The Status Law Syndrome and Regional/National Identity: Hungary, Hungarians in Romania, and Romania

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Introduction

The paper focuses on the general aspects, mechanisms and processes of what is called 'nationalism in East-Central Europe', and illustrates different nationalisms in the case of the interdependence of Hungarian and Romanian nationalisms. Nationalism may not be the central issue in understanding the transition in ECE; however, salient aspects of this process of social transformation cannot be understood without an analysis of the different types of nationalism. I use nationalism as a value-free, descriptive concept, in the sense of politics based on the principle of nationality.

In the first part, I describe common characteristics, and then I turn to the analysis of the different types of nationalism involved in the relationship between Hungary and Romania, as an emblematic example. In this part, I analyse the nationalising politics of the Romanian state, the homeland politics of the Hungarian state and the politics of the Hungarian national minority, with a special emphasis on the Hungarian status law.[1] Finally, I also focus on the role played by the European Union regarding nationalism in ECE.

The analytical framework relies partially on Rogers Brubaker's triadic nexus, which is basically applicable for all situations where there is a nation state, an external national homeland and a politically active

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[1] See: Z. Kántor, 'The Concept of Nation in the Central and East European "Status Laws"', in IEDA Osamu et al. (eds.), *Beyond Sovereignty: From Status Law to Transnational Citizenship?* (Slavic Eurasian Studies, no. 9; Sapporo, 2006) pp. 37–51. Its main part is reproduced in the last sections of this paper.

national minority.[2] Brubaker's concept 'nationalising state' captures the dynamics of the politics of the nation state. I argue that using 'nationalising minority' instead of national minority serves the analysis of the interplay among nationalisms. In this case, we can see the common features of the parallel and usually conflicting nationalising processes, making an understanding of national politics easier.

In the early 1990s, several authors noticed that nationalism replaced communism. Some authors even state, '[t]he ideology that made the defeat of communism possible was nationalism'. [3] Others argue: 'nationalism is back. Across Europe, the Cold War's end has unleashed nationalist sentiments long suppressed by bipolar competition and, in the east, by communist coercion'.[4] These explanations are false. One may say that a nationalist rhetoric replaced the communist rhetoric. Or one may argue that certain communist leaders suddenly became nationalists. However, this change is no more than a continuation of past politics in a new, more or less democratic, framework. Nationalism, as an ideology, as a sentiment, as a principle of organising society, has been present since the 18–19th century. It is a facet of modern European history. One may interpret the history of modern Europe (also) as the history of national-based institutionalisation. There is no single state in Europe that is not based in a way or in another on the principle of nationality. In different places, in different historical periods, nationalism was, and is, present is various forms. The rhetoric of communism only affirmed that it is not based on the ideology of nationalism. The fact is that communism institutionalised nationalism in another form, and often used it for the legitimation of the system (or the leaders of the system). Walker Connor observes 'Marxists not only learned to accommodate themselves to an expediential coexistence with a world filled with nationalisms, but they

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[2] In addition to the analysed example, we could apply the framework to the other Hungarian minorities in neighboring states, or to the Russians in the Baltic states. Obviously, no one situation is similar to the analyzed one, but resemblances can be easily detected. This has only limited applicability for the nationalisms of stateless ethnic groups (e.g. the Roma), or for national minorities/ethnic groups that do not have political, only cultural, goals (i.e. Bulgarians in Romania, Armenians in Hungary, etc.).

[3] Peter F. Sugar, 'Nationalism, The Victorious Ideology', in Sugar (ed.), *Eastern European Nationalism in the Twentieth Century* (Washington, D.C., 1995), pp. 413–429, at p. 429.

[4] Charles A. Kupchan, 'Introduction: Nationalism Resurgent', in Kupchan (ed.), *Nationalism and Nationalities in the New Europe* (Ithaca, NY, 1995), pp. 1–14, at p. 1.

also developed a strategy to manipulate nationalism into the service of Marxism'.[5] The explanation is simple: communist (socialist) ideology or legitimation (backed by the secret services) suddenly became empty. No fraction of the population could have been mobilised invoking socialism or communism.[6] Stalin and Lenin based the conception on the national issue partially under the ideas of Marx and Engels, learning much from the austro-marxists, Otto Bauer and Karl Renner. The underlying assumption was that socialism/communism would resolve the national question, and national values will lose their salience. This was false. Nationalism is much deeper rooted, and it is highly questionable whether European integration will create a new non-national identity.

Nationalism

Tom Nairn's remark shows how central nationalism is in the contemporary world: '[Gellner] demonstrated how industrialisation produced modern political nationalities; yet did not got on to suggest that the true subject of modern philosophy might be, not industrialisation as such, but its immensely complex and variegated aftershock—nationalism'.[7]

Nationalism, according to most scholars, came into being in the 18–19th century. Since then, societies have been organised on the basis of the principle of nationality. The invocation of the 'nation' is perhaps the main legitimising principle. Nationalism is inherently related to culture. Nationalism comes into being when culture replaces structure.[8] George Schöpflin states: 'All cultures are collective; they include and exclude; they give us a particular set of identities; they allow us to make sense of the world; they offer us collective regulation and collective forms of knowledge; and they are bounded. These boundaries may shift but they

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[5] Walker Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton, 1984), p. 6.
[6] It is needless to mention that, without the totalitarian or authoritarian control of society, even before 1989, the population were not enthusiastic supporters of the communist regimes.
[7] Tom Nairn, *Faces of Nationalism: Janus Revisited* (London, 1997), p. 1.
[8] Ernest Gellner, *Nations and Nationalism* (Oxford, 1983).

will not vanish. They protect the culture in question and act as a filter through which new ideas are received and integrated. And all cultures rely on broadly similar mechanisms to keep themselves in being. If threatened, they will redouble their efforts to protect cultural reproduction'.[9]

Nationalism emerged first in Western Europe as a consequence of major transformations, explained differently by the major authors. Gellner considers that nationalism is the outcome of the transition from an agrarian society to an industrial society,[10] while Benedict Andersons detects the emergence of national consciousness—the nation as an imagined community—as a result of the 'convergence of capitalism and print technology on the fatal diversity of human language'.[11] In all these cases, a new legitimation of the state occurred, by institutionalising nationalism as a principle of organising society. Since nationalism emerged, the organisation of societies is (also) based on the principle of nationality. In this respect, we may consider every European society as being nationalist. In the age of modernisation, states tended to ethnically homogenise their societies, doing this in various ways. Eugene Weber, in his famous book, describes the way that France linguistically (and nationally) homogenised the inhabitants of the country. Similar processes can be observed in other parts of Europe.

States, societies and cultures became more and more institutionalised. The standardisation of language, the creation of high culture, the introduction of compulsory education and the nationalisation of culture served the titular nation. Non-dominant ethnic groups intended to create their own nation, with leaders from that particular nation, and intended to have their own state. The nationalists' programs and projects of nation building/nationalising were usually formulated and made in opposition to dominant groups/nations and other nationalising processes. That is the reason that one can speak about ancient hatreds, and old and lasting conflicts. The change of state authority, and of borders, created increasingly newer frameworks; the former masters became servants, and usually experienced treatment similar to that for which they were

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[9] George Schöpflin, 'Nationhood, Modernity, Democracy', paper presented for the Conference 'Manifestations of National Identity in Modern Europe' at University of Minnesota, May 2001.

[10] Gellner, *Nations and Nationalism*.

[11] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, 1983).

responsible when they were the masters. The breakdown of empires, the division of states and transitions reconfigured political power and offered new frameworks for nationalist politics.

According to Walker Connor, in Europe, there are only two ethnically homogeneous states: Ireland and Portugal.[12] All the other states include national minorities or ethnic groups. The majority of the European states have co-nationals living in other states. This is due to the peculiarity of European history. These states that have co-nationals (kin minorities) in other states have adopted a policy that supports—financially, culturally, and even politically—their kin minorities. The support of kin minorities is based on the idea of the nation as an ethnocultural entity, not on the political conception of the nation. It is assumed that the co-nationals have, or should have, a special relationship with the kin-state. The historical process of nation-formation can easily explain this, from the 18th century on. Nations have been formed and have been institutionalised. A sense of national identity emerged within the population, usually due to the often painful and aggressive process of nation building. Forging the nation,[13] nationalising culture[14] and fabricating heritage[15] are the concepts scholars use to describe the process of national/ethnic homogenisation. The French process of making Frenchmen from peasants,[16] the Scandinavian culture-builders[17] and the politics of the Polish nationalising state all reflect state-driven nationalising processes. In the 19th and 20th centuries, such politics created the modern European nation states. This was the way in which a strong sense of national identity developed within the national groups. Standardisation of the language, official culture, mass-education and ethnic cleansing led to further homogenisation and strengthened the significance of national identity.

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[12] Walker Connor, *Ethnonationalism: The Quest for Understanding* (Princeton, NJ, 1994).

[13] Linda Colley, *Britons: Forging the Nation, 1707–1837* (New Haven, 1992).

[14] Orvar Löfgren, 'The Nationalisation of Culture', *Ethnologia Europaea* 19 (1989), pp. 5–24.

[15] David Lowenthal, 'Fabricating Heritage', *History and Memory* 10:1 (1998), pp. 5–24.

[16] Eugen Weber, *Peasants into Frenchmen: The Modernisation of Rural France, 1870–1914* (London, 1979).

[17] Jonas Frykman and Orvar Löfgren, *Culture Builders: A Historical Anthropology of Middle-class Life*, trans. A. Crozier (New Brunswick, NJ, 1987).

It is argued by scholars that western nationalism differs from its eastern counterpart.[18] Alain Dieckhoff summarised the two conceptions of the civic and the ethnic: 'It has become usual in the growing literature devoted to nationalism to oppose two conceptions of the nation. The first type is presented as the result of the free association of citizens and as a rational and voluntary political construction. This civic, contractual, elective nation is the basis of the French idea of the nation, conceptualised by the philosophers of the Enlightenment and realised by the Great Revolution. In contrast, the second type is seen as the concretisation of a historical community, the expression of an identity feeling, the reflection of a natural order. This cultural, organic, ascriptive nation is the basis of the German idea of the nation, nurtured by romanticism and embodied by the Second and the Third Reich'.[19] This distinction may be conceptually valid; however, what matters is the politics implemented on the basis of one or another conception. There is no one state that employs only one of the conceptions. Usually, an ethnocultural conception is employed regarding the titular nation and the kin minorities, while a political conception is employed regarding the national minorities and ethnic groups living in the particular state.

Different viewpoints have been advanced regarding the explanation of nationalism in ECE. However, a huge amount of the literature lacks theoretical grounding. Rogers Brubaker collected the myths and misconceptions of scholars, which offered simplified rather than well-argued explanations of nationalism in ECE. These misconceptions are: the architectonic illusion, the seething cauldron, the return of the repressed, the ancient hatreds, and the major methodological failures—groupism, and the Manichean view.[20]

The history of nationalism in ECE can be best understood if we analyse the different nation building, or nationalising, processes, i.e. those

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[18] Friedrich Meinecke, *Cosmopolitanism and the Nation State*, trans. Robert B. Kimber (Princeton, 1970), pp. 9–22; Hans Kohn, 'Western and Eastern Nationalism', in John Hutchinson and Anthony D. Smith (eds.), *Nationalism* (Oxford, 1994), pp. 162–165; John Plamenatz, 'Two Types of Nationalism', in Eugene Kamenka (ed.), *Nationalism: the Nature and Evolution of an Idea* (Canberra, 1973), pp. 22–36.
[19] Alain Dieckhoff, 'Beyond Conventional Wisdom: Cultural and Political Nationalism Revisited', in Alain Dieckhoff and Christophe Jaffrelot (eds.), *Revisiting Nationalism: Theories and Processes* (London, 2005), pp. 62–77.
[20] Rogers Brubaker, 'Myths and Misconceptions in the Study of Nationalism', in John A. Hall (ed.), *The State of the Nation: Ernest Gellner and the Theory of Nationalism* (Cambridge, 1998), pp. 272–305.

of the majority and of the minority. An important role in the nationalising process of the national minority is played by the external national homeland. As the borders of states have often changed, different groups have experienced at different times the assimilationist or dissimilationist politics of the titular nation. In other words, they were the subjects suffering the nation building processes, not infrequently with disastrous outcomes. A description of such policies is presented by Michael Mann and a theoretical account[21] describing the mechanisms is offered by John McGarry: the settlement of majority groups in peripheral regions inhabited by minorities, the relocation of minority groups within the state, and the expulsion of minorities from the state.[22] Basically, every national minority, which was once a component of the majority nation, or expressed nation building goals within the new state, or at least showed risk regarding the nation building/nationalising of the majority, experienced one or several of the processes described.

One possible approach to national conflicts in Eastern Europe is to stress the parallel, often conflicting processes of nation building. Once the ideal of the nation becomes important, there does not seem to be any sign that it will lose its significance. Nationalism may be transformed, but it remains an important organisational principle in our world. Nationalist politics is oriented partially on the strengthening of boundaries of the titular/majority nation, and by more or less hostile politics against national minorities.

Rogers Brubaker distinguishes between four types of nationalism, those of the nationalising state, of the external national homeland, of the national minority and of populist nationalism. I focus only on the first three.

It is a mistake to consider that the outburst of nationalism in ECE is novel. Since the 19th century, nationalism became the basic organisational principle in this region, too. Every major transformation, be it the peace treaties after the world wars or the breakdown of communism, started a reorganisation/reconfiguration of the state. Nationalism did not appear, or reappear, after 1989, and it only became manifest in a new form. Different

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[21] Michael Mann, 'The Dark Side of Democracy: The Modern Tradition of Ethnic and Political Cleansing', *New Left Review* 235 (May–June, 1999), pp. 18–45.
[22] John McGarry, '"Demographic engineering": The State-directed Movement of Ethnic Groups as a Technique of Conflict Regulation', *Ethnic and Racial Studies* 21:4 (1998), pp. 613–638.

authors see similarities with different, older processes. Miroslav Hroch considers that post-communist nationalism, especially the nationalism of the national minorities,[23] resembles the path of the nation-formation of non-dominant ethnic groups in the 19th century.[24] Rogers Brubaker sees similarities between the post-1918 and the post-communist period.[25] Katherine Verdery emphasises the similarities between the post-colonial and post-communist nationalisms.[26]

The emergence and the strengthening of nationalism in ECE followed a different pattern. While nationalism in Western Europe was the consequence of modernisation, East-Central European nationalisms are mainly adapting the successful western model. Several nations of today were, in the 19th century, only aspiring to become nations as western nations. Most of them were encompassed in large empires (the Tsarist, the Ottoman and the Habsburg Empires, and later, the Austro-Hungarian Monarchy). Miroslav Hroch describes a model of how these non-dominant ethnic groups became nations.[27] In his analysis of non-dominant ethnic groups in the framework of nation formation, he summarises their goals as follows: (1) The development or improvement of national culture based on a local language, which had to be used in education, administration and economic life; (2) the creation of a complete social structure, including their 'own' educated elites and entrepreneurial classes; and (3) the achievement of equal civil rights and of some degree of political self-administration.[28] As Hroch puts it: '[T]he process of nation-forming acquires an irreversible character only once the national movement won mass support, thereby reaching phase C'.[29] One can establish that a nationalising process has started, but it is impossible to

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[23] If we use Hroch's terminology: the nationalism of non-dominant ethnic groups.

[24] Miroslav Hroch, 'Nationalism and National Movements: Comparing the Past and the Present of Central and Eastern Europe', *Nations and Nationalism* 2:1 (1996), pp. 35–44.

[25] Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge, 1996), pp. 63–67; Brubaker, 'Myths and Misconceptions'.

[26] Katherine Verdery, 'Nationalism, Postsocialism, and Space in Eastern Europe', *Social Research* 63:1 (1996), pp. 77–95.

[27] Miroslav Hroch, 'From National Movement to the Fully-formed Nation: The Nation-building Process in Europe', *New Left Review* 198 (March–April, 1993), pp. 3–20.

[28] Miroslav Hroch: 'National Self-Determination from a Historical Perspective', in Sukumar Periwal (ed.), *Notions of Nationalism* (Budapest, 1995), pp. 65–82, at p. 66.

[29] Miroslav Hroch, 'Real and Constructed: the nature of the nation', in Hall (ed.), *The State of the Nation*, pp. 91–106, at p. 98.

determine the moment of its end because there are no criteria that define the successfully accomplished process. Moreover, even if the elite (politicians, intellectuals, etc.) consider that the process has reached an end, one has to maintain, sometimes to 're-build', and to 'refurbish' the nation. Once nationalism has appeared, the process is permanent. Nationalism has become the central ideology of the state, especially in the eastern part of Europe.

At the end of the First World War, the map of Europe, especially Eastern Europe, was redrawn. The Austro-Hungarian Monarchy disappeared, the Ottoman Empire lost its power and the revolution in Russia presented a new threat, so peace treaties, in addition to rewarding states that supported the victorious powers, took the new geo-political situation into account and re-drew the map of ECE.

Breakdowns of regimes, revolutions and transitions are usually accompanied by the redefinition and re-institutionalisation of the nation, and by the reconfiguration of the state. The nationally mixed territory of ECE followed this model. As Beissinger notes: '[T]he goal of nationalism is the definition or redefinition of the physical, human, or cultural boundaries of the polity'.[30] Obviously, when one part redefines the polity in national terms, the other actors will probably react and take similar steps. Transition also involves the redistribution of power. Titular nations framed their constitutions disregarding, or even opposing, the claims of national minorities. As Irina Culic shows, the primordiality of the titular nations determined the central values of the states: 'In the preambles of the Constitutions, as well as the public political and cultural discourses, and in the substance of other state policies, *the evidence and elements of the historical existence and continuity of a Nation state represent the most salient and powerful arguments*'.[31]

National minorities immediately formed their own ethnic (ethno-regional) parties. External national homelands expressed concern regarding their kin minorities living in other states. Only some weeks after the breakdown of the communist systems did a reconfiguration of power,

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[30] Mark R. Beissinger, 'How Nationalisms Spread: Eastern Europe Adrift the Tides and Cycles of Nationalist Contention', *Social Research* 63:1 (1996), pp. 97–146.

[31] Irina Culic, 'State and Nation Building in Central and Eastern Europe after 1989', paper presented for the IPC Annual Conference at Goethe University, Frankfurt am Main, 11–14 November 2002. Only states that did not have politically active national minorities refrained from framing exclusivist constitutions (and other laws).

interests and institutions came into being and, as a consequence, determined national politics in the region. These settings have characterised the region since then. In order to ensure the stability of the region, the European Union put on its agenda the issue of minority rights.

Every issue that affects national issues creates and recreates tensions. Because of these tensions, and sometimes conflicts, the EU put on the agenda of the process of EU enlargement the issue of the protection of national minorities, and monitors this. In this way, the EU, and in another respect, NATO, play an important role in the national politics of the involved countries and regions. This will be more evident in the analysis of the international aspects of the status law.

The following part deals with the politics of the nationalising state, the nationalising minority and the politics of the external national homeland.

Hungarians and Romanians

To put the question very simply, the origin of the problem is the Gellnerian incongruence of the boundaries of both states and both nations.[32] As a rule, the titular nation practiced a nationalising policy hostile toward the minority. This is true for Hungarians until 1918, and for Romanians since then.

After the First World War, Hungary lost a part of its territory, and around three million Hungarians became national minorities in the bordering states. The situation of the Hungarian minorities abroad has been a permanent concern for the Hungarian government. Hungarian nationality politics, as is basically every nationality politics in Europe, is based on the assumption that the Hungarian state is responsible for Hungarians living abroad. Between the two world wars, the shock of the Trianon Peace Treaty deeply influenced Hungarian domestic and foreign policy. Hungarian foreign politics was characterised by a strong support for the Hungarian minorities abroad, and irredentism. The second Vienna Award granted to Hungary the northern part of Transylvania. However,

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[32] All Hungarians lived in one state only between 1867 and 1918, and the Romanians only between 1918 and 1940.

the end of World War II saw the redrawing of Hungary's borders to almost as they were before 1938. The Soviet system was based on the assumption that socialism would resolve the problems of national minorities, and that minority issues belong to domestic affairs. The breakdown of the socialist/communist system brought to the surface the old tensions between the titular nation and the national minorities, and, similarly, this led to tensions between neighboring states. This was the case with the Hungarian minorities and the titular nations in the neighboring states. Domestic national tensions are also reflected in the relationship between Hungary and its neighbors. The essence is that the relationship between a kin-state and its neighbors is strongly correlated with the (perception of the) situation of its minorities and the titular nation.

Following World War I, Romania acquired Transylvania. As a result, a sizeable Hungarian population became a national minority in Romania. In other words, a part of an already-formed nation, which had been involved in the process of nation building, suddenly became a national minority. Up to 1918, Hungarians considered themselves the rightful masters of Transylvania, and acted on the basis of this idea. Consequently, after 1918, while being backed ideologically by the revisionist politics of the Hungarian state, the leaders of the Hungarian national minority in Romania organised their political and cultural organisations on an ethnocultural basis and promoted a policy of self-defence regarding the nationalising thrust of the enlarged Romanian state. The essential point is that the ethnocultural basis of organisation, which increasingly characterised the Hungarian politics of nation building after the Compromise of 1867, prevailed after a part of that nation became a national minority. Obviously, the framework had changed dramatically, but the politics based on the ethnocultural conception of the community remained dominant.

The nationalising process of the national minority has characterised Hungarian social and political life in Romania since 1918. In addition to striving for different forms of autonomy and self-government, the political elite, with the help of the intelligentsia, has been engaged in the establishment of separate Hungarian institutions. The idea behind this practice is that without such institutions, Hungarian culture cannot be preserved and promoted. The nationalising process of the national

minority has been influenced both by the 'nationalising state' and by the 'external national homeland'.[33]

Following the events of 1989, a parliamentary democracy based on a multi-party system has slowly developed in Romania. In the period from 1990 to 1996, we can speak of the prevailing politics of the legal predecessors of the Social Democratic Party. [34] This period was characterised by slow reform and a consolidation of the political system. The Democratic Alliance of Hungarians in Romania (RMDSZ) participated in Romanian political life as an opposition party, while also working on the development of a Hungarian system of institutions and moving towards internal pluralism. The parties in power up to 1996 showed little willingness to satisfy Hungarian demands, and anti-Hungarian and anti-RMDSZ rhetoric were characteristic features of political discourse.

After November 1996, when the Democratic Convention won the elections, the mere fact of the RMDSZ's participation in the Romanian government was of great importance. With this, the party became acceptable as a political partner and, at the same time, it created a precedent. Cooperation between the parties in power and the RMDSZ became a reality when the Romanian political establishment needed a kind of legitimation abroad. In this period, the representatives of the RMDSZ in the legislation tried to support these drafts of bills that pointed towards reform, and their activities were also focused on protecting the interests of Hungarians living in Romania. The Social Democratic Party, after its electoral win in 2000, agreed with the Hungarian leaders that the RMDSZ would support the government in the parliament, obtaining in return certain rights.

Following the revolution of 1989, the relationship between Hungary and Hungarians living in neighboring countries entered a new phase. During the communist period, official politics was characterised by the fiction of the ethnoculturally neutral state, and it was often asserted that questions regarding nationality belonged to the internal affairs of the

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[33] See: Brubaker, *Nationalism Reframed*, pp. 63–67; Brubaker, 'Myths and Misconceptions'.

[34] The leaders of this party are basically those who came into power immediately after 1989, and governed until 1996. At the beginning its name was Frontul Salvarii Nationale (Front of National Salvation), and later Party of Social Democracy in Romania (Partidul Democrației Sociale din România).

respective country. Until the mid-1980s, Hungary did not show official interest in Hungarians living in other states. In the late 1980s, the problem of Hungarians living abroad, especially in Transylvania, was brought into the center of attention. After the breakdown of the communist regimes, the situation changed even more radically. Finally, concerns for Hungarians living in neighboring countries were materialised in legislation and governmental politics.

In the Hungarian constitution, a paragraph was introduced stating Hungary's responsibility regarding Hungarians living abroad.[35] On the basis of this constitutional and 'ethnocultural' responsibility, the Hungarian governments established several governmental institutions and foundations to support Hungarian institutions in neighboring countries.[36] A certain part of the Hungarian budget was allocated to finance Hungarian political, educational, and cultural institutions. Important financial assistance was given to students, pedagogues, and artists studying in Hungary, with the aim of raising the future Hungarian intelligentsia.

In the following section, I analyse nationality politics in the Romanian-Hungarian context. The three major actors are: the Romanian state, the Hungarian state and the Hungarian national minority in Romania. In the first part, I briefly present the historical antecedents, followed by an analysis of the post-1989 period.

Nationalising Nationalism: The Romanian State

The nationalising politics of the nation state is not new. In the 19th century, basically all states in Western Europe pursued such policies. However, nationalising state policies became characteristic in the region in the inter-war period. The newly formed states conceived themselves to

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[35] Constitution of the Republic of Hungary, Article 6(3): 'The Republic of Hungary acknowledges its responsibility for the fate of Hungarians living outside of its borders and shall promote the fostering of their links with Hungary'. See: *A Magyar Köztársaság Alkotmánya* [Constitution of the Republic of Hungary] (Budapest, 1998), p. 14.
[36] *Határon Túli Magyarok Hivatala* [Government Office for Hungarian Minorities Abroad (GOHMA)]. The Hungarian government also allocated important sums to several foundations that distributed the resources: Illyés Foundation, Segítő Jobb Foundation, (Új)Kézfogás Foundation, Apáczai Foundation, etc.

be nation states, and intended to create their ethnically homogeneous nation states. Governments practiced both exclusive and inclusive policies regarding different national groups. Brubaker summarised the following characteristic elements of the nationalising state: 1. the existence of a 'core nation' or nationality, defined in ethnocultural terms, and sharply distinguished from the citizenry or permanent resident population of the state as a whole; 2. the idea that the core nation legitimately 'owns' the polity; 3. The idea that the core nation is not flourishing, and that its specific interests are not adequately 'realised' or 'expressed' despite its rightful 'ownership' of the state; 4. The idea that specific action is needed in a variety of settings and domains to promote the language, and for cultural flourishing, demographic predominance, economic welfare, or political hegemony of the core nation; etc.[37]

Romania was formed in 1859 with the unification of the Principates Moldova and Wallachia, and gains its full independence in 1877. Greater Romania came into being after the First World War. It was a nation state that encompassed all Romanians, who before 1918 lived in different empires, but 28 per cent of the population were members of national minorities: Hungarians, Germans, Jews, Ukrainians, Russians, etc. The very existence of these national minorities hindered the project of the Romanian state in achieving the status of a homogeneous nation state. The Romanian state started a nationalising process, the creation of a state dominated by the titular nation.[38] After 1918, Romania started an intense nationalising policy. In the case of nationalising nationalism, the core nation is understood to be the legitimate 'owner of the state', which is conceived as the state *of* and *for* the core nation.

The second Vienna Award granted Hungary the northern part of Transylvania, which was lost again by Hungary after the Paris Peace Treaties. Romania lost territories in the east (Bessarabia and Bukovina) and a considerable Romanian population. In the communist period, Romania followed the Leninist principle of national self-determination, granting, under Soviet pressure (and military presence), a kind of autonomous status for the counties inhabited by Hungarians. In the 1960s,

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[37] Brubaker, *Nationalism Reframed*, p. 83.
[38] The process is described in the excellent book: Irina Livezeanu, *Cultural Politics in Greater Romania: Regionalism, Nation Building and Ethnic Struggle, 1918–1930* (Ithaca, NY, 1995).

when Nicolae Ceausescu became the leader of the Romanian Communist party, a nationalist turn could be observed. Katherine Verdery states that Ceausescu realised that only with this nationalist twist would he obtain support for his regime from the intellectuals.[39] The consequence was that nationalism became institutionalised in the communist system. In the 1950s, the main enemy had been the Germans, who suffered deportation by the regime.[40] Later, especially after the German and the Jewish population left the country, the Hungarians assumed the role of enemy. The peak of this turn was accomplished in the 1980s, when the communist regime implemented its national politics without any domestic or international control. The Romanian historian Lucian Boia in several books describes manifestations of this politics.[41]

The breakdown of the Romanian communist system in December 1989 created a new environment for the different processes of national institutionalisation, now in a democratic framework. The national projects, that of the titular nation, and that of the Hungarian minority found themselves in an antagonistic situation. The Romania nationalising policy can be best observed in the process of framing the constitution, when Romania was defined as a nation state. Later, several laws reinforced the national character and national orientation of the Romanian state. The emergence of nationalist parties, like the Greater Romania Party and the Party of National Unity of the Romanians, tacitly backed by the post-communist party,[42] in power at that time, were the major promoters of state-directed nationalism. After the Democratic Convention came into power, and invited the RMDSZ to participate in the government, nationalism played a more minor role.[43] However, tensions were still

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[39] Katherine Verdery, *National Ideology under Socialism: Identity and Cultural Politics in Ceausescu's Romania* (Berkeley, CA, 1991).

[40] Smaranda Vultur, *Istorie trăita—istorie povestită: Deportarea in Bărăgan, 1951—1956* (Timişoara, 1997); Smaranda Vultur (ed.), *Germanii din Banat prin povestirile lor* (Bucharest, 2000); Smaranda Vultur (ed.), *Lumi în destine: Memoria generaţiilor de început de secol din Banat* (Bucharest, 2000).

[41] Lucian Boia, *History and Myth in Romanian Consciousness* (Budapest, 2001); Lucian Boia (ed.), *Miturile comunismului românesc* (Bucharest, 1998); Lucian Boia, *România: Ţară de frontieră a Europei* (Bucharest, 2002).

[42] Frontul Salvarii Nationale (National Salvation Front), that became later the Partidul Democratie Sociale din Romania (The Romanian Party of Social Democracy), and is at present the Partidul Social Democrat (Social Democratic Party).

[43] For an analysis of the 1996–2000 period, see: Zoltán Kántor and Nándor Bárdi, 'The

present, but their manifestations were more controlled by the state. The elections in 2000 again reshaped the political sphere in Romania. The Social Democratic Party, supported in parliament by the RMDSZ, clearly realised that Romania's only hope was to join the EU and NATO. The criteria set by these organisations forced the Hungarian and Romanian parts to cooperate.

The policy of the nationalising state, in our case, Romania, questions the legitimacy of the claims formulated by the Hungarian elite as essential for its nationalising process: the decentralisation of power and the establishment of institutions that reproduce the Hungarian elite. Analysing more carefully the national policy of the Romanian state, we can observe that the Hungarian minority obtains only such rights that minimally affect the Romanian nationalising process. From a Hungarian perspective, the Hungarians in Romania do not enjoy the rights they need to fulfill their national institutionalisation, i.e. administrative decentralisation, a state-sponsored Hungarian university, a mode of autonomy for the regions inhabited by Hungarians, return of church property, etc.

Nationalising Minority: Hungarians in Romania

The following develops an interpretative framework for the study of the national minorities that would aid an understanding of ongoing developments and explain the process of nationalising of the national minority. Many possible frameworks can be employed to analyse a national minority. However, to understand the essence of this issue, one has to concentrate on the questions related to nations and nationalism. National minority politics are *par excellence* based on the principle of nationality. Furthermore, their organisations are based on national or ethnic grounds. In order to understand the nationalising policy of a national minority, one must analyse the process through which a particular group became a national minority, and the institutionalisation of that national minority on an ethnocultural basis.

Democratic Alliance of Hungarians in Romania (RMDSZ) in the Government of Romania from 1996 to 2000', *Regio* (2002), pp. 188–226.

I focus especially on situations where the national minority was once part of a larger nation within the framework of one state. One of the consequences of the dissolution of the empires is that a part of the nation became a national minority in another state. One part of the ethnocultural nation, now a national minority, has not accepted the new situation. It has continued the nation building process, but it has also reshaped it. Although this nation building process is different from the former process, its mechanisms are similar. Ethnocultural bonds do not lose their strength; on the contrary, they are generally invigorated. Since the nation building of the majority challenges the nation building of the national minority, the strengthening of the internal boundaries of the national minority is a logical consequence.

On a theoretical level, I consider that one should focus on the processes of institutionalisation of the minority, on an ethnocultural basis. One should not commit the mistake of essentialising the national minorities. National minorities are constructed and imagined as much as nations are.

In line with Brubaker's conceptual transformation of the *nation state* into *nationalising state*, I propose the concept of *nationalising minority* instead of *national minority*.[44] This concept captures the internal dynamics of the national minority and permits the analysis of long-term processes. These processes are slightly different from those of the nationalising state,[45] but the mechanisms are similar. National minorities engaged in a nation building process are *nationalising minorities*. Nationalising national minorities are distinguishable from the non-nationalising ones.[46] Empirically, one can present the following distinctive features: (1) A nationalising minority is sufficiently numerous to have a real possibility of achieving a number of its goals; (2) nationalising minorities express

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[44] I developed this theoretical framework in: Zoltán Kántor, 'Kisebbségi nemzetépítés: A romániai magyarság mint nemzetépítő kisebbség' [Minority nation building: the Hungarians in Romania as a nationalising minority], *Regio* 3 (2000), pp. 219–240.

[45] The resources of the national minorities are incomparably limited, as are those of the state; however, the resources of the minorities are often supplied by the external national homeland.

[46] For example, Hungarians in Romania constitute a nationalising minority, while Bulgarians in Romania or Hungarians in Austria do not; in Western Europe, the Northern Irish are a nationalising minority. In the light of the past twenty years' events, Albanians in Kosovo can also be considered to be a nationalising minority.

political goals, not only cultural goals. Their goal is not only the preservation of national/cultural identity, but also its promotion and institutionalisation. The creation of institutions that resemble those of a state is essential, as is the establishment of a minority 'life-world'; and (3) nationalising minorities attempt to transform the political structure of the state and struggle for political representation at the state level.

The claims of national minorities are also made in the name of a core nation or nationality, defined in ethnocultural terms, and are not related to citizenship. The difference in this case is that the 'core' of the ethnocultural nation is localised in the nation living in the 'external national homeland'. However, institutionally, the national minority is distinct from the ethnocultural nation. The national minority has no state of its own. Therefore, the leaders of the national minority create a 'surrogate state', a system of political representation of the national minority, which, as mentioned, is conceived on an ethnocultural basis.

A national minority is usually defined without reference to an external national homeland. The definitions emphasise only that it represents a minority in relation to the titular nationality, and characterise the national minority accentuating the numerical element. The question of the ethnocultural nation, including all the members of the same ethnic group, is marginal. This is, on the one hand, due to legal and political definitions that concentrate on the rights of the national minority, and, on the other, due to the practice of social scientists who analyse the transition to democracy, nationalism and ethnic conflicts within a country, discussing only short-term processes, and concentrating on the situational setting. To avoid these narrow approaches, one must focus on the national minority and analyse such questions from a historical perspective. In order to do this, one must look for a different approach, and Brubaker's definition is useful in this respect:

> A national minority is not simply a 'group' that is given by the facts of ethnic demography. It is a dynamic political stance, or, more precisely, a family of related yet mutually competing stances, not a static ethno-demographic condition. Three elements are characteristic of this political stance, or family of stances: (1) the public claim to membership of an ethnocultural nation different from the numerically or politically dominant ethnocultural nation; (2) the demand for state recognition of this distinct ethnocultural nationality; and (3) the

assertion, on the basis of this ethnocultural nationality, of certain collective cultural or political rights.[47]

After the definition of the entity, one should also look at the definition of the nationalism of a specific group:

> Minority nationalist stances characteristically involve a self-understanding in specially 'national' rather than merely 'ethnic' terms, a demand for state recognition of their distinct ethnocultural nationality, and the assertion of certain collective, nationality-based cultural or political rights.[48]

Members of the national minority still consider themselves as belonging to the former ethnocultural nation, emphasising the common culture and language. They used to perceive themselves as one nation, and still conceive of themselves in such a way. However, they also perceive themselves as a national minority. These two complementary but nevertheless competing images characterise national minorities. National minorities are institutionalised on the same ethnocultural basis as the nation in the external homeland, but the framework and resources are different. The particular principle of nationality is identical, and therefore there is no reason to seek other explanations of why a national minority is engaged in a nationalising process.

The nationalising minority's politics is oriented toward strengthening and maintaining ethnocultural boundaries. This is done by the creation of institutions for achieving the above-mentioned aims. It involves the creation of a parallel social and political system and striving for a legal setting in which nationalising can continue in more favorable conditions. Institutions have an exclusive, ethnocultural character. Similar to the nationalising state, the nationalising minority faces competing goals, which are channeled by its institutions and its public sphere. Obviously, the goals and policies are constrained by several internal and external factors. The nationalising minority acts in a specific political arena, and not all the political actions of the national minority can be subsumed under this process. The outcome will not necessarily be what nationalist

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[47] Brubaker, *Nationalism Reframed*, p. 60.
[48] Brubaker, 'Myths and Misconceptions', p. 277.

politicians and intellectuals expect, as the conflict between and within the nation state and minority projects creates unexpected political results.

The concept of a nationalising minority is thus helpful for a general account regarding the politics of national minorities, but for a meticulous analysis, one has to operationalise the concept. By analysing the involved actors, the ethnic party and the elite of the national minority, this operationalisation be can done. The main promoters of these nationalising processes on the part of the national minority are the ethnic parties.[49] Ethnic parties are formed in societies that are organised along ethnic or national cleavages. In cases where nationally relevant conflicts exist, for example, in times of revolution or change of regimes, it is almost certain that the elite of the national minority will form an ethnic party. Members of their own ethnic group mainly support ethnic parties; at the same time, it is very unlikely that non-members will vote for that party. Bearing this in mind, we may conclude that the major task of an ethnic party is to make sure that their co-ethnics will vote for it; convincing the non-co-ethnics to vote for it is less important. At the same time, the elite has to persuade the co-ethnics that they should act in the interests of the group as a whole. In this sense, an ethnic party is very different from a non-ethnic party in the sense that the national minority usually has a program that is oriented toward securing the individual and collective rights of the members of that particular national minority.

The main concern of national minorities, expressed by the goals and policies of the ethnic parties, is generally the preservation of their culture and the promotion of the interests of the members of the group and the perceived interests of the group as a whole. To achieve this aim, the minority has, on the one hand, to secure the legal and political framework at the state level and, on the other, to establish those institutions and an internal organisation that permits them to form a distinct society. Therefore, one has to analyse the ethnic party as both an ethnopolitical party and an ethnic organisation. The ethnic party has to act simultaneously as a political party, as a representative and promoter of the interests of its community, and has to strengthen the internal boundaries of the community by organising them into an *ethno-civil society*.[50] The key

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[49] I use the concept of 'ethnic party' as a synonym for 'national minority party' or 'minority party' or 'ethno-regional party'.

[50] I use this concept to imply that Hungarian civil society in Romania cannot be interpreted

difference is the political arena in which the party acts. As a political party, the ethnic party acts in the political sphere of the state. As an ethnic or minority organisation, its sphere of action is the ethnic or national and political subculture.

Generally, their program focuses on decentralisation, promotion of the principle of subsidiarity, freedom of the press, freedom of association, political pluralism, human dignity, etc. These are all democratic, liberal principles, and can be considered as a common good for the whole population of the state. Nevertheless, these principles are favorable for the nationalising process of the national minority. The program regarding the national minority itself is less liberal, and even often exclusivist. The democratisation of the respective state is important in the first instance to create a favorable area for the creation of the national minority's own system of institutions.

The RMDSZ. One of the starting points of our analysis is the fact that the RMDSZ is a party organised on an ethnic basis. Its voters are almost exclusively ethnic Hungarians living in Romania, and in its program, it represents the interests of the Hungarian minority in Romania. The RMDSZ as a social organisation makes efforts to organise the civilian (non-governmental) sphere (or what is regarded as such) of the Hungarian community in Romania. To this end, it strengthens various organisations and institutions, not entirely without the intention of maintaining or perhaps expanding its voting base. The Democratic Alliance of Hungarians in Romania, formed in December 1989, considers itself, and is considered by the other actors in Romanian politics, as the sole representative of Hungarians in Romania.[51] As an ethnic party, it acts in the Romanian political sphere, and is organised and functions as does any other party. In the political arena, the party participates in elections, takes part in parliamentary life either as part of the government, or in opposition. As is characteristic of any ethnic party, the RMDSZ also fulfils a double function. On the one hand, as a political party, it participates in Romanian

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as a civil society of a state, but, being organised on an ethnic basis, the concept ethno-civil society better suggests the nature of that particular society.

[51] The RMDSZ defines itself as follows: 'The RMDSZ is the community of the autonomous territorial, political, social and cultural organisations of Hungarians in Romania. Its main objective is to protect the interests and rights of the Hungarian minority. The RMDSZ fulfils the task of representation of the Hungarian population both at local and national levels' (The programme of the RMDSZ).

political life, while, on the other, it performs tasks of organising the society. In the focus of the program and the political activities of such parties stands the representation of the interests and values of the relevant national/ethnic group/community. Like other parties, the RMDSZ also behaves as a party and its leaders also have their own particular interests, which do not always coincide with the interests of the group represented.

On the basis of the program of the RMDSZ and the activities of its representatives in parliament, we can state that the party has supported decentralisation, the development of a functioning economy and the Euro-Atlantic integration of Romania. In this sense, from an external viewpoint, we can classify the party a modern liberal party.[52]

On the one hand, RMDSZ's goals at the state level can be summarised as follows: it strives for the creation of smaller units within the state, by advocating administrative decentralisation, federalism and territorial autonomy, in order to create structures in which the Hungarian minority would be in a relative majority in order to influence the decision-making process. On the other hand, it attempts to create separate ethnically based institutions, in which the minority decides concerning salient issues. These together signify the creation of a Hungarian parallel society, the institutionalisation of the Hungarian 'sphere' in Romania. The final goal is to create a parallel society.[53] Basically, this is what I call minority nation building. Minority nation building can also be described as the creation of a parallel society on an ethnic basis. The RMDSZ, as a mixture of an ethnic party and an organisation, uses its two faces to achieve these goals. This is an attribute only of ethnic parties and not of other types of political party.

Kin-state Nationalism: The Hungarian State

The external national homeland, in our case, Hungary, supports this process with political and financial resources. At the same time, it also

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[52] If we consider the part of the programme that refers to its own society, we can identify a consolidated and conservative value system.

[53] In opposition to many views, this does not involve territorial separation. Hungarians in Romania, especially after 1945, have accepted the state of affairs and have promoted a policy that searches for solutions within the framework of the Romanian state.

influences the self-perception of the members of the national minority and plays an important role in the power relations within the national minority. After 1989, Hungary openly expressed its concern about the fate of the Hungarian minorities abroad.

The Hungarian state influences the nationalising process of the Hungarian minority in Romania, and, as such, it can be analysed as an external factor. I analyse only one aspect of this relationship—the law concerning Hungarians living in neighboring states. Hungary, as a state concerned with the fate of Hungarians living abroad, considers it a political and moral duty to help Hungarians, especially those who live in the bordering countries. Until recently, the Hungarian state supported principally the institutions of the national minorities.

In 1997, Hungary became a member of NATO, and it is expected that it will soon become a member of the European Union. In this connection, Hungary will also join the Schengen agreement, which means that it will have to introduce visa requirements for non-EU citizens. At present, it is obvious that Romania, Croatia, Yugoslavia and Ukraine will join the EU at a considerably later stage.[54] As a consequence, many Hungarians living in these states will find it hard to travel to Hungary. This poses the fear that a new Iron Curtain will separate Hungarians from the above-mentioned countries and their homeland.

In 2001, the then conservative Hungarian government proposed a Law Regarding Hungarians Living in neighboring countries.[55] Political and scientific discourse refers to it as the 'Status Law'. The government considered that the existence of such a law, and the facilities offered, encourages Hungarians to refrain from emigration, and could moderate the process of assimilation.

The intention of the Hungarian government and of the elites of the ethnic parties was to strengthen the minority societies and, by this, the nationalising process. At a theoretical level, two aspects are important. The first is that this law defines a relationship between the Hungarian individual and the Hungarian state. The second is that it redefines, and re-

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[54] Slovakia and Slovenia will probably join the EU almost simultaneously with Hungary, but even if not, the citizens of these countries will not need a visa to travel to EU states. It is also probable that the visa requirement for Romanian citizens will be waived.

[55] Adopted by the Hungarian Parliament on 19 June 2001 <http://www.htmh.hu/index.php?menuid=0401>, accessed 26 April 2006.

institutionalises, the Hungarian conception of the nation. The expressed goal of the law is explained as follows:

> While promoting the national identity of Hungarians living in neighboring countries, the Law obviously ensures prosperity and staying within the home country. According to the scope of the Law, the codifier applies different provisions to encourage living within the home country and does not support resettling to Hungary. Most forms of assistance will be applied within the home countries of Hungarians living in neighboring countries; the institutional structure needed for any assistance for the Hungarian minorities in the neighboring countries is established through this legal norm.[56]

The debate on the objective and subjective criteria of belonging to the Hungarian nation brought to light an old, and irresolvable, dispute about the definition of the nation. While the opposition would accept only self-definition (self-identification) regarding Hungarianness, the governmental parties argued that it is necessary to include 'objective criteria'.

Starting from an ethnocultural redefinition of the nation, Hungary also plays an important role in the redefinition of the Hungarian national minorities. The Hungarian national minorities in the neighboring countries are involved in nationalising processes within the framework of their respective states. The 'Status Law' strengthens the symbolic boundaries of Hungary and the national minorities living in bordering countries. The theoretical question is whether there are many parallel processes of Hungarian nation building, or only one. The situation existing prior to the 'Status Law' suggests the former, and the post-'Status Law' situation, the latter. The 'Status Law' binds all the members of the Hungarian ethnocultural nation (living in the neighboring states) together. In this respect, it has a decisive influence on the politics of the national minorities. Throughout the past decade, Hungary has been supporting most of the important cultural institutions, but from now on, it will also play a decisive role in the life-strategies of Hungarian individuals living in the bordering countries. Hungarian political elites and intellectuals will be even more dependent on Hungary, and Budapest is meant to become the

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[56] Information on the *Law on Hungarians Living in Neighboring Countries* (Act T/4070) <http://www.mkogy.hu/internet/plsql/ogy_irom.irom_adat?p_ckl=36&p_izon=4070>, accessed 1 May 2006.

focal point for every Hungarian. However, this connection is mediated by Hungarian organisations in the neighboring countries, and through this mediation, using Hungarian financial resources, they can realise their nation building project.

In addition to the benefits and facilities accorded to Hungarians abroad by the status law, it also plays a major role in strengthening the boundaries of the Hungarian minority groups. Realising this aspect of the law, the Romanian government asked the European Parliament to analyse the law. After recommendations of the Venice Commission,[57] the prime ministers of the two states signed an agreement[58] in which the Romanian party gave its consent for the application of the law in Romania, but asked that non-Hungarian spouses of Hungarians in Romania not receive a 'spouse card'.[59]

The newly formed government expressed the following goals regarding national policy:

> The Government's policy on ethnic Hungarian minorities in neighboring countries aims to build and develop political, cultural, and economic ties between Hungary and Hungarian communities abroad as part of the general process of European unification, as well as to help Hungarians living in neighboring countries to live and prosper in their own homeland.
>
> In order to achieve this, the bonds between ethnic Hungarian minorities and Hungary must be settled within a framework of legislation and government, so as to preserve the organic ties of Hungarian communities to Hungary, even after its accession to the European Union.[60]

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[57] 'Report on the Preferential Treatment of National Minorities by their Kin-State', adopted by the European Commission for Democracy through Law (Venice Commission) at its 48th Plenary Meeting, Venice, 19–20 October 2001, CDL-INF (2001) 19 <http://www.venice.coe.int/docs/2001/CDL-INF(2001)019-e.asp>, accessed 1 May 2006.

[58] Memorandum of Understanding between the Government of the Republic of Hungary and the Government of Romania Concerning the Law on Hungarians Living in Neighboring Countries and Issues of Bilateral Co-operation (Budapest, 22 December 2001).

[59] Only some months after the agreement, Adrian Năstase, the prime minister of Romania edited a book that basically attacks the status law: Adrian Năstase et al., *Protecting Minorities in the Future Europe* (Bucharest, 2002).

[60] For details, see: *Government Program: For a Civic Hungary on the Eve of a New Millenium* from 1998 <http://www.htmh.hu/govprog.htm>, accessed 15 August 2001.

This program reinforces Hungary's special relationship with the Hungarian minorities in the neighboring countries, but emphasises the importance of settling this relationship within the legislative framework. In addition, for the first time, it is expressed that, similar to the accession to the EU, the *organic ties* of the Hungarian communities and Hungary are of primary importance. The official argument for framing the *Law on Hungarians Living in Neighboring Countries* is:

> The main aim of this Law is to ensure special relations of the Hungarians living in neighboring countries to their kin state, the promotion and preservation of their national identity and well-being within their home country; therefore to contribute to the political and economic stability of the region, and through this to contribute to the Euro-Atlantic integration process of Hungary in particular and the Central and Eastern European region in general. In this context the Law promotes the preservation of the cultural and social cohesion as well as the economic consolidation of Hungarian communities abroad.[61]

The central scope of the law is to ensure the special relations of Hungarians living in the region, despite their state-allegiances, and to convince Hungarians living in neighboring countries to remain in their home country. In addition to the initial idea that the 'Status Law' would serve as a basis for according preferential national visas to the possessors of the 'Hungarian Identification Document', the public debate focused on the effect of this law on the emigration of Hungarians from neighboring countries.

Theoretical Problems Regarding the Status Law

Laws similar to the Hungarian status law rest on two widely shared assumptions: 1. The conception of the nation in ethnocultural terms, assuming that a group of people, which had already become a nation and

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[61] Information on the *Law on Hungarians Living in Neighboring Countries* (See above n. 56).

developed a strong sense of national identity, regardless of the borders that separate them at present, have something in common, which is salient to those persons. 2. The perception that the home state (the nationalising state) does not sufficiently protect and promote the rights of the national minorities (kin minorities); moreover, especially in East-Central-Europe, it usually seeks to assimilate them.

Consequently, a perception prevails that it is a legitimate right of kin-states to award special attention, institutionalised by law, to their kin minorities. While the practices of kin-states differ substantially, the underlying assumptions have the same roots. The only possible explanation for this is that the national boundaries (the ethnoculturally understood nation) are perceived, both by the kin-state and the kin minority, as being stronger as other types of bond (i.e. citizenship, or the 'political nation').

Laws like the Hungarian Status Law must be analysed in a larger context. One must analyse the domestic and the international context in order to see how a particular idea in government becomes a law, and how this law institutionalises the conception of the nation. What is of extreme interest is the underlying principle of such laws: the assumed, but rarely explicit nationalism.

Scholars may employ several theoretical frameworks[62] in order to understand the status law syndrome, such as the status laws placed in the framework of nationalism. Nationalism is a value-free concept and denotes a process of institutionalising societies on a national basis. The works of Zsuzsa Csergő and James Goldgeier, János Kis, and George Schöpflin approach the status law syndrome through nationalism.[63]

The nationalisms we encounter are a multiplayer game of institutionalising and defining the nation. The political interests, the ideologies, and the vision of the future Europe each contribute to shaping a 'legitimate' conception of the nation.

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[62] Other legitimate interpretive frameworks can and were set, such as: approaches focusing on citizenship (fuzzy citizenship—Brigid Fowler), on minority protection (legitimate and illegitimate kin-protection—Halász-Majtényi-Vizi, János Kis, etc.), on transnationalism (Michael Stewart), on ideological clashes (IEDA Osamu), etc. See articles in: Zoltán Kántor et al. (eds.), *The Hungarian Status Law: Nation Building and/or Minority Protection* (Slavic Eurasian Studies, no. 4; Sapporo, 2004).
[63] See the studies in: Kántor et al (eds.), *The Hungarian Status Law*.

Nationalism, as a perpetual multiplayer, institutionalises the polity invoking the nation, and involves a permanent definition and redefinition of boundaries. Since modernity, societies are institutionalised on a national basis valid for both majorities and minorities. In Europe, arguably everyone is nationalised. In Ernest Gellner's words, modern man is nationalist, and he/she is nationalist because he/she has to be. Nationalism is more than discourse or ideology, it is also institutionalisation, and this definition has consequences for the organisation of society.

Nationalism did not appear or return after 1989. For at least two hundred years, nationalism laid the foundations of every European society/state via institutions, laws, and politics.

The redefinition and re-institutionalisation of the nation and the reconfiguration of the state usually accompanied the breakdown of regimes, revolutions and transitions. As Beissinger notes: '[T]he goal of nationalism is the definition or redefinition of the physical, human, or cultural boundaries of the polity'.[64] Or, as Culic states: 'State building and nation building in CEE Europe [sic] are also part of a larger process re-institutionalising and re-organising political space and political phenomena. Both their innovative concepts and legislation are constitutive to these processes'.[65]

Transitions, however, including border modifications, are accompanied by a redefinition of the core values of the society and a struggle for the basic principles on which society should be organised. Political and ideological debates crystallise these redefinitions when the stronger power gains the right to institutionalise the society based on its interests and vision. Yet, quite often, this is not correlated with the strength of their arguments.

Obviously, when one part redefines the polity in national terms, others will probably react and take similar steps. Transition also involves the redistribution of power. Titular nations framed their constitutions disregarding, or even opposing, the claims of national minorities. This strengthened the opposition of the national minorities and that of the kin-states.

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[64] Beissinger, 'How Nationalisms Spread', p. 101.
[65] Irina Culic, 'State Building and Constitution Writing in Central and Eastern Europe after 1989', *Regio* (2003), pp. 38–58, at p. 58.

After the breakdown of dictatorial regimes in ECE, it again became legitimate to organise society on a national basis and to define the state in national terms.[66] This definition is reflected in both law and political practice, perhaps most importantly through constitutions. Irina Culic brilliantly demonstrates the centrality of the ethnocultural definition of the polity for the 27 ECE states: 'In the preambles of the constitutions, as well as public, political, and cultural discourses and in the substance of other state policies, the most salient and powerful arguments are the evidence and elements of the historical existence and continuity of a Nation state and the need to emphasise its nationhood by promoting its language, traditions, cultural inheritance, heroic history and territory'.[67]

Laws on education, culture, local administration, language are also further proof of the nationalising politics of particular states. From our perspective, two types of law are of central interest: laws on citizenship and the so-called 'Status Laws'. Both types of law imply a definition of who is eligible to acquire citizenship and hence, special favors or benefits. They create a distinction between citizens of other states on a national/ethnic basis wherein people considered to be co-nationals or co-ethnics ('kin' in ethnocultural terms) gain favorable treatment from their kin-state/external national homeland. Clearly, states perceive themselves as responsible for their kin, and adopt a homeland (kin-state) practice reflecting the perception of states themselves as representatives of the titular nation understood in ethnocultural terms. Hence, home states/kin-states—the 'core' nation—imagine their borders beyond those of the particular state.

These laws, however, are not framed in a vacuum. Several actors in these political debates influence the framing of a law. These debates take place in at least three arenas: domestically, involving the political parties and intellectuals, bilaterally, at times involving the kin minority living in the host-state with the states whose citizens are affected, and internationally.

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[66] It is misleading that socialist/communist societies/states did not have a national/ethnic component: the national discourse was illegitimate. The antinationalist, but national, institutionalisation in the Soviet Union and Yugoslavia (Brubaker), or the national-communist regime in Romania (Verdery, Fisher-Galati) shows the nation politics in these states.
[67] Culic, 'State Building'.

Two Waves of National Redefinition

Analysing the issue of the nation in the ECE states, we can observe that there are two periods when politics deal with the issue of the nation. In the first period, shortly after the breakdown of authoritarian/totalitarian regimes, debates concerning the constitution and laws on citizenship are accompanied by definitions of the nation. In Culic's words: '[…] new states were set as states of and for a nation, and thus state building was conceived as vigorous nation building. Constitutions and citizenship policies—which have a constitutive worth as acts whereby the body politic of the state is set and which are expressive of the nature of the state, followed the national principle. All related legislation was shaped according to remedial and assertive nationalism'.[68]

Framers vaguely define the support of co-nationals, or kin in their constitutions, but we must emphasise its presence from the time they define the polity. For example:

- *Constitution of Romania*: Article 7. The State shall support the strengthening of links with Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic and religious identity, under observance of the legislation of the State of which they are citizens.
- *Constitution of Hungary*: Article 6(3). The Republic of Hungary bears a sense of responsibility for what happens to Hungarians living outside its borders and promotes the fostering of their relations with Hungary.
- *Constitution of Slovenia*: Article 5. It shall maintain concern for autochthonous Slovene national minorities in neighboring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland.

Later, when the regimes may be considered more or less consolidated (democracies), states *refine* their nation politics. As Halász, Majtényi, and Vizi note: 'It is an established practice in Europe that the various national legal systems offer preferences to their co-nationals living outside the

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[68] Culic, 'State Building'.

borders as compared to other foreigners. Following political transition in Central and Eastern Europe, the regulation of support for these ethnic groups has become a characteristic feature of constitutional legislation'.[69]

Two interlinked processes must be distinguished. The first concerns the status of ethnic/national minorities living in a particular state. Their demands, backed by the kin-state (external national homeland) and by certain European institutions, become partially satisfied, at least formally, by the governments of the home states. I shall not enter into the details of such cases; I only wish to stress one facet of this process: *nation states* recognise that they are *multinational/multiethnic states*. The second concerns the so-called 'status laws'. These laws, often in parallel with the modification of the law on citizenship, aim to settle the status of kin minorities, or co-nationals living abroad. Again, I stress the fact that the kin-state legalises the link between the state and the groups and/or individuals living abroad, perceived as kin. Those states that have co-nationals (kin minorities) in other states have adopted a policy that supports financially, culturally, or even politically, their kin minorities. Support of kin minorities is based on the idea of the nation as an ethnocultural entity, not on the political conception of the nation. It is thus assumed that co-nationals have, or should have, a special relationship with the kin-state.

One may clearly observe the institutionalisation of the ethnocultural nation in ECE in the late 1990s.[70] In practice, the official norm of nation states and the official concept of the political nation resemble multinational states based on the ethnocultural conception of the nation. However, despite formal recognition of national minorities and their rights, the majority continues nationalising the state and kin-state politics. Furthermore, they may support kin minorities while denying the right to

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[69] Iván Halász, Balázs Majtényi, and Balázs Vizi, 'A New Regime of Minority Protection? Preferential Treatment of Kin Minorities under National and International Law', in Kántor et al. (eds.), *The Hungarian Status Law*.

[70] We encounter a similar picture in Western Europe; however, these are not perceived as endangering the stability of the states or regions. Perhaps the explanation is that in Western Europe, the homogenisation process was 'finalised' in the age preceding the universal recognition of human and minority rights (see for example Eugene Weber). Another explanation is that in Western Europe, most states settled the issue of national minorities as a result of a long process in the period following the Second World War. For an analysis of the—officially not recognised—similar ethnic foundations of the 'West', see the works of George Schöpflin.

support national minorities of the home state. This has no connection with universal norms. It can only be explained in the framework of nationalism.

Explicitly or implicitly, all those involved (the political parties in Hungary, the Hungarian state, governments of the neighboring states, and international organisations) operate with conceptions of the nation. These conceptions do not usually match, leading to misunderstandings and different approaches to the politics of kin-states, especially regarding kin minorities. To put it simply, one may say that the debates centre upon who owns the 'official' definition of the nation. Hence, the vision, the project of the future of Europe, is up for debate. Do we move toward a Europe of states or to a Europe of nations?

Uses and Misuses

The nation can be defined in many ways. One may distinguish between definitions that emphasise objective elements, and those that emphasise subjective elements. Since Ernest Renan's famous article, literature on nationalism greatly fuelled the debates on this subject. Furthermore, attempts to refine the definition can be traced back to Friedrich Meinecke. Perhaps these clarified the picture, or the adjective, but not the concept of nation itself. Rogers Brubaker[71] recently showed that such typologies do not greatly help the analysis of phenomena linked to the nation. Furthermore, scholars argue that western nationalisms differ from eastern nationalisms.[72]

The Hungarian Status Law has drawn attention to the issue of how a nation is defined. While the framers of the law conceived it on the basis of an ethnocultural definition of the nation, domestic opposition and, to some extent, international organisations (represented in particular by Günther Verheugen and Eric Jürgens) emphasised the political conception of the nation.

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[71] Rogers Brubaker, 'The Manichean Myth: Rethinking the Distinction Between Civic and Ethnic Nationalism', in Hanspeter Kriesi et al. (eds.), *Nation and National Identity: The European Experience in Perspective* (Zurich, 1999), pp. 55–71; Brubaker, 'Myths and Misconceptions'.
[72] Meinecke, *Cosmopolitanism*, pp. 9–22; Kohn, 'Western and Eastern', pp. 162–165; Plamenatz, 'Two Types of Nationalism', pp. 23–36.

Social scientists, the state, the 'members of the nation', and the international institutions/organisations define the nation. As is well known, no one definition is accepted unanimously. Nevertheless, social sciences operate with definitions and typologies. The French and the German nations usually exemplify the distinctions between political and ethnic nations utilised in politics. In addition, it seems that only European politicians consider *the political nation as the official definition*.[73] If one encounters the approach of European states towards the minority issue in the states of ECE, one may immediately observe that the legitimate definition is that of the political nation, even if in practice, this is not always true. When this approach became a political norm, it became highly problematic, as it does not always reflect the state of affairs. It is a normative approach based on the idea that stability and peace can be secured only in such a way.

The contest between the two conceptions, the ethnocultural and political, or in George Schöpflin's terms, [74] the particularistic and universalistic conceptions, has surfaced on the European agenda as a result of the Hungarian Status Law.

Yet, at this moment, two problems remain clear. First, European organisations define the concept of nation as coterminous with that of the state, or with citizenship (especially regarding ECE). Such a definition has no connection with scientific definitions.[75] Second, one must ask whether focusing on the concept of nation as an analysis of processes is possible. As we have seen (or more exactly, will see), European organisations (PACE, HCNM, EU—G. Verheugen) operate with the concept of nation, and consider every ethnic, or ethnocultural definition as dangerous, and conflict-prone. Our question is whether such a definition, or politics based on one definition or another, is proper for social scientific analysis?

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[73] The status law raised the question at the European level of the definition of the nation. As we have encountered, the ethnocultural definitions of the status laws are in strong opposition to the political definitions of the nation that is the official nation-conception of European institutions. Opposite to social science, political institutions (domestic and European) begin their definition from perceived interests. The major interest in the case in point is peace and stability. The idea is that peace and stability can be attained only if a territorial claim or extraterritorial legislation is not made.

[74] George Schöpflin 'Citizenship and Ethnicity: The Hungarian Status Law', in Kántor et al. (eds.), *The Hungarian Status Law*, pp. 87–104.

[75] See: Walker Connor, 'Terminological Chaos ("A Nation Is a Nation, Is a State, Is an Ethnic Group, Is a …")', in Connor, *Ethnonationalism*, pp. 89–117.

Brubaker emphasises that one should not think of ethnicity and nation in 'terms of substantial groups or entities, but in terms of practical categories, cultural idioms, cognitive schemas, discursive frames, organisational routines, institutional forms, political projects and contingent events'.[76] So, we should not think of nations as really existing, definable groups, rather of politics, and institutionalisation that relies on one or the other conception of the nation. Furthermore, we should take into consideration that in practice, all nation politics operate simultaneously with both concepts, however, only one—the political or the ethnocultural—can prevail.

In conclusion, we should not consider the nation as a central category. One should focus on nationalism, on nation building, or on nation policy. In this framework, one may interpret the processes, politics that invoke one or another definition of the nation. By definition, status laws operate with the ethnocultural conception. They extend the borders of the nation beyond the borders of the state.

Nationalism has little to do with groups, but rather with categories. Nations and national minorities define themselves as groups, but institutionalising politics depend on categories. States do not deal with groups, but with well-defined categories as individuals, or rather, citizens. Among citizens, people are categorised on an ethnic/national basis, which is reflected in statistical data, and the application of certain laws. Law does not deal with groups, or if it does, they are defined as categories. The category of citizens is not coterminous with the category of nationals. States implicitly accord special rights to members of the titular nation, and explicit rights to people who belong to ethnic/national minorities. Similarly, kin-states accord explicit rights to kin minorities or members belonging to kin minorities based on the implicit principle that they belong to the titular nation in the kin-state. This basically reflects the ethnocultural conception of the nation a particular state employs in categorising the people. Yet, the backlash of according rights to ethnic/national minorities is that citizens are categorised according to their ethnic/national origin. Moreover, today in ECE, all people are categorised as belonging to a national group. At the same time, as rights, duties, and ways of defining differ, categorisation has become essential. By defining

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[76] Rogers Brubaker 'Ethnicity without Groups', *Archieves européennes de sociologie* 43:2 (2002), pp. 163–189, at p. 167.

the category of people entitled to claim special status or double citizenship, kin-states define who belongs to the (kin-) nation perceived in ethnocultural terms.

Who Belongs to the Nation? Is the Nation Defined as a Conglomerate of Groups or an Individual Linked to the State?

The ECE status laws differ in many respects regarding how they define the target subjects. The subject may be a vaguely defined group or a clear definition of individuals who belong to the nation. As Halász, Majtényi, and Vizi observe, 'the Romanian and the Slovenian laws status laws differ from other similar regulations inasmuch they focus on supporting communities, while (e.g.) the Slovak and Hungarian laws take an individualistic approach'.[77]

From a theoretical point of view, the most debated issue concerned who is Hungarian.[78] The debate focused on both the definition of a Hungarian in the enumerated states in the law, and which nation-definition should the Hungarian state adopt for its foreign policy, especially policy concerning Hungarians abroad.[79]

Like the Hungarian law, the Slovenian law employs an ethno-territorial applicability, targeting 'autochthonous minorities'. Both laws specify the territories wherein the law is applicable. Without regard to the definition of nation, it basically applies to persons who live in the 'historical' regions of the *core-state (titular-state)*. If we equate applicability with the definition of the nation, we find that the laws are not meant to explicitly define the nation; they do so implicitly.

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[77] Halász, Majtényi, and Vizi, 'A New Regime', p. 337.

[78] See the contributions of Ieda, Schöpflin, Kántor, Kis, Csergő-Goldgeier in Kántor et al. (eds.), *The Hungarian States Law.* For the debate in Hungary, see: Zoltán Kántor (ed.), *A státustörvény: dokumentumok, tanulmányok, publicisztika* (Budapest, 2002); Zoltán Kántor (ed.), *A státustörvény: előzmények és következmények* (Budapest, 2002).

[79] One has to add, that in terms of nation-definition, if laws are framed in ethnocultural terms, ethnic and national minorities in Hungary would not belong to the Hungarian nation. Obviously, the law does not regard Hungarian citizens, regardless of their ethnic origins; such an institutionalisation on an ethnocultural basis may be seen as offensive to non-ethnocultural Hungarian citizens.

The Slovak and the Romanian status laws apply to every non-citizen, foreign Slovak or Romanian. In this respect, these laws are more universalistic, and the ethnic (ethnocultural) element is stronger. The Romanian law, however, emphasises both the individual and communities: 'the Romanian law […] treats the Romanian communities beyond the borders as subjects of the collective rights provided to them by the status law'.[80] Halász, Majtényi, and Vizi show that other status laws (Bulgarian, Greek, and Hungarian) concentrate solely on individuals rather than communities.[81]

The issue of the nation may be analysed on three levels. The first is the level of domestic politics wherein different parties and ideologies struggle for a legitimate definition of the nation, on which basis they may institutionalise politics regarding individuals or groups from abroad. The second is the bilateral level involving the kin-state and the states to which the law applies. The third level, that of international relations, concerns the involved states and the European institutions that deal with similar issues (Venice Commission, HCNM, PACE, etc.).

Three Levels of Competing Definitions

Domestic Level

In Hungary, since József Antall announced his soul-felt position as prime minister of 15 million Hungarians, every prime minister, in his first official speech, positions his government's relation to the issue of the nation. The conceptual and practical changes in policy toward Hungarians abroad are described in the articles of Nándor Bárdi and IEDA Osamu. I only emphasise that apart from politics regarding Hungarians abroad, there is also a struggle to strengthen the boundaries of the political camps. The Hungarian status law is both a tool for supporting minorities abroad and an instrument for strengthening the boundaries of target voters, and thus deepens the cleavage between the political sides.

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[80] Halász, Majtényi, and Vizi, 'A New Regime'.
[81] Ibid.

The Bilateral Level

The neighboring states immediately realised that the Hungarian status law fostered the nation building (nationalisation process) of the Hungarian minorities. Romania and Slovakia expressed strong reserve, and opposed the applicability of the law. Both states have laws that extend the boundaries of their nations, but this did not hamper them from questioning the right of Hungary to frame a similar, but better, institutionalised law. Both states perceived the Hungarian status law as impeding their homogenisation politics. The Hungarian law attacked exactly the core of the foundation of the two states (as reflected in their constitution and political practice): the national state principle.

The International Level

After the law was framed in 2001, Romania and Slovenia expressed their concern that the status law might present a problem at an international level. I focus only on the aspects of their concerns that directly address the issue of the nation.

1. The first international organisation to issue a statement on the status law syndrome was the Venice Commission. Their most important conclusions were: 'Preferential treatment may be granted to persons belonging to kin minorities in the fields of education and culture, insofar as it pursues the legitimate aim of fostering cultural links and is proportionate to that aim'.[82]

   The Venice Commission recognised the right of kin-states to support their co-nationals living in other states. This was a novelty in international minority protection. While this declaration has become a contentious issue, an international recommendation has been put forth for its consideration. The recommendation proves that the Venice Commission implicitly acknowledges special bonds between a state and its kin minorities. Moreover, they constitute *recognition of the nation conceived in ethnocultural terms*.

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[82] 'Report on the Preferential Treatment of National Minorities by their Kin-State', adopted by the European Commission for Democracy through Law (Venice Commission) at its 48th Plenary Meeting, Venice, 19–20 October 2001, CDL-INF (2001) 19 <http://www.venice.coe.int/docs/2001/CDL-INF(2001)019-e.asp>, accessed 1 May 2006.

2. Rolf Ekéus, OSCE High Commissioner for National Minorities, made a statement a week following the report issued by the Venice Commission. The statement, formulated in general terms, concerns the Hungarian Status Law. The text of the statement highlights the difference between the boundaries of the state and those of the nation, and recognises the 'interest in persons of the same ethnicity living abroad': 'National and state boundaries seldom overlap; in fact there are few pure "nation states". Borders therefore often divide national groups. […] Although a state with a titular majority population may have an interest in persons of the same ethnicity living abroad […]'.[83]

3. The European Parliament appointed Eric Jürgens as the rapporteur on the Hungarian Status Law and other similar laws in Europe. Jürgens used a very one-sided approach to the concept of the nation, interpreting it only in the sense of the *political nation*. Eric Jürgens presented several drafts of the report, which was finally accepted by the Parliamentary Assembly of the Council of Europe on 25 June 2003. The endorsement procedure, with respect to the report, again highlighted the issue of the nation. In the explanatory memorandum, Jürgens stated, 'The definition of the concept "nation" in the preamble to the law is too broad and could be interpreted as non-acceptance of the state borders which divide the members of the "nation"'.[84] As the report fundamentally rested on the political conception of the nation, it developed an astonishing distinction between Hungarians and Magyars. In the terms of the report, Hungarians constitute the citizens of Hungary, while the Magyars constitute Hungarians living abroad.[85] All Hungarians, in Hungary as well as in neighboring states, refer to themselves as 'Magyar'. In the Hungarian language, no other word designates those who belong to the Hungarian nation. Hungarian is the term used in English.

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[83] Rolf Ekéus (OSCE High Commissioner on National Minorities), 'Sovereignty, Responsibility, and National Minorities', statement in The Hague on 26 October 2001 <http://www.osce.org/item/6352.html>, accessed on 1 May 2006.

[84] Erik Jürgens, 'Explanatory Memorandum', Erik Jürgens, 'Preferential treatment of national minorities by their kin-states: the case of the Hungarian Status Law of 19 June 2001', (draft report) Council of Europe Parliamentary Assembly.

[85] Magyars: people of Hungarian identity (i.e. citizens of the countries concerned who consider themselves as persons belonging to the Hungarian 'national' cultural and linguistic community).

Romanians use both words, Hungarians (unguri) and Magyars (maghiari), but there is no systematic distinction between Hungarians living in Hungary and Hungarians living in Romania. With the same logic, German citizens would be *Germans*, while Germans living in other states; i.e. Belgium, Hungary, Romania, etc. would be *Deutsch*. Romanians in Romania would be *Romanians* and Romanians living in Hungary would be *Români*. This is an absurd outcome of applying, correctly, but unilaterally, the concept of political nation. An analytical approach to the issue, taking into account the competing concept of ethnocultural nation, could lead to a deeper understanding of the problem and possibly an easier solution.

4. During the debate surrounding the Status Law, Günter Verheugen wrote a letter to the prime minister of Hungary, Péter Medgyessy, in which he focused on the issue of the nation: '[T]here is a feeling that the definition of the concept "nation" in the preamble of the law could under certain circumstances be interpreted—though this interpretation is not correct—as non-acceptance of the state borders which divide the members of the "nation", notwithstanding the fact that Hungary ratified several multi-and bilateral instruments containing the principle of respect for territorial integrity state, in particular the basic treaties entered into force between Hungary and Romania and Slovakia'.[86]

Verheugen's letter stated that the phrase 'Hungarian nation as a whole' could be understood to indicate that Hungary was striving to establish special political links with the minorities in neighboring states. Therefore, he recommended that this phrase should be replaced with more culturally oriented phrases.

Following the electoral victory in May 2002, based especially on the recommendations and critiques of international organisations, the new government decided to modify the Status Law. Of the major changes, two are relevant for the purposes of this paper. The first regards the use of the term 'nation'. The original law defines its goals as follows: 'to ensure that Hungarians living in neighboring countries form part of the *Hungarian*

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[86] Günter Verheugen's letter to Hungarian Prime Minister Péter Medgyessy, dated 5 December 2002.

nation as a whole[87] and to promote and preserve their well-being and awareness of national identity within their home country' (author's italics). The amended law defines the goal as: 'to ensure the well-being of Hungarians living in neighboring states in their home state, to promote their ties to Hungary, to support their Hungarian identity and their *links to the Hungarian cultural heritage as an expression of their belonging to the Hungarian nation*' (author's italics). The modified law thus refrained from using the terminology 'Hungarian nation as a whole', and formulated it in terms of sharing the Hungarian cultural heritage.

Conclusions

The status law syndrome is post-communist nation building. It is the institutionalisation or re-institutionalisation of societies on a national basis. The Hungarian case may have put this question on the table for Europe, but this type of law is not novel. Status laws show that the nationality principle underlies the principles of ECE states, and that all ECE states employ the ethnocultural definition and institutionalisation of their societies. Status laws extend the borders of the nation, and thus, the imagined community of the nation does not take into account the political borders of the states. The ECE status laws, at least on a theoretical level, force Western European states to think of the ethnic/national foundations of their nations/states.[88] Should the syndrome of politics based on an ethnocultural understanding of the nation be given more significance than is currently supposed? Is this perhaps the norm? My answer is yes, this is the norm, and the ethnocultural definition and practice is, in different forms, present in basically every European state. The term political nation should be dismissed and replaced with citizenship.

Apart from the domestic and international political implications, the Hungarian status law has drawn attention to the issue of the definition of the nation. While the framers of the law conceived the law based on the ethnocultural definition of the nation, the domestic opposition and, to some extent, international organisations (represented in particular by

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[87] 'Unitary Hungarian nation' would have been a more appropriate translation.
[88] This idea is developed by: Schöpflin, 'Citizenship and Ethnicity'.

Günther Verheugen and Eric Jürgens) emphasised the political conception of the nation. The modified law shifted from an ethnocultural to a political conception of the nation.

The contest between the two conceptions, the ethnocultural and political conception of the nation, or in George Schöpflin's terms, the particularistic and universalistic conceptions, has surfaced on the European agenda by virtue of the Hungarian status law. Hungary's proposal regarding the inclusion of the protection of national minorities in the European constitution, hopefully, will again compel politicians to clarify concepts, as well as compelling them to refrain from employing unilateral definitions just because these serve their political interests better.

In the foreseeable future the nation, as a central value, will not lose its significance, and the politics of the nationalising state and of the nationalising minorities will determine the political agenda in ECE. Therefore, I consider that only such a model can help us understand the national politics in our region.

The policy of the nationalising state, in our case, Romania, exactly questions the claims that are considered by the Hungarian elite as being essential for its nationalising process: the decentralisation of power and the establishment of institutions that reproduce the Hungarian elite. The external national homeland, in our case, Hungary, strongly supports this nationalising process with political and financial resources. At the same time, it influences the self-perception of the members of the national minority and plays an important role in the power relations within the national minority.

Accession to the European Union (and NATO) can create a framework for enforcing the individual and/or collective rights of the national minorities in ECE.

At present, we may say that conflicts and tension have diminished, but the intentions, and the projects of strengthening and institutionalising the boundaries of the groups, have remained the same. Nationally relevant issues cannot be resolved by signing treaties,[89] as the EU and NATO implicitly suggest. I agree with the conclusions of Kinga Gál regarding the treaties: '[that] the respect for the rights of national minorities in a given state is primarily a matter of political will is the most obvious conclusion

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[89] Treaty between the Republic of Hungary and Romania on Understanding, Cooperation and Good Neighborhood, Timişoara, 16 September 1996.

reflected by the bilateral treaties. […] "Bilateralism" can become an effective form of minority protection only if both sides refrain from blocking the realisation of the principles enshrined, and in particular if they are ready to apply the implementation mechanism. […] it would be desirable to include the representatives of minority organisations in the work of the joint intergovernmental committees with full mandate'.[90]

Through decentralisation, units with their own authority can be created in which the national minorities can (also) participate to a greater degree in the decision-making process concerning primarily their own political, cultural and economic issues. It is an open question whether a certain separation fosters or decreases conflict. My position is that in the case of Eastern Europe, probably a certain level of segregation diminishes the potential for conflict. Here, my argument is in line with Daniele Conversi's observation: 'The catalyst of many nationalist upheavals was the state's failure to decentralise its institutions, not to concentrate them'.[91]

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[90] Kinga Gál, 'Bilateral Agreements in Central and Eastern Europe: A New Inter-State Framework for Minority Protection?', *ECMI Working Papers* [online], 4 (May 1999), pp. 18–20 <http://www.ecmi.de/download/working_paper_4.pdf>, accessed 28 April 2006.
[91] Daniele Conversi, 'Reassessing Current Theories of Nationalism: Nationalism as Boundary Maintenance and Creation', in John Hutchinson and Anthony D. Smith (eds.), *Nationalism: Critical Concepts in Political Science* 1 (London, 2000), pp. 420–433, at p. 423.