Considerations on the „historic role” of the religious cults and of national minorities in the creation and modernization of the Romanian state according to the draft revision of the Romanian Constitution in February 2014

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Abstract: Constitution of a State is that who enshrining the historical quintessence, cultural and political life of a nation, projecting her, at the same time, historical throughout, according requirements progress and the ideals that animate her. Doctrine to pronounce almost in unison for revise the Romanian Constitution, because the current provisions do not provide solutions to malfunctions and even conflicts of power area. This paper aims to analyze and interpret, according to the author, “historical role” of religious and national minorities in the creation and modernization of the Romanian state, according to the draft revision of the Constitution of Romania in February 2014.

Keywords: constitution; democracy; national unity; national prestige; loyalty.

Introduction

The Constitution is the fundamental law of the state; it enshrines the principle value, quintessential historical, cultural and political life of the nation, projecting them further throughout history as required progress and ideals that animate. Therefore it should provide a framework for legislative stability, political, economic, social, etc. But the Constitution is viable as long as citizens are found in its values and, of course, how long is respected. Being developed in a historical moment, the Constitution bears the mark of conditionality that time. [1] But these changes and therefore conflicts with the provisions of the Constitution. When they are aggravated, amending the Constitution is absolutely necessary; otherwise it can be a brake on the development of society.

Referring, at present, to the Romanian Constitution, the doctrine is pronounced almost in unison for its revision [2], primarily because the current provisions do not provide solutions to malfunctions and even conflicts in power. Past experience, however, require revision to proceed more wisely, with more scientific spirit and even more commitment and responsibility to the future of the country [3].

I. Revision of the Constitution between opportunity and political interests

A democratic government, in simplest terms, means public affairs according to the will and interests of the people. The holder of power in a state that it is the people and, directly, the government can not provide the solution, which prevails in modern times is the delegation of power, i.e. the people appointment of representatives to exercise on its behalf and, especially, for their own powers of government. So those invested with public authority tasks are delegated temporary storage of power by the people. The guarantor of this Convention is the Constitution. It is invested with a special legal force of nature to do first observed by t

It goes without saying that such a law is approved power which, by its nature, is not willing to accept limits, constraints and, above all, take responsibility for their acts. Therefore, the first interested in the existence of the Constitution should be citizens because of their constitutionally guaranteed rights and freedoms them that were slain for their ancestors. Such a role but it can not perform any Constitution and especially one made by the government.

However, given that the procedures are managed by the government it happens, inevitably, that those in power to introduce the constitution texts are inspired by them for purposes other than the public good and the national interest. Ratification by the people as the ultimate act of authority invests such a creation of statute by the Constitution, is also under the control authority becomes a purely formal, people not knowing and not
understanding the content of the fundamental law, which the political leaders are reluctant to explain or intentionally presents deformed. In this manner the current Constitution was adopted in Romania and its revision in 2003, made it very clear that the power has not pursued, as the new texts, to ensure better governance to ensure the prosperity of the people hoping for but, on the contrary, to legitimate discretionary behaviour and, especially, to allow acts that would take command of foreign forces.

The public should know, for example, that many of the decisions of those holding the power and that have brought enormous harm to the national economy and facilitated the access of foreign companies to the country's wealth, without any compensation to the Romanian state, have a constitutional support. In other words, the Romanian people voting changes that were made to the Constitution in 2003 ratified the "work" to undermine the national economy and the enslavement of Romania's foreign interests. Under these conditions all references to the Constitution and gestures to invoke the Basic Law as a "holy book" of the people, including ritual oath, showing not only a formality but how ridiculous and ignorant foreigners are some of the content of the Constitution.

Since 2003 until now there have been other attempts to revise the Constitution, inspired also by the idea of not consolidating democracy and the rule of law as hypocritically was clamoured by originators. Each was preoccupied not by thought of as responsible governance and national interest and attached to the national interest but the removal of those fragile limits that could bother them in their discretionary excesses.

The parliamentary majority, formed after the 2012 as a result of the general election, tried also to exploit such a project. The calendar of the constitutional reform was to end on May 25, 2014 when, with the EP elections, there was expected also the referendum to ratify the law to revise the Constitution.

It was not, however, to be so, although the amending the current Constitution or the possible drafting of a new Constitution is a need felt not only by politicians but even by the society and, in particular, its various structures operating under the aegis of civil society, however, examining the content of the law reviewed, you have a sense of relief that "the work" had no purpose.

Although it is anticipated that this project will be put back on the political agenda of any other government, taking into account changes in the government coalition, however, at least doctrinal reasons and more, his analysis is not only interesting but even required. Law 128 Reviewed proposed changes to the actual content of the Constitution. They were examined by the Constitutional Court, which ruled over them by Decision Nr. 80 of 16 February 2014 [4]. Following the adoption of the Parliament to restore unconstitutional texts and those deficient in terms of constitutional norms and final form after it was passed by a majority of at least two thirds of the members of each chamber to be subject to ratification by referendum by the people, operation, for the reasons indicated never took place.

II. Romanian people's historical role in the creation and modernization of the State under the question of the project of the bill to revise the Constitution

In Article 1, paragraph (1), the introduction of a new paragraph, worded as follows: "Romania recognizes the historical role in the creation and modernization of the Romanian Orthodox Church and the state of other religions recognized by the law of the Royal and minorities national".

The Constitutional Court recommended the removal of this text on the grounds that do not represent a general principle, and its content is inaccurate.

Indeed, being included in Section I of the Basic Law, entitled "General Principles", the text should be worth a general principle, i.e. to be a director, not only for the overall content of the Constitution, but the entire system straight. The general principles on which the framework is grafted all other rules, or "recognition of the historical role ..." does not print legislative act under any obligation. The text is a statement that the initiators wanted to give reasons questionable, a particular importance by inserting its fundamental law.

This text has serious deficiencies building. Thus, among the entities that has contributed "to development and modernization of the Romanian state" are listed “Orthodox Church and other religious groups recognized by law”. Of course, only the Orthodox Church nomination was justified by the proportion of the Romanian society has its presence in the traditional public power even if somewhere, it would be questionable role it had to modernize the state. For example, the secularization of the monasteries and the secularization of
public institutions do not think that pleased the church, even if these reforms are part of what we call "modernization". There are, however, indicated that they had also such a role and other religious groups recognized by law. Such a statement is inconsistent with the statute Constitution, which, as noted, projects for long periods of time while the building progress of the nation and state. Recognition by law and other religious or declaring as illegal others may appear at any time, even after the Constitution would have inserted the text indicated. So whatever the historical role that I had to establishment and modernization of the Romanian state, recognition is subject to a random element which contradicts rigor that should characterize every constitutional text. But there are some religious groups recognized by law, whose presence in the Romanian society has not been a significant or through work and "mission" of them did not have anything to do with "the establishment and modernization of the Romanian state" or, worse, resisting even to this process. Therefore, their "honour" now has constitutional recognition not only untrue but even raises serious questions about the purpose of inspiration this text.

In other news, the enumeration which makes the text gives each entity nominated role from the perspective referred to the same level of contribution, which, first, untrue and, then, could be an offence to some of these entities. For example, this text brings them recognition and national minorities. But the historical truth highlights that some of these minorities even undermined our state building process, being loyal to other states whose interests do not always coincide with ours.

Of course, some minorities were loyal to the Romanian people, living together with him understanding even when sat in his ancestral hearth. Maybe they had a role in the establishment and modernization of the Romanian state, but I do not think it's worth mentioning provide for this in the Constitution, especially under a generic name that includes ethnic groups and those we have not been loyal. We believe that just one of these ethnic representatives wanted a "legitimating" of the so-called role that you had in the history of the Romanian people and because it was too risky to just be nominated her to appeal to the generic.

The worst aspect that is released from this is that the list was missing Romanians, i.e. cut off generations of our people who, at great cost and sacrifice, have achieved national unity of the Romanian state and assured them rise to modernity. The generation of 1848 missing, Cuza missing also, thus, whose signature is on the acts of birth of all modern Romanian state institutions, missing the Romanian Army that without its sacrifice there would not have been possible building of the Greater Romania, the Bratianus are also missing and all those who put above own ease, the future of the Romanian nation. They should have been nominated in the first place, if you still wanted a text insertion in the Constitution of gratitude for the role you have played in the establishment and modernization of the Romanian state

The initiators of the text might say that the Romanian people, the subject of the act of recognition, not his role to be stressed, but of those who have linked the destiny of the nation's history, justification would be deprived not only of truth and meaning. Subject to the act of recognition is, as shown clear in the text under question, Romania, and not the Romanian people. To Romania also belong the entities listed, leading thus to a self-recognition of the alleged role that it had in the establishment and modernization of the Romanian state.

Even though on this text, the Constitutional Court expressed a critical point of view, asking to be removed from the project and the timetable for constitutional revision is still suspended, however, believe that this issue should not be ignored. It's not just a problem of legislative technique, are not excusable error, as one might think in terms of a narrow legal vision. Text analyzed was inserted in the project not a simple error. Naturally, he was the subject of discussion in the committee drafting the project. Also, political leaders, putting their signatures on the project, it is accepted that they would not known it.

And then if logically so, we have the right and obligation to know what reasons underlying the text in question, because they remain active and will also generate other "quirks".

The declarative formula, "Romania recognizes" the Romanian people, being ratified, says, the Constitution, is bringing an offering of "gratitude" in its tumultuous past who not only did not recognize merit but it denied even the identity and existence. Is it just a simple gesture of "honour" and "honour" this "contribution" or text opens the way for other compromises likely to undermine the authority of the Romanian state?
The answer we give it but other texts that refer also to the minority and they are creating their preference. These are:
- recognition of traditional national minority areas as subdivisions of regions;
- recognizing the right of their legal representatives to establish their own bodies and executive powers decision on the right to preserve develop and express their identity;
- the obligation for all central and local authorities to make decisions on the preservation, development and expression of ethnic, cultural, linguistic and religious identity only after consulting organizations of national minorities;
- recognizing the right of national minorities to freely use, in public and private space of their own symbols representing their ethnic, cultural, linguistic and religious;
- remove the provision that all education levels should be conducted in Romanian and the establishment of general education requirement that only take place in Romanian;

All these amendments are contrary to the fundamental principles that define the state and the Romanian people have a sacred value, intangible, because it personifies the constitutional formula sacrifices of many generations of Romanian. If these texts are inspired only by some politicking calculations, namely a desire of government to make concessions in exchange for representatives of national minorities in government support [5], the Romanian state is in great danger, as we find that the lust for power has precedence over national interest.

Conclusions

Revision of the Constitution in October 2003 and all subsequent attempts to amend the Basic Law have been marked by foreign interests, expectations and aspirations of the Romanian people.

The current project seeks to impose anti-national constitutional Romanians content more directly and even more clearly than previous ones. Do initiators to rely on the fact that this map "democratic" would be mitigated to Romanian patriotic sense and do not care about their country? In this case however state weaknesses may be likely to lead to disaster the romanian society, especially in the conditions of dependencies determined from developments of globalization [6].

References

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