

THE HISTORY OF THE UNIFICATION MOVEMENT OF HUNGARY FROM A LEGAL PERSPECTIVE

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There is currently only partial religious freedom in Hungary. One side it is violation of the freedom and equality of religions, the Act CCVI of 2011 openly denies the separation of religious and political institutions. According to this law, the vote of the political parties sitting in Parliament will decide on the recognition of incorporated churches in the future. On the other hand, the Unification Movement, along with many other small churches, can regain its church status if it can present the signatures of at least 1,000 members to the court registration process based on the new modified Act CCVI of 2011 which went into effect since 15 April 2019.

This publication outlines the legal development of religious freedom in Hungary from 1990 to the present by reviewing, as an example, the changes in the legal situation of the Unification Movement in Hungary. It looks at the past, present and future of the Movement, mainly from a legal perspective and, to a lesser extent, political and economic.

The movement was first registered as an association in Hungary in 1990, and later it was officially registered as a church in 1992. Based on these facts, this treatise will primarily show how this post-Protestant, new religious movement¹ lost its church status in Hungary and what happened after that.

To better understand the issues raised in this essay, a brief introduction of this worldwide movement is given first in general, and then a chronological expose of the specific branch in Hungary is presented from a legal point of view.

1. Short Introduction of the worldwide Unification Movement

Murray Rubinstein, Professor of History at Baruch College, has stated that “the largest quasi-Christian new religion is Sun-Myung Moon’s Unification Church”² in Korea. Basically this new religious movement founded in Pusan, South Korea, by the Dr. Reverend Sun Myung Moon in 1954 is known worldwide for its mass weddings, based on his wedding with the co-founder Dr. Hak Ja Han Moon.

From its inception, this movement has devoted itself to the cause of religious freedom on an international level.³

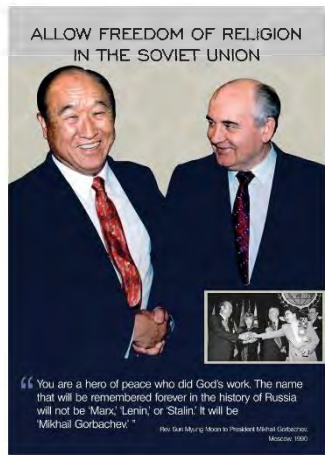
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¹ Encyclopedia Britannica, In. www.britannica.com/topic/new-religious-movement/India, (2019 October 15.)

² <https://www.britannica.com/topic/new-religious-movement/India>, (2020 October 3.)

³ <https://www.thelegacyoflove.org/multilingual-posters/>, (2021 January 1.)





For instance, this was the core of their message when the co-founders visited Moscow to meet with Mikhail Gorbachev in 1990.

J. Gordon Melton, Distinguished Professor of American Religious History, Institute for Studies in Religion at Baylor University states this about the latter history of this religious movement:

“The Unification Church emerged in the 1990s with an expansive international program. The church has a presence in more than 100 countries⁴, though exact membership figures are difficult to estimate. Its influence is extended by a variety of organizations that embody Moon’s ideals, such as the Professor’s World Peace Academy and the International Conference on the Unity of the Sciences. In 1994, on the 40th anniversary of the founding of the church, Moon announced the formation of the International Federation for World Peace, which assumed many of the functions formerly performed by the church.”⁵

Melton’s observations correctly indicate that there is a spiritual foundation underlying the many organizations founded by the Reverend Sun Myung Moon and Hak Ja Han Moon. Hence, even though the many activities are considered as part of a larger Unification Movement, it can still be considered a church due to its spiritual underpinnings. As such, it is important to recognize that all organizations and activities founded, owned and supported by the Unification Movement and its members, including business, educational, political, and the like, are all part of a larger spiritual movement which deserves recognition as such in Hungary.

2. Financial perspectives and political prejudice in Hungary

Understanding the financial foundation of the Unification Church in Hungary is important since this is directly connected to the political and legal perspectives which have often created a prejudiced view of this new religious movement.

First of all, it is important to note that the main income of the church comes from donations and tithes of church membership, and people who are sympathetic to its programs and activities.

⁴ Today, there is an organization for this movement in every country all around the world. (Author’s comment)

⁵ <https://www.britannica.com/topic/Unification-Church>, (2020 October 2.)

As for political bias, “in 1993 Hungarian Parliament debated whether or not every registered religion seeking state support was worthy of it. State support was refused to three among them (the Unification Church, the Church of Scientology and the Jehovah’s Witnesses).”⁶

In 1998, the Hungarian Parliament created a law stating that “citizens were able to offer 2 percent of their tax, the first 1 percent to a church, the second 1 percent to a nonprofit organization.”⁷ This law was valid from 1998 to 2011, after which time it was repealed only to be reinstated again in 2020. Because of this, the movement made the most use of this opportunity in 2011⁸, when 98 people offered more than half a million forints. One of the consequences of this decision was that the Unification Movement lost all direct financial state support. The purpose of repealing this law in 2012 was to eliminate many small churches, not only through financial discrimination, but also by restricting their administrative practices. This article argues that, with the recent reinstatement of this law, the Unification Movement should re-acquire its status as a church and enjoy the same benefits and recognition as any other church in the country.

3. Legal perspectives of the Unification Movement in Hungary

This section lays out the chronological process from 1992 to the present outlining how this movement first gained and then lost its church status as a new religious movement in Hungary.

1992-2010

Prior to 2011, many religious communities in Hungary were registered and recognized in accordance with a 1990 law which treated all groups equally, allowing religious freedom for all people in Hungary regardless of affiliation.

Under the leadership of Martin Putz,⁹ the Unification Movement “registered as an association in (April 10th) 1990”¹⁰ under its official name: Holy Spirit Association for the Unification of World Christianity¹¹ based on the Right of Association Act of 1989 in Hungary. After that it was officially registered “as a church in 1992”¹² based on the Freedom of Conscience and Religious Freedom Act of 1990. According to that law

⁶ MERDJANOVA Ina: *Religious Liberty, New Religious Movements and Traditional Christian Churches in Eastern Europe*, p.1, In: <http://www1.geo.ntnu.edu.tw/~moise/Data/Books/Social/01%20religion/religious%20liberty%20new%20religious%20movements%20and%20traditional%20christian%20churches%20in%20eastern%20europe.pdf>, (2019 October 15.)

⁷ DOBSZAI János: *Állam, Egyházak Magyarországon, 1989-2004*, pp.18-19.

⁸ The National Tax and Customs Administration Statement on the tax provisions of 1% of the 2010 PIT for 2011 for churches with a technical number valid for the year 2011.

⁹ PUTZ Martin was born on 11th November 1953 in Horitschon, an Austrian village close to the border with Hungary. Having attended Technical High School, he joined the Unification Church in 1977. Martin was blessed with Renate Loecker in 1982 (6,000 Couples). He was National Leader of the Movement in Hungary up until 1993 when he went to Korea for two years to study at Sun Moon University. Since that time he has returned to Austria.

He died in October 19 2019 in Horitschon (Austria) and 35 Hungarian member attended in his funeral ceremony. Chung Hwan Kwak, Christa Segato Stadler and Barbara Grabner: *Mission Butterfly Pioneers Behind the Iron Curtain*, 2006, Family Federation for World Peace and Unification International, p. 153.

¹⁰ <http://publicatio.bibl.u-szeged.hu/6439/1/Vallasossag-valtozatok.pdf>, (2019 November 1.)

¹¹ In Hungarian: Szentlélek Társasága a Világ Kereszténységének Egyesítéséért (Author’s comment)

¹² <http://publicatio.bibl.u-szeged.hu/6439/1/Vallasossag-valtozatok.pdf>, (2019 November 1.)

all denominations seeking official recognition in Hungary only had to demonstrate that they had in excess of 100 members, which was recognized as a bonified religious movement.

This law provided an appropriate framework for the Unification Movement to carry out numerous outreach projects, activities and programs that served the greater good of the Hungarian people. This should have been more clearly acknowledged and assessed by the Hungarian legislature in order to recognize the Movement in a more positive light. Instead, there was a great deal of influence by the media and other groups that fueled controversy and hostility towards the Movement likely causing many in government to be suspicious of its status and activities.

Over time, the criteria of this law provided an opportunity for some people to misuse it for their personal gain. As a result, the government decided to modify the Act to such an extent that it discriminated against the Unification Movement, among others, by taking away its church status.

2011-2020

The law was changed in 2011, which greatly influenced the legal status of Hungarian Unification Church. A first draft was passed in 2011¹³, but through a highly irregular parliamentary procedure, the proposed law went too far as it drastically impacted upon a number of recognized churches in the country. Transitional provisions in the draft of a proposed law would strip all but only 14 churches among 300 of their legal status. From that moment on, the Unification Church basically lost its ecclesiastical status in Hungary in the sense of law, and this is still the case today. As a result, Hungary's Constitutional Court dismissed the law in its entirety in December 2011.¹⁴

The second draft of the proposed law was passed as Act CCVI of 2011 and went into effect January 1, 2012. The official name of the legislation was The Right of Freedom of Conscience and Religion, and on the Legal Status of Churches Religious Communities. This new law regarding religion, however, abolished the previous practice and replaced it with two-tiered system of recognition for religious communities that distinguishes between "incorporated churches," which receive numerous rights and privileges, and "organizations conducting religious activity" which receive different and fewer rights and privileges. The Act CCVI of 2011 revoked legal status of approximately 200 religious groups which were previously recognized as churches according to the law of 1990.

Among these 300 churches was the Hungarian Unification Church which lost its legal church status although it had been working for more than 20 years for the greater good of the Hungarian society¹⁵. This

¹³ Act C of 2011

<https://mkogv.jogtar.hu/jogszabaly?docid=a1100100.TV>, (2021. January 1)

¹⁴ 164/2011. (XII. 20.) decisions of the Hungarian Constitutional Court

<http://public.mkab.hu/dev/dontesek.nsf/0/C741D232250CD2086C1257ADA0052ACC9?OpenDocument>, January 1, 2021.

¹⁵ ZALATIEGYI Zoltán: *History of the Unification Movement in Hungary Part B*, pp.32-38.

fact is actually one of the main criteria of Act CCVI of 2011 to allow status as a bonified, “incorporated church”.

Baer H. David criticised the criteria regarding registration as provided by this new law¹⁶ using the Unification Church as an example in the following way:

“Condition (c) provides for member churches of a world church... However, other groups which clearly meet this condition are excluded... For example, the Unification Church, which is present in Hungary and which was deregistered, would qualify under this condition. Admittedly, the Unification Church is not 100 years old, but as we have seen, this did not seem to matter in the case of the Methodist church.”¹⁷

International legal problems of the Act CCVI of 2011

Although Hungary had been a long-time member of the European Convention of Human Rights¹⁸, it was determined by the convention that Act CCVI passed by the Hungarian government was in violation of such rights. In April 2014, the European Court on Human Rights (ECtHR) found that Hungary’s religious law was in breach of article 9 (protecting freedom of religion), and article 11 (protecting freedom of association) of the European Convention of Human Rights¹⁹. This was determined in the case of *Magyar Kereszteny Mennonita Egyház and others v. Hungary*.²⁰ In the view of the ECtHR, the law’s deregistration procedure, its re-registration procedure, and the tiered classification system itself violated the state’s obligation to remain neutral toward religious communities.

It must be pointed out that, since 2012 the Hungarian Unification Church has been singled out as the only religious association whose status caused problems according Baer H. David which he stated that:

¹⁶ Condition (1) requires a religious community to have been operating internationally for at least 100 years. The law stipulates further that a religious community must demonstrate international operation by meeting one of three, additional conditions. It must (a) provide “a certificate issued by churches that have church status in at least two countries and have the same confession;” or it must (b) provide “a certificate of membership in an association issued by churches, church associations that operate in at least two countries and have the same confession;” or it must (c) provide “a certificate issued by a world church that has member churches in at least two countries.

¹⁶ BAER H. David: *Essays in Defence of Religious Freedom* p.182.

¹⁷ *idibem*

¹⁸ The Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 (hereinafter: the Convention), shall apply to Hungary from 5 November 1992.

The Convention, and several of its Additional Protocols, are annexed to Annex XXXI of 1993. promulgated by law in Hungary. (Note from the author)

¹⁹ European Convention of Human Rights,

https://www.echr.coe.int/Documents/Convention_ENG.pdf, January 1, 2021.

²⁰ <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-142196%22%5D%7D>, 2020 October 23.

Numbers of the cases: 70945/11 23611/12 26998/12 41150/12 41155/12 41463/12 41553/12 54977/12 56581/12.

The Hungarian government paid the ECHR ordered total of \$569,000. The government and Mennonita Testvéri Közösség (MET) - one type of Methodist church - failed to reach a final settlement after the ECHR gave them another six months to reach an agreement.

On June 16 2017 the MET submitted its compensation claim of 450 million forints (\$1.53 million) to the government for its losses in 2015 of the unpaid 1 percent personal income tax allocation for incorporated churches, the supplementary state subsidies for its social welfare and educational institutions, and the wage supplement for its staff working in its institutes. (Note from the author)

“The right of religious freedom consists of an essential minimum that is protected by Hungarian law, but extending rights and privileges that go beyond the basic minimum is a matter for political discretion [for example: parliament 2/3 decision]. If the state wants to distinguish between churches and religious organizations, it can do so provided this differential treatment does not: impinge upon the essential minimum guaranteed by the right of religious freedom. In Hungary, the argument goes, religious organizations enjoy the essential minimum, and established churches enjoy privileges that go beyond the essential minimum.”²¹

The government was forced, under international pressure, to change the Act of religious freedom, which forms the basis to discuss the future possibilities of the Unification Movement.

4. Future perspective of the Unification Movement in Hungary based on the new modified Act CCVI of 2011

I am convinced, given the current laws in Hungary and the wide range of religious, humanitarian and educational programs sponsored by the Unification Movement, that it should assertively present a case before parliament to have its church registration status re-instated.

The new, modified Act CCVI of 2011, which went into effect April 15, 2019 has updated the qualifications for becoming a Registered Church. The amended law replaces the previous two-tier system of “incorporated churches” and “religious organizations” with a four-tier system of, in descending order, “established (or incorporated) churches,” “registered churches” (also called “registered II”), “listed churches” (also called “registered I”), and “religious associations.”²²

According to section 9/D. § (2), “a religious association shall, upon request, be registered as a church even if:

- (a) has at least 1000 registered members residing or staying in Hungary,
- (b) has been a religious association for at least 5 years, and
- (c) declare that, for its religious or public activities, it will not receive a grant, upon application, from any sub-system of public finance, European Union funds or programs financed under an international agreement, by application or through a system of tendering procedures.”²³

First of all, the minimum required membership of 1000 could easily be achieved if one considers core members of the church, their families and people associated with all of its satellite organisation. Also, it is conceivable that the number of core membership could reach 1000 by the year 2023 given the fact that new

²¹ BAER: *ibid*, p.175.

²² International Religious Freedom Report about HUNGARY for 2019 United States Department of State <https://www.state.gov/reports/2019-report-on-international-religious-freedom/hungary/>, (2020 October 2.)

²³ Act CCVI of 2011, http://njt.hu/cgi_bin/njt_doc.cgi?docid=143091.245146, (2020 September 2.)

Unification Church centers could be established in Miskolc, Nyíregyháza and Kecskemét, all of which have populations exceeding 100,000. This goal can be easily achieved with the help of Hungarian HARP²⁴(2014) and YSP²⁵(2020) which are designed to give new hope to younger generations in the country.

Secondly, these witnessing activities could support not only the recent but also the future translations of books, literature and internet outreach, such as the translation of the memoirs of co-founder Dr. Hak Ja Han Moon entitled, “Mother of Peace”, and the website of “Legacy of Love” celebrating Rev. Moon’s centenary.

According to the amended law, established, registered, and listed churches may perform pastoral services in military facilities, prisons, and hospitals. Other laws indicate religious associations may also have the right to provide services at these facilities which also can help to achieve this great goal this new religious movement. “As economical a benefit of this amended law all of religious entities will be eligible to receive state funding and member donations from income tax beginning in 2020.”²⁶ This would include the Hungarian Unification Movement.

In speaking about the future growth and positive influence of the Unification Movement in Hungary, the religious scholar, Péter Török notes that

“Although the number of the Unifying Church in Hungary is small, we are likely to continue to hear about them in the future because of the international significance of this religious community and its economic and social activity.”²⁷

Such observations and predictions reinforce the likelihood that it is only a matter of time when the spiritual iron curtain will collapse now that the physical one has fallen, as Rev. and Mrs. Moon’s focus on true family values become more ingrained in Hungarian society.

Summary

This document has attempted to outline the legal development of the religious religion in Hungary from 1990 to the present day by pointing out the changes in Hungarian law that has affected the legal status of the Unification Movement.

At first, from 1990 to 2010, freedom of religion in Hungary was regulated in an acceptable way, which was also in accordance with the view of international legal systems.

²⁴ High School Association for the Research of Principle (HARP) founded in Hungary 2014 (Author’s comment)

²⁵ Youth and Students for Peace founded in Hungary 2020.

(More information from internet: <http://ysphungary.hu/>) (Author’s comment)

²⁶ International Religious Freedom Report about HUNGARY for 2019 United States Department of State <https://www.state.gov/reports/2019-report-on-international-religious-freedom/hungary/>, (2020 October 2.)

²⁷ <http://publicatio.bibl.u-szeged.hu/6439/1/Vallasossag-valtozatok.pdf>, (2019 November 1.)

However, the 2011 CCVI. law changed the rules of church registration and made it impossible to practice religion freely in Hungary. This regulation prompted the Hungarian Unification Movement to continue to operate as a religious organization.

Recently, this law has been amended moving it in positive direction when it came into effect as of 15 April 2019. This amendment was prompted mainly on the basis of the judgment of the European Court of Human Rights and the decisions of the Hungarian Constitutional Court. With this change in the law, the Movement can now regain its church status if it can present the signatures of at least 1,000 members to the court registration process.

In conclusion, the main problem was that the 2011 law did not guarantee equal treatment of churches by the state or eliminate distinctions between religious communities, and that granting established status still remained in the purview of parliament.