Romanian and Hungarian) and ethnic competition for administrative resources among elites, but also less rational, self-esteem enhancing drives at the level of intellectuals (a return to Orthodoxy as a new form of nationalism). While tolerance towards other groups has been constantly increasing in the past twenty years (as shown, for instance, in the reduction of social distance in surveys), it still remains high. Intolerance is due to collective action of politically active groups seeking to enhance the status of one's group at the detriment of another. Reducing these stories at an individual level renders them incomprehensible. Intolerance is group behaviour, and seems to result to challenges to the group identity, status or resources. Discourses' used to provoke or maintain mobilization are rather self-enhancing and reassuring towards one's group than necessarily directed against others in the discourses we analyzed. State institutions are more neutral than political elites, but tend to follow the majority opinion where no clear regulations exist (the case of Byzantine icons in the schools).

Our research focus selection followed a simple logic: we selected the most notorious cases filled at the Discrimination Council, which generated hundreds of media titles and thousands of blog posts. The most important thing we learned from these case studies is that although diversity is carefully regulated, the existence of intolerance entrepreneurs, of the type of Barna, trigger a chain of intolerant responses. Tolerance is higher when the majority is not fundamentally challenged, either by secularists or by Hungarian secessionists. Any engineering of a feeling of threat leads to defensive discourses and brings an end to acceptance. The case studies from Romania presented in this research highlight a development which might prove more general for countries under Europeanization. Although the policy infrastructure of tolerance exists, there are numerous groups which promote their self-interest or values through intolerant, even provocative behaviour. Most of what could have been done at the level of rights was done: what seems to be missing is more general education at the level of behaviour control, of teaching self-restraint in situation when others, particularly minorities, might be hurt.

References

- Achim, V., 1998. *Tiganiii in istoria Romaniei* [Gypsies in the History of Romania]. Bucharest: Editura Enciclopedica.
- Andreescu, G., 2004. *Natiuni si Minoritati (nations and minorities)* Iasi: Polirom
- Andreescu, G., 2008. *The Bucharest Appellate Court on Freedom of Religion*, NRDO nr. 3.
- Bangura, Yusuf, 2005. *Ethnicity, Inequality and the Public Sector: A Comparative Study*. United Nations Research Institute for Social Development (UNRISD)
- Baron, Ilan Zvi, 2009. *The Problem of Dual Loyalty*. Canadian Journal of Political Science, 42 , pp 1025-1044 doi:10.1017/S0008423909990011
- Beauvois, Jean Leon; Rainaudi, Claude, 2008. *De la persuasiune la propaganda dubioasa, in Psihologia politica o disciplina societala*. Bucharest: Curtea Veche
- Boia, Lucian, 1997. *Istorie si mit in constiinta romaneasca (History and myth in Romanian conscience)*. Bucharest: Humanitas
- Bottoni, Stefano, 2003. *The Creation of the Hungarian Autonomous Region in Romania (1952): Premises and Consequences in REGIO A review of Studies on Minorities, Politics, and Society*
- Cahn, C., and Petrova, D. 2004. *Stigmata. Segregated Schooling of Roma in Central and Eastern Europe*, Budapest: European Roma Rights Center (ERRC).
- Chimet I. ed., 1992 – 1993. *Dreptul la memorie* [The Right to Memory]. Vols. I-IV. Cluj- Napoca: Dacia.
- Chimet I. ed., 1993. *Certitudini, îndoieli, confruntări IV* [Certainties, Doubts, Confrontations]. Cluj- Napoca: Dacia.
- Chiriac, M. and Constantinescu, A., 2007. *Se poate iesi din impas? Inventar de probleme si solutii privind situatia romilor din Romania* [Can we untie the knot? Inventory of Problems and Solutions Regarding the Situation of Roma in Romania]. Ethnic Diversity Resource Center ed., [online], Available at: < <http://www.edrc.ro/docs/docs/Raport%20Roma%202007.pdf>>
- Culic, Irina, 2001. *Nationhood and Identity. Romanians and Hungarians in Transylvania in Nation Building and contested identities: Romanian and Hungarian case studies* Edited by: Balázs Trencsényi, Dragoo Petrescu, Cristina Petrescu, Constantin Iordachi and Zoltán Kántor. Budapest: Regio Books
- Doise, W. Clemence, A. and Lorenzi – Cioldi, F., 1993. *The Quantitative Analysis of Social Representations*, New York: Harvester Wheatsheaf.
- Druckman, Daniel. *Nationalism, Patriotism, and Group Loyalty: A Social Psychological Perspective* in *Mershon International Studies Review*, Vol. 38, No. 1 (Apr., 1994), pp. 43-68. Published by: Blackwell Publishing on behalf of The International Studies Association <http://www.jstor.org/stable/222610>
- Duminică, G., Ivasiuc, A., 2010. *O școală pentru toți? Accesul copiilor romi la o educație de calitate* [A school for all? Roma children's access to quality education]. București: Vanemonde.
- Fleck, G. and Rughinis, C., 2008. *Come Closer. Roma Inclusion and Exclusion in Today's Romanian Society*, [online] Bucharest: Romanian National Roma Agency, Available at: < http://www.anr.gov.ro/docs/Publicatii/Come_closer.pdf> [Accessed 20 November 2008].
- Gallagher, Tom, 1999. *Democratie si Nationalism in Romania 1989-1998 (Democracy and nationalism in Romania 1989-1998)*. Bucharest: All

- Gellner, E., 1983. *Nation and Nationalisms*. Oxford, Basil Blackwell.
- Gellner, E., 1994. *Conditions of Liberty: Civil Society and Its Enemies*. London: Penguin
- Githens-Mazer, Jonathan, 2007. *Ethno-Symbolism and the Everyday Resonance of Myths, Memories and Symbols of the Nation*, Paper delivered at: Everyday Life in World Politics and Economics International Conference Organised by Centre for International Studies and London School of Economics
- Githens-Mazer, Jonathan, 2007. *Ethno-Symbolism and the Everyday Resonance of Myths, Memories and Symbols of the Nation*, Paper delivered at: Everyday Life in World Politics and Economics International Conference Organised by Centre for International Studies and London School of Economics
- Press. Horowitz, D., 1985. *Ethnic Groups in Conflict*. University of California Press.
- Havel, V. Kwasniewski, A. Schuster, R. and Madl, F., 2002. *Irish Independent*.
- Iorga, N. et al., 1923. *Constitutia din 1923 în dezbaterea contemporanilor* [The Romanian Constitution of 1923 Debated by Contemporaries], Bucharest: Humanitas, reprint of 1990. *Noua Constitutie a României (23 de prelegeri publice organizate de Institutul Social Român)* [The New Constitution of Romania (23 Public Lectures Organized by the Romanian Social Institute)]. Bucharest: Cultura Națională, s.a..
- Iorga, N., 1929. *Le caractère commun des Institutions du Sud-Est de l'Europe*. Paris:Gamber.
- James, Michael, *Race*, The Stanford Encyclopedia of Philosophy (Winter 2011 Edition), Edward N. Zalta (ed.), URL <http://plato.stanford.edu/archives/win2011/entries/race/>
- Jigau, M., 2002. *Invatamintul rural din Romania: conditii, probleme si strategii de dezvoltare* [Rural Education in Romania: conditions, problems and development strategies], Bucharest: MarLink.
- Jowitt, K. ed., 1978. *Social Change in Romania, 1860-1940. A Debate on Development in a European Nation*, Berkeley: University of California, Institute for International Studies.
- Klimova – Alexander, I., 2005. *The Romani Voice In World Politics: The United Nations And Non- State Actors (Non-State Actors in International Law, Politics and Governance)*. London, UK: Ashgate Publishing.
- Kopeczi, Bela, 1992. *Histoire de la Transylvanie*, Akademiai Kiado. Budapest: Akademiai Kiado
- de Laat, J., 2010. *Economic Costs of Roma Exclusion*, [online], World Bank, Available at: <<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTROMA/0,,contentMDK:22526807~pagePK:64168445~piPK:64168309~theSitePK:615987,00.html>> [Accessed 1 September 2010].
- Lazăr, Marius, 2000. *Perceptii identitate si relatii interetnice in Secuime (Identitary perceptions and interethnic relations in Szekler Land)* in *Relatii Interetnice in Romnia Postcomunista*, volum editat de Lucian Nastasa si Levente Salat, Cluj: Centrul de Resurse pentru diversitate etnoculturala
- Ledeneva, A., 2001. *Unwritten Rules: How Russia Really Works*. London: Centre for European Reform.
- McDonald, C. and Negrin, K., 2010a. *No Data – No Progress, Data Collection in Countries Participating in the Decade for Roma Inclusion 2005 – 2010*, [online] Available at: <http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-20100628.pdf> [Accessed 6 October 2010].
- McDonald, C. and Negrin, K., 2010b. *No Data – No Progress, Country Findings*, [online] Open Society Institute ed., Available at: <http://www.soros.org/initiatives/roma/articles_publications/publications/no-data-no-progress-20100628/no-data-no-progress-country-reports-20100628.pdf> [Accessed 11

- October 2010].
- McGarry, A., 2008. Ethnic Group Identity and the Roma Social Movement: Transnational Organizing Structures of Representation. *Nationalities Papers*, 36(3), pp. 449 – 470.
- Michnik, A., 2001. Confessions of a Converted Dissident Essay for the Erasmus Prize 2001. Eurozine, [online]. Available at <http://www.eurozine.com/>.
- Moise, E., 2004. *Church-State Relation in the Religious Education in Romanian Public Schools*, Journal for Studies of Religion and Ideologies, no. Spring 2004, vol. 3, no. 7.
- Moreno, Luis Moreno and Arriba, Ana, 1996. *Dual Identity in Autonomous Catalonia* in Scottish Affairs, no.17, autumn 1996
- Moscovici, S., 1993. *The Invention of Society: Psychological Explanations for Social Phenomena*. Cambridge, MA: Polity Press.
- Mungiu – Pippidi, A., 1994. *România, mod de folosire* [Romania, a User's Guide]. Bucharest: Editura Staff.
- Mungiu – Pippidi, A., 1999. Subjective Transylvania. A Case Study of Post Communist Nationalism. [e-book] Open Society Institute. Available at: <<http://www.osi.hu/ipf/publications/AlinaPP-nation.pdf>>.
- Mungiu – Pippidi, A. and Pippidi, A., 2003. State, Authority and Citizens in South Eastern Europe. Revisiting the Balkan Political Culture. In: Eleni Nakou Foundation (ENF) and Hellenic Foundation for European and Foreign Policy (ELIAMEP), in collaboration with the Danish Institute for International Studies (DIIS), *The Political Culture(s) of Europe*. Copenhagen, Denmark 24 – 28 September 2003.
- Mungiu – Pippidi, A., 2006. East of Vienna, South of Drina. Explaining the Constituencies for Europe in South-Eastern Europe. In: R. Rorschneider and S. Whitefield, ed. *Public Opinion , Party Competition, and the European Union in Post-Communist Europe*. Palgrave Macmillan, pp166-188.
- National Agency for the Roma, 2006. *Public policies for Roma in Romania, 2000-2005: legislative framework, institutions, programmes, achievements and expectations*. [online], Available at: <http://www.anr.gov.ro/docs/statistici/Public_policies_for_Roma_in_Romania_2000_2005_190.pdf> [Accessed 29 September 2010].
- National Statistical Institute, 2002. Census Report, [online], Available at: <<http://www.insse.ro/cms/files/RPL2002INS/vol4/cuvvol4.pdf>> [Accessed 26 September 2010].
- Open Society Foundation Romania, 2006. Roma Inclusion Barometer. [SPSS database and questionnaire] Available upon request. [Accessed 10 October 2008].
- Păunescu B. and Bobîrsc B., 2010. *Fenomenul discriminării în România. Raport sintetic* [Discrimination in Romania. Summary Report] București: Consiliul Național pentru Combaterea Discriminării, 2010
- Pintea, F., 2010. 24 Churches Receive Financing from the County Council to Provide Social Services. *Graiul Salajului* [online]. Available at <http://www.graiulsalajului.ro/index.php?cmd=articol&idart=18662>.
- Pippidi, A., 2001. *Tradiția politică bizantină, sec. XVI-XVIII*. Bucuresti: Corint.

- Preda, M., 2002. *Estimarea numărului de romi din România în anul 1998* [The Estimation of the Number of Roma in Romania in 1998], in Cătălin Zamfir and Marian Preda, eds., *Romii în România* [The Roma in Romania], București: Expert.
- Radulescu - Motru, C., 1904. *Cultura română și politicianismul* [Romanian Culture and Politics for the Sake of Politics], București: Librăria Socec et Co..
- Robotin, Monica, 2005. *Stat și identitate etnică în România. O incursiune în percepțiile majorității și minorităților asupra acestei relații (State and ethnic identity in Romania)* in Barometrul relațiilor etnice 1994-2002. O perspectivă asupra climatului interetnic din România, volum editat de Gabriel Badescu, Mircea Kivu și Monica Robotin. Cluj: Editura Centrul de Resurse pentru diversitate etnoculturală
- Roe, Paul, 2005. *Ethnic Violence and the societal security dilemma*. London and New York: Routledge
- Romanian Academic Society, 2010. *Private Properties Issues Following the Change of Political Regime in Former Socialist or Communist Countries. Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Romania and Serbia*. Policy Department C, European Parliament ed., [online], Available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/peti/dv/peti20100504_studyrestitution2_/peti20100504_studyrestitution2_en.pdf, [Accessed 14 October 2010].
- Rupnik, J., 2003. De l'élargissement de l'Europe à l'unification de l'Europe. *Pouvoirs*, 106 (3), pp. 41– 55.
- Salat, Levente, 2007. *Prevailing identity structures and competing ethnopolitical strategies in Transylvania*. Hungarian Studies
- Salat, Levente, 2004. *Visions of Minority Hungarians in Transylvania: Prospects and Obstacles*, a revised version of the talk given at the “Ethnopolitical Discussion” organised by Domus Hungarica on 27 March 2003 in Minorities Research 6.
- Shafir, M., 2000. The Man They Love to Hate. *East European Jewish Affairs*, 31(1), pp. 60–81.
- Shafir, M., 1985. *Romania. Politics, Economics and Society: Political Stagnation and Stimulated Change*. London: Frances Printer (Publishers) Ltd..
- Soreanu, Raluca, 2005. *Autodefinire și heterodefinire a romanilor și maghiarilor din România, o analiza empirică a stereotipurilor etnice și a fundamentelor diferite de definire a identității etnice (Self definition and hetero definition of Romanians and Hungarians from Romania)* in Barometrul relațiilor etnice 1994-2002. O perspectivă asupra climatului interetnic din România, volum editat de Gabriel Badescu, Mircea Kivu și Monica Robotin. Cluj: Editura Centrul de Resurse pentru diversitate etnoculturală.
- Smith, Anthony D., 1986. *The Ethnic Origins of Nations*. Oxford: Basil Blackwell
- Surdu, M., 2002. *Educația școlară a populației de romi* [School education of Roma population], in Cătălin Zamfir and Marian Preda, eds., *Romii în România* [The Roma in Romania], București: Expert.
- Surdu, M. and Szira, J., 2009. *Analysis of the Impact of Affirmative Action for Roma in High Schools, Vocational Schools and Universities*. Working Paper No. 3, Roma Education Fund, GALLUP.
- Todorova, M., 1996. The Ottoman Legacy in the Balkans. In C.L. Brown, ed. *Imperial Legacy. The Ottoman Imprint on the Balkans and the Middle East*, NY: Columbia University Press.
- Todorova, M., 1997. *Imagining the Balkans*. Oxford: Oxford University Press.
- Van de Walle, Steven and Scott, Zoe, 2009. *The Role of Public Services in State- and Nation-Building: Exploring Lessons from European History for Fragile States*. GSDRC Research Paper, International Development Department, University of Birmingham

- Waller, Michael and Linklater, Andrew, 2003. *Introduction: loyalty and the post-national state in Political loyalty and the nation state*/ London and New York: RoutledgeWildavsky, A., 1987. Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation. *American Political Science Review*, 81(1), pp. 3–22.
- Wolff, L., 1994. *Inventing Eastern Europe. The Map of Civilization on the Mind of the Enlightenment*. Stanford, California: Stanford University Press.
- Vulcanescu, M., 1997. *Prolegomene sociologice la satul românesc* [Sociological Prolegomena on the Romanian Village]. București: Eminescu.
- Zamfir C. and Zamfir E, 1993. *Țigani în ignorare și îngrijorare* [Gypsies between ignorance and concern]. București: Alternative.

Surveys:

- Center for Urban and Regional Sociology, 2005. *Percepții și atitudini față de fenomenul de discriminare* [Perceptions and Attitudes Towards Discrimination]. [online], published by the National Council for Combating Discrimination, Available for download at: <<http://www.cncd.org.ro/publicatii/Sondaje-4/>> [Accessed 18 September 2010].
- Ethnocultural Diversity Resource Center. 2005. *Ethnic Relations Barometer 1994-2002*
- European Commission, 2008. *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes. 2008 Report*. [online], Available at: <http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf> [Accessed 16 September 2010].
- IMAS, 1996. *Ethnic Relations Barometer*.
- „Max Weber” Institute. 2006. *Minorities in Romania. Perceptions, intolerance, discrimination*"
- Metro Media Transilvania, 2002. *Ethnic Relations Barometer 2001*. Ethnic Diversity Resource Center ed., [online], Available at: <<http://www.edrc.ro/programe/Prezentare-BARE-2001.pdf>> [Accessed 12 October 2010].
- Romanian Institute for Evaluation and Strategy survey – IRES –March 17th and 19th, 2011
- Survey on Holocaust and interethnic relations perception TNS-CSOP, May 2007

Institutional reports and official documents:

- Appeal Court Craiova, file 8011/101/2009, Decision nr. 706/19th of May 2010
- Code of conduct for public servants Law no 7/2004, http://legislatie.resurse-pentru-democratie.org/7_2004.php
- Criminal Code of Romania .Republished <http://www.anp-just.ro/interna/Codul%20Penal.pdf>
- Decision 278/06.07.2011 National Council for Combating Discrimination
- Law no. 188/1999, the statute of civil servants. Updated 2009
http://www.euroavocatura.ro/legislatie/152/Legea_nr__188_1999,_privind_Statutul_functionarilor_publici__Actualizata_2009
- Mehedinti Court, file 2088/313/2007, Decision nr. 210/A, 1st of June 2009.
- Official complaint, Prosecutor's office Covasna
- Official transcript, Parliamentary debate of March 16, 2011,
http://www.cdep.ro/pls/dic/site.page?den=act2_1&par1=2#t2c2s0a30

Open Society Institute, 2007. *Equal Access to Quality Education for Roma*. Romania. From Vol. 1: Bulgaria, Hungary, Romania, Serbia. Budapest: Monitoring Reports in Open Society Institute/EU Monitoring and Advocacy Program
Press Release Nr. 1090321 / Data: 18.03.2011 A.N.A.F.
Regional Development Agency Center, 2007. The GDP Analysis for the Center Regional, 1998 - 2004. [online], Available at:
<http://www.adrcentru.ro/Document_Files/ADStudiiRegionale/00000077/6ygtj_Analiza%20PIB%20la%20nivelul%20Regiunii%20Centru.pdf> [Accessed 13 October 2010].
Romanian Constitution <http://www.cdep.ro/pls/dic/site.page?id=339>
Romanian Government Ordinance nr. 137/2000 on Prevention and Combating of all forms of Discrimination
Romanian Ministry of Education, Research, Youth and Sports, Ordinance nr. 1540/19.07.2007 on the Prohibition of School Segregation of Roma Children and Approval of the Methodology for the Prevention and Elimination of School Segregation of Roma Children.
Romanian Penal Code
Strehaia Court, file 2088/313/2007, Decision nr. 143, 29th of January 2009
The European Convention on Human Rights
United Nations Office at Geneva, 2010. *Committee on the Elimination of Racial Discrimination Considers Report of Romania*. [online], Available at:
<http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/ABBAFD7F E7A2517AC125777B0047D8B0?OpenDocument> [Accessed 29 September 2010]
UNICEF, 2006. *The State of the Worlds Children 2006. Excluded and Invisible*. [online], Available at: < http://www.unicef.org/sowc06/pdfs/sowc06_fullreport.pdf>.

Websites:

National Agency for the Roma, <http://www.anr.gov.ro/index.html>
Department for Interethnic Relations, Romanian Government,
<http://www.dri.gov.ro/index.html?lng=2>
Regional Development Agency – Center, <http://www.adrcentru.ro/>
National Council for Combating Discrimination, <http://www.cncd.org.ro/home-page/>
2002 Romanian Census, <http://recensamant.referinte.transindex.ro/>
The Ethnocultural Diversity Resource Center, <http://www.edrc.ro>
Pro Europa League, http://www.proeuropa.ro/norme_si_practici.html
Mass-media websites:
<http://stiri.kappa.ro>
<http://ziarero.antena3.ro>
<http://www.adevarul.ro>
<http://www.alfanews.ro>
<http://www.antena3.ro>
<http://www.asinfo.ro>
<http://www.eubusiness.com>
<http://www.gandul.info>
<http://www.gds.ro>
<http://www.hotnews.ro>
<http://www.jurnalul.ro>
<http://www.libertatea.ro>
<http://www.mediafax.ro>
<http://www.punkto.ro>
<http://www.realitatea.net>
<http://www.salvati-icoanele.info/category/stiri>
<http://www.ziare.com>

http://ro.wikipedia.org/wiki/Alegeri_locale_%C3%AEn_Rom%C3%A2nia,_2008
<http://www.rmdsz.ro>
<http://www.cdep.ro/pls/dic/site.page?id=339>
http://www.cdep.ro/pls/dic/site.page?den=act2_1&par1=2#t2c2s0a30
http://legislatie.resurse-pentru-democratie.org/7_2004.php
<http://www.anp-just.ro/interna/Codul%20Penal.pdf>
http://www.euroavocatura.ro/legislatie/152/Legea_nr__188_1999,_privind_Statutul_functionarilor_publici__Actualizata_2009
Arend Lijphart. *Constitutional design for divided societies*, project Muse, <http://muse.jhu.edu>
Alina Mungiu Pippidi. *The influence of EU accession on minorities status in East Central Europe*
<http://www.sar.org.ro/files/The%20influence%20of%20EU%20accession%20on%20minorities%20status.pdf>
Tamás Szilágyi. *Sacred Characteristics of the Nation: "Hungarianism" as Political Religion?*
<http://www.revacern.eu/exchange-programme/EP-paper%20szilagy.pdf>