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Conditions of Minorities

Edina Kopasz

20th c. organisations of the Hungarian diaspora in Belgium

Abstract

The Hungarian Social Committee in Belgium (HSCB) was created in 1934 and its organization in Brussels has founded the Hungarian House in 1936. HSCB oversaw all the cultural sport and social organisations in Belgium. The Communist political takeover resulted in changes in the lives of the Hungarians in Belgium too. Hungarians arriving from the mother country started the Hungarian Movement of Independence (HMI) – with a strong anti-communist programme which from the start was in conflict with HSCB. Thanks to the fugitives arriving after the defeat of the 1956 revolution the life in the movement intensified: new organizations were founded which eventually gained influence in 'traditional' Belgian institutions, e.g. at universities.

The term diaspora has been used so frequently in the past decades that it developed such a widening of its field of meaning that some authorities are of the opinion that it has almost become useless;¹ but thanks to increasing interest its research has enjoyed its renaissance and also could enrich other fields with new ways of analysis.² Using the notion of diaspora in a historically based research of the organizations of Hungarians living in Belgium helped revealing such reasons, motivations and relationships that threw new light upon the importance of those organizations. First it is going to be discussed why the Hungarian groups arriving to Belgium in the 20th c. can be treated as a diaspora and what kind of analysis can be applied to their research. Next following the various waves of migration those circumstances

¹ Brubaker, Rogers: The 'diaspora' diaspora. *Ethnic and Racial Studies* 1. (2005 January) p-3.

² E.g. Chander, Anupam: Diaspora bonds. *New York University Law Review*. (2001 October) pp.1005-1099.

and motivations will be summed up that had led to the creation of these organizations and defined their characteristics.

The groups Hungarians as diaspora

Referring to the Hungarians in Belgium as diaspora raises the question: what is diaspora indeed? The basic question of diaspora research has divided the scholarly world as the scholars widen or narrow the semantic range of the term giving a great variety of characteristics to the definition of diasporas.

Early views of diaspora were based on the Jewish paradigm. It has so strongly defined the theories that in dictionaries it was not simply an illustration but served as the definition of term itself.³ It turned out that during the research of other people that the Jewish archetype can serve as a non-normative starting point;⁴ but the concept of diaspora needs further theoretical groundwork.⁵ New approach can be observed in the works of Gabriel Sheffer, who has rejected the Jewish paradigm to be exclusive and pointed out that the term could have been used to various groups of people even earlier than the Jews.⁶ Another pioneer of the new diaspora approach is John Armstrong who studying the German and Jewish communities in tsarist Russia referred to some other historical examples as well and differentiated between mobile and proletarian diasporas; highlighting their importance in the societies he explained that diaspora is more than a groups of people distinguished by secondary features, e.g. the persons in Wisconsin with a Scottish name; that mobile diaspora was a separate society or quasi-society within a greater society for several centuries⁷.

William Safran's attempt at definition counted as a milestone of diaspora studies. It has started a research tendency that considers important how identity is manifest in the relationship to the mother

³ Brubaker 2005. p.2.

⁴ Clifford, James: *Diasporas. Cultural Anthropology* 3. (1994) 306. p.

⁵ Brubaker 2005. p.4.

⁶ Anteby-Yemini, Lisa and Berthomière, William: *Diaspora: A Look Back on a Concept*. 263. p. In URL: <http://bcrfj.revues.org/docannexe312.html> (2009.03.15)

⁷ Brubaker 2005. p.6

country and its traditions. Home country for the diaspora is a faraway, longed for enigmatic place that the diaspora left physically behind. The receiving country can become a home but never the mother country.⁸ Robin Cohen has characterized diaspora as being placed between nation states and 'travelling cultures', in their physical existence in the nation state, spiritually they are travelling in the zone of space and time between nation states.⁹ Stuart Hall has separated himself from the Anglo-Saxon idea of home and claimed that diaspora existence is essentially a special identity, that the acceptance of necessary otherness and diversity is part of it.¹⁰

There is still no consensus in the basic question: what is diaspora? The various theories and approaches prove that diaspora is different and more than migrating, escaping from the mother country, or living away from it for any other reason. It is a special emotional, mental state and identity as John Armstrong and Stuart Hall has pointed out from their respective points of view.

The questions concerning the concept of diaspora raised by international scholars motivated the research into the Hungarian aspects of the problem. Diaspora has proved to be useful tool when analysing the situation of Hungarians beyond the borders of the state (within the Carpathian Basin, and world-wide). The unclear terminology in the Hungarian research results in the opinion that Hungarians living outside the Carpathian Basin are diaspora, but those, who live outside the borders Hungary but inside the Carpathian Basin, are not. The scholarly reason is that this group cannot be characterized by migration, the only consensually accepted criterion of diaspora.¹¹

⁸ Biczó Gábor: A nemzetközi diaszpóra-kutatás eredményeinek gyakorlati jelentősége a magyar szórványkutatásban. In *Regionális identitás, közösségépítés, szórványgondozás*. (Szerk. Balogh Balázs, Bodó Barna, Ilyés Zoltán). Lucidius Kiadó, Budapest. 2007. 17. p. [The practical importance of the results of international diaspora research in the Hungarian diaspora research].

⁹ Anteby-Yemini, Lisa and Berthomière, William: *Diaspor: A Look Back on a Concept*. 263. p. In URL: <http://bcrfj.revues.org/docannexe312.html> (2009.03.15)

¹⁰ Biczó 2007. p.18.

¹¹ Sík Endre: Kezdetleges gondolatok a diaszpóra fogalmáról és hevenyészett megfigyelések a diaszpórakoncepció magyar nézőpontból való alkalmazhatóságáról. In *Diskurzusok a vándorlásról* (Szerk. Sík Endre, Tóth Judit) MTA Politikai Tudományok Intézet, Budapest. 2000. 166. p.[Rudimentary thought on the concept of diaspora and haphazard observations on adaptability of the diaspora concept I the Hungarian situation].

The use of the term diaspora has been accepted in the case of the Hungarians living in Belgium according to the consensus in Hungarian research. The phenomenon is worth considering in the study of the system of institutions, cultural life and social role of this group. The French authors Gérard Chailand and Jean-Pierre Rageau summed up the criteria of diaspora and claim that the identity and motivation of the diaspora play an important role in the creation and functioning of the organizations, influencing the attitude of the members and the development of their cultural life. They describe how frequently religious or ethnic groups become a diaspora through political cataclysms. The criterion of migration appears with a negative connotation. Diaspora is also defined by the force of the collective memory holding it together, and preserving the common past, the shared traumas; in a wider sense it is the cultural heritage frequently of religious character. The third characteristic is the wish to preserve identity and hand down the heritage; it is achieved by the creation of active and wide range networks of societies, organizations and communication. Based on historical experience they mention time as one of the most important criteria of diaspora existence, whether the diaspora can preserve the wish of survival.¹²

Hungarian scholars regard the Hungarian groups living in Belgium in the 20th c. as diaspora. It is a valid name according to the above criteria since it is a migrant community that had to leave its mother country because of political or economic reasons. The common past, the mythical image of the mother country appears as a force that holds the communities together and supposes the wish to hand down the cultural heritage brought from home and survive as a minority group. This is carried out through organizations, and has been realized in various ways among the members of various migration waves since the diaspora identity is continuously reproduced, renewed through changes and difference.¹³

¹² Cf. Fejős Zoltán: Diaszpóra és az „amerikai magyarok“- háttér egy fogalom alkalmazhatóságához. In *Tanulmányok a diaszpóráról* (Szerk. Kovács Nóra) Gondolat, MTA Etnikai-nemzeti Kisebbségkutató Intézet, Budapest. 2004. 13-15. p. [Diaspora and the 'American Hungarians' background to adaptability of a concept. In: Studies on diaspora]

¹³ Hall, Stuart: *Cultural identity and diaspora*. P. 235. In URL: <http://www.lwbooks.co.uk/ReadingRoom/public/IdentityDiaspora.pdf> (2009.03.02)

Hungarian organisations in Belgium between the World Wars

In spite of the considerable distance, relationship between Hungary and Belgium is almost a millenium old; it started with the westward orientation of the Arpads, and since Sigismund of Luxemburg became king of Hungary it has been thriving.¹⁴ Besides migrations and economic relationships there were dinastic connections too. In the 20th c the cooperation between Belgian and Hungarian Christian – especially Roman Catholic – Churches was important especially in helping emigree Hungarians. According to ambassadors' reports the Belgian ecclesistical leaders e.g. Cardinal Mercier and Vicar General Janse were the most important authorities during the period between the two World Wars, and through their interventions they greatly improved the situation of Hungarians then in Belgium.¹⁵

The first group of the Hungarian diaspora in Belgium consisted of those children who arrived there thanks to child saving initiatives. Some of these children stayed with their Belgian fosterparents, or remaining in contact, later settled down as job seekers.

During WWI. Hungary and Belgium fought on opposing sides, thus at first the charity initiatives were received with suspicion. After the arrival of the children, however, Belgian society changed its attitude, that according to Bishop László Ravasz of the Reformed Church did more toward understanding and benevolence between the nations than hundreds of piece conferences and proganda for disarmament.¹⁶ The action for organized holiday for Hungarian children had been initiated by the Catholic Church already before the new interstate relationships were established, to help the children suffering from the hardships caused by the war. Archbishop János Csernoch turned to Cardinal Mercier first in letter than through official visitors on behalf of the children; Bishop Mercier was all the more ready to help, as being in great reverence of the Virgin Mary, when he had

¹⁴ De Kun, Nicolas: *Onze siècles de relations belgo-hongroises et luxembourgo-hongroises*. Magyar Ház, Bruxelles. 1999.

¹⁵ Magyar Országos Levéltár (MOL), 22. csomó, K63, 4.Tétel, 4/7, 22/a/1447/1931. 1931.április 2. Document in the Hungarian National Archive

¹⁶ Ravasz, László: *Emlékezéseim*. Református Egyház Zsinati Irodájának Sajtóosztálya, Budapest. 1992.p.224. [Memoires]

learned that the were images of the Virgin Mary on Hungarian coins and postage stamps, he used his authority and influence to help the Hungarians devoted to the Virgin Mary.¹⁷ Though there arrived orphans and children selected according to social considerations since 1919, documentation is only available since 1923. Till 1930 there were 21 542 Hungarian children staying with Belgian fosterparents.¹⁸ Belgian – Hungarian cooperation is also attested by the organizations coordinating the actions: (Comité Belgie en Secours aux Enfants de la Hongrie) and its partner in Hungary the Hungarian Committee with Vicar General János Mészáros and the Secreteriaat der Hongaarse Kinderen in Turnhout, also the Belgische Kinderhusingesting en Plaatsin in the vicinity of Limburg.¹⁹ The last train carrying children started from Budapest on the 7th of July 1927; the important action remained in the memories Hungarians for a long time.²⁰

The second large group were the job seekers who profited from the positive view formed earlier of the Hungarians and the connections resulting from children's action. During the Horthy era the Hungarian Royal Ministry of the Interior initiated negotiations with French and Belgian authorities for the employment of Hungarians because of lack of jobs in Hungary.²¹ In post war Europe many working hand were necessary to rebuilding and Hungarian work force was sought after.²² This is how Hungarians arrived to the silk factory in Tubize, to the mines at Limburg, to Hal, Charleroi, Antwerpen, Buysinghen to build canals and many other places. Migration ended when due to the 1931 economic depression several Belgian firms closed down and the work at the world exhibition that employed about 80-100 thousand people was also ended.²³ Hungarian craftsmen, however, were so

¹⁷ Borovi, József: *A belgiumi magyar katolikusok lelki gondozásának története*. Szent István Társulat, Budapest. 2002. p.17. [The history of the intellectual care of Hungarian Catholics in Belgium]

¹⁸ Hermán, M. János: *Gyermekmentés Belgiumban (1923—1930)*. *Korunk* 12. (1998 december) p. 120. [Rescuing children in Belgium].

¹⁹ Borovi 2002. pp. 256-270.

²⁰ Borovi 2002. p.18.

²¹ Szántó, Miklós: *Magyarok a nagyvilágban*. Kossuth Könyvkiadó, Budapest. 1970. pp. 101-103. [Hungarian in the wide world].

²² *Belgiumi magyar könyv*. Magyar Szociális Misszió, Brüsszel. 1934. p.47. [Hungarian Book of Belgium]

²³ MOL, K71, 1931, I/4, 624, 20138/28

popular and appreciated so much that in spite of the depression most of them could keep their jobs; after the lessening of the crisis new groups of Hungarians arrived to Belgium.

As part of the second wave of migrants belonged the third source of the Belgian diaspora, those young women who came to find work too as single persons, and worked mainly in households. P. Károly Kipper Hungarian and P.Valér Fallon Belgian fathers took care of the women. At first it was the *Ligue des Familles Nombreuses* that helped them finding jobs, later the *Hivatalos Belgiumi Magyar Leány-Iroda* [Official Hungarian Women's Office] took over the task under the management of Margit Bezsilla and also the *Euvre de Servantes Catholiques*

Supervised by *Foyer du Sacré-Coeur* with the participation of Marica Hayas. The young women belonged to different social classes with different level of education but most of them were keen on education and community life. The office created homes for them in the towns where Hungarian lived that organised shows that even the members of the Belgian royal family attended.²⁴

At the time the number of Hungarians was estimated at 6000.²⁵ The organizations were important means of identity for the Hungarian diaspora surrounded by foreign culture. They were also a manifestation of their attachment to and longing for the home left behind. For the individual they meant points of comparison and feeling of belonging to a community like strongholds for Hungarians living in foreign countries.²⁶

Religion was an important feature in the development of the network of organisations and communication. Between the two world wars several organizations were created with Christian orientation. These were supported by the foreign representations too, since according the embassy reports, there were Communist agitators and

²⁴ *Belgiumi magyar könyv* 1934. pp. 55-56.

²⁵ *Belgiumi magyar könyv* 1934. p. 49.

²⁶ *Belgiumi magyar könyv* 1934. p. 69.

propaganda increasingly present,²⁷ especially among miners;²⁸ under such circumstances the activity of Christian organisations proved to be useful against such movements.²⁹ To balance the activities of groups describes as Communists by the reports it was important for the embassy to be familiar with the situation of the Hungarians in Belgium³⁰. The reports reveal which organisations were supported by the Hungarian state. Sometimes problematic cases were mentioned too, that throws light on which were the initiatives looked at suspiciously by the Hungarian government. Though there is no wide-range overview offered by these documents, they allow to recognize certain tendencies that characterize the Hungarian organisations in Belgium between the two World Wars.

In addition to the organisations responsible for the care of children and young women respectively, one of the earliest organisations was the *Keresztény Magyar Bányászok Egyesülete* [Christian Hungarian Miners' Association], founded by György Beller Premonstrant father in Winterschlag and the *Római Katolikus Férfiszövetség* [Men's Roman Catholic Association] founded by Pater Sándor Horváth in Eysden. The Hungarian workers frequently joined Belgian organisations, e.g. the Centrale Syndicate Regionale des Mineurs du Limburg.³¹ György Beller and Sándor Horváth helped the work of the embassy by their diplomatic missions too, thus from the earliest initiatives on there was cooperation between the Christian organisations and the official Hungarian foreign representations, most importantly with the *Belgiumi Magyar Szociális Bizottság* [Hungarian Social Committee in Belgium (HSCB)].

²⁷ The Hungarian Royal ambassador reports that since the Tardieu government in France put Cists under strict surveillance, the Hungarian Communist moved in to Belgium and Brussels became the centre of their activities, remarking that the Italian ambassador had made similar observations.). MOL, K71, 1931-I/4-624, No. 20138/28.

²⁸ In Belgium there is one more aspect that should be considered, i.e. in the small territory of Belgium there are several spying organizations active because here such information is available that cannot be collected elsewhere or only with great difficulty.' .Appendix to 144/1931. res. sz. . (Brussel). MOL, 11. bundle, 1931, No.I/4.

²⁹ Borovi 2002. p. 36.

³⁰ Borovi 2002. p. 37-49.

³¹ Borovi 2002. p.p. 25-30.

The HSCB was founded in 1934³² with the aim at helping the Hungarians in Belgium in every kind of economic, charity, cultural, social and religious matters and coordinating social work.³³ The organisation symbolically stood above all the Hungarian organisations in Belgium thanks to its strong contact with the embassy. It was founded by Antal Szántó dr., Erward Vandervoort Catholic priest in Winterschlag, the social workers Margit Bezilla and Erzsébet Kuttner. In order to fulfil the aims the organisation rented a house in 1936, and the Hungarian House operated there as a cultural and intellectual centre. It was officially supported by Count Woracziczky Olivér, ex ambassador representing the official foreign representation.³⁴

The connection of HSCB to other Hungarian organizations in Belgium is shown by the fact that the *Magyarok Világszövetsége* [World Federation of Hungarians]³⁵ kept contact with them through HSCB. The foundation of organisations had to be reported to the embassy as well as the Federation; they looked into the statutes and the lists of officials and members. Both the embassy and the Federation then placed the organisations under the command of HSCB. The embassy considered it as a collective institution responsible of coordination, supervision and direction of the other associations.³⁶

For this reason the organisations created after 1936 will be discussed in their connection to HSCB without any intention of being comprehensive due to the manifold activities. Among the cultural organisations, also offering social and economic support to their members, the activities of the women's organisations had wide range influence. Such organisations were active in Zwartberg, Winterslag, Eysden, and since 1934 in Zolder.

Besides the women's associations there also operated the Hungarian Catholic Men's Association in Waterschei and Zwartberg

³² *Belgiumi magyar könyv* 1934-1937

³³ *Belgiumi magyar könyv* 1935. p. 23.

³⁴ *Belgiumi magyar könyv* 1937. p. 29

³⁵ The World Federation of Hungarians is a social organisations founded in 1938 with the aim to help every kind of activity that aims at the preservation of the Hungarian language and culture of Hungarians abroad; develop and keep up contact between Hungarians in the old country and abroad, to keep an interest in the life and achievements of Hungarians living abroad. Statute Chapter II.§ 2.18th of August 1938.

³⁶ Cf. Attachment to No. 144/1931. res. MOL, 11.bundle, 1931, I/4 item

becoming popular for their grape harvest festivals. The Hungarian band of Vilvorde supplied the music at the feasts, or the Waterschei – Zwartberg Hungarian bands. The Vilvorde Hungaria male choir and the mixed choir of Winterslag at Limburg had important role in making Hungarian songs popular because the Belgians enjoyed the Hungarian melodies. Cultural life was organized by *Magyarok és Barátaik Egyesület* [Association of Hungarians and Friends in Belgium], the Hungarian Sports Club in Brussels and the *Szent István Egylet* [St Stephen Association] in Winterslag. The activities of the women's hostels contributed an important part of Hungarian cultural life; their programs were given a legal basis in January 1936, and with Margit Bezsilla as leader the *Árpádházi Boldog Margit Köre* [Circle of St Margaret of the Arpads] was created with 170 members and the Protestant *Lorántffy Zsuzsanna Nőegylet* [L.Zs. Women's Society] in 1938.³⁷

The embassy regarded organisations outside the HSCB with mistrust³⁸ and there were some which were considered to be instruments of communist propaganda. Such was the Esperanto Society mentioned as the meeting place of Communists³⁹ and also the *Magyar nyelvű Munkások Kultúr Egyesülete* [Cultural Association of Hungarian speaking workers].⁴⁰ These associations did not meet the measures set by the embassy therefore had to go without its assistance.

The embassy had successful and coordinated cooperation with ecclesiastical persons and institutions. The officially appointed Hungarian clergymen (e.g. Antal Szántó Dr., Árpád Szabó Dr., Antal Molnár and others), were responsible for the direction of schools and associations besides their work as pastors, as were the social workers, Margit Bezsilla and Erzsébet Kuttner too, who had leading roles in religious and secular fields in the lives of Hungarians in Belgium.

³⁷ *Belgiumi magyar könyv* 1934-1938., MOL, K85, bundle 22., item 12., Ruling 338/adm. resp., 9, ill. 484/193.

³⁸ E.g. the *Hungarian Circle* founded by Vilmos Grünfeld and asked for acceptance only later on the 20. of March 1931; the office called *Secour Hongrois National* in Mucron whose managers were lacking warranty; *Fraternitas* in Utrecht wanted to spread propaganda in Belgium too. Attachment to item no.144/1931. res. (Brüsszel), MOL, 11 bundle, 1931, item I/4.

³⁹ MOL, K85, bundle 22., item 12., regulation 338/adm. resp., 9, and 484/193.

⁴⁰ Borovi 2002. 48-49. p.

The HSCB could be described as the most important Hungarian organisation in Belgium between the two World Wars because it represented the cooperation between the civilian, ecclesiastical and state spheres and also how bonded they were. Since the organisation enjoyed the support of the Hungarian embassy⁴¹ and that of the Catholic Church, it could operate as the representative of interests of several Hungarian organisations in Belgium.

Between the two World Wars there was a lively social life in the organizations and the maintenance and representation of Hungarian culture also came into the foreground. A special diaspora identity developed that corresponds to the religious interpretation of diaspora. Religion gained an important role as part of culture; the diaspora, thanks to its connections to civilian, ecclesiastical and state spheres could remain in close contact with the old country and thus was reinforced and obtained new cultural supply.

Changes in organized life during and after World War II

At the beginning of WWII Belgium wanted to remain neutral but Germany broke into the country without declaration of war on the 10th of May 1940. This was the beginning of the phase of the war the Germans referred to as offensive. The Belgian army got help from France and Great Britain but the Germans forged ahead to the English Channel isolating the French troops from the units in the north thus they had to withdraw. King Leopold III capitulated on the 28th of May 1940. While the Belgian government was in exile in Great Britain, Leopold III remained as the prisoner of the Germans

⁴¹ Thanks to the bond the embassy could also enjoyed ecclesiastical support with profit. "We can thank our excellent position in Belgium to the Church. I was told in the immediate surroundings of the Cardinal of Malines that the Holy Father had sent a message to the cardinal through the papal legate that everything should be done for Hungary and the Hungarians; that the cardinal had relayed it to the deans, the deans to the parish priests. I saw the confirmation of this communication by the observations of Professor Hévey in the local colonies. As Hévey reported, there is strong propaganda against us through Czech emissaries and propaganda-leaflets in the mining regions and the industrial centres, their being unsuccessful is entirely due to the fact that the priests are openly oppose it."" MOL, bundle 22., item K63, 4., 4/7, 22/a/1447/1931. 2. April 1931.

in Belgium. Hitler appointed General Alexander von Falkehausen, who had great international experience, to military government of Belgium. The German national socialists were supported by two national political movements: Vlaams Nationaal Verbond led by Staf de Clerq and the Vallon Royalist Party led by Léon Degrelle.⁴² After the war the king was accused of collaboration with Hitler and dethroned and his brother Prince Charles was appointed Prince Regent till 1950. Leopold left with his family to Switzerland in exile.⁴³

The diplomatic relationship between Hungary and Belgium was started on the 20th February 1922 when Governor Miklós Horthy appointed Kornél Török, former chairman of the aid service after WWI., to honorary consul in Brussels. The first Hungarian Royal chargé d'affaires was Count Olivér Woracziczky who was installed on the 20th February 1922. Foreign representations were in office till the German occupation, till May 1940, and from 1941, with the consent of the occupying Germans, continued as a consulate. This state of affairs was kept up till the liberation of Belgium in February 1945.

Hungarian – Belgian diplomatic relationships were resumed on the 16th April 1947 with the opening of the embassy. The first post-war ambassador was Count Gobert D'Aspremont Lynden.⁴⁴ Later Zoltán Virágh was appointed to stand in for the task. He turned to the Ministry of Foreign Affairs with the suggestion that the Brussels embassy should belong to the one in Paris under Mihály Károlyi because in his opinion Károlyi's prestige would enhance the reputation of Hungarians in Belgium. The decision took a long time, finally the Political Committee of the Hungarian Communist Party led by Mátyás Rákosi accepted the suggestion on its 7th of May 1948 meeting. Károlyi, ambassador in Paris represented Hungary

⁴² The Belgian royalist party was founded at the early 1930s and existed till 1944. It was a monarchist, clerical later openly fascist party. The movement developed after Hitler's obtaining power and collaborated with the NZ during German occupation. Its leader, Léon Gedrelle was sentenced to death in his absence at end of the war. *Larousse Universel (Dictionnaire Encyclopédique en Deux Volumes)*. (Szerk. Paul Augé) Librairie Larousse, Paris. 1949. 663. p.

⁴³ *Az emberiség krónikája*. (Szerk. Bodo Harenberg et al.) Officina Nova, Budapest. 1990. 1137. p.

⁴⁴ Ct Gobert D'Aspremont Lynden was born in 1892, started his diplomatic carrier in 1918; Bern, Stockholm, Vatican, Luxemburg and Rome. Cf. Fejérdy 2002.p. 237.

in France, Belgium and Luxemburg till Septemner 1949; because of his indignation over the legal action agains László Rajk he went in exile, the second time. His withdrawal, however, did not cause any change in the Brussels embassy because Zoltán Virág took over as chargé d'affaires, as he actually acted since June 1947. It was in 1955 that the diplomatic representation of the two countries was elevated to the level of embassy. After the defeat of the 1956 revolution the diplomatic relationship had to be started almost anew.⁴⁵ After WWII and after the Hungarian Communist Party seized power there was a new wave of immigrants arriving to Belgium too and the Hungarian community received new members. Though the newcomers had different political orientation soon anti-communism became the main characteristic of the diaspora that became a force of bonding. Of the masses of post revolution refugees 10000 Hungarians were accepted into Belgium, the Netherlands and Sweden.⁴⁶ They were of strong political and Hungarian identity bringing fresh life into the existing Hungarian organisations and communities. The 1956 migration wave has redefined the character of the Hungarian diaspora in Belgium. The major element of this diaspora –identity was the opposition against the Hungarian system and its representatives, where the striving for the well-being of the mother country (opposition against the political system and a wish of the representation of culture) and the identification with the accepting society (the economic advantages of a western country) could exist side by side.

During WWII. Hunarians living the in Belgium participated in the Belgian resistance too. At the end of the war several members of the Hungarian partisan unit that fought together with the Belgians founded the *Magyar Függetlenségi Mozgalom* [Hungarian Movement of Independence; HMI]. The organisation was created under French initiatives and model and had close contacts with communist and

⁴⁵ Fejérdy 2002.pp. 232-255.

⁴⁶ Kovács Ilona: Magyar szórványközösségek a Kárpát-medencén kívül. In *Kisebbségi magyar közösségek a 20. században*. (Szerk. Bárdi Nándor, Fedinec Csilla, Szarka László) Gondolat Kiadó, MTA Kisebbségkutató Intézet. Budapest. 2008. 439. p. [Hungarian diaspora outside the Carpathian Basin]

socialist parties.⁴⁷ Among the leaders was József Csatári Kálcsics,⁴⁸ who became a secret member of the communist party in 1937 but was given the instruction to keep working in the Social Democratic Party. He was a co-founder of HMI and after his return to Hungary in 1947 acted as a well known social democrat. Being in connection with László Rajk, he was imprisoned for several years but later was released and rehabilitated.

HMI had important international and political connections, practically acted as a Hungarian foreign representative of political matters. When HSCB lost its embassy backing it could only refer to its activities organizing church services, education and cultural event in contrast to MHI's military and political merits. At the end of the war of course the latter became of greater importance. The organisations of the diaspora were characterized by the conflicts of these two groups before the change of system in 1990.⁴⁹

The antagonism between HMI and HSCB became especially strong over the case of the Hungarian POWs. According to the 19th of November 1945 report of the Hungarian consulate in Brussels there were 3700 Hungarian POWs in Belgium.⁵⁰ Though the datum is not unambiguous it makes clear that Hungarian POWs were in considerable number in Belgium. Antal Molnár priest, Margit Bezsilla and Erzsébet Kuttner mission workers tried to help them by religious, spiritual and economic assistance. They also found them jobs and tried to get the prisoners released by the help of work in the mines as their repatriation took years. The HMI too, was in contact with the POWs but owing to its well-known Communist connections could not get into British camps. The British requested information from HSCB about the Hungarians. But while the British trusted HSCB, Belgian authorities favoured HMI.

The Hungarian embassy could not properly represent Hungarian interests in Belgium and HMI tried to act as a foreign representative.

⁴⁷ Fejérdy 2002. p. 247.

⁴⁸ In URL: http://www.natarch.hu/archivnet/rovat/cikk.phtml?cikk_kod=300#-vissza9 (2009.02.06)

⁴⁹ Boróvi 2002. 95.

⁵⁰ Cited by Hortobágyi, Péter: Magyar hadifoglyok Belgiumban a második világháború után (1945–1947). *Valóság* 12 (2002). P.39. [Hungarian POWs in Belgium after WWII (1945–1947)].

Its goal was opposed by the workers of the Hungarian Red Cross and *Magyar Szociális Misszió* [Hungarian Social Mission] who explained the political and economic situation in Hungary on their visits to the POW camps and revealed the Communist connections of HMI before the Belgian authorities. These activities might have been the cause of the aggravation of the relationship between the two groups and HMI started attacks against the members of HSCB and its initiatives. Even the personnel of the consulate were used in order to reach their goals;⁵¹ at the time they still treated the question from the basis of coalition.⁵² After the replacement of the representatives of the coalition the Christian based organisations were left without support.

HMI and its successors shared the opinion of the left-wing periodical *Világosság* that in whole Europe it is the clergy that is fighting most vehemently against democracy,⁵³ and started attacking the leaders of right-wing organisations and their activities. The most outstanding case was the slander against Antal Molnár and Margit Bezsilla. Soon after the publication of the above statement, the 25. August 1946 issue of *Világosság* published the slander written by Imre Gergely that Molnár and M. Bezsilla, the leaders of HSCB, had sold Hungarian POWs to Belgian mining enterprise for 6000 Francs, falsified contracts and misled the miners with alarming tales and dissuaded them from returning to Hungary; they had been collaborating with the Nazis and were financing their unpatriotic campaigns from the profit made on the human market.⁵⁴

M. Bezsilla and A. Molnár did not believe it necessary to deny the accusations because of the publication it appeared and also that they were unfounded and were confident that people would not believe the

⁵¹ In a proposal to the Hungarian minister of Foreign Affairs they suggest the suspension of the personnel of the Brussels consulate as well as those of the Social Mission and the recognition of the HMI as social representative of the new democratic Hungarian. MOL, XIX-J-1-k, Belgium, box 6., 9/a/100305/1945 Pro domo.

⁵² According to the embassy secretary in Belgium Catholicism is strong and part of the Hungarian colony are devout members of the Church thus they are in constant political conflict with the leaders of HMI. The actual accusations could not be reconstructed because there equal statements against both organizations. MOL, XIX-J-1-k, Belgium, box 6. 20/d/851001/1946

⁵³ *Világosság : a Szociáldemokrata Párt napilapja*, 1946. augusztus 17.p. 3. [V. The daily paper of the Social Democratic Party].

⁵⁴ *Világosság : a Szociáldemokrata Párt napilapja*, 1946. augusztus 25.p. 7.

slander. The case, however, gained increasing publicity and explanation became unavoidable. In the 1. November 1946 issue of *Belgiumi Magyar Közlöny* they explained that they had dropped the matter with clear conscience because they were of the opinion that the accusations would fall back on their instigators; they firmly believed in the democratic legislation of Hungary not like those who believed that persons could be made condemned by foolhardy slander.⁵⁵

Magyar Segélyakció [Hungarian Aid] also dealt with the matter because there was a libel case following the complaints of both parties. On the 5th October 1946 meeting of Hungarian Aid József Kálcsics declared that the slanders were not his or the *Világosság* or the Brussels group of HMI, that he did not identify himself with them but condemned them and claimed to ready to orientate the periodical in these veins. However, the correction never appeared, Kálcsics did not report the journalist thus the readers of *Világosság* were left in the belief that the statements of the writing were true. Bezsilva and Molnár added to the incident that they renounce all the accusations of the article because it was not HSCB's fault that the minors and POWs could not return back to Hungary for lack of transportation till August 1946.⁵⁶ The case continued in the Hungarian press; the paper *Győri Munkás* [Workers of Győr] reprinted the slandering article in its 2. April 1946 issue. In the libel suit a journalist called Polgár was found guilty and fined for Ft 3000 with three years suspension.⁵⁷

There were several similar attacks against persons; Antal Molnár was accused with collaboration during the German occupation of Belgium;⁵⁸ that he perfidiously tried to persuade a lady referred to as Mrs Claes, who was imprisoned by the Gestapo⁵⁹, to collaborate with the Germans. Erzsébet Kuttner was also accused with collaboration.⁶⁰

Besides the organisations created in Belgium, the representatives of the international organisations of the Hungarian emigration were also present, e.g. *Magyar Szabadság Mozgalom* [Hungarian Freedom

⁵⁵ *Belgiumi Magyar Közlöny* 1. (1946 november) p. 2.

⁵⁶ *Belgiumi Magyar Közlöny* 1. (1946 november) p. 2.

⁵⁷ MOL, XIX-J-1-k, Belgium, box 7. , item 126. 15/b/04935/1950

⁵⁸ MOL, XIX-J-1-k, Belgium, box 6., 20/d/020610/1950, 1950. 14.

⁵⁹ MOL, XIX-J-1-k, Belgium, box 6. 20/bd/2856/1947, BMDE letter to the embassy, 21.May 1947.

⁶⁰ MOL, XIX-J-1-k, Belgium, box 6. 20/bd/2856/1947, 21. May 1947.

Movement] or *Magyar Harcosok Bajtársi Közössége* [Fraternal Community of Hunarian Warriors]. The embassy gave special scrutiny to the activities of the Belgian section of the *Magyar Nemzeti Bizottmány* [Hungarian National Committee]. József Hausler counsellor of legation and chargé d'affaires reported that not only does the organisation act as a government but is one of the major informer of international reactionary spy system.⁶¹

Though the communist system having gained ground supported economically the left-wing organisations in the west but the HMI was dissolved after the affair about the ownership of Hungarian House.⁶² Its role was taken over by the newly founded (in 1948) *Belgiumi Magyarok Demokratikus Egyesülete* [Hungarians' Democratic Union in Belgium] which thanks to Hungarian state support was active till its dissolution in 1953;⁶³ although its prestige and activities fell short of those of the Catholic congregation. State support brought state subvention but even that could not assure the open assistance of the embassy.⁶⁴

The follower, *Belgiumi Magyarok Kulturális Egyesülete* [Hungarians' Cultural Association in Belgium] became more influential.⁶⁵ Its activity was also characteristically attacking and it tried to keep up with the more popularity and better frequented Catholic organisations. Though HCAB was successful in its activities, the Hungarian government needed a friendship-organisation to widen Hungarian – Belgian relations; this was the Belgian – Hungarian Society. It organised sports and cultural events to help introducing and 'unbiased' portrait Popular Democratic Hungary, and offered useful propaganda service.⁶⁶ The trust of the Hungarian embassy was laid besides HCSB and Belgian – Hungarian Society also in the group of *Belgiumi*

⁶¹ MOL, XIX-J-1-k, Belgium, box 6. 020610/1950.

⁶² Hungarian Catholic Mission claimed back Hungarian House owned by the organisation in 1947. Fejérdy 2002. pp. 247-248

⁶³ MOL, XIX-J-1-k, Belgium, box 6. 20/d/2302/1949

⁶⁴ According to the consul the embassy limited personal assistance to DAHB, they wanted to avoid exposing themselves too much. MOL, XIX-J-1-k, Belgium, 6.doboz,5/d/0837/1951

⁶⁵ The Belgian authorities did not succeed in preventing repatriation of Hungarians. HCAB used films to achieve amnesty. . MOL, XIX-J-1-j, Belgium, box 5. 78/szt./1956. 22.

⁶⁶ Fejérdy 2002. pp. 249-251.

Magyar Önkéntesek és Ellenállók [Hungarian Volunteers and Resistants] too.⁶⁷

The communist organisations did everything to become influential among Hungarians but the earlier ones with Christian orientations remained firmly embedded. The latter were directed by Belgian Catholic religious organisations with important traditions thanks to the relative continuity of their work of spiritual assistance. The activity of the Hungarian Catholic Parish in Brussels expanded beyond ecclesiastical functions and cultural events as the leaders of intellectual life belonged to this circle. In 1955 Béla Déri Dr. Hungarian pastor in Belgium renewed the activity of Hungarian House as a religious and cultural centre; it was the venue of the Congress of European Writers and books were also published by *Magyar Ház Kiadóvállalat* [Hungarian House Publishers].⁶⁸

After the arrival of the 1956 refugees organised life was given a new impetus as it had to fulfil manifold requirements. The *Benelux Államok Magyar Comitája* [Hungarian Committee of the Benelux states] and the *Szabad Magyarok Belgiumi Szervezete* [Organisation of Free Hungarians in Belgium] had the task of coordinating the organisations but joint representation could not be arrived at because of conflicting personal ideas and preferences as well as the wide social range.⁶⁹ The *Magyar Szabadságharcosok Szövetsége* [Association of Hungarian Freedom Fighters] propagated the necessity of armed intervention; the *Szabad Munkások Szervezete Belgiumban* [Free Workers' Organisation in Belgium] collected the social democrats living in Belgium; *Keresztény Szakszervezeti Szövetség Magyar Irodája* [Hungarian Office of the Christian Union] could reach large groups; it was founded by Ernő Töttösy in aid of Hungarian job holders;⁷⁰ Töttösy was also a leader of the intellectual life of the period. The *Belgiumi Magyar Értelmiségiek Társasága* [Association

⁶⁷ MOL, XIX-J-1-k, Belgium, box 8. Tük/1945-64, 110. tétel, 27/c/001704/1957.

⁶⁸ Borbándi, Gyula: *A magyar emigráció életrajza 1945-1985*. Európa Könyvkiadó, Budapest. 2.kötet. 1989. 234.[the biography of the Hungarian emigration 1945 – 1985].

⁶⁹ MOL, XIX-J-1-k, Belgium, box 8. Tük/1945-64, item 110. 20/b.

⁷⁰ Ernő Töttösy fled to the west at the end of 1956 and settled down in Belgium. In Brussels he was the head of the Hungarian Offices of Christian Unions. In 1968 he received the silver medal of the French Society of Arts and Literature for his novel *Téboly*. Borbándi, Gyula: *Nyugati magyar irodalmi lexikon és bibliográfia*.

of Hungarian Intelligentsia in Belgium] also known as *Bende Klub* was short lived just as *Les Amitié culturelles*. The *Nagy Imre Politikai és Társadalomtudományi Intézet* [N.I. Institutes of Politics and Social Sciences] was created with American support in 1959 it dealt with the activity of Imre Nagy and the events of the revolution till discontinuance in 1963, organizing scholarly research and conferences.⁷¹

The most active group was that of the young emigres who studied at the Belgian educational institutions. The international *Magyar Egyetemisták és Főiskolások Egyesületeinek Szövetsége* [association of Hungarian University and College Students Unions] was also present but the Christian organisations, e.g. *belgiumi Keresztény Ifjúmunkások Országos Egyesülete* [Christian young workers' national association in Belgium] or the *Katolikus Magyar Egyetemi Mozgalom* [Catholic Hungarian University Movement] were more popular.⁷² In 1960 *Európai Magyar Ifjúsági Konferencia* [European Conference of Young Hungarians] was created, in 1968 *Európai Protestáns Magyar Szabadegyetem* [European Protestant Free University].⁷³

Of the youth initiatives those student organisations were the most important that were in connection with the University at Leuven that also acted as the intellectual centre of the diaspora and earned international acclaim. The first community was created on the 2nd of January 1949 by Pater Rajmund Sigmond as part of the Hungarian congregation and was a group of Hungarian intelligentsia with its own aims and sphere of competence. They founded *Mindszenty Diákotthon* [M. Student Hostel] (Archbishop Mindszenty had a great cult among Flemish Catholics) that became the centre of everyday life and also offered students economic help and organized cultural events. Already the first generation gave such excellent scholars as Sándor Lámfalussy, Gyula Deutsch, Rudolf Rezsőházy, Dénes Szabó. In 1955 István Muzslai Jesuit father became the leader of the community and

Mikes International, Hága. Hollandia. 1992. 275. [Hungarian Literary Encyclopedia and bibliography of the West].

⁷¹ MOL, XIX-J-1-k, Belgium, box 8. Tük/1945-64, item 110. MOL, XIX-J-1-k, Belgium, 8. doboz, Tük/1945-64, 110.tétel, 27/c/001704/1957 27/c/001704/1957

⁷² Later changed its name to *Katolikus Magyar Értelmiségi Mozgalom* [Catholic Movement of Hungarian Intelligentsia].

⁷³ Borbándi 1989. 240. p., Muzslay István Sj.: *Magyar diákok a Leuveni Katolikus Egyetemen. 1532-2000*. Márton Áron Kiadó, Budapest. 2000. 15. p. [Hungarian students at the Catholic University at Leuven].

created Collegium Hungaricum for student refugees;⁷⁴ it became the intellectual flagship and explained the Belgian people and western Hungarian emigrants what losses the Hungarian society had suffered in the 1956 revolution. Many of its initiatives, e.g. the Béla Bartók Choir, the periodicals *Belgiumi Magyar Ifjúság* [Hungarian Youth in Belgium] or the *Virrasztók* [Vigilants], the Mócsi Ferenc literary prize were favourably received. The Belgian people were moved by the fate of Hungarians showing it by social solidarity and aids; the Catholic University at Leuven put one of its building at the disposal of the Hungarian students and its teachers stood up for the Hungarian ideas. The activities of collegium Hungaricum was highly praised; its importance in the life of the Hungarian diaspora would merit an independent study. At present it is under the auspices of Pázmány Péter Catholic University (Hungary).⁷⁵

Hungarian women were taken care for by *Magyar Lányok Árpád-házi Boldog Margit Köre* [Circle of St Margaret of the Arpads] till the death Margit Bezsilla in 1984, when it ceased to work. One of the important initiatives of the 1970s was *Corvina Kör* [Corvina Circle] in Brussels founded in 1978 that organised events with well known authors, scholars and researchers. The activities were popular among the Hungarians living in Belgium and was regarded as their cultural centre till its 1990 closing down. Its head was Oszkár Kállay, the most active fellow workers Judith Ivánkay, Károly Hámori dr., László Mechler dr.⁷⁶

The present of the Hungarian diaspora in Belgium

There has been a change of generations in the organisational life of the Hungarians in Belgium. The 1956 generation has been supplanted by the job seekers arriving after the change of regime coming already from a democratic country were entirely differently motivated. The

⁷⁴ Halmai Katalin: *84 évesen eltávozott Muzsly István atya emlékére*. 2007.06.06. [In memory of Father M.I. who departed at the age of 84]. In URL: <http://www.hungarianculture.be/index.php?lang=HU&p=view.news&id=1181141917.6400> (2009.02.02)

⁷⁵ Muzsly 2000. p. 54.

⁷⁶ Borbándi 1989. p. 278

clerks of the European Union constantly commuting between their home and workplace means considerable migration, the mobility programs for students and researchers too result in great numbers of Hungarians being employed in Belgium.⁷⁷

Under such circumstances Hungarian House could preserve its leading role as a cultural and intellectual centre; if necessary *Belgiumi Magyarok Szövetsége* [association of Hungarians in Belgium] with the leadership of Oszkár Kállay can also step in; *Magyar-Flamand Kulturális Baráti Kör* [Hungarian – Flemish Friendship Circle] and Collegium Hungaricum are also active. In the neighbourhood of Liege there is lively religious cultural life led by the Hungarian Church in Liege and the *Liège Megyei Magyarok Szövetsége* [Hungarian Association in Co. Liege]; the Hungarian state is represented by *Brüsszeli Magyar Kulturális Intézet* [Brussels Hungarian Cultural Institute]. Talking to the representatives of Hungarians in Belgium it became evident that the job seekers arriving after the change of regime and those working for the EU do not frequent the organisations as did earlier those who left for Belgium because of the Communist regime. Thanks to the new devices of communication the newcomers can more readily keep contact with their home country and thus their need for finding a ‘home away from home’ is less urgent than was earlier. This may be due to globalisation and certainly is an important field for research into connective and trans-national networks.

If the societies are not necessary any more to preserve and hand down the cultural heritage and identity, the emigrants have no collective memory that represents a bonding force, then a mere community of emigrants is left that are merely characterized by the length of time they are living abroad, without the special identity that told them apart from the receiving society. It raises the question whether the groups of Hungarians arriving after 1990 could be regarded

⁷⁷ On the initiative of the *Nyugati Magyar Tudományos Tanács* [Hungarian Scientific Council in west] there was a research that found that 40% of the graduates do not plan to return to Hungary, 30% plan to continue their studies abroad. This migration phenomenon closely concern the Hungarian diaspora in Belgium because of the diplomatic role of the country as it requires a vast bureaucratic system. Many Hungarians work in international institutions who usually migrate with their families. Kucsera Tamás Gergely: *Erőforrás vagy veszteség?* 2008.04.28. [Work force or loss?] In URL: http://www.mta.hu/index.php?id=634&no_cache=1&backPid=417&tt_news=8455&cHash=0ab94ba3f8 (2009.03.02)

diaspora? The answer should start out from the fact that diaspora research has already recognised the changed circumstances and the analyses will have to consider new points of view and tendencies.

The present paper tried to point out tendencies and characteristics revealed by the research into the Hungarian organisations in Belgium. The overview is sufficient to merely point out the possibilities of analysis offered by diaspora research.

Borbándi 1989. 278. p.

Mátyás Binder

Beas: ethnic mobilisation and identity

Abstracts

Based on empirical research and interviews the author is focusing on the paradox phenomenon that while the ethnic mobility of the Beas reinforce their language use, that in its turn becomes a major limiting force in the interrelationship between Gypsies and non-Gypsies

"(...)It is important to present Gypsy¹ culture as an entity in order to create the Gypsy concept of nation and make it acceptable in Hungary, i.e. to make it an independent, autonomous culture and its ceasing to be regarded upon as a socially based one. It is also evident that the Roma nation concept is a part of Roma emancipation because if a non-Roma nation-concept develops –as I have explained earlier² - the concept of Gypsy social concept remains that means that Gypsy is who is poor, jobless, who cannot adapt to the actual new requirements."³

Though the above train of thoughts may be clear to many, 'Gypsy nation concept' and 'Roma nation forming' could sound rather 'strange' at least at first.⁴ The present paper tries to provide data to

¹ 'Gypsy' and 'Roma' are synonyms and this is how the terms will be treated in the paper.

² The informant explained Roma nation concept : The Gypsies could develop a nation concept on political basis where the major aspect is not the language, it accepts that it is a multi-language community, nation and consists of several special sub-cultures, differing from another. This kind of nation concept is different from the Hungarian nation concept, and the nation concept of nation states that there are several languages and one culture – a European common culture; in this case it would be a nation not specified by state borders but that they are Gypsies living in Europe and Gypsies living in Hungary.'

³ The quotation comes from *Laci* who is a Beas man socially active and ethnically mobile. He lives in a town where he is vice-manager of a library, folklore researcher, writes poetry and is also a musician.

⁴ 'Roma nation' may seem a paradoxon especially that they live in diaspora , they have no territory, and in the case of nations territory is always in the focus 'state, home country'.

understand the concept of Roma nation forming based on the results of a cultural anthropological fieldwork. The focus of the research⁵ is the analysis of ethnic mobility and the ethnic/national elements of Beas Gypsy identity.

I.1. Gypsy identities

Before treating the ethnic and national Roma identity it is worth discussing some characteristics of 'Gypsy identity'. Identity is the product of social categorization developing along the border of 'we' and 'they'; it is built on the stock of category elements of society and culture, especially those an individual is confronted by (Bindorffer 2001: 19). It follows that categorization by the majority influences the Gypsy identity, everywhere representing minority. The category of Gypsy is a product of reflection in the social mind through complicated historical processes, a false reflection in most of the cases, accepted involuntarily though realistically (Zsolt Csalog quoted in Prónai 2000: 12).

The essence of this false reflection is that it regards Gypsies as a nation, a homogeneous entity (Prónai 1995: 8). According to the American linguist, Ian Hancock, the connecting common aspect among the 'transnational' or rather 'transcultural' Gypsy ethnic groups is the knowledge that what it is they are not, that the Romani are *not* non-Gypsies (Hancock 2004: 20). Albeit the people described as Gypsies and non-Gypsies do not form groups that could be unambiguously defined so that reciprocally would exclude each other (Ladányi-Szelényi: 2000: 186). In the make up of Gypsy identity the border between Gypsy – non-Gypsy plays a specially important role, enhanced by the cultural elements creating the borders (cf. Barth 1996).

In this knowledge we can agree with the British scholar, Judith Okely, who claims that the Gypsy culture is never created or changed independently but always is in opposition to the dominant society surrounding the individual Gypsy groups (Prónai 1999:157). Through this process we can find various Gypsy identities and their representations, the result of adjusting to the surrounding social and

⁵ Quotations from the informants are in Italics between quotation marks, the names of the informants appear also in Italics.

economic environment. The identity in the intimacy of the family can be quite different from the one shown publicly. Péter Szuhay is of the opinion that the ethnic affiliation of the persons considered to be Gypsies represents an ambiguous system where identity has an inward and outward aspect (Szuhay 2001:13). Some concrete examples may be of help orientating in the maze of Gypsy identities.

In her book on Gypsy fortune-tellers Okely has come to the conclusion though the Gypsies themselves do not believe in fortune-telling, they consider it a gainful occupation as long as the members of the majority society adhere to their peculiar ideas about Gypsies. Thus Gypsies exploit the situation to the advantage of their own community (Prónai 1999:158-159).

During her fieldwork among Gypsies in Andalucia Nancy Thede observed that certain groups when realizing the possible alternatives of success among non-Gypsies, consciously hid their ethnic identity in certain situations and revealed it in others. (Horváth 2006:390).

The Gypsies in the outskirts of Paris have developed similar strategies to the Gitanos of Andalucia and reveal their ethnic identity only incidentally. Patrick Williams calls it 'invisibility' and said that it was their art of taking advantage of favourable situations and that was their main strength (Williams 1996:71).

So far the explanation for relationship between Gypsy minority and non-Gypsy majority has been given that could be generalized for every Gypsy community, since being Gypsy presupposes the presence of non-Gypsy majority.

Non-Gypsy people usually form nation states and these provide the territory for the Gypsies' everyday life. In addition to the social category there appears another identity forming feature that of national socialization operated by the specific agents of socialization (schools, media, churches, army) of the national society (Csepeli 1992:111). This aspect may result in multiple-identity in the minorities without national status (Bindorffer 2001:172).

At the end of the 19th c. Henrik Wislocki explained that the Gypsy musicians could not but be influenced by the proud, generous and free [Hungarian] national genius that inspired them by the spirit of patriotism (Wislocki 1893:37). Today national socialization operates with a less romantic approach but probably more effectively e.g. through the educational system.

Michael Stewart noted that the Hungarian Roma he knew claimed to be Hungarians, that in certain context they are a Hungarian race, nonetheless stressing their being different with a different way of life (Neményi - Zádori 2000).

In connection to the Gypsy identity two identity-forming features have been considered. One is social categorization along the borderline of Gypsy – non-Gypsy, the other is national socialization by the nations state where the Gypsy communities are living. Both aspects can be traced back to the majority – minority relationship that has resulted from the Diaspora nature of the Gypsy population.

Another aspect of Diaspora existence is that the Gypsy category is heterogeneous i.e. that the various Gypsy communities usually possess their individual Gypsy identity too. The latter feature of identity will also be treated in the paper.

I.2. Ethnic and national identity

Since both belonging to an ethnic group and to a nation too results in a kind of collective identity and for the sake of comprehension and exactness it is necessary to explain the difference between the two. It would seem simple to define nation and ethnic group and also to indicate how these will be presented further. However, it is not as simple as that; therefore the theories of well known authors will be summed up in way of introduction.

The Norwegian anthropologist, Fredrik Barth, explained ethnicity as the social organization of cultural differences and as such its being the natural outcome of it. Thus ethnic identity appearing in inter-group relationships contains both the customs depending on origin and the memories of the past containing value judgements and prejudices about self and others (Sárkány 2000:97).

The development of ethnic groups is a pre-industrialist and primordial organism based on origins (Bindorffer 2001: 21), one of those human communities that were created through historical developments independent of human wishes (Bromlej 1976:32).

It is worth considering the question how nations were created. Though there are countless theories, most authors agree that nation is a modern concept and the conditions of the features of a ‘modern’

state e.g. bureaucracy, capitalism, secularisation and democracy are necessary to its creation (Smith 2004:40). According to Clifford Geertz modern nation represents human constructions turned into natural facts that were made concentrated, homogeneous and essential (Geertz 1998:26). This is the point where ethnicity and nation are connected because in order to develop nation into a natural fact (nationalism)⁶, the elements of ethnic lore (tradition of origins, history, etc.) are necessary.

To quote Barth’s fitting remark, the ideas of nationalism are connected to some ethnic identities. Nationalism is pleased to be identified with ethnic identity since the latter has the historical justification nationalism is usually lacking (Hobsbawm 1993: 21).

Thus ethnicity is a primordial development, each person is born into it, while nation is a modern construction, an object of peoples’ conviction, voluntary adherence and identification, loyalty and solidarity (Bindorffer 2001: 29). The relationship of the two can be explained through the analysis of various forms of nationalism.

I.3. The Roma creation of nation, the Roma nation

Benedict Anderson declared that nation-ness is the most universal legitimate value of present political life. In the past 15 years since the first edition of his book globalization has not suppressed nation and nationalism that has its renaissance e.g. in East Europe. It is increasingly evident that nation and globalization are not exclusive concepts, as nation itself is basically the product of global or regional contacts (Balogh 1993:21).

According to Craig Colhun the difference between nation and an ethnic group is that in the case of the first the right to an autonomous state or at least a kind of autonomy within it is accepted (Colhun 2004:358). This context explains why it was that the Gypsies having

⁶ According to the ‘general’ definition by Anthony D. Smith nationalism could be defined as the theory about the autonomy, unity and identity of a group where the members consider their group to be real or potential nation (smith 1995:43). Nationalism can be understood as an attempt at the creation or continuous reinforcement, new definition of nation. Therefore the term ‘nationalism’ will be applied in the sense ‘nation forming’.

recognized that they could reach their basic human rights easier by the help of their ethnicity, the idea of creating a kind of 'own national concept' arose in order to enhance their possibilities and to assert their interests (Fosztó 2003:102).

In their essay Nicolae Gheorghe and Thomas Acton describe the special difficulties of creating national culture, that the great historical and cultural variety of the Roma groups makes formalization and codification extremely difficult, though it would be necessary for the purposes of education and propagation as well as giving it equal footing with the culture of other ethnic groups maybe even with accepted national cultures (Gheorghe - Acton 1996.).

The Roma national movements started in East European countries in the form of various ethnically based self-organizations in the first half of the 20th c. These initiatives – cultural and political organizations, clubs, periodicals – did not cross the given borders of states but served as bases of reference for the present national discourse of the Roma (cf. Binder 2007).

After World War II. (WWII) and the Roma holocaust (pharrajimos) the East

European socialist state systems treated Gypsies as socially handicapped groups of society, there was no possibility to express higher level ethnic identity. International Roma movement on the other hand started in Western Europe. The developments have been described in the works of Jean-Pierre Liégeois (Liégeois 2002.) and Angus Fraser (Fraser 2002.).

Without any attempt at completeness, the first Roma world congress (in Romani language: Komiteto Lumniako Romano) should be mentioned. The participants rejected the earlier names: *Cigány*/*Zigan*, *Gitan*, *Gypsy* and *Roma (Romani)* has been accepted instead. There was the International Roma Committee founded and the first steps made to formulate the concept of Roma nationhood on cultural basis. It was resolved to standardize the Romani language and agreed upon the Roma national anthem ("*Gelem, gelem*") and the use of a national flag (Liégeois 2002: 191).

The main idea was reunification towards creating a Roma nation. The majority of Roma nationalists' concept was that they had arrived to Europe as one people and they had to melt into one people again (Hancock 1990:256).

The creation of national culture has played an important role in the development of nations especially if they were not in the position of forming an independent state.⁷ It is also true for the Gypsies who following the pattern of nation creation have established their mythology, genealogy, the place and time of their origin. Roma follow the East European nation-forming recipe of an ethno-cultural model to create their own nation's legitimate basis.

The foundation of national culture precedes the political activity in the Roma nation-creating process. The common language, common sense of history are in the foreground but national arts, literature, music dance, etc. also have important functions as mediators (for the developments in Hungary cf. Binder 2006).

I.4. Who are the Beas Gypsies?

In 1959 Kamill Erdős wrote that these Gypsies usually carve troughs and other wooden artefacts, they instead of the Gypsy language they speak the 'Transylvanian', i.e. Banat dialect of Romanian. Their culture is closely connected to the Romanian culture (Erdős 1989:50).

Today Act 1993/I. on the rights of national and ethnic minorities accepts the Beas language as an independent minority language. Politically it is treated as a uniform language, but experts have recognized three main dialects 'Agyelan', 'Muncsan' and 'Ticsan'. Since 1990 the Beas language became institutionalized, its literature enriched. The dialect standardization was based on is the Argyelan dialect⁸ the one of the three used by the majority of speakers (besides Hungary it is spoken in Croatia and Serbia too).

The name probably comes from Romanian *băieș* 'miner', may be in reference to their old occupation as gold penners. The inform-

⁷ Emil Niederhauser explains in connection with the nation forming processes of people that usually it the 'cultural phase' comes first followed by the 'political phase' because 'small' nations usually were the subjects of great, dynastic Empires (Habsburg, Turkish, Russian) and at the time of their 'awakening' they had no chance of a independent statehood (Niederhauser 1977).

⁸ After standardization the Beas language keeps being going out of use from everyday use. Where it is still alive, it has developed special functions, it is used in intimate family situations while in every other situation Hungarian is used. This is what the authorities call diglossia.

ants of the present study referred to themselves as *Beas*, *Beas Gypsy*, sometimes adding ‘you know, trough-carver Gypsy’.

In general *Beas* can be described as a Gypsy/Roma ethnic group speaking an archaic Romanian dialect (and also Hungarian) practising certain ancient occupations (wood carving). These description of course serve merely as a framework to a deeper understanding of the individual communities.

I.5. Ethnic mobility and ‘Gypsying’

The last introductory part the elements of form and content of ethnic mobility will be presented. In its content ethnic mobility is a process during which the groups form themselves along certain ethnic identity characteristics to reach their goals (Bárány 2003:73).

It is referred to as ‘Gypsying’ by the informants. In everyday parlance the term is fairly pejorative; *Julika*, the president of the Gypsy Central Self-government explained it as representation of interests; those people who are dealing with Gypsy matters are ‘Gypsying’. Thus it seems that ‘Gypsying’ denotes the activity of Gypsies participating in Roma ethnic mobility. Adopting the usage of the field the word ‘Gypsying’ will be used in this sense that is going to be useful in some of the interviews.

II. Topics

The temporal, areal and human dimensions of national existence are revealed in topics for the members of the nation (Csepeli 1990:60). Below the national and ethnic knowledge of identity will be discussed in major topics, analysing what thoughts and relations have occurred during the interviews, talks and observations⁹.

⁹ Field work started in winter 200/2006 and continued shorter and longer stays from spring to autumn 2006 but practically it has been still continuing if only with less intensity. All the informants were *Beas*, thus affiliation is marked only if the person is not *Beas*. It was the aim to talk to persons belonging to various walk of life, as it was expected that persons in different social position in ethnic and social mobility they might have different attitudes toward the Roma nation, to their own

II.1. Historical identity and mentality

National history is one of the most important ingredients of a so-called cultural nation model in the development towards nationhood. It sums up the times spent together, the common fate of the community and the mythical past frequently shrouded in romantic cover. National history stresses the nation’s values, the positive characteristics that enable the people to require their place in the world of nations.

Talk on Roma history centred around two main points: on the one hand there was the ‘common’ Roma history (India, wanderings, etc.) and the ‘own’ ethnic history of the *Beas* Gypsy on the other. In connection with Roma national history there was a strong line between ‘Gypsying’ *Beas* and non-‘Gypsying’ ones, while the past of the *Beas* communities was of equal importance for everybody. The latter could be important for all the informants because the characteristic ‘*Beas* mentality’ has been derived from the way of life considered traditional.

“I say that the mentality and the manners of the peoples – and I am talking about two peoples – are not the same, they are totally different. The Beas are not as temperamental as the Lovari Gypsies. The Lovari¹⁰ are more quickwitted, they always fall on their feet, they can make money of everything. They are also called moneyd Gypsies¹¹ as they were merchants. The Beas carved wooden spoons, small troughs for small change while the Lovari sold one horse for the price of three.” (Tibi).¹²

Julika too could best explain *Beas* characteristics contrasting them with those of the Lovari *“Look how [the National Gypsy Self-*

Roma and *Beas* existence respectively. The informants did not live in the same settlements but in some villages and towns in West Hungary. On their request no mention is made either of their names or the settlements.

¹⁰ Lovari Gypsy: this is how the *Beas* refer to the wandering Gypsies (Romany). Other frequent synonyms are wandering Gypsies and Tinkers. The three names can be used side-by-side synonymously, as will be followed in the present paper..

¹¹ in Hungarian *lővés cigány* that is a pun on Lovari (*lővé* = slang. “mony”)

¹² Tibi (35) is a musician. With his band he plays traditional music as well as ‘disco music’ because folk music alone would not be enough for livelihood. He also manages a Roma folk dance group and they frequently give performances at Roma events in the neighbourhood.

government] is constructed.. How many Lovari are there and how many Beas? They would not let the Beas get in. The Beas are not pushy people who would trample over others. They won't push, they prefer a quiet life; like I rather make three sure steps instead of running six because I might triple over."

Similar to *Tibi* and *Julika*, the other informants too described Beas as peaceful, diligent trough-carvers in a constant contrast with the negative characteristics of the Lovari. The contrasting character of the collective identity is not entirely surprising (Albert-Zempléni 2002: 168), but it is also interesting to see who are the social opponents of the Beas. The They transpose the negative stereotypes of the majority society to the other Gypsies of their neighbourhood thus the Beas auto-stereotypes can preserve a positive self-image (Pálos 2006:111-115).

The elements of the common Roma national history, e.g. India as the ancestral home, the question of common origin are especially interesting for the 'Gypsy' persons "In the last couple of years, since I am interested in Gypsying, I saw and heard and know was taught that we had come from India – I agree we have come from India." (*Julika*). It has to be added that 4-5 years earlier when *Julika* asked questions about the Indian origin of the Roma, she did not want to believe it. Through her ethnic mobility the common Indian origin of the Gypsies has become evident for her.

The 'non-Gypsy' Beas proved to have remained sceptic about India as the common ancestral home, many of them never had heard about it. Those who were familiar with it, did not accept the theory and stressed the strong differences between Beas and non-Beas Gypsies thus denying the possibility to be 'bracketed together' with the 'Tinker Gypsies'. *Julika* has summed up why the Roma national history has little relevance to the non mobile persons of the Gypsy community: "History. If you ask any simple Gypsy woman about history they would never come up with North America, North India etc. but would say: we came from Balatonmagyaród, or we used to live in Galambok. This is history for them. The word has a different meaning for simple people and for the 'Gypsy' ones."

II.2. The functions of the Beas language

From the majority Hungarian point of view both Beas and Lovari speak the Gypsy language, however, between the two ethnic groups language is the most important dividing factor. For the informants their Beas language is the defining element of their Beas identity. They explained: "We Beas Gypsies speak the Old-Romanian language".

Talking about their mother tongue, they frequently mentioned the loss of function of the Beas language, its being pushed into the background; and again Lovari served as a counter example. "Actually, my child does not speak Beas, I myself speak only broken Beas. Among the Lovari the bond is stronger. The Lovari have the chance of preserving their language" (*Tibi*).

The difference between the 'chances of survival' of the two Gypsy languages are usually explained by survival strategies in their past, by the old ways of life. The Beas Gypsies working as wood-carvers, sometimes as day labourers lived in the neighbourhood of Hungarian villages, thus they had to use the Hungarian language, and the Beas language was no help in procuring the sources necessary for livelihood. The explanation was also given that during the socialist system there was no time and possibility to hand down the language to the younger generation.

'Slang' used by the Lovari during various trading transactions have been supposed to offer the greater chance for the survival of the Lovari language. With this assumption the difference in the position of the two languages has been traced back to the historical characteristics of the two Gypsy ethnic groups, since, as has been pointed out, the adoption of the Old Romanian language happened in the past too.

The question arises, if this is how the Beas regard the situation of their language what is its present function? The informants use it mainly in two areas, when they are 'Gypsy' and in the family circle where they usually use it in communication with the members of the older generation (diglossia, cf. fn.8). "Evidently I do not use it at my work place, there is no one to understand it. Neither at home, though I talk in the Beas language with my parents, that is we speak the gypsy language. Well, I use it at home and with relatives." (*András*)¹³

¹³ András (26) works in the town library, is a college student and also plays music.

Stepping out of the diglossic situation, the use of the Beas language among those ‘Gypsying’ appears as a kind of revival. Those working in the minority self-government organize Roma – days, ethnic days and similar events that offer opportunity for the Beas language to be used. E.g. *Julika* usually talks with her friend *Marika*, another GMS chairperson in the Beas Language; as she remarked “*We are frequently practicing with Auntie Marika.*”

It means that the Beas language is an important element of the preservation of Beas (and Gypsy) identity irrespective of what level the speaker is able to master it. For the ‘Gypsying’ persons with the increasingly positive Gypsy identity the importance of the language as its foundation has also been brought forward.

II.3. National symbols – the flag

There is no nation without the important symbols as flag, coat of arms and anthem. The best known symbol of the Gypsies, i.e. the Roma nation is the flag accepted by the delegates of the 1971 international congress. It may serve as coat of arms in certain situations too.

Before commenting on the opinions of the informers on the question of the flag, there is *Laci*’s explanation: “*When the blue – green flag with the wheel was introduced every Gypsy person could identify with it, because there is a symbol there: the sky is blue and the earth is green; it is easy to translate.*”

‘The flag is a more uniform set of symbols [then the anthem M.B.]. A normal, average Beas sees a cart wheel in it. It has 9 spokes and 9 is the number of Baxt, the goddess of luck. That had developed in Armenia “T-aves baxtalo!” “Be lucky/fortunate” [in Romani language M.B.]. It comes from there. It is also generally known that the Gypsy regard the wheel as fortune, fate and thus it represents the ups and downs of life.’

Almost every informant knew the flag; they interpreted the red wheel in the middle as the symbol of their wanderings. Opinions varied on the significance of the flag. *Ibolyka* (49, cleaner) treated the question pragmatically: “*Truthfully, I have seen it but do not know what to think about it. We do not live in a community where we could make use of such a symbol. What could I do with it? It does*

not authorize to anything. It is of no importance. If I could use it to help my family, like Yes, I am Gypsy and I have the right to go to any authorities that I am Gypsy, help me. It cannot be used for that. Maybe if we participated at some sports event, I would carry it because I don’t feel ashamed to be Gypsy. There is a flag and that’s it.”

For the ‘Gypsying’ informants the flag had an additional meaning since they frequently saw it during their everyday work, in offices, during events, etc.) “*I want to have one too when our association will sufficiently have developed.*” said *Julika*.

The flag has not raised the question of border between the various Gypsy communities, all the informants agreed that it is a symbol for all; it can represent all the Gypsies since apparently everybody is familiar with it and probably thanks to its symbolic content, has been accepted as a uniform Gypsy symbol. The flag can fulfil the role of an important national symbol, as its task is to represent all the aspects of national life. In addition, the Roma flag – together with other national symbols – is polysemous, i.e. in every time every social level of Gypsies can recognize in it their own national meanings (Csepeli 1992:78). At the same time *Ibolyka*’s scepticism is also justified because the flag’s abstract symbolic message has to be accepted by the majority nation and by other nations too in order to its importance being ascertained.

II.4. national symbols – the Anthem

The Roma national anthem is not as unambiguous as the flag, at least in Hungary, because there are two Gypsy anthems at present. “*The Gypsy anthem, that was considered to be the Gypsy anthem, what is accepted, known, sung is »Zöld az erdő, zöld a hegy is« [The forest is green and so is the mountain]. Last year it was changed; if I remember well it was after the joining of the Union that the anthem was changed and was »Gelem, gelem« accepted.*” According to *Julika*.

Below follows a summary of what can be known about the two anthems. Considering first the Beas anthem, it is worth quoting *Laci*, the local expert, in detail. “*The Gypsies always had their favourite songs. And this prayer was forgotten for a long time, though it was well liked; and Karcsi Bari made a poem from the text of the prayer*

that Jakab Orsós had collected in Co. Zala. The original Beas text said that God punished the Gypsies because we had nailed Christ on the cross. Legend has it that the Gypsies were the people of the Pharaoh and in the Middle Ages they were the executioners and they also made nails for such purposes. This is a well known legend. The Beas understood that an anthem has to contain references to God. Kalyi Jag started singing this song in the 1980s and it is on their first disc under the title 'Zala prayer'. This is how it spread and became an anthem, because there were no other Beas songs with God in them."

In Julika's opinion "It was the melody that appealed to us, we did not sing it as an anthem but as a nice song." She had no idea how it became an anthem "12 years ago, since there is the National Gypsy Self-government, we had to choose one."

For András 'anthem' as a category is connected to the Hungarian state: "Whether the Gypsy anthem means the same for me as the Hungarian anthem to the Hungarians? One thing is certain when I learned 'Zöld az erdő' it was simply a song for me. It may be sad but the Gypsy anthem does not mean much to me; merely a song. That is how I feel about it. I know one has to know it and I teach it to the young people because they have to know it. If I hear the Hungarian anthem, I feel a frission; if I hear the Gypsy (Beas) one I don't."

The opinion about 'Gelem, gelem', the official Roma anthem is succinct. "The Beas anthem is the anthem of the Gypsies for me, the other one does not mean much as I do not know it ... and I would not want to have to sing the anthem of such people" (András); "I don't understand it I don't know it" (Ilonka); "I don't know what it is about, and to tell the truth I do not really care about it. I like it as a song not as an anthem" (Julika); "My personal opinion is that practice will solve the problem. The Beas anthem is well known, the other one is not, therefore the former is going to be sung" (Laci).

It is evident that the Beas prefer their 'own' anthem; they accept 'Gelem, Gelem' as a pleasant song, if they know it at all. Julika added that "at events both the Beas anthem and the Hungarian anthem are sung. Here and everywhere else. Now 'Gelem, gelem' too. The two together." Then she added that it happened that the two Gypsy groups boycotted each others performance, and ". of course it was always the Tinkers who started it..".

Evidently 'Zöld az erdő' of Beas origin is the accepted Gypsy anthem for the Beas that in everyday context is just a nice song. When it appears officially as an anthem immediately starts acting as a border between the groups because symbolically it represents the Beas, in contrast with the majority (Hungarian anthem) and the other Gypsies (*Gelem, gelem*).

Finally, of the informants only Laci, who is successful both in his social and ethnic mobility, was ready for cooperation in the 'anthem question'. "It is going to be similar to the case of the 'Szózat' [Appeal]¹⁴ with the 'Himnusz' [Anthem]; at functions there are always the two together. This is how the Gypsy communities are going to have two anthems. Even though Gypsy policy claims that Gypsies are going to be emancipated if there is one flag and one anthem."

II.5. Family, endogamy, borders

The relationship between Gypsy groups is mirrored in the rigid custom of endogamy. Marriage between members of ethnic groups is much less frequent than between a Gypsy person and a non-Gypsy one (Szuhay 1995:333). The borderlines between the Gypsy ethnic groups can be observed by the marriage customs. Thus Julika's parents still adhered to endogamy and tried to make their children to follow suit.¹⁵ In the case of Julika and her eight siblings three quarter of the partners/spouses were Beas, one quarter Hungarian; there was not a single non-Beas Gypsy among them. The younger siblings are the ones who have chosen Hungarians thus the crumbling of the borders of endogamy can be observed with exclusive opening towards Hungarians.

In the partner choice of the next generation, the grown up children of the nine siblings, Hungarian partners are dominant (no Lovari

¹⁴ Szózat [Appeal] a poem by Mihály Vörösmarty, at functions usually sung after Himnusz [Anthem], written by Ferenc Kölcsey, music by Ferenc Erkel.

¹⁵ "Water and oil won't mix' (In Beas: „Apá k'ulij nu szá kiviridestyé!") This was sentence Julika's mother warned her to follow endogame rules. When she was 15, Julika did not want to marry the Beas man her family appointed for her; the parents disowned her. Her mother made piece only after Julika gave birth to her child from her Hungarian husband.

partners were chosen either). Dóra Pálos describes the phenomenon as the loosening of 'Gypsy tradition' accompanied by the wish to comply with the real or imagined expectations of the majority society (Pálos 2006). Endogamy may cease altogether among young people living in towns and participating in social mobility. Several informants explained that they would not choose their partners according to their origins. The 17 year-old brother of *Tibi* declared that he even would choose a Tinker.

Though the rule of endogamous marriages appear to be loosening it can be stated about the Beas community in question, that endogamy has still been preserved where marriage with the members of other Gypsy groups are concerned; however, there have been no sanctions against marriages with Hungarians even it would seem popular especially among the young.

III. Ethnic mobility and the permeability of borders

Ethnic mobility can cause important changes in the life of the individual. For Gypsies especially it can mean new jobs, new connections and even new social standing. The fact that the 'Gypsying' persons have partially left their community leaves its mark over every aspect of their life. This fact and misconceptions about the tasks and possibilities of minority self-governments lead to tensions. The present study deals with ethnic and national aspects of identity 'only'.

In connection to the various topics, there are considerable differences between 'Gypsying' and 'not-Gypsying' Beas, especially in their attitude toward the question of origin, the flag and language use. On the other hand there were no special differences along the borders of endogamy that plays an important role in the preservation of Beas identity. That means that ethnically mobile Beas persons have strongly remained Beas.

III.1. Dialogue on unity – *Tibi* and *Józsi*

To illuminate the above description it seems useful to include a longer discourse that took place in 'artificial' circumstances staged by the members of the 'field'. It was initiated by *Tibi*

Who thought it would be interesting to have a debate over 'Roma national unity' between *Tibi* and his friend *Józsi* (45, a Lovari artist (painter)).

Tibi: *Józsi is a Lovari Gypsy. I am not. Whether we could speak about homogeneous language, a unity of the Gypsies ...?*

I believe there has been no proof for the Beas [of the Indian origin M.B.]. Until it is not completely proved, I do not believe it.

Józsi: *Menyhért Lakatos and his companions had the opportunity to go to India in order to follow up their own race and they have found it...*

Tibi: *This is why I say, until it is not proved, I do not believe it. It is also arguable whether these Gypsy 'races' really want it.*

Józsi: *Yes, they do...*

Tibi: *What I mean is would the Beas and Lovari Gypsies discuss it, to do it together, or is it just on the level of representation that they are ready to cooperate.*

...

Tibi: *I still think there is prejudice among the three 'races'. The musician Gypsies look down at the Lovari, the Lovari at the Beas. This is what I experience.*

Józsi: *It has to be accepted that we used to be a dormant grain. Now this people has awoken, to take it symbolically, and now starts to find itself. This is a slow process. The Hungarians had 1000 years for their development, we have it since 1990 and if we look at the state of development compared with the Hungarians, it can be stated that we are on the right way. Right way in the right direction.*

It is negligible that we fume against each other, This exists in every society, everywhere that one neighbour looks down at the other; it is nothing, these are human characteristics; it cannot be eradicated for the time being. Let's hope it will disappear some time.

Tibi: *It is not merely human, I believe that ... the Lovari. There are antagonisms! Yes, there are! Believe me Józsi!*

The short excerpt of the discussion reveals the stand point of the two participants. Though both of them are ethnically mobile, *Józsi* is a 'Gypsy artist', *Tibi* a 'Gypsy musician', and connected to Roma politics too.

It happened that the Roma leaders of the neighbourhood were discussing matters concerning the tasks in preparation of the coming minority elections and *Józsi* was the only non-Beas present. For the Beas *Józsi* does not apparently belong among the Lovari as a member of 'bad Gypsies', This follows from his manners and way of thinking; in his case the stereotypes about Gypsy groups do not work. He once said: 'It is important for the Romany to show their wealth; I denounce that. At my level of thinking I am not concerned about material things. I have got over that stage, they have not yet. I smile at it because I do not care any more.

According to the members of the 'field', *Józsi*, belonging to the 'majority Gypsies' looks at the question pragmatically. For him no doubt 'the people have awoken'.

Tibi, who feels to be in minority even among Gypsies, has not accepted the common origin, he supports his doubts by "differences of the races'. May be it can be explained by the auto- and hetero-stereotypes necessary to the maintenance of his ethnic identity.

III.2. Politics and arts

During the interviews there appeared two areas where the borders offered transit: politics and arts.

István, the leader of one of the Roma organisations was of the opinion that cultural and identity unity could not be feasible, Gypsies should take action together in politics. The idea has been propagated by others too, since the state-supplied possibilities of organisations (minor self-government, civil organisations) exist on Gypsy and not on Beas or Tinker basis.

Gypsy music, and Gypsy art: the concepts suggest a homogeneous Gypsy/Roma picture; experience also has shown that these are areas where the Beas do not dissociate themselves, whereas in other contexts they strongly do. The informants did not mind that the music way played by Tinkers, it was only important that that it

should be 'Gypsy music'. Though there are Beas bands (very few), Tinker bands and of course musician Gypsies, but they play all kinds of music at the request of the audience: Hungarian songs and songs with Lovari and Beas texts too.

Tibi and his musician companion *Tomi* mentioned only two slight differences between Lovari and Beas music. According to them the melodies and instruments are the same, therefore there is no separate Lovari or Beas music. In the case of songs the language is important and thus the community it came from.

András, also a musician, can only discover minor differences between Beas and Lovari musical life: "*the Tinkers are better in slow numbers. It does not mean that the Beas feeling does not come through but somehow the others do it better temperamentally. Bodó, a Beas from Zalakomárom sang a song in Hungarian without guitar accompaniment, it was awesome. Then I thought that both Beas and non-Beas is capable to create something unbelievable. This is again something common between Beas and non-Beas Gypsies.*"

The acceptance of political cooperation can be explained by the idea of the non-Gypsy majority about a homogeneous Gypsy people, and this does not allow separate organisations. For the state regulation of minority organisations only 'Gypsies (Roma)' exist.

Music and art in general can bring Beas and other Gypsies on common denomination, they are not constitutive elements of Beas identity thus it is not part of the 'border'.

III.3. Self image and nation

The most important function of our identity is to lead us toward positive social evaluation accompanied by psychological wellbeing. Thus it is evident that the effect of ethnic mobility upon personal self-image cannot be neglected. Let's imagine the Gypsy person who earlier planted, hoed, raked at a firm day by day now is meeting notars, mayors and politicians, participates in the meetings of 'big' self-governments (concrete example of one of the informants).

The various Roma events will grow in importance where the ethnic content usually is represented by ethnic food and music. Here the Gypsies are in majority over non-Gypsies and thus 'Gypsy'

becoming meaningless, loses its 'negative' connotation. The group that appears to be homogeneous for the outside observer will, of course, preserve the inside borders, everybody is conscious of the ethnic affiliation of the others (Beas, Lovari, grinder or musician).

Thus to the often negative feeling of being Gypsy positive connotations could be added thanks to ethnic mobility. It might strengthen the process where the alternative is not personal assimilation but by preserving their own culture the Gypsies would become a socially equal part of society (Forray – Hegedűs 1990:15). For the non-Gypsying Roma this process would come later and indirectly.

One of the proofs of the increasing importance of Gypsy identity is the 'rediscovery' of the language (cf. above II.2.). Unlike *Ibolyka*, for *Julika* and *Marika* language is no longer a legacy that cannot be used in their lives but a means to strengthen their Gypsy and Beas identity that is advantageous for those who possess it.

From the point of view of a homogeneous Roma nation this is a paradoxon since Roma ethnic mobility strengthens the Beas language, which in turn is one of the major borders between Gypsy groups. This paradox could only be dissolved by a new definition of the nation concept along the lines of a pluralistic (multilingual, multicultural) nation. Pluralistic nation concept is advocated by the fact too that the Beas informants all have Hungarian elements among their identifying concept (Cf.I.1).

It is another question whether such a nation could exist; lacking the 'classic' attributes of a nation would it be accepted by the community of nations? It is not the aim to argue for and against interpretations and definitions only to point out that there is one pattern of nationhood among the many not sufficiently thought out – that has undoubtedly influence upon the individual and community alike (Gergely 2002). In Gypsy-research of empirical aims it could be affective to choose an attitude focusing on events where the nation will appear as an institutionalized form, a practical category or an eventual event instead of being a substance, a collective (Brubaker 2004).

Let us close the paper with the train of thoughts of *Julika* – maybe instructive for everybody – “*I could learn a couple of songs in Lovari because I liked them, because they are beautiful. I believe there are two – three things that are common and could held us together. As you have said: the language; it can bind us if the other is interested*

in what I say. Music, dance, culture. If we are open toward each other we can come closer to one other. No unity; I am not certain there will be unity. Person to person, they can be friends. Get married. But to form unity, something that is not at family level ... no, the time has not come yet.’

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„A víz az olajjal nem keveredik!” (beásul: „Apä k'ulij nu szá kiviridestyé!”) Ezzel a mondattal figyelmeztette Julikát édesanyja az endogám szabályok betartására. Amikor ő 15 évesen nem akart hozzámenni az általuk kijelölt beás férfihoz, szülei kitagadták. Édesanyja csak Julika – magyar férjétől született – gyermekének megszületése után békült ki vele.

Minority culture

Enikő Hoppa

**The Hungarian language use of the Csangos
in Moldavia**

Abstracts

The ancestors of Csángos migrated from a uniformly Hungarian region of the Carpathian Basin to Moldavia in several waves between the 12th and 18th centuries. Today they too are giving up the agrarian way of life, there is strong tendency to migrate and the inhabitants of the Csango villages rapidly grow old. The preservation of their Hungarian language needs conscious language saving strategies. It is cause for optimism that they could preserve their mother tongue during the years of the dictatorship thanks to their strong linguistic "immunsystem".

Csangos are Hungarians who live in Moldavia in the eastern region of Romania. East of the Carpathian range they live cut off from the masses of Hungarians living in Romania. They form a language isle (Sprachinsel) in a Romanian speaking area. Their population is cca. 250 thousand and about 61 thousand are Hungarian speakers (Tánczos 1999:21). Their settlements are in the neighbourhood of two cities: Bákó and Románvásár.

Historical background

Their ancestors settled over from the continuous Hungarian speaking territory of the Carpathian Basin between the 12th and 18th cc. The groups arriving at various times came for various reasons. At the end of the 12th c. Hungary's population suddenly increased and the first settlements were founded in Moldavia along the frontiers. In the 13th c. Endre II, king of Hungary invited the Teutonic

Knights for the protection of the eastern frontiers, however, because of increasing disagreement with them, Endre chased the Knights away and replaced them by Hungarian frontier guards (Domokos 2001:18,20,22). Hungarians started settling down in large numbers during east of the Carpathians the 13th and 14th cc (Benkő 1990:18). After the Tatar invasion (1241-42) King Béla IV. organised the protection of the borders by building military frontier posts along the River Seret where the soldiers were accompanied by their families too. In the 15th c. persecution of the followers of Jan Hus was the cause of the next wave, Hussites from the southern part of Hungary and also from Pozsony arrived to the area and built their own settlements (Benda 1993:41). In the 16th c. Seklers settled over in great numbers to avoid the heavy taxation. The largest and most important group arrived in the 18th c. following the so called 'peril of Madéfalva'. In 1764 the Seklers rose against the measures of Empress Maria Theresia which stopped their earlier privileges. The imperial army attacked them and took heavy revenge on the rebels. Great masses fled to Moldavia (Domokos 2001:83), who either founded new settlements, or joined Hungarians already living there, or else moved in Romanian inhabited villages (Tánczos 1999:10).

The name

The name has been explained in various ways, all of them stressing that the groups are separated from the Hungarian community. According to the most frequently quoted explanation the name comes from the verb *csáng* "to stray" (Tánczos 1999:10). Others are of the opinion that it has come from the characteristic way these people pronounce the noun *csengő* "bell"; it is assumed that bells were important during the wandering to the region, hung around the neck of their animals. Again others derive the importance of the bell to their being frontier guards who announced the enemy by rhythmically ringing the bell referred to as *csángat*.

Dialect

The above short history explains why their speech represents such a special variety of Hungarian. The groups coming from various parts of Hungary spoke different regional varieties and arriving in different centuries their speech represented different stages of language development. The speakers were broken off the continuous Hungarian speech area by the ranges of the Carpathians cutting them off from communication. Thus their language has preserved several archaic forms. They have been left out of Hungarian language changes, thus the results of the "Language Reform" movement (1790-1820) did not reach them, a fact especially important because it was when the Hungarian vocabulary was enormously enriched and modified. At the same time the Csango language also changed, the Romanian neighbourhood had great influence on it especially on the vocabulary. This is why the Csango Hungarian dialect has several characteristics that tell it apart from all the other Hungarian dialects.

Their way of life greatly helped in preserving the language. They have been interested in agriculture, bred animals, always lived in small villages, had little contact to other communities that all together helped preserving the language. Today they are bilingual, they are fluent in Romanian too, the young people know Romanian better than Hungarian. The number of Hungarian speakers varies from village to village, though there are settlements where all the inhabitants speak Hungarian (Tánczos 1999:18). Within the family and among the neighbours they communicate in Hungarian while Romanian is the language of the public sphere.

1867 is the foundation of the Romanian Kingdom. The new Romanian state system replaced the earlier one of voivodes and aimed at the creation of a uniform Romanian nation and tried to disregard minorities living in the territory. From this time on the exclusive official language was Romanian and Hungarian was prohibited in churches, schools and every public forum.

Religion and language use

Religion plays an important role in the Csangos' life; they are devout Roman Catholics. Their denomination is their identity. If asked what nationality they are, the usual answer is "Catholic". They consider the Catholic inhabitants of the other villages to be their relations notwithstanding what language they speak. They adhere to the community instead of the language because they remained ignorant of the historical development of the 19th c. creating the Hungarian nation and making the Hungarian language a sign of identity (Tánczos 1999:23). They were Roman Catholics from start on and have preserved their religion. Reformation played no role in the region because there were no Hungarian-speaking priests to convert them to it (Mikecs 1989:192). Later that was the reason why they remained free from assimilation, their being Roman Catholics kept them apart from Orthodox Romanians. In the 13th – 14th cc. Catholicism thrived in Moldavia, only Hungarian priests were there. By the end of the 16th c. a great part of Hungary joined Reformation, the Catholic church in minority was not in the position to send priests to Moldavia, thus the Csango people asked help from Rome. From 1620 onward there were priests sent from Rome, however, with the mission to convert the Orthodox Romanians. The missionaries were mainly Italians, thus they could more easily communicate with the Romanians, and being usually sent for only one year, they did not even try to learn Hungarian (Szabados 1990:89). At the beginning of the 19th c. the Hungarians in Moldavia required the church service to be held in Hungarian, indeed there were Hungarian priests sent to them for short periods, but they did not get their remuneration, some them were imprisoned and they also happened to become victims of highway robbery. At the end of the 19th c. the Romanian Kingdom introduced the Romanian language in the churches. In 1884 a Roman Catholic bishopric was founded with seminary in Jászvásár where the young Csangos were educated to become Romanian priests (Domokos 1990:90). A 1895 law banned bilingual catechisms. In 1930 of 27 parish priests only one was Hungarian, but he was sent to a village where the congregation could not speak Hungarian. In 1938 there was a regulation issued for the Hungarian populated settlement of Co. Bákó that Romanian was the only language to be used in

the public sphere, the church included (Szabados 1990:90). The area officially had no Hungarian inhabitants; in reality everybody spoke Hungarian.

The Catholic Church has played an important role in the linguistic assimilation of the Csangos. The "pater" has been the primary authority in the villages, the only learned person among the unlearned inhabitants. He is the leader of the community, his voice is heeded. This why in the seminary of Jászvásár priests to be are trained, as were the Janissaries in old Turkey. Most of the priests are Csangos turned Romanian who do not want to speak Hungarian in and out of church; they are hostile towards those who do not want to disavow their origins. They claim that Roman Catholicism equals with Romanian Catholicism, that Hungarian is the language of Satan and the Hungarian the Csangos speak is not real Hungarian only a demeaned version of it. This is the usual argumentation when the congregation requests service in the Hungarian language. In November 2003 Jean-Claude Perrisset, the papal legate in Bukarest promised the possibility of using Hungarian during the service in Moldavia. It was, however, not carried out because the bishop of Jászvásár interpreted it as the Csangos mother tongue and not standard Hungarian and declared that it would take too long and too much work to translate the whole liturgy into Csango dialect and by the time it would have been completed it would prove unnecessary to be introduced (Szilágyi 2006:110). In Romania the Catholic church vindicates itself the right to decide what is the mother tongue of the congregation disregarding whatever they claim themselves to be. Pope John Paul II. consented to the employment of Hungarian priests in Moldavia, but priest who were educated in Gyulafehérvár (Transylvania) have not been allowed into Moldavia. Vatican has failed to make decisive steps to fulfil the Hungarian Csangos wish to attend mass in their mother tongue because the protection of Catholicism in an area with Orthodox majority is much more important for Rome and from this point of view what language is used during the service is of little importance.

On the 15th of October 2006 the Csangos of Pusztina sang psalms in Hungarian in Church before the mass. It counted an important event in the Csangos' religious life. The St. Stephen Society in Pusztina pled for the use Hungarian language during mass since 1990,

they even sent a delegation to Rome to introduce the case. However, a short time later it was decided that the possibility of saying the prayers in Hungarian depended on the consent of the bishop. The Moldavian church again proved to be unsympathetic. It might not have been a coincidence that the October instance had happened just before Romania joined the European Union.

Language use at school

In Moldavia Hungarian has been kept alive through communication, the speakers do not read and write in Hungarian. The explanation lies in the lack of school education in the mother tongue. The first schools were opened in the area at the time of the foundation of the Romanian kingdom at the end of the 19th c. The use of the Hungarian language became prohibited in public use and the ban was preserved till the end of World War II. From 1947 onward primary Hungarian-language schools were opened thanks to the *Magyar Népi Szövetség* [Hungarian Folk Association] that was the political representative of the Hungarian minority in Romania. It had independent primary schools with Hungarian as their teaching language; secondary schools were scarce. There were other schools too where Hungarian was taught as one of the subjects. The new schools met considerable difficulties, the major one being the lack of teaching materials and suitable buildings. Some of the early schools had to be closed because there were not enough teachers who knew Hungarian. Teachers from Transylvania frequently came on constraint and wanted to leave as soon as possible. At the same time teachers at Romanian schools felt threatened of possibly losing their jobs because of the new Hungarian schools and tried to convince parents not to have their children taught there. The Catholic priests also campaigned against the children to be taught Hungarian among their congregations. The Hungarian Folk Association was actually organized by the Romanian Communist Party that tried to prove after the war that it meant to take care of Hungarians outside Transylvania too. The new schools discredited, the parents intimidated resulted in the closing all the Hungarian schools in 1959 (Vincze 199:203-210).

Till the 1990s there was no school education in the mother tongue. After 1990 there were private attempts at instructing village children in reading and writing in Hungarian. It was started at private homes and an increasing number of children participated as the years went by. They received no material support, the instructions were even prohibited in 2001 (www.devaigyerekkek.hu). Though the parents were constantly under pressure education in Hungarian has been resumed in 2002 and are popular ever since. The children also receive instructions in singing and dancing.

The most important step forward is that the Hungarian language has become an elective subject taught in three lessons per week at the schools, first at those of Klézse and Pusztina with 17 and 24 pupils respectively. The number of participating villages and pupils has been increasing. During the school year 2006/07 there were 992 pupils who received instructions in Hungarian in state schools in 14 settlements (Bákó, Buda, Csík, Diószén, Frumósza, Klézse, Kostelek, Külsőrekecsin, Lábnyik, Lésziped, Magyarfalu, Pusztina, Somoska, Trunk) and further 400 extramurally. 53 of them received stipends for higher education. In the past 15 years 1200 Moldavian Csango students studied in Hungarian schools in Transylvania: Csíkszereda, Gyimesfelsőlök, Székelyudvarhely, Gyulafehérvár, Kolozsváron as well as in Bucharest. More than 100 of them graduated from universities in Transylvania and Hungary. However, it must not be forgotten that there are more than 900 Hungarian-speaking children of school age who would need similar education. There are about 30-35 villages without any form of instruction in Hungarian (www.csango.ro). During classes standard Hungarian is taught but the use of the dialect is also accepted. This approach is important in strengthening the children's self-consciousness and in consequence the survival of the dialect, because being set apart from the standard variety the dialect would be devaluated (Péntek 1998:302). It is a pity the schoolmasters not only do not propagate learning Hungarian but try to obstruct Hungarian lessons. At some places the staff excommunicated the Hungarian teacher; it also happened that the Romanian teachers humiliated the pupils learning Hungarian. Many parents are still afraid to send their children to Hungarian lessons. The priests' preaching against Hungarian in church still causes fear among the congregation. The clergy has exploited the fact that god fearing simple

people look up to their priests and heed their word; thus they have misused their influence against education in Hungarian. They also suggest to talented pupils not to continue their studies in Hungarian institutions but to apply to the seminary in Jászvásár, where the future priests are trained in Romanian mentality to denounce their Hungarian culture frequently success.

The pupils' studies are sponsored by the *Moldvai Csángómagyarok Szövetsége* [Moldavian Association of Csango-Hungarians], the *Romániai Magyar Pedagógusok Szövetsége* [Hungarian Teachers' Association in Romania] and the *Domokos Pál Péter Egyesület* [Domokos Pál Péter Association]. Recently the rather tight budget available is helped out by the so called 'god parent' program, Those joining the program provide a student's fees for a year and become the god parent of them. 90% of the god parents are from Hungary, the remaining 10% from the western countries. There is constant contact between god parents and their charges through correspondence and also through visits (www.devaigyerekek.hu).

The prestige of the Hungarian language

Thanks to the introduction of the Hungarian language into school curricula its prestige has increased among its Moldavian speakers. The importance of the language has also been increased by the growing interest of fieldworkers and tourists who visit Moldavia to study the dialect, songs, dances and customs since the opening of the borders in the 1990s. Learning Hungarian is also motivated by the possibility of finding employment in Hungary. The majority of young people seek employment abroad because of the scarcity of work places and the very low wages at home.

In the last twenty years the general changes in Moldavia have allowed a slow change in the status of the Hungarian language. The regular contact with Hungarians, availability of workplaces in Hungary, the turning of international interest toward them, the organized institutions to teach the Hungarian language made it appealing in contrast to its earlier disrepute. However, there are two important conditions still missing that are the prerequisites of the long-term survival of the language. One is the availability of local

workplaces; the other one is the presence of an intelligentsia that is fluent in Hungarian in the written form as well. Young people leave the villages in search of work. In order to represent their interests, local intelligentsia would be of importance. This group or social layer was completely missing earlier, now has started to develop since there are young Csangos who participated in higher education either in Transylvania or in Hungary. However, after graduation they can hardly find employment at their birthplace and thus they would not, could not return. Others find their partner at their study place and settle down there. This is why Hungarian-language secondary schools are necessary in Moldavia and in primary schools too Hungarian should become the teaching language not just be one of the subjects. Teaching in Hungarian would enhance the effectiveness of learning too. According to the so called "vernacular principle" schooling should start in the language the children use at home and should continue in that language as long as possible. (Szépe 2001:134).

Yesterday – today – tomorrow

If we consider the history of the Csangos in Moldavia, it is fortunate that they have been still around at all and their dialect preserved in everyday life. Their ancestors left the Carpathian basin in several waves between the 12th and 18th cc. and were cut off from the Hungarian language community.; since then they have been living surrounded by Romanian speakers. They have survived because they stayed together in Moldavia, settling down in independent Hungarian villages or joined Hungarian groups who had arrived before them. They formed closed communities, endogamie still being characteristic: young people prefer to choose their partner either from the same village or from another Csango village. The custom was reinforced by their way of life: agriculture bound them to their place. They had neither wish nor means to leave their village for faraway places. Their number increased instead of decreasing: there were many children in the families thus the Hungarian population in Moldavia added a high proportion of the population increase even for a usually populous area. Between 1930 and 1992 their number was trebled (Tánczos 1999:12). The other force of survival was their

religion: they have remained Roman Catholics and that reinforced their identity in an Orthodox region. Religion has remained of great importance for them because of the reasons discussed above it was religion and not language that has defined their identity.

Agricultural life is on the decline in Moldavia too. Young people do not farm any more but look for employment in big cities or abroad and only few of them return back; thus the inhabitants of Csango villages grow old. In this changed world the preservation of the language could be encouraged by conscious language preservation methods: by Hungarian language education at school, cultural and language camps for children, the founding of cultural centres, exchange programs with Hungary and Transylvania. If we want to consider the future of the Csango dialect, we should refer back to their past: in spite of the oppressive Romanian policy it has survived in the minority existence of its speakers. György Szépe is of the opinion that the language possesses properties that save it from annihilation. (Szépe 2007:19). This “immunsystem” is extremely strong in the language of the Csangos in Moldavia.

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Pál Belényesi

**The problem of the representation
of minorities in the media and the relevant
regulation in Europe**

A comparative study¹

Abstract

First the appearance of national minorities in the Hungarian media will be analysed, then it will be observed how the regulations of various international organisations (UN, EU, EC,) and several member states (UK, Romania, Slovenia, Slovakia, Poland, Germany Lithuania, France) concerning the presentation of minorities have been carried out in practice. It is believed that the French practice is an example of successful management of minority problems. The considerable differences in the attitudes of the various member states prove that it is not the task of the EU to act out its role as a protective screen, but the media authorities of the member states themselves should find satisfactory solutions.

Motto

„There are many ethnic minority groups, a legacy both of continuously shifting borders and the multiethnic diversity from before the nation-state era. Though great violence accompanied attempts to “homogenize” states in the twentieth century, it has not yet dissolved... Eastern Europe’s minorities, whether concentrated along the borders of neighboring kin-states or scattered according to age-old settlement patterns, are thus usually no “newer” than the majority population. As “national minorities”, they enjoy legal protections ... they face much of the same socio-economic exclusion as Western Europe’s immigrants and have been targeted by populist politicians, who capi-

¹ While preparing the essay the author was the researcher of European University Institute, at present the solicitor at the European The essay does not necessarily reflects the official standpoint of the EU Committee, its content is the personal opinion of the author.

talize on suspicions of separatism and irredentism. Still, though some countries have coped better with ethnic tensions than others... Also, minority programs suffer from a somewhat exoticist focus on folk culture, as if the minority groups' culture could be considered in blissful separation from its interactions with overall society. There is relatively little coverage of social issues or current affairs, but no lack of singing and dancing minorities.”²

Introduction

According to the 2001 census 3% of the population of Hungary claimed to belong to a legally accepted national or ethnic minority.³ In Hungary the media representation of those who belong to a legally accepted national or ethnic minority as defined by the Minority Law is insufficient. Apart from the traditional weekly “minority programs” there is practically no other possibility of media presence.⁴

Art. 23.4.c of the Media Law⁵ declares in connection to the broadcasting activities of public service media that a station should represent national or ethnic minority culture with special care.

The presentation of culture in the media becomes part of the public knowledge and thus the Hungarian majority too, need objective, thorough and analytic reports as well as informative programs about the minorities. This, however, is meaningless if it remains merely in theory. Institutions with adequate legal bases are necessary that operate properly, are efficient and liable to revision.

In the explanation part of the Media Law it is especially stressed that the aim of the Law has been to ensure the cooperation of the media in reviving the Hungarian spiritual life and culture, enhancing its multi-coloured wealth.⁶

² Van Beek, J. et Kusa, D. (2004), „Minorities and the Media in Central and Eastern Europe”, More Colour in the Media, Prix Iris Europa – Catalogue 2003.

³ http://www.nepszamlalas.hu/hun/kotetek/04/04_modsz.pdf, and Act 1993. LXXVII. on the rights of national and ethnic minorities.

⁴ Roma Press Center: „Minority Communities in the Hungarian Media”, Research Report, 2003, p.6.

⁵ Act on radio and television broadcasting (Media Law) 1996. I.

⁶ Explanation of the Law III..

I. On Minorities in general – National minority and the media

1. What are national minorities?⁷

According to population statistics minority is an ethnic religious or other kind of group with a special identity living in a larger community, if the proportion of the persons, depending on the number of groups, is about 1-49%.⁸

In Hungary there are historically developed national, ethnic and religious minorities. Since in the territory of a given state there is/are living state-forming nation/s, the groups having developed around ethnic features not easily documented are called ethnic minorities, those organized on a national basis are the national minorities.

There is another definition of national minority,⁹ this compares ‘minority ethnicity’ with ‘majority ethnicity’ and underlines that an ethnic minority differs less from the majority than national minority. This definition is going to be used in the present essay with the addition that in Hungary those ethnic, national groups are accepted as national minority, which are described as such by the Hungarian Minority Law.

In Hungary there are 13 legally recognized nationalities of which 12 are national minorities and one ethnic minority (the Gypsies).¹⁰ According to the 2001 census 3% of the population of Hungary claimed to belong to a legally accepted national or ethnic minority. Some estimates, however, reckon with 7-9% of minorities, Gypsies as a legally accepted ethnic minority included.¹¹

300.000 to 900.000 persons is a considerable mass in comparison to the total number of the inhabitants thus it is important to manage the connecting problems appropriately, the question of media representation included.¹²

⁷ Girasoli, N. (1995) „National Minorities. Who Are They?” Budapest, Akadémiai Kiadó

⁸ similarly *Wikipedia* (www.hu.wikipedia.org)

⁹ Cf.: http://www.enc.hu/1enciklopedia/fogalmi/humanfoldr/nemzeti_kisebbseg.htm

¹⁰ 1993. LXXVII Act on the rights of national and ethnic minorities.

¹¹ Cf. : <http://www.nepszamlalas.hu/hun/kotetek/04/tartalom.html>

¹² <http://www.mtaki.hu/kiadvanyok/> contains the list of relevant literature.

2. Minorities in the media¹³

There are two differences that should be made about minorities appearing in the media: what is the proportion of minorities to that of media employees; and what kind of image is presented about minorities in the various media.¹⁴

Since the first question is one of employment, labour legislation and politics, the present essay focuses on the presentation of minorities in the media.

The media institutions founded by minorities – minority media – represent a special area. It has to be mentioned that all the 12 national minorities as well as the Gypsy ethnical minority have their own media.¹⁵

In the electronic media there are special websites belonging to the various minorities, as well as www.kisebbseg.lap.hu, and www.nemzetisegek.hu, the most popular sites that contain information about national and ethnic matters independently of any special affiliation.

3. The aim of the present essay

The present essay deals with the presence and presentation of minorities in the Hungarian media as well as intends to explore the practice of regulations concerning the media presentation of nationalities in the neighbouring countries.

It is important to define the policy of media with pluralistic intentions; there are analyses to prove that the presentation of minorities – not only ethnic but also national ones – usually follows stereotypes and frequently make unnecessary remarks on the affiliation of the participants. The setting of correct policy is also necessary to answer the decision of the European Committee (EUC) that 2007 was ‘the year of equal opportunity’ with the main topics on absence of discrimination, on tolerance and respect towards other nationalities.

¹³ Cf. Georgiou, M. (2003), „Mapping Diasporic Media Across the EU: Addressing Cultural Exclusion”, London School of Economics.

¹⁴ For written press cf. ter Wal, J. (2004), „Quantitative Analysis of Daily Press TV Contents in the 15 EU Members States”, European Day of Media Monitoring, More Colour in the Media Online

¹⁵ cf: <http://kisebbseg.bmknet.hu/media.html>

Lack of interest in national minorities and ignorance about them are major factors to decide whether a society is open-minded and tolerant towards them; this can decide whether the members of a group feel at home or displaced.

Media play roles in including minorities into the economic processes of a state and minimizing the differences and barriers between the various nationalities based on sometimes extremist ideas, ideologies and stereotypes.

Media are also important to form social identity,¹⁶ what kind of image and identity would the population of a state develop about their country and indirectly about the members of minorities. According to a Canadian essay it is the media that can be held responsible for how the inhabitants of Canada regard and value their society.¹⁷

Examining the role of minorities and media – as was explained above – there are three points of departure.¹⁸

The first is *inclusion*, i.e. to what extent do media enclose minority opinion, how truly do they represent it and whether minorities appear in the media at all.

The second is the *role of the media* especially to what extent do they represent the historically developed stereotypes and how truly do media present the members of minorities.

The third is the *control of production* i.e. how can the members of a minority influence the programs dealing with them and whether they have any overview of it and any say in the finished program.

Two renowned American authors came to the conclusion that “By its lack of diversity, media content does reflect the inequality that exists in the social world – and in the media industry... media content certainly influences our understanding of the social world, because media content can communicate underlying messages about the nature of reality. It can provide norms, values, and behaviors.”¹⁹

¹⁶ Henry, F. (1999), „The Racialization of Crime in Toronto’s Print Media: A Research Project”, Toronto, School of Journalism, Ryerson Polytechnic University

¹⁷ Mahtani, M. (2001), „Representing Minorities: Canadian Media and Minority Identities”, Department of Canadian Heritage for the Ethnocultural, Racial, Religious, and Linguistic Diversity and Identity Seminar, Halifax, p. 2.

¹⁸ Croteau, D. et Hoynes, W. (1997), „Media/Society – Industries, Images, and Audiences”, Pine Forge Press

¹⁹ Croteau, D. et Hoynes, W. (1997), „Media/Society – Industries, Images, and Audiences”, Pine Forge Press, 161. oldal

Inclusion and role of the media are the important points to be followed up in the present paper.

3a. *The London model*

In general one of the problems is that migration policy is rarely accompanied by cultural and minority-cultural policy. The result is that most of the European cultural projects disregard ethnic cultural features.

The 2004 London survey is an example that pointed out the connection between street violence and racist attacks and the way media reports on immigrants and how it is displayed.

There were in-depth focus groups interviews where most of the London informants admitted that the reports using exaggerated adjectives could promote fear and tension facing “people like that”.²⁰

The study explained that unbalanced and inaccurate information too could induce uncertainty in the – reading – public. Many of the racist incidents repeated the expressions that frequently occurred in the reports of the newspapers. According to the head of the Information Centre about Asylum Seekers and Refugees (Icar), research group it was easy to prove that reports based on inaccurate and ambiguous sources could promote tension.

As a result, together with the Mayor of London, the scholars found that central directions are necessary, i.e. setting objective standards by the media authorities of every type.²¹

3b. *The confusion about minority as an idea*

The other problem is that policies treat minorities as a unit, as a phenomenon without attempting at a differentiation between the various forms of it. Thus the borders between national, ethnic minorities are blended into one another just as minority policy treats children, women and handicapped persons the same way as would be

²⁰ www.bbc.co.uk. The research dealt with local and non-local papers, i.e. was based on the written medium but the influence can be extended to non-written media too.

²¹ Another 2004 story could be added when there arose problems about the meaning of the word ‘diversity’, that time in television. An important aim of BBC is to present multifarious and multi-coloured approach both among its colleagues and in the programs. Among other aspects it wanted to express that UK is a country with many races paying attention to unbiased and correct newscast. www.bbc.co.uk

treated e.g. the Slovenians in Hungary or the Hungarians in Ukraine. Differentiation according to age or gender within a national minority is even less usual.

Considering the above discussed matter the result is not surprising that minorities, even those that represent larger groups, are regarded as silent, invisible phenomena with negligible self-assertion.

3c. *Minorities in the public sphere*

To appear in the public sphere it is essential for national minorities not to be presented in a socially negative and traditionally stereotyped context by the media.

It is important that the public appearance of minorities, however, should not exclusively be founded on the form of ‘cover story’. Such broadcasting is required that is objective through the participation, presentation and commentaries of the minorities themselves.

It is important not to introduce minorities by negative stereotypes²² because it does not only alienates the majority members but has a negative effect on the self-evaluation of the minority members too.

If the minority members cannot perceive positive attitude toward themselves, they would not have the drive to change the already formed image because the influence of the media upon the public opinion will inevitably repeat the biased confrontation with the problem of their integration. Similar unambiguous and not necessarily true image could be created by the lack of alternative media and of the news broadcast with biased angles.²³

While mass media can contribute to democratic participation, ethnic tolerance and the establishing of relationship between cultures, it can also be the perpetrator of political, ethnic and cultural conflicts.²⁴

²² e.g. such news that unambiguously suggest that all Serbs coming to Hungary are criminals, or every Romanian is hostile towards Hungarians, etc.

²³ cf. e.g.: Gist, M. (1990), “Minorities in Media Imagery.” *Newspaper Research Journal*, 11(3): 52-63; és Wilson, C., and F. Gutierrez. (1985), „Minorities and Media: Diversity and the End of Mass Communication” London, Sage Press; és Kelly, J. (1998), „Under the Gaze: Learning to be Black in White Society” Halifax: Fernwood Publishing.

²⁴ Lengel, L. (ed.), *Culture and Technology in the New Europe: Civic Discourse in Transformation in Post-Communist Nations* (Stamford, CT: Ablex, 2000); és Reljic, D. (2000), “The News Media and the Transformation of Ethnopolitical Conf-

3d. EU initiatives

One of the conditions of the intensive struggle in the audiovisual and informatics race is that the information reaching its users should be satisfactory and varied. This should be the common criterion for all the European users. One of the recommendations of the Council of Europe therefore stresses the importance of the protection of human dignity, not only theoretically but in connection to the various forms of media too.²⁵

The protection of human dignity cannot be satisfied with a media policy that allows non-objective information, the formation of stereotypes. Though it is not characteristic in Hungarian media today, however, the means of adequate enforcement have been missing that would be able to successfully check possible violations. The appropriate authority of enforcement is especially important considering the manifold regulations of the member states.

The recommendation urges the interested parties to cooperate in drawing up codes of conduct for the protection of minors and human dignity that would regulate broadcasting on the network in order to create favourable settings for the promotion of new services.²⁶

International organization, Council of Europe, European Union and Non-Governmental Organizations

1. The UNO

The concept of minorities first appeared in the 1992 Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic

Minorities. In 1994 an Addendum was accepted that interpreted Art. 27 of International Covenant on Civil and Political Rights and since that has been regarded as a regular legal source. This Article enables people belonging to minorities to exercise their rights together with other members of their group.

The addendum underlines that the rights are those of the individual – the Organization for Security and Cooperation in Europe (OSCE) recognizes both individual and collective rights²⁷ - but should be applied to allow minority groups to preserve their identity. The Addendum declares that ‘minorities exist’ and stresses that it is not within the right of the state to establish the level of permanence the term ‘exist’ expresses. Minorities *de facto* exist, their existence cannot depend on state discretion.

UN regards minority rights expressly as part of human rights.

Par. 1. of Article 6. provides for the state protecting the existence of minorities on their territory, their national or ethnic, religious and linguistic identity and enhance the conditions of its realization.

The Universal declaration on Cultural Diversity of UNESCO, issued in November 2001 is of similar importance; its Article 6. especially refers to the variety of the media.²⁸

2. Council of Europe

It has several documents too but especially important are European Charter for Regional and Minority Language and the Framework Convention for the Protection of National Minorities from 1995²⁹ as these are international contracts to improve the situation of minorities.³⁰ The Framework Convention is considered to be the first impor-

licts,” in Berghof Handbook for Conflict Transformation, [Online]. <http://www.berghof-center.org/handbook/reljic/index.htm>; és Remy, R. C. & Strzemieczny, J. (1997), “Education for Democratic Citizenship in Poland,” Civnet, [Online]. Available: <http://www.civnet.org>; és Janusz Bugajski (1994), „Ethnic Politics in Eastern Europe: A Guide to Nationality Policies, Organizations and Parties”, The Center for Strategies and International Studies, SHARPE-Publisher

²⁵ It is true the recommendation did not mention broadcasting but it has become relevant by now. Cf. Preamble 6. Recommendation of the Council of EU 98/560/EC to the European audiovisual and information business, HL L 270/48.

²⁶ Recommendations 1.-3. Recommendation on the protection of minors and human dignity in audiovisual and information services. Council of the European Union.

²⁷ Cf. the document of Organization for Security and Cooperation in Europe (OSCE) and its directions on the use of minority languages in the media in 2003.

²⁸ Article 6 – Towards access for all to cultural diversity While ensuring the free flow of ideas by word and image care should be exercised that all cultures can express themselves and make themselves known. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity.

²⁹ Conseil de l'Europe: Convention - cadre pour la protection des minorités nationales, Strasbourg, 1er février, 1995.

³⁰ Gerencsér Balázs – Juhász Albin: A kisebbségvédelem megvalósulása a nemzetközi szervezetekben. [Minority protection in the international organisations] http://www.jakabffy.ro/magyar_kisebbsseg/index.php?action=cimek&cikk=m020124.html

tant document on the protection of minorities with exercising rights above states³¹

Several of the CE recommendations deal with the relationship between media and minorities, e.g. 1999 recommendations on media pluralism and the 1997 one on media and tolerance³².

Recommendation 1277/1995 also treats media, minorities and tolerance;³³ it is about the relationship between immigrants and ethnic minorities and the media and stresses what an important influence the media have on the formation of public opinion on immigrants and members of ethnic minorities. Though media are important arena for the struggle against racism and xenophobia it also has the hazard of turning the table and certain media manifestations could prove instigating.³⁴

The same recommendation directs that 'Migrants and ethnic minorities are entitled to be portrayed comprehensively and impartially in the media. This is a pre-condition if all citizens are to take a more rational view of immigration and multi-culturalism' and its meaning.

The recommendation calls upon the Committee of Ministers to encourage media professionals in preparing codes of conduct that lay down ethical principles that will be in force. The recommendation stresses the important role of the member states in taking every measure to help those principles succeed and if necessary to enact or reinforce such legislations.

3. European Union

European Parliament deals with the protection of minorities in several contexts some of which refer to minorities and their representation too.³⁵

³¹ Gál, K. (2000), „The Council of Europe Framework Convention for the Protection of National Minorities and its impact on Central and Eastern Europe”, Journal on Ethnopolitics and Minority Issues in Europe, ECMI, Germany.

³² The CE recommendations can be found: <http://www.humanrights.coe.int/media/documents/legal%20texts/recommendations.htm>.

Also recommendation 1201(1993) is an attempt at the definition of national minority.

³³ . <http://www.akti.hu/dokumentumtar/et/dok/angol23.doc>

³⁴ cf. Recommendations : No. R (97) 20 on hatespeak and No. R (97) 20 on tolerance.

³⁵ http://www.europarl.eu.int/comparl/libe/elsj/charter/report2002/art21_2_fr.htm on national and ethnic minority:

The studies, however, point out that EU does not deal properly with the problem though it would be necessary *a fortiori* to help improve the unsustainable developments by useful acts at the appropriate level. According to the reports EU would be the most suitable forum.

Another union level initiative is the – not obligatory – proposal of the committee on the protection of minors and human dignity.³⁶

European Parliament has dealt with the question only tangentially and in segments. Though the study by Livia Járóka is about the situation of Roma women but in its Point 22. there is a proposal formulated that a study should be prepared for the European Monitoring Centre for Racism and Xenophobia in Vienna about the stereotypes shown in the media as well as the social effects of hostility against the Roma.³⁷ The report starts out from the fact that Roma women have to constantly face a distorted image in the various media.

4. Non-Governmental Organizations

In March 2003 the organization *More Colour in the Media* published the results of a research on the relationship between ethnic groups and the journalists of electronic and non-electronic press as well as multicultural media.³⁸ The research was published on the occasion of the European Day of Media Monitoring³⁹

The essay deals mainly with ethnic minorities, but immigrants, refugees, discriminated persons are frequently mentioned together with ethnic minorities, thus diminishing the accuracy and usability of the research. Since it is not the aim to repeat the findings of the Research only mention is made of it; notwithstanding it is worth to point out some details.

<http://www.europarl.eu.int/comparl/libe/elsj/events/hearings/20050425/policy-department.pdf> .

³⁶ 98/560/EC Recommendation on the protection of minors and human dignity in audiovisual and information services.

³⁷ European Parliament, Járóka-report: The situation of Roma women in the European Union. 2005/2164 (INI) 27. April 2006.

³⁸ MCM: Challenge of Reporting Diversity Sparks Dialogue Between Journalists and Ethnic Groups To Improve Media Quality, 2003

³⁹ Jessika ter Wal: Quantitative analysis of daily press and TV contents in the 15 EU Member States, March 2004. European Research Center, Utrecht University

Among the news items investigated 11% dealt with the so-called basis group. This 11%, however, has shown extreme distribution of examples of describing crime and political-governmental news.

In general the authors found that the majority of the items described as 'routine-news' dealing with minorities were more frequently introduced with negative and conflict content, with remarks on religion and on crime and demonstrations than in neutral and factual presentation.⁴⁰

Negative description of minorities was also much more frequent than that of the inhabitants of certain areas of the country; ethnic and national minorities were put more in the focus by the media when dealing with questions of religion and denomination. The ideas about minorities is formed on similar lines, the everyday matters of the given minority hardly ever are presented in the media, and if they occasionally are, it is generally without the inclusion of members of the minority thus not allowing them to express their own opinion. Tabloids present more frequently members of minorities than quality papers.

One of the most important data in the essay is that in case when the members of the minority were protagonists of the story they were quoted at 36% while the proportion of quotation in the case of majority persons was 52%.

Referring to the CE framework several NGO point out – at least about Central Europe – the ambiguous role of the media.

As Kinga Gál has referred to the situation in her essay (Gál 2000), it gives cause for concern that the media frequently presents negative stereotypes and hate speak and politically incorrect opinions are also reproduced in the papers. In spite of the fact that both the CE framework and international legislation interdict it is a frequent occurrence in the media.⁴¹

⁴⁰ Ibid. pp 4-6.

⁴¹ Gál, Kinga (2000), „The Council of Europe Framework Convention for the Protection of National Minorities and its Impact on Central and Eastern Europe”, p. 11. ff.

II. National practice

1. Romania

1. *Minorities in Romania*

There are 18 ethnic and national minorities in Romania, of which Hungarian is the most populous, followed by Ukrainian, German and Russian minorities.⁴²

The 1991 Romanian constitution provides several minority rights for the minorities living in the territory of Romania; among others the right to national identity is set down in Article 6., or the right to use their national language in court in Art. 127.

The enforcement of the above guarantees, however, poses problems. The 1995 education law and other legislations, e.g. No. 36/1997 in spite of its alleviating effect, restrict the success of minority rights.

The media appearance of minorities is not free from various influences either.⁴³

2. *The situation of the media*⁴⁴

Before 1989 electronic media meant just a couple of hours emission of *Caușescu*-propaganda per day; that has considerably changed since then.

The Romanian media can be characterized by the influx of international capital, regulations on the lines of the EU requirements – or at least making efforts in the direction – and independence delineated by laws. The pluralism of media by diversity could be considered ensured.

At closer examination, however, it is apparent that the actual broadcasting does not always correspond to the requirements set down in the regulations and reflect the interference of political and economic interests.⁴⁵

⁴² *Recensământul populației și locuințelor* [Census, National Office of Statistics Hivatal], March 2002. <http://www.insse.ro/rpl2002rezgen/14.pdf>

⁴³ In addition there is the National Audiovisual Council's decision of making compulsory the dubbing of minority languages into Romanian.

⁴⁴ Berry, D., „The Romanian Mass Media and Cultural Development”, Ashgate, 2004

⁴⁵ Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p. 1235.

The public service television (*Societatea Romana de Televiziune - Romanian Television Broadcasting Cooperation, SRTV*)⁴⁶ has remained informative and satisfying educational aims but this cannot be stated of the commercial broadcasters. These prefer to show the 'non-events', news that do not meet the interest of the wide audience but that are violent and eye-catching programs. The commercial broadcasters justify it by claiming that this is what the audience wants and this is what is profitable.

Media culture is characterized by the so-called '*berlusconisation*', i.e. the media owners are politicians and business- persons in increasing number who want to gain fame that way.

There is a special law regulating public television.⁴⁷ This rules that the service providers have to assure the pluralism and freedom of information and have to provide accurate and fresh news. There are other objective requirements the broadcast programs have to comply to: balanced information, the observation of the Romanian cultural values, the social, democratic and ethical preservation of and respect for minority rights.

3. Regulations

The sole legislative authority of the audiovisual service market is the *Consiliul Național al Audiovizualului (CNA)* [National Audiovisual Council]. Since the 1992 creation of CNA it is responsible for both for public and commercial television activities.⁴⁸ The operation of the services is set by the audio-visual law,⁴⁹ where Art. 10 defines the tasks of CNA.

Such a task is, among others, the assurance of pluralism. The IGCTI [national authority of telecommunication] is responsible for monitoring whether the broadcasters satisfy the requirements as well as starts the permit procedures.⁵⁰

⁴⁶ Its most popular station is TVR1, earlier Romania 1.

⁴⁷ Law no. 41/1994 on the organisation and operation of the Romanian Radio Broadcasting Corporation and of the Romanian Television Broadcasting Corporation, last amended by Law 124/1998. Monitorul Oficial 636 of

⁴⁸ Act 48/1992.

⁴⁹ Act 504/2002, Monitorul Oficial No. 534, 2002. július 22.

⁵⁰ Act 510/2004.

It is CNA, however, that issues the broadcasting permits. Among the exactly defined requirements there is the important point for minorities i.e. in addition to the presentation of Romanian national culture and language, the languages of minorities should be respected too.⁵¹

In case of illegal practices that are contrary to the permit decision of the media authority, CNA can decide within the limits assured by the Audio-visual law both in the case of public and commercial television. Serious offences can be punished by fines or by the withdrawal of the permit.

Withdrawal of the broadcasting permit can be the consequence if the service provider 'repeatedly instigate hate against the nation, ethnics or religions'. What really is meant by 'repeatedly' is not explained in the law.⁵² The decision can be repealed by the court and could appear even before the Supreme Court.

In 2002 CNA withdrew a Bucharest licence on the grounds that it broadcast a talk-show where there were serious insinuations in connection to the leaders of the governing party. The invited guests made discriminative, anti-Semitic remarks thus offending public interests and instigating xenophobia. In its decision CNA referred to the 1989 CE guide-line for 'television without borders' and declared that the role of talk-show moderators should be regulated in a way that they should dissuade participants from making remarks conflicting with any of the legislations.⁵³

There are several guide lines for SRTV (TVR) but this kind of over-regulation does not apply to the commercial broadcasters.

Regarding the accuracy of news, the decision CNA 40/2004 is the one to define the conditions of how the public should be informed.⁵⁴ The statute for journalists of SRTV contains guidelines for exact and objective information, forbidding the manipulation and misinformation of the public.

⁵¹ 146/2002 decision of CNA.

⁵² www.cna.ro/english/legislation/law402.html

⁵³ Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p. 1253.

⁵⁴ CNA Decision no. 40/2004 concerning the necessity to ensure that the public is correctly informed, Monitorul Oficial 234 of 17 March 2004.

4. *Academia Catavencu*

Academia Catavencu was founded in 1991. It is a non-profit organisation with the aim to fight against misleading information. It is the publisher of the most popular satirical weekly which has the task to monitor nationalist, anti-tolerant pieces published in the national press.

The achievement of this initiative is the increase of the number of programs that broadcast talks with leading journalists, educating in the art of writing articles on national and ethnic minority questions.⁵⁵

2. Slovakia

1. Minorities

In Slovakia the largest minority group is that of the 570000 – 600000 Hungarians representing more than 10% of the total population. Since there has been no harmonious relationship between Hungarians and the political elite, there is little relevance in the role of the media, there is no national reconciliation in Slovakia and there are many who have negative feelings toward the Hungarian minority.⁵⁶

Art. 12. §2. of the Slovakian constitution⁵⁷ declares the prohibition of discrimination; that means the prohibition of discrimination based on nationality and origins in accordance with the international formulations. Arts. 33. and 34. contain regulations dealing with national and ethnic minorities but there no special mention of broadcasting.

2. Media and regulations

In reference to the written media, it is worth mentioning that several sources and studies have reported the media opinion that certain

⁵⁵ <http://www.minorityrights.org/Admin/Download/pdf/MediaCEEuroWR.pdf>

⁵⁶ Bakker, E. (1998), „Growing Isolation : Political and ethnic tensions in the Slovak Republic”. In. <http://www.nhc.nl/hm/1998/vol1/Bakker98-1.pdf>; and M. Kusy, (1996), „Minorities and regionalization in Slovakia: regionalization as a solution for the Hungarian minority issue in Slovakia”, in: Helsinki Monitor, no. 1. 58-64. old.; Paul, E.P. (2003), „Perception vs. Reality: Slovak views of the Hungarian Minority in Slovakia”, Nationalities Papers, Vol. 31, No. 4, pp. 485-493.

⁵⁷ No. 460/1992 Coll., full text: No. 135/2001. Coll

Hungarian events could even cause war; thus they are feeding aversion in the Slovakian public against the Hungarian minority.⁵⁸

The 1991 law on broadcasting and program services discontinued the state monopoly in the field and made the creation of a market with multiple participants possible. The major legislating authority is the Council for Broadcasting Services appointed in accordance with the law. The Office of telecommunication, the Slovakian tender authority and the cultural ministry are also participating in the regulations.

Of the above-mentioned organizations the ministry is at the head of the hierarchy and is responsibly for the monitoring of minority rights.

In Slovakia *Slovenska Televizia*, public television, has two stations STV1 (*Jednotka*) and STV2 (*Dvojka*); in addition there are several commercial stations too.

Slovakian media in general try to keep contact with the minorities through regular programs and aims at the strengthening the integration of national and ethnic minorities.

Considering its special role, public television has to keep in view both the media law and the directives of STV, as well as the so-called agreements. Such a document is the charter of news and actuality,⁵⁹ which contains guidelines how to present certain news and what standards should the broadcasters aim at. Such principles are: humanity, un-biased presentation and maximal ethic content.⁶⁰

For the management of the various minority problems, Chapter 5. of the charter contains regulations concerning the media representation of national and ethnic minorities. The charter also offers detailed legislation for broadcasting - and its minority and racist contents – that threatens with reprisal for the instances of programs disregarding the regulations of the charter.

⁵⁸ Paul, E.P. (2003), „Perception vs. Reality: Slovak views of the Hungarian Minority in Slovakia”, Nationalities Papers, Vol. 31, No. 4, p. 488.

⁵⁹ STV, Charta spravodajstva a publicistiky, (Charter for News and Current Affairs Programmes), cf.: www.stv.sk/files/FUSellXoQf.pdf

⁶⁰ Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p.p. 1432-33.

Besides the charter there is another document on the content of services, the statute of news and actualities⁶¹ based on the similar document of the BBC. The members of STV are to work according to the statutes, those who offend against it could be dismissed.

§15. of the law on broadcasting and program services is about commercial stations, but it contains no regulations on national minorities. §15 is about the content of the programs and the freedom of reception, that interference is only possible within the limits of the law.

3. Slovenia

1. Minorities

In Slovenia there are officially two accepted national minorities: Hungarian and Italian, and one ethnic: Gypsies.⁶² There are many other groups too: Bosnian, Serb, Croatian, Albanian but since their presence is the outcome of the wars in Yugoslavia, unlike the Hungarian and Italian minorities they do not have historically and constitutionally defined rights. According to the 1991 census 12% of the 2 million inhabitants belong to minorities, of these only 14000 are Italians and Hungarians.

The accepted groups have wide range rights well defined in the constitution; they are referred to as *autochtonos*⁶³, in Slovenian public parlance as ‘classic or indigenous minority’, i.e. who were present in Slovenia before the Yugoslav wars.⁶⁴ Their rights are reinforced by Arts. 3. and 6. of the radio and television law.⁶⁵

⁶¹ STV, Pravidlá spravodajstva a publicisticky v Slovenskom rozhlas. (Nem publikus) Lásd: in. Monitoring Reports: „Television across Europe: regulation, policy and independence”, 2005, Open Society Institute, Network Media Program, Vol. 3, p. 1435.

⁶² The Commission of European Communities’ 2002 Regular Report on Slovenia’s Progress Towards Accession (2002, 27); OSI (2001. 495, 528).

⁶³ Meaning “indigenous”

⁶⁴ Tania Gosselin: Minority Media in Hungary and Slovenia – a comparative assessment. The Peace Institute, Ljubjana, 2003, p. 6.

⁶⁵ March 29.1994. Modified in 1999 and 2001.

2. Media and minorities⁶⁶

The media are mostly in private hands but the 1994 law did not satisfactorily regulate the problems caused by the rapid privatisation, though the problems show a tendency of lessening in time.⁶⁷

The Slovenian approach to the minorities depends on who they are. There is hostility against the ‘new’ minorities that is partially due to the way they are treated by the media.

A survey has pointed out the so-called ‘country origin’ and the questioning of the values of the majority society have aroused prejudice against the fairly populous ex-Yugoslav minority arriving to Slovenia.⁶⁸ The survey collected articles published in a daily paper where these minorities were mentioned as ‘southern thieves’ or ‘southern package’.

The situation of the national media could stand as a model to other countries as the relatively small Hungarian and Italian groups have impressive rights.⁶⁹ Besides Slovenia supports the creation of non-commercial media that are important for Slovenian minorities living in the neighbouring countries and also for the various minorities living in the territory of Slovenia.

3. Regulations⁷⁰

Media are regulated according to the 2001 media law.⁷¹

The Cultural Ministry, the authority for the distribution of broadcasting rights and the Post and electronic communication agency (APEK)⁷² are the major authorities overseeing the regulations. APEK started its operations in 2001 and is responsible for the enforcement of the statutes of the media law. To its wider competence belongs the insurance of cultural and linguistic pluralism too.

⁶⁶ Hrvatin, S. et Milosavljevic, M. (2001), „Media Policy in Slovenia in the 1990s”, Mediawatch Series, Peace Institute.

⁶⁷ Petkovic, B. et Mocnik, R. (2000), „Country Reports on Media”. http://www-gewi.kfunigraz.ac.at/csbsc/country_reports/Media_Slovenia.htm

⁶⁸ Tania Gosselin: Minority Media in Hungary and Slovenia – a comparative assessment. The Peace Institute, Ljubjana, 2003, p. 8.

⁶⁹ Cf. Art. 52. of the Slovenian media law.

⁷⁰ Open Society Institute Network Media Program, „Television across Europe: regulation, policy and independence.”, Monitoring Report, 2005, pp. 1475-1537.

⁷¹ Uradni list Republike Slovenije no. 35/2001.

⁷² www.apek.si

4. Poland

1. Minorities⁷³

Poland's national – ethnic composition has always been multi-coloured. Till 1939 Central Europe's largest Jewish diaspora lived there, and also Ukrainians, Belarus, Germans, Roma and other minorities; the 35% of the population had claimed to belong to a minority. The proportions greatly changed during WWII. And the Polish majority grew to 95%. The anti-Semitist policy that was characteristic of the period of cold war was only closed after the change of regime and since the beginning of the 1990s a multicultural model has been accepted.

Today only 2-3% of the 38 million inhabitants belong to minorities: Ukrainians, Belarus, Germans, Roma form the largest groups.⁷⁴

2. Media

In the last decade Polish, Lithuanian and Latvian media underwent significant changes. The communist centralized media has been disintegrated replaced by multi pole media; censorship is not perceivable either. The media have a great influence upon the structure, development and definition of public opinion. Though it is obvious that media are getting independent of central authorities, the role seeking of the political elite is still there, i.e. mass media have remained politically coloured and motivated in these countries.⁷⁵

As the characteristic tendency of the 1990s, the leaders of the various minority groups tried to vindicate the interest of their own group in the media that the news should not be merely 'about' them but 'together with them' thus making the first steps towards acceptance and acknowledgment.

In Poland the relationship between minorities and mass media has been fairly superficial. Compared to the situation before the war

⁷³ Klimkiewicz, B. (2000), „Participation of ethnic and national minorities in the public sphere: media policy for Poland”, CEU-CPS-OSI paper.

⁷⁴ Klimkiewicz, B. “Ethnic Minorities and Media in Poland: Democracy Without Advocacy?” http://www.idsnet.org/Papers/Communications/BEATA_KLIMKIEWICZ.HTM

⁷⁵ Sparks, C. *et* Reading, A. (1998) „Communism, Capitalism and the Mass Media”, London, Sage Publications, p. 156.

the greatly reduced number of minority groups play lesser roles in the media market resulting in their marginalization, thus the media became mono-cultural; it in turn contributed to the stereotyped and prejudiced presentation of the minorities.

Today the proportion of the presentations in minority languages is on the increase but similarly to other East European countries, their media presence is limited.

The media policy and the attitudes toward minorities of the years following the change of regime has been accurately represented by the 1991 case of the Mława Roma Minority.⁷⁶

Several essays have underlined that the national minorities are under-represented in the Polish mass media; their presentation is distorted and stereotyped in a way that could instigate intolerance toward them in the audience.⁷⁷

Even today it is a problem that the media with conservative disposition tends to display anti-Semitist, racist and xenophobic attitudes.⁷⁸

There is an in-depth media analysis by Klimkiewicz who besides a detailed description of the minority situation in Poland has offered solutions as well. The study prepared for the Open Society Institute proposes wider range of legislation, well thought out media culture, equal opportunity, professional guide lines and multi-cultural reports in the programs.⁷⁹

3. Aims and the insurance of the minorities public appearance⁸⁰

Certain essays point out that the Polish media policy has a 'minority sensitive' role.⁸¹ They stress that the basic principle of meeting the requirements of minorities sometimes are overshadowed by other

⁷⁶ Klimkiewicz, B. (1999), „When the media make a difference: comparing two European race crimes”, OSII-IPF Policy Papers

⁷⁷ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁷⁸ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁷⁹ several essays are available: www.policy.hu

⁸⁰ Klimkiewicz, B. (2003), „Media policy for ethnic and national minorities in Poland, Czech Republic and Slovakia”, CEU-CPS-OSI paper.

⁸¹ Klimkiewicz, B. (2000), „Participation of ethnic and national minorities in the public sphere: media policy for Poland”, CEU-CPS-OSI paper.

equally important and from the public's point view more appealing principles of media policy. Thus there is not enough attention given to the representation of minorities in the production of the programs and in the execution of program administration is the appearance of minorities insufficient.

Similarly the hate-less, segmented and extremist presentation, an important consideration in program edition can similarly be marginalized, and it can be the result of the disproportioned presentation of minority members.

The lack of legal regulation, the weakness of media specific regulations beyond the rulings of the constitution, could lead towards anti-tolerant public politics and the strengthening the defence against anti-discrimination.

5. Germany

1. Minorities

Germany, in contrast to the earlier colonist states, has not suffered such waves of immigration as the UK or France, where masses of people arrived from the earlier colonies in the post-war years.⁸²

The first more numerous immigrants started arriving at the end of the 1950s when mainly Turkish guest workers were recruited. They were followed by Italian, Spanish, Portuguese and Greek guest workers, though smaller in number but just as determined.

According to the original plans the first groups of guest workers should have remained for 2-5 year periods in Germany but due to various economic and political reasons, as it is well known, it happened differently. The workers nonetheless arriving for a short

⁸² Exceptions are the so-called 'Ostgebiete' the migrants from the earlier 'eastern German territories', i.e. from regions of Poland and ex-Soviet Union to the earlier West Germany. There were cca. 5 million migrant; their was not an immigrant status based on nationality. Thränhard, D. (2001), „Einwanderungsland Deutschland – von der Tabuisierung zur Realität”, In: Ursula Mehrländer et Günter Schulze (eds.) *Einwanderungsland Deutschland. Neue Wege nachhaltiger Integration*. Bonn, J.H.W. Dietz Verlag

term, brought their families with them and settled down after 1973 when the official recruiting stopped.⁸³

From 1990 on there started a new kind of immigration. Though the German public and the current political elite were reluctant to admit that Germany became a country of migration, new waves of immigrants arrived with different backgrounds and characteristics. After the dissolution of the Eastern block many Polish, Ukrainian and Russian workers arrived to the territory of Germany followed by those seeking a new country. The number of country seekers was increased by the influx of refugee groups fleeing from the Yugoslav wars.⁸⁴ The pressure of European politics and the changed German political thinking altered the traditionally narrow-minded political attitude to a policy willing to integrate immigrants.

Today the largest group of national minorities is that of the Turks with 7 million people.⁸⁵ The majority of the members of the group have preserved their original culture in their way of life, dressing, language and religion; many of them cannot speak German sufficiently or not at all. Other populous minority groups are that of Italians, Greeks, people from the Yugoslav successor states and there are also Polish and Russian minorities.

2. Media

In the light of facts treated above the German media are highly differentiated. There is the characteristic 'multi-cultural ignorance' on the one hand, but on the other the target groups are missing or cannot be identified since the majority of the earlier first – second – third generations of immigrants still continue to collect their information through the media of their original country.⁸⁶

⁸³ Mahnig, H. (2001) „Ist Deutschland wirklich anders?“ Die deutsche Integrationspolitik im Vergleich. In: Edda Currele, Tanja Wunderlich (eds.) *Deutschland – ein Einwanderungsland? Rückblick, Bilanz und neue Fragen*. Stuttgart, Lucius and Lucius

⁸⁴ Raiser, U. „Mapping minorities and their media: The national context – Germany”, Humbolt University, Berlin, pp. 2-7.

⁸⁵ According to other sources it is less, together with the Kurds about 2 million. These are not representative counts and mainly refer to Berlin. Raiser, U. „Mapping minorities and their media: The national context – Germany”, Humbolt University, Berlin. Pp. 14-15.

⁸⁶ Goddar, J. (2001), „Kontakt der Kulturen” *Journalist*, Vol 8, 10-13. o

The German media – as is the general tendency – presents individuals belonging to minorities in negative contexts, criminal cases, scandalous incidents in radio and television or discuss them in connection of the problem of over-population. The media strengthen negative stereotypes where the fact might play a role that in Germany the immigrants enjoy higher level of social and health service than anywhere else. The immigrants are frequently introduced as a danger for the German citizens and a hazard for the German unity.

Reports on gastronomic, sports and cultural events belong to positive minority presentations but these are few and far between.

In the 1980s and 90s especially the written media tried to optimize the relationship between Germans and immigrants by depicting the guest workers in a sympathetic way thus lessening the dangers of racism, though the segregation could not have been stopped.

3. Regulations

Art. 3. of the *Rundfunksaatsvertrag*⁸⁷ [Interstate broadcasting agreement] regulates the kinds of broadcasting that are to be avoided and also what are the special requirements of the protection of minors.

In this sense Art. 1. prohibits the broadcasting of such programs that can raise hate against segments of the population separated according to nationality, i.e. minorities.

Since the sphere of authority has been divided among the 16 *Länder*, the above mentioned *Rundfunksaatsvertrag* defines the cooperation between the member states. Thus *Bundesverfassungsgericht* is the sole authority of the orientation of the program services.

The German ‘media regulations’ consist mainly of the decisions of the *Bundesverfassungsgericht*. In every member state the program services have their own ethic codes but these are usually too complicated and none of them has rules against the eventual violation of minority rights.⁸⁸ In the case of the violation of *Rundfunksaatsvertrag*, there are certain persons who are entitled to carry the case to the *Bundesverfassungsgericht* whose final verdict has binding force.

⁸⁷ August 31.1991. Third amendment: between August 26. and September 11. 1996

⁸⁸ Private information.

6. Lithuania

1. Minorities

About 18,5% of Lithuania’s population has declared to belong to a minority. There are 109 various ethnic or national minorities, of which the largest groups are Russian, Polish, Belarus, Latvian and Ukrainian.

The central problem in Lithuania is how to exclude xenophobia and feelings against otherness. Lithuanian media have a tendency to strengthen the attitudes against minorities that is indirectly influenced by their under-representation in mass-communication.

2. Media and minorities

Though several slogans give the impression that many of the minorities are getting on well, it is not entirely true. As in several post communist states there is xenophobia, intolerance and hatespeak in connection with the minority groups in Lithuania too.⁸⁹

It can be said about the great number of minorities that the media is responsible for their invisibility and for the broadcasting of one-sided stereotypes. In the news, reports and actual political pieces the audience can unmistakably recognize the hidden xenophobia.

The so-called ‘bad news’, i.e. news about criminal activities committed by minority members, are presented in greater numbers than any other type of news. Much less attention is paid to such topics about minorities that would treat their bad social situation, problems and difficulties in job seeking as a result of prejudices against minorities.⁹⁰

The image given of the Russian minority, the largest of the groups, can exemplify the ambiguity of media presentation: on the one hand they are depicted as active participants of the social life, interested in local and national political matters, on the other as people serving a

⁸⁹ Nausėdienė, I. and Kadziauskas, G. (2001), “National Minorities Situation in Lithuania: Declarative and Real Prospects,” in. Charles du Vinage, (ed.), Promoting Tolerance on Local and Regional Level in Central, South Eastern and Eastern Europe (Promoting Tolerance Series no. 4), pp. 30-36.

⁹⁰ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

foreign power and economic life; moreover, just as in the case of the Roma, if thereport was about some crime committed it is immediately added that the culprit was Russian.⁹¹

The Polish minority has not to face such difficulties; it is their claim to independence, special rights and privileges that are more frequently mentioned.

The situation has considerably changed since the initial difficulties of the times after the change of regime, though it is still a fact that the Lithuanian media keep presenting members of minorities as socially insensitive and unacceptable beings whose opinion is rarely considered even in the programs expressly made about them. The shortcoming can be noticed in the lack of the presentation of alternative, manifold cultural diversity.⁹²

It should also be mentioned about the national media that there are several printed material published in Russian, Polish and other national minority languages. The Lithuanian television (*LRTV*) has daily and weekly broadcasting of minority programs.

3. Regulations

The law regulating the operation and status of television was accepted in 1996.⁹³ It is characterized by the wish for pluralism and politics-free meaningful information. §34. deals with the national minorities but only as far that the Lithuanian media authorities have the right to decide what programs could be broadcast in a minority language; it does not mention what happens when the members of a minority are presented in a negative light..

⁹¹ Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁹² Minority Politics, mass media and civil society in Lithuania, Latvia and Poland, Research Paper, <http://www.policy.hu/tereskinas/Research2002.html>

⁹³ I-1571 tv. October 8.1996.

7. France

1. Minorities

France is a multi-cultural country with numerous non-French inhabitants. Its origin lies in the geographical structure and the economic situation of the country as well as in its colonist past.

There are no exact counts of non-French citizens in France itself and in the territories belonging to it, because INSEE, the national office of statistics and economy does not record the inhabitants according to ethnic or national basis; the census requires only the place of birth. According to the French civil penal code it is illegal to obtain and keep information about national and ethnic origins.

According to the 1999 census there were 3,26 million foreigners and 4,3 million immigrants, that was then cca. 1,5% of the total population. Between 1990 and 1999 the

increase of the proportion of immigrants was the same as the proportion of the population increase itself: 3%.⁹⁴

2. Media ⁹⁵

In general national minorities are not satisfactorily represented in French media.⁹⁶

The results of one of the in depth analyses⁹⁷ reveal that the media presence of those of non-French origin is negligible in proportion; they appear infrequently as guests in the programs. However, there exists an 'immigrant image' in the media without the members' personal appearance to be able to express themselves thus the image is inevitably distorted.⁹⁸The minorities mostly appear in the news that are about joblessness, violence, deviations, drugs; about the sense of safety of the population and violence in the outskirts of cities.

⁹⁴ „Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies”, Project supported by the Council of Europa. 2002, p.321.

⁹⁵ Open Society Institute Network Media Program, „Television across Europe: regulation, policy and independence.”, Monitoring Report, 2005, pp. 642-727.

⁹⁶ Cf. CIEMI report 1991, Paris (Perotti)

⁹⁷ CIEMI report 1991, Paris (Perotti)

⁹⁸ „Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies”, 2002, p. 324.

There are news on immigration, mass-information about minorities but the members of such groups themselves seldom appear in the programs to present their own opinion, the portraits are thus lacking in social reality.⁹⁹

3. Regulations

*Conseil Supérieur de l'Audiovisuel (CSA)*¹⁰⁰ created in 1989 is responsible for the distribution of broadcasting licenses and frequencies and has also a say in the editing of programs. It is also responsible for the enforcing of the basic principles of program editing, for the quality of the programs and monitors the practice of free competition and equal treatment. Besides the protection and propagation of French culture it is also responsible for the 'protection' of minors as far as the media are concerned.

Egalité Collective created in 1989 is responsible for the better representation of the so-called 'visible minorities'.

Since 1999 CSA and *Égalité* started dealing with the media representation of minorities on joint interviews¹⁰¹ and set down several points for the plan of improvement. Among the aims was to stop degrading and humiliating presentations.¹⁰²

The initiatives led to the preparation of a follow up paper of the 1991 CIEMI representative survey.

The paper contains among others, the following important points: of the minorities 'Africans' had appeared most frequently in television. The author drew the conclusion that in France minorities were much less represented than e.g. in the USA the members of minorities – African-Americans, Hispanics, etc. – appear in about 6% of the total of programs.

⁹⁹ The first program was created in 1975, *Immigrés parmi nous*, followed by the program *Mosaïques* in 1976 on France 3. Then *Rencontres, Racines, et Relais*, followed by *Premier Service*, and later *Saga-Cités*, all on France 3.

¹⁰⁰ Earlier Haute Autorité de la Commission Audiovisuelle (1982), and Commission Nationale de la Communication et des Libertés (1986) had similar authority.

¹⁰¹ In this context minority and visible minority are the alternatives of national minority.

¹⁰² Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies", 2002, 329 ff.

As a result of the study the 'appeals for tenders'¹⁰³ have been changed both for the new and old services. From then on the applications for program service had to contain the description of how the station intends to help developing the relationship between integration and the citizens, with consideration of the richness and diversity of French culture.

In 2000 the station Canal+ signed a declaration of intent stressing the diversity of the national community and that the station would consider the principle in the editing process of the program.

The tenders for the public channels are regulated since 2001; its Art. 2. has ruled that the French television should strive for reflecting the diversity characteristic of French society.¹⁰⁴

That even today the situation is far from being perfect is shown by the fact that *The Tocqueville Connection* announced on the internet at the end of November 2005 that President Jacques Chirac had promised to do everything to improve the minority representation and therefore the statute of CSA should to be modified.¹⁰⁵

On the website of CSA the statues of several channels are accessible but practically none of them deals with the representation of minorities, neither with the remedy for the situation.¹⁰⁶

In 2001 CSA could achieve some change in connection with the distribution of permits that made compulsory even for private channels, e.g. *TF1, M6, Canal +*, to reflect the national cultural diversity.¹⁰⁷ In January 2004 *France Télévisions* published an action plan supporting the better media presentation of the minorities of France.

¹⁰³ *Cahier des charge*

¹⁰⁴ „Tuning into diversity. Immigrants and ethnic minorities in Mass Media. Representation and Policies”, 2002, p. 335.

¹⁰⁵ That the problem was not solved is proved by: http://www.csa.fr/actualite/interventions/interventions_detail.php?id=5903&chap=41; and http://www.csa.fr/actualite/dossiers/dossiers_detail.php?id=33958&chap=2727;

¹⁰⁶ of the statute of Canal+, Arts 8.-22. dealing with the diversity and correctness of opinion. Cf.: http://www.csa.fr/infos/textes/textes_detail.php?id=8559

¹⁰⁷ Diversité culturelle et culture commune dans l'audiovisuel. Avis à Monsieur le Premier Ministre”, Paris, 17 March 2005, cf.: www.premier-ministre.gouv.fr/IMG/doc/Avis_HCI_audiovisuel.doc; and. Open Society Institute Network Media Program, „Television across Europe: regulation, policy and independence.”, Monitoring Report, 2005, p. 696

4. The relevant decisions of CSA

The French media authorities made the following decisions in favour of the media representation of minorities:

Decision 2004-526 of CSA against *Lebanese Communication Group SAL*.¹⁰⁸ In this decision the CSA declared invalid the service agreement between the Supreme Council of CSA and the firm because in one of its programs the latter violated the Art. 15. of Law No. 86-1067. September 30.1986 on the freedom of speech.¹⁰⁹

Art. 15. of the above law rules that one of the tasks of CSA is to make certain that the programs broadcast in radio and television do not contain elements instigating violence or hate against gender, religion, race, morals or nationality.

The Articles of the agreement – including the above legislation – are ruling that the servicer of the program must see to it that there should not be any elements that would instigate against groups or in any way cause tension in Europe or France.

CSA condemned the television *al-Manar* because in December 2004 its announcer when reading out the news included information about Israel allegedly committing crimes against humanity adding that in order to suppress the news prohibited their broadcasting. CSA decided that the broadcast of *al-Manar* was mystification with biased intent and anti-Semitic content thus it violated the above described regulations.

CSA ruled that the servicer's statement in the news had to be unfounded since there was no international legal case against Israel for such an incident.

Another similar decision of CSA was made in February 2005. In December 2004 CSA raised objections against the serial *For you, blue Palestine or eyes of Zahra* of the TV station *Sahar1*.¹¹⁰ The authorities objected the contemptuous depiction of Israelis as persons who are money lenders, sceptics and scratch out children's eyes.

¹⁰⁸ www.csa.fr/actualite/decisions

¹⁰⁹ the law was published in the French Gazette 1. October 1986. The law has been amended several times; Art. 15. was added to Laws No. 89-25 and 2000-719. CSA has several similar decisions, e.g. 17. December 2004 *Saprodif-decision* (Mediterranean FM).

¹¹⁰ For the violation of Arts. 1, 15 and 33-1 of law September 30. 1986.

The situation was aggravated by the broadcasting of another serial with accusations against the Rotschild-family that they are involved in the centuries old conspiracy led by rabbis and leading Zionist politicians. The serial depicted Jews as collecting the blood of non-Jewish children for the preparation of their unleavened bread.

The CSA decision was facilitated by the fact that *al-Manar* had already been condemned for this program because earlier it was the cause of serious dissatisfaction and social disapproval in France.

It was also held against the station that in its program "*The World in question*" there appeared a certain Mr Faurission, a French historian, who was allowed to present his opinion denying the occurrence of holocaust without anyone stopping him or questioning his statements.¹¹¹

The above decisions are exemplary in media policy as open confrontations in favour of ethnic and national minorities do not occur frequently.

Conclusion

The analyses of the practice of the countries in question offer the conclusion that in Europe there is no uniform practice to remedy the problems raised by the media representation of national and ethnic minorities

The example of the countries and international organizations presented in the above analysis as well as their long standing practice have proved that the media authorities with the right of regulation prefer to keep away from the question and even their guidelines treat it only too carefully.

The French example allows the conclusion that the problem concerning national and ethnic minorities could and should be satisfactorily solved. The example of CSA also shows that the successful and effective remedy could be entrusted to the media authorities. The

¹¹¹ It is noteworthy the historian had already been condemned by the French law court for violating the law on the freedom of speech for his statements that there were no concentration camps..

professional and executive bases are also given; however, it is impossible without effective and satisfactory concepts.

The considerable differences in the attitudes of the various member states prove that it is not the task of the EU to act out its role as a protective screen, but the media authorities of the member states themselves should find satisfactory solutions. In the 21st c. ORTT in Hungary could only be in the vanguard of tolerance if it sees to it that Hungarian program services should not have any free hand in meddling with conflict situations in the media representation of national minorities. There is a well spread term in international and European legislation: *soft law* and Art. 41. § (1) j) of the Hungarian Media Law is a good background for the scenario.

Minority politics and minorities rights

Judit Tóth

**Cultural Rights of Minorities in Hungary
on the ground of international undertakings**

Abstract

The author analyses the human rights obligations of Hungary undertaken concerning the cultural heritage, language and identity of ethnic or national minorities living in the country. These undertakings and pledges made in universal, regional and bilateral agreements are differentiating substantially and in the administrative competences from the national laws on minority rights protection. Hence the article describes the hardly applicable international undertakings due to the absence of stable, clearly structured implementation system in the public administration. In particular, the implementation mechanism of bilateral minority protection agreements (concluded with Ukraine, Croatia, Slovakia, Serbia-Montenegro, Romania, Slovenia) has been half-made in practice, so the Ombudsman for Minority Rights made numerous proposals how to improve it.

**1. The universal and regional documents on cultural rights
of minorities**

The structure and terminology of international public law protecting minority rights is self-contained, and domestic law in Hungary has been in harmony with the international undertakings only in part. Although the Constitution requires harmony inside the dualistic legal system of Hungary respecting legal obligations based on customary law or international treaties¹ this concurrence is neither automatic

¹ Art.7(1) of the Act XX of 1949 on the Constitution of the Republic of Hungary. Accordingly, the legal system of Hungary shall respect for the universally accepted rules in the international community and in treaties, and domestic law shall be in harmony with international obligations. Moreover, the Constitution differentiates national and international legal sources (dualism), so ratification, approval and

nor trivial. The Constitutional Court is entitled to annulment of domestic provisions at variance with international understanding or to determination a deadline to the lawmaking power to adapt implementing rules to international obligations.² While the annulment is an efficient instrument in harmony making, the legislation deadline set up by the Constitutional Court has been a “dull market”. For instance, the Parliament has been in an unconstitutional delay in legislation on how to compensate the frozen bank accounts of owners (descendants) during WWII despite of the international obligation (Peace Treaty) and judgement of the Constitutional Court³ - these together cannot enforce the legislative process. In this context the regular monitoring of the harmony and applicability of international commitments has not been developed yet in the field of minority rights. In the following pages a summary of existing controversies in substantial law and shortages in administrative, financial execution of international pledges can be read through certain examples in the contemporary Hungary.

1.1. *The European Charter for Regional or Minority Languages*

The document of the Council of Europe (1992) contains optional articles providing proper manoeuvring room for party states taking into account the locality and language usage of different minorities. At the time of ratification Hungary nominated the optional articles as undertaken obligations⁴ that have to be implemented since 1 March 1998. Furthermore, Hungary declared to implement the opted articles on the following languages: Croat, German, Romanian, Serbian, Slovak and Slovenian. In 2008 this undertaking was extended to

publication of international undertaking in accordance with an internal procedure determined in the Act LVI of 2005 is necessary in order to become it a part of the applicable legal provisions.

² Act XXXII of 1989 on the Constitutional Court

³ An example: the Act XVIII of 1947 (on the Peace Treaty in Paris, Art.29) requires an financial compensation for certain victims that has not been regulated. So the Constitutional Court's judgement No.37 of 1996, 6 September sets up this deadline up to 30 June 1997 – but in vain.

⁴ See the Act XL of 1999 [Art 8: 1. a) (iv), b) (iv), c) (iv), d) (iv), e) (iii), f) (iii), g), h), i), 2.; Art.9: 1. a) (ii), (iii), (iv), b) (ii), (iii), c) (ii), (iii), 2. a), b), c), Art 10: 1. a) (v), c), 2. b), e), f), g), 3. c), 4. a), c), 5., Art. 11: 1. a) (iii), b) (ii), c) (ii), e) (i), f) (i), g), 3., Art 12: 1. a), b), c), f), g), 2, 3., Art 13: 1. a), Art 14 1. a), b)]

Romani and Beas languages⁵ endorsing the Roma population to use their own language in private and public communication. The government responsible for the implementation of this undertaking interprets the subjects of this linguistic right for those who are members of the ethnic or national minorities by a domestic law⁶. Namely that persons who are Hungarian citizens belonging to an ethnic or national minority, because its definition includes a requirement for cohesion inside the minority community based on own culture, traditions and language having lived for at least for a century in Hungary (Art 1 of the Act LVII of 1993 on Rights of Ethnic and National Minorities). However, the European Charter has its own definition of subjects: persons speaking and using a regional or a minority language (differing from the official language or language spread in the whole population) regardless further conditions, such as cohesion in the community or citizenship⁷. Thus the government lumps the domestic and international definition on subjects together for a possible convenience. It means that certain members of the minority or regional language users living in the country have a right to refer to the Charter.

We can raise the question why the government has limited the rights from the Charter only for six and later to eight minorities while the Act 1993 provides wide linguistic rights for thirteen minorities.⁸ Was it its intention to discriminate the excluded seven or five minorities due to the content of undertaken articles and chosen

⁵ Art 2(2) of the Charter offers party states to extend the obligation that was published by the Act XLIII of 2008. However, we have to add that Romani (Lovari) and Beas languages have not been standardized, and about one third of the Roma people living in Hungary can understand one of those. Romani and Beas languages are totally different, each belongs to different language family although the text of declaration use the gathering term of “Roma language” misleading the reader. Majority of Roma population is not familiar with these languages replaced by Hungarian.

⁶ The first report on implementation in Hungary made to the Council of Europe in 1999. See <http://www.szmm.gov.hu/main.php?folderID=1165>

⁷ The Charter shall not be implemented on the languages of migrants and dialects of official language. In Hungary the language of all historical minorities fits to the (positive) definition of the Charter.

⁸ According to the Art 61 (1) of the Act they are: Bulgarian, Roma, Greek, Croat, Polish, German, Armenian, Romanian, Russine, Serbian, Slovak, Slovenian and Ukraine minority.

languages? Or just the opposite, whether the chosen languages required a preferential treatment in comparison to the other domestic minorities, because the non-preferential languages were not endangered in a high scale? Without arguments and assessment in linguistic rights for minorities on the grounds on different scale means discrimination in absence of reasonable and objective reasons. The charge of discrimination would refuse through extension of the implementation of the Charter to all thirteen minorities living in Hungary. In absence of this extension we have to conclude that *the government considers the Charter as an internationally monitored legal instrument that provides more rights for subjects of regional or minority language users than the Act 1993 so its undertakings shall limit in two ways: through re-interpretation of the subjects of rights and limit the circle of minorities*. This conclusion is supported by the three reports on the implementation submitted to the Council of Europe in 1999, 2002 and in 2007 that contains no comparative analysis in domestic and international obligations in linguistic and cultural rights. Furthermore, opinion has been shared publicly that domestic rights for language usage are not below the international standards but more beneficial⁹.

Furthermore, Part II of the Charter requires certain efforts from party states in legislation and supportive measures in favour of all existing (language) minorities regardless whether undertakings were extended or not to some of those (Art 7). Taking into the entitlement for flexibility towards the geographically not fixed language minorities (such as Roma's in case of Hungary), it covers on as follows:

a) the recognition of the regional or minority languages as an expression of cultural wealth;

b) the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

⁹ See the publications of Prof. Kovács, Péter as a member of the Constitutional Court, international legal expert who was the leading representative of Hungary in the Charter as well as in the preparatory team of the Framework Convention of the Council of Europe. Kovács Péter: *Nemzetközi jog és kisebbségvédelem*. Osiris, Budapest 1996. [International rights and minority protection]

c) the need for resolute action to promote regional or minority languages in order to safeguard them;

d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;

i) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

Part III of the Charter expedites measures to promote the use of the regional or minority languages in public life – including in justice, public services and public administration – on whose territory the number of residents who are users of regional or minority languages is justified by these measures. With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field (Art.12). Taking into account the list of optional articles from the Charter undertaken by Hungary, the contradiction between the Act 1993 and the international obligations is embarrassing. For instance, promoting measures were not pledged to be ensured that the bodies responsible for organising cultural activities have staff at their disposal that has a full command also of these languages concerned;

or undertakings were not covered on creation or financing translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language. At the time of the ratification of the Charter the Act 1993 entered into force, so a clear connection between the fundamental minority rights and the international obligations on language (cultural) rights of minorities undertaken by the state would have been determined; there was instead a vague reference difficult to read in the submitted proposal to the Parliament. Accordingly, the rate and locality of scattered minorities speaking in the protected languages can hardly be determined. For this reason, the geographical and numerical determination of minority language users has not been accepted as basis for necessary supporting measures. However, in absence of users' determination, Hungary – by a discretionary and arbitrary decision – opted certain articles to be implemented on six minority languages, and some years later those were extended to Romani and Beas languages.

Up till now these contradictions have not been criticised by the Committee of the Ministers (Council of Europe) reading the reports of the country.¹⁰In fact this forum concentrates on the opinion of the Committee of the Experts that could not perceive the arbitrary limitation of subjects of rights or indefinite regions although the implementation reports of the state gave increasing number of speakers of 12 national and one ethnic minority languages living in each county¹¹. The recommendations of the Committee of the Ministers in 2001, 2004 and 2007 – perhaps on the basis of these indicated figures – pressed

¹⁰ Recommendation RecChL(2007)4, Recommendation RecChL(2004)4, Recommendation RecChL(2001)4

¹¹ Annex 1 and Annex 2 without date and sources contains data on minority language speakers differing from the data indicated in census. <http://www.szmm.gov.hu/main.php?folderID=1165> For instance, accordingly, there are 99 597 and some years later 111 303 persons in Hungary who speak “language of Roma”. Or the given data on financial supports from the central budget to the minorities' cultural institutes are totally misleading because the costs of operation, management, project finance and reconstruction of the old buildings are merged. From the aggregated figures neither the rate of nor the absolute amount of direct budget expenditures to the minorities' cultural and linguistic rights can be recognised. In fact, even the trends cannot be assessed on the basis of the given figures.

forward a more effective promotion of the usage of Romani and Beas languages although extension of undertakings of Hungary happened only in 2008. Furthermore, these partly incompetent recommendations how to support bilingual teaching, usage of minority languages in public administration, at minorities' self-governments, in media and how to extend the responsibility of minorities' self-governments for cultural and education institutions may destroy the credibility and acceptance of the international body.

Notwithstanding these variances, the Ombudsman responsible for Minority Rights urges to extend the undertakings of the Charter to all thirteen minorities living in Hungary. “It is reasonable because progress in protection of language, cultural heritage would be regularly monitored and evaluated.”¹²

1. 2. UNESCO Convention on protection of diversity in cultural expressions

Hungary is a party state of the UN Convention (2005) that considers cultural diversity as a value.¹³This international document aims to improve the mutual respect for cultures as a precondition of democracy, social justice and good international relations. On the other side, it supports minorities' culture maintaining their own vitality. Art 2 of the Convention enlists the principles including the respect for human rights and liberties, cultural diversity, free accession to information and freedom of expression. The inter-governmental Committee monitoring the implementation of the Convention and the international Fund (Art 18) may contribute to the efforts of party states. Hungary also undertakes to apply the provisions in good faith and without subordination of other agreements or treaties (Art 20). It means that in absence of bilateral agreements on cultural rights in general or on minorities' rights protection this Convention ensures the legal basis for cultural dialogue with Hungary if that country is a party state in the Convention. This subsidiary position in law would upgrade the role of this less known Convention.

¹² Press release of the Ombudsman for Minority Rights on the summary of comprehensive investigations on minority rights in culture, 1 February 2010 www.obh.hu

¹³ Act VI of 2008 published the Convention (Paris, 20 October 2005).

Unfortunately the Act publishing the Convention contains neither detailed provisions on implementation nor its personnel and financial conditions. The only rule relates to the responsibility of the Minister of Culture and Education (Art 4(4) of the Act) in implementation without proper entitlements or conditions. Not surprisingly, the maximal effort of the Ministry is to set up a working group from its own staff inviting some NGOs in order to define the most urgent measures. For this reason the Ombudsman requires a standardized, co-ordinated executive and monitoring system by the government “taking into account the strong interests of the minorities in the Convention”.¹⁴

1.3. UN Covenant on Economic, Social and Cultural Rights

The implementation of the articles of the Covenant has deeper roots in Hungary implying the provision for non-discrimination also in cultural rights (Art 2).¹⁵ However, the last three decades were not enough to establish a formal preparatory and co-ordination system inside the Ministry of Foreign Affairs in order to standardise the reporting work in accordance with the Art.16 of the Covenant. Although its regulation was initiated recently internally it has not been adopted. Due to this absence neither organisations dealing with minority rights (self-government of national and ethnic minorities, NGOs, pressure groups), nor the public authorities in the country can participate in the preparations in substance and monitoring the progress of UN for recommendations. Hence a violation of transparent public power and minorities’ cultural rights is stated¹⁶.

¹⁴ Press release of the Ombudsman for Minority Rights on the summary of comprehensive investigations on minority rights in culture, 1 February 2010 www.obh.hu

¹⁵ The Covenant was published by the Law-decree 9 of 1976.

¹⁶ Press release of the Ombudsman for Minority Rights on the summary of comprehensive investigations on minority rights in culture, 1 February 2010 www.obh.hu

2. The bilateral agreements

2.1. About the Joint Committees

Hungary has concluded bilateral agreements with Serbia, Croatia, Slovenia, Romania and Ukraine in favour of minorities protecting (directly or indirectly) their identity and cultural heritage mutually in recent decades. According to the common scheme the implementation and monitoring of these agreements are based on Joint Committees setting up by the party states together. These bodies may adopt protocols and joint recommendations to the government in concern, so these documents well reflect the (weak) results and shortages in this international co-operation.¹⁷

The recent governmental report on the minorities submitted to the Parliament refers on Joint Committees: “In past years the joint committees dealing with minorities were meeting. Due to their efforts numerous developments were observed, such as opening of the Croat School in Pécs, the reconstruction of the Croat Christian Museum in Peresznye, setting up the statute of Sevchenko in Budapest, the opening the new building of the Romanian School in Battonya or the cultural project of Slovakian House in Pilisszentkereszt.”¹⁸ This report mentions neither financial hardships in operation of the joint committees nor administrative difficulties although, for instance the Serbian-Hungarian Joint Committee did not meet for four years.

The publicity of financial conditions are really limited, e.g. the expenditures from the special budget sum aiming to finance the costs of co-ordination and intervention in minority issues are vague¹⁹. Furthermore, the answer to the simple question who are the chairpersons of the joint committees is not trivial because the prior appointing resolutions were deregulated, the existing nomina-

¹⁷ The Joint Committees as consultative bodies to the party states consist of delegated representatives of government, minorities and experts providing. Components, the meeting order is determined in the bilateral treaties and its executive protocols.

¹⁸ Report on the minority affairs to the Parliament from the Government, J/10808 (October 2009)

¹⁹ For instance, „the 95 million HUF intended to cover on execution the proposals of the joint committees” but its usage in fact cannot be read in the report. Or the supports financed from this sum and other budget lines are aggregated from data in 2007 and 2008.

tions were withdrawn, and the Prime Minister is entitled to appoint the chairman and leading persons determining different deadlines²⁰. The other problematic point is that component of the Joint Committees is defined in bilateral agreements without delegating the power to re-write it by the government. Furthermore, the nomination is applicable for an undefined period, the substitution of nominated chairman and key delegates are not regulated. On the other hand, the autonomy of minority communities requires the nomination of its own representatives to the Joint Committee without any state regulation and consent of the government. But the cited government resolution suggests this concept. In absence of a homepage of Joint Committees or other methods of regular communication, publicity of their activities, meeting, proposals, finance, monitoring of the proposals and impact assessments, the public control including the minorities²¹ – the right to free international relations or contacts with mother country at individual and community level the protection of cultural identity and heritage is endangered (Art 14, 19 of the Act 1993). Transparency would also be ensured by concerning bodies that are publicly financed.

The role of Joint Committees in the cultural diversity, dialogue keeping and minority rights – according to the available sources – is limited. It is difficult to read the resolutions of the government on approving the protocols and sharing the tasks among the responsible ministries and central agencies in execution of Joint Committees' proposals, has only a formal, administrative and retrospective impact. The approval of protocols and virtual division of work passed at Joint Committees' meeting appear in the official gazette of the Government several years later, and is available only for the top of the public administration, frequently in the form of an aggregated

²⁰ Government Resolution 2118 of 2008, 27 August voids the prior appointing Government Resolutions on 28 August 2008 while its point 8 says that acquittal of Joint Committees' chairman and key representatives has to be based on the new nomination system by the Prime Minister. Until his nomination resolution passed their positions will unchanged.

²¹ Looking for documents on Joint Committees' meeting some of them, about sixty were available in totally different libraries, homepages without rationale of publicity, awareness raising, the competence of ministries or right to access to publicly relevant information.

decision and appendix.²² Who can believe in seriousness of implementation of the proposals – that are published one year after the meeting – when deadline of the execution is “continuous for the responsible minister”? In absence of accountability and regular monitoring by the Parliament and the government, only the Ombudsman can state that majority of proposals of the Joint Committees have never been materialized. The media or the minorities are not in awareness the genuine possibilities in the hands of the Joint Committees.

The standard of exchange of information, methods of co-operation concerning the operation of the Joint Committees are missing also among and inside the ministries. The existing system administers only the technical tasks (sending the invitation and the agenda, managing the meeting place, making the protocol, etc.). The governmental agency for minority affairs was dissolved and the task of centralisation of data, policy making and representation of the government was shared between the Prime Minister's Office and the Ministry of Foreign Affairs in 2006. This duality destroys capacities, professionalism and upgrades rivalry between the units in concern. The Ministry of Foreign Affairs frequently delegates the task to the diplomatic staff serving in the adjacent state but there are only some specific attaché dealing with minority issues (such in Romania). There is a registry of each Joint Committee meeting on the grounds of basic information without standardization at the Ministry of Foreign Affairs while the secretary of the Joint Committee does not belong necessarily to this Ministry. The Prime Minister's Office has a state secretariat dealing with minority and Diaspora issues together in which the absence of standardization and publicity is also dominant. This unit is responsible for submission of the Joint Committees' proposals and resolutions to the government for approval, or the nominations to the Prime Minister. The planning of budget payments relating to the Joint Committees' operation as well as the expenditures of the implementation by each responsible ministry is a “black box”.

²² For instance, the Government Resolution 2049 of 2008, 24 April approves the protocols made by the Hungarian-Slovenian, Hungarian-Slovakian, and the Hungarian-Ukrainian Joint Committee meeting sharing the tasks of the ministers on one page.

There are two constantly recurring topics on the agenda and proposals of the Joint Committee meeting. The first is education, how the education in the mother language and teaching of the mother language of minorities would be improved, how its conditions shall be ensured (e.g. training of teachers, development of curricula, proper textbooks in the given language), in particular the finance and operation of education instituted of minorities. The second is the poor state of the minority cultural institutions (centre for information and culture, theatres, libraries, newspapers, media in minority language, researching workshops) and how their maintenance would be ensured by state measures.

2.2. Some examples on concerns

The agreement concluded with Serbia and Montenegro²³ aims at the improvement of minorities living in the two adjacent states similarly to agreements on co-operation in education, sport, culture and youth exchange²⁴. The personal and geographical scope of the agreement is problematic because the state alliance was established on 4 February 2003 and disintegrated on 21 May 2006. How it is applicable today in the absence of Hungarian minorities in Montenegro, who belong to the minority living in Hungary but affiliated to Montenegro?

According to the promise of the Joint Committee held in May 2009 after years of break a cultural centre for the Serbian minority should be opened soon in Budapest with facilities for theatre spectacles should be provided. In October 2009 the Cultural Centre was opened indeed with a theatre hall – but without dressing rooms, property room and cloakroom. Hence the Serbian community requests for a proper theatre building in the capital - as we can read in the press.

The agreement concluded with Croatia refers to how the party states ensure free circulation and selling of newspapers and books without customs²⁵. Despite of it there was a complaint for paying customs for newspapers, textbooks, CDs and periodicals that are regularly received by the Croat and Hungarian schools, urging the

²³ It was published by the Act IV of 2005

²⁴ Those were published on the two entities by the Government Decree 163 of 2007, 27 June and 164 of 2007, 27 June

²⁵ It was published by the Act XLVII of 1995 (Art.19)

free accession without customs.²⁶ Seven years were not enough to unify and ensure the proper operation, finance the education institutes of the Croat minority with offices under the same roof in Pécs. It was requested and promised in 2000 and again in 2007 on the complaint of the shortage of finances for reconstruction of the Miroslav Krleža nursery, elementary and secondary school and the dormitory. “The support to the reconstruction depends on the resources from the European Union” – stated the 2007 investigation of the form of application²⁷. Similarly, the support to the operation of the bilingual school in Hercegszántó, to the Croatian theatre in Pécs and contribution to the edition of the *Hrvatski Glasnik* weekly was repeatedly requested times²⁸.

The Agreement on friendly relations with Slovakia established the Joint Committee – inter alia in favour of the national minorities and “connecting persons to them” – and its operation order was determined in a Protocol but without regulation on how the minorities are represented (method of delegation, substitution, termination of nomination).²⁹ The consequent practice of the involvement of Slovak minority has been complained with reference to the right of participation in the preparatory of decisions concerning minorities in the Act 1993 in vain³⁰. Moreover, they requested for accession to the budget report on expenditures related to the Slovakian and Hungarian minority up to the end of June following the calendar year of the budget³¹ also without success. The agreement on mutual supports to the minorities’ cultural, scientific and education activity also is based on the Joint Committee.³² It would be logical to gather the Joint Committee taking care for so many tasks including the regular evaluation of the results as to necessity (Art 5) but in fact it

²⁶ Government Resolution 2065 of 2000, 29 March on approval the proposals adopted by the Croatian-Hungarian Joint Committee’s 4th meeting

²⁷ Government Resolution 2065 of 2000, 29 March and Protocol adopted by the Croatian-Hungarian Joint Committee 9th meeting (2 May 2007)

²⁸ Government Resolution 2065 of 2000, 29 March, and 2179 of 2001, 13 July, Protocol adopted by the Croatian-Hungarian Joint Committee 9th meeting (2 May 2007)

²⁹ It was published by the Act XLIII of 1997 (Art.15) and Protocol was published in the Official Gazette, No 1992/2.

³⁰ Government Resolution 2122 of 2000, 31 May

³¹ Government Resolution 2122 of 2000, 31 May

³² It was published by the Government Decree 44 of 2009, 4 March

has been invited once a year. Giving examples of repetitive proposals we can mention the requests for contribution to the establishment of a regional cultural centre, a Slovak Research Institute, to the renovation of cultural monuments, or to setting up a memorial tablet to the honour of minister Jan Kollar in Budapest³³ – in 1999, 2001, 2005 and 2006.³⁴

The Agreement on friendly relations concluded with Romania also prescribes the regular monitoring and evaluation of the implementation, thus an inter-governmental expert committee is setting up dealing with the co-operation in favour of the national minorities, as well as establishment of a Joint Committee system.³⁵ Unfortunately, the involvement of national minorities to this process and forum is not determined bilaterally. However expert committees have been formed by the responsible ministries on various issues, such as scientific, minority and cultural co-operation while their operation has been invisible for the public and minorities, too. The components and agenda of the meeting are determined by the Ministry of the Foreign Affairs gathering the Joint Committee – but the right of participation of minority would be ensured by the Act 1993. The short press release on the reform of bilateral co-operation also in the field of minority issues and contribution to the media of minorities is not equivalent with the standard way of involvement of the community³⁶.

The Agreement on friendship with Ukraine protects mutually all ethnic, religious, national and linguistic minorities living in both

³³ Jan Kollár (1793-1853) was a Slovakian Lutheran minister, poet and collector of folksongs contributing to the Slovak national identity. He was serving as minister for 30 years in the Church of the (today) Deák square in, and he escaped from Pest to Vienna during the War of independence in 1849. Setting up his memorial tablet was promised by the government while the territory of the Lutheran Church and its garden is out of the government competence. Finally, the leaders of the Lutheran Church decided on setting up a joint memorial tablet of all heroes and outstanding personalities from the Church including Jan Kollar. His name is readable among the others but it is not compatible to the request.

³⁴ Government Resolution on approval of the proposals that were adopted by the Hungarian-Slovakian Joint Committee's 5th meeting

³⁵ It is published by the Act XLIV of 1997 (Art.5); Protocol on active partnership and Joint Committee (12 March 1997) is published in the Official Gazette 1997/10

³⁶ Announcement of the Ministry of the Foreign Affairs (29 April 2009)

countries (Art 17).³⁷ According to its Protocol, the Joint Committee has to meet twice per annum but in fact it has not been in practice,³⁸ while the Protocol defines the responsible government organisations that have disappeared in the meantime (Office for National and Ethnic Minority Affairs, deputy minister of foreign affairs). Beyond the reluctant operation and delays in implementation of the proposals that were criticised by the minorities in the press by the minorities,³⁹ the returning requests may prove the lack of success or community acceptance. For instance, the request for a proper building that would provide place for the Ukraine self-government, establishment of the department of study for Ukraine population (in auspice of the University of ELTE and DTE), setting up memorial tablets to the honour of outstanding personalities of the Ukraine community seems to be evergreen.

Similarly to others, the Agreement on friendly relations concluded with Slovenia also institutionalised the yearly ministerial meeting on evaluation of the progress in contacts and co-operation without its publicity⁴⁰. The Agreement on minority protection is also silent on how to communicate on the operation and results of the Joint Committee that has to be gathered twice yearly (Art.15).⁴¹ According to available information there are also repeated proposals or requests as proofs of the limited efficiency of the Joint Committee system in this relation. For instance, the promise of support to the establishment of bilingual teaching at the elementary school in Felsőszölnök, contribution to the Slovenian radio programme or at least to support to the radio studio preparing Slovenian programmes in Szentgotthárd, or subsidy to the reconstruction of the houses of culture in the Slov-

³⁷ It is published by the Act XLV of 1995. Its Appendix contains a Declaration on protection of minorities and a Protocol which determines how to implement the Declaration.

³⁸ For instance, there was a break in meeting between 2003 and 2008 but before this period the yearly meeting was applied in 1993-2003.

³⁹ *Pikáns fűszerezéssel indul a Magyar-Ukrán Kisebbségi Vegyes Bizottság ülése* (18 September 2008) MTI; Summary of the meeting held on 3-4 of April 2001 www.ukrajinci.hu/egyesulet/bizottsag.html

⁴⁰ It is published by the Act XLVI of 1995

⁴¹ It is published by the Act VI of 1996

enian community alongside the River Rába.⁴² These issues may prove the fragile structure of the whole system because these rather local or regional decisions have moved to governmental level, and the pledges have not been fulfilled for long years with exception of partly bilingual teaching that was introduced finally at the Slovenian elementary school in 2005.

3. Conclusions

Summing up, we can say that rights to keeping up, develop and protection of minorities' own culture, traditions and language usage on the grounds of undertakings in multilateral and bilateral agreements have been controversial and half-ready in Hungary. At first the execution of the undertakings and pledges have not been established by stable, transparent institutions inside the public administration. Hence the financial planning, evaluation of finance, efficiency and monitoring of the whole machinery has not been standardized by law nor public. The last decades of transition in economy and social changes could form only a virtual Joint Committee or inter-ministerial body system without critical participation of the stakeholders. It is an anomaly in minority rights as the Ombudsman stated in early 2010 in his comprehensive investigation. Furthermore, these international obligations cannot be considered in an isolated way because the Act 1993 had introduced the minority rights to the Hungarian law. Consequently, the implementation mechanism of minority rights protection undertaken at international level shall be compatible to the domestic law, in particular in the field of publicity, involvement of minority communities into the monitoring and evaluation process.

The enlisted examples from the Joint Committees' documents may argue that not only the poor finance is the main hindering factor in cultural and linguistic rights but the shortages in co-ordination, exchange of information and deterioration of the minority adminis-

⁴² Government Resolution 2138 of 2000, 22 June on approval of the proposals that were adopted by the Joint Committee's 5th meeting; Government Resolution 2270 of 1999, 22 October on approval of the proposals that were adopted by the Joint Committee's 4th meeting; Government Resolution 2175 of 2005, 26 August on proposals that were adopted by the Minority Joint Committees' meeting

tration at government level in recent past also have severely contributed to the pattern and obstacles in materialisation of the proposals at least in Hungary. Although the story of the European Cultural Capital in Pécs is out of the scope of this article, the bumpy road towards that Capital may illustrate the institutional hardships here and the level of how to respect for cultural diversity in practice. Officially our stakeholders are echoing the canon from the European Convention "considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions" but for daily purposes the norm is out of the cultural canon.

Balázs Vizi

Documents concerning the Language Law of Slovakia

On the 30th of June 2009 the Slovakian Parliament accepted the amendments of the 1995 Language Law concerning the state language use. The aim was to strengthen the status of the Slovakian state language, however, some rulings of the amendment are specifying the mandatory use of the official language in such a wide range that not only the interests of the minorities in Slovakia could be violated but it also contradicts Slovakia's international obligations towards the protection of minorities. This is why the acceptance of the amendment of the law resulted in an immediate international reaction.¹ Despite the fact that the amendment took effect only on the 1st of September, from the time of its acceptance by the Parliament it had called forth serious debates in Slovakia as well as in international forums. Of the responses the most important is the statement of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) issued as the result of the tension evolving not only among the Hungarian minority of Slovakia but also between Slovakia and Hungary. Since his above mentioned intervention the Commissioner has actively mediated between the two countries in this matter with the result that the enacting clauses were not yet provided and the Slovakian government promised that its Cultural Ministry would publish them after having consulted both with the Hungarian government and the Commissioner.

One of the most controversial points of the amendment is the stricture on language use in the public sphere, e.g. between doctor and patient in the surgery; during the rescue operations between fire-fighters and the inhabitants of the house on fire, etc. in which cases legislation reinforced the exclusive use of the state language. It is equally problematic that the use of the minority language is allowed in public strictly within the limits described by the Law. This raises

¹ <http://www.nytud.hu/visszhang>

several problems: in settlements with less than 20% minority inhabitants public minority language use would not be possible, even though earlier it had been the usual custom – without being illegal, e.g. if the clerk and the customer spoke the same non-Slovak language. Moreover, the law narrows minority language use in the public sphere e.g. in advertisements and broadcasting.

The Law raised the interest of the scholarly world as well. In July the Hungarian Academy of Sciences (HAS) published a proclamation to condemn the regulations of the amendment of the Language Law as limiting human rights and free use of language. The petition was signed by well known scholars from many parts of the world, among others the famous linguist Noam Chomsky.² Initiated by the president of HAS, there was a major conference on the issues of minority language use and language rights in an international context. Another important event was the international expert conference jointly organized by the Frisian Academy of the Netherlands, the Mercator Network of Language Diversity Centres and the Research Institute for Linguistics of HAS in Leeuwarden/Ljouwert (Frisia in the Netherlands) on the 19th of September 2009. The conference published a statement proclaiming the protection of linguistic diversity and the freedom of language use.³

The international legal analysis of the amendment of the law also reveals the well foundedness of the concern and protestation of the learned world. In general every state may regulate the use of the state language in special laws, there is no limitation either by common law or international legal agreements; however, legislation has to comply with human rights and accepted international obligations. International legal standards restrict the protection and preference of the state language to be in balance with the measures of the protection of minority language rights. Considering the language rights of the minority people living in its territory Slovakia has the following international legal obligations: Slovakia is a member state of the European Charter of regional or minority languages as well as that of the general agreement on the protection of national minorities. The Slovakian Republic as a member state of the European Union is

² <http://peticio.nytud.hu>

³ <http://www.nytud.hu/program>

also bound by the regulations of the Union. In addition, the protection of the language rights of the Hungarian minority in Slovakia has been set down in the 1995 agreement between Hungary and Slovakia on neighbourly relations and friendly cooperation (§ 15.2 (g) 1995). Slovakia has accepted international legal obligations and thus the Law to limit minority language use gives cause for concern.

Vindicating the amendment of the Language Law the Slovak government argued that the aim was to facilitate communication among all the inhabitants of the state by reinforcing the status of the state language as a mediating language. There has also been reference made to the so called Oslo Recommendations of the High Commissioner of OSCE on minority language rights, advising that a sufficient knowledge of the state language would be desirable for social integration. However, it is also to be added that the Oslo Recommendation stresses that the unprejudiced and unrestricted use of native languages in private and public spheres is an integral part of basic human rights and dignity.

The international legal analysis sponsored by The Research Institute of Ethnic and National Minorities of HAS has found that by the amendment for the support and protection of the state language the Slovakian legislation has violated several basic rights even though the Slovakian government had pledged to protect them.⁴

The political debate over the Law would probably go on for a long time. The documents published below aim to help to learn about the text of the Law itself as well as the most important reactions to it trying to point out the aggravating legal, political and linguistic consequences of the Law.

⁴ http://www.mtaki.hu/hirek/szlovakiai_allamnyelv_torveny_mod_elemzese.html
 1. Statement on the Amendment of the language Law in Slovakia <http://peticio.nytud.hu> downloaded 25.01.2010
 2. Statement of the Conference on Managing Linguistic Diversity http://www.nytud.hu/archiv/statement_eng.pdf downloaded 25.10.2010
 3. OSCE High Commissioner on National Minority issues <http://www.osce.org/item/23525.html> downloaded 25.10.2010

**Organization for Security and Co-operation
in Europe
High Commissioner on National Minorities**

**Opinion of the OSCE High Commissioner on National
Minorities on amendments to the “Law on the State
Language of the Slovak Republic”**

The Hague, 22 July 2009

1. Background

In 1995, the Slovak Parliament approved the Law on the State Language of the Slovak Republic¹ (hereinafter “State Language Law”). The Law attracted a lot of international attention, even in its drafting phase. And the final voting procedure took place in a strained atmosphere because the Hungarian Government and several EU actors and Member States expressed concern about some of its articles restricting human and minority rights. When eventually adopted, the State Language Law not only became among one of the most restrictive pieces of legislation in Europe at that time concerning the protection and promotion of a national language, but also raised concerns about respect of the linguistic rights of persons belonging to national minorities.²

¹ Act No. 270/1995 on the State Language of the Slovak Republic.

² The first Opinion on Slovakia adopted by the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) in 2000 (ACFC/INF/OP/I(2001)001) noted that some “provisions in the State Language Law could lead to undue limitations” of the linguistic rights of persons belonging to national minorities (paras. 33-34) and welcomed the fact that “according to the Government, no sanctions have been imposed for non-compliance or violations of the said law” (para. 33).

It was not until 10 July 1999 that the Slovak authorities eventually adopted the Law on the Use of Languages of National Minorities (hereinafter “Law on National Minority Languages”) with a view to expanding guarantees to safeguard minority rights. The new Law grants all minority languages equal status with the Slovak language in all towns and villages where the minority represents at least 20 per cent of the overall population. According to the Law on National Minority Languages, persons belonging to national minorities are permitted to use their own language in all official written and spoken communications with State and local authorities where the threshold is met.

The interplay between these two pieces of legislation has always been crucial for striking the right balance between the promotion of the State language and the protection of the linguistic rights of persons belonging to national minorities in Slovakia. When the Law on National Minority Languages entered into force, the previous imbalance was eventually addressed. Since then, a positive trend has been noticed as regards the protection of the rights of persons belonging to national minorities in Slovakia³. In spite of some persisting shortcomings and some occasional displays of stereotyping of or negative attitudes towards minorities in Slovak society and political discourse, it is generally acknowledged that recent years have marked a significant improvement in striking the required balance.

Slovak courts have challenged a few of the provisions in the State Language Law over the last decade,⁴ while many others have been complemented by subsequent pieces of legislation on issues like language use in telecommunication and broadcasting, in the National Registry and in the press, for example.⁵

With a view to updating legislation, the Ministry of Culture (MoC) has submitted a draft law amending the State Language Law, which has now been in force for 13 years. It is understood that during the drafting process the Slovak authorities have allowed the involvement of representatives including from other countries to submit their comments. In spite of this open and cooperative attitude, however,

³ See ACFC, Second Opinion on the Slovak Republic, (ACFC/OP/II(2005)004)

⁴ See in particular the Constitutional Court’s decision no. 260/1997.

⁵ See e.g. law no. 343/2007 (Law on Audiovisuals), law no. 453/2001 (Law on Municipal Administration), etc.

the Parliament adopted the text rather quickly on 30 June 2009. The amendments were adopted before receiving the requested opinion by the HCNM. In this regard, it is noted that while there is no constraint as to the times for parliamentary debates as long as the legislative process is fully democratic, good practice suggests that potentially contentious laws should be given adequate attention and time for reflection during the drafting and deliberation process.

2. What will change?

Scope of application

Article 1.1 of the State Language Law stipulates: “The Slovak language shall be the State language in the territory of the Slovak Republic”. It proclaims Slovakian as having priority over any other languages used in the area of the Slovak Republic⁶ and being the official language in spoken and written communications. This article reproduces Article 6.1 of the Slovak Constitution⁷ and remains unchanged. However, the overall intention of the law to strengthen the protection of the State language is reiterated by several provisions of the law, such as article 2.1. (“State authorities, authorities of municipal administration and other bodies of public administration are obliged to protect the State language [and to] access actively to the control and observance of assessments of this law”) and the provisions on supervision and sanctions (Articles 9 and 9a). Provisions of this kind, while per se acceptable under current international standards, might raise concerns in non-majority segments of the population.

Moreover, one of the fundamental amendments introduced by the new text refers to the scope of application of the current State

⁶ According to the 2001 census the ethnic composition of the country’s population is as follows: Slovak 4,614,854 (85.8%), Hungarian 520,528 (9.7%), Romani 89,920 (1.7%), Czech 44,620 (0.8%), Ruthenian 24,201 (0.4%), Ukrainian 10,841 (0.2%), German 5,405 (0.1%), Polish 2,602 (0.02%), other and unknown 65,187 (1.2%).

⁷ Article 6 paras.1 and 2 of the Slovak Constitution stipulate: “The state language on the territory of the Slovak Republic is the Slovak language” and “The use of languages other than the state language in official communications shall be laid down by law.”

Language Law. According to this particular amendment, the Law applies not only to State and municipal authorities, including self-government bodies, but also to “legal persons, self-employed natural persons and private individuals” (Article 1.5 of the revised version).

Such a provision might raise concerns with regard to its compliance with the proportionality requirement. While international and comparative standards do not per se forbid the provision of some restriction to the freedom of language in non-public areas with a view to promoting the State language, this should however not unduly restrict the rights of persons belonging to national minorities. In light of the aforementioned interplay between the State Language Law and other laws, including the Law on National Minority Languages, this provision should not be problematic with regard to the rights of persons belonging to national minorities. The Law itself stipulates that “unless this law provides otherwise, the use of the languages of national minorities and ethnic groups are governed by separate regulations” (Article 1.4). When read systematically, it is clear that the extension of the scope of application of the Law does not (and cannot) imply a restriction of the linguistic rights of persons belonging to national minorities. However, if narrowly (and wrongly) interpreted, the provision might be used as an indirect tool to undermine the linguistic rights of national minorities as provided for in other pieces of Slovak legislation. For example, Article 3.1 of the Law provides that the obligation for public authorities to use the State language shall be “without prejudice to the use of the languages of national minorities”, pursuant to a separate regulation. At the same time, paragraph 2 of the same article stipulates that employees, civil servants and those employed in the transport, postal and telecommunication services (plus armed and security forces) “must have a command *and use* the State language in official communication”. A systematic and constitutionally conform reading leads to exclude that the communication between, e.g., a bus driver and a passenger has necessarily to take place in the State language, as this would violate inter alia the principle of non-discrimination on ethnic grounds laid down in the Slovak constitution. The formulation of the text, however, might raise concerns among persons belonging to national minorities. This example shows that the amendments have not improved the clarity of the State Language Law thus avoiding to the extent possible diver-

gent interpretations. Moreover, it proves the necessity to address minority rights in a comprehensive, holistic way. For Slovakia this means to update without any unnecessary delay the Law on National Minority Languages and to consider the adoption of a comprehensive law on the rights of persons belonging to national minorities. In the meantime, the Slovak authorities should pay all due attention to the implementation of this new provision, by making sure that it is interpreted in a systematic and correct way.

Use of languages in official communications

As far as the use of minority languages is concerned, the State Language Law refers back to the Law on National Minority Languages (Article 3.1 of the amended version). According to the latter, these languages can be used in official communications at national and/or local level in areas where minority communities meet the threshold requirement. This is in line with Article 34.2b⁸ of the Slovak Constitution, which establishes the right of minorities to communicate in their mother tongue in official situations. The provision of a 20 per cent threshold is in line with international standards, as it is considered to be a reasonable limitation in most cases dealt with by the “soft jurisprudence” of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), also with regard to Slovakia.⁹

The adopted amendments, however, do not solve the problem of determining whether or not the 20 per cent threshold has been reached in a given municipality. According to Article 2.2 of the Law on National Minority Languages “the list of communities pursuant paragraph 1 shall be established by decree of the Slovakian government”. At the same time, Article 2.1 of the Law on National Minority Languages refers only to the results of the 1991 census in this respect, and takes account of Slovak citizens only. Additionally, the list of

⁸ Article 34 of the Constitution: “(2) In addition to the right to master the state language, citizens belonging to national minorities, or ethnic groups, also have, under conditions defined by law, a guaranteed a) right to education in their own language, b) right to use their language in official communications, c) right to participate in the decisions on affairs concerning national minorities and ethnic group”.

⁹ Paragraph 83 ACFC Second Opinion on the Slovak Republic, adopted on 26 May 2005.

municipalities in which the citizens of the Slovak Republic belonging to national minorities constitute at least 20 per cent of the population is given in Ordinance No. 221/1999 Coll., which is also based on the results of the 1991 census. The 2001 census results, however, revealed changes as regards the number of municipalities meeting the required 20 per cent threshold.¹⁰ In this context, it is worth mentioning Article 10, paragraph 2 of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM), which refers to areas that have been "traditionally" inhabited by persons belonging to a national minority. Indeed, the demographic structure of the area in question could be considered over a longer period of time to ascertain the existence of sustainable demographic trends to grant the use of minority languages and to ensure no withdrawal of linguistic facilities in certain municipalities. As noted by the ACFC's Second Opinion on the Republic of Slovakia,¹¹ "the census results can only be regarded as one of the indicators of a national minority's size especially when elements suggest that they do not fully reflect the real number of persons belonging to national minorities".

In other words, while not contradicting any international standard, the proposed amendment simply reiterates the current unclear situation. It is not for the State Language Law to address the issue of how to determine whether the 20 per cent threshold has been met. However, in order to ensure a non-discriminatory implementation of the legislation affecting the use of languages (the State language as well as minority languages), it is important that, in the process of updating the legislation, the Slovak authorities pay due attention to this issue, as the census figures show a decreasing trend in people prepared to declare that they belong to a national minority. This, combined with the threshold requirement, could have a negative impact on national minorities, particularly the smaller or less concentrated ones.

Another amendment relating to the use of the State language affects the language obligations of civil servants. The new piece of

¹⁰ In this regard, the ACFC Second Opinion on the Slovak Republic (paragraph 86) noted, on the one hand, a decrease in municipalities with the required share of the Hungarian, Roma and Ukrainian minorities and, on the other hand, an increase in municipalities with the required share of the Ruthenian minority.

¹¹ Paragraph 87 of ACFC,OP/II(2005)004.

legislation abolishes the requirement for civil servants (contained in paragraph 1 of Article 3 of the previous version of the State Language Law) to prove their knowledge of the State language orally and in writing before taking up service in a public administration. While the aim of the old provision was legitimate, as civil servants must master the State language, its implementation has given rise to some complaints over the years, leading to cases of undue discrimination against persons belonging to national minorities because of their inadequate language skills. The abolishment of the requirement in the amended law is a positive step: it can help avoid discrimination in access to the civil service for members of minority communities, while the obligation to have the required command of the State language continues to be guaranteed by other provisions, including those contained in the Constitution, in the Law on National Minority Languages and in the State Language Law.

From a systematic perspective, it would be advisable for the amended version of the State Language Law to contain a reference to language training for civil servants, in particular in municipalities where the use of minority languages in relations with administrative authorities is permitted. In this respect, it must be recalled that Article 7 of the Law on National Minority Languages stipulates: "Public authorities and their employees are not required to have a command of the minority language." In this regard, paragraph 2 of the amended Article 3 refers to civil servants' command of the State languages both at general and local level, including public transport and post and telecommunications services employees who shall have a good command of the State language. As noted by the ACFC's Second Opinion on the Slovak Republic¹² "[t]he need for further language training and other accompanying measures, such as the recruitment of civil servants from among national minorities, should also be examined."

Moreover, Article 3.5 of the law allows the use of a "language that meets the criterion of basic comprehensibility in relation to the State language" (i.e. Czech) in official communication (and in media, as described below). This criterion might raise issues of differential treatment of minority languages based on the assumption that Czech

¹² Paragraph 89 ACFC,OP/II(2005)004.

enjoys a status others do not have: the Czech language is recognized as a minority language by Slovak legislation but is seen as a “mutually understandable language”. This criterion, however, seems important for functional reasons, as it addresses a practical problem and is based on the uncontested similarity between the Czech and the Slovak language. It therefore appears to be sufficiently grounded, proportionate and therefore in line with the non-discrimination requirements, and could actually serve as a valuable comparative reference point for similar situations in the OSCE area.

Finally, as to the codification process of the State language, Article 2.2 of the State Language Law in the redrafted version would have needed further elaboration, making reference to the linguistic institutes and other sources consulted. In its current form, the law vests the authority for codification of the State language with the MoC and not with an independent institution. While the MoC should maintain the final responsibility for the process, more specific rules on the involvement of independent experts and institutions can be introduced through by-laws and administrative regulations. This could improve the transparency of the whole process.

Use of languages in the media

Although it is not for the State Language Law to expand linguistic rights of national minorities, the updating of this Law should be followed by the review of other laws in order not to impair the balance between the legitimate aim to protect the State language and the rights of persons belonging to national minorities to use their language in public, social, economic and cultural life. With regard to the media, it is of utmost importance that the national minorities can fully enjoy the right to establish and maintain media in their own language and that they are granted access to broadcast time in their language on publicly funded media services. It is essential that the State authorities do not over-regulate this matter, particularly with regard to private media which, in principle, should be based on linguistic freedom.

In this context, again a complex systematic reading is required to avoid the impression of the amendments bringing inconsistency to the law, particularly after the amendments introduced by the Parliament to the original draft submitted by the MoC. In line

with the overall exemption of minority languages from the scope of application of the State Language Law (Article 1.4.), Article 5.1.a allows for television programmes in languages other than Slovak, although under the condition that they are subtitled in the State language or immediately rebroadcast in the State language. While this formalises the current practice and even improves the previous provision requiring rebroadcast as a rule, the interaction between this provisions and other exceptions subsequently listed is not sufficiently clear, particularly with regard to the following exceptions for radio programmes (Article 5.1.b and Article 5.1.f). In this context, it should be reminded that Article 9 of FCNM provides for the freedom of every person belonging to a national minority “to receive and impart information and ideas in the minority language, without interference by public authorities”,¹³ and principle no. 10 of the HCNM Guidelines on the use of minority languages in the broadcast media states that “measures to promote one or more language(s) should not restrict the use of other languages” as well as “measures to promote any language in broadcast media should not impair the enjoyment of the rights of persons belonging to national minorities”.¹⁴ The role and the limitations of broadcast media in minority languages need to be spelled out more clearly, especially as opposed to the rules on the use of foreign languages which are not minority languages. A stricter regulation of (public and private) television broadcasting in minority languages seems not entirely in line with the overall minority-friendly provisions related to other sectors of the media, including printed media and cultural booklets in the languages of national minorities (Article 5.5).

According to the amended text, it emerges that subparagraphs g), h) and i) of Article 5.1 allow the use of the Czech language in television and radio broadcasts in Slovakia in general, based on the

¹³ Article 9 FCNM further stipulates that the States “shall ensure, as far as possible [...] that persons belonging to national minorities are granted the possibility of creating and using their own media” (Article 9.3.) and that the States “shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism” (Article 9.4.).

¹⁴ Guidelines on the use of Minority Languages in the Broadcast media, October 2003 (available at www.osce.org/hcnm).

understandability criterion. As stated above, this criterion does not raise concerns as to the principle of equal treatment and non-discrimination.

Use of languages in other areas

As to education, no major amendments have been suggested. Article 4.3. makes it clear that in schools and other institutions providing education in the language of national minorities the principle of bilingualism in the documentation (both of pedagogical and other nature) applies. This provision introduces a clearer legal basis and does not raise concerns as to its contents. However, it would be advisable to consider introducing in the law a reference to language training for teachers, in particular in municipalities where a particular minority represents at least 20 per cent.

As regards criminal and civil court procedures, the amendments make clear that the compulsory use of the State language in judicial proceedings shall be without prejudice to the rights of persons belonging to national minorities (Article 7.2.), in accordance with, *inter alia*, Article 6 of the European Convention on Human Rights and the HCNM Oslo Recommendations regarding the Linguistic Rights of National Minorities (Oslo Recommendations).¹⁵

Furthermore, with regard to geographical names, Article 3a of the amended version contains an obligation to display municipality and streets names, as well as other information related to official and cadastral maps, in the State language, without prejudice of the separate regulations governing the use of topographic names in the languages of national minorities.¹⁶ This amendment does not raise any concern from the point of view of minority rights, as the second part of Article 3, following the Oslo Recommendations, expressly safeguards place and street names in the languages of national minorities where their numbers meet the threshold.¹⁷

¹⁵ Recommendation 18: "In regions and localities where persons belonging to a national minority are present in significant numbers and where the desire for it has been expressed, persons belonging to this minority should have the right to express themselves in their own language in judicial proceedings, if necessary with the free assistance of an interpreter and/or translator".

¹⁶ Laws no. 191/1994 and 184/1999

¹⁷ See also Article 4.1 of the Law on National Minority Languages.

As to the use of the State language by the police and military services, no amendments have been suggested and the Law on National Minority Languages remains silent in this regard too. This means that Slovak will continue to be used as the exclusive language of police and armed forces. While this is in line with international standards and practice, the authorities might consider inserting a reference regarding the use of the minority language in areas with a high concentration of national minorities. Following Recommendation 13 of the HCNM Recommendations on Policing in Multi-Ethnic Societies, it is suggested that police "ensure that they have the capability to communicate with minorities in minority languages, wherever possible by recruitment and training of multilingual staff, and also by use of qualified interpreters."

Article 3.3.c of the amended law stipulates that records and documents of churches and religious communities intended for the public shall be in the State language. It is reminded that principle 5 of the Oslo Recommendations regarding the Linguistic Rights of National Minorities (1998) acknowledges that the State may require that certificates and documents issued by religious authorities which also pertain to the civil status and which have legal effect be kept also in the official language of the State. This requirement, however, shall not extend beyond what is strictly necessary for registry purposes and the implementation of this provision of the amended law shall be carefully monitored.

Finally, the terminology used throughout the law might raise some problems of correct interpretation as it does not seem to be always consistent. When special provisions derogating from the general rule of using the State language are provided, the terminology differs. It is understood that when the term "other languages" is used, this includes languages of national minorities, while the term "languages of national minorities and ethnic groups" covers the languages included in the scope of application of the European Charter for Regional or Minority Languages (e.g. Articles 1.4., 4.4). Such specification would help a correct reading and interpretation of the law. Moreover, the difference between the terms, "other languages in official international communication" (Article 3.1.) and "another language" (Article 3.4.) is not entirely clear. It is suggested

to streamline the terminology, taking into account the rights of persons belonging to national minorities.

Supervision and sanctions

The redrafting of the section on supervision and sanctions (Articles 9 and 9a) has introduced some change to the previous regime. Overall, the amendments aim to strengthen the supervision of the implementation of the Law by introducing fines in cases of non-compliance.

While it is legitimate to impose sanctions for the violation of the provisions on the use of the State language, it is essential that these do not constitute discrimination against persons belonging to national minorities. Nothing in the proposed amendments indicates that the sanctions should be applied to persons belonging to national minorities (nor to those belonging to the majority) for their incorrect use of the State language.

However, signs and messages directed to the public such as shops, restaurants and alike are covered by the provision (Article 9). The provision aims at safeguarding the use of the State language in these facilities, although minority languages can also be used alongside the State language. In case of non compliance, fines could be imposed (Article 9a).

The combined effect of the constitutional principles, the State Language Law and the Law on National Minority Languages implies that in areas where the threshold for the use of minority languages is met, the utilization of minority languages can never be exclusive: minority languages can be used only alongside the State language, which is the only official language of the State.

The provision of a bilingual regime is not in contrast with international standards. However, the imposition of fines might easily create or exacerbate tensions and should in principle be avoided. Where introduced, it should be handled with extreme care by the authorities. Therefore, sanctions should be exceptional, clearly defined and regularly monitored as to their effect.

In analogous cases when the authorities have tightened the protection of the State language imposing fines in case of non compliance, the courts have always invited the Parliament to appropriately balance between the right of promoting the language and the individual's freedom of expression. This was clearly stated, for example,

by the French *Conseil Constitutionnel* which struck down most of the sanctions provided by the law against the use of foreign languages in private facilities.¹⁸ Similarly, the Canadian Supreme Court struck down the first version of the Quebec's *Charte de la langue française* in 1979 and forced amendments in order to promote the use of French in Quebec without unduly restrict the right to use other languages, especially in private facilities.¹⁹ Ultimately, as the German Constitutional Court put it, language is a fundamental freedom and should therefore, as a rule, be subject to the less possible degree of normative regulation.²⁰

For these reasons, a careful implementation of the provisions on monitoring and sanctioning is mandatory with regard to the areas where national minorities live traditionally or in substantial numbers. In this context, the final text adopted by the Parliament seems to have made the provision stricter instead of more flexible, which is to be seen as a negative development: instead of a gradual system of sanctioning, leading to the imposition of fines only as last resort (as originally proposed by the MoC), the reference to a "repeated" written note of breach has been removed. It is reminded that sanctions should be the last resort and their provision should be made more difficult and not easier. It is recommended that at least the implementation of the provisions will be regularly monitored and, where appropriate, reviewed after a certain period of time. In particular, the increase of administrative fines should be studied after a year as to whether it will have generated the expected results particularly in the areas inhabited by persons belonging to national minorities.

Moreover, Article 9a.1 provides for a too wide range in the amount of the fine that could be imposed for non compliance with the law and it does not give any indication as to the criteria for choosing on a scale that ranges from 100 to 5.000 EUR. While reference is made to the constitutional criteria of proportionality (indirectly evoked by the reference to the Administrative Code), greater clarity in this regard is required in order to limit the risk of abuses. It should also be care-

¹⁸ Conseil Constitutionnel, Dec. 94-345 of 29 July 1994.

¹⁹ Attorney General of Quebec v. Blaikie et al. [1979] 2 S.C.R. 1016.

²⁰ BVerfGE 98, 218, Rechtschreibreform (14.07.1998).

fully considered whether this provision reflects the limited capacity and resources that smaller minority communities may face.

Finally, in implementing the amended Law the Slovak authorities should be aware of the potential impact (even if it is only a perception) of a sanctionary system that is directed also at persons belonging to national minorities. In this field, therefore, a particular degree of flexibility in the implementation of the Law should be mandated. Taking into consideration that the HCNM does not have detailed data on reported sanctions for non-compliance or violations of this Law in other areas of its scope of application, while it is important to sanction potential violations of the provisions, a degree of flexibility must be guaranteed in order to avoid excessive repression. Finally, since the wording of the provisions is rather vague, further attention is needed to avoid arbitrary interpretation.

3. Concluding remarks

To conclude, the amendments to the State Language Law pursue a legitimate aim and are – overall – in line with international standards. Some elements, however, raise or – depending on the implementation – might raise issues of compatibility with international standards and with the constitutional principles of the Slovak Republic. Overall, it is important to read the law within the context of the entire legislative framework: this leads to conclude that while in general the amendments to the law are not particularly contentious, a careful consideration of all their ramifications, including on other pieces of legislation, is required.

An appropriate balance must be guaranteed between protecting and promoting the State language, on the one hand, and protecting the linguistic rights of persons belonging to national minorities, on the other. This Law to a large extent pursues the former goal, but at the same time it includes relevant provisions on issues that are (supposed to be) covered by a different piece of legislation, the Law on National Minority Languages. This overlap of minority-related provisions in different pieces of legislation might create legal uncertainty and might lead to different interpretations, which might have a negative impact on the overall legal position of national minori-

ties in Slovakia. Now that a further step has been taken to protect and promote the State language, a reform of the National Minority Language Law should be considered, with a view to strengthening the rights of national minorities and to make them feel entirely at home in Slovakia.

In this regard, the continued absence of a comprehensive law on the rights of persons belonging to national minorities should again be addressed. Such a law could make the balance between the different – and both legitimate – aims more visible and would have an important reassuring effect on members of national minorities. To expect them to be aware of the systematic interpretation of legal provisions is excessive and their concerns regarding the strengthening of the State Language Law need to be understood and taken into account, even if, as in the present case, the legal situation is not radically changing with regard to them. As the Advisory Committee on the Framework Convention put it in its Second Opinion on the Slovak Republic, “[a] draft law on national minorities, which would address the overall status of national minorities in Slovakia [...] could constitute a tangible demonstration of the commitment of the State towards its national minorities, while addressing many of their concerns”.²¹

As to the specific content of the amendments, most of these are in compliance with international standards and appear to be compatible with the commitments undertaken by Slovakia at the time of the ratification of the FCNM, the European Charter for Regional or Minority Languages in 2001 and with the domestic constitutional framework. However, the highlighted aspects should be reconsidered and carefully examined by the Slovak authorities, in consultation with the national minorities.

²¹ Paragraph 9 ACFC,OP/II(2005)004.

ACT

dated June 30th, 2009,

by which the Act of the National Council of the Slovak Republic

No. 270/1995 Coll. on the state language of the Slovak Republic in the wording of subsequent regulations and on the change and completion of certain acts is changed and completed

The National Council of the Slovak Republic enacted the following law:

ARTICLE 1

The Act of the National Council of the Slovak Republic No. 270/1995 on the state language in the Slovak Republic in wording of the Constitutional Court of the Slovak Republic Act No. 260/1997 Coll., Act No. 5/1999 Coll., Act No. 184/1999 Coll. and Act No. 24/2007 Coll. is changed and completed in the following way:

1. Paragraph 4 of § 1 says:

“(4) If this law does not determine otherwise, the following provisions apply to the language use of national minorities and ethnic groups. 4)”

Footnote to reference 4 says:

“(4) For example the Code of Civil Procedure § 18 in the wording of Act No. 341/2005 Coll., the Act of the National Council of the Slovak Republic No. 191/1994 Coll. On the designation of communities in the language of national minorities, Act No.184/1999 Coll. on the language use of national minorities, § 5 section 1 letter e) of Act No. 619/2003 Coll. on Slovak broadcasting in the wording of subsequent

regulations, § 5 section 1 letter g) of Act No. 16/2004 Coll. on Slovak television in the wording of subsequent regulations, § 2 section 20 of the Code of Criminal Procedure, § 2 section 2 of Act No. 167/2008 Coll. on periodical press and intelligence agencies and on the change and completion of certain acts (press law), § 11 section 2, § 12 section 3 and § 18 section 3 of Act No. 245/2008 Coll. on education (law on education) and on the change and completion of certain acts.”

2. § 1 is completed with section 5, which says:

“(5) This act is applicable to state authorities, authorities of territorial self-administration, other authorities of public bodies, legal persons, natural persons entrepreneurs and natural persons, to the extent and conditions laid down by this law”.

3. In § 2 a new paragraph is inserted, which says:

„(1) state authorities, authorities of self-governments and other authorities of public administration are required to protect the state language. For this purpose they are obligated to approach actively to control compliance with the measures of this act.

Present paragraphs from 1 to 3 are marked as paragraphs 2 to 4.

4. § 2 section 3 says:

“(3) The codified form of the state language is approved and released by the Ministry of Culture of the Slovak Republic (hereinafter referred to only as Ministry of Culture) on its web page.”

5. § 3 sections 1 and 2 say:

“(1) State authorities, authorities of local self-administration, other authorities of public bodies, their legal persons and the legal persons organized by law use the state language in official contact; whereas it does not violate the use of languages of national minorities in official contact based on particular provision and the usage of other languages in official contact with foreign parts in line with the applied practice in international affairs.

(2) The employees and state employees of organs and natural persons, based on paragraph 1, of transport, postal service, telecommunication, as well as the members of the Armed Forces of the Slovak Republic (hereinafter referred to only as “armed forces”), Armed

Services and Fire Departments are obliged to command and use the state language in official contact.”

Footnotes to references 5 a 5aa say:

“5) For example § 120 of Act No. 461/2003 Coll. on social insurance in the wording of subsequent regulations, § 2 of Act No. 619/2003 Coll. in the wording of subsequent regulations, § 2 of Act No. 16/2004 Coll. in the wording of subsequent regulations, § 2 and 17 of Act No. 581/2004 Coll. on health insurance agencies with respect to health-care and on the change and completion of certain acts in the wording of subsequent regulations.

5aa) Act No. 184/1999 Coll.”

6. In the footnote to reference 5a, the quotation “§ 3 and 3a of Act No. 29/1984 Coll. on the system of primary and secondary schools (law on education) in the wording of subsequent regulations” is replaced by the quotation “§ 12 of Act No. 245/2008 Coll.”.

7. In the footnote to reference 5b, the quotation “§ 11 of the Act of the National Council of the Slovak Republic No. 542/1990 Coll. on state administration in the school system and school self-administration in the wording of subsequent regulations” is replaced by the quotation “§ 18 section 3 of Act No. 245/2008 Coll.”.

8. In § 3 section 3 letter b) the words “public authorities” are replaced by the words “in authorities and legal persons according to section 1”.

9. In § 3 section 3, the letter d) is left out.

The present letter e) will be designated as letter d).

Footnote to reference 6 is left out.

10. In § 3 section 4, the words “Public authorities” are replaced by the words “Authorities and legal persons according to section 1” and the words “and organisations established by them” are left out.

11. In § 3 paragraph 5 says:

“(5) A natural person and a legal person in official contact with an authority according to section 1 and in official contact with a legal person according to section 1 uses the state language, if this act, a particular provision or an international contract, announced by law, do not determine otherwise.6b) A person, whose mother tongue is a language that fulfils the requirements of basic comprehensibility from the point of view of the state language, can use his or her mother tongue in official contact with an authority according to section 1 and in official contact with a legal person according to section 1. Authorities and legal persons, according to section 1, are obliged to accept a document in a language that fulfils the requirements of basic comprehensibility from the point of view of the state language, if it is a document issued or attested by the particular authorities in the Czech Republic.”

Footnote to reference 6b says:

“6b) For example § 42 of the Act of the National Council of the Slovak Republic No. 162/1995 Coll. on real estate register and on the registry of ownership and other rights to real estate (act on real estate register) in wording of subsequent regulations, § 11 of Act No. 200/1997 Coll. on the public trust of student loan in the wording of Act No. 231/2000 Coll., § 2 section 3 of Act No. 184/1999 Coll., § 109 of Act No. 725/2004 Coll. on the conditions of vehicle transport in the traffic of ground communication and on the change and completion of certain acts, § 11 of Act

No. 193/2005 Coll. on herbal medical care in the wording of Act No. 295/2007 Coll.”.

12. § 3 is replaced by § 3 a, which, including the title, says:

§ 3a

Usage of the State Language in the Field of Geographic Names

The state language is used for the indication of names of settlements and their parts7a), names of streets and other public places and other geographic names, 7b) as well as the data contained in state maps including cadastre maps; the designation of settlements and the designation of streets and other local geographic signs in

the languages of national minorities are regulated by particular provisions.7c)”.

Footnotes to references 7a to 7c say:

“7a) § 1a of the Act of the National Council of the Slovak Republic No. 369/1990 Coll. on local administration in the wording of Act No. 453/2001 Coll.

7b) § 18 of the Act of the National Council of the Slovak Republic No. 215/1995 Coll. on geodesy and cartography in the wording of subsequent regulations

7c) The Act of the National Council of the Slovak Republic No. 191/1994 Coll.

Act No. 184/1999 Coll.”

13. In § 4 section 1 and 5, footnote 8 is designated as 5a and the footnote to reference 8 is left out.

14. In § 4 paragraph 3 says:

„(3) the entire pedagogical documentation at schools and school apparatus are recorded in the state language. At schools and school apparatus, at which education is carried out in the language of national minority, pedagogical documentation is bilingual, this in state language and in language of given national minority. At schools and school apparatus, at which education is carried out in the language of national minority, other documentation is bilingual, this in state language and in language of given national minority.

15. In the footnote to reference 8a the quotation “§ 3 of Act No. 29/1984 Coll. in the wording of subsequent regulations” is replaced by the quotation “Act No. 245/2008 Coll.”.

16. In the footnote to reference 8b the quotation “§ 11a of the Act of the National Council of the Slovak Republic No. 542/1990 Coll. in the wording of subsequent regulations” is replaced by the quotation “§ 11 section 2 of Act No. 245/2008 Coll.”

17. In the footnote to reference 9 the quotation “§ 40 of Act No. 29/1984 Coll. in the wording of subsequent regulations. Decree of the

Government of the Slovak Republic No. 282/1994 Coll. on the usage of textbooks and instructional texts” is replaced by: “§ 13 of Act No. 245/2008 Coll.”

18. § 5 including the title says:

§ 5

Usage of the State Language in Mass Media, Cultural Events and Assembly

(1) Radio and television broadcasting is, on the whole territory of the Slovak Republic, conducted in the state language. Exceptions are as follows:

- a) foreign language television broadcast^{9a)} with subtitles in the state language or immediate follow-up broadcasting after the programme in the state language,
- b) foreign language radio programmes with their immediate follow-up broadcasting in the state language,
- c) the cultural and informational programmes of the Slovak Radio international broadcast,¹⁰⁾
- d) television and radio language courses and programmes with similar focus,
- e) music with original text,
- f) broadcasting in the languages of national minorities and ethnic groups in the Slovak Radio¹¹⁾ and the Slovak Television,^{11a)}
- g) audio-visual works or sound recordings of artistic creations spread by broadcasting in the original language form that fulfils the requirements of basic comprehensibility from the point of view of the state language,^{11b)}
- h) audio-visual works with dubbing in a language that fulfils the requirements of basic comprehensibility from the point of view of the state language, created before the particular provision took effect^{11c)} and those which were broadcasted on the territory of the Slovak Republic before this particular provision took effect,
- i) original language speeches of particular persons in a language that fulfils the requirements of basic comprehensibility from the point of view of state language, listed among news, journalism, shows and television programmes or radio programmes,

j) the live transmission of competitions with simultaneous interpretation into the state language within the frame of a foreign-language programme.

(2) Foreign-language audio-visual works intended for children up to 12 years of age have to be dubbed in the state language except of the audio-visual works intended for children up to 12 years of age in the languages of national minorities within the framework of television programmes according to section 1 letter a).

(3) Announcements with the intention to inform the public by means of the local radio or by means of any other technical equipment are released in the state language; it is possible to release these announcements in other languages as well, after their release in the state language.

(4) If a particular provision^{11d)} does not determine otherwise, the state language is used in

- a) periodical press or press intelligence agency^{11e)} or
- b) occasional publications.^{11f)}

(5) Occasional printed matter intended for the public for cultural use, gallery's, museum's, library's catalogues, cinema's, theatre's, concert's programs, and other cultural events is published in state language, except those, which are published in language of national minority. This kind of printed matter, catalogues or programs, published in the language of national minority should contain the same meaning in state language. Printed matter, catalogues and programs, mentioned in previous sentence, published in national language may contain text in other languages in required measure, which are in principle identical as in state language and come after the text in state language.

(6) Cultural and educational events are held in the state language. Exceptions are the cultural events of national minorities, ethnic groups, foreign guest artists and educational events with the purpose of education in the field of foreign languages, as well as musical pieces and theatre performances with original texts. The programmes are first

announced in the state language with the exception of the announcement of the programmes mentioned in the second sentence of this section, as far as these programmes are realised in a language that fulfils the requirements of basic comprehensibility from the point of view of the state language.

(7) Scriptures on monuments, memorials and memorial tables are presented in the state language. If they are translated into other languages, the other-language texts come only after the text in the state language and their content has to be the equivalent of the content of the text in the state language. The text in the other-language consists of letters of the same or smaller size than the text in the state language. The constructor is obliged to claim for a binding statement from the Ministry of Culture proving the accordance of the scripture on the monument, memorial and memorial table with this act. This provision does not refer to the historical scripture on monuments, memorials and memorial tables that are under the protection of particular regulations.11g)

(8) Each participant of a meeting or a lecture on the territory of the Slovak Republic has the right to present his speech in the state language.”

Footnotes to references from 9a to 11g say:

“9a) § 2 section 5 of Act No. 220/2007 Coll. on the digital broadcasting of programme services and on providing other content services by means of digital broadcasting and on the change and completion of certain acts (law on digital broadcasting).

10) § 5 section 1 letter k) of Act No. 619/2003 Coll.

11) § 5 section 1 letter e) of Act No. 619/2003 Coll.

11a) § 5 section 1 letter g) of Act No. 16/2004 Coll. in the wording of Act No. 220/2007 Coll.

11b) § 17 section 5 of Act No. 343/2007 Coll. on the conditions of the recording, public circulation and holding of audio-visual works, multimedia works and the sound recordings of artistic creations and on the change and completion of certain acts (audio-visual law).

11c) § 46 section 6 of Act No. 343/2007 Coll.

11d) § 2 section 8 of Act No. 212/1997 Coll.

11e) § 2 sections 1 and 4 of Act No. 167/2008 Coll. on periodical press and intelligence agencies and on the change and completion of certain acts (press law).

11f) § 2 section 3 of Act No. 212/1997 Coll. on the deposit copies of periodical publications, occasional publications and the copying of audio-visual works.

11g) Act No. 49/2002 on the protection of monuments in the wording of Act No. 479/2005 Coll.”

19. § 6 and 7, including titles, say:

§ 6

Usage of the State Language in Armed Forces, Armed Services and Fire Departments

(1) The state language is used in official contacts in the Army of the Slovak Republic, the Police Force, the Slovak Information Service, the law enforcement and justice systems of the Slovak Republic, the Railroad Police, the Fire and Rescue Services and the municipal police forces.

(2) The armed forces, the armed security services, other armed services and the fire departments conduct all their administration and documentation in the state language.

(3) The disposition made in Paragraph 1 does not apply to the air fleet while in flight and the international activity of the armed forces and armed services.

§ 7

Usage of the State Language in Court and Public Administration Proceedings and the Bodies of Criminal Proceedings

(1) Mutual contact of the courts with citizens, court proceedings, public administration proceedings and criminal proceedings occur in the state language, the decisions and minutes of courts and public administrative bodies and bodies active in criminal proceedings are issued in the state language.

(2) The rights of persons belonging to national minorities and ethnic groups, or the rights of foreigners not having a command of the state language, resulting from specific regulations¹²), remain intact.

20. Footnote to reference 12 says:

“12) For example § 18 of the Code of Civil Procedure in the wording of Act No. 341/2005 Coll., Act No. 382/2004 Coll. on advisers, interpreters and translators and on the change and completion of certain acts in the wording of subsequent regulations, § 2 section 20 of the Code of Criminal Procedure”.

21. In the title of § 8 the words “in industry, services and healthcare” are replaced by the words “in other fields of public relations”.

22. In § 8 paragraph 1 after the word „food“ is comma and the word „medicament“ is displaced with words „medicaments, electronics and drugs”.

23. In § 8 paragraph section 1 at the end dot is omitted and to reference 13 the following text is added: „to the extent and under conditions stated by specific regulation. 13)”.

In the footnote to reference 13 the quotation “§ 9 sections 1 and 2 and § 11 of Act No. 634/1992 Coll. on consumer protection. The Act of the National Council of the Slovak Republic No. 152/1995 Coll. on food” is replaced by the quotation: For example the Act of the National Council of the Slovak Republic No. 152/1995 Coll. on food products in the wording of subsequent regulations, § 24 of Act No. 140/1998 Coll. on medicine and healthcare equipment, on the change of Act No. 455/1991 Coll. on trade (trade law) in the wording of subsequent regulations and on the change and completion of the Act of the National Council of the Slovak Republic No. 220/1996 Coll. on advertising, § 13 of Act No. 250/2007 Coll. On consumer protection and on the change of the Act of the Slovak National Council No. 372/1990 Coll. on offences in the wording of subsequent regulations”.

24. In § 8 sections 2 to 4 say:

“(2) Written legal procedures in a labour relation or in an analogous labour relation are formulated in the state language; besides the version in the state language it is possible to formulate a version in another language with the identical content.

(3) Financial and technical documentation, constitutions of associations, societies, political parties, political movements and trade companies, are formulated in the state language; besides the version in the state language, it is possible to formulate a version in another language with the identical content. The usage of the state language for Slovak technical norms is modified by a particular regulation.¹⁴⁾

(4) The agenda of healthcare institutions and the institutions of social services is formulated in the state language. The communication of the staff of these institutions with patients or clients is generally carried out in the state language; if there is a patient or client who does not have a command of the state language, communication may be carried out in a language in which it is possible to understand the patient or client. The patient or client belonging to a national minority can use their own mother tongue when communicating with the staff of these institutions in settlements, where the language of the national minority is used in official contact according to a particular regulation¹⁵⁾. The members of staff are not obliged to have a command of the language of the national identity.”

Footnotes to references 14 and 15 say:

“14) Act No. 264/1999 Coll. on the technical conditions for products and on the judgement of accordance and on the change and completion of certain acts in the wording of subsequent regulations.

15) § 2 section 2 of Act No. 184/1999 Coll.”

25. In § 8 section 5 the words “public and legal authorities” are replaced by the words “authorities and legal persons according to § 3 section 1”.

26. In § 8 section 6 says:

“(6) All writings, advertisements and announcements intended to inform the public, especially in shops, sports halls, restaurants, in the street, by and over the roads, at airports, bus stations and railway stations, in the vehicles of public transport are formulated in the

state language. If translated into other languages, the other-language texts follow the texts in the state language and their content has to be identical with the content of the text in the state language. The other-language text is written with letters of the same or smaller size than the text in the state language.”

27. § 9 including the title says:

§ 9
Supervision

(1) Adherence to obligations according to § 3 to 4, § 5 section 3, section 4 letter b), sections 5 to 7 and § 6, § 7 in public proceedings and in the proceedings of the authorities of criminal proceedings, § 8 section 2 and 6 the communication of the personnel of health care institutions and social institutions except of advertisement with clients and patients apart from advertisements, on which the supervision is provided by authorities according to a particular regulation¹⁶⁾ and § 11a is supervised by the Ministry of Culture. Besides the duty of supervision, the Ministry of Culture also takes account of the codified form of the state language according to § 2 section 3.

(2) When carrying out the duty of supervision, in line with the regulation on the supervision of state administration¹⁷⁾, the persons appointed with the duty of supervision according to section 1 are¹⁷⁾

a) obliged to show up a licence of the particular authority of supervision and a written commission of supervision,

b) authorised to claim for necessary collaboration, especially providing information, data, written or oral explanation, documents and appropriate written materials,

c) obliged to write minutes of accomplished supervision.

(3) Authorities and legal persons according to § 3 section 1, natural persons entrepreneurs and legal persons are obliged to enable supervision for authorised persons and provide them with necessary collaboration.”

Footnotes to references 16 and 17 say:

“16) § 3 section 6 and § 11 section 3 letter b) of Act No. 147/2001 Coll. on advertising and on the change and completion of certain acts in the wording of subsequent regulations.

17) § 8 to 13 and § 16 of the Act of the National Council of the Slovak Republic No. 10/1996 Coll. on the supervision of state administration.”

28. § 9 is replaced by § 9a, which, including the title, says:

“§ 9a
Fines

(1) If the Ministry of Culture discovers violation of obligations in the range according to § 9 section 1 and authorities and legal persons according to § 3 section 1, natural persons entrepreneurs or legal persons, after a repeated written notice still do not eliminate the illegal state within the given period or if they do not carry out the correction of discovered violations in the given period of time, authorities and legal persons according to § 3 section 1, natural persons entrepreneurs and legal persons are imposed a fine from 100 to 5 000 EUR by the Ministry of Culture.

(2) The decree on imposing a fine has to include the deadline of eliminating the illegal state. If the state in accordance with this act is not reached within the period of time given in the decree, the Ministry of Culture imposes another fine which is the double amount of the originally imposed fine.¹⁸⁾ Further fines can be imposed within two years from the day the defaults have to be eliminated, determined in the decree on imposing a fine.

(3) A fine can be imposed within one year from the day of the notification of default by the Ministry of Culture; the latest time is within three years from the day the obligation was violated. When imposing a fine, mainly the extent, consequences, duration and the repetition of illegal action is taken into consideration.

(4) The fine is due within 30 days from the time the decree that imposes the fine comes into force, if there is no other later deadline determined in it. A general regulation on administrative procedure¹⁸⁾ refers to the process of imposing a fine.

(5) Yield of fines imposed according to this act is the income of the state budget.”

Footnote to reference 18 says:

“18) Act No. 71/1967 Coll. on administrative proceedings (administrative order) in the wording of subsequent regulations”.

29. § 10 including the title says:

“§ 10

Report on the State of the Usage of State Language

(1) The Ministry of Culture submits a report to the Government on the state of the usage of the state language on the territory of the Slovak Republic once every two years.

(2) For the purpose laid in section 1, the Ministry of Culture is entitled to request information and written documentation about the usage of the state language in their sphere of action from authorities and legal persons according to § 3 section 1.

(3) The Ministry of Culture submits the first report according to section 1 until 31st March 2012.”

30. § 11, including the title, says:

“§ 11

Common and Temporary Provisions

(1) The state language for the purposes of § 3 to 8 means the codified form of the Slovak language according to § 2 section 3; while the Act does not exclude the usage of new foreignlanguage scientific terminology, concepts or the designation of new phenomena, which do not have a codified and accustomed equivalent in the state language, as well as the functional usage of informal language especially in art and journalism.

(2) The expenses of all modifications of information boards, titles and other texts according to this act are covered by the particular offices and other legal persons and natural persons. These modifications are carried out within one year from the day this Act enters into effect.

31. After § 11, § 11a is inserted, which, including the title, says:

§ 11a

Temporary Provision that Enters into Effect on 1st August 2009

Authorities and legal persons according to § 3 section 1, legal persons, natural persons entrepreneurs and natural persons are obliged to remove the state not adequate to provisions § 3 section 3 letter d), § 5 section. 5 and 7 and § 8 section. 6 until 31st December 2009. If its about inscription in memorial or tablet with text in language of national minority, that was placed in memorial or tablet before 1st of September 2009, and is followed by principle identical meaning in state language in the same or with bigger letters as language if national minority, this does not apply to that kind of inscription responsibility written in previous sentence.

ARTICLE 2

The Act of the National Council of the Slovak Republic No. 191/1994 Coll. on the naming of settlements in the languages of national minorities is changed in the following way:

In § 1 section 2 and in § 2 the words “in the official language” are replaced by the words “in the state language”.

In the footnote to reference 1 the quotation “§ 3 section 4 of the Act of the National Council of the Slovak Republic No. 428/1990 Coll. on the official language of the Slovak Republic” is replaced by the quotation “§ 3a of the Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the state language of the Slovak Republic in the wording of Act .../2009 Coll.”

ARTICLE 3

The Act No. 152/1995 Coll. on Foods in Act No. 290/1996 Coll., Act No. 470/2002 Coll., Act No. 553/2001 Coll., ACT No. 23/2002 Coll., Act No. 450/2002 Coll., Act No. 472/2003 Coll., Act No. 546/2004 Coll., Act No. 195/2007 Coll. is changed in the following way:

In § 9 Section 1. the words “in state language” are displaced by the words “in the codified version of the state language”.

ARTICLE 4

Act No.140/1998 Coll. on drugs and medical aids, the modification of the Act No. 455/1991 Coll. on entrepreneurship in the wording of subsequent regulations and on the change and completion of Act No. 220/1996 Coll., on advertisements, Act No. 104/1999 Coll., the Opinion of the Constitutional Court No. 122/1999 Coll., Act No. 264/1999 Coll., Act No. 370/1999 Coll., Act No. 119/2000 Coll., Act No. 416/2001 Coll., Act No. 488/2001 Coll., Act No. 553/2003 Coll., Act No. 216/2002 Coll., Act No. 457/2002 Coll., Act No. 256/2003 Coll., Act No. 9/2004 Coll., Act No. 434/2004 Coll., Act No. 578/2004 Coll., Act No. 633/2004 Coll., Act No. 331/2005 Coll., Act No. 342/2005 Coll., Act No. 342/2006 Coll., Act No. 522/2006 Coll., Act No. 270/2007 Coll., Act No. 661/2007 Coll., and Act No. 489/2008 is changed in the following way:

In § 67 Section 2 Letter c, after the words “§ 23” comma and the words “§ 24” are inserted.

ARTICLE 5

Act No. 184/1999 Coll. on the usage of the languages of national minorities is changed in the following way:

§ 6 is left out.

ARTICLE 6

Act No. 308/2000 Coll. on broadcasting and retransmission and on the change of act No. 195/2000 Coll. on telecommunications in the wording of Act No. 147/2001 Coll., Act No. 206/2002 Coll., Act No. 289/2005 Coll., Act No. 95/2006 Coll., Act No. 121/2006 Coll., Act No.13/2007 Coll., Act No. 220/2007 Coll., Act No. 343/2007 Coll., Act No. 654/2007 Coll., Act No. 167/2008 Coll. and Act No. 287/2008 Coll. is changed and completed in the following way:

1. In § 67 section 1 the words “3 000 SKK to 1 000 000 SKK” are replaced by the words “99 EUR to 33 193 EUR”.

2. In § 67 section 2 the words “5 000 SKK to 200 000 SKK” are replaced by the words “165 EUR to 6 638 EUR” and the words “3 000 SKK to 50 000 SKK” are replaced by the words “99 EUR to 1 659 EUR”.

3. § 67 section 2 is completed with letter m), which says: “m) did not fulfil commitment according to § 16 letter g).”

4. In § 67 section 3 the words “20 000 SKK to 2 000 000 SKK” are replaced by the words “663 EUR to 66 387 EUR” and the words “3 000 SKK to 600 000 SKK” are replaced by the words “99 EUR to 19 916 EUR”.

5. In § 67 section. 4 the words “50 000 SKK to 3 000 000 SKK” are replaced by the words “1 659 EUR to 99 581 EUR”.

6. In § 67 section. 5 the words “100 000 SKK to 5 000 000 SKK” are replaced by the words “3 319 EUR to 165 969 EUR” and the words “15 000 SKK to 1 500 000 SKK” are replaced by the words “497 EUR to 49 790 EUR”.

7. In § 67 section. 6 the words “100 000 SKK to 2 000 000 SKK” are replaced by the words “3 319 EUR to 66 387 EUR” and the words “30 000 SKK to 600 000 SKK” are replaced by the words “995 EUR to 19 916 EUR”.

8. In § 67 section 7 the words “20 000 SKK to 4 000 000 SKK” are replaced by the words “663 EUR to 132 775 EUR” and the words “6 000 SKK to 500 000 SKK” are replaced by the words “199 EUR to 16 596 EUR”.

9. In § 67 section 8 and 9 the words “50 000 SKK to 5 000 000 SKK” are replaced by words “1 659 EUR to 165 969 EUR”.

ARTICLE 7

Act No. 757/2004 Coll. on courts and on the change and completion of certain acts is completed in the following way:

In § 74 section 1, after letter e), a new letter f) is inserted, which says:

“f) guarantees the usage of state language in line with a particular regulation,34a)”.

The present letters f) and g) are designated as letters g) and h).

Footnote reference 34a says:

“34a) § 3 and 7 of the Act of the National Council of the Slovak Republic No. 270/1995 Coll. On the state language of the Slovak Republic in the wording of subsequent regulations.”

ARTICLE 8

Act No. 250/2007 Coll. on Consumer Protection and on the modification of the Act No. 372/1990 Coll. on Offences in the wording of subsequent regulations in Act No. 397/2008 is changed in the following way:

In § 13 the words “in state language” are displaced by the words “in the codified version of the state language”.

ARTICLE 9

The speaker of the National Council in SR is authorized to proclaim the text of the Act of the National Council in full wording on the State Language in SR in the repertory of acts in SR as stated in changes and amendments performed by the Constitutional Court of Slovak Republic No. 206/1997 Coll., Act No.5/1999 Coll., Act No. 184/1999 Coll., Act No. 24/2007 and in this Act.

ARTICLE 10

This Act will enter into effect on 1st August 2009.

President of Slovak Republic

Speaker of the National Council of Slovak Republic

Prime Minister of Slovak Republic

Minorities history

Béla Pomogáts

Post war search for ways and loosing them

Abstract

Following the coup of 23 August 1944 – almost within hours - the Romanian army joined the Soviet Army invading the country and together with them participated in the military actions against Hungary. The new leaders in Bucharest accepted to hand over power of the eastern Romanian territories to the Soviet Union well aware of the fact that they would be able to seize the entire Transylvania. The Romanian government thus had a complete historical victory: repeating the achievements after World War I. they finished World War II. again with the victors; though with heavy losses could reconstruct Great Romania created after WW.I.

Historical changes

A new turn in the fate of the Hungarians of Transylvania could be expected in the third year of WWII. after the heavy defeats of the German army and their allies on the Eastern front. Nichifor Crainic, the editor of the right-wing periodical *Gîndire*, later to become the minister of propaganda of the Antonescu government, formerly in good contact with Hungarian authors, after the war as an extreme right-wing politician spending almost 20 years in prison, still wrote enthusiastically in his memoirs published in 1991 about the military determination of the German Reich and how appreciatively Hitler mentioned the determination of the Romanian army.¹

The Bucharest government (like the Budapest one too) wanted to call for an armistice from the western powers, especially in consideration of the British prime minister, Winston Churchill's idea, the plan of the advance of the British – US armies in the Balkans, especially to

¹ Nichifor Crainic: *Zile albe, zile negre. Memorii*. Bucuresti, 1991, Durandin, Catherine: *A román nép története*. Ford. Saly Noémi, Szántó Judit, Tófalusi Ágnes. Budapest, 1998. 304

forestall the Soviet army and prevent their occupation of the whole territory of Central and Eastern Europe. This otherwise promising plan faltered on the determined resistance of the Soviet government and the leniency of the Americans and soon was abandoned; by the spring of 1944 it became evident that the Soviet Union would occupy Central Europe. This was the time when the conditions of armistice offered to Romania were decided. The conditions were: 1. Romania was to cut off every connection with Germany and the Romanian army was to participate in the military operations on the side of the allied forces. 2. Romania was to reconstruct the Romanian – Soviet borders drawn by the 1940 agreement. 3. the Soviet Union found the Vienna agreement unjust and is ready to lead a campaign together with the Romanians against Hungary and Germany, to give back Transylvania or part of it to Romania.²

The events followed one another in speed: in August 1944 the Soviet army broke through the Romanian front and started its offensive against Bucharest. Urged by his military and political counsellors King Michael decided to dismiss Antonescu from power and accepting the conditions given by Moscow concluded an armistice with the Soviet Union. Antonescu, misjudging the possible reactions of the military staff and army, believed that the young monarch would not be able to make the military power line up with him. This event led to the 23. August coup; the soldiers supporting the king took the marshal in custody – though up to this point he inevitably enjoyed authority and power. General Sanatescu formed a government that immediately called for an armistice from the Soviet government and the western allies. The Romanian army went over to the Soviet army within hours and together they participated in the military events against Hungary. The new Bucharest authority agreed to give up the eastern territories of Romania and new well that the whole of Transylvania will be theirs. It is true the relationship between the Soviet command and the Romanian army and administration was not the best; the Soviet soldiers did not make much difference between allies and enemies. The Bucharest government could boast with another historical success: at the end of both world wars managed to be at the

² Durandin, Catherine op.cit. p. 313

side of the victors and though with losses but reconstructed Great Romania created after WWI.

The politicians and generals grouped around the king turned the Romanian army against their former ally, nevertheless could not retain their power; in the first government following the change of sides there was the representative of the Communist party and King Michael was forced to form a government with Petru Groza as its head that enjoyed the confidence of Soviet leaders. In the course of the November 1946 elections the mandates were divided between the left wing association (347), the National Peasants' Party lead by Maniu (33), the Liberals (only 3); during the elections there were severe frauds (in several constitutions the ballot boxes were simply stolen and the counts came from different ones). The Communists took over the power and soon King Michael had to leave the country; first the leaders of the right-hand parties were imprisoned then those of the social-democrats too (Maniu among them) and Romania came under the rule of a Soviet type Communist party. All this was similar what happened in the other Eastern European countries. In Romania too the non-Communist politicians were executed, imprisoned or pushed out of power even those Communist leaders (e.g. Lucrețiu Pătrășcanu, Ana Pauker and the Hungarian origin Vasile Luca) who stood in the way of the 'Sovietization' of the country or were merely assumed to do so.³ Finally the power went to the simplistic thinking Gheorghe Gheorghiu-Dej who very carefully tried to loosen the bonds between Bucharest and Moscow. This all defined the situation of Hungarians of Transylvania who soon found themselves at the bedrocks of their history and though they have achieved important results in the past two decades they could not completely make up for their losses in the rapidly arriving dictatorial era.

The Soviet army and the large (about 200 thousand strong) Romanian one occupied the region of Transylvania and Seklerland, re-annexed to Hungary in 1940, within a couple of month. At the beginning of September the Hungarian military command made a desperate effort to obstruct the immensely superior force by advancing

³ Lucrețiu Patrascanu was executed in 1954, Ana Pauker was expelled from the Party in 1952, Vasile Luca was imprisoned in 1952; later all three of them were rehabilitated.

to the Carpathians; the attempt quickly failed and the Hungarian army (2. and 3. army) reaching Torda and Temesvár respectively was destroyed by the Soviet armoured units. The Hungarians cleared out of Kolozsvár on the request of several leading members of Transylvanian Hungarian public life, especially that of Count Béla Teleki, thus the capital of Transylvania fell into the hands of the occupying Soviet and Romanian army without harm. The combined army had already occupied Seklerland at the beginning of September and by the end of the month they entered Hungary at Battonya and Makó through the borders delineated in the Paris agreement in 1922. The Romanian army as the auxiliary of the Soviets were participating in the military activities in the territories of Hungary, Czechoslovakia and Germany too. They behaved the same way as the Soviets did with violent actions against civilians and looting. This did not help the matters in the Hungarian – Romanian relationship that otherwise was promoted by the Romanian leadership and especially by prime minister Petru Groza.

The Soviet and Romanian army marching into Transylvania were followed by irregular armed forces, the so-called Maniu guard that terrorized the inhabitants in Seklerland and the Partium, e.g. in Egeres and Szárazajta in Co. Kolozs axed down the Hungarians and mass murdered civilians in Gyanta, Co. Arad. (this incident were depicted in Pál Köteles's novel *Hotel Kárpátia* published in 1989). The incoming Romanian administration too terrorized the Hungarian and German inhabitants, many thousands of them were taken to concentration camps, one of which was the notorious one in Földvár in Co. Brassó; the Soviet army too deported Hungarians and Germans to the lagers east of the Carpathians. One of the many victims of this time was the talented young scholar László Mikecs whose memory has been preserved by the poem *Álom-rekviem* [Dream requiem] by Zoltán Jékely. In the last months of the war the Hungarians of Transylvania had more casualties than during the entire war; the Germans (Saxons) of Transylvania, whose men of military age, but many women too, were deported to the inner regions of the Soviet Union; they could never recover these losses.

The Hungarians living in Transylvania, but the entire Hungary itself, were defenceless during the events happening at the end of the war. The armistice with Romania of August still allowed for some

leeway for the Hungarian foreign policy when it promised 'part of Transylvania' to the Romanians. There were plans prepared in the Hungarian prime minister's office and ministry of foreign affairs about the possibilities of preserving at least a small region, e.g. Nagyvárad, Szatmárnémeti and Zilah and to gain guarantee of the self-government for Seklerland in the peace agreement. The ideas failed because Romania was strategically important territory in the south-eastern Europe for the Soviet Union that wanted Romania compensate for the eastern areas annexed to the Soviet Union, moreover since the spring of 1945 there was a Soviet-friendly Communist government in power – all in all a more important partner than Hungary where a bourgeois government was elected with great majority. At first the western powers, that during the war rejected the second Vienna decision as one made by their enemies, Germany and Italy, showed willingness to re-draw the borders delineated in Trianon in Hungary's favour. Finally they decided not to start fruitless debates with the Soviet Union about a region they had already accepted as the Soviet Union's sphere of influence. Thus the peace agreement signed in Paris on the 10th of February 1947 reconstructed the Hungarian – Romanian border established before the 'second Vienna decision'.⁴ On the 4th of February Romania signed a contract with the Soviet Union, followed by the Hungarian – Soviet, Bulgarian – Soviet and all the other East – Central European agreements of cooperation. That year the 'Sovietization' of the region was completed. That also settled the political place of Transylvania and the public and political situation of the Hungarians of Transylvania.

After the reconstruction of the Romanian empire Hungarians of Transylvania had arrived into the direst situation of their history. As was already mentioned, the regular Soviet and Romanian army was followed by irregular groups that committed mass murders against Hungarians in Seklerland and Transylvania. In order to assure peace in the hinterland the Soviet command ordered out the Romanian army as well as the Romanian administration from the region and formed a Hungarian – Romanian joint administration from the local members of the Communist Party; thus the Romanian Teodor Vescam and Edgár Balogh got roles in the management of Kolozsvár. That

⁴ Fülöp Mihály: *A befejezetlen béke*. Budapest, 1994. pp. 159-166 [Unfinished peace].

committee was successful and (mainly the Communists) initiated to form Northern Transylvania into a kind of independent 'Soviet republic', however, after the Groza government took up power, the Soviet leaders restored the Romanian administration in the whole territory of Transylvania. At the time Bucharest still wanted to pacify the Hungarians of Transylvania – as could be seen from the facts that besides the reconstructed Romanian university, the Soviet occupation command agreed to the creation of an independent Hungarian university in Kolozsvár and also several Hungarian colleges, the Hungarian network of schools were maintained and in the villages with Csango inhabitants Hungarian-language schools were opened. The later development showed that these steps were made out of mere tactics: the government wanted to show up as a democratic system that satisfies the rightful wishes of the minority groups; and since the stand point of the Romanian government was completely backed by the Soviet politics, Hungary had no chance even to keep a few towns along its eastern border, neither the creation of autonomy in Seklerland, not even an agreement upon the protection of minorities corresponding the one made after WWI.

In spite of the disadvantageous historical events the Hungarians of Transylvania were still a considerable factor, they represented more than 25% of the inhabitants of the area given to Romania and in the more important towns e.g. Kolozsvár, Nagyvárad, Arad, Szatmárnémeti, Marosvásárhely they were in the majority⁵. It is noteworthy to add that the Romanian government did not allow Romanian citizenship to more than 200 thousand Hungarians and at the end of the war Hungarians of similar magnitude fled to Hungary. The statistics below (given in thousands) shows the ethnic distribution of Transylvania according to the census between 1948 and 1977.⁶

⁵ The Romanization of the Hungarian towns and cities belonged to the strategic priorities of the Romanian political system, therefore the system of 'closed cities' was created where special permit of the authorities was necessary if someone wanted to settle down there. In spite of these regulations in 1977 there were 85 thousand Hungarians living in Kolozsvár, 82 thousand in Marosvásárhely, 36 thousand in Temesvár, 34 thousand in Arad, 76 thousand in Nagyvárad, 48 thousand in Szatmár. In: Hetven év. A romániai magyarság története. Szerk. Diószegi László and R. Süle Andrea. Budapest, 1990. p. 53. [Seventy years. The history of Hungarians in Romania]

⁶ Ibid. 53.

Population	1948		1956	1966		1977
	mother tongue	mother tongue	nationality	mother tongue	nationality	nationality and mother tongue
<i>According to numbers (thousand persons)</i>						
Romanian	3572	4081	4052	4570	4559	5321
Hungarian	1482	1616	1559	1626	1597	1651
German	332	373	368	374	372	323
Jewis/jiddis	30	10	44	1	14	8
Gypsy	-	38	78	32	49	44
<u>Other</u>	<u>165</u>	114	131	117	129	153
<u>Total</u>	<u>5761</u>	623	6232	6720	6720	7500
<i>According to percentage</i>						
Romanian	65,1	65,5	65,0	68,0	67,9	70,9
Hungarian	25,7	25,9	25,0	24,2	23,8	22,0
German	5,8	6,0	5,9	5,6	5,5	4,6
Jewis/jiddis	0,5	0,2	0,7	x	0,2	0,1
Gypsy	-	0,6	1,3	0,5	0,7	0,6
<u>Other</u>	<u>2,9</u>	1,8	2,1	1,7	1,9	2,1
<u>Total</u>	<u>100,0</u>	100,0	100,0	100,0	100,0	100,0

* of these 34 059 'other mother tongue and nationality'

In the publication quoted above László Sebők has presented the demographic situation of Hungarians in Romania; there is another Figure that shows the data to be found in ecclesiastical matriculae and other estimates that can help compare and complete the data of the official state statistics.⁷ According to these sources (census and other estimates) the number of the Hungarians in Romania was as follows:

⁷ Ibid. p. 58.

Number of Hungarians in Romania according to census and other estimates

In thousands

	1956		1966		1977		1985		V
	C	B	C	B	C(A+N)	C(N)	B	B	
Trasylvania of today	1616	1616	1626	1735	1651	1686	1910	1970	2100**
Moldavian Csángós	17	60*	8	60	6		50	50	60
Bukarest	15	70	11	70	8	21	70	70	50***
Other Regat	6	40	7	40	6		50	60	
Romania Total	1654	1786	1952	1905	1671	1707	2080	2150	2210

C = Census

B = Estimates

V = Estimates based on ecclesiastical data

(A+N) Mother tongue and nationality

(N) Nationality

* Based on the documents of the past Magyar Népi Szövetség [Hungarian Folk Association]

**Together with the non-Roman Catholic Hungarians in the Regat

***Only the Hungarians of the Bucharest Roman Catholic bishopric

After the 1945 political change Hungarians participated proportionally to their number in the Romanian political life. This could happen because there were relatively few Romanians in the Romanian Communist movement, Hungarians (Hungarian Jews) and Ukrainians dominated, e.g. László Luka finance minister and vice premier was also Hungarian of nationality and origin. The Romanian party functionaries constantly complained about this fact and by the beginning of the 1950s the representatives of the Hungarians were gradually pushed out of leading state and party functions; and after 1952 the former Hungarian leaders and those who returned from their Moscow emigration were expelled from the party and imprisoned for long years, it became apparent that the Bucharest leaders opened the

road for the traditional Great Romanian nationalism and aims at the 'Romanization' of the multi-national Romanian society.

The Hungarians of Transylvania managed to build up a remarkable net of organizations; thus the Hungarian university in Kolozsvár was preserved under the name of Bolyai University and there were 184 Hungarian (mostly denominational) secondary schools, many primary schools and kindergartens. On the 6th February 1945 the Bucharest government published the so-called Nationality Statute that declared the equality before the law of every Romanian citizen and promised certain collective rights especially relating to the use of the mother tongue: in the regions where the 30% of the inhabitants were speaking a minority language there would be right to free language use. On the 6th of August 1945 there was an additional law published that defined more detailed the rulings of the Nationality Statute and prohibited discrimination against ethnic, linguistic and religious communities; ruled on the right of the use of the mother tongue in private and public sphere, described the duties of civil servants and the equality of right of minority educational institutions. Among the results of the 'opening' in nationality policy was the foundation of the *Magyar Népi Szövetség* [Hungarian Popular Union (HPU)] that would have had the task to become the unified political and cultural representative of the Hungarians in Romania but due to the changes in Bucharest politics it could not fulfil its task.⁸

Magyar Népi Szövetség (HPU) was established in Brassó on the 16th October 1944 as the successor of the *Romániai Magyar Dolgozók Szövetség* [Hungarian Workers' Association of Romania] and soon integrated the North-Transylvanian left-wing organizations. Its elected president was Gyárfás Kurkó, a well-known personality of the Transylvanian workers' movement from Seklerland (and Bishop Áron Márton's cousin). The first congress was held in the presence of Prime Minister Petru Groza and László Luka, the secretary of the National Democratic Front, in Kolozsvár in May 1945. As the preparation for the congress a memorandum was sent to the Bucharest government on the 12th of March containing the most impor-

⁸ *Autonómisták és centristák. Észak-Erdély a két román bevonulás között* (1944. szeptember – 1945. március). Összeállította Nagy Mihály Zoltán és Vincze Gábor. Csíkszereda, 2004. 336-341. [Autonimists and Centrists. North-Transylvania between the two Romanian occupations (November 1944 – March 1945)]

tant requests of the Hungarians of Transylvania, claiming that HPU, owing to its aims and national character of its organization was first of all qualified for striving for the equal rights of the Hungarian nation and the safeguarding of its special cultural interests. Therefore its main concern was that the nationality policy of the new government should be adequate in creating national equality and peace between the nations. One of the prerequisites was that the government should keep close contact with the mass movements of the Hungarian people and thus be constantly informed about the national and cultural situation, complaints and requests of the Hungarian nation.⁹

The memorandum continued with the summary of the requests of the Hungarians in Romania: representation in the Bucharest government, administrative offices with Kolozsvár head quarters, the preservation of the democratically elected self-governments in North Transylvania, the acknowledgment of Hungarian as an official language, the closing down of the labour camps, the indemnity of the harm done by the Maniu-guards, that the Hungarians who left because of the war could freely return, free language use from primary school to university, independent higher education centres in Kolozsvár and Marosvásárhely, the state support of the Hungarian Churches, the maintenance of the Hungarian National Theatre in Kolozsvár, a special cultural committee for the educational and cultural questions, the right of free employment for the Hungarians of Transylvania and the assurance of their livelihood, the democratic control over the execution of the land reform law, the free use of the Hungarian tricolore and Hungarian Anthem, etc. There were items unusually for the present-day reader, e.g. 'We want the immediate release of those North-Transylvanian schoolchildren who were interned during their summer holiday in South-Transylvania.' By the quirkiness of history maybe this latter request is the only one completely fulfilled.

In the document *Ezt kívánjuk, ehhez ragaszkodunk* [This is what we want, what we insist upon] practically repeated the above requests of HPU. The decision of the congress summed up the rightful requests of the Hungarians of Transylvania:¹⁰

⁹ Ibid. 336.

¹⁰ Kurkó Gyárfás emlékére. Szerk. Lipcsey Ildikó. Budapest, 1987. pp. 55-56. [In memory of Gáspár Kurkó].

'In the interest of the friendly cooperation between the Romanian and Hungarian nations the HPU in Romania considers the following as the most urgent to be regulated in a democratic country:

- a) the settlement of citizenship, considering the special situation
- b) the return of non-fascist migrants
- c) respect for the usage of the mother tongue
- d) the classification of the democratic civil servants in North Transylvania
- e) the inclusion into administration of Hungarians in South Transylvania
- f) the guarantee of Hungarian language public education
- g) state support for the Hungarian university education in Kolozsvár
- h) satisfactory solution for the relocation of the population overflow of Seklerland
- i) supervision of the redistribution of land with guaranteeing the national equality of right
- j) the abolition of the laws discriminating against nations, races and religions

The HPU of Romania is willing to assist the government by experts and organizations in aid of the complete and quick realisation of the above questions in the spirit of the congress'.

It was evident for Gyárfás Kurkó and the leaders of HPU that the nationality rights already obtained and further ones in the future could only be maintained in determined struggle. This probably was the background of the presidential speech at the general assembly of the HPU in Kolozsvár on the 6th of September 1945 that summoned the Transylvanian Hungarians to persevere in their struggles. In this speech Gyárfás Kurkó expressed the importance of Hungarian unity and declared that the nationality existence meant constant fight. The Hungarians must know that that they had only one way and that was HPU that could protect their nationality rights. That was where all Hungarians belonged whatever their political affiliation was, be it Trade Unions based on class war, the Communist Party, Social Democratic Party or any other mass organisation. All Hungarians fighting for progressive ideas should be active in the parties and in HPU too, to achieve freedom of nationality. As a valiant uniform organization of a nationality they were on equal footing with the National Demo-

cratic Front, the democratic organisations among them especially with the Communist Party.¹¹

The Union on the rise seemed to have a promising future; this was what the events of the following years predicted too. Between the 3rd and 5th of June 1945 the Union accepted a detailed minority bill on the congress at Székelyudvarhely; during the autumn elections of the national assembly more than 500 thousand voters voted for the independent Hungarian slate and the Bucharest parliament received 29 Hungarian members, among them Károly Kós and Sándor Kacsó. HPU had achieved important results in the Hungarian education and higher education as well as in development of Hungarian theatrical life (besides the Hungarian opera and theatre in Kolozsvár new companies were established in Marosvásárhely, Sepsiszentgyörgy, Temesvár and Nagyvárad). It seemed that the Hungarian nationality community and its culture could develop unhindered and HPU was its organiser.¹²

The leaders of HPU, Gyárdás Kurkó himself too, made many compromise for the government in Bucharest in the hope that thus the equality and the partial self-government of the Hungarians of Transylvania could better have been realized. Thus the Committee of 100 acting as the leaders of HPU assured the Romanian government of their complete trust on the 18th November 1945 meeting of the Union held in Marosvásárhely. The background was provided by the promises made by the government and Petru Groza personally about the Central European confederation, the Hungarian-Romanian customs union, the abolition of compulsory passports and thus the 'lightening' of borders, all plans unfulfilled. The only decision the Union could make was that they were not competent in questions relating the borders that decision belonged to competence of the peace conference.

¹¹ Ibid. pp. 64-65.

¹² On the Hungarian Popular Union: Balogh Edgár: *Hídverők Erdélyben*. Budapest, 1985. [Bridge builders in Transylvania]; --: *Férfimunka. Emlékirat 1945-1955*. Budapest, 1986 [Memoirs]. Katona Szabó István: *A nagy remények kora. Erdélyi demokrácia 1944-1948. I-II*. Budapest, 1990 [Time of great expectations. Democracy in Transylvania 1944-1948] Tóttössy Magdolna: *A Magyar Népi Szövetség története 1944-1953. I-II*. Csíkszereda, 2005. [The history of the Hungarian Popular Union 1944-1953]

After the signing of the Paris peace agreement the Bucharest leaders felt to be in winning position and there began the withdrawal of the earlier concessions. In November 1947 HPU was forced to agree to the discontinuation of the network of independent Hungarian co-operatives. Gyárfás Kurkó, who was adamant in representing the Hungarian interests was dismissed from the chairmanship and the post was taken by the more lenient Sándor Kacsó (who, as a former interned, had had personal experience about the aggression of the Romanian authorities). Other Hungarian organizations of long historical standing were also dissolved: the Hungarian Economic society of Transylvania, the Transylvanian Museum Association, the Transylvanian Scientific Institute, then those university professors were dismissed who had come teach at the university as Hungarian citizens e.g. Marcell Benedek, Gyulá László, Béla Zolnai; later Vencel Bíró and Lajos György were also dismissed though they were Romanian citizens. The Hungarian Writers' Society of Romania was merged with the Romanian one, the independent Hungarian Institute of Art in Kolozsvár discontinued as well as the Hungarian technical and agricultural higher education. Already in 1947-1948 the governmental strategy carried out its actions with the aim of the complete discontinuation of the independent Hungarian culture in Transylvania and in the long run the Hungarians of Transylvania too.

The Hungarians of Transylvania were greatly disappointed when they could not save anything of the results of the 1940 border corrections. It played no role at all that in the North Transylvanian areas and in Seklerland the Hungarians lived in proportional majority in spite of migrations. Their majority was not less that that of the Romanians who were considered in the Trianon agreement and were given the whole area of South-Eastern Hungary. The second disappointment happened around 1948-1949, when the Bucharest policy by forceful or manipulative means let or made erode the minority rights preserved or acquired after 1944. It is true there were not many who could have foreseen what turns the minority political developments would take between 1944 and 1949; the representatives of the Transylvanian left wing were deceived by the political change in Romania that had promised complete equality of rights and there was indeed hope that at least partially these promises would

have been fulfilled. After all it was the left wing change that staved off the greatest menace threatening from the Romanian right wing, that of complete loss of Hungarian rights and expulsion. That was history's trap that caught the democrats who sincerely cared for the case of Hungarians and felt responsible for their future Sándor Kacsó, Ferenc Szemlér, László Szabédi, Edgár Balogh, József Méliusz, Lajos Jordáky, Gyárfás Kurkó among others. Károly Kós, too, was a public office holder as member of the national assembly for a short time but fairly early retired and remained active as an architect and architectural theoretician. Many of the above mentioned persons were later imprisoned and most of them had to face their illusions that directed their earlier activities.

Those were justified by the events who from the beginning looked at the developments sceptically. There are documents written by the spiritual leaders addressed to authorities during the process of the peace talks testifying early concern. Below there are just two of them. The first one was signed by Áron Márton Roman Catholic bishop, János Vásárhelyi bishop of the Reformed Church, Ede Korparich chairman of the Transylvanian Co-operation 'Hangya', István Lakatos leader of the Hungarian section of the Social Democrat Party and Pál Szász president of the EMGE on the 8th of May 1946 in which they wanted to draw the attention of Imre Nagy, Prime Minister of Hungary to the consequences of the historical change would cause to the life of the Hungarians of Transylvania, The petition stated that the Hungarians of Transylvania, as every free nation that still had preserved its vital instinct wanted to live together in its own country together with its own race, follow its own way of life. They understood that the Romanians had the same wishes but they adhere to their own rights.

The years spent under Romanian rule had proved that the Hungarians of Transylvania were deprived of their basic human rights albeit the Romanian authorities repeatedly solemnly promised it and pledged to it before international forums. The Hungarians had already had experience with every kind of Romanian political systems but none of them offered them bearable living situations. The time they had to suffer the deepest, severest losses economically too, was when they were ruled in the name of democracy everybody had attached such hopes to.

Therefore, the Hungarians of Transylvania expected the Hungarian government to do everything in their power to achieve a reconstruction of the territory satisfactory for the Hungarians of Transylvania. In the case the Great Powers would decide that a large portion of the Hungarians of Transylvania remain outside the borders of Hungary, the Hungarians of Transylvania expected the Hungarian government to do everything in their power to achieve the respect of the national, cultural and economic rights of the masses and the maintenance of their economic and cultural goods should be preserved by the Great Powers effectively and institutionally. They expected the Hungarian properties in Transylvania not to be treated as alien property since that would have further weakening effect on the Hungarians of Transylvania.¹³

The other historical document is the letter of Áron Márton written in Gyulafehérvár addressed to Minister President Petru Groza on the 28th January 1946. In this letter he wrote about the young Hungarians taken for forced labour, the fate of Hungarians in the labour camps, the rampage of the Romanian irregular troops, that the Hungarian men were carried off to POW camps in the Regat, about the hate inducing campaigns of the Romanian press against Hungarians and also that the priests of the Romanian Churches were forcing the Hungarians to change their religion. Then the bishop explained the legislation excluding Hungarians from the land reform, that Hungarian properties were sequestered, the law on citizenship discriminating against Hungarians and all the other legislations that made impossible for the Hungarians of Transylvania to come to terms with the situation they came into and find their place in the Romanian state. The letter ended with: 'I want to stress that I do not speak in the name of the Hungarians; I do not have any authorization for it. But I am in full knowledge of the feelings and situation and I am certain that the facts described in the present letter are true. I have contact to every layer of Hungarian society, I know what is there in the villages as well in the cities, I know what the intelligentsia is thinking and what the working class people. God created

¹³ Nékám Sándornak, a bukaresti Magyar Misszió vezetőjének jelentése 1946. május 5-én. In: Történeti kényszerpályák – kisebbségi realpolitikák. II. kötet. Csíkszereda, 2003. 68-69. [Report of Sándor Nékám, chairman of the Hungarian Mission in Bucharest 5. May 1946. In: Historical forced ride – minority real politics]

me a Hungarian thus the fate of my race cannot be indifferent to me. My vocation as priest obliges me to morally consider the problems. The Hungarians living under Romanian rule are not in a situation suitable to the requirements specified by the charter of UN as the organizing principle of peaceful co-existence.¹⁴

Bishop Áron Márton's letter, hidden for a long time, is a proof that the events soon to occur could not have been a complete secret for those with foresight. The events themselves, however, surpasses even the most pessimistic visions of the future: with 1948 there began the severest historical ordeal of the Hungarians of Transylvania.

¹⁴ Márton Áron levele Petru Groza miniszterelnökhöz. Gyulafehérvár, 1946. január 26. In: Történeti kényszerpályák – kisebbségi reálpolitikák I. pp. 43-46. p. [letter of Áron Márton to Minister President Petru Groza. Ibid.]

Zsolt Vesztróczy

Béla Grünwald the nationality politician

Abstract

*In the 1870s Béla Grünwald brought a kind of turn into the Hungarian nationality policy by his magisterial activities in Co. Zólyom and his book *A Felvidék (the Upland)*. He suggested hastening the Magyarization of schools and town with national aids in order to reach his aims – among them the suppression of the 'Pan Slavic' ideas – he realised that the inhabitants of Slovakian villages were impossible to change over. He could not realize his major ideals: the nationalization of the counties, the annulations of the liberal nationality law and the tightening of the freedom of the press. Driven out of the political life, he committed suicide in 1891.*

The name of Béla Grünwald is by now synonymous with the forceful Magyarization that aimed at the changing the whole life of the Slovak inhabitants of Hungary. He earned the doubtful fame through the dissolution of Matica Slovenska and three Slovak-language secondary schools as well as his book *A Felvidék* [The Upland], the latter provided intellectual ammunition against the approach of the minorities in general and Slovaks in particular. The present paper is going to introduce this controversial career from the point of view of Hungarian – Slovak relationships.

Following the 1868 nationality law the controversies between liberalism and nationalism presented increasing dilemma for the Hungarian political elite of the time that broke into two major groups. Though everybody agreed upon the principle of the indivisible state and the one political nation, the political minority led by Ferenc Deák, József Eötvös and Lajos Mocsáry tried to even out the controversy by adhering to the nationality law on local and county level. The opposing majority saw the solution in limiting of the content of the law and the self-governing rights as well as the obstruction of

the widening of the suffrage.¹ One of the most distinct but extremist representative of this group was Béla Grünwald, who got his name written in the history of Hungarian – Slovak relationship and in general of Hungarian nationality politics both as a theoretician and a politician.

Béla Grünwald was born on the 2nd of December 1839 in Szent-antál as the only son of a Slovak mother and a German father. Both parents were of well to do, in Co. Zólyom influential families. Béla Grünwald went to school to Selmecebánya, Rimaszombat, Miskolc and Rozsnyó, finished his secondary school studies in 1858 and read law in Pest and Vienna. After graduation he read law and philosophy in Berlin, Heidelberg and Paris for a year. In 1865 he returned back to Besztercebánya where he became part of the county's public life. His political career started in 1868 with his being elected to notary, and in 1871 became sub-prefect of the county. From 1878 till his death in 1891 he was a member of the parliament, first in the Liberal Party, from 1880 to 1891 the Egyesült (Mérésékelt) Ellenzék [United Moderate Opposition].²

Though in the 1870s Grünwald published several pamphlets and newspaper articles on the nationality question (e.g. *Felsőmagyarországi levelek a magyar nemzetiséghez; Közigazgatásunk és a magyar nemzetiség* [Letters to the nationalities from Upper Hungary, Our administration and the Hungarian nationality], his 1978 work *A Felvidék* [The Upland] became the most influential upon the public opinion of his time and earned him fame as an ideologue in the entire country. In this work he discussed what he believed to be the satisfactory solution of the Slovak question and also the nationality question in general. If compared to his earlier writings it did not add any new ideas but was the summary of his concept.³ Though compared to the

¹ Katus László: A nemzetiségi kérdés és nemzetiségi politika a kiegyezés után. In: *Magyarország története 1848-1890.* (M. Tört. 10 kötetben, 6. köt.) Akadémiai Kiadó, Budapest, 1979. II. Szerk. Kovács E. és Katus L. pp.1354-1361. [The nationality question and nationality policy]

² Lackó Mihály: *Halál Párizsban. Grünwald Béla történész művei és betegségei.* Magvető, Budapest, 1986. (Nemzet és emlékezet 25.) pp. 32-47. p. [Death in Paris. The historian G.B. works and ailments], Pók Attila: Utószó. In: Grünwald Béla: *A régi Magyarország 1711-1825.* Osiris Kiadó, Budapest, 2001. pp. 416-418.

³ The work of course was answered on Slovak side by Michal Mudroň in his "A Felvidék. Felelet Grünwald Béla hasonnevű tanulmányára" [Upland. Answer to

earlier Hungarian stand point in the political and historical judgement of the Slovaks Grünwald did not express anything novel, his radical, anti-liberal suggestions for solution were all the more so. He was of the opinion that the right way was to be reached by administrative and legal measures taken by state powers i.e. the discontinuation of the election for public service, the repealing of the nationality law, the Magyarization of the entire Slovak intelligentsia, the tightening up of the press law and the various forms of expression of opinion. Surprising was also the defamatory tone he used when mentioning the Slovaks that generated disapproval even among Hungarians.

Grünwald, sharing the views of the traditional opinion of the Hungarian political elite of the reform era saw in the Slovaks – and the Germans – living in Hungary as Hungarian thinking potential allies with no separate national aspirations. For the preservation of this state of affairs Grünwald believed necessary to hinder 'the non-Hungarian nationalities living in the Hungarian state to develop separation and solidarity to related races.' Therefore the Slovaks 'should be cut off from other Slav people and attach them to Hungary so strongly that they should become what the Germans of Alsace and Lorraine are now for the French.'⁴ Accordingly he did not regard the developing Slovak national movement, political, social and cultural aspirations, as a Central European people's own national development but as the result of Pan Slavic agitation by Russians and Czechs and expected the solutions from administrative and public order.

Grünwald, as a member of his time, rejected the political existence of the Slovak nation, justifying it by two arguments.⁵ One was that the Slovaks were lacking in historical past. He declared (as the

G.B.'s essay of the same title] in 1878. He divided his book into 12 parts, following the work of B.G. and point by point discussed the statements and contradictions. Though the aim was the reaching of Okolie, Mudroň started out of the nationality law opposed by B.G. since the mentioning the question of autonomy would have meant political suicide for M. The reference to the law on the other hand parried the accusations of Pan Slavism, treason and secession, usual accusations against the Slovak linguistic, cultural and educational aspirations.

⁴ Grünwald Béla: *A Felvidék. Politikai tanulmány.* Ráth Mór, Budapest, 1878. pp. 20-21. [The Upland]

⁵ 'Magyarországnak vannak tót nyelven beszélő lakosai, de tót nemzetiség nincsen Grünwald: *A Felvidék* p. 35. [Hungary has Slovak speaking inhabitants but there is no Slovak nationality].

anti-liberal he was, though not the present-day sense) that 'what historical monument and tradition there is it is all connected to the outstanding personalities of the Hungarian history'.⁶ On the other hand he was of the opinion that without independent state-hood the term Slovak nation means Pan Slav in reality 'that the Slovaks are little responsive to'; it made sense to want to be Hungarian or Russian but not to be Slovak: 'there is no spiritual motivation, historical past and brightness and power in the present that could awaken self-esteem and the consciousness of the right to independence'; 'the majority of the Slovaks want to be Hungarian, a small fraction Russian or Czech, but nobody wants to be Slovak.' He claimed that there was no Slovak nation because the Slovaks themselves did not 'prepare ground for their own independent existence merely prepare the easy assimilation into the great masses of Slavs.'⁷

Grünwald believed, as it was the idea of his time, that the Slovak national aspirations were part of the Pan Slav developments. The idea of Pan Slavism raised fear in the romantically minded generation of the reform era because they firmly believed in a overwhelming Russian offensive to sweep Hungary away (the Poles, though Slavs themselves, shared the same fear) and also in the undermining efforts of the Pan Slavs in Hungary willing to join.⁸ The opinion was

⁶ Ibid. p. 32.

⁷ Ibid. p. 49. Mudroň replied that he is Slovak, a member of the great Slav race. To be the member of a 80 million nation taken in the ethnographical sense, is nothing to be shamed of. But racial unity and political unity are apart as heaven and earth and to equate them is the greatest nonsense. ". Mudroň Mihály: *A Felvidék. Felelet Grünwald Béla hasonnevű politikai tanulmányára.* 2. jav. kiad. Pozsony. 1878. p. 38.

⁸ Miklós Wesselényi one of the leading figures of the liberal opposition of the reform era wrote about this topic in his book published 1843 in which described that Hungary was threatened by a Russian attack and a revolutionary war started by the Slav nations living in the area. 'whether because of the Russians, or the revolutionary war could destroy us and even a victory probably necessary for Europe would find us on the ruins of our wealth and tombs of our murdered loved ones. If the war would turn against us, and either the [Russians] or the revolution would be victorious, we would be doomed. We would become an economical and mental province of the northern colossus whose iron grip destroys the independent national existence and the constitutional freedom disappears too. If the revolution would create new empires, countries, our country would be divided among them there would be no place for the Hungarians and our national and constitutional freedom would be over and we would be blown away from among the nations. Wesselényi Miklós:

general among the Hungarian liberally minded elite whatever party they were affiliated to, even though in the circumstances of the time it had no real-political foundation as the possibility was precluded by the 1833 Münchengrätz agreement between Austria and Russia, and according to contemporary documents the Slovak – Russian relationship was cultural, literary and linguistic and not political.⁹

For the politicians of the dualistic era Pan Slavism meant only one of the counter arguments against the Slovak and in general the Slav political aspirations; the real meaning was clear to them, maybe with the exception of some fanatics. Márton Szent-Iványi Lord -Lieutenant of Co. Liptó reported in 1879 that for the Slovaks Pan Slavism was not a Russophil orientation but an aspiration to a political rearrangement of the Monarchy in Slav directions.¹⁰

In the reform era a person was called Pan Slav who was active in the propagation and cultivation of Slovak or any other Slav culture, though the term was used mainly in connection to Slovaks. The label remained in the dualistic period too, the idea itself obtained new content. Those persons were called that who were socially on the rise but claimed to be Slovaks or wanted to make use of the nationality rights offered by the dualistic system. Grünwald, too, used the term

Szózat a magyar és szláv nemzetiség ügyében. Európa Kiadó, Budapest, 1992. pp. 209-210. [Appeal in the case of the Hungarian and Slav nationalities]. This idea and the picture painted on Pan Slavism during the reform era was criticised by Lajos Mocsáry in 1861: Our Slavs nationality movement immediately joined a larger and in our country the frightening shape of Pan Slavism. This caused panic terror that was the cause of many a mistake. The Hungarians were certain of their aristocratic existence felt threatened by Pan Slavism and wanted to use the time still available before the feared waves swallow us and wanted to protect our nationhood from the alleged danger by the propagation our language as fast as possible.' Kemény G. Gábor (szerk.): *Mocsáry Lajos válogatott írásai.* Magyar Történelmi Társulat, Budapest, 1958. pp. 353-354. [Selected writings of L.M.]

⁹ Pajkossy, Gábor (ed.): *Magyarország története a 19. században.* Osiris Kiadó, Budapest, 2006. pp.122-123.[History of Hungary in the 19th c.], Arató, Endre: A nemzetiségi kérdés története Magyarországon 1790-1848. Akadémiai Kiadó, Budapest, 1960. pp. 244-251. and pp. 256-275. [The history of the nationality question in Hungary, 1790-1848], Malevič, Oleg: Znalosti ruskej predrevolučnej spoločnosti o živote a činnosti Ľudovita Štúra. In: Hrozičnik, Jozef (ed.): *Z dejín československo-slovanských vzťahov.* Slovenská Akadémia Vied, Bratislava, 1959. (Slovanské štúdie 2.) pp. 339-358.

¹⁰ Szarka László: *Szlovák nemzeti fejlődés - magyar nemzetiségi politika 1867-1918.* Kalligram Kiadó, Pozsony, 1995. p. 120. [Slovak national development – Hungarian nationality policy 1867 – 1918]

in this sense and regarded nationally committed Slovaks the adherents of Pan Slavism.

According to Grünwald there existed a Slovak national, i.e. Pan Slav party. The basic aim of its activity was 'to alienate the Slovaks from the Hungarian state and Hungarian nation and melt the Slovaks into the great Slav race and as its member they should hate Hungarians and wish to destroy them. He was convinced that every Pan Slav was 'an agent of the party, the priest on the pulpit, the teacher in the school, the clerk in administration, the lawyer among his clients, etc. every one of them obliged to act in favour of the party' and there was mutual solidarity among them and material interests.¹¹

Grünwald wrote that the 'Pan Slavs hate Hungarians and their open goal is to destroy them'. He believed Túrócszentmárton was the centre where many Slovak intellectuals had settled down and thanks to its various cultural organizations that were especially created to spread the ideology through choirs, drama-circles, secondary schools, Matica Slovenska, savings bank, Slovak-language newspapers, etc.; but Grünwald also added churches and seminars too. He was convinced that these people were dubious-looking, ignorant in every sense, there were 'dirty elements' among them and none of them were important outside the party. Within the party 'the honest but limited elements' are in the minority, the majority he called confirmed liars.¹²

There were frequent protestations against the accusations from the Slovak side in Hungarian and international press and in various pamphlets all through the 19th c. Grünwald's opponent, Michal Mudroň, stated that Pan Slavism was merely the claim for the rights assured by the nationality law and if 'this is Pan Slavism, than honesty and rightfulness is Pan Slavism, there is no other kind of Pan Slavism in our Upland'.¹³ Elsewhere he wrote that 'starting from the religious service whatever should happen on the field of human, intellectual and material progress in favour of the Slovak nation it had to contain Pan Slavism, treason, racism against Hungarians'.¹⁴ A letter written to Grünwald from Slovakia said 'the person who was born Slovak, dares to remain Slovak and wishes to remain so, is a Pan

¹¹ Grünwald *A Felvidék* pp. 45-47.

¹² Grünwald: *A Felvidék*. pp. 53-57.

¹³ Mudroň: *A Felvidék*. pp. 30-31.

¹⁴ Mudroň: *A Felvidék*. p. 49.

Slav in your eyes, subversive and traitor;' and Janko Štúr: 'they have total power, government, kindergartens and they feel threatened by the phantom of Pan Slavism.'¹⁵ On the Hungarian side Oszkár Jászi gave the critique of Pan Slavism in 1912: 'Pan Slavism meant already then what it is today in the eyes of the county potentates: a person opposing county power and protecting the language and self-government of his people and struggles against forced Magyarization.'¹⁶

Grünwald summed up the history of the Slovak national movement and interestingly did not condemn those Slovaks of the reform era who were enthusiastic about the Slovak mutuality and described them as 'ideally orientated, witty, honest men'; all the harder did he criticize the small group of Lutheran intellectuals who turned against the 1848 revolution and war of independence, though he remarked that 'only persons of dubious existence joined the movement'. These Slovaks got into positions during the years of absolutism and were dismissed after the fall of Bach and Schmerling. From then on their sole aim was to get back their lost posts, and since they failed, became the staunchest opponents of the Hungarian state, they were characterized 'by the mental and economic poverty and impotent rage against the existing situation'. Grünwald was convinced that economic reasons were the explanation of the Slovak political movements of the 1860s, among others the 1961 Memorandum too, that was, however, the complete misunderstanding of the activities of the Slovak national movement.¹⁷

The principle of Grünwald's system of ideas was the 'nationalisation' of the counties based on the German state philosophy he became familiar with during his legal studies: the conservatives were more 'modern', more bourgeois e.g. in the nationalization of administration and one of the reasons was the nationality question. He suggested to suppress the national movements and first of all that of the Slovaks, by the liquidation of county autonomy and by a strong,

¹⁵ *Ismeretlenek Grünwald Bélához*. Országos Széchényi Könyvtár Kézirattár (A továbbiakban: OSZK KI) Levelestár fol. 62., Literárny archív Matices slovenskej. Martin, 58 F 32 B.G. [Unknown persons to B.G.]

¹⁶ Jászi Oszkár: *A nemzeti államok és a nemzetiségi kérdés*. Grill Károly, Budapest, 1912. (Társadalomtudományi Könyvtár 1.) p. 401. [Nation states and nationality question]

¹⁷ Grünwald: *A Felvidék*. p. 37-41.

central state administration; he adhered to this idea till the end of his life, though in this respect his opinion greatly differed from that of the contemporary political elite.¹⁸ Grünwald was certain that the state was in crisis and suggested the support of the Hungarian nationality, i.e. to-day's Hungarian nation, as a solution because 'the national aspirations of other races necessarily lead to the decomposition of the state'.¹⁹ These 'neglect the state, their interest lies outside the state and use every means to weaken the Hungarian state principle and thus cause the state to collapse;' it can be preserved only if it becomes Hungarian'²⁰ To fulfil the principle he suggests an administration that 'is able to surpass every factor, swart every attempt tha is against the main interest of the Hungarian nationality, the existence of the state.'²¹ He found that since 1860 there was a tendency to the contrary, the Hungarian element had lost much of its holding, several areas had already become mentally separated while the Hungarians kept fighting each other instead of trying to strengthen their forces.²² The problems were increased by the fact that the administration that in normal circumstances could be the tool of consolidation was 'under the influence of narrow particular circles frequently hostile to the state.'²³ He saw the solution in that 'the officials to manage the administration of the state should not be trusted to the counties but vest the right in the government of the state.' Thus the county staff of civil servants would become supporters of the state and not its enemy.²⁴

¹⁸ Lackó: *Halál*. pp. 31-33. [Death] and Szász, Z.: Magyarország története 6. köt., p. 1223 [History of Hungary]

¹⁹ Jan Čajda was of the opinion that it was not true that the Hungarians were only ones destined to consolidate the Hunarian state and the aspirations of all nationalities in Hungary were for the destruction of the state. All the nationalities together form the common state thus all of them have the aptitude and right to consolidate the state where they live and maintain therefore the Hungarian interests could not be realized on the harm of other nationalities. Bokes, František (szerk.). *Dokumenty k slovenskému národnému hnutiu*. SAV, Bratislava, 1965. II. 364-365.

²⁰ Grünwald Béla: *Közigazgatásunk és a magyar nemzetiség*. Ráth Mór, Budapest, 1876. 52-53. [Our administration and the Hungarian nationality].

²¹ Grünwald: *Közigazgatásunk*. pp. 54-55.

²² Grünwald: *Közigazgatásunk*. pp. 56-60.

²³ Grünwald: *Közigazgatásunk*. pp. 56-60. p. 78

²⁴ Grünwald: *Közigazgatásunk*. Pp. 87-92

His other suggestion was the discontinuation of the nationality law, as in his opinion 'this unfortunate law was the expression of the unlucky politics that search for fame not in struggle to destroy the enemy, but in negotiations, compromises at the expense of the Hungarian nation. Because doing this the Hungarian nation renounces its leading role, the external signs of sovereignty, the Hungarian character of the Hungarian state'; he did not believe even the Slovaks would have wanted that, as was shown by the protest against its acceptance in the Upland counties.²⁵ Grünwald expected the state to tighten the press law and the moving of the common jury of the press away von Pozsony as he was convinced that German citizens were too lenient toward the culprits.²⁶

His notion about assimilation was usually summed up by his notorious remark from *A Felvidék* that 'if we want to live we have to be prolific and gain strength through the assimilation of foreign elements'.²⁷ On the Slovak side it was usually interpreted as an endeavour for their total linguistic and ethnic Magyarization though this was not what Grünwald wanted.²⁸ He was fully aware of its real political impossibility on the one hand and on the other he did not want the assimilation of the total mass of Slovaks only that of the middle classes and intelligentsia, similarly to the majority of the 19th c. Hungarian political elite; this was why he so vehemently opposed every kind of Slovak cultural and educational initiatives.²⁹ Joining the Hungarian generation of Victorians he was also of the opinion that in the Europe of his time only those nations could survive that lived in homogeneous nation states. He saw its basis in a strong middle class that, however, was weakened by the local, i.e. county autonomies and nationality aspirations, thus he opposed them by every means.³⁰

²⁵ Grünwald: *A Felvidék*. pp. 78-79. There were protests against the paragraph on the language use in the counties I several counties of the Upland. Polla, Bello: *Matica slovenská a národnostná otázka*. Martin, Matica slovenská, 1997. pp. 196-211

²⁶ Grünwald: *A Felvidék*. pp. 107-109

²⁷ Grünwald: *A Felvidék*. p. 22.

²⁸ Szarka: *Szlovák*. pp. 107-109.

²⁹ Mudroň wrote that according to Grünwald the Slovaks could be tolerated in the country as uneducated masses and the moment it gets educated, the educated ones should stop being Slovaks either voluntarily or by destruction. Mudroň: *A Felvidék*. p. 49.

³⁰ Pók: *Utószó*. pp. 422-423

In a letter addressed to Gyula Szapáry he explained that in the case of the Slovaks the matter should be treated in a way 'that they should become Hungarian through the schools and though the great masses of commoners led by the intelligentsia would remain Slovak, influenced by its Magyarized intelligentsia will get absorbed into the Hungarian element'.³¹ This idea was repeated almost verbatim in *A Felvidék* and once more expressed his train of thought 'could there be greater task than to keep 2 million foreign language inhabitants for the country and manage in a way that with the help of schools its intelligentsia could be turned Hungarian and the lower classes remain in their fidelity to the country', and wished for the Slovaks to reach the political situation what the Germans of Alsace and Lorraine arrived at in France.³²

He stressed his opinion during the 1879 debate of the education bill and during the debate of the secondary school law he explained in detail: 'it is impossible to Magyarize the masses of non-Hungarian inhabitants even if the present obstacles would be cleared away. On the lines where Hungarians meet other races the language border could be pushed further a century later but the aim of the Magyarization of the common people should be given up.'³³

In the light of these remarks it did not happen by chance that he changed his party affiliation in 1880 what he announced in a bilingual pamphlet, i.e. in Hungarian and in Slovak.³⁴

In 1887 in a talk given in the Committee of Statistics and National Security of the Hungarian Academy of Sciences he said that 'it is impossible to Magyarize the common Slovak people where they live in masses out of contact of Hungarians therefore it would be in vain to aim at it. Our task can only be not to let their political beliefs contaminated and not to drive them in the arms of nationalists.' Results could be expected only in the towns in cultural, economic and

³¹ Letter of Béla Grünwald to Gyula Szapáry minister of home affairs 8. december 1874. In: *Grünwald Béla. A pánszláv mozgalomra és a nemzetiségi kérdésre vonatkozó iratok*. OSZK Kézirattár 1884. Fol. Hung. 1. [G.B. Writings related to the Pan Slav movement and nationality question].

³² Grünwald: *A Felvidék*. 20-21. pp. 35-36.

³³ Szathmáry Károly (szerk.): *Az 1881. évi szeptember 24-ére hirdetett országgyűlés képviselőházának naplója*. Pesti Könyvnyomda-Részvény-Társaság Rt., Budapest. 1883. XI. 27. [The minutes of the 24. September 1881 meeting of the parliament].

³⁴ Lackó: *Halál*. pp. 54-55

industrial spheres, i.e. among the middle classes, but even that would require a generation then added that 'the spirit of the higher social classes, with some exception, is ready to Magyarize voluntarily and out of tradition.'³⁵

Grünwald's views are reflected in his relationship to the educational associations. At first he accepted to organize the *Felvidéki Magyar Közművelődési Egyesület* [Co. Zólyom Committee of the Hungarian Upland Educational Society (HUES)]. At first he accepted the organisation of the committee later he backed out though became its elected member in the 1880s.³⁶ In 1885 he participated, together with bishop György Császka in the creation of the *Magyarországi Tót Közművelődési Egyesület* [Slovak Educational Society of Hungary (SESH)] and became a member of its committee.³⁷ The societies wanted to solve the Slovak question in different ways. While HUES represented the idea of linguistic-ethnic assimilation through the Hungarian language and culture, the SESH propagated emotional-political Magyarization through the propagation of literature with patriotic content in the Slovak language. HUES regarded SESH as a kind of preparation for further assimilation thus Lajos Mocsáry aptly formulated that they wanted to Magyarize the Slovaks in Slovak language.³⁸

Grünwald wanted to Magyarize the common people only along the language border as he thought that due to the influence of the Church and schools the Hungarians living in the area were about to become Slovaks. In contrast to his contemporaries he did not trust in non-Hungarians' spontaneous assimilation because he thought that

³⁵ Grünwald Béla: Zólyom megye. In: Kőrösi József (szerk.): *Megyei monográfiák. Magyarország közgazdasági és közművelődési állapota a XIX. század végén*. MTA, Budapest, 1891. I. 27-31. p. [County Zólyom, In: County monographs. The economic and educational situation at the end of the 19th c.]

³⁶ *Felső-magyarországi Nemzetőr*. 1884/7. p. 56., pp. 1884/10. 75-76. Jozef Škultéty called the leaders of Association, thus Grünwald too, the 'generals of the war against the Slovaks' or 'Don Quijote'-s. Škultéty, Jozef: *Slovenský národ*. (Szerk.): Grácová, Genovéva - Markuš, Jozef. Matica slovenská, Martin, 2003. p.39.

³⁷ *Felső-magyarországi Nemzetőr*. 1885/4. 30. Vesztróczy Zsolt: Činnosť Hornouhorkého vzdělávacieho spolku (FEMKE) v Banskej Bystrici a vo Zvolenskej župe (1884-1919.) In: Nagy, Imrich - Graus, Igor (szerk.): *Minulosť a prítomnosť Banskej Bystrice*. Katedra histórie FHV UMB - Štátna vedecká knižnica v Banskej Bystrici. Banská Bystrica, 2005. II. 40-41.

³⁸ Szarka: *Szlovák*. pp. 113-114., Kemény (szerk.): *Mocsáry*. p.523

'culture alone cannot bring forth this result if there are no means to propagate it', therefore he proposed that the Hungarian state should 're-Magyarize these areas with help of priests and teachers.'³⁹

Grünwald considered education as a very important factor from the point of view of the education both in citizenship and in assimilation but he made a difference between the various levels of educational institutions.

He believed that spreading the Hungarian language cannot be the task of the elementary schools; did not want Hungarian-language elementary schools in regions where the majority of the inhabitants were non-Hungarians. He pointed out two areas where it could be successful: in towns and where Hungarians and non-Hungarians are in contact. As a solution he pointed out the importance that schools should have Hungarian mentality as he found the mere knowledge of the Hungarian language was no guarantee of patriotism and ignorance of Hungarian did not necessarily mean that the person was not a good patriot.⁴⁰

He was not satisfied by the 1868 elementary school law as a means of educating citizens because he found those who drafted it did nothing for the consolidation of the Hungarian state.⁴¹ He stated that of the 1631 teachers in elementary schools in the Slovak regions 993 were the followers of Pan Slavism and were the open enemies of Hungary; that the state had not enough influence upon the denominational schools, the supervisors' power was limited due to faulty legislation as no advice can be given in teaching methods and teaching material because of the autonomy of the Church. He claimed the participation of the state was necessary. He would have the state to confirm the choice of schoolbooks because as he pointed out the history book written in the spirit of the *Matica Slovenska* falsified Hungarian history and 'teach hate and contempt against the Hungarian nation.' On the other hand the government should leave its passivity and clean the educational system of Pan Slav elements exercising its right in discipline even by removing teachers. Thirdly

³⁹ Grünwald: *A Felvidék*. pp. 115-117

⁴⁰ Szathmáry Károly (ed.): *Az 1878. évi október 17-ére hirdetett országgyűlés képviselő-házának naplója*. Pesti Könyvnyomda-Részvény-Társaság Rt., Budapest, 1879. V. p. 387 [The minutes of the 24. September 1881 meeting of the parliament].

⁴¹ Grünwald: *A Felvidék*. p. 121.

the choice of teachers should not depend entirely on local religious groups but jointly with the approval of the state; that is what would make possible the preservation of the state's interests while leaving the denominational schools themselves intact.⁴²

In spite of his negative experience Grünwald did not wish the nationalization of denominational schools, though as an opposition to the Hungarian-language state schools these autonomous institutions were the strongholds of the education in the mother tongue for the Slovaks and other nationalities. He was of the opinion that it was not in the interest of the state to 'abolish denominational schools but that the schools should be good and of Hungarian mentality in order to educate good citizens for the Hungarian country.'⁴³

He regarded secondary schools as the main instrument of assimilation in education. He believed that the intellectuals 'have been Magyarized under the influence of Hungarian secondary schools and with little exception are of Hungarian mentality' and 'the example of these classes will show the direction to the lower classes toward Magyarization' since for the Slovaks social rise 'is not within themselves but in being Hungarian.'⁴⁴ He described the function of secondary schools as a 'big machine where the Slovak boys are pushed in at one end and they come out as Hungarians on the other'. Thus the intelligentsia would be 'Hungarian in its character', and that would Magyarize the Slovaks on the social rise; the main obstacle in the way being the Catholic state school and three denominational schools in Besztercebánya, the centres of Pan Slavism with their aim at political fanaticism. Grünwald continues expounding his opinion on Slovaks that 'a Slovak secondary school impossible' because there were no suitable teachers Slovak literature did not exist, the Pan Slav party's wish was for 'the pupils not learn either Hungarian nor German'

⁴² Grünwald: *A Felvidék*. pp. 121-139.

⁴³ Grünwald: *A Felvidék*. p. 121. Gyula Szekfű was not right when he wrote that B.G. wanted to Magyarize the Slovaks through primary and secondary schools set up in the nationality areas and by the nationalization of other schools. Szekfű Gyula. *Három nemzedék és ami utána következik*. 3. kiadás. ÁKV-Maecenas, Budapest, 1989. pp. 298-300. [Three generations and after]. Géza Kostenszky, the secretary of HUES on the other hand blamed B.G. 15 years later that he did not urge the nationalization of the primary schools in the hand of the Church. Kostenszky, Géza: *Nemzeti politika a Felvidéken*. Singer és Wolfner, Budapest, 1893. pp. 38-39.

⁴⁴ Grünwald: *A Felvidék*. pp. 32-33.

because 'if a Slovak knows Hungarian or German does not want to remain Slovak.'⁴⁵ He was convinced that the problems were increased by the impotence of the ministry because Ágoston Trefor minister of religion and education defended these institutions whereas the aim should have been to 'quietly take away all their weapons they could harm us with'.⁴⁶ Grünwald also thought of the necessity of dealing with the Catholic and Lutheran seminars and teacher training colleges also hotbeds of the Pan Slav idea.⁴⁷

Grünwald thought the Slovakization of the Hungarians living at the linguistic border to be a tragedy because he considered 'the Hungarian race to stand higher than the Slovak; has better mental capacity, stronger moral feeling, his self esteem makes him look down at the servile Slovaks, therefore if a Slovak become Hungarian, he rises, if a Hungarian becomes Slovak, he sinks; the first is gain the other is loss and not only for the Hungarian nation but for the whole mankind too.'⁴⁸

The rather muddled defamatory opinion of the Slovaks shocked the Hungarian public though the train of thought and the aims of *A Felvidék* was mostly accepted. Győző Concha, the main ideologue of the Hungarian national idea, expressed his doubts whether Grünwald 'was not too extremist in his description of the physical-mental deficiencies of the Slovaks?'⁴⁹ The journalist of the *Budapesti Szemle* shared this opinion, he wrote that Grünwald 'is so belittling about

⁴⁵ Grünwald: *A Felvidék*. pp. 140-144. Michal Mudroň refused the statement saying that Slovak secondary schools are possible with necessary good will. Mudroň: *A Felvidék*. p. 121. The supervisor of the higher secondary school in Nagyrőce reported that the teachers learning and teaching ability was above dispute. Ruttkay László: *A felvidéki szlovák középiskolák megszüntetése 1874-ben*. Dunántúli Pécsi Egyetemi Könyvkiadó és Nyomda R.-T., Pécs, 1939. (Felvidék Tudományos Társaság Kiadványai I/7.) p. 93. [The closure of the Slovak-language secondary schools in the upland in 1874].

⁴⁶ Grünwald: *A Felvidék*. pp. 147-149.

⁴⁷ Grünwald: *A Felvidék*. pp. 154-158.

⁴⁸ Grünwald: *A Felvidék*. p. 111-112. In 1887 two Slovak students of theology complained that in the seminar in Pest the 'patriotic clericals' read *A Felvidék* as the gospel and ridiculed by saying that god had not created the Slovaks human beings, their neck is bent they look at the earth like cattle and they were created for the yoke. Bokes, František (ed.). *Dokumenty k slovenskému národnému hnutí*. SAV, Bratislava, 1972. III. 81.

⁴⁹ Concha Győző levele Grünwald Bélához 1878. március. 10. OSZK Kézirattár, Levelestár Fol. 8. [Letter of C.Gy. to G.B.]

the whole Slovak question that we have never experienced in serious Hungarian writings', therefore he warned that 'the kind of contempt expressed by the author should not be given credit' since 'this kind of attitude is not proper, it is not political'. Grünwald answered in an open letter then the editor in chief Pál Gyulai – one of the most influential persons of the Hungarian intellectual life – defended the journalist in an open letter. Gyulai dismissed Grünwald's extremist attitude 'the overflowing exaggerations and passion' and required 'some objectivity, some more composed ideas would do him good, whether as a writer or a politician or just an agitator.'⁵⁰

Grünwald became well known in the country through his activities in Co. Zólyom, though his reputation became questionable due to the closing down of the three secondary schools and Matica Slovenska, in addition he had other initiatives too that also were offending Slovak interests far beyond county level. He was the one who initiated the replacement of Martin Čulen, the director and his staff of the Royal Catholic secondary school in Besztercebánya carried out in March 1967 on the orders of the minister of Religion and culture, József Eötvös; it resulted in the school losing its role from the Slovak point of view.⁵¹ He was the main protector of the *Svornost*, a Hungarophil Slovak paper edited by Károly Kubányi published in Besztercebánya between 1873 and 1876, that found its target in the Slovak nationality movement and its network of cultural and educational organizations.⁵² As a sub-prefect he repeatedly reported on the nationality

⁵⁰ without name: *Felvidék*. In: *Budapesti Szemle*, 1878/32. pp. 421-428. p., Grünwald Béla: Nyílt levél Gyulai Pál úrhoz, a Budapesti Szemle szerkesztőjéhez. In: *Budapesti Szemle*, 1878/ 33. pp. 193-203. [Open letter to Gy.P. the editor of B.Sz], Gyulai Pál: Válasz Grünwald Béla úr nyílt levelére. In: *Budapesti Szemle*, 1878. pp. 203-208. [Answer to Mr. Gy.B.'s open letter]

⁵¹ Štilla, Miloš: *Martin Čulen / pedagóg a národný buditeľ*. Slovenské pedagogické nakladateľstvo, Bratislava, 1983. pp. 36-37. , Pšenák, Jozef: *Kapitoly z dejín slovenského školstva a pedagogiky*. Univerzita Komenského, Bratislava, 2001. p. 134. pp., 159-160. , *Emlékkönyv Dr. Klamarik János negyven éves szolgálati jubileumára*. Budapest, 1894. 49. p. [Festschrift for Dr. K.J. for his 40 years of service].

⁵² Čulen, Konstantín: "Svornost" (K histórii grünwaldizmu z roku 1873 a 1874.). In: *Kultúra*, 1931/1. pp. 27-28. *Tisza Kálmán levelei Grünwald Bélához*. OSZK Kézirattár, Levelestár Fol. 10., Kemény G. Gábor (szerk.): *Iratok a nemzetiségi kérdés történetéhez Magyarországon a dualizmus korában 1867-1892*. Tankönyvkiadó, Budapest, 1954. I. p. 428. [Letters of Kálmán Tisza to G.B. In: Documents relating to the history of the nationality question in Hungary in the dualistic era 1867-1892]

situation of the region to Minister President Kálmán Tisza, who appreciated the information.⁵³ It was this activity that earned him the Slovak characterisation that 'Grünwald because of his concept of law and right would be fitted to be an absolutist Great Inquisitor and not a constitutional civil servant'⁵⁴

It was as the sub prefect of the county that Grünwald started his campaign against the schools in his speech of 15. April 1874; as a follow up the participants of the county meeting sent a petition to the minister, Ágoston Trefort, that he should either close or completely reform the three unpatriotic educational institutions as soon as possible in order to protect the Slovak speaking youth of the Upland from the unpatriotic influence and at the same time it also would be effective against Pan Slavism too.⁵⁵ Though the initiative was taken up by the members of other legislative organisations too, Ágoston

⁵³ In one of his letters Tisza thanked Grünwald for the interesting and detailed reports of the situation of the counties of Upland, another time for the translation of the material published in Slovak newspapers as he found it important to be informed about the directions of the Slav press by someone trustworthy *Tisza Kálmán levelei*. 1877. május 21. és 1977.- december 13. anon [the letters of T.K.]

⁵⁴ Kemény: *Iratok*. 428.

⁵⁵ Ruttkay: *A felvidéki*. 89. The initiative was not popular even among the public persons well versed in the Slovak problem. Márton Szent-Iványi, the supervisor of the Lutheran diocese east of the Danube deemed politically unfortunate that Co. Zólyom initiated the action without proper proofs in a letter he wrote Ágoston Trefort. He was of the opinion that it would unnecessary worsen the controversies between Hungarians and Slovaks, insult the autonomy of the Lutheran Church and bring the government into uncomfortable political situation whatever the outcome of the examination. Though Szent-Iványi himself found the existence of the three schools a catastrophe and agreed with the verdict of Grünwald, he was against the closing of them. He thought that Co. Zólyom was in error in believing that the unpatriotic line were spread from the schools. The Slovaks were more careful than to do so especially when they knew that they were carefully watched, except Kozsehuba's history there were no other similar cases. The ill spirit was spread socially to which the government had no access. The only solution would be a well endowed Slovak-language secondary state school instead of the discriminate three. Op.cit. pp.109-111. Michal Mudroň put the question why the 'great inquisitors' were not satisfied by the removal of the teachers and textbooks, why did not appoint patriotic but Slovak teachers with patriotic but Slovak language textbooks, why destroy the existence of the Slovak educational institute? Evidently to keep the Slovaks off being educated in their own mother tongue and set the alternative either remain illiterate or become Hungarian. Mudroň Mihály: *Protestantizmus és pánszlávizmus. Felelet Felvidéky hasoncímű röpiratára*. Pozsony, 1882. p. 22. [Protestantism and Pan Slavism. Reply to Felvidéky's pamphlet of the same title]

Trefort was ready only for an enquiry and referring to the autonomy of the Church refused the closing of the schools for the time being for Grünwald's great regret.⁵⁶

The other target of Grünwald's attack was Matica Slovenska, a cultural society active since 1863. The pretext to its dissolution was given by a speech of Martin Čulen given at the opening ceremony of the Zagreb university on the 19th October 1874; Čulen, representing the society, greeted the Croatians 'in the name of the 3 million strong Slovakian nation represented by Matica Slovenska'⁵⁷ Grünwald described his point of view on Matica Slovenska in a letter written in his position of sub prefect of Co. Zólyom to the minister of home affairs Count Gyula Szapáry on the 8th December 1874, the Matica Slovenska deals almost entirely with politics and its activity was not the publication of scholarly works but that of calendars, pamphlets, newspapers and other printed matter with political content, it influenced the mind and he deemed it especially harmful because of the distortion of Hungarian history and its general anti-Hungarian spirit. As a solution he advised the dissolution of Matica Slovenska, justifying it by the notorious Martin Čulen quotation and the 4th November committee meeting of the society approving it.⁵⁸ On the 1st of April 1875 the Cabinet decided upon the dissolution of Matica Slovenska and minister president Kálmán Tisza argued in Grünwald's spirit that Matica's political activities were contrary to its statutes.⁵⁹ In his 11. June 1875 report the commissary of the government, József Justh Jr. examining the case, also found that the society 'wanted to operate not only on literary grounds but aimed at political influence too, and several of its decisions are contrary to the statutes.' In judgement

⁵⁶ Grünwald wrote that at first Trefort had said never to close educational institutions. Several month later he was forced to do so when meeting with Grünwald he became angry said 'if you know any other bad secondary schools just tell me, I am going to close it. I am going to close all the secondary schools. Grünwald: *A Felvidék*. pp. 145-146.

⁵⁷ Štilla: *Martin*. 135. p. According to another opinion it was the result of the speech of Frantisek Sasinek but the documents unambiguously prove it incorrect. Polla: *Matica*. p. 46., Winkler, Tomáš: *Perom a mečom. Biografia J. M. Hurbana*. Matica slovenská, Martin, 1997. p. 200. Mudroň analysed the statement that it was not a political one but it was about 'a linguistically defined nation'. Mudroň: *A Felvidék*. p. 70.

⁵⁸ Grünwald: *A Pánszláv*

⁵⁹ Kemény: *Iratok*. pp.508. ff.

of the Zagreb matter he wrote that the representatives ‘followed a pattern unfitting for a scholarly institution and led political demonstrations that always earned the praise of Matica Slovenska.’ The 9. November 1875 resolution of the minister of home affairs dissolving the society repeated these statements.⁶⁰ Since the official inquiry was started on Grünwald’s initiative and the contemporary records repeated his arguments he was not only the initiator but the chief ideologue of the fight against it too.⁶¹

Since 1878 Grünwald’s career continued as member of the parliament. In the parliament he had authority and would have had possibility to carry out his ideas through his position in the governing party but he had to suffer two serious defeats at the beginning of his first cycle to be followed by further ones.

Grünwald suffered his first serious political defeat in parliament in 1879 during the debate over the bill on teaching the Hungarian language at schools when he proposed amendments among others to the one concerning the schools along the linguistic border. Since Grünwald wanted to strengthen the position of the Hungarian language especially in this region; he suggested ‘to introduce Hungarian as teaching language in the areas with mixed language inhabitants, therefore the teaching language in elementary schools should be set by the minister of religion and education. As the speaker of the government Gábor Baross rejected the suggestion declaring that ‘the teaching language of every denomination is its mother tongue’, and that ‘Grünwald believes the best way of preserving Hungarian nationality is not the cultivation of the language but in the Magyarization of the non-Hungarian elements.’ Baross was of the opinion that ‘we propagate a large-scale Magyarization without the ability to

⁶⁰ *A Matica slovenská egyesületre vonatkozó anyagok.* OSZK Kézirattár 1885. Fol Hung. 11-12. [Documents relating the society M.S.]

⁶¹ Though the action was generally approved of Imre Gáspár sounded his disagreement; he was of the opinion that the society had its task that it had fulfilled by the books it published, but its leaders were so tightly connected with unpatriotic affairs that they were no guarantee for the state. He suggested that the Upland intelligentsia should to push out those elements and direct the otherwise useful institution in the right way. Kemény: *Iratok.* pp. 507-508. Grünwald’s main objection against Matica S. was that it estranged many thousands of Hungarian citizens from the Hungarian state and turned them into its bitter enemies. Grünwald: *A Felvidék.* 59-69.

carry it out partly because of the lack of suitable teachers and partly because that would close the schools in the face of non-Hungarian speakers’; Ágoston Trefort on his side turned down the suggestion for economic reasons.⁶²

His second serious political fiasco happened in connection with the reform of the administration. Though the county authority had already been considerably diminished in 1871, in 1876 county administrative committees were created and the jurisdiction of the Lord Lieutenants, who depended on the government, was widened, but Grünwald was not satisfied. Because he could not carry out his plans in the liberal Party, in 1880 became a member of the *Egyesült (Mérésékelt) Ellenzék* [United (Moderate) Opposition] where he was generally respected for his expertise, however, was again unsuccessful in the reforms of the counties; moreover, his new party rejected his point of view and he was not the speaker of the Moderate opposition during the debates in parliament.⁶³

Grünwald did not succeed in abolishing the nationality law either, though nobody else could either, because of the resistance of the succession of governments. Nonetheless there was a movement for its abolishment during the time Dezső Bánffy was the prime minister but Bánffy’s successor, Kálmán Széll stopped the action in a circular on the 24. January 1901.⁶⁴

By the end of the period István Tisza wanted to revitalize the law carrying out pact negotiations with the Romanian and Slovak leaders during his second cycle without success. In spite of his defeat Tisza hoped to continue his policy after the war, however, he was stopped by the change of the statehood.⁶⁵

⁶² Szathmáry: *Az 1878.*, pp. 388 ff.

⁶³ Kozári Mónika: *Tisza Kálmán és kormányzati rendszere.* Napvilág Kiadó, Budapest, 2003. pp. 286-298. [T.K and his system of government], Lackó: *Halál.* pp.51-61., pp. 67-72., pp. 90-95., pp. 105-107., Čulen, Konstantín: Béla Grünwald a Slováci. In: *Slovenské Pohľady*, 1930/9. 617. p, Bisztray Gyula - Rejtő István (szerk.): *Mikszáth Kálmán összes művei.* Akadémiai Kiadó, Budapest, 1978. LXXII. p. 143. Mocsáry Lajos: *Néhány szó a nemzetiségi kérdéstről.* Singer és Wolfner Könyvkereskedés, Budapest, 1886. pp. 15-16. [Some remarks on the nationality question].

⁶⁴ Szarka: *Szlovák.* p. 150.

⁶⁵ Vesztróczy Zsolt: *Tisza István paktumtárgyalásai az első világháború idején (1914-1917).* In: Zeidler Miklós (szerk.): *Tanulmányok a XIX-XX. század történelemből.* ELTE BTK Történettudományok Doktori Iskola, Budapest, 2001. pp. 321-330. [The pact discussions of T.I. during WWI. 1914 – 1917].

However hard he tried, Grünwald did not achieve the tightening of the press law, neither intensifying the administrative and public order as such endeavours were constantly refused by the dualist governments – except in the time of war. One telling example was the January 1895 memorandum of HUES in which the leaders turned to prime minister Dezsó Bánffy – who was always very strict to the nationalist movements – to lessen the freedom of press, speech and assembly, but the ‘pasha of Doboka’, as the prime minister was nicknamed, refused it.⁶⁶

Though Grünwald was active as Member of Parliament from 1878 till his death in 1891, in comparison with his years in Zólyom this period of his political life was a complete fiasco. He could not achieve the parliament to vote for any of his recommendations in spite of his being well known nation wide. He left the current politics in the second half of the 1880s and tried his hand as a historiographer, then to end his failed life, committed suicide in Paris in May 1891.

Even after his death Grünwald’s name was frequently mentioned. The contemporary authors interested in the questions of Slovaks and Pan Slavism (e.g. János Thébusz (Felvidéky), Gyula H. Pelsöczy. Béla R. Miticzi) were used to quote him as a positive example of nationality policy and adopted his line of thinking in their works. Oszkár Jászi on the other hand was of the opinion that ‘this excellent person had completely lost his modern Western European mind and with the resoluteness and inconsiderateness of his German race became the leader of impatient patriotism.’⁶⁷ Apponyi explained his own break with the Deák – Eötvös tradition by his personal contact to Grünwald ‘who represented the extremist chauvinistic domestic policy. As a pillar of the national party he had great influence and the majority of the members were partial to this direction anyway.’⁶⁸

Grünwald was mentioned during the Paris peace conference too when the Czech delegate presented 11 written memoranda and No.

⁶⁶ Az elnökség (szerk.): *A Felvidéki Magyar Közművelődési Egyesület évkönyve 1895-96-ról*. Nyitra, 1896. 9-14., [The yearbook of HUES], Szarka: *Szlovák*. 121-122. p.

⁶⁷ Jászi: *A nemzeti*. p. 401.

⁶⁸ *Apponyi Albert emlékiratai*. MTA, Budapest, 1934. II. p. 57. [Memoirs of A.A.]

4 had quotations from *A Felvidék* as an example of violent assimilation.⁶⁹

The Slovak historian Konštantín Čulen wrote in his 1930 essay that *A Felvidék* became the primer of the Hungarian politics but the fiasco of Grünwald’s political ideas prove it differently. Čulen described him as self-seeking and money-grabber but this characterization cannot be accepted, the Hungarian politician was driven by his inner conviction and not by money as is shown by his career in the parliament. Grünwald, seeing the defeat of his administrative reform suggestions, left the Liberal Party with its career opportunities and continued his work in the less lucrative opposition till his defeats turned him away from politics altogether.⁷⁰

In 1931 in the correspondence of Jozef Škultéty and Győző Concha Grünwald’s name cropped up again where Concha admitted that ‘we have hurt many Slovak compatriots through many centuries when we allowed that Béla Grünwald, the unfortunate, dazzled author of *A Felvidék* inspire us. With our mistaken politics we have lost the Slovaks.’ Škultéty remarked that ‘Concha’s opinion is politically very important. Something is changing in Hungary.’⁷¹

Béla Grünwald’s appearance brought an important turn in the Hungarian political thinking. His stand point could be considered ultra radical only when compared with the – at the time still existing – norms set by Ferenc Deák and József Eötvös; that system of ideas used to be at the margin of political life but by the end of the 19th c. it moved toward its centre thanks to the gradually developed rigidity of the Hungarian liberalism. Several of his ideas were propagated through the activities of cultural organizations and the counties and became part of the nationality policy and at the turn of the century radicalism far surpassed the ideas of ‘Grünwaldism’. Though thanks to his activity in Co. Zólyom and his book *A Felvidék* he became a

⁶⁹ Gulyás László: A magyar-szlovák határ kérdése a versaillesi békekonferencián. In: *Fórum Társadalomtudományi Szemle*. 2006/2. 123. [A the question of the Hungarian – Slovak border in the peace conference in Versailles].

⁷⁰ Čulen: *Béla*. p. 617.

⁷¹ Kocák, Michal (szerk.): *Listy Jozefa Škultétyho 1911-1941*. Matica slovenská, Martin, 1983. II. (Monografie – Documenta Litteraria Slovaca 19.) p 140. Concha’s remark is the more interesting because after the publication of *A Felvidék* he congratulated Grünwald on his ideas and the way he described the situation.

much-quoted author and a symbol in the history of the conflict of Hungarian – Slovak relationship, in reality his life's work ended in fiasco – none of the ideas he believed to be most important, e.g. the nationalization of the counties, the repealing of the nationality law, the lessening of the freedom of press and assembly – could be realized because of the resistance of the policy of the Hungarian liberal government. His consistent adherence to his own stand point got him shoved to the periphery of politics, he was even rejected as a historian. This was what finally drove him to his suicide.