

Chapter #17

RESPECT FOR HUMAN DIGNITY AS A FRAMEWORK AND SUBJECT OF EDUCATION IN THE LIGHT OF PRESENT CHALLENGES

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ABSTRACT

Our world is full of challenges. Some of them have been present for decades; others are newer phenomena. For instance, the literature mentioned the phenomenon of black pedagogy at the beginning of the twentieth century. Aggression in school also has a long history. Digitalization has only been source of conflict in the past few years. These challenges often lead to more and more conflicts which directly or indirectly affect the most unprotected and exposed layer of our society: children. Children can become either victims or perpetrators. It is the family's role to help them to avoid these conflicts.

However, families do not have the ability or time to handle this problem. In some cases, the family is even the cause of the conflicts. Therefore, the role of school and education is increasingly significant. Education strives to teach why these conflicts are dangerous, the dangers they represent or how to avoid them, and explains that these conflicts are wrong because they violate laws or school rules. Nevertheless, teachers often disregard the morality aspect. For that reason, it is important to define a standard which can help to highlight the moral issues. This standard could be the respect for human dignity.

Keywords: fundamental rights, aggression in school, black pedagogy, digitalization, social integration.

1. INTRODUCTION

Approaching the third decade of the 21st century, we face many challenges which affect our everyday lives. Some of them relate to technological development, and others concern social and natural factors. These include phenomena which are well-known in the school system, but which are being transformed as a result of the aforementioned challenges. Firstly, there is the issue of digitalization, which can be both a blessing and a curse, as it promotes education but can endanger human relationships through isolation and bullying. Secondly, it is reasonable to talk about migration in order to help pupils recognize real and false dangers and facilitate the social integration of disadvantaged migrant children (and their families) in school; think about the tools which can help them, and also the inclusive community. Thirdly, there are the problems of aggression and black pedagogy. Aggression is not a new phenomenon, but digitalization means that it can now appear in new forms. Digitalization makes it easier for bullying and mobbing to take place not just within the school, but outside of school too at the hands of strangers. Moreover, migrant children may also be a new target for these actions. Finally, there is an old pedagogical problem, the phenomenon of 'black pedagogy', which is connected to either assessment or discipline in school.

If these symptoms directly or indirectly affect the life of any child, and it is up to the school to deal with them. Many researchers investigate the phenomena mentioned above from the perspective of educational science. Many researchers develop pedagogical tools to respond to these challenges. This paper offers a new perspective on this issue. It provides an overview of the topic, and presents (respect for) human dignity as an educational framework on the one hand, and as subject of teaching on the other. Human dignity as a framework is especially relevant to interpersonal relations within the school, but it is also important as a subject of teaching and education. That is, it is necessary to help students to be empowered citizens, to equip them with the relevant legal knowledge and to teach them to respect the rights of others. However, in order to ensure that this is possible, future teachers must also know their rights and limitations. This paper proposes a method which will be applied from next semester on the teacher training programme at Eötvös Loránd University in Budapest.¹

2. THE PRINCIPLE OF RESPECT FOR HUMAN DIGNITY

2.1. Brief history

Respect for human dignity is not only one of the oldest fundamental rights, but the basis for most of the others. This right came to the forefront when citizens turned against their monarchs. Its historical evolution was similar but different in Europe and the United States. The contractual theories of Hobbes, Locke, and Rousseau served as its foundation. These concepts focused on the relationship between the state (the monarch) and citizens, but they already contained elements relating to the equality of citizens, too. There were various stages in the evolution of this right in England, namely Magna Charta Libertatum (1215), Petition of Right (1628), Habeas Corpus Act (1679), and the Bill of Rights (1689). It is also important to mention the role of court judgements in England (McCrudden, 2008; Sári & Somody, 2008). Declarations were also important, both in North America (Declaration of Independence) and in France (the Revolution). The role of human dignity was becoming increasingly significant when enacted constitutions started to appear in the 19th century. Initially only political and civil rights were covered, but these were later followed by economic, social and cultural rights in the early 20th century. A new level of fundamental rights then emerged as a consequence of World War II, namely increasing internationalization in order to avoid the tragedies such as the World War. Unfortunately, this movement was not global, as countries under the Soviet sphere of influence were not able to participate. Several international organizations (e.g. Council of Europe) and conventions (in relation to human and political, and later economic, social and cultural rights) were established in order to safeguard these rights. Finally, the third generation of human rights emerged, namely solidarity rights (right to development, peace, a healthy environment and to share the benefits of the common heritage of mankind).

All the above-mentioned fundamental rights include elements of the respect for human dignity (e.g., McCrudden, 2008; Enders, 2010).

2.2. Fundamental rights based on the principle of respect for human dignity

Respect for human dignity is closely related to the concept of protection of human life. Body and soul are inseparable, thus if one is violated, they are both violated. Therefore, as a normative order, this right is inviolable and unrestricted. On the one hand, this means that it is the only right whose restriction and violation are prohibited for both the State and other people under all circumstances, even in case of other fundamental rights. In some instances, the other fundamental rights may be restricted with regard to human

dignity – although in this case, the restriction must be necessary and proportionate. On the other hand, everybody has the right (without discrimination) to these rights (respect for human dignity and protection of human life), and they determine all the rules, the measures taken by authorities and other human behaviour. All other rights are based on both respect for human dignity and respect for human life, e.g., personal rights; the prohibition of torture (mental or physical); inhumane or degrading treatment or punishment; slavery, servitude or forced labour; discrimination; the respect for private and family life and home; the protection of reputation, personal data; the right to know and share data of public interest; freedom of thought, belief and religion.

The aforementioned rights are typically violated as a result of fundamental rights being breached. Human dignity is nevertheless most closely linked with personal rights, although violation of respect for human dignity is often indirect in nature.

3. CURRENT CHALLENGES FOR SOCIETY AND EDUCATION

3.1. Challenges in general

Several authors approach and/or summarize challenges differently, depending on whether they focus on complex or individual challenges, or the start or end point. The differences may also be rooted in whether the challenges are connected to society, the school as a leading organization, the teachers or students or certain subjects. This also results in a different number of challenges being emphasized (Google offers ‘the main three, five, seven, etc. challenges’, for example).

One of the most recent works on this subject proposes a complex approach with almost twenty challenges (Steyn, Vos, & de Beer, 2018). There is not enough space to list all of them here, but the elements most related to our topic should be highlighted: urbanization, migration patterns, including domestic and external mobility; communication; the information and knowledge revolution; robotics and automation; the emergence of multiculturalism and minority interests.

According to Baraldsnes & Saeverot (2016), the most important challenges for education are policy decisions, as well as the existing problems in society, globalization and increasing pluralism. Power (1997) mentioned the economic and social, technological and political transformations which lead to a knowledge-based society and need for new forms of teaching and learning. Other authors emphasize the behaviour of students, and the tools (methods) of teachers to handle them, and term this challenge ‘effective classroom management’ (Marquez et al., 2016). The introduction of new Information and Communication Technologies (ICT) into schools is also a challenge for education (Rabah, 2015).

While I compiled my own collection of current challenges, I focused on the connection between education and human dignity. Two different causes can be identified: social and natural factors. Aggression within schools, bullying, mobbing², black pedagogy and technological development (digitalization) come under the first. Migration can fall under either social or natural (cf. global warming) factors. In the case of the natural factor, migration is in the second group. These challenges are closely related to one other. For instance, migration can be a source of aggression, bullying and mobbing; black pedagogy can also lead to aggression. Although some of these [aggression (bullying, mobbing), black pedagogy] have existed for a long time, others [migration crisis (problems of immigrant students), digitalization] are relatively new phenomena. However, what they have in common is that they affect our everyday lives.

3.2. Links between the challenges

If we look at some cases related to the challenges of education, the relationship between them is obvious. Digitalization via social media can become a tool for bullying and mobbing, which may lead to aggression. Digitalization can also cause black pedagogy through the wrong use of ICT or internet, etc. Migration is also closely linked to aggression, which targets mainly migrant students, but there are several known cases where the conflict was mutual. However, if schools mishandle conflicts between local and immigrant students or if the teacher turns against a migrant student, migration can be linked to black pedagogy. In some cases, aggression may be a reaction by offended students, so the relationship between black pedagogy and aggression is clear. Upon closer analysis of these cases, it becomes clear that each challenge is connected to human dignity.

The legal cases are from the Annual Reports (2000-2016) of the (Hungarian) Commissioner for Educational Rights, except the ones that are connected to the immigrant students. The annual reports do not contain information on these. Those examples are therefore taken from the collection of Maynard, Vaughn, Salas-Wright, & Vaughn (2016).

3.2.1. Aggression

The phenomenon of aggression, including bullying and mobbing, is present in children's lives both inside and outside of school. The literature emphasizes that aggression within the school is always a breach of discipline (therefore also a general infringement), but not every breach of discipline is a form of aggression (e.g., if pupils are late to school) (Aáry-Tamás & Aronson, 2010). Aáry-Tamás & Aronson (2010) distinguish between types of aggression on the basis of how the aggression manifests itself: physical/non-verbal (fighting, tugging, jostling, punching), verbal (shouting, cursing, swearing), and the victim of aggression: person (teacher, student, parent), object (damaging). Furthermore, they mention special forms, such as shaming, humiliation and exclusion, which are often combined, and go hand in hand with typical forms of aggression (verbal, physical). Their research showed that although physical aggression is more visible and easier to recognize, verbal aggression is twice as frequent. The latter often remains hidden because it includes the ruining of self-esteem, or harassment in a relationship (exclusion, isolation), and frequently relates to sex, race, skin colour and other innate characteristics (Coloroso, 2014). Victims often do not wish to speak about their ordeal. This is similar to the phenomenon of sexual harassment (physical and/or in a relationship), which, according to Coloroso (2014), is always a question of power, and therefore never the same as flirting.

The incidence rate of both physical and verbal aggression by students depends on the target of the aggressive act, especially in student relationships. In teacher-student relationships, verbal aggression is more common than physical violence or humiliation, which is rarely directed towards teachers by students. This contrasts with physical aggression by teachers against students, which is more typical (see black pedagogy). Verbal aggression is common in both directions.

According to Aáry-Tamás & Aronson (2010), the most characteristic source of aggression by students is anomie or lack of trust (in the system, school, teachers, parents, each other, etc.), because the less trust there is, the more likely it is that aggression will occur. Coloroso (2014) emphasizes the role of xenophobia. If it is latent or open but does not target actual people, it does not represent a breach of discipline. However, it is important to avoid this behaviour. Nevertheless, xenophobia is often directed against a real person (student or teacher) which means violation of human dignity or personal rights in itself, as this always leads to aggression and in many cases to racism (Coloroso, 2014).

Aggression by students is very dangerous because it repeatedly results in new cases of aggression, often by former victims. Their aggression can be self-inflicted (see suicide acts) or take aim at the real or supposed offender (the community, the class) (see school shootings, e.g., Columbine High School). Aggression is also a danger to offenders because it may also lead to commit a crime in a further stage of their lives. (Coloroso, 2014). These problems should not be solved by the tools of penal law, but by the tools of pedagogy.

There are typical cases of aggression in schools everywhere. Unfortunately, there are plenty of examples – from slight cases to those with tragic consequences. There are also many cases in Hungary. One example of such a case involved a group of pupils dragging their classmate into the bathroom, where they hit her and forced her onto the floor. They filmed the entire incident and then uploaded the video on to the internet. Another case involved a student who took photos of his naked classmates and then shared them on social media. In both cases fundamental rights were violated, but many other rights could be violated, too: personal rights, right to freedom of religion, right not to have to face racism, etc. Being aware of the human dignity leads to know the consequences of these actions and stop students from behaving in this way. It supports the understanding that aggression is immoral, a disciplinary offence, as well as illegal. Furthermore, and perhaps more importantly, it can help to make it clear to students that their acts are not acceptable on moral grounds either.

3.2.2. Black pedagogy

As mentioned previously, aggression within schools can be caused by teachers as well. It can be expressed (physical and verbal) aggression, but more typically it takes the form of harmful teaching methods (mainly assessment and discipline). The first intensive description of this phenomenon was established by Rutschky (1977), who termed it ‘black pedagogy’. The word ‘black’ does not refer to the method, but to the results: the frequently subconscious psychological effects to which it can lead.

The persistence and consequences of black pedagogy are well-illustrated in the findings of Hungarian research on the topic (Hunyady, M. Nádasi, & Serfőző, 2006). Not only do participants (between 20 and 90 years) report the same experiences, in many cases negative experiences were still vivid many decades after they had occurred. Most examples related to assessment (when grades were given), unfair grading, the consideration of irrelevant circumstances and unreasonable distinction. The other typical aspect of this phenomenon is discipline. Teachers often shamed pupils verbally and administered humiliating punishments, and in some cases even tortured them. There was, for example, the appalling case of what was known as ‘the most – the most table’. This involved a teacher deciding that every week the class would vote for the most skilled, most awkward, most diligent, laziest, tallest, shortest, lightest, heaviest, etc. pupils. The results were then displayed on the wall. This method was used to create conflicts and tension between pupils. Furthermore, those with the worst assessment felt ashamed or humiliated.

There are also many examples of black pedagogy in the aforementioned Annual Reports. For example, the following occurred in the 21st century in a Member State of the EU: a teacher punished an unmanageable pupil by forcing him to kneel by the blackboard with his arms held in the air during the lesson. In many other cases teachers assessed pupils by making comments related to their abilities and family background in public and in the presence of the class (or parents). It is also common for an isolated (usually disabled or Roma) child to be left alone and/or that classmates are directly or indirectly encouraged to isolate the child in question. All of these phenomena violate respect for human dignity. They qualify as mental or physical torture, inhumane or degrading treatment or punishment,

and violate personal rights, respect for private and family life, the protection of reputation, and the protection of personal data. Teachers must therefore learn what the term ‘respect for human dignity’ means and how it should be implemented in practice, and understand that their actions may also be illegal.

3.2.3. Migration

Migration is a challenge for education from two perspectives: on the one hand from immigrant students, and on the other from the recipient community (domestic students). The conflicts between these two are natural because of linguistic difficulties, as the immigrant students often do not speak the recipient country’s language. The foreign culture also causes problems, as the unknown may appear strange or scary. This can easily lead to conflicts. Often different religions and degrees of religiousness among pupils also lead to difficult situations. These differences often cause aversion to ‘the other’ or, in more serious cases, racism and xenophobia. Janta & Harte (2016) add education-related problems (challenges) such as educational achievement to this list, because immigrant students’ knowledge is generally at a lower level. Moreover, teachers use the local language, which the immigrants do not understand. These differences result in social isolation.

According to Leon (1996), under these circumstances, it is not surprising that the self-esteem of these students is very low. The journey (often as refugees) to the new country involves an interruption in schooling and throws those concerned into a new environment. This may have a negative impact on pupils’ proficiency. They also have many personal problems, i.e financial problems, problems with health and nutrition, family tragedy, loss of relatives, etc.

It is not only the immigrant pupils that are unable to handle these situations, but the home students, too. As a result, they often turn against the immigrant students. As several (legal) cases have shown, they may call them mean, hurtful names, exclude them from friendship groups, or completely ignore them. In many instances immigrant students have been hit, kicked, pushed, shoved around, or locked indoors. In more serious cases they were called mean names and comments were made about their religion, race or skin colour, or the same was done via computer or e-mail messages or pictures/cell-phones. Few immigrant students complained, because the other students told lies or spread false rumours about them and tried to make others dislike them. All of these phenomena are a pure offence against human dignity: discrimination, breach of protection of reputation, personal data, and freedom of religion. It is important to note that the same can occur in the opposite direction, however this is much less typical. By focusing on respect for human dignity, the teacher will be better able to handle these cases. Students can learn to show tolerance towards each other, and to respect and accept others’ differences.

3.2.4. Digitalization

Opinions differ on current technological developments, especially on digitalization. For some, digitalization is a blessing but for others it is a curse. Those in favour say that it helps promote education. Nevertheless, it is also challenging in that context because teachers must learn how to handle these tools, and both teachers and schools need technical assistance (to develop their professional skills) and financial support (Rabah, 2015). Furthermore, although it means new methods, at the same time it also means new duties for the teachers. Opponents of digitalization emphasize its harmful effects, which can endanger human relationships through isolation, and the new tools it provides for violence (mobbing, bullying), mainly via social media (e.g., Facebook, Instagram, YouTube).

Digitalization can provide a platform for harassment, e.g. on Facebook (as mentioned previously in relation to aggression). Social media (e.g., Facebook) abolishes the borders between school and home, time for learning and free time. The students' responsibility for disciplines is connected to the school. The practice shows that there are cases where breaches are committed by students after school time but connected to school (offensive comments on Facebook). For instance, when students abuse their teachers or criticize their schools using obscene words on social media. These comments can offend the human dignity or typically the personal rights of teachers (also the schools, which as organizations also have personal rights). Respect for human dignity can also help teachers teach students how to make proper use these new technological opportunities.

4. THE ROLE OF EDUCATION IN DEVELOPING KNOWLEDGE OF RESPECT FOR HUMAN DIGNITY

In the process of learning about respect for human dignity and general moral issues, both family and teachers play a crucial role. However, students spend most of their time in school. Teachers therefore can and must set an example of what acceptable behaviour is. This does not mean merely following or not violating the rules. Teachers can show students how a real citizen acts assertively and at the same time respects the law and ethics – especially human dignity and fundamental rights. The role of teachers is also significant because they can set a good example to the students. Moreover, it is important to teach students how to develop their knowledge of the law.

The question is how teachers can achieve this. This is where universities and their teacher training programs come into play. With no previous knowledge of the issues, teacher training students do not have knowledge of their rights or basic legal norms in general. Therefore, universities must teach them about their rights (basic knowledge of the law), how to improve their knowledge of the law, become conscious citizens and, in particular, teach their students how to acquire the aforementioned skills.

The following two examples from Eötvös Loránd University could promote these objectives.

The 'Anxiety versus ego strength project'³ is based on the theory that our world is full of challenges, demands and dangers (see 3.1.). Social media and several interest groups permanently exaggerate the real dangers in our everyday lives or create fake dangers. Nevertheless, danger increasingly occurs unexpectedly. Under these circumstances the most exposed groups in society (children, disabled people, elderly people) need help. From the point of view of our topic, this means helping people to act independently, to recognize the real and fake dangers, to prepare for these dangers and to control the course of events.

As a result of this project, several interventions will be developed: handouts, curricula and training programs which aim to develop pedagogical awareness, increase knowledge of inclusion in school, help teachers to recognize (sexual) abuse (mainly in early childhood) at an early stage, and prepare students and teachers for crisis situations. These interventions will help develop consciousness and knowledge of the law. Education scientists, psychologists (social, clinical, school psychologists), intercultural education scientists and psychologists, sociologists, and lawyers will cooperate to reach these goals by offering an interdisciplinary approach to the topic. During this project, they will also investigate the ingredients of perceived safety, and develop intervention tools and programmes for different actors and institutions operating at various segments of social safety.

The other project is a pilot course devised by the author of this chapter: ‘The legal and ethical frameworks of the teaching profession’. The course began in September 2018; therefore, we are not yet able to report our conclusions and can only provide information on the development process. Our goals are to help students learn about and follow the relevant norms for schools and teaching profession as a whole, help them understand them, apply them and analyze them critically. For the latter, legal theories and principles – including fundamental rights – are essential. Teaching law to non-law students obviously requires special methods. First of all, legal texts must be translated into comprehensible language. Case studies from schools are also presented in order to demonstrate the connection between rules and everyday life. All the case studies are directly or indirectly connected to human dignity, thereby allowing the course to acknowledge the presence and/or role of human dignity in cases.

5. CONCLUSION

In summary, we can conclude from the aforementioned links between current challenges and education as well as respect for human dignity that there are numerous crises occurring at all levels and in all areas of our lives. These crises are most serious for children. We have a duty to help children handle these situations and develop their behavioural skills. The family clearly plays a key role in this process, but teachers and schools are just as important. It is the task of universities to prepare (future) teachers for this work. Teacher training programmes must therefore include courses which teach student teachers about their own rights and obligations and teach them to pass this on to their students. Including these courses, it is important to stress that respect for human dignity is not only a legal norm or elevated theory, but a concept which provides direction and offers a standard to follow in our everyday lives. It must be an essential element of the curricula of both schools and teacher training courses.

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¹The chapter is the extended version of the keynote presentation with the same title which was given at the END 2018 Conference in Budapest, Hungary on 24th June 2018. The introduction is the same as the abstract of this paper, and is published here: Carmo, M. (Eds.). (2018). *Book of Abstract International Conference on Education and New Development (END 2018)*, Lisboa: World Institute for Advanced Research and Science

² It must be stressed that there can also be aggression outside of school

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