

MINORITIES RESEARCH

A COLLECTION OF STUDIES
BY HUNGARIAN AUTHORS

N° 9
2007



This book is published with funding by
the Ministry of National Cultural Heritage –
National Cultural Program Fund



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ISSN 1585–860X

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Published by LUCIDUS Kiadó

Book design by János Szabó
Typography by Peter Gremesberger
Printed by OLITON Kft.

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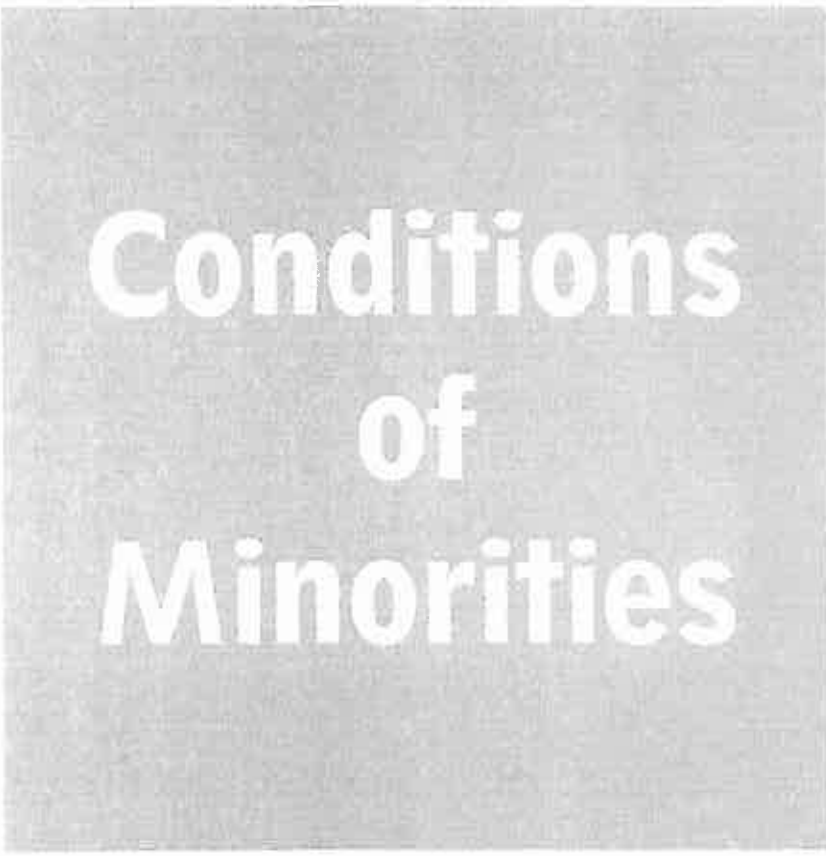
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Conditions of Minorities

Marianna Dobó – Ágnes Horváth

Analysis of the Effects of Economic Activity on Roma Population in Borsod-Abaúj-Zemplén County

I. Preceding Events¹:

The vast majority of the Roma who struggle with economic problems live in the North Hungarian region. The status of the Northern industry is to be treated with distinct attention, since it was the most heavily hit by the economic recession following the regime change and this is where the proportion of the Roma is the highest. It is not a simple task to introduce the present situation of Roma in County Borsod-Abaúj-Zemplén (BAZ). It is also a complex task to describe the reasons and the effects for it is described by researchers as a "vicious circle" of "poverty - lack of education - unemployment - immobility - poverty".² The quality of life is fundamentally determined by the state of health and social situation. The main components are: how the individuals live their social and economic status and how they perceive themselves. It is greatly influenced by economic and financial status since one of the value judgement of society is still measured to what extent the person is able to produce values for the society. Therefore the quality of life is strongly influenced by the economic status of the family. All such indicators have been included in the present analysis which have determining impact on economic activity/inactivity (and by this on the quality of life).

The focus of the research has been determined multilaterally. On the one hand indicators of economic activity and living circumstances of families has also been examined as well as their relations to settlement types.³ On the other hand there are the links between quality of life and participation in education, whether

¹ First station of the research series conducted by the Politology Department of Eszterházy Károly College was examining the situation of Roma communities in Borsod-Abaúj-Zemplén County in the region of North Hungary.

² Kertesi, Gábor. A cigány foglalkoztatás leépülése és szerkezeti átalakulása 1984 - 1994 között [The cutting down of Gypsy employment and the changes in its system], Közgazdasági szemle XLVII. vol. 5/ 2000.

³ Regional Improvement Council of Borsod-Abaúj-Zemplén County approved the catch-up-programme for the Roma. Data gathering, concerning several spheres of topics, was an important stage of this process and was conducted by a professional public opinion research company: Delphoi Consulting. Basis for data consisted of a sample 1500 households which meant 6% representation rate of the Roma population in the county. Delphoi Consulting chose a two-stage, disproportional procedure as a method for taking sample.

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it has any regional aspects and what effects does the emerging segregation have in the examined settlements.⁴ At the beginning of the analysis it is presupposed that economic activity is directly determined by education and by the type and character of the place of living. It is also supposed that economic activity has a strong impact on the schooling of the growing generation.

II. Variables and Coefficients - or the Vicious Circle of the Roma

Generally it is undisputed that the Roma population is one of the greatest losers of the regime change since they were who became unemployed in great masses after the change. Considerably significant proportion of Gypsy workers used to work in such sectors where changing for market economy caused decrease in employment to a mass extent. Factors that hinder employment: elementary level or lack of school and professional education appear in their cases cumulatively. Difference in the present labour market is troublesome in many ways, because employment rates did not use to show considerable difference between able Roma and non-Roma men before the regime change. Being familiar with these facts does not reduce the existing prejudice. Because of their hopeless situation, many Roma families have to make ends meet exclusively relying on social support that is perceived with animosity and prejudice by the non-Roma population. Non-Romas frequently question the rightfulness and reason of support provided for the Gypsy population.

Researches in Borsod County are supportive that the status of economy, especially heavy and building industry has always had a direct impact on the fate and employment of Gypsies living in the area.⁵ Extensive industrialisation of the fifties and sixties required and attracted masses of unskilled or semi-skilled workers into the region among whom Gypsy employees arrived too. The social and economic integration process of the Gypsies in the seventies, the shaping of their financial and living circumstances raised hopes that they can stabilise their status at the lower level of labour class. This process was interrupted by the crisis of the industry of the region as well as the split up of the major company structure and the drastic fallback of the production in heavy and building industry and agriculture. Job opportunities were closed-down in the magnitude of several hundreds of thousands, which affected most heavily and directly the unqualified uneducated, unskilled or semi-skilled workers, among them Gypsies, in Borsod. The long-lasting crisis of County BAZ's economy in the past years made the status of this layer critical from several aspects. "Fate of the Gypsy population living in the county is

⁴ During the process of the research 1500 households were examined. When completing the secondary analysis of data we used variables of economic activity and educational status from the original data base.

⁵ Representative survey 1971, 1993-94, 2003-2004.

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identical in many ways with the fate of the majority of Roma living in other parts of the country while negative impacts, which they were exposed to, - because of the state of the county - are more dramatic and tragic in many ways than those of in the case of their fellow-sufferers living in other regions."⁶

The pivotal point of the research was to survey the recent economic status. In the course of the analysis we found out that - with 1.5% lack of data - only 16% of the informants had been employed. According to the estimations of the Job Centre of County BAZ approximately 30% of the registered unemployed, which means more than 15.000 persons, are of Gypsy origin but a layer of similar size did not get into or fell out of the unemployment registration.

97% of those who had work places were employees while only 3% of them worked in enterprises. Projecting this rate to the total number of those who were questioned, it decreases to 15.6% employees and 0.5% entrepreneurs. As the chart shows 84% of the informants did not have any employment at the time of data collecting.

Economic status	Present state		Proportion without rate of error (%)
	Frequency (person)	Frequency (%)	
Employee	229	15.3	15.6
Entrepreneur	7	0.4	0.5
Registered unemployed	531	35.5	36.0
Unregistered unemployed	128	8.6	8.7
Without any labour relationship	578	38.6	39.2
Total	1472	98.5	100.0
Did not reply	23	1.5	
	1495	100.0	

Chart 1: Proportion of states at present

Global rates of economic activity can be tuned if we overview the peculiarities concerning sex and marital status. While women and men occurred in the same proportion in the sample men indicated almost three times greater economic activity than women: while men take part in the categories of employee and entrepreneur at a rate of 24% of the total, women are represented only in the employee category and with just 8%. The inactivity rate of women is outstandingly high: 92%. "Retirement" of Roma women from the labour market - and from the school desk - into the household is strongly related to whether they have children and how many children do they raise. Single women are active workers at a relatively high (at least above the average of Roma population) 20% rate. When they get married and have children, the rate of their activ-

⁶ Kacsér, Ferenc: Lehetőségek a cigány lakosság munkaerőpiaci integrációjára a Borsod-Abaúj-Zemplén megyei tapasztalatok alapján - December 1999 [Possibilities integration of the Gypsy population on the labour market].

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ity radically decreases (6.5%). 16.8% of the single men are active workers the rate of the married men working is higher - 25.4%. Inactive men primarily belong to the category of registered unemployed, while women usually belong to the category of inactive without any labour relationship, which typically covers the category of housewife.

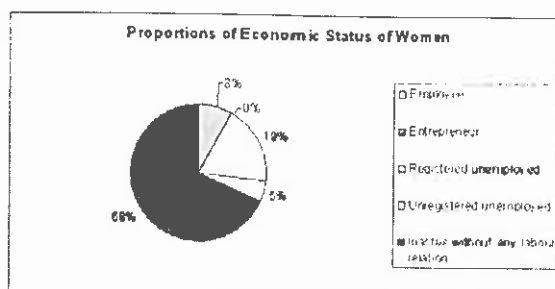
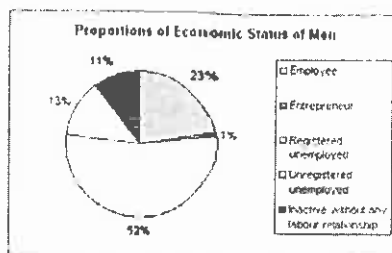


Figure 2: Proportions of economic status of women

When examining correlations between age and status we find that no determining correlation can be identified. All economic states are present in each age groups except for the entrepreneur. This is present at a very low proportion and the generation in their late twenties, early thirties constitute the basis of entrepreneurs. Basically the same tendency can be identified at each age group: low proportion of employment, hardly any or no existing entrepreneurship, relatively high rate of registered unemployment and a similar level of inactive state without any labour relation.

It is generally true that concerning the area of County BAZ Gypsy people live all around the area. But there are major differences between minor regions: Gypsies had settled primarily around industrial and heavy industrial centres and in their agglomeration area which offer job opportunities: near or inside Ózd, Putnok, Edelény, Szendrő, Miskolc, Kazincbarcika and Szikszó. Accordingly, while in the areas of Edelény, Ózd-Putnok and Szikszó the proportion of the

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Roma population is almost 20%; 10% proportion of Roma population live in the areas of Mezőkövesd and Tiszaújváros. Minor regions of Sárospatak, Sátoraljaújhely, Szerencs, Kazincbarcika and Miskolc with its agglomeration area represent medium density of Gypsy population at rates between 10-15%. With this knowledge the proportion of active workers presents a more complex picture. The county average is 16% from which the Tiszaújváros minor region differs in a positive direction and this is the region where the Roma population has the highest economic activity rate. This is approached by the data of Ózd and Sátoraljaújhely but even these constitute only 10-10% of active Roma population. Economic activity is the lowest in Szikszó with 6.1%.

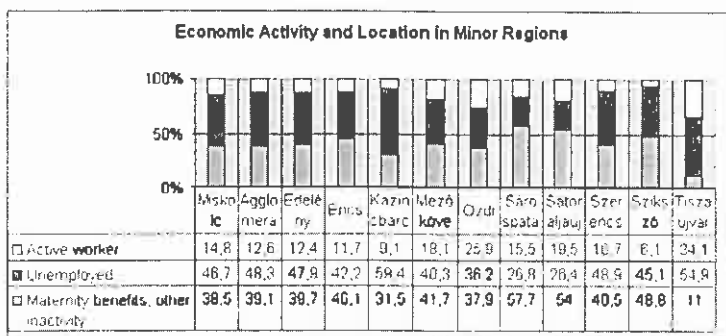


Figure 3: Distribution of economic activity in minor regions in County BAZ

Realising the large extent of inactivity it is advisable to examine the economic status of the spouse of the questioned. (Remark: these data referred to married people in 80%, above that lack of data was hardly experienced.) The 80% of those who were asked claimed to be married or to be living in permanent cohabitation. (Remark: all cohabitation was enlisted into this category.) Divorce was represented at rates of tenths of percent and the category of widow or widower was indicated at the same low levels.

Frequency distribution of economic activity of the spouse unambiguously indicated the outstanding dominance of inactivity. Hardly 15% of those asked claimed their spouse to be active economically which meant being employed; while unemployment and other reasons for inactivity were present over 40-40%, in total at more than 80%. It is typical that economically active spouses in employment are represented at very low rates in any category. Inactivity approaches or even exceeds 80% similar to the results of the informants.

In our sample mostly those spouses were employed where the informant considered themselves to belong to the category of unemployed. It can also be

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noticed that the proportion of households where both the informant and the spouse are employed is very low; it is relevant for only 2.1% of the married couples! In all categories of state the unemployed or inactive in any other ways is over represented. 25% of the total number of informants replied that neither they nor the spouse are employed. It is true for more than 71% of the population that none of the partners living in one household has employment, while in case of hardly more than 26% of the households at least one of the partners has some kind of an employment. (The standard of living of the households is greatly determined by the number of children. 78.5% of the households of the informants raise children: 1-2 children in 38.4% while 3 or more children in 44.4 %.)

The size and type of the settlement had less influence on economic activity than expected to such an extent that the registered and unregistered unemployed can be found at almost the same rates in the case of any settlement type. The only outstanding difference can be spotted at a higher representation rate of the employment state of the Roma living in towns: the rate of all workers is 5-6% higher than that of in minor settlements.

Present state in %	Towns	Villages over 1800 inhabitants	Villages under 1800 inhabitants	Total
Employed	44.4	29.0	26.6	100
Entrepreneur	40.0	20.0	40.0	100
Registered unemployed	32.5	32.5	35.0	100
Unregistered unemployed	32.0	32.8	35.2	100
Inactive without any labour relationship	37.0	30.7	32.3	100

Chart 2: Distribution of present states according to types of settlements

We examined whether there was any correlation between the economic status of the spouse and types of settlements: we found that the rate of unemployment is high in the case of villages with over 1800 inhabitants and the inactive are also over represented while the urban habitat can have a positive impact on the acquisition of employment.

Location of Residence

The most visual symptoms of the Roma population's status and poverty are the conditions of their housing. The number of those living in colonies decreased considerably at the national level as compared with 1971: 65% of the Roma used to live in separate colonies in 1971 while in 1994 only 13.7% of them did.

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This is the result of several factors: rising of living standards and employment rates of Roma people contributed to this process from the middle of the 1970-s but programmes to liquidate colonies and the related opportunities for loans on preferential terms accelerated it significantly. It is a commonly known fact that circumstances of housing i.e. the type and urbanizational level of the given settlement, the size and state of the residence as well as the question whether the given Roma household is living among segregated circumstances have an essential impact on chances in acquiring a higher level of education and better job opportunities.

It is a general tendency that the rate of Roma living in the outskirts of settlements decreased and living in the interior of settlements increased. The 1994 research examined the rate to which Roma families live in the neighbourhood of the informants. The received data indicated that almost 60% of the Roma families are located in a segregated area.

Living in segregation i.e. whether in the interior or outskirts of a settlement had an equally important impact on the economic activity. Examining the location of residences in County BAZ we found that 84% of Roma live in the interior of settlements but 16% living in the outskirts seems to be still an excessively high rate. We cannot conclude whether being segregated at the outskirts has any relation to ethnic identity.

Here again it is worth examining the relations of the minor regions. Segregation can be found in any settlement - but to a differing extent. The rate of segregation is lower than 20% in Miskolc and Kazincbarcika; in the Sárospatak region is outstandingly high with 80% (the average rate of segregation is 40% in County BAZ).

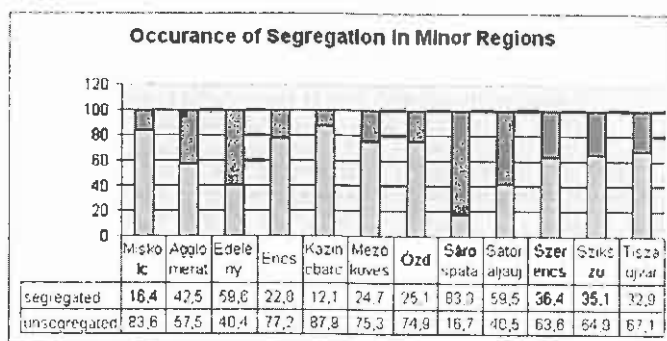


Figure 4: Segregation at the minor regional level

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The distance of outskirts from the centre

Regional examinations suggest that more than half of the Roma live in segregation in three minor regions (Edelény, Sárospatak, Sátoraljaujhely) out of which the Sárospatak region emerges with 83.6% of segregation. The rate is the lowest in the area of Miskolc and Kazincbarcika.

Approach of the homes shows a complex pattern too (Chart 3). Hardly more than 60% of homes can be approached on paved roads and 11% on dirt roads.

Finally when examining the relationship between the settlement and the economic status the following characteristics are found: although the number and rate of entrepreneurs is very low in the sample represented by hardly 1 %, no entrepreneur lives in the outskirts, living in the centre is typical of them. Not even in the case of the unemployed or unwaged in any other way can any strong correlation be found between the present state and the location of the residence in the outskirts.

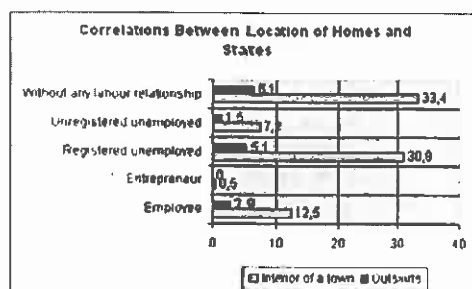


Figure 5: Correlations between the location of homes and present states among all the informants

Among all informants those who live in interior areas and are not employed in any way with 33.4% provide the greatest proportion of presence and they are followed by 30.9% of those who live in the centre and are registered unemployed. However, living in the outskirts shows high rates in the case of both groups too.

According to the census data of 1990 and 2001 almost 60% of the Roma ethnics live in residences without modern conveniences while in the case of the total population this rate is only 15.7%. 74.1% of the total population of the country live at least in residences with the minimum of modern conveniences while this rate is only 22% in the case of Gypsies.

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Level of convenience	Gypsy		Population of the country %
	Native speaker %	Ethnic %	
With minimum modern conveniences	22	25.6	74.1
Semi convenient	8.3	7.7	7.1
Without modern conveniences	61.8	59.2	15.7
Emergency or other home	8.0	7.5	3.1
Total	100	100	100

Chart 2: Distribution of present states according to types of settlements

The comfort level of residences is also varied as opposed to the settlement data - where the housing circumstances of those who belong to the majority society is recorded - we find inferior housing in the possession of Roma. 63% of the Roma residences do not have a separate bathroom, 65% do not have an inside toilet, 3.6% do not have wired electricity, 53.6% do not have running water, 88% lack ducted gas and 35.5% even cylinder gas.

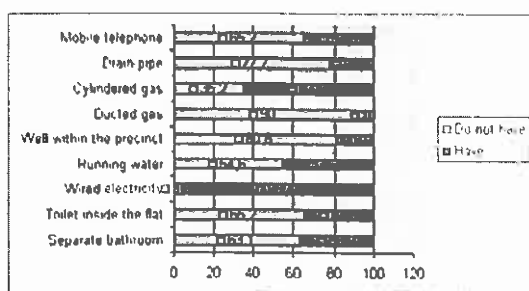


Figure 6: Comfort status of flats

Exploring the Reasons:

Until 1992 changes to the labour market were strongly related to economic reform, which was linked to the regime change. Unemployment then affected a relatively homogeneous group: those who were handicapped in all aspects. They were employees of the former socialist heavy industry, with low levels of education, unskilled or young entrants to the profession. Census data of 1990 and the 1993 data of the United System of Population Data Gathering, as well as representative survey data indicated high rates of Gypsy unemployment. The

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low proportion of active workers and the high rates of dependants are characteristic among Gypsies.⁷

It was in County BAZ at 25.3% the highest proportion of lack of data and refusal to answer

to the question: why do not you have an employment almost 20% answered that they have never had a job, 17.3% replied that his company closed down, because of the economic recession of the region, nearly 10% were made redundant and dismissed and 5.1% quitted their job in County BAZ. The category of "other" also turned out to represent a fairly high rate of more than 23%. Those who did not stay at work after the test period or did not prolong their employment and was also chosen by those who make a living exclusively from taking occasional jobs.

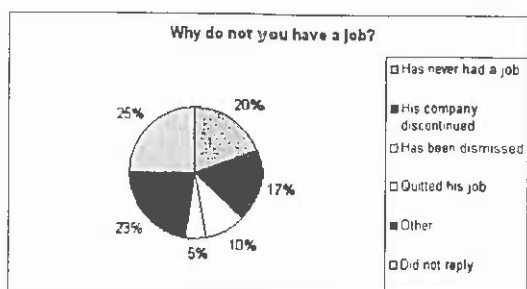


Figure 7. Why do not you have employment?

Correlation of these variables with the ones of: Are you looking for a job? Gave the following results: there is far less willingness for work among those who have never had a job than among those who have already had a job but it was discontinued for some reason or the persons have been dismissed (Fig. 7). Those, who have never had been employed or are without employment for other reasons, have replied that they are not looking for a job in the greatest proportion. In the case of variables examined the lack of data rate was between 1.5% and 9% but in this particular question it was 25%. Considering those who replied to be 100%, 29.1% replied that they are not looking for a job.

Willingness to look for a job can be seen in the case of the group "his company discontinued" followed by the group who "have never had a job" and by

⁷ Hablicsek, László: A roma népesség demográfiai jellemzői, kísérleti előszámlása 2050-ig [The demographic characteristics of the Roma population]. KSH Népességtudományi Intézete, 1999. [Central Office for Statistics]

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the percentage of those who "have been dismissed". A relatively high rate was found in the variable of "does not look for a job", but the extreme rate of lack of data has to be emphasised. The greatest proportion in this category is of those, who have never had a job or lost it in any other way.

We were searching for a reply to the question in what way the number of items in our sample is relevant to the assumed population. Examining the reasons for not looking for a job made the establishment of the following rates possible.

It is obvious that a lack of expertise or skill is the most frequent reason while the second is making ends meet from social benefits and the approach to give up finding a job. Incapability to commute from the settlement presents similar rates.

Makes ends meet better on social benefits (%)	Manages to make a living from occasional jobs (%)	It is useless for him to look for a job (%)	Cannot leave the settlement (%)	Does not have proper skills, qualifications (%)
37	13	36	32	55

Chart 4: Why do not you look for a job?

Correspondence between Schooling and Determining Factors of Economic Status

Human resources or capital has had increasing significance at the labour market since the regime-change. According to human capital theories one learns because later it will return in benefits. Thus higher-level school education theoretically is accompanied by major advantages but in many cases it can only been felt later. One of the main social mobility channels is education and it has an increasing role in the distribution of jobs as well as determining wages.⁸ Education is one of the most important indicators concerning the chances on the labour market; it is a commonly known fact that higher-level education has the greatest value. Beside the ones with a degree, those who have qualifications linked to school-leaving examination have the best chances to find a job, there very little demand for those who have skilled worker qualification, and those who completed only primary school studies have hardly any chance.

It is an essential problem in the county that the need and opportunities for labour-force of lower qualification is extremely low as compared to the demands of 30-40 thousand lower educated unemployed not exclusively of the Gypsy people.

⁸ Liskó, Ilona: A cigány gyerekek szakképzésének támogatása [Supporting the vocational training of Gypsy children]. In: Cigányok és iskola [Gypsies and school]. Educatio Füzetek 3. 1996.

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Our major hypothesis was that economic activity/inactivity is in interaction with education. Distribution of school qualification: with very low percent (0.4%) of inaccuracy we can say that replies to the questions "incomplete primary school" and "completed primary school" are over represented together by approximately 80% of the replies. Only qualifications gained in vocational training institutes exceed 10%. Because of the inappropriacy of the questionnaire we cannot find an answer to the question whether Roma of County BAZ are present, and if yes in what proportion after completed secondary school studies, in higher education.

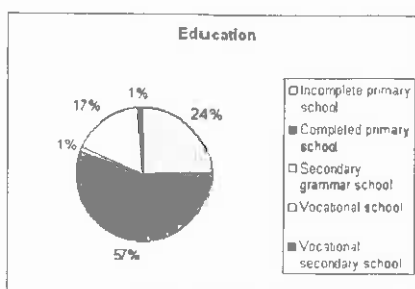


Figure 8: Education among the Roma of Borsod

Although rates improved in the sphere of completion of primary school no measures of improvement can be felt in higher levels of education. The distance between Gypsy and non-Gypsy increased concerning further education and admittance to secondary school. One of the three school-types, vocational school opened up for the Roma. School success is determined by the circumstances among which and where the Gypsy student lives. The degree of urbanisation in the given settlement and the extent of segregation are serious influential factors in the Romas' completion of primary school. Those Romas have the best chance to complete primary school or any secondary school who live in towns (for whom educational institutions are in available distance) but not those who live segregated (that is without the chance for normal life, lacking of infrastructure and basic facilities). Locations in tiny villages and in segregation are major hindering factors.

The correlation becomes more interesting when examining the question "Do you want to learn in order to get a job?" In this case too the lack of data was very high (28%). Following the earlier pattern 28% replied no and 45% replied yes (Fig. 14.). If we intend to examine the relation between the level of school education and the desire to learn we can see that the proportion of the ones who have completed primary school the wish to learn is significantly high and

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it appears at the same high proportion among those who have completed vocational schools (Chart 5.)

Education	Do you want to learn to get a job?		Total
	No	Yes	
Incomplete primary school	51.9%	48.1%	100.0%
Proportion in the whole	13.8%	12.8%	26.5%
Primary school	33.9%	66.1%	100.0%
Proportion in the whole	19.3%	37.5%	56.8%
Secondary grammar school		100.0%	100.0%
Proportion in the whole		.7%	.7%
Vocational school	29.9%	70.1%	100.0%
Proportion in the whole	4.4%	10.2%	14.6%
Vocational secondary school	35.7%	64.3%	100.0%
Proportion in the whole	5%	8%	13%
Education	37.9%	62.1%	100.0%
Total	37.9%	62.1%	100.0%

Chart 5: Relations between completed education and the variable of wishing to learn in order to get a job

Replies to the question where they wanted to learn indicated the following frequency pattern: most of them wanted to find a job by the help of education directed by a vocational institute or in the retraining schools of Job Centres. Representation of the wish to learn in secondary school was far less frequent. These indicate the relation of Romas to their chances of breaking away and the possible mobilisation channels as well as their preference concerning the results of the education type.

As for the spouses we could examine to what extent does education influence the labour market positions and we found that they are in significant interaction: the most frequent is the completed or incomplete primary school education. Significantly more seldom can completed vocational or vocational secondary school be found. Higher-level education or university degree did not occur among the informants or among their spouses.

If we approach this issue from the point of view what kind of economic status is the result of a given level of education the following are the results: the lower the level of education of the spouse of the informant, the more likely they are not employed (Fig. 9). We find the first higher rate of economic activity in the case of those who have vocational school certificates and it increased in the case of those who completed vocational secondary school. If we keep in mind that the total indicator of inactivity considerably exceeds 50%, it reflects to a far worse proportion than that of the majority society.

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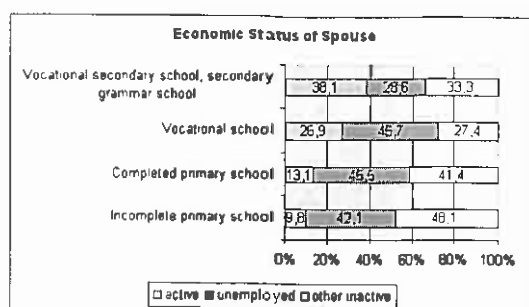


Figure 9: Correlations between the level of education and economic status of spouses

The correlation can be described by the help of correlation coefficient:

	Incomplete primary school	Completed primary school	Completed secondary school
Active worker	-0.70780	0.73292	0.08403
Unemployed	0.04298	-0.35477	0.43094
Maternity benefits etc	0.42749	-0.18076	-0.41885

Chart 6: Correlations between educational layers and recent status

The greater proportion of Roma are found without completing primary schools the more likely the proportion of active workers will be lower, while the greater is the proportion of those Roma who have completed primary school the more likely the proportion of active workers will be higher. The greater the proportion of those in a household who are inactive the more likely that the proportion of those who have not completed primary education is higher and this is relevant for the economic status and employment primarily of women, in agreement to our earlier experience.

Indicators of educational level and economic activity:

	Active worker	Unemployed	Maternity benefits etc
Incomplete primary school	7.4	44.7	47.9
Completed primary school	14.8	45.5	39.7
Completed secondary school	30.2	42.7	27.1

Chart 7: Correlations of indicators of educational level and economic activity

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Significant difference can be spotted between those who have not completed primary school and those who have and who have completed secondary school. We can find unemployed or in other way inactive people in a greater proportion among those with incomplete primary education than among those who have completed secondary education in the case of the sharpest difference, but if we examined only the unemployment variable we could come to the conclusion that the rate of unemployment decreased to a minor extent depending on education but the active worker variable indicated major increase. It is a disadvantageous situation, that the proportion of those who have completed secondary school is fairly low among the Roma population.

Men	Active worker	Unemployed	Maternity benefits etc
Incomplete primary school	13.4	76.3	10.4
Completed primary school	22.2	66.7	11.1
Completed secondary school	35.7	54.6	9.7

Women	Active worker	Unemployed	Maternity benefits etc
Incomplete primary school	2.7	20	77.3
Completed primary school	7.4	24.3	68.3
Completed secondary school	21.7	25.9	52.5

Chart 8: Comparison of correlations between status layers and education layers in respect of sex

In case we include the variable of sex in our analysis we can find one of the fundamental relations of Roma society: education - activity - strongly correlates to the sex variables.

The more educated the men, to a greater rate are they active workers while at the same time they are unemployed to a smaller rate. The correlation can be revealed in case of women too that their education facilitates activity but in spite of it they mostly still belong to the group of inactive people.

The point where the Roma are thought/imagined to be able to brake away from the vicious circle is education, but it is not suitable for the majority of them because they believe that it does not foster their children to get a secure job. It is worth to touch upon what the informants think about how the recent school system could achieve better results.

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Opportunities	Frequency	Distribution	Distribution with ignoring lack of data
Teachers should spend more time	343	23.9	28.1
Exclusively Roma classes	17	1.1	1.8
Mixed classes	479	32.1	53.1
Roma teacher	53	3.5	5.8
Boarding school	10	0.7	1.1
Total:	902	60.3	100.0
Lack of data	593	39.7	
Total:	1495	100.0	

Chart 9: Chances to achieve better results

As the chart indicates we can examine this variable at 40% of lack of data. Ignoring this lack the support for mixed classes is outstandingly high as well as the wish that the teachers should devote more time to children. Employment of Roma teachers or boarding schools appears at low rates: 5.8% and 1.1%. It is noteworthy that beside the outstandingly high percentage of support for mixed classes, at a very low percentage there still appears the wish for the setting up of exclusively Roma classes.

Conclusion:

As a result of the reform of the structure of economy the Roma were facing a contradictory situation in Hungary. Their social standards are fundamentally determined by the economic status of the members of the household.

As we could see in the analysis of County BAZ the Roma -who live in segregated outskirts - are in the most disadvantageous situation. The rate of living in outskirts is not as high as it was in earlier decades but the development level of this area is necessarily lower than that of the central areas. This segregation had an impact both on economic activity and education.

The type of the settlement does also influence the outcome of the examined correlations though to a lesser extent. Urban or more urbanised areas better facilitate finding employment or become an entrepreneur. Regional inequalities have an impact on employment rates in other ways too. Unemployment rate is outstandingly high in the North Hungarian region and in the examined County BAZ. Employment rates of Roma minority differ in minor regional areas.

Economic activity is mostly determined by education depending on the examined variables. According to human capital theories one learns because later it returns. Roma families are interested in education since the higher level they achieve the higher are the available salaries. They are also more interested in active employment facilitated by education than in inactivity. Having seen the extremely high inactivity rate which has smitten the Roma of County BAZ,

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part of them have already realised that raising the level of education is a means of their breaking out and they demand more help for their children from the school, the majority society, teachers, self-governments and other civil organisations. Although rates of completing primary school have improved, higher levels of education have not shown any improvements in the case of the Roma.

References:

- Ábrahám, Árpád - Kertesi, Gábor: A munkanélküliség regionális egyenlőtlenségei Magyarországon 1990 és 1995 között [The regional unevenness of unemployment in Hungary between 1990 and 1995]. Published in *Közgazdasági Szemle* 1996. vol. 7-8.
- Bíró, G.: Egyetemesség - emberi jogok - kisebbség [Universality, human rights, minorities]. In *Pro Minoritae*, 1996. 1. pp. 58-62.
- Cigányok Magyarországon [Gypsies in Hungary]. Edited by Kemény, István. MTA Kiadó, 1999.
- Havas, Gábor - Kemény, István: A magyarországi romákról [On the Roma of Hungary]. In *Szociológiai Szemle*, 1995. vol. 3.
- Kertesi, Gábor: Cigány foglalkoztatás és munkanélküliség a rendszerváltás előtt és után [The employment of Gypsies before and after the change of regime]. In *Esély* 7. 1995.
- Kertesi, Gábor: Cigány gyermek az iskolában, cigány felnőttek a munkaerőpiacon [Gypsy children at school, Gypsy adults on the labour market]. In *Közgazdasági Szemle*, 1995. vol. 1.
- Kertesi, Gábor: Cigányok a munkaerőpiacon [Gypsies at the labour market]. In *Közgazdasági Szemle*, 1994. vol. 11.
- Liskó, Ilona: Hátrányos helyzetű gyerekek a szakképző iskolákban [Handicapped children at the vocational schools]. In *Educatio* 1997. pp. 60-73.
- Tanulmányok a cigányság társadalmi helyzetének javítását célzó hosszú távú stratégia alapkérdéseiről [Studies on the basic question of the long term strategy concerning the social improvement of Gypsies] NEKH - ET, 1999.

Emőd Veress^o

Determinants of the Regulation of Regional Development in Romania¹

I accept that the issue of regional development is primarily an economic and political problem. In Romania - owing to the complex realities of political culture – legal and administrative approach is of equal importance because there are considerable tensions between political concepts and the minimum of compromise necessary to the actual operation of the system has not (yet) emerged. No prudent and modern legal regulation can be formed and introduced for the lack of minimal compromise.

When determining the characteristics of Romanian regional developments, in addition to the requirements of European integration the ideological framework appears to be at least of the same importance and determines legal regulation. In the present study these two aspects will be in the focus and not the requirements of European integration.²

I. The Ideological Framework: the Doctrine of the Unitary State

1. Emil Cernea and the Autonomous Hungarian Province

In his study *Traditions of the Romanian Regional Administration*³ in the 2003/1 volume of the *Romanian Public Law Review*⁴ professor Emil Cernea, legal his-

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¹ Manuscript completed on 7th November 2004.

² My sphere of research is state-structure and within that primarily the organisation and operation of executed power. The issue of regional development is important for me from this constitutional, administrative and economic legal aspects: the centralisation, administrative system of administrative organisations, vertical share of power, economic role and decisions of both state and self-government are of my interest. I have attempted to deal with Romanian regional development from a legal approach several times. Our study which overviews the Romanian regional development: Horváth, R. – Veress, E. (2003): *Regionális politika és területfejlesztés Romániában*, in *Magyar Kisebbség*, 1, pp. 3–31.; concerning the critique of the first regional development law: Veress, E. (2003a): *A regionális fejlesztés aktuális problémái*, in *Romániai Magyar Jogtudományi Közöny*, 2 (July - December), pp. 19–25. From the aspect of European integration see: Veress, E. (2003b): *Az alkotmánymódosítás fő irányai*, in: *Romániai Alkotmánya. A bevezetőt írta Varga Attila és Veress Emőd. Kolozsvár, Önkormányzati Menedzsmentért Alapítvány*, 36; Fábrián, Gy.–Veress, E. (2003): *Alkotmánymódosítás Romániában és az európai integrá-*

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torian in Bucharest, has written the following about the Autonomous Hungarian Province: "the forming of the regions confirmed the concern of the governments of Romania about the exaggerated application of administrative decentralisation in the form of the Autonomous Hungarian Province (AHP). Indeed, the creation of AHP brought forth hostility on behalf of the Hungarian minority towards the unity of the Romanian state by rejecting authority and openly expressing loyalty to Hungary as well as by the rejection of the Romanian language as state language. Therefore it was abolished."

I repeat: we are in the year 2003 and the journal which has published professor Cernea's "thoughts" is the specialist journal of researches in Romanian public law with a good reputation and long traditions. The editor in chief of the journal, Nicolae Popa, was the president of the Romanian Constitutional Court at that time. Professor Cernea has not taken into consideration that the emergence of AHP had nothing to do with decentralisation; it was the "product" of centralised socialist dictatorship on a Soviet model. As for its operation and organisation AHP did not differ from the other provinces (which were created in 1950 and finally abolished in 1968) and the adjective "autonomous" had no meaning at all for the centralised state-socialist administration excluded any kind of autonomy.⁵ Furthermore I cannot imagine what are the facts Professor Cernea refers to as "hostile manifestations" (there are hardly any anti-system manifestations - if they occur, they are insignificant, let alone the existence any kind of activity against the unity of the Romanian state); statements about the

có, in *Európai Jog*, vol. III No. 6., pp. 33–38; concerning problems and administrative relations of self-governmental economic planning: Veress, E. (2002): A prefektusi tisztség az önkormányzati rendszerben és az alkotmánybírói gyakorlatban, in *Magyar Kisebbség*, 4, 286. I have called attention repeatedly to the fact how much, fundamental researches and publications, which examine regional development from an economic and specialistic political view, are missing. Major measures have been taken into this direction (the role of the economist PhD school of PTE and MTA-RKK has got an outstanding role) and there is a young, able, well-prepared team of economists and geographers taking shape whose research focus is regional development. Of course a lot more is ought to be done while legal aspects of the issue can be overview by two or three people quiet easily the economic approach would need the work of several research teams. The aim of specialistic political researches is to prepare decisions.

⁵ E. Cernea (2003) *Tradiții ale administrației regionale românești*, *Revista de Drept Public*, 1, p. 3.

* *Revista de drept public*.

⁶ Provincial administration was introduced by the Law 5 of 1950. Csíkszereda, Székelyudvarhely, Kézdivásárhely, and Sepsiszentgyörgy districts are parts of the Stalin province. AHP was created by the constitution of 1952. Reorganisation of administration was executed by the 331 Law of 1952. Csík, Erdőscentgyörgy, Gyergyószentmiklós, Maroshévíz, Marosvásárhely, Szászrégen, Sepsiszentgyörgy, Kézdivásárhely and Székelyudvarhely districts belonged to AHP with the chief-town Marosvásárhely. Maros-Hungarian Autonomous Province was created with an other regional administrative reorganisation in 1960. The recent system of counties was introduced by the administrative reform of 1968 (Law 2 of 1968).

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rejection of authority or openly declared loyalty toward the "brotherly", "socialist" Hungary are simply untrue. Might Cernea think of the Transylvanian, Romanian reflections of the 1956 Revolution and Freedom Fight of Hungary? Reasons of abolishment had nothing to do with Cernea's arguments although the increasingly emphatic "surging" nationalist discourse recurrent in the Romanian Communist Party (Romanian Labour Party before 1965) did have a role in it.

Professor Cernea (together with the Roman lawyer Professor Molcuș) is the author of the most used textbook on Romanian state and legal history in the Romanian legal education.⁶ The critical breeze and the request for supervision, which had occurred among historians although not to the desirable extent, had not left any visible trace among the Romanian legal historians.⁷

Professor Cernea can be charged with nationalistic narrow-mindedness, misinterpretation of facts and forging. But this is not the present issue. Professor Cernea is a "victim", he is a prisoner of nationalistic ideals since in spite of being a university lecturer he was unable to pass beyond the idea what I call "the doctrine of the unitary state". If his action was done on purpose (which is not rare at this level), Professor Cernea is a determined user of the doctrine of the unitary state. The application of this doctrine in politics has long traditions. But the determined application of this doctrine has been linked to the (at least partial) belief in it. As part of nationalism this is a belief and a religion in one. One can doubt it but it is difficult to deny it.

2. The Doctrine of The Unitary State

The Doctrine of the unitary State has little to do with the 1st article of the Constitution which declares the unitary character of the Romanian state (this doctrine appears as the ideological background to the Constitutional decree). If we leave off the ideology, unity of the state means no more than the state is not federally structured, its internal units have no sovereignty and there is exclusively one organising group of power at the level of the central state.

The doctrine of the unitary state has a lot more to do with the Romanian national movement, to the "unifying nationalism", to the Constitutional description of Romania as a nation-state. Is it related to Romanian regional policy?

⁶ E. Cernea, E. Molcuș (1996): *Istoria statului și dreptului românesc*, Casa de editură și presă „Ansa” – S.R.L., Bucharest.

⁷ All Romanian schoolbooks of legal history can be coupled to the „nationalist” line. Besides the Bucharest example in Kolozsvár the name of Dumitru V. Firoiu (1998) has to be mentioned as a (negative) example: *Istoria statului și dreptului românesc*, Argonaut, Kolozsvár.

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Indeed it is in many ways: the doctrine of the unitary state provides the ideological-cultural background in which the framework of a European type of regional development has to be created at a minimum. There are perfectionist or even "more perfectionist" concepts too, which go far beyond the framework of European expectations.

The perfectionist concepts cannot be camouflaged by European cover.⁹ European Union did not invent regional politics to provide self-government of ethnic character. It also did not invent it to facilitate the more emphatic development and progress of economically more developed regions: the basic idea behind cohesion policies is to decrease differences between regions. This means withdrawal of resources from wealthy regions and redistribution of them towards poorer regions (all the 8 development regions of Romania are considered to be poor). Of course ethnic self-government and to a great extent regional economic-financial autonomy can be taken as a political aim. It has to be stressed: it has nothing to do with integration in itself. This has to be executed in the contemporary cultural-political setting in Romania and a decision of this kind – within the framework of the constitution or with the modification of the basic law – can be made exclusively by state organisations of Romania.

The question of regional policy is not at all suitable for what it is recently used in Transylvania: the instrument, sphere and aim of struggle and fight between Hungarian and Hungarian for power.

The doctrine of the unitary state is founded on the myth of a unitary nation, which had a significant role in the birth of Great-Romania. The national unity is a myth since it brought together social groups with very diverse traditions in order to establish a nation-state. After the formation of Great-Romania the doctrine of the unitary state appeared parallelly with the unity of nation. The different visions of the country's population about the future and the revisionist movements of the defeated countries (primarily Hungary) of World War I increased this unitary state myth that had the role to provide ideological power and internal coherence for the new state. The overt or hidden fear from falling apart generated this myth; the danger of splitting up of the state (than a realer, now an imaginary fear) generated the need of demonstration from

⁹ I mean the proposals of the Transylvanian and Szekler National Councils. Aspirations for autonomy should not have been attached to the problem of regional development; and it should have been understood that autonomy cannot be interpreted outside that particular political, cultural, ideological framework into which they attempt to settle it. Therefore it is an extreme case of political gambling if autonomy of Szeklerland is indicated as a precondition of Romania's EU integration. Autonomy for Szeklerland can be a political aim but it is basically a decision of internal policy: no autonomy can be possibly created without convincing the Romanian Constitutional and Legislative powers. In situations like this the previously mentioned propaganda is finally counter-productive.

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which the ideal of Burebista's unitary and centralised Great Dacian Kingdom derived. It might have been the filling up with national contents and idealisation into unification of the country during the brief personal union period marked by Mihály Vitéz. The doctrine of the unitary state became part of Romanian nationalism and became the determining mainstream of it. Following the peace after World War II this idea did not disappear and it reoccurred ("was made to occur") with extreme intensity in the Ceaucescu-era. Only in the past few years has it become weaker to some extent. This has some direct consequences in the sphere of administration: this ideology considered decentralisation suspicious since the ideal was a centralised state. It is unacceptable to delegate competences to the local administrations by reducing the rights of the state and restricting the power of the central state by decentralisation. This vastly determines decentralisation even today when major measures are taken but the central state cannot give up its control over everything and neither its rights of intervention. It must have a say in everything. This is why the legal terminology of the Romanian language the notion of self-government is unknown. There is talk about local administration, although after the change of regime (somewhat tardily, by 1998-1999) the local administration in Romania has achieved the expected minimum (international) level which would allow it to be called self-government. But the word "self-government" contradicts traditions because it is carrying a meaning that is contrary to the doctrine of the unitary state. This is why the Romanian language uses the word local administration instead of self-government (although in this case the two are synonyms).

In such an ideological setting it is very difficult to accommodate the issue of regional improvement.

Therefore the doctrine of the unitary state does not indicate a real state unit in terms of constitutional law but a unit ideologically experienced and intensified. This is different from unity in constitutional law; it has direct legal impacts (conceptually defines the legal system) from which over centralisation and extensive intervention of the central state will be underlined. This kind of distorted intellectual structure is typical not only of the Romanian people, but it's a general Eastern-Middle-European phenomenon: Hungarians also have unabridged historical facts.⁹

⁹ It is enough to mention Trianon. Most excepts that Trianon is final and irreversible in a rational approach. But approach is often and deliberately not rational: numerous frustrations derive from that.

Conditions of Minorities**3. Abolishment of the Counties of Hargita and Kovászna**

One of the extremist manifestations of the doctrine of the unitary state was the Bill of Great-Romania Party which aimed at the abolishment of Counties Hargita and Kovászna.¹⁰ According to the plan of the representatives of the Great-Romania Party: County Kovászna would be attached to County Brassó (which would create a new County Brassó with 700.000 inhabitants three quarters of which would be Romanians). County Hargita would be divided in two: one would be County Görgény-Csík with Maroshévíz as its county town (with villages originally belonging to County Maros annexed here), Udvarhelyszék (together with certain parts of County Szeben) would be attached to the proposed County Küküllő with Segesvár as its county town. The result would be that except for County Görgény-Csík Romanian speakers would dominate in the population of every county (even in County Görgény-Csík nationality rates would almost be balanced). In the argument for the bill it was claimed that this administrative reorganisation was necessary because the Romanian state lost its authority in the Counties Hargita and Kovászna. On 25th November 2003 the House of Representatives rejected the bill.

The bill discussed above is an extreme example; but the doctrine of the unitary state is part of the political culture in Romania and to some extent is present in the ideology of all Romanian political parties.

II. Legal Regulation, Legal Problems**1. Is it a Legal Problem or is it Not?**

The central topic of vol. 1/2003 of *Magyar Kisebbség* (Hungarian Minority) was the Romanian regional policy and improvement. Our opening study¹¹, written together with Réka Horváth was criticised by Barna Bodó that we see legal and administrative issues where the problem is "primarily" not of legal and administrative character.¹²

Barna Bodó is right and he is wrong. He is right because we cannot discuss the issue without exploring the economic and ideological background. But the framework for regional policy is still the law. And the law will be such what the ideological background and the contradicting European Union influence will make possible. From this aspect law is determined and a

¹⁰ 425. Law proposal in the House Representatives in 2003.

¹¹ Horváth, R.–Veress, E. (2003) op. cit.

¹² Bodó, B. (2003) Régió és politika, in *Magyar Kisebbség*, 1, p. 37.

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determinant at the same time: the framework of regional policy is provided by the law, regional improvement takes place in the institutional framework which is created by the rules and procedures prescribed by law. That is actually more than law: it is the summary of specialist policies, which in many cases is in immediate interaction with legal regulations. The question of regional improvement can really be examined from the interdisciplinary point of ideology and politics, law and economy. The one sided approach is necessarily distorting. Instead of our one sided approach, which we published in *Magyar Kisebbség*, Barna Bodó recommended an other, similarly one sided approach. The chief characteristics of the scientific examination of regional development is its being interdisciplinary. We cannot talk about regional improvement without the exploration of the economic background. What I felt as lack of balance in our opening study published in *Magyar Kisebbség*, was that beside neglecting an evident (at least for us) ideological background we also omitted the exploration of the economic background and we concentrated our attention rather on institutional solutions. The question of economic background occurs and reoccurs in the replies given to the opening study.¹³ Regional development conceptions emphasise clichés and they are practically unusable like most county or local improvement conceptions. Romania seems to be in a human resource crisis, "innovation potential" is unacceptably low especially in areas of key importance. The improvement of infrastructure can only be possible through the cooperation of the Romanian governmental and private sector and international partners. Lack of a well-founded specialist policy, the most important factor of regional development, questions the very existence of regional improvement. These are just a few topics for future studies approaching from an economic point of view. Question of regional improvement can be analysed in its full and real complexity in correlation with the interaction of ideological institutional and economic factors. No hierarchy of importance of the three approaches can be set.

¹³ I hope that my economist colleague Réka Horváth will concentrate on economic background when reacting to the discussion of *Magyar Kisebbség*.

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Regional improvement is not exclusively a legal issue but still is a legal issue and the points listed below will demonstrate the role the legal framework has.

It is easy to interpret the present situation on the basis of the doctrine of the unitary state:¹⁴

- why the development regions have not get regional administrative unit status;

- why are not the regional development councils legal entities¹⁵;

- why does the law define the Regional Development Agency as a non-governmental organisation (pushing it out from the group of state organisations and the system of administration);

- that the 8 NUTS-2 developmental regions are formally the consortium of local administrations while informally they have been created under full governmental control on government initiation (that counted as great result in 1998).

Regional development was first regulated by the 151 Law of 1998 while at present the 315 Law of 2004 is in effect.

The progress towards European integration is indicated by the 2003 modification of the Romanian constitution where assurance of regional improvement policies occurred among the economic obligations of the country complying with the aims of the EU.¹⁶

2. State of Affairs: "Euro-conform"?

It is an important fact that it is part of the Hungarian public thinking in Romania that regional development is executable in the present legal framework in a EU-conform way. Of course the minimum policy concerning regional development is meant. In fact it is the low level of institutional efficiency and the instability of the system of organisations (for example ministries) that does not meet the EU requirements, since it merely concentrates on the utilisation of structural and cohesion bases.

The country report also highlights these concerns alongside regional statistics, supervision and inspection of programmes, financial management and control, transparency of public procurement and the importance of the National

¹⁴ See: 151 Law of 1998. concerning regional improvement (România Hivatalos Közlönye, 1998/256). Modifications: 268 emergency government decree of 2000., 2 emergency government decree of 2001., 226 Law of 2001., 27 government decree of 2003., 256 Law of 2003.

¹⁵ Organisation of regional development councils is regulated by the government. It is the 1956 government decision of 2004 at present.

¹⁶ Description of the aims of EU is included in the contract concerning the creation of European constitution which was signed in Rome on 29th October 2004.

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Development Plan. The fact that Romania closed the chapter of regional development in September 2004 and the country report assessed the progress positively and its main points indicate EU-conform character of the institutional system and regional division in 2004.

Regional developments are not the framework of settling the minority issue as expressed by the majority of public opinion. The EU requested the modification of the government decision 1555/2002 (this was published in the Official Bulletin of Romania and named the institutions which were responsible for the structural coordination and execution of financing the communities).¹⁷ Of those institutions of authority, the Ministry of Development and Prognosis has ceased to exist (its predecessor the National Agency of Regional Development has also been also discontinued), and it is this instability what the EU does not welcome. The duties of the Ministry of Development and Prognosis concerning regional development was taken over by the Ministry of European Integration on the basis of the emergency government decree 64 of 2003.¹⁸ The new regional development law defined the Ministry of European Integration as a competent central authority. The government decree 1555. had been abrogated and competent central authorities dealing with European funds were clearly defined, and the 2004 country report acknowledged the new system.¹⁹ Among other things one of the results was that the chapter of joining negotiations could be closed in 2004.

It is a another issue that the recent frameworks of regional development are also problematic. One of these on the agenda is the modification of the division of developmental regions.

3. Territorial Description of the Developmental Regions

During the period when 151 Law of 1998 was in effect it frequently declared that the legal frame provides good opportunity to the alteration of the present 8 developmental regions since the law was founded on the principle of free partnership: it is up to the county councils to decide whether to belong to a given developmental region with the consent of the involved local councils.²⁰ The problematic issue is the legal value of the local councils' consent (in Romanian: "acord"): will the whole process be in danger if just one of the local councils disagrees with joining the region? Or does it just project the

¹⁷ România Hivatalos Közlönye, 2003/70.

¹⁸ România Hivatalos Közlönye, 2003/464.

¹⁹ 2004/497 Government decree, modified by: 2004/1179. Government decree

²⁰ Article 4 Law 151 of 1998.

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possibility that the opposing local council will be excluded from the financial support arriving via programmes of regional development?²¹ Consent is treated as a compulsory category by administrative law. The question is unclarified which can cause problems in the possible redistribution of developmental regions.

The legal value of governmental report²² (in Romanian: "aviz"), which was necessary for the functioning of the region, was unclarified too: expressing opinion can have three different meanings in administrative law: a/ it is not obligatory to ask for it, b/ it is obligatory to ask for it, but its content is just a recommendation which can be ignored; c/ it is obligatory to ask for it and its content must be taken into consideration. Changing the regions brought up legal problems beside the general political ones. The unclear legal background exposed the issue of the modifications of regions to political will and it is not as simple as sometimes it was claimed.

Under the effect of Act 315. of 2004 the problem has completely changed. Following a minor incident the new law lists the recent developmental regions with the counties belonging to them in its own text. The incident refers to the case that this list was missing from the version published in the Official Bulletin of Romania and it was published in a later issue of the bulletin²³ as a correction. The outcome remains the same: the law lists the regions, thus increases the rigidity of the system. The territorial definition of the developmental regions cannot be modified any more by movements coming from below, only by the vote of the Parliament if a (political) majority can be obtained in support of the modification.

Similarly to numerous economic issues, fundamental legal and political problems of regional developments in Romania are still to be clarified. Political decisions, which sooner or later are accepted, can result in a variety of outcomes, e.g. the maintenance of the recent system, the altering of the borders of the developmental regions, the reorganisation of the developmental regions into territorial-administrative units (the latter supposes modification of the constitution) etc.

Decentralisation is a very important and painful decision: which competences of the central government will be delegated to regional level to make real regional economic developments? Because this means decisions over devel-

²¹ Government decree 634 of 1998 România Hivatalos Közlönye, paragraph (3) article 3 1998/379.

²² Article 5 Law 151 of 1998.

²³ The Law was published in the 2004/577 volume of Official Bulletin of Romania on 29th June 2004, the correction was issued in vol. 615 on 7th July.

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opment at regional level and this only makes sense to talk about regional development. This is even more difficult than the decentralisation of local self-governments, because this necessitates to overcome and abandon the doctrine of the unitary state. If this decision has to be made in the case of the developmental region of Szeklerland the problem will get even more complex. The situation is bad but not hopeless.



Minority Culture

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*Béla Pomogáts***Volumes of Fidelity****Hungarian Literature in the West about
the Hungarian Revolution**

A few months after the 1956 Hungarian Revolution had been repressed László Cs. Szabó bowed his head to the Budapest writers who had joined the popular insurrection: "The Hungarian writers set off to kill the dragon in the citadel of powers with legendary bravery in their hearts. They look upon all the duties of the country in return for the naive, moving and limitless trust by which the lesser and the greater of the country turned to them in the times of unbearable poverty and oppression. In October 1956 they acted according to the 1848 tradition and their role larger than life can be surprising only to the Anglo-Saxon eye while in Hungarian people's view they were doing their duty."

When the Hungarian writer committed these words to paper as part of his historical summary in "splendid isolation" (to use the English phrase) in his London workshop, it was already the summer of 1957 and everything was silent in Hungary. Prime Minister Imre Nagy and his political comrades were waiting the turn of their fate at a hidden resort in Romania used as prison; while Tibor Déry, Gyula Háy and numerous other Budapest writers were suffering interrogations in the house of detention in Fő Street, and thousands were arrested, many hanged. The country was listening paralysed to the noise of the police cars at night as the Kádár regime, already settled safely, detained all those, who voted for freedom by weapon, by confident action or by expressed opinion not quite a year earlier.

The Hungarian literature was also silent: anyone daring to speak was despised and outcast by writers who remained loyal to the nation. Double responsibility and duty fell on Hungarian writers living in the West during the times of national silence. First it was their duty to inform the public of the world, to report on what had happened in October and November 1956 and in the months and years of the painful retaliation afterwards. Secondly it also fell to them to preserve and keep as well as demonstrate the intellectual, moral and political heritage of the Hungarian Revolution to the whole world.

This double task had determined the mission of the literary emigration of earlier history too – after the defeat of the independence war of Ferenc Rákóczi II in 1711 and also following the fall of the freedom fight in 1849. In those times the "refugee literature" was far less moving since the memoirs of the Rákóczi himself, written in French and Latin, and the letters of Kelemen Mikes hidden for a long time, had little chance to have an impact on the public opinion at home

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or abroad. After 1849 mainly the politicians and soldiers, Lajos Kossuth, Bertalan Szemere, László Teleki, György Klapka, were preserving the spirit of the freedom fight in their emigration, while at home writers – János Arany, Mór Jókai, Zsigmond Kemény, János Vajda – represented ideas of 1848 sometimes reservedly, sometimes avowedly.

After the repression of the 1956 Revolution a sixth 'reed' of the Hungarian literature could be heard added to the 'five reeded Pan's pipe', which symbolises Hungarian literature according to Gyula Illyés. It was the voice of those fled earlier from tyranny like Sándor Márai, László Cs. Szabó, Lajos Zilahy, Imre Kovács, Zoltán Szabó, Gyula Borbándi and partly by those who were seeking a new home in Western Europe and overseas after the fall of the revolution. They were even more numerous: György Faludy, Pál Ignolus, Tibor Méray, Tamás Aczél, Győző Halár and a whole generation of young writers: József Bakucz, György Vitéz, György Ferdinandy, Géza Thinsz, Vince Sulyok, Imre Máté, Endre Karátson, Pál Nagy, Tibor Papp, Alpár Bujdosó and many more.

1956 and the Emigration

Of the literary and other publications, the countless commemorations of '56 which celebrated the unexpected miracle of history and expressed the sorrow over its repression (which flooded the Hungarian newspapers and periodicals in the West at the turn of 1956-57), I have opened the November-December 1956 issue (published in January 1957) of the Munich periodical *Látóhatár* [Horizon], so as to document how the western Hungarian literary and public life interpreted and commented the events in Hungary. This volume was delivered to the reader tied with a red-white-green ribbon – warning the Hungarians living in the Western world that the events of the homeland can only be compared to the ones of the revolution and fight for freedom of 1848-1849. Similarly to '48, October 1956 also reconstituted national identity and the national spirit.

As the editors wrote, the periodical was ready for printing by the second half of October when the word of the demonstration of university students of the 23rd of October and the outburst of the revolution arrived to Munich. The contents were changed in a hurry to turn the volume into a memorial issue for the revolution, and thus became the document of welcoming of this immense historical move as well as that of mourning the repression of the revolution. The publication began with the leading article titled '23rd October' written by Imre Vámos, the editor of the magazine: "historiographers believe that the brightest days of Hungarian history are the ones when fight against external oppressors was linked to the struggle for the internal, social liberation. If we keep this in mind this October fits well the series of our freedom fights. All that happened in

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the past few weeks in our homeland was a revolution and a fight for freedom. It is a revolution for social rights, reforms and for justice – as well as a fight for freedom, a struggle for independence against the occupying Russian empire.”

It was already after the fall of the freedom fight when the editor summarised the historical event but the rearguard actions were at their height – the strike movement of the Budapest Workers' Council and the demonstrations of the youth organisations (e.g. the Mefesz). “The Hungarian workers' fight against the oppressors – he recorded –, who outnumber them and are superior in power, is still going on to this day. Violence and privation is being used to break the will but the dynamic force of them renews itself day by day. These workers have achieved the unique historical thing – as was highlighted by Ignazio Silone so aptly –, that after a repressed revolution they could organise a nation-wide strike. They have earned the right to shape the country according to their wish and have paid by blood, by famine and misery for it”. This quotation reminds us today that the character and importance of the Hungarian Revolution carried “left-wing” values in historical and ideological sense or more precisely, it was “left-wing” in proclaiming social equality and justice but as an enforcer of national independence and identity it was the carrier of “right-wing” values. This is to be emphasised because in the past decade the “left-wing” character of 1956 seems to fade in the light of recent political interpretations. This leftish tendency was documented by Gyula Borbándi in his excellent study: *Forradalom vagy ellenforradalom* [Revolution or Counter revolution] in which he summarised all the demands and programmes of 1956 and finally drawing the ideological and political balance of 1956 came to the conclusion that the strategic idea of the “great popular and national struggle” was “finally creating a free, independent, neutral Hungary which is democratic in its public life, and is socialist in its economic and social structure – and was determined by intention to achieve these.

This “middle-of-the-road” characterization of the Hungarian Revolution or more precisely the ideological and political intentions of the revolution as well as the heritage (as announced by László Németh too) and its importance in the history of the world determines its significance according to the authors of *Látóhatár*. István Borsody, the excellent historian and political scientist, surveyed this issue in his study: *A magyar forradalom és a nagyhatalmak politikája* [The Hungarian Revolution and the Policy of the Major Powers]. “The people of Hungary have written their name in the history book of the world by the October Revolution of 1956 more lastingly than by any other action in their modern history.” This significance is emphasised by documents like Albert Camus's: ‘My Demand towards the United Nations’ Organisations’ or Salvador de Madariaga's: ‘Suez and Hungary’. The first calls for the UNO (unsuccessfully as we know) to stand for and protect the Hungarian people suffering Soviet

aggression, while the latter avowedly expresses the (well-established) suspicion that the British and French armies took this opportunity of internal crisis of the Soviet empire, caused by the Hungarian Revolution, to attack Egypt. The importance of the Hungarian Revolution is also supported by documents of protests on behalf of prominent western writers and member organisations of the International Pen Club.

The 1956 issue of *Látóhatár* still offers interesting and informative reading materials; there are other exciting writings in *Látóhatár* (Horizon), *Új Látóhatár* (New Horizon) and *Irodalmi Újság* (Literature Magazine) presenting the international (foreign language) literature on the Hungarian Revolution. These are works in German and English language as *Ungarn zehn Jahre danach 1956-1966*, edited by Werner Frauendienst, Paul E. Zinner's *Revolution in Hungary*, George Urban's *The Nineteen Days*, Leslie B. Bain's *The Reluctant Satellites*, Hannah Arendt's *Die Ungarische Revolution und der totalitäre Imperialismus* among others, also by Hungarian authors (Tamás Aczél, Tibor Méray, Gyula Borbándi, József Molnár, József Kővágó, Miklós Molnár, Sándor Szilassy). The latter works were published both in Hungarian and in foreign languages. When listing the authors publishing most frequently scholarly and journalistic literature dealing with the 1956 Revolution, we have to mention Gyula Borbándi, István Borsody, Zoltán Garamvölgyi, Péter Gosztonyi, József Molnár and Imre Vámos. It would have been fairly useful if both the books written in foreign languages, and the analyses by Hungarian authors (together with the 1956 issue of *Látóhatár*!) could have been made available for the Hungarian readers, even now mostly uninformed about the history of 1956, at least at the 50th anniversary.

The Revolution in the Hungarian Literature of the West

After the repression of the Revolution Hungarian literature in Hungary was sentenced to silence about the historical event: it was almost forced into "internal emigration". The last document that argued for the rightfulness of the Revolution was made public at the general assembly of the Association of Hungarian Writers on the 28th December 1956; it was the approved statement composed by Áron Tamási with the title 'Gond és Hitvallás' [Trouble and Creed]. This statement was approved by the vast majority of the assembly and a few days later the Kádár-authority prohibited the operation of the association and the memorandum of Áron Tamási could only be read in type-script and become public by the Hungarian broadcasting in the West. For long years to come the Hungarian Revolution was aspersed and called a "counter revolution" or even a "fascist" attempt to grab power; writers like György Bölöni (former friend of Ady), András Berkesi, Imre Dobozy (later Chairman of the Association of Writers), László

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Erdős and Lajos Mesterházi (who do not deserve sparing their names) were involved. The Hungarian readers did not accept their books with sympathy (although some of Berkesi's poorly written political pulp-fictions were fairly popular!) and were rejected by the intellectual public opinion.

It was left to the literature of the emigration to provide an honest picture of the autumn of 1956. Therefore it was natural, that this literature considered it one of its major tasks to preserve, maintain and serve the heritage of the Revolution as well as to correct and disaffirm all the disinformation and lies which could be read in publications in Hungary. As a consequence attention drawing personal attestations were published expressing the authors' emotions both in the Hungarian poetry and prose of the West. Let's see poetry first. Poems of Ágnes Mária Csiki, who lives in Germany, and the American Lajos Kannás as well as the poems of Imre Máté, who fled after the defeat, were written in the fever of the historical days. Dating on 25th October 1956, the poem of Ágnes Mária Csiki with the title *But the City Is on Fire at Home* was written when news of the brutality of the in-marching Soviet troops, the police force and news of hopeless fights came: "The city is on fire at home, / - a drop is spreading on my coat, / - grenade is screaming, death overhead, / - greets me from far, the milkman is that, / - the museum yard where I used to play, / - is trembling with fear in the world of flames, / - the news-boy is shouting by the edge of pavement, / - passers-by hurry with umbrellas in hand".

The subject of the five part poem of Lajos Kannás, the 'Kormos kövek' (Smutty Stones) is also the mourning of the bloodstained days: "Tiny foot-prints were running in the snow, / like ribbon in the wind flying or float, / its slight glint, each step shone. / But beyond sight / over the corner of square it stopped. / On a bullet-dotted wall / grumous blood you saw. / A life, that's all. / Foot-prints did not run on."²⁹

Imre Máté, who had fought on the barricades in Budapest not long before, wrote about the pain of fleeing and the tragic motives of the individual decision in his poem *Meneküléskor* [When Fleeing]: "I commend thee my homeland to the God of my heart! / I fear the tin-coloured days of the Siberian mines, / I also fear the rainbow-colours of Siberian nights / behind me like huge lightning-bugs / towns are on fire, becoming ashes and dust."³⁰

¹ „odahaza ég a város, / - a kabátomra csepp terül - / gránát sikolt, halál kering fönt, / - a tejes köszönt messziről - / a Múzeum kert, ahol játsztam, / lángok világában remeg, / - az utca szélén rikkancs ordít, / sietnek ernyős emberek.”

² „A hóban apró lábnyomok szaladtak, / s mint szálldosó szalagnak / lágy villanása, minden lépés fénylett. / De túl a térnek / kiégett sarkán megtorpant a nyom. / A golyóverte falon / megalvadtt vér sötétlett. / Csak ennyi volt egy élet. / S a hóban nem szaladt tovább a nyom.”

³ „Szívem Istenének ajánlak hazám! / A Szibériai bányák ónszínű nappalaitól félek, / és félek a szibériai éj szivárvány színeitől is / most mögöttem óriás szentjánosbogarak, a fölgyújtott városok égnek.”

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Numerous poems of remembrance and mourning were penned by Hungarian writers in the West throughout the later periods such as Sándor András, Ferenc Fáy, György Gömöri, Győző Határ, Elemér Horváth, Tamás Kabdebó, László Kemenes Géfin, Áron Kibédi Varga, Gábor Kocsis, Ádám Makkai. A general overview of all poetic works would require a series lengthy monographs or full anthologies (I myself also published a n anthology with the title 'Ezerkilencszázötvenhat, te csillag' [1956, You a Star]). This time I would like to recommend three great poems to the attention of the reader: the poems of Sándor Márai, György Faludy, István Sziklós each of them erecting a lasting memorial to the Revolution of 1956.

Sándor Márai is at the top of the lists in Hungary owing to his novels and diary notes written in emigration (and is still one of the most popular writers) though he created lasting values as poet as well, one of the most beautiful and painful remembrances of the Hungarian lyricism between 1948 and 1956 was also his work: Funeral Oration, which dealt with the tragedy of exile and was written in Naples. At Christmas 1956 another lyric confession was also written, reaching classical values and heights: Angel from Heaven, which presents the tragedy of the people to the international public. Besides projecting the tragedy of the people whose revolution was repressed and was robbed of freedom again, he also gives voice of the historic hope derived from sacrificed.

Angel, you tell about the wonder.

Tell about it, because it's a miracle:

A tortured nation's Christmas-tree

In the Silent Night it was lit

Sign of the cross is made by many

People of the world just watch and watch

One understands, the other does not

Wagging heads say it's too much for many

They say their prayer and shudder

What's hanging on the tree is not candy

But Christ of nations: Hungary.

Aren't told any words of charge or defy

Just keeps watching down from the cross like Christ

For a Christmas strange this tree is

Brought by an angel or the devil

By whom on his gown the dice is thrown

Of their actions they don't know

Just smell, suspect, presume

Secret of this night they do

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Strange a Christmas this is
Hungarian nation's hanging on trees.

Angel, do take the message of Gods
New life always is born from blood
A few times they all have met –
The child, the donkey and herd
In bedding of animals by the crib
When life gave birth life to live
The wonder is being guarded
By their breath that is guarding
Because stars are lit and dawn is broken
Tell them about it
Angel from Heaven⁴.

The other great poem by György Faludy: 1956, You Star was written on the thirtieth anniversary of the revolution in October 1986 (evocating memories of Petőfi and 1848). The poet - who suffered in the Recsk forced labour camp during the Rákosi era and fled to the New World after the repression of the revolution – makes a commitment and swears loyalty to the ideas, events and martyrs of the freedom fight:

Fifty-six is not a memory
Not my past or history
Part of me inoperably
You've come with me

* Angyal, te beszélj a csodáról.
Mondd el, mert ez világ csodája:
Egy szegény nép karácsonyfája-
A Csendes Éjben égni kezdett -
És sokan vetnek most keresztet
Földrészek népe nézi, nézi,
Egyik érli, másik nem érli.
Fejük csóválják, sok ez, soknak.
Imádkoznak vagy iszonyodnak,
Mert más lóg a fán, nem cukorkák:
Népek Krisztusa, Magyarország.

Mert Ő sem szól már, nem is vádol,
Néz, mint Krisztus a keresztlárol
Különös ez a karácsonyfa, Ördög hozta,
vagy Angyal hozta -
Kik köntösére kockát vetnek,

Nem tudjak, mit cselekesznek,
Csak orronlják, nyílnak, gyanílják
Ennek az éjszakának litkát,
Mert ez nagyon furcsa karácsony:
A magyar nép lóg most a lákon.

Angyal, vidd meg a hírt az égből,
Mindig új élet lesz a vérből.
Találkoztak ők már néhányszor
- a gyermek, a számár, a pásztor -
Az alomban, a jászol mellett,
Ha az Élet elevenl ellett,
A Csodát most is ők vigyázzák,
Leheletükkel állnak sirázsát,
Mert Csillag ég, hasad a hajnal,
Mondd meg nekik -
mennyből az angyal.

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To universe of no mercy
 Flood of nothing running underneath
 There is no handrail on my bridge
 You gave sense to my life and dreams
 At night and passion for misery
 Joy you gave and held my hand
 When I stumbled, lifted in the air
 You didn't let me grow old, breathless
 1956, You star
 With you misery was an easy path
 You've been shining on my white hair for so long
 Go on shining over my tombstone⁵.

Finally the third poet and poem to be cited is István Siklós who got into England quite young and worked as an editor of the Hungarian radio broadcast of London. He revealed his talent in emigration; his longer work Before the Forest of Silence he includes a quotation of Prime Minister Imre Nagy by documentary fidelity when evoking the tragic events of Hungarian history with poetic surrealism:

⁵ Ezerkilencszázötvenhat, sem emlék,
 sem múltam nem vagy, sem történelem,
 de lényem egy kioperálhatatlan
 darabja, testrészt, ki jöttél velem
 az irgalmatlan mindenségbe, hol a
 Semmi vize zubog a híd alatt,
 melynek nincs korlátja: - életemnek
 te adtál értelmet, vad álmokat
 éjjelre és kedvet a szenvedéshez
 meg örömet; mindig te fogtál kézen
 ha bolladoztam, magasra emellél
 s nem engedted, hogy kifulladás vénen,
 ezerkilencszázötvenhat, te csillag,
 a nehéz út oly könnyű volt veled!
 Oly réges-régen súlsz fehér hajamra,
 ragyogj sokáig még sírom felett.

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"the Hungarian National Government and the Hungarian people,
pervaded by historic responsibility,
declare the neutrality of the Hungarian People's Republic
expressing the one and undivided will
of the millions of Hungarian people.
A century long dream of the Hungarian people
comes true with that,
and the cause of independence and freedom
is one by the revolution fight,
fought by the heroes of past and present"

The Hungarian prose writers living in emigration were also striving to perpetuate the real story of the 56 events as opposed to the "official" distortions and lies in the literature at home. This narrative literature presented the events sometimes with documentary credibility or with the objectivity of historiographers letting through the expression of the narrator's commitment, his emotions, passions and nostalgia. There are some really excellent books which conjure up the history of the Hungarian revolution and events of freedom fight as well as the fate of young workers and intellectuals taking part in them. I mean novels and personal documents like Tamás Kabdebó Minden idők [All Times], Miklós Domahidy Tizenhat zár [Sixteen Locks] and Tibor Dénes Budapest nincs többé Budapesten [Budapest is not Anymore in Budapest], and narratives like Tamás Aczél Egy villa története [History of a Villa], Mátyás Sárközi Menekülő [Fleeing], László Ladányi Novemberi misztérium [November Mystery], Béla Szász [Vincet Savarins] Az első halott [The First Dead] and György Ferdinandy Mágneses erővonalak [Lines of Magnetic Power] on 1956.

* „a magyar nemzeti kormány a magyar nép
És a történelem előtti mély
felelősségérzettől áthatva, a magyar
nép millióinak osztatlan akaratát
kifejezve kinyilvánítja a magyar
népköztársaság semlegességét.
a magyar nép évszázados álma
valósul meg ezzel, a forradalmi
harc, melyet a magyar múlt és
jelen hősei vívtak, végre
győzelemre vitte a szabadság,
a függetlenség ügyét."

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One of the greatest literary enterprises providing an image of the Hungarian revolution is the novel trilogy *Danubius, Danubia* by Tamás Kabdebó who fled to England, worked as a librarian in Italy and in the South-American tropical area and finally settled down in Ireland. This excellent epic work tells the story of the alter ego of the writer with the events of 56 at the centre. First they are historic events of the author's personal experience, later memories determining the way of thinking, personal development and views of the hero. The novel is a book of memories and nostalgia both surrounding the described reality with the shadow of emotions modifying and "gilding" it. The events eternalised in the epics have gained two aspects of meaningful human and historical reality. The first is the reflection of the greatest human and historical experience of youth. The second is a portrayal of the young Hungarian fleeing into a foreign world after the repression of the revolution, his fate, intellectual orientation, general spiritual conditions. Tamás Kabdebó's novel is true to the spirit of the greatest event of 20th century Hungarian history, evoking the historic and moral greatness of the revolution so tragically lost.

As Literary Studies See It

There is a fairly extensive (and valuable), scholarly and journalistic literature of the Hungarian revolution in the western world, volumes of historic and political-scientific works. Owing to this hundred odd works the history of the 1956 Hungarian revolution could not be considered "an unexplored period" even before the 1989 regime change. A number of these volumes, enough to fill a small library, was re-issued at home too after the regime change. These books did not only have an apologetic role, simply refuting lies spread by the official Hungarian party propaganda (e.g. in the works of i.e. János Berecz or János Molnár or the pseudo-historian Ervin Hollós, who was one of the leaders of the political police) distributed in huge number of copies. Comparing the propaganda publications (self-justification attempts of the Kádár regime) produced at home with Hungarian literature written in the west drives us to the recognition how powerful and convincing the presentation of reality can be as opposed to distortions and libels; that fidelity is a must for every one dealing with historiography in the interpretation of historical events.

The first impressive result of credible presentation of history was the collection *'Tanulmányok a magyar forradalomról'* [Studies on the Hungarian Revolution] edited by Gyula Borbándi and József Molnár in 1966 (published for the 10th anniversary of the Hungarian Revolution). In their preface the editors summarise and set the aim of their work "the publisher has made a selection from studies, essays and articles which in their opinion provide an accurate

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analysis of some aspects or reflections of events during the revolution. It was impossible to pursue completeness, it would have exceeded the resources of the publisher. The collection is not complete since it cannot include every work worth recording but it also is not complete because it is not covering every topic related to the revolution. Part of the studies and articles were written shortly after the revolution in the years following it. But several studies and publications are new and have been published for the first time." The volume contains altogether eighteen studies; Péter Gosztonyi's work about the role of the Security Authority and the Hungarian Army, Péter Kende about the discussions in the editorial office of Szabad Nép [Free People], Gyula Borbándi about the role of Imre Nagy in the Revolution, Zoltán Szabó about István Bibó, Vilmos Juhász about the demands of the Revolution, László Cs Szabó about the writers' activity in the revolution and finally Imre Kovács about the decade after the repression of the Revolution. This lengthy volume of essays is one of the most authentic works about 1956's events and aspirations.

The most popular works of the western Hungarian emigration are the biography of Imre Nagy by Tibor Méray and the report by Tamás Aczél and Tibor Méray on the events of the process leading to the Revolution. The author started writing 'The Life and Death of Imre Nagy' [Nagy Imre élete és halála] in the summer of 1957, when the Prime Minister – who died as a martyr shortly afterwards – was still alive and there was still hope that fate could be avoided. The political murder, ordered by the law court, made the volume a historical work, which had to research and present truth. "I have planned my book a documentary work – wrote Méray in the foreword-.I have not aspired for vividness but for truth. When making statements I have relied on available factual materials and applied logical and psychological implications only as a last resort in a very careful way. My work or any other attempt of historical research concerning this era is made extremely difficult by the fact that part of the most important facts is unknown. Party minutes from Moscow, records of Political Committee meetings, Khrushchev's, Rákosi's, Kádár's and others' personal evidences would be needed to establish a credible image. A better period may come handy when everything that is "classified" now becomes public, deterrent and edifying for a happier, freer humanity." This era has come and we have a biography of Imre Nagy by János Rainer M. which is more detailed and more thorough than any previous ones. This does not concern the authenticity, credibility and truthfulness of Méray's work.

The other – we can say – fundamental work is Tisztító Vihar [Purgatorial Storm], a report by Tamás Aczél and Tibor Méray, which presents processes of opposition and then that of the revolution taking developing within the communist party itself, in the literary life and in newsrooms based on documents and

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personal memories. In deed it presents events preceeding the Revolution: the "riot" of the staff of Szabad Nép, the story of the internal debates of the Writer's Association: the so called Memorandum-case, in which writers, artists and journalists (from Tibor Déry to Imre Sarkady and from the actor Miklós Gábor to the filmdirector Zoltán Fábri) turned against the Rákosi-leadership as one, in spite of being communists and loyal to the party. The two authors introduce the sequence of historical events leading to 23rd October with the credibility of personal experience.

There are several interesting and worthy books that could and ought to be introduced or mentioned here from the works of Western Hungarian scholarly workshops but I do not have the space and means to do so. Nevertheless there are four more books to be mentioned here. The first one is Péter Gosztonyi's: 1956 – A magyar forradalom története [1956 The History of the Hungarian Revolution] which studies the military history of the 1956 events, similarly to other military history works of the author. He refers to Tibor Déry who called attention to the role of the young people in 1956, comparing their courage and heroism to those of the 1848 youth. "They – who were raised by the post-1945 system - formed the core of revolutionary forces taking up arms following the writers', poets', publicists' intellectual preparatory efforts for freedom. Both as civilians and as regular army the organized workers, the new intellectuals coming from the people joined them, while the peasants proved their commitment and solidarity towards the insurgents in countless instances. The book is about their fight, about the whole Hungarian nation; heroes of the freedom fight regardless of their creed or political preferences."

The second book is the publication of the Hungarian Society of Literature and Fine Arts in Switzerland (Svájci Magyar Irodalmi és Képzőművészeti Kör) called '1956 A befejezetlen forradalom' [1956 The Incomplete Revolution] containing papers of the 1981 conference in Lugano. I would like to call attention to A magyar október központi helye a kelet-európai forradalmi mozgalmakban [Significance of the Hungarian October among the Eastern-European Revolution Efforts] by László Révész, in which the author calls attention to the general historic importance of the Hungarian Revolution and Freedom Fight in world-history and lists the anti-totalitarian movements of the region; 1953 East-Berlin, June 1956 in Poznan, October 1956 in Hungary, movements of university students in March and autumn 1968 in Poland and of workers and intellectuals in 1968 in Czechoslovakia.

The third on the list is Magyar Füzetek [Hungarian Notes] edited by Péter Kende and published in 1970s and the 1980s. The double volume 9.-10. with the title 1956, was published in 1981, to the 25th anniversary of the revolution. Studies of the issue intended to give a proper setting of the revolution, to cor-

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rect the misinterpretations, based on lies and forging history by which the official Budapest propaganda attempted to enforce its views on the public, especially on the youth. The editors emphasized: "Those in power are also well aware that the greatest political action of contemporary Hungarians was 1956, that is why they have kept varying twisting the truth, trying to monopolize history and the conspiracy of silence for 25 years. Their primary aim is to keep it as a secret or even try to make the public forget the fact, that contemporary Hungary is an illegitimate descendant of 1956. Therefore open talk is banned. Not for responsibility, the days of reckoning are over after 25 years both legally and humanly. But open speech would inevitably bring up the issue of legal continuity." Correctness and direct speech were the main motives of the studies by Tibor Méray about Imre Nagy, Béla Király about the "war" between the Hungarian and the Soviet army, Miklós Molnár about the background events of the Soviet intervention, Ferenc Donáth about the comparison of 1945 and 1956 and Ferenc Fejtő about the "innocence" and "necessity" of the revolution. Illustrious foreign authors like G.H.N. Seton-Watson, Raymond Aran, Claude Lefort, Hanna Arendt, Bill Lomax, and Paul Goma also made their contribution to the small volume. There is also a rich and useful bibliography of the international literature of the Hungarian Revolution published by Bill Lomax.

Finally the fourth of the most representative publications on the era is related to the European Protestant Hungarian Free University which published a collection of studies with the title: 'Harminc év 1956-1986' [Thirty Years 1956-1986] on the 30th anniversary of the Hungarian revolution. This contained studies by Miklós Molnár, Péter Kende, István Kemény, Zoltán Kovács K., Pál Harmat, Bálint Balla, Tibor Hanák, Péter Gosztonyi, Magda Kerényi, János Gergely, Imre András, Gyula Bárczay, Károly András, Elemér Illyés, László Juhász, Andor Kovács, Árpád Szöllősy, Gellért Békés, Judit Szász and Zsolt K. Lengyel dealing mostly with aftermath of the revolution, the post 1956 historical situation of Hungarian culture and the efforts of minorities. In the preface of the volume Gyula Bárczay, a Calvinistic priest in Basel, evokes the moving experiences of 23rd October 1956: "What have we got left after thirty years? There is no answer to this question. It can be well presumed that the experience of a nation with a common will revive among Hungarians living at various points of the compass at least for a few hours in remembrance. Not everyone will commemorate the revolution. The ones who look back from a distance of thirty years on this day will commemorate the time of national unanimity for the others too; for those who adapted to the present in Hungary to such an extent that they have forgotten the dreams of the past. Or for those who exclusively seek their own individual welfare; or for those who live in the neighbouring countries and are weary of or broken under minority life; for those who deliberately renounced

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being Hungarian in the west or for those whose national feeling have been lost, blunted or faded because of being unable to bear the weight and sight of the foreign environment."

The trace our 1956 revolution has left in the western Hungarian literature, scholarship, publishing and memoirs would require a real scholarly summary or better a monumental anthology. The celebration is suitable at least to throw light at some parts of this picture: the reflection of the Hungarian revolution and freedom fight in western Hungarian writings is there for the nation to look at and to recognise is own true self – the one that is not determined by economic prosperity or party policy interests but is a historic truth itself. It is that the descendants of the generations of 1956 can be proud of.

János Péntek

Independent Room for Manoeuvre and the Lack of It in Hungarian Education in Romania: the Situation of Teacher Training¹

Doubtless, even among doubts and perplexity the most important sphere of cultural autonomy is education, the complexity of education for any national community. The turn at the end of 1989 held out hopes in this respect too. A lot of things have changed, the teaching of native language gained ground in the institutions; independent Hungarian schools could manage relatively freely, they could shape and establish their relations; chances and opportunities for higher education improved by the extension of its ranges. However, centralised organisation and majority supervision as well as dependence still remained in the educational system; remained the lack of an independent state university at the level of higher education; Hungarian school classes were functioning as specialised sections and were pushed into the background and withered; remained the restrictive and discriminative character of the legal regulation and the unprotectedness of pedagogues. It became obvious that leaders of Hungarian education and most institutions are unable to make use of the existing opportunities or the room of manoeuvre granted. There are even examples that independence of liberty without self-regulation provided opportunities for infringement. The study examines one segment of this extensive issue: teacher training. We focus on it because it is a component of key-importance since it is part of higher education, it determines the operation and the standards of primary and secondary education and through the young people who leave these schools it has an impact on the quality of higher education itself.

1. So far colleges and secondary school institutions have dealt with teacher training. Colleges were organised by some universities and the centre for Hungarian language teacher training was the University of Kolozsvár. Teacher training has not had its own institutions in the past 25 years; education is conducted in university departments in a "multi-channel" system. Since 1990 students can decide themselves whether they take part in the teacher education programme in addition to the basic professional training.² The institutional basis

¹ The study is a partially re-elaborated chapter of greater work which was made by the support of Arany János Közalapítvány in 2005.

² Education system as a whole is being reformed complying with the recommended European system since 2005. Status of college faculty of teacher training has been clarified yet.

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for Hungarian teacher training was also the University of Kolozsvár. This implies that autonomy for teacher education and training is not granted at an institutional level. In respect of the programmes it is even less so.

It's a fundamental question in the university system how scientific education and teacher training are related to one another. No doubt, there are exclusively scientific requirements, criteria and professional aims, which are to be handled separately according to the special fields; and there are the interests of the community which determine the future of the community. Education is primarily such, and so is teacher training. The aim is to raise the level of school education and make knowledge general among the members of Hungarian minority. The university has already made its choice: it focuses on science. The already existing system of institutions, professional background institutions, international relations and supports primarily serve scientific education. The significance of the University of Kolozsvár will increase in this respect since the Hungarian language institutions, which have been functioning since 1990 can count only on this university as a basis for post-graduate education.

These can have hindrances in regulation. For example that education in the native language will only be supported at primary and secondary level and financing is already one of these hindrances. Choice of subject and career can also contrary to quality: the first is significantly influenced by fashion not by values or perspectives; while the latter is influenced by wages, the expectable income. Owing to the plenty and diverse temptations graduates of foreign languages or informatics take up a teacher's career only in exceptional cases or as a last chance for survival.

Teacher training is important because this part is the segment where education reproduces itself. In an ideal case it generates improvement spirally; or the reproduction is linear; or in the reproduction process primary education spoils the secondary one which in turn spoils higher education which than spoils general education. It embodies the fact that education is a consistent system: universities can see the candidates' and the students' blank spots and shortcomings of knowledge who were taught by teachers that had been educated and trained in higher education. This is a self-generating process: high or low standards on one side generate similar ones on the other. This is why it would be important that education in the Hungarian language would have a relatively independent system of its own.

Earlier it was common that teacher training had its own institutions; raised level secondary schools for primary school teachers, teacher training colleges for secondary school teachers, and certain subjects at universities e.g. mathematics, history, philology etc. also counted as teacher training subjects. Teacher

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training was conducted parallelly with professional education in a multi-channel system and was compulsory.

In the '70s the forms of education were homogenised together with other spheres of social life of the country: formally the three year teacher training was elevated in rank by being extended to four years, while university education lost some of its prestige by being shortened from five to four years. Homogenisation proved to have a harmful effect on quality in this case. Former institutions of post-graduate training, which were the professional background institutions of primary and secondary education, were discontinued. Ever since they have been missing from Hungarian public education. The tight frame in which Hungarian-language higher education and teacher training were struggling in the '80s, the strict selection itself was able to assure high standards, although as is well known, humiliating coercion was a determining factor in that regime: the coercion of appointment which sent many hundreds of young Hungarian teachers into Romanian education over the Carpathians and several thousand Romanian teachers into Hungarian public education. The career had two characteristics: being self-like bound to soil and the coercion of being appointed. By the end of 1989 coercions and obligations ceased to exist. But as it turned out freedom was continuously misused. Freedom was not balanced by self-regulating responsibility, and this can serve as a warning example for autonomy. Formerly being bound to soil had a natural counter effect: extensive mobility. Those who could had chosen early retirement, others returned to Transylvania, from the villages into the towns to town schools; the Romanians could leave Szeklerland and return back to their own native land. Many of them had already emigrated and there was an other wave of emigration to Hungary and further parts of the world. This excessive mobility resulted in a lack of teachers from which Hungarian public education has not yet recovered. In the academic year 1990/1991 45.7% of kindergarten teachers did not have a relevant qualification, 31% of the primary school teachers, 28.9% of ground school teachers and 13.9% of secondary school teachers.³ Totals for 2002/2003 are available only for primary and secondary school teachers, which still shows 18.3% of unqualified teachers.⁴ This hardly shows any improvement compared to the situation 12 years before. The same applies at lower levels of education and if the negative results of non-selective and accelerated education are added, failures at the important examinations and the poor performance of the students are not surprising at all.

³ Murvai 2000 32, 34, 37, p. 41.

⁴ Murvai 2004, p. 5.

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As a quick remedy for the shortage of teachers, continuous and limitless opportunities to appoint untrained and unqualified teachers have opened up without any self-restriction. The quick employment of masses of untrained teachers naturally did not have a positive impact on quality. Neither did the mistaken ideology – the dangers of which could be perceived already by June 1990 – according to which it was not important for a teacher to be well-educated both linguistically and professionally and to be fit for the career but preferably to be a member of the local community, young Hungarians loyal to their own community. Loyalty can be a noble ideal but cannot be measured unlike professional competence and ability or the lack of it can be scrutinized as they have a direct impact on the students' future prospects. This approach resulted in the light-hearted handing out of degrees and teaching posts. It has been fifteen years since the process started but the system is still protecting the unqualified against those who have gained qualification in the meanwhile.

2. Euphemistically we could say that the period of transition has begun and is still going on but if we are realistic this is the period of increasing chaos in teacher training. As a counter effect to the former restrictions completely uncontrolled training programmes started in order to cover the enormous shortage of primary teachers: week-end courses at various locations, distant education under the control of educational institutions of Hungary and the acceptance of the degrees gained there; the result was more sets of teacher training institutions than necessary and which might not have the necessary conditions

In the second half of the '90s the education of primary school teachers was placed into the sphere of higher education, a process that should have taken place far earlier and could have been more advantageous. The possibilities were already set by the 84/1995 Education Law and its 1999 modification but the actual reorganisation of institutions started only by the 1998 ministerial decree.⁵ Colleges of this kind were already established in 1998 but those of Hungarian-language education only in 1999. (We would like to add that in the school year of 1998-1999 the rate of unqualified staff was still over 20% while in case of kindergarten teachers it was nearly 30%).⁶ During the next governmental period amid general restoration, in 2001 the ministry allowed secondary level teacher training to run parallelly with the one at higher level.⁷ Educational authority made the structure of education chaotic while it centralised the content of education by a compulsory central curriculum although a real reform could have been expected to bring changes in the opposite direction.

⁵ Murvai 2001. p. 161.

⁶ Murvai 2001. p. 165.

⁷ Murvai 2001. p. 167.

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This is when the University of Kolozsvár took teacher training, which had been functioning as college faculties, under its wings; neither the national regulation nor the university protectorate was satisfactory, the reorganisation did not help in the concentration of quality to replace the former dissipation. The system remained confused because primary-school-teacher training became integrated into a two-subject system: it was coupled with foreign language teacher training, and the main point: teacher training was lost. University protectorate would have made sense if it had assured quality and provided the conditions of accreditation. None of these functions were fulfilled: the colleges are still not accredited, majority of teaching posts are not filled and we are facing a new reorganisation in order to meet the requirements of Bologna expectations.

Hungarian teachers are being trained at least at ten institutions in seven towns. The University of Kolozsvár has a college faculty for kindergarten and primary-school teacher training at Marosvásárhely and Nagyenyed, at Szalmárnémeti, Kézdivásárhely, Székelyudvarhely and Kolozsvár it is coupled with the training for teachers of English. In addition the independent institution of the Reformed church, which educates teachers of religion and cantors, also trains teachers as well as the Romanian state university at Nagyvárad. (It is likely that the most college degrees of Hungarian teachers were issued by the Goldi Private University, which resides in Arad and teaches in Romanian, because this admitted, for high tuition fees, those students who could not finish their studies at Partium Christian University, which was refused accreditation.) These institutions most typically have few full-time teachers (they operate with part time educators), the number of students is small and the standard of education is poor. Although most professionals have agreed that primary-school teachers cannot and should not be trained in field-departments, remote or correspondence courses, the University of Kolozsvár and others still keep this practice. This anti-quality chaos is fed and increased by two factors: lust for money on behalf of the institutions and ambitions, interests of local groups. The consequence is obvious: instead of having two or three high standard institutions there are a dozen of weak ones with no perspective.*

The foundations of the Hungarian public education in Romania has become precarious in lower primary school classes because of incompetent un- or poorly qualified teachers who are unfit for a teaching career. There are major Szekler villages from where a great number of lower primary school pupils are taken to the nearest town (i.e. Udvarhely) to learn because the work of the local teacher is felt to be ineffective. Now there is an attempt as a counter balance – out of misinterpreted autonomy – by restricting the parents' right to choose schools.

* The official optimism of the ministry –not proved to be true - which was conceived by László Murvai managing director claimed: "Quality of education is going to improve in the kindergartens and in lower primary schools on every account." (Murvai 2001. 165)

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3. Teacher education started at the Partium Christian University and at Sapientia in the '90s. Perhaps it is too early to discuss their experiences or results.⁹ Not to mention the opinions which appeared when Sapientia started that by certain division of tasks Sapientia could have been the "university of sciences" while the Hungarian Department of Babe-Bolyai the teacher education centre. It is undoubted that the University of Kolozsvár remained the centre for Hungarian teacher education in Romania and its significance increased by the departments for training teachers of religion and primary school teachers as well.

The institution did everything to become a university of sciences, especially in outward appearances and also by marginalizing teacher training. The institutional attitude to this area became absolutely negative. There are countless texts which prove that in the hierarchic order of the university scientific education came first, teacher education is the second and primary school teacher training is the third. Reflections of this false hierarchy can be seen in financing and in filling the teaching posts. This can be stated in spite that education has restarted in the psychology department which is an important segment of teacher training; also the pedagogy department started with good hopes but after having been functioning for ten years, the staff number of the pedagogy department is less than it used to be in 1990. Although the teacher education teams of the Hungarian department had had the opportunity to become independent at departmental and institutional level it still has not been completed. The university adopted the attitude that is characteristic of the whole society towards teachers and teacher education: a teacher is paid little attention and respect (not mentioning salary) in a Szekler village, similarly teacher education is treated as a necessary evil at the university.

The options being provided structurally for teacher training are as follows: in independent or non-independent institutions; in accredited or in non-accredited state or church owned or in field-institutions; at secondary or higher level in a multi-channel or multi-stage system; in regular (day time), distance or correspondence education. Fluctuation has taken place in the past 15 years but these options are there at the same time and the vast majority of them can also be found within the framework of the University of Kolozsvár.

Parallel teacher education is no longer compulsory in any department. Under no measures can it be considered favourable that admittance has no conditions for being suitable, there is no selection at all and neither that there is only an 85-hour general pedagogic and school-psychology instruction in the multi-level structure.¹⁰ The recently initiated new system following the Bologna process

⁹ Until receiving final accreditation senior students of the Partium University and Sapientia sit for their final examinations at the University of Kolozsvár and where they also receive their degrees.

¹⁰ Birta Székely, Noémi 2005. p. 323.

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would have demanded that teacher education would be scheduled at the second level in the magisterial education after proper training and a capability test. Led by the false argument which characterizes the attitude to the situation and teaching career that "a senior student cannot teach after three years of learning?", the Romanian law left open a side channel for teacher education by dividing the obtainable credit points between the lower and the middle level of university education. This has nothing to improve standards.

The first and most important condition of high quality and effective teacher educations would be that universities should take it seriously. It would be essential to organise Hungarian teacher education and teacher training in an independent institute within the university (it would also belong to the minimum of autonomy).¹¹ Such an institute could only provide necessary personal and professional prerequisites. More than half of the teaching jobs in the Hungarian department of the university are not filled; the teams responsible for teacher training are in even worse situation. While constantly talking about improvement this "line" of the Hungarian academic life is on the decline: there is one full-time teacher of pedagogy (an assistant lecturer, since pedagogy as a subject also exists, a team of minimum ten members would be necessary); there are few lecturers in the psychology department too (most of them are external lecturers); the same applies to methodology; there is not enough money to organise pedagogy practises etc. Though further teacher education has got an accredited programme because there are no tutors it is hard to operate. This independent institute would provide jobs for young experts who could establish the professional background for Hungarian public education: they would elaborate on curricula, exam programmes and materials etc. everything that is prepared by occasionally assigned teachers as temporary jobs. (This is the reason behind the scandals of public education.)

4. It is a matter of common knowledge that the most significant components of teacher education is linguistic competence (in the language in which s/he is going to teach); professional and didactic competence; familiarity in psychological, psycho-pedagogic and even in special areas; general pedagogic competence both in theory and in practice combined with lots of practice already in the preparatory period which could be a test for the suitability of the candidate. Hardly anything has been realised of this or nothing is executed at the desired level and in the required quality. The latest curriculum, which is being elaborated, is also dominated by sterile pedagogical subjects.

Teacher education is required to follow the general socialisation aims of education: training, education and pedagogy. After the decades preceding 1990

¹¹ The present Teacher Education Institute is practically a department of the university with special status where Hungarian teacher education has no authority.

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when the aims of socialisation followed the dominant ideology, in the new situation there has been a constant source of tension, namely that the socialisation expectations of the state, the autonomous requirements of the Hungarian community, expectations and requirements of the young people as well as that of the parents are different. These differences sometimes prove to be unbridgeable.¹²

Returning to the previously mentioned components of teacher education: if we examine the linguistic component that a future educator (primary/secondary school teacher) should be especially competent in the language and in the professional registers of it in which s/he is going to teach, we will see that this requirement is not met at all. Though the "Hungarian line" of the university is operating, the linguistic requirements are not clarified either here or in the teacher training programme. The consequences are known: students often have to correct the linguistic and spelling errors of the candidates during teaching practice. Partly because of the unclarified status of "linguistic lines" many native Hungarian or Romanian speaking students who were students of German start working in Hungarian or Romanian schools since there is no German instruction. There it becomes obvious that although they can speak some German they cannot communicate about their own subjects (i.e. history, geography etc.) in the language of teaching. This is the reason why county inspectors were forced to organise language examinations in the past few years. But these generally do not clarify the linguistic competence of teachers when teaching either. Therefore it would be essential to establish a strict and compulsory language training in every subject within teacher training and the university would be obliged to indicate language competence in the diploma.

Lack of linguistic competence is more vividly shown by the scandalous examples of translations of textbooks and examination questions and sometimes even of original education materials. The major success of the coalition policy between 1996 and 2000 was the immediacy government decree 1997/36¹³ which abolished restrictions concerning professional education as a prelude to the 1999 law modification. This made evident that there are hardly any professional teachers who had the necessary quality of education with the necessary professional linguistic competence in Hungarian. This

¹² In this particular situation it does not seem to be reasonable to request "a coherent teacher education programme which is elaborated centrally and is supported scientifically and also from psycho-pedagogic aspects" on behalf of those who should adapt to the particular tasks of Hungarian teacher education. Introduction and critic of the former and recent curricula can be read in the work of the same author: Birta Székely, Noémi 2005.

¹³ Ordonanță de urgență pentru modificarea și completarea Legii învățământului nr. 84/1995, Monitorul Oficial al României, Anul IX, nr. 152 din 14 iulie 1997.

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shortcoming has not been eliminated and by the extension of higher education in Hungarian professional linguistic shortcomings of lecturers have also come to the surface.

5. The intention, which is embodied in the ideological discourse to increase the value of the teaching career by taking it as an important mission for the national community, cannot balance the existing circumstances, which ruin the prestige of the profession. This is for example the low salary, the living conditions which cannot guarantee to preserve humanity and pride and the lack of essential conditions to make settling in a given community possible. Teaching profession compromises itself by unqualified or poorly qualified teachers. The education authority finally realised that salaries have to be differentiated according to the local living conditions. Those who worked in more remote settlements or disadvantageous regions could receive equitably significant extra benefits. The next government abolished these extras. Repulsion of the career is still stronger than the attraction to it. These disadvantages cannot be balanced by any missionary commitment, nor by professional or human weaknesses.

In spite of several tentative reform initiatives the centralised system of educational management and supervision has been preserved together with the all mighty ministry as well as the inspectorates, which represent the ministry in the counties. Management of schools do not have rights to make decisions in issues of key importance but responsibility still lies upon them. So the institution has no a say in the employment of teachers; they also cannot dismiss those teachers whose unsuitability is evident. In 1999-2000 those institutions that achieved maximum score (altogether approximately 3000 schools) in the central evaluation of institutions, received distinct institutional status which entitled them to organise and execute employment examinations of teachers.¹⁴ This institutional right was also abolished from 2001. Job advertisements and school selection options of teachers are collected and matched at inspectorates. With the coordination of the National Examination and Evaluation Office the inspectorates execute the competition examinations, which are uniform nationwide, with the help of higher education institutions.¹⁵ In this situation both the institutions and the teachers are defenceless and it preserves the mentality of teachers and education managers typical of the earlier decades.

¹⁴ Kötő 2000. pp. 98–99.

¹⁵ Only church schools can be disengaged from this obligation since only those teachers can work in these schools whose employment is approved by the leadership of the church.

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The distribution of the permanent teacher's jobs by a centralised competition examination because of its formal (and secret, therefore impersonal) character does not guarantee the suitability of the appointed teacher for the given job. Those teachers who manage to get a permanent teacher status in spite of their unsuitability cannot be removed or dismissed according to the present Labour Code. The inefficient work of such a "subject teacher" can result in the discontinuation of whole classes or school branches. This is the main reason why are there so many failed examinations in this rigid system and beside the unqualified teachers there is at least same rate of non-permanent, so called "substitute" teachers whose fate relies on the inspectorates.

Local communities and self-governments also have to bear watching the decline of local educational institutions. Although the appointment obligation of freshly graduated teachers was abolished, self-governments, who preserved the mentality and system of that era, do not try to provide better circumstances and conditions to make the local teaching jobs more attractive. Hiding their incompetence they are expecting whoever the inspectorate will "send" either in "permanent" status or as a substitute. Neither from central support resources (i.e. social scholarships of School Foundation), nor on the behalf of the self-governments has there been any attempt to support or inspire university studies of young people who would later strengthen the local teachers' communities. This situation makes impossible a value based selection and high standard of education. It is advantageous only for the apparatus to whom in fact everyone remains defenceless.

In this state of affairs one cannot be surprised at counter-selection, frequent career desertions and constant fluctuation. It frequently occurs that substitute or unqualified teachers are changed during the school term or well-educated teachers leave the school during the school term to go to work abroad.

6. Neither professional supervision nor the institutional background of Hungarian public education is provided. Although the minorities department of the ministry has got a Hungarian leader, in the 1996-2000 governmental period and in the present one there is a Hungarian secretary of state in the Ministry of Education and lately the Romanian schoolbook publisher has got a Hungarian managing director. At the top levels of the education authority and in the county inspectorates, partially depending on political situation, the representation of Hungarians is assured in managerial positions.

Representation itself cannot be effective if the leaders are not supported by professionals or by professional workshops. However, the most important insti-

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tutions of professional foundation, supervision, quality assurance and management do not exist. The background institutions of the Romanian ministry do not deal with Hungarian education. Work is done by committees as community service (curriculum, measurement of quality and of performance, tests, elaboration and translation of exam questions, etc.) and they are called upon by Hungarian officials of the ministry. There is not any specialised institution or expert who is paid for such work and would be responsible for writing, adapting curricula, elaborating tests and exam questions or who would be the expert of quality measurement or writing, translating schoolbooks. The education centres of Teacher Association do a very important job in organising further education but their activity is not connected to the everyday tasks of education in a close and expedient way.

7. Further education of teachers is in the same situation as teacher training. Its certain segments (final examinations, getting first and second teacher's degree) belong to higher educational institutions primarily to the University of Kolozsvár. The compulsory periodic education of teachers has been discontinued. Various new opportunities of this opened up in Hungary and at home here in Romania too.

As part of the educational reform, which started feebly and with great delay, the ministry elaborated the new system of further education of teachers after 2000. The main point was that it could take place only within centrally accredited programmes. Such programmes can be proposed by higher education institutions, professional associations or others. An accredited programme of this kind exists at the University of Kolozsvár, at Petru Maior University in Marosvásárhely (for students of Hungarian without lecturers of Hungarian). The Bolyai Summer University is not nationally accredited, similar to anything that is going on in the so called methodology centres. It is also not approved that the educational authority should accept credits, which were collected abroad or in Hungary in an educational programme, which is accredited abroad or elsewhere. Although this is the main sense of the credit system that the acquired credits can be brought home from the institution of another country or taken from one country to another.

8. With the increasing student body and institutionalisation the standard of teacher training has declined. Especially board of teachers of village schools weakened including those who teach in lower primary classes. This can be blamed on training without self-regulation, planning, quality improvement and coordination and on the assignment system regulated and supervised by authorities. It is also one of the reasons why schools are still excluded from the process. As part of the commonly demanded decentralisation and

institutional autonomy the issue has to be settled officially and attitude appreciation and acknowledgement of teachers should change likewise.

Professional and civilian supervision of education in Hungarian should be made regular. It is also necessary to be familiar with the list of discontinuing classes, faculties, schools in order to be able to analyse the reasons. Likewise analyses of school leaving examinations, final examinations ought to be analysed school by school, subject by subject. Through objective evaluation the performance of individual institutions could be assessed independently on a clearly professional basis by the authorities.

It is also a task for the authority, the administration to provide for the operation of lower primary classes (I-IV classes) even at the smallest settlements with minimal number of pupils. Further on, from the age of 11-12, boarding schools could be the key institutions of Hungarian public education. It would provide an ideal setting and become the institution for education and care for gifted pupils. It seems applicable to adopt the Óradna-Ditró model, which organised the education of the Hungarian students of secondary schools, scattered in Szeklerland. This can have multiple benefits: students who speak the Romanian language well can go to school in Szeklerland where – while improving their mother tongue – they can also improved the competence in Romanian of the locals.

Modification of the already existing and established professional institutional background of Hungarian education cannot be postponed any further. An earlier decree of the minister, 1999.11.17./4906, prescribed the establishment of an educational background institution in Kolozsvár. It has not been executed because the department of teacher training of the university suppressed it, or more precisely Hungarian teacher education did not have and has not had an independent institution at the university ever since.

References

Birta Székely, Noémi 2005. Tanárképzés és reform? Helyzetkép a jelenlegi tanárképzésről [Teacher training and reform?]. In: Somai, József ed.: V. Civil Fórum 2003. Együttműködés, érdekvédelem és szakmaiság a civil szférában. Erdélyi Magyar Civil Szervezetekért Alapítvány, Kolozsvár. pp. 322–329.

Kőliő, József 2000. Reform és kisebbségi oktatás [Reform and minority education]. In: Bodó, Barna ed.: Romániai magyar évkönyv 2000. Szórvány Alapítvány, Polis Könyvkiadó, Temesvár–Kolozsvár. pp. 97–103.

Murvai, László 2000. A számok hermeneutikája. A romániai magyar oktatás tíz éve 1990–2000 [The hermeneutics of numbers. Ten years of Hungarian

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education in Romania]. A Magyar Nyelv és Kultúra Nemzetközi Társasága, Budapest

Murvai, László 2001. A romániai magyar tanítóképzés [Hungarian teacher training in Romania]. In: Bodó, Barna ed.: Romániai magyar évkönyv 2001. Szórvány Alapítvány, Polis Könyvkiadó, Temesvár-Kolozsvár. pp. 155–167.

Murvai, László 2004. A romániai magyar közoktatás mennyiségi paramétereiről és az anyanyelvtanítás kérdéseiről [On the quantitative parameters of the Hungarian general education in Romania and the questions of teaching in the mother tongue]. Közoktatás XV, 10: 4–6. pp.

*Péter Demény***Longing for competence****(A report on book publishing in Transylvania)**

There are two kinds of summaries; one publishes data and columns of numbers and intends to deliver the message through them - let's call them positivist summaries. (A high standard example for this is the study by Gyula Dávid: *A romániai magyar könyvkiadás egy új évezred határán* Hungarian book publishing in Romania at the beginning of a new millennium. In: Bodó, Barna (ed.): *Romániai Magyar Évkönyv 2000*. [Hungarian Yearbook in Romania] Szórvány Alapítvány - Polis Könyvkiadó, Temesvár-Kolozsvár 2000). The other one does not focus on facts but rather on processes and the mentality that they involve - that is hermeneutic analysis. Sharp wording (by intentions at least) should not hide but reveal the main point: it does not mean that any of the approaches would be useless rather which one is more useful in the given situation.

The following report does not conceal its belonging to this latter type rather than to the former one. The author believes there has been enough discussion about data in the past sixteen years since the change - its time to talk about what is behind them and even more how they are treated by those who keep hiding behind data. There are charts about the number of book publishers - but however precise these are they cannot show what these publishers are like, whether they deal with what they should and in the way they should.

Rhetoric of complaints has been characteristic of the Hungarian culture of Transylvania since 1989. The pragmatic system of ideals based on the ethos of work promoted by Károly Kós and his companions referred to as Transylvanism became well-known, commonly cited, and publicly defamed, and finally completely obsolete in the hands of the descendants and especially in their speech. I would like to evocate an anecdote for those who might be doubtful and would claim that it could not have possibly been obsolete since it still exists. During one of his philosophy lectures Hegel mentioned that anything real is rational. At the end of his lecture a mischievous young man sidled up to him and asked what to think of the dying Prussia since it was real. The German philosopher answered: "The monarchy is real but it does not exist because only those things exist which have rationally to be." The same applies to Transylvanism too: its ideas are referred to but it has gone wrong on the one hand, and (that is why) it fell out of time on the other.

What do I mean by this? If I put it very roughly I would say nowadays it does not matter at all nowadays that we are a minority and what is more we are Transylvanians. While some time ago we could stand high after we introduced

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ourselves- recently we had better tell it as a fact for which we do not receive any appraisal. First because this is how it is smart, elegant and natural, secondly because this is how "things work nowadays". Anybody who trusted that Transylvanism still meant anything could experience what it meant in 2004 at the referendum at the latest: the rejection of lamentation.

We are at cross-roads. One of the options is to represent our being Transylvanian through the highest possible quality. The other is that we do not identify ourselves as Transylvanians but plainly as Hungarians.

Those publishers, who chose one of the above mentioned strategies, are at the intellectual heights of the Hungarian book publishing within the Romanian borders. Kalota and Komp-Press in Kolozsvár can be listed in the first category: they publish neat and beautiful volumes, which are suitable for the purpose for which they were published. Both institutions know what editors and correctors are for, the covers are designed and the printers work neatly and conscientiously.

Kalota builds its activity around four types of series; Transylvanian anthologies of classical works (poems, prose, dramas, essays), study volumes which analyse Hungarian reality in Romania (Szilágyi N., Sándor: Mi-egy-más, Egyed, Péter: Láttelet - all the publications mentioned in brackets are mere samples), publications of posthumous and/or less known works (Vass László Levente: Üvegmezők, Bálint, Tibor: Sánta angyalok utcája - dramatised version of the successful Zokogó majom) and children's books (Andersen: The Pine, Kiss-Bitay, Éva: Az erdő lakói, Állatparádé). Komp-Press has only one "real" series, the Ariadne Books - it publishes collections of studies and essays. The cover was designed by Ferenc Deák, the doyen of graphic profession. Those publications of the publisher are also very interesting which are the results of a competition or a survey like A teremtmények arca in 2001. Its material was edited along a "top-list" which included more than a hundred replies to the question: "Which are the ten most beautiful Hungarian poems of the twentieth century?"

Előretolt Helyőrség Könyvei of Erdélyi Híradó in Kolozsvár belong also in this category, in which contemporary writers, poets and critics can publish. We can also list Mentor Művészeti Monográfiák of Marosvásárhely and the Pro-Print Krónika Könyvek and Múltunk Könyvek series of Csíkszereda (the first are volumes of folklore and anthropology, the latter are works of the great minds of Transylvanian thinking. The books of Polis Prospero and its series Kettős Tükörben (the first publishes interviews about lives of theatre people, the second one publishes essays written about writers and other major personalities). It is to be remarked that a few enterprises are suspended at the moment e.g.: the Nobile Officium series of Pallas Akadémia (publications of Transylvanian writers living in emigration; the latest opus issued was: A konvenció vendégei by Vilmos Ágoston in 2004).

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In other books of these publishers and publications of other publishers no well-thought-out conception can be traced. All of them have "tough" titles and good enterprises (e.g. the bilingual anthology of poems with the title *Un pahar cu lumină - Pohárnyi fény* of the publishing house Tinivár, or the re-issue of the Téka series of Kriterion) but as a whole they cannot be described as intellectual workshops or publishing houses. The Hungarian Writers in Romania series of Kriterion has recently re-edited Rodion Markovits' novel *Szibériai garnizon*; its foreword is flooded by linguistically bizarre terms and confused images. (One example for that is "the risky task was definitely not without danger" page 21. I was so shocked that I inquired and found out that sometimes Kriterion just scans in the original text and puts the introduction - which arrives by e-mail - before it. This way everything depends on the external colleague who took upon himself the task of the selection of the classics. This is undoubtedly a great performance from a company which would not have had to do anything but make use of its intellectual capital and network of relations developed before 1989.) The covers of *Bibliotheca Transsylvanica* series of Pallas Akadémia Csíkszereda are characterless to such an extent that the otherwise valuable studies by Samu Benkő, Gyula Dávid, Ákos Egyed, András Magyar, János Péntek have faded to invisibility.

Koinónia Kolozsvár has been the only one to choose the other way until recently. This institution did not "announce" that it is a Transylvanian publisher which publishes works of authors who come from this area or deal with Transylvanian topics but it takes upon the book *Transylvania Anno Domini MMI* as well as basic works of the second reformation and works of St. Augustin, Nicolae Balotă, Gábor Schein and Tibor Zalán too.

The workshop led by András Visky is the odd one out in the Hungarian prairie in Romania. Both authors and the books are dealt with in a great care: the publisher does not merely edit the manuscripts but comes up with suggestions to writers, who are informed about each phase of the book production: of editing, page-selling, press-work, cover design - nothing can happen or be altered without the author's consent; all translations are checked by a lector; contract is not an unquestioned application of the pattern of the one-party regime but an individually elaborated document; royalties are not shamefully low; it is the publisher who distributes the published volume, who also collects press reactions; information about the books can be found on the publisher's website; the volumes themselves can also be purchased via internet; all in all each book is published as an item which is created as a part of a thoroughly elaborated conception.

All this should not be an exception, but unfortunately it is. At certain places everything can be more important than the author or even the book to be published: the main motive is the income which according to the owner is not relat-

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ed either to the intellectual value of the author or to the parameters of the volume as a product. At other places there is almost a struggle with the colleagues to make them understand that the pleasure of the author is shared by the publisher since none of them can exist without the other. Some companies simply lack the necessary infrastructure (employees, machines, cars) which are necessary for the above mentioned to be executed.

Of course the greatest problem is the out-of-date attitude. Nowadays culture is not some superior, almost religious ideal which keeps together and preserves Hungarians and to which everybody should bow (it is better so because monuments can be respected but cannot be related to and to love them is far more difficult) - culture (especially in the sphere of publishing) is simply an intellectual commodity, which has to stand its ground in the market; and it is in the market it has to stand its ground. There are still some who expect the Hungarian government (in the name of unity of Hungarians and the misery of Hungarians over the border and similar causes) to support the opening of a Hungarian bookshop in Transylvania and cannot understand that today things do not work like that any more.

The other major problem is the mixing and confusion of standards. It is apparent from the situation described above that in Transylvania a book is either beautiful but not good or is good but not nice and exceptions remain exceptions. This would still not be thwarting (that is what there is, this is what we are capable of, that is all we can do) but there are those who speechify about Albert Szenci Molnár, János Apáczai Csere, Miklós Misztófalusi Kis and others - "our great ancestors" - hoping for and sometimes gaining advantages. Whoever would apologise that "he has understood the laws of market" I would reply that anyone who sells sausage as weenie is not a businessman but a scoundrel. Why does it happen that the Kalligram in Pozsony can publish Mészöly, Thomas Bernhard, Céline, Kükörelly while Hungarian publishers in Transylvania are already glad to publish a work of one contemporary Hungarian writer? Why does the Kalligram have an editorial branch-office in Budapest while none of the Transylvanian publishers? "The crown..." -begins the sentence of those who have not understood anything and who are seemingly up-to-date but in fact have been out-of-date for long (see Hegel). The crown is worth so and so much Forints; the crown is made of gold ... they are wrong. Manoeuvring connections in a successful, elegant, generous and discrete way is such a science or an art that Transylvanian publishers are hardly familiar with. Raising money - means either such a remorseless begging that one feels like starting to scratch at once or it is an activity below our dignity (as if we had any pride left). It is not a skill like handling a ball for a football player or conducting for a conductor.

What could be the solution? How could a viable and high-standard publish-

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ing system be created? First of all such an organisation should be established which works for publishers but is equally near to each of them just to avoid suspicion of any of them and keeps an eye on all book events and intermediates between organisers and Hungarian publishers in Romania. Those publishers who issue unedited manuscript should be excluded (it has happened in the Uplands! - see "korona"). Better criteria and circumstances should be elaborated and provided for book publishing. (e.g.: publishers should attach a brief recommendation to every manuscript, which summarises the content, assesses its style, informs about its aim etc. I have learned recently that this informative material is not submitted to the two lectors, who criticise the work - so the danger of the "mishearing" of the "evaluated" work obviously remains.) Most important of all: we have to focus on the present, not the past. All in all we are not contemporaries of Apáczai but of Alexandra book-house. One can go on whining or be glad about it as well as can remain indifferent - but we cannot possibly ignore it.

**Minority
Politics
and
Minorities
Rights**

Minority Politics and Minorities Rights*Balázs Dobos***The National and Ethnic Minorities'
Autonomy in Hungary**

This time we do not intend to study¹ the political and legal events and their relations in a detailed manner during the course of preparing the Minority Law, but we focus on presenting and analyzing on issues (personal effect, organisational structure, minority council rights, financing), which are determinative regarding a latter minority autonomy. Creating the dispositions of the law was a fairly lasting process, which included conflicts and compromises deriving from clashing several regulation concepts and practical solution proposals. Major characteristic of the law preparation that the most important stakeholders of the issue (the Government, the Ministry of Internal Affairs, Ministry of Justice, Ministry of Finance and Ethnic Academy and Ethnic Secretariat, later National and Ethnic Minority Office, Minority Organisations, the Round-Table of National and Ethnic Minorities in Hungary - which was created in the beginning of 1991 - and other experts) intended to put forward their particular interests, conceptional or practical ideas, which had a visible impact on the accepted norm text. According to the frequently referred Bíró, Gáspár during the process of creation basically two concepts were competing: the "liberal" and the "autonomist". The Ethnic Academy and Secretariat later Minority Office and minority organisations emphasised collective rights and were in favour of an effective cultural autonomy established on public law, while those in favour of the liberal concept, were dominantly represented by the Ministry of Justice, and viewed the guarantee of maintenance of minorities in the minority friendly work of the legal system and guaranteeing the individual rights, and organisation-based self-administration.² It is important to declare that although minority self-administrations based on public law were recorded as organisational forms, it did not mean that the autonomist concept became victorious in all aspects in the creation of the norm text.

The concept and self-government statute model, made by the Ethnic Secretariat and the Council of Ministers during the Németh-government era, was a progressive and determinative creation of the autonomist concept. The 1989 November and 1990 February versions' definition of the to-be law's per-

¹ See among others Bodáné Pálok, Judit: A magyar kisebbségi törvény megszületésének körülményei. *Acta Humana. Emberi jogi közlemények*, 1993, vol. 12-13. pp. 26-45. Györi Szabó, Róbert: Kisebbségpolitikai rendszerváltás Magyarországon a Nemzeti és Etnikai Kisebbségi Kollégium és Titkárság történetének tükrében (1989-1990). Budapest, Osiris, 1998. pp. 99-151.

² Bíró, Gáspár: Az identitásválasztás szabadsága. Budapest, Osiris – Századvég, 1995. p. 36.

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sonal effect was in accordance with the principal of free choice of identity, and was conceived, that listing the minority languages and dialects, which are to be protected, would be suitable and not the definition of the national, ethnic and linguistic minorities. The results of this were individual based "social and cultural" minority self-governments, the members of which would have been registered by the self-government's organisations. The local and national self-governments' elected bodies, which bore administrative power, would have been entitled to create regulations in certain cultural, economic issues and concerning certain minority rights. Only the Constitutional Court would have been entitled to abolish the decisions of this self-government, and the consent of the Parliament's qualified majority would have been needed to discharge it. As a result of the minority demands, a preference based procedure was formed to assure representation in the local self-government by getting mandate.³ The financial resources of the autonomy would have been the government budget, the applications of the Foundation for the National and Ethnic Minorities in Hungary⁴, which was established in spring 1990, and the budget of the Secretariat.⁵

Though the concept of the Secretariat did not settle numerous questions in a satisfying way, the liberty of choosing identity and the idea of cultural autonomy, expressed by self-governments and based on the principal of individual, remained lasting in the legislation activity of the political community. This is certified by the fact that the program of the coalition government - which was lead by József Antal and was inaugurated in the beginning of August 1990 - also included the aims of achieving cultural autonomy in the form of self-govern-

³ Though it did not represent the secretariat's proposal the 1990 LXIV Law of electing local self-governmental representatives and mayors provided opportunity to represent local minority interest by regulating the minority candidates and lists preference in getting local mandate. As a minority candidate one could get mandate if the candidate received at least two-thirds of the votes that the majority candidate received who got mandate. In case of the minority list a similar procedure was established in the two-vote system. The threshold of receiving preferred mandate was decreased to the half of the valid votes by the Minority Law which altered the rule. This system which made misuses possible was abolished by the modification of the Minority Law and the related rules in 2005 but the system which was introduced instead was declared contradictory with the constitution by the Constitutional Court. Though there is a strong demand on behalf of the minorities to establish a preference based settlement of gaining self-government mandate on preference basis no accepted legal norm is in effect has been created yet.

⁴ See 1068/1990. (IV. 12.) decision of the Council of Ministers concerning the establishment of foundations with minority policy intentions.

⁵ Bíró, Gáspár: A nemzeti és etnikai kisebbségi törvény tervezetének alapelvei. Council of Ministers Secretariat of National and Ethnic Minorities, 1989. Same author: A nemzeti és etnikai kisebbségi törvénykönyv tervezete (1989). Same author: A nemzeti, etnikai és nyelvi kisebbségi törvénytervezet alapelvei (Budapest, 1st February 1990.) Library of Teleki László Institute.

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ments.⁶ The initiation was taken over by the Ministry of Justice (IM) after the formation the government's new specialised institution: the Office of National and Ethnic Minority (NEKH) – but the concept of IM included contradictory ideas with those of the Secretariat. According to the concept which was very restrictive on minority rights, the Parliament would have decided on the basis of "census data" which minorities "qualify" as national and ethnic minorities. The IM would guarantee mainly those rights to the local and national self-governments, which were settled and recorded later in the Minority Law. These were entitled to possess proposal making, initiative and opinion forming rights and they had the right to consent in issues, which concern the preservation and maintenance of historical settlements and architectural memorials. The previously mentioned foundation would have meant the exclusive channel of financial support.⁷

As opposed to the later accepted concept of the IM as government proposal, the concept, prepared by Mihály Samu for the NEKH in May 1991, can be considered to be approaching to the autonomist attitude. According to the IM's idea the definition of the personal effect would have been included in Parliament decision – but the Parliament would not have decided about national and ethnic minorities on the basis of census data, but on the grounds of the far more subjective idea of "self-expressions so far". As well as the organisational grounds in another version, it was considered to be possible that by keeping records of membership minority self-governments with administrative basis can be created. The local minority self-governments would have been declared such civilian organisations in their charter and they would form a national council by the means of delegation. All local organisations would have been represented at the national level but the number of votes would have been in proportion with the number of the local members. The concept did not exceed the IM concept's ideas concerning the definition of the minority self-governments' duties and competences. Relevant changes can be seen concerning the settlement of the guarantees of enforcing rights (turning to minority ombudsman) on the one hand, and more detailed regulation of the financial support and management on the other. The minority self-governments would have been subsidised by central and self-government budgets and minority foundations, and they would manage their own assets and properties, and they could have maintained own educational, cultural and social institutions.⁸

⁶ LXIII Law § 5 1990 concerning the modification of the Constitution of the Hungarian Republic

⁷ Law proposal concerning the rights of national and ethnic minorities (22nd December 1990 Ministry of Justice), Library of Teleki László Institute

⁸ The concept of Minority Law (15th May 1991 Budapest Office of National and Ethnic Minority) Library of Teleki László Institute

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The 1991 concept of the Minority Roundtable meant a real autonomist idea. The text proposal made an attempt for the first time to define the idea of minority when describing the sphere of individuals, who are under the effect of law. But it did not include a list because of enforcing the liberty of choosing identity in a consequent way. The personal effect of the law would not only include Hungarian citizens, but those foreign citizens too, who had already been living in the country for five years as part of their way of life and possessed residential permit. When dealing with the issue of creating local minority governments it returned to the election concept which had been included in the Secretariat's notion, which provided legitimate administrative bodies. It was an old demand of the minorities to create minority self-governments before the following local council elections in 1994. Therefore it made this initiation possible according to this little bit hazy notion; those who were "concerned" would have been entitled to vote. The election would have been organised together with the local self-government elections and the voters would receive the minority voting sheet on their manifest request. The same procedure would serve as means to create minority self-governments for several settlements, while the national body would be formed by the local organisations' and national minority organisations' delegates. The local organisations would have been real power centres which work parallel with the settlements councils with effective rights to express opinion, consent and participation, completed with the guarantees of enforcing rights and creating financial grounds. The national minority self-government, with legislative rights, would have made decisions concerning cultural, educational and economic issues. Each of the minorities would have been entitled to build and maintain their own institutional structure with using state resources. Cultural autonomy included full education from nursery school to university, cultural and scientific institution, nationwide press and news agency, radio and TV program in minority language, central and regional network of libraries and archive, museum exhibition possessing the right of collecting throughout the country and a legal assistance and legal protection service.⁹

The minority representatives could enforce the majority of their concepts in the compromise text version which was finalised by the end of August 1991 in the negotiations between the NEKH and the Roundtable. Besides defining Hungarian citizens and minority it included those non-Hungarian citizens – in a bit restrictive manner –, whose communities had been living in Hungary continuously at least for thirty years. Initiation of the local minority self-government became considerably better wrought which meant that in the elections all elec-

⁹ Law concept concerning the rights of national and ethnic minorities (6th June 1991 Minority Roundtable); Library of Teleki László Institute

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tors could have voted and the mandate of the body would have expired by the next local council elections. Following this the local minority self-governments would have been elected together with the settlements' in accordance with a separate law. Minority self-government for several administration units was called regional, but the election and the legal status of it were equal to the level of the local ones. Creation of the national minority self-government became also significantly better wrought: formation of it could be initiated by minority self-government or in the lack of those by suitable number of members. The civilian and self-governmental formations could have delegated members into the assembly of the national organisation, in proportion of the votes received by the minority self-government or with organisation membership. Minority self-government system would have been effective, self-reliant structure as a whole, with rights to express opinion consent, delegate, found and maintain institutions as well as possessing decision-making rights for cultural autonomy. The concept included the procedures of assurance of financial resources and legal remedy.¹⁰

This 1991 autumn version was not accepted as a whole, "as a result of the changes to the text later the Minority Law became – borrowing terminology from international law – a soft law which means that it included mostly general requirements and wishes instead of actually enforceable rights".¹¹ Owing to administration negotiations and the enforcement of different interests of ministries, the Minority Law concept changed in its basis further later on. Its personal effect included only Hungarian citizens; the definition of minority was completed with the requirement of residence for a hundred years (three generations) and with the open taxation which was necessary for the financing and with the listing of national and ethnic minorities. As a reply to the demand of the Jewish minority an agreement was created for the procedure of enlargement of the list, the precondition that a thousand elector can initiate that. The Ministry of Internal Affairs (BM) succeeded in integrating the minority self-government system as a whole into the settlements' self-government system so it eliminated the parallel local power centres by this. According to this if in the elections of self-government representatives and mayors more than half of the representatives were elected as minority candidates then they could form minority self-government of the settlement, in case one third was elected this way, they could form a minority self-government group (later called as indirect minority self-government). The contemporary opposition parties

¹⁰ Law concept concerning the rights of national and ethnic minorities (30th August 1991 Minority Roundtable) Library of Teleki László Institute

¹¹ Kaitenbach, Jenő's lecture In: Kincsó, Tamás –Tóth, Ágnes – Vékás, János (ed): Tíz éves a kisebbségi lörvény. Professional conference, Museum of Ethnography, Budapest, 7-9th October 2003, Budapest, Office of National and Ethnic Minorities p. 20, 2004.

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were concerned by the settlements' minority self-government form to which the government stuck, "because this can represent the regional administrative autonomy".¹² The original concept of the BM would have blanked the minority self-government elections of settlement parts (later direct), but it was included in the law concept, which was handed over to the Parliament. The demand of minority organisations to be able to form minority self-governments before the 1994 self-government elections was not fulfilled. They also could not take part in the creation of the national self-government by delegation which the representatives of the parties changed and voted for an indirect election through electors. Licences, duties and competences of the minority self-governments were softened as compared to the previous ones their opportunities for making decisions, expressing opinions and consent, delegate and to establish and maintain institutions narrowed. As for cultural autonomy conditional, non-obliging and non-enforceable rules or ones which referred to other laws and rules came into force.

Major Issues of Minority Autonomy in Hungary

After nearly five years of preparatory works, the Parliament accepted the LXXVII Law 1993 concerning national and ethnic minorities' rights with a majority of 96.5% which was meant to represent the individual based cultural autonomy in minority self-governments by its concept. By choosing the model the decision-makers tried to adapt to the special Hungarian national-ethnic circumstances, mainly the relatively low number of minority populations who live sporadically throughout the country in sporadic settlements. The main focus of the system was to slow down, stop or if it is possible to reverse the process of advanced assimilation the loosening of minority languages and ties. In this respect the balance seems to be more positive since in the latest census the number of those who claimed that they belong to a non-Hungarian nationality or ethnic group, increased – except for the Romanians – though mother tongue indicators showed lower measures.¹³ The self-

¹² See Józsa, Fábrián (Hungarian Democrats Forum). Minute of meeting of the Parliament's Human Rights Minority and Religious Affairs' Committee in the main storey hall of the Parliament on 4th February Thursday 1993 p. 41. It is interesting that later such modification proposals also arrived to alter the law concept which neglected the Hungarian minority characters, and according to which those minorities whose number exceed at least four hundred thousand in one region and form a majority can demand the right for national self-government or in case of two hundred thousand people living in one block can demand the right of regional autonomy in administration. See No: 9379 and 10650 modification proposals.

¹³ Kozma, István: A magyarországi mikrokisebbségekről. In: Kovács, Nóra – Szarka, László (ed.): Tér és terep. Tanulmányok az etnicitás és az identitás kérdésköréből II. Budapest, Akadémiai Kiadó, 2003. p. 345. Szarka, László: A 2001. évi magyarországi népszámlálás nemzetiségi adatairól. In Kovács – Szarka: op. cit. p. 414

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government system, the created rules, regulations and the changed minority policy attitude can – also – have a determining role in strengthening national identities. Number of the elected minority self-governments has been increasing: in the elections in 1994 and in the spare-turn in 1995 altogether 817, in 1998 in 2002 1842 were formed at the local level.¹⁴ Besides the significant increase of the number of minority self-governments numerous problems in application of the law and in actual working processes emerged, which required legal and political solutions. As a consequence to these preparations of the general modification of the Minority Law started in 1997 – at that time the work was focus on improving the legal regulations further. Experiences of the 1999 and 2002-2003 national minority self-governmental election in the capital and at the local level drew attention on the stakeholders that the sphere of suffrage was also to be corrected.¹⁵ The János Hargitai led ad hoc committee that was the competent body in the Parliament's human rights, minority and religious affairs committee, stood in the centre of duties in the 1998-2002 government's administration. Preparation of the law modification could accelerate only after the 2003 national and capital minority self-government elections due to which a year later in March 2004 a law concept was forwarded to the Parliament. But this time there was not only the wish to eliminate abuse and to improve laws, which concern minorities, but a constitutional cogency too, because of joining the European Union. It was not recorded precisely from the 1st of May 2004 who can exercise active and passive suffrage.¹⁶ The Parliament's phase of the law concept resulted in major changes in the norm txt like it happened in case of the former Minority Law, and it was fairly delay because the accepted and introduced regulation could be finalised by autumn 2005.¹⁷ In the letter we overview the major issues of cultural autonomy in the light of Minority Law and its modifications.

¹⁴ Mayer, Éva (ed.): *Kisebbségek Magyarországon 2004-2005*. Budapest, Nemzeti és Etnikai Kisebbségi Hivatal, 2005. vol. 14. p. 179. compare to Demeter Zayzon, Mária (ed.): *Kisebbségek Magyarországon 1999*. Budapest, Nemzeti és Etnikai Kisebbségi Hivatal, 2000. pp. 44-45. Mayer, Éva (ed.): *Kisebbségek Magyarországon 2002-2003*. Budapest, Nemzeti és Etnikai Kisebbségi Hivatal, 2004. pp. 32-33.

¹⁵ Mayer, Éva. Országgyűlés előtt a Kisebbségi Törvény és a nemzetiiség választások módosítása. Interjú Heizer Antallal, a Nemzeti és Etnikai Kisebbségi Hivatal elnökével, Barátság, 15. April 2004. p. 4202. At the beginning of 1998 the government was prepared for the proper modifications of the Minority Law. See MEH issue concerning the law creation concept of the government in the 1st half of 1998. *Magyar Közlöny*, vol. 1998/8. 11. February 1998.

¹⁶ See LXI Law of 2002 concerning the modification of §. 7 of the XX Law of 1949 about the Constitutional the Hungarian Republic

¹⁷ CXIV Law of 2005 concerning the election of the minority self-government representatives and modification of certain laws concerning national and ethnic minorities.

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1. Personal Effect

During the course of preparing the Minority Law defining the sphere and individuals who are concerned, description of the minority population proved to be the most difficult for the stakeholders of the issue — as we could see it previously. In spite of minority efforts only Hungarian citizens were subjected to the law, and this has not changed either. Although the 2004 concept would have extended the personal effect on the citizens of other European Union countries and to individual who were recognised as refugees, immigrants or residents but the political compromise of the Parliament parties reconsidered and overwrote all this in spring 2005 and legislator returned to the sphere of Hungarian citizens. But several researches and census data flashed light on the facts; that migration processes are significant among the members of minorities, and the rate of people who had been born abroad, and the number of non-Hungarian citizens exceeds the national average.¹⁸ This way the law does not adapt to the changed social reality and to the expectably strengthening effect of the migration processes, which are fostered by joining the EU.

Minority representatives rejected all forms of registration which were necessary to establish individual based autonomy, because of negative historical experience therefore the personal effect of the law together with other solutions (the definition of minorities¹⁹ and listing minorities²⁰ and minority languages²¹) was not estimable concerning the volume. Further more part of the constitution, according to which minorities possess the write to create local and national self-government, could not be enforced — since there was no other solution the legislator had

18 The rate of members of foreign origin (who were born abroad) was 55% in case of the rusyn population, as for the Romanian and the Ukrainian it was almost 50%. 42% was the rate among Polish and Bulgarian, 38% among the Serbs, 31% among the Armenians and 19.5% among the Greek minority in 2001. The number of members with foreign origin is represented at a far smaller rate though in a number that exceeds one thousand among the Germans and the Slovaks. See Tóth, Ágnes – Vékás, János: Mit hoz a jövő? Kisebbségkutatás, vol. 2004/ 4. p. 543. Further more the rate of non-Hungarian citizens among those who declared to be of minority ethnic or by mother tongue exceeds 20% in case of the thirteen recognised minority. See Mayer: Kisebbségek Magyarországon 2004-2005, op. cit. p. 177.

19 "§ 1 (2) According to this law national and ethnic minority (...) is means all groups of people who have lived on the territory of the Hungarian Republic for at least a century and which is in minority by number among the population of Hungary, and the members of which are Hungarian citizens and distinct from the rest of the population by using its own language and culture, traditions and provides evidence of such coherence which focuses on expressing and protecting the interests of their communities which were formed in the course of history."

20 "§ 61 (1) According to this law the following groups qualify as resident nationalities in Hungary: Bulgarian, Gypsy, Greek, Croatian, Polish, German, Armenian, Romanian, Rusyn, Serbian, Slovakian, Slovenian and Ukrainian."

21 "§ 42 According to this law the following languages qualify as ones that are used by minorities: Bulgarian, Gypsy (Romany and Roma), Greek, Croatian, Polish, German, Armenian, Romanian, Rusyn, Serbian, Slovakian, Slovenian and Ukrainian."

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to give priority to the liberty of choosing identity and the general suffrage between 1994 and 2004.²² Decision makers thought that restricting both the active and the passive suffrage would hinder the abuse of the law in elections – the ethno-business – which had appeared and generated major political and professional discussions. Entering into the register concerns only the exercise of suffrage – committees, which would have been elected by the national self-government, would have been entitled to compile and handled in order to be calm the minorities.

The national self-government was obviously interested in being re-elected, therefore this solution projected the danger of marginalising whole wings of the excessively divided minority interest groups. Compromise of the parties return to the concept, which appeared in autumn 1991 during the course of law harmonisation, according to which the name-list of the minority electors would be handled by the local scrivener, in this case the head of the local election office (which mostly meant the scrivener) – but without being entitled to judge or make decisions concerning minority ties.

The most pivotal part in the issue of personal effect is the definition of minority and the required presence or residence for a century within that. Selection of the period seems to be incidental in the light of taxation of the resident ethnic groups.²³ Further questions are brought up by the list of languages and language use, which cannot include those Hungarian citizens, who are Hungarian by mother tongue, unfamiliar with the minority language but consider themselves belonging to the minority by their ethnic identity and cultural traditions. The category of Gipsy language is also problematic since no reference is made to the Hungarian mother tongue of the vast majority of the Gipsies.²⁴ The 2005 modification of the Minority Law did not change either the definition or the list of languages and minorities.

22 § 2 of the LXI Law of 1994 modification of the XX. Law of 1949 concerning the Constitution of the Hungarian Republic

23 Several groups (Italian, Wendish and Bunjevci) intended to achieve the extension of the sphere of national and ethnic minority, the thirteen items of which were recorded in May 1992 during the preparation of the law, unsuccessfully. In spring 2001 following the entrance of the law into force the certified Macedonian initiation (1/2001. (07. 05.) OVB decision) could not reach the parliamentary decision phase while the outstandingly arguable Hun minority attempt was rejected by the Parliament in the end of April 2005. Several, by outcome yet uncertain initiations have been made to achieve official status of ethnic minority – which were certified by the National Election Committee (OVB) – since autumn 2005: on behalf of the Jewish (38/2005. (20. 10.) OVB decision), the Russian (84/2006. (09. 03.) OVB decision) and the Bunjevtsy who had been viewed as Croatian (221/2006. (18. 04.) OVB decision). Jewish minority initiation generated a major public discussion concerning the forms of Jewish identity which are dominant and present in Hungary. In order to strengthen professionalism of the declaration of new minorities the 2005 modification of the Minority Law prescribed to gather the opinion of the President of the Hungarian Academy of Sciences.

24 Majtényi, Balázs: A magyarországi kisebbségi önkormányzati rendszer elvei és működése. Fundamentum, vol. 2001/ 3. p. 35-36.

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2. Formation of minority self-governments

The basic law, which declared minorities to be state forming factors, and the aim, which was described in the preamble of the Minority Law: cultural autonomy based on the principal of individuals resulted in the minority self-government system at the institutional-administrational level. § 68 (4) of the Constitution mentions two: local and national levels of the minority self-governments system. Three types were named concerning the local level in the Minority Law: minority settlemental, indirectly and directly formed local minority self-governments. The first two are forms which belong to the self-government of settlements, but while minority settlemental self-government proved to be regular in settlements, which are inhabited either by absolute or relative majority of minorities, the indirect structure remained mostly unapplied. Although the original 2004 law concept included and preserved the type which made local autonomy possible, the 2005 modification abolished both forms. The third and most widespread type could be formed by the initiation of electors with number of members that is in direct proportion of the population size (instead of depending on the local minority rates, which are hard to ascertain) of the settlement, with validity threshold level, which also depended on the settlements size generally, with the participation of all electors at the election of the self-government of the settlement. Electors, who were unfamiliar with the minority candidates and concepts and voted in vast numbers on the basis of sympathy, made a significant impact on the internal relations of minorities, which were augmented by the distortion effect of alphabetical preference. On the minority self-government election sheet the candidates were listed in alphabetical order, which was advantageous for the ones whose name were listed in the front.²⁵ The Minority Law restricted the electors' range of choice by declaring that indirectly formed local minority self-government can be formed only in case there had not been an indirect type formed from the representatives of the settlement's self-government. Though it included a detailed regulation of forming, no references were made to ways of termination of direct minority self-governments.²⁶ Appearing in the second self-government period, the ethno-business was a major and well-known problem, the phenomenon of abuse of the law to which the decision makers rejected with restricting suffrage with creating minority electors' list, but the majority of the

²⁵ Rátka, Árpád: A kisebbségi önkormányzatok legitimációjának kérdése, Regio, vol. 2000/ 3. pp. 118-121.

²⁶ In case of disband, dismiss of the minority representatives' body or the reduction of the number of members below a minimum an 1999 modification (LXV. Law of 1999) created an opportunity to organise by-elections.

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minority communities did not agree with that.²⁷ Proposals of those who rejected the electoral name-list would have sharpened the opportunity to be elected, so the passive exercise of suffrage, which was executed by the 2005 modification which prescribed the obligation of statement for the candidates. Major constitutional concerns are raised by the fact that in the next elections candidates can be nominated exclusively by organisations and no independent candidates can take part. Furthermore it is still doubtful that the introduced registration of electors will succeed in stopping to pressure-forward of those who presumably do not belong to minorities.

Originally the Minority Law did not dispose an intermediate level of minority self-government though minorities made considerable efforts to achieve that. Though the law attested representing interests at the county level to the national self-government, but it could not be executed because of lacking a proper legal background. Links could be established only on organisations which included local minority self-governments. Besides representing minority interests at a regional level another argument was that minority self-governments could not really have influence on (mostly secondary) educational and cultural institutions which were maintained by the county. The lack of an intermediate level was remedied only in the capital where there was a major demand on behalf of the minorities which were organised at a Budapest not a district level, to have impact on decisions at the capital level. According to a 1994 modification, minority bodies were formed in the capital the same way as they were in the country by the intermediation of electors.²⁸ Establishing the institution of regional (county and capital level) minority self-government fulfilled an old demand of minorities and they will be elected indirectly by electoral votes in a proportional-listing system in March 2007.

Election of national minority self-governments has not been problem-free either in the past. The body was also formed indirectly, by electors: Assembly of the electors was competent to make decisions if at least three-quarters plus fourteen elected electors took part. Settling such high standards of presence as a prerequisite of decision-making competence prevented the forming of national self-government of the Romanian minority in 1999, which was the first minority to be involved in ethno-business in mass sizes. Therefore the cited law (LXV Law

²⁷ Eiler, Ferenc. Törekvések a kisebbségi önkormányzati választások reformjára 1998-2004. In: Kovács, Nóra – Osvál, Anna – Szarka, László (ed.): *Tér és terep. Tanulmányok az etnicitás és az identitás kérdésköréből III.* Budapest, Akadémiai Kiadó, 2004. pp. 219-220.

²⁸ § 47 of LXIV Law of 1990 which is modified by the LXII. Law of 1994 concerning the election of local self-government representatives and mayors and see Bársony, János: *A kisebbségi önkormányzatok létrehozásának lehetőségei Budapesten.* In: Egyed, Albert – Tokaji Nagy, Erzsébet (ed.): *Kisebbségek és önkormányzat.* Budapest, Minoritás Alapítvány, 1994. p. 113.

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of 1999) decreased the threshold level to the half of the representatives and provided opportunity to keep the assembly repeatedly.²⁹ The first attempt to elect the National Gipsy Self-government at the beginning of 2003 highlighted the particular inadequacy that the moment to ensure the ability to make decision is not yet settled so in which moment of the assembly do the members have to be present in sufficient number. The small-list election system, which was based on majority and not proportional rates and which was applied at the local level too, also proved to be a problematic component during the course of creating the national minority self-government, because it provided opportunity for rival civilian organisations of a divided minority to marginalise or displace one-another. To replace this latter one the 2005 modification introduced a combination of the proportional and listing system, which will hopefully facilitate the institutional discussion and representation of the different concepts within the minorities.

3. Competence and Duties of Minority Self-governments

The licences, duties and competence of the different levels of self-governments which the elected minority representatives can apply for the given communities good as trustees of autonomy, is a factor that should not be neglected especially from the aspect of creating the aimed minority cultural autonomy. Formally the Minority Law and the related regulations concern the self-governments but it is doubtful whether real self-governing comes to force in fact during the actual working in respect of regulating content issues. The general rules concerning local self-governments of LXV Law of 1990 is worth invoking according to which the self-governments proceed independently concerning local public issues which belong to their duties and competence. According to the laws, rules and regulations they can regulate independently and in certain unique cases govern the local general concerns: their decisions can only be overwritten in case of breaking law or rule by law-court or Constitutional Court. It's essential that the self-government can take upon voluntarily the solution, treatment of all general concerns which are not assigned to the competence of other organisation by any law or regulation; in this case the self-government can act in any possible way which does not break any legal norm. These characteristics of self-governments are not valid or are valid but to a limited extent in case of minority self-governments: several features of the created regulation follows the pattern of the self-government model, but as regards the content we cannot consider these to be real self-governments because of their

²⁹ Concerning the events. Demeter: op. cit. pp. 144-145. Petrusán, György – Martyn, Emília – Kozma, Mihály: A magyarországi románok. Budapest, Útmutató, 1999. pp. 115-116. Riba, István: Minority self-governments in Hungary. The Hungarian Quarterly, vol. 155. (autumn 1999) pp. 83-84.

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system of duties and instruments.³⁰ Minority organisations' original ideas of strong legal autonomy regarding the legal status, duties and competences of minority self-governments undoubtedly became the victims of the struggles of interests and compromises of the law preparation. This situation was intended to be changed by the 2005 modification. Minority self-governments did not have obligatory duties to be fulfilled at a minimum level until that time, they could not take upon new duties and competences except for the case by the means of conveyance. Majority of the licences and competences of the local and national minority self-governments was weak and for considerable proportion of them the form of self-government was needless. The strongest licences of the local minority self-governments are mostly negative rights: acquiring the declared consent of the minority self-government within thirty days was a prerequisite to introduce a self-government decision which regards the education of those as well who belong to the minority, or to appoint leaders of minority institutions, to introduce regulations of the self-government of the settlement which concern local education, media, preservation of traditions and culture, collective language use (from 2005: press, preservation of traditions, culture, language use), and to regulations of the settlements' self-governments regarding the issues of preservation and maintenance of architectural memorials of "historical settlements". Within this thirty-day-long period the minority self-government has got a right to veto these decisions. Minority self-government cannot exercise its right to consent according to the law in case the given self-government decision was not made in ordinance form. Furthermore the exact content of the right to consent was also unclarified for a while. Vast majority of the minority self-governments' rights were described in its relation to the settlements' self-government so their opportunities and ability to enforce interests, as well as the future fate of the minority cultural autonomy strongly depended on the attitude, willingness to cooperate and opportunities, of the settlement's self-government. The ordinance according to which a local self-government can establish maintain or convey institutions especially in the spheres of local education, written and electric media, preservation of traditions and common culture independently within its own competence – by using the proper resources – aimed the creation of cultural autonomy, but it took years to refine the detailed regulation. The national self-government can also create institutions and can prescribe their organisational and functional structures and rules. These rights concern the establishment and maintenance of mostly educational, cultural institutions (theatre, museum exhibitions, and public collections with nation-wide sphere of collecting, library, artistic, scientific institute,

³⁰ Pálné Kovács, Ilona: A kisebbségi önkormányzatok jogállása. In: Cséfkó, Ferenc – Pálné Kovács, Ilona (ed.): Kisebbségi önkormányzatok Magyarországon. Budapest, Osiris – MTA Kisebbségkutató Műhely – MTA Regionális Kutatások Központja. 1999. p. 41. Walter, Tibor: Német kisebbségi önkormányzatok Baranya megyében. Magyar Közigazgatás, vol. 2001/12. p. 744.

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and publisher, secondary and tertiary educational institutions with nation-wide sphere of competence). Besides its licence to participate and express opinion – correspondingly to the local minority self-governments – the strongest licence of the national minority self-government was to exercise the right to consent which it could apply when measures were created (later in the case of the execution measure of the Education Law too) concerning the curriculum of primary or secondary education, as well as the preservation or maintenance of the architectural memorials of the given minority's historical settlements – however the meaning of the term "historical settlement" was not clarified and there was no list of these either.

The significantly different status of the largest minority: the Gypsies in which they differ from the other national and ethnic minorities, requires further notice. According to the national average the excessively unbeneficial social and economic indicators bring up the question to what extent do the dominant needs and requirements of the Gypsies – who suffer disadvantageous discrimination and face major barriers when attempting to enforce their most essential human rights in many cases and are in the most disadvantageous position – harmonise with the aim of cultural autonomy which is described in the Minority Law. It remains unanswered, that how much are the efforts of a minority, which is dominantly interested in social and economic integration improve their standards of living and social standards to a significant extent, and in the elimination of marginalisation, can be served by the provided individual and collective minority rights and the created minority self-government system. Surveys highlighted that most Gypsy self-governments are under the necessity of dealing with social issues owing to the unfavourable social and economic status of the population, and of improving living standards as well as easing social problems, so it became a relevant political pursuit to establish autonomy in decision making regarding social issues which is outside the scope the Minority Law and the related regulation.³¹

Legal prerequisites of minority cultural autonomy have been provided to a certain extent – besides the above described decrease of the Minority Law – in Hungary since the regime change, which means that with the abolishment the educational monopoly organisation of private educational forms has been liberalised as well as to establish cultural or scientific institutions or to publish press products. Insignificant number of minority civil organisations and minority self-governments could establish and operate institutions which are essential for

³¹ See Kállai, Ernő: Helyi cigány kisebbségi önkormányzatok Magyarországon. Budapest, Gondolat – MTA Etnika-nemzeti Kisebbségkutató Intézet, 2005. p. 124-125. Molnár, Emilia – Schafft, Kar A.: A helyi roma/cigány kisebbségi önkormányzatok tevékenysége és céljai Magyarországon 2000-2001-ben. Szociológiai Szemle, vol. 2003/1, p. 95-96.

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cultural autonomy (i.e.: Croatian Institute in Pécs, Croatian Theatre, Research Institute of Slovaks in Hungary in Békéscsaba). As regards to the educational institutions the situation changed in 2002 and 2003 when the Education Law's – and in latter case the Minority Law's – modifications intended to improve the conditions and rules of establishment maintenance and conveyance of institutions mostly in favour of the national minority self-governments including the issues of financing and the status of employees too.³² Conditions of establishment maintenance and conveyance of minority cultural institutions was included in the 2005 modification of the Minority Law – besides the more precise settling of the duties and operation of minority self-governments. It is not a point to neglect that as a consequence to these legal changes the infrastructural and financial background of the minority self-governments' operation also improved. It is also to be noted, that besides other financial resources, the 2003 budget also supported the conveyance and maintenance of minority institutions.

Summary

During the course of regime change in Hungary in order to preserve and improve minority identities and partially to remedy failures and mistakes of the past, it was necessary to establish a minority autonomy which could serve as a model both for the international participants and the neighbouring countries. But – as the 2005 modification's preamble puts it in a very self-criticising way – establishment the form of minority self-government was more important those days, than the actual operation and settlement of duties and competences, which are necessary to achieve autonomy. Although the latest modification of the Minority Law brings up numerous further question – basically regarding the sphere of elections -, and more time is needed to show its effects and assess the collected experience, but together with other legal changes undoubtedly it was an important leap towards the establishment effective cultural autonomy.

³² Experiences show that law modifications did actually improve the conditions of institution conveyance. The National Self-government of Germans in Hungary conveyed the maintenance the Koch Valéria Nursery School, Primary and Secondary Grammar School in Pécs as well as the German National Secondary Grammar School in Pilisvörösvár in summer 2004. It was also in 2004 when the National Slovakian Self-government could enter into a conveyance agreement concerning the Slovakian Primary and Nursery School as well as the Student Home in Szarvas. The National Croatian representation of interests has already been operating the Hercegszántó Primary School. See Úton a kulturális autonómia felé. Intézmények – országos önkormányzatok fenntartásában. Barátság, 15th November 2004. pp. 4386-4388.

Judit Tóth

Is it possible to regulate citizenship by referendum?

The resolution of the Constitutional Court dated March 1, 2004¹ opened up the way to collecting signatures and then to a definitive referendum to be held at a later date regarding the preferential acquiring of Hungarian citizenship. It was followed by the actual collection of signatures and finally Parliament decided upon the referendum itself. And the President of the Republic - since the earlier resolution of the Constitutional Court on the merits was maintained - set the date of the referendum for December 5, 2004. The survey below was prepared not on the basis of the result of the referendum² and far earlier in time too, but definitely independently of it. For it is edifying to investigate the argumentation making the referendum possible, on the other hand, in the second half of the present chapter, to see what Parliament can do with the heap of problems placed before it.

On the decision of the Constitutional Court

Two main questions are waiting to be answered in respect to the judgement: on the basis of what constitutional arguments was the resolution born, can a logical system and building on earlier resolutions be discovered in the judgement, to what extent is Parliament ready to make a legal regulation regarding a preferential granting of citizenship to Hungarians living outside the borders of the country.

Prior to giving an answer to the first question, it is necessary to indicate that a parallel opinion³ (judge Mihály Bihari) and a separate opinion (that of judge István Kukorelli and, in agreement with it, of judge András Holló) are connected to the resolution as well. Thus there was no consent either in the field of argumentation or in respect to the final conclusion among all the members of the Court, while the presenting judge dealt with a problem of such nature perhaps for the first time.

¹ Resolution of the Constitutional Court 770/H/2003 (March 1, 2004)

² The majority of participating voters rejected the preferential granting of the Hungarian citizenship but result was not obligatory for the parliament due to the level below threshold of participation. Rate of supporters among voters was significant.

³ Although the Act XXXII of 1989 on Constitutional Court contains no references on opinion of each judge, the parallel and separate opinion have been published together with the mainstream decision. The first means a different explanation, reason, comment of the judgement in concern. The separate opinion represents the refused version of the judgement.

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On the sheet of collecting signatures of the World Federation of Hungarians⁴, approved by the National Election Commission,⁵ there is a question which divides Hungarian society too, namely: "Do you want Parliament to prepare an act on the granting of Hungarian citizenship, by preferential naturalisation, - at their request - to those persons who declare themselves to be of ethnic Hungarian, who do not live in Hungary, who are not Hungarian citizens, who verify their Hungarian ethnic origin with "Hungarian certificates" in accordance with Art.19 of Act LXII of 2001 or in other ways defined in the act to be created?" This question was approved as constitutional by the resolution of the Constitutional Court after thinking about it for approximately five months, rejecting the objections to the decision of the National Election Commission.

The question related to the referendum has three components:

● To force Parliament to engage in legislation. On the one hand, it would provide for the granting of Hungarian citizenship which, for the time being, may only be the amendment of Act LV of 1993 on the Hungarian Citizenship, with a two-third majority of the votes in accordance with Art. 69 of the Constitution. On the other hand, it involves the creation of an act which verifies eligibility to the preferential treatment (its ways, documentary or other forms, perhaps requesting witnesses, filling out language tests, etc.). So this is what constitutes the freedom of the legislator: if he so desires, he only refers to an existing item in the amendment of the Act on citizenship, accepting the Hungarian Certificate introduced in Act LXII of 2001 on Benefits for Ethnic Hungarians living in Neighbouring States. In this way, the objective scope of this Act on preferences is widened, in retrospect, because it will be possible to use the Certificate⁶ in another legal relationship too. The other option of the legislator is to enable Parliament to separately regulate the way of verification in a new act, which does not seem to be a realistic alternative because it is not possible to provide for (the process of) naturalisation in two acts even with the purpose of avoiding the compulsion of consent. The most logical solution is to simultaneously amend the Act on preferences and the Act on citizenship, mutually referring to each other.

⁴ In order to maintain a formal dialogue with Hungarian Diaspora all over the world it was established during the state-party period and this sleeping NGO has become a radical but marginal political actor since 1990. Due to certain cleavages in the right side parties the WFH has been transformed a meeting point of rightist second-hand political actors.

⁵ Resolution of the National Election Commission (116 of 2003, 18 September) published in the Hungarian Official Gazette September 23, 2003.

⁶ Up to the end of 2004 the number of issued Certificates was 800 000 from the ethnic communities of about 3-4 millions. See in László Szarka: A magyar kedvezménytörvény identitáspolitikai céljai (The Policy of Ethnic Identity by the Act on Benefits) In: *Ami összeköt? Státustörvények közel és távol. (Is There a Legal Bondage in Near and Far?)* Edited by Halász – Mjélnyi – Szarka, Gondolat 2004., 123-133.

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● The widening of the scope of cases of obtaining citizenship by way of naturalisation means an amendment in merit of the Act on Hungarian citizenship. Accordingly, the legal basis of obtaining citizenship will be naturalisation, supplemented by a new case, but the legislator may not choose from the existing legal basis (obtaining citizenship by descent, fact of family law, presumption, declaration, re-naturalisation), moreover, he may not create a new legal basis for the Hungarians living outside the borders of the country, either.

● Granting the conditions of new eligibility for preferential naturalisation, from which legislation may not deviate. In this way, at his request, it is necessary to ensure the legislative opportunity of obtaining citizenship for the foreigner, declaring himself to be of ethnic Hungarian and living abroad, if he verifies his ethnic origin. The question does not go as far as to make it expressly compulsory to grant citizenship in such cases, although the imperative statement in the Hungarian wording of the question ("should be granted citizenship") hides this interpretation too, especially if those giving their signatures are not familiar with the regulation of citizenship.

Those raising objections requested the decision of the National Election Commission to be made null and void and the instruction of the body to initiate a new procedure for the following reasons:

● In the wake of a successful and valid referendum, an Act must be created which is to clash with international obligations undertaken.

● The act to be created would violate the prohibition of discrimination included in Art. 70/A of the Constitution because it differentiates in respect to fundamental rights amongst the applicants for citizenship without any reasonable justification and thereby violates the right to human dignity as well.

● The issue does not belong to the competence of Parliament.

● The wording of the question is not unequivocal and it requires an expert knowledge of the law which cannot be expected from the voting citizens.

What did the resolution of the Constitutional Court refer to when rejecting the complaint, i.e. what were its arguments relating the constitutionality of the question and were all the relevant elements of the subjects concerned in the resolution taken into account? In the following we shall investigate the above questions.

a) On our international obligations

Under the Art.7 of the Constitution, Hungary is obligated to apply the generally recognised rules of international law. They include the case law, within the framework of which no rules have been created, according to which a state may not define in a sovereign manner whom it considers as own citizen. At the same

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time, this sovereignty is not unlimited because the precondition of the recognition of citizenship in international relations is the requirement of a genuine, close relationship between the citizen and his state. The principle of effective contact was worded by the judgement of the International Court of Justice (United Nations Organisation) based on international case law.⁷ Although the regulation of citizenship and its application are issues falling within the jurisdiction of the state, a state may not refer to the necessity of its rules laid down in this way to be recognised by another state, unless the aforementioned close, real relationship and legal bondage fail to exist, which includes the protection of a citizen by its own state against another state. By the way, the principle of effective contact in itself does not exclude multiple citizenship, but the establishment and maintenance of a close and real relationship, on account of the economic, family, social and cultural attachments of the individual, hardly make it possible to frequently and unequivocally identify the simultaneous existence of equally intensive relationships with several societies, states. According to the argumentation of the Constitutional Court, the issuance of the "Hungarian Certificate" - which, by the way, is just one possible way of verification of the closeness of the relationship, because the legislator may choose other ways as well - is bound to conditions. "Such conditions are the knowledge of the language and inclusion in registration as a person of Hungarian nationality or participation in communities in which the feelings of Hungarian ethnicity are manifested. Those characteristics express a closer attachment to Hungary." Thus we meet the requirement of effective link, the actual relationship between the state and its citizen, elaborated on in the mentioned ICJ case. If that were so, the ethnic principle would be a legal fact laying down the basis for the bondage of citizenship in respect to all countries and the ICJ would not have taken so much trouble to outline what is a genuine relationship, why it must be examined on an individual basis, why it may not be verified with one single document. For living, staying on the territory of the country, paying taxes, working and living with the family, as well as social adjustment together determine the intensity, closeness of the relationship. Is it a formal matter, who speaks a language at what level, whether someone is member of a non-governmental organisation as a sympathiser or as an integral part of his personality, or what data are included in the records of an NGO regarding his ethnicity which he declared for a completely different purpose? In actual fact, with all that the Constitutional Court wished to answer the question whether resettlement, living on the territory of the country, applied as the main rule in the majority of the states, can be disregarded as factors necessary for establishing a bondage of citizenship or not. According to the

⁷ *Liechtenstein v. Guatemala*, 1955 WL 1 (ICJ)

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answer of the body, yes, although the objective definition of the ethnic principle is hardly possible, thus it wishes to substitute the real character of the relationship with formal criteria, as the explanation of a single paragraph. This argumentation is rather dangerous because it might capsize the traditional order, principles of the regulation of citizenship applied so far, moreover, it jeopardises the respect of the citizenship obtained in this way by other states in international relations.

The European Convention on Nationality⁸ is an international obligation undertaken by Hungary. The resolution makes no reference to the Convention being the basis for the separation of neutral citizenship from the ethnic principle. In the application of the Convention, citizenship is "a legal bondage between a person and a state, and it does not refer to the ethnic origin of the person" (Article 2/a). It is formally followed by the Act on Hungarian Citizenship⁹, because it speaks about the persons of ethnic Hungarian only among the preferences, although all statistics of home affairs prove that preferential naturalisation has become the main rule since almost the full circle of the cases refer to Hungarians living outside the borders of the country, and the basic, non-preferential case of naturalisation occurs as an exception¹⁰. The resolution of the Constitutional Court fails to deal with the distribution, quantitative proportions of the cases of citizenship, whether the main rule and the exception may be maintained logically, it exclusively reacts to the complainant's objections concerning Article 5., built upon ethnic preference and prohibiting discrimination. However, that formalism undermines the obligation of the bona fide manifestation, observance of the international obligations undertaken. For domestic regulation was not reviewed from this point of view either at the time of the ratification of the Convention or when the act on preferences was endorsed, and now the Constitutional Court failed to point out this contradiction as well.

The Peace Treaty of June 4, 1920¹¹ terminated the citizenship of the one-time Hungarian citizens by their inclusion in the jurisdiction of the succession state

⁸ Published by Act III of 2002, to which Hungary added a declaration on procedural issues (Articles 11-12, Articles 22-23, which is a reservation in merit), the provisions discussed in the resolution are to be applied in their fullness.

⁹ Judit Tóth: *A diaszpóra a jogszabályok tükrében /The Diaspora in the Mirror of Legal Regulations/*, Regio, 3-4, 46-92 (1999)

¹⁰ According to the data of the National Statistical Office, moreover the Immigration and Citizenship Office of the Ministry for the Interior, for example, in 2003 89,8 % of the applicants for naturalisation came from three neighbouring countries (Romania, the Ukraine, Serbia-Montenegro), while equally high was the percentage of the citizens of those three countries among the persons possessing permits of immigration and permits to settle down, representing the conditions of naturalisation. on December 31, 2003, 80.9 % of the applicants had immigration permits and 84.9 % of them possessed permits to settle down in Hungary. (Oltalomkeresők, 2004/2-3)

¹¹ Published in Act XXXIII of 1921

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unless they exercised their right to opt out. The person submitting the complaint makes a faulty reference to a collective reinstatement of the Hungarian citizenship of the persons concerned or their descendants since it is included in the question of the referendum that Hungarian citizenship would be granted to them at their request. The Peace Treaty is remarkable from the point of view of essentially excluding multiple citizenship and connecting Hungarian citizenship following the ethnic principle (too) to the right to option as well as moving into the kin-state. On the other hand, even in the case of a declaration of option it does not automatically ensure "the final recognition of the maintenance or the obtaining" of Hungarian citizenship for the fact of opting "only results in the maintenance or the obtaining of Hungarian citizenship if the Hungarian Royal Ministry of the Interior establishes that the conditions of the option exist".¹²

The resolution does not discuss the question whether it is possible to deviate from the Act on citizenship in bilateral international agreements. For if multiple citizenship becomes a mass phenomenon, it urgently raises the necessity of creating specific rules in all cases in which multiple citizenship has an undesirable, unintended influence, and especially if the obtaining of another citizenship of the person in question concerns different prohibitions (e.g. he loses his citizenship in accordance with his place of residence if he obtains a new citizenship by application). Since multiple citizenship would not be associated with moving here, it is necessary to establish specific provisions relating to the enforcement of provisions which govern personal status in international private law (e.g. the law of the state of place of residence, registration will be the personal law and not merely the law of the state of citizenship), perhaps to make an agreement on the specific order of double taxation, military service (which may also not adjust automatically to the reporting of the place of residence). Since universal national or multilateral international rules have not been created in respect to multiple citizenship, and the agreement of the European Council quoted above does not make it compulsory to preserve the original citizenship in case of the obtaining of a new citizenship by application either¹³, moreover, the states of persons of ethnic Hungarian are not necessarily parties to it, the amendment of the Act on citizenship raised in the question may not be applied in itself, at least not without the violation of the rule of law.

¹² The execution of Articles 61-66 under the title VII of the Peace Treaty were served by 6.500. of 1921 Decree of the Hungarian Royal Ministry, 12. §

¹³ The Convention contains a minimal rule relating to multiple citizenship which, however, is obligatory for the participating states. Accordingly, it is obligatory to preserve the (multiple) citizenship of the person who obtains *ex lege* citizenship by birth (because he acquired citizenship from parents of different citizenships under the principle of descent) or by marriage (Article 14), moreover it is obligatory to preserve the original citizenship of the person who wishes to obtain his second citizenship by naturalisation in case waiving or terminating the original one is not possible or it would be unreasonable (Article 16). In other cases, the own regulations of the participating states are not bound.

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It is related to the above: there are no universal regulations as to how the political rights of multiple citizens can be exercised. It is an internal affair of sovereignty and attachment to the political community about which it can only be said in general terms that exercising political rights is bound to the state of the customary place of residence in accordance with the internal law of most of the countries. On the other hand, it is indifferent to the given state whether its citizen exercises his political rights in yet another state as well (suffrage of persons living abroad). The national regulation of the customary place of residence defines the applicable law not only in the field of the civil status but, indirectly, the enforceability of other rights of internal law constituting a part of the legal standing of citizenship as well. (For instance, national law makes the extradition of double citizens possible, if they have their permanent place of residence abroad, on the basis of Act XXXVIII of 1996.) Multiple citizenship may, at the same time, furnish a basis for the expulsion of a person to the country of which he is citizen, although otherwise he has no contact with that country at all, except if a state is party to the Convention on Human Rights of the Council of Europe (right to family life and privacy, Art.8) and Protocol 4 which prohibits states from expelling their own citizens from their territory (Article 3), although, as a result of expulsion, they could live in another country by way of their multiple citizenship⁴. Diplomatic, consular protection may not be provided to the multiple citizen against the authorities of the country of which he is citizen, unless it is permitted by a specific rule of international law, customary law. Consequently, the survey of the related legal material would also be unavoidable, although there is not a single reference to that in the resolution.

The resolution also failed to deal with the issue of EC law hampering the free flow of legislation dictated by the people. For preferential naturalisation will surely be applicable to the EU citizens as well, and by obtaining Hungarian citizenship, the rules of the citizenship of the EU are to be applied to the new citizens too. The former raises the question whether an EU citizen will need Hungarian citizenship but the consideration of that would only be possible in individual cases as is envisaged by the legal regulation recommended. EC law, for example, prohibits double voting in electing the members of the European Parliament but, for lack of uniform rules of procedure, it is dependent upon the

⁴ Act XXXI of 1993 published the ECHR and the eight supplementary protocols belonging to it. The United Kingdom is not party to the quoted Protocol, thus it expelled the parent having to right of supervision of a child possessing double citizenship. The European Commission on Human Rights qualified the complaint as inadmissible, saying that in this way the child follows the parent expelled into his own country, thus Article 8 of the ECHR was not violated (*Jaramillo v. U.K.* 24865/94, *Sorabjee v. U.K.* 25297/94). It is a different issue that in an indirect manner the expulsion of the own citizen (a British child who may not remain without parental supervision thus follows this parent) will probably violate the international customary law, representing exile.

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given member state whether it observes that rule or formulates specific rules in respect to multiple citizens¹⁵. On the other hand, the enforcement of EU citizenship may not be blocked by a regulation in the member states which differentiates according to which state the multiple citizen is attached more closely to (e.g. in accordance with the latest place of residence), and in case it perceives in it an attachment to a third state, it will not apply the rules of EU citizenship.¹⁶ All is to be mentioned because in accordance with Art 2 (2) of the Act on citizenship, if someone is the citizen of another state too (whether an EU Member State or a third state, makes no difference), then, from the point of view of Hungarian law, - and EC law is part of applicable law in Hungary too - he must be considered as a Hungarian citizen, unless the law provides differently. Independently of the referendum too, that provision would need greater precision since the possible deviation from the law may not run counter to the requirement of constitutionality, human rights and EC norms. At the same time, if the number of cases of multiple citizenship increases, it is justified to call the attention to the necessity of specific regulation. For example, Act CXIII of 2003 on the Election of the Members of the European Parliament says nothing at all about specific rules to be followed when including multiple citizens in the voting list for the election. Thus Hungary too will increase the number of voters in several places, except those having no place of residence in Hungary at all, which, however, may become more possible following the obtaining of citizenship, especially because the place of residence is not used in the rules of suffrage in the sense of the Act on citizenship¹⁷ but as a far simpler case of registration (reporting of home address).

Taking the above points into account, it is not completely understandable how the resolution came to the conclusion that the referendum fails to concern international obligations in force. The resolution of the Constitutional Court referred to, 62 of 1997, 5 December expressly excludes the referendum from the circle of instruments authorised to further formulate the already existing internation-

¹⁵ Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangement for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, Council Directive 93/109/EC Article 1 (2), Communication from the Commission on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament. COM (2000) 843 final (accordingly, during the latest elections one and a half million EU citizens voted several times), Act concerning the elections for the representatives of the Assembly by direct universal suffrage (Official Journal, L 278, 08/10/1976), Article 8.

¹⁶ The Micheletti case (Case C-369/90, judgement of 7 July 1992).

¹⁷ In accordance with Art. 23 (1) of the Act on Citizenship, those persons are residents in Hungary who have an permanent residence permit (immigration permit/a permit to settle down in Hungary), or have been recognised as refugees, or are as EU citizens have EEA residence permit to stay in Hungary.

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al law obligations in force, in accordance with Art. 28/C.(5) of the Constitution. Further formulation may not be excluded in the sense of the compulsion of creating multi-level, internal and external norms in the wake of the referendum.

b) Discrimination and human dignity

The proposal refers to a successful referendum - by such an obvious expression of ethnic preference - being contrary to Art. 5. (1) of the European Convention on Nationality which prohibits differentiation in cases of citizenship or a practice which qualifies as discrimination based on national, ethnic origin.

When judging it, the yardstick of the European Court of Human Rights is to be applied, developed in the course of the application of the ECHR (1950). Although the rights included in the European Convention on Nationality do not figure in the ECHR, its aspects of lawful differentiation are to be applied on the basis of Protocol No.12. Interestingly enough, the resolution fails to touch upon it, whereas the Protocol on the prohibition of discrimination in regulation and the procedures of the authorities has already been signed by Hungary⁹.

At the same time the resolution points out that the commentary, prepared for the European Convention, does not exclude or consider unlawful the provision of preferences, on an objective basis, exceptional compared to the main rule, of narrow interpretation (knowledge of the language of the state, descent from identified persons, birth and stay on the territory of the state, family law relations, statelessness, shorter period of stay for the EU citizen) in citizenship law. In his separate opinion, István Kukorelli also points out that objective legal facts may be accepted according to the commentary too, the tolerable national laws building upon them as well. However, in the European practice "the legal title of naturalisation bound to making a declaration included in the question would be a preference granted on a subjective basis hardly known before". The ethnic preference in the Hungarian regulation is objective to the effect that it grants Hungarian citizenship to the person declaring himself to be of ethnic Hungarian, living here, after a shorter period of waiting, if one of his ancestors was a Hungarian citizen (Art. 4 § (3) of the Act on Citizenship). It is, after all, an objective legal fact. However, the planned amendment would be content with the applicant declaring himself to be of ethnic Hungarian and verifying it somehow. Therefore objectivity is at best restricted to the verification only, but because ethnicity may not be defined in an objective manner, it may only be verified in a relative manner.

⁹ Government resolution 2253 of 2000, 31 October on the participation in the Ministerial Conference held on the occasion of the 50th Anniversary of the endorsement of the ECHR dated November 4, 1950 in Rome, and of the signing of supplementary Protocol 12th of the Convention.

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In vain does the resolution refer to the Act on preferences and its opinion related to the European Commission for Democracy through Law of the Council of Europe (Venice Commission) because it was not made with reference to cases of citizenship. Thus it would be misleading to provide a long description of how Act LXII of 2001 was amended by Act LVII of 2003 on the basis of the guidelines of the Venice Commission, because it identified the solutions of unilateral regulation within the framework of the manifestation of minority identity, preliminarily cultural rights.¹⁹ Since the Act on preferences "exceeded in several of its elements the customs established in international law, as well as the frameworks of international agreements to which Hungary is also party," and, therefore too, it had an unfavourable international reception, in view of all that, "it became necessary to bring the legal regulation in harmony with the requirements of international law and practice" within the framework of minority identity, making a decent living on the homeland, cultural objectives, i.e. minority protection.²⁰ Those objectives are perfectly met by declaration about Hungarian ethnicity, speaking Hungarian at a certain level, membership in a Hungarian non-governmental organisation or religious community. That will not be objective from the point of view of eligibility for Hungarian citizenship if Hungarian Certificate is issued by a Hungarian authority or because there is a photograph in it.²¹ Perhaps that is felt by the presenting judge because he all of a sudden brings up discrimination on an ethnic basis and its justifiability to verify the closeness of the relationships between the applicant and Hungary. He comes to the conclusion that, if the Act on preferences meets the provisions of the Venice Commission, and the European Convention on Nationality makes it possible to provide preferences on an ethnic basis, by the combination of the two, further preferences in naturalisation will be met by no obstacles in the regulation of citizenship in the future, either from the methodological point of view or that of international law. That approach combines different legal relationships but at least provides equal treatment to legal facts of different levels of objectivity.

¹⁹ Judit Tóth: A státustörvényről - A Velencei Bizottság véleménye a magyar jog tükrében /On Status Act - In the Mirror of the Venice Commission and Hungaria Law/. In: A státustörvény - Előzmények és következmények /Status Act - Antecedents and Consequences/. Ed. by Zoltán KÁNTOR. Teleki László Intézet /Teleki László Institute/. Budapest, 2002, 57-69. László Sólyom: What did the Venice Commission Actually Say? In: The Hungarian Status Law: Nation Building and/or Minority Protection, Edited by Kántor - Majtényi et.al. Slavic Research Centre, Hokkaido University, Sapporo, 2004., 365-370.

²⁰ General Comment of the Parliament to the Act LVII of 2003.

²¹ Art 19, amended by Act LVII. of 2003 stipulates the conditions of the issuance of the Certificate, including the foreign representations' participation in collecting the applications and the declarations.

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A further argument of the Constitutional Court for meeting the international expectations is that the amendment of the Act on citizenship by Act XXXII of 2001 also refers to the European Convention on Nationality in its explanation. It is a pity that they failed to read the text of the amending act because it contains no reference to ethnic preferences at all and it makes more accurate the substantive and procedural rules of citizenship only and expressly on the basis of objective viewpoints.

In his parallel opinion, Mihály Bihari takes the starting point on a purely normative basis that it is necessary to differentiate between the main rule and the specific rule. If, compared to the main rule, the specific rule contains aggravation on an ethnic (or other) basis, then it is discrimination, while preference on an ethnic (or other) basis does not violate the prohibition of discrimination if it is not arbitrary. Since no-one would touch the main rule, and it is not ethnic-based, the specific rule of preferences, which is ethnic-based, does not violate Article 5 of the European Convention on Nationality. If in the wake of the referendum a further preference is born, also on an ethnic basis, while leaving the main rule unchanged in the Act on Hungarian citizenship, it will not violate the provision included in Article 5, either. That is clear speech, but the only thing we do not know is what makes something a main rule, i.e. nominally, or as a result of its practical role, weight as well. The question is whether the basic case of naturalisation, named as the main rule, applied almost exceptionally, (e.g. the examination on the basic knowledge of constitutionality is to be taken in Hungarian which is a very serious burden to persons whose mother tongue is not Hungarian, thus the ethnic basis is manifested in a hidden manner too) may remain the main rule merely on the basis of formal consent, if it occurs in the overwhelming majority of the cases called specific (whose scope is to be widened further)? Where is the borderline of arbitrariness drawn? May the necessity of preferences be justified by historical circumstances and the high number of applicants, etc. and therefore it is reasonable?

The domestic yardstick of the constitutionality of discrimination had to be taken into account too since the referendum may project the creation of an act which means an unjustified differentiation, namely amongst the ethnic Hungarian foreigners. For the regulation in force includes the case of naturalisation which makes it possible to acquire citizenship for those possessing Hungarian citizen ancestors at one time, declaring themselves to be of ethnic Hungarian, following a year of having permanent residence permit as waiting time (Art. 4 § (3) of the Act on Citizenship). By leaving this rule untouched, the foreigners declaring themselves to be of ethnic Hungarian, may acquire citizenship with any ancestors, moreover without any time to wait, what is more, without a place of residence or stay in Hungary. That represents at least two types of advantage for those having a Hungarian

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So the conclusion of the Constitutional Court is that there is no discrimination on the basis of the Act on preferences and the preferences in naturalisation built upon it, and there has been no violation of human dignity from the point of view of the persons not belonging to the Hungarian minorities. In the course of the examination, it failed to combine the prohibition of preferences on an ethnic basis (which may not be objectively defined and justified, becoming a mass phenomenon and a main rule), included in Article 5 of the European Convention on Nationality mentioned above, with the differences made in respect to the foreigners being ethnic Hungarian.

c) The wording of the question

In accordance with the earlier resolutions of the Constitutional Court, the question posed for referendum is acceptable if it is grammatically unequivocal, easy to understand, and the whole of the question is not disturbed by technical terms, the question may be answered with yes or no, and the task of the legislator is unequivocal.²⁴

In Resolution²⁵ of 2001, 29 November it is worded more elegantly in the separate opinion of Mihály Bihari, asking why the responsibility of the National Election Commission and the Constitutional Court is great. The Act on referendum²⁵ fails to touch upon the characteristics of the requirement of unequivocalness of the question intended to be included in the referendum. Thus it can only be elaborated by the practice of those two bodies and the final word is left to the Constitutional Court serving as a forum of legal remedies. According to the separate opinion, the criteria of unequivocalness are as follows:

1. Unequivocalness and the identifiability of the legal institution for the voting citizen taking a stand relating to the support of the initiative of the referendum.

2. The unequivocalness of the question intended for the referendum from the point of view of grammar, correctness of the language and logic, as well as the understandability of the question for the general public.

3. The unequivocalness of the decision alternative(s).

4. Unequivocalness for the legislator.

5. Furthermore, there may be requirements to be defined on the basis of other approaches.

In the given case - in spite of the technical terms - the Constitutional Court declared the question worded to be suitable for inclusion in the referendum, in

²⁴ In respect to the referendum, the Constitutional Court considered this constitutional requirement important: "The question posed for the referendum is to be worded in a way that on that basis all the citizens should be able to reply unequivocally." (Resolution 1 of 1990, 12 February)

²⁵ Act III of 1998 on national referendum and people initiative

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Certificate within the group of foreign persons of ethnic Hungarians. That discrimination has no reasonable justification. The value judgement also expresses the "second rate character" of the Hungarian across the borders of the country who has received permanent residence permit, settle down in Hungary, that is "betrayed, left his land of birth", perhaps he was expelled from Hungary on account of having violated the regulations because such persons are excluded from the circle of those eligible for the Hungarian Certificate²². Such an open doubt of belonging to the nation in itself gives rise to grave concerns on account of the additional legal consequences, i.e. because of the combination of policing and the support of cultural heritage. Why is the person who was not caught engaged in illegal labour in Hungary "more of a Hungarian" than the one who was put on the list of undesirable aliens as a result of staying longer in the country than permitted? That is now further aggravated by widening the disadvantage concerning the acquiring of citizenship, violating human dignity. Unfortunately, the Constitutional Court related the ethnic preference only to the applicants of non-Hungarian foreigners for naturalisation (the applicants of non-Hungarian foreigners representing a small group in the practice), and considered it proven on the basis of international examples that there are preferential rules in a number of countries all over the world, moreover, that specifically ethnic preference exists on the basis of the Framework Convention of the Council of Europe serving the protection of national minorities. It is not understandable why this (or other minority protection) document was referred to since the protection of minorities is the obligation of the territorial states, while granting citizenship is a legal action which concerns foreigners, and thereby, presumably, the non-discriminative character of the support rendered in accordance with the Act on preferences was intended to be justified.²³ The Framework Convention does not have one single provision concerning the granting of citizenship and this has no connection with the Court's statement, according to which "it does not qualify as discrimination if a part of the population fails to be the recipient of preferences granted to the members of a group defined on an ethnic basis."

22 In accordance with the amended Art. 21 (3) of Act LXII of 2001, the Certificate is to be withdrawn from the person having received a permanent residence permit (to settle down), or has, perhaps, been recognised by the Hungarian authorities as a refugee, on the other hand, in accordance with Art. 19 certificates may not be given to persons expelled or under the prohibition of entering the country, and such persons may not keep their Certificates either.

23 Act XXXIV of 1999 on the publication of the Framework Agreement of the Council of Europe on the Protection of National Minorities dated February 1, 1995 in Strasbourg. In accordance with its Article 17 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage." And Article 18 "The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned."

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view of the whole of it, furthermore, because from it Parliament may understand that it must adopt rules relating to preferential naturalisation which "may build upon the control of a closer bondage to Hungary, the conditions defined for the granting of the 'Hungarian Certificate' or identify other ways as well." The explanation fails to touch upon the aspects of grammar, correctness of the language and logic, and it only refers to unequivocalness for the voting citizens to the extent that the technical terms represent no obstacles (for instance, meaning of naturalisation, the title of Act LXII of 2001 is covered by a beneficial haziness, the preconditions of the Hungarian certificate, preferential naturalisation are obviously known to everyone). And as for the legislator, he should solve as best he can the tasks to be conferred upon him by the definitive referendum, after all "the question does not restrict Parliament in defining new preferences in the new regulation to be created, compared to the present conditions of naturalisation, either".

Of course, questions are not able to prevent anything, at most they may confuse the expert because they hide the following choices in them:

- in the Act on citizenship, the existing rules of naturalisation are to be touched or not,
- the close relationship of the ethnic Hungarian foreigners is to be declared by leaving the Act on preferences unchanged or just by referring to the existence of the Certificate included in it, or the objective scope of the Act on preferences should be simultaneously extended (since the certificate would be applicable in a new legal relationship too), or
- a completely new Act should be created relating to the declaration, verification of the relationship and, obviously, Hungarian ethnicity.

In accordance with the separate opinion of István Kukorelli, the Constitutional Court identifies the understandability, constitutionality of the question to be included in the referendum by "translating the question and making an effort to place it in the constitutional system". For, in accordance with the resolution, "the planned new case of acquiring citizenship by naturalisation included in the question" is built upon the Act on preferences and the Act on citizenship, however, according to István Kukorelli,

"that does not follow from the concrete question." It appears that the requirements of referendum by the earlier resolutions were not taken into account in a narrowing sense, but, on the contrary, in a wide and generous manner, moreover "explaining into" the question.

d) The competence of Parliament and the consequences of legislation

Referendum²⁶, as the direct instrument of exercising democracy, is one of the

²⁶ Art.28/B-C-D-E of the Constitution refers on referendum and plebiscite (people initiative) and their place in the constitutional structure inserted into rules on the Parliament.

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forms of the manifestation of the sovereignty of the people, and its case to be ordered in an obligatory manner enjoys priority compared to the referendum which may be ordered on the basis of considerations, equally containing the elements of exercising power through a representation of the people and directly.²⁷ Furthermore, the successful decisive referendum takes the right to make decisions away from legislation, which is obligated to adopt the amendment, regulation concerned, although István Kukorelli himself points out in his separate opinion²⁸ that neither the decisions made by the referendum nor the acts passed by Parliament, i.e. the normative decision pointing to the future, are impossible to change. That system of relationships and the legal consequences mentioned above raise the issue even more resolutely that, for the sake of the rule of law, legal stability, the question of the referendum, i.e. the exercising of the basic right to referendum, should be made subject to a preliminary institutional examination of constitutionality. What follows from that is that the question of the referendum is to be placed in the whole of the basic right and the constitutional system, not merely on the basis of the provisions relating to the prohibited objects, cases of referenda, included in the Constitution, the act on referendum. In that context, the Constitutional Court did not deal with the real stake of the referendum:

● Naturalisation as a legal title to acquiring citizenship is built upon the permission to immigrate (settle down), a legal institution included in the scope of alien control (consistently since 1993, earlier too as a main rule).²⁹ It amalgamates social, economic, national security, public order and cultural preconditions, and its basis is that the foreigner is staying in Hungary, creating an existence, and his way of life can be controlled. That would be changed fundamentally by the solution recommended in the referendum since the controllability mentioned above, the way of life in Hungary as well as the chance to fit in would all be terminated. Thus it would be necessary, for methodological reasons too, to change the regulation of alien control (settling down), together with legal standing of long-term migrants, too (e.g. their employment, schooling, social benefits, establishing own businesses), modified dozens of acts. For the rights ensured in the Act on preferences and the rights offered to foreigners - not in a human but an autonomous manner - are to be adjusted to each other.

²⁷ Resolution of the Constitutional Court 52 of 1997, 14 October

²⁸ Resolution of the Constitutional Court 50 of 2001, 22 November

²⁹ Act LXXXVI of 1993 on foreigners' entry, stay and immigration to Hungary, then Act XXXIX. of 2001 on foreigners' entry and stay in Hungary. That is not changed by the fact if the foreign person in question came into the country as asylum seeker, basically entails the procedure of an alien control authority and it is built upon staying here and being scrutinised (see Law-decree 19 of 1989, Decree of the Council of Ministers 101 of 1989, 30 September, to be replaced by Act CXXXIX of 1997).

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● The main rule of naturalisation (apart from the exemption granted to children) includes a genuine link to Hungary through a legitimate way of life here, built upon the procedure of alien control, a stable existence in Hungary, the examination in citizenship and transformation into citizen not violating the interests of the state (Art.4 §(1) of the Act on Citizenship). In a simpler manner, the effective relationship is borrowed from international law. The specific rule granting preference only reduces (terminates?) the length of the stay in Hungary from among the requirements listed above, leaving the rest of the conditions untouched: if one of the ancestors of the applicant was a Hungarian citizen and he declares himself to be of ethnic Hungarian. The regulation to be created following the referendum would drop two requirements from the main rule in the interest of the applicants enjoying preference: preliminary stay and any kind of life-style in Hungary, while the Hungarian citizenship of the one-time ancestor is no requirement either, because it is sufficient to confess (verify) Hungarian ethnicity. What points of orientation will the authorities have in terms of naturalisation not violating the interests of the state? Will it be possible to take the examination in citizenship knowledge at embassies too?

As a result of the imprecision of the question, the other version is that all the requirements are left out of the main rule of naturalisation (because only a reference is made to the confession and verification of ethnicity in the question). That is such a new concept which may not even be considered naturalisation since it crushes the main rule to pieces and only borrows the word "naturalisation" phonetically to acquire citizenship.

● Amendment is made even more difficult by the fact that, in accordance with the rules of the Act on alien control and the Act on citizenship entered into force following Hungary's accession to the European Union, the EU citizens do not need a permanent residence permit (permission to immigrate, settle down here) for naturalisation, an EEA residence permit is sufficient for that (Art. 23 (1) of the Act on Citizenship). That does not ruin the main rule but it only alleviates it to the extent that this permission may be obtained following a shorter stay here and on the basis of a simpler procedure. But the question does not exclude from preferential naturalisation the EU citizens either, including the ethnic Hungarians in Slovakia, Slovenia, who may receive Hungarian Certificates in case it does not violate EC law³⁰.

30 New Art. 1 of Act LXII of 2001: the scope of the Act extends to persons not being Hungarian citizens, declaring themselves to be of ethnic Hungarian, having a place of residence in the Republic of Croatia, Romania, Serbia and Montenegro, the Republic of Slovakia or the Ukraine (hereafter: neighbouring state). At the same time, Art. 27 (2) : The provisions of this Act are to be applied in harmony with the achievements of the *acquis* in the EU, following from the coming into force of the Act publishing the Accession Treaty.

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● It may seem to be a minor issue but the majority of the rules listed above (citizenship, alien control, travelling abroad on account of the obtaining of passport obviously following closely the acquiring of citizenship) may be amended by qualified majority in the Parliament. Therefore the compulsion of legislation exists even though no consent is reached.

● The Act on preferences may not remain unchanged either since Parliament, in the wake of the referendum, would use the Hungarian Certificate for a new purpose, not planned originally. The declared objectives of the Act on preferences are remaining on the land of birth and the preservation of identity as well as of the citizenship of the territorial state. In accordance with the resolution of the Constitutional Court, the Hungarian Certificate represents a closer relationship which would include the application for, and the acquiring of, citizenship as well, and thus it is a moral command at most and not a legal issue that the citizens - in the name of legal equality, i.e. irrespective of whether they have another citizenship, and under what title they acquired Hungarian citizenship - should enforce it, move freely, move around at their will or just stay in homeland. In this way, citizenship to be called to life by the referendum is to fill the Act on preferences, the rights to be enjoyed with the Hungarian Certificate, or the special status of ethnic Hungarian, with new contents.

● The international reception of Act LXII of 2001 has clearly demonstrated³¹ that there would be need for a thorough harmonisation of views with the neighbouring countries in order to preserve the objectives of the bilateral agreements concluded already (new ways of co-operation as a result of the application of the friendship agreements and the Act on preferences), should we introduce unilateral regulations in respect to the highly sensitive issues of acquiring preferential citizenship concerning sovereignty.

● On the other hand, the concept of looking upon Hungarian citizenship as a public law, ethnically neutral bondage - which is, of course, not identical with the way politics and publicity evaluate citizenship - will not remain unchanged either. Although establishing a place of residence (home address) is the precondition of the enforcement of a number of rights, certain inconsistency can be found in the regulations even today, and in case there is a sudden increase in the number of Hungarian citizens as well as multiple citizens living abroad, that process may strengthen, waving the obligation of staying in Hungary in respect to exercising increasingly more social, cultural or just economic rights. That may also have an impact on the planning of the budget as well, unless, as Jürgen

³¹ Zoltán Kántor (Ed.): A státustörvény - Előzmények és következmények /Status Act - Antecedents and Consequences/. Teleki László Intézet /Teleki László Institute/, Budapest, 2002

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Habermas put it, it is blocked by "welfare shovinizism".³² On the other hand, in accordance with the wording of István Kukorelli, who has already pointed it out elsewhere too, Art. 6 (3) of the Constitution may have normative consequences³³, although "those initiating the referendum intend to bind the institution of citizenship not to the country (the state, the territory of the state) but to the nation. Without doubting the nobility of their intention, this concept raises serious problems of constitutional law nature."

All in all, the Constitutional Court should have refused the initiative of the referendum on account of its unconstitutional nature, since it ruins Hungary's meeting its international obligations, the question fails to meet the requirement of unequivocalness, it concerns fundamentally the regulation and legal status of citizenship, as well as burdens the legislative power with tasks almost impossible to solve.

What is the opinion about citizenship in Parliament?

Playing with the idea that, following a successful referendum, the task of legislation is placed on the table of Parliament: what chances would Hungarians living outside the borders of Hungary have to acquire preferential citizenship or, perhaps, some other legal status? Since 1990, in the debates in Parliament, in respect to a number of topics, very different from each other, as well as on the basis of attempts at regulation, the public law relationship of the Hungarians beyond the borders, the members of the Diaspora, has cropped up, related to the visions of the Members of Parliament about the characteristics of citizenship in general terms. For the investigation, the Parliamentary Diary has been surveyed up to the end of 2004. Obviously, only the most characteristic features could be selected, and, for reasons of space, the long debates over the Homeland Fund and Programme³⁴ were not made the subject of the investigation, they have been left untouched for a topic of another analysis.

³² Zoltán Fábrián - Endre Sik - Judit Tóth: *Unióra várva - előítélet, xenofóbia és európai integráció /Waiting for the Union - Prejudice, Xenophobia and European Integration/*. In: *Migráció és Európai Unió /Migration and European Union/*. (Ed. by Éva Lukács - Miklós Király) AduPrint, Budapest, 2001, 395-412.

³³ István Kukorelli: "A felelősség klauzula" /Alkotmány 6. §. (3)/ értelmezési lehetőségei /The Interpretation Possibilities of the "Responsibility Clause" (6. §. (3) of the Constitution)/. In: *Schengen (A magyar-magyar kapcsolatok az uniós vízumrendszer árnyékában) /Schengen (Hungarian-Hungarian Relationships in the Shadow of the Hungarian Visa System)/*, Ed. by Judit Tóth. Kisebbségkutatás könyvek /Minority Research Books/. Lucidus, Budapest, 2000, 175-180.

³⁴ Parliamentary proposal for resolution regarding the national membership of the Hungarians beyond the borders and the establishment of the programme package "Homeland", Bill No. T/12725 on the Birth of Place Fund (www.mkogyt.hu/iromanyok)

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a) The reinstatement of Hungarian citizenship as a kind of historic compensation

Two acts were born on the termination of the force of resolutions depriving of Hungarian citizenship in 1990. Those having lost their public law relationship with the state since 1947 in this way - including those requesting their dismissal from abroad, on account of the prohibitions of double citizenship too - could regain their citizenship by declaration. In the first step, within a certain deadline, then without any deadline the application for regaining citizenship.³⁵ There are two examples for approaching the topic. In the debate on the Programme of the first democratically elected government, the rehabilitation of those having been deprived of their citizenship was urged, ensuring the reinstatement of citizenship for the deceased as well since "in certain countries the creation of double citizenship leads to a disadvantageous situation"³⁶. A decade later, in an interpellation of a sharp tone, one government MP posed the question why those concerned did not get back Hungarian citizenship in retroactive manner, for the period of the resolution of the deprivation. In accordance with the professional argumentation: the unpredictability of the impact of citizenship on family law, asset law and inheritance law would cause such legal uncertainty which contradicts both "ex officio procedure" and the retroactive force.³⁷

b) Revocation, termination of agreements excluding double citizenship

In the new, democratically elected Parliament, it was raised in the course of the debate on the Government Programme that the legal obstacles hindering the acquiring of Hungarian citizenship should be eliminated³⁸. By the way, it took several years to accomplish that. In its explanation the government referred to the fact that, especially on account of the mass immigration, escape, the persons of Hungarian nationality, settling over, numbering tens of thousands, "had the natural demand and intention to obtain Hungarian citizenship". For "Hungarian law has, traditionally, in view of the significant emigration of all time, tolerated double, multiple citizenship", and this development was hindered by the joint policy of the former socialist countries.³⁹ Therefore the revocation of

³⁵ Act XXVII of 1990 on the termination of the force of resolutions depriving of Hungarian citizenship and Act XXXII of 1990 providing for its amendment, as well as Act XXXII of 2001.

³⁶ Országgyűlési Napló (hereinafter: ON) /Parliamentary Diary/, May 15, 1990. László Salamon (representing the Commission of Constitutional Affairs)

³⁷ ON, Interpellation of Sándor Lezsák (MDF) and reply by Secretary of State of the Ministry of the Interior Károly Konrád (February 1, 2000)

³⁸ ON, Address of MP Zoltán Hajdú (May 23, 1990.)

³⁹ ON, Address of State Secretary of the Ministry of the Interior István Morvay in his exposé terminating the force of the Law-decree publishing the Romanian and Bulgarian agreements (February 25, 1992.)

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the agreements at the same time demonstrated breaking with the socialist legal past, first with Romania, later on with Bulgaria, Poland and Mongolia.

c) The regulation of (acquiring) citizenship

1. Definition of naturalisation, repatriation

In the new Act on citizenship passed in 1993, and then in the debate on its amendment, one of the main topics was the settlement of the relationship of the Hungarians living abroad with the homeland with legal means, and the other main topic was to make stricter the conditions of naturalisation. The latter intention was stronger and became the main rule, although the exceptional preferences were kept on being emphasized. "The more stringent rules do not concern our fellow countrymen of Hungarian origin, and in case of those having returned to the homeland, as well as their descendents, and integrating in is not a long process."⁴⁰ For citizenship is the natural claim of the ethnic Hungarians, while taking the initiative is the moral obligation of the state. So that builds upon the nature law approach to citizenship, being born into the ethnic group constituting its basis, "to give preferences to those belonging to the nation", "those living on the annexed territory", while making the conditions stricter for others. That principle is followed by repatriation (in the first version of the text, for those across the borders, following the criticism of the text, for former Hungarian citizens only), the rehabilitation of one-time citizens, acquiring citizenship by declaration, the termination of agreements excluding double citizenship, too.⁴¹ There is need for a compromise of enclosure in the national state and integration, but that would require a vision formulated jointly regarding the content of the legal relationship of citizenship. For obtaining, preserving and terminating citizenship may be adjusted to that too. There is danger that the past one and a half decades were not sufficient for that, there is a lack of agreement between staying on the land of birth (across the border) and preferential naturalisation in Hungary, moreover, the establishment of nationality, ethnic origin is cumbersome in practice, its legal wording is impossible substantially. International law does not recognise counterevidence, only the declaration of the person concerned.⁴² Of course, if the law is a symbolic act, it is not disturbing that immigration policy is not clarified, and its only certain element is that the minorities should stay on their birth of land but "those persons of ethnic Hungarian who have been living and working here for years should be granted Hungarian citi-

⁴⁰ ON, Exposé of State Secretary of the Ministry of the Interior Fábián Józsa in the debate on the Act on Citizenship (March 2, 1993)

⁴¹ ON, Address of MP Ibolya Dávid, address of István Böröcz in the debate on the Act on Citizenship (March 2, 1993.)

⁴² ON, Addresses of MPs Pál Vaslagh, Ferenc Kőszeg (March 2, May 4, 1993.)

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zenship in a preferential manner".⁴³ The opinions of all the contributors were unanimous, and the recommendations of compromise of the three parties led to the result that the preferences may only concern the persons of ethnic Hungarian having moved here and living here for at least one year, while the reinstatement of the one-time citizenship of emigrants living abroad in only possible with individual, rehabilitation purpose, from the time of application.

2. Hungarian citizenship which may be inherited without restrictions

Citizenship by way of descent creates a chain connecting, obviously in an invisible manner, millions of Hungarians living all over the world. The seriousness of citizenship, the reality of the connection has been questioned on several occasions. For example, it has been suggested that "there should be a transitory, five-year period for the dormant Hungarian citizens to make this latent state active" (e.g. registration at embassies), and only following that should their citizenship be recognised.⁴⁴ Rather than unlimited inheritability on the base of *ius sanguinis*, preferential naturalisation could be the solution for the descendents of persons of ethnic Hungarian, because genuine link means not merely an emotional or declared relationship but an actual connection as well.⁴⁵ The rule might, perhaps, come into force in 2010 in order to enable everyone to prepare for appearing personally at the embassy at least once every eight years to have the validity their passports extended because why should anyone need citizenship if they speak no Hungarian, do not demand it, moreover are not even aware of being Hungarian citizens! Following that, only preferential naturalisation would be available to those people. As a final result, "the principle of blood relation makes Hungarian citizenship more valuable and saves us from abuses as well".⁴⁶ Parallel to that, it would be necessary to think over which rights based on citizenship require modification because a contradiction has been created between unlimited inheritability and the system of the rights of citizenship, mainly because there are no records of latent Hungarian nationals and there is a lack of calculations for the budget relating to the benefits available to them⁴⁷.

3. Double citizenship and international agreements

The MPs look upon the toleration of multiple citizenship as a kind of counterblow, defence against historical injustices, together with the unlimited inheritance of citizenship, without restrictions of administration or any restrictions

⁴³ ON, Address of MP István Hegedűs (March 2, 1993.)

⁴⁴ ON, Address of MP István Hegedűs (March 2, 1993.)

⁴⁵ ON, Address of MP István Szigethy (April 6, 1993.)

⁴⁶ ON, Address of MP Zsuzsa Szelényi (May 4, 1993.)

⁴⁷ ON, Address of MP István Szigethy (May 5, 1993.)

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whatsoever. Parliament refused to deviate - in view of the sovereignty of the other country - from that unlimited tolerance and unrestricted inheritability even in bilateral agreements, in a certain circle, and to create different internal rules as well. National law considers multiple citizens as Hungarian citizens only and we do not care it causes problems to anyone, even though it gives rise to international complications.⁴⁸ On the other hand, multiple citizens of multiple bondage, especially those coming here or settling over from emigration, are suspicious as well. It has been raised on several occasions that "multiple bondage might cause disturbances in the work of MPs", thus it should be made compulsory for MPs to report all their citizenships to the Speaker of Parliament. However, that motion was not included in the list of subjects to be decided upon, but it was a narrow escape.⁴⁹ Others would only make it a condition to waive the other citizenship in respect to the more significant public law posts (president of the republic, prime minister, heads of the army)⁵⁰.

4. The procedure of citizenship

Strangely enough, the specificities of the procedure of naturalisation and aspects of equity were placed in the centre of attention not by an oppositionist MP or the Minister of Social Affairs or the Minister of the Interior but by the State Secretary of the Ministry of Finance. In his view, many people, being in a tight financial situation, gave up on obtaining Hungarian citizenship thus the duty of ten thousand HUF (50□) needs to be reduced to zero.⁵¹ Obviously, it increases the feeling of a "donation" in the eyes of the applicants while they are objecting to the slowness and the bureaucratic nature of the procedure and complaining about the lack of positive discrimination in respect to the Hungarians living outside the borders of the country.⁵² At the same time, the MPs demand a thoroughgoing procedure and a careful screening of security, policing and public security since - after all - the matter at hand is a serious one: citizenship.⁵³

⁴⁸ ON, Addresses of MPs István Mészáros, István Hegedűs, István Szigethy (March 2, April 6, May 5, 1993.)

⁴⁹ Submitted by dr. György Timár under Bill No. T/2129., with which he intended to amend Act LV of 1990 on the legal standing of MPs, its inclusion in the list of topics to be debated upon was supported by 138 MPs, objected to by 73 MPs and 67 MPs abstained. ON (April 6, 1996.)

⁵⁰ ON, Address of MP Tamás Sepsey in the debate on the principles of regulation of the Constitution (June 19, 1996.)

⁵¹ ON, Address of State Secretary Tibor Pongrácz in the debate on the Act on Duties (September 21, 1992.)

⁵² ON, Interpellation of MP András Rapcsák to the Minister for the Interior (February 25, 1997.)

⁵³ ON, Address before the agenda by MP Edil Rózsa (February 7, 1994.)

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5. Independent motions of MPs on the regulation of citizenship

Several motions of MPs aiming at the obvious connection of citizenship and the case of the Hungarians over the borders may be cited as examples. In one of them, the amendment of the Constitution was proposed by an oppositionist MP in order to make Art.6 (3) unequivocal from the point of view of norms, by changing one single word. Accordingly, the Republic of Hungary does not "feel" but "does undertake" responsibility for the lot of the Hungarians living across the borders of the country and promote the fostering of their relationship with Hungary. "Under the auspices of national solidarity, responsibility is to be undertaken and not to be felt. At the same time, there is a great and symbolic, but from the practical point of view, an important difference between feeling responsibility and undertaking responsibility. [...] if the Republic of Hungary, a member of the EU, (having created the Act on preferences and having taken a number of measures in a similar spirit) really takes seriously responsibility for the communities of ethnic Hungarians, disrupted from the mother country and trapped outside its borders" The appointed Parliamentary Commission has adjourned the debate on including the topic in the list of decision-making.⁴ Further than that did the motion get, according to which the rules of preferential naturalisation in the Act on Citizenship - Art.4 (3) - should be transformed so that the applicants, declaring themselves of ethnic Hungarian, having ancestors who at one time used to be Hungarian citizens, at their request, would be exempted from the obligations of preliminary stay in Hungary, as well as having a place of residence and the means to make a living here. The idea hiding behind it is identical with the concept submitted to the referendum, still Parliament - following the debate - failed to include it in the list of subjects to be discussed on. What the MPs putting forward the proposal referred to was that it was necessary to reduce the disadvantages caused by Hungary's accession to the EU and by meeting the requirements of Schengen regime in the field of keeping contacts with the kin-state. In the wake of the amendment, a very high number of Hungarians over the borders would have double citizenship which is a question of internal, sovereign regulation, especially in our region where the majority of the people belong to ethnic community which is not identical with their attachment in accordance with their citizenship. Since, according to the persons putting forward the motion, the maintenance of citizenship must be respected, the neighbours cannot do anything, they may not take away the already existing citizenship of the Hungarians on account of their obtaining a new citizenship. Granting preferences is not discriminating since all nations apply preferences on ethnic, cultural, as well as language grounds. And the status of citizenship is not degraded since the principle of politi-

⁴ Motion No. T/1463 Of MP of dr. Miklós Csapody (November 18, 2002.), a decision on its adjournment was made by the Commission of Constitutional Affairs on December 5, 2002.

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cal, social rights differentiates citizens in the field of eligibility on the basis of residing in Hungary.⁵⁶ The persons submitting the proposal thought especially about the Hungarians living in Serbia and the Ukraine, entering Hungary on a visa, serving the national interests, and only instead of meeting the international expectations. In accordance with their standpoint, it does not disturb the EU, for lack of a local residence, the new double citizens do not burden the social expenditure, and it does not increase migration since they do not wish to change its rules. The liberals hold the view that double citizenship is not a good solution, while the socialists believe that the proposal may be a good starting point for an inter-party reconciliation. The result of the voting indicated⁵⁶ that it is not so much the professional arguments but the attachment of the contesting political parties that influences the decisions of the legislators.

The most recent motion tabled by an independent MP⁵⁷ suggested the amendment of the Act on citizenship in a manner that it should not only preserve "the moral weight of Hungarian citizenship", but serve, at the same time, the continuity of the right to citizenship and historic reparations. To further ease the process of naturalisation, the MP suggested that it should suffice for the applicant to declare himself to be an ethnic Hungarian and "undertake community with the Hungarian nation in the declaration as well as bring his children up in the Hungarian spirit". The applicant, meeting the condition which does not allow counter-evidence but builds on the concept of moral and cultural nation, would not take an examination in citizenship since he would not join the political nation. The abolition of the requirement of staying in Hungary for at least one year (in possession a permanent residence permit and settle down, constituting its basis)⁵⁸ stems from the generally accepted objective of national strategy, according to which the parts of the nation, forced to live outside the borders of the country as a result of the outcome of the two World Wars, are assisted by the Hungarian government, in harmony with its constitutional obligation, in making a decent living in their place of birth", by way of Hungarian citizenship. For

⁵⁶ Motion of the MPs of Hungarian Democratic Forum, No. T/5645, submitted on September 30, 2003.

⁵⁷ The opinion of those submitting the proposal was summarised by Károly Herényi, and MPs István Szeni-Iványi and Csaba Tabajdi reacted to it. In the voting its inclusion in the list of topics to be debated upon was supported by 176 MPs, opposed by 26 MPs, and 168 MPs abstained (ON, November 3, 2003)

⁵⁸ Motion No. T/13449 of independent MP Attila Kőrömi on the amendment of Act LV of 1993 on Hungarian Citizenship (December 15, 2004.)

⁵⁹ Although the motion would not terminate the force of the permit to immigrate/settle down necessary for the application for naturalisation, perhaps because of not being thoroughly familiar with the regulation (interpreting rule of the Act on Citizenship), it seems from the explanation that it would make it possible for Hungarians to acquire preferential citizenship without settling over.

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the sake of a faster procedure, the status offices established for Hungarian Certificates, would receive the applications, forward them, and thus they would be submitted to the President of the Republic by the Minister for the Interior within three months at the most. The motion, containing significant changes from the point of view of the conditions and procedure of naturalisation, was also rejected by Parliament.

d) The enhancement of the value of Hungarian citizenship, the preservation of its role

An objective, a political programme issue frequently voiced in Parliament is the strengthening of the weight, character and role of Hungarian citizenship, especially with an increase in the hidden, tacit fears from European integration. The policy of staying on the land of birth (across the borders) is perfectly served by the very low number and strongly controlled procedures of naturalisation⁵⁹ - in Belgium, of similar dimensions compared to Hungary - five times more persons are annually granted citizenship with the process of naturalisation than in Hungary. In the meantime, an increase in the other data of migration indicates that public administration is unable to keep the process under control in spite of the continuous changes in the rules, their being made stricter. Consequently, a significant contribution to the enhanced value of citizenship is made by the aggravation of all the other legal possibilities, the uncertainty and high transaction costs of staying in Hungary as a foreigner.

1. The characteristics of citizenship

Citizenship as the measure of national commitment was raised in several parliamentary debates. Let us quote here just one as an example. The governments of varying composition are the targets of debates from time to time. Speaking about the Government Programme of 1994, a government MP emphasized that the programme represented a compromise within and outside the borders, indicating that "being a Hungarian is not a question of Hungarian citizenship", and that the left was also sensitive to the major issues of the nation (building). Therefore he called upon the people to take action in the interests of the Hungarians living outside the borders of the country.⁶⁰ On the other hand, "the voluntary extension of the rights" to foreigners, related to suffrage,

⁵⁹ In accordance with the data of the Immigration and Citizenship Office for the Ministry for the Interior, between 2000 and 2004 the annual average figure of the applications for naturalisation, repatriation was 4675, while that of the applications for the statement of citizenship was 4609. That means the average of 5722 naturalised persons per year, which is rather low. 90 % of those persons are Hungarians beyond the borders, i.e. foreigners of preferential treatment.

⁶⁰ ON, Address of MP József Annus (July 14, 1994.)

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constituting the core of citizenship, has also been a part of the events occurring in the recent past: Parliament agreed without a meaningful objection that "foreign citizens settling down in Hungary permanently" - since the majority of them are also Hungarians, although they do not have their citizenship yet - could also participate in the election of the representatives of local governments and mayors. "It is a pioneering provision"- which the minister did not wish to destroy with statistical figures in his exposé⁶¹. "It is unique in Europe" said an enthusiastic government MP, hoping that the Hungarian legislator would be appreciated, moreover that "it would give credit to the active minority protection policy too" radiating to the neighbouring state⁶².

2. Suffrage of citizens living, staying abroad

The suffrage of nationals living abroad was equally included in the debates on citizenship, suffrage and the amendment of the Constitution. "In Europe the main rule is that one may vote in accordance with one's place of residence, i.e. living in one's home. It is necessary to furnish an opportunity to participate to those having a close bondage to the country, no matter how much it might cost."⁶³ That means not only a painfully long reconciliation of the creation of the technical rules necessary but also that suffrage may only concern those having a permanent place of residence in Hungary, if they are abroad at the time of the voting on account of their work, studies or other reasons. In accordance with the other view, that is a right of citizenship and no matter how many latent, dormant citizens there are in the world, it is necessary to ensure suffrage to them in spite of the expenditure which cannot be planned beforehand. It would mean a compromise if those living abroad were included in the list of names and that would, at the same time, prove the closeness of their relationship too,⁶⁴ and those who have no place of residence here could only vote for the party list, i.e. not for individual MPs.⁶⁵

3. The inclusion of those living abroad in compensation

It is a non-traditional element of the status of citizenship but it has been brought to the surface by the legal development in the past decade that the state should grant compensation, *ex gratia*, at least partially, for the harms caused by the war, dicta-

* Exposé of Minister for the Interior Balázs Horváth in the debate on the act on the election of local government representatives and majors (ON June 24, 1990.)

⁶² ON, Address of MP József Borócz in the debate (July 24, 1990.)

⁶³ ON, Address of MP István Szigethy in the debate on the amendment of the Constitution (October 18, 1993.)

⁶⁴ ON, Address of MP Fábán Józsa in the debate on the amendment of the Constitution (October 18, 1993.)

⁶⁵ ON, Address of MP István Balsai in the debate on the principles of regulation of the Constitution (May 23, 1996.)

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torship and the party state in an illegal manner, looking upon the obligation of the state to protect its citizens as a kind of contractual relationship. However, in the meantime the citizen had become an emigrant, a refugee or a dead man. So what is more important: citizenship which lays the basis for the claim for protection (compensation) or the grievance suffered, independently of the legal standing of today? Both arguments were put forward in the debate on the (first) Act on compensation. Finally, the first one became the winner and it became the main rule that citizenship is the basic requirement in eligibility for compensation although "compensation is the downgrading of citizenship", and only those living in Hungary permanently (in a community of people with the same fate) should be eligible for it.⁶⁶

4. The maintenance of certain professions, public law posts specifically for Hungarian citizens

Acts which maintain jobs for Hungarian citizens only were unanimously endorsed or at least supported in the previous decade. We are not talking about political posts but the activities of lawyers ("they are connected to the Hungarian legal profession", a permanent place of residence should be the condition of membership of the chamber),⁶⁷ which will only be alleviated much later unless an international agreement or the "EU agreement" provides differently,⁶⁸ activities of physicians⁶⁹, university education except for universities belonging to churches ("there are no such restrictions in other counties, let us not demonstrate a bad example in this respect")⁷⁰. Hungarian citizenship is a condition in the case of membership in the chamber of veterinarians too although some have brought up the option of a contract of association as well."

5. The different legal status of persons living abroad

In the summer of 1996, Parliament failed to endorse, for lack of five votes, the compromise resolution, put together with great pain, on the regulation principles of the new Constitution. Thus the debate continued in autumn and resulted in Parliamentary Resolution 119 of 1996, 21 December on the Regulatory Principles of the Constitution of the Republic of Hungary. It contains the following: "In respect to the rights of the Hungarian citizens living abroad, the Constitution should include

⁶⁶ ON, Address of MP József Faddi (March 4, 1991.), the result of the voting (April 23, 1991.)

⁶⁷ Exposé of Minister of Justice István Balsai in the debate on the Bill on Lawyers (ON, April 9, 1991.)

⁶⁸ ON, Debate on the act on lawyers (February 28, 1998.)

⁶⁹ ON, Address of MP Károly Mezey in the debate on the Act on the Hungarian Medical Chamber (April 19, 1993.)

⁷⁰ ON, Motion of Sándor Tóth and Szilárd Sasvári in the debate on the act on higher education (June 8, 1993.)

⁷¹ ON, October 2, 1995.

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a prescription, according to which certain rights and obligations of Hungarian citizens having settled down abroad may be defined by the law differently from those living in Hungary - e.g. political and social rights or military obligations -, but there should be no difference made in respect to who has, and who does not have, another citizenship in addition to Hungarian. In the case of multiple citizenship, election for, or appointment to, certain offices may be limited by the Constitution or the law."

6. Arable land ownership

The survey of the characteristics of citizenship is going to be closed with a topic which does not discuss the cause of the Hungarians beyond the borders of the country. It is conspicuous that in any debate relating to foreigners, the picture of the greedy, speculating foreigner came into the picture instead of the Hungarians across the borders: primarily on account of the enticingly cheap prices of the houses in Hungary, Hungarian land has had to be protected from the greedy foreigners for about a decade or so. It was mainly political, rather than economic arguments that clashed when reacting to the accession to the EU, OECD and NATO membership as well as the consequences of liberalisation. The fact that all that may promote the questions of labour surplus, seasonal employment, joint farming, did not come into the fore even in the debates about ordering the referendum in 1997. Promoting "the hindering of speculation against the Hungarian national assets, as well as the keeping of the national Hungarian arable land property in national ownership", the motion of one of the MPs did not intend to offer the possibility to foreign legal entities to purchase arable land even following our accession to the European Union. He proposed that Parliament should call upon the Government: "To establish a standpoint relating to the purchasing of arable land within the chapter on The free movement of capital which, beyond the seven-year prohibition of buying land prescribed in the (Accession) Agreement, provides further possibilities for the Government to enforce national interests relating to the arable land property". Furthermore, "in the accession negotiations it should represent the standpoint, according to which, following our accession to the European Union, the seven-year period of time of derogation could be extended by another three years in case, following the seventh year, there is a significant difference between the domestic and foreign land prices, however, it should refrain from the amendment of the Agreement in a way which would make it possible for foreign persons to purchase arable land earlier than the seven years stipulated in the Agreement, contrary to the national interests."²

² Motion No. H/86 of MPs of the government, Sándor Farkas and Richárd Hörcsik (FIDESZ) (May 20, 2002.)

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e) Alien control regulation and immigration

Alien policing rules and naturalisation did not represent a case of one element being built upon the other for the MPs, they failed to recognise that from the regulations in force. Since the majority of the immigrants are of ethnic Hungarian, just like in the case of naturalisation, preferences are to be granted to them.⁷³ Therefore the main rule was established in the field of alien control too (the pre-conditions for foreigners of being non-Hungarian origin are three years of legal stay here, the guarantee of making a living, social adjustment, meeting the requirements of public order and public health) and preferential possibility, i.e. a shorter period of stay for those of ethnic Hungarian residing in Hungary.⁷⁴ That was to the great pleasure of the overwhelming majority of the applicants, even though in parallel the earlier rules became far stricter in the field of immigration.⁷⁵ The MP condemning the constitutional process of a pact directly proposed a referendum: the people should decide whether they wish to make immigration and the obtaining of Hungarian citizenship more strict than before or not. The objective is not that the Hungarians in the annexed territories should migrate!⁷⁶ That strict approach in alien control, the permanent residence permit to settle down, preferential but difficult to obtain, at the same time legitimise the policy of "making a decent living on the land of birth" of the past one and a half decades.

f) The alternative legal standing: the Act on preferences?

The debate on preferential, fast naturalisation or pinning down those across the borders in their land of birth - by making immigration, employment, naturalisation more difficult - was intended to be resolved with a new solution beginning from 1996. The responsibility for the Hungarians beyond the borders should imbibe the whole Constitution (e.g. the national colours should be defined in addition to the state banner), Hungarian citizenship should be available as a subjective right,⁷⁷ and "there should be certain rights for those of ethnic

⁷³ For example, address of MP Tivadar Horváth in the debate on the act on the entry and stay of foreigners (April 20, 1993.)

⁷⁴ The expression of permit to settle down and the legal institution replacing it were introduced by Act LXXXVI of 1993, then from 2002 we returned to the permit to settle down included in Act CXXXIX of 2001. The former is issued by the police, the latter is issued by the (regional) bodies of the Immigration and Citizenship Office, but their common feature is that it is a case of alien control and not of standard public administration.

⁷⁵ Judit Tóth: Who are the Desirable Immigrants in Hungary under the Newly Adopted Laws? (in: Refugees and Migrants: Hungary at a Crossroads - Yearbook of the Research Group on the International Migration, the Inst. for Political Science of HAS), Eds: Fullerton-Sik-Tóth, Budapest, (1995) pp.57-68

⁷⁶ ON, Address of MP Izabella B. Király before the agenda (June 28, 1993.)

⁷⁷ Addresses of MPs Géza Jeszenszky and István Balsai in the debate on the Regulatory Principles of the Constitution (ON, May 23, 1996.)

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Hungarian origin as an independent category". So that would come into existence "as a third category in addition to citizenship and human rights". So "the Constitution should be the Constitution of the whole Hungarian nation, settling at last the cause of those beyond the borders"⁷⁶. The new category, the "Hungarian status" ensures a great number of preferences, however, in all its versions the act treated those across the borders as foreigners, containing no preferences whatsoever in the field of citizenship, alien control.⁷⁹ Whereas it was the task of Standing Hungarian Conference to elaborate the "specific public law status", and on the occasion of the accession we had to review our citizenship and visa control policy as well⁸⁰ in order to counterbalance the partial integration of the nation and transform the nation of fractions into a contractual nation at last.⁸¹

All in all, only few MPs have a clear understanding of the difference between minority protection, migrants' rights, the right to asylum to be granted to persecuted persons and citizenship. They look upon citizenship primarily as a bondage that may be inherited to an unlimited extent, that may be granted, which is of national, ethnic, language, cultural nature - i.e. a symbolic attachment. At the same time, it is a mixed picture since there were MPs - true, representing a minority amongst those making interventions - who considered citizenship as the vehicle of concrete rights and obligations, who laid naturalisation on objective facts of the law, who proposed a meaningful regulation in the face of the lack of the unlimited inheritability of citizenship, i.e. effective contacts, moreover, who urged the reconsideration of the legal consequences of double citizenship. It seems that the question posed in the title can be answered, on the basis of the votes and the regulation, as follows: mass, ex lege naturalisation has no chance, independently of the party combinations in power, while the debates throw light upon a diversity of opinions which do not necessarily follow attachment to a given party.

We may also come to the conclusion that in the use of words in Parliament aliens represent a source of danger of investors, speculative guys, colonisers from the point of view of alien policing, while foreigners - if they are ethnic Hungarians - are not looked upon as aliens, moreover, as members of the nation, they are considered as kin-fellows, mainly symbolically, and, as a result of their minority attach-

⁷⁶ ON, Address of MP József Torgyán in the debate on the principles of regulation of the Constitution (May 23, 1996.)

⁷⁷ Judit Tóth: *Státusmagyarság /Status Hungarians/. Mozgó Világ /Moving World/, 2001/4:12-19*

⁸⁰ Judit Tóth: *Connections of Kin-minorities to the Kin-state in the Extended Schengen Zone*, *European Journal of Migration and Law*, 5:201-227, 2003, Kluwer Law International

⁸¹ Report on the execution of the political tasks relating to the Hungarians beyond the borders, with special regard to the recommendations of Standing Hungarian Conference. Debate on the resolution of Parliament (ON, March 8, 2000.)

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ment, they may expect to enjoy the rights of guests (for a short period of time) if they are refugees. That is supported by the low level of appearance of EU citizenship in the debates, although in the past ten years a significant part of the work related to legislation was made up by the preparation for the accession, the harmonisation of laws. Did they fail to notice that we were jointly facing the experience of double "citizenship" (citizenship of a Member State being the precondition of EU citizenship)? This legal institution was born in Maastricht in order to strengthen European identity, political attachment, and came to be filled with legal elements only gradually. The Treaty of Amsterdam and the European Constitution also qualified it as being of supplementary nature, not intending to eliminate national citizenship, merely desiring to extend it with specific rights, the rights to take possession of the Community space. That legal fact failed to mould domestic thinking, and it is no wonder that it did not find its way into the fundamental act even once as a result of the waves of amendment of the Constitution.⁸² We were content with the application of the expression of "citizen of any Member State of the European Union" in all the domestic legal regulations, and the MPs do not speak about EU citizenship, instead they only speak about obstacles in travelling, separating walls brought about by the enlargement of the Union.

The ambivalence and uncertainty in Parliament related to the characteristics of citizenship are simultaneously reflected in the Parliamentary Resolution 119 of 1996, 21 December, which points out that "The Constitution regulates citizenship, the ways of the acquiring and the termination of citizenship in accordance with the Constitution. Citizenship is acquired by birth by the individual, one of whose parents is a Hungarian citizen, or who is born on the territory of Hungary and whose parents are stateless or unknown. When acquiring citizenship by way of naturalisation, more favourable conditions are to be granted to those applicants who are of Hungarian origin."

That dichotomy partly explains why the cause of Hungarian citizenship (symbolic or real) could get as far as the referendum in December 2004. However, granting citizenship cannot be decided upon with the instruments of direct democracy, such an approach goes hand in hand with legal and political uncertainty⁸³ both within and outside the borders. It is an example of internal uncertainty and ambivalence that the government entrusted a politician with the preparation of the amendment for preferential naturalisation and immigration within the comprehensive concept of national responsibility, while the Ministry of Justice was given the task to elaborate the provi-

⁸² Judit Tóth: *Státuszjogok /Status Rights/. Kisebbségkutatás Könyvek /Minority Research Books/. Lucidus, Budapest, 2004.*

⁸³ Judit Tóth: *Kettős Állampolgárságot népszavazással? /Double Citizenship by Referendum?/ Fundamentum, 2004:2., 80-87.*

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sions related to kin-minority bondage, visa and specific passport "by eliminating the unnecessary discomfort or humiliating situations for the ethnic Hungarians outside the borders of the country", in view of international and EC law.⁸⁴

Rule of law versus democracy?

The second resolution of the Constitutional Court rejected the complaint submitted on account of the resolution of Parliament regarding the referendum.⁸⁵ According to the members of the Constitutional Court, since in the meantime the amendments of the Act on the Procedure of the General Elections came into being, there are no legal obstacles to the Hungarian citizens staying abroad exercising their suffrage and the question posed meets the legal requirements. Different arguments were put forward by judge Mihály Bihari, László Kiss, while judge István Kukorelli, and András Holló joining him, worded a counter-opinion. On the one hand, they objected to the Constitutional Court's taking sides from occasion to occasion, and it was strongly attached to the elements of the complaint submitted, whereas the investigation of the Constitutional Court is not some kind of a judicial forum in which the applicant's request plays the role of orientation. On this occasion, too, judge Kukorelli consistently opposed the earlier decision of the Constitutional Court since it had qualified the question relating to the referendum as constitutional, whereas in that form it should not be permitted to be the subject of the referendum. Why? Because the regulation proposed in the referendum would not respect the prohibition of discrimination as defined in the European Convention of 1997, as well as of preferences granted on an ethnic basis, in the acquiring of citizenship. On the other hand, the existence of a genuine relationship between the citizen and the state is not proven by the declaration on ethnic attachment. Belonging to the nation and belonging to the state are not identical, furthermore he points to the inconsistencies of the decision of the Constitutional Court regarding the other questions of the referendum.

The situation which results in the clash of direct democracy and the rule of law, legal security by ordering a referendum, is not unique. For instance, the Swiss Supreme Court had to face a similar question⁸⁶. The complainant commenced a lawsuit because his application for preferential naturalisation had been rejected at a local referendum. The inclusion of the local parliament in the procedure of naturali-

⁸⁴ Avarkeszi a kormány megbízott - Nem kell törvényt módosítani a kedvezményes honosításhoz? /Avarkeszi is Government Commissioner - Is it not Necessary to Amend the Law for Preferential Naturalisation?// Népszabadság, January 13, 2005.

⁸⁵ Resolution of the Constitutional Court 109 of 2004, 27 October

⁸⁶ Felix Uhlmann. Switzerland: Naturalization process presents conflict between democracy and the rule of law. International Journal of Constitutional Law, Oxford University Press, 2004: 4, 716-722.

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sation is an old-established solution in Switzerland, a state famous for its referenda. The foreigner had a Swiss spouse, so he applied for preferential naturalisation (that is possible in Hungarian law too, following three years of marriage). In many settlements naturalisation is a mere formality of administration but in a few local governments the custom of the local body of representatives or the local citizens voting as a first step about supporting the naturalisation of the applicant, has been preserved. In Emmen 23 applications had to be decided upon and on March 12, 2000. The Italian applicants were accepted in the voting but the applications of those coming from former Yugoslavia, of the Turks, as well as of a Polish, a Dutch and a Hungarian family were rejected. The appeal to the cantonian authorities was unsuccessful, if vain did they state that the rejection had been made on a purely ethnic basis and there had been formal errors in the referendum. In another case, the Swiss People's Party appealed to the Supreme Court to change the decision of the parliament of the city of Zürich. With a two-third majority of the votes, it annulled the initiative of the Party to hold a referendum about deciding on the applications of citizenship. The Party argued that the local parliament had violated the exercising of political rights since deciding upon naturalisation with a referendum is completely lawful. In both cases⁹⁷ the Supreme Court decided to the benefit of the persons applying for naturalisation, i.e. overrode the will of the local citizens of Emmen and maintained the annulment of the initiative of the People's Party. In accordance with the standpoint of the Court, the main question was that the referendum (or other manifestations of direct democracy) failed to be associated with any argumentation that could be legally justified. The argumentation of the voters was completely artificial, built upon journalistic terms, Party opinions and the presumptions of the public instead of legal arguments, following the completion of the referenda. At the same time, they did not have a close relationship with the obligation to explain of the authorities making decisions, so the other side also failed to come up with reasonable justifications in order to ensure an argumentation and reliability in harmony with legal security. In accordance with the stance of the body, naturalisation is a state (public administration) action which concerns the legal standing of the individual and it cannot be squeezed into any framework related to politics or elections since it is an action of the application of the law, consequently it is obligated to meet the requirements of the rule of law. And that requirement cannot be emptied and filled in completely with the free discretion of the authorities, an arbitrary action of the state. Although no-one has a subjective right to Swiss citizenship, in its judgement the prohibition of discrimination and arbitrary procedure is to be adhered to. The local voting citizens are also subject to the Swiss Constitution and the applicable law so their authorisation does not allow them a completely sovereign decision

⁹⁷ BGE 129/217, BGE 129/232.

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making. Since the local bodies failed to meet their obligation to explain their decisions with well-founded, justifiable reasons when legal remedies were sought for, the Supreme Court came to the conclusion that naturalisation by referendum was unconstitutional. Thus the fundamental right of the rule of law to remedies and a fair procedure (included amongst the procedural guarantees of the European Convention on Nationality, i.e. an international obligation undertaken) clashed with the character of direct democracy necessarily limited to yes-or-no, without any explanation or justification. Naturally, in our case the ethnic Hungarians beyond the borders do not appeal as concrete complainants to the legal thinking of the Hungarian voting citizens but a decision had to be made about changing the rules. Still it is edifying that the rule of law may be eroded even by direct democracy, though, perhaps, unintentionally.

Conclusions

The referendum in 2004 serving the emphasis of the symbolic character of citizenship concretely transforms the territorial principle of citizenship into an ethnic one, with a reference to a decision about granting citizenship to be made by the people. That entails legal and political uncertainty but within, and outside, the borders. There is need for a strong middle class to establish a picture of the future, a strategy for the Hungarians beyond the borders but today the level of desires and dreams encompasses survival only, and there is no real strategic thinking.⁸⁸ Under such circumstances the leaders of the public life of the kin-state have a far greater responsibility since "the three levels of the picture of the future and the impoverishment of the Hungarians living in rural areas simultaneously carry the potentials of the entrapment of minority society and of provoking hysteria amongst its members with symbolic means. Who would not want Hungarian citizenship? Who would not desire autonomy? Who would not like to get rid of the burden of learning and using the majority language and habitual world? It is the great responsibility of the political class in Hungary to determine what it wishes to do with that system of desires. For with that, it is not only possible to get hold of sympathisers, voters by way of resettlement, as well as counter-votes by evoking fears from migration, but also to perpetrate the instability of Hungarian minority societies by way of debates within minority public life."⁸⁹

⁸⁸ Hungary and the Hungarian Minorities (Trends in the Past and Our Time) Edited by László Szarka. Atlantic Studies on Society in Change No.122, 2004 Columbia University Press

⁸⁹ Nándor Bárdi: Tény és való - A budapesti kormányzatok és a határon túli magyarság kapcsolattörténete /Facts and Reality - The System of Relationships between the Kin-state and Kin-minority beyond the Borders/. Kalligram, Bratislava, 2004. 257.

Attila Ambrus

Questionable Liberty of the Press

The Exact Description of the Situation

In its report on the year 2005 published on the 28th April this year, the independent organisation, Freedom House, which is resident in New York, USA, declared the Romanian press to be partially free. Freedom House weighs legal background, possibilities for political and economic influence in points: between 0-30 points the press is free, between 31-60 points the press is partially free and between 61-100 points the press is not free. Romania's score was 44.

About Censorship Since It Does Not Exist

Censorship was officially abolished in Romania at the end of the 70's. The idea came from the chairman of the party who believed he could make use of ambivalence in internal policy as successfully as he did in foreign affairs. The Press Directorate was dissolved by presidential order.

Since it does not exist, censorship should not be mentioned anymore -was the dictator's message sent to the West and to the intellectuals of his own country. The power in reign was certain that the three decades of dictatorship, self-censorship and mutual surveillance would serve just as well as the institution itself used to. And it did! One of the most terrifying instruments of the totalitarian communist regime was the officially abolished censorship from the late seventies onward. At the beginning the censors were narrow-minded bureaucrats - writes Norman Manea, - but later more and more cynical, well-educated, intelligent intellectuals, who were longing for privileges, started working for the intellectual inquisition.

Without the consent of Reader Service of the Council of the Socialist Culture and Education practically not even a death notice could be printed. Ambiguous misprints counted capital offences. In certain cases the idea of "clean head" could end the journalistic career of the editor or the editor in charge. It was predictable; but after the reorganisation of social relations personal fates and careers became unpredictable.

The central power ceased to exist, which used to prescribe who was free to speak and how much liberty of speech they had.

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In a dictatorship journalists did not have to and could not take a stand concerning the rightness of a cause. Power was in the possession of the eternal and unquestionable right; no divergent point could receive publicity.

It is all different in a western type of democracy. Press is of key importance - which is frequently referred to as mass media, but I prefer the term press which distinguishes serious media from entertainment media industry. Press is responsible to deliver information of public interest to the citizens, who can participate in democratic systems through it. How free is the press? This is the question which occupies both media consuming society and the Hungarian journalists in Transylvania. Doubts, concerning the liberty of press, came forth by the strengthening of the Association of Hungarian Democrats in Romania (RMDSZ) and its becoming a governmental factor.

Dangerous Relations

Those, who doubt the liberty of Hungarian press in Romania, first of all analyse the relationship between the political department and the press. However, the liberty of speech for the Hungarian media in Romania is a far more complex issue. On the one hand it cannot be separated from the state of the press in Romanian language, of the legal, political and economic framework nor can unsolvable dilemmas deriving from minority existence be ignored on the other.

To formulate the question from two approaches: does the liberty of press exist in Romania? Is the Hungarian media free in Transylvania?

The answer to the first question - if not unambiguously is still yes. The press is free in Romania if we accept that liberty of press is the summarised result of the freedom to report truth and does not mean that truth is presented in each report instantly and in its utter truthfulness. Hungarian media in Romania are evenly differentiated, so all interest groups in public and political life have access to publicity. The Hungarian media consumer in Transylvania has access to the views of rival political groups. Currently there are two daily newspapers, which are published nation-wide. *Krónika*, which is edited in Kolozsvár (Cluj-Napoca), presents the views of the right wing opposition, which is in strong cooperation with the right wing in Hungary while *Új Magyar Szó*, edited in Bucharest, presents the point of view of RMDSZ without the exclusion of publishing the opinion of the opponents.

The most influential journals influencing public opinion are the daily papers of counties whose party preferences can be felt quite obviously. *Népújság* in Marosvásárhely (Târgu Mureş), *Szatmári Magyar Hírlap*, *Nyugati Jelen* in Arad and *Hargita Népe* in Csíkszereda (Miercurea-Ciuc) are allied to the RMDSZ while *Háromszék* in Sepsiszentgyörgy (Saint George), *Reggeli Újság* in

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Nagyvárad (Oradea) consider the ideas of the Hungarian Civic Alliance to be more acceptable. Szabadság in Kolozsvár is on the traditional track of journalism it does not have an obvious commitment to any party but provides publicity for any opinion. (This may make the reader unsure); as for the weekly magazines the Erdélyi Napló which is edited in Kolozsvár and Polgári Élet in Udvarhely (Odorheiu Secuiesc) are critical to RMDSZ as well as Kézdivásárhelyi Székely Hírmondó. Brassói Lapok intends to fulfil the role of constructive opposition of the union of protection of interests. Erdélyi Riport, edited in Nagyvárad, cannot possibly deny its commitment to RMDSZ. A Hét which intends to be the journal of the young, non-conformist intellectuals is the propagator of left-liberal ideas, which are not significant in Transylvania but have considerable influence in Hungary.

So liberty of journalism is not executed in the way that each opinion is published in every newspaper rather in a way that every point of view can find its forum and be printed.

One of the major hindrances of the liberty of press is that neither of the national journals have a leading position in the market and surveys indicate that very few do buy both newspapers. County newspapers are not distributed beyond the county borders. Diversity of the Hungarian press in Transylvania is available for those who read several papers on the internet on a daily basis.

VAT and the Forest Beyond

One must not reply with a definite yes or no to the question whether the Hungarian media in Transylvania is free. The reply in fact is very complex. Numerous economic, legal and social canons limit and restrict the liberty of press in Romania.

The Human Rights Committee of the European Union proclaimed when commenting § XIX concerning the liberty of press included in human rights that: in order to provide a pluralist press, governments must create an economic logistical and legal framework which is necessary for the proper functioning of media. This framework does not provide but hinders the pluralism of press in Romania.

The majority of newspaper and magazine publishers operate as Ltd.-s. The same restrictions and obligations concern them as any other production or trade unit. In the middle of the '90s press publishers became vulnerable to the government, represented by the tax authority, by their ever growing debts due to increase of tax. The introduction of VAT increased economic vulnerability. The Association of Hungarian Journalists of Romania asked representatives of

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RMDSZ to apply 0% VAT instead of 19% in the case of press releases. They argued by pointing out that printed matters are the exclusive factors to maintain post educational literacy for 82% of the population in Romania. According to the surveys 82% of the population of Romania does not read any books after leaving school only newspapers and magazines. 9% VAT-rate was accepted by the legislation for printed press which eased the situation of publishers.

Love Me Because I Love You So Much

The social democrat government of Adrian Năstase applied the strategy of buying their way. By preferred distribution of governmental advertisements they supported the pro-government newspapers and punished by denying these advertisements of those which opposed government policies.

A mighty media-empire, Axel Springer, was forced to change the editor in chief and several major publicists of *Evenimentul Zilei* - which was strongly counter to Năstase and the government -, because according to their statement they could not get any advertisements from the government and their income decreased dramatically. None of the Hungarian journals had income deriving from governmental advertisements while they had to manage in a market which was built on government subsidiaries in a not even covert way.

Support for the Hungarian press in Romania is a frequent and pivotal issue of public discussions, internet forums and provides grounds to suspicions that the RMDSZ, which is in power, maintains and supports those journals which are considered to be its clarion and hamstrings publication of opposition journals.

Public and political newspapers can apply for support to three funds: Illyés Public Endowment supports Hungarian printed and broadcasted media in Romania with 20 million HUF per annum. The amount of money daily papers and magazines can apply for is 50,000 to 500,000 HUF. For Brassói Lapok this means 0.4% of the yearly budget of the Ltd. which issues the journal. Communitas Foundation distributes the grants that RMDSZ receives from the Romanian government as legal representative of Hungarians in Romania. The Native Land Fund can provide a somewhat larger support since the Board of Trustees has correctly decided that supporting press outside Hungary's borders is to be considered a priority. It is through the press that Hungarian literacy, education (as well as technical culture) and their integration and common development can be maintained. None of the amounts of the three funds press companies can apply for exceeds 1-1.5% of their budgets. One has to recognise that these amounts do not provide a living for these publishers, but their deprivation cannot result in the discontinuation of the jour-

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nals either. Because of their timidity and servility, political dependence and defencelessness seem more important according to objections. Dependence does not rely on financial links but on inherited ideological - comradesly - reflexes (reminiscence of the communist press), and on those taboos that were set up by the Hungarian press in Romania in the '90s with its over-carefulness and moderateness thus applying damaging self-censorship. Hungarian and Romanian sponsors have supported some other publications with considerably larger sums from different funds in the past 15 years. These publications are still tottering on the verge between existence and extinction because the fish they received as a gift deterred the leaders of the publishers from learning how to fish.

Lack of logistic frameworks can be seen most vividly in the destruction of infrastructure. Although the Supreme Court of the United States of America declared it more than a hundred years ago that freedom of distribution is as important as the liberty of printing, otherwise lacking of the freedom of distribution the freedom of press loses its sense.

Brassói Lapok could be read on the day of its publication in Budapest, in Bucharest and in Prague between the two World Wars. Nowadays it would take two to four days after its publication to be delivered to Kolozsvár, thus it has given up its markets there and in the Partium. On top of this the privatised distributor, Rodipet, transfers the takings from the sales with six months delay to the publisher.

In many cases distributors do not take upon the distribution of minority journals on the excuse that its not profitable but we can hardly be mistaken in the belief that they hinder distribution of Hungarian press on a "national" basis.

Stalin Re-Visits

Legal framework in many cases hinders the liberty of press. The police force of Marosvásárhely confiscated the editions of the tabloid: Európai Idő for it published a possible agenda presumably represented by autonomists. Police also harassed the distributors. The Police commissioner of Marosvásárhely justified the brutal action before the public by claiming that they only intended to inquire about the content of the article...

The case of the Romanian journalists, who accessed classified military documents by accident but did not publish them and were subjected to prosecution, also supports the idea that although there are significant changes, the Romanian legal system is still restricting the liberty of press with Stalinist regulations.

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We can summarize that although several factors impede the consummation of the liberty of press, Hungarian press in Romania is doing its best to broaden the sphere of publicity. It has got rid of direct political pressure and pulling down economic restrictions depends on the managerial prowess of the publishers too. Legal framework will hopefully be EU-conform and will provide a framework rather than limits for the freedom of speech and expressions of opinion. The Stalinist reminiscences will hopefully disappear from the minds of legislators.

Age of Technocrats

It is of great importance that Members of the Hungarian journalist society in Romania consider professionalism and complying with basic ethic principles essential for the liberty of press. The winding up of county daylies has stopped or at least has been suspended. Bihari Napló and Szatmári Friss Újság set wrong examples for Transylvanian Hungarian journals by changing into tabloids from public service newspapers. The influx of foreign capital does not necessarily means fulfilling free press and broadening of publicity. Manager-type editors-in-chief have appeared as heads of weekly magazines. They are technocrats representing a new ideal, rationalisation and professional ethics according to media researcher Attila Papp Z.. Conclusions of his study (Hungarian press publicity in Romania in the '90s) can be completed that manager-type editors-in-chief cannot only been found among the young but members of the older generation have also realised that the reality of the market shapes business policy. Professional consciousness that arose in them makes manager editors-in-chief to take the role of the guard dog of democracy by keeping distance from politics.

In the last election campaign in Romania it became a pivotal issue whether a Hungarian journalist should take up political functions. Although the social activity of journalists and their amassing functions are accepted in minority societies, the Association of Hungarian Journalists in Romania accepted a recommendation, in which its members were requested to make a choice between the functions of journalists or politicians, because the combination of the two functions has a negative impact on the social attitude towards the journalist profession.

The reverse of this situation is also an issue of major importance: is it advisable for politicians to influence the press as owners too? The answer is a most definite no; (except for the case when the politician publishes a newspaper which is admittedly the paper of a party. However, admittedly party-papers have no market. This is why they are camouflaged as independent newspapers, which - since the reader can also think - do not have a market either.)

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It is outstandingly important for the liberty of the Hungarian press in Romania that the owner or the owning companies should not have political intentions. The owners can have only one specific aim by publishing a journal: making profit. In this case profit can only be measured in money. The conditions of the freedom of press are to be provided by the government, the society and the community of the journalist profession. Recently there have been attempts for this in Romania on behalf of all three. The only press that can be free is the one, which questions its actual freedom all the time. Hungarian press in Romania regained its freedom in 1989. Today there is a way to be found in which this freedom can be preserved. One of the proven methods of protecting liberty is to accept responsibility. Relationship between responsibility and freedom is a fairly complex issue that has to be considered over and over.



Minorities History

Ádám Szesztay

Transborder Democratic Movements in 1956

Although we are far from having explored the transborder movements in 1956, in possession of our recent knowledge, we can declare that their historical significance can be assessed at least from four aspects.

First of all they constitute part of 1956's history and so part of Hungarian history. Hungarian treatments so far approach the issue primarily from this aspect. They also constitute elements of the history of the neighbouring countries. There have already been published one Czech and one Romanian work of reference of this latter approach, based on Romanian and Czechoslovakian Secret Service and party history sources.¹ Owing to the 50th anniversary the Slovakian National Remembrance Institute (Ústav pamäti národa – UPN) started researches on the basis of this second aspect which hopefully will not be hindered by the tragic death of Ján Lángoš, the founding director of the institute, on the 6th June 2006 and government change in Slovakia a few days later.²

The third aspect of assessment derives from the first two: the democratic movements of the neighbouring countries in 1956 constitute parts of the history of democratic initiations against the Soviet dominance and the communist system between 1945 and 1989. Relevant literature concerning the modern history of the region, published since 1990 does not mention movements in neighbouring countries when covering events in Hungary; the reason could be that the history of these movements has not been treated elaborately enough until recently.³ It is true that soon after the revolution a brief study was published in a few copies overseas which approached Romanian and Slovakian movements especially from this aspect.⁴

¹ Lungu Corneliu, Retegan Mihai (ed.) 1956 explozia. Percepti române, iugoslave i sovietice asupra evenimentelor din Ungaria i Polonia. Bucuresti 1996.; Kaplan, Karel: ...

² The research is lead by the director of the archives of the institute László Bukovszky who could not publish his first findings in our volume because of the too early state of the research.

³ Review of the Transylvanian and Subcarpathian events has already been published but it is a study far from being exhaustive. Székelyhídi, Ágoston (ed.): Budapest, MVSZ, 1996.; Dupka, György, Horváth, Sándor (ed.): '56 Kárpátalján [1956 in Subcarpathia]. Ungvár, Budapest, 1993. Precious source material can be found in the Oral History Archive of the 1956 Institute of Budapest concerning the Transylvanian events. These publications and sources are available exclusively in Hungarian while the above mentioned Romanian and Czech source publication have not been issued in any world language. Life-interviews of the Slovakian events in 1956 are made for Bibliotheca Hungarica (later: BH) which presently works as part of Fórum Intézet (Forum Institute) in Somorja and for the 50th anniversary it will summarise research findings concerning Slovakian events expectedly at a conference, in a volume of papers and a thematic edition of the periodical Fórum.

⁴ Brogyányi, Coloman: Hungary's fight for freedom and the Hungarian minorities. = Hungarians in Czechoslovakia, New York 1959. Statements of the study are founded on uncertain information sources but the latest researches certify many events which are mentioned in it.

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Last but not least the fourth, seldom mentioned aspect is the impact of trans-border movements on Hungarian national policy and minority policies of the neighbouring countries. This aspect is not less important for our national history than the previous three since Hungarians have been living for 87 years divided by Trianon borders therefore our history is strongly dependent on the national policy of Hungary and minority policies of the neighbouring countries. My own doctoral dissertation published in 2003, deals with the events from this aspect.⁵

It is commonly thought that communist regimes do not attach great significance to minority issues or if they do then as an attempt to assimilate minorities living on the territory of certain states. There are, however, some facts which have made this aspect, not completely ill founded, seem relative. The communist coup in Czechoslovakia in 1948 went hand in hand with the end of the open persecution of minorities; and in the darkest era of the Cold War in 1951-52 such resolutions were passed on wide-ranging bilingualism (though never carried out) for the regions of Hungarian settlements which could be envied even by recent generations of Upland Hungarians.⁶ The Autonomous Hungarian Province (AHP) was established in Szeklerland in Romania in the same period; but not to mention Hungarian examples only: minority journals were founded for the Germans living in Poland, who were prosecuted after World War II, and also for the Poles living in the Soviet Union.

Internal affairs as well as minorities policies of the countries of the region – except for Yugoslavia – followed the Soviet guidance after the establishment of the communist power monopoly.⁷ These (and many more data) indicate that the Soviet Union had taken the national and ethnic relations of the South-Eastern-European region serious because of geostrategic reasons. It cannot be explained by anything else than dominance of the Soviet interests, that after the death of Stalin the Hungarian diplomacy of the fifties was seriously interested in the situation of Hungarian minorities only in just one neighbouring country –

⁵ Szesztay, Ádám: Nemzetiségi kérdés a Kárpát-medencében 1956-1962 [The question of nationality in the Carpathian Basin 1956-1962]. MTA Kisebbségkutató Intézet. Gondolat Kiadói Kör, Budapest, 2003.

⁶ Cp. András, Károly: Magyar kisebbség, szlovák többség. A csehszlovákiai magyarok 1956 előtti és után, valamint rövid kitérítés Kárpátaljára [Hungarian minority, Slovak majority. Hungarians in Czechoslovakia before 1956 and after with a short conclusion about Subcarpathia]. In: 30 év. 1956-1986. Bern, EPMSZ (EPHU), 1987.; Arató, Endre: A csehszlovákiai magyarok történelmének áttekintése és mai helyzete [The history and present situation of Hungarians in Czechoslovakia]. Budapest, Művelődési Minisztérium, 1969.

⁷ Cp. Georg Brunner: Die osteuropäischen Staaten im Ost-West Konflikt. In: Südosteuropa 1984/6.; Zbigniew Brzezinski: Ideology and power in Soviet Politics. New York, Greenwood Press, 1962. with related parts; Király, Béla: A magyar hadsereg szovjet ellenőrzés alatt [The Hungarian armed forces under Soviet control]. In: Romsics, Ignác ed.: Magyarország és a nagyhatalmak a XX században. Budapest, Teleki László Alapítvány, 1995.

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Yugoslavia⁸ - which had such a tense relationship with the Soviet Union that even war was considered. It is of great significance both in the history of the region and of certain minorities what kind of conclusions were the socialist countries and by that the Soviet Union driven to by the minority policy aspects of the Hungarian revolution.

Reaction of the Hungarian minorities of course belongs to these reflections, the introduction of which will not be dealt with in this study because of thematic limits.⁹ Another major sphere was the occurrence of the transborder Hungarians' issue during the revolution in Hungary, as well as their reaction to the events in Hungary. There are several references in the published literature of this topic, according to which Hungarian revolution facilitated the emergence of the freedom of thought, which necessarily brought up the problem of borders and of the transborder Hungarians.¹⁰ There are opposing statements according to which "the revolutionists took great care not to let the issue of territory occur"¹¹ therefore they avoided putting the minority problem on their agenda.¹²

The minority issue actually occurred for the first time about one and the half month before the revolution broke out when then central daily of the Hungarian Workers' Party, Szabad Nép (Free People) published an article containing critical elements about the situation of Hungarians in Transylvania.¹³ Beside giving a lengthy list of the results of Romanian nationality policy: establishing of the Hungarian University at Kolozsvár and the Autonomous Province in Szeklerland¹⁴, it indicated that the dismissal of Hungarian National Association in 1953 was disadvantageous for Hungarians living outside AHP and gave vent to the thought that Romanian nationalism would result in "bourgeois nationalist"

⁸ We can gather information about this from the documents of the Hungarian Embassy to Belgrade between 1950 and 55 kept in the Hungarian National Archives.

⁹ This issue is dealt with in my study *Nemzetiségi törekvések az 1956-os forradalomban* (National Moves in the Revolution of 1956) in *Régió* 1994/2. vol.

¹⁰ Ie. Ludányi, András: Programozott amnézia és kellemetlen ébredés. A magyar kisebbségek a nemzetközi politikában 1945-1989 [Programmed amnesia and unpleasant wakening. Hungarian minorities in international politics 1945-1989]. In: Romsics, Ignác (ed.): *Magyarország és a nagyhatalmak a XX. században*. Budapest, Teleki László Alapítvány, 1995. 252.; Robert R. King: *Minorities under Communism*. Cambridge, Harvard University Press, 1973. 79

¹¹ Révai, István: A nemzetiségi kérdés éve: 1968 [1968: The year of the question of nationality]. In: *Katolikus Szemle* 1969. 206.

¹² Kende, Péter: A párizsi toronyból [From the tower in Paris]. Budapest, Cserépfalvi, 1991. 174.

¹³ Pándi, Pál: Közös dolgainkról [On our mutual issues]. In: *Szabad Nép* 9th September 1956.

¹⁴ The issues of transborder Hungarians was not taboo in the Hungarian publicity in the early fifties but "good news or nothing" could be published concerning minority policy of neighbouring countries. The same applied to school-books in secondary schools from which reference to transborder Hungarians disappeared completely only after the revolution. The issue is dealt with in detail in my study: *Minority question in the school-books of the socialist Hungary*. In: Nászlás Lucian ed: *Studii istorice Româna-Ungare*. Iasi, Fundatia Xenopol, 1999.

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phenomena among Transylvanian Hungarians. The publication of the article caused a minor diplomatic friction between Bucharest and Budapest.¹⁵ Among other things the reason of its publication could be that from the summer of 1956 travelling between socialist countries became relatively easier.¹⁶ Thus considerable part of the Hungarian public could receive first hand information about the situation of the Transylvanian and Upland Hungarians from travellers who had been there and from those who came to visit the mother country.

There were many Transylvanian and Upland Hungarians staying in Hungary during the revolution.¹⁷ Notwithstanding there is information about only two such moves during the revolution in the course of which the issue of borders and Hungarian minorities were raised. On 22nd October 1956 student council assembly of Miskolc University the participants were shouting "Return everything! (Mindent vissza!)"¹⁸ beside other rallying but these were put in their place by the organisers.¹⁹ Later it was the Miskolc revolutionary radio that called for the alliance with the neighbouring people in Hungarian and in the majority languages of the neighbouring countries. On the 29th October, in its public summons the Revolutionary Committee of County Veszprém included the demand that Hungary should pay more attention to the fate of transborder Hungarians. The authors of the document proposed the establishing of a federation of Middle European states as the solution of minority issues.²⁰

These Hungarian events cannot be considered marginal but they are definitely not of determining significance considering the course of the revolution. If

¹⁵ Magyar Országos Levéltár (Hungarian National Archives, later: HNA) XIX-J-1-j. Román TŰK (Romanian Classified Document Handler, later: CDH), 9. d. 5/c 007591/1956.

¹⁶ The mutual abolishment (announced by government decree 3525/VIII.8.56.) of the need for tourist visa Hungarian-Romanian border became the most easy to go through in the Soviet block. The need for visa remained towards Czechoslovakia but both passport and visa could be received far easier than before. It is typical of the traffic that according to the report of the Hungarian Consulate General to Pozsony (HNA – XIX-J-1-j. Csehszlovák TŰK (Czechoslovakian CDH) 14.d. 4/j 00277/1957. 13.) at the time of the burst of the revolution 2000 Hungarian citizens were staying in Slovakia.

¹⁷ There were men of well known persons among them too like Kós, Károly. Cp. Beszélgetés Kós Károllyal a megújuló Budapestről [Talks with Károly Kós on renewed Budapest]. In: Élet és Irodalom, 12th December 1958.; Tófalvi, Zoltán: Kezdeményezések és szervezkedések Erdélyben (Romániában) [Initiatives and organizations in Transylvania (Romania)] In: Székelyhídi Ágoston ed.: Magyar '56. Budapest, MVSZ, 1996 186. mentions the Transylvanians László Salamon and László Varga by the name. He emphasises their presence from the aspect that Transylvanian Hungarians could receive direct information about the revolution's events. It is also reasonable to count on reverse effects as well.

¹⁸ Means: all territories should be returned that were taken from Hungary – this was the slogan of the revisionist Hungarian policy between the two world wars.

¹⁹ Ungvári, Krisztián: A miskolci egyetemi diákszemélyiség története [The history of the students' parliament in Miskolc] Múltunk 1992/2-3. 132.

²⁰ Veszprém Megyei Népűrság 30th October 1956.; Robert M. King op. cit. p. 78.

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there had been similar cases sporadically their significance could not possibly have been considerable otherwise they would be well-known. So the claim, that the issue of transborder Hungarians was not on the agenda during the revolution, has to be corrected. It is true though, there were surprisingly few such instances considering that it was hardly a decade after the Paris Peace Treaties, which revised the Vienna decisions and were one of the most neuralgic points of the Hungarian society.

The situation was quite different among the Hungarian population of neighbouring countries, where tense attention was paid to the events in the mother country in late autumn and winter of 1956. Based on my researches finished in 1998 and some additional data collected at a later period, I have attempted to count all the manifestations having taken place in the neighbouring countries – with the exception of Austria. I have taken into consideration all the events which had some kind of a positive link to the Hungarian revolution (as a sympathy manifestation or followed its suit), or at least partially opposed the official unfavouring assessment of the Hungarian situation by the state and party organisations. I have listed 93 such manifestations between autumn 1956 and summer 1958. The selection was not made according to significance – thus I have included the Temesvár student-riot which ended in gun-fight in streets and the Aaron blessing of the Calvinistic priest in Eszék, which he said with arms wide open towards Hungary. (Nine of these belong to the category which cannot be identified as an expression of sympathy towards Hungarian revolution but can be observed as turning against the official point of view.) It is evident that the list does not include all the democratic movements of the period and most likely it does not include all the known events either – since I had no opportunity to carry out more detailed studies. (See the appendix for the events that are included in the list.)

It can almost be taken for granted that the actual number of the various manifestations exceeds this figure although there are some events among the 93 which have only one recording therefore cannot be taken as fully proved. It is thus definitely not a full list of the transborder events of 1956. It was prepared to provide an overview of the order and character of the movements.

Research of the “transborder 56” is made difficult since the reliable sources has been preserved only in the case of those events where the participants were prosecuted. Certain secret service and public attitude reports of the state party could also have recorded further events. There were also movements, like the attempt of Pozsony University students to escape to Hungary which authorities did not learn about, thus no valuable evidence has remained about them. In some cases we would leave an event unmentioned that had actually happened but cannot be proved without doubt, it would be a mistake to assess an

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events as one which had taken place in fact. When preparing my thesis I considered it reasonable, both professionally and morally, to note all events I have learned about and have left any (even hazy) impression and try to balance between events which certainly or "allegedly" took place depending on the proving force of the source of reference.

The geographical division of the 93 events is as follows:

- 35 Romanian events have been taken into consideration. Three of these (the Bucharest student movement²¹, the reputed mass demonstration of Bucharest railwaymen²² and the commemoration of the Jászvásár University students of voivode István Nagy²³) were definitely and unmistakably Romanian moves and the Jászvásár movement, though it followed the Hungarian pattern, was focused on Romanian national aims. Hungarians, Romanians and people of other nationalities took part in four movements: the Temesvár events²⁴, in the preparation of the declaration of the Kolozsvár College of Fine Art²⁵ and the Aladár Szoboszlai plot²⁶. The rest of the manifestations can be linked primarily to Transylvanian Hungarians.

- Czechoslovakia is represented in the statistics with 47 events. Hungarians living in Slovakia had nothing to do with one of these events, with the speech of Ondrej Klokoč²⁷ in which he condemned the Hungarian revolution but demanded wider Slovakian autonomy and focused on expressively Slovakian national aims. It is also most likely that the student movements in Nyitra and Kassa were also of

²¹ Beke, György: Elmaradt kézfogás... 1956 Bukarestben [Handshake that failed to happen ...in Bukarest in 1956]. In: Erdélyi Magyarság 1993/10-12.; Radu Duduica a contemporary Romanian university student also told me about his experience in person.

²² Mentioned by Gál, Mária: Az erdélyi ötvenhat háttéréről és következményeiről [The background and consequences of 1956 in Transylvania]. In: Korunk 1996/10.

²³ Personal information from Alexandru Zub – leader of the movement who was later sentenced to imprisonment –, and Aurel Baghiu: 1956-os diákmozgalmak és azok következményei Romániában [Student movements and their consequences in Romania]. In: Békés, Csaba ed.: Az 1956-os forradalom helye a kommunista rendszer összeomlásában. Budapest, 56-os Intézet, 1993. 102.

²⁴ Baghiu, Aurel op. cit. pp. 98-101, Tófalvi, Zoltán: Kezdeményezések és szervezkedések Erdélyben (Romániában) [Initiatives and organizations in Transylvania (Romania)]. In: Székelyhíd. Ágoston ed.: Magyar 56. Budapest, MVSZ, 1996.

²⁵ Tófalvi, Zoltán op. cit. pp. 187-190.; Interview with Gyula Dávid (OHA) 58.

²⁶ Tófalvi, Zoltán op. cit. pp. 207-211.; Tófalvi, Zoltán: Negyven éve végezték ki a tizenkét erdélyi ötvenhalost [It is 40 years that the 12 Transylvanian 56-s were executed]. In: Napi Magyarország 7th November 1998.; Interview with Károly Lőncz Sándor (OHA) 587., Interview with Péter Orbán (OHA) 635

²⁷ This is reported by the Hungarian Consulate General in Pozsony on 18th January 1957. HNA XIX-J-1-j Czechoslovakian CDH 14.d. 4/fj 00277/1957. 11.

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Slovakian character²⁹, the history of which is hardly known. The interview of Viktor Egri and Ladislav Mošačko with Péter Veres in *Kultúry Zivot* – which was pulped before distribution could be started - can be considered as a Hungarian-Slovakian common event.²⁹ The rest of the events enlisted and were taken into consideration are primarily linked to Hungarians³⁰ although several individual Slovakian moves also took place according to the so far incomplete research of UPN.³¹ It can be misleading that statistically far more events can be listed in the Upland than in Transylvania. The primary reason is that numerous local organisations of Csemadok (Cultural Union of Hungarian Workers in Czechoslovakia) resisted to except a statement condemning the revolution (19 cases of which I have found traces in archives³²) which almost doubles the events numerically. Unlike Transylvania where we have accounts of political programmes or plot-like organisations there were no such manifestations in the Upland.

● 7 events were added to the list of the movements and manifestations in Subcarpathia. Allegedly Ukrainian students were also sentenced at the University of Ungvár because of expressing sympathy towards the revolution (there is only one reference to this event and that is an oral one³³); the rest of the events were fully Hungarian by character.

● We can mention four events in Yugoslavia. In case of three of these (the protest against the execution of Imre Nagy in Kula and Zombor³⁴ which supported the official point and the Újvidék movement³⁵ which was reportedly an opposing manifestation) we cannot ascertain whether Hungarians and/or Serbs took part.

²⁹ Exploration of it is in process as part of the research programme of the Slovakian National Remembrance Institute. At the time there were not many Hungarians studying at Nyitra. Teacher training was moved there only in 1960.

²⁹ This is reported by the Hungarian Consulate General in Pozsony on 20th March 1957. HNA XIX-J-1-j Czechoslovakian CDH 14.d. 4/j 001845/1957.

³⁰ Although I did not take into consideration those reported demonstrations in Érsekújvár, Léva, Losonc, Kassa and Nagykapos about which the Vienna correspondent of London Times reported but no other source referred to. In case these actually took place – which is well imaginable because two localities about which the London Times was informed has been proved – then there might have been such among them in which Slovaks took part either fully or partially.

³¹ The initial sympathy towards the revolution on behalf of the Slovaks is referred to in the report of the Hungarian Consulate General in Pozsony on 18th January 1957. HNA XIX-J-1-j Czechoslovakian CDH 14.d. 4/j 00277/1957 and the report of the Hungarian Embassy to Prague on 22nd November 1956 HNA XIX-J-1-j Czechoslovakian CDH 14.d. 4/j 007792/1956.

³² Report for the presidential meeting of Csemadok on 22nd February 1957 BH Csem. Arch. E-III. d. E-57-3.; Minutes. Recorded in the presidential meeting of Csemadok on 11th January 1957 BH Csem. Arch. E-III. d. E-57-1.5.; and folder called "Évzáró közgyűlések – 1957".

³³ Impact of the 1956 revolution on the neighbouring countries. Contribution of György Dupka Duna TV 25th October 1998. 22.50.

³⁴ Report of the Hungarian Embassy to Belgrade on 1st July 1958 HNA XIX-J-4 documents of the Embassy to Belgrade 27.d. pp. 385-386.

³⁵ Revay. István: A jugoszláviai magyarság helyzete [The situation of Hungarians in Yugoslavia]. In: Katolikus Szemle 1958. 77.

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When reviewing the events in Romania and Czechoslovakia they have been divided into groups by their character too. Some were related to the special local interests and incidents of the given settlement. (For example remedies for the incidents to which people were exposed in the course of establishing farmers' co-operatives, or the removal of symbols of despotism. The majority of the Slovakian movements were of this kind according to oral information of Slovakian researchers. Having been unfamiliar with these so far I could not include or take them into consideration in the list.) Others intended to help Hungarian freedom fighters in a more practical way for instance by trying to cross the border to take part in the fights. The majority of events represent symbolic solidarity: wearing mourning-band after the Soviet intervention in Hungary or singing the Hungarian National Anthem at masses and public worships. Resistance against the initiatives of Romanian and Czechoslovakian powers – i.e. signing declarations of loyalty – is also represented in the statistics in significant numbers. I indicated the markedly Romanian and Slovakian manifestations and forms of non-conformist behaviour experienced among officials separately.

Two aspects could be of extreme importance corresponding to the political stability of Soviet interests in the region – and for the later Hungarian national policy and minority policies of the neighbouring countries. One is that the language competence of Hungarian minority and emotional ties to the mother country worked as an intermediating agent towards the majority society. The other one is that although vast majority of the events were spontaneous expressions of emotions a few movements requiring considerable organising work also took place (especially in Romania). Both in Romania and in Slovakia there were manifestations on the part of the officials of minorities and their press³⁶ which differed or sometimes even opposed the assessments of the situation of the Romanian and Czechoslovakian party leadership³⁷. Although I counted nine of this kind it is also relative because I did not take into account such phenomena which cannot be qualified as separate events but are of moral significance and not even to a minor extent at that. Examples of these are: Ernő Gál prorector in Kolozsvár or Iván Janda deputy principal of a secondary school in Pozsony who made efforts to protect their students, who were involved in organisations, from the revenge of the power by making use of their good connections.

³⁶ I wrote about this in detail in my study: *A határon túli magyar sajtó a forradalom alatt és után* [The transborder press during and after the revolution] In: *Kisebbségkutatás* 1998/3., and *Magyar Figyelő* 1998/10. For critical remarks concerning the study see Gagyí Balla, István: *Néhány észrevétel és megjegyzés...* [Some remarks and reflections] In: *Magyar Figyelő* 1999/6.

³⁷ I used the expression "ethnic party society" in my similar dissertation on the basis of Csaba Vass' candidate thesis which had been accepted in 1994 but when discussing my dissertation in 2005 it caused a debate which included emotional elements as well.

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Relatively serious measures of retaliation followed the movements with exception in Yugoslavia. Measures of the sentences cannot be compared to the Hungarian ones, because of the different character of the events on the one hand, and because the number and the rate of capital punishments were far lower on the other. The institution of forced labour camps were still in effect in Romania and in the Soviet Union at the end of the fifties like in Recsk in Hungary where the political convicts mostly ended up and were practically buried alive.

It is also to be noted that the most serious of all measures taken in the neighbouring countries fell on participants of the Szoboszlai plot with 10 death sentences;³⁸ though other events like a student riot in Temesvár involved more people and their programme was based on more realistic grounds than that of Szoboszlai. Szoboszlai had started the organisation before the outburst of the Hungarian revolution while most movements emerged after the Hungarian revolution. Since delivery of the verdict took place in May 1958, a few days before the end of the Imre Nagy trial, Romania most possibly organised a demonstrative procedure linked to the Hungarian events obeying a Soviet scenario.³⁹

I suppose Szoboszlai and his companions might have been chosen, because in the other cases there was no significant link between the initiations coming from the society and the sphere of the top officials. Aladár Szoboszlai himself, considering his past as a priest of peace, linked these two spheres. The organisation reached the Romanian Army and relatives of the highest ranked party cadreman of Hungarian nationality, János Fazekas, were also involved. Although it is suspected that the contact person between them and the army betrayed the plot it is also true that none of those with top official links was sentenced to death. The merciless revenge still warned the reigning class that retaliation for cooperating with democratic movements could go as far as it had in Hungary.

The noteworthy minority political aspect of the trials and sentences against Hungarians in 1956 cases was the fact that the Hungarian national Pál Macskásy was the prominent judge and the juries also included Hungarian individuals.⁴⁰ The Romanian power had Hungarians to sentence Hungarians. This is explained in various ways by oral historical memories and studies. As I see it the power was inspired to apply Hungarian judges in these trials to prove that retaliation derived not because participants of the plot were Hungarian but because of their being dis-

³⁸ See the Szoboszlai case and the sentences in ie. Tófalvi, Zoltán op. cit. pp. 207-211. The author declares the event to be exaggerated by the investigation authorities. Actually establishing a network of several hundred people in the system of terror in the fifties is a remarkable organisation performance even though it failed.

³⁹ According to the Interview with Balázs Orbán (OHA) questions were kept being asked concerning the Hungarian relations.

⁴⁰ See Tófalvi, Zoltán op. cit. 211.

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loyal to the communist system independently of their nationality. Most likely the declarations of loyalty were published for the same purpose in the name of Transylvanian and Slovakian Hungarians both in Romania and Slovakia, after having forced Hungarian work brigades or student communities or intellectual societies to sign a document centrally composed.⁴¹ Following the first declarations of loyalty the government issued a declaration that Slovakian and Transylvanian Hungarians unanimously opposed the revolution. Gheorghiu Dej, the Secretary General of the Romanian Communist Party was the first to make such an announcement in his speech at Marosvásárhely on the 16th December 1956.⁴² In Slovakia Gyula Lőrincz, the Secretary General of Csemadok was the highest level official to refer to the aid given to the Soviets by Hungarians of Slovakia in his speech at Komárom on 1st May 1957, after several media analyses published in the local press in Czechoslovakia.⁴³

Declarations of loyalty to the power can be considered to be total lies compared to the statistics of manifestations of solidarity with the revolution. By forcing the signatures of declarations of loyalty the party leadership could establish a virtual situation as if the transborder Hungarians would have supported the repression of the revolution, the Soviet occupation of the mother country and the establishment of the Kádár-regime. Since the virtual reality, created by violence, was considered to be real, Hungarian minorities were relieved from the charge of "collective responsibility" – at least in 1956 and at the beginning of 1957. This might have been of great importance in the mid-fifties since ten years earlier, after World War II collective impeachment of minorities was applied as the official state-policy in Yugoslavia and in Czechoslovakia but partially in Romania as well. Though during the period of the Hungarian revolution Hungarians were relieved from the charge of collective guilt, the impeachment of Hungarians as a community was not totally excluded but merely declared causeless owing to the acceptance of the virtual reality created by the power.

This official assessment was supported by the fact that transborder Hungarian party-cadremen – mostly from the Uplands – were employed in Hungary in the propaganda supporting the Soviet intervention.⁴⁴ Transborder Hungarian institutions were also abused: numerous copies of the *Új Szó* from Pozsony were dropped over the

⁴¹ I dealt with the issue of loyalty declarations in detail earlier in my study: *Adalék a magyar kisebbségi kérdés történetéhez 1956. november – 1958. November* [Contributions to the history of the Hungarian minority question November 1956 – November 1958]. In: Pölöskei, Ferenc, Siemler, Gyula (ed.): *Múltból a jövőbe. ELTE BTK, Budapest, 1997. See Nemzetiségi kérdés a Kárpát-medencében op. cit. ch. II too.*

⁴² Published in Balázs, Lajos (ed.): *A szocializmus védelmében* [In defence of socialism]. Marosvásárhely, 1957.

⁴³ *Kedves elvtársak, polgártársak...* [Dear comrades, fellow citizens.] BH Csem Arch. materials to be edited.

⁴⁴ Balassa, Zoltán: *Az 1956-os forradalom és szabadságharc évfordulóján* [On the anniversary of the 1956 revolution]. I-III. *Szabad Újság* 23rd and 30th October and 4th November 1996.

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border as Soviet propaganda material in the days of the revolution. One of the most well-known declarations of loyalty was the "public letter"⁴⁵ of Transylvanian writers in which Hungarian writers were invited to take the side of the Kádár-government.

While in Romania, Czechoslovakia and in the Soviet Union, those who were sympathising openly with the revolution were punished (although the extent of cruelty varied from country to country), it cannot be claimed that the power reacted by generating an overall anti-Hungarian hysteria against the revolution. It even divided Hungarians virtually into groups of "good" and "bad" Hungarians by the forced declarations of loyalty and pretended as if the Transylvanian and Upland Hungarian minorities would have belonged to the "good" (i.e. Soviet-friendly) side.

According to our recent knowledge we can just guess the exact motives of this policy. Judging from Slovakian and Romanian movements it can be well assumed, that the power feared the failure of generated anti-Hungarian hysteria or that it can turn to its opposite. Primary principle for the leaders of the Soviet Union - and in the socialist countries neighbouring Hungary - was to block the further spread of the freedom movement immediately after the revolution, so minority policy aspects were subordinated to this.

This policy lasted only as long as Hungary had to be feared as a potential danger source. Hungarian declarations of loyalty made at the end of 1956 and the beginning of 1957 did not hinder the disadvantageous reorganisation of the system of minority political institutions in Romania and in Czechoslovakia at the end of the fifties. AHP was abolished in Romania in 1959 –already references were made to the 1956 role of the students as an argument⁴⁶ - and so was the independent Hungarian University at Kolozsvár. All but two of the districts with Hungarian majority were abolished in Czechoslovakia in 1960.⁴⁷ Since plenty of minority institutions were abolished all around the socialist block (i.e. German in Poland⁴⁸, Sorbian in Eastern-Germany, Turkish in Bulgaria, Slovakian, Romanian and Yugoslavian in Hungary⁴⁹ etc.) it would be an exaggeration to suppose that the destruction of the institution system would have been a revenge on the Hungarians for 1956. It was not the revenge of a simi-

⁴⁵ Hungarian publication of the declaration of loyalty: *Népszabadság* (Budapest) 4th January 1957.

⁴⁶ Bodor, András: *A Bolyai Tudományegyetem 1945-1959* [The Bolyai University]. In: Faragó, József – Incze, Miklós – Katona Szabó, István (ed.): *„Az erdélyi magyar felsőoktatás évszázadai* [The centuries of the Hungarian higher education in Transylvania] festschrift of the exhibition and conference. Budapest, 1996. 295-296. Half a year before the process of dissolution started a student assembly was organised at the university on the second anniversary of the revolution. Students who sympathised openly with the revolution were given an opportunity to show public self-criticism but because of the speech of a student Lajos Vastag the assembly ended in scandal.

⁴⁷ I have written about the reform of the institution system in detail in *Nemzetiségi kérdés a Kárpát-medencében...* [The question of nationality in the Carpathian Basin] op. cit. ch. III.3.

⁴⁸ The German journal in Poland the *Arbeiterstimme* was stopped overnight in 1959.

⁴⁹ Minority language secondary schools were reformed into bilingual and language teaching schools from 1958 in Bulgaria and from 1960 in GDR and in Hungary. This is dealt with in detail in my study *Az 1960-as nemzetiségi iskolareform* [The minorities school reform of 1960]. In: Ostvát, Anna - Szarka, László (ed.): *Anyanyelv, oktatás, közösségi nyelvhasználat*. Budapest, 2003.

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larly suppressed majority nation or on behalf of the communist power although sometimes local events of 1956 were used as an excuse sporadically but it was most likely the execution of a Moscow order of ideological character.

On the contrary; the statistics of democratic movements reveal that both Romania and Slovakia had its own history of 1956. In both cases the Hungarian minority's standing up for the mother country fighting for her freedom had played the primary role but Romanian and Slovakian reactions also constituted a significant component. In a way events of '56 in Ukraine could also be mentioned but – according to our recent knowledge – these were exclusively related to the Hungarian minority. 1956 should be considered as an extremely important event in the history of Romania: partly because beside Hungary and Poland it was at Temesvár where the most impressive student movement took place, stamped out by the powers using arms, and partly because the '56 movements meant the widest activity against Soviet dominance and for a democratic system before 1989.⁵⁰ From the more general aspect of the history of the region the "transborder '56" reveals that the movement for freedom – to a certain extent thanks to the Hungarian minorities – involved all countries of the Middle European region although the mainstream of the events was in Hungary and Poland.

In Hungary nothing was known about the transborder movements during the revolution thus manifestations of Hungarian minorities could not have possibly influenced the mainstream of events. Still they constitute part of the '56 drama since they were related to the events in Hungary. They indicated that transborder Hungarians experienced the events in Hungary as their own in 1956 too and they felt that it is not only their right but their obligation to make a stand in connection with the events taking place.

The moral significance of the transborder events is increased that it was barely ten years earlier – in the course of the execution of the Beneš-decrees in Czechoslovakia and the ethnic cleansing of Tito in Yugoslavia –where numerous people were taken to forced labour or even killed just because of being Hungarian. A decade or so after the incidents, officially still not condemned, symbolic solidarity with the mother country was extremely hazardous. Therefore we can take transborder movements of 1956 as the best example for solidarity between Hungarians separated from one another in the 87 years since the Trianon treaty. Even so because those Hungarians, who confessed to the Hungarian revolution, faced extreme danger without the hope that their personal fate possibly improve.

⁵⁰ In an unfortunately unrecorded conversation between me and Ján Lángoš, he expressed similar views on '56 in Slovakia. Lángoš drew a parallel between the significance of 1956 and 1968 in the case of Slovakia. He pointed out the difference that while reform initiation of the party elite lead to events of historical significance in 1968 Slovakian and Hungarian people spontaneously made a stand for historical events in 1956.

Béni Balogh – Ágoston Olti

The Issue of the Hungarian-Romanian Population Exchange between 1940 and 1947

1. The Issue of Population Exchange between 1940 and 1944

The Romanian political elite did not give up the concept of creating a homogeneous Romanian nation-state, therefore the idea of population exchange either. During the era of the Antonescu-regime the most important public opinion forming "national ideal" was the restoration of lost borders and regaining primarily North-Transylvania at all costs. The different population exchange concepts¹, which were created in this period, almost without exceptions, took the 1939 borders as a basis and reckoned with the reestablishment of Great-Romania.

Prime Minister Ion Antonescu², who got into power in the beginning of September 1940, possessed coherent "ethnopolitical" concepts. He had a very good personal relationship with Sabin Manuilescu and asked for his opinion in all important issues, concerning population policy.³ One of his major long distance aims was to create a homogeneous nation state, and to remove all non-Romanian inhabitants from the country. For example he argued that after winning the war there is no other solution than to "remove" minorities on the basis of a "reform" in order to "remove these masses of minorities from the Romanian settings".⁴ Mihai Antonescu⁵ Deputy Prime Minister had similar opinion and emphasised it in the meeting of the ministers' council on 17th June 1941, that: population exchange and peace solutions would have an important role in the ethnic and racial "calming" of the future Europe.⁶

¹ One of these was the 1941 concept of Vasile Stoica which is to be covered in the next chapter.

² Antonescu, Ion (1882-1946): General from 1931, marshal from 1941. He was Minister of Defence for a short period in 1937-1938. Plenipotentiary Prime Minister "leader of state" between 1940 and 1944. He was brought to trial and executed in Bucharest in 1946.

³ Achim: Romanian-German Collaboration in Ethnopolitics... p. 141.

⁴ Evreii din România între anii 1940-1944. Vol. II. Problema evreiască în stenogramele Consiliului de Miniştri. Volum alcătuit de Lya Benjamin. Bucureşti, 1996, Editura Hasefer, document 175., p. 524.

⁵ Antonescu, Mihai (1904-1946): jurist, politician. Minister of Justice in Ion Antonescu's first government, later Minister of State and Minister of Propaganda. Appointed Deputy Prime Minister on 21st June 1941, appointed Foreign Minister on 29th June. He was brought to trial and executed in Bucharest in 1946.

⁶ Stenogramele edinelor Consiliului de Miniştri. Guvernarea Ion Antonescu. Vol. III. (aprilie-iunie 1941). Ediţie de documente întocmită de Marcel-Dumitru Ciuc? et al. Bucureşti, 1999, p. 570., 17th June 1941.

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We can find the most complete summary of ideas, which served as grounds of this policy, in Sabin Manuilă's 1941 autumn population exchange concept.⁷ The well-known Romanian demographer constructed a detailed project plan for the final settlement of the Hungarian-Romanian contradiction, and for the opportunities to apply population exchange, which he sent to Ion Antonescu on 15th October 1941. Since Manuilă constructed the project plan following one of their meetings, it is likely that it was in accordance with Antonescu's ideas in its major characteristics. The starting point of the document was the borders of Romania before 1940, and its main focus was to achieve the ethnically homogeneous Romania. For that purpose "all minorities, which have centrifugal intentions, have to be placed outside the borders of Romania, and all Romanians, might they be anywhere, have to be brought home and the new borders of the eternal Romania must be drawn in such a way, that the political borders should precisely coincide with the ethnic borders".⁸ He considered the population exchange to be an ideal solution. He would have got rid of the "centrifugal" minorities (Hungarians, Russians, Ukrainians, Bulgarians, Serbs) by the means of a "full and obligatory population exchange", which would have been executed in several steps. During the course of which 3.5 million individuals would have left the country and 1.6 million Romanians would have arrived in Romania. As regards the Transylvanian Hungarians, they would have been moved to Bachka and the Serbian Banat (the latter would belong to Hungary) partially and the rest into the Nagyszalonta-, Nagyvárad-, Szatmárnémeti-line (this area is approximately 5800 km² and would be submitted to Hungary) the Szeklers would be moved to Subcarpathia, instead of the Ruthenians, who would be moved to Ukraine. By moving them and other minorities a new Romanian nation state – which would have been homogeneous to a 91% extent - would have been born on the area of which would have been 5000 km² smaller than that of the 1939 Great-Romania.

Mainly because of disadvantageous external circumstances (war events, lack of agreement of the neighbouring countries and – as we suppose - Germany's approval) Manuilă's concept could not possibly be executed. Although the concept never became the official program of the government, population policy of the Antonescu-regime was still shaped in accordance with Manuilă's ideas.⁹ It is confirmed by the Romanian-Russian-Ukrainian population exchange concepts of September 1943¹⁰, which did not have Hungarian aspects, but we note it because

⁷ Informs Sorina Bolovan – Ioan Bolovan: *Problemele demografice...* op. cit.; On the basis of this the concept is presented by Zoltán Szász: *Tévtak keresése...* pp. 17–19.; See the English translation Achim: *The Romanian Population Exchange Project...* pp. 609–617.

⁸ Quoted by Szász: op. cit. p. 18.

⁹ Achim: *The Romanian Population Exchange Project...* p. 607.

¹⁰ Arh. N.I.C., fond PCM, dos. 1155/1943, f. 6–9.; Presents Achim: *Proiectul guvernului de la București...* pp. 395–421.

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of its being a characteristic document, which is typical of the era. The concept (which included a far more detailed description of the actual duties, than the 1941 document) was elaborated by an inter-ministry committee presided by General Corneliu Dragalina, governor of Bukovina. Summary of the committee session highlighted, that the Romanian government had decided to solve the issue "utterly and finally", therefore population exchange was to be executed "immediately". This meant, that altogether approximately 930 thousand Russian and Ukrainian would have to be moved from "compact Slavic" areas of the North-Bessarabia, North-Bukovina and from the Danube delta to East of Dniester. 400 thousand Romanians would have to be brought in: 250 thousand from Transnistria and 150 thousand from East of the Bug. In case of its execution, population exchange would have been full and obligatory.

In the relevant literature we did not find any trace of the fairly excessive Romanian-Hungarian population exchange concept of Dr. Victor Bolchi Tordán dated on 14th February 1942.¹¹ Eugen Cristescu, the head of Special Intelligence Service, sent the document to the committee of the Presidency, which dealt with the Hungarian-Romanian issues as a letter attachment. We learned from the letter that Bolchi was an educated jurist and "occasional informer" of the secret service, as well as the retired director of C.E.C.^{12 13} The basic idea behind the concept was, that owing to the increasing pan-Slavic danger, both countries were interested in establishing the atmosphere of lasting peace, trust and even mutual friendship. This could only be achieved by the means of population exchange. The author introduced two possible versions. 1.) Hungarians should be offered 3-4 counties in Transnistria in order to move Subcarpathian Rusyn. Following this all the "Szeklers and Hungarians" would be moved from Transylvania to Subcarpathia, then Northern Transylvania would be submitted to Romania. So the Romanian population of Transylvania would remain intact. 2.) In case the previously described concept cannot be executed for some reason, then a new "more just" border line would be drawn in Northern Transylvania (taking into consideration the Hungarian-Romanian population rates and strategic aspects as well) and a mutual and obligatory population exchange would take place. As Bolchi believed this latter concept would require greater sacrifice on behalf of the Romanian side but still less than a possible war "even if we win".¹⁴ He was convinced that it was impossible to come to an agreement with the contemporary regime of "counts and rich Budapest Jews", but he hoped that in case the Arrow Cross Party would get into power in

¹¹ Arh. M.A.E., fond 71/ Transilvania, vol. 359., f. 351-392

¹² C.E.C. = Casa de Economii i Consemnapiuni, Romanian financial institute.

¹³ Arh. M.A.E., fond 71/ Transilvania, vol. 359., f. 410

¹⁴ Arh. M.A.E., fond 71/ Transilvania, vol. 359., f. 355.

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Hungary would consider the idea of population exchange.¹⁵ As for the long term concept Bolchi considered population exchange to be possible with Greece, Serbia, Bulgaria and Ukraine, in order to create a strong ethnically homogeneous Great Romania.¹⁶

Gheorghe Tite, who was familiar with the affairs and relations in Hungary, was asked to express his opinion about the Bolchi concept in the Prime Minister's Office.¹⁷ He considered the author to be an "earnest and well-meant" person but he did not find anything new in the idea of population exchange, because "the Romanian government had already agreed with that long before".¹⁸ As an evidence for his sense of reality he thought, that Bolchi's opinion about the Arrow Cross Party was mistaken, and he declared, that there is no party in Hungary that would accept the idea of population exchange, nor does the public opinion, especially if it includes loss of territories. Tite considered the Hungarian-Romanian population exchange to be a realistic option only in case a major international power would interfere like in case of the 2nd Vienna Decision.

Hungarian leaders did not consider population exchange or deportation as a solution of the Transylvanian problem. When on 19th August 1941 Henrik Werth, Chief of General Staff, suggested in a memorandum that all Slavic and Romanian inhabitants, who lived inside the 1000-year-old Hungarian borders, should be deported, so that the Carpathian basin would be living-space of the Hungarians exclusively, Prime Minister László Bárdossy rejected the proposal definitely and he put it as non-executable and a harmful idea.¹⁹ The Hungarian elite in Transylvania remained divided concerning this issue. A significant proportion of those Hungarian politicians, who became representatives of a majority and left a minority position behind, started to believe in a "nation-building" view, instead of the protection of minority interests, and they did not exclude the option of re-settlings after the war.²⁰ According to one of Árpád Paál's notes from 1941 one of the ways to eliminate the opportunity to live in minority in a "humanly" way would be "re-settling".²¹ As opposed to Pál Szász, who was left in Southern Transylvania, condemned nation state aspirations and favoured multinational empires, like St. Stephens's, and thought that population exchange would not solve the problems of Transylvania.²²

¹⁵ Arh. M.A.E., fond 71/ Transilvania, vol. 359., f. 353.

¹⁶ Arh. M.A.E., fond 71/ Transilvania, vol. 359., f. 359. The following and most lengthy part of the concept regulated all the technical details of the desired population exchange with juristic accuracy.

¹⁷ Arh. M.A.E., fond 71/ Transilvania, vol. 359 , f. 435-440.

¹⁸ Arh. M.A.E., fond 71/ Transilvania, vol. 359., f. 435.

¹⁹ Szinai, Miklós – Szűcs, László (ed.): Horthy Miklós titkos iratai. Second edition. 1963, Kossuth Kiadó, document 59 , pp. 306-307.

²⁰ Bárdi, Nándor: A múlt, mint tapasztalat. A kisebbségből többségbe került erdélyi magyar politika szemléletváltása 1940-1944 között. Limes, 2006. vol. 2. p. 58.

²¹ Horváth: op. cit. p. 11.

²² Same as the previous p. 12.

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ing these issues; d) preparation of memorandum concepts, which are to be handed over to the Allied Forces; e) selection, completion and systemising of cartographic materials which support Romania's rights and interests; f) revision of the propaganda publications, which serve the country's interests, and wording proposals to complete them.²⁶

The Committee was placed under direct order of the Foreign Minister. During the course of its operation it examined all possible issues, that the country could possibly face in the future peace conference. It forwarded the accomplished proposal to the Foreign Ministry, which could utilise them in case the issue was placed on agenda.

The Peace-Preparatory Committee placed the negotiation of two separate aspects of the minority issue on agenda: Romanian minority living outside the borders of Romania, and national minorities living within the borders of the country. The guiding principle and basic idea behind the Romanian peace-preparation was that after the end of war – on the grounds of the collected experience - minority issues would be settled “more effectively” than in 1919.

According to the Committee²⁷ the factors which could have an impact on the future decisions could be the following: 1) recognition of the fact that international protection of minorities, which were elaborated and settled in the 1919-1920 treaties, was not effective; 2) the occurrence and existence of impingements of several countries against minorities; 3) the aspiration to “ungear” such national communities which had had a considerable role in the unleash of the World War II; 4) a firm decision to eliminate the possible reasons of inter-state conflicts; 5) partial solution of the issue in certain regions by Greek-Turkish, Greek-Bulgarian, Romanian-Bulgarian population exchange and re-settlement of the German minority.

During the course of peace settlements, which took place after the World War II, all these factors got into focus in Eastern Central Europe. So they highlighted a way of thinking not only typical of the Romanians, but a far more general view, which was characteristic of the era and the region – but was not taken upon by many in public.

In the following we briefly examine the analysis²⁸, which was accomplished by Emil Oprianu.²⁹ In order to solve the issue of minorities, living on the territory of the country, the study proposed that the Romanian government should elaborate its own strategy on the basis of measures, which had already been taken by other

²⁶ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 9–10.

²⁷ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 2.

²⁸ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 10–15.

²⁹ Oprianu, Emil (1906–?): Romanian diplomat. Secretary of Peace-Preparatory Committee between February 1945 and July 1946.

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It is difficult to ascertain how certain groups of society related to the issue of population exchange. Supposedly both on the Romanian and the Hungarian side there was a layer which would have gladly moved but most wished the leaving of the individuals who belonged to the other nation. According to the 30th October 1941 report of the Hungarian Royal Consul in Brasso, Zoltán Sztankay, the youth of the "three Transylvanian nations" (Hungarian, "Saxon", Romanian) is under the influence of "ideas of the era", the impatient nationalism and there is "a gap between them which cannot be bridged". According to his opinion the Saxon youth, which is under national socialist influence, would deport the Romanian from Southern Transylvania, many of the Hungarians in Southern Transylvania would do the same if Transylvania would be re-taken by Hungary while the Romanian young, who are under the influence of the Iron Guard, would "massacre" the Hungarians like many Jews in Romania.²³

2. Hungarian-Romanian Population Exchange Concepts in the Romanian Peace-Preparation between 1945 and 1947

2.1. The Romanian Peace-Preparation Committee and the Solution of the Minority Question

The Romanian Peace-Preparation Committee was formed in February 1945 with the leading of Eugen Filotti²⁴, as the technical preparing organisation of the Foreign Ministry, on the grounds of the Office of Peace²⁵, which had been created in June 1942 by Mihai Antonescu.

The committee was to fulfil a technical preparatory role. Its main focus was described as in the followings: a) systematisation and reviewing the materials, which were stored in the archives of the Foreign Ministry, and which could serve protection of Romania's rights in a future peace conference; b) accomplishment of studies which deal with issues which are to be solved in a peace conference; c) wording of proposals, which are necessary to elaborate an official policy concern-

²³ MOL K 28-40-M.E.-1941-0-25339. According to a confidential Hungarian police report which dated in November 1941 the word spread among the German and the Romanian inhabitants in Beszterce that after the end of the Anti-Soviet war that the Transylvanian Romanians will be re-settled "partly to Bessarabia and partly to the Trans-Dniester area". (MOL K 28-372. item-I-25840/1941. No. M.E. II.)

²⁴ Filotti, Eugen (1896-?): Romanian diplomat. Secretary General of the Foreign Ministry between autumn 1944 and March 1945, then the leader of the Peace-Preparation Department, after that the technical leader of the Political Committee of the Romanian delegation which participated in the Peace Conference.

²⁵ Concerning the Office of Peace see Ardeleanu, Ion: „Biroul păcii”: Proiecte privind soluţionarea problemei frontierelor României i realizarea unor bune relaţii în Balcani (1942–1943). In Europa XXI. I–II/1992–1993, Iaşi, 1993, pp. 128–132.; Dobre, Florica: Ion i Mihai Antonescu scrutează viitorul. Biroul Păcii. Dosarele Istoriei, 1997. vol. 2., pp. 8–11.

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2.2. The Romanian-Hungarian Population Exchange Concepts

Being assigned by the Peace-Preparatory Committee Sabin Manuilă elaborated the population exchange concepts to the importance of which Gheorghe Tătărescu, the Foreign Minister himself, drew the attention of the committee. (Tătărescu was concerned with the issue of population exchange before the country's entering the war. After the handover of Bessarabia and Northern Bukovina he suggested population exchange in order to solve the country's minority problems in one of his studies³², which was published in summer 1940.)³³ The elaborated concepts were discussed in the meetings of the Committee.

There are two population exchange concepts among the documents of Peace-Preparatory Committee in the archives of the Romanian Foreign Ministry. The first document³⁴ was dated in the era of Romanian neutrality following the burst out of the World War II, the second one³⁵ was prepared by Vasile Stoica³⁶ and bears the date 23rd November 1941. The first, unanimous concept's – most likely constructed by Sabin Manuilă – primary aim was to make the country homogeneous to the most possibly achievable extent as regards nationalities before the break out of forthcoming conflict and if there is a chance then to prevent conflicts which could be "provoked" by minorities. The impact of the changed international circumstances can be felt when reading the second concept, as for it was elaborated by the consideration of the changes, which had taken place meanwhile (the second Vienna decision, the country's entering the war, recapture of Bessarabia and Northern Bukovina). Both documents look minorities as potential sources of conflicts. The first concept – as opposed to the 1941 version – did not link population exchange with territorial modifications.

The first concept considered ethnic problems as the major reason of war; therefore these mean the exclusive resource of danger for Romania, so a solution has to be found. According to the concept the ancient method of "candy and whip" is to be applied. This would mean that the Ministry of Ethnic Affairs should establish a calm public atmosphere. The author did not see this policy could be executed when minorities receive "encouragement from abroad". The "calming" measures have to be taken at the right time in order to justify the country's policy. Competent personnel of the Romanian foreign policy were supposedly aware of the importance of

³² Gheorghe Tătărescu: *Evacuarea Basarabiei i Bucovinei de Nord*. Craiova, 1940.

³³ Sorina Bolovan – Ioan Bolovan: *Inițiative românești*. .p. 96.

³⁴ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 198–200.

³⁵ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 193–196.

³⁶ Stoica, Vasile (1889–?): Romanian diplomat. As member of the Romanian delegation he took part both in the 1919–1920 and the 1946–1947 Paris Peace Conference. He was the director of the analysis department of the Romanian Foreign Ministry between 1941 and 1944, his main duty was peace-preparation. For a short period he was the secretary general of the Foreign Ministry after the war.

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states, which were dealing with similar problems. Oprianu counted on the general settlement of minority issues in Europe, which would mean population exchange in their particular region. He assumed that the following countries and groups would be involved in a possible population exchange, re-settlement: 1) Czechoslovakia, Poland, the Soviet Union, Yugoslavia – Germans; 2) Italy, Austria, Hungary – Croats and Slovenians; 3) Austria, Germany, Poland – Czechs; 4) Hungary, Yugoslavia, Romania – Slovaks; 5) Germany and Czechoslovakia – Polish; 6) Poland, Romania, Hungary, Subcarpathia – Rusyns, Russians, Belorussians; 7) Romania, Czechoslovakia, Yugoslavia – Hungarians.³⁰

Oprianu sketched possible solutions concerning the Romanians, living outside the Romanian borders.³¹ One of these was to hand in a demand for the territories which are neighbouring the country and are inhabited by Romanians. He did not consider this to be an executable solution, because he thought that this would escalate the hostile relationship with the neighbouring countries. He also rejected the strategy of showing apathy towards the transborder Romanians because the government would sacrifice these Romanians without providing guarantees to assure minority rights for them. Furthermore the Balkanian states would see this as a sign of weakness and would come up with territorial claims.

Similarly to the Hungarian diplomacy the Romanian also ponders the necessity to elaborate an international system for minority protection. Oprianu rejected the concept because he thought that there is not a system of this kind without backstairs, additionally it can function as a conflict source among Balkanian states. The study also disapproved the opportunities to provide local autonomy on the grounds of bilateral agreements since it would be very difficult to enforce them against the victorious states on the one hand and minority Romanians would still be naked to the majority on the other.

He suggested obligatory population exchange as a resolution. By executing which – according to Oprianu's belief – the major source of conflicts with the neighbouring countries could be eliminated, as well as Romania would get rid of nation groups, which sympathise with neighbouring countries, and it should not be neglected that, Romania could cover - at least partially - the losses of war.

According to the authorised personnel of the Romanian peace-preparation the population exchange would take place in the course of a general settlement of the issue involving the whole Eastern European region. They expected that as a consequence to the newly ended world war conflict, the whole region will attempt to create homogeneous nation states. Taking this into consideration it seemed natural that Romanian peace-preparators took a similar position.

³⁰ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 3.

³¹ The study analysed the issue of Romanians who lived on the Balkan Peninsula and did not deal with the issue of the ones living in Bessarabia.

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Crnja), Magyarcsernye (Nova Crnja), Csősztelek (Cesterek), Rogendorf, Itvarnok, Felsőelemér (Srpski Elemir), Tiszatarrós (Taraš) to Hungary.

4. The Romanian-Hungarian border would be North-East from the point where the Fekete-Körös reaches the Trianon border and would take place through the hills to the Gutin and Máramarosi Mountains West of Pálosremete (Remepi) and East of Kistécső (Teceu) going through the River Tisza up to the Popadia Peak.

5. The Rusyn, living in Hungary, would be moved to Ukraine.

6. The Szeklers would be moved to the area that had been left by the Rusyn.

7. Romanians who happen to live west of the new border would be moved to the Eastern side of it.

8. Hungarians who lived between the new, to-be Romanian-Hungarian border and Szeklerland would be moved west of this new borderline into Szatmár, Szilágy, Bihar, Arad, Temes-Torontál counties and into the Northwest of Banat to the place of Romanians who were to be moved from this area.

According to the concept the Bessarabian and Bukovinian Russians would have also been deported to the Eastern side of the River Bug. They did not withdraw their claims concerning Cadrilater or Southern Dobruja, which had belonged to Bulgaria since 1940, and where Romanians from Bulgaria, Albania and Greece would have been moved to, while the Romanian minority from Serbia would have been settled in Szeklerland. The document – which took after the Sabin Manuilă concept of 15th October 1941, and which has already been presented in the previous chapter – was highly ambitious. It is important to emphasise that the author of the document, Vasile Stoica, who was respected as friendly to England, was a relatively influential person in the Foreign Ministry of Romania even between 1940 and 1944 had an important role in the Romanian peace-preparation after this period. As we can see from the concept, Stoica intended to establish ethnic borders already in 1941 taking into account the modification of the western border tightly linked to population exchange. This principle was also visible in the concepts which were worked out after the war.

Concepts after 1944 were mostly the revived versions of population exchange concepts which had been made for the Hungarian-Romanian negotiations before the 2nd Vienna Decision. Elaboration of them was assigned to Sabin Manuilă once again, so it is not surprising, that Manuilă attempted to enforce his theses, which were based on his already existing analyses. The aim of the concept was to prepare the decision makers to all possible options and one the issue of population exchange would become expedient the Foreign Ministry of Romania should have all instruments at hand. Correspondingly not only one accurately and finally elaborated idea was presented, but they offered a consideration of several options.

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more conciliatory measures, which were to be taken towards minorities, and the later known (at least among the experts who deal with the issue of Transylvania) as Petru Groza-kind of nation policy had some extent of establishment before 1944.

The most important issue and the primary focus of the concept was still the reduction of minorities' rates. Altering the ethnic proportion was desired to be achieved by two means: first by a controlled census (which would provide evidence for the growth of the rate of Romanians), second by organising population exchanges and deportations. Resistance of certain ethnic groups was intended to be weekend by the exchanges. To process was planned in such a manner that on the long run it would lead to the extinction of the ethnic group in question. The sphere of those, who were included in and excluded from the population exchange, was decided along economic and safety-policy, and reproduction principles, based on experience, related to Sudeten Germans. We find adults in capable of reproduction and urban members of the minority, who multiply at a far lower rate, among the excluded ones as well as political agitators with non-agricultural jobs, who are considerably more "dangerous" outside the borders and the wealthier layers, whose properties would mean a major difficulty to eliminate. The concept restricted the sphere of to-be exchanged to those who carry less importance and are easier to be replaced i.e.: uneducated workers, youngsters and poor. The long term aim was to create a homogeneous nation state which would mean the accomplishment of the Romanian nation building process. (Debts of Germany which derived from the trade-relations with Romania would also be arranged by the left-behind properties of the deported Germans.) The concept considered the exchange of minorities (Hungarians, Jews, Germans, Russians, Ukrainians, Turkish, Bulgarians, Serbs, Gypsies) living in Romania a desirable solution only in case of preserving neutrality. It considered a mere organisational issue to deport unilaterally those ethnic groups which are not protected by the country's allies – in case of entering the war.

The 1941 concept, which was elaborated by Vasile Stoica, was established on the population and geographic situation of Hungary. Stoica was convinced that it was Hungary's basic interest too to break the "centrifugal" forces of minorities and to form a both strategically, and geographically coherent state. He esteemed the establishment of ethnic borders to be exclusive effective solution of the Hungarian-Romanian conflict. Since the population of Transylvania was excessively diverse, Stoica proposed a population exchange linked to border-modification. The concept offered the following solutions:

1. Romania hands over – either the whole or parts of – the territory which is located west of the Zsombolya-Battonya line.
2. Hungary hands over the villages of Battonya and Dombegyháza.
3. Romania makes over the territory among Zsombolya, Szerbcsérnye (Srpska

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Romanians would not have compensated the number of Hungarians a new system of criteria – based on complicated calculations – was introduced. This took place in case of plans “T2, T3” too. The area marked by the “T2” line – which included the North-western half of Máramaros county, two-thirds of Szatmár, Bihar and Szilágy counties, a quarter of Arad county and the Western part of Temes county – which could not possibly house more than 651.950 Hungarians, out of which 242.930 had already been living in the area. Therefore (according to the Romanian data) out of the 988.268 rural Hungarians living in Transylvania, 336.318 would have still been left in Romania.⁴⁰ In order to avoid having to increase the territory to submit, they introduced the principle of occupation. They calculated that 75.55% of the rural Hungarians make a living from cultivating land as opposed to the 88.46% of the Romanians. On the basis of this, the concept stated that only those need land who make their livings from agricultural work, as a consequence to this it is only them whose existence requires territorial compensation. They took this percent rate as multiplier and that is how they could increase the number of Hungarians to be deported and decrease the amount of territorial compensation at the same time.⁴¹ According to this calculation Romanians who lived in these areas were “worth more”, so more Hungarians can be deported into their place. The 1930 census data provided the grounds for the concept.

Though application of the principle of ethnicity was aimed in the population exchange concepts, the necessity of Temesvár's and Arad's belonging to Romania was supported by historical and economic arguments. They considered it to be important not to break away the population who lived around the shire-town and possessed a more developed economic level. The historical argument appeared in case of Temesvár: according to which the Hungarians are just settlers who had arrived in the area in the near past.

2.3. The Discussions of Population Exchange Concepts

The discussions of population exchange concepts took place on two meetings of the Peace-Preparation Committee on 21st and 24th August 1945. The members of the committee possessed significantly different attitudes and viewpoints concerning the judgement of the situation of the Hungarian minority.

The committee was aware of the fact, that situation of minorities had changed considerably in Romania compared to the inter-war period. Before the World War II three minorities (Hungarian, German, Jewish) had well formed and expressed interests, and they attempted to enforce them at the relevant forums. After the war size of the Jewish community decreased by volumes. As for the German question,

⁴⁰ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131, f. 167.

⁴¹ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 128.

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The borderlines³⁷ of the elaborated concept which signal the area to be handed over to Hungary can be seen. (See the maps in the Appendix.) They would have moved the whole, or a part of the Hungarian population of the Transylvanian territories, to the to-be-handed-over territory from East of the new borderline during the course of the population exchange.

- „T 1” line.
- „T 2” line: signals 13 168 km².
- „T 3” line: 19 289 km², would make the exchange of the “agricultural” population possible.
- „T 4” line: 16 599 km². All Hungarians from Transylvania would be moved here and “agricultural” Hungarians would be given land.
- „T 5 A” line: would involve the “rural” Hungarians of Transylvania (988 268 people).
- „T 5 B” line: would also mean the exchange of the rural population but 89 298 Hungarians would remain without offset.
- „M 2” line: 3129 km², „ethnic” borderline.
- „M 7” line: 5812 km², would involve Hungarians of the bordering counties. (428 457 Hungarians out of the total population of the region’s 482 611 inhabitants.)
- „M 8” line: 10 125 km². Would mean in-taking of all the Hungarians who live in diaspora (987 283 Hungarians).
- „D 19 A” line: would involve the whole Hungarian population of Transylvania.
- „D 19 B” line: would be the maximum cession in case of taking in all the Hungarians of Transylvania and “part of the Szeklers”.
- „I 22” line: 19 886 km², would mean a full population exchange.

When elaborating the population exchange concepts, Hungarians living in Romania were divided into three groups along their habitat: Szeklers, sporadically dwelling Hungarians between Szeklerland and the close-border areas and Hungarians living in the bordering counties. According to Manuilă’s data 934.646 Hungarians lived in the area of the historical Transylvania, 97.849 in Banat and 320.795 in the Partium.

Solidarising the borders was a major argument point for the population exchange, since the presence of the “hostile” Hungarian population on both sides of the borders provided a potential “danger resource” for the Romanian state.³⁸ All concepts considered territorial compensation only in case of agricultural population. (Exchange of the rural, village population was not a new idea. Romanian leaders had already been pondering this opportunity during the course of their negotiations with Hitler in Berchtesgaden on 26th July 1940.)³⁹ Where the number of

³⁷ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 34.

³⁸ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 131., f. 87.

³⁹ Sorina Bolovan – Ioan Bolovan: Inițiative românești... p. 99.

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headed by him forecasted higher multiplication rates of the Romanians and the assimilation of the Hungarians on the long-run.” (As we have already mentioned achieving ethnic homogeneity of Romania he thought to be the result of the combination of “natural” and “artificial” population moves.) Hardly five years after he had published these survey results as a consequence to the already mentioned events, Manuila changed his point and instead of slow assimilation he was undoubtedly and exclusively in favour of a far more rapid changes, therefore population exchange.

Ion Christu⁴⁸ and Radu Crutzesu⁴⁹ favoured reconciliation with the Hungarians on the grounds of the European ideal. Vast majority of the members of the body opposed this point. Chairman of the committee, Eugen Filotti, advanced his point that those, in favour of these ideas, are unaware of reality in Transylvania.⁵⁰ Păclianu emphasised that Hungarians cannot give up the hope to regain Transylvania, because “any nation, which gives up imperial efforts, are sentenced to death.”⁵¹ Sabin Manuila argued that it would be a comfortable solution to protect the Trianon borders and hope for assimilation in a political sense, but he thinks it to be more than an issue of borders. It is the question of existence for the Romanian nation.⁵² His point was not supported within the committee though Filotti remarked: “there is not a person in Transylvania today that would not support the complete separation of the two nations.”⁵³

As a conclusion the committee did not suggest the government to solve the Transylvanian issue by population exchange although the plans were “at hand” in case Romania would be forced to submit territories in order to be prepared for population exchange as well.

⁴⁸ See the chart below concerning the natural multiplication of ethnic communities in Transylvania (between 29th December 1930 and 1st January 1940). (Art Louis Roman: *Demografia istorică în opera lui Sabin Manuila*. In Sorina Bolovan ? Ioan Bolovan [ed.]: *Sabin Manuila. Istorie i demografie*. Cluj-Napoca, 1995, Centrul de Studii Transilvane ? Fundația Culturală Română, p. 39.)

NATIONALITY	%
Romanian	7,5
Hungarian	5,7
German	3,1
Jewish	0,5

⁴⁹ Christu, Ion (1895–1953): Romanian diplomat and economist. He was Minister of Foreign Trade from February 1940 to June. He was a member of both the delegation which signed the Romanian Armistice on 12th September 1944, and of the one which took part in the Paris Peace Conference.

⁵⁰ Crutzesu, Radu (1892–?): Romanian diplomat. Director of the Political Department of the Foreign Ministry, Ambassador to Berlin (1939), then to Ankara, and worked in the central administration of the Foreign Ministry after these

⁵¹ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 130.

⁵² Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 129.

⁵³ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 129.

⁵⁴ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 130.

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the committee hoped that it would "get solved on its own" with the Allies approval to deport the community.⁴² These considerations meant that minority issues got reduced to the Hungarian minority.

During the course of the discussion concerning population exchange it jelled that the primary interests of the country was to protect the Trianon borders. The committee emphasised – as a consentaneous point – that any modification of the borders which Romania has to be subdued must be accompanied by such a population exchange that after it no Romanian would remain under Hungarian rule and "parallelly the number of Hungarians must decrease especially in the near-border areas".⁴³

There were major arguments within the committee between two experts of ethnic issues, Sabin Manuilă and Zenovie Păclianu, concerning the sacrifice for the execution the population exchange. According to the protectors of the Trianon borders modification of the borders, which would include submitting 20.000 km², would be far too excessive price. Even so there would still be minorities left in the country: "Jewish and Gypsies; we would lose a creative/constructive but hostile minority and would keep others who are pernicious and would still be unable to create ethnic homogeneity even more we would lose territories."⁴⁴

It is Romania's national interest to execute the population exchange so that to solve the conflict between the Hungarian and the Romanian people according to Manuilă. Păclianu did not agree with that and excluded the possibility of coming to a peace with Hungary regardless of Hungarians remaining in Romania or the execution of the population exchange.⁴⁵ Both experts agreed the importance of the Hungarians in the country's economic life, and both considered creation of the homogeneous nation-state to be an aim. While Manuilă was a supporter of the "instant solution" and considered border modification acceptable, Păclianu thought that population exchange would require excessive sacrifice (loosing Nagyvárad, Szatmár, Nagykároly), therefore he would have preferred slow assimilation.

There views also differed concerning the prospects of Hungarian minority. Păclianu's thesis, that the faith of the Szeklers is to melt slowly, was thought to be supported by the inter-war Szekler emigration. Manuilă assessed the inter-war period by stating that the Hungarians "have passed the exam of existing as a minority", therefore did not share the views of those hoping for slow assimilation.⁴⁶ Manuilă was inclined to reconsider his earlier points by loosing North-Transylvania and the World War II. Since the studies which were conducted in the inter-war period and were

⁴² Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 100.

⁴³ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 1–34.

⁴⁴ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 129.

⁴⁵ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 129.

⁴⁶ Arh. M.A.E., fond Conferința de pace de la Paris (1946–1947), vol. 94., f. 126.

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Hungarian National Alliance concluded their proposals concerning the solution of the Transylvanian issue as a result of their meeting in Kolozsvár in April 1946. They expressed their disapproval – besides other issues - concerning any solution which “intends to solve the issue of Transylvania by deporting the Hungarians” in their declaration.⁵⁷

Both the left and the right wing of the Romanian political elite took loyalty of the Transylvanian Hungarians to the Romanian nation-state as a condition of its staying in Romania. Ionel Pop, Transylvania's Newly Appointed Commissioner of the Peasant Party⁵⁸, viewed the issue in the following way – which was published in an interview with the title: Changes in Transylvania will be Executed in a Humanly Manner - not too long after the Romanian occupation of Transylvania in autumn 1944. “If Transylvanian Hungarians possess the necessary intelligence and fortitude to except reality – Transylvania will belong to Romania forever – and give up their irredentist efforts and desires for good, they can finally join the great community of Romania on this condition, we will provide better circumstances for them in all aspects, than those of their kinsmen in Hungary, and they will proved to be useful citizens for Romania. I hope that this will happen in the lack of this trust we must consider and more extreme solution: their repatriation.”⁵⁹ We cannot state it for sure because of the lack of archive evidence that the National Peasant Party openly declared the intention to deport Hungarians, but the above cited proclamation allows us to conclude that the opportunity of deportation was seriously considered within the party.⁶⁰

Political circumstances – which emerged by the inauguration of the Petru Groza government - improved by volumes for the Hungarians as opposed to the state of affairs in autumn 1944, but several hundred thousand Hungarians still lived in juridical insecurity since they were not in possession of citizenship.⁶¹ Even in the recent Romanian historiography it is claimed that Hungary intended the ethnic constitution of Transylvania because of a possible referendum and the Paris Peace Conference after the World War II, and it encouraged Hungarian refugees to return to Transylvania.⁶² According to our findings so far there is no evidence that there

⁵⁷ Naslasă, Lucian (coord.): *Minorități etniculturale, mărturii documentare: Maghiarii din România (1945–1955)*. Cluj, 2002, Centrul de Resurse pentru Diversitate Etnoculturală, p. 246.

⁵⁸ The 487 Law, which ordered the establishment of the Administration Commissariat of the Freed Transylvanian Areas published in 234th vol. of *Monitorul Oficial* on 10th October 1944. Ionel Pop was the nephew of the potent leader of the National Peasant Party Iuliu Maniu.

⁵⁹ *Curierul*, 25th October 1944.

⁶⁰ Nagy Mihály, Zoltán: *A román pártok magyarságpolitikája (1944. augusztus – 1945. március)* Manuscript is in the possession of the author.

⁶¹ In respect of citizenship issues see Vincze, Gábor: *Állampolgárság és kisebbségpolitika Romániában a II. világháborút követő években. Magyar kisebbség, 1999. vol. 2?3.* <http://www.jak-abf.ly.ro/magyarkisebbsseg/index.php?action=cimek&cikk=m990217.htm>

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At the recent phase of our research we are not in possession of data concerning the extent of support of the population exchange idea within the government; but it is a fact, that it was discussed in the presence of the Foreign Minister, and analyses were elaborated on for his request, which tones the judgement of the policy of the Petru Groza government, which had been respected as "Hungarian-friendly".

Although changes in the international circumstances (conflicts between the major powers and the role which was to be fulfilled by Romania in the peace process) did not provide an opportunity for a Hungarian-Romanian population exchange, significant ethnic moves still took place in the country following the World War II. The most significant ethnic move was deportation of the native German-speaking population for forced labour in the Soviet Union. According to Romanian resources more than 70.000 Romanian Germans were deported by the active cooperation of the Romanian authorities.⁵⁴

Forced deportations⁵⁵ also took place in Romania after the World War II. Czechoslovakian Under-Secretary of Foreign Affairs, Vladimír Clementis, brought up the issue of the Slovaks, who were deported from Romania, in a negotiation with Romania's Ambassador to Prague on 16th April 1946.⁵⁶ Approximately 700 Slovaks were deported from around Nagyvárad to Pozsony among extremely bad circumstances. Clementis explained that in case Romania intends to deport Slovaks the two countries have to enter an agreement, but it can only take place after the completion of the Hungarian-Slovakian population exchange. We have no information that further Slovaks were repatriated in mass volumes and the two countries never entered a population exchange-treaty.

No similar measures have been taken concerning the Hungarians, but in spite of the non-occurrence of forced mass-deportations, Hungarians were still living in a constant threat in Romania these years. Minds of the Hungarian minority were also occupied by the issue of deportation because of the Czechoslovakian precedent and the tense nationalist conceit, which could be felt in Romania (both on behalf of the historical parties and the Romanian Communist Party). Those leaders (Áron Márton, János Vásárhelyi, Ede Korparich, István Lakatos, Pál Szász) of the Transylvanian Hungarians who did not agree with the official guidelines of the

⁵⁴ See Karl M. Reinert & Fritz Cloos: *Zur geschichte der deutschen in Rumänien, 1935-1945*. Munich, 1998; *Dokumentation der vertreibung der deutschen aus Ost-Mitteleuropa*, Bd. III. Munich, 1984; Ignat Fischer: *Date despre deportarea în Rusia a etnicilor germani din Banat*. In *Analele Sighet* 2. 1995, pp. 416-418.; Dumitru Andreu: *Etnicii germani i detaamentele de muncă forțată din România, 1944-1946*. *Arhivele Totalitarismului*, 1995, vol. 1. pp. 26-29.

⁵⁵ Forced deportation can be mentioned when it is not preceded by a written agreement between the ones involved as it used to happen in case of mutually supported secession or split up. Salat, Levente: *Etnopolitika a konfliktusai a méltányosságig. A kisebbségi lét normatív alapjai*. Marosvásárhely, 2001, Mentor Kiadó, p. 56.

⁵⁶ *Arh. M.A.E., fond Conferința de pace de la Paris (1946-1947)*, vol. 69., I. 86.

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was a link between the issues of citizenship and the possible concept of deportation/population exchange or referendum. Minister of Justice, Lucrețiu Pătrăcanu, estimated the number of those, who deliberately did not state their citizenship or were present on the territory of Romania illegally, to be 300.000 - 400.000 in his Kolozsvár speech on 8th June 1946. He considered those who did not possess citizenship to be a major potential resource of dangers and declared: "our permissiveness has also got its limits. We have a commitment to eliminate this state of affairs".⁶³ As evidence to the fact, that it was not a mere "slip of the tongue" from an influential politician of the Romanian Communist Party, he emphasised it several times in private company and in colloquia that although it would have been necessary – as opposed to Czechoslovakia – Romania missed the opportunity to deport all Hungarians.⁶⁴ The idea of deportation was most likely agreed with by Gheorghe Gheorghiu-Dej; according to some memoirs' in one of his negotiations⁶⁵ with Stalin after the Romanian party-leader had complained about "extremist" Hungarians Stalin allegedly explained his point about the issue: "Why did not you chase them [all Hungarians] out of the country together with the Horthy-troops ... since you did not solve the problem by the help of violence in the proper moment, you have nothing else left to do, than to solve your conflicts by the means of diplomacy."⁶⁶

We do not know to what extent was the idea of deporting Hungarians from Romania supported in the leaderships of Romanian political parties, but in the recent phase resource processing we can surely claim, that the Romanian peace-preparation seriously considered this opportunity and would have accepted any possible border modifications (disadvantageous for Romania) only on the condition of population exchange. We can find such high-ranked politicians both in the left and the right wing Romanian parties, who expressed their support for the idea of deportation in a more avowed way. Being familiar with the contemporary situation of Romania it is most likely that these were not accidental expressions, but they marked that part of the Romanian political elite did consider the opportunity of population exchange and deportations.

⁶³ Dumitru Andreu: *Micări de populație în România (1940?1948)*. București, 2003, Editura Enciclopedică, pp. 338–339.

⁶⁴ Florin Constantiniu: *Pătrăcanu i Transilvania (1945–1946)* București, 2001, p. 151.

⁶⁵ See Betea: *Maurer și lumea de ieri*. Arad, 1995, Editura Fundației Ioan Slavici, p. 223

⁶⁶ The negotiation supposedly took place at the end of 1945.

⁶⁷ Betea: op. cit. p. 260.

