

The Contested Politics of Positive Neutrality in Hungary

States treat churches differently even where legal frameworks stipulate neutrality. Next to demographic and historic factors, the differences between the statuses of the churches can best be explained by the dynamics of contemporary politics. The chapter shows that differences between the Hungarian churches in terms of their level of privilege are related to their interactions with political actors and to their own political actions. Hungarian churches are deeply politicised: they are deeply affected by political conflict and often become players in the political field. Although they are granted privileges by the state in return for the legitimacy they provide, the space for the provision of religious legitimacy is, itself, largely created by the politicians.

INTRODUCTION

On one view the relevance and urgency of debates concerning the freedom and equality of churches in Europe seem to have faded over the past century. The tensions that existed among churches and between religious movements and ‘humanist’ circles appears to have ceased to be the cause of major political conflicts. Social and political developments, such as secularisation and the embracing of liberal democratic principles by the Second Vatican Council, have taken the steam out of the old conflicts. And the creation of Europe-wide legal standards has lowered the stakes by increasing uniformity across the continent.

Yet, the issue of religious equality is back on the European agenda. The continent-wide campaign against ‘dangerous cults’, accelerated flows of immigration resulting in growing levels of multiculturalism, the increased political influence of churches and the reconstruction of national identities along religious lines in ex-communist eastern Europe have refocused attention on issues surrounding state neutrality. The pressure towards European uniformity has in itself highlighted the historically shaped differences between the nation states. The process of the establishment of new European norms has mobilised the churches, especially the Roman Catholic church.

The issue of religious equality is particularly relevant to eastern Europe, because there the role of religion in social, private and political life is being re-defined in a period when

governments are struggling with a lack of popular legitimacy. Understandably, many politicians see in churches the potential providers of this legitimacy. And, since most nations are religiously heterogeneous, the result is the rise of new political conflicts. Not only do these nations comprise various denominations, but they also contain die-hard atheists and anti-clericals, followers of new cults, and last, but not least, the members of the traditional churches. The latter group, whose members were second class citizens for decades, now hope to return to the pre-communist *status quo*. But in virtually all countries this *status quo* meant a hierarchy of ecclesiastical organisations. Accordingly, a return to that pattern threatens the interests of several groups, e.g. the classical pariah churches, the atheists, and the new, typically neo-Protestant, religious communities.

It is a widely shared insight within the literature of transitology that the fall of communism did not present the respective countries with a *tabula rasa*¹. In other words, the eastern European ‘Founding Fathers’ did not act in a vacuum. Historical, geographical, economic, cultural and international constraints shaped their decisions. Yet, the *tabula rasa* metaphor should not be discarded in all its aspects. The Founding Fathers were confronted with a large number of alternatives whether they surveyed the west European models or their own historical traditions. As a result, the rules governing the exercise of religion or the role of churches in public life differ from country to country, and often from government to government. While the final settlements may very well be under the influence of various deeply historical factors, the initial regulatory solutions adopted were typically the products of rational deliberation and strategic bickering, in the course of which a range of different interests and values have been articulated and confronted.

HISTORICAL DIFFERENCES AMONG THE CHURCHES IN HUNGARY

Hungary belongs to that group of eastern European countries (together with Latvia, Bosnia-Herzegovina, Macedonia, etc.) where the denominational landscape is deeply fragmented. Three churches had a continuous national relevance throughout the centuries: the (mainly Roman) Catholics, the Calvinists (Reformed church) and the Lutherans (Evangelical church). Minor protestant churches and the Jewish community also played a culturally and politically essential role. Today there are around one hundred churches functioning in the country. There is a general awareness that after the collapse of communism a wave of American and Far eastern religious movements reached the country, and indeed every year five or six new churches register. But these groups make up no more than two or three per cent of the

population².

Tensions between Catholics and Protestants were central to political conflict between the sixteenth and nineteenth centuries, although they were often combined and overshadowed by other allegiances, such as pro- and anti-Habsburg loyalties. The tradition of tolerance was also present, particularly in the politics of the Transylvanian Principality and the liberal revolution of 1848 served as another major historical source of the legitimacy of religious toleration. Yet, the normal state of affairs in Hungary, as everywhere else, was that religious communities continuously differed in the amount of power, privilege and prestige they enjoyed, and many of them were treated by the state as politically and socially subversive actors.

As a consequence of the evolution of customary law and of independent executive actions, three clusters of churches had emerged by the nineteenth century: co-opted, registered and tolerated. No explicit legal definitions were attached to these labels, but according to ministerial interpretations they referred to the level of legal state-protection³. The co-opted churches received administrative assistance for church tax collection, and the government gave subsidies and covered part of the clergy's salaries. In the first part of the nineteenth century the Catholic, Lutheran, Calvinist, and (since 1790) Orthodox churches were considered co-opted. There existed some room for movement in the hierarchy of churches: the Unitarians became co-opted in 1848, and the Jews were registered in 1874 and then co-opted in 1895. In 1905 the Baptist church, and in 1916 the Islamic religion, were accepted as registered.

Today, the main dividing line runs between 'historical' and non-historical churches, but which churches count as 'historical' is not entirely clear. The Roman Catholics, the Calvinists, the Lutherans and the Israelite church (Jewish community) form at the moment the core of this group. There is considerable uncertainty about the status of minor churches that had a continuous presence in the last centuries, like the Unitarians, the Greek Catholics and the Orthodox churches. Depending on the particular aspect of church-state relations, these churches are either included or not into the 'historical' group.

Since the Counter-Reformation, the Catholic church has had an unquestionable numerical and political primacy over the other denominations. Yet, it was a primacy in opposition to the liberal governments of the nineteenth century. These governments, backed by the Protestant churches which were more thoroughly impregnated by the spirit of nationalism and liberalism, proved successful in curtailing the Catholic church's privileges

and in moving the country closer to the separation of church and state. The anti-liberal turn in Hungarian politics at the end of the nineteenth century, and particularly after 1918, brought the major churches and the state into a closer union however, in both symbolic and financial terms.

Communism destroyed the historical church-state regime. The churches, not so much *de jure* but *de facto*, lost their autonomy. Their infrastructure was also almost completely destroyed. Violent anti-clericalism and anti-religiosity were distinguishing features of the communist dictatorship under Rákosi. The Kádár regime that followed the defeat of the 1956 revolution continued to employ repressive measures at least until the 1970's, but it also made some significant symbolic concessions. Yet, social modernisation, together with ongoing anti-religious propaganda pushed the churches to the margins of Hungarian social life.

During the communist period the churches embodied a fundamental challenge to the official world view. This challenge became less political in nature as the church leaders found a *modus vivendi* with the communist government. Opposition movements could not derive support from the higher clergy; a number of whom had even become members of the communist parliament. Those religious communities, both within and outside of the mainstream denominations, which supported the conscientious objectors or provoked the suspicion of the authorities by simply being too active in their religious or social duties, were soon disciplined by the church elite. The Catholic church publicly condemned those members who refused to serve in the army. The political opposition within the churches was crushed by the clergy, while the religious opposition to the clergy was intimidated by the state.⁴ The close co-operation between bishops and the infamous Office for Church Affairs provided the condition for a seemingly peaceful coexistence of church and state – at least at the elite level.

The various churches were not all equal targets of the communist government. The Catholic church was undoubtedly the principal public enemy in the 1950's. But in the Kádár period opposition to the regime was found more in the minor communities. Conscientious objection to military service was a particularly sensitive issue in those years. Finally, one of the most affected communities, the Nazarenes, was officially recognised by the state in 1977, and its members were allowed to serve as unarmed soldiers. (This 'sect' first applied for recognition in 1876, i.e. a hundred years before they were finally accepted.) The communist authorities registered a second small church in 1981, after a split among the Methodists, largely concerning the issue of co-operation with the authorities. In spite of these concessions the government typically sided with the mainstream churches in conflict situations.⁵ To put it

differently, the religious market was under state control, and this control protected the oligopolistic position of the established players.

THE INSTITUTIONAL FRAMEWORK

The transition to democracy in 1989 fundamentally changed both the religious and the political environment of the Hungarian churches. Artificial barriers to entry into the religious market disappeared. While this change brought many potential risks for the existing churches, they found themselves in a position to actively shape the pattern of church-state relationships. Yet, the most important pieces of legislation, the amendment of the Constitution and the Law on Religious Freedom (Act 4/1990), were drafted without their direct participation. The Round Table negotiations, which determined the institutional set-up of a democratic Hungary, were conducted among political elites, many of them not having a particularly high opinion of the clergy. But the prevailing spirit was not anti-clerical, and especially not anti-religious. There was a widespread consensus among the various parties that religion and the churches are functional elements in a healthy civil society. To put it differently, the major intellectual current which dominated in those days in Hungary, and which left its mark on the legislation concerning churches, was a secular, but pro-religious liberalism. Accordingly, the new institutional patterns incorporated the following building blocks: state neutrality, uncompromising freedom of religion, and church autonomy.

By accepting the principles of equality and state neutrality, the makers of the constitution have severely limited the scope for state discrimination or even differentiation between churches, but did not foreclose on it completely. In defining the relevant norms the Constitutional Court had a particularly prominent role. According to the Court's decision (4/1993) the state should be neutral, but the differential treatment of churches, that takes into account social and historical reality, need not constitute a breach of neutrality. Therefore, it is not unconstitutional, for example, to guarantee to the four historical churches special access to such institutions as public TV and radio boards, army chaplaincy, or governmental committees on church-State relationships.

The Constitutional Court has endorsed the idea of active neutrality: the state has the duty to provide the churches with the means that are necessary for their operation. The state is responsible for the protection of the freedom of religion. It must ensure an environment suitable for the formation and development of individual belief. In other words, freedom of religion presupposes an active, positive attitude on behalf of the state⁶.

Among the political elites there exist three major approaches to church-state relations. The first advocates a 'closed club' model. This approach is motivated by philosophical conservatism and attitudinal conformism; it sees the new religious groups as a danger to the established churches. It does not however call for the establishment of state religion, but regards the Catholic and mainstream Protestant interests as being identical with Hungarian interests and, from time to time, raises the possibility of the establishment of a second chamber where the so-called historical churches would be represented. The centrist, 'gradual acceptance' model calls for consumer-protection in the religious market. According to this model, it is the task of the new religious movements to prove that they deserve the same privileges as the old ones. As they grow in size and as their deeds testify to their social utility, the state should gradually grant them the rights enjoyed by established churches. This approach accepts the norm of state neutrality but emphasises that the passivity of the state in these matters favours those who have no religious needs⁷. The third, 'strict neutrality' approach is vehemently opposed to the establishment of any hierarchy among the churches, but is willing to elevate churches from among the private institutions. The most 'anti-clerical' circles would like to see churches having no different legal status than other voluntary associations, but this view does not receive significant political backing.

The practice of church-state relations reflects a commitment to the consensual value of positive neutrality, but oscillates between the 'closed club', 'gradual acceptance' and 'strict neutrality' models. In accordance with the positive neutrality principle, churches are exempted from local taxes and dues, have access to a set of further tax exemptions, and the church schools, hospitals, etc. are provided state support. Church schools are therefore distinguished from private schools, which are also entitled in principle to state support, but a lower level is guaranteed to them.

While churches are privileged over civic organisations, the exact level of privilege change according to election outcomes. Examples abound. The 1990-94 MDF-led government introduced state salaries for religious instructors, the 1994-98 Socialist-Liberal government abolished them, while the third, Fidesz-MPP led government reintroduced them again. The church schools were not given exactly the same amount of financial support as state schools during the Socialist-Liberal government (1990-94), but the Fidesz-MPP government (1998-2002) placed them on an equal footing.

The amount of direct financial support given to particular churches was left initially to parliamentary and governmental deliberations too, leading to the politicisation of the issue.

The decisions taken in the early post-communist years dissatisfied the right and the left alike. The most controversial of these decisions concerned four minor churches who were denied state support in 1993 because the MPs found them to be ‘subversive’. This decision, together with the question of religious teaching in state schools, sparked heated arguments among the parties concerning the neutrality of the state in church affairs.

Since 1996, churches have been principally financed by taxation in order to make them more independent from party politics. Citizens can offer one per cent of their income tax to one of the churches. The number of those who do so increases year by year, although it has still not reached one fifth of all taxpayers. The churches have almost absolute autonomy in financial issues: the state may not control the management of the churches’ funds. However, the churches are not autonomous in the sense of being self-sustaining. The mainstream churches receive half of their finances from the state and less than a quarter from their members (the other sources include services provided by the churches for fees, foreign donations, etc.). In 2001 the Catholic church had a yearly budget of 34 billion, out of which 21,5 billion came from the state.⁸ If one counts all the educational, social, etc. institutions that belong to churches, then state finance contributes three quarters of the overall budgets⁹.

POLITICISATION OF CLERICAL STRUCTURES

Next to factors such as size and historic relevance, the relative status of specific churches is strongly dependant on their relationship with political actors and on their own political actions. Three churches seem to be particularly politicised in Hungary: the Roman Catholic church, the Calvinist church, and the Congregation of Faith. The Catholic church has the most institutionalised relations with the state and the political elite. The secretary of the Council of Bishops meets four times a year with the representatives of the parliamentary parties.¹⁰ The charismatic, evangelical Pentecostal Faith church actively supports the Alliance of Free Democrats (SZDSZ) and, according to some observers, at a certain point it was able to influence the leadership selection and the program formation within the party¹¹.

Churches can become politicised in two ways. They can make a conscious decision to become players in the political field or they can simply allow politics to penetrate their own sphere, becoming factionalised according to political sympathies.

Politics penetrating churches

Since they cannot be party members or active politicians, the Catholic officials, in general, are less vulnerable to party politicisation, while Lutheran pastors must suspend their clerical office while working as MPs. Until recently, there was no such limitation in the Reformed church by contrast, and this state of affairs probably contributed to the particularly strong political conflicts within this church.

There are three major political phenomena that can lead to tensions within the Hungarian churches: liberalism, anti-communism, and nationalism. The first of these is the least significant one. The liberal wings of the Hungarian churches are weak. Liberal movements are most visible among the Catholics, but within the church they are isolated. For example, the liberal Catholic journal 'Church Forum' (Egyházfórum) is not accepted by the Hungarian Catholic Publishers Society, and has no right to use the Catholic label.

Within the majority of churches there are more serious tensions concerning co-operation with the communist authorities in the past. Interestingly, it is the liberal and the extreme-right politicians who urge the purging of the clergy. In 1990 a separate parliamentary committee was set up to investigate state-church relations under communism, but it was soon dissolved. According to rumours, the Prime minister was shocked by the long list of priests who reported to the secret police on their colleagues. While some of the MPs on both government and opposition sides were in favour of making the respective documents public, the majority decided to close down the investigation. According to a right wing MP 'Only freemasons and atheists would benefit from this process.'¹² The main official argument was that the autonomy of churches should be respected and the churches should be allowed to renew themselves from inside.

Finally, the attitude towards nationalism and the extreme right has divided the mainstream churches, particularly the Reformed church. Bishop Hegedűs and his diocese actively support the Party of Hungarian Life and Justice (MIÉP), a nationalistic and anti-semitic party. His son, also a Calvinist pastor, is the vice-chairman of that party. This intensive co-operation between Calvinists and the extreme right became more and more embarrassing for the moderate leaders of the church, who are either non-political or stay close to the moderate right, i.e. Fidesz-MPP. When Hegedűs junior was indicted in 2001 by the state prosecutor for publishing an article in which he explicitly asked for the 'exclusion of Jews', the church had no choice but to act. The national synod of Hungarian Calvinists

condemned the article, forbade pastors to be party members, and asked for the removal of all party-related organisations from their church buildings. The last measure was aimed at removing an extreme right radio studio from one of the Budapest Calvinist churches. Since then, pastors who run for office have had to suspend their appointments in the church. Nevertheless, a number of pastors decided to disobey the decisions of the synod and to run as MIÉP candidates for the 2002 parliamentary elections.¹³

Churches in the political arena

The active involvement of churches in politics typically happens along three fronts: when their immediate organisational interests are at stake, when freedom of religion is threatened, and when faith related moral issues are on the political agenda. As far as the first situation is concerned, Hungarian churches proved to be outspoken defenders of their organisational interests. For example, in 1991 mainstream churches and MPs fought together to remove the head of the public radio channel, who refused to allocate appropriate time for religious programs.

As far as issues related to freedom of religion are concerned, Hungarian churches left the battles largely to politicians close to them. The 1990 law, as mentioned above, was prepared by the party elites. And later, when the threshold for achieving church status became a political issue, large churches had again a modest public role in the debates. Only minor churches, feeling that they were the real targets of the planned restrictions, participated openly in the related political campaigns.

Finally, in terms of the debates concerning public morality, the Hungarian churches are relatively active, but place the emphasis on different issues than most western churches. One example can be cited from 2001 when one of the most important political debates concerned a so-called status law, a law that provided Hungarians living in the neighbouring countries with a special Hungarian ID card and a number of privileges (free travel and medical treatment in Hungary, support for Hungarian education for their children etc.). In order to persuade the Romanian government to accept this law, the Hungarian government made a concession extending the right to possess a Hungarian work permit to all Romanian citizens, and made some further modifications in the way the 'status law' should be implemented. The Free Democrats were opposed to the law from the outset. The Socialists supported the law itself, but objected to the amendments. Public opinion seemed to be on the side of the opposition: the popularity of the main government party suddenly dropped. At this point the three historic

churches, Roman Catholic, Calvinist and Lutheran, issued a declaration criticising the attacks on the government. The churches regarded it as their fundamental duty publicly to support a government trying to reintegrate the Hungarians living in the 'lost territories'.

On other moral issues the churches have been less assertive. In spite of the fact that the present Pope is particularly outspoken about anti-semitism, the Hungarian historical churches do not want to play a major role on this particularly sensitive issue. They have been usually unwilling to condemn unequivocally particular examples of anti-semitic or xenophobic rhetoric, with the notable exception of the case of Hegedűs junior. In 2001, a group of intellectuals, claiming to be members of the mainstream Christian churches, publicly asked the clergy to come out against racism and anti-semitism. The Catholic church decided to ignore the letter, while the Reformed and Lutheran churches explicitly rejected the attempt to influence them 'from outside'.

The real possibility, or danger, of church politicisation comes during the time of the electoral campaigns. In Hungary before the parliamentary elections the mainstream churches issue circulars. These circulars contain, next to a general call for participation, a list of points believers should rely upon when voting. For example, in the Catholic circular published 16 March 2002, the issue of demographic decline, the classic issue of the Hungarian right, was singled out as one of the crucial criteria. The believers were also asked to vote for those who 'help the development of a healthy national conscience, [and] make sacrifices for Hungarians abroad'¹⁴. Both the Catholic and the Calvinist circulars emphasised that one should decide on the basis of performance, not promises, which happened to be one of the main slogans of the right wing government parties. The Catholic church has also reminded the flock in 1998 and in 2002 not to waste votes on small parties. This reminder was supposed to help the largest right wing party, Fidesz-MPP. In 2002, the Calvinist church called on its members to vote for the parties representing 'christian-national' values and not to let themselves be intimidated. After the first round, won by the Socialists, the Reformed church issued a second circular, reminding the voters that 'the balance of power among the parliamentary parties may change' in the second round.

In 2002 the most politically active Catholic bishop, Endre Gyulay, ordered the parishes in his diocese to conduct prayers for the success of the elections every Sunday for almost half a year. He has also suggested a number of texts to be used in these prayers. These texts avoided references to such political issues as racism or nationalism, but included the following sentence 'Save the nation from selfish, extreme, liberal ways of thinking!'

While the churches themselves exercise some degree of restraint, many individual clergymen, journals¹⁵ and lay organisations actively campaign on behalf of the right. In 2002 a number of priests produced leaflets and distributed them after mass, explaining why voting for the opposition is contrary to Christian interests. One parish priest suggested that those believers who voted for the socialists or the liberals ask for forgiveness¹⁶. In some church schools the teachers wrote letters to the parents warning them that a left wing victory could make the very future of the school uncertain. The Christian Intellectuals' Society organised a pilgrimage in March 2002 'for the victory of the right'.

This society had a conspicuous role in another affair as well. In 2002, the Socialist ex-Prime minister wrote an open letter to the Catholic church asking the church not to interfere in the electoral campaign. The letter also accused priests of actively campaigning in favour of the government parties, even during confession. The churches took the letter as an insult. The outcry among clerical circles turned out to be even greater when a socialist youth organisation announced that they would record the priests' political statements during the sermons. Although this initiative was soon stood down¹⁷, a large-scale protest developed. The vice-secretary of the Ministry of Culture repeatedly compared the initiative of the youth organisation to the practices of Hitler's Germany. A Fidesz-MPP MP labelled it intellectual terrorism, reminding the public that the extermination of people begins usually with this sort of 'intellectual extermination'¹⁸. The Christian Intellectuals' Society was particularly industrious in keeping the issue on the agenda, organising large scale demonstrations in front of the Socialists' headquarters.

THE CLERICALISATION OF POLITICAL STRUCTURES

In Hungary there has never been much doubt about which political camp is on the side of mainstream churches and which is not. When the Socialist PM signed the agreement with the Vatican, for a moment it seemed that the Socialists were making peace with the largest church.¹⁹ But very soon the pattern of clerical vs. anti-clerical camps was re-established. This fundamental division is mirrored in the programmess of the governments. The Socialist-Liberal (1994-98) government program²⁰ emphasised the need to strengthen the separation between church and state. The manifesto stated that 'In the long run the government prefers the churches to be maintained by their members', although it has also added that 'It accepts, at the same time, that at this point churches still need state support.'

The programme lacked references to the category of 'historic churches' and it

expressed an explicit sympathy for the cause of the small churches. 'In the spirit of freedom of conscience and equality before the law, the government respects the rights of smaller religious communities that lack historical traditions. It finds the propaganda against religious minorities or the idea that any religious community should be stigmatised by a legislative act on the basis of rumours unacceptable.'²¹

In contrast to the Socialists, the Fidesz-MPP led government (1998-2002), started with the assumption that the separation of church and state was complete, and that the task of the new government was to establish new forms of co-operation. The new government program²² stated: 'The government acknowledges with respect the work of the *historic churches* in the life of the nation, and counts on their service in the spiritual, intellectual, cultural, educational, and social fields. *Therefore* it regards as its task to ensure the freedom of churches in a legal and material sense as well. Churches can be free only if their material independence, their capacity to function properly is guaranteed.' (emphasis added). According to the government manifesto, the existing financing regime places the 'real churches' in a 'derogatory' light, by placing them on an equal footing with various dubious enterprises. The government asserted that only actual social support or historical record could justify state subsidies.

This new government programme also pointed out that churches were hitherto discriminated against, since their educational and welfare activities received less support than the activities of institutions run directly by the state or by the local governments. This amounted to an unconstitutional discrimination 'between children, patients, and citizens on the basis of religion' and to the 'double taxation of the religious population'.

The leading party of this government, Fidesz-MPP, is now an integral part of the clerical camp in spite of the fact that it was seen in the early 1990s as being explicitly anti-clerical. The views of the party on church-state matters changed radically, in parallel with the sharp right wing turn in 1993. Already by 1996 the party was criticising 'extreme liberal' opinion which expects the state to support all churches equally, arguing instead for a differentiation according to the churches' behaviour and values.

Fidesz-MPP adopted these views from the right wing parties. The new orientation was strengthened by the joining of many ex-Christian Democrats after the collapse of their party. One of them, Zsolt Semjén, became the head of the government administration that regulates church-state matters. In this capacity he reiterated his well-known opinion:

It is not the government that makes a difference between churches, but the

history and the society. Everybody can understand this: a religious experiment invented yesterday is not the same as the Catholic or the Calvinist church. Let me cite an analogy: an airplane and a bicycle are both vehicles, but one cannot apply the same traffic rules to both of them.²³

Proposals, submitted in 1993 and 1998, by right wing MPs to raise the threshold for church registration were resurrected under the Fidesz-MPP led government. These proposals requested, as a condition of registration, a hundred years of existence in Hungary and a minimum of 10 000 members.²⁴ Since the Socialists rejected these ideas unequivocally, and since their support was necessary for the amendment of the law, the government experimented with different kinds of thresholds. Finally, they submitted a proposal that granted the authority to register religious communities to a specialised court. The proposal also required the submission of theological dogmas to be examined by the court to determine whether they violated public morality and whether they were truly religious; that is, whether they are universal and refer to the supernatural. If an applicant was found to concentrate its activity mainly on business, parapsychology, political representation, alternative medicine, dissemination of humanist tenets, or magic, then the application was to be rejected.

The Socialists expressed their conditional support for the government proposals. They asked for minor amendments, but agreed with the general thrust of the law, that of reducing the potential for the abuse of religious freedoms. In spite of this relative consensus between the major parties, the vote in the Parliament was preceded by intensive campaigns in favour and against the new law. Petitions and demonstrations were organised by both sides. In the midst of the parliamentary debate the Fidesz-MPP invited 14 small churches to a special meeting in the Parliament, in order to demonstrate that the intention of the law was not to discriminate between churches according to their size.²⁵

In the end, the Socialists withdrew their support for the amendment, partly because some of their own proposals were rejected, and partly because the government in parallel introduced some new regulations (see below), which did discriminate against small religious communities. Some government MPs threatened the opposition with organising a referendum on the issue, but no real action followed.

Although this crucial piece of legislation has been frustrated, the government, during its four-year term, has availed itself of many other opportunities to implement its program. These measures increased the volume of government subsidies to churches, elevated

mainstream Christianity to the status of a state philosophy, and strengthened the hierarchy that exists among the churches. Many of the new measures did not reach parliament. For example, competitions for grants organised by ministries were often open to mainstream churches only.

In 1998 the incoming Fidesz-MPP government swiftly introduced state financing of religion teachers and finalised the list of properties to be restored to the churches and the timing of their return. The prime minister has expressed his intention to involve the state in providing pensions for the clerical employees. Church subsidies were increased from the yearly 16 to 31 billion Forints. The government invested a large amount of money in financing religious tourism, building a new Catholic University and reconstructing religious buildings.

Most new subsidies and exemptions have been given to a selected group of churches. The Fidesz-MPP government has decided to supplement the salary of priests from the four historical churches who work in small settlements. In 2002, this new form of subsidy was extended to another five churches, but no guidelines were issued to the public concerning the criteria of selection.²⁶ The government has also exempted some of the churches from paying VAT; the law did not specify which churches are to be exempted but simply referred to churches that have an agreement on the matter with the government.

The government further differentiated among the churches in its introduction of tax-deductible donations. From 2000, churches wishing to receive donations that make the donors eligible for tax return must satisfy one of the following three criteria: 100 years of existence or 30 years of institutional existence on the territory of Hungary or tax offers received from more than one per cent of all eligible taxpayers. The criteria are more restrictive than they look at first sight, because when calculating the 30 year long institutional existence the period between 1948 and 1990 does not count. That is, at the moment only churches whose existence dates back to 1928 are eligible.²⁷ One per cent of all taxpayers is also a high threshold, since the large majority of taxpayers do not offer a portion of their taxes to churches. In 1999, for example, 89 churches received donations, but out of these churches only two were supported by more than one per cent of all taxpayers (4,3 million people): the Roman Catholics received support from 7,5 per cent of taxpayers and the Calvinists from 2,4. The documentation of historical existence was less stringent: old newspaper articles indicating the persecution of members of a church were, for example, accepted as proof of institutional existence. Because of this, one of the most controversial communities, the Jehovah's Witnesses became eligible for tax funding.

Since 1997, direct subsidies to the churches have been based on one per cent of tax assessments which was then supplemented by the government by up to 0.5 per cent of the income tax revenue. The Fidesz-MPP government has increased the target level to 0.8 per cent and allowed the ratio of supplements to be determined not by the ratio of tax-dedications, but by the census figures. This proved to be a controversial change since some of the churches, most conspicuously the Roman Catholic church, actively campaigned during the 2000 census for people to register their denominational affiliation, while others, marginal movements and cults, asked their members not to declare their membership. At the time of the 2000 census it was not yet public that the information submitted would be used for financial purposes.

The Free Democrats labelled these moves as a ‘financial religious war’. But the government was fighting a symbolic war as well. The public TV and Radio more than doubled the amount of time devoted to mainstream religious programs during the government’s four years in office. All Saint’s Day (1 November) was declared a public holiday, and the prime minister promised that the Feast of the Assumption of the Blessed Virgin Mary (15 August) would soon become a public holiday too. Even more symbolic was the proposal of the Fidesz-MPP to give state acknowledgement to church marriages. The proposal was criticised, among other reasons, because of the threat of further discrimination, the intention of the government being to give this right to churches that have the ‘appropriate institutional background’.²⁸

These various regulations on different aspects of church-state relations constitute a specifically Hungarian model in the eyes of the government officials who argue that:

The model compensates for the damages caused by the decades of the fallen regime that persecuted the church, and, on the other hand, avoids those deadlocks where, led by the secular myths of the past century, the church policy of some of the western nations ended up... The Hungarian model of church policy is faithful to the spiritual legacy of our first king Saint Stephen (997-1038), which proclaims: whatever is beneficial to the church is also beneficial to the nation, and whatever is beneficial to the nation is also beneficial to the church.²⁹

Examples of gestures of friendship between church and state under the Fidesz-MPP government abound. The government ministers have repeatedly pointed out the strong organic

ties between the Hungarian state and Christianity. The turn of the Millennium gave plenty of opportunities to remind citizens that the birth of the Hungarian state was promoted and blessed by the Pope in 1000 A. D. The co-ordinator of the millennial celebrations proposed that the separation of church and state should be symbolically suspended during the commemorations. Even the government found this proposal as going too far.

Fidesz-MPP prime minister Orbán, in spite of being a Calvinist, spoke of the Pope (whom he visited twice during his four years in office) as ‘the Holy Father’ and even stated once that the Hungarian government ‘has voted for Catholic values’. Orbán has often participated in Catholic masses and processions. The church holiday that was made public by him, and the one he promised to make public, are both Catholic feast days, and were chosen against more ecumenical days. According to some interpretations, these pro-Catholic gestures are not only a conscious recognition of the larger size of the Catholic Church in comparison to other denominations, but are also because Catholic rituals are more suitable for community- and leadership-building than Protestant ones³⁰. After the elections thousands attended the mass dedicated to Orbán and his family in Saint Stephan Basilica, the largest Catholic church in Budapest.

There are many signs that the prime minister’s policies cannot be understood in terms of a simple *quid pro quo*, where the secular government pays the necessary price for the spiritual support of the churches. Most pro-clerical initiatives did not come from the churches but from the prime minister. It was he, for example, and not the Catholic Church, who announced that it is a long-standing grievance of Catholics that 15 August is not a work holiday.³¹ It was he, and not the churches, who proposed that the state should supplement the salaries and pensions of the priests.

The respective churches did not object to these measures, but in some cases they seemed to be stunned by the pace of developments. When the Fidesz-MPP announced the plan to place church marriage on a par with civil ones, the first reactions of the clergy were mixed. The head of the Calvinist synod, bishop Bölskei confessed: ‘I don’t see at this point what would be the advantage of this change.’³²

The role of ‘ally of churches’ is seen as attractive for most politicians. But the left participates half-heartedly in this symbolic competition, being constantly reminded that it has no chance to capture this particular stronghold, while the right has good reason to be confident that it can. Right wing politicians regularly claim that the contending political

alternatives differ, most of all in their attitudes towards nation and religion, and the gestures of church leaders substantiate this interpretation.

CONCLUSION

In Hungary religion has become truly de-privatised during the last decade. Following Casanova's terminology³³, public religions are not only present in civil society, but also have a presence in political society and in the state. In strictly formal, institutional terms the Hungarian state is religiously neutral and the country does not have established churches. Indeed, the Hungarian Constitution and the law on religious freedom provides for a framework that is more strictly neutral than most of the western European ones. Hence, the stereotype that in eastern Europe there is necessarily more discrimination against marginal churches, simply does not hold. One observer goes even so far as to say that 'Freedom of religion for members of minority faiths could end up being limited in the new societies of eastern Europe and the former Soviet Union *because* (italics in original) of the growing ties with European institutions, not in spite of these developing connections.'³⁴

This institutional set-up is, however, at odds with the role played by religion and by churches in legitimising the new political actors. The symbiosis between the mainstream churches and the Hungarian right (and less relevantly, between marginal religious communities, atheists and the Hungarian left), together with the alliance of the historic churches against the newcomers, has inevitably led to the development of a political hierarchy among churches. The result is a partial³⁵, multiple, and fragile establishment. The outcome is not that different from what we find in western European countries. But in Hungary the direction of these processes is diametrically opposed to that in much of western Europe, where the churches have gradually cut most of their links to party politics during the last half a century.

The findings presented in this paper seem to confirm the thesis that churches are given privileges by the state in accordance with the legitimacy they can provide to the political elite³⁶. But the Hungarian example draws attention to the structured nature of the political elite; some factions are able to benefit from co-operation with churches, others are not. It also makes the point that the legitimacy provided by churches is mainly a product of the actions of the politicians themselves. The Hungarian right's project involves two steps. In step one, Hungarian nationhood is conceptualised as being interwoven with loyalty towards the historical churches. In step two, the support of these churches is interpreted as a sign of the

respective parties' true Hungarian-ness.

The Hungarian case seems to be a good illustration of the fact that a high level of state support provides ample opportunity to rank the churches according to their political utility. But it would be a mistake to regard discrimination itself as the real purpose of state activity in this field. Support often goes to churches not preferred by the regime. In fact, Hungarian government officials have at times tried to deliver state subsidies to minor churches that are opposed in principle to state authority, and any state support. The roots of the activist role of the state can be found as much in general expectations about state responsibilities, as in the particular sympathies between political factions and particular churches. This general systemic feature is well illustrated by the fact that the state in Hungary, as in a large part of continental Europe, is the main subsidiser of political parties as well. The difference is that in the case of parties there is the common principle that electoral results guide the amount of state support. Until state support of religious life lacks a similar consensual standard, and until there exists sharply opposing expectations regarding the role of the government in the provision of religious freedom, state support and discrimination will remain inextricably interwoven.

Unfortunately, by adopting the norm of state inaction, one cannot completely escape this danger either. The state has grown to such a level in modern societies, that it is difficult to see how the principle of non-interference can be sustained.³⁷ A wide variety of symbolic gestures, informal actions, and lack of action, as well as overt financial and legal discrimination, constitutes the political hierarchy of churches. The Hungarian case serves as a powerful reminder of the necessity of considering church-state regimes in their wider political context in order to evaluate the perils of state (in)action for religious equality and freedom.

1. See H. Kitschelt, 'The formation of party cleavages in post-communist democracies: theoretical propositions.'

Party Politics Vol. 1, (1995), pp. 447-72.

2. A. Máté-Tóth, 'Szektablaba'['Sect-yack'], *Népszabadság*, 15 Jan. 2001.

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3. L. Péter, 'Hungarian liberals and church-state relations (1867-1900)' in Gy. Ránki (ed): *Hungary and European Civilization* (Budapest: Akadémiai Kiadó, 1989), pp. 79-139.
 4. T. Ruff, 'Átvilágítatlanul' [Not lustrated], *Beszélő*, Vol. 2. No. 7, (July 1997), pp. 40-45.
 5. Richardson claims that small groups, because of their insignificance, have escaped the attention of the oppressive state apparatus. See J. T. Richardson, 'New religions and religious freedom in eastern and central Europe, with special focus on Hungary' in A. Sajo and S. Avineri, eds, *The law of religious identity: models for post-communism* (The Hague, Kluwer Law International 1999), p. 207. While this might have been the case with some minor, inward-looking communities, many of the 'sects' have been aggressively targeted by the communist secret police.
 6. See Decision 4/1993 of the Constitutional Court. See also P. Erdő, and B. Schanda, 'Church and state in Hungary: an overview of legal questions.' *European Journal for Church and State Research*, Vol. 6, (1999), pp. 220-231 and B. Schanda, 'The relationship between state and church in Hungary: the financing of the church', in Sajo and Avineri, eds, *The law of religious identity*, pp. 175-94.
 7. B. Schanda, 'Constitutional litigation concerning religious freedom in Hungary'. *Interights Bulletin*, Vol. 11, (1997), 125-28.
 8. *Népszabadság*, 18 Oct. 2001.
 9. See B. Farkas, 'Az egyházak gazdálkodása Magyarországon' [Church finance in Hungary], *Egyházforum* 2 (2001), p. 3-7 and 3 (2001), p. 3-7 and B. Schanda, 'Relationship between state and church'.
 10. *Népszabadság*, 23 Febr. 2002.
 11. Concerning the controversies surrounding the Faith church see Zs. Enyedí, *Finding a new pattern: church-state relations in post-communist Hungary*. Paper presented to the Workshop 'Church and State in Europe' ECPR Joint Sessions, Copenhagen, 14-19 April 2000.
 12. S. Varró, 'Pártállam és egyház' [Party-state and church], *Magyar Narancs*, <http://www.mancs.hu>
 13. The party failed to surpass the five per cent threshold at this election, and therefore the candidates did not have to choose between their political and clerical carriers.
 14. When asked in an interview, the secretary of the Conference of Bishops did not deny that the listed points of view indicate a particular political party.
 15. *HVG*, 5 April 2002.
 16. *Népszabadság*, 29 March 2002.
 17. Even the ombudsman found it unconstitutional, claiming that the sermons are not public events.

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18. *Hetek*, 25 Jan. 2002.
19. The Socialist-Liberal government was deeply divided on the issue of the agreement, the Free Democrats protesting against it.
20. See at <http://www.katolikus.hu/horn.html>.
21. This sympathy towards small churches was reflected in the fact that the Socialist-Liberal government made it easier for communities which possessed no properties before communism to receive state support.
22. See at <http://www.katolikus.hu/orban.html>.
23. <http://www.nkom.hu/kronikas/20001/vallasszab.shtml>
24. At the moment a hundred signatures suffice and religious organisations need official recognition only if they wish legal personality.
25. However, none of the churches known to be against the amendment were invited.
26. The salaries are not paid directly to the priests, but to the central administration of the churches.
27. Recent splinter groups are not eligible, with the exception of the Evangelical Brotherhood of Love. The split of this church from the Methodists was considered to be caused by external forces, i.e. by the communist government
28. *Népszabadság*, May 23 2001.
29. Zs. Semjén. 'The Hungarian model of church-state relations' in B. Schanda (ed.) *Legislation on church-state relations in Hungary* (Budapest: Ministry of Cultural Heritage 2002), p. 7 and 9.
30. M. G. Tamás, 'Katolikus értékek' [Catholic values], *Magyar Hírlap*, 20 Nov. 2000.
31. One of the leaders of the liberal Pax Romana commented in an interview that she was not aware of any expectations within the Catholic church that the Assumption of Mary should be celebrated by the state. She noted that these suggestions came from politicians who are Christians "for a living", and who have no idea what Christianity is really about. *Magyar Narancs*, 'A nyáj lent, a lábai alatt.' [The flock down, under his legs], <http://www.mancs.hu>.
32. *Népszabadság*, 17 May 2001.
33. J. Casanova, *Public religions in the modern world* (Chicago: Chicago Press 1994)
34. Richardson, 'New religions and religious freedom', p. 202.
35. R. Teitel, 'Partial establishments of religion in post-communist transition', in Sajo and Avineri, eds, *The law of religious identity*, pp. 103-16.

36. See R. Stark and W. S. Bainbridge, *A theory of religion* (New York: Peter Lang Publishing 1987), R. Finke, 'Religious deregulation: origins and consequences'. *Journal of church and State* Vol. 32, No. 3, (1990), pp. 609-26, R. Finke, 'The consequences of religious competition: supply-side explanations for religious change.' in L. A. Young (ed.), *Rational choice theory and religion* (New York: Routledge 1997), pp. 45-64, A. Gill, *Rendering unto Caesar: The Catholic church and the state in Latin America*. (Chicago: University of Chicago Press 1998), A. Gill, 'The Politics of regulating religion in Mexico: The 1992 constitutional reforms in historical context.' *Journal of church and State*, Vol. 41 (1999), pp. 761-94.

37. K. Daniel and W. C. Durham, 'Religious identity as a component of national identity: implications for emerging Church-State in the former socialist bloc' in Sajo and Avineri, eds, *The law of religious identity*, pp. 117-52.