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REPORT ON HUNGARY’S DEREGISTERED CHURCHES
by H. David Baer

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With sadness, I submit this report on Hungary’s deregistered churches to the final issue of REE. This journal has been not only a constant companion over the years, but also an important source of information about religious life in Central and Eastern Europe. I first learned about REE in the early 1990’s (back then it was Occasional Papers on Religion in Eastern Europe), when I started work on my doctoral dissertation about Hungary’s Lutheran church under communism. By that time, the journal had been around for years, having played an important role (as I learned) in facilitating communication between Christians in the East and the West during the Cold War. When I was starting out with my research, and my Hungarian was not as good as it is today, articles from the Occasional Papers collection proved invaluable in helping me to get my bearings on religious life in Hungary. I remember learning about the Hungarian Lutheran Bishop, Zoltán Káldy, through the pages of the journal. I was also able to read an English translation of an open letter by the dissident Zoltán Doka, written during the 1984 Lutheran World Assembly meeting in Budapest, criticizing Bishop Káldy. Of course, as my expertise developed, I grew less reliant on REE for information about Hungary, but I still used the journal to learn about other countries in the region.

My association with REE also brought me into contact with many interesting people and places. One year when I was living in Budapest, I met Paul Mojzes and a Macedonian Methodist named Boris Trajkovski in an out-of-the-way campus of the Central Europe University. Paul wanted to know if I would like to attend a conference in Ohrid, Macedonia about religious tolerance. I said, “Sure, sounds interesting.” Indeed, it was interesting, and a few years later, Boris Trajkovski was elected President of Macedonia. Since then, I have attended many conferences as a result of my relationship with REE. Between 2003 and 2009, I was the book review editor for REE, an activity that brought me into contact with numerous scholars of Europe. But so far, Boris Trajkovski remains the only president of a country whom I’ve met.

I suppose with the Cold War long since over, a journal focused on Eastern Europe might appear to have lost its urgency and relevance. The world’s attention is directed at the Muslim sector and the Far East, while Europe’s stability and supposedly irreversible democratic advance are taken for granted. But, of course, those who follow Europe know this is not the case. Today, Europe is in crisis, the Euro is in danger, and the democratic development of many formerly communist countries has stalled or, in a few cases like Hungary, significantly regressed. Chauvinistic nationalism and anti-Western sentiment are reemerging in much of Eastern Europe, often with the support of institutionalized religion. Developments like these make it even more urgent to keep the lines of communication open between east and west. A journal like REE may be needed now more than at any time in the past twenty years. How tremendously sad to see the journal come to an end.
Readers of my recent report on Hungary and my exchange of open letters with Hungarian Roman Catholic Archbishop Márfi (Vol. XXXII, No. 2, May 2012) are familiar with Hungary’s new law concerning churches, which strips the majority of Hungary’s religious communities of legal recognition. This past summer, I visited Hungary and established contact with many of those deregistered churches in an effort to learn more about their fate under the new legal regime. What I found was quite disturbing.

One of the Hungarian government’s central arguments to justify the new law concerning churches was that the previous law had created a situation of abuse; businesses registered themselves as churches in order to receive tax benefits and state subsidies. According to the government, there were more than 300 churches operating in Hungary in 2011. The Venice Commission’s opinion on Hungary’s new law concerning churches repeatedly refers to 300 previously registered churches, and states, “According to the Hungarian authorities, the previous regulation had created an ‘untenable situation’ in which more than 300 churches were registered;” it also states, “One of the main justifications for this new Act is the need to prevent the so-called ‘business churches’ from abusing the possibility of receiving public funding.” Three hundred churches does seem like a high number in a European country of ten million people, at least if measured in comparison with other European countries. A list of registered churches provided by Hungary’s constitutional court identifies 366 churches. Looking at the list more closely, however, one discovers that many of the “churches” are really religious institutions belonging to the same church. For example, in addition to the Magyar Katolikus Egyház (Hungarian Catholic Church), one finds Magyar Kurir Szerkesztősége (Editorial Board of Magyar Kurir, which is a Catholic newspaper), Magyar Katolikus Püspöki Konferencia (Hungarian Catholic Bishops Conference), and Magyar Katolikus Püspöki Konferencia Titkársága (Secretariat of the Hungarian Catholic Bishops Conference). A synod of the Reformed Church is also listed (the American equivalent of a Hungarian synod would be the national general assembly of the ELCA), as well as a nursing home that appears to be operated by the Reformed Church. Numerous Catholic religious orders are listed separately. Although I don’t know the reason religious institutions are listed as separate churches in the constitutional court’s registry, the answer probably has to do with either taxes (perhaps each of these institution has a separate tax number identified on income tax forms to receive the 1% income tax donation from individuals), or with state subsidy (perhaps the list identifies institutions receiving state subsidy). I was able to obtain a registry of churches published in 2007 by the Ministry of Education and Culture (Oktatási és Kulturális Minisztérium). This registry lists 159 distinct churches/religious communities, and then has additional sections identifying schools, religious orders, and other institutions operated by those churches/religious communities. Clearly there were not 300+ distinct and separate churches in Hungary prior to the new law, but only about half that number. I suspect the repeated references to 300+ churches were part of a disinformation campaign intended to bolster the claim that the previous registration law was too lax and being abused by “business churches.”

The Venice Commission’s opinion also reports that deregistered churches, “will be qualified as ‘associations’ as of 1 January 2012. They will have to declare their intention to continue or discontinue their activity by 29 February 2012 and initiate a registration process as ‘religious associations’ by 30 June 2012. The failure to meet this deadline will result in forfeiture of their right to register.” This information is not accurate. In fact, the situation is much worse than described in the Venice Commission’s opinion.

Sixty-seven churches had applications to be registered as churches rejected without explanation by the Parliament. During a recent visit to Hungary, I was personally able to visit...
representatives of a number of these communities and establish contact with others via email (although I did not manage to speak with all 67 communities). The legal situation of deregistered communities is extremely unclear and it was difficult for me to get a complete picture. The groups I met with were themselves uncertain about their legal situation. A lot of the things I have heard would need to be checked with Hungarian lawyers and, unfortunately as of yet, I haven’t been able to find a Hungarian lawyer familiar with the relevant laws who could answer all my questions. Even with these caveats, however, I am confident in stating that many religious groups in Hungary are being denied basic aspects of the right to religious freedom. Almost all of the groups I met with are preparing for the possibility of “going underground” and functioning illegally. Representatives of a number of different communities stated to me that as far as they were concerned, things are as bad now as they were during the Kádár era.

All the laws regarding civic associations have been rewritten. As one person told me, the new laws are not completely compatible with each other, and in the absence of legal precedent, neither the lawyers nor the judges are certain what the state of the law actually is. One thing, however, seems certain: there is no provision in Hungarian law for religious associations. Contrary to what was presented to the Venice Commission, deregistered churches were not reclassified as “associations” and then given the opportunity to qualify as “religious associations.” Deregistered churches were stripped of all legal standing and told to apply for recognition as associations. Moreover, failure to meet the deadline for registration would not merely result in “forfeiture of their right to register,” but in liquidation of the religious community’s assets without legal successor. In effect, this means the state would appropriate the community’s property. Similarly, if the court rejects a deregistered church’s application to be an association, the property of the community is to be liquidated without legal successor. In one instance, the court has already ordered a church’s liquidation. I know of only one case where the court has accepted a community’s application for association; in all other cases, I know that the court has asked for the applications to be supplemented with further material.

However, even if these religious communities are accepted as associations, they will be subjected to regulations that violate the right of religious freedom. First, civic associations are required to have a certain administrative structure. They must have a presidency and all members must have the right to vote on decisions made by the association. Clearly this violates the internal autonomy of religious groups. For example, if the Catholic Church had failed to be registered as a church, it would now be required to do away with its bishops and submit all organizational decisions to a vote by its members. The Reformed and Lutheran Churches would have to eliminate their presbyteries and legislative synods.

Second, the membership of civic associations must be made public, although I am not clear how strictly and broadly this must be done. In any case, when I asked people whether the members of their community were afraid of having their membership become public, I was repeatedly told, “Yes.” In cases where members of deregistered churches hold jobs as civil servants, they are afraid of government retaliation for being associated with a rejected church. Also, Hungary’s right-wing extremist political party, Jobbik, is relatively strong and could conceivably end up in a coalition with the ruling party, Fidesz. Many of the deregistered churches work with Roma or are comprised largely of Roma. Other communities are perceived as friendly toward Jews. The members of such communities have reasonable grounds to be afraid of targeted violence against them should their identities become public.

Third, my understanding is that associations are subject to a different set of accounting laws. Unlike churches, they need to keep a public record of where their money comes from. Thus,
they are not permitted to collect donations. Most Christian churches have a public offering during worship services where those attending can put money in a basket. This sort of collection is not permitted for associations, because there would be no record of who donated the money.

Fourth, my understanding is that only certain types of civic associations are permitted to maintain schools and charitable organizations. I’ve been told that the law distinguishes between civic associations and non-profit associations. Only non-profit associations are allowed to maintain public service institutions (e.g., schools, homeless shelters, etc.). Many deregistered churches run such public service institutions; thus, if they are to continue that work, they need to be recognized as non-profit associations. The leader of one religious group told me that they decided to shut down a small school they operated for children with disabilities as well as a Roma mission, because they feared their application for non-profit association might be rejected, in which case the court would order the liquidation of all their property. They decided it was safer to apply to be a civic association in the hope of at least retaining their places of worship. One of the most prominent deregistered churches is headed by the Methodist pastor Gábor Iványi. Iványi’s church operates approximately 15 schools throughout Hungary, dedicated to educating Roma. His church also maintains a couple homeless shelters in Budapest. If the court should reject his church’s application to be a non-profit association, my understanding is that all of these institutions will be liquidated (i.e., appropriated by the state).

Fifth, civic associations are not allowed to own agricultural land. This has relevance mostly for religious groups that maintain monastic communities or retreat centers. Hungary’s Hare Krishna community owns a sizeable amount of agricultural land on which they raise sacred cows. Although originally denied church status, Parliament registered them as a church in the second round of voting in February of 2012. If the Hare Krishna had been denied church status, all of their land would have been appropriated by the state. One representative of a non-recognized religious community told me that he had been hoping to purchase a small piece of agricultural land for retreat purposes. That possibility is now denied to his community.

This information, if accurate, clearly points to gross violations of religious freedom. Even the Hungarian government seems aware that the present situation contravenes European norms, and it has taken steps to create the impression that the situation is not as severe as it appears. The Ministry of Public Administration and Justice (Közigazgatási és Igazságügyi Minisztérium) posted on its web page an unsigned letter dated February 1, 2012 which explained what deregistered churches needed to do to register as associations. The letter also indicated that civic associations conducting religious activities would have special protections, including a right to internal autonomy, special treatment of information concerning the organization’s membership, a right to collect donations, legal exemption from the need to establish the group as a non-profit association, the freedom to maintain schools and charitable organizations, and permission to retain any agricultural land already in their possession. However, my understanding is that none of these special protections are provided for in the law. Indeed, the fact that the letter was posted unsigned on a webpage seems peculiar, suggesting, perhaps, that no one in the ministry wanted to take responsibility for its contents. The representative of one religious group told me he had been advised by his lawyers that he could not rely on the promises in this letter when applying for recognition as a public service association. Promises made in an unsigned letter posted on the webpage of a government ministry do not act as a legal guarantee.

The new legal situation also has financial implications for the deregistered churches. Hungarian taxpayers are able to designate 1% of their income tax as a contribution to the church or civic association of their choice. In the case of money designated for churches, the state matches
the 1% designated by taxpayers; in the case of money designated for associations, the state does not match the 1%, which means associations receive half the amount of donations that churches receive. But as far as the deregistered churches are concerned, this question is moot, because at the moment they are neither churches nor associations. The state is retaining the money taxpayers designated to these associations on their income tax forms and will only give it to them if the communities are recognized as associations. These churches were deregistered in January of 2012 and at the time of this writing, it is October. When will they receive the money explicitly designated to them by Hungarian taxpayers?

Deregistered churches have also lost various tax exemptions. The most significant of these concerns clergy. Churches are exempt from paying the social security taxes, etc. attached to their clergy’s salaries; associations are not exempt from this. Paying those taxes doubles the cost of supporting a minister. I was told by several religious groups that they were forced to lay off ministers in order to absorb the higher cost of clergy.

One might think the most significant issues of church deregistration concern state subsidy. Registered churches receive significant state subsidies. In 1997, Hungary and the Vatican reached an agreement on the terms of public support of Catholic institutions. Although that agreement only concerned the Catholic Church, it established the framework for relations between the Hungarian state and all registered churches. According to this framework, the Hungarian state agreed to support church schools by matching the financial support it offers to state schools. The state also agreed to subsidize other institutions run by the churches. Thus, loss of church status appears to have significant financial implications for deregistered churches. However, non-profit associations also receive significant state subsidy to operate public service institutions. Thus, deregistered churches that maintain such institutions would continue to receive state subsidies, should they be recognized as non-profit associations.

This leaves a confusing picture. The state’s rationale for the new law concerning churches is to eliminate financial abuses by so-called “business churches.” If the process of church deregistration and re-registration as a civic association were to go as smoothly as indicated in the unsigned letter posted on the Ministry of Public Administration and Justice’s webpage, the financial implications of the switch would appear relatively minor. One the other hand, if the purpose of the new law concerning churches is to enable the state to, in effect, nationalize the assets of deregistered churches, the financial implications of the new law will be much greater.

Indeed, one must recognize the possibility that a number of deregistered churches will have their property liquidated. A court has already ordered the liquidation of one religious community under a set of circumstances that are deeply troubling. The community is question is Isten Gyülekezete Egyesült Pünkösdi Egyház (Assembly of God United Pentecostal Church). This church has been operating in Hungary since 1926. It has a membership of between one and two thousand, the majority of whom are Roma. The church is also affiliated with the United Pentecostal Church International, based in the United States. The circumstances surrounding the court ordered liquidation of Isten Gyülekezete Egyesült Pünkösdi Egyház are as follows:

The unsigned letter of February 1 posted on the Ministry of Public Administration and Justice’s webpage informed deregistered churches that they would have until February 29 to submit their applications to become an association, and if a deregistered church missed the deadline, it would be liquidated without legal successor. In the meantime, however, the deregistered churches were given an opportunity to reapply for church status, perhaps because of international pressure. Parliament voted on this second round of applications on February 27, 2012, registering another 13 churches alongside the initial 14. Given that this vote took place two days before the February
In late February, the government extended the deadline for deregistered churches to apply for recognition as an association until April 30. *Isten Gyülekezete* was officially informed of this new deadline in a letter from the Ministry of Public Administration and Justice dated April 13. The community submitted its application via registered mail on April 22. The package was received by the court on April 23. However, on May 25, the court ordered the liquidation of *Isten Gyülekezete Egyesült Pünkösdí Egyház* on the grounds that it had submitted its application after the February 29 deadline – a deadline which had been extended in light of the February 27 vote of Parliament.

The most positive interpretation of this sequence of events is that the judge who ordered the liquidation was simply unaware of the events in Parliament and the extension of the deadline. At the same time, it is difficult to fathom a court functioning at such a high level of incompetency. Other peculiar circumstances also surround the case. *Isten Gyülekezete* is headquartered in the city of Pécs. Accordingly, the application for civic association was submitted to the county court in Pécs. The judgment to liquidate *Isten Gyülekezete*, however, was issued by a court in the city of Veszprém. Moreover, the church has been told that it must appeal the decision of the Veszprém court in the city of Győr. Why is the case being passed around different circuits in this way? Does this have something to do with Hungary’s new judicial laws? Should we assume the National Judiciary Office is actively involved in the handling of this case? Can a deregistered church treated in this fashion have any confidence in the rule of law?

Without a doubt, religious life for deregistered churches in Hungary has become extraordinarily difficult and highly attenuated. They are uncertain about their present legal status and they are afraid of liquidation. They live without legal guarantees. The government itself has been moving very slowly to address the situation. There are good reasons to be deeply concerned about the current state of religious freedom in Hungary.