

The place of religion in state-funded educational institutions in Hungary

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Introduction

Ever since education in the country has become an issue, the Church – after the Reformation the various denominations, especially the Calvinist (Reformed) Church besides the Catholic Church – have played a determinative role in organizing and providing education. Also since the introduction of compulsory elementary education by the ‘Ratio educationes’ of Queen Maria Theresa issued in 1777 schools serving the public and the state were maintained by church communities. Public schools only emerged in the 19th century. When education was nationalized in course of the communist takeover in 1948 2/3 of all elementary schools and 1/3 of secondary schools were run by churches. In public schools denominational religious education remained compulsory until 1949. The possibility of optional religious education at schools has been recognized, but due to the systematic harassment of clergy, as well as parents and children who tried to invoke this right it is rather a dead letter than a real right (by the 1980ies only 4% pupils at elementary schools had religious education at school, mostly in rural areas, whereas since the 1970ies religious education at church premises was tolerated to some extent). During the four decades of communist rule (1949-89) education was totally controlled and provided by the state (only ten denominational secondary schools prevailed due to agreements concluded with the Bishops’ Conference in 1950 and the Reformed Church as well as the Alliance of Jewish Communities in 1948). Churches made huge efforts to overcome the legacy of the communist system, but took the present social context – the fact of secularization – in consideration. In this way church run schools have become an important alternative to public schools but churches did not aim at restoring their earlier role in education.

Funding is an important indicator of the relations between state and religion, it does not, however, determine the nature of education in itself. Educational institutions run by public entities (state, local communities, minority self-governments) are bound by the principle of neutrality with regard to religion, whereas institutions run by churches are not. The place of religion is quite different in these institutions, but church run institutions are entitled to the national average of public spending on schools that means the local spending besides the central subsidy – for this they cannot collect tuition. Private schools (that may be neutral with regard to religion, but are not necessarily neutral) are also entitled to certain public subsidies, but they are not fully funded by the state budget.

I. Religious instruction in public schools

1. The possibility for children/students to participate in optional religious education and instruction organised by a church legal entity in state and council educational-teaching institutions has to be ensured. Church legal entities may organise religious education and instruction on demand of the parents at kindergartens and on demand of the parents and the pupils at schools and halls of residence. Religious education and instruction at kindergartens may be organised separately from kindergarten activities, also taking account of the daily routine at the kindergarten. It may be organised at schools in conformity as compulsory

curricular activities. It is the task of church legal entities to define the content of the religious education and instruction, to employ and supervise religious education teachers and to execute the acts of administration related to the religious education and instruction with special regard to the organisation of the application for religious education and instruction, the issuance of progress reports and certificates and the supervision of lessons. The school, dormitory or kindergarten is obliged to provide the necessary material conditions for religious education and instruction, using the tools available at the educational-teaching institution, with special consideration to the proper use of rooms and the necessary conditions for application and operation. The kindergarten, school or dormitory shall co-operate with the interested church legal entity in the course of the performance of the tasks related to the optional religious education and instruction organised by the church legal entity.¹ The reality of religious education at public schools shows great regional differences. In certain rural areas the large majority of children at elementary schools follow religious instruction classes at school, whereas in urban areas, especially at secondary schools level religious instruction is not even offered, but held on church premises. Certainly at secondary school level the offer of church run schools provides an alternative in most major cities.

Public schools (both primary and secondary) have to provide space for religious communities to offer religious education at their premises in a 'protected' time frame, that is, after 7AM and before 3PM, when there are no concurring obligatory classes (a school choir or a sports event could concur with religion classes.)

Act IV/1990 on the Freedom of Conscience and Religion, and the Churches

§ 5. Parents and guardians are entitled to decide on the moral and religious education of their minor children, and to provide for it appropriately.

§ 17. (1) A church legal entity may pursue all educational, teaching, cultural, social, health-care activities, as well as activities related to sports and children's or youth protection, which are not reserved by law exclusively for the State or for a state agency (institution). Within the sphere of these activities, the church legal entity may establish and maintain institutions.

(2) A church legal entity may provide religious education in public education institutions on a non-compulsory basis (as an optional subject), according to the demand of the students and parents.

Act LXXIX/1993 on Public Education

§ 4. (4) It shall be rendered possible that the child or the student may participate in an optional religious education organized by the church legal entity at state and local government teaching-educational institutions. The church legal entity may organize religious education by considering the demands of the parents, in the case of kindergartens, and in the case of schools and dormitories, by considering the demands of students and parents. In the kindergarten, religious education shall be organized in separation from other kindergarten activities, taking into consideration the daily routine of the kindergarten, and in schools it shall be organized in a way that accommodates to the compulsory teaching hours. The church legal personality shall be

¹ Act LXXIX/1993, § 4 (4)

responsible for the contents of religious education, for employing and monitoring the teacher of religious education, for the administration of tasks related to religious education with special regard to application for religious education, reports on the child's progress, the issue of certificates as well as the monitoring of the teaching process. The school, dormitory or kindergarten – out of the devices and instruments at the institution's disposal – shall provide the necessary material conditions for religious education, with special regard to the appropriate use of premises, and the necessary conditions for application and operation. Concerning the employment of the teacher of religion, provisions of section 17 of this Act may be disregarded. The kindergarten, school and dormitory shall, in the execution of the tasks related to optional religious education organized by the church legal entity, cooperate with the church legal entity concerned.

2. All religious communities (at present close to 200) have the right to offer religious education at public schools. Practically the traditional mainstream denominations (the Catholic Church, the Reformed Church and the Lutheran Church) may do so if the local circumstances are opportune.

II. State funded denominational schools and state supervision

3. Denominational schools run by registered churches or religious communities, as well as their organs (religious orders, dioceses etc.) enjoy full public funding.

The following charts show that church run schools have a relatively important role as secondary general schools (a school type close to the German 'Gymnasium'), where over 20% of pupils frequents a church run school.²

Number of institutions

	Public	Ecclesiastical	Other
Kindergartens	2,216 on 3,992 sites	134 on 141 sites	212 on 222 sites
Primary schools	2,081 on 3,007 sites	183 on 213 sites	111 on 143 sites
Vocational schools	317 on 361 sites	24 on 32 sites	110 on 193 sites
Secondary general schools	410 on 431 sites	103 on 110 sites	108 on 294 sites
Secondary vocational schools	482 on 555 sites	28 on 42 sites	194 on 311 sites

Number of pupils (in full time education)

	Public	Ecclesiastical	Other
Kindergartens	306,683	10,757	8,237
Primary schools	728,237	46,789	14,364
Vocational schools	105,847	3,874	15,144
Secondary general	155,831	35,051	12,720

² A bilingual (Hungarian-English) overview of the system of education is available at: http://www.okm.gov.hu/letolt/statisztika/okt_evkonyv_2008_2009_091207.pdf

schools			
Secondary vocational schools	201,221	4,846	30,451

So far no Islamic community has established a school. Over 60% of church run schools is Catholic, 25% Reformed, 10% Lutheran, 1% Jewish. This means, that the engagement of Protestant denominations in education is stronger than their denominational share.

4. For financial reasons it is not likely that denominational schools would be run by a private entity instead of a church legal entity. Private schools often offer special pedagogic programs (languages, sports, arts), and may have a special religious identity. As registering a religious entity is a merely formal act, a school run by such an entity would enjoy significantly more favorable financial conditions than a private school. So far there are no Islamic private schools in Hungary.

5. How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.

Denominational schools – run by churches, but funded from the state budget – underlie the same control than public schools. All schools are bound by a national core curriculum that, however, provides space for the curricula set up by schools independently.

III. Limitations on admission to confessional schools

6. Public (neutral) schools have to be available to all pupils without an undue burden. Church run schools have the right to denominational exclusivity, but usually do not make use of this right.

Act LXXIX/1993 on Public Education

§ 81. § (1) If an educational-teaching institution is not maintained by a local council or a state organ,

a) the educational-teaching institution may also operate as a committed institution with regard to religion or ideology and, in compliance with that, it may stipulate that children / students should accept a certain religion or ideology as a precondition for admission, build the philosophical, ethical and cultural knowledge corresponding to the religious or ideological commitment into its pedagogical programme, restrict or exclude the exercise of the right regulated in Subsection d) of Section (1) of Article 19 of this Act and establish rights and obligations in relation to the practice of religion for the children / students in the rules of the house;

7. Church run schools had the right to limit admission, but in practice parents from different faith communities are not likely to send their children to a church run school.

IV. Teaching of Islam in denominational education

8. Public authorities shall not organize any kind of religious instruction. It is up to the school to admit adherents from different denominations to the school and to provide space for religious instructors of other denominations to offer religious instruction. In practice, Catholic, Reformed and Lutheran Churches enable mutually religious instruction in their schools. At present there is no Islamic instruction neither in public, nor in denominational schools.

As religious education is not part of the curriculum at public schools, there is no alternative class of conception of life, philosophy or ethics provided. Ethics classes can be provided at schools, but not as an alternative to religious education, but alongside it.

VI. Religious symbols in public schools

There are no religious symbols at public institutions in Hungary, as public schools are bound by the principle of neutrality.

Inmates, pupils and students, could, however, post religious symbols at their own stake if these do not disturb others (like a cross above their bed in a dormitory).

With regard to teachers it could be argued that a religious-neutral appearance could be regarded as a general condition of their profession, but there were no cases or disputes on the issue so far. Teachers, in general may manifest their religion, but shall not advocate for it in a public school.

Act LXXIX/1993 on Public Education

§ 19. In relation with his/her job, the teacher is entitled to

d) carry out – by observing section 4, subsection (2) – his/her educational and teaching activity in accordance with his/her own world-view and set of values without forcing to or making the child, the student accept it.

According to the law the pupil has the right to have his religious convictions respected and to express his conviction or belief in ways that do not violate the law, does not violate the similar rights of others and does not infringe the right to study of his or her mates.³ Due to the limited number of Muslims in the country headscarves have not yet become an issue in Hungary, but there is no dress code that would rule them out.

Schools – the teachers' conference upon the proposal of the director – have the right to regulate certain aspects of appearance, and they do so with the consent of the parents' union.⁴ Dress codes only rule out extreme appearance (e.g. piercing) in schools, endangering the safety or the health of the pupil. In Hungary there are no school uniforms.

Dress codes – passed by the schools – could be subject of court procedures.

In case of serious misconduct against the house rules an expulsion could be the sanction. This last sanction with minors (under 18) can only be invoked if there is an other school that provides place for the pupil. Disputes could end up at courts.

³ Act LXXIX/1993. § 11 (1) h)

⁴ Act LXXIX/1993. § 40 (2)

There is no case-law in Hungary with regard to dress-codes of schools.

VII. Additional comments

The number of Muslims in Hungary is relatively small. At the census in 2001 only 2,907 persons declared to be Muslims.⁵ The real and present number is likely to be higher (about 10% of the residents did not respond to the question about religion at the census). Muslims in Hungary do not constitute a homogenous group, besides Turkish and Arab immigrants there are some Hungarians who converted to Islam. In the tax assignment system the largest Muslim community got the support of 320 taxpayers, the two further Muslim communities got 255 and 208 assignments respectively, 6 what means that not more than 1,000 taxpayers (out of more than 4 million income taxpayers) declared to be part of a Muslim community. The issue of Islamic education in schools has not been risen so far, and as long as religious education in public schools is optional, it is not likely to become an issue.

VIII. Bibliography

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http://www.nefmi.gov.hu/letolt/english/act_lxxxix_1993_091103.pdf

⁵ Data were published indicating regions, settlements, correlation to marital status and age. Központi Statisztikai Hivatal, 2001, évi népszámlálás, 5. Vallás, felekezet. Budapest, Központi Statisztikai Hivatal 2002; Hungarian Central Statistical Office, Population census 2001, 5. Religion, denomination, Budapest, Hungarian Central Statistical Office, 2002; <http://www.nepszamlalas2001.hu/dokumentumok/pdfs/vallas.pdf>.

⁶ http://apeh.hu/szja1_1/kimutat/2010_rend_egyh_kiem.html