

The Applicability of General Catholic Canon Law during the Ongoing Migration Crisis in Hungary

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Abstract : The vast majority of existing canonical studies about migration are focused on examining the general pastoral and legal regulations of the Catholic Church. The weakness of this approach is that it ignores a number of important factors; like the financial, legal and personal circumstances of a particular church or the canonical position of certain organizations which actually look after the immigrants. This paper is a case study, which analyses the current and historical migration related policies and activities of the Catholic Church in Hungary. To achieve this goal the study uses canon law, historical publications, various instructions and communications issued by church superiors, Hungarian and foreign media reports and the relevant Hungarian legislation. The paper first examines how the Hungarian Catholic Church assisted migrants like Armenians fleeing from the Ottoman Empire, Poles escaping during the Second World War, East German and Romanian citizens in the 1980s and refugees from the former Yugoslavia in the 1990s. These events underline the importance of past historical experience in the development of contemporary pastoral and humanitarian policy of the Catholic Church in Hungary. Then the paper turns to the events of the ongoing crisis by describing the unique challenges faced by churches in transit countries like Hungary. Then the research contrasts these findings with the typical responsibilities of churches in countries which are popular destinations for immigrants. The next part of the case study focuses on the changes to the pre-crisis legal and canonical framework which influenced the actions of hierarchical and charity organizations in Hungary. Afterwards, the paper illustrates the dangers of operating in an unclear legal environment, where some charitable activities of the church like a fundraising campaign may be interpreted as a national security risk by state authorities. Then the paper presents the reactions of Hungarian academics to the current migration crisis and finally it offers some proposals how to improve parts of Canon Law which govern immigration. The conclusion of the paper is that during the formulation of the central refugee policy of the Catholic Church decision makers must take into consideration the peculiar circumstances of its particular churches. This approach may prevent disharmony between the existing central regulations, the policy of the Vatican and the operations of the local church organizations.

Keywords : canon law, Catholic Church, civil law, Hungary, immigration, national security

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