

RELIGION IN PUBLIC EDUCATION IN HUNGARY

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I. GENERAL BACKGROUND

1. Facts and Figures

The population of Hungary has been declining since the mid 1970s, and is about to fall under 10 million. Due to low birth rates the number of pupils is declining. In 2008/2009 the number of pupils and students between the age of 3 to 22 visiting kindergartens, schools and institutions of higher education was 1.931 million. About 92 % of children between the age of 3 and 6 frequent kindergartens, whereas compulsory education reaches practically all minors (until 18). About 800,000 children are in general primary schools from Kindergarten to school year 8 (age 6 to 14), and about 90 % of them finishes primary school in eight years. About 23 % of pupils in secondary education study at vocational schools, 41 % in secondary vocational schools, and 35 % in secondary general schools (Gymnasium, to use the German terminology). Secondary vocational schools offer alongside vocational training a final examination ("Abitur", again in German usage) that is necessary to enter higher education.

Since the collapse of the communist system freedom to set up schools is acknowledged. As well as schools run by the state and local communities, schools may be run by churches, minority communities, enterprises, foundations, associations, and private individuals, in any event upon the fulfilment of legal and administrative criteria. Public, church-run and private schools are equally recognized. Church run schools are well established at the secondary school level, as general schools. In average public institutions are larger than private ones. Private institutions have a special focus on part-time (adult) education. The vast majority of public institutions are maintained by local self-governments (municipalities). The following charts provide an overview of the number of institutions as well as the number of their pupils; because some schools may have buildings at different locations, e.g. neighbouring villages, the figures for sites is sometimes significantly higher than figures for institutions. Data on institutions providing adult education (relevant especially at secondary school level with evening classes and vocational training) is not included.

Kindergarten is available for children aged from 3 to 6, and attendance in the last year before school is compulsory. Primary general schools are for ages 6 to 14, with an option to leave for secondary general school after grades 4 and 6. The vast majority of pupils, however, stay at primary school for eight years. After primary school there is a choice between general and vocational secondary schools as well as vocational schools, for pupils aged 14 to 18 (with some exceptions in the case of vocational secondary schools with a programme of five years).¹

¹ 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

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 schools	155,831	35,051	12,720
Secondary vocational schools	201,221	4,846	30,451

Schools are bound by a national core curriculum, but this provides for autonomy with regard to curriculum, schoolbooks and textbooks. Church schools are not bound by the principle of ideological neutrality, whereas public schools should be neutral. Public (neutral) schools have to be available to all in the relevant age groups without an undue burden.

It has to be noted that ever since education in the country has become an issue, the Church – after the Reformation the various denominations, especially the Calvinist and the Reformed Church besides the Catholics – 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. During the four decades of communist rule (1949-89) education was totally controlled and provided by the state (only ten denominational secondary schools survived due to agreements concluded with the Catholic Bishops’ Conference in 1950, and the Reformed Church and 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 – into

consideration. In this way church-run schools have become an important alternative to public schools but churches did not aim to restore their earlier role in education.

Schools run by religious entities do not qualify as private schools. The place of religion is quite different in these institutions. 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.

Denominational religious education can be compulsory at church-run schools, as part of the school curriculum. Church-run schools can also be exclusive with regard to their religion.² Teachers of religion need a university degree, usually issued by a theological college or faculty. In church-run schools the teachers of religion are members of the faculty.

Public education is financed by the central budget that provides a per capita funding to all institutions providing accredited education, including private and church-run schools, as well as local self-governments which run the vast majority of public schools. Self-governments usually supplement this per capita subsidy from their own means, while private providers do so from tuition and fees. Church-run schools are entitled to the national average of public spending on schools, which means local spending alongside the central subsidy – to obtain this they cannot charge tuition fees.

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 programmes (languages, sports, arts), and may have a special religious identity. As registering a religious entity is a merely a formal act, a school run by such an entity would enjoy significantly more favourable financial conditions than a private school. Private schools also have the right not to provide for religious education. Private schools are also entitled to certain public subsidies, but they are not fully funded by the state budget.

2. Religion as a Subject of Instruction and Its Substitutes

Religious Instruction

There are no special rules applicable to religious education and religious instruction: religious education (or instruction) is understood as a faith-based instruction, as this is offered by religious communities and serves not only the dissemination of information on religion but also the introduction of the pupil into the faith of the given community. At public schools (maintained by the state or a local or national-ethnic self-government) the possibility for children/students to participate in optional religious education and instruction organised by a church legal entity has to be ensured. Church legal entities may organise religious education and instruction on the demand of the parents at kindergartens and on the demand of the parents and the pupils at schools and halls of residence, but they do not need to do so. Religious education and instruction at kindergartens may be organised separately from kindergarten activities, at the same time as taking account of the daily routine at the kindergarten. They may be organised at schools in conformity with the order of compulsory curricular activities. It is the task of church legal entities to define the content of the religious

² Act CXXV/2003. § 28 (2)

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.³ The reality of religious education at public schools shows great regional differences. At elementary schools in certain rural areas the large majority of children frequent religion classes at school, whereas in urban areas, especially at secondary school level, religious education is not even offered by churches, but held on church premises. Certainly at secondary school level the availability of church-run schools provides an alternative in most major cities.

Religious instruction in public schools is delivered by religious communities, not by the school. The instruction is not a part of the school curriculum, the teacher of religion is not a member of the school staff, grades are not given in school reports, and churches decide freely on the content of the religion classes as well as on their supervision. Teachers of religion are in church employment; however, the State provides funding for the churches to pay the teachers. The school has only to provide an appropriate time for religious classes (this is a difficult issue in many cases) as well as teaching facilities. Churches are free to expound their beliefs during the religious classes: they do not have to restrict themselves to providing neutral education, merely giving information about religion, as do public schools. Religious education is not part of the public school's task; it is a form of introduction into the life and doctrines of a given religious community at the request of students and parents.

Instruction about Religions and Ethics

Neutral public schools should not endorse any religion or ideology, but must provide objective and multi-sided information about religions and philosophical convictions.⁴ Teachers at public schools should teach on a neutral basis; they have the right to express their opinion or belief, but they should not indoctrinate their students (see below). The pedagogical programme, the functioning, and the direction of public schools shall not take a position in matters of religious truth.

Schools should provide fundamental information on ethics.⁵ Separate courses on ethics have been discussed for a while, but so far only a limited number of schools have introduced experimental courses at certain grades. Ethics cannot substitute religious instruction as the latter – provided at schools by churches – is not part, and can not be part, of the curriculum.

³ Act LXXIX/1993, § 4 (4)

⁴ Act LXXIX/1993, § 4 (2)

⁵ Act LXXIX/1993, § 4 (2)-(3)

Religious matters certainly come up in classes in literature, history, music etc. These shall not require identification by students or teachers but rather provide neutral and factual information and would not be considered as a challenge.

II. RELIGIOUSLY MOTIVATED BEHAVIOUR IN PUBLIC SCHOOLS

Working conditions mean that teachers and other staff in schools have to set aside their religious affiliation and religious issues whilst at school. Teachers as public employees have to adjust to the rules of their profession. This general requirement also means that teachers shall not wear extreme garments. Margins largely depend on local communities: in some places an unusual dress may distract the school discipline, whereas at others it would not constitute an issue. Non-discrimination on the basis of religion or belief would be the fundamental principle. Data protection rules rule out keeping records on the religious affiliation of employees (and pupils). Public employees may express their belief, but shall not use their office in order to spread their convictions. In practice this means that teachers in public schools may respond to questions with regard to their religious beliefs but they do not have to. They certainly should not invite their pupils to their congregation or use their position in order to influence the religious decisions of pupils.

There are no religious symbols at public institutions in Hungary. Inmates, pupils and students, however, could post religious symbols at their own designated spaces if these do not disturb others – such as a cross above their bed in a dormitory.

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 of fellow pupils to study.⁶ 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. Whereas with regard to teachers it could be argued that a religious-neutral appearance would constitute a general condition of their profession, limitations for students would be certainly unacceptable.

Although benediction of public works (bridges, tunnels, construction sites) has become customary, this is not common with school buildings. A religious service on school premises is hardly imaginable, but a benediction at an inauguration of a new building – in most cases as an ecumenical gesture of local denominations – would not be seen as an institutional entanglement challenging neutrality. “Routine” benedictions (e.g.) every year are not done at public schools.

Religious gestures of pupils would not constitute an issue as far as they do not touch upon the rights of others. Such gestures (like self-initiated prayers of pupils), however, are not likely to happen. Religious communities may attach services to the school year (e.g. a mass at the beginning as well as at the end of the year), but these are customary at the church not at school premises. A common prayer in the framework of a class or the school in general would not be imaginable. Many schools and classes organize a common celebration of Christmas,

⁶ Act LXXIX/1993. § 11 (1) h)

which is regarded to be rooted in the general culture (e.g. singing traditional carols), and not as a gesture of worship. Opting out from these common events would be ensured.

III. OPTING OUT OF SCHOOL OBLIGATIONS FOR RELIGIOUS REASONS

There are not many holidays in Hungary: besides January 1, and a few national days only Christmas, Easter Monday, and Pentecost Monday – and since 2001 All Saints are days of rest. The protection of Sunday as well as the acknowledgement of certain Christian holidays was challenged before the Constitutional Court, but the court rejected the petition in 1993 stating that all employees had the possibility to take time off for their holidays.⁷ Saturdays can be designated as days of work by the Minister of Labour in order to provide “long weekends” (for example if a public holiday is on Thursday or Tuesday, the day between the holiday and the weekend is given free, and a Saturday from the previous week or the next week becomes a working day instead). Sundays are not to become working days. The Constitutional Court stated that the constitutional obligations of the state prohibit the privileged treatment of one religion (e.g., by declaring all of its holidays as days of rest). However, the state must ensure the free exercise of all religions. Historically, religious motives did determine the state’s decision in choosing the holidays; however, the present holidays are the ones celebrated by the vast majority in society (not only practising Christians). Christmas and Easter, for example, are closely connected to family and community traditions. As in the given case the petitioners were acting for a Jewish organisation, the Constitutional Court stated that no Jewish holiday gained such a popular acceptance. The protection of Sunday used to have a religious background; however, it has lost that background now. Sunday as a uniform day of rest is almost universal. The uniformity of this day of rest has a secular purpose.⁸ This means that it is not a majority claim that is accommodated.⁹ As employees have the right to decide on one forth of their paid leave without the consent of the employer,¹⁰ this ensures religious minorities are able to observe their holydays. The same would apply to students – and practices would be relatively tolerant.

As religious instruction is strictly optional on an “opting in” basis, opting out cannot be an issue. From compulsory (and neutral) elements of instruction about religions opting out could be possible. Due to the relatively small number of Muslims in the country the issue of opting out of physical education has not arisen so far. It is likely that tolerance would prevail in practice. With regard to community events (like the celebration of Christmas at public schools) the practice is generally tolerant. The same would apply to analogous opting out issues, like opting out from biology or other classes which might include material related to religion; certainly pupils could only opt out from elements of the lesson not the entire class.

⁷ Decision 10/1993. (II. 27.) AB

⁸ Decision 10/1993 (II. 27) AB, ABH 1993, 105

⁹ The solution the Constitutional Court has reached in the case is similar to what the Supreme Court of the United States of America reached in the *McGowan v. Maryland* case: “There is no dispute that the original laws which dealt with Sunday labor were motivated by religious forces. [However], the present purpose and effect ... is to provide a uniform day of rest for all citizens; the fact that this day is Sunday, a day of particular significance for dominant Christian sects, does not bar the State from achieving its secular goals.” [366 U.S. 420 (1961)]

¹⁰ Act XXII. (Labour Code) § 134 (3)

The right to home-schooling has been recognised since 1996, but children participating in home-schooling also have to be affiliated to a school and are graded by the school upon examination. There are no overall data available on religiously motivated homeschooling. At primary school level the number of children in home-schooling is between 5,000 and 6,000 (under 1% of the age group) - about a third of them for health reasons and about a quarter of them because their parents work abroad. With regard to about 2,000 of those who undergo home-schooling, the only reason given is the decision of parents, what may cover in certain cases religious reasons, but this is likely to be very rare. Children from a farm managed by ISKON used to be home-schooled (affiliated to a village school), but since 2009 they run an accredited school on the farm for 24 pupils.¹¹

¹¹ According to the website of the farm, there are only five children at the school. <http://oktatas.krisnavolgy.hu/>