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The Classroom under State Command: A Comparative Analysis of the Nationalisation of Church-Run Educational Institutions in Czechoslovakia, Hungary, and Romania after the Establishment of Soviet-Type Dictatorships

ABSTRACT: *Between the two world wars, churches played a central role in maintaining most educational institutions in the region of Czechoslovakia, formerly part of Transleithania (the Kingdom of Hungary), throughout the territory of Hungary, and among ethnic minorities in Greater Romania. This situation changed fundamentally following the establishment of Soviet-type dictatorships, which led to the nationalisation of church-run schools and kindergartens. This study explores the legal dimensions of this educational transformation across the three countries, focusing on the legislative frameworks that enabled nationalisation. To this end, the concept of nationalisation is defined in both its contemporary and historical meaning, the Marxist perspective on church-operated education is analysed, and the earlier Soviet policies that served as a blueprint for these changes are also reviewed.*

KEYWORDS: *nationalisation, expropriation, Soviet-type dictatorship, communist ideology, church-run educational institutions.*

I reverse the phrase of Voltaire, and say that, if God really existed, it would be necessary to abolish him.¹ – Mikhail Bakunin

1 Bakounine, 1888, p. 17.

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1.

Introduction

One of the most salient theories in sociological jurisprudence was formulated in 1912 by American legal scholar Roscoe Pound (1870–1964). He argued that law can also be perceived as a tool for social engineering, whereby legislators identify societal problems and attempt to solve them through legal means.² In this framework, the legislator seeks to balance public and private interests, weighing them against each other to achieve outcomes deemed socially desirable. This balancing role, however, is less characteristic of Soviet-type dictatorships, where law is more explicitly subordinated to the pursuit of social goals. In such systems, legislation strongly emphasises collective aims – such as nationalisation in the name of the public good – while giving comparatively little weight to the private rights of citizens, including rights to property and enterprise. By contrast, most modern legal systems attempt to preserve both public objectives and individual rights.³

Approximately 35 years after Pound introduced this theory, a massive wave of nationalisation swept across East-Central Europe, as states newly within the Soviet sphere of influence expropriated privately held and church-run assets. These processes can be interpreted through Pound's lens as instances of deliberate social engineering, where state power was used to prioritise collective interests over private or ecclesiastical ones.

Between the two world wars, churches played a central role in maintaining educational institutions in Hungary, in Czechoslovakia (particularly in its former Transleithanian regions), and among ethnic minorities in Greater Romania. This dominance changed fundamentally after the rise of Soviet-type regimes, which led to the nationalisation of church-run schools and kindergartens.

The current study explores the legal dimensions of this transformation across the aforementioned countries. It focuses on the legislative frameworks that facilitated nationalisation, defines the concept of nationalisation in both historical and contemporary contexts, examines the Marxist critique of church-based education, and reviews earlier Soviet policies that provided a model for these reforms.

2 Pound, 1912, pp. 489–516.

3 Gorlizki, 2018, p. 1096.

2.

Contemporary and Historical Definitions of Nationalisation

Before presenting the process of nationalisation, it is necessary to define the term from a legal perspective, as its historical meaning – particularly the one applied in practice at the time – and its current interpretation do not fully coincide. A vivid example of this is found in the legislation of the examined countries that dismantled religious educational institutions: these laws did not declare the nationalisation of such institutions but merely prescribed their transfer or transition into state ownership.⁴ However, the media of the time reported on these state takeovers as nationalisations.

In its literal historical usage, the term “nationalisation” referred primarily to the expropriation of various means of production or exchange. However, in its modern conceptualisation, nationalisation is regarded as an umbrella concept that also encompasses collectivisation and the confiscation of various assets for transfer into state or other communal (effectively state-controlled) ownership. The extension of the term to these latter phenomena likely occurred because these processes occurred simultaneously, utilised similar legal and extrajudicial instruments, served a broader ideological purpose, and – when interpreted teleologically – resulted in outcomes that were either identical or very similar.

Regardless of these distinctions, the legal institution of nationalisation, in its current sense, can be described and defined through the practical implementation of the social experiment driven by communist ideology in East-Central Europe. The following section provides a historical overview of the term “nationalisation” in both its colloquial and legal senses.

2.1. The Concept Before Becoming a Legal Phenomenon

The colloquial usage of the concept of nationalisation dates back to the time of the French Revolution, during which the term *nationaliser* referred to the attribution of a national character to a given object. It acquired its current popular meaning – as

4 In Hungary, the responsible legislative act – Act XXXIII of 1948 – refers to the transfer and assumption of ownership. The Romanian legal provisions (Decree Nos. 175 and 176 of 2 August 1948) speak of the transformation of similar institutions into state schools (*devin școli de Stat*) and their *transfer into state ownership* (*trecerea în proprietatea Statului*). The Czechoslovak legal regulation (Act No. 95/1948 Coll.) provides for the transformation (*přeměňují*) of schools not owned by the state in this direction.

the transfer of an asset into state ownership – only from the 1860s onwards.⁵ The institution’s conceptual precursors in Marxist literature may be found at the end of the first volume of *Capital*, in the section on the historical tendency of capitalist accumulation, with the notion of the *expropriation of the expropriators*,⁶ or in the *Communist Manifesto*, where the “abolition of private property”⁷ is declared as the ideology’s quintessence. Within the latter work, Marx also refers to the ‘centralization of credit in the hands of the state, by means of a national bank with state capital and an exclusive monopoly’.⁸

However, the term of nationalisation appeared expressly in Marx’s terminology after 1870, namely in a speech given by Marx in 1872, stating that the ‘nationalization of land has become a social necessity’.⁹ Subsequently, the concept became ingrained in Marxist thought, as exemplified by later works of Friedrich Engels. In a letter dated 1891, he criticises the institution, stating that ‘so long as the propertied classes remain at the helm, nationalization never abolishes exploitation but merely changes its form—in the French, American or Swiss republics no less than in monarchist Central, and despotic Eastern, Europe’.¹⁰

2.2. As a Legal Concept with its Historical and Current Definitions

As a legal *terminus technicus*, nationalisation was first used to describe the practice established and laid down by the revolutionary Constitution of Mexico, adopted in 1917 – still in force today after numerous amendments – and the decrees implemented in the early Soviet Union.¹¹ Article 27 of the Mexican Constitution vested the Mexican nation with a kind of *dominium eminens* – an original and prior right of ownership – over the country’s waters and all its land. Consequently, in the constitutional interpretation, private property constituted nothing more than a portion of the

5 *Origin and history of nationalization*, 2025.

6 Marx, 1887, p. 789. Marx describes the concentration of capital – which was originally born ‘sweating blood and filth with every pore from head to toe’ – as the expropriation of smaller capital by larger capital, that is, as the result of continuous acts of expropriation. In his view, the historical process of capital concentration essentially involved ‘the expropriation of the mass of the people by a few usurpers’, whereas in the emergence of communism, ‘we have the expropriation of a few usurpers by the mass of the people’. Ibid., p. 790. The phrase expropriation of the expropriators was paraphrased by Lenin in *Pravda* as ‘we plunder the plunder’ and during the October Russian Revolution, it became a slogan chanted by the masses. Lenin, 1918.

7 Marx and Engels, 1848.

8 Ibid.

9 Marx, 1872.

10 Engels, 2010, p. 152.

11 Katzarov, 1964, pp. 23, 31.

nation's own property transferred to others, under the nation's exclusive authority.¹² This article opened the way for extensive land reform in the country.¹³ However, the most significant novelty of the provision lay in its introduction of a new, collectivist approach to the concept of property rights, subordinating them to the real or perceived interests of society.¹⁴ This marked the functionalisation of property rights, attaching societal purposes to their forms of exercise.¹⁵

Regardless of geographical distance, a similar paradigm shift occurred in the Soviet Union after the October Revolution. With the first decree issued on 8 November 1917,¹⁶ the socialist experiment began a complete transformation of economic life through nationalisation.¹⁷

Following the end of World War I, the conceptual framework underlying nationalisation appeared in the constitutions of several major states, such as Germany, France, the United States, and Spain.¹⁸ Nevertheless, the legal institution of nationalisation experienced its European renaissance only after World War II. Most prominently, the incorporation of East-Central Europe into the Soviet sphere of influence resulted in the transplantation of Soviet legal practices in the realm of nationalisation. It is perhaps no coincidence that the most detailed legal analysis of the phenomenon was carried out by Konstantin Katzarov (1898–1980), a jurist originally from Bulgaria who later settled in France, and is considered perhaps the most meticulous scholar on the subject.

In his thematic book published in French in 1960, Katzarov defined the legal institution of nationalisation as follows:

'(1) the transformation (2) in the public interest of a superior kind, (3) (a) of specific assets or (b) of a specific activity, which (4) are, or may be, means of production or exchange in the widest sense of the term, (5) into the assets or activity of the community – (a) the State, (b) a local authority, or (c) a cooperative – with a view to (6) their (a) immediate or (b) future utilization in the general interest and no longer in the private interest'.¹⁹

12 Grote, 2017, p. 633.

13 Ibid., pp. 621–622.

14 Ibid., p. 622.

15 Katzarov, 1964, pp. 32–33.

16 The Bolsheviks seized power on 25 October 1917 under the Old Style (Julian) calendar, with the first nationalisation decree following the next day. In this study, all dates are given according to the standard Gregorian calendar.

17 For details regarding the process, see *ibid.*, pp. 34–36, 39–40.

18 For details regarding the process, see *ibid.*, pp. 36–39.

19 Ibid., p. 160.

In accordance with this definition and Marxist ideology, the objects of nationalisation were the potential instruments of exploitation – namely, the means of production. As churches were not participants in profit-oriented economic life, or only to a limited extent, their assets were not classified as nationalisable goods. The reference to a higher public interest makes the above definition strongly ideological in nature, seeking to legitimise nationalisation.

Such definitions – often questionable in their impartiality – dominated the majority of contemporary academic literature. By contrast, current scholarly works often present definitions that partially or entirely oppose this approach.

According to realist theory of Professor Emőd Veress, nationalisation can be understood as an unchallengeable, unilateral declaration of intent by the state, which may even be executed through an administrative act, and whose object is the totality of the means of production. In terms of effect, ownership is transferred to the state from the moment this intent is declared, without the fulfilment of any other formal requirements. Its purpose is the establishment of a new economic order. As for compensation, even if it formally exists, its actual realisation is deemed impossible, as the prevailing ideological view held that compensation would merely reproduce capital, the capitalist class, and exploitation.²⁰ In the author's view, nationalisation is

'in fact nothing more than expropriation. However, not just any expropriation, but an illegal form of it: expropriation without prior compensation, expropriation on a mass level based on false public utility, affecting the entire society. Ultimately, it is a vile form of abuse of power and coercion, ideologically justified by utopian arguments'.²¹

In line with these considerations, the contemporary understanding of nationalisation – as exemplified by the two aforementioned definitions – now also encompasses the confiscation of church-run educational institutions.

3.

Theory and Initial Practice: Marxism, Educational Policy, and the Nationalisation of Church Schools in the Soviet Union

The nationalisation processes in East-Central Europe had Eastern, Soviet precedents. Soviet practice established the necessary logical connection between these nationalisations and Marxist ideology. The theoretical framework developed in the writings

²⁰ Veress, 2023, pp. 290–300.

²¹ Ibid., p. 300.

of Marx and Engels was primarily a critique of the contemporary capitalist system, rather than a detailed blueprint for constructing a new society. This is especially true in the case of the nationalisation of church- and privately run educational institutions, which is best understood through the Bolshevik program that first attempted to put the ideology into practice. This will be explored in the following subchapters.

3.1. Critique of the Educational System and the Church in Marxist thought

In the writings of Marx and Engels, there is no explicit call for the nationalisation of church-run educational institutions. However, both authors wrote extensively on the necessity of comprehensive educational reform and the justification for introducing free and universal public education. This is reflected in the demand formulated in the *Communist Manifesto* first published in 1848: '[f]ree education for all children in public schools. Abolition of children's factory labour in its present form. Combination of education with industrial production, etc'.²² A few years earlier, in another work, Engels also clearly advocated for secular, state-run public education, criticising the school system maintained by the Anglican "state church" in England.²³

The anticlericalism evident in these writings – rooted in a broader desire for secularisation and in the perceived necessity of separating the church and state for the sake of modernisation – is not novel. It can be traced back at least to the French Revolution, with the short-lived Paris Commune (later epitomised by Engels as the first example of the dictatorship of the proletariat)²⁴ in 1871 even mandating, beside the separation of the state and the church, the secularisation of all catholic run schools. Marx's famous metaphor describing religion as the *opium of the people*²⁵ was meant to convey that religion, similar to law, serves to sustain social injustice in the earthly realm.

As for the relationship between private property and religion, Marx argued as follows:

'[r]eligion, family, state, law, morality, science, art, etc., are only particular modes of production, and fall under its general law. The positive transcendence of private property as the appropriation of human life, is therefore the positive transcendence of all estrangement – that is to say, the return of man from religion, family, state, etc., to his human, i.e., social, existence. Religious estrangement as such occurs only in the realm of consciousness,

22 Marx and Engels, 1848.

23 Engels, 1845.

24 Engels, 1891.

25 Marx, 1843–1844.

of man's inner life, but economic estrangement is that of real life; its transcendence therefore embraces both aspects. [...] Communism begins from the outset with atheism'.²⁶

These works, cited above, can ultimately be interpreted correctly only as documents descriptive of the given era. They primarily illustrate that in the 1840s, the industrialised regions of Western Europe – particularly England – were characterised by widespread illiteracy alongside child labour. The demands articulated in these texts were only realised in England in 1880, with the enactment of the *Elementary Education Act*, which introduced compulsory elementary education.

3.2. “What is to be Done?” Exclusion of the Church from Education in the Soviet Union

The true model for the anti-church measures in East-Central Europe was the broader secularisation that had previously taken place in the Soviet Union. Therefore, it is necessary to analyse both the theory developed by contemporary ideologists that underpinned the nationalisation of church-run educational institutions and the actual decree that implemented nationalisation.

The metaphor equating religion to opium – described as a cornerstone of the Marxist worldview regarding religion – was frequently cited by Lenin in his writings.²⁷ In one of his analogies, designed to render this message more accessible to the Russian public, he wrote: ‘[r]eligion is a sort of spiritual booze, in which the slaves of capital drown their human image, their demand for a life more or less worthy of man’.²⁸ Nevertheless, Lenin held that religion was a secondary issue, asserting that the primary goal was to truly make ‘religion a really private affair, so far as the state is concerned. [...] [T]he proletariat will wage a broad and open struggle for the elimination of economic slavery, the true source of the religious humbugging of mankind’.²⁹

Following the October Revolution, Lenin’s writings became increasingly militant in their atheism, because under communist ideology, religion was expected to wither away naturally with the rise of a communist society. In line with this accelerated “historical necessity”, on 23 January 1918 (5 February in the Gregorian calendar), the Council of People’s Commissars (Sovnarkom), chaired by Lenin, adopted and announced the Decree on Separation of Church from State and School from Church.³⁰

26 Karl Marx, 1844.

27 Lenin, 1909.

28 Lenin, 1905.

29 Ibid.

30 ‘Decree on Separation of Church and State’ in Bunyan and Fisher, 1934, pp. 590–591.

While formally declaring freedom of religion, the decree stipulated the complete separation of the church and state, stripped churches of legal entity status and property, and removed religious education from state institutions. Religious organisations could use buildings and objects required for worship, but only under special decrees from central or local state authorities, and only free of charge. This secularisation measure was also the first decree directly relating to education – followed by decrees on coeducation and mother tongue instruction for national minorities³¹ – and was succeeded chronologically by two other nationalisation decrees (one on the nationalisation of the merchant fleet, and another on the confiscation of private banks' capital).

Through the implicit nationalisation of church-run schools, approximately 30,000 educational institutions were transferred, according to data published by Bukharin and Preobrazhensky.³² Further, according to their figures, in September 1917 – prior to the revolution – Tsarist Russia had 88,887 primary and 1,880 state-maintained secondary schools.³³ Thus, church schools likely accounted for approximately a quarter of all primary educational institutions. Perhaps more accurate are the 1916 estimates presented by the Ministry of Education to the legislature, according to which 15.3% of the 2,804 secondary schools and 26.2% of the 228,339 primary schools were owned by various religious institutions.³⁴

Post factum, or after the schools were effectively nationalised, the program adopted by the Russian Communist Party in March 1919 defined schools as tools for “the communist regeneration of society”³⁵ and for freeing people from “religious prejudices”.³⁶ Accordingly, the party advocated for complete secularisation of education and the introduction of free and compulsory public schooling. This stance – consistent with the Soviet Union's later atheist policies – was codified in Articles 13 and 17 of the Soviet Constitution adopted in July 1919.³⁷ Mimicking the style of revolutionary decrees, these articles formally declared freedom of conscience, affirmed the separation of the church and school (i.e. actual secularisation), and aimed to introduce free and universal public education.

This “spiritual enlightenment of the masses”³⁸ was deemed necessary because the Bolshevik regime sought to “free all learning from the control of capital”³⁹ and

31 Wilson, 1928, p. 32.

32 Bukharin and Preobrazhensky, 1922, p. 256.

33 Ibid., p. 246.

34 Ignatiev, 1933, pp. 662–663.

35 Bukharin and Preobrazhensky, 1922, p. 388.

36 Ibid., p. 389.

37 *Constitution of the Russian Socialist Federative Soviet Republic*, 1918.

38 Bukharin, 1919.

39 Ibid.

“destroy the monopoly of the wealthy in education”,⁴⁰ thereby eliminating the indoc-trination maintained by the “bourgeois” school system. This aligned with the goal of introducing compulsory education – a measure the Tsarist authorities had also planned to implement after the war.⁴¹ Thus, the Bolsheviks’ introduction of compulsory education was essentially infused with new ideological meaning, becoming one of the objectives of broader educational reform.

Similarly, on 1 October 1918, control over all formerly church-owned schools was transferred to the People’s Commissar for Education (at the time, Anatoly Vasilyevich Lunacharsky, a cultural policymaker), and they were reclassified as “unified labour schools”.⁴² Notably, the decree on unified labour schools issued on 16 October forbade compulsory homework and abolished entrance, advancement, and final examinations.⁴³ These provisions reflect the utopian branch of early Soviet legislation, which – predicting the eventual withering away of the state and legal system – sought to abolish the authority-based traditions of the class society as defined by the ideology.⁴⁴

After the Soviets took over the school system – but likely also due to the aftermath of the war – the percentage of children attending any form of education began to decline rapidly. While 91% of children received schooling in 1914, the rate dropped to 62% in 1918, 49% in 1919, and 24.9% in 1920. Consequently, between 1914 and 1920, the rate of illiteracy in the general population rose from 44% to 65%.⁴⁵

In response, the Council of People’s Commissars issued the Decree on the Elimination of Illiteracy (*likvidatsiya bezgramotnosti*) on 26 December 1919. Under the name *libkez*, literacy education was made mandatory for all illiterate individuals aged 8–50 years, requiring them to attend institutions specifically established for literacy training and ideological education. Article 121 of the 1936 Stalin Constitution – while maintaining the separation of the church and state – stipulated compulsory elementary education, now within a system already declaring the attainment of socialism.⁴⁶

The Soviet practice of dismantling church-run educational institutions shows that the Bolshevik leadership’s primary motivation was not the secularisation of the educational system (a secondary objective), but rather the elimination of a competing

40 Ibid.

41 Ignatiev, 1933, p. 663.

42 Ibid., p. 664.

43 *Decree on the Unified Labor School of the Russian Socialist Federated Soviet Republic*, 1918.

44 For a summary on the early tendencies of the Soviet legislation, especially its utopistic branch, see Gorlizki, 2018, pp. 1097–1100. With the 1931 education reform, Stalin partially returned to traditional educational models and reintroduced the examination system. Scanlon et al., no date.

45 Ignatiev, 1933, p. 665.

46 *Constitution of the Union of Soviet Socialist Republics. With Amendments and Additions adopted by the First, Second, Third, Sixth, Seventh and Eighth Sessions of the Supreme Soviet of the U.S.S.R.*, 1936.

worldview and the institutions that represented it. The exclusivist communist ideology could not tolerate the existence of alternative systems of belief, even partially compatible ones.

Dimitri Klepinin – an Orthodox priest and university lecturer later canonised for saving Jews – argued that

‘[i]n its war against religion Communism rests on a dogmatic materialistic belief—which is essentially religious. In this consists its paradox; Communism is the genuine religion of a militant materialism, which aims to create a new society, to explain all material phenomena, and to give a new direction to life. Therefore in its conflict with religion, it is fanatical and wishes to usurp the place in human life which always has been and always will be occupied by religion. Its hatred of religion is boundless.’⁴⁷

According to Paul Froese, communist ideology effectively assumed the role of a religion during the general secularisation of society:

‘By the late 1920s, the Soviet regime established the Standing Commission on Religious Questions to study and oversee religious activities, the League of Militant Atheists to spread the message that religion was scientifically falsifiable, and a number of atheist universities to educate a new generation of antireligious intellectuals. In hopes of undermining religion, the Soviet regime made itself into a kind of antichurch, with atheist schools and meetinghouses, antireligious proselytizers, and a clearly defined atheist moral worldview called ‘scientific atheism’.⁴⁸

A striking example of this anti-clericalism and hostility towards the church is Lenin's secret 1922 letter to the Politburo, the head of the political police, the People's Commissariat for Justice, and revolutionary tribunals. In February of that year, citing a famine in the Soviet Union, the Central Committee issued a decree on the confiscation of church valuables. This allowed local authorities to seize liturgical gold and silver objects previously exempt from confiscation under the earlier decree. Naturally, this triggered significant resistance from the clergy and believers alike. In his secret March letter regarding this situation, Lenin stated bluntly: ‘[t]he more priests we manage to shoot on this occasion, the better. Now is the time to teach this scum a lesson so that for decades to come they won't even think of any resistance’.⁴⁹

47 Klepinin, 1933, p. 627.

48 Froese, 2008, p. 5.

49 Horváth, 2024, p. 444.

4.

Nationalisation of Church-run Educational Institutions in Czechoslovakia, Hungary, and Romania

As we have seen, the Marxist ideology does not explicitly list the necessity of nationalising church-run educational institutions. Consequently, during the wave of school nationalisations in East-Central Europe, the Soviet model can be identified as the dominant pattern. In what follows, we present the process of dismantling church educational systems in the three states under examination, with special attention paid to the timing of nationalisation, which also raised constitutional issues.

4.1. *Timing – Constitutional Issues*

The question of *when* church-run educational institutions were nationalised is of key importance, as it clearly reveals that the process under examination followed a master plan directed by Soviet central authority. Although in the Soviet Union, decrees concerning the transformation of the economic and educational system were also adopted with revolutionary speed under the banner of the communist social experiment, in the absence of a precedent, these legal steps can also be understood as the organic outcome of revolutionary and civil war developments. By contrast, the states that came under Soviet influence after World War II tried to compress into a few years all the changes that the Soviet Union had undergone in previous decades. This explains why 100 years after the publication of the *Communist Manifesto* and 30 years after the nationalisation of educational institutions in the Soviet Union, this violent form of secularisation was also implemented in European satellite states.

From the perspective of the school calendar, in all three countries, the laws nationalising private educational institutions were adopted close to or coinciding with the summer break. Consequently, the regulations could come into full effect by the beginning of the 1948–1949 academic year – after the issuance and implementation of the executive norms, which were timed for the summer holidays. This is particularly evident in the case of Hungary, where the number of church-run schools was significantly higher than that in the other two countries. In Hungary, Government Decree No. 6280/1948⁵⁰ designated 10 June as the last school day of the 1947–1948 academic year, regardless of the number of teaching days already completed. Exams and closing ceremonies had to be conducted by 15 June 1948.

50 Government Decree No. 6280/1948: On the conclusion of the 1947/48 school year and the determination of the enrolment period for the 1948/49 school year. It was published in issue No. 125 of the *Magyar Közlöny* (Hungarian Gazette) on 5 June 1948.

From a legal standpoint, the timing primarily raises constitutional issues. The transformation of social life through ideologically motivated legislation – while maintaining the appearance of formal legality – could only be carried out within a new constitutional system. Therefore, in most states that fell under Soviet influence, a new constitution was adopted shortly after communist takeover. As a rule, the first laws related to nationalisation – broadly understood, not only concerning so-called means of production but also the dismantling of church education – were enacted following the entry into force of these new constitutions designed to reshape society along the lines of communist ideology.

Hungary represents an exception to this rule, as it operated under an unwritten constitution before the adoption of a Soviet-style constitution.⁵¹ In the view of communist party leadership, which regarded the adoption of a new constitution – considered a necessary step in Romania and Czechoslovakia – as an unnecessary obstacle, the absence of a formal (written) constitution simply made it easier to reshape law and economy along ideological lines. Perhaps this exception also explains why, while the Soviet-style constitutions adopted at the beginning of the dictatorships in Czechoslovakia and Romania were later replaced,⁵² Hungary's Constitution adopted slightly later – albeit amended several times – remained in force throughout the existence of the totalitarian state.

Table 1. Timing of laws on the nationalisation of private educational institutions and Soviet-style constitutions in Czechoslovakia, Hungary, and Romania (source: compiled by the author)

	Date of adoption, publication, and entry into force of the law on the nationalisation of private educational institutions	Date of adoption and entry into force of the first two Soviet-style constitutions
ČSR	Zákon č. 95/1948 Sb. o základní úpravě jednotného školství (adoption: 21.04.1948; publication: 10.05.1948; entry into force: 01.09.1948)	First Constitution (adoption: 14.04.1948; entry into force: 09.05.1948) Second Constitution (entry into force: 11.07.1960)
HU	1948. évi XXXIII. törvénycikk a nem állami iskolák fenntartásának az állam által való átvétele, az azokkal összefüggő vagyontárgyak állami tulajdonbavétele és személyzetének állami szolgálatba való átvétele tárgyában (adoption, publication, and entry into force: 16.06.1948)	First and last Constitution (adoption: 18.08.1949; entry into force: 20.08.1949)
RO	Decretul nr. 175/1948 pentru reforma învățământului and Decretul nr. 176/1948 pentru trecerea în proprietatea Statului a bunurilor bisericilor congregațiilor, comunităților sau particularilor, ce au servit pentru funcționarea și întreținerea instituțiilor de învățământ general, tehnic sau profesional (adoption, publication, and entry into force: 03.08.1948)	First Constitution (adoption and entry into force: 13.04.1948) Second Constitution (entry into force: 27.09.1952)

51 For the adoption process of the 1949 Constitution, see Horváth, 2024, pp. 84–86.

52 For the analysis of the 1948 Romanian Constitution, see Fazakas, 2024, pp. 121–126.

Despite the formal declaration of freedom of conscience, all three constitutions adopted in the late 1940s contained provisions concerning the role of religion or the church in public life. Article 54(2) of Hungary's 1949 Constitution copies the solution enshrined in the Soviet Union's 1936 Constitution: '[i]n order to ensure freedom of conscience, the Hungarian People's Republic separates church from state'. Article 13(1) of Czechoslovakia's 9 May Constitution declares that all schools are state-maintained. These provisions, which indirectly rendered church education impossible, contrast with Article 27 of Romania's 1948 Constitution, which already includes an explicit ban: '[n]o denomination, congregation or religious community may establish or maintain general educational institutions, only special schools intended for the training of clergy, which shall operate under state control'.

Further articles of the transitional constitutions of Czechoslovakia and Romania also contained provisions on nationalisation of various means of production in accordance with Marxist theory. Alongside the previously existing category of private property, all three constitutions introduced other forms of ownership – not limited to public property – that reflected these ideological transformations.

4.2. Process of the Nationalisation of Educational Institutions in Czechoslovakia

In Czechoslovakia, a unique situation existed in that the transfer of church-run educational institutions into state ownership largely occurred before the school nationalisations that followed the communist takeover. To understand this phenomenon, it is necessary to closely examine the changes that occurred in the territories of present-day Slovakia and the Czech Republic after World War I.

4.2.1. The nationalisation in the Slovakian part

After the Great War, in the Slovak part of the newly formed Czechoslovak state, the church-based educational system was predominant, following the educational model of the Kingdom of Hungary – though the presence of state schools was not entirely excluded. According to certain data, between 1917 and 1918, 74.5% of schools in Slovakia were under church administration.⁵³ This also explains why, unlike the example of Romania, the newly established Czechoslovak state authority after the war began the Slovakisation of church schools. Some Catholic schools were already taken over by state administration at this time, but after the strengthening of the Slovak

53 Kudláčová, 2015, p. 319.

element in the Catholic Church, most of these schools were returned.⁵⁴ Following these initial upheavals, under the effect of the Act XXX of 1883 – an inheritance from the Kingdom of Hungary – new church schools could also be founded. However, this process received less support from the Czech political elite, who were more inclined towards secularisation.

The situation changed radically after the Munich Agreement and the first dissolution of Czechoslovakia. Under the clerico-fascist regime governing the now solely Slovak state, the role of the Roman Catholic Church in education increased substantially, and understandably so.⁵⁵ In response, as a kind of counter-reaction, the Slovak National Council issued Decree No. 5 of 1944 on 29 August during the Slovak National Uprising,⁵⁶ concerning the nationalisation of education in Slovakia. The decree, adopted on 6 September and entering into force the same day, stated in its fourth concise article that '[a]ll schools of every category and level, from daycare centres and kindergartens up to universities, shall be nationalized in Slovakia from the effective date of this decree'.

What is interesting about the decree is its ulterior effect after the occupation of the country by the Soviet forces. Although the uprising was definitively crushed on 28 October by the collaborationist Slovak forces and German troops stationed in Slovakia, after World War II, the re-established Czechoslovak authorities in Slovakia still considered the decree to be in force. In April 1945 – after adopting the Košice government program that stipulated closer ties with the Soviet Union – despite vehement protests by Catholic bishops, the decree began to be applied in an *ad hoc* manner, taking control of certain denominational schools and their entire movable and immovable property.⁵⁷ To maintain the appearance of legal continuity, the legal act was confirmed by the Slovak National Council's Decree No. 34 of 1945 on 16 May. Subsequent legal acts concerned the nationalisation of church-run dormitories, orphanages, and other charitable social institutions.⁵⁸ Regarding the religious communities of the Hungarians remaining in Slovakia, who were deemed collectively guilty alongside the German-speaking population, the state confiscated all their property – including their schools – and, despite protests, generally prevented these assets from returning to the Slovak churches.⁵⁹

54 Johnson, 1985, pp. 318–319.

55 Felak, 2009, p. 16.

56 The Slovak National Uprising, which broke out in 1944, was an armed resistance against the Nazi occupation and the collaborationist Slovak puppet government, aimed at liberating Slovakia and restoring democratic order.

57 Felak, 2009, p. 10.

58 Ibid., p. 17.

59 Ibid., p. 21.

4.2.2. *The nationalisation in the Czech part*

Regarding the Czech part of the country, between the two world wars, the number of church-maintained educational institutions was fundamentally much lower than that in Slovakia.⁶⁰ After World War I, the Catholic Church, supported by the Habsburgs, lost much of its social popularity. Instead, the newly formed Czech Hussite Church became the unofficial state church.⁶¹

As for the period after World War II but before the full communist takeover, the education minister from the communist party, Zdeněk Nejedlý, prepared legislation on the nationalisation of schools based on the Slovak example. However, his proposal was not discussed at the government meeting scheduled for October 1945, as it was postponed due to protests by the Catholic Church.⁶² This granted the denominational schools in the Czech part of the country a three-year grace period compared with their Slovak counterparts.

On the level of anti-church measures, the land reform laws amended in March 1948 affected the properties of the Catholic Church throughout Czechoslovakia. These laws stipulated the state acquisition of certain Catholic Church properties, including patronages – income-generating estates used to finance the churches' religious and social activities. Thus, the basis for the existence and financing of church educational institutions was effectively undermined. Nevertheless, at the beginning of 1948, the Catholic Church still operated six grammar schools, five secondary technical schools, and over 100 elementary schools in the Czech part, totalling approximately 2,497 students.⁶³ Other sources indicate that at the start of 1948, there were as many as 134 schools maintained by the Roman Catholic Church in Bohemia.⁶⁴

Following the communist coup in February 1948, under these circumstances, the already-mentioned legislation mandating the complete liquidation of church education was adopted. While the dismantling of the private education system, prescribed in the transitional provisions of the reform law on establishing a unified state education system, somewhat resembled the Romanian counterpart, the Czechoslovak legislation differed significantly in one aspect from the Romanian and Hungarian nationalisations. Whereas the latter explicitly mandated the nationalisation of church schools, the Czechoslovak regulation did so only implicitly – likely because relatively few schools remained under church control, and these were located only in the Czech part of the country.

60 Anderson, 2013, p. 13.

61 Havlíček, Hupková and Reeves, 2015, p. 2185.

62 Chalupová, 2008, p. 34.

63 Jäger, 2009, p. 803.

64 Cigánek, 2009, p. 140.

Accordingly, Section 4 (1) of Act No. 95 of 1948 on the fundamental regulation of the unified school system prescribed that every school shall be state-operated. Connected to this provision known from the contemporary constitution were Sections 9 and 20, which assigned the authority to found and close kindergartens and schools to the provincial school authorities. The transitional provisions of the law contained the steps to be taken regarding private educational institutions previously operating outside state control, including church schools. Section 81 ordered that schools with “public education rights” previously not under state control fall under the scope of the act and thus be incorporated into the unified state education system. Section 82 was applicable to private schools, stating that ‘funds established for schools, especially those created under the National Schools Act of 1868 (Act XXXVIII), shall be dissolved, and their assets transferred to the proprietor who previously covered the school’s expenses’. Section 83 further stated that ‘the school authority shall be entitled to use movable and immovable property owned by the school’s former proprietor as of January 1, 1948, or used by the proprietor for other reasons, for the purposes of the reorganized school’, without any compensation to former owners. Section 84 dealt with the transfer of previous employees.

Interestingly, similar to the Hungarian legislation, the law did not apply to institutions involved in priestly training, allowing these schools to remain under church control. Section 92 declared that the ‘law shall not apply to higher education institutions, military schools, and theological institutes’.

The primary goal of the educational reform law was essentially to reshape education along communist ideological lines, which it sought to achieve by total nationalisation and centralised control. According to Section 2, the role of schools was to ‘educate nationally and politically conscious citizens who are loyal defenders of the people’s democratic state, courageous patriots, and devoted supporters of the working people and socialism’.

4.3. Process of Nationalisation of Educational Institutions in Hungary

Throughout the modern era in Hungary, the majority of educational institutions were primarily maintained by churches, which also fulfilled their educational functions in this form. The necessity of secularisation in education, supported by multiple reasons, was constantly present in Hungarian political thought after this process started on the western part of the continent. During the 1848 revolution⁶⁵ and the

65 Act XX of 1848 concerning religion declared that ‘[t]he ecclesiastical and educational needs of all recognized religious denominations shall be covered by public expenses’.

period of the Hungarian Soviet Republic,⁶⁶ several unsuccessful attempts were made in this regard.⁶⁷ The statist policies between the two world wars led to the adoption of a new education law⁶⁸ in 1935 that, by abolishing 'local government and church autonomies [...] represented the 'second nationalization' of schools [the first having occurred during the Soviet Republic] in the history of Hungarian education'.⁶⁹ Nevertheless, even in 1945 – uniquely in Europe at that time – churches still held ownership rights over the vast majority of educational institutions.

The churches largely financed their educational responsibilities from the assets of their own institutions. The post-World War II reforms⁷⁰ aimed at dismantling the real property relations akin to feudalism partially rendered the maintenance of the church institutional system unfeasible.⁷¹ Consequently, local administrative units and various enterprises increasingly took part in maintaining church educational institutions. Nevertheless, even after land redistribution, it was 'obvious that the Marxist transformation of educational goals could only be achieved against the majority of society through state power'.⁷²

Thanks to Hungarian historians, the nationalisation process of church schools is particularly well reconstructible.⁷³ The law on the nationalisation of private educational institutions was prepared like a genuine multi-actor script. The *Államvédelmi Hatóság* (State Protection Department) was ordered to perform house searches targeting church schools, which were followed by numerous show trials before courts for non-political offenses (the most notable among these was the case against the Catholic parish priest of Pócspert).⁷⁴ The press reported on these trials in detail as

66 The Revolutionary Governing Council's Decree No. XXIV on the nationalisation of educational and research institutions. Published on March 29, 1919. For the Soviet-model church policy of the proletarian dictatorship in Hungary, see László, 2004, pp. 107–124.

67 Kelemen, 2008, pp. 83, 86.

68 Act VI of 1935 on the Administration of Public Education. Promulgated on 12 June 1935. For the general state control mechanism introduced by this law, see Katona, 2016.

69 Kelemen, 2008, p. 87.

70 Act VI of 1945 on the Elevation to the Force of Law of the Government Decree on the Abolition of the Large Estate System and the Allocation of Land to the Peasantry. Promulgated on 16 September 1945.

71 Specifically, 456,000 hectares were taken from the Catholic Church without any compensation. Only approximately one-third of this area (mostly arable land) was redistributed. Thus, the Catholic Church was left with approximately 45,600 hectares. Of the Reformed Church's 58,140 hectares, approximately 34,000 hectares remained. The Lutheran Church was not affected by the land reform. Under considerable pressure, the churches relinquished the lands that remained under their ownership after the establishment of the Soviet-type dictatorship. Fedor, 2009, p. 45.

72 Pornói, 2019, p. 461.

73 See for example Rapali (no date); Horváth, 2024, pp. 455–457. For the reaction of the churches on the nationalisation of their assets, see Pornói, 2019, pp. 462–465. For an alternative viewpoint, see Balogh and Knausz, 1988, pp. 40–83.

74 Mindszenty, 1989, pp. 205–206; Horváth, 2024, p. 455.

part of an anti-church propaganda campaign. Meanwhile, the Political Committee of the Hungarian Communist Party passed a resolution instructing a delegation of teachers to approach the Prime Minister with complaints and request the nationalisation of church schools. Similarly, the National Assembly was instructed on when the nationalisation law bill should be submitted and debated.⁷⁵ All of these processes were followed on the 11th of June by Government Decree No. 6500/1948, which placed under seal the buildings and equipment of non-state kindergartens, schools, and the associated student homes.

Under these circumstances, the infamous Act XXXIII of 1948 on the State Takeover of the Maintenance of Non-State Schools, the Transfer of Assets Related Thereto Into State Ownership, and the Incorporation of Their Personnel Into State Service was adopted. The reasoning for the adoption of the law informs the reader that 'the state's right to hold the entire public education in its hands is a necessary consequence of economic and social development'.⁷⁶ Furthermore, it became clear that nationalisation was considered an indispensable step for several reasons. First, the churches could not maintain these institutions financially in their then-current situation; second, the education provided contradicted the requirements of modern schooling; and third, it was finally argued that 'the educational ideals of church schools are at odds with the democratic objectives of public schools'.⁷⁷

Quantitatively, before nationalisation, churches maintained 53% of educational institutions. Excluding kindergartens and higher education institutions, approximately 60% of schools were church-maintained.⁷⁸ According to data published by Professor Attila Horváth, this represented a total of 6,505 schools, of which 5,407 were primary and folk schools, 98 teacher training schools and lyceums, and 113 grammar schools. The denominational breakdown is provided in the following table.

75 Ibid.

76 Reasoning for the adoption of Act XXXIII of 1948 on the State takeover of the maintenance of non-state schools, the nationalisation of related assets, and the transfer of their personnel into state service, promulgated on 16 June 1948.

77 Ibid. The reasoning for the adoption of the act briefly addresses the law academies maintained by the churches until then, stating that the 'reasonable resolution of these institutions, which have lost their significance and become outdated, had so far been hindered solely by their separate status'.

78 Fedor, 2009, p. 45.

Table 2. Denominational distribution of nationalised schools in Hungary (source: Mészáros, 2000, pp. 301–302 apud Horváth, 2024, p. 456.)

Church	Elementary school	Secondary school	Remaining institutions
Israelite	26	13	1 gymnasium
Lutheran	342	21	-
Calvinist	1184	46	1 gymnasium
Roman Catholic	2885	301	8 gymnasiums

As seen above, unlike Czechoslovakia (except for institutions excluding priest training) and Romania, the Hungarian law responsible for nationalisation did not entail the nationalisation of all church educational institutions. The state imposed agreements on Protestant and Israelite churches, thereby bringing them under state control.⁷⁹ This agreement with the Reformed Church was concluded even before the adoption of the nationalisation law, so ‘institutions such as the Sárospatak, Debrecen, Pápa colleges, the Budapest boys’ and girls’ grammar schools, and four law academies (which were later abolished by Government Decree No. 4105/1949 on June 26, 1949) were not nationalized at that time’.⁸⁰ Because the Catholic Church’s stance towards its schools was shaped by an apostolic letter issued by Pope Pius XI in 1929,⁸¹ the Catholic Church vehemently opposed nationalisation.⁸² Formally, no valid legal agreement was concluded with state authorities. Nevertheless, the Catholic episcopal conference was forced to accept an agreement – unrecognised by either party later but serving as a reference for the state – through which eight secondary schools were returned to the church.⁸³

Another difference compared with Czechoslovak and Romanian nationalisation laws was that this process in Hungary was not implemented as part of an educational reform law. Consequently, the Hungarian nationalisation law did not yet regulate the removal of compulsory religious and moral instruction.⁸⁴ The latter’s “optionalisation,” effectively its prohibition, only occurred with Presidential Council Decree No. 5 of 1949.⁸⁵

79 For more on these forced agreements, see Horváth, 2024, p. 457; Pornói, 2019, p. 463.

80 Ibid.

81 Pope Pius XI, 1929.

82 Pornói, 2019, p. 463.

83 Horváth, 2024, p. 460.

84 The submitters of the bill place special emphasis on this point in the reasoning for the adoption of the nationalisation act. Their sole aim is ‘to establish the unity of our public education’.

85 Decree No. 5 of 1949 with the force of law on religious education, published in the *Magyar Közlöny*, issues No. 182–184, on 6 September 1949.

The nationalisation law consisted of six sections. Section 1 declared that ‘the maintenance of non-state schools and related dormitories, as well as kindergartens—except educational institutions serving exclusively church purposes (theological colleges, deacon and deaconess training, etc.)—shall be taken over by the state’. Section 2 reclassified the teachers, instructors, and kindergarten teachers of these institutions as state employees, recognising their years of service. Section 3 assigned the buildings, furnishings, equipment, and other assets serving the schools’ or kindergartens’ maintenance (e.g. teacher-owned land or apartments explicitly mentioned) as cultural public property under state ownership. Section 4, as a transitional provision, allowed local governments or enterprises that partly bore the financial burdens of maintaining educational institutions before nationalisation to continue sharing these burdens thereafter. According to reasoning for the adoption of the act, this was necessary because

‘cities and large and small municipalities bear a significant portion of the material maintenance costs of state primary and folk schools and kindergartens. Continuing to bear these burdens, at least partially, is not only justified from the state budget perspective but also because these localities can maintain them more cheaply and satisfactorily with their own resources and knowledge of local conditions than the state’.

Section 5 declared that henceforth, schools or kindergartens could only be established and maintained by government decree.

The nationalisation law was followed by several executive acts issued by the government. Among these, the circular issued by the Minister of Social Welfare on 18 July 1948, numbered 119,490/1948,⁸⁶ was especially important, calling for data provision regarding the implementation of the nationalisation law. The circular addressed all city mayors, municipal chief clerks, and district clerks, requesting an inventory of various kindergartens from authorities.

Regarding the takeover of schools, three almost identical decrees from different ministers deserve mention. Issued in July, in order of issuance, these came

86 Circular No. 119.490/1948 N. M. of the Minister of Public Welfare. Data provision in connection with the implementation of Act XXXIII of 1948, published in the *Magyar Közlöny*, issue No. 161, on 18 July 1948.

from the Minister of Commerce and Cooperatives,⁸⁷ the Minister of Agriculture,⁸⁸ and the Minister of Industry.⁸⁹ These decrees set additional regulations concerning the nationalisation of private school categories supervised by these ministers (e.g. church agricultural or technical secondary schools and commercial vocational schools), detailing provisions of the nationalisation law. Although these decrees came into force on the day of their issuance, their provisions had to be applied retroactively to the moment the nationalisation law took effect, violating the legal prohibition on retroactive legislation.

For example, Section 3 of the decrees ordered that the buildings of schools be immediately marked with inscriptions and names indicating their state nature. From a legal-historical perspective, the provisions of Section 8 detailing how the ownership effects of nationalisation law should be understood are particularly interesting. According to the decrees, ownership of private schools *ipso iure* transferred to the state at the moment the law came into effect – coinciding with its publication – without the need for any further formal requirements. This justified the state's use of "taken over" properties even before their registration in the land registry. These provisions – while maintaining a semblance of legal continuity – aimed to conceal that such a procedure would have been unlawful before the establishment of the Soviet-type dictatorship.

Similarly interesting are the provisions of Section 9 of the decrees, which govern the fate of nationalised movable property. According to the list,

'the school's or dormitory's furnishings, i.e., furniture, heating, bathing, washing, cooking, and laundry equipment, water, lighting, and transportation devices installed or movable within the school, dormitory, practice fields, workshops, kitchens, school youth association, school sports grounds, or sports facilities, become state property. The equipment subject to state ownership includes all living and inanimate equipment serving the purposes of education, teaching, theoretical and practical training,

87 Decree No. 32.200/1948 K. Sz. M. of the Minister of Trade and Cooperatives on the implementation of Act XXXIII of 1948 concerning the state takeover of non-state schools, the state appropriation of assets related to them, and the transfer of their staff into state service, published in the *Magyar Közlöny*, issue No. 148, on 3 July 1948.

88 Decree No. 70.400/1948 F. M. of the Minister of Agriculture on the implementation of Act XXXIII of 1948 concerning the state takeover of non-state schools, the state appropriation of assets related to them, and the transfer of their staff into state service, specifically regarding schools under the supervision of the Minister of Agriculture, published in the *Magyar Közlöny*, issue No. 156, on 13 July 1948.

89 Decree No. 11.500/1948 Ip. M. of the Minister of Industry on the implementation of Act XXXIII of 1948 concerning the state takeover of non-state schools, the state appropriation of assets related to them, and the transfer of their staff into state service, published in the *Magyar Közlöny*, issue No. 159, on 16 July 1948.

and school administration, as well as those ensuring the operation of the dormitory's common economy (e.g., visual aids, storeroom equipment, teachers' and youth libraries, dormitory linens, cooking utensils, etc.).'

However, the decree also stipulates that

'[s]acred images, statues, or other memorial objects serving commemorative purposes, religious statues, pictures depicting the life of the founder or members of the teaching order, and the exclusively religious part of the library do not belong to school or dormitory equipment. The school main-tainer is entitled to take these away. Also excluded from school and dormi-tory equipment are items placed not for teaching or educational purposes but because it was deemed practical or because no other location was available (private property of staff and students, furnishings of church-purpose rooms, collections or libraries not serving school purposes, etc.).'

Approximately two years after the takeover of the church schools and kindergartens, the operation of all monastic orders – except for a few teaching orders – was banned.⁹⁰ Interestingly, Romania moved in the opposite direction, outlawing teaching orders instead.

4.4. Process of Nationalisation of Educational Institutions in Romania

4.4.1. The history of the church maintained educational system before World War II

Prior to World War I, education in the territory of the Romanian Kingdom operated according to a fundamentally different model than in the regions later annexed from the Kingdom of Hungary. The creation of a unified, state-maintained school system – alongside other formal reforms of foreign inspiration, ill-suited to the contemporary Romanian realities – began under the reign of Alexandru Ioan Cuza. The first education law, adopted in 1864,⁹¹ stipulated not only the establishment of compulsory and

90 Decree-Law No. 34 of 1950, promulgated on September 7, 1950. Interestingly, following the nationalisation of the church-maintained educational system, the regime sought to retain the monastic teaching staff as well; however, József Mindszenty, then the prince-primate of Hungary, opposed this transfer, and consequently it could not be carried out, as the monks followed his directive. Mindszenty, 1989, p. 207.

91 Law No. 1150/1864 on Education in the United Principalities of Romania, published in the *Gazeta Oficială* (Official Gazette) issued on 25 November 1864.

free elementary public education but also its complete secularisation.⁹² Prior to World War I, education continued along this secular model, further shaped by subsequent reforms associated with the name of Spiru Haret. Consequently, private educational institutions primarily consisted of schools established by the Jewish community and seminaries operated by the Orthodox Church.

This situation changed radically following World War I. In the field of education, Romania inherited a predominantly church-run school network from the Kingdom of Hungary. Schools maintained by the Orthodox and Greek Catholic Churches – that is, those affiliated with the Romanian denominations of Transylvania – were largely integrated into the state school system in the interwar period, with the exception of institutions dedicated to clergy training.⁹³ By contrast, educational institutions associated with the four historical churches – mainly using Hungarian and German languages – sought to retain their independence. However, this effort was severely impeded by the 1921 Transylvanian land reform,⁹⁴ perceived as a form of “national revenge”,⁹⁵ which confiscated a substantial part of the property serving the charitable and educational work of minority churches.⁹⁶

The unified regulation of the three distinct public education systems inherited from predecessor states, along with primary education in the Old Kingdom, was achieved in 1924.⁹⁷ In parallel, the integration of institutions not absorbed into the state system was to be ensured by the 1925 Private Education Act.⁹⁸ The Hungarian community in Transylvania at the time strongly opposed this law,⁹⁹ as it not only

92 Mize sociale, tradiții și inovații în legislația învățământului românesc (studiu introductiv), 2004, p. 9.

93 Sárándi, 2023, p. 241. This takeover of the Romanian-language church schools was seen as a mistake after the Second Vienna Award ceded back Northern Transylvania to Hungary, because, as state schools, they were then transferred to the Hungarian state. Consequently, the Romanian government issued a decree stating that the earlier takeover referred only to the institutions, while the immovable properties remained in church hands. However, this decree had no effect, as it was issued after the Vienna Award. Ibid., pp. 241–242.

94 Law No. 3610/1921 on Agrarian Reform in Transylvania, Banat, Crișana, and Maramureș, published in the *Gazeta Oficială* (Official Gazette) No. 93, issued on 30 July 1921.

95 Fazakas, 2023, p. 17.

96 For details, see Mikó, 1941, pp. 28–38; Fazakas, 2023, pp. 11–17.

97 Law on State Primary Education (infant schools, primary schools, schools and courses for adults, and special schools and classes for educable mentally disabled and abnormal children) and Normal-Primary Teacher Training, published in the *Gazeta Oficială* (Official Gazette) No. 161, issued on 26 July 1924.

98 Law on Private Education, published in the *Gazeta Oficială* (Official Gazette) No. 283, issued on 22 December 1925.

99 For details on the adoption of the law, see Mikó, 1941, pp. 51–52. Before its adoption, Arthur Balogh, a minority rights lawyer, submitted a petition to the League of Nations, while Gusztáv Károly Majláth, the Catholic bishop, ordered that ‘prayers be held in all Roman Catholic churches in Transylvania, asking God to avert the danger posed to the Church by the private education law’. Ibid., p. 52.

‘downgraded the ancient denominational schools of Transylvania to the status of private institutions’¹⁰⁰ but also included numerous provisions that contravened the minority treaty Romania had signed in exchange for territorial gains following the war.¹⁰¹

4.4.2. *The nationalisation decrees*

These developments were significant, as the nationalisation of private educational institutions – including church schools – after World War II was carried out uniformly. The transfer of educational institutions was ordered by two decrees issued in quick succession by the Presidium of the Grand National Assembly. The first, an education reform decree¹⁰² reminiscent of the Czechoslovak model, declared in Article 35 that all denominational and private educational institutions were to be converted into state schools without exception. Article 36 regulated the transfer of teaching personnel. The newly codified criminal offense of obstructing the nationalisation process was punishable by full confiscation of property and 5–10 years of forced labour.

The second decree¹⁰³ – concerning the transfer to state ownership of assets used for the operation and maintenance of general, technical, or vocational education institutions owned by churches, congregations, communities, or private individuals – implemented and detailed the nationalisation provisions of the preceding act. Two noteworthy aspects may be observed in this regard. First, this second, executive-level regulation held the same normative rank as the general educational reform law. Second, following a general provision defining the concept of designated property, the decree listed by name the educational institutions to be nationalised. In what follows, both the general and specific provisions of the decree are analysed.

100 Ibid.

101 Fazakas, 2021, pp. 340–341.

102 Decree No. 175/1948 on Education Reform, published in the *Monitorul Oficial* (Official Gazette) No. 177 on 3 August 1948. The decree essentially dealt with the nationalisation of education: uniform textbooks were introduced, and the teaching of the Russian language was made mandatory. Article 25 of the regulation clearly shows a strong Soviet influence: similar to the Soviet decree discussed above, it included provisions on the “elimination of illiteracy”, ordering the alphabetisation of the adult population under the age of 55 years. The likely reason for closely copying the Soviet law was that illiteracy was also widespread in contemporary Romania compared with its western neighbours. According to the 1948 census data, the illiteracy rate among the population over 10 years old was 23.1%.

103 Decree No. 176/1948 on the Transfer to State Ownership of the Properties of Churches, Congregations, Communities, or Individuals that Served for the Operation and Maintenance of General, Technical, or Vocational Educational Institutions, published in the *Monitorul Oficial* (Official Gazette) No. 177 on 3 August 1948.

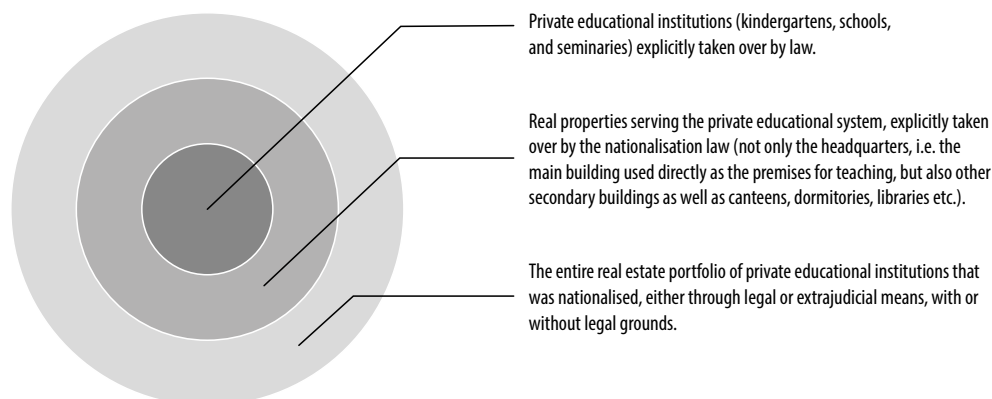
Regarding the general section of the nationalising legislation, it consisted of four articles. Article 1 ordered the nationalisation of all movable and immovable property belonging to private educational institutions ‘for the proper organization and functioning of public education, as well as the expansion and democratization of education’. This provision, in conjunction with Article 2, effectively defined designated property as all movable or immovable assets – whether wholly or partially owned – acquired for the operation, maintenance, or support of schools, boarding houses, colleges, or canteens, or otherwise serving such purposes. Article 3 contained a promise that ‘assets used exclusively for religious ceremonies will be returned to the respective denomination’. Article 4 dissolved all associations responsible for the organisation and operation of private educational institutions and ordered the transfer of their assets.

Regarding the enumerative provisions of the decree listing the real estate of educational institutions, it is worth noting that no consistent methodology was applied throughout the list. Although the properties of nationalised private educational institutions were listed by county, the level of detail varied: some counties included only schools, while others included kindergartens as well, sometimes specifying addresses, sometimes not. In several administrative units, kindergartens were not mentioned at all. Only Bucharest and the county of Trei Scaune (in Hungarian *Háromszék*) recorded 24 kindergartens. In some – mostly Transylvanian – counties, additional properties associated with the schools were also listed. The compiler of the list displayed carelessness regarding the correct transcription of foreign-language school names and street names, as well as the consistent designation of the denominations to which the nationalised institutions had belonged. In some cases, the list also included boarding houses (*internat*), dormitories (*cămin*), teachers’ residences (*imobil pentru corpul didactic*), instructors’ homes (*casa învățătorilor*), canteens (*cantină*), inns (*local*), restaurants (*restaurant*), orphanages (*orfelinat*), and typing institutes (*institut dactilografic*). Nonetheless, the legislation was consistent in one respect: after the name of each private educational institution, it included the standard phrase ordering the nationalisation of the institution’s full property (“*cu întreaga avere, conform inventarului jurnal*”).

The decree explicitly nationalised more than 1,535 educational institutions – including schools (*școală, liceu, gimnasiu, colegiu*), kindergartens (*grădiniță*), and seminaries (*seminariu, academie teologică*). However, the total number of nationalised properties was significantly higher. In addition to the aforementioned non-educational institutions listed as separate items, a large number of auxiliary buildings supporting the operation of the schools were also included – some named explicitly, others not, depending on the county.

The Classroom under State Command

Figure 1. Logical distribution and relationships of properties serving nationalised private education in connection with named institutions (source: author's classification based on Decree No. 176/1948 of the Presidium of the Grand National Assembly)



The 1,535 educational institutions listed have been summarised in the following two tables, based on their identifiable former owners and regional distribution.

Table 3. Distribution of explicitly nationalised private educational institutions by Romanian region and population (source: author's calculation based on Decree No. 176/1948 of the Presidium of the Grand National Assembly)

	Number of counties at the time of nationalisation	Number of nationalised educational institutions	Population (according to the census of 25 January 1948)
Bucharest	-	89	1.025.180
Wallachia (excluding Bucharest) and Dobruja	19	79	6.106.615
Moldavia	15	66	3.005.814
Transylvania, Partium, and Banat	24	1.301	5.735.015
Total	58 (not taking Bucharest into consideration)	1.535	15.872.624

Table 4. Number of nationalised private educational institutions by identifiable former owner (source: author's calculation based on Decree No. 176/1948 of the Presidium of the Grand National Assembly)¹⁰⁴

Identifiable owner of the educational institution (denomination/diocese and their foundations)	Number of nationalised educational institutions
Orthodox Church	≈30
Greek Catholic Church ¹⁰⁵	34
Calvinist Church	380
Roman Catholic Church	266
Unitarian Church	6
Lutheran Church	208
Jewish Community	110
Muslim Community	3
Owner not specified by the legal norm	≈498

¹⁰⁴ Referring exclusively to traditionally Hungarian denominations (Calvinists, Unitarians, Roman Catholics in Transylvania, as well as some Lutherans), we are familiar with two partly different statistics. First, according to the August issue of the *Romániai Magyar Szó* daily newspaper and the regional newspaper *Szabad Szó*, based on the statistics of the 1947 school year, a total of 849 Hungarian-language church educational institutions (kindergartens and schools) were nationalised. Beszédes számok az államosított felekezeti iskolákkal kapcsolatban, 1948. Kulcsár, 1948. Second, according to Gábor Vincze's calculation, '[a] total of 468 educational institutions of the three Roman Catholic dioceses; 531 of the two Reformed church districts; 34 of the Unitarian church; and 8 of the Hungarian Evangelical church were nationalized'. Vincze, 1999, p. 196. So, in total, the author talks about 1041 nationalised educational institutions. This number corresponds to the one mentioned in a 1943 report, regarding such educational institutions in the beginning of the school year of 1944–1945. Barabás, 1943, pp. 271–286, 351–363 apud Tismăneanu, 2007, p. 523. Although it is not clear to the author of the present article on what basis Vincze Gábor founded his calculations, it is quite conceivable that the total number of nationalised educational institutions was indeed significantly higher than the numbers presented in the table above. Considering that nationalisation cannot be regarded as a thoroughly lawful process, the takeover of institutions potentially omitted from the list could have taken place without any formal legal basis whatsoever.

¹⁰⁵ The Greek Catholic Church was dissolved in the very same year that the schools were nationalised – exactly 30 years after the Romanian Great National Assembly in Alba Iulia, during which priests of this church played such an important role – by a decree from the Minister of Education. Its remnants were forcibly merged into the Romanian Orthodox Church. Decree No. 358/1948 on establishing the legal status of the former Greek Catholic denomination was published in the *Monitorul Oficial* (Official Gazette) No. 281, on 2 December 1948. The process followed an earlier Soviet model. In 1946, Nikita Khrushchev, then Prime Minister of the Ukrainian Soviet Socialist Republic, banned the Ukrainian Greek Catholic Church on Stalin's orders. In 1950, the liquidation of the Uniate Church was carried out in Slovakia. Mindszenty, 1989, p. 217.

As can be seen, the overwhelming majority (approximately 85%) of the nationalised educational institutions were located in the territories gained after World War I – primarily from Hungary. It is also apparent that the dismantling of the educational systems maintained by them most severely affected the minority churches.

4.4.3. The minority language education before and after the nationalisation of the church maintained educational system

Given that religious and ethnic identity in Romania largely overlapped, it can be concluded that the greatest losers of the nationalisation process were the country's ethnic minorities. This is illustrated by the fact that, of the approximately 266 schools belonging to the Roman Catholic Church listed in the nationalisation decree, only 15 were located east of the Carpathians.

The overrepresentation of minority properties can be explained by the fact that in the interwar period, education in minority languages was exclusively entrusted to the churches, the only institutions possessing a degree of relative autonomy.¹⁰⁶ This mirrored pre-World War I practice in Transylvania, with the difference that after the war, the Romanian state assumed responsibility for maintaining Orthodox and Greek Catholic denominational schools. Thus, approximately 2,786 originally Orthodox and Greek Catholic schools became state institutions.¹⁰⁷ During this period, a significant portion of minority pupils were compelled to attend Romanian-language schools. By the mid-1930s, '26% of children belonging to the Hungarian minority received education in church-run schools in Hungarian, only 5.4% attended state schools with Hungarian-language sections, while 42% studied in Romanian schools'.¹⁰⁸

In the four years following the Second Vienna Award, which effectively divided Transylvania between Romania and Hungary, the contentious issue of schooling was raised again. Relations between the two states functioned on a system of reciprocity,

106 Regarding the state and communal school network, after World War I, it transformed from a tool of Magyarisation policy into an instrument of violent assimilation efforts in Romania. Although the minority treaty theoretically guaranteed education in the minority language at a certain percentage – based on the number of school-age children belonging to the minority – this provision became illusory. The number of state-maintained schools teaching in minority languages declined annually. Vincze, 1999, p. 187. While 'the Ministry of Public Education's 1933 report listed 427 Hungarian state schools and departments out of 4,295 schools', 'by the end of the 1936/37 school year, only 17 state elementary schools with Hungarian as the language of instruction and 27 state schools with Hungarian departments remained, a total of 44 schools where Hungarian-speaking school-age children were taught'. Mikó, 1941, pp. 162–163.

107 Ibid., p. 161.

108 Fazakas, 2021, p. 341.

which in practice meant mutual retributions. Romanian-language state schools in the territory ceded back to Hungary continued to operate, with Romanian as the language of instruction. However, this was hampered by the shortage of remaining Romanian teaching staff.¹⁰⁹ As for the mostly Hungarian and German church schools, they were left in the hands of the churches. The establishment of new church schools in Northern Transylvania was hindered by the Hungarian government's intransigent stance on this issue, despite the continuous wishes of the Romanian churches and even some Hungarian intellectuals. In Southern Transylvania, which remained under Romanian control, government representatives attempted to pressure the Hungarian side by threatening to close the remaining Hungarian-language church schools.¹¹⁰

After the conclusion of World War II, the Paris Peace Treaty of 1947 ceded northern Transylvania back to Romania, which meant a return to the interwar dual national-ecclesiastical school system. For example, 'in the 1947/48 academic year, 45% of students in all Hungarian-language elementary schools, 75% in upper secondary schools, and 56% in teacher training colleges were enrolled in institutions owned by churches or religious orders'.¹¹¹ By the spring of 1948, the attitude of the historical Hungarian churches in Transylvania towards the impending nationalisation of schools closely mirrored the reactions of their Hungarian counterparts. While the Roman Catholic Church actively opposed the plans, the Protestant churches reluctantly acknowledged the state's right to take over educational institutions. The Reformed Church leadership hoped that by adopting a "more loyal attitude", it could retain control over five prominent colleges of its choice – similar to the arrangement implemented in Hungary just a month prior.¹¹² However, this hope was entirely dashed following the enactment of the nationalisation decrees.

At the same time, nationalisation did not necessarily entail the abolition of minority-language education. As a result of the "Leninist-Stalinist nationalities policy" that characterised the first decade of Romania's Soviet-style dictatorship, the number of Hungarian-language elementary schools began to increase. In parallel, however, the number of Hungarian-language secondary schools declined significantly.¹¹³

109 Sárándi, 2023, pp. 71–72.

110 Ibid., pp. 241–245.

111 Vincze, 1999, p. 196.

112 Ibid., p. 310.

113 Ibid., p. 200.

Regarding theological training, the Cults Law,¹¹⁴ issued on 4 August 1948 – immediately after the nationalisation of educational institutions – mandated that each recognised denomination establish one seminary. Consequently, this form of education also took place in state-provided facilities. These were, in most cases, the remnants of buildings previously used for clerical education. For theological instruction serving both the Roman Catholic and the Hungarian Protestant Churches, only one single building was allocated.¹¹⁵

One year after the nationalisation of educational institutions of the different churches, the Council of Ministers issued Decision No. 810 of 29 July 1949,¹¹⁶ prohibiting the operation of Roman Catholic monastic orders that had previously engaged in teaching activities, effectively dissolving 15 out of the 25 so far extant orders in Romania.¹¹⁷

5. Concluding Thoughts

Nationalisation is a *par excellence* 20th-century legal institute, which can also be perceived as a real social engineering tool in the Poundian sense. In the Soviet practice that emerged during and after the October Revolution, initially only the means of production could be subject to nationalisation. However, the methods and consequences of nationalisation bore a resemblance to other coercive measures that also effectively brought certain assets under state control – such as the liquidation of church-run educational institutions. These similarities broadened the scope of the concept of nationalisation to include such phenomena, even in the media of the time. Today, from a purely legal perspective, nationalisation may also be understood as an unlawful form of expropriation that affected the entire socio-economic order – occurring without prior compensation and justified by a fabricated public interest, regardless of the nature of the confiscated assets.

When it comes to the confiscation of church-run educational institutions – which, from today's viewpoint, can likewise be described as nationalisation – the process was formally questionable from a legal standpoint. From the practices of Soviet-style

114 Decree No. 177/1948 on the general regime of religious cults, published in the *Monitorul Oficial* (Official Gazette) No. 178, 4 August 1948. Practically, this decree abolished the remaining autonomy of the churches. Its provisions include the reduction in the number of Roman Catholic dioceses, as well as the requirement that the authorities confirm and recognise the elected church leaders. Vincze, 1999, p. 310.

115 Ibid., p. 197.

116 Published in the *Monitorul Oficial* (Official Gazette) No. 51 of 29 July 1949.

117 Bánkuti, 2016, p. 49.

systems, three primary motivations can be discerned. First, the exclusive ideology of communism could not tolerate the existence of a competing worldview or its institutional representation. Second, as inherently conservative institutions with an interest in maintaining the status quo, churches stood in the way of radical societal transformation. Third, the centralisation and state control of education enabled the communist indoctrination of youth and initiated a purge of the so-called clerical reaction. In the Soviet Union, the secularisation policy implemented during the revolution aimed to achieve a radical separation of the church and state (and education) through complete asset confiscation. This practice was not fully replicated in the countries that fell into the Soviet sphere of influence after World War II. While anti-church measures drew on the model of revolutionary Soviet decrees, they more closely reflected post-war Soviet church policy, which was relatively more tolerant, particularly towards the autocephalous Orthodox churches. Harsher actions were generally directed against churches under foreign authority – namely, Roman and Greek Catholics. Thus, in East-Central Europe, regimes focused primarily on reducing the social role of the churches, especially in sectors critical to the establishment of the new order. In Czechoslovakia and Romania, the nationalisation of church-run education was prefigured by transitional constitutions that served the legitimising purpose of reshaping national legal systems along Soviet lines. In all three countries, the nationalisation of schools and kindergartens occurred in the summer of 1948, following the full communist takeover. This timing illustrates how prominently this measure featured in the Soviet-directed blueprint for establishing a proletarian dictatorship.

After the peace treaties concluding the First World War, the successor states emerging in the Carpathian Basin had to settle the status of the churches, which had until then played a prominent role in public education. In Romania, the integration of schools operated by Romanian churches into the state education system occurred only partially, as minority churches, however, resisted giving up their educational autonomy. Until the end of World War II, the existing educational models remained dominant in Hungary and the Slovak part of Czechoslovakia. The legal acts that finally abolished church-run education in all three states in 1948 reflect, to some degree, the extent of the churches' involvement in public education at that moment. The table below is intended to illustrate the differences among the states.

Table 5. Approximate number of church-run educational institutions nationalised in 1948 in Czechoslovakia, Hungary, and Romania (source: author's own calculation based on previously cited sources)

Country	Approximate number of nationalised church-run educational institutions in 1948
Czechoslovakia	≈130
Hungary	≈6505
Romania	≈1037

In Czechoslovakia, the implicit elimination of church-run education in 1948 – via an educational reform law – was possible because by then, only a small number of schools remained in ecclesiastical hands, and these only in the Czech part of the country. In Slovakia, the predominantly church-run education system had already begun to be dismantled in 1945, leading to earlier state takeovers. By contrast, in Hungary, even immediately before the establishment of the Soviet-style dictatorship, churches still operated more than half of all schools. Therefore, a specific law was needed to implement the nationalisation of church-run education. In Romania, a hybrid legal solution emerged. While the general law on nationalising private education and restructuring it along communist lines resembled the Czechoslovak approach, the implementing decree was more akin to the Hungarian model. The adoption of the latter was mainly justified by the fact that prior to nationalisation, minority churches in Transylvania had managed to retain some role in educating youth of ethnic minority backgrounds. Nonetheless, Romania's nationalisation decree was distinctive for two reasons: first, it held the same legal weight in the hierarchy as the general legal act on the educational reform; and second, it explicitly listed the private-education buildings to be nationalised.

The greatest victims of nationalised education in Romania were clearly the minorities. Initially, education in the minority languages was granted in the newly formed state schools system. Later, however, the regime's economic failures led to a crisis of legitimacy. Coupled with the withdrawal of Soviet troops from Romania in 1958, this situation triggered a paradoxical ideological shift that gave birth to Romanian national-communism. The rediscovered nationalism, filling a gradually increasing demand for legitimacy, resulted in a chauvinist turn. In many ways, this became a continuation of pre-World War II nation-building efforts – this time once again employing forced assimilation methods and, when possible, even “selling” members of the German and Jewish minorities to West Germany and Israel, respectively, amounting to interstate human trafficking on a mass scale. With the monopoly

over minority education, the ruling party aimed first at the gradual erosion and eventually the complete elimination of education in minority languages.

Institutions for training clergy were also treated differently in the examined countries. In Czechoslovakia and Hungary, such institutions remained formally under church control. In Romania, however, seminaries were also nationalised. In the best-case scenario, when it came to minority churches, one seminary per denomination was allowed. This act of centralising priest education formally severed the legal continuity between pre-existing seminaries and the new institutions that served the same purpose.

In every state of East-Central Europe that fell within the Soviet sphere of influence, the elimination and nationalisation of church-run schools, foundations, and religious orders – in effect, nearly the entire ecclesiastical estate – was completed. At the time, there was no doubt as to which denomination had lost which schools and kindergartens. After regime changes in the region, several states began a process of partial compensation for churches, mostly in the form of transitional justice measures. In Romania, this process began somewhat later than in neighbouring countries but took shape in a currently valid restitution law that is particularly favourable to the churches.¹¹⁸ Nonetheless, recent judicial experiences¹¹⁹ with this restitution process suggest that churches were only ever regarded as proper legal entities when it came to the confiscation of their assets. In this regard, it may be observed that certain reflexes of the former totalitarian regime remain active even today.

¹¹⁸ For the history and current form of this legislation, see Markó, 2021.

¹¹⁹ See for example, Veress, 2020, pp. 76–94.

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