

## Chapter 2

# **The History of Relations Between Hungarian Governments and Ethnic Hungarians Living Beyond the Borders of Hungary**

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### **An Outline**

This study aims to present the governmental and political background in Budapest against which the birth of the Status Law can be viewed. First, the circumstances, possibilities and ideas that existed before 1989, and then the Hungarian nationality policies of the three successive governments of the 1990s are surveyed. Finally, I discuss the pattern of relations between Hungarian nation policy and the politics of Hungarian minorities, which underwent significant changes up to the end of the 1990s, and the focal points of the debate on the Status Law.<sup>1</sup>

### **I. Circumstances and Political Processes Before 1989**

#### **1.**

Hungarian national minority groups living beyond the borders of Hungary constitute minorities created by force through the 1920 Trianon Peace Treaty. According to statistical data, the total population of these enforced communities<sup>2</sup> was 3.5 million in 1910, while it is now less than 2.5 million (If the total population of the Carpathian Basin is considered 100 in 1910, in 2000 the growth index of its total population was 147.9, that of the population of Hungary was 136, and that of ethnic Hungarians living beyond the borders was 77.1).<sup>3</sup> This loss of population, which can be interpreted within the

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1 By Hungarian nation policy I mean the politics of the Hungarian state or government, while Hungarian minority politics refers to the political activity of a Hungarian minority living beyond the borders of Hungary.

2 In a historical sense, these are communities (created by force) which were excluded from the process of building their own nation by a political decision and which, in the subsequent period of 80 years, became committed communities or residual communities by the fact that their minority elite simultaneously produced responses to the nation building challenges of their motherland and of the majority state where they lived, as well as to the modernisation demands of their own society.

3 Béla Balla and Tibor Mendöl, *The Geography of the Carpathian Basin* (Budapest, 1999), p. 339.

framework of the parallel nation building endeavours of Hungary and its neighbours, can be attributed to migration to the mother country, assimilation, and the Holocaust, as well as to a decline in natural population growth.<sup>4</sup> Following fundamental changes in the 1950s and 1960s, a similarly significant deterioration can be observed in the indices of social position and status of the Hungarian minority, such as urbanisation, level of schooling, and occupational structure.<sup>5</sup>

With more extensive opportunities for migration, these trends have become stronger during the past decade. It has turned out that these are not the mere consequences of political campaigns, but represent interacting processes which are bringing about changes in the structure of society, while intensifying each other's effects. The number of Hungarians in Slovakia decreased by 46,000 between 1991 and 2000, and this can be attributed primarily to assimilation processes.<sup>6</sup> Only one-tenth of this decrease can be explained by natural population decrease and hidden migration. By contrast, the decrease of 193,000 in the number of Hungarians living in Romania can be attributed to the following factors: natural population decrease around 40%, migration 50%, assimilation 10%.<sup>7</sup> Paradoxically, in Yugoslavia population censuses have revealed a smaller degree of population loss among Hungarians (50,000) than had been predicted (90,000).<sup>8</sup> The decisive causes here are also natural

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4 The most important works of the extensive relevant literature include: Károly Kocsis, 'Magyar kisebbségek a Kárpát-medencében' in Zoltán Bihari, ed., *Magyarok a világban: Kárpát-medence* (Budapest, 2000), pp. 13-29; Árpád Varga E., 'Az erdélyi magyar asszimiláció mérlege a XX. század folyamán', *Regio* 13 (2002), 1, pp. 171-205; László Gyurgyík, *Magyar mérleg: A szlovákiai magyarság a népszámlálási és népmozgalmi adatok tükrében* (Budapest, 1994).

5 Explicitly treated in the chapters of the relevant countries in Károly Kocsis and Eszter Kocsisné Hodosi, *Magyarok a határainkon túl. A Kárpát-medencében* (Budapest, 1991), as well as in László Szarka, 'A városi magyar népesség számának alakulása a Magyarországgal szomszédos országokban (1910-2000)', *Kisebbségkutatás* 11:4 (2001), pp. 57-67.

6 László Gyurgyík, 'A szlovákiai magyarság létszámsökkenésének okai' in László Gyurgyík and László Sebők, eds., *Népszámlálási körkép Közép-Európából 1989-2002* (Budapest, 2003), pp. 46-61.

7 A scholarly debate on the causes of the decline of the ethnic Hungarian population was published in *Magyar Kisebbség* 7 (2002), 4, pp. 3-110. A comprehensive analysis was offered by István Horváth, 'A 2002-es romániai népszámlálás előzetes eredményeinek ismertetése és elemzése', and Tamás Kiss, 'A romániai magyarság az 1992-es és 2002-es népszámlálások tükrében' in Gyurgyík and Sebők, *Népszámlálási körkép*, pp. 80-96 and 97-117 respectively. A 500-page volume by the two latter authors consisting of essays analysing the final results of the population census and utilising the findings of other sociological research is to be published soon.

8 There are two possible explanations for this. On the one hand, those who were settled in Hungary may also have been included in the census. On the other hand, the 'Yugoslav' category used in the 1991 population census may have 'swallowed' some 10,000 ethnic Hungarians, who, a decade later, either claimed to be Hungarians or as migrants or refugees were 'constituted' as Hungarians. See László Sebők, 'A 2002-es jugoszláviai népszámlálás

population decrease (about 30,000) and migration, chiefly to Hungary (20,000 who settled in Hungary permanently). It is quite evident from the above that these are long-term processes which cannot be addressed by political campaigns or 'action plans to save the Hungarian nation', whether initiated by the minority community or by the motherland. Hungary is unable to significantly influence the social and economic conditions of the neighbouring countries in order to improve living conditions for the Hungarian minorities there. Nor can it curb the migration of ethnic Hungarians to Hungary, because it also has its own demographic problems (which threaten the stability of its pension system).

If we consider the *functioning* of these communities, we can distinguish three sub-types. Today, the structure and way of life of the communities of ethnic Hungarians in Austria, Slovenia, and Croatia can only be interpreted within the conceptual framework of diaspora research. Characterised by a growing inability to reproduce themselves, these chiefly rural communities are actually *scattered communities*, where an aged Hungarian population represents a small minority even within individual settlements, often lives in mixed marriages, and uses the majority language even in its everyday public communication.

As a result of the changes of the last ten years, migration to Hungary has affected the middle and professional classes of the Hungarian minority living in Ukraine and the Yugoslav Voivodina. Hungarians in these two regions had not had strong urban middle classes and professional classes even before 1918 (This situation deteriorated further in the territories re-annexed to Hungary during World War II, because of the deportation of Jews carried out by Hungarian state authorities there). Not even after 1989 was an institutional context created to produce new members for the middle and professional classes (The ratio of Hungarians with university or college degrees is far below the national average in all the neighbouring countries, and Hungarians are also under-represented in the service sector).<sup>9</sup> This problem means that eth-

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előzetes eredményeinek ismertetése és elemzése' in Gyurgyík and Sebők, *Népszámlálási körkép*, pp. 118-134. Thus, it is understandable why the development strategy for the counties Hargita (Harghita) and Kovászna (Covasna) has been prepared under the direction of (metropolitan) Hungarian nationals. There is a hopeful initiative to change the situation; within the framework of the Pécs scientific programme, as a joint project of local experts and specialists from Hungary, studies of the development potential of various regions in the Carpathian Basin are being prepared. The first published volume of the planned series is Gyula Horváth, ed., *Székelyföld. A Kárpát-medence régiói I* (Budapest and Pécs, 2003).

9 The proportion of the population over 24 years old holding university or college degrees, on the basis of population census data in 1991-92: Hungary 10.1%, Slovakia 9.8%, Hungarians living in Slovakia 4.7%, Romania 6.9%, Hungarians living in Romania 4.7%, Yugoslavia 10.8%, Hungarians living in Yugoslavia 5.9%. Detailed occupational and social stratification statistics on Yugoslavia are published in Irén Molnárné Gabrity, 'A vajdasági magyar mi-

nic Hungarians in these regions lead their lives in *local, rural communities* with an ever-thinner professional stratum of their own. After the Czechoslovak-Hungarian population exchange following World War II, the Slovak minority living in Hungary suffered a similar loss of its middle and professional classes, a process which, together with the closing of minority schools, led to its rapid assimilation. The same process took place among other national groups in the Yugoslav Voivodina; they became ‘skanzenised’, almost museum pieces of ethnic peculiarity. These *local communities* are becoming increasingly homogeneous; those who have transferable knowledge or skills leave their native soil and an increasing proportion of those who stay live in *rural, agrarian communities*.

Only in the case of Romania and Slovakia can we speak of *minority fractional societies* with effective and socially articulated systems of institutions. But there is a significant difference between the two countries in respect of the prospects for future generations, which is not only a mere statistical issue. There is a sharp difference in terms of social integration. The Hungarian minority in Slovakia is much more integrated into Slovak society, both economically and culturally, than the Hungarian minority in Romania is into Romanian society. This fact can be attributed to the different levels of civic development, and the historical and cultural characteristics of the two countries.

The structure or sphere which has been ambitiously called the ‘system of institutions of the Hungarian minority’ or ‘minority Hungarian society’ for the past ten years, has continually tried to organise itself into some kind of system, if for nothing else, at least for the sake of influencing the distribution of funds coming from Hungary. This network does not function as a mere virtual organisation, but operates in various *subsystems*. These include: *organisations for political interest representation, political parties; positions in local authorities; civil society; independent forums (media) of the minority; cultural institutions and institutions producing professional knowledge and expertise; and church institutions*.<sup>10</sup> The relations among these six subsystems, or more accurately the relations among the interests of the elites leading them, determine the flexibility, adaptability and capacity for integration and modernisation of these communities. By contrast with the majority societies,

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gráció hatása társadalmi szerkezetünkre’, *Kisebbségkutatás* 11:3 (2001), pp. 402-414.

10 Of these sub-systems, the operation of the sphere of political interest representation is treated in Zoltán Kántor, ‘A kisebbségi nemzetépítés. A romániai magyarság mint nemzetépítő kisebbség’, *Regio* 11:3 (2000), pp. 219-241; a model for the minority forums (media) was drawn up by Z. Attila Papp, ‘A kisebbségi nyilvánosság sajátosságai’ in Csilla Fedinec, ed., *Társadalmi önismeret és nemzeti önazonosság Közép-Európában* (Budapest, 2002), pp. 189-206.

here there is an obvious absence of state institutions, leadership selection through political elections, or a clear constitutional system of legal relations.

## 2.

The Hungarian nation policy of the governments in Budapest can be divided into eight periods from the end of World War I to date:

- 1 from 1918 to 1938/40/41 – a period between the two world wars characterised by a revisionist view of the future;
- 2 from 1938/40/41 to 1944 – nation policy from a majority position during World War II;
- 3 from 1944 to 1948 – a period characterised by a lack of means to influence nation policy;
- 4 from 1948 to 1966/68 – a period dominated by the propaganda of automatic resolution of the issue based on the principle of internationalism;
- 5 from 1968 to 1978/86 – a period of developing the ideology of dual loyalty and of minorities assuming a bridging role;
- 6 from 1978 to 1989/92 – attempts in Hungary to handle the problem institutionally;
- 7 from 1989 to 1996 – creation of a system of Hungarian institutions beyond the borders of Hungary;
- 8 a period starting in 1996 with the creation of Hungarian Standing Conference (HSC) and continuing with the passing of the Status Law in 2001 and onward – political institutionalisation of Hungarian-Hungarian relations and the development of a system of cultural institutions of the Hungarian nation perceived in ethnocultural terms.

Between the two world wars Hungarian nation policy was determined by the desire for revision, basically *a revisionist view of the future*. Among various versions, the restoration of historical Hungary was the idea most vocally represented through social organisations. Technically, the annexation of territories inhabited by a Hungarian majority and Székelyföld was mainly conceived in terms of a corridor comprising Kolozsvár (Cluj) and the region called Szilágyság. In territories with a mixed population and in areas where members of the ethnic majority of the relevant state were in a minority, referendums were proposed to determine the status of the territory.<sup>11</sup> *Strategically*, Hungarian nation policy was represented by the conception of Benedek Jancsó, according to which Hungarians had lost their territorial integrity but

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11 The most thorough and competent account of this strategy was that of Ödön Kuncz, *A trianoni békeszerződés revíziójának szükségessége* (Memorandum to Sir Robert Gower) (Budapest, 1934).

had retained their cultural integrity, and this had to be preserved together with demographic, economic and cultural positions so that these could be used as a basis for new peace negotiations of the future.<sup>12</sup> This was the period when the aims of Hungarian nation policy showed the least deviation from long-term foreign policy objectives, since there was a consensus on the desire for revision in Hungary and among Hungarians living abroad alike.

During World War II (from 1938/1940/1941 to 1944), we can speak of *nation policy conducted from a majority position* rather than Hungarian nation policy, owing to the presence of large nationality groups on the expanded territory of the new country. The previous Hungarian view, that the minorities issue could be dealt with through the creation of national autonomies, was removed from the agenda and the emphasis was put on further development of the 1868 Nationality (Minority) Law.<sup>13</sup> In other words, the nationality issue was regarded as a linguistic and political issue. At the same time, between Hungary and Slovakia, as well as Romania, a tit-for-tat policy started to prevail within months of the re-annexation of the former territories to Hungary (Any violation of the rights of a given nationality living in Hungary was immediately answered by the same kind of 'restriction' imposed on the Hungarian minority of the respective country, and vice-versa).

*Period characterised by a lack of means to influence nation policy* (from 1944 to 1948). During the peace negotiations following the end of World War II Hungary had no political allies to support its endeavours to achieve legal protection for Hungarians living beyond its borders.

*Period of the propaganda of automatic resolution of the problem.* From the 1950s the political position on the situation of Hungarians living beyond the borders was determined by two basic principles. On the one hand, the nationality issue was considered an internal affair of each socialist country, at least according to the internationalist dogma. On the other hand, according to the official phrasing, with the victory of Marxism-Leninism, national conflicts would also be resolved, since they were a reflection of class oppression by the bourgeoisie and the feudal ruling classes. Once these social classes were eliminated, the problem would automatically be resolved, at least according to the theory. Class struggle enjoyed exclusive priority over issues of nationality. In particular, this period was characterised by the total absence of an independent Hungarian foreign policy.

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12 Benedek Jancsó, 'A magyar társadalom és az idegen uralom alá került magyar kisebbség sorsa', *Magyar Szemle* 1927, 1, pp. 50-57.

13 This approach is summarised in Pál Teleki, *Magyar nemzetiségi politika* (Budapest, 1940). The document is reprinted in Balázs Ablonczy, *Pál Teleki – Válogatott politikai írárok és beszédek* (Budapest, 2000), pp. 395-414, as well as in András Rónai, *A nemzetiségi kérdés* (Budapest, 1942), and in Imre Mikó, 'A jogfolytonosság helyreállítása a nemzetiségi jogalkotásban', *Kisebbségvédelem* 1941, 1-2, pp. 1-7.

*The rediscovery of the problem* took place in the second half of the 1960s, starting from 1964.<sup>14</sup> An ideological-political survey of the issue was undertaken in 1968 by the Agitation and Propaganda Committee of the Central Committee of the Hungarian Socialist Workers' Party (MSZMP) when it discussed relations with Hungarian literary life abroad.<sup>15</sup> It was asserted that 'through its traditions and language, this culture is a constituent part of the totality of Hungarian culture. For this very reason, with greater care than before, we should cultivate our ties with the culture of Hungarians living in the neighbouring socialist countries and we should also feel responsible for the development of these cultures'.<sup>16</sup> In the following year, the Agitation and Propaganda Committee discussed the cultural situation of the Hungarian-speaking population of the neighbouring countries and relevant practical policies.<sup>17</sup> At this meeting the Committee drafted requests for improving and extending the reception of Hungarian Radio and Television broadcasts beyond the borders of Hungary and for widening the functions of *Kultúra Külkereskedelmi Vállalat* ('Culture' Foreign Trade Company). Officially, the ideology of *dual loyalty* was endorsed: National minorities (national minorities in Hungary and Hungarians living beyond the borders) were seen to be culturally linked to their own national culture and, through their citizenship, to the culture of the country in which they live (Nevertheless, in both cultures 'socialist values' were to be supported).<sup>18</sup> Thus, these nationalities could form a 'bridge' between the two nations, thereby restraining historical antagonisms. This introduced no change in the handling of the nationality issue as an internal affair, but the interests of Hungarian cultural and educational institutions beyond the borders of Hungary gradually moved up the agenda of confidential inter-party and foreign affairs discussions. From the 1970s onwards, the most severe conflicts between Hungary and its neighbours developed around these issues because these institutions suffered a functional deterioration as a result of the host countries' intensified policies of homogenisation.

It is hard to separate the re-emergence of the problem from processes of *institutionalisation*. One aspect of this was the *institutionalisation of scientific research*. In 1968 the *Hazafias Népfront* (Patriotic People's Front)

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14 This process is summarised in Lajos Arday, *Magyarok a szomszédos államokban – külpolitikánk változása*. Manuscript, Library of the Teleki László Foundation, Kv. 1992/1040.

15 Meeting of the Agitation and Propaganda Committee of the Central Committee of the Hungarian Socialist Workers' Party on 26 March 1968, Magyar Országos Levéltár (Hungarian National Archives, hereafter abbreviated as MOL), 288. f. 41. csop. 91. őe.

16 *Ibid.*, 2.

17 Meeting of the Agitation and Propaganda Committee of the Central Committee of the Hungarian Socialist Workers' Party on 5 August 1968, MOL 288. f. 41. csop. 121. őe.

18 *Ibid.*, 12-14. f.

asked for a comprehensive report on the cultural situation of Hungarians living beyond the borders. In 1972-73 the Central Committee of the Hungarian Socialist Workers' Party commissioned a several thousand-page overview of cultural relations between Hungary and its neighbours. In 1974 a specialist committee was created within the Hungarian Academy of Sciences to coordinate research on the history of national minorities. After four years, in addition to the collection of data about national minorities living in Hungary, the official collection and processing of academic literature on nationality questions and Hungarians living beyond the borders started in the Gorki Library in Budapest. In 1981-82 a programme was launched under the auspices of the Association of Hungarian Writers to survey the situation of Hungarian science and scholarship beyond the borders of Hungary.<sup>19</sup> Then in 1985, as a response to memoranda submitted by intellectuals, the Institute for Hungarology was created to conduct research on Hungarians abroad. In the following year the Hungarian Academy of Sciences launched a programme that was open to public tenders.<sup>20</sup>

*At the level of party politics* the Political Committee dealt with the issue in 1976.<sup>21</sup> The unpublicised draft resolution finalised in 1977 acknowledged that the nationality issue was an internal affair of every country, but deviations from Marxist-Leninist norms of nation policy could be indicated to the party leadership of the neighbouring countries. The document went on to offer a clear and very to-the-point analysis of the situation and ended by urging an extension of Hungarian-Hungarian relations, with exemplary attention also paid to the problems of nationalities living in Hungary and the raising of issues through international channels (at inter-party meetings). In the authors' view, the worst situation prevailed in Romania, followed by Czechoslovakia, where the situation in this respect had deteriorated. Although the document acknowledged that this problem was an internal affair, it noted that 'it is also a question of foreign policy for Hungary'.<sup>22</sup> From this point on, increasingly frequent references were made in various forums to Hungarians living in neighbouring countries. In this context, the situation in Yugoslavia was considered exemplary, but years had to pass before Romania and Czechoslovakia were openly criticised.

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19 One of the results published is Lajos Für, *Kisebbség és tudomány* (Budapest, 1989).

20 TS4 programme, first led by Magyarságkutató Csoport (Group for Hungarian Minority Research), then by Gyula Juhász, director of the Institute.

21 A proposal prepared by Frigyes Puja, Minister of Foreign Affairs, was discussed by the Political Committee on 20 December 1976. Following the discussion, János Berecz, Head of the Foreign Affairs Department of the Central Committee, reworked the proposal dated 20 January 1977: MOL, 288. fond 5. csop. 707. őe. 29-48. f.

22 *Ibid.*, 9.

The situation changed in 1986-87 with the publication of the three-volume *History of Transylvania*.<sup>23</sup> The final point of the process was the statement made by Mátyás Szűrös (Foreign Affairs Secretary of the Central Committee of MSZMP) in January 1988: Hungarians living beyond the borders of Hungary form a part of the Hungarian nation. This statement came as a relief, especially to Hungarians living beyond the borders (This was one of the developments which were viewed as symbolic in Hungary, but considered as real political acts in the target communities). The associates of Mátyás Szűrös, Csaba Tabajdi and Imre Szokai, in an article of February 1988 which generated great public interest, elaborated that *issues concerning the Hungarian nationality beyond the borders constitute an inescapable part of Hungary's neighbourly relations*.<sup>24</sup> In fact, following this article the institutionalisation of Hungarian nation policy started with the creation of the Office for National and Ethnic Minorities in Hungary and the Government Office for Hungarian Minorities Abroad (GOHMA). The history of the former has already been treated in detail.<sup>25</sup> But this already belongs to the seventh period, when, after 1989, a Hungarian system of institutions was gradually created and by the mid-1990s two things had become clear: a) there are no partners in the political elites of the majority nations for the implementation of national autonomies envisioned in a consocial model; and b) the system of minority institutions cannot be sustained from the resources of the Hungarian minority alone. The eighth period in Hungarian nation policy is characterised by the strategic steps taken by the governments in Budapest in relation to these two problems.

## **II. Hungarian Nation Policy of Governments in Budapest after 1989**

### **1.**

Before comparing the Hungarian nation policy of the Antall, Horn and Orbán governments,<sup>26</sup> I address the following question: What are the generally accepted basic principles of Hungarian nation policy in Hungary that have been shaped since 1989?

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23 Béla Köpeczi, ed., *Erdély története* (Budapest, 1986).

24 The article by Csaba Tabajdi and Imre Szokai, 'Mai politikánk és a nemzetiségi kérdés', and responses to it, are published in Csaba Tabajdi, *Mérleg és számvetés. A magyarságpolitikai rendszerváltás kezdete* (Budapest, 2001).

25 Róbert Györi Szabó, *Kisebbségpolitikai rendszerváltás Magyarországon: A Nemzeti és Etnikai Kisebbségi Kollégium és Titkárság története tükrében* (Budapest, 1998).

26 In this topic I rely on two fundamental studies: Judit Tóth, 'Az elmúlt évtized diaszpórapolitikája' in Endre Sík and Judit Tóth, eds., *Diskurzusok a vándorlásról* (Budapest, 2000), pp. 218-251; Ferenc Mák, 'Az új nemzeti politika és a Határon Túli Magyarok Hivatala, 1989-1999', *Magyar Kisebbség* 6 (2000), 3, pp. 237-293.

Over the past decade a *consensus* has been reached among *Hungarian political parties* at least on the theoretical level concerning some of the issues of Hungarian nation policy. One may say that, next to European integration, this issue has ‘apparently’ enjoyed the widest agreement among political parties (seen as a common idea of the nation). The common view of the parties can be summarised as follows:

a) *It is not the location of the borders, but their quality that must be changed.* Only MIÉP (Party of Hungarian Justice and Life) has taken an ambiguous stand in this respect. If we take a closer look, however, it is apparent that standpoints also differ in relation to questions of granting employment opportunities, permanent residence and visas for ethnic Hungarians.

b) *Hungarian minorities in the neighbouring countries are entitled to have their independent system of cultural institutions in the countries where they live.* There is also a basic understanding among the parties that cultural autonomy could be the framework for this. But as far as the path to this autonomy is concerned, opinions differ in Hungary, as they do among elite groups beyond the borders. There are groups that expect autonomy on the basis of ‘natural law’, so to speak, whereas others regard it as feasible through a continuous, step-by-step building of institutions.

c) *The principle of treating the representatives of Hungarian political life beyond the borders as equal partners.* The implementation of this principle is very difficult. This is partly because the political weight of the partners is not equal – a politician of the Hungarian minority beyond the borders frequently finds himself or herself in a position of asking for help in or from Hungary. In return, he or she can only offer assistance in mediation, or in paving the way for the acceptance of certain decisions, or in avoiding conflicts. It is also partly due to ongoing changes in Central European political life which have meant that networks of political interest extend across borders. Inevitably, party-political networks in Hungary also encompass politicians beyond the borders. This is a bi-directional process, since the political elites there also construct systems of relations that extend to the ministries dealing with the relevant issues in Budapest.

d) *The representation of the interests of the Hungarian minorities beyond the borders in international forums is always the task of the Hungarian government in office, having regard to the norms of international law.* On this issue, Hungarian politicians behave as if Hungary has already acquired the status of a protective power through the basic agreements reached between Hungary and its neighbours. However, this has not yet been recognised in other, non-bilateral, agreements. The report of the Venice Commission regarding the Status Law, which acknowledges the right of the kin-state to support minorities living beyond its borders, does not have this legal effect.

e) *Support for Hungarians living abroad is a permanent and integral element of the state budget and of the work of public-sector organisations in Hungary.* There is no consensus on this, however, and a serious debate on the decision-making mechanisms regarding the distribution of funds, the strategic target programmes and the monitoring of implementation has yet to begin. This issue is seen as a taboo in political discourse; the everyday skirmishes of party politics often involve allusions to particular cases and attempts to discredit of certain types of ‘clientele’.

## 2. Hungarian Nation Policy of the Hungarian Governments

### 2-1.

The Hungarian nation policy of the *Antall government* (1990-94) was fundamentally determined by two factors. On the one hand, a place had to be found for the problem in the work of government and an appropriate institutional framework had to be constructed. On the other hand, this government had to deal with a trio of issues which were particularly crucial for Hungarian foreign policy: Euro-Atlantic integration, relations with neighbouring countries, and Hungarian nation policy – and it had to achieve a delicate balance among them. The Hungarian nation policy of the Antall government may be summarised in terms of three goals:

a) On the basis of international human rights and minority protection norms, it assumed the task of *diplomatic protection* of the Hungarian minorities. It contributed to the international strengthening of minority protection in the early 1990s.<sup>27</sup> Nevertheless, these norms were hardly standardised (there is no general European practice in this respect other than maintaining the status quo) and there were no agreements that would have enforced accountability.

b) Based on Western European examples, it wanted to *create a Central European model which would set an example for treatment of the minorities issue.* This endeavour informed the development of minorities legislation in Hungary: instead of recognising cultural and language rights for the individual, Hungary created a system of minority self-governance.<sup>28</sup> Simultaneously, the Hungarian parties abroad developed concepts of autonomy and co-nation status.<sup>29</sup>

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27 Kinga Gál, ‘A kisebbségek nemzetközi védelme: az 1990-es évek jogi és politikai kerete’, *Pro Minoritate* 9 (2001), 2, pp. 131-149.

28 The relevant argumentation can be found in Gáspár Bíró, *Az identitásválasztás szabadsága* (Budapest, 1995), pp. 15-48, as well as Csaba Tabajdi, *Az önazonosság labirintusa: A magyar kül-és kisebbségpolitika rendszerváltása* (Budapest, 1998), pp. 609-714.

29 In addition to the work of Bíró, a theoretical summary can be found in Gusztáv Molnár, ed., *Autonómia és integráció* (Budapest, 1993); the concept of Miklós Duray is discussed sepa-

c) The third decisive factor was what later became known as the Antall doctrine: *No decisions* can be made about policies on Hungarians living abroad *without seeking and considering their own views*. This did not of course constitute a right of veto. Nevertheless, even in the first significant case, which involved evaluating the Balladur plan, standpoints on the Stability Pact differed. A more important problem was how to incorporate the opinions and interests of Hungarians living beyond the borders into decision-making processes. For this, an entire system of bilateral talks was constructed in concert with the Hungarian political parties which had won the parliamentary elections.

2-2.

From the outset, the *Horn government* (1994-98) did not regard dealing with the situation of Hungarians living beyond the borders as a historic and national mission, but based its rhetoric instead on constitutional and personal responsibility (This government saw Hungarians living abroad primarily as a disadvantaged group, and only secondarily did it consider them ‘part of the Hungarian nation’). In contrast to the initiatives of the Antall government, which, while well-meaning and ambitious, often failed to take the realities of the international situation fully into account, the Horn government’s Hungarian nation policy was characterised by an endeavour to be concrete and pragmatic. In my judgement, the most characteristic features of their policies were the following:

a) In view of the competition in respect of European integration and the tense relations with neighbouring countries, the basic principle was that *issues concerning Hungarians living abroad could not be allowed even to appear to endanger the stability of the region*.<sup>30</sup> Thus, this issue was assigned to the sphere of foreign policy and subordinated to the priorities of integration.

b) These were the circumstances under which the *basic agreements* with Slovakia and Romania were signed.<sup>31</sup> These involved obligatory measures, which did not significantly influence the political situation of Hungarians abroad (perhaps in the case of Romania they dispelled some prejudices stand-

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rately in László Szarka, ed., *Határon túli magyar autonómia koncepciók, 1990-1995* (Budapest, forthcoming).

30 A detailed summary of this dilemma and an account of the concept of modernisation and economic support are provided by László Lábodý, ‘A határon túli magyarság és a gazdasági együttműködés’, *Társadalmi Szemle* 1993, 11, pp. 67-73; see also *idem*, ‘Magyarország és szomszédsága’, *Európai politikai évkönyv* 1995/96, pp. 283-298.

31 Treaty on Good-neighbourly Relations and Friendly Co-operation between the Republic of Hungary and the Slovak Republic, 19 March 1995; Treaty between the Republic of Hungary and Romania on Understanding, Cooperation and Good Neighbourhood, 16 September 1996.

ing in the way of a coalition between the Democratic Alliance of Hungarians in Romania and the Democratic Convention). Nevertheless, they freed Hungarian foreign policy from the danger of being labelled as ‘destabilising’.

c) I consider the new strategic arguments represented by Csaba Tabajdi, László Lábodý and Erika Törzsök and the programmes launched in the context of those arguments to be the most important changes.<sup>32</sup> In order to promote the prosperity of Hungarians living beyond the borders, they emphasised the *necessity of creating an economic infrastructure* as an alternative to the predominantly financial-aid-type support practised so far, and launched various programmes in this spirit. At the same time, *the emphasis was laid on strengthening and extending existing initiatives for modernisation and the construction of civil society institutions*. In order to develop economic life, the *Új Kézfogás* (New Handshake) Foundation assisted in capital investments, interest-rate subsidies, the training of entrepreneurs and cooperation in economic development along both sides of the borders. They envisioned social modernisation through the development of ‘islands of modernisation’ built upon local initiatives which would transform the institutions of the Hungarian minority into a performance-driven system. However, the funds available for implementing these programmes were not sufficient and they continued to depend on the bargaining of the elite groups in Hungary and abroad. In addition, these programmes did not find their way to a wider circle of minority political elites. Seen from the other side of the borders, such programmes were still considered as ‘charity’ actions. By comparison with the Antall government’s priorities based on personal relations, they targeted a broader range of local authorities and churches, but the representatives of these programmes did not have the appropriate funds or the necessary network of alliances with the nation building minority politicians, who had closer ties with the Hungarian Democratic Forum (MDF).

2-3.

In order to understand the Hungarian nation policy of the *Orbán government* (1998-2002), we must consider two features that differed from those of the previous governments. On the one hand, the geopolitical weight of Hungary changed in the region in the second half of the 1990s, as a result of the use of the Tászár Military Base by US soldiers and Hungary’s joining NATO. Economic growth also started, so in financial terms the FIDESZ (Alliance of Young Democrats – MDF (Hungarian Democratic Forum) – FKgP (Independent Smallholders Party) coalition was in a more favourable position than the Horn government. On the other hand, FIDESZ politicians

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32 The summary of the programme ‘A határon túli magyarság polgárosodásáért’ is given in Tabajdi, *Az önazonosság labirintusa*, pp. 527-546.

had not been socialised (let alone trained) in handling conflict, unlike the older intellectual-politician generation, which had been socialised in the struggles within the party apparatus and in the fight for reform during the 1970s and 1980s. Since the debate on the Hungarian-Romanian basic agreement, in which Viktor Orbán consolidated the political Right by directing public discourse at history and at the future and leaving the Left, whose thinking remained on the level of practical techniques and actions, at a loss for an answer, FIDESZ has relied on and benefited from its skills in showing a vision of the future. Starting from this, I characterise the Hungarian nation policy of the Orbán government as follows:

a) By contrast with the traditional approach of Hungarian foreign policy based on 'realistic' policy-making within the system of great-power relations and relying on connections with certain strong international factors (the United States, Germany), this government represented a 'constructivist' view, according to which conditions are in a state of constant change and Hungary must actively participate in shaping these conditions. The government's pivotal point was the most efficient representation possible of national interests, both in the process of European integration and in regional relations. Instead of the role of a mediator, they wanted to develop an *alliance-creating role* by making use of their advantageous positions in respect of European integration and economic development (To put it metaphorically in a Central European way, they preferred to be a pier rather than a ferry. In a certain sense, Hungary wanted to take over the role played by Vienna and Belgrade during the Cold War). A potential aspect of this involved a renewal of cooperation between the Visegrád Countries.<sup>33</sup> Another aspect was building a strategic partnership based on common economic interests with Croatia and later with Slovakia. This was also called for by the big Hungarian companies that wanted to expand in the region. By the end of the decade it had become clear that for the future stability of the Hungarian economy the formation of six to eight big regional companies was vital and this would not be feasible without a favourable political environment. Similarly, there is ongoing keen competition for the regional centres of multinational companies and also for the role of a regional financial centre, in which government support can be decisive. Public opinion in Hungary currently sees European integration not as a mere political decision (as it is still viewed in Romania), but as a step in the process of social change. The Orbán government regarded integration as an enterprise of the nation. How can the greatest possible part of the Hungarian nation be 'elevated' into this more developed structure? That was also one of basic questions addressed by their Hungarian nation policy.

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33 Poland, the Czech Republic, Slovakia, Hungary

b) FIDESZ regarded the problems of Hungarians abroad *not* as a *burden*, but as a natural fact (The party apparatus of FIDESZ included the largest number of individuals coming or descending from beyond the borders or having personal relations with Hungarians living beyond the borders). This issue was regarded by the party as a *core issue*, and also a politically valuable one, because the Left was at a loss for a proper response. This had two consequences. It was in this party that experts most consistently addressed the failure of the autonomy-creating efforts of Hungarian minorities and the necessity of institutionalising Hungarian-Hungarian relations. This approach led, first, to a call for the establishment of an *Autonómia Tanács* (Autonomy Council) and to the first all-Hungarian meeting of political parties and, second, to the idea of the (cultural) institutional reintegration of the Hungarian nation, through measures including the Status Law.

c) In addition to its policy of crisis management and distribution of money, FIDESZ also made use of growing political and financial opportunities to consolidate *programme financing*. Obviously, they expected performance in return. These programmes were mainly limited to purchasing buildings and financing institutions, but had a tremendous effect beyond the borders, because the link between funds and performance was clear (and also expected). FIDESZ wanted to introduce performance-driven structures to environments where such structures had not dominated before. In the system of minority institutions the prevailing trend is still a share-out of funds controlled by the politicians. Programmes initiated by FIDESZ further consolidated the ideal of a nation based on performance. The other very important element of this governmental work was that the special committees of the HSC, through the development of Hungarian-language higher education beyond the borders and implementation of the Status Law, introduced Hungarian nation policy to Hungarian public administration as an item of business to be handled professionally at office level. Getting the party apparatus interested or involved was no longer a matter of personal knowledge or inclination – it became a legally accountable system of tasks forming a part of the responsible individuals' job description.

### **III. Preliminaries and Focal Points in the Debate on the Status Law**

In this section I would like to clarify the context of Hungarian minority and regional policies from which the concept of the Status Law derived, and to survey the key elements of the debate about the law.

## 1.

*Strategic orientation in the mid-1990s:* By 1994-95 it had become clear in all the four countries where Hungarian minority organisations had developed schemes for autonomy that these could not be implemented in the short run. The political classes of the majority population unambiguously rejected any such demand. It seemed evident to the minority political elites that they should abandon their regular symbolic actions in favour of autonomy in order to avoid provoking further anti-minority propaganda campaigns. They would have had to face the national propaganda machines and governmental apparatuses of Mečiar, Iliescu and Milošević without enjoying the support of the political opposition in the respective countries, not to mention that of Hungary (In fact, the Democratic Alliance of Hungarians in Romania had to leave the Democratic Convention because it rejected the declaration of the principle of a unitary national state). This situation gave birth to a number of conceptual strategies.

András Ágoston, leader of the Democratic Community of Hungarians in Voivodina (VMDK) and later of VMDP (Democratic Party of Hungarians in Voivodina) and László Tókéš, honorary president of the Democratic Alliance of Hungarians in Romania (RMDSZ) also regarded it as a matter of fundamental values to represent *autonomy* as the top priority issue. In the wake of changes, both of them became isolated. Then in 2003, after the change of government in Hungary and the bilateral modification of the Status Law, they activated their followers and their respective programmes around the demand for dual citizenship and the establishment of the Transylvanian Hungarian National Councils and the Szekler National Councils.

The concept of co-nation was further developed by Miklós Duray and Csaba Lőrincz (a FIDESZ expert) in order to *implement national integration on the basis of a systematic approach to nationality policy*. Csaba Lőrincz's starting point was based on the need for a legal concept which would embrace the Hungarian minority living in any other country. In order to facilitate the granting of the Schengen visa, he proposed the creation of an organisation, membership in which might be a basis for entitlement.<sup>34</sup> At the *Magyarország és a határon túli magyarság* (Hungary and Hungarians living abroad) event in 1996, the first all-Hungarian meeting of political parties, Viktor Orbán called on the government to support the autonomy schemes of the Hungarian minorities and their involvement with a right of veto in preparing international agreements that might affect them. He made a proposal that the Autonomy Council be set up with the aim of institutionalising similar meet-

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34 Csaba Lőrincz, 'Nemzeti érdekek érvényesítése Magyarország csatlakozása során az euró-atlanti államok közösségéhez' in Zoltán Kántor, ed., *A státustörvény: dokumentumok, tanulmányok, publicisztika* (Budapest, 2002), pp. 185-206.

ings. Finally, he wanted to tie Hungary's support for its neighbours' bids to join the European Union and NATO to the improvement of the situation of Hungarians beyond the borders.<sup>35</sup> This is where we can look for the roots of HSC. It is also closely related to the co-nation concept, which has grown out of autonomy plans. In 1995 Miklós Duray phrased this clearly:

Hungarians in the Carpathian Basin living outside the borders of Hungary are unable on their own to counterbalance the negative steps taken by certain countries, or to achieve the support relating to Euro-Atlantic integration in terms of these countries' governmental politics, or to make their internal policies conform to European standards. The reasons for this include the anti-Hungarian policies of these countries, which constitute one of the factors playing against integration. At the same time, neither Hungary nor its government displays any readiness to involve Hungarians living beyond its borders in European integration. In the present situation, it can only be the government of Hungary which can prevent certain Hungarian communities from being severed from the greater part of the Hungarian nation in an alarming and, perhaps, irreversible process.<sup>36</sup>

The legislation required to remedy this had to be drafted in Hungary. For Duray, 'nation' was an unambiguous political category, and in the case of Hungarians, the nation had been dismembered. Considering the possibilities for change, he further developed the co-nation concept of *Együttélés* (Coexistence), which he had worked out earlier.

The key question behind this concept is how the dismembered Hungarian nation can be reintegrated without any conflicts over the unchangeable Trianon borders. [...] It can be assumed that the only possibility is the creation of a new 'nation structure'. For this, three fundamental aspects must be taken into consideration: state borders, different political environments and Hungarianness. This means that borders must be bridged, the realities of politically diverse environments must be taken into account and Hungarianness must be freed from being under the 'rubble' of the way of thinking that prevailed during the post-World War II period and communism. Under such conditions, a federalist nation-structure based on local governmental authorities can develop, which, on the one hand, creates a co-national relation between the Hungarian community and the majority nation of

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35 Csaba Lőrincz, Zsolt Németh, Viktor Orbán and Zoltán Rockenbauer, *Nemzetpolitika, '88-'98* (Budapest, 1998).

36 Miklós Duray, 'Az egyetlen demokratikus kibontakozási lehetőség az önkormányzatok megerősödése' in *idem, Változások küszöbén* (Budapest, 2000), pp. 185-201, here p. 198.

a given country, and on the other hand, creates a culturally unified Hungarian nation consisting of politically independent units.<sup>37</sup>

A political programme of *supporting economic modernisation and the development of civil society institutions* can be primarily associated with Csaba Tabajdi, a politician of the Hungarian Socialist Party (MSZP). The basic assumption of this programme is that Hungarians living beyond the borders can only preserve their national identity if they can make a decent living on their native soil. The genesis of the concept goes back to 1994-95, when those responsible for Hungarian foreign policy had to face the following situation: 'If, for the sake of integration, Hungary accepts the conditions of good-neighbourly relations imposed on it by its neighbours, the situation becomes problematic from the point of view of domestic politics, but if it does not, it may endanger the goal of integration'.<sup>38</sup> In this dilemma, the specialists of the Hungarian Socialist Party (MSZP) and the Alliance of Free Democrats (SZDSZ) developed a view of Hungarian nation policy which focused on economic and social development. Instead of economic support, they spoke of cooperation and of creating favourable conditions for islands of modernisation in the long run. Tabajdi and his colleagues saw economic cooperation along the borders with the support of small and medium enterprises as a possible field of concrete cooperation. Another potential area, in their view, was the training of managers, education and infrastructure, which could attract foreign capital to areas inhabited by Hungarians and facilitate their joining various European Union projects.

They envisioned national autonomy not as being constituted by a one-off legal act, but as a process of social self-construction. Therefore, it was reasonable to put the emphasis on support for minority and church institutions, envisioned as civil society institutions. In political terms, they hoped to gain support from the newly developing group of Hungarian entrepreneurs living beyond the borders and church personalities who play a decisive role in providing social care. The issue of regional cooperation was also part of the concept. Tabajdi wanted to ground this firmly in economic cooperation. Nevertheless, support for the 'politics of basic agreements' was at least as important. During the debate on the Status Law, Tamás Bauer and János Kis emphasised this as an alternative strategy to the Status Law concept.<sup>39</sup> This strategy aimed to deal with the situation of the Hungarian minority in each country by exerting pressure through inter-governmental mixed committees which would be set up as a result of the basic agreements.

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37 *Ibid.*, p. 200.

38 Lábódy, 'Magyarország és szomszédsága', p. 295.

39 János Kis, 'A kisebbségi kérdés az új világrendben', *Beszélő* 2002, 4 ([www.beszelo.hu](http://www.beszelo.hu)).

In the second half of the 1990s, after the signing of the Hungarian-Slovak and Hungarian-Romanian basic agreements, significant changes occurred in the policies of the neighbouring countries towards Hungarians, as election results and European integration began to assume priority positions. A discriminatory approach was replaced by an *integrationist policy towards ethnic Hungarians*. This did not involve the automatic abandoning of long-term ideas about a homogenous nation state. The practice of integrating Hungarian minority elites, which had characterised the policy of pre-World War II Czechoslovak bourgeois democracy and of Tito's Yugoslavia, seemed to prevail in Slovakia, Romania, Ukraine and Serbia. The other side of this process was the behaviour of Hungarian minority political elites in this situation, as represented by *Hungarian minority parties joining coalition governments or granting their support to the governing party*.<sup>40</sup>

As mentioned before, in the same period (1993-96) a new Hungarian political leadership appeared in almost every neighbouring country. The members of this leadership were unambiguously open to joining coalitions, because by then they had understood that there was no longer any point in actively pursuing autonomy. It seemed that that agenda would never produce any of the concrete results long awaited by their voters. In addition, it seemed that once the policy of autonomy had been abandoned they could form alliances with parties which could counterbalance existing anti-Hungarian policies with their, at worst, neutral attitudes. Moreover, the political expectations of the West and of Budapest also pointed in this direction. Beyond concrete results achieved in Romania, Slovakia and Yugoslavia (attenuating anti-Hungarian feelings, obtaining funds for development, acquiring positions in the course of privatisation, reaching compromises on language policy, etc.), the most important achievement was that the Hungarian elites, as representatives of a political community, became more organically integrated into the political life of the respective countries.

## 2.

In the mid-1990s, in parallel with the narrowing of practical options in respect of the future of Hungarian minorities, *new relations* developed in the process of Euro-Atlantic integration and national interest representation in the Carpathian Basin.

In the second half of the 1990s, after the signing of the basic agreements, Hungary's weight in the region increased significantly, thanks to NATO

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40 Zoltán Kántor and Nándor Bárdi, 'The DAHR (Democratic Alliance of Hungarians in Romania) in the Government of Romania from 1996 to 2000', *Regio Yearbook* 2002, pp. 188-226; László Szarka, 'A szlovákiai Magyar Koalíció Pártjának kormányzati szerepvállalásáról', *Regio* 11:4 (2000), pp. 122-148.

membership and the upswing in its economy. This was the second time in its twentieth-century history that Hungary was able to take the initiative in enforcing its national interests,<sup>41</sup> given that it had become a member of a military alliance embracing Europe and, at the same time, one of the most promising candidates for a political alliance. In this situation, the FIDESZ government, pursuing its own concept of nationality policy (in particular with the Status Law) *took up a pro-active position, as opposed to the reactive neighbourhood-policy practised so far in the form of crisis management.* This came as a shock to the diplomacy of Bratislava and of Bucharest, as became especially clear in various European forums. The Hungarian diplomatic position displayed a better understanding of the *Zeitgeist* when the paper Hungary submitted to the Venice Commission asked not for ‘justice’, but for a comparison to be made between the Status Law and similar laws of other states.<sup>42</sup>

At the same time, following theoretical debates, politics also had to accommodate *significant changes in the framework of the nation state.* Some of these changes involved elements of sovereignty, which were bound to be abandoned with Euro-Atlantic integration. Other changes involved the appearance in all Hungary’s neighbouring countries of the demand for European integration as an important priority alongside the homogenising (and integrating) programme of building a nation state. These changes also included the development of new integrative forces in the region which have had and will continue to have political consequences. Among these changes, the development of middle-class consumer habits is sure to have a major impact. Still more important is the fact that the scope of social and political networks will extend beyond the nation state. This can happen on the basis of party ideologies, as some, mainly unsuccessful, experiments of the political Right and Left have shown. Of key importance is the bridging of ‘borders’ on the basis of shared ethnicity, as exemplified in the creation of the HSC.

In the meantime, minority protection and autonomy, understood as a long-term project, also underwent significant conceptual changes. To put it more accurately, the duality of the second half of the 1930s reappeared, when minority protection was simultaneously a political, legal and security issue as well as an issue of social order. After World War II, it is more appropriate to speak of the protection of culture and language, which from the late 1970s was presented as a human rights issue in the Western media. After 1989,

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41 The first such situation developed in the second half of the 1930s. It led to the first and second Vienna Awards and Hungary’s commitment to Germany.

42 European Commission on Democracy Through Law, ‘Report on the Preferential Treatment of National Minorities by their Kin-State’, (Venice Commission Report) October 2001, reprinted in this volume.

until the signing of the basic agreements, both majority and minority politicians renewed the trend of thinking mainly in terms of a legal and security-policy framework. In the debates and programmes of the second half of the 1990s, the *socio-political aspect of minority protection prevailed*. This is also quite evident from the pioneering concepts mentioned above, which were meant to give simultaneous answers to the questions of integration into the motherland and into the home country, and to the organisation of the minority community itself.

Below I examine the debates about the Status Law from this point of view.

### 3.

The *debate* on the Status Law focused on conceptual issues, the law's effects and the techniques of its implementation.

The *concept* of a new law was developed gradually over five to six years, but became a central object of public discussion only from 2000. Between 1996 and 1998, as an attempt to break out of the *cul-de-sac* of demands for autonomy for Hungarian minorities, the setting up of the Autonomy Council<sup>43</sup> to institutionalise Hungarian-Hungarian relations and a *strategy for handling the Schengen problem*<sup>44</sup> emerged, especially in connection with making use of the increased relative geopolitical weight of Hungary in the wake of its joining NATO. At the same time, the institutionalisation of Hungarian-Hungarian relations appeared in the ideas of Miklós Duray<sup>45</sup> and in those of the MVSZ (World Organization of Hungarians), which had worked out a concept of *external citizenship* and continued to advocate it even in the course of the legislative process.<sup>46</sup> In the debates following the announcement of the Status Law (on 31 October, 1999),<sup>47</sup> one of the issues of principle under discussion was the question of *status* or *favourable treatment*. Should the law grant a special new legal status or should it grant favours to Hungarian minorities? In 2000-01 the ideas of *national reintegration* and 'contractual nation' replacing the concept of 'mosaic nation' were published, but they were never publicly debated.<sup>48</sup>

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43 *A Polgári Magyarországért*, reprinted in Lőrincz *et al.*, *Nemzetpolitika '88-'98*.

44 Csaba Lőrincz, *Nemzeti érdekek érvényesítése Magyarország csatlakozása során az euró-atlanti államok közösségéhez*, Manuscript, TLA Kv. 2379/98.

45 Duray, 'Az egyetlen demokratikus kibontakozási lehetőség az önkormányzatok megerősödése'.

46 Imre Borbély, 'A magyar állampolgárság alanyi jogának kiterjesztése minden magyarra', *Magyar Kisebbség* 5 (1999), 2-3, pp. 9-26; *idem.*, 'Szerződéses magyar nemzet, szerződéses magyar nemzetszerkezet', in Barna Bodó, ed., *Romániai Magyar Évkönyv* (Temesvár and Kolozsvár, 2001), pp. 11-25.

47 Report of *MTI* (Hungarian News Agency) on Viktor Orbán's press conference.

48 The term 'mosaic nation' comes from Sándor Csóri. The term 'contractual nation' was the title of a presentation held by Zsolt Németh at the third HSC meeting, but in reality this was

In FIDESZ politics, as represented by Zsolt Németh, the dominant message was that of unity within a programme of ‘reunification of the nation’ (rather than the stabilisation of the parts of the nation, as urged by minority politicians propounding the vision of a multi-centred nation).<sup>49</sup> In this sequence of conceptual debates, the idea of systematising the *existing legal framework into a strategically thought-out code* emerged, but had no political support.<sup>50</sup> This was connected to the fact that even the opposition seemed reluctant to get into a deeper exploration of the implications of ‘favour’; it did not want to face up to the challenges presented by a systematic codification of measures to support Hungarians living beyond the borders, up to and including the right of settlement in Hungary suggested by many different authors.<sup>51</sup>

In the debate on *the social impact of the law on Hungarian minorities* the focus of attention was whether the law would increase or decrease the migration of Hungarians from the neighbouring countries.<sup>52</sup> The debates on *international* effects dealt with relations between the European Union and Hungary, or, more accurately, the process of integration, as well as with the impact relations with neighbouring states. An over-discussed problem of the

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an evaluation of the foreign policy situation. The essence of the concept was summarised in the above cited writing of Borbély, and in the article by László Szarka, ‘Szerződéses nemzet’, *Magyar Nemzet*, 20 November 1999, and in more detail by *idem*, ‘Mozaiknemzetből szerződéses nemzet’, *Európai Utas*, no. 36 (1999/3), pp. 76-78.

- 49 Zsolt Németh, ‘Bontsuk le a nemzetet megosztó korlátokat’, *Magyar Nemzet*, 5 January 2001; ‘A határokon átívelő nemzeti integráció jegyében’, *Magyar Kisebbség* 7 (2002), 1, pp. 80-86.
- 50 Judit Tóth, ‘Sem nemzetpolitika, sem kisebbségvédelem’, *Magyar Kisebbség* 7 (2002), 1, pp. 103-112; *idem*, ‘A diaszpóra jogállása a Magyar Köztársaság jogrendjében’, *Magyar Kisebbség* 5 (1999), 2-3, pp. 71-92.
- 51 Erika Törzsök, ‘Státus’, *Élet és Irodalom*, 17 March 2000, p. 5; Borbély, ‘A magyar állampolgárság’.
- 52 Tibor Szabó, president of the GOHMA, gave an account of the confidential research material of the Balázs Ferenc Institute at the meeting of the Foreign Affairs Committee of the Hungarian Parliament on 22 November 2000: ‘Creating and granting a special status would significantly increase the chances that people would not leave their native soil, and in this case the ratio of migrants would radically decrease – most significantly in Voivodina from 25% to 8.9% and in Sub-Carpathia from 33% to 15%; in isolated cases, the proportion of the population opting for migration would be halved as a result of obtaining special status. Given the opportunity to obtain special status, in Transylvania 16.6% and in the upper-northern region of historical Hungary (Felvidék) 11% would opt for migration from the native soil, i. e. significantly fewer people than otherwise’: Minutes of the meeting of the Foreign Affairs Committee of the Hungarian Parliament on 22 November 2000. This quotation clearly shows how a politician may use the results of research he has commissioned, and this is how experts, perhaps unknowingly, are turned from ‘anointed priests of science’ into servants of politics. Published results of the research are in István Apró and Ferenc Dobos, ‘Integrációs esélyek és remények: Reprezentatív mintákon regisztrált vélemények a tervezett státustörvény néhány eleméről’, *Pro Minoritate* 8 (2000), 3-4, pp. 19-43.

latter was whether there had or had not been any preliminary agreement.<sup>53</sup> By contrast, in my opinion, the key issue is how effectively Hungarian foreign policy is able to represent its interests under the new European conditions. In this respect a Euronationalist standpoint clashed with a standpoint representing the norms of the united Europe.<sup>54</sup> The discussion about the effects of the law *in Hungary* raised a demand for a deeper rethinking of the concept of nation (ethnocultural community vs. political community).<sup>55</sup> On the other hand, the future image creation of the Hungarian political Right could be dealt with through the debate about the Status Law.<sup>56</sup>

The basic problem in respect of *the techniques of implementation* was that Hungarian legal and political institutions have no authority over citizens of other countries. How can the Hungarian world beyond the borders be (legally) encompassed as a group through its individuals, i.e. how can the personal realm of Hungarian-Hungarian relations be institutionalised? Recommending organisations and then recommending offices constitute another problem of implementation: What can their legal and social basis be? Where do they belong, and which state framework is decisive in their operation (in terms of personnel and budgetary management)?<sup>57</sup>

#### 4.

After indicating the focal points of the debate, three *basic dilemmas* must be highlighted.

The theoretically most exciting aspect of the issue comprises a group of *approaches to the concept of nation state*. It was Tamás Bauer who most emphatically represented the standpoint that Hungarians living beyond the borders, being citizens of other countries, form a part of these countries' po-

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53 Most frequently cited Gáspár Miklós Tamás, 'A magyar külpolitika csődje', *Népszabadság*, 30 June 2001; Miklós Bakk, 'Két nemzetkonceptió európai versenye zajlik', *Magyar Nemzet*, 7 July 2001.

54 The former standpoint sees Euro-Atlantic integration as a more effective way to implement national interests, while the other puts the emphasis on taking over Western values in order to facilitate modernisation.

55 The two standpoints are represented respectively by the writings of Tamás Bauer and Zoltán Kántor. Zoltán Kántor, 'A magyar nemzetpolitika és a státustörvény' and Tamás Bauer, 'A hazátlanság tartósítása', both in Kántor, *A státustörvény*, pp. 291-307 and 449-452 respectively. See also Tamás Bauer, 'Puha irredentizmus vagy kisebbségi jogok?' in *ibid.*, pp. 466-468.

56 Zsolt Attila Borbély, 'A státustörvény mint a magyar (re)integráció eszköze', *Provincia* 2:5 (2001), pp. 5-6; *idem*, 'A magyar politika törésvonalai és a státustörvény', *Kapu* 6-7 (2001), pp. 13-16.

57 László Józsa, 'A vajdasági ajánló/partner szervezet működtetésével kapcsolatos elképzelések, továbbá a vajdaságba irányuló támogatási rendszer perspektívái', in Zoltán Kántor, ed., *A státustörvény. Előzmények és következmények* (Budapest, 2002), pp. 133-140; István Székely, 'A kedvezménytörvény romániai végrehajtásának alternatívái', in *ibid.*, pp. 141-148.

litical communities. The Status Law may interrupt this process of integration. Against this view, Zoltán Kántor, Béla Bíró and others argued that Hungarian minorities had not participated in Slovak, Romanian, Serbian, Ukrainian, Croatian and Slovenian nation building and, in spite of being integrated politically, they remained outsiders to these endeavours. In reality, this standpoint reflects the political strategy of Hungarians beyond the borders in the 1990s; starting from a desire for consocial democracy, they regarded a separate political community of the Hungarian minority as a supporting pillar. Integration, however, had up to then been based on inter-party and inter-elite bargains, because neither minority nor majority elites had achieved the level of institutionalisation necessary to implement the Lijpart model.<sup>58</sup> Bauer was right in saying that the level of integration is a key issue within a given country, but this does not depend on the Status Law, but on potential paths of social mobility within the respective society and on the price that has to be paid for taking them. From this point of view, the situation is entirely different in Slovenia and Slovakia from that in Romania and the Ukraine, where ‘paying attention to Budapest’ is more important in the life of the Hungarian minority community.<sup>59</sup> The Status Law can be understood in the context of this process which has introduced a national aspect to the definition of culture and identity.

As a response to the assumption that the Status Law reflects a step backward to ethnic communities existing before the modern state, Zoltán Kántor, Miklós Bakk, George Schöpflin and Brigid Fowler elaborated the notion that the Status Law represented a step beyond the concept of nation state, a post-modern statehood as opposed to a Westphalia statehood, and a diversity of regions and cultures in a united Europe as opposed to a European Union of nation states.<sup>60</sup> I believe that if we separate the concept of Status Law from the political debate surrounding it, then Bauer is right in saying that as a result of the Status Law *an ethnicity-centred concept of nation has been consoli-*

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58 Arendt Lijphart, *The Politics of Accommodation. Pluralism and Democracy in the Netherlands* (Berkeley, 1968); *idem*, *Democracy in Plural Societies. A Comparative Exploration* (New Haven, 1977). There is a Hungarian-language description of the model in Zsolt Enyedi, ‘Pillér és szubkultúra’, *Politikatudományi Szemle* 2 (1993), 4, pp. 21-50.

59 An index of a minority’s relationship with the state is the number of those applying for a police or military job in the given state, if these career opportunities are otherwise open for them. Hungarian minority groups in each of the neighbouring countries are astonishingly reluctant in this respect. The situation is, perhaps, worst in the counties of the Szekler Region, where, in spite of active recruiting, there has been no success in filling the ranks of the police force with Hungarians.

60 See the authors’ articles published in *Magyar Kisebbség* 7 (2002), 1, as well as George Schöpflin, ‘A magyar státustörvény: politikai, kulturális és szociológiai kontextusok’, in Kántor, *A státustörvény: Előzmények és következmények*, pp. 9-17, and the articles by Kántor, Schöpflin and Fowler in the present volume.

*dated as opposed to a citizenship-centred one* (which is not based on ethnicity, but on a common set of experiences, socialisation and *habitus*, as well as constitutional values).

Here we can observe the traces of an analysis first put forward in the autonomy/co-nation debates of the 1990s: From a Hungarian viewpoint, the concept of a Slovak, Romanian or Serbian nation state was regarded as ethnocentric, and distinct from the Western European concept of nation state, which developed from an absolutist state model through a process of democratisation. In the former, the emphasis is on ethnocracy and state-building nationalism, whereas in the latter it is on citizens constituting the nation, who enjoy equal rights and assume responsibility for domestic conditions. The latter is a state with civic values, and the creation of a co-national relationship could serve its establishment by pushing the ethnocentric elements of the relevant Central European state formations into the background. Tamás Bauer and the SZDSZ expert seem to have discovered an ethnocentric turn in the Hungarian government in relation to the Status Law. We cannot know to what degree the unspoken fears of the SZDSZ concerning a Mečiarian political model or the beginnings of an ethnic dissimilation within the Hungarian state were justified, because parliamentary elections in the spring of 2002 interrupted this process.

This controversy can also be conceived as a debate between an approach which regards the nation as a permanent entity with distinct boundaries (definable in political and cultural terms) and a view that emphasises the historical and processual character of nation building and nationalism (understood as efforts to enforce national interests). The representatives of the latter view interpret the activities of the Hungarian elites beyond the borders as part of minority nation building.<sup>61</sup> Paradoxically, politicians and government experts arguing for the Status Law ignored this view, although it was in the spirit of the law; like the law's critics, they interpreted references to the (unitary) nation as denoting a concrete and permanent reality, rather than treating nationalism as a diverse and variegated system integrating different forms of national existence. They thus neglected the results of a decade's research on nationalism in Hungary. Zoltán Kántor, Miklós Bakk and George Schöpflin, who played an important role in the debate, could not convince the participants to utilise these results; in other words, efforts to create a modern conceptual (and practical policy) framework around the text of the law failed for want of political support.

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61 Zoltán Kántor represents this standpoint in the debate. He bases several of his writings on this approach. His most comprehensive treatment of it is Zoltán Kántor, 'Kisebbségi nemzetépítés'; *idem*, 'A státustörvény: nemzetpolitika vagy kisebbségvédelem új megközelítése?' *Magyar Kisebbség* 7 (2002), 1, pp. 3-20.

The third dilemma was the *issue of implementation* of the law. This also had several levels: conciliation with neighbouring countries; acceptance of the law by international organisations; and conciliation with Hungarian elites beyond the borders.

International organisations, such as the EU, the Council of Europe and the European Parliament, and the international public were not prepared for the reception of the law. Debates around the recommendations of the Venice Commission in Hungary made it obvious that argumentation that was still valid in the early 1990s, i.e. calling the neighbouring countries to account in the matter of minority protection norms, was not functional any more. It also became obvious that in EU politics stability and conflict avoidance have top priority.<sup>62</sup> The third important lesson learned was that national interests cannot be effectively represented using one's own national arguments, but can only be enforced in the international arena through reference to more universal values.

## 5.

In the course of the law's preparation, the government sought to *ensure that the law had a sound intellectual and legal-technical basis* by comparing the Hungarian initiative to similar laws of other countries. With this they considered the matter done. There was no expert discussion on a wider scale,<sup>63</sup> which might have taken into account such issues as diasporic migration, which is regarded as a worldwide phenomenon, or the Westphalian vs. post-modern state model in the context of the European Union. While the law was being drafted, no professional conferences were held at which, if not amendments, then at least a system of arguments might have been worked out to guide the debate from Hungary.<sup>64</sup> Meetings of Hungarian professionals were only held after the drafting of the text of the law was completed; either only lower-rank representatives of the Ministry of Foreign Affairs and the GOHMA participated, or discussion was frustrated by repeated references to text versions not known to the majority of the participants.<sup>65</sup> Negotiations

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62 This is the conclusion of the most comprehensive analysis of the topic: Georg Brunner, 'Az Európai Unió kisebbségpolitikája és a nemzetállami törvényhozás', *Magyar Jog* 50 (2002), 3, p. 135.

63 There was not even any consultation with experts on minorities and nationalism when the rather poor English translation of the law was being prepared.

64 It is characteristic that Adrian Năstase, the Romanian Prime Minister, published an entire volume in English in connection with Status Law: Adrian Năstase, Raluca Miga-Beșteliu, Bogdan Aurescu and Irina Donciu, *Protecting Minorities in the Future Europe* (Bucharest, 2002). A proposal for an English language volume by Hungarian experts received no support from either Hungarian government.

65 This technique, which may be called 'here's another one', was primarily used by Tibor Szabó, president of the GOHMA. But with this he also excluded himself from the first circle

around the law were led by a group with little experience in public administration and no experience in legal drafting, so there was no leading expert personality who could have resisted the pressure of party-political interests and defended legal and administrative standards.<sup>66</sup>

Analyses of the text of the law by Hungarian scholars (in studies by Balázs Majtényi and Judit Tóth) also show that in all decisive issues *political logic* gained the upper hand over *professional logic*.<sup>67</sup> This unprofessional approach to preparing the legislation made it clear that the ‘cause of the nation’ is rooted in specific social conjunctures; in Budapest today, it is a function of the political will of the moment.

(Translated by Bob Dent)

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of politicians involved in discussions of the law.

66 Most of the members of the group belonged to the Strategy and Planning Department of the Ministry of Foreign Affairs: Csaba Lőrincz, Ádám Szesztay, Károly Gruber, Dr. Balázs Csuday and later Kinga Gál from the GOHMA.

67 Tóth, ‘Sem nemzetpolitika, sem kisebbségvédelem’; Balázs Majtényi, ‘A szomszédos államokban élő magyarokról szóló törvény vitás jogi kérdései’, *Magyar Kisebbség* 7 (2002), 1, pp. 74-79.